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HISTORY OF EUROPEAN POLITICAL PHILOSOPHY

BY

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WITH A

FOREWORD

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FOREWORD

THE study of Political Philosophy is doubly important in the present epoch of social evolution. The old order seems to be crumbling all over the world and man is faced with a gigantic task of reconstruction. He must try to measure the strength of the psychological and economic forces which appear to race with tremendous velocity. He must try to guide their flow into channels which have been marked out, more than anything else, by the scientific revolution during the last hundred years. He must understand the deeper implications of the present situation and try to plan the immediate future. Either task will be assisted by a careful study of political thought through the ages. It is true that no philosopher can rise completely above his environment and cannot, therefore, be accepted as a guide for all time. But there are a few great minds like Plato, Aristotle and Rousseau whose speculations have something of permanent value. They probed so deep into the nature of associated life as to illumine the whole field of social organisation. To follow the development of political thought in the historical perspective has a great educative value. It trains the mind to think, to criticise and to construct.

It is a welcome sign of the times that Indian scholarship is now making up the lag and embarking on social philosophy in a spirit of constructive criticism. Prof. D. R. Bhandari's work marks a step in this direction. It bears evidence of an unusually wide range of reading and a firm grasp of numerous schools of political thought. The author has taken care to furnish the historical background of the ideas whose development

he has treated of. Happily, he has brought the survey up-to-date and, with admirable detachment, analysed the various pragmatic philosophies which have appeared in recent years. The whole book is a monument of industry and learning and should prove very useful to advanced students.

BENI PRASAD.

THE POLITICS DEPARTMENT,
UNIVERSITY OF ALLAHABAD,
7th February, 1934.

PREFACE

THIS book is intended to serve as an Introduction to the History of European Political Philosophy. There are several excellent books on outstanding political philosophers and a large number of eminently readable treatises on different aspects and schools of Political Philosophy. But an up-to-date survey of the growth and development of Political Philosophy in Europe from its earliest beginnings is required from time to time, and meets an acutely felt need of students. Literature on Political Philosophy has been vastly enriched by the researches of modern scholars, and political experiments like Bolshevism and Fascism have brought into being new ideologies of their own, which no serious student of the subject can afford to ignore. In writing this book, the author has endeavoured to incorporate all the available material into a comprehensive account of the development of Political Thought in Europe from the earliest times to the present day.

The author is fully alive to the limitations of his treatment of a vast and difficult subject. A presentation of the many and varied developments in European Political Philosophy may suffer from arbitrary selection and biased emphasis. A writer's predilections may colour his exposition of the views of others. The author has tried to avoid this danger. In doing this, however, he may have laid his work open to the charge that it does not deal with the History of Political Philosophy from a definite point of view of its own. The author has chosen, for better or worse, to follow the historical and objective method; he has confined himself to giving an accurate exposition of the views of political philosophers, together with fair and reasonable criticism of their views from various standpoints.

The author acknowledges his deep indebtedness to late Dr. Beni Prasad, late Head of the Department of Politics,

Allahabad University, for kindly going through the manuscript and making some very valuable suggestions. He is also grateful to Dr. T. G. P. Spear, Head of the Department of History, University of Delhi, to Dr. K. C. Khanna of Government College, Lahore, and to Mr. S. K. Bose for their helpful criticisms. Messrs. Shanti Sarup Vasishtha, B.A., Avinash Chandra Sahgal, B.A., and Fateh Singh Rawat have kindly read the proofs for the author.

D. R. B.

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CHAPTER I

POLITICAL PHILOSOPHY OF GREECE

I. HELLENIC INSTITUTIONS

IN outlining the history of human thought, it is never safe to earmark a definite era or area as being solely responsible for a certain system of ideas. We cannot say, "Here theology or political philosophy began". But, on the whole, we are on safe ground when we say that systematic political thought in the West begins with the ancient Greeks. Political thought originated with the Greeks because of the essential secularity of their mind which, made them particularly prone to 'reason about things'. The word political comes from the Greek word *Polis*.

It is impossible to understand the development of Greek political thought without reference to the geography of Greece and the special environment in which the Greeks lived. Ancient Greece, at the opening of authentic history, *i.e.*, about 700 B.C., consisted of a number of cities scattered among and divided by hills and valleys. These cities represented so many isolated communities, were self-contained, had their own systems of government and formed city-states. There was no common political system for the whole of Greece, though the Greeks owned a common ancestry and had very similar social and religious customs and institutions. The Greeks were indebted for most of their institutions, political or otherwise, to the two important city-states—Athens and Sparta—between whom there was a constant and long-drawn-out contest for the political leadership of *Hellas*. In spite of this indebtedness, however, a city-state was too self-sufficient not to follow its own lines of development in different directions, interpreting or adopting the Athenian or Spartan institutions as they suited its own conditions and needs best. It is true, therefore, to say that the city-state was the main-spring of all political thought in Greece. For many centuries before the Christian era, the various city-states in Greece gave trial to different forms of government, *viz.*, monarchy, aristocracy, tyranny and democracy. These trials led to endless controversies and filled the minds of the Greeks with political interest and political speculation. The variety in the type of government led to enquiry as to the ideal form of government and supplied data for such an enquiry. It was during this period that political thought had a definite and systematic beginning.

The Greek View of Life

The Greeks of the days of Plato and Aristotle were not only an advanced but also an extraordinarily positive people. They were essentially rationalistic and looked upon Nature as a useful ally and not as a potential enemy, as other primitive peoples believed her to be. To a Greek, life bore all the three aspects, *vis.*, individual, social and political. A man interested the Greeks not as an isolated unit but as an integral part of the society and the Greeks did not distinguish between the society and the state so much as we do now-a-days. Even though the Greeks had their own forms of religion, they looked upon religion as very much a matter of personal concern. Hence they showed a great deal of toleration in matters of religious faith and practice. To a Greek, the best form of individual development was one which created a sense of proportion bringing about harmony between the different parts of the individual human being, between the individual and the society, and between the individual and the Divine. This prompted physical perfection and control over passions. This individual excellence was, however, always to be subordinated to public usefulness because the state dominated the individual more or less completely. The promotion of balance and harmony in thought and action was pre-eminently social in character. It is this sense of the public, *i.e.*, social and political, usefulness of an individual life which made the Greeks lay a well-deserved emphasis on their systems of Education.

The Greek Idea of Education

The pre-Socratic Greek education corresponded with the Old, *i.e.*, Theological and post-Socratic, with the New, *i.e.*, Philosophical phase of Greek thought. The education of the Homeric Greeks who lived very simple lives required no elaborate system of instruction. Living in small communities, each citizen was educated by the other in the open air. The aim of education then was to make a man 'a speaker of words and a doer of deeds'. This education was purely practical and was calculated to promote modesty, purity, reverence, strength, self-control, sociability and patriotism. There were no educational institutions then and religion dominated every social activity. The tendency towards freedom, the influence of foreign nations and the successes of the Persian Wars, however, were transforming the mental, social, religious and political outlook of the Greeks, and this necessitated a change in their educational outlook as well. The Homeric education was replaced by a type of education which took its colour and shape from the city-state. The aim of education now was to train an individual for membership of his city-state. It now became a part of politics, for it had a political aim. It was meant not so much to bring about

intellectual development as to train an individual "in a certain type of character, which corresponds to the demands of the State upon the individual, and is, therefore, because it means a harmony between the two, calculated to preserve the integrity and stability of the State".¹ Education was to be in consonance with the spirit of the constitution of the city-state. Both Plato and Aristotle attached the greatest importance to education in a city-state, as evidenced by the fact that Plato's masterpiece, the *Republic*, is viewed as "the finest treatise on education that ever was written".

The Greek View of the City-State

The Greeks entertained an almost fanatical devotion for the city-state, for, to them, it was the city-state which made life worth all that it was. A typical city-state contained about 40,000 souls, though Athens, at the height of its power and prosperity, contained about six times that number. The problems of the city-state were naturally much simpler than those of the modern nation-states and as the Greeks held firmly that a man was a 'political animal', all Greek citizens felt entitled and willing to take a direct part in the affairs of their beloved city-state. The statement of Pericles that "We alone regard a man who takes no interest in public affairs, not as a harmless, but as a useless character, and if few of us are originators, we are all sound judges of a policy" was more patriotic than true and applied with greater or less force to other city-states too. The individual and the city-state were indissolubly bound up together, both being necessary for the existence of each other. To Plato, the State was a magnified individual, the virtues of both being identical. Both formed 'a living social whole; neither could have interests contrary to the other'. To the Greeks, the city-state was both a church as well as a political institution, and its end was to promote among its citizens goodness and justice, the latter representing an ideal perfection in human relationships.

Characteristic Features of the Greek City-State

Among the features characteristic of a Greek city-state were the following:—

The government in the city-states was a direct government. This was possible because the city-states were formed of small communities of men who generally owned a common ancestry, knew each other intimately and could conveniently assemble together in one place for political deliberations. Whatever the actual form of government in a city-state, the ultimate power resided in the mass of citizens and not in the carefully selected bodies.

¹ *Political Thought of Plato and Aristotle*, by Ernest Barker, p. 424

The Greek city-state was not only a self-contained political entity but was also a theocracy. Respect had to be paid to the god of the city-state. There was, however, no division of loyalty between the State and the Church. The gods of the city-state were the gods of the individual and there was a common divine worship at public cost. The Greek patriotism was too fervent to allow of the separate existence of a possibly hostile church alongside the beloved city-state. Hence religion and politics were blended together in a harmonious whole.

The direct government of the city-state penetrated far more deeply into the lives of the citizens than the modern governments do. This was because it was recognised by the Greeks that it was through the State only that a man could attain his highest individual development. In the nature of things, therefore, the city-state was very socialistic in its conception of duties and its activities were many-sided. The sumptuary laws, for instance, formed a very important part of the general laws of the city-state.

It would hardly be going too far to say that there was very little of private life in a Greek city-state. The *Polis* was the home of a Greek and he spent most of his time in the assembly or the market-place discussing public questions. The individual had no meaning and, therefore, no life apart from the State. He realized himself only within the orbit of the State. If he enjoyed any rights it was that he might fulfil his duties to the state. There was, therefore, no clear distinction between the private and the public life of a Greek citizen. Besides, the Greeks never made any clear distinction between the state and society. The political animal of Aristotle really meant political plus social animal.

Another important feature of the Greek city-state was the notion that there was no distinction between function and function. A citizen was sometimes a general leading the armies against the barbarians or against an hostile city-state in Hellas and at another time he was appointed a judge. The universality of function was, therefore, a well-accepted notion with the Greeks.

In all Greek speculation affecting the government of the city-state, there is no attempt to distinguish between the individual and his rights on one side and the city-state and its rights on the other. To the Greeks, the expression "Man versus State" would have been very unintelligible. There was no contrast of public and private rights because, as a moral association, the "purpose of the State was not different from the highest purpose of the individual."²

² *Political Thought of Plato and Aristotle*, by Ernest Barker, p. 11.

The Greek city-state was something more than a mere aggregate of individual citizens. It was not like a lifeless statue but was like a living body. It had a high moral and spiritual character. It was both ethical and legal. It was paramount and men existed to serve it. It was not an organisation but an organism—a moral organism. Politics, to the Greeks, was the ethics of the whole society. To Aristotle, a constitution denoted not only an 'arrangement of offices' but 'a manner of life'. The political thought of Greece stands intimately related to a characteristically Greek conception of individual morality.

Greek Idea of Citizenship

To the Greeks, citizenship meant the capacity to rule and be ruled in turn. The Greeks had very definite ideas as to who should and who should not be citizens. The population in the city-state was divided into the land-owning nobility, the middle class men engaged in industry and commerce and the helots or slaves. For every citizen in Athens, there were four slaves and the slaves were considered unfit for being given the rights and responsibilities of citizenship. Even working men were denied citizenship, for the mind of a worker was considered incapable of speculation, which was necessary for the government of the city-state. Political life and citizenship depended upon leisure. The Greek city-state was primarily a military state and secondarily an agricultural one. Every able-bodied adult had to be a soldier. According to Aristotle, if the first necessity of a state was *to be*, its second necessity was to *expand*. Indulgence in commerce was considered by the Greeks as something disgraceful. Citizenship of the state meant an active participation in the government of the city-state. The Greek ideas of citizenship were something very different from the modern notions of citizenship in a big nation-state. Slavery being a very well recognized institution with the Greeks, the citizens formed an extremely limited class in a city-state. Among this limited class of leisured people, citizenship was the essential attribute and goal of manhood.

Greek Reverence for Law

The Greeks entertained a deep and abiding reverence for law. This was partly because of the belief of the Greeks that laws were originally created by superhuman wisdom. Every citizen from his boyhood, viewed everything from the point of view of law. However wrong a particular law might be, it was considered the duty of a citizen to obey it. Even an idealist like Plato held that the citizens were the slaves of law. This is because reason was supposed to be incarnate in law. Plato, however, like other Greek philosophers, cared not so much for the form of law as for the spirit of justice animating the laws.

The highest public function in the Greek world was the judicial function. The Greeks were devoted to their laws partly because of the belief in their superhuman origin and partly because the general principles embodying the law were believed to be "perfect and permanent, not subject to change at the will of the people. Nature was the source of law . . . and the duty of the state was ordinarily considered to be the application rather than the creation of the law".³ Law, to the Greeks, was moral because it was natural and, therefore, it 'constituted the cement of the city-state'. Law was the same for all and, therefore, in a way, it meant freedom. Obedience to laws was an essential element in the Hellenic conception of liberty. The Greeks, unlike the Romans, refused to accept the laws as a product of popular will.

Greek Notions about Justice.

The Greeks looked upon justice as 'virtue in action' and therefore a virtue *par excellence*. Plato, for instance, believed that a state was an ideal one if justice prevailed in it. What was the Greek conception of justice? Plato began his definition of justice negatively by asserting that "to speak the truth and restore what we hath received" is not a correct estimation of justice. It was no justice to restore weapons to a man who had grown mad after entrusting his weapons to somebody else. 'Justice was the virtue of the soul and injustice its vice.' To both Plato and Aristotle, justice meant goodness as well as willingness to obey laws. It connoted correspondence of rights and duties. Justice was 'the ideal of perfection in human relationships'. Plato held that justice consisted 'in giving to each individual the opportunity for the exercise of functions for the performance of which he is properly qualified by his mental, moral and physical qualities'. To Plato, justice was one of the highest of virtues. Life was best where justice prevailed. Plato aimed at bringing justice into the state by creating perfect harmony in the desires of people and this harmony was possible only when the society was regulated on the principles of communism. Justice, to the Greeks, was not a mere function of the judicial tribunals. It was the spirit which animated men in the proper discharge of their duties. That form of government was best which best administered justice.

II. THE SOPHISTS AND THEIR POLITICAL PHILOSOPHY

The Origin of Sophists

The 5th century B.C. was a period of great economic and political disturbances in Greece. This century began with the great Persian War and ended with the Peloponnesian War. An active and violent clash between rival institutions, *i.e.*, between Persian absolutism and Greek autonomy, and between Spartan

³ *History of Political Thought*, by R. G. Gettell, p. 41.

military oligarchy and Athenian democracy presented a scene which provided much food for speculation to the keen intellect of the Greeks. The various forms of government in the combatant states came in for their share of praise or blame according to the fortunes of the war. This naturally led to an enquiry as to what was the best form of government. The hitherto dominant study of Nature and its laws gave place in the minds of the Greek thinkers to the more absorbing examination of political, social and economic conditions prevailing in Greece. The period was characterized by great intellectual activity and freedom of thought, Political philosophy became one of the favourite subjects of study. This, naturally, gave rise to a class of teachers who lectured on politics and taught the arts of eloquence, disputation, etc. These were known as the Sophists.

Their Philosophy

The Sophist thinkers represented a transitional period in the growth of Greek philosophy rather than any particular system of thought. They were intellectual free-lances. Their teaching and philosophy were characterized by a common method of approach and common point of view rather than by any community of thought. The Sophists were the philosophers of the period but did not form any school of thought. They taught everything and this led them to systematize different subjects of knowledge. To the Sophists, abstract notions about universal truth and justice meant nothing. To them, 'man is the measure of all things'. An individual himself was to be the judge of whether his action was good or bad. This naturally upset the old ethical and legal code of conduct and pointed conclusively to individualism. The Sophists did not believe in the natural origin of law, the state and other similar institutions. The laws were not natural but conventional as evidenced by the fact that there was an endless variety of laws. If the laws had originated in nature, they would have been characterized by uniformity rather than variety. The Sophists believed in the selfishness and inequality of human nature and, therefore, held that power, i.e., political authority, was based on force. The Sophists originated the idea that the state rested upon a social contract. To the Sophists, the laws were often based on political expediency, were divorced from morality, and, therefore, obedience to them was a question of personal interest.

Their Importance

Before the Sophists, knowledge was unsystematic and indefinite. Led by the necessity of teaching, the Sophists systematized knowledge and thus rendered an inestimable service to humanity. Because of this systematization, human speculation in future could be more definite and accurate. It was again, the Sophists who made political science a practical study. Plato

borrowed many of his ideas from the Sophists. The Sophists represented a sceptical time, and their scepticism and subjectivism led later on to the idealising of men like Plato and others. Individualism as well as the general teaching of the Sophists gave birth to the philosophy of Socrates. The greatest contribution to mankind of the Sophists was the stand they took upon 'the individual reason being the sole criterion of truth'.

SOCRATES AND HIS TEACHING

Socrates was the heir to the Sophists. He agreed with them that the "conceptions of right must be subjected to the scrutiny of individual reason and not rest upon religion or upon traditional customs". Socrates aimed at reforming the moral nature of man. He was more of a prophet than a philosopher. There are few positive doctrines enunciated by Socrates. To Socrates, knowledge was virtue; and single virtues were varieties of knowledge; but Socratic knowledge was intimately related with character. 'Know thyself' was his motto. His method of teaching was not so much to tell as to draw out from his disciples. He was for creating a professional class of moral and political leaders representing an aristocracy of intellect. He was in favour of wisdom and not birth. There was in Socrates an antidemocratic touch. Democracy was, to him, an impossible form of government. His preference was for an aristocracy of intellect.

Socrates on Law and State

Whereas the Sophists did not believe in any abstract notions of right and justice, Socrates believed that out of the general mass of laws, conventions and customs, a general code of ethics could be prepared to guide mankind. Socrates entertained a great reverence for law. He could conceive of no natural justice outside law. Law was, to him, the sovereign of both the ruler and the ruled. It was 'the written agreement of the citizens, defining what should be done and what not done'. The Socratic view of the state was different from the view of the pre-Socratic Sophists. Socrates believed that man was essentially social and the state performed a necessary and useful function.

Significance of His Death

While in theory Socrates believed in a close interrelationship between politics and ethics, the way he died showed how in actual practice, ethical and political standards of conduct could come into conflict, one against the other. Socrates was put to death for impiety. The manner in which he died constituted his greatest contribution to the civilization of mankind because it taught that:—

1. It was the duty of each individual to judge right or wrong according to his individual reason and to follow his own

conscience. Not only is the man the measure of all things but each man is the only measure for himself. To Socrates, the individual reason was the final tribunal of appeal.

2. While a citizen must follow his own conscience, it was his duty to bow to the laws of the state and its judicial decisions. While, therefore, thought and action must be free and must be based upon personal reason and personal conscience, a man must accept the punishment imposed by the state upon such freedom of thought and action. "Socrates, like Hobbes, asserted the uncompromising authority and irresponsibility of the ruling power."⁴

The importance of Socrates lies not so much in what he taught but in the manner in which he imparted his lesson. He drove home to his disciples the importance of clear and rational thinking. Aristotle ascribed to Socrates the introduction of inductive reasoning and definition.

CYNICS AND CYRENAICS

The teachings of Socrates created bodies of people known as cynics and cyrenaics. The order of cynics was founded by Antisthenes. The cynics got their inspiration from the life and teachings of Socrates. They carried the teaching of Socrates to extreme. Their motto was self-sufficingness. A cynic was self-sufficient by himself and was indifferent to everything outside himself. He was extremely individualistic and spurned society and its institutions. The state was meaningless to a cynic because he only acknowledged the citizenship of the world. The cynics believed in the essential equality of men. They were enemies of property, family, society and the state. If virtue is knowledge, all material things must be set aside. The greatest of the cynics was Diogenes, a contemporary of Aristotle. Diogenes believed and taught that the only right state was that of the world. He preached the doctrine of communism in wives and children, for he was against the institution of the family. The cyrenaics too, like the cynics, based their system on extreme individualism. The cyrenaics were for the pursuit of wise pleasure. They, too, like the cynics, had no need for the state and were cosmopolitan in their outlook.

III. PLATO

The 5th and 4th centuries B.C. represent the classical period of Hellas. Of a galaxy of talent which has immortalised Ancient Greece, Plato and Aristotle may be said to be the most outstanding. Plato was born in an aristocratic family and lived at a time when the best days of Athenian democracy were over. He studied for eight years with Socrates and on the latter's death he travelled, for more than a decade, to Megara, Cyrene, Egypt

⁴ Plato—*Moral and Political Ideals*, by A. M. Adams, p. 19.

and Southern Italy. He then founded his Academy and wrote and taught there except for his short visits to Syracuse.

The Megarian and Pythagorean doctrines affected Plato's impressive mind but the chief source of inspiration for Plato was Socrates. The method of teaching adopted by the latter gathered round him a number of disciples, the greatest of whom was Plato (427-347 B.C.). Like his master, Plato had an instinctive inclination for practical reform of men and affairs. Plato taught in the Academy and like Socrates awakened thought by dialogues. Plato was the friend and counsellor of King Dionysius of Syracuse and thus had the opportunity to come into contact with practical politics.

While studying the political philosophy of Plato we must bear in mind that he was deeply affected by the death of Socrates at the hands of the Athenian democracy and disapproved of a good deal in Athenian public and private life. We must also remember that in the best of his dialogues, the *Republic*, Plato tried to portray a state which could be an ideal state from every point of view. Politics, with Plato, therefore, included our modern politics, sociology, much of our ethics and pedagogy and a part of our theology.

It is no easy matter to follow the political philosophy of Plato because all the writings of our philosopher—and thirty-six of them may, more or less safely, be ascribed to him—are in the form of dialogue and his political philosophy is inextricably woven into his general philosophic speculation. Besides, Plato in his dialogues always uses an analogy and deduces his arguments from that analogy. This makes the understanding of Platonic line of argument and reason very difficult. His writings have a poetic and idealistic tinge.

Plato wrote his dialogues during a period when Greece was subject to a process of decay and disintegration, politically, socially and intellectually, due largely to the teachings of the Sophists. He could not remain unaffected, positively or negatively, by the teachings of the Sophists but in the content and form of his philosophy he was essentially Socratic. The very basis of Plato's philosophy is the Socratic doctrine of reality according to which the reality of a thing inheres, not in its superficial material manifestation but in its idea which is perfect, permanent, immutable and self-existent. Plato also agreed with Socrates in identifying virtue with knowledge. But there is also an essential difference between the master and the pupil as shown by the attitude of the two towards truth. To Socrates, as we have seen, truth was the creature of individual reason. This conception of truth precludes the possibility of there being any abstract principles of truth capable of universal application. Plato, on

the other hand, did believe in certain abstract principles representing truth. The chief aim of Plato always was to promote justice and virtue. He entered into political speculation and tried to conjure up his vision of an ideal state because he wanted the state to help in the promotion of these virtues. Only a perfect state could represent the highest development of human virtue and produce the perfect citizen. Following his doctrine of reality, Plato believed that reality belonged not to a man but to the Universal Man or to a corporate whole, the state. The state, *i.e.*, the ideal state, therefore, was more real than the citizen or in Aristotelian phraseology, was prior to the man. In his consideration of a form of government best suited to the promotion of justice and virtue it was, of course, inevitable for him to establish a very close connection between politics and ethics. He practically made politics the handmaid of ethics.

Plato's Works

From the point of view of the study of the political philosophy of Plato we are mainly concerned with:—

- (1) The *Republic*, finished about 386 B.C., and dealing with metaphysics, ethics, education and political philosophy.
- (2) The *Politicus* or *Statesman*, finished about 380 B.C. and
- (3) The *Laws*, published after the death of Plato.

Besides these three dialogues, of which the *Republic* is by far the most important and most representative of Plato, we have a number of other dialogues such as the *Apology*, the *Meno*, the *Protagoras*, the *Gorgias*, the *Critias* and the *Crito*, etc. The *Apology of Socrates* represents a splendid defence of the right of individual conscience. Both the *Meno* and the *Protagoras* deal with the important question of whether or not virtue is communicable, *i.e.*, teachable. Plato believes that virtue, art of statesmanship and proper conduct in life are teachable. The *Gorgias* represents an attack on Sophists. Plato exposes Sophistic teaching as a mere sham. The *Crito* inculcates obedience to laws if they do not clash against conscience. Law is the creator of every social relationship. The state has an absolute claim upon the citizens.

The 'Republic'

The *Republic* of Plato, written at the virile and ripe age of about forty, is the greatest of all Plato's dialogues. It represents the acme of Plato's philosophy and, in a way, the centre of his other dialogues. In its sweep, comprehension, perfection and universality of thought, it shows Hellenic philosophy at its best. It gives a picture not of any existing city-state in Greece but

of an ideal state in which the apparent weaknesses and shortcomings of the existing states were to be avoided.

The *Republic* lends itself to five natural divisions. (1) Book I and a part of Book II are introductory, and deal with representative views about human life and about the nature of justice and of morality. (2) Books II, III and IV concern themselves with the construction of the first state and the first system of education. Plato suggests the best form of human society which would reflect the three elements of human nature, *i.e.*, reason, spirit and appetite. Justice is traceable to a society so constituted. (3) Books V, VI and VII are given mainly to the construction of the second, *i.e.*, ideal state based on the principles of communism and rule of philosophy. Plato enlightens us on his Idea of the Good. (4) Books VIII and IX deal with perversions of the states and of individuals. (5) Book X forms a rather detached part of the dialogue and discusses the relation of philosophy to art and the capabilities and destinies of the human soul. The real importance of the *Republic* lies in Books II to VI and Book VIII.

The *Republic* is Plato's masterpiece. It 'is the crowning achievement of Plato's art and philosophy'. Like a true Greek that he was, Plato considered justice to be the supreme virtue and in the *Republic*, he tried to portray an ideal state in which justice should reign supreme. To Plato the state was a magnified individual. The virtues of the individual and of the state were identical. He held 'that the individual presents almost the same features and qualities as society, on a smaller scale'. The elements of reason, spirit and appetite were common to both and, therefore, his conception of an ideal state 'is an imitation of the best and noblest life'. In the nature of things, therefore, the *Republic* is pre-eminently a treatise on ethics. It is 'a single treatise of an ethico-political order, treating of man as 'a member of the state and of the state as a moral community'.⁵ The *Republic* represents a protest against the teaching of Sophists and the existing social and political corruption.

A practical idealist as he was, Plato believed that his ideal state was not impossible of realisation if 'any place be found suitable for the habitation of philosophers and the growth of philosophy'.⁵ Though primarily ethical, the *Republic* is one of the greatest treatises on education. This was but natural since Plato held that virtue was teachable. Though the different topics discussed in the *Republic* are inextricably, though artistically, interwoven and present an 'artistic unity', Plato in this dialogue explains his attitude towards the following main problems:—

⁵ *Plato and Aristotle*, by Ernest Barker, p. 84.

1. What is justice? What are the principles of right action? What is good?
2. Since virtue is teachable, what educational system would best promote virtue?
3. Who is the ideal man? What particular qualities should an ideal citizen possess?
4. What is the best type of government in which the qualities mentioned above would find their fullest possible development and expression?

Platonic Idea of Right Action

In the *Republic*, Plato emphasises the importance of determining whether or not one man is socially better, *i.e.*, more virtuous than another. If one man is more virtuous and, therefore, better than another, then virtue ought to be promoted. This is possible to do since virtue is teachable. What is virtue, asks Plato, and replies that it is not good-will since good-will is not enough to make a man virtuous. A will may be good but ignorant and obviously ignorant will cannot be identified with virtue. With the best of good-will in the world, one might do something which is anything but virtuous. Plato says that in order to promote virtue, a man must not only bear the goodwill but must have the knowledge of what is right. Plato was very keen on the promotion of ethical virtue because:—1. The disorganised Greece of his time had outgrown the need for a theological ethics, which had been thoroughly discredited by the teachings of the Sophists; 2., Plato wanted to make the social life of the Greeks more ethical than it was and the best way of doing that was to lay down general standards of virtue and rules of conduct which would admit of universal application; 3. He wanted people to disabuse their minds of the pleasant notion that what appeared to be right must necessarily be right. Our notions of right or wrong often depend upon our intuitive sense but virtue is based upon knowledge which is a more complex thing than our intuitive sense. Is a thing right because it gives pleasure? No, since it is sometimes pleasant to believe some false news or opinion.

Plato pursues the subject further and says that right conduct depends upon one's conception of 'good' but he does not analyse what is 'good'. He guides us just a little by saying that 'good' is something on which right action is based which is teachable and which is not intuitive, but beyond that Plato does not go any further on the positive side. Negatively he admits that 'good' is not obedience to custom or command; it is not pleasure; it is not good-will but unfortunately he does not guide us any further.

Plato's Ideal State

Believing as he did that the ideal was the real, Plato constructs, in the *Republic*, an ideal state. His state was meant to be *the state* or 'state as such', *i.e.*, a type or model for all times and climes. Plato wanted to show what in principle the state *ought* to be. He wanted to give the 'Idea' of the state, not worrying about the practicality of the 'Idea'. Even as such his ideal state is based partly on Hellenic ideas and institutions. He constructs his ideal state on the analogy between the individual and the state. The human soul consists of the three elements of reason, spirit and appetite, functioning within proper bounds. The state must reflect such a constitution, for the state was a magnified individual, the virtues and the constitution of the two being the same. This identification of the state with the individual makes Plato present a number of false or partly fallacious analogies between the two. The constituent elements of the state, unlike those of the individual are self-existent and have a will of their own. The individual has a conscience but the same cannot be said of the state.

Plato builds his ideal state in 'three waves' on the principles of a scheme of state-regulated education, communism of property and wives among the guardian classes and the rule of philosophy. At the head of the state is a philosopher-ruler who represents Reason and, therefore, virtue in action. The scheme of education of Plato was calculated to ensure a constant supply of philosopher-guardians and to help every individual to discover his true vocation in life and to excel in it. The communism of property and family among the upper two, *i.e.*, the guardian classes, was meant to keep them out of economic and worldly temptations and ambitions so that they could concentrate on their duty to the state. The three classes in the state were the class of philosopher-rulers, *i.e.*, perfect guardians representing Reason, the ordinary guardians, *i.e.*, auxiliaries representing the element of spirit and the non-guardians, *i.e.*, common people reflecting the element of appetite. The other features of the ideal state, besides the rule of philosophy, state-regulated education and communism of property and wives, were functional specialisation, equality of men and women and censorship of art.

Criticism

Plato's ideal state, as portrayed in the *Republic*, contains much that is of abiding interest, and universal import but it is also vitiated by a number of defects. It is based, not merely on analogy but almost an identification between the individual and the state. His ideal state, based on communism of property and wives and on the absolute rule of a philosopher-king,

untrammelled by laws, is too collectivistic. Plato, in his ideal state, fails to denounce slavery. In his scheme the great mass of people, *i.e.*, the producing or appetitive classes are almost completely ignored and are reduced to the status of mere producers of consumable goods. His communism violates human nature and his functional specialisation stunts the growth of the individual. The concentration of political power in the upper classes is bound not only to deprive the mass of men in the state of the ennobling influence of participation in civil affairs but to promote discontent in the state.

Platonic Conception of Justice

The sub-title of the *Republic* shows the extraordinary importance which Plato attached to justice. Plato saw in justice, conceived by himself, the only remedy of saving his beloved Athens from decay and ruin. Nothing agitated Plato's mind in contemporary affairs more than the amateurish meddlesomeness and political selfishness which was rampant in Athens of his day. Men and classes must be confined to their own specific duties to the state and their selfishness must give place to utter devotion to the state which could only be if justice, conceived by Plato, reigned supreme in the state.

The main argument of the *Republic* is a sustained search after the location and nature of justice. Plato pursues this discovery with the help of the aporetic method, *i.e.*, the method of elimination, and that of the large letters leading to the deciphering of the small ones. He discovers and locates justice with the help of his ideal state. He reviews the various theories of justice, representing various stages in the development of conceptions of justice and morality and finally gives his own. There is the theory of justice based on traditionalism or proverbial morality advanced by Cephalus to whom justice is 'giving to every man what is due to him' and elaborated by his son Polemarchus. This theory is rejected on the basis that it is not of universal application. To restore weapons to a man who is gone mad is not justice even though weapons are theoretically 'due' to him. This theory is followed by the Sophistic theory advanced by Thrasymachus and based on Radicalism. To Thrasymachus justice is 'the interest of the stronger'. But this identifies might with right and *jus* with *potentia*. Glaucon holds the pragmatic theory of justice which, to him, is a product of convention and is based on utility. It is born of the fear of the weak. Plato rejects this theory too because to him justice is neither conventional nor something external. He then finally gives his own view of justice, through the mouth of Socrates, based on right philosophy.

Plato defines justice with the help of his ideal state from which justice is inseparable. Justice resides in the State and

is to be identified with complete virtue which is composed of four elements, *i.e.*, wisdom, courage, temperance, *i.e.*, self-control and justice. Platonic justice consists in "the will to concentrate on one's own sphere of duty, and not to meddle with the sphere of others; and its habitation, therefore, is in the heart of every citizen who does his duty in his appointed place".⁶ Justice is the condition of every other virtue of the state and grows with specialisation of functions. 'The justice of the state is the citizen's sense of duty.' This conception of justice goes against individualism because a man must not think of himself as an isolated unit with personal desires, needs or ambitions but as an integral part of an organic whole. Plato's justice does not embody a conception of rights but of duties though it is identical with *true* liberty. Justice is a quality—an indispensable quality—of moral life. It is the true condition of the individual and of the state and the ideal state is the visible embodiment of justice. The state is the reality of which justice is the idea.

Just as the justice of the state depends upon each class and each individual in the state performing its duties properly, similarly the justice of the individual demands that each of the three elements in the individual soul, *i.e.*, reason, spirit and appetite, keep within their proper bounds.

To Plato, complete justice postulates an ideal state and is identifiable with it. Justice, like the ideal state, therefore, demands division of society into three classes representing the elements of reason, spirit and appetite, one man, one work on the basis of functional specialisation, a state-regulated scheme of education, the rule of philosopher-rulers and their emancipation from domestic and economic worries by a system of communism, and emancipation of women and their equality with men.

Criticism of Platonic Justice

Plato's conception of justice is in moral and not legal terms. It makes too much of a demand on an individual's devotion to the state. It is a system of duties and not of rights of the individual and yet the two must always be correlated in a healthy society. It does not provide for clash of individual and class interests. Based on the conception of one man, one work, it does not provide for the proper development of the individual and, therefore, of the society. It gives a monopoly of political power to the philosopher-rulers and makes too much of a demand on their altruism. Based as it is on a system of communism, it ignores the essentials of human psychology. Plato's conception of justice is static. It assigns a man a particular position in life and condemns him to that position throughout his life.

⁶ *Political Thought of Plato and Aristotle*, by Ernest Barker, p. 116.

Platonic Idea of Citizenship

From the point of view of political speculation we are vitally concerned with Plato's quest after the attributes of an ideal citizen. What qualities should a citizen possess in order to do his duty by the state and help to make the state an ideal one? Plato is on firmer ground here and is more definite in his answers. He tells us that an ideal citizen must possess the following virtues: (1) Physical beauty. (2) Intellectual keenness. (3) Ability and passion for knowledge and quick wit. (4) Perception of Beauty. (5) Hatred of vice, for a life of vice renders a man unfit for duties of the state. (6) Quality of a certain divine madness after the fashion of Socrates—certain originality—the capacity to contribute one's own point of view to the general discussion of a problem. (7) The true citizen *will*—the older and wiser an ideal citizen becomes, the more time he spends on the contemplation of good. (8) Love for one's fellowmen. This was, however, limited to the Greeks, and was not meant for the barbarians.

His System of Education

Platonic justice demands for its realisation proper intellectual and material environment. A man must, in a spirit of devotion to the state, give his best to the state in his own particular station in life. Plato believed that a state-regulated system of education could best create that spirit of devotion and that excellence in the performance of public duty which was demanded of every citizen. Public education was, therefore, a direct corollary of Platonic justice. To Plato, education did not mean the storing up of external knowledge but the bringing of the soul into proper environment for its development. The eye must be turned to the light. Education, whose object is to create right surroundings and environment, is a life-long process.

Plato believes that the true life of an ideal citizen is a life of discipline, a life of contemplation of fundamental things of life, one of loving truth for its own sake. He is refreshingly modern in some of his views. He is a true and possibly the first feminist because he lays down emphatically that the qualities of citizenship which he has enumerated would include women too. He makes mention of women supervisors for his ideal city-state. Here he was in diametric opposition to the other Greek thinkers.

Plato believed the functions of the state to be very positive. The state could promote justice and right action and prevent crime by providing *mens sana in corpore sano*, which could be done by a proper system of education, intellectual and physical. To Plato, therefore, education was the most important function of the state and the department of education the most important of state departments. Plato attached more importance to education than either Aristotle or any other Greek thinker did. 'First

among human things I reckon education' of Antiphon would as soon have come out of Plato's lips. In outlining his system of education, Plato took his inspiration from Sparta rather than his own city-state Athens. He disliked the lack of organisation in Athens and declared that, as in Sparta, the educational system should be under the direct and strict control of the state. His system of education was more disciplinary than that of any other Greek educationist. It applied to both men and women. Education culminated in the 'realisation of the Idea of Good'. Education was calculated to promote justice and to enable a man to fulfil his duty. Plato, therefore, held that the function of education was to make a man, or a woman for the matter of that, socially and economically useful and fit.

The Platonic course of education was systematic and progressive. In childhood the important thing was not so much the imparting of knowledge as the cultivation of a certain type of attitude towards things and men. In youth, education should be both physical and intellectual. Here came in music for the soul and gymnastic for the body. In the last, *i.e.*, the adult stage, education was to be general and vocational. Education must help the individual to discover his or her true vocation in life.

Plato's plan of education is a state-controlled system of compulsory education for both sexes. His system comprised of: (1) Elementary education up to the age of seventeen or eighteen. There is to be general education in music and gymnastics and also in the elements of sciences. From seventeen or eighteen to twenty, there is to be exclusive training in gymnastics. (2) Higher education for members of both sexes was to be given on selection after an elimination test and was meant for members of the guardian classes. It extended from twenty to thirty-five. This period was divisible into two parts, *i.e.*, twenty to thirty and thirty to thirty-five. In the first, young persons were to be helped to choose their true vocations in life and get trained in them. There was to be a systematic scientific course. Dialectical power must be developed. Military training must also be given. At the age of thirty, a second elimination test would follow. Those passing this test would be the perfect guardians and will get a further five years' course of training in Mathematics, Astronomy and Logic. Emphasis is to be laid on dialectics. Higher education was to be, in effect, professional.

Books II and III of the *Republic* deal with Platonic education which represents a compromise between Spartan organisation and Athenian individualism. Platonic system of education anticipates many modern theories of education. It was calculated to promote harmonious development of the individual and of the society. It is not burdensome and is designed

to bring about the progressive arousing of the latent faculties in the individual. It provides for the body as much as for the soul by laying due stress on the practical and the theoretical. If Plato will not give equal education to all, his system allows equal initial opportunity for education to all. It was a life-long process, for after retirement from public service, an individual was to concentrate on the realisation of the Idea of the Good.

The system of education detailed above was calculated to create the ruling class. "The fundamental political idea in the *Republic* is the doctrine that governing authority must be associated with the broadest knowledge and culture, that the philosopher should be the statesman." Plato laid particular emphasis on the proper education of the guardians because he believed, with Aristotle, that the class of guardians, *i.e.*, the ruling class, is the state. A guardian must be properly trained so that he 'unite in himself philosophy and spirit and swiftness and strength'. Only a perfect type of guardians could create a perfect state. Plato, therefore, recommended for his guardians a life of a sort of military monasticism.

General Remarks and Criticism

Though Plato does not specifically exclude the lowest class from his system of education, his system is obviously meant for the guardian classes and does not, therefore, represent a well-rounded system. Plato's system is calculated to produce citizens of a particular pattern. His education will create an ideal philosopher more than an ideal man of action. Plato does not sufficiently realise that education should be relative to the character of the individual. His system does not admit of sufficient diversity of intellectual development which alone can tone up the character and calibre of the society. Plato minimises the influence of literature and exaggerates that of mathematics on the mind of the individual.

Plato's Theory of State

Plato builds up his theory of state on the essential identity between the individual and the state. The state is, to him, a magnified individual, and the virtues of both are identical. The state is a combination of individuals who by their combination produce an organic whole which is different from its constituent parts. The state is an organism with an individuality of its own and, therefore, a life of its own. Plato believed with the German Idealists that the state represented the highest manifestation of human virtue. The institutions of the state reflect the ideas of the individuals and their moral principles. A human soul may be divided into the three elements, *i.e.*, desire or appetite, reason, and spirit. Corresponding to these three elements the state has its economic element, *i.e.*, workers and artisans, etc., its philosophic element, *i.e.*, the governing class, and its martial

element, *i.e.*, the soldiers. This gives us Plato's psychological theory of state.

The philosopher gives us an economic theory of the origin of the state too. He knows, as we do, that the wants of the individuals comprising a community are multifarious. Everybody cannot meet all his wants and desires for lack of time and capacity. Everybody, for instance, wants a certain minimum of food, a certain minimum of clothing and a certain minimum of housing accommodation. To satisfy these minimum requirements a large number of commodities are required which is ordinarily beyond the capacity of an individual to prepare for himself. This gives rise to a desire and necessity of co-operation between individuals. The first element in the formation of the state, therefore, is the economic motive. People come together and form an economic system for the satisfaction of human needs. But they are quick to learn the advantages of specialisation. Some people have better aptitude for, and therefore show greater efficiency in, certain things and directions. This makes for specialisation among workers. But the workers can satisfy only the economic needs of the people. Men cannot live by bread alone. There is something more than the satisfaction of economic needs and that is the satisfaction of the urge to preserve and expand. This gives rise to a class of people who specialise in fighting. Lastly must grow a class of people who are fit for political speculation and who specialise in the art of governing the people. Plato, in short, believes that the state originated because of the necessity of economic co-operation and that functional specialisation in the state took its cue from the three human faculties of appetite, spirit and reason, creating the three different classes of workers, soldiers and philosophers. Wisdom is the virtue of the ruling class, courage that of the soldiers, while the virtues of the state are justice, wisdom, courage and self-control.

Functional Specialisation

The ideal state of Plato is conceived in terms of functional specialisation on the part of individuals and classes. The Socratic view that knowledge was virtue led to the Platonic doctrine of specialisation of functions. Besides amateurish inefficiency in Athens and the efficiency of the professional soldier pointed to the necessity of specialisation. Plato's theory of functional specialisation was based on the reciprocal needs of human beings and the necessity of division of labour. The needs of an individual are multifarious and he cannot meet all of them for lack of time and capacity. There must, therefore, be economic co-operation and mutual exchange of services based on specialisation of knowledge and functions.

Plato's theory of functional specialisation is a direct corollary of his conception of justice which means the efficient performance by the individual of his allotted task in society and which involves the division of society, on functional basis into the three classes of workers, soldiers and rulers. Plato believed that division of labour, specialisation of functions and interchange of services led to harmony and unification of the state, by removing the cause of struggle between individuals and classes. If the task of ruling is given to a class of specialists, there would be no incentive for political disorder and revolutions on the part of the untrained demos.

Evils of Functional Specialisation

Plato commends the division of the state into different classes on the basis of functional specialisation. Specialisation does conduce to efficiency and speed and, therefore, is a good thing but Plato in his love of specialisation of functions did not pay proper heed to the following:—

He did not sufficiently realise the wholeness of a human being. The personality of a man is a complex whole and is not capable of rigid division into water-tight compartments. Many men are endowed with all the three human faculties of appetite, courage and reason and desire to exercise them. If every individual is condemned to the narrow limits of performing one function only, he cannot properly develop his personality and realise the fulness of his life. The consequent loss is not only personal but of the whole community. Functional specialisation makes one sacrifice the all-round view of an amateur, for the specialised knowledge of a professional. What ought to be aimed at is the combination of the view-points of an amateur and an expert which is impossible under the Platonic system and which makes the British constitution of to-day the best of many good constitutions. The Platonic system of functional specialisation would tend to divide the state into so many bureaus and the system itself would degenerate into a bureaucratic system with all its concomitant evils.

In the Platonic system the governmental powers are given to one class of people, the philosophers only. This means that the state at its highest level will become identical with one section of the community, *i.e.*, the thinkers. Now if political power is to be definitely assigned to the thinkers, to the exclusion of other classes of the people, the ruling class is bound, human nature being what it is, sooner or later, to identify the public interest with its own class interest. You can never have a purely disinterested altruistic class of people to govern a state for a long time. The identification of class interests with public interest on the part of the ruling class is sure to create resentment and discontent in the state resulting in disorders, anarchy,

political revolution and the overthrow of the whole system of government.

The largest measure of common good in a state can only be brought about by the co-operation of the largest number of people making their mental and physical contributions for the general welfare. This would not be possible under the Platonic state-system based on rigid specialisation. Plato in his ideal polity concentrates on the ruling class, *i.e.*, philosophers, and comparatively ignores the other classes. His system is, therefore, lop-sided.

Plato on the Rule of Philosophy

Books V and VI of the *Republic* bear on the rule of philosophy. "Until philosophers are kings, or the kings and princes of this world have the spirit and power of philosophy, cities will never have rest from their evils". This sums up Plato's views regarding the government of the ideal state. The government must be associated with knowledge and the only true knowledge was philosophy. The philosophers must rule because then alone there could be an end of political selfishness and political incompetence. A philosopher alone can think of his office, not as an opportunity but as a sacred duty. A philosopher can properly comprehend all time and all existence. He loves truth and can see the unity of all knowledge. He knows what is Justice and Beauty and Temperance and uses this knowledge to mould the character of those over whom he rules.

Plato's Classification of Governments—The Philosopher-King

The spiritualism of Plato in building up his ideal state in the *Republic* led inevitably to the conception of Ideocracy. Plato, like Socrates or like Calvin, liked an 'aristocracy of intellect' but his best preference was for a philosopher-king. The inequality of mankind necessitates a government and the regime of law, but the laws are less flexible than the wisdom of a philosopher. With a philosopher-king the laws would be the dictates of reason and his discretion would be better than inflexible laws. Plato's philosopher-king would be above laws and above selfishness. A philosopher-king is a true statesman and his monarchy is the best form of government. A philosopher-king should be no more burdened with laws than a medical practitioner with medical rules. Plato was, therefore, in favour of the absolute monarchy of a philosopher-king. Justice was the corner-stone of the Platonic state. Justice, to him, was knowledge in action. A philosopher-king would represent this knowledge in action and, therefore, embody in himself justice, the highest of political virtues.

Limitations

The philosopher-king was to be absolute in the sense that his rule could not be trammelled by any written laws but this

absolutism was not unlimited. He may be free from written laws but he was not free of all restraint. He must respect the fundamentals of the society and of the state, which he must not radically alter in a hurry and at his own will. These fundamentals relate to (1) regulation of, wealth and poverty in the state, (2) the size of the state, (3) the rule of justice and (4) the system of education. Plato shows a sane conservatism by reducing even his philosopher-king to the position of the agent of a fundamental social order.

Criticism

Plato's conception of the rule of philosophy or ideocracy goes against the spirit of democracy, equality and liberty. It assigns sovereign power to persons, one or few, instead of to law and is bound to degenerate into enlightened tyranny. Plato grants the monopoly of practical power to the philosopher-king or to the aristocracy of intellect and yet his scheme of education is one more likely to create men of ideas than of action. A study of abstract mathematics, dialectics or logic will not do in the hard practical affairs of life. A philosopher given to abstract thinking is likely to lose touch with the realities of public life and introduce harmful changes in public institutions. He may not be fitted to take decisive action in moments of crisis. His eccentricity may lead to unpopularity and civil commotion in the state. Untrammelled by laws he may be arbitrary and may even identify his own with public interests.

Plato's Communism

Plato's ideal state represents a new social order in which the upper two classes live in a state of special regimentation. Representing the elements of reason and spirit, they are made to renounce the element of appetite. This is done through a system of communism of property and family advocated by Plato which was not wholly without local Hellenic support, institutional and ideological. There was a touch of communism in Sparta as shown by the institution of common-messing out of private lands. Wives were 'lent' by husbands to others for state purposes. In Crete there was public tilling of public estates. In Athens, during the 5th century B.C., the communistic theories definitely appear, showing a distinct tendency to idealise the ancient nature-people who held things in common. Euripides in his *Protesilaus* advocated communism of wives. Plato's communism of property and wives had psychological as well as practical basis. The communism of wives was brought about in two waves, i.e., emancipation of women and reform of marriage.

To Plato, the community as a whole was everything, the individual apart from the community nothing. He divided the community on the basis of functional usefulness. A citizen was

to perform the duty for which he was best fitted and no other. He had to merge himself in the state and render the greatest possible service to the state. The state was his *raison d'être*. The collectivism of Plato almost completely ignored the individuality of the citizen, who was just a part of the state and whose functions were the functions of the state. He was to be allowed neither the opportunity nor the incentive to do anything besides serving the state. He must not have any interests other than those of the state. Hence he was not to be allowed to collect private property. A desire to have personal property, it was feared, would lead to the entertainment of personal ambitions, and would bring about a clash between an individual's personal interests, and those of the state. To avoid this clash and bring about perfect harmony, in the state Plato advocated communism. The theoretical basis of Plato's communism is furnished by his conception of the state as an organism and of justice as the duty of performing usefully and thoroughly one's allotted part. His communism was "a material and economic corollary of the spiritual method" of Plato to regenerate the state. Unlike modern communism, Plato's communism was a means to a spiritual end, for instead 'of demanding equal division of material goods, it demanded equal abnegation of material goods'. It was negative in conception and was a necessary corollary of his conception of justice. Plato's communism affected the ruling classes, and not the producers of economic goods as does modern communism. It was meant for the guardians, *i.e.*, the rulers of the state, the philosophers and the fighters, more for the former than the latter. Plato had given the philosopher-guardians the monopoly of political power and he was too shrewd not to realise that unless they were denied private property and the consequent economic power, the combination of the two sorts of powers, political and economic, would demoralize even his philosophers.

Plato did not only abolish private property for his ruling class but denied them family ties too. He ruled out the individual family for the guardians. The family system and the family feeling, to him, were the cause of personal ambitions and restricted feelings and militated against the cultivation of *esprit de corps* in the community. He would allow no such thing as father, mother, children, etc. There was to be no marriage in the ruling class. Proper representatives of the opposite sexes were to be selected by the state for securing a proper type of children. Undesirable children were to be 'exposed, *i.e.*, destroyed. Plato was thus not only the first advocate of systematic communism but the first eugenicist. In Plato's system there was to be no family among the guardians and, therefore, no family messing. The ruling class were to have a common mess at the expense

of the state. Plato was convinced that not only a proper system of education but proper environment and habitation were necessary to produce and maintain uncorrupted his all-important guardians. Hence he advocated community of wives and property. Plato, strangely enough, never discussed the possibility of the practical realisation of his system of communism.

Criticism of Plato's Communism

Plato's advocacy of the abolition of private property (and private family) ignores the essential psychology of human nature. In all ages and all places men, of all classes, have needed a certain minimum of private and personal property through which alone they could best develop and express their individuality. Private property has the sanction of time and utility and its abolition represents a reaction to primitivism. Plato's communism goes against human freedom and equality, kills diversity and leads to excessive centralisation. It does not touch the lower classes and is, at best, half communism. It represses the instinct of acquisition and would lead to indolence.

Communism of wives ignores the fundamental sex and paternal instincts and is unworkable. The individual is as much individual as he is a 'political animal'. The sense of public duty cannot kill, except in a few abnormal cases, the racial, maternal and paternal instinct. To expect an individual to crush these instincts is to make too much of a demand on his devotion to the state. Private family is an institution of civilization. Plato's system ignores the healthy influences of heredity and family environment. Plato emancipates women, only to condemn them to the 'masculine' life of public duty. Breeding for the public, on a system of temporary marriages, reduces women to the position of stud animals. Of course, some would say that the Platonic system of selection of mates by the state is good from eugenic point of view. But is it? It is extremely doubtful if it can create a race of intellectual, moral and physical giants by state-controlled mating! Parentless children are more likely to be foundlings and poor specimens of humanity.

Aristotle's Criticism of Plato's Communism

Plato's communism of property and family has been severely criticised by his more practical disciple, Aristotle, to whom communism leads to excessive unification and destroys the richness and variety of life. Unity in diversity rather than in dead uniformity is the right thing. Common property would destroy the 'sentiments of charity and benevolence.' True unity should be brought about by proper education and not through communism. Plato's communism divides the society into two halves. Communism of wives will lead to disharmony as also incestuous love. It may lead to unholy acts against near relatives. State regulation and selection of proper mates is not an easy task.

Common children are bound to be neglected and humanity will be the worse for this neglect.

Plato's Classification of Governments

In the *Republic* Plato outlines the changes in the form of government in a state. He assigns reasons for the change of government from one form to another, the changes taking place according to a process of rotation. He classifies governments into five different types. "Come now, as a judge who pronounces after considering all, so do you tell me who, according to your opinion, is the first as to happiness, and who second, and the rest in order, they being five in all—the Regal, the Ambitious, the Oligarchic, the Democratic and the Tyrannic."⁷ The first and last represent the rule of one, the second and the third the rule of a few and the fourth the rule of many. The first, *i.e.*, the monarchical form is the best type of government if the state has a philosopher-king animated with the spirit of justice. This in time gives place to Timocracy in which the rulers are more influenced by honour than justice. Next comes oligarchy when a few wealthy men seize all political power and use it in the interests of their own class. This creates discontent in the minds of the many, who overthrow oligarchy, seize power and establish a democracy. When there is a democracy people abuse liberty and create a state of anarchy when one man rises, puts down disorder and establishes his own irresponsible and selfish rule called tyranny. While Plato considered tyranny to be the worst form of government, he disliked democracy too for in a democracy "insolence is termed breeding, anarchy liberty, waste magnificence and impudence courage".⁸ Besides, he had amply witnessed the abuses of democracy in his city-state, Athens. To the ideal of equality he opposed that of harmony.

Plato on Democracy

Athenian democracy, in the days of Plato, had degenerated into mob-rule where selfish individualism ran riot. The untrained and uninitiated multitude held the reins of the government. Law and conventions gave place to licence and society to the individual. Justice became the interest of the stronger. Personal ambition and factious spirit polluted public life. This mobocracy reacted adversely on the sensitive mind of Plato which was further embittered by the execution of Socrates. Plato, an aristocrat by birth, saw the progressive ruin of Athens under democracy. He identifies democracy with individualism and social dissolution. He refers to democracy as a system that grants equality to equals and unequals alike. Real equality would dis-

⁷ *The Republic* of Plato, translated by H. Spens, p. 299.

⁸ *The Growth of Political Thought in the West*, by C. M. McIlwain, p. 47.

pense not equal rights to all but equal rights for equal capacities. To Plato, a democrat is given to vain conceits. He mistakes modesty for silliness, temperance for unmanliness, equality for insolence and anarchy and licence for liberty. Plato's denunciation of democracy is understandable because he believes in the rule of trained intellect, but he fails to realise the virtues of democracy. He does not properly realise the educative value of popular participation in public affairs. He minimises the sound common-sense of the demos.

Plato on the Idea of the Good

Plato holds that the philosopher-ruler must know the idea of Justice and Beauty and Temperance. Ultimately he must know the idea of which all these ideas are phases, i.e., the Idea of the Good. It is the realisation of the Idea of the Good which enables a philosopher to know the end of all doing and all being. The Idea of the Good is the source of all truth, of knowledge, beauty and of moral goodness. It is the source of all knowledge as well as the highest object of knowledge. It illumines the intelligible world. Its apprehension by the soul is Knowledge, its indwelling in the soul is Virtue, its shining forth to the soul—through the medium of sense—is Beauty and its manifestation in the state is justice

THE POLITICUS OR THE STATESMAN

If the *Republic* of Plato is pre-eminently a treatise on ethics and education, his *Statesman* is pre-eminently one on politics. Though still an idealist, conjuring up the vision of an ideal state, he is more of a practical idealist in the *Statesman* than he is in the *Republic*. He is more logical and exact. In the *Statesman*, Plato tries to enunciate his views on:—

1. What a man ought to be and do if he is to rule?
2. What is the part played by politics and political science in education? Plato held that politics must aim at educating people in virtue and justice.

Classification of Government on the Basis of Law

Plato shows the distinction between the theories of government and the art of government. He also declares that an ideal ruler is not a mere administrator or a politician. An ideal ruler must be a real philosopher. Plato believes that the duty of an ideal philosopher-ruler is not to administer the state but to make men adopt the ideal standards of good and justice and that a ruler and a state is good or bad according as this is or is not accomplished. If the ruler is a philosopher the law is useless. He must not be restrained by law, but since such an ideal ruler is a rare individual, law, which embodies practical wisdom and experience of the past, is necessary. Making law and its necessity the basis, Plato gives a new classification of government in

the *Statesman*. There are six kinds of government according as the rule is in the hands of one, few, or many, as under:—

<i>Governments directed by Law.</i>	<i>Governments not directed by Law.</i>
1. Rule of one—monarchy.	1. Rule of one—tyranny.
2. Rule of few—aristocracy.	2. Rule of few—oligarchy
3. Rule of many—moderate democracy.	3. Rule of many—extreme democracy.

In the classification given above, Plato holds that the rule of one, *i.e.*, monarchy, is best from the point of view of the good of the people in a law-governed state but a monarchy is subject to a perversion to tyranny which is the worst form of government. The rule of few on both sides, *i.e.*, aristocracy, where a small number of the ablest men devote themselves to the service of the state and its perversion, oligarchy, where a small number of rich people rule in their own interests, holds an intermediate position. The rule of the many, *i.e.*, democracy, is the worst in a law-directed state because it represents the rule of an average man who is incapable of political speculation, but because of its inefficiency and inherent weakness, democracy is the best form of government in a state which is not governed by law.

THE LAWS

Plato's Modified Communism

Plato is even more practical in the *Laws* than he is in the *Statesman*. Since it is difficult to have a real philosopher to rule the state in the ideal way, laws are necessary and, therefore, Plato sketches out a legal system to help, guide and restrain the imperfect governmental machinery. The *Laws* represents an attempt to discover a practical system of government. With advancing years and maturer judgment, the idealism of Plato is giving place to practical wisdom. The *Laws* is shorn of much of the idealism of the *Republic* and the *Statesman*. Experience has forced Plato to modify his views about many things, especially his communism of property and women. In the *Laws*, Plato has to admit that private property and family life are indispensable human institutions, though even now he does not give them an unqualified support. Both private property and marriage are to be allowed but under strict state supervision. The state control of the educational system is to be far less strict than in the case of the *Republic*. Plato, however, is in favour of establishing a censorship over the 'intellectual and artistic interests of the citizens'. The only real restriction on marriage is with a view to prevent the perpetuation of really bad types of humanity.

Wealth and Political Power

In the *Laws*, Plato allows wealth to share with intellect and philosophy the monopoly of political power. This wealth,

however, must come from land, since commerce is still taboo. The ideal state, therefore, was to be based pre-eminently on agriculture, but the state was to limit the amount of land in the possession of individuals. Offices in the state would depend on agricultural wealth. The population was to be divided into four classes on the basis of wealth in land. At the bottom of the scale a class of people were to be allotted a definite area of land, produce from which would just enable men belonging to that class to maintain life. In the case of this class, only the right of existence was recognized. The three higher classes were to hold double, treble and four times respectively, the landed property assigned to the lowest class. If, however, any member of any particular class had more landed property than was assigned to his class, the state was to confiscate the surplus. This was because Plato held that the greater the difference in the possession of wealth, the lesser would be the harmony of interest between the rich and the poor and, therefore, the greater would be the corruption and inefficiency in the state.

Administrative Machinery with Proper Checks

In the *Laws*, Plato suggested a number of useful checks on the vices of different forms of government. Every citizen was to be allowed to have his share in the government of his state according to his ability to do so. The machinery of government, with necessary checks, which Plato proposed, was as follows:—

The supreme authority in the state was to be vested in a board of 37 whose members were to be men between the ages of fifty and seventy. Old age was calculated to bring experience and stability with it. These men were to be the guardians of law and were to be chosen by election. The functions of this board were supervisory. There was to be an administrative council of 360 appointed to execute the orders of the board of 37. Men belonging to the second class from the bottom in the list of classification, based on possession of land, were to be appointed to the administrative council and were to be chosen by a combination of election and lot. There was to be a sort of jury system in which every citizen of either sex could take part. There was to be ultimately a council of ten to ensure the proper and smooth working of the whole constitution, to watch the proper execution of laws and to prevent unconstitutional laws being proposed. This council of ten was to be assisted and advised by: (a) a council of twenty priests known for their virtue; and (b) a council of twenty young men to counteract the senile conservatism of the older men.

A close study of the *Laws* makes it clear that though Plato still aimed at the creation of an ideal state, he took proper count

of the facts and figures around him. While in his earlier works he took his inspiration from Sparta and her institutions, in his later years he tried to amalgamate what was best in the Spartan constitution with what was best in his own city-state, Athens.

The Hellenic and the Universal in Plato

The political theory of Plato is not only based on contemporary Hellenic ideas and institutions but has a good deal in it of what is of universal import. The superstructure of the Platonic state is in general sympathy with Lycurgean institutions. Plato admires and adopts the organisation of educational system of Sparta. In Sparta, as in the *Republic*, the governing class confines itself to the work of government and the individual is sacrificed to the state. Many of the Platonic ideas given in the *Republic*, such as ban on silver and gold, common messing, military training of the youth including women, hatred of trade and usury, equality of sexes, and exposure of weak children, are Spartan in origin. Plato's abstention from denouncing slavery shows how typically Hellenic he was. In the *Laws*, Plato borrows from contemporary Athens more than from Sparta. The constitution, given in the *Laws*, is closely modelled on the Athenian constitution.

There is also a good deal of the universal in Plato. His system of education, his insistence on emancipation and equality of women, his principles of rule of intellect, his advocacy of preambles to laws, his distinction between civil and criminal laws, etc., are in universal practice to-day. Many of the conceptions and institutions of the Middle Ages are traceable to Plato. In fact, the profoundness of his philosophy, his grasp of the fundamentals of life and his practical radicalism make Plato the Master for all times and places.

Estimate of Plato

Plato was the first systematic political thinker in the West. He was the father of political radicalism. In his early days of unbounded optimism he wanted to create an ideal state where justice and virtue should reign under the fostering guidance and control of a philosopher-king. He was prepared to sacrifice much, even the time-honoured institutions of private property and family life for the sake of his ideal, but his advancing years and consequent maturity of judgment, the troubled conditions around him, but, above all, his unsuccessful attempt to realise his ideal state in Syracuse, whither he was invited by his friend, the tyrant Dionysius, purged him of a good deal of his early radicalism. Plato is criticised for his hatred of democracy, but it must be realised that even more than two thousand years after him, democracy has not been able to win universal recognition as the best form of government. Many of Plato's ideas were Utopian and as such were severely criticised by his disciple, Aristotle.

His communism of wives would be impracticable in a modern nation-state and communism of property hardly less so. But we must realise that Plato was writing about an ideal city-state and must not be judged by the standards applicable to modern states. His emphasis on justice and functional specialisation, his feminism and his eugenics are features of everlasting interest in his political philosophy. Many of the conceptions of the Middle Ages are traceable to the *Republic*. Sir Thomas More's *Utopia* makes references to the *Republic* and advocates communism in property and emancipation of women. The Renaissance and the Humanist Movement owe much to Plato. In his conception of justice and of communism, Plato belongs to the school of the Utilitarians, because he puts the good of the community before everything else.⁹ It is with Rousseau that Plato begins to exercise a steady influence on modern political philosophy. Rousseau, influenced by Plato, discards the individualism of Locke for the collectivism of the social contract. Auguste Comte, like Plato, believed that scientific knowledge should govern the state. Plato has also profoundly influenced the German and English schools of Idealists.

IV. ARISTOTLE

His Environment and Method of Work

Aristotle was born at Stagira in Thrace in 384 B.C. and died in 322 B.C. He studied in Plato's Academy for about seventeen years, served as Alexander's tutor and then kept his school in the Lyceum for about twelve years. He was profoundly influenced by the prevailing political degeneration of the Greek city-states as evidenced by Philip's easy victories over them. Aristotle was the greatest of Plato's disciples and he took his inspiration on many things from his celebrated teacher. But there is an essential difference between the two political theorists. If Plato was pre-eminently a radical thinker, Aristotle was decidedly conservative in his political speculation. Again, while Plato is a deductive thinker, Aristotle follows the inductive method. This is clear if we compare the methods of the two. Plato started with abstract notions of justice and virtue and on the basis of these set up an ideal state. Aristotle reasoned inductively by comparing the working institutions of a large number of city-states actually existing in his own time. Aristotle regarded himself more as a systematiser of already-existing knowledge than as a propounder of new philosophy. The reasoning of Aristotle is less imaginative and more logical and scientific than that of Plato, and his speculations and judgments are sounder than those of his master. With him, ethics and politics are not so inextricably intertwined as with Plato. If Plato subordinated

⁹ Lectures on the 'Republic' of Plato, by R. L. Nettleship, p. 171.

politics to ethics, Aristotle gave the pride of place to politics. In his writings Aristotle showed much regard for popular opinions and current practices, for he was essentially a realist philosopher. His chief work, the *Politics*, is really a justification of existing institutions like the state, slavery and family or is calculated to suggest remedies for the ills of the body-politic of the city-state. It is an unfinished treatise in the form of a monologue and represents 'thought at work and not the finished product of thought', as shown by its constant digressions. The *Politics* is divisible into three parts. Books I, II and III give us Aristotle's view of the nature of the state, its origin and its internal organization (Book I), his examination of states projected by thinkers like Plato or of existing states (Book II), and his classification of states with a view to finding out the ideal state (Book III). This gives rise to two constructions independent of each other. Books IV, V and VI, hanging together, represent the first construction. explain the nature and classification of constitutions and deal with political dynamics, i.e., changes in states due to revolutions. In the second construction, i.e., Books VII and VIII, Aristotle portrays his ideal, i.e., the best state.

Aristotle believes that a man is by nature a 'political animal'. He finds the origin of the state in the innate desire of an individual to satisfy his economic needs and racial instincts. For the realization of this desire the male and female on the one hand and the master and slave on the other, come together, live together and form a family in a household which has its moral and social use. So long as the needs and desires of the members of this entity are simple, it remains a separate entity. But when the urge to seek a fuller life seizes the different households, they come together and form a city or state which is big enough to be self-sufficing. It is in the household that the three elements originate and develop which are essential to the building of a state, viz., fellowship, political organization and justice. The state develops as naturally as a household. The human faculty of speech suggests the naturalness of the state.

The state, to Aristotle, is a kind of association of individuals with "a functional unity of varied and reciprocal parts made one by the pursuit of a common aim in which their nature, their habits and their training lead them all to join".¹⁰ Or again, the state is conceived as 'an association of individuals bound by spiritual chains about a common life of virtue, while yet retaining the individuality of separate properties and separate families'. The state, to Aristotle, has an organic growth and performs a moral function. Its end is to give a perfect, self-sufficing and fully developed life to the individuals living in it. Man is a

¹⁰ *The Growth of Political Thought in the West*, by C. H. McIlwain, p. 64.

man, *i.e.*, he is better than a brute, only if he lives in a state. Without the civilizing influence of speech and organised association, he would be merely an animal, not a rational animal. The state being, therefore, necessary to make a man a man, the state is prior to him. A man may be able to satisfy his economic needs within his household but he must satisfy the cravings of his moral and intellectual self outside the limits of his household, *i.e.*, through the medium of the state.

The Ends of the State

Aristotle believed that man was essentially good and the function of the state was to develop his good faculties into a habit of good action. The function of the state, therefore, was positive and not negative as would be implied by a conception of the state as a mere punishing agency. Aristotle's organistic conception of the state did not destroy an individual's identity. "Man, as having his nature supplemented by the state, rather than the state as controlling man's every faculty, is the pivot of his thought." The function of the state was the promotion of good life among its citizens and, therefore, the state was a 'spiritual association in a moral life'. Aristotle saw a good deal of identity between the individual and the state. The state, like an individual, must show the virtues of courage, self-control and justice. "As a self-contained ethical society, the state lives the same life as the individual; like him, it acknowledges a moral law, and like him it forces itself (its members) to conform to that law. It has the same end, and it attains the same happiness in pursuing that end."

Aristotle's Defence of Slavery

While discussing the origin of the state, Aristotle mentions the institution of slavery. He finds slavery essential to a household and defends it as natural and, therefore, moral. Men differ from each other in their physical and intellectual fitness. Those who are intellectually more advanced than the others are designed by nature to lead the others. The intellectual must control and rule the physical. To Aristotle, it is natural, therefore, that some men should be born slaves and some born to rule over them. If the master do not tyrannise over the slave, slavery is advantageous to both the master and the slave. Aristotle, therefore, appeals to the owners to be merciful to their slaves, and suggests that those who are cruel to their slaves ought to have due punishment meted out to them. Aristotle holds that prisoners of war should be enslaved only if they are intellectually inferior to their captors. It was, to the patriotic mind of Aristotle, outrageous that the Greeks, who were intellectually the most advanced people, should be enslaved. A Greek could at best be made a casual, not a natural, slave.

We have no reliable and fixed criterion to determine who is a natural slave and who is not. Aristotle agrees that the difference between a free-born master and a natural slave is not *always* apparent and yet he holds that as a rule, there *are* not only intellectual but also physical and, therefore, tangible differences between the two. Can a slave have the freedom and grace of movement of a free-born Greek trained in gymnasium? If Aristotle approves of the institution of slavery, he does so under definite conditions. He makes out, for one thing, a distinction between slave by law and slave by nature, *i.e.*, between casual and natural slaves. Slaves by law include prisoners of war. He admits that the child of a natural slave is not always a natural slave. He does not approve of slavery by mere right of conquest in war because superior physical force does not always mean superior excellence. Besides the cause of war may be unjust and conquest immoral. Then again a Greek should not enslave a Greek. He asserts that the interests of the master and the slave being the same, the master should not abuse his authority over the slave but befriend his slave. He should, on occasions, reason with him. All slaves should be given the hope of emancipation.

Aristotle's Realism

Aristotle lived at a period when slavery was a universal institution and a necessary part of social structure. On the other hand, the Sophists declared slavery to be unnatural. Aristotle took a realistic attitude on the question of slavery. He justified slavery to secure the necessary leisure to the free-born Greeks for participation in public affairs. Besides, emancipation of all slaves would have revolutionized the whole social structure in the city-states and upset all social values. It must be realised that if Aristotle permitted slavery, he also placed low in the social scale those Greeks who were actively engaged in commerce. In spite of his denunciation of wealth-producing activities, particularly usury, Aristotle, like a realist that he was, had to admit that wealth played an important part in politics, that 'the character and distribution of wealth is a determining factor in fixing the form of government,' and that revolutions were due to the discontent of the poor against the rich.

Criticism

Aristotle's defence of slavery sounds very unconvincing and unnatural. His definition of slavery according to which some men are, by nature, born to issue orders and others to obey them without reasoning would reduce the majority of men in this machine age to the position of slaves. An industrial worker, with little initiative of his own, is very like Aristotle's 'instrument of action', *i.e.*, a slave according to his description. Aristotle's assertion that some men are born to rule and others

born to command would reduce the society into two parts arbitrarily. The fact is that, in society, there are countless gradations with respect to moral and intellectual endowments which would point to, not slavery, but a very complex system of subordination and authority. Aristotle's definition would reduce domestic servants and even women in backward countries to the position of slaves.

Aristotle on Citizenship

Book III of the *Politics* brings us to its most fundamental question, i.e., Aristotle's idea of the citizen and the state. What is a state? begins Aristotle, and says that, viewed objectively, the state is an assemblage of citizens. Neither residence in the state, right of suing or being sued, franchise, nor yet descent from a citizen, represents the essence of citizenship. To Aristotle, a citizen is one who participates in the administration of justice and in legislating as a member of the governing body, either or both, these two being the essential features of sovereignty. Aristotle's citizen, therefore, was one who partook of the active sovereign in the state, taking part in the deliberations of the state assemblies and in the juries of the state. The essence, therefore, of citizenship lay in the enjoyment of political rights and duties. It must be kept in mind, says Aristotle, that the definition of citizenship, given above, applies to a democracy, not to all the various kinds of states and governments. In oligarchies, for instance, not all citizens but a few, holding certain definite offices, legislate or serve as jurors. Aristotle holds that the virtues of a good citizen are not necessarily the same as of a good man nor are the virtues of citizenship in different forms of state of the same type. Excellence of citizenship in a democracy demands virtues different from those in the oligarchy.

Qualifications of Citizenship

To Aristotle, the essence of citizenship is that a citizen must be a functioning member of a city-state, not a mere adherent nor a mere means to its existence. The prime qualification for citizenship is the capacity to rule and be ruled in turn. This rules mechanics and labourers out of consideration because these working people are too dependent on the lead of others to be able to develop the capacity to rule. Besides freedom from economic worries is essential for proper discharge of duties of citizenship. Manual work, to Aristotle, deliberalises the soul and renders it unfit for political speculation and discharge of civic duties. Working classes, therefore, have neither the ability nor capacity for citizenship. This is like cutting the society with a hatchet into two parts which was Aristotle's chief point of criticism against Plato's ideal state.

Criticism

Aristotle's conception of citizenship is extremely aristocratic and illiberal for modern application. He was conceiving of citizenship in terms of a small city-state with direct democracy whereas modern country-states have indirect democracy. Aristotle's citizen is a juror and a legislator. But there may be systems of government which do not provide for a jury system. In a modern nation-state, every citizen cannot be a legislator. He can, at best, control legislation through his elected representative. Aristotle failed to realise the possibilities of a representative government. Nor is Aristotle's idea of citizenship applicable to colonies. By excluding all leisureless working classes from citizenship, Aristotle denies them the educative value of political privileges attached to citizenship. He reduces them to the position of a mere means of existence for the state, not an active part of the body-politic. Aristotle's definition of citizenship does not take into consideration the complex gradation of capacity and leisure of members of the society.

If the end of the state is to serve the greatest good of the greatest number, it must be able to utilise the experience of the largest number of people as well as their differences. Again, if citizenship is to be reserved only for a class of people who are rich enough not to have to work for their living, we might well be certain that the governing body, based on rich citizenship, would first and last think of passing legislation to ensure the stability of the rule of its own class and would, therefore, identify the interests of its own class with the public interests of the state. Laws would be passed to preserve for the ruling class their large incomes.

It must, however, be admitted, in justification of Aristotle's limited citizenship, that citizenship in his days connoted something much more than citizenship nowadays does and did require leisure which the working class people did not enjoy. Aristotle realised this and, like a realist that he was, preferred the practical to the ideally perfect. Like a realist again, he held that a good citizen in a democracy had virtues different from those of a good citizen in an oligarchy.

Aristotle on Law and Justice

Aristotle holds that law, though created like the state by man, is not conventional but natural because it is moral. Law is 'dispassionate reason' and its content is the same as that of morality. It has the character of the universal. To Aristotle as to all Greeks, 'general principles of conduct which are ascertained by reason' are natural laws. Canons of right and justice are eternal and universally binding and their sanction comes from their essential rationality. Laws represent social experience and ripened collective wisdom of a people. The principles

of natural law were to be applied only by the legislator. A citizen had no right of withholding his obedience to law. Aristotle believed in 'natural law' but not 'natural rights'. He agreed that laws were relative to the constitution of the state. A bad constitution meant bad laws. The absence of law in a state meant lack of a constitution. Law was superior to the government because it checked the latter's irregularities. Rule by law was better than personal rule because law had an impersonal quality which the ruler lacked. Aristotle set a great store by the stability of laws.

Justice, to Aristotle as to Plato, is virtue in action. Justice means that every member of a community should fulfil his moral obligations towards the fellow-members of his community. Justice may be conceived in a wider and in a narrower sense. In the wider sense justice is identifiable with moral virtue and general excellence. It is comprised of all virtues. Complete justice is the whole of moral virtue in social relationship.

Distributive Justice

Justice in the narrower, *i.e.*, political sense, has two sub-varieties, *i.e.*, (1) distributive and (2) corrective justice. Corrective justice is mainly concerned with voluntary commercial transactions like sale, hire, furnishing of security, etc., and other transactions like aggression on property and life, honour and freedom. Distributive justice consists in proper allocation to each person according to his worth or desert. This type of justice relates primarily but not exclusively to political privileges. From the point of view of distributive justice, each type of political organisation has its own standard of worth and, therefore, of distributive justice. In a democracy, the standard of worth is free birth, in an oligarchy it is riches, in aristocracy of birth it is descent while in true aristocracy it is virtue. Distributive justice assigns to every man his due according to his contributions to the society. It minimises strife and confusion by countering inequality of the equals or the equality of the unequals. Distributive justice is identifiable with proportionate equality, *i.e.*, a man's rights, duties and awards must correspond to his social performances and contributions.

Aristotle on Education

Like Plato, Aristotle was very keen on education. According to him, education was meant to prepare the individual for membership of the state and as such had a political as well as an intellectual aim. Aristotle held that education must be adapted to the constitution of the state and should be calculated to train men in a certain type of character suitable to the state. To him, the building of a particular type of character was more important than the imparting of knowledge, and, therefore, the proper educational authority was the state and not private

individuals. The state should set up an educational machinery of its own. Aristotle too drew up a curriculum of studies dividing the entire period of education of an individual into smaller periods of seven years, but his views on education, on the whole, were less complete and less systematic than those of Plato.

Distinction between State and Government

With scientific precision, characteristic of him, Aristotle showed a distinction between the state which was the assemblage of the body of citizens, and the government which consisted of those citizens alone who held the supreme political power and administered the state. The government is a tangible means of executing the ends and performing the moral and political functions of the state. While the government might change with the overthrow of those who occupied the highest political offices, the state changed only when the constitution of the state was changed. With Aristotle, therefore, the identity of a state depends upon the identity of its constitution which is defined as 'an arrangement of the offices of a state, determining their distribution, the residence of sovereignty and the end of political association'. The end of the state is the primary concern of the constitution while the residence of sovereignty determines the particular nature of the constitution. To change the constitution, according to Aristotle, is to change the state itself. This would seem to imply that after the constitution of a state is changed, the new state has the moral sanction to repudiate the liabilities of the previous state. Bolshevik Russia and a number of republics in South America seem to have followed the Aristotelian line of thought in repudiating their obligations. Aristotle did not believe in the sovereignty of the state. Sovereignty belonged to the *de facto* government of the state.

Aristotle on Government

The government in a state could be constituted on the basis of (1) birth, (2) wealth and (3) number. A government based on birth has the defect that, whereas one monarch may be a wise and efficient ruler, his successor may prove to be a moral or intellectual degenerate. Again, a government based upon wealth may not be good or efficient because wealth is no criterion of a man's moral or intellectual worth. The third basis is one of number. Now Aristotle believes that the aggregate virtue and ability of the mass of the people is greater than the virtue and ability of a part of that mass. Though the bulk of the citizens may not be fit to give any valuable judgment on the technical details of administration, still they would have the sound commonsense of deciding to whom they would delegate political power and the authority to make laws. They have sense enough to choose their own rulers, and should be able to bring to book their rulers if the latter misbehave. Aristotle was, therefore, in favour of a vague sort of democracy. He would give ultimate

sovereign power to the mass of the citizens, though the best citizens only would represent the actual governing authority and machinery.

Sovereignty of Law

To prevent the abuses of the sovereignty of people, Aristotle placed above it the sovereignty of laws. Aristotle held that law had qualities which were fundamental to the life of the state. He believed in the virtue of law because law represents the application of a body of rules which have been determined beyond the passions of man. Law is, therefore, free from the influence of human passion. Law represents the rule of reason. Law is stable and introduces the element of stability in the constitution of a state. Law, in so far as it represents the practical wisdom and experience of the past, is essential for the proper living of a man and for the proper working of governmental machinery.

Classification of Government

Aristotle classifies the different forms of government on a two-fold basis, *i.e.*, (1) according to the number of persons who hold or share the sovereign power; (2) according to the ends the governments have in view. This basis enables us to distinguish between the pure and the corrupt forms of government. This is because the true end of the state is the perfection of its members and the degree of devotion to this end is the criterion to judge whether a government is pure or corrupt. Judged according to the two-fold basis given above, there are six kinds of government as under:—

<i>Pure form</i>	<i>Corrupt form</i>
(1) Monarchy—with supreme virtue as its guiding principle.	(1) Tyranny—representing force, deceit and selfishness.
(2) Aristocracy—representing a mixture of virtue and wealth.	(2) Oligarchy—representing the greed of wealth.
(3) Polity—representing martial and medium virtues, power resting with the middle class people.	(3) Democracy representing the principle of equality with power in the hands of the poor.

In the table given above, monarchy represents the rule of one man for common good with tyranny as its perversion. Monarchy is the ideal or pure form, but is impossible of realization or at least perpetuation, for, even if we can find an individual who possesses all the necessary qualifications and virtues fully, we cannot expect him to pass on his virtues in all their fulness to his successor. So a monarchy gets perverted into a tyranny which is the rule of one, not for common good but for selfish purposes. In all, Aristotle recognizes five kinds of monarchy, *i.e.*, the Spartan type, oriental hereditary despotism, old heroic

kingship, elective perpetual dictatorship, and the philosopher-guardian. Aristocracy is the rule of the few for the common good. Aristocracy, too, is difficult of realization and gets perverted into an oligarchy which means the rule of the few for selfish purposes and not for common good. Polity means the government of all for the good of all, but, because the poor must always be more numerous than the rich, polity gets perverted into democracy which, to Aristotle, means the rule of all for the good of the poor only. Aristotle suggests that out of the really practical forms of government, polity, based on the rule of law, is the best.

Economic Basis of Government

Aristotle, with his native shrewdness, points out that in the case of rule by more than one man, the real distinguishing factor is wealth, for if you have an oligarchy—aristocracy always degenerates into oligarchy—it will always be the rule of the rich and if you have democracy—polity always degenerates into democracy—it will always represent the rule of the poor. Thus we have an economic basis of the classification of government too. Aristotle observes that in a state four elements always struggle for power, *viz.*, (1) Birth, (2) Virtue, (3) Wealth, and (4) Liberty.

Best Constitution

Aristotle refuses to return a direct and positive answer to the question he poses himself, namely, what is the best constitution or state? He points out that in a polity there is the happy combination of the elements of liberty and wealth, in tyranny there is the element of birth alone, in oligarchy the element of wealth and in democracy the element of liberty alone. He adds that one must consider not only what is the best form ideally or absolutely but also what is the best attainable in practice and what is best under a particular set of conditions and circumstances. In an ideal state, there must be the rule of ideal virtue, *i.e.*, the government must be in the hands of the best. If one man is super-excellent in virtue, the form of government should be monarchy; otherwise pure aristocracy. But it is not possible to maintain such a government for a long time, both monarchy and aristocracy having a tendency to degenerate, after some time, into tyranny and oligarchy respectively.

To Aristotle that constitution is best which is best attainable under the circumstances. He realises the necessity of moderation and stability in the constitution, follows the rule of the mean and points out that polity is the best attainable constitution ordinarily. He rules out other forms of government as representing extremes. For instance, oligarchic wealth promotes arrogance and lack of will to obey and democracy breeds egalitarian license, etc. That form of government is best in which the

element desiring stability is the strongest. Ordinarily polity in which the middle class is the strongest is the best attainable form of government.

In Books VII and VIII of the *Politics*, where he discusses the form of the best state, Aristotle does not say explicitly whether he is dealing with the ideal or the best attainable state. He mixes idealism with practicality and instead of giving the detailed structure of the state, he confines himself to pointing out the most favourable external conditions for the best state which are partly inspired by the *Laws* of Plato and which are based on Aristotle's doctrine of the golden mean. These external conditions, calculated to promote stability of the state are:—

(1) *Population*.—There must be a certain minimum of population to make the state self-sufficing as also a certain maximum beyond which orderly government becomes difficult. Aristotle, however, does not give the minimum or maximum figures. He lays down that the population should be such that citizen know each other to be able to elect right persons to different offices. This naturally points to a city-state.

(2) *Size*.—The size of the state should be such as to ensure a leisured but not a luxurious life, *i.e.*, it should be neither too large nor too small. It should be small enough to permit of the holding of periodic mass assemblies for deliberative purposes and to be taken in at a single glance. The unity of purpose and interest that comes from personal knowledge and active personal intercourse with your neighbours is necessary for the best state. The modern states are so big that there is a sharp distinction between the government and the state, a position which, to a Greek mind, is detrimental to the unity of the state. The territory of the state should be hard of access to the enemy and easy of egress to the inhabitants. It should be near enough the sea for necessary imports but not too near it to encourage foreign trade or a sea-going class.

(3) *Character of the people*.—The population should in character and ability resemble the Greeks who combine the spirit and courage of the northern races with the intelligence of the Orientals.

(4) *Classes in the State*.—The classes in the state necessary to make it self-sufficing are agriculturists, artisans, warriors, well-to-do people, priests and administrators. The first two of these are *in* but not *of* the state, *i.e.*, they are non-citizens. The citizens who hold most of the land on individual basis perform different functions at different periods of life, *i.e.*, fighting when young, administrative work when older and that of priesthood when very old.

(5) *Education*.—Aristotle holds that character of the people and the tone of the society depends, to a considerable extent on education, which cultivates intellectual, moral and physical

excellence and enables a citizen to perform his duties properly. He lays down a system of uniform, compulsory and public education for the leisured classes which is more cultural than practical.

Aristotle mentions other things about his best state, *i.e.*, best means of defence against foreign attack, topography, water-supply, arrangement of streets and fortifications, etc. His description of the governmental organisation for his best state is very cursory. He lays down that three institutions are necessary to perform the three main functions of government, *i.e.*, a popular assembly, for deliberative work, which should be composed of all citizens and to whom the ultimate decisions of the government must be submitted, a system of magistracy and a system of judiciary.

In extreme democracy all the three organs of government mentioned above are open to all *bonafide* citizens which endangers the stability of the state. This danger of instability is obviated in a polity by laying down that a citizen must possess a certain minimum of property before he is eligible to take a share in the work of government. This would mean the rule of the middle class. There must be a reasonable equality of property-ownership and property-rights between the citizens. There should be none extraordinarily rich or poor because there can be no harmony of interest between the very rich and the very poor. The best state should eschew all aggressive wars because the true ideal of a state should be virtue and not power. The end of Book VIII leaves the subject of the best state rather unfinished.

Aristotle on Revolutions

Frequent changes in the governments of the city-state in Greece, due to deterioration and decadence in political life, gave food for serious thought to Aristotle who formulated his views on Revolutions and their causes. In Book V of the *Politics* he shows amazing power of sifting historical material and of masterly analysis in dealing with the causes of the revolutions and displays ripe political wisdom in suggesting preventives for them.

Varying Degrees

Aristotle points out that there are varying degrees of revolutions. A revolution may take the form of a change of constitution of a state or the revolutionaries may try to grasp political power without changing the constitution. Again a revolution may make an oligarchy or democracy more or less oligarchic or democratic respectively. A revolution, lastly, may be directed against not the entire system of government but a particular institution or set of persons in the state.

General Causes of Revolutions

In order to diagnose a revolution we must consider (1) the temper of the revolutionaries and their (2) motives and (3) the causes and occasions of the resolution and (4) the state of mind of the revolutionaries. Revolutions are generally traceable to the one-sided and perverted notions of justice of revolution-minded people. The most general cause of revolutions is men's desire for equality. But equality has different meaning for different people. The democratic masses want absolute equality of all whereas the oligarchic few favour proportional equality—based on considerations of wealth, ability and worth. The object of a revolution are gain, honour and equality. The most important general cause of revolution is the discrepancy between the actual political ability and the actual political power held by different classes of citizens. All revolutions are ultimately due to the innate desire in citizens to have equality of opportunities and rights. A state will be stable, *i.e.*, not given to revolutions in proportion to the satisfaction of this craving for equality. A mixed form of government, containing both oligarchic and democratic elements, is the best from the point of view of avoiding revolutions.

Particular Causes

Particular causes of revolutions, to be distinguished from occasions of revolutions, as stated by Aristotle, are love of gain, love of honour, insolence, fear, undue prominence of individuals in public life, disproportionate increase in some part of the state, election intrigues, carelessness in granting offices to disloyal persons, neglect of small changes and dissimilarity of elements in the state.

Causes in Particular Kinds of States

Aristotle also examines causes of revolutions in particular kinds of states. In democracies, revolutions break out due to the excess of demagogues making the rich oligarchs to combine against them. Oligarchies are overthrown due to the oppressive rule of the oligarchs or due to rivalry between the oligarchs themselves. In aristocracies, revolutions are due to jealousy created by restricting honours of state to a small circle. Foreign influence too produces revolutions in a state.

Prevention of Revolutions

Aristotle suggests a number of useful preventives for revolutions. The most essential thing is to inculcate the spirit of obedience to law, especially in small matters and to watch the beginnings of change in the constitution. Too much reliance should not be placed on devices to deceive the people. Too much power should not be allowed to concentrate in the hands of one man or one class of men and various classes in the state should be treated with consideration. No man or class of men should

feel that they cannot hold political power. Great political offices should be outside the reach of unknown strangers and aliens. Holders of offices should not be able to make private gain, by bribery and gratification, etc., out of their offices. The administrative machinery, particularly financial administration, should be open to public scrutiny. Offices and honours should be awarded on considerations of distributive justice and no class of citizens should have a monopoly of political power. The citizens should be educated in the spirit of the constitution. The highest offices in the state should be given only on considerations of loyalty to the constitution, administrative capacity and integrity of character, but each citizen must have his due. The government of the day should keep before the public the danger of foreign attack in case of internal revolution. A revolution, to Aristotle, constituted more a political than a legal change. It had the effect of reversing ethical, social and economic standards.

Aristotle on Tyrants

While dealing with revolutions Aristotle paid some attention to the tyrants and their peculiar vices. These vices were common to all tyrants, whether Greek or barbarian. The tyrants, according to Aristotle, maintained themselves in power by:—

1. The employment of a large number of spies. An efficient system of espionage is most essential in a tyranny.

2. Pursuit of a policy of military aggression abroad. A foreign war is the best means adopted by a tyrant to divert attention of the people from the irregularities of home life and the ugliness of the domestic policy of the government.

3. Promotion of distrust and of a spirit of hostility between different classes of the community and maintenance of self-confidence.

4. An attempt to destroy the intellectual life of the citizens because otherwise some would indulge in political speculation which is dangerous for a tyrant. Death of intellectual life in the community is one of the most characteristic signs of a tyranny.

5. The most efficacious of all the methods of a tyrant is his successful disguise of the reality of his tyranny by a semblance of beneficent rule. A tyrant shows concern for the people, respects art and religion and avoids display of regal magnificence.

Aristotle on Democracy

Aristotle holds that two principles characterize democracy, i.e., freedom and majority-rule. Democrats, says Aristotle, hanker after equality. But equality of what? Aristotle condemns the belief of the democrats that freedom and equality mean doing as one likes. People do not want to be ruled or else they want to rule and be ruled in turn. Aristotle was not opposed to democracy in the same measure as Plato was. To him, democracy is a form of government in which supreme power is in

the hands of freemen. Aristotle believed that the aggregate virtue and ability of the mass of the people was greater than the virtue and ability of a part of the population. If the mass of people do not understand the technicalities of administration, they have the sound common-sense of appointing right administrators and legislators and of checking any misbehaviour on the part of the latter. Aristotle was, therefore, in favour of a vague sort of democracy. He would vest ultimate sovereign power in the mass of citizens, though only the best citizens would represent the actual governing authority and machinery. Aristotle's democracy means aristo-democracy of free-citizens because the large body of slaves and aliens can have no share in the government of the day. It means direct democracy possible only in a small city-state. Modern representative democracy, to Aristotle, would mean not democracy but oligarchy.

Aristotle's Criticism of Plato

Aristotle devotes the first part of Book II of the *Politics* to a severe and unfair, even hostile, criticism of Plato. He particularly criticises the ideal state of the *Republic* with the help of his sound commonsense and inductive method, though the *Statesman* and the *Laws* of Plato also do not escape his critical notice. He severely criticises Plato for the latter's (1) conception of the unity of the state, (2) communism of property and wives and (3) comparative neglect of the lower classes in the ideal or the sub-ideal state.

Aristotle does not agree with the Platonic view that the greater the unity of the state the better because such a unity may become so excessive as to destroy the very character of the state which consists in plurality of composition and interests. Similar do not constitute a state. Excessive unity would tend to reduce the state into a family and then into an individual. A state, to Aristotle, must represent a plurality of dissimilars. Real unity arises, not from levelling down distinctions and reducing things and men to a uniform pattern but from proper organisation of relations among individuals differently endowed and trained. Aristotle's criticism of Plato's conception of the unity of the state was obviously a little too severe because Plato did recognize the need of diversity of functions and of functional specialisation in the state. Plato created three distinct classes in the state and the charge of excessive unity may, and that too only to a limited extent, apply to the numerically very small upper two classes only.

Aristotle did not agree with Plato's communism of property and wives as creative of organic unity and harmony in the state. Spiritual medicines were needed for spiritual ills. Unity of the state is best achieved not by abolishing the hoary institutions of private family and private property but by organising and

training individuals of various types and capacities according to the spirit of the constitution of the state. Every individual must be allowed a certain minimum of possessions and of liberty of action to best express his individuality in service of society. Organic unity of the state needed, not a particular type or pattern of citizens through communism, but proper utilization of individual differences in furtherance of social needs. Aristotle criticised Plato's communism as based on a wrong conception of human psychology. It was as impracticable as it was harmful in its consequences. It would lead to bad social ethics, loose morality and degeneration of human race. Both private property and private family were essential social institutions.

Aristotle expresses dissatisfaction regarding the vagueness of Plato's references to the non-guardian class, i.e., lower classes representing the majority of the people in the state. Plato does not formulate any system of education for them nor does he fix up their position in the state. Will not Plato's division of population into the guardians and the non-guardians divide the state into two mutually hostile parts with a hatchet? It must be realised, however, that Aristotle's division of the population into the citizens and non-citizens represented hardly any improvement on Plato's position.

The Hellenic and the Universal in Aristotle

THE HELLENIC.—The political philosophy of Aristotle is essentially based on a detailed and systematic study of contemporary Hellenic thought and practice. His inductive method and his realism contributed powerfully to give a Hellenic colouring to all that he thought and wrote. The basic principles of his thought, namely, the superiority of the city-state over other forms of government and of the Greeks over other races of mankind, the justice of slavery as a necessary social institution, the importance of leisure in public life, the necessity of a state-directed and state-controlled system of education and his hatred of commerce and usury are typically Hellenic in conception. The *Politics* of Aristotle is really an attempt to rationalise existing Greek ideas and institutions.

THE UNIVERSAL.—A deeper study of Aristotle, however, reveals a series of concepts of abiding interest and universal application. The eternal problem of the reconciliation between liberty and authority was properly emphasized by Aristotle. The modern notion of the sovereignty of law is clearly traceable to Aristotle, to whom law represented the rule of ripe and dispassionate reason and was necessary for the proper working and stability of the state. Aristotle is refreshingly modern in his emphasis on the value of public opinion. The mass of the people had sound commonsense and were good judges of public policies. Aristotle also realised the importance of a determinate human

superior and was thus the forerunner of the Austinian theory of legal sovereignty. By dividing the functions of the government into the deliberative, legislative and the judicial, he gave support to the theory of separation of powers. Aristotle also showed the eternal relationship between economics and politics and was thus the source of inspiration to writers like Montesquieu and Karl Marx. His doctrine of the golden mean finds its development in the modern notion of political checks and balances. Aristotle may also be said to be the father of modern Individualism as well as the modern theory of popular sovereignty.

Estimate of Aristotle

It is no exaggeration to say that practical political philosophy in the West began with Aristotle. While Plato soared in the heights and aimed at the ideal, Aristotle's objective was not the ideally best but the best attainable. By his keen and practical political insight and systematic treatment of the subject Aristotle laid the foundations of real political science. Politics, with him, assumed the character of an independent science. Undoubtedly he, like Plato, combined the ethical and the political, but he always gave the pride of place to the political. Aristotle was more individualistic than Plato as shown by the fact that whereas the latter dealt with both ethics and politics in one treatise, Aristotle dealt with the two in two separate treatises, i.e., the *Politics* and the *Ethics*. He considered the individual important enough to be a subject of treatment in a separate work.

In spite of his, sometimes, severe criticism of Plato, Aristotle differs from his master more in the form and method than the content of his political philosophy. He is analytical and logical and realistic and his theories represent definite and clear-cut dogmas. He may be called the scientist of Politics because of his empirical study of and his method of approach to a problem. He collects his data with infinite care and minuteness, categorises and defines it and draws rationalistic conclusions.

Influence of Aristotle

Aristotelian philosophy has wielded tremendous influence in the Middle and the Modern Ages. The *Politics* of Aristotle came to Western Europe through Latin translations. Aristotle was adopted by the Medieval Church, in the 13th century and has been known as the 'Master of those who knew'. St. Thomas Aquinas was Aristotelian in his method and much of the content of his thought. To both Aristotle and Aquinas, law was identical with reason. To both the best governments were monarchy and aristocracy, based on the rule of virtue. Both favoured mixed governments. Aquinas harmonized the political theory of the Church with the forms of Aristotle's *Politics*. Aristotle influenced the Imperialist as much as the Ecclesiastical thinkers. Both the *Defensor Pacis* of Marsiglio and the *De Monarchia* of Dante

show traces of indebtedness to the *Politics*. Machiavelli too borrowed from the *Politics*. The *Prince* is opined to be a commentary on the Aristotelian theory of revolutions. But whereas Aristotle established a close relation between ethics and politics, Machiavelli divorced his politics from ethics.

Even the Modern Age is not uninfluenced by Aristotle. Montesquieu in the form as well as the content of his philosophy is evidently indebted to Aristotle. His theory of separation of powers is inspired by Aristotle. The Hegelian theory of the constitution of a country representing 'the expression of the self-consciousness of the state' is in some measure of agreement with Aristotle's views on the subject. The close relationship between economics and politics established by Karl Marx is also traceable to Aristotle. The *Politics* of Aristotle still remains one of the greatest classics on political science because it contains much of universal validity.

V. THE EPICUREANS AND THE STOICS

Characteristics of Post-Aristotelian Political Thought

The Greek political thought reached its highest water-mark in the writings of Plato and Aristotle. Even during the life-time of Aristotle, the Greek political system based on a free city-state was crumbling. The empire of Alexander and later on the empire of Rome dealt a death-blow to free life in Greece. The decline of the Greek city-state along with its institutions inevitably brought deterioration to political thought in Greece. After Aristotle the Greek political philosophy became:—

1. More individualistic than before. There was the emergence of the individual. Whereas Plato and Aristotle would have a man merge his individuality in the state, and would not recognize a man apart from the state, there was, after Aristotle, a tendency to distinguish the individual from the state. The disappearance of the city-state and the consequent loss of interest in public life and public affairs made the Greeks think of the individual rather than of the state. The happiness of the individual became the subject of serious thought. The early ideal of good and virtuous life, rendered possible by a well-organised state, gave place to a baser ideal of happy life irrespective of the state.

2. More universal or cosmopolitan. Whereas the devotion of Plato and Aristotle was given to the city-state only, the establishment of the Macedonian and later on the Roman Empire rendered a cosmopolitan outlook not only possible but inevitable. The ideal of the citizenship of a city-state gave place to the ideal of citizenship of the world.

The features noted above were characteristic of the teachings of the Epicureans and the Stoics who divorced ethics from politics and did not care very much for the laws of morality. To both the Epicureans and the Stoics the securing of the happiness of the individual was the ideal of life. Both found the substance of life in the internal and not in the external life of an individual. The value of an outlook of this type lies in the fact that it is more true to fact and ensures a greater degree of correlation between theory and fact. But this advantage is counterbalanced by the danger that concentration on the individual might develop a morbid self-contained type of individual instead of engendering a healthy individualism based on co-operation with others.

THE EPICUREANS

Emphasis on the Individual

The founder of the Epicurean school of philosophy was Epicurus (342 B.C.), but the greatest representative of the Epicurean philosophy was the Roman poet, Lucretius. In his *The Nature of Things* Lucretius has very well expounded the Epicurean philosophy. The Epicureans held that the aim of life was the achievement of individual happiness and therefore they advocated the satisfaction of physical and mental desires within certain limits. Epicurus himself, however, identified happiness with virtue and himself lived on bread and water only. All men, he declared, seek pleasure and avoid pain. The wise man is he who masters his desires and does not seek to satisfy every one of them. A wise man will reduce his pursuit after pleasure to a minimum.

The degree of an individual's pleasure is independent of material environment. According to Lucretius, therefore, one ought to avoid mixing in civil society because active membership of the civil society creates desires and ambitions in a man. Lucretius adds that the family life too, because it brings pain very often, ought to be avoided as much as possible. A wise man will have no responsibilities of family life because they mean so much pain. He ought to be content with friendship only. A wise man will neither desire nor expect anything and so avoid pain. He will have the minimum number of wants, and being free from the worries of physical wants, will be able to devote his attention to and spend his energy on self-improvement internally. Political life, to the Epicureans, was something vicious and, therefore, they advised non-participation in it unless participation was necessary in self-interest.

It is evident from the above that though the Epicureans declared happiness to be the aim of life, they were not for a blind pursuit of pleasure. They advocated a moderate satisfaction of desires, physical and mental, and the best of them advised concentration on the pleasures of the soul rather than of the

body. The Epicurean principle that happiness is the aim of life made people think of things from the point of view of their happiness-value instead of judging them from the view-point of morality. This marked a distinct deterioration in Greek political thought because the high principles of right, virtue and justice gave place to the low notions of happiness or utility. Judged from this point of view, Epicureanism is the real basis of the utilitarian philosophy expounded by Bentham and men of his school.

Origin of the State

The Epicurean conception of the origin of state is a sort of forerunner of the social contract theory. The Epicureans believed that men were essentially selfish. The curbing of individual selfishness necessitated a common superior authority. In self-interest, therefore, men entered into a contract with each other, founded the state which resulted in the establishment of government, law and justice. To the Epicureans, morality was identical with expediency. Standards of rightness and justice of conduct varied with circumstances and with time and place. Test of law and government lay in expediency and their capacity to ensure security and easy social intercourse. The state and its laws were calculated to check acts of brutality and injustice. This brings in the element of utility in the founding of the state. The Epicureans were in line with Hobbes in ascribing the origin of the state to the need of security. The Epicureans, on the whole, ignored the state and concentrated on the individual. The form of government, therefore, was immaterial to them, an efficient tyranny being as good as a good polity. The Epicureans taught submission to any efficient *de facto* government, a doctrine that was very useful to the Roman rulers of Greece.

THE STOICS

Stoic Conception of Happiness

The founder of the Stoic School was Zeno (*d.* 32 B.C.), while Cicero, Seneca and Marcus Aurelius were some of its greatest representatives. The Stoics agreed with the Epicureans in declaring that the aim of life was to achieve human happiness but their notion of happiness and the methods of its achievement were different from those of the Epicureans. While the latter allowed a moderate amount of indulgence in both physical and intellectual desires, the Stoics declared against physical satisfaction and advised pursuit of intellectual pleasure based on reason. Sexual desires must be suppressed because true happiness lay in virtue, and true virtue consisted in following the law of nature. One must find happiness in satisfying those emotions and impulses which lie most deep in human nature. Real happiness, according to Stoics, consisted in doing not what was pleasant but what

was virtuous. A man, therefore, should follow his intellect or reason and not his feelings. He must suppress those impulses which lie on the surface. Reason, in the light of which alone we must interpret the law of nature, would tell us that the deepest impulses in the human nature were moral ones. Hence the Stoics declared that an individual should find happiness in leading a virtuous, *i.e.*, moral life. The highest happiness lay in living according to nature. The law of nature, to the Stoics, was definite, unchangeable and based on reason. To live according to the law of nature, therefore, was to live according to reason. The greatest human need was to utilize reason and to lead a happy and virtuous life in accordance with reason. The Stoics, however, would not let an individual follow his individual reason. He must follow reason as shown by universal approval or judgment. To the Stoics, the world was 'the expression of immanent reason'. Reason was the creative source of law. Men, endowed with reason, are essentially alike, are subject to the same natural law and have equal rights.

Natural Law

The Stoics gave a well-defined direction and content to the words Nature and Natural Law. Nature was the 'manifestation of the single and homogeneous spirit of the world whose several phenomena are connected together through the common law of right reason'. The Law of Nature is, therefore, that 'common, universal, divine and good rule of reason which governs creatures combined in a natural association'. It is not against reason. In fact Natural Law is objective reason. Brotherhood of man depends on the observance of Natural Law. Civil Law must be based on Natural Law which is sovereign and immutable. No legislator or government could contravene Natural Law which served as a common, universal standard of right or wrong, just or unjust.

Individual and the State

The Stoics looked on the individual as a unit by himself, distinct from the society. Self-sufficiency was the attribute of the individual more than of the state or the society. Ethics and not politics was the regulative force between men. The Stoic philosophy denied the very fundamental of Platonic and Aristotelian philosophy, namely, that good life could be lived only within the state. With the Stoics the good man became quite distinct from the good citizen. The Stoics ruled out the idea of any natural inequality between men. Liberty, equality and fraternity of to-day represent a modern version of Stoicism. The Stoic belief in brotherhood of man led to the conception of the world-state which represented an *ideal* Universal Empire of Reason, seeking universal justice rather than a practical state operating through the civil laws and sanctions.

The Stoics held that humanity, regarded as a whole, was foolish and depraved, caring more for the satisfaction of immediate impulses than that of the deep ones. This belief of the Stoics in the depravity of human nature foreshadows the cardinal Christian doctrine of Original Sin, which is the *raison d'être* of government. It was the Stoic doctrine of the general depravity of mankind which, upto the 17th century, was presented as a justification for the existence of the institution of government.

The Stoics, concentrating as they did on individual happiness, laid emphasis on two things:—

1. Personal, *i.e.*, individual, independence. Pursuit of individual happiness naturally led people to think of their private life more than their public one. This took men away from public life. Men gloried in being private men, instead of being part and parcel of the general public. Participation in politics, therefore, was condemned.

2. Social unity. Even though the aim of life is individual happiness, reason tells us that an individual is a member of a bigger entity, the society. A wise individual, therefore, in spite of his individualism, will recognize society, even though as a necessary evil, and will do all he can to help it. A man is never wholly a private man. All men are rational beings and, because reason and the law of nature are the same for all, whether Greek, slave or barbarian, all men are equal. Men, being all equal, have equal rights. All men must unite together to make society better. This could be done by promoting two virtues:—

(a) Justice—based on the sense of equality among human beings. Each man, whatever his station in life, must be given what is his due. Justice represented a form of universal reason.

(b) Mercy.—This was important in view of the fact that there was a large slave element in Greece in the days of the Stoics. The Stoics did not press the abolition of slavery but knew that, slaves being members of the general society, things would improve if mercy were shown to them. The Stoics did not advocate the abolition of slavery because they held that the important thing was the spirit, and not the physical being of a man. Even if a man were in bondage physically, he would not be really a slave, provided his spirit was free. Freedom of spirit was the true freedom and its lack true slavery. This freedom of spirit in the Greeks was to be created by showing the slave mercy and consideration.

Importance of Stoic Teaching

The Stoics gave to the world the notion of equality based on the spirit of freedom and the notion of universal brotherhood based on the universality of natural law. The light they threw, and the emphasis they laid, on reason and the law of nature played a tremendous part in moulding human thought after them. Though much of the Stoic philosophy represents a

degeneration from the noble idealism of Plato and the high moral code of Aristotle, it has played an important part in the growth of human thought. From the death of Aristotle to the advent of Christianity, the Stoic philosophy held the field. It became the characteristic philosophy of the Roman rulers. Stoicism was writ large on the political writings of Cicero. There is much in Christianity, for instance the doctrine of Original Sin, which has been adopted from the Stoic philosophy. It would be no great exaggeration to say that Christianity represents a rational enunciation of Stoic philosophy.

VI. GREEK CONTRIBUTION TO POLITICAL THOUGHT

Political philosophy, as we have observed, began with the Greeks in the West. The breadth of vision and the loftiness of conception of the Greek political thinkers like Plato and Aristotle exercised a tremendous influence on the development of political philosophy in the West. The importance of the Greeks lies in the emphasis they laid on the following:—

1. *Patriotism*: The patriotism of the Greeks for their city-state knew no bounds. This is partly to be explained by the fact that all citizens living in a city-state had a belief in a common ancestry, had common social and religious institutions and were, therefore, knit up in a sort of brotherhood. The Greek writers, including Plato and Aristotle, put the state on a very high pedestal. The individual had no existence apart from the state. Within the state he enjoyed civil rights and shared in the government of his city-state. Naturally, therefore, a Greek was intensely devoted to his city-state which gave him all that was worth living for.

2. *Sovereignty of Law*: The Greeks had a deep reverence for law. Both Plato and Aristotle preached the supreme importance of the laws. The Greeks revered their laws, partly because they believed in their superhuman origin. Plato placed laws above everything save his ideal philosopher-king. Aristotle placed the sovereignty of law above the sovereignty of people. "Law constituted the cement of the city-state" and a citizen was considered to be a slave of law.

3. *Harmonious Blending of Ethics and Politics*: The world is indebted to the Greek philosophers for their harmonious blending of Ethics and Politics. Plato believed in the supremacy of justice and virtue, and wanted the state to subservise these ideals. Even Aristotle thought that the end of the state was perfect life.

4. *Freedom of Conscience*: The death of Socrates gave a great impetus to the high ideal of the freedom of individual conscience. Socrates, by his death, taught people that though a man must bow to the judgment of the state regarding his thought and action, yet he was not only free to follow his

independent line of thought but was also free to act according to his individual conscience. A man was free to think and express his thoughts. This constitutes a great contribution made by the Greeks towards the realisation of the intellectual emancipation of mankind.

5. *Democracy*: Another very important contribution of the Greeks is their ideal of democracy. To a considerable extent due to geographical conditions, Greece was divided into a number of small city-states, in which all could assemble in one place for common purposes. This made not only democracy, but direct democracy, possible.

6. *Equality*: The Stoics taught that all men were rational beings and were, therefore, equal. They had equal civil rights. This foreshadowed the notion of equality preached by Rousseau and others.

7. *Liberty*: The Greeks showed an intense love for liberty. Modern individualism owes its remote origin to the Athenian conception of liberty. While the world was groaning under the weight of Persian despotism, a handful of Greeks, fired with the love of liberty, and self-government, showed to the world that they were more than a match for hordes of men, to whom ideas of liberty were foreign. A Greek was intensely jealous of the independence of his city-state and, within the city-state, of his own liberty. The Athenians, in this respect, led the Greeks in other city-states. Till the Roman Empire crushed the spirit of the Greeks, liberty was one of the chief passions of their life. The Greek philosophers, particularly Plato, however, condemned unbridled liberty. Besides, the Greek notion of liberty was a very limited one. Athens, at her best, was full of slaves. No political freedom was allowed either to women or to dependent city-states. It may even be said that there was an excessive communal interference in the life of the individual.

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CHAPTER II

ROMAN POLITICAL THOUGHT

THE Roman world was destitute of any great political philosopher. Polybius, himself a Greek, and Cicero make but a poor comparison with Plato and Aristotle in the field of political speculation. The Roman mind was legal, *i.e.*, consolidative and not speculative. Whereas, therefore, the world was none the richer in political philosophy because of the Romans, the political institutions and the legal system of Rome have profoundly moulded Western political and juristic systems. The whole of the Italian and Swiss law and substantial parts of the laws of France, Germany, Holland and the South American States are based on the Roman Law. In order to understand the political and legal institutions of ancient Rome, we must trace the growth of the Roman Empire.

Roman Institutions

Rome was at first a city-state, formed by a union of tribes living on neighbouring hills. Her government consisted of a monarch, a senate and an assembly—*Comitia Curiata*. Patricians, *i.e.*, aristocratic class, alone held political power, but later on, the Plebians, *i.e.*, common people, succeeded in getting established a *Comitia Centuriata*. About 500 B.C., a republic was set up. Patricians and plebians fought and then coalesced and formed the citizen-body. Two consuls replaced the king and these consuls were assisted by prætors and censors and later on by the Tribune, the people's representative. After consolidation at home, the Romans thought of imperial conquest. The expansion of Rome began in Italy. The neighbouring states were absorbed and governed by Roman Prefects. By the close of the 1st century B.C., Rome had extended her authority over the barbarians to the north and west and governed from the Euphrates to the British Isles and from Sahara to the Rhine-Danube frontier'. This knit up the entire western world into one political system, necessitating a system of centralised administration. Military dictatorship destroyed democratic institutions. The popular assembly lost power. By the end of the 2nd century A.D., Roman citizenship was extended to the provinces and, therefore, Rome, instead of being a city-state, became an empire. A common official language and a common legal system unified the Roman Empire. Thus, the democratic city-state became the despotic world empire. In the west, Greek ideals of democracy, liberty and autonomy were replaced by the Roman ideals of Unity, Order, Universal Law and Cosmopolitanism. Loss of political independence resulted in the loss of interest in political speculation.

Roman Political Philosophy

~~Stoicism formed the predominant political philosophy~~ of the Romans, though the Romans borrowed from the non-Stoic Greek political thinkers too. The practical-minded Romans cared more for the development of political institutions than for the evolution of political philosophy. The Romans systematised the Greek political thought, and, in doing so, formulated a body of new principles, which constituted an improvement on the political thought of Greece. The new principles are broadly represented by:—

1. Creation of positive law.
2. Separation of politics and ethics.
3. Distinction between state and society.
4. Political sovereignty and legal personality of the state as the maker of laws.

Roman Conception of State

Whereas with Plato and Aristotle the state absorbed the individual completely, and while the Epicureans thought the state to be an unnecessary encumbrance, the Romans thought the state to be both natural and necessary. The Romans distinguished the state from the individual. The state as well as the individual had definite rights and duties. The Romans laid emphasis on the individual, the state existing to protect the rights of the individual against other individuals and against the state itself, which was recognized to be a legal person as much as the individual. This was the basis of the Roman private law.

Popular Sovereignty

While the state was the legal sovereign, the political sovereignty lay with the people as a whole. In theory, even the emperors were representative agents of the people. The emperor was the fountain of law, because the sovereign body of citizens had delegated to him their whole authority. This delegation of authority by a governmental contract, and not by a social contract, was made to the public officials. The delegation, however, was irrevocable and could not be withdrawn. There was no redress against the abuse by officials of their delegated authority. ~~Revolutions were unjustified.~~ The legal fiction of the monarch receiving his powers from the Roman people was later overshadowed by the theory that the imperial authority was a divine gift. When, however, Christianity became the state religion of the Roman Empire, the theory of the divine origin of the imperial authority was somewhat modified to mean that the divinity attached to the office, and not to the person of the emperor. The emperor ruled by virtue of the Divine Will and delegated his political authority to the state officials.

Not only did political sovereignty reside in the people but even the laws were made by magistrates in agreement with popular assemblies. The magistrates proposed, and the assemblies ratified, the new laws. The laws, therefore, did not constitute the command of the sovereign but represented a sort of contract between the people and the government. Even the private law of the Romans was based on the idea of contractual obligations between individuals.

The idea of sovereignty of the people was never wholly lost sight of during the entire Roman period. During the Regal period, the king was taken to be the representative and delegate of the people and as such was not entitled to change the fundamental laws of the state. The idea of popular sovereignty became more established during the Republican period and was accepted, at least in theory, during the imperial period. Popular sovereignty was taken to be the basis not only of imperium, but also of law which was an expression of popular will representing a mutual contract between the people. Besides the sovereign people were taken to be the source of all special honours and had the right of final judgment in criminal cases. "The will of the state is the will of the aggregate of its citizens. Law is a contract by which these citizens mutually obligate themselves to observe a certain mode of conduct." Though the Romans believed in imperium being a popular gift, they did not believe in the contractual origin of the state. The state was a 'natural' institution. They did not believe in social contract as creative of state but believed in governmental contract representing a delegation by the people of their imperium to the rulers.

Roman Imperium

Beginning with the Regal period, we find that the Romans did not believe that any individual had a particular and absolute title to rule over them because of any hereditary claims or divine antecedents. Any Roman could fill the office of the king. The king was just one of equal burgesses. The burgesses chose their own ruler but once chosen, the king held office for life, could not be deposed constitutionally and was entitled to the allegiance of the subjects. He possessed the absolute power of the state, was High Priest and held imperium for peace and war. Power was a gift to him but this gift was absolute and irrevocable. At his death, however, imperium returned to the burgesses or their representatives, the *Patres*. An *Inter-Rex* was temporarily appointed during the interim through whom power came to the new *Rex*, i.e., king chosen by the people.

T. POLYBIUS

The first of the Roman political philosophers who wrote on Roman government and its constitution was the Greek hostage, named Polybius (204-127 B.C.). Rome had, by his time, become

a great state and had subjugated Greece. Polybius admired the Roman polity which had enabled Rome to become a great political power. He wrote his *History of Rome* to show her greatness and to find out and enunciate the cause of this greatness. He began his history by giving the cause of the origin of state. He outlined, after the Aristotelian fashion, the various types of government, *i.e.*, monarchy, aristocracy and democracy, and declared that the differences between the three types were external and institutional rather than internal or ideal. The pure forms of these three types, to Polybius, were unstable, because of the antagonism displayed by the elements in the state representing the other two types. Polybius recognised a natural cycle of change in the form of government in the state. The change took place in the following succession: monarchy, tyranny, aristocracy, oligarchy, democracy and ochlocracy and then the new cycle once again. He analysed philosophically the constitution of Rome and declared that it was of a mixed form and, therefore, better than a constitution of a pure type, because it embodied a system of checks and balances among the different organs.

Classification of Government

Polybius classified the government into monarchy, aristocracy and democracy with their respective perversions, *i.e.*, tyranny, oligarchy and extreme democracy. To Polybius, the earliest type of government was monarchy, based on force first, but later on sanctioned by popular approval. Monarchy degenerated into tyranny. This was overthrown and followed by an aristocracy, based on virtue and intellect. Aristocracy degenerated into oligarchy, which was followed by democracy, which too degenerated into ochlocracy, *i.e.*, mob rule.

Mixed Type, the Best

To Polybius, the best safeguard against political revolutions was the incorporation in the constitution of the best elements of all the three pure forms of government, a thing which the Roman republic had done wisely and to her great advantage. Thus 'in the Roman constitution the consuls represented the monarchic principle, the senate was essentially aristocratic and the popular assemblies were democratic'. Each one of these three elements watched and controlled the other two elements. There was nothing original in the political philosophy of Polybius. He identified democracy with Aristotelian polity and gave a new name, Ochlocracy, to extreme democracy. Polybius, however, was the first political theorist to bring out the importance and advantage of a mixed type of government.

II. CICERO

Cicero, who wrote about a century after Polybius, was the greatest Roman representative of the Stoic school of political

philosophy. The Stoicism of Cicero profoundly affected his political doctrines. In the days of Cicero the political condition of Rome was more or less chaotic. The economic changes, accompanying the growth of the Roman state, had sharpened the hostility between the Patricians and the Plebians, and had made the old system of checks and balances unworkable. Civil wars ensued, resulting in the emergence of military dictators like Marius, Sulla, Pompey and Julius Cæsar and the consequent growth of an imperial system. Cicero was an ardent republican and wanted to restore the power of the discredited senate and the magistrates. He too, like Polybius, believed in a mixed type of constitution as the best one. His *De Republica* and *De Legibus* represent a fervent appeal for the restoration of the old mixed constitution with its healthy system of checks and balances.

De Republica

Like the *Republic* of Plato, Cicero's *De Republica* is in the form of a dialogue. Like Plato, again, Cicero tried to visualise an ideal state and laid down the principles of morality, which embodied his notions of justice. Stoic as he was, Cicero believed that the state originated in the social instinct of man. The state was a rational being. But, whereas the Stoics took the state to be a pre-eminently social institution, Cicero gave it a political complexion. He created a distinction between the state and the government. The government was the agent of the people in the state, while the sovereignty lay with the people.

Cicero closely followed Polybius in his classification of governments into monarchy, aristocracy and democracy with their perversions. Cicero accepted the Polybian system of revolutionary cycle with only a slight change. His cycle consisted of monarchy, tyranny, aristocracy, oligarchy, democracy and then military dictatorship, resulting in the establishment of monarchy again.

De Legibus

De Legibus of Cicero is an enunciation of his *De Republica*. In it, he laid down that civil and constitutional law must be based on natural law and reason; otherwise it was invalid. He again laid emphasis on the importance of justice in a state. He believed in the universality of the law of nature and preached the doctrine of universal brotherhood. His civil and constitutional code was based on his ideas of cosmopolitanism.

There was nothing very original in Cicero. He reinvigorated Greek thought, but laid a distinct emphasis on Stoic cosmopolitanism, which was in conformity with the Roman World Empire. He gave the civil law a natural basis. For all practical purposes, he identified the Roman law, based essentially, on the principles of justice and equality, with the Stoic law of nature. His "ideas

of justice and natural law sank deeply into Roman legal thought and profoundly influenced the later imperial jurists and the early Christian writers. And his idea of world unity and of universal law and authority remained the central principle of political thought throughout the whole mediæval period."¹

Cicero on the State and True Law

Cicero held that men were equal by nature, and that all men and all races were capable of virtue, a view in which he differed from Plato and Aristotle. Whether resulting from a definite pact or not, Cicero's state is founded on the consent of the whole people. The people, who represent an "assemblage of many associated by consent to law and community of interests," due not to weakness but to gregarious instinct, form a corporate body with supreme legal authority. They are united by the bond of law. According to Cicero, true "Law is right reason, conformable to nature, universal and eternal."² It was all-dominating and embraced all peoples and all times. This "law common to all men and to God and as old as time is also the source of the state itself—a state is nothing else than a partnership in law."³ Thus Cicero's state depended even more upon law than did that of Plato or Aristotle. To Cicero, the king was the representative of law. To him, the state was not prior to the individual.

The greatest legacy of Cicero is his formulation of the idea of natural law, based on the doctrines of Plato and the Stoics. He agreed with Plato in believing that the principles of right and justice were eternal and with the Stoics in holding that a supreme universal law existed in nature. He brought into immediate relation with human reason and positive, i.e., state-made, laws the abstract principles of justice and universal law. To him, morality dominated politics as much as it did private conduct.

SENECA

Seneca was for about eight years the minister of the worst of Roman emperors, Nero, and belonged to the Stoic school of philosophy. As a Stoic, Seneca believed in a primitive state of nature when men were innocent and happy, when there was no government, no slavery, no private property and when there was freedom and equality between man and man. Seneca found a great contrast between this state of nature and the conditions prevailing in the Roman world during the empire of Nero. He explained this transformation by the loss of the primitive inno-

¹ *History of Political Thought*, by R. G. Gettell, p. 75.

² *Ibid.*

³ *The Growth of Political Thought in the West*, by C. H. McIlwain, p. 116.

cence of man, his later degradation, and consequent rise of some human institutions including the state. Though there is nothing original in Seneca, his is the best statement about the Stoic view of the origin of the state, a view adopted by the early Church Fathers in their explanation of the emergence of the state. Seneca's theory of the state tended towards the conception of the conventional growth of the state.

III. THE ROMAN LEGAL SYSTEM AND ITS INFLUENCE

Its Development and Influence

The Roman political doctrines and the system of law have had a very slow and gradual growth. The philosophical basis of the Roman law is Greek, though the particular principles, arising out of and growing from precedent to precedent, are Roman. As with many other primitive peoples, religious precepts, customs and rules of equity passed for laws with the Romans in the beginning. With the passage of time, however, a distinction began to be drawn between divine injunctions and rational customs of men: still the state did not make any laws. About 450 B.C., however, the customary rules of the Romans were codified into the *Twelve Tables*. This codification was attended with important results. It brought symmetrical classification and clearness of expression into the laws. It decreased the power of the nobles, who up to this time were the sole expounders and administrators of laws, and generally interpreted laws to suit their own interests. The Plebians now knew their laws and knew how they stood. Any future laws passed in their favour were also codified and recorded. This lessened the occasions of friction between them and the Patricians and led to the solidarity of the Roman constitution. The codification of the customary rules into the *Twelve Tables* also gave a great impetus to legal thought in Rome. Divine authority and customary rules yielded the pride of place now to secular authority and the state-made laws. The *Twelve Tables*, however, were supposed to represent the whole range of private law, any omissions being rectified by adding new bodies of laws passed by the legislative bodies with the consent of the people. This process gave rise to the legal dictum that the Roman laws represented the will of the state. Roman Law was added to and modified by plebiscite, comital enactments and later by *Senatus Consulta* and the constitutions of the emperors.

Growth of Jus Gentium

The expansion of Rome into a great empire found the Roman legal system, as represented essentially by the *Twelve Tables*, wholly inadequate and narrow. This narrowness, however, was broken down by the edicts issued by the prætors, responses drafted by juriconsults and the constitutions proclaimed

by the emperors. The law was, thus, not only expanded but also rationalised. It was during this time when the edicts of the prætors and the responses of the jurisconsults laid down new judicial principles of general application that the important notions of *Jus Naturalae* and *Jus Gentium* were recognized. The expansion of Rome and her commerce brought a large number of aliens to Rome and in the 3rd century B.C., a special prætor was appointed to deal justice to foreigners. These prætors could not apply alien law within the Roman jurisdiction nor would the purely municipal law of Rome suit the requirements of the case when the parties to a dispute were foreigners. These prætors, therefore, added together legal principles common to Rome and her Italian subjects, modified them when necessary and created a new legal system known as *Jus Gentium*, i.e., law common to all nations. Prætor Perigrinus may be said to have been chiefly responsible for the growth of *Jus Gentium*. This *Jus Gentium* embodied principles of natural equity and customs and laws common to nations subject to Rome. These principles of equity, representing abstract principles of justice and dictates of reason of universal application gave origin to the idea of a Law of Nature, i.e., *Jus Naturalae*. *Jus Gentium* is to be distinguished from *Jus Naturalae* for, whereas, the former sanctions slavery, the latter does not.

There are various opinions about the growth and content of *Jus Gentium*. Nettleship believes 'that the *Jus Gentium* meant the usage of the world, of all mankind' and the word found expression in the 2nd century B.C. It was intended to express common usages and customs, picked up in war, commerce or travel. Sohm, on the other hand, holds that '*Jus Gentium* was, and never was anything else, but a portion of the positive Roman Law which commercial usage and other sources of law, more especially the prætorian edict, had clothed in a concrete form. . . . The *Jus Gentium* was that part of the private law of Rome which was essentially in accordance with the private law of other nations, more especially that of the Greeks.' It 'appeared to the Romans themselves in the light of "ratio scripta" which obtains amongst all nations and is common to all mankind'.

The assimilation of the *Jus Gentium* and the *Jus Naturalae* made the Roman legal system more liberal and comprehensive. Yet another addition to the Roman legal system was made by the responses of the jurisconsults. Legal appeals sent to Rome from all parts of the Roman Empire were referred by the sovereign, for answer, to the jurists. The responses of the jurists on these appeals were considered later on as good as law. These jurists had to lay down general principles of universal application and were responsible for the creation of a scientific system of jurisprudence including the celebrated *Code of Justinian*. The

greatest of the jurists were Stoic in their tendencies and, while formulating a legal system applicable to the world-wide Roman Empire, they gave concreteness to the Stoic notions of the brotherhood of man and the universality of law.

The Code of Justinian

If there is anything, besides the life of Christ and the teachings of the Bible, which has most profoundly influenced and moulded western civilization, it is the *Corpus Juris* or the *Code of Justinian*, which was codified during the reign of Emperor Justinian (527-65 A.D.) and consists of:—

1. *The Institutes* (533 A.D.) which represents the legal achievements of Gaius, the greatest of the Roman lawyers, and of Marcian and Florentinus. These legal luminaries collected their opinions on various legal problems and these collections came to have the force of law in so far as they represented the best legal mind of Rome.

2. *The Digest*, published in 533 A.D., contains select passages from the legal pronouncements of celebrated lawyers.

3. A collection of imperial laws and decrees relating to public and private laws collected from the earliest days of the Empire.

4. *The Novelli*—a collection of the laws of Emperor Justinian.

The *Corpus Juris* throws a good deal of light on many important topics, the most important of which are:—

(a) *The Law of Nature*.—According to Gaius, there are three types of law, *i.e.*, (i) *Jus Gentium*, *i.e.*, the law of nations; (ii) *Jus Civile*, *i.e.*, the civil law which was the actual municipal law of Rome; and (iii) *Jus Naturale*, *i.e.*, the law of nature, embodying abstract principles of right. According to Gaius, the *Jus Naturale* represents ideal law. The whole body of other laws represents an approach to the law of nature. *Jus Naturale* is a law which nature has taught to all mankind. According to another celebrated authority, Ulpian, the law of nature was the ideal law, while *Jus Civile* and *Jus Gentium* were contortions of it. The *Jus Naturale* represents, to some extent, the good and simple life led by people in early stages of civilization.

(b) *Slavery and Property*.—According to Gaius, slavery is artificial, and not natural, as the Greeks held it to be. It is unnatural and unjustified. Ulpian too regarded slavery as born of the wickedness of mankind. The Roman Jurists, on the whole, overlooked slavery as something unconnected with jurisprudence. Many Roman philosophers, like Seneca and Cicero, dilated on the necessity and expediency of treating a slave in a friendly spirit. It was partly due to the behests of the Roman jurists that the slaves were, comparatively speaking, very well off in the

early part of the imperial period. The Roman jurists considered that in the primitive golden age there was no conception of property. The institution of property, too, was a result of the depravity of man. They justified its retention, however, on the ground that in every conceivable stage of human history property did exist.

(c) *The Civil Law*.—An ordinary modern conception of law would be that law represents a rule of conduct enforced by courts of law. It generally is, but need not necessarily be, related to justice. The Roman idea of law was something different. To Gaius, law was human reason embodied in statutes. But then, what is human reason? There is no standard human reason. Different people reason differently. Marcian held that law was the rule of gods. Definitions of law by the Romans were different and vague but all agreed that law had to be obeyed and that it represented an external authority. It embodied the will of the law-giver. Ulpian held that law stood as a criterion to judge what was just and what was unjust, and enabled a man to do what was just, *i.e.*, good. Ulpian did not clearly define what was just but said that justice meant equality of treatment. According to Justinian's *Institutes*, justice represented a 'constant and perpetual disposition of the will which renders to each one what is his right'. Justice gave to each man what was his due. But the word "due" is as vague as anything. The object of law, the Romans agreed, was to make man good. The *Jus Civile* was a law which neither departed wholly from, nor wholly followed the *Jus Naturale* and *Jus Gentium*.

(d) *Source of Political Authority*.—In dealing with the nature and origin of government, the Roman lawyers shifted their ground, as required by different times and circumstances. They did not associate the origin of the state, as Aristotle did, with the family. They explained the origin and existence of the state with the help of their original conception of *imperium*. The conception of *imperium* underwent changes at different times. At first, it was believed that the *imperium* ultimately lay in the people who could always delegate it to their rulers. According to Gaius the "*Populus* is the source of all legal authority."⁴ The people had the right to transfer this *imperium* from one to another. The will of the ruler had the force of law and was called *Rex Legis*. But the *Rex Legis* had the force of law because it was based ultimately on the consent of the people. The ruler's will was law because the people allowed it to be so. The basis of law and state authority was the consent of the people in the early part of the empire. The emperor wielded the power of the *Populus*, transferred to him by the people.

⁴ *The Growth of Political Thought in the West*, by C. H. McIlwain, p. 124.

The people conferred on the emperor the whole of its *imperium* and its *potestas*, each of these two terms denoting some particular portion of authority previously exercised by the magistrates in the Republic. The sovereign power, therefore, was a delegation of the people. In theory the imperial decrees were not laws; they had only the force of law. During the imperial period, the lawyers gave a new orientation to their theory of delegation of *imperium* by the people to the ruler. They now held that the people had irrevocably transferred their *imperium* to the emperor. The emperor was now responsible to no one, and was above law. Civil law emanated from his law. Taken as a whole the Roman theory maintained the paradox of an irresponsible imperial authority based on the consent and authority of the people, a paradox resulting from the essential conservatism of the Roman mind.

The Importance of Roman Law

The Roman system of jurisprudence is important and has been extensively adopted by the Western people because it is a universal law. It represents the crystallised experience of a multitude of peoples living in the vast Roman world, as expressed by trained Roman jurists. It is comprehensive and refined and represents a people who had a genius for law. It represented the might and superior civilization of a world empire, and was adopted by barbarians who wanted to be called civilised. The Roman Law became the basis of Canon Law, when Christianity became the state church of the Roman Empire.

IV. ROMAN CONTRIBUTION TO POLITICAL THOUGHT

"The political ideals of the Greeks and of the Romans were complementary, each being strong where the other was weak."⁵ The Romans, as we have observed, had no genius for pure political speculation, but their political system and institutions exercised a tremendous influence on the philosophy and political practice of the Western world. The Romans brought into prominence:—

(1) *Law*.—The Romans had a particular genius for law. The Roman legal system, including the *Corpus Juris*, is the outcome of laborious patience of many centuries and is a great monument to the greatness of the Roman Empire. Its civilizing influence cannot be over-emphasised. It forms the basis of the civil law of many countries in the world. Its universality and its comprehensiveness have made it a system of universal adoption. The Romans have taught mankind that the popular will is the source of all law. They distinguished law from morality.

(2) *Order*.—Even before the beginning of the Christian era, Rome had developed into a world-state. By building roads

⁵ *History of Political Thought*, by R. G. Gettell, p. 78.

and defence-walls in different parts of the empire, the Romans compelled submission of the subject peoples. The irresistible Roman legions kept order in the empire, which was necessary not only for the integrity of the empire but also for the development of commerce. The Romans preferred order to the Greek notion of liberty. Individual liberty was crushed for the maintenance of order. Roman order also destroyed much of local vitality.

(3) *Unity*.—The growth of the Roman empire knit together a number of states into one political system, and resulted in the establishment of the same sort of political institutions and legal system in a large part of the world. This similarity of conditions created a sense of unity in different peoples.

(4) *Centralised Despotism*.—The vastness of the Roman empire made centralised despotism a political necessity. Rome was the nerve-centre of the empire. This type of government led to the negation of the principle of democracy of which the Greeks were so fond. Democracy could not have worked in the Roman empire. The Roman despotism, however, made modern democracy possible by levelling down local jealousies and class distinctions.

(5) *Cosmopolitanism*.—The all-comprehensiveness of the Roman empire resulted in the growth of the idea of cosmopolitanism. Similarity of conditions—political, legal and social—levelled down distinctions between men coming from different parts of the Roman world, and led to the growth of the spirit of brotherhood of man. The Stoic philosophy, which was the dominant political philosophy in the Roman empire, also favoured the growth of the spirit of cosmopolitanism.

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CHAPTER III

EARLY MEDIÆVAL POLITICAL THOUGHT

THE EARLY CHURCH AND ITS POLITICAL THEORY

The Establishment of the Church

Christianity took its rise in the eastern part of the Roman empire and developed rather slowly during the period when the empire was at the zenith of its glory and prosperity. When, however, the empire began to decline, Christianity spread rapidly. By the beginning of the 4th century the higher classes in the Roman world had adopted it. It was adopted as the state-church by the emperor Constantine and by the end of the 4th century had spread far and wide. Much the best part of Europe got converted to Christianity. Rome, thus, held both the secular and religious leadership of the Western world and its authority over the provinces was enhanced by reason of the new religious sanction.

The Christian Church, though its early organisation was local and democratic, soon became centralised. The Church of Rome became the headquarters of Christianity and with the adoption of Christianity as the state-church in the Roman empire, the organisation of the Church became more or less identical with the political organisation in the empire. The Church gained prestige by the Roman emperor becoming the highest authority in religion. The empire of Constantine was followed by the rule of a succession of weak emperors on the one side and a number of able religious leaders on the other with the result that whereas the political authority of Rome decreased, its religious authority began to increase. Again when, after some more time, the political machinery of Rome was smashed to pieces by Teutonic barbarians, the Church retained its organisation intact. The Church of Rome replaced the Empire of Rome as the symbol of unity in the Western world. The church authorities, in order to maintain peace and order, began to absorb more and more political authority and the organisation of the Church became more and more centralised round the Bishop of Rome. The conception of a church representing an entity, separate from the state, was one of the most original contributions of Christianity to political thought.

The Growth of Papacy

The ecclesiastical importance of Rome had begun as early as the establishment of Christianity as the state religion in the Roman world. The bishop of Rome became the legal ecclesiastical adviser to the emperor. The belief that the Roman Church was founded by the chief apostle, St. Peter, increased the prestige

of Rome. Again, when doctrinal controversy began within the Church itself, a General Church Council, convened at Sardica in the 4th century, made the bishop of Rome the highest court of appeal against the decrees of the bishops. In the 5th century the Western emperor, Valentinian III, made the bishop of Rome the head of the Church and the official highest court of appeal in religious disputes. The best Roman intellectuals began forsaking politics for religion. The belief in the divine and eternal character of the Roman empire, reinforced by the Christian idea about the establishment of the Kingdom of Christ in the whole world, "led to a spiritual conception of the world empire which was embodied in the organised church and the Papacy". The fall of the Western Empire and the adoption of Constantinople as the headquarters of the Roman Eastern Empire left the bishop of Rome as the most important official in Rome with considerable local political authority. This gave rise, about the beginning of the 7th century, to the Papacy which included the supreme ecclesiastical power of the bishop coupled with temporal government of territories round about Rome. The division of the church into the Western and the Eastern Church left the Pope supreme in the West.

Comparison between the Roman Empire and the Roman Catholic Church

There is a good deal of institutional and functional similarity between the Roman Empire and the Roman Catholic Church. In the 4th century the Church had become closely modelled on the Roman Empire. "Not only did each city have its bishop, the limits of whose see corresponded with those of the city territory but the civil province was also an ecclesiastical province under a metropolitan who resided in the provincial capital."¹ The Church was as authoritarian as the Empire had been. "The Canon law was intended by its authors to reproduce and rival the imperial jurisprudence; a correspondence was traced between its divisions and those of the *Corpus Juris Civilis*."² There is the monarchical principle in both the Roman Empire and the Roman Church. The empire, after Constantine, wielded both ecclesiastical and territorial powers. So did the Papacy, particularly during the Middle Ages. There was a touch of universalism, in both. For administrative purposes, however, the Church, like the Empire, was divided into ecclesiastical provinces, i.e., the cardinalates. The Roman Catholic Episcopacy, with its gradations and with the Pope at the head, is comparable with the Roman imperial bureaucracy with the emperor at the head. The church exercised its humanizing and civilizing influence like that of the empire. Just as the sovereignty in the Empire,

¹ *The Making of Europe*, by Christopher Dawson, p. 37.

² *Holy Roman Empire*, by Bryce, p. 101.

at least in theory, was a delegation of the people, in the church it was supposed to belong to the whole body of the believers. In short, "Latin Christianity inherited from the imperial system of old, that firmly-knit yet flexible organization, which was one of the grand secrets of its power; the great men whom mediæval Rome gave to or trained up for the Papacy were, like their progenitors, administrators, legislators, statesmen."³

Papacy and the Holy Roman Empire

When in the 8th century the growing kingdom of Lombardy wanted to absorb the Roman territory, the Pope resisted and appealed to the Franks for help. The leader of the Franks, Charles Martel, and then his son, Pepin, defeated the Lombards, conquered a part of Italy and offered it to the Pope. The Pope, in return for the so-called Pepin's Donation legalised the usurpation of Pepin, crowned him king and later on crowned his son, Charles the Great, the Holy Roman Emperor. Thus, in 800 A.D., the mediæval empire was established and the connection was begun between church and state that furnished the main issues in political thought for centuries.

I. THE POLITICAL THEORY OF THE NEW TESTAMENT AND THE APOSTLES

As observed before, Christianity has borrowed a good deal from Stoicism. Most of the Christian doctrines are based on the Stoic principle of the equality of man. The *New Testament* contains a number of passages which relate to political philosophy. It deals, for instance, with the doctrine of equality of man, with the law of nature, with the origin of state and obedience to the state, etc. Most of these doctrines are discussed in accordance with the dogma of the equality of man. The Christian belief in the universality of God and brotherhood of man was very identical with the Stoic conception that all men were brothers, and has given rise to the modern notion of common humanity. It was this Stoic-Christian conception of common humanity and cosmopolitan equality which rescued mediæval serfdom from degeneration into slavery, parented the individualism of the Renaissance and of the Reformation and was very considerably responsible for revolutionary egalitarianism. The *New Testament* throws light on the following:—

(a) *Justification of the State.*—The Christian view regarding the state is given in the *Epistles to the Romans*. These *Epistles* declare that the object of the state is justice and because the notion of justice is sacred, any institutions which deal out justice are also sacred. The state, therefore, is a sacred institution. The officers of the state, i.e., magistrates and others, ought to be obeyed. It is important to note that the attitude of the

³ *Holy Roman Empire*, by Bryce, p. 297.

Christians towards the state capitably suited the exigencies of the time. Christianity was still in its infancy. Had Christianity adopted an attitude detrimental to the power and prestige of the state, *i.e.*, had the early Christians preached the doctrine of disobedience and civil resistance to the state, the state would certainly have retaliated and Christianity would have been crushed in a very early stage of its life. "Render ^{to} Cæsar what is Cæsar's" was a splendid justification of the state by Jesus Christ though He clearly distinguished His spiritual kingdom from the temporal one. This attitude of Christ was inherited by the apostles. The early Christians enjoined passive obedience to the powers that be, because the government was a means of carrying out God's Will on earth. It was only when the state interfered in spiritual matters that passive resistance was allowed and enjoined.

(b) *Property*.—The *Book of Acts* gives us a more or less communistic idea of property. Communism is regarded, according to the *New Testament*, as the ideal form of society. But the communism of the *New Testament* is not a compulsory communism like that of Plato. All that it enjoins is a greater equalisation of property and advantages, not under compulsion, but as a result of feelings of charity and neighbourliness cherished by the rich towards the poor. The early Christians were, here again, adapting themselves to the needs of the times. They knew that complete abolition of property was impossible and did not advocate it. The Christians held up communism as a condition of the best type of society and stopped short at that. Like the practical people that they were, they never seriously thought of trying to enforce their doctrine of communism through the medium of the state.

(c) *Slavery*.—The *New Testament* recognizes the identity of human nature and equality of men. This would lead to the conclusion that every human being has requirements more or less similar to those of other human beings and that he should have equal opportunities with others to achieve his requirements, a position which would point inevitably to the abolition of slavery. The attitude, however, of the early Christians like St. Peter and others towards slavery, was hardly consistent with their moral Christian philosophy. It was too deep-rooted an institution to be abolished easily. The early Christians, therefore, saved their conscience by declaring that real life was internal life while slavery represented only physical bondage. St. Paul was not very optimistic about the results of the abolition of slavery. Christianity did not characterise slavery as a violation of the law of nature. The early Christians never went any further than proposing a good treatment for the slaves.

(d) *Law of Nature*.—Like so many other things, the Christians borrowed from the Stoics their idea of the law of

nature. The Christians recognized the distinction between the law made by the state and the law of nature. The latter was revealed by reason and was consistent with it. It was definite and unchangeable, unlike the state-made law. St. Paul's "Do by nature the things of law" is a recognition of the existence of the law of nature. The early Christian Fathers expressly or tacitly identified natural law with divine law.

While reviewing the political theory of the early Christians, we must observe that it contains something which is genuinely new, much which is borrowed from Greece and much more still which represents a compromise with the then existing circumstances.

II. POLITICAL THEORY OF THE FATHERS OF THE CHURCH

While outlining the political theory of the early Fathers of the Church, we are trying to trace the development of political ideas during a long period of about six to seven centuries, *i.e.*, from St. Clement of Rome in the 1st century to St. Isadore of Seville in the 7th century, leaving out St. Augustine for special treatment later on. During this long period the opinions of the different Fathers of the Church on different problems at different times were different. This is to be accounted for by the different circumstances in which the various Church Fathers lived. Political doctrines are generally creatures of their own times and environment. The political views of the Church Fathers may be discussed under the following headings:—

(a) *The State*.—In theory, the Fathers held that all men being equal, there ought to be no government whatsoever. Anarchy was a legitimate state of affairs. But they also recognized that social instinct was a natural thing and that there must be somebody to guide and control social conduct. This is how the state and its government come in. The laws of the state regulated social conduct and must be obeyed. The state was considered to be of divine origin, *i.e.*, the political power exercised by the state was delegated to it by God. This attempt at giving a divine sanction to the state representing secular power was due to many reasons. Firstly, there was the desire to counteract the evils of anarchism taught by some early Christians. Secondly, the empire had adopted and endowed the church and the church showed its gratitude by exalting the position of the empire. Thirdly, the Christian Fathers inherited the Jewish theory of Divine Kingship.

The divine delegation of political authority to the state as conceived by the Church Fathers marks a departure from the Roman conception of the political authority of the state being ultimately a delegation of the people. The Fathers, however, held that the government originated in the sin of mankind. But for the Original Sin and the consequent depravity of human

nature, the government would not have been necessary as a controlling and correcting agency. The government was one of the divine remedies for man's corruption. It was necessitated by the fall of man from his primitive innocence. The rulers, therefore, must be endured and revered. This reverence was, however, to the office of the ruler rather than to his person.

To the Church Fathers, the government was a sort of a necessary evil and, therefore, something inferior to the church. This attitude towards the state was calculated to minimise the importance of the state in relation to the church and thereby to pave the way for the subjection of the state to the church, for which a deliberate and sustained effort was made in the Middle Ages by the Papacy, which began to claim and sometimes exercise rights and privileges even superior to those of the empire. The Church Fathers, like good partisans, always maintained that the church held certain rights which were above secular interference or control. There began, therefore, a sharp quarrel between ecclesiastical and political authorities, the Church Fathers like St. Ambrose and others trying to weaken the latter in favour of the former. This duel between the Church and the state gave its characteristic colouring to mediæval political thought.

(b) *Property*.—As regards property, the early Church Fathers held that the holding of private property was legitimate and right, if and so long as property was used for the good of one's fellow-Christians. This marked a departure from the communal view of property held in the earliest days of the Church. St. Ambrose of Milan held that God gave the world in common possession to mankind and that people held property privately because of greed. But he too argued that, if property were used for the good of mankind, it would be legitimately held. St. Augustine held that property was granted to an individual by God in trust and that it must be legitimately used. He did not, however, vote against the legality of holding private property. To the early Church Fathers, on the whole, property was not an institution of natural law but was practically created by the state and was subject to the definitions, limitations and control of the state.

(c) *Slavery*.—The Fathers of the Church followed Cicero and St. Paul in their conception of the law of nature and declared that nature made man free. Men were identical in nature. In fact, some of the early Church Fathers attack the Greek and Roman thinkers for their half-hearted declaration of the equality of mankind. This, however, did not prevent them from holding that slavery was lawful, because they considered it a punishment as well as a remedy for human sin. They explained their attitude towards slavery by declaring that all men are

free, whatever the physical disabilities imposed upon them. Spirit is always free and bondage of the physical body is immaterial. Slavery is a kind of punishment for human sin and must be accepted as such. The masters of the slaves must treat their slaves with mercy and consideration.

The greatest of the Fathers of the Church, like St. Ambrose, St. Isadore and Gregory the Great, denounced slavery but could not suggest proper means to eradicate the evil. They had, therefore, to accept the institution of slavery as an irremediable evil.

ST. AUGUSTINE (354-430 A.D.)

His Environment

St. Augustine, Bishop of Hippo in North Africa, was one of the greatest of the early Fathers of the Latin Church. He was the son of a pagan father and a Christian mother, had been converted from paganism to Christianity and, therefore, understood both. He represents a period of transition from the ancient to the mediæval age. In fact, mediævalism began with St. Augustine. Christianity had, to a considerable extent, destroyed paganism and the spread of Christianity was giving a sort of religious unity to Europe. The Roman Empire had already adopted Christianity and, therefore, there was no hostility and conflict between the Church and the State. St. Augustine wrote voluminously. His writings include sermons and letters, pamphlets of theological and controversial nature, commentaries on scriptures, defences of Christianity, his confessions and *De Civitate Dei*.

St. Augustine lived at a time which was extremely critical for Christianity, because of the barbarians of South and West Europe. The fate of civilization and Catholicism alike hung in the balance. In 410 A.D., Alaric and the Goths sacked Rome and, for the time being, the destruction of the city and all it represented appeared to be complete. Superstitious non-Christian enemies of the Church began to attribute the fall of Rome to the establishment of Christianity there. Under the protection of the old gods of the city-state, like Neptune, Jupiter and Iris, etc., they argued, pagan Romans had won one victory after another and Rome had grown from a mere city-state to a great world-empire. Now Christianity had brought ruin to Rome and to Western Europe. Christianity was not only impotent for good, but was a cause of universal ruin and misery. The Christians too, struck with terror like the pagans, wailed that Christianity could not save Rome from ruin. Criticism of this kind provoked the ire of St. Augustine. He took up the defence of Christianity, and his *De Civitate Dei*, which took about fifteen years to finish, represents an able defence of Christianity against pagan libels. It explains the fall of Rome, depicts the polity of

the future and lays down the structure of St. Augustine's City of God.

"DE CIVITATE DEI"

General Treatment of the Book

St. Augustine finished his classic between 413-426 A.D. *De Civitate Dei* is divided into 22 books. The first ten books are concerned with the defence of Christianity against the libellous attacks of the pagans, the remaining twelve with the construction of the City of God. St. Augustine, in his *De Civitate Dei*, held that if Christianity could not avert the sack of Rome, it was due to Christian influence that the horrors and misery of the sack were mitigated. The pagans had appealed to history in their attack on Christianity. So did Augustine in defence of the Church. The old deities of Rome had not saved Rome from evil. To prove this, St. Augustine traced the history of Rome. Rome had been sacked in 390 B.C., a ruin brought on by pagan vices. St. Augustine tried to interpret mundane affairs, including the sack of Rome, in terms of the Eternal Will of God. The sack of Rome was a divine dispensation calculated to pave the way for the establishment of a real *De Civitate Dei*, i.e., the City of God. God, who had ordained order, regularity and beauty in nature, could not have omitted to regulate mundane affairs including the rise and fall of nations. The story of mankind depends not upon chance but upon the eternal purpose of the Creator. There is a divine will behind everything.

St. Augustine believed in predestination, though he held that man was a free agent and responsible for his evil actions. Evil, to him, was a negative factor and had no existence apart from good. The worst evil, therefore, had some good in it. The evil of the sack of Rome would be attended with the good of the founding of the City of God, when Christianity would be adopted by all the rulers and the ruled and would be able to prevent any catastrophes befalling the state. St. Augustine, in his book, attacked paganism fiercely and asserted that paganism was of no good to a man either in this world or the next.

In the books 11-22, St. Augustine built his City of God. If earthly states were liable to destruction, there was a city that endured and that eternal city was the City of God whose latest and most perfect terrestrial manifestation was the Christian Church. St. Augustine extolled the virtues of the City of God by comparing it with *Civitas Terrana*, i.e., the worldly state. St. Augustine built up his *Civitas Dei* by mixing together the conceptions of state of Plato and Cicero and presenting them in a setting of Christian theology. The *Civitas Dei* was founded on the love of God, and *Civitas Terrana*, on self-love. The former was for the promotion of good, the latter pursued evil.

One aimed at justice, the other at power. By *Civitas Dei*, St. Augustine not only meant heaven, to which the Christians looked forward as their eternal home, but also its earthly counterpart, the body of true believers. The Church was in a way the *Civitas Dei* because it was in the Church alone that virtue and goodness, the attributes of the *Civitas Dei*, prevailed. The state was a weapon of the church for the promotion of good and, therefore, the two were interdependent. St. Augustine's conception of a true *Civitas Dei* was a christianized church-state from which non-believers were excluded and in which the supreme power lay with the leaders of the ecclesiastical hierarchy.

The doctrine of the City of God is based partly on the constitution of the Church of Christ and partly on the conception of the universal brotherhood of man preached by the Hellenistic schools and by Cicero. St. Augustine's City of God is meant for everybody but, unlike Cicero's Universal Society, does not, due to the fall of man, include everybody. Men can become members of the City of God by grace, and since all men do not deserve grace, all men are not members of *Civitas Dei*. The real qualification for membership of *Civitas Dei* is grace and not race, state or class. To Augustine, members of the City of God, though coming from all parts of the world, form a society because of their common love and worship of God. They 'enjoy community with God and with one another in God'.

The City of God of St. Augustine is closely connected with and identical to the Roman Catholic Church but not coterminous with it. It has a membership which does not run parallel with that of the church. Yet the two are vitally connected with each other because membership of *Civitas Dei* demands grace which normally results from the sacraments of the Church.

Two Virtues of "Civitas Dei"

The City of God realises two important virtues, *i.e.*, Justice and Peace. Justice, to St. Augustine, is conformity to order and respect for duties arising from this order. An individual is just if he fulfils these duties, says Augustine as did Plato before him. Every society is based on a certain order and the various units of the society are bound together in a certain order. A family is a society and an individual is just if he performs his duties to the family and conforms to its order. But family is part of the state and its order is part of the order of the state. If there is a conflict of interests between the family and the state, a man may be just in relation to the one, *i.e.*, the family, and not the other, *i.e.*, the state. The state, to Augustine, is not the final society. There is the Universal Society with its Universal order and justice. Therefore justice in the state is relative and not absolute. Absolute or Universal justice is to be found outside the state, *i.e.*, in Universal order. It must be

realised that whereas justice, with Plato, lies in the individual and classes conforming to the order of the state, Augustinian justice is not bound by time and space and, therefore, represents a more absolute conception of justice.

St. Augustine on the State

St. Augustine did not agree with the Greek philosophers and Cicero in holding that justice was the basis of the state. A state may be non-Christian while justice could prevail only in a Christian state. Justice was, therefore, an attribute of the church and not of the state. The church held authority superior to that of the state. St. Augustine found the origin of the state in the gregarious instinct of man and his sin resulting from Original Sin. To him, the state was due to sin and represented a divine remedy for sin. The state, though created to remedy sin, did not itself, as an institution, represent sin. It was derived from God himself. St. Augustine, in giving a divine sanction to the state, was following the tendency of his times. But in spite of its divine origin, the state represented the kingdom of the Devil whereas his own *Civitas Dei* was the kingdom of Christ. St. Augustine disagreed, like other early Church Fathers, with the Donatists in their characterization of the state as an unnecessary evil. To him, the state was necessary for his church, his *Civitas Dei*, because the church wanted property and buildings, rights to which could only be granted by the state. The state conferred rights and could take them back. The state had a divine sanction and, therefore, must be obeyed ordinarily, but if the decrees of the state violated laws of religion or morality they must not be obeyed.

Property and Slavery

St. Augustine, like other Church Fathers, held that the holding of property was legitimate. He believed that property represented a conventional, and not a natural, institution, rights to it growing from the state. He also justified slavery as a punishment for human sin, consequent on Original Sin. Augustine, unlike Aristotle, does not believe that man is slave by nature. If human excellence resulted from grace, a born slave may have this grace like a born free man. But slavery was not to be condemned and abolished because it was divinely ordained as retribution for sin. This position of Augustine is rather untenable because it hardly explains individual slavery. An individual may be condemned to slavery for his individual sin but cannot, with any sense of justice and propriety, be made to atone for the fall of humanity while his fellow-creatures do not share this atonement and are not enslaved.

St. Augustine's Influence

St. Augustine wielded tremendous influence over his own as well as the following age. To the Christians, his *Civitas Dei*

was an ideal, well worthy of realisation. As Bryce points out, it is hardly too much to say that the Holy Roman Empire was built upon the foundations of *De Civitate Dei*. A number of mediæval thinkers borrowed from it. *De Civitate Dei* rendered a great service to the Christian church by giving it a system of ideas on which to build its greatness. It was because of the inspiration it received from *De Civitate Dei* that the Church became a universal power, maintained its struggle with the mighty Holy Roman Empire and for a time worsted its rival.

III. POLITICAL IDEAS OF THE TEUTONIC PEOPLE

The Teutonic people, as the successors of the early Roman Empire, have played a very important part in the Western world. Wherever they went and settled, they carried with them certain political ideas and institutions which were peculiar to them. Some of the most characteristic elements of some of the states in Western Europe owe their origin to the ideas and institutions bequeathed by the early Teutons, which were:—

1. *Individual Independence*

A Teuton was very jealous of his personal independence, as shown by the proud spirit of individual war. The Teutonic administration of justice, too, showed this marked individualism. The Teutons did not consider punishment of crime a public duty. It was a concern of the injured man. The unit of public life among the Teutons was the individual man and not the state. Civil liberty was prized as one of the most precious rights, to be jealously guarded, by a Teuton. The private rights of the individual, which were held to be inviolable, limited the rights of the state.

2. *Representative Government*

The public institutions of the Teutons were distinctly and refreshingly democratic and the political principles underlying them have found universal acceptance in the modern world. The early Teutons had local as well as national assemblies. The local assemblies decided local issues and served as judicial bodies. The national assembly, or folk-moot as it was called, was attended by the free men of the state, chose the head of the government, discussed and decided on important national questions and tried important judicial cases. It had the power of deposing a ruler. These two types of assemblies have given their representative system to the western world. The system of government of the Teutons represented a device that 'combined central control with local self-government and made possible popular control over large areas'.

3. *Constitutional Government*

The early Teutonic freemen had the right to choose their king. Later on the principle of heredity came into vogue, but

the abstract principle of the election of the ruler was kept alive in theory. In Germany, the Holy Roman Empire was elective in character. In England, the right to depose a bad king was used more than once. The modern theory of constitutional government owes its origin to the Teutonic principle of election of a monarch by freemen of the realm. The Teutons broke the principle of state absolutism bequeathed by the Roman Empire and contributed the great principles of freedom of persons, associations and estates.

4. *Legal System of the Teutons*

The Teutons, unlike the Romans, thought of legal rights as belonging to the individuals, not because they were members of the state but in their capacity as private persons. The Teutonic law, therefore, had a personal basis, each man being his own law-maker and claiming the right to be tried according to his own law. The Teutonic law, often crude and unsystematic, was promulgated by public assemblies acting as courts. Tribal customs were declared to have the force of law, and case law, based on common notions of justice, resulted in the growth of unwritten common law. Later on this common law was replaced in Europe by the Roman law but England still retained it.

5. *Growth of Feudalism*

The idea of the personal allegiance of Teuton warriors to their leaders contributed powerfully to the growth of feudalism in Europe.

IV. FEUDALISM AND POLITICAL THEORY

Organization of Feudalism

After the break-up of the Roman Empire, Western Europe was overrun by barbarian tribes such as the Franks, Lombards and Goths, etc. These martial races began to build up a new form of society and governmental organisation based on the old nomad relationship between the tribal chief, heads of tribal families, mass of the tribe and the conquered people. This organisation, known as Feudalism, was built up under the pressure of almost incessant warfare and represented essentially a military system, calculated to render collection of armies and defence easy while yet providing a peaceful and settled life on the essential basis of land tenure. Feudalism was the natural outgrowth of many institutions and customs of Roman and Teutonic origin, and grew from both bottom and top simultaneously. The kings granted lands to their nobles on condition of military help and these nobles distributed their lands to their sub-vassals on a similar condition. On the other hand, the small land-holders, troubled by their neighbours or barbarians sought the protection of a powerful neighbour and held their land as if granted as a fief by him. The feudal system was not

very systematic, because there was no regular gradation of lords, vassals and sub-vassals and also because of occasional redistribution of fiefs due to marriage, inheritance or conquest. Feudalism represented a social structure based on the ownership of land. It was a system in which public relations depended on private relations and political rights depended on land rights, resulting in some confusion between private and public rights. It meant a "state of society in which all or a great part of public rights and duties are inextricably interwoven with the tenure of land, in which the whole governmental system—financial, military, judicial—is part of the law of private property."⁴ Feudalism may also be considered to represent a compromise resulting from a contest, carried on in the early mediæval period, between two rival forms of a society, *i.e.*, patriarchal or clan-type and the imperial state type. Feudalism destroyed the conception of the national state by destroying its political unity, so that the idea of an independent national state became foreign to the Middle Ages.

Political Significance of Feudalism

Feudalism was a new system of social organisation and relationship bound up with the ownership of land. The governing authority was bound up with the tenure of land. The people commended themselves to a leader who maintained and protected them in return for military service. After some time, the church too, was drawn into the feudal system. Feudalism prevented the idea of an absolute authority ruling within a definite area, for it required a succession of lordships within lordships, no one enjoying complete sovereignty. Feudalism, based on a system of decentralisation, was against real political progress. With feudalism, law was primarily custom. Modern notions of law and sovereignty were unknown to feudalism. The ruler as well as the subject was bound to obey the law. According to Bracton, the law was king.

Feudalism represented not only a social relationship but also a territorial relationship. These relationships were based on two essential elements, *viz.*—

1. *Personal Loyalty*

It was the duty of the vassal to set allegiance to his lord above everything else. He must go to war with him and value his lord's life as something more precious than his own. The vassal was bound, by every tie of honour and religion, to the service of the lord, to whom he had sworn allegiance. Except in England, where feudalism was modified by the Oath of Salisbury and made to work for centralisation, feudalism

⁴ *Constitutional History of England*, by Maitland, p. 23.

everywhere resulted not in a unified system of sovereignty but in a complex system of mediate sovereignty.

2. *Idea of Contract*

The idea of contract was a fundamental idea in feudalism, which was based on the notion of mutual service. The notion of contract meant that the lord wielded power over his vassal only on condition of doing certain things, as for instance, doing justice to him. On the other hand, the vassal was under contract to serve his lord in return for his protection. The party breaking the contract could, at least in theory, be proceeded against in a court of law, except when the offending party was the king himself. The king, too, was bound by contract to his vassals and if he broke his contract, he could be disobeyed. Feudal relations, from top to bottom, were based on definite ideas, not only of loyalty but also of contract binding both the lord and the vassal.

V. THE HOLY ROMAN EMPIRE

Growth of the Holy Roman Empire

The period following the sack of Rome in 410 A.D., by the Visigoths was terrible for the Western Roman Empire. The Barbarians overran and occupied large parts of Western Europe. The power of Imperial Rome was destroyed but the power of Papal Rome increased owing partly to the fact that the Pope, by sending out a number of missionaries, won over a number of barbarian kings to the Christian faith. The unity of the Catholic Church replaced the unity of the Roman Empire. The destruction of the Western Roman Empire also increased the power and prestige of the Eastern Roman Empire. For some time the fiction of imperial unity was kept up by the Western kings acknowledging the overlordship of the Emperor at Constantinople. Even the Popes recognized the Eastern Emperor as their temporal overlord. But the relations between Papal Rome and Constantinople were never cordial. Rome, the eternal city, did not want to lose its leadership of the world. The Popes began to assume an attitude of independence in ecclesiastical affairs, intolerable to the emperor, and even began to usurp temporal power over Rome and the adjoining parts in Italy. The relations between the Pope and the Eastern Empire became extremely strained and Pope Leo III decided to throw off the yoke of Constantinople once for all. He declared vacant the throne of Irene, the Byzantine Empress, and crowned Charlemagne as the Roman Emperor on Christmas Day, 800 A.D.

Neither the Pope nor the new Roman Emperor could be aware of the momentous step taken on that eventful day. Charlemagne, who was already master of a large part of Western Europe, could not have possibly thought that the Pope was granting him any new political authority, but the fact that he

was crowned as the Roman Emperor by the Pope bore mighty fruits later on. After the death of Charlemagne, his empire was divided into many kingdoms. But the idea of an emperor and an empire, as also the idea that the imperial authority was complete only after coronation by the Pope, survived. In 962 A.D., Otto the Great, who had overrun Italy, was recognized as emperor by the Pope. With his coronation began the history of the Holy Roman Empire. The Holy Roman Emperor was not a feudal sovereign, for his authority did not flow from his landlordship.

The Holy Roman Empire owed its origin partly to the fact that the Roman Empire had left behind ideals of World Empire and a World Church. The function of the Holy Roman Empire was to maintain the dignity and prestige of the church and to restore political unity in Europe. There was to be a close co-operation between the Empire and the Church. In fact, to the mediæval mind, the Holy Roman Empire and the Holy Roman Church represented two aspects of the same thing. They represented the dual, human and divine, nature of Christ. With the passage of time, the Popes became great rivals of the Holy Roman Emperors and frustrated the latter's efforts to unify Italy and Germany. The Popes increased their secular authority in Italy at the expense of the Empire and a contest for political supremacy began between the Papacy and the Empire. The contest dominated mediæval political philosophy for many centuries, and showed that Mediæval Europe believed in the unity of authority in Christian Europe.

Significance of the Dark Age

The Dark Age, comprising roughly the period between 476 A.D. to 1000 A.D., represented an admixture of four influences, *i.e.*, Hellenism, Roman political society and institutions, the Christian church exercising at once religious, ethical, cultural and political influence, and the barbarian impact. It is difficult truly to appraise the Dark Age because of the creative nature of its activity which represented an organic progress without any spectacular achievements. It was an age of faith. In 529 A.D. St. Benedict founded his Monastic Order at Monte Cassino. Other Orders followed. This organised ascetic life made people concentrate on things divine rather than on political problems. The monasteries became the fundamental social organisation and represented a great social force. "Prayers superseded thought, faith prescribed knowledge." Secular things presented no ideals calling for devotion. The theology of St. Augustine dominated the age.

Comparison between the Dark Age and the Later Middle Ages

In the Dark Age, more or less under the influence of Teutonic ideas, the unit of public life was the individual. In the

later Middle Ages, this notion largely disappeared in the economic and religious organisations when the individual was absorbed in the corporation, guild, commune or the religious order to which he belonged, though it survived to some extent in feudalism. The political philosophy of the Dark Age, whatever little there was of it, was based on Christian Scriptures and Teutonic practice; that of Middle Ages was based on Christian Theology, Roman Law and Aristotle. The later Middle Ages, unlike the Dark Age, represented a period of the universalism of a *Respublica Christiana*, of which the Pope was the supreme head. Organised social life in the Dark Age was monastic, i.e., religious; in the Middle Ages, it was economic more than religious. For a considerable period during the Dark Age, society and church were submerged under the barbarian invasion. In the Middle Ages, the Church dominated the Western Christian world.

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CHAPTER IV

MEDIÆVAL POLITICAL THOUGHT

Characteristic Features of Mediæval Political Philosophy

There is little of political philosophy, but much of confusion, in mediæval writing. The confusion is due to the fact that the writers during the Middle Ages drew their inspiration from three different sources. They depended partly on the Bible which is based on Jewish theocracy, partly on the Roman law, based on imperial autocracy, and partly on Aristotle's *Politics*, based on ancient Greek theories and practices. Genuine political thought, during this period, was replaced by religious mysticism and ideals of universalism at a time when Europe was divided into a number of states. The mediæval thinkers write about the universality of the Church and quote Aristotle, a writer who depicted a polity when no separate church as such existed and when the state was the supreme entity. This discrepancy between theory and fact was due to the essentially unhistorical, unscientific and uncritical nature of mediæval thought. Learning was controlled by the Church and was dogmatic. Religion was the basis of knowledge. Thought was controlled by a rigid orthodoxy.

The Middle Ages roughly mean the period between the Gregorian movement of the 11th century and the beginning of the Protestant Reformation movement. This period was roughly divided into two parts, *viz.*, (1) from the 11th century to the close of the Papacy of Boniface VIII—this was a period of the triumph of the Church over its rival, the Holy Roman Empire—and (2) 14th and 15th centuries, when the Papacy is menaced by the national monarchs, sects and councils, when villeins and artisans rise in revolts and when general thought becomes radical and lay.

The mediæval political theory was dominated by the ideal of unity as taught by the ancient Roman Empire. There was a general belief in a centralised secular power and a centralised ecclesiastical power. Even the state and the church were fused into one system and represented two different aspects of the same society. The function of the universal empire was to help the growth of a universal church. When the struggle between the Papacy and the Holy Roman Empire broke out, the defenders of both quoted Scriptures in support of their claims.

While the mediævalists were, on the whole, sharply divided between the ardent ecclesiastics and secularists, there were a few like Stephen of Tournai of the 12th century, who held a middling position. "Within one commonwealth, and under one

king are two peoples ; as there are two peoples, there are two ways of life ; as there are two lives, there are two authorities ; as there are two authorities, there is a twofold order of jurisdiction. The commonwealth is the church ; the king of the commonwealth is Christ ; the two peoples are the two orders in the church, clerics and laymen ; the two ways of life are the spiritual and the carnal ; the two authorities are the priesthood and the kingship ; the twofold jurisdiction is the divine law and the human. Give to each its due, and all will be in harmony."

I. THE CONFLICT BETWEEN THE STATE AND THE CHURCH

Relation between the State and the Church

In the days when the Roman Empire adopted Christianity, the emperor was the head of both the state and the church. But the church grew more and more strong and began to exercise the right of excommunication. The church began to apply this doctrine of excommunication to recalcitrant princes and absolved the subjects of a defiant prince from obedience to him. This right of excommunication was a powerful weapon in the hands of the church. As early as the 9th century, the King of Lorraine was excommunicated. Thus, ecclesiastical authority began to interfere with and control secular authority.

When the Holy Roman Empire was created, no attempt was made to define the relations between the Emperor and the Pope. It was impossible to determine whether the Emperor derived his authority immediately from God or mediately through the Pope ; whether the Pope was superior to the Emperor or the Emperor was superior to the Pope ; or, whether they were equal and co-ordinate, supreme in their own spheres. Whereas these questions over which fierce controversy arose later on were left undecided, both the Papacy and the Empire were considered by the mediæval mind as two branches of a universal church-state. But, whereas feudalism prevented the growth of a strong and centralised Holy Roman Empire, the church, which owned land, became more and more political as also strong under a centralised Papacy. The coronation of the Emperor gave the Pope the idea of claiming supreme universal power.

The clash between the two began in the 11th century with the reforms of Gregory VII who decreed that "no ecclesiastic should be invested with the symbols of office by a secular ruler under penalty of excommunication". This decree led to a conflict between Emperor Henry IV and Gregory. The Emperor got the Pope deposed by a church council ; the Pope excommunicated him. This contest between the Papacy and the Empire lasted for about two centuries when at last the Papacy came out victorious as the unrivalled head of Western Christendom.

The Papacy was strongest in the 13th century under Innocent III. The Holy Roman Empire had been discredited

but the national kings took up the cudgels against the church on behalf of secular authority. By the 14th century, the kings had become strong, and feudalism, the main support of the church, had become somewhat weakened. The contest between the Papacy under Boniface and the French monarch led to the victory of the latter; the seat of Papacy was shifted to Avignon, and the Papal power was controlled from Paris. The Great Schism which followed the 'Babylonian Captivity' of the Papacy still further weakened it. The growing national states in Spain, France and England would not easily submit to a discredited Papacy.

II. RIVAL CLAIMS FOR SUPREMACY

The Ecclesiastical Claim

Right from the 9th century onwards, the Papacy laid claims to supremacy not only in matters ecclesiastical but over temporal ones also. The dynamic personality of Pope Gregory the Great and the reforms he introduced in the church made the Papal case for supremacy seemingly irresistible. A number of notable ecclesiastics wrote supporting the theory that the Popes could exercise spiritual jurisdiction not only over the ordinary layman, but also over temporal princes, including the Holy Roman Emperor. The arguments of the supporters of the church were met by defenders of the authority of the Holy Roman Empire. In fact, between the 12th and the 16th centuries, political thought was mainly confined to determining whether or not the Papal claim for supremacy over the Empire was valid. The Church well nigh succeeded in establishing its claim of supremacy over the chief representative of the temporal authority in Europe, *i.e.*, the Holy Roman Empire, because the Empire was contending simultaneously against the two mightiest forces of the Middle Ages, *i.e.*, the Papacy and Feudalism, which joined hands together against the Empire. The Empire was representing the impossible ideal of secular universalism against the centrifugal tendencies of the times and was seldom in a position to withstand the well-planned and consistent onslaughts of a well-organised, centralised and militant church. But from the 14th century, nationalism emerged in Europe and turned the scales against the Papacy. Popular despots, with the strength of the whole nation behind them, successfully defended the independence of the temporal authority from Papal control. They were now in a position to disregard the chief Papal weapons, *i.e.*, interdiction and excommunication.

Reforms in the Church

Gregory VII was not only a zealous ecclesiastic but also a great reforming Pope. He was one of the chief protagonists of the supremacy of Papacy over all things, spiritual or temporal.

His private ambition had a good deal to do with Papal claim for supremacy. Clever and learned as he was, he realised that the church could not justifiably enjoy such supremacy till it was purified of the evils that had crept into it. He, therefore, brought about a number of reforms in the church. He stopped the old system of clerical marriages. He strengthened the church by reviving the old spirit of monasticism. He purified the church by stopping simony, *i.e.*, the evil practice of purchasing offices in the church. He secured the independence of the church from lay control by issuing a decree that 'no ecclesiastic should be invested with the symbols of office by a secular ruler, under penalty of excommunication'. Henceforth, the important offices in the church were filled by appointment made by the Pope and not by temporal rulers.

Clerical Arguments

The supporters of the church employed their learning in giving a historic basis to the Papal claim for supremacy. In the *Decretum* of Gratian (12th century) the church authorities were collected and edited and the theory of Papal supremacy and clerical hierarchy was elaborately worked out as a sort of a legal system. The famous document, known as the Donation of Constantine, according to which the seat of imperial authority was transferred from Rome to Byzantine and a grant of authority in the West made to the Pope, was presented as making out an irrefutable case for Papal supremacy. Papal supremacy was meant to include the supremacy of the Pope within the church as well as his supremacy over secular authorities. The ecclesiastical arguments for Papal supremacy over secular authorities may be summed up as follows:—

1. If mankind be one, the church founded by God Himself can be the only true state, having "received by a mandate from God the plenitude of all spiritual and temporal powers, they being integral parts of One Might".¹ The Head of this state is Christ, but He must have an earthly representative to exercise this authority over the community of the mortal. This representative is the Pope who "is their Priest and their King, their spiritual and temporal Monarch, their Law-giver and Judge in all causes supreme".² This combination of both ecclesiastical and secular headships in one man was like setting up a Christian Caliphate in the Latin world.

2. Both the swords, representing spiritual and secular authority, were given by God to Peter from whom they have descended to the Pope who is the Vicegerent of God on earth.

¹ *Political Theories of the Middle Ages*, by Gierke, edited by Maitland, p. 11.

² *Ibid.*, p. 12.

The Pope has retained the spiritual sword in his own hands, while the temporal one he has transferred to the secular rulers. This transference confers not a right of free ownership but as one of an ecclesiastical agent. The Pope wields both the spiritual and secular powers though, in fact, it is the spiritual power only which he wields actively. The Emperor and other secular rulers receive their offices and power mediately from God and immediately from the Pope, and are, therefore, his vassals. The Emperor is the highest of Papal vassals, his coronation oath constituting an homage to the Pope. The temporal power, being a delegation from the church, must be exercised under the discretion of the church. The Pope is entitled and bound to exercise a direct control over secular rulers. He may transfer the imperial authority from one individual to another and as such is the Imperial Elector. In case of vacancy in the Empire, the immediate guardianship of the Empire reverts to the Pope. The Pope is entitled to hear complaints against the lay rulers, can depose them and absolve their subjects from loyalty to them.

3. The state has its divine sanction through the intermediation of the church and is of earthly and not divine origin. Its existence before the church was due to the Fall of Man. It originates in sin and requires to be hallowed by the authority of the church. The human laws are inferior to and dependent on divine laws. The temporal power is subject to the spiritual. Even the temporal offices are really ecclesiastical offices of an inferior type.

4. The church has the authority and the right to do spiritual doctoring for the state, and the church cannot do so unless the church can interfere with and exercise a general control over the secular authorities.

5. The prestige and power of the Roman Empire was transferred to the Roman Church and, therefore, the church was superior to the lay authorities. In this, the defenders of the church were only giving expression to the historical development after the fall of the Western Roman Empire. After the fall of the Roman Empire, the church was the only co-ordinating power in Western Europe. It represented the only stable element in a period of general social and political ferment. All power must be centred in the church to prevent disintegration in Europe.

6. The spirit is greater than matter and, therefore, the spiritual authority is naturally of greater importance and dignity than lay authority. The church represents the soul whereas the state represents the flesh. The church is like the Sun, the state like the Moon. Lay authority is, therefore, borrowed from, sanctioned by, and dependent on, spiritual authority.

7. The secular power is the invention of worldly man and is morally inferior to church authority. The officers of the

church cannot be subject to an authority which is morally inferior to ecclesiastical authority. On the other hand, the church can control the moral actions of secular authorities. The secular rulers are liable to be censured or punished if they fall from the high standard of morality set up for them.

8. The coronation of Charlemagne was claimed by the church to involve the supremacy of the Pope over the Emperor, the latter receiving his authority from the former. The church claimed further that, if the Pope could confer power, he could withdraw it too, *i.e.*, had the power to depose an Emperor or any inferior secular ruler.

"With a wide basis in custom and public sentiment for the exercise of jurisdiction over many classes of legal controversies; with an exclusive control of such as could be shown to be spiritual in character; with the facility for extending this control that inhered in the doctrine that it embraced whatever actions were, in any way, tainted with sin; and with the power to enforce its interpretation of its authority by the deposition of secular rulers from power—the mediæval church was, in fact, if not in theory, a most potent political institution."³

Criticism on the Papal Claim to Supremacy

The church made a persistent claim to a grand ideal—that of establishing its supremacy over everything, whether lay or ecclesiastical, but the church ignored that if, on the one hand, it claimed universal sway, it also automatically made almost impossible demands on the allegiance of its own members. The supremacy of the Pope involved a relative decrease in the authority of the ecclesiastical hierarchy. The bishops had to sacrifice themselves and their ambitions for the realisation of an exaggerated claim of the Pope. It also made impossible demands on the Pope too. Every Pope was not a Gregory the Great, and yet a practical enforcement of the supremacy of the Pope, both over the Empire and over the ecclesiastical hierarchy, required that the Popes should be supermen. Moreover, the church, as the possessor of a vast amount of landed property, stood, from many points of view, on no higher moral level than the secular rulers and could not claim to punish the moral transgressions of secular rulers with any justifiable sense of righteous indignation. Again, if the secular rulers were precluded from exercising any authority over the church, the clerical offenders were likely to go unpunished. This would bring down the moral and general administrative tone of the state. Lastly, the claim to universal empire of the Pope might bring about international complications. Pope Innocent III, for instance, commissioned Philip of France, whom he considered his inferior, to invade

³ *Political Theories—Ancient and Mediæval*, by W. A. Dunning, p. 176.

England because King John of the *Magna Charta* fame had disregarded the Pope.

III. THE SECULAR CLAIM

While the Popes claimed sovereignty over the church as well as over the temporal rulers, including the Holy Roman Emperors, the defenders of secular supremacy, as a rule, confined themselves to secular supremacy over secular affairs only. Of course, an Emperor of the type of Frederick II not only maintained his political independence but tried to invest himself with spiritual overlordship too. On the whole, the secularists played a defensive game and tried to maintain their position against the onslaughts of the Papacy as best they could. Very rarely did they try to deduce from the principle of the unity of mankind or the unity of Christendom the sovereignty of the state over the church, in spite of the fact that the early church was subject to the Empire. Only Marsiglio of Padua, in the Middle Ages, advocated the absorption of the church in the state.

In general, throughout the Middle Ages, the Imperialists were content with reviving the old church theory, of the church and the state being two co-ordinate powers, and the two swords being *Potestates distinctæ*, representing two independent spheres. The Imperialists, claiming secular sovereignty for the Holy Roman Emperor, conceded a like sovereignty to the Pope in the spiritual sphere. All that they demanded was that the church should mind its own, *i.e.*, spiritual, business and limit itself to genuinely spiritual affairs. The secularist, opposed the claims of the Popes to supremacy for the following reasons:—

Secular Arguments

1. The secular authority is not a delegation from the church but is of divine origin. The kings are the Vicegerents of God on earth and as such are responsible to Him alone. The state had as much of divine sanction as the church and, therefore, could not be subordinate to the church.

2. The mediæval thinkers, like the modern ones, held that the state had an essentially moral basis. They held, with the Greek writers like Plato and Aristotle, that the propagation of justice and right was one of the great functions of the state. The state, therefore, has as much to do with the moral conduct of a man as the church. Enforcement of morality was no monopoly of the church and, therefore, the church could not claim any jurisdiction over the state and the secular authority on moral grounds.

3. To the Imperialists, the *Sacerdotium* and the *Imperium* were but two sides of a single Christian commonwealth and must maintain harmony and concord between themselves. This could

be done only if the state werè subject to the church in spiritual, and the church subject to the state in temporal, matters.

4. The Imperialists based their claim of independence of Papal supremacy on the Scriptures, bringing into service the Old and New Testaments. From the New Testament, they quoted Paul according to whom, "the powers that be are ordained of God: Whosoever, therefore, resisteth the power resisteth the ordinance of God." Armed with scriptural authority of this kind, the secular rulers demanded the unquestioning allegiance of their subjects and claimed that, as "ordained of God", they were responsible to God alone and were, therefore, free from Papal jurisdiction and control.

5. In the later part of the 11th century, there was a great revival of the study of Roman Law. Theology and the service of the Papacy were, therefore, not the only spheres of intellectual application. The study of Roman Law greatly helped the cause of the Holy Roman Empire against Papal supremacy. Bartolus, one of the leading jurists of the mediæval world, held that the Emperor's sovereignty was inalienable and that to dispute it was sacrilege. The later jurists claimed that "the emperors possessed the unbroken imperial power of the Cæsars". The emperor's will had the force of law. According to the Roman Law, the early Roman Emperors governed the whole civilised world and, therefore, their successors, the Holy Roman Emperors, were independent of all, including ecclesiastical, control, and were superior to all secular rulers.

While the Popes and the ecclesiastical hierarchy, strong in their terrible weapons of interdiction and excommunication, represented a great force, the Holy Roman Empire was, on the whole, a mere shadow of the old Roman Empire. A clever and strong-willed Pope in the mediæval days could generally dictate to the secular rulers including the Emperor. The Papacy, as Hobbes put it, 'was the ghost of the Roman Empire, sitting crowned on its grave'.

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CHAPTER V

SUPPORTERS OF PAPAL CALIPHATE

HAVING outlined the principles and arguments underlying the rival claims for supremacy of the ecclesiastical and secular authorities, let us now examine the views of some of the important supporters on either side. We begin with the supporters of the supremacy of the church.

I. HILDEBRAND

In the 11th century, Hildebrand, later Gregory VII (1073-1080 A.D.), was the most pronounced champion of the supremacy of the Papacy over secular authorities. Hildebrand was not only an idealist but a great practical reformer. As a Pope, he introduced a number of very necessary reforms in the church itself to enable the church to lay claim to an exalted position of control over lay rulers. He was principally responsible for the movement known as the Monastic Revival which considerably enhanced the power and prestige of the Papacy. Hildebrand, in fact, dreamed "of a Pope, sovereign arbiter of all disputes, holding in his hands the supreme mediations in questions of war and peace, adjudging contested successions in the kingdoms, deposing tyrants, and, in short, forming, instead of a king or emperor, the real coping-stone of the feudal organisation".¹

Gregory VII claimed to be the regulating power not only over all things spiritual but over all things temporal also. To him, the humblest of the priests of Christ occupied a more exalted position than the greatest of secular rulers, because their respectability as the moral and spiritual mentors of mankind was greater than that of the lay rulers. Gregory saw the origin of the state in the sinfulness and baseness of mankind. An evil ruler may be the instrument of God's punishment upon an evil people. The state was founded on force. Gregory did not, however, think that the state itself was sinful. He allowed a divine sanction to the secular authority whose main function was to maintain justice. According to Gregory, God had appointed two authorities to rule over the world, *i.e.*, the church and the state, between whom there should be harmony and concord.

Doctrine of Absolution

Hildebrand was one of those who believed in creating the kingdom of Christ by means of promoting righteousness through the instrumentality of government and what better government

¹ *The Development of European Polity*, by H. Sidgwick, p. 226.

than the church which, to him, represented the Divine Government and which was immeasurably superior to secular governments? It was this sense of church independence, rather than clerical superiority which made Gregory ban the investiture of officers of the church by lay princes. The fight between the ecclesiastical and the secular authorities over the right of investiture was fierce, resulting in the enunciation by Gregory of his doctrine of absolution, *i.e.*, absolving the subjects from their oath of allegiance to a temporal prince who had offended the church. Hence the fight between him and Emperor Henry IV, which ended in a Papal victory but which proved to be the beginning of a contest which lasted for more than two centuries. The whole claim of Gregory as against the secular authorities might be summed up in one word, justice, which included the unquestioned and undivided authority of the Pope over the church. The secular rulers were to have absolutely no control or authority over the clergy and the Pope was to have the right of admonishing or banishing even a king if the latter transgressed the divine law.

Gregory, both by personal ambition and conviction, wanted to exalt the office of the Pope to a height from where it could easily dominate all, including the clerical hierarchy and the secular rulers. He believed that by purifying and exalting the church he could spread righteousness in the world. Gregory belonged to the Augustinian school of thought, much of his philosophy having been derived from the writings of St. Augustine.

ST. BERNARD (1091-1153 A.D.)

Of all who wrote in the 12th century advocating the supremacy of the church over the state, St. Bernard was the greatest. He was a pious, learned and unambitious churchman. His *De Consideratione* embodies his political ideas. St. Bernard was deeply imbued with the spirit of the Monastic Revival. He had an ascetic bent of mind and declined all official preferments. To him, faith and religious devotion were everything. Reason and intellect did not matter very much. He disliked secular learning and admonished the church for falling into the snares of secular affairs. He drew a clear line of demarcation between spiritual and secular functions. He believed that the Pope should never interfere in secular matters and should devote his attention to higher, *i.e.*, spiritual, work. Secular work was degrading for a churchman and 'should be performed by the secular authority, acting in the interest of the church and under its supervisory authority'.

While, on the one hand, St. Bernard appealed to the church not to interfere in secular affairs, on the other he was in no doubt as to the inherent superiority of the church over the state.

The church, however, must not go to war in order to make its authority felt, and should commission the secular authorities to do the fighting. The church should use the sword of the spirit only and not that of the flesh, though theoretically, the church possessed both.

MANEGOLD

Manegold of Lutterback, in Alsatia, was a churchman. He was a contemporary of Gregory VII and he powerfully supported the Papal claim to supremacy. He admitted that the secular authority was of divine origin, though it came directly from the community by a sort of *pactum*, i.e., agreement, which meant, of course, that a king must rule justly. He held that people must obey royal authority and command but added that obedience was due to the office and not to the person of the king. This meant that the king could not be irresponsible and could be removed if he misbehaved. Manegold distinguished between a king, characterized by justice and piety, and a tyrant. The latter could not demand the obedience of his subjects because his tyrannical rule was against the agreement according to which he held his power.

The theory of divine authority, originating from a pact, advanced by Manegold, was in agreement with the general contractual basis of feudalism. Manegold "is the first mediævalist to represent the relationship between sovereign and subject in an agreement or *pactum*,"² and is, therefore, a lineal ancestor of men like Locke, Rousseau and others. It was on the theory of *pactum* that Manegold justified the right of Gregory VII to absolve the subjects of Henry IV from their oath of allegiance, maintaining that Henry IV, having broken the agreement according to which he was elected, could not justifiably demand that the people should observe their oath of allegiance.

JOHN OF SALISBURY (1115-1180 A.D.)

John of Salisbury, a clerical scholar, was secretary to three English archbishops, including Thomas Becket. There is nothing very strikingly original in the writings of John of Salisbury, for he belongs essentially to the Hildebrandine school of thought. He wrote his *Policraticus* and his *Metalogicus* between 1155-1159 A.D., and in these, cleric that he was, he took a decidedly ecclesiastical view of things, supporting his views with quotations from the Bible and Classics. He drew on Aristotle for his *Metalogicus* and in him we find a revival of the Aristotelian school of mediæval thought. In spite of his strong clerical tendencies, John had the refreshing boldness to denounce the abuses of the church like the greed of the clergy, sale of justice and exactions of churchmen, etc.

² *The History of Political Science*, by R. H. Murray, p. 50.

Secular Authority Delegated by the Church

John of Salisbury believed that the functions of the secular and ecclesiastical authorities were different but he maintained that the church had both the swords representing the two types of powers and functions, and that it was from the church that the king received his authority. The king, therefore, was a "mini-ster" or an agent of the church and held, as delegated, the secular authority which it was below the dignity of the church to exercise. The church possesses the secular sword but uses it by the hand of the secular prince. According to John, the church should exercise a general control over the secular authorities and confine itself to the active exercise of ecclesiastical authority and administration of canon laws only. Any active interference of the Pope in secular affairs was unworthy of the high role of the church.

John, as a churchman, considered secular authority to be a reflection of, or delegation from, the ecclesiastical authority but he was prepared to concede that, however limited, the royal authority came from God. Every king ruled by divine power but his power came to him through the church. John of Salisbury, like St. Augustine, made the state serve the church. The business of the state was to secure peace, said St. Augustine, so that the church could maintain that justice which the state itself could not maintain. To John, the end of the state was the realisation of "security of life" which he defined as "the perception of truth and the practice of virtue". This end of the state was a moral end and could be attained by the state when organised and directed by the highest equity. The key to its attainment was a close co-operation between and co-ordination of the spiritual and temporal powers.

Organic Conception of the State

In his *Policraticus*, John develops an organic theory of state and draws a close analogy between the human body and the body-politic of the state. He likens the soul to the church and head to the prince. The heart is the senate. The eyes, ears and tongue are the governors of the provinces. The hands are the army and civil administrators and the feet are the peasants and artisans. To John, the subjection of all the limbs to the head is conditional upon the head, *i.e.*, the king, respecting conscience, *i.e.*, the church. All members of the body are guided by the soul and the guidance of the soul is the function of the church which is intermediary between God and man.

In *Policraticus*, after reviewing generally the diseases which afflict a state, John of Salisbury tries to visualise an ideal system of government but he does so on the fundamental basis that the ecclesiastical authority is superior to the secular authority. His ideal state is founded on the basic principle of equity, *i.e.*, "the

perfect adjustment of things". A civil law and a civil ruler organise the ideal state. The king who loves justice has got an equitable mind. His will, therefore, is as good and just as law. However, a king is 'an image of the divine majesty on earth' and deputises for the church, whose authority over him is undoubted and unquestionable. John holds that a king is not above law and that laws made by secular rulers are invalid if they go against the spirit of canon laws, for did not the Roman law maintain that "the imperial laws must imitate the sacred canons"? Every secular government must govern in conformity with the divine laws and, therefore, must be dependent on the spiritual interpreter of divine law, *i.e.*, the Pope.

Justification of Tyrannicide

John of Salisbury is the first of mediæval writers, who justifies tyrannicide, though not regicide. If a king rules badly and misbehaves, he ceases to be a king and becomes a tyrant. The real distinction between a king and a tyrant is that the former rules and acts according to law while a tyrant ignores the laws. John shows a strong respect for law and would not allow a king to be above law. A tyrant has no right against the people and may be slain. He might be accused of treason and executed, for, does not he attack the whole system of justice and lawful government? Salisbury did not bother about monarchy, oligarchy or democracy being the best form of government. The greatest contribution made by John of Salisbury to mediæval political thought lies in his contention that a prince was a servant of law. John's real importance lies in his comprehensiveness and systematization of current thought and not in any originality of political speculation.

II. ST. THOMAS AQUINAS

His Environment—Revival of Ancient Classics

In the 13th century the church possessed in Thomas Aquinas (1227-74 A.D.), one of its best champions. Aquinas is reckoned to be the greatest of schoolmen and philosophers in the Middle Ages. He was born in Sicily in a noble family and as such inherited strong imperial traditions. An extraordinarily intelligent man, Aquinas moved among kings and popes and was a great traveller and keen observer of current affairs. He joined the begging fraternity of St. Dominic. Aquinas lived at a time when Papal monarchy as a political institution was a fact of the greatest significance in the political organisation of Europe. It was a territorial as well as a universal spiritual authority, wielding supreme power over secular rulers. The 13th century was a period of extraordinary religious and intellectual moment. The Franciscan and Dominican orders were finding their early development. The universities of Paris, Bologna, Oxford and

Naples were flourishing. It was the best period of Scholasticism which, as a philosophy of life, was all-comprehensive, including moral, social, political, economic and other problems. The Scholasticism of the Middle Ages had two characteristics. It assumed that church dogma was infallible and, therefore, unquestionable. It also tried to clarify dogma by rational explanation, *i.e.*, to show that dogma was not contrary to reason. "The Scholasticism of the 13th century is a master-key to the understanding of mediævalism."³ There was a passion then for the unification of knowledge and Aquinas' achievements in this direction were of no mean order. The 13th century was marked by certain things which profoundly affected Aquinas' writings. The contest between the Holy Roman Empire and the Papacy had, by now, resulted in the apparently complete victory of the latter. The supremacy of the Papacy seemed undoubted. Then, again, the conquest of the Iberian Peninsula by the Arabs had revived interest in classical masters like Plato, Aristotle and Cicero. The Spaniards learnt from their Arab masters the wisdom of the ancients and communicated the same to Europe. The classics, translated into Latin, exercised a profound influence in Europe, as evidenced by the fact that the writings of Aquinas have a strong Aristotelian bias. In fact, Aquinas gave a new birth to the *Politics* of Aristotle and was the principal medium through which Aristotelian philosophy was reincorporated in the thought of Europe.

The work of Thomas Aquinas was synthetic, architectonic in nature, incorporating the best in Scholasticism with the best in Hellenism. Of the Hellenic writers, Aquinas adopts Aristotle if only to supplement him. He is in agreement with the central theme of Aristotle's philosophy, *i.e.*, that the state is natural to man. He embodies Aristotle's theory of the state in his general theory of laws. To the comprehensive mind of Aquinas, however, Aristotelianism is not enough. Aristotle is right in holding that the end of man is happiness which is realisable in the state but he fails to provide for the supreme happiness, *i.e.*, salvation. The state of Aristotle is necessary to provide conditions of good life but another society, *i.e.*, the church is necessary to secure the eternal good. The church is the coping-stone of social organisation and not the rival of the state.

The political philosophy of Thomas Aquinas is to be gleaned from his two books, *i.e.*, (1) *De Regimine Principum*, of which he only finished a part, and (2) *Summa Contra Gentiles*. From these we get the views of Aquinas on various problems including the state, classification of governments, classification of laws and relations between the temporal and spiritual authorities.

³ *Social and Political Ideas of the Middle Ages*, edited by F. J. C. Hearnshaw, p. 88.

Aquinas on the State

The State.—The early mediæval Christian writers held that the state owed its origin to the Fall of Man, the government being necessary to control the sinfulness in man. Aquinas held, with the Greek philosophers, that the man was a social and political animal and that the state was necessary not only because it checked human evil but also because, without it, an individual could not realise himself fully. To Aquinas, the state had something of a natural character. Aquinas, in his conception of the state, is one of the most modern of mediævalists in so far as he shows a distinct preference for a nation-state. Community of manners and customs, to him, was a good basis for a state and this community was more to be found in smaller areas than in an empire. A state, to Aquinas, justifies itself by the education it gives to its members and by the provision it makes for the poor. Like an intolerant schoolman, Aquinas allowed rights of citizenship to Christians only. The end of the state, as also of an individual, is the realization of good in a virtuous life. To Aquinas, the source of all political authority is God Who is the Supreme Governor of all things. From God the legitimate authority to govern passes to the whole community. The people under God are sovereign and may delegate their authority to a monarchical, aristocratic or republican form of government.

Classification of Government

St. Thomas Aquinas held that all governments were good or bad according as they worked. He placed a great emphasis on the attainment by an individual of a virtuous life and believed that the object of government was to promote virtue among men to enable them to achieve eternal salvation. A government was good or bad according to the realisation or otherwise of this object. Aquinas follows Aristotle in his classification of governments into monarchy, aristocracy, polity, tyranny, oligarchy and democracy. Aquinas, hating mediæval disorder, preferred monarchy to a democracy, for, did not one God rule the universe and one soul the body? A monarchical form of government would ensure stability and unity of the state, an impossible ideal for a democracy. The monarchical form of government was the best, because it gave to the state important advantages of unity, regularity, experience and an analogy with Divine Rule. Tyranny must be avoided as the worst form of government. The degeneration of a monarchy into a tyranny could be prevented if the monarchy were a limited one.

Aquinas, unlike John of Salisbury, was against tyrannicide, because he held that it was better to put up with a tyrant than take the fearful chances of attacking him. A tyrant may not be defeated, in which case he would wreak terrible vengeance, or tyranny might be followed by licentious democracy, leading to

another tyranny again. Aquinas held, however, that if an elected monarch turned a tyrant, he might be deposed. The best form of government was, therefore, an elective monarchy in which a monarch should be made to take an oath to observe the constitution of the state so that if he broke the oath he could be justifiably deposed. The king must be for the sake of the kingdom and not *vice-versa*.

Supremacy of Papal Authority

Thomas Aquinas, as we have observed, held that the function of the government was to make men lead virtuous lives for eternal salvation. A man, of course, could not attain salvation without the help of the church, however virtuous individually he might be. This means that a secular ruler could properly perform his function only in co-operation with and under the guidance of the church. Salvation was to be achieved not through reason but through faith, and on all questions of faith the church was the final authority. The church was the controlling guide of the state and, therefore, the Papal authority was superior to temporal authority. The secular ruler had the power of organising the secular functions of the state only. The Pope could control all spiritual things. The spirit controlled, and was superior to, matter. The Pope must, therefore, be obeyed by every one, including the temporal rulers, in everything whether relating to temporal or ecclesiastical affairs. A king might be the image of God, but if he disregarded the church, he could be excommunicated. In assigning superiority to the church over the most exalted of secular rulers, including the Holy Roman Emperor, Aquinas was only theorising over a *fait accompli*. Besides, like all good mediævalists, Aquinas believed in the fundamental importance of unity amidst universal disorder and anarchy and believed that this unity could only be achieved by the supremacy of the Papacy over all persons and all classes, spiritual or temporal. The Pope had the power of regulating the actions of secular rulers, punishing them and absolving their subjects from allegiance to them, if necessary. The state and the church were not mutually exclusive but complementary, the church dominating the state. Thomas Aquinas also justified the territorial sovereignty of the Pope. The Pope, as head of the church, must have landed property and yet he could not hold this property as a feudal vassal of any secular ruler.

Classification of Law

John of Salisbury had assigned a position of the greatest importance to law in the state organisation. Aquinas followed him up and clarified the conception of law. He distinguished between four kinds of law, *i.e.*, (1) eternal, (2) natural, (3) divine, and (4) human. Eternal law is the reason existing in the mind of God Who governs the whole universe with

it. Eternal law regulates the celestial and terrestrial spheres and the animate and inanimate kingdoms. It functions in the rational and irrational worlds in different ways. Over the irrational world it assumes the form of obligations of natural law. In the rational world, eternal law is interpreted by the reason of the rational being and is obeyed by an act of will. As such it is known as natural law. In its fulness, however, it remains in the mind of man, *i.e.*, it is not fully comprehensible to man. The natural law was written in the heart of man and through his reason enabled him to recognize and obey the eternal law. The reason of a man helped him to evolve certain general principles of conduct through his innate knowledge of what was good or bad and these general principles formed the body of natural law. Neither eternal law nor natural law is positive law for neither is consciously adopted or imposed at a particular time and neither has obligatory character. .

Since the reason of man is imperfect and can grasp only certain general and fundamental principles of natural law, a more comprehensive body of law is necessary for his guidance and regulation. This comes from two sources, *i.e.*, divine law and human law which is positive law. Divine law consists of direct revelation of Divine purpose through the Bible or through the saints. Human law is derived from natural law and is valid if it does not conflict with the latter to whom it is subordinate. Human law recognizes in 'concrete particular terms' the natural law planted in man's heart by God. Aquinas indirectly sanctified the Teutonic customary law by evolving his positive law out of natural law.

Thomas Aquinas' conception of law was a little different from the conception of the Greek master from whom he borrowed so much. His law existed not only in nature or reason but had a volitional element too. He defined positive human law as 'an ordinance of reason for the common good, promulgated by him who has the care of community'. His human law, therefore, was as positive as it was natural. It could not compete with either natural or divine law.

St. Thomas Aquinas was one of those schoolmen who wanted to improve mankind by bringing about a combination between divine and human knowledge. Aquinas tried to effect a happy compromise between divine will and revelation, and human reason and knowledge. His writings show an interpretation of ancient classics, particularly of Aristotle and Cicero, in terms of Christian theology. Thomas Aquinas, like other schoolmen, was an individualist in so far as he believed that the individual alone existed and had ultimate value. The social and political order existed for the sake of the individual. The true end of the individual being to attain eternal salvation, the church had more to do with him than the state. Between the individuals

of the schoolmen—and Aquinas was one of them,—and their all-powerful church, the state had very little significance. In fact, the word state was a misnomer in the Middle Ages. Mediæval political theory knew no state. It recognized a universal Christian brotherhood or commonwealth with the ecclesiastical and the secular as parts thereof. It is because of this that Aquinas assigned free and unlimited control to the Papacy over secular power.

The principal work of St. Aquinas, *i.e.*, his *De Regimine Principum*, was completed by the *De Regimine Principum* of Ægidius Romanus, who follows Aristotle and St. Aquinas in his method but shows no originality in his work. Romanus considers the state to be a natural and useful form of human association. The state must be governed according to just laws. Romanus considers the monarchical government to be the best form of political organisation. He is for a hereditary succession by primogeniture. To Romanus, law and right belong to the same category, for, laws are merely "certain rules of right (*ius*) through which we determine what is just and what unjust in our actions".⁴ All kinds of law and right are reducible to two categories, *viz.*, (1) natural and (2) positive.

AUGUSTUS TRIUMPHUS

Upto the beginning of the 14th century, the Papacy had more than held its own in its fight for supremacy with the secular rulers. The Holy Roman Empire, weighed down by Feudalism, could not make any headway against a centralised and well-organised ecclesiastical hierarchy, but the beginning of the 14th century represented the climax of Papal power. Papacy had beaten the Empire but the championship of secular authority was now taken up by secular monarchy, strengthened by the rising tide of nationality. Philip the Fair of France took up the secular cudgels against Pope Boniface and dealt such hard blows to the Papacy that, after the death of Pope Boniface, his successors, Clement V and John XXII, made peace with the powerful French monarchy and made Avignon in France the seat of their Pontificate (1309-1376 A.D.). How high was the prestige of Papacy, even in the days of its 'Babylonian Captivity' is evident from the fact that its defenders still claimed for it universal power and esteem. One such was Augustus Triumphus who in his *Summa de Potestate Ecclesiastica* made a spirited plea for Papacy.

Augustus Triumphus makes unlimited claims for the Papacy. The Pope is the Vicegerent of God on earth and holds immediately from Him. He is the highest of all earthly powers

⁴ *Political Theories, Ancient and Mediæval*, by W. A. Dunning, p. 210.

'in dignity, in causation and in authority' and his power is unlimited. He is supreme over matters ecclesiastical and spiritual. The secular laws of king or emperor have validity only after confirmation of or approval by the pope. The Pope can confirm, depose and punish secular princes. His authority is not merely spiritual because it extends directly over temporal things. To the secular prince 'a certain legal justice is due', but that too, as a protector and minister of the church. All rational creatures being the sheep of Christ, actual or potential, even pagans and infidels are within the jurisdiction of the Pope, who is the supreme temporal lord of the whole world. All secular rulers are his creatures, his servants. The Pope might depose the emperor or change the constitution of the empire. On the other hand, nobody outside the church can have any hand in either the elections or the disposition of the church. The emperor cannot interfere in Papal election. The Pope is the supreme interpreter and executor of all laws, eternal, natural, divine or positive, and supreme maker of all positive law. The Pope is not only the final source of authority but the final court of appeal. Against the Papal decree, there can be no appeal.

The *Summa de Potestate Ecclesiastica*, written probably about the third decade of the 14th century, represents the high watermark of Papal pretensions. The removal of the Pontificate from Rome to Avignon resulted in the Great Schism in the church and weakened its power and prestige. During the period of the Babylonian Captivity, the Popes, partly instigated by the French monarchy, entered into a serious dispute with the Holy Roman Emperors who were Germans. This contest resulted in a regular array of writers in defence of the Empire or the Papacy.

Secular Reaction

During the course of the 14th century the contest between the secular and ecclesiastical authorities entered a new phase. It was now the French state, instead of the Empire, against the Papacy. National unity and centralised government had created a strong monarchy in France. The French state put up grandiose schemes of recovering the Holy Land and establishing political unity in Europe under its own hegemony, things which the Papacy had failed to do. The study of Aristotle and the Roman laws still further strengthened the position of the secular power. In general, the seculars argued that the church should be deprived of its temporal power. The Pope was only a minister of the church and if he did not give a good account of himself, he might be deposed like a secular tyrant. The ultimate power in the church lay not with the Pope but with the General Church Council, which represented the whole body of believers and which might depose a Pope.

The authority of the Pope was getting more and more undermined owing to various causes. It was attacked by the French monarch on one side and on the other by the Holy Roman Emperor, who thought it to be subservient to the French monarchy. In Italy, the Papacy discredited itself by taking sides on behalf of the Gueff Party in the Italian Civil War. The removal of the Papacy to Avignon ruined its prestige in Italy. The papal decree against the doctrine of poverty of Franciscan friars disgusted many ecclesiastical writers who took service with the Emperor and attacked the Papacy. They advocated the superiority of the Church Council over the Pope. The Papal theory with its extreme claims contained, in fact, seeds of its own downfall. It created universal opposition against its universal claims.

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CHAPTER VI THE SECULARISTS

I. MARSIGLIO OF PADUA

MARSIGLIO of Padua (1270-1340) was one of the most original of the mediæval thinkers, and one of the greatest political thinkers in Europe after Aristotle. He was a Franciscan and practised medicine. He belonged to the church and rose to be the Archbishop of Milan. He was for some time Rector of the Paris University where he influenced, and was influenced by, the English Franciscan, William of Ockham. Later, Marsiglio joined the court of Emperor Louis IV of Bavaria. He visited Avignon and conceived a hatred for the Papacy similar to Luther's aversion for it after a pilgrimage to Rome. It was his hatred against a degenerated Papacy, rather than any innate imperial tendencies, that made Marsiglio turn an Imperialist.

Marsiglio wrote his *Defensor Pacis*—there is a controversy regarding joint authorship of *Defensor Pacis* by Marsiglio of Padua and John of Jandun—in 1324. The treatise had little influence over Marsiglio's own age, in spite of its originality and depth of conception but was widely read and followed in the 16th century. In (1342) Marsiglio wrote his *Defensor Minor*, a sort of a review of the *Defensor Pacis*. As the title of his great book shows, Marsiglio valued internal peace as a great thing, though he recognized that wars among states were a necessary part of the economy of nature. The first part of the *Defensor Pacis* is devoted to the discussion of the general principle underlying a state and its classification. The second part constitutes a spirited attack on the exalted claims of the Popes, who, to Marsiglio, were disturbers of the peace of Europe, particularly, and on the subordinate ecclesiastical hierarchy, generally. This is done after giving an account of the historical development of the church. The relations of the church and the state are also discussed. The third book summarises the observations made in the first two books.

Marsiglio on the State

Like many mediæval thinkers, Marsiglio borrowed freely from Aristotle. The state to him, as to Aristotle, is a living organism originating from the family. It is a natural whole composed of elements represented by economic or social classes such as agriculturists, artisans, warriors and the priesthood, etc. The state is a self-sufficient unit existing for the purpose of promoting good life and the general welfare of the citizens. It does so by maintaining peace and allowing free development of its members through performance of reasonable and normal functions. As such, the state must be independent of any outside

control. The different interests in the state should work for the common welfare and not follow the selfish policy of the guilds.

Sovereignty of the People

Marsiglio believed in the sovereignty of the people and the spirit of democracy. To him, the *Legislator Humanus*, i.e., the body of citizens or dominant portion thereof, are the source of all political authority. On the whole, he preferred an elective monarchy as the best form of government. The monarchy should be elected by, and be responsible to, the community which represents the ultimate sovereign power in the state. Marsiglio clearly distinguished the administrative work of the monarch from the legislative work of the general assembly of the people. Thus, the community was the legislator, the monarch the administrator. Any law, made by the general assembly as the law-making body, not acceptable to the people, was not law, and should not be enforced by the monarch. Because the community elected the monarch, it could also punish him or even depose him if he exceeded or abused his authority. Marsiglio was almost the first mediæval thinker to advocate a limited monarchy with a governmental organ, independent of the monarchy, authorized to judge him. To him, the best type of government would consist of (1) a representative assembly elected by the people, (2) an executive chosen by the people and responsible directly to the representative assembly and indirectly to the people, and (3) an elective limited monarchy, the monarch to be interpreter and administrator but not maker of laws. The king was the servant of the people entrusted with executive powers.

The Church

Marsiglio extended his principles of representative government and popular sovereignty to the church also. He believed that the whole body of the church was superior to the Pope and that the final authority in the church rested not with the Pope but with the general church council, including secular and ecclesiastical delegates. The Pope should be elected by and be responsible to the general council of the church, which body could depose him in case of misbehaviour. Marsiglio doubted if Peter and his successors could claim the headship of the church. He was sure that the church as a corporate body was superior to the Pope. The Pope derived his authority from the general body of the church and hence his authority and rights were not of divine but human origin. Marsiglio was an Erastian in his attitude towards the church. He would reduce the church to the position of a department of the state. He would not allow to the clergy coercive authority of any kind, divine or human. To him, Papal sovereignty had been the chief disturber of Christendom.

As a Franciscan, wedded to poverty, Marsiglio was disgusted with the wealth and secularism of the church. The church as a spiritual body could not possess property. He wanted the church to resume its primitive purity and poverty. The worldly-mindedness of the Pope was the greatest cause of disturbance in Europe. The church should confine itself to purely ecclesiastical affairs. Even the spiritual care was not the exclusive function of the church. The punishment of clerical transgressors and the enforcement of penalties beyond reprimand and admonition were to be left to the secular authorities. The church must confine itself to spiritual affairs and spiritual means. Secularism made a bad spiritual guide. The clergy, therefore, should have no rights or duties of a secular character.

Marsiglio's Erastianism

Marsiglio placed the church in definite subordination to the state. The state was, to him, the greatest of human institutions. Whereas the church must have no secular functions, the functions of the state were both secular and spiritual in character. It was the business of the state to fix the number of priests in its territory and to make laws regulating the organisation of the church in the state. The clergy should have no exemptions from the secular law and should be treated like ordinary citizens in case they offended against the secular laws. Any exemptions in favour of the clergy would create schism in the state and lead to disorders, whereas the maintenance of peace was the chief duty of the state. As an adherent of Emperor Louis IV of Bavaria, Marsiglio held that the Pope should have no voice in the election of the Holy Roman Emperor. The clergy did not possess any rights superior to the prince and could not absolve the subjects of a prince from their oath of allegiance to him. Marsiglio held that the church was to be governed not by the Pope but by a general council of a federal type. The Pope, as the bishop of Rome, was on a footing of equality with other bishops.

Representative Government and Popular Sovereignty

To Marsiglio, education was a very important thing for the welfare of a community. Democracy and representative government could not be realised without education. He pleaded, therefore, for an elaborate system of education. He also suggested that the state should see to it that there was no great disparity in the wealth of its citizens, for such disparity would breed jealousy and destroy harmony between different members of the community. The state should regulate the economic life of the community. Marsiglio voted for the state and the empire because they stood for peace and order, and against the church because the immunity of the clergy and Papal Supremacy were, to him, main causes of disturbance in Europe.

Marsiglio was a sincere and original thinker. Though a 14th century writer, his advocacy of representative government and sovereignty of people, his denunciation of Papal supremacy, his advocacy of the state control of the economic life of the community and the emphasis he laid on education characterize Marsiglio as, in some ways, very much a modern political philosopher.

WILLIAM OF OCKHAM

William of Ockham (1290-1347), the leader of the Nominalist Movement, was an English Franciscan. He was one of the colleagues of Marsiglio in the University of Paris. He wrote profusely during 1330-1349 and unlike Marsiglio, exercised a considerable influence over his own generation. Ockham seldom made any dogmatic statements. He presented both sides of a case in true scholastic fashion and gave his own suggestions. The most famous of his political works are his *Dialogues* and his *Decisions Upon Eight Questions Concerning the Power of the Supreme Pontiff*. A good deal of his writings was devoted to opposition of the Papacy. He charged Pope John XXII with many heresies and was himself condemned for heresy by the latter. His political philosophy bears a good deal of similarity to that of Marsiglio.

Ockham believed that both the church and the state performed useful functions in their own spheres. He agreed that the state was like the body and the church like the soul of an individual. He also agreed that the church occupied a little higher position than the state. But Ockham was no friend of Papal supremacy. The emperor may depose an heretical Pope, just as a Pope may depose an emperor. Marsiglio had placed ultimate sovereignty with the community in the state and with the general body of believers in the church. Ockham was not, however, very sanguine about the two sovereign bodies being able adequately to wield ultimate authority and control the emperor and the Pope respectively. Ockham, therefore, suggested that both the emperor and the Pope must be bound by the law of nature. Besides, the emperor must be bound by the laws common to all nations. Ockham believed that the idea of universal empire, either on the ecclesiastical or the secular side, was impossible.

Limitations on Papal Authority

Ockham maintained that human institutions were fallible. The priests, the general council of the church and the Pope were all fallible. He believed that the primacy of the Pope was not of divine but human origin and agreed that it was impossible for the Pope to establish universal supremacy. The Pope was not superior to the whole body of Christians. Christ, in setting up Peter as head of the faithful, had not granted him absolute

power in temporal or spiritual spheres but had set definite limits to it. The rights and liberties of emperors, kings, princes and laymen could not be destroyed by the Pope. Papal jurisdiction was one of service, not of power, and extended to things essential to salvation. Ockham, like Marsiglio, would place the government of the church with a church council organised on a federal basis and, like the latter, denounced the clerical greed for wealth. The temporal possessions of the church made her secular-minded. The property of the church should be regarded by the state as any other secular property. It should be taxable by the state and might even be appropriated by the state. The clergy, including the Pope, should be within the jurisdiction of law courts if they offended against secular laws. Both the state and the church should recognize each other's spheres and respect each other's rights.

Like Marsiglio, William of Ockham held that ultimate power rested with the people and like some other mediæval writers, he believed that women ought to enjoy the same rights as men.

II. DANTE

Though less scholarly than Marsiglio, Dante Alighieri was more logical in his exposition of the imperial theory. Dante had considerable experience of the Italian politics of the day and was a good party man. In his days, Italy was torn to pieces by the factious quarrels of the two parties, *i.e.*, the Ghibelines, who were adherents of the emperor, and the Guelfs, who were pro-Papalists. Like a true Florentine, Dante believed in the superiority of the Italians to other peoples and wrote like an Italian patriot just as Dubois wrote contemporaneously like a French patriot. Dante was convinced that the Italians were specially gifted and were designed by the Almighty to rule over the world. The Romans had ruled over a world empire and ought to continue doing so.

Universal Monarchy

Dante wrote his *De Monarchia* about 1311 on behalf of the Imperialist Ghibelines. Though written a few years later than the *Recovery of the Holy Land* of Pierre Dubois, it represents the 13th century imperial, rather than the 14th century purely secular, opposition to the Papal supremacy. Naturally enough the civil strife of Italy is writ large across the book. Dante wrote, above everything else, for the peace and unity of Italy and this aim led Dante, in the first part of his book, to investigate the best form of government. Monarchy was the best form of government because peace, a necessary condition to all other virtues, could be maintained by a monarch only. Like other mediævalists, ~~Dante advocated an unlimited monarchy as the best form of government.~~ He was, however, not only for a monarchy

but a universal monarchy as necessary for the peace of mankind and maintained that a universal monarch, having neither fear nor any further ambition to satiate, must rule justly and wisely.

Dante's monarch, it might be said with a certain amount of justification, was not very different from Plato's philosopher-king. Dante was for an enlightened monarch ruling according to justice and law. To such a government Dante gave a divine sanction and origin. The secular government, according to Dante, was independent of spiritual authority. Dante believed neither in the clerical theory of the Sun and Moon nor in that of the two swords. He rejected the Augustinian theory of the *imperium* receiving its light from the *sacerdotium* and held that the political power was outside the authority of the church. The state performed material as well as moral functions. The monarch of Dante, who alone could secure peace for the world, was the representative of God on earth. The emperor must hold universal sway but not despotically. He must rule through rulers of other kingdoms and principalities whom he must prevent from fighting. The emperor was more like an imperial guardian of peace than an actual ruler. Imperial authority must not destroy national or individual independence, which was to be allowed so far as might be compatible with world peace. But, for full individual self-realisation, life in a community was necessary. For such a life, peace was necessary and the emperor alone could ensure that peace.

Empire based on Law and Service

To Dante, it was not the person but the office that mattered. The world-empire and not the world-emperor won his reverence and his allegiance. Again, the world-empire existed not for the sake of the world-emperor but for the sake of the ruled. The emperor, like the Pope, was a servant of servants (*servus servorum*). To Dante, the empire was "Law personified, Law throned and crowned, and invested with majesty and honour".¹ In his conception of a world-empire, Dante was not thinking of a super-state, but of the regime of supreme law holding all national passions and animosities in check. This supreme law might be called justice and this justice could be administered by one man, unswayed by passions, *i.e.*, the emperor. Dante's monarch "is not a universal despot, but a governor of a higher order, set over the princes and rulers of particular states and keeping the peace between them. He is to have the jurisdiction, in modern language, of an international tribunal."² Dante, unfortunately, says nothing about the machinery through which such a jurisdiction was to be exercised.

¹ *Social and Political Ideas of the Middle Ages*, edited by F. J. C. Hearnshaw, p. 119.

² *History of the Science of Politics*, by Sir F. Pollock, p. 40.

Superior Roman Claim to Imperial Authority

In the second book of *De Monarchia*, Dante, like the patriotic Italian that he was, tried to prove Roman superiority to other peoples with a view to establishing the claim of the Romans to universal empire. This claim was based on the noble ancestry of the Romans, the pre-eminence of their laws, their selfless guardianship of the world, their private virtues and public spirit and was substantiated by the decrees of Providence giving the Romans victories over their enemies. Dante argued that anarchy having followed the decay of the Roman Empire, perfect peace necessitated the restoration of the universal empire of the Romans. He proved the universality of the Roman Empire by pointing out that Christ, Who represented the entire mankind, was within the jurisdiction of the Roman Empire.

Imperial and Papal Authority Derived Directly from God

In the third book, Dante tried to prove that the imperial Roman authority was derived, not from the Pope of the church, but from God directly. He poured scorn on the reasons behind the claim for Papal supremacy. Dante believed that a man, by nature, was worldly as well as spiritual and, therefore, wanted a temporal as well as a spiritual authority to guide him. These two authorities were represented by the emperor and the Pope, both of whom received their power from God directly. The two types of authority had their distinct spheres of work and must not encroach on each other's jurisdiction. The Pope must not meddle in secular affairs for, did not Christ say, "My kingdom is not of this world"? The Pope should be the purely spiritual head of a purely spiritual church. The emperor was as divinely chosen as the Pope, but all the same, 'Cæsar must pay reverence to Peter'.

PIERRE DUBOIS

Dubois was a Norman lawyer and a zealous servant of the French monarchy which was politically the most powerful in Christendom in his days. As a royal advocate, it was the special duty of Dubois to detect if the ecclesiastical courts usurped the functions of the royal courts. As a royal jurist, he maintained that the civil law ought to control the canon law and the ecclesiastics in their secular aspects. He fiercely criticised the evils of the church, such as fees and fines, and other temporalities of the church. He advocated that the church property should be transferred to laymen.

The two best books of Dubois are *De Abbreviatione* (1300) and *De Recuperatione Terræ Sanctæ* ('The Recovery of the Holy Land', published 1306). His books embody a denunciation not only of the Gallican but of the whole Christian church. They cover a large number of subjects such as the deprivation of the church of its property, the absolute jurisdiction of the lay

government over secular affairs, the rights of women, international arbitration, etc.

French Leadership of the World

The Recovery of Dubois is a pacifist essay in which he denounces war as the ruin of mankind. War must be avoided and this can be done only if France, which is the leading nation, assume the leadership of the world. Just as Dante believed in the superiority of the Romans, Dubois thought the French to be the best nation in the world, morally, mentally and physically. The French were the chosen of God. The Pope and the Papacy had failed in their duty and had weakened Christendom. The French should assume the leadership of Europe, establish peace and recover the Holy Land from the hands of the Saracens. Dubois was probably conscious of the fact that the French monarchy, thanks to a centralised administration and the spirit of nationality, was the strongest in Europe. The French state was getting to be more powerful than the church. Dubois agreed that the Donation of Constantine gave the Pope a theoretical title to universal supremacy in the West, but he maintained that the Papacy was too weak to exercise such supremacy and must transfer it to worthier hands. And who was more entitled to this delegation of power than the King of France who alone could recover the Holy Land from the Moslems?

To Dubois, two things disturbed the peace of Europe--constant strife between lay rulers and the wealth of the church. For the first, he advocated a meeting of European lay rulers to be convened by the Pope, where all should forswear war between themselves during the crusade. This international council should enforce the agreement for peace by penalties. The property of the offenders should be sequestered. Dubois justified the deprivation of the church of its property on the well-known ground that it made the ecclesiastics secular-minded and made them neglect their spiritual duties in their pursuit of material advancement. The secular ambitions of the clergy led to constant disturbance in Europe. The reorganised European state would benefit by the property taken from the church, part of which might finance the crusade itself.

The recovery of the Holy Land and its consequent settlement made Dubois attach very great importance to education. The new settlement would require European administrators knowing Eastern languages. In this connection, the Greek church was well situated to help Europe and, therefore, Dubois proposed a union between the Latin and the Greek churches. Dubois, like Plato, insisted that women should be educated as well as men. Dubois' insistence on education was also due to his individual notion of law. To him, law and political institutions did not emanate from God, but were the product of environ-

ment in a country, including climate, customs, particular needs of a community, etc. Laws were born of human expediency and were not dictates of Divine Will.

Dubois, in his *De Recuperatione*, shows the nascent spirit of modern nationalism and assigns superior culture and civilization and, therefore, superior rights, privileges and duties to his own countrymen, the French. He is modern again in his conception that secular authorities are quite competent to deal with secular affairs. He assigns, like a modern politician, no rightful place to the Pope in the political hegemony of Europe and replaces him by the King of France. But, there is the mediæval in Dubois too, for he believes in the universality of authority. He substitutes the universal authority of France for the universal authority of the Pope. He represents a "link between the imperialists like Dante and the pure secularists, like Marsilius". Just as Dubois advocated a general church council to reform the church, similarly he advocated the reform of international relations by international arbitration. For this purpose, he proposed a council of three prelates to settle international disputes with impartiality.

During the 14th century, France produced a number of enlightened writers on church and state. The great French poem, *La Roman de la Rose*, painted in glowing terms the state of nature when men enjoyed perfect freedom and equality. Another French writer, reputed to be Phillippe de Mezieres, in his *Songe du Verger*, follows closely the ideas of Marsiglio and Ockham, though he writes as a patriotic Frenchman and not as an imperialist.

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CHAPTER VII
THE LATER MIDDLE AGES

I. WYCLIFF

JOHN WYCLIFF was one of the best representatives of the political tendencies of the later Middle Ages. Wycliff was a professor in the Oxford University and was a popular religious teacher and reformer. He was one of the last, though by no means the least important, of the writers who denounced Papal claims to supremacy. Wycliff was very Augustinian in many of his views. but gave his own interpretation to the writings of Augustine. Wycliff was also, to some extent, influenced by the writings of Marsiglio and Ockham. Though pre-eminently a religious man, Wycliff wrote a number of political essays with a view to refuting those who held that the Pope was the overlord of England and that the English king had failed in his feudal contract by not paying the Papal tribute and thereby forfeited his claim to the throne of England. His is one of the best representations of the feudal theory of overlordship and contract. The best known of the pamphlets of Wycliff are:--(1) *De Dominio Divino*, (2) *De Civile Dominio*, and (3) *De Officio Regis*.

Dominion of Grace

Wycliff's most characteristic contribution to political philosophy is his enunciation of the doctrine of "Dominion of Grace". All dominion, says Wycliff, is founded upon the will of God. Dominion means power or lordship and is of three kinds, *i.e.*, Divine, Natural and Civil or Political. God is the Creator and Master of the whole world and, therefore, all power belongs to Him. God delegates power to the righteous men, who are under His Grace. Only the righteous men are entitled to hold power. In other words, those who hold power must be righteous, otherwise they would not get their salvation. Those who seek salvation must exercise their power in the service of others, for, to Wycliff, power and service were indissolubly connected with each other. The doctrine of the Dominion of Grace is built on the omnipotence of God. God is not only our absolute but our immediate Lord. He exercises His lordship directly. The church has, therefore, no mediating power between God and man. A man can find his salvation only by direct relationship with God. The priests could not save a man and were, therefore, on the same level with other men. All men were equal in the eyes of God. According to the doctrine of the Dominion of Grace, a man retained his dominion, *i.e.*, power, only so long as he retained his grace with God.

Natural dominion was one exercised by men before the Fall. All men exercised this dominion. There was, therefore, a joint dominion of all over all and everything. Human sin made civil or political dominion or overlordship necessary. God, as the Creator of the Earth, gave His lordship of the Earth to righteous men. The righteous men are lords and possessors of all men and things. The righteous, and not the sinner, therefore, can exercise lordship and acquire property. A man falling from grace loses his title to both power and property at once. In true mediæval fashion, Wycliff associates property with power. "Dominion in the highest sense is in God alone, it is God, Who, as Suzerain of the Universe, deals out His rule in fiefs to rulers in their various stations on tenure of their obedience to Himself." Dominion or power is not granted by Him to one person, *i.e.*, the Pope, but to all. The King is as truly God's Vicar as the Pope. The secular power is as sacred as the ecclesiastical and as complete over secular things, even the temporalities of the church, as that of the church over spiritual things. Wycliff's individualism is apparent from his doctrine that though a good Christian ought to give his obedience to the king or the priest; he himself, as a possessor of "dominion", holds immediately of God. The throne of God Himself is the tribunal of personal appeal. It is a doctrine which, by establishing a direct relation between God and man, made superfluous any mediating priesthood on which conception the mediæval church was built.

Reform of the Church

Wycliff borrowed from Ockham in his advocacy of the reform of the church. He allied himself with the brutal John of Gaunt in his effort to reform the church. He began at first with attacking the practices rather than the doctrines of the church. He angered the church "by his subjection of their temporalities to the crown, his contention that, like other property, they might be seized and employed for national purposes, his wish for their voluntary abandonment and the return of the church to its original poverty". Wycliff "denied the right of the church to exact or defend temporal privileges by spiritual censures, declared that a church might justly be deprived by the king or the laylords of its property for defect of duty, and defended the subjection of ecclesiastics to civil tribunals". "Christ, during His life upon earth, was, of all men, the poorest, casting from Him all that worldly authority. I deduce from these premises, as a simple counsel of my own, that the Pope should surrender all temporal authority to the civil power and advise his clergy to do the same."

Relations between State and Church

Wycliff agreed that both the ecclesiastical and secular authorities were supreme in their own spheres, neither being

competent to interfere with the other. He upheld the spiritual dignity of the church by declaring that the church should take no part in secular matters. Wycliff denounced Papal supremacy by saying that the state had as much of divine sanction as the church and that the Papacy had, therefore, no right to exercise secular authority. Wycliff's denunciation of Papal supremacy was in no small measure due to the English hatred of a French Pope and Wycliff's strong national views. He declared the Bible to be the sole standard of religious belief and attacked the Papal doctrines that found no sanction in the Bible. Wycliff was, in fact, hot in denunciation of Papacy, for, to him, 'the Holy Church would stand well by the order that Christ made', if there were no Popes or Cardinals. The Papal assumption of secular power was sinful. The Pope was a vassal of God, holding a purely spiritual fief on condition of service. A bad Pope must not be obeyed, nor should the bad priests be obeyed. In his *Trilogues*, written in 1379, Wycliff gave the state a position superior to the church. On the secular side, the head is the king whose duty it is to see that every individual in the state, lay or ecclesiastic, performed his duty. "As a spiritual being, however, every member of the body holds direct from God, the Sovereign Lord, and must guide himself by the Will of God expressed in Holy Scriptures." In the church, as well as in the state, the welfare of the individuals must be the chief consideration.

Wycliff on Property

According to Wycliff, every righteous man, in theory at least, was the lord and possessor of everything. The man who was in a state of grace, even if he had no earthly possessions, owned everything, because everything worked for his good. This precludes any private ownership of property. Wycliff's ideas on property, therefore, were communistic. A sinner, however, had no right to property. On the other hand, all good Christians had equal right to it. Wycliff, however, did not advocate any forceful application of his ~~communism~~ of property. His communistic ideals, however, greatly influenced his peasant followers and resulted in the famous Peasants' Revolt. Wycliff maintained that the church should be deprived of all landed property by the state. Possession of property by the church means the deprivation of the church of divine grace. The evils of the church flowed from the possession of wealth. Property had duties as well as rights attached to it.

On Government

According to Wycliff, an ideally best government would be an aristocracy composed of the judges of the Old Testament type. Such a government would be best, because it would be least connected with and encumbered by civil ordinances. Such

an aristocracy would be a body of wise men in a state of grace with God. Wycliff held that among the Jews the monarchy represented a deteriorated form of government, *i.e.*, the falling off of the judges from divine grace. Wycliff, however, knew that an aristocracy of the type suggested by him was only an ideal type. He was practical enough to see that it was impossible of realisation. He knew that all men were sinful and as such likely to fall from the state of grace. For his ideal aristocracy, therefore, he gave a practical alternative and that was monarchy. A monarchy is the most beneficial of all political forms of government, because, when all men are sinful, it is best that one sinful man should be in power. The rule of sin must be reduced to the minimum. As a government, a monarchy was the strongest and best able to prevent excesses of evil-doers. Theocracy, to Wycliff, was the worst form of government.

JOHN HUSS

The doctrines of John Wycliff had an immense influence in England and abroad. In England, his doctrines were preached by the Lollards. In the rising of 1381, John Ball and others were greatly influenced by the ideas of Wycliff, especially those relating to property. On the Continent, John Huss, Rector of the University of Prague, in Bohemia, was one of the greatest followers of the doctrines of Wycliff. John Huss was, like Wycliff, an anti-Papalist and his efforts led to the intensification of reaction against the Papacy and its extravagant claims. The Hussite Movement in Bohemia was an attempt to pull down the already-collapsing barriers between the seculars and the ecclesiastics.

Huss, who did not make any important contribution of his own, held, with Wycliff, that the church must be deprived of its property, which was not only not necessary for the church, but was a positive hindrance in its way. If the church owned property and abused its possession, the secular authority had the power to deprive it of the possession, treating the church like any other lay offender. Like Wycliff and other imperialists, Huss held that the real church was represented by the whole body of believers. He even maintained that Papacy was not essential for the church, and had no divine sanction. Huss, too, like Wycliff, exalted the state at the expense of the church.

The religious, economic and political teachings of Wycliff and Huss very considerably agitated the minds of other contemporaries. Though Lollards failed in England for the time being, yet Wycliff is known as the morning star of Reformation in England. In Central Europe, the Hussite Movement, to some extent owing to political reasons, was more successful. The Hussites succeeded in making the church yield on some points

On the whole, it might be said that, though the movements led by Wycliff and Huss were not completely successful immediately, they had great potentialities for the future. On the religious side, they struck at the roots of the Papacy and made the Reformation possible by (1) insisting on the purification of the church to its primitive form, (2) accepting no other authority, not even the Pope, but the Scriptures, to decide religious questions and (3) translating the Bible from Latin into the native dialects so that an ordinary Christian could read the Bible for himself and reject the dogmatic assertions of the churchmen. On the political side, they exalted the state and brought down Papacy by asserting that (1) kings had the right to deprive the church of its property, and (2) the Papacy had no right to interfere in political affairs. It was the activities of Wycliff and Huss that were responsible, to a considerable extent, for bringing about the Conciliar Movement. Wycliff rendered notable service to democracy, too, by advocating the sovereignty of God and the equality of men. Wycliff and Huss ushered in the Modern Age in Europe.

II. THE CONCILIAR MOVEMENT

The history of political thought during the period of the Conciliar Movement, *i.e.*, in the first half of the 15th century, represents its last important mediæval phase. From 1309 to 1376, the Popes lived at Avignon in France, under the influence of the French monarchy. This 'Babylonish Captivity' of the Papacy naturally scandalised Christendom which had always viewed Rome as the headquarters of the Papacy. This 'Babylonish Captivity' came to an end in 1376 by Gregory XI withdrawing to Rome. In 1378, the Italian Urban VI was elected Pontiff. Europe was divided in its allegiance to the Papacy; a party in the Cardinalate, elected a French Pope, Clement VII. Europe was now faced with a novel spectacle of two Popes, each fulminating against the other and claiming to be the rightful Pope. Europe was divided in its allegiance to the Papacy; France, Scotland, Castile and Naples adhering to the French Pope, while Italy, Germany and England were devoted to the Italian Pontiff. Neither of the two Popes would renounce his claim. In 1409, the Council of Pisa decreed the deposition of both the Popes and elected Alexander V as a new Pope. There were, thus, three Popes now. This led to the Great Schism which considerably destroyed the power and prestige of the Papacy. The church was in an advanced state of internal decadence. The discrediting of the Papacy, aided powerfully by the writings of the secularists, particularly Wycliff and Huss, resulted in a universal demand for the purification of the church by means of the general church council and inaugurated what is known as the Conciliar Movement. "The essential point

in the contention of the reformers was their assertion of the competence of a universal Council of the Church to adjudicate a disputed claim to Papal authority, with its important corollary that the jurisdiction of this Council is higher than that of any Pope."¹ The aim of the Conciliar Movement was to:—

- (1) Purify the church.
- (2) Create a new form of government for the church instead of the old absolutist Papacy.

The importance of the Conciliar Movement lies not in what it succeeded in accomplishing immediately, which was very little, but in the general principles of representative government enunciated during the course of the movement, which later on affected the constitution of government not only of the church but of the state also.) It might, in fact, be said that modern political thought and practice begin with the Conciliar Movement. The leaders of the Conciliar Movement were themselves inspired by the ideas of limited monarchy, representative church government and popular sovereignty of secularists like Marsiglio and Ockham. There were a number of meetings of the general church councils, *viz.*, the Council of Pisa (1409 A.D.), the Council of Constance (1414 A.D.), the Council of Pavia (1423 A.D.) and the Council of Basle (1431-43 A.D.), of which the Councils of Constance and Basle were very important. The Council of Constance decreed in 1415 that "A general council constituting and representing the Catholic Church has authority immediately from Christ which every one in existence of whatever status or dignity, even of Papal, is bound to obey in those things which pertain to the faith, the extirpation of the said Schism and the reform of the church in head and in members."² This certainly is a very revolutionary decree in the annals of the church. In 1417, the council passed another decree whose provisions included the summoning of general church councils at regular intervals of ten years "forever" and guarantees of the independence of those councils from Papal control. In 1439, these decrees were reaffirmed by the Council of Basle. During the Conciliar Movement, a good deal of literature bearing on the movement was published, of which the most noteworthy are the writings of:—

- (1) John Gerson (1363-1429)—Chancellor of the University of Paris;
- (2) Cardinal Nicholas of Cues, whose *De Concordantia Catholica* represents a noble plea for a world-polity; and
- (3) Æneas Sylvius (later Pope Pius II) who produced his *Origin and Power of the Papacy*.

¹ *The Growth of Political Thought in the West*, by C. H. McIlwain, p. 347.

² *From Gerson to Grotius*, by J. N. Figgis (first edition), p. 37.

GERSON

Supremacy of the General Church Council

Gerson, the Chancellor of the Paris University, was influenced by the writings of Marsiglio of Padua and in his writings developed the idea of communal sovereignty. He advocated a mixed form of government, containing monarchic, aristocratic and democratic elements, both for the church and the state. As regards Papacy as a church government, Gerson adopted a sort of half way attitude. If, on one hand, he totally rejected the extreme claims of Papal supremacy, on the other, he repudiated Marsiglio's theory of the sovereignty in the church lying in the whole body of believers. Gerson was opposed to both Papal absolutism as well as extreme democracy in the church. He viewed the church as the hierarchy of the clergy and assigned the sovereignty in the church to a general church council. To him, the Pope was a mere administrative agent of the church whose authority might be defied in the interests of the church. The authority of the king, too, might be defied in the general interests of the state. Gerson would even allow a temporal ruler to convene a general church council to sit in judgment upon a Pope and depose him if he had disobeyed natural or divine laws. Gerson "aimed to preserve the rights of pope and king, within definite limits, and at the same time secure the liberties of the people."³ Gerson was one of the greatest leaders of the Conciliar Movement. The decrees of the Council of Constance reflected, in the main, the ideas of Gerson, advocating communal sovereignty and representative government, which later on paved the way for the adoption of representative government both in the church and the state. If Gerson did not adopt radical views, it was because of the fact that his chief idea was to heal the schism in the church.

NICHOLAS OF CUSA

If the Council of Constance took its inspiration from Gerson, that of Basle (1431-49) adopted the more democratic views of Cardinal Nicholas of Cusa. The *De Concordantia Catholica* of Nicholas gives the best exposition of the Conciliar Movement. To Nicholas and his contemporaries, peace and unity in the church were the crying need of the day. In his work, Nicholas maintained that, just as there was harmony in the various parts of the universe which were interrelated with one another, similarly there ought to be perfect harmony in the various organs, each performing its own respective function, of both the state and the church. *De Concordantia Catholica* treats of Christendom as a single organic whole. Nicholas finds unity in diversity and tries to find some principle of harmony which unites the

³ *History of Political Thought*, by R. G. Gettell, p. 134.

secular authority to the spiritual. He reconciles the divine with the human origin of authority by declaring that, whereas power comes from God ultimately, it comes from the people immediately. The consent of the Christian community is the source of Papal authority.

Nicholas held that the church as a whole was not only greater than any individual including the Pope but greater than any local part of itself. The Spirit was promised to the church as a whole. Christ, Who was the real head of the church, manifested Himself through the council which naturally, therefore, was superior to the Pope. The Pope was only an agent of Christ and did not possess all the powers of the Master. He was bound by the divine law as well as by the law of nature. The Papal authority emanated not only from St. Peter and the Apostles but also from canons of human origin. The Pope, as man, was capable of sin. He was fallible. The judgment of a single fallible man was likely to contain less of truth than that of a General Council which ideally should reflect the whole wisdom of the church. The Pope was merely the executive head of the ecclesiastical hierarchy and was subject to the control of the General Council which could depose him for heresy or any other "misapplication of his delegated authority". The General Council, as representative of the whole church, was alone capable of deciding on matters of faith.

Decentralisation on National Basis

Nicholas advocated the decentralisation of authority in the church. He was for the delegation of Papal authority to the provincial councils according to a "new grouping coinciding with national boundaries". This constituted incidentally the recognition of the new force of nationalism in Europe. Nicholas realised that reform of morals would be better accomplished by local authorities than by a central authority which might impose unacceptable uniformity. He called upon secular rulers to summon national councils of lay and clerical representatives to consider the question of reforms. He would not, however, allow the secular rulers to interfere in religious matters. Nicholas applied his system of representative government to the empire too, for he wanted to see representative government in every form of society. He proposed the division of the empire into twelve circles for the proper administration of justice. The emperor must consult a permanent council. Nicholas gave the emperor considerable powers in relation to the church, for the emperor must "maintain order and defend the faith against the encroachments of eastern and internal heresies".

Nicholas thus assigned to the representative council, the most important position both in the church and in the state. He assigned sovereignty in the church to the whole body of

believers and in the state to the general community. Men were by nature free and equal and, therefore, formed the sovereign authority. The officers of the state and the church were mere agents of the people. The ruling authority in the state or in the church was there by the consent of the people and was bound by the people as much as by the laws. Man himself came from God and, therefore, human laws based on popular consent were divine.

ÆNEAS SYLVIUS

In his *De Ortu et Autoritate Imperii Romini* (Origin and Power of the Papacy) Æneas Sylvius expounded doctrines bearing a close resemblance to those of Cardinal Nicholas. Sylvius believed that man lived originally in an isolated state of nature, but realising the benefits of associated life he began to form social and political organisations. Men were originally free and equal. Owing to the prevalence of anarchy, men came together and appointed the strongest and the best of them as their ruler. Thus arose monarchy. The king was the creature of the people and could be deposed by them. Similar arguments were applied by Sylvius in the case of the Pope who, too, could be deposed. Sylvius's views about the state of nature and the social contract bear more resemblance to those of Locke than to those of Hobbes.

From the writings of the leaders of the Conciliar Movement the following notable points arose:—

1. The sovereignty in the church belongs to the general body of the church and not to the Pope. The government of the church, therefore, ought to be organised in such a way that real power lies with the General Council and not with the Pope. It ought to be of a mixed kind consisting of the Pope, the cardinals and the prelates, for a mixed government was better than Papal autocracy.

2. Sovereignty does not lie with the Pope and therefore he is not above the laws. He is an administrator but not a maker of laws and is, therefore, bound by the laws. The church as a whole makes and gives sanction to the laws.

3. The Pope has no authority over the whole body of the church, because the latter is the sovereign body. On the other hand, the General Church Council, representing the body of the church, has authority over the Pope.

4. The Papal decrees have not the force of law always. The Papal decrees, to be valid, must be related to the true functions of the Pope and must take account of the natural rights of the people.

5. The Papal decrees must ordinarily have the sanction of popular consent and must be based on the notion of natural rights. The natural rights of men are not dependent on the personal whim of the ruler but are inherent in the community.

6. The Pope cannot ignore the natural laws, because the natural laws are superior to personal laws and are the ultimate source of all authority.

7. The church, being a perfect society, has the means of purifying itself and, therefore, has the right of deposing a bad Pope.

8. The Pope is the vicar of the church rather than of Christ. The world can be saved without a Pope but not without the church.

The Conciliar Movement represented a struggle between two opposite systems of government, constitutionalism *versus* autocracy. The movement failed and was followed by a severe Papal reaction, with the result that absolutism became the one type of government throughout Europe, both in the church and in the state. The failure of the Conciliar Movement also resulted in the Reformation Movement later on. The revolutionary idealism of Calvin or Rousseau owed its origin to the failure of the conservative liberalism of men like Gerson. For the time being, however, the failure of the movement resulted in the 'divine irresponsibility' of the Papal monarchy. The "victory of the Papalist reaction meant the victory of the unitary and Roman over the federalist and Teutonic conception of society."⁴

Causes of the Failure of the Conciliar Movement

The Conciliar Movement met with poor success for the time being. It failed as a whole because:—

(a) It was trying to draw up a constitution for a church embracing the whole of Europe. A constitution for a universal church could only be worked out in an atmosphere of international concord, harmony and co-operation. The atmosphere of the councils, particularly of the Council of Constance, was, on the other hand, intensely national. The growing national sentiment proved disastrous to joint action. The Conciliar Movement stood, on the whole, for federal organisation in the church and the separate recognition of the national groups in the church.

(b) The chief problem to be solved by the Movement was the definition of the position of the Pope in relation to the church. Once this was done, the chief actors in the Movement lost their interest in it. The Empire, England and France had their more urgent national problems to attend to.

(c) The different powers in Europe were more interested in the furtherance of their own interests than in the purification of the church. They did not particularly care for a strong church such as would emerge after such a purification.

(d) The Conciliar Movement, on the whole, was too academic to take deep root in popular imagination and acceptance.

⁴ *From Gerson to Grotius*, by J. N. Figgis (second edition), p. 45.

The Movement was more or less confined to the universities and as such was out of touch with the general public. It, therefore, lacked the strength coming from popular support.

(e) The leadership of the Movement being confined to the universities, it did not produce a single leader of first-rate importance as did the Reformation and the Counter Reformation in the persons of Luther, Calvin, Ignatius Loyola, etc. Most of the leaders of the Conciliar Movement borrowed from Marsiglio of Padua and William of Ockham and did not show much originality and comprehensiveness of outlook.

(f) Whereas the Movement stood for a disintegrating federalism, the Popes stood for a centralising absolutism in the church. Once the Movement allowed the Pope to remain, the organised bureaucracy of Rome proved too much for the loose federalised constitution of the church council. Rome ultimately succeeded in getting the better of the council. The Papacy triumphed and restored absolutism in the church and thus paved the way for absolutism in the state. The victory of Papacy was the victory of centralisation, of bureaucracy and of ultramontaniam.

Significance of the Conciliar Movement

Though the Conciliar Movement did not succeed in achieving its immediate objective, *i.e.*, the establishment of the supremacy of the church council over the Pope, yet it is wrong to say that it failed ignominiously. It did accomplish something. It stated unequivocally that the church was superior to the Pope and that the church should be governed by a council. It demanded a representative government for the church. In spite of Papal victory, the Popes had to be careful that the exercise of Papal authority was not incompatible with the interest or the safety of the church. The Popes lost more and more of the legislator and became more and more of the administrator, after a period of irresponsible absolutism. Again, the failure of the Movement was a blessing in disguise because it gave Europe Luther, Calvin, Rousseau and others. The church after the Conciliar Movement was better organised than before and was better able to meet dangers from within and from without. After the collapse of the Movement, the Papacy was re-established and re-organised on a divisional, *i.e.*, national basis. This helped the growth of the national feeling which culminated in the theory of the Divine Right of Popes. The Conciliar Movement, lastly, resulted in the development of national churches which were based on the important notion of the rights of laymen which had been ignored by the church so far. England, Germany, Switzerland and Holland developed their own churches, identifying the interests of the church with the interests of the layman.

A believer was no more lost in the church. The church began to recognize his existence as a believer.

The Conciliar Movement, which was democratic, federal and national in its tendencies, with all its failure, was almost as significant from the point of view of the state as it was of the church. It emphasised the important notion that power was a trust and must not be misused; that the consent of the governed is of the essence of government and that the authority of the ruler is limited by the necessity of his consulting the representatives of the people. The Conciliar Movement anticipated the later contest between constitutionalism and absolutism in the state. It raised the question of popular sovereignty by declaring that ultimate power belonged to the masses and not to an individual or a small body of individuals. The Conciliar Movement justified rebellion as a legal right. The germs of the revolution of 1688 and 1789 are traceable to the Conciliar Movement. The Movement recognised the growing spirit of nationality which has played a tremendously important part in the states in the modern period.

III. GENERAL POLITICAL CONCEPTIONS AND TENDENCIES IN THE MIDDLE AGES

Mediæval Universalism

Mediæval political thought was based on one important idea, *i.e.*, Universalism. Mediævalism recognised the existence of a single universal society. When we speak of the church and the state in the Middle Ages, we speak not of two different societies, but of two governments of a single society performing their respective functions. The whole of Christendom was conceived as a single *Respublica Christiana* in which citizenship of the state and membership of the church were closely identified with each other. A man thrown out of the church lost all his legal and political rights as a citizen. The church so far dominated life that it is not far from right to say that there was no state in the Middle Ages. *The church was the state*, the secular authority representing 'merely the police department of the church'.⁵ The church tried to unify all life—political, social, economic and intellectual—under the binding force of Christian principles. It controlled kings, and regulated laws relating to marriage, commerce and universities. To the mind of a true mediævalist, politics, economics and ethics did not exist as separate subjects. They all formed part of knowledge which was dominated by theology.

The Supremacy of the Church

The domination of the church found its outward expression in the ecclesiastical claim and assertion of Papal sovereignty.

⁵ From *Gerson to Grotius*, by J. N. Figgis (first edition), p. 5.

Papal supremacy in matters ecclesiastical as well as temporal was the one topic of controversy during the Middle Ages. The ecclesiastics and the secularists joined issue on this question to the comparative exclusion of all others. The ecclesiastics based their claim on the inheritance by the Popes of the two swords through St. Peter. The Pope retained the spiritual sword and entrusted the secular sword to the secular rulers to be wielded under the guidance and control of the church. They also took their stand on a document known as the Donation of Constantine. According to this document, the Emperor Constantine, while thinking of the removal of his capital from Rome to Constantinople, delivered and relinquished to Pope Sylvester and all his successors complete power and jurisdiction over the Lateran and other estates in Italy. The authenticity of the document was disproved by Lorenzo Valla in 1439. The Papalists, during the Middle Ages, gave a progressive interpretation to this document. During the investiture controversy, the territories donated were meant to include the whole of the Western Empire. The Ecclesiastics further alleged that Constantine made no grant but only recognised a *de facto* dominion of the church in Western Europe. The controversy between the Secularists and the Papalists over the Papal claim for supremacy was so fierce that in the second half of the 11th century, *i.e.*, between 1052-1112 A.D., as many as 115 controversial pamphlets, presenting the secular or the ecclesiastical case, appeared. In spite of these controversies, however, the Papacy remained the one great political force from the 11th to the beginning of the 14th centuries. Papal sovereignty, in church and state, represented the real state of affairs. The secularists, always on the defensive, fought a losing battle with the ecclesiastics, for, whereas the latter conceived of the divine government for the world as monistic in character with the Pope at the head, thereby eliminating secular rulers altogether from every position independent of the Pope, the secularists took it to be dualistic with both the Pope and the Emperor as co-ordinate authorities.

The Monarchical Government in Church and State

The idea of monarchical government, based on the great mediæval principle of unity, dominated all truly mediæval speculation. After the fashion of the Divine Government, the only right form of government for the church as well as for the state was conceived to be monarchy. The Middle Ages saw the monarchical order in animate and inanimate nature. The mediævalists held that "the essence of the Social Organism lies in Unity, that this Unity must be represented in a Governing Part, and that this object can be best attained if that Governing Part be in itself a Unit (*per se unum*), and consequently a single

individual.”⁶ Dante argued that “the unifying principle of Bodies Politic is Will, and that for the purpose of presenting a Unity of Wills” the regulating and governing will of one man was the best. If mediævalism believed in monarchy as the only right form of government, the influence of Christianity tended towards the almost deification of the monarch, who was to the state as God to the world. As the Vicegerent of God on earth, he partook of divinity.

Limitations on Royal Absolutism

The mediæval world sanctioned the Divine Right of the monarch to rule on absolutist lines, but saw nothing incompatible in imposing conditions on the monarch. It was asserted that monarchy was an office and the mutual relations between the monarch and the subjects depended on reciprocal rights and duties. The coronation oath may be conceived of as an agreement involving limitation, on the part of the king to rule justly and well. The power of the king was absolute and irresponsible, but it was not arbitrary. The king was an autocrat *de jure*, but he was bound by the law of God and the law of nature, the latter sometimes being identified with the ‘common’ law of the land. The king was, therefore, absolute and irresponsible but ‘limited’. There were things beyond his legitimate power for “neither Pope nor King could take a subject’s goods without his consent”.⁷ If the king exceeded his powers, he became a tyrant, subject to rebellion or withholding of allegiance. Within his proper sphere, he was absolute and irresponsible. The actual exercise of his absolutism was deeply affected by the fact that every mediæval monarch was a feudal overlord too. The king was bound down by feudal ties and responsibilities. Feudalism was, therefore, one of the most important checks on monarchical despotism.

The Idea of Popular Sovereignty

Mediævalism saw no incompatibility, again, between the Divine Right of the king and the Divine Right of the community. The Middle Ages inherited the tradition of the ancient Romans according to which the will of the people was the source of temporal power. According to the teachings of Christianity, too, the institution of government was due to the Fall of Man and, therefore, had a human origin. This human origin of the state was not viewed as being inconsistent with the theory of divine right and origin of monarchy, for the people were considered to be divine instruments in the creation of the monarchy. “If then the *Imperium* proceeded from the People, the inference might be drawn that it would escheat or revert to the People whenever

⁶ *Political Theories of the Middle Ages*, by Gierk, edited by Maitland, pp. 31-32.

⁷ *The Growth of Political Thought in the West*, by C. H. McIlwain p. 367.

no rightful Emperor existed."⁸ From the idea of escheat, emanated the idea of the right of the whole body of the ruled to elect their ruler. It was further argued by some in the Middle Ages that the people only created an office of the king, but retained the substance of *imperium* with themselves. The people were above the law. The people were sovereign. Marsiglio of Padua was definitely for the sovereignty of the people. With him, the legislator was the sovereign and the people was necessarily his legislator. According to Nicholas of Cues, all government depended on a freely-willed delegation of power by the whole community, its majority or its representatives. The legislative power, to him, always remained with the people and the ruler was bound by the laws.

Representative Government in the Church

The church, too, was not immune from the ideas of communal sovereignty. The Pope was unquestionably supreme over the rest of the church, over the body of cardinals and even over the General Councils of the church. Still, the idea of Papal sovereignty was subject to two qualifications. Firstly, the election of a new Pope implied election by representatives of the congregation of the faithful to whom the power reverted during the period of interregnum. Secondly, in matters of doctrine, only the whole church was considered infallible. The Pope could err, could be deposed for heresy, and therefore was subordinate to the whole church. John of Paris viewed the Pope as a corporative head of the Christian community, liable to be deposed by the General Council of the church. Marsiglio of Padua would not concede a divine origin to Papacy and placed the Pope in subordination to the Church Council. William of Ockham believed that the church could determine its own constitution and alter its monarchical form of government. During the Conciliar Movement, it was held by many that "the whole Constitution of the Church was based on the thought that the plentitude of ecclesiastical power was in substance indivisible and inalienable, and was vested in the Universal Church represented by the Council, while the exercise of that power belonged to the Pope and the Council in common".⁹ Nicholas of Cues was for full popular sovereignty in the church. To him, the General Council, as representative of the whole church, was superior to the Pope, who was bound by laws and who was a servant of the congregation. The great legacy of the mediæval world to the modern one is the legacy of representative government.

⁸ *Political Theories of the Middle Ages*, by Gierke, edited by Maitland, p. 40.

⁹ *Ibid.*, pp. 52-53.

Group Life

One of the most important features of the Middle Ages was the "Group Life", represented in the church in the form of various monastic orders and in the state in the form of social or economic groups, such as communes, guilds or estates. This group life flourished particularly within the state, so that a mediæval state, with some justification, may be termed a federal group of groups. Among these groups, the town is also worthy of note. It contained a number of well-regulated smaller groups or guilds. This group life, based on strong localism, born of social or economic differences, profoundly affected the general tone and structure of the state. The mediæval political theory did not much concern itself with the question of individual liberty, firstly because the economic position of a man on the land or on the guild profoundly affected his political and social relationships, and secondly because the Papacy, the dominant mediæval power, was so authoritarian in its attitude.

Mediæval Theory of Corporations

It was during the Conciliar Movement that the doctrine of corporations, worked out by the Roman Legists and Decretists, was applied by jurists to provide genuine legal elements to concepts of political philosophy. The concepts of Roman Law about *universitas* or *corpus* were pressed into service to define the character and significance of corporate entities, like the church, the church council, the state, the universities, free cities and communes. These corporate entities as 'partial wholes', it was contended, had an aim and an end of their own and, therefore, had a 'will' and 'personality' of their own. The church was conceived of as a corporation "consisting of all believers and endowed with ultimate and residuary powers", and the general council of the church was taken to be the 'corporate representative of the church', of which the Pope was the presiding officer. The leaders of the Conciliar Movement also referred to the Roman Corporation Law in deciding ecclesiastical questions like the summons to church councils, the powers of councils to pass resolutions, the right of majorities and the mode of reckoning majorities. To the same law may also be traced the mediæval attempt to give legal shape to the idea of the exercise of the rights of the people by a Representative Assembly. The theory of corporations, by recognising a body corporate as a juristic person and by releasing ideas about a 'Group Person' and a 'Group Will' has paved the way for the transition from monarchical absolutism to popular sovereignty and has, in recent times, been instrumental in the growth of political pluralism.

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CHAPTER VIII

MACHIAVELLI

MACHIAVELLI was born in Florence (Italy) in 1469 and died in 1527. He entered public service and was appointed Secretary of Ten in the Government of Florence in 1498. The nature of his duties enabled him to have a first-hand knowledge of home and foreign politics. He was well-versed in statecraft, for he served his state in the capacity of an ambassador as many as twenty-three times, and, among other places, was sent to Paris, to Rome and to the court of Cæsar Borgia.

His Environment

A man of a very sensitive nature and keen observation, Machiavelli was very much influenced by the intellectual and political tendencies of his age, a fact clearly evidenced by the nature and trend of his political philosophy. By the beginning of the 16th century the democratic tendencies of the Conciliar Movement, advocating constitutional government both in the church and the state, had disappeared beneath the wave of a monarchist reaction. In the church, the Pope had succeeded in establishing his supremacy over Church Councils. On the secular side, absolute monarchy, putting itself adroitly, on the crest of the rising tide of nationality, was in the saddle in the important states and had crushed the feudal aristocracy and the feudal assemblies for the time being. But this process of national and monarchic consolidation hardly affected Italy at the time. The beginning of the 16th century was the era of the Strong Man and yet none of the rulers of the Italian States, *viz.*, Venice, Florence, Naples, Milan, and the Papal States, was able to consolidate the whole of Italy under his sway. Italy became the battle-ground of intriguing and ambitious potentates, local as well as foreign. During this period of constant political disorder and internecine war, public leaders were actuated more by selfish motives than public interests. Public morality was extremely low. Statecraft was the chief arm of defence. The political situation in Italy was embarrassingly complex and depressing and, as a patriotic Italian, Machiavelli could not help being moved by it. Securing the independence of Italy and restoring prosperity to her cities became a master passion with him. Of all the writings of Machiavelli—and he wrote voluminously—the most important are *The Prince* and *The Discorsi*. Machiavelli wrote like a patriot, after full realisation that contemporary politics were not based on good Christian ethics but on a selfish political seizure and violence. The order and unity maintained, to some extent, by the Papacy and the Holy Roman

Empire were disappearing and international relations were bordering on the chaos of the state of nature.

The Spirit of Renaissance

If the rotten politics of Italy affected him deeply, Machiavelli was also materially influenced by the growing spirit of the Renaissance in Italy which ushered in an era of unrestrained intellectual outlook, freedom from the shackles of scholastic dogma and ancient, *i.e.*, pre-Christian, attitude towards morality and religion. Machiavelli was very much a creature of the Renaissance, his native city of Florence being then the centre of Italian Renaissance. In the Middle Ages, the church and the state were closely inter-related, the Church on the whole dominating the State and profoundly influencing the political philosophy of the latter. The Renaissance impelled men to re-examine things from other than the clerical point of view. It was possible now to formulate political theories on a purely secular basis and Machiavelli is the chief exponent of this school of thought. Machiavelli stood on the border line between the Middle and the Modern Ages. He ushered in the Modern Age by ridding politics of the vassalage of religion.

His Spiritual Ancestry

As to the spiritual ancestry of Machiavelli, the great Greek philosopher, Aristotle, held his imagination as he did that of many a mediæval scholar and thinker. Machiavelli freely drew on Aristotle and ignored the writers and problems that were not classical. The Christian Scriptures, the teachings of the Church Fathers, and the conflict for supremacy between the church and the state were quietly put aside by him. Machiavelli believed that human nature, and therefore human problems, were almost the same at all times and places and, therefore, he thought of enlightening the present with the help of the past. His method of study was, therefore, historical. He studied contemporary politics, analysed it, formed conclusions and then summoned history to substantiate them. Ancient, particularly Roman, history furnished him with convenient parallels and political truths.

The Historical Method

The historical method suited Machiavelli particularly well because he was pre-eminently a student of practical and not speculative politics. A realist in politics, he cared little for political philosophy as such. His writings expound a theory of the art of government rather than a theory of the state. He was more concerned with the actual working of the governmental machinery than with the abstract principles of constitution. Preservation of the state, rather than the excellence of its constitution, was his chief consideration. Naturally, therefore, he viewed things from the standpoint of a ruler and not the ruled.

A thing which would be immoral for an individual to do might, if necessary in the interest of the state, be justifiably done by the ruler. Machiavelli thus believed that public morality was something very different from private morality. In his writings, Machiavelli attacks the separation of the church from the state and rejects the doctrine of natural law. He believes that a man's 'virtue' is measurable by his power and fame and lies in a combination of force and intellect. For such a 'virtue', there is little place for any restraints imposed by general principles which Natural Law implies.

Machiavelli's Conception of Human Nature

Like Calvin and Hobbes, Machiavelli did not believe in the essential goodness of human nature and human beings. A man was a strange mixture of weakness, folly and knavery, fit only to be hoodwinked and lorded over. Living in the Italy of the 15th century, it was very natural that Machiavelli should have a very low idea of human nature. Like Hobbes, he held that all men were wicked and essentially selfish. Selfishness and egoism were the chief motive forces of human conduct. Men were "ungrateful, fickle, deceitful, cowardly and avaricious". They were good only when it paid them to be good. Fear is the one dominating element in life and is mightier than love. A prince, therefore, ought to personify fear. A prince who is feared knows how he stands in relation to his subjects. He is to excite fear in their minds, but not hatred nor contempt.

Its Criticism

Machiavelli's conception of human nature has a close family resemblance to the Calvinistic doctrine of Original Sin. He did not believe in the moral progress of man. Standards of ethical conduct did not vary in different ages. Machiavelli entertains, like Hobbes, a very poor idea of human nature which, to him, is essentially bad. On this conception he builds the whole structure of his political science. Would it not be truer to say that a man is neither inherently good nor bad but that he is a bundle of natural impulses which are to be converted into good or bad ones according to environment? "The great fault of Machiavelli lies in the fact that he builds his theory of state, or rather preservation of state in an environment of fear or prohibitions, a thing which is bound to react rather unfavourably on the moral progress of the state without which neither preservation nor expansion is easy of accomplishment."

"The Prince"

Chapter XVIII of *The Prince* gives Machiavelli's idea of the virtues which a successful prince must possess. Integrity may be theoretically better than collusion but cunning and subtlety are often very useful. The two means of success are

law and force. A prince must combine in himself the rational and the brutal, the latter in return representing a judicious combination of the lion and the fox. A wise prince will not keep his parole, when by so doing he would injure his own interests and 'when the reasons which make him bind himself no longer exist'.¹ A prince must play the fox and act the hypocrite to disguise his real motives and inclinations. To Machiavelli the preservation of the state was the *raison d'être* of monarchy. A prince must regard his neighbours as likely enemies and keep on guard. A clever prince will strike his enemy before the latter is ready. He will realise the internal unity of his state not by surrendering his powers to the people but by establishing thorough-going despotism. Economic motives being the mainspring of human conduct, a prince must do all he can to keep his subjects materially contented. A prince might execute a conspirator but should not confiscate his property, for, confiscation would be more seriously taken notice of by the affected family than the execution.

Separation of Politics from Ethics and Religion

From the foregoing, it is obvious that Machiavelli had little place for ethics, or for the matter of that, for religion in his system of political philosophy, and that formed the chief difference between him and the mediæval writers. Aristotle had already distinguished ethics from politics but had not separated the two whereas Machiavelli brought about a complete divorce between them. Moral virtues had their own value but he refused to assign them any place in his scheme of things. Morality was not denied but was subordinated to politics and, therefore, Machiavelli "is not immoral but unmoral in his politics". With Machiavelli, as with the Jesuits, the end justified the means. Machiavelli may be called the "founder of utilitarian ethics".

Machiavelli's Erastianism

Machiavelli does not believe in a supernatural end for man. Men value material prosperity, power and fame, etc. Disbelieving in a supernatural end for man, Machiavelli has no use for divine law. Machiavelli not only separated morality from politics, but relegated religion to a very subordinate position in his political system, and it is because of this that we think that the modern study of politics begins with Machiavelli. For centuries politics and religion had been intertwined. Politics was, in fact, the handmaid of religion. Some of the best mediæval thinkers subordinated the state to the church. As a political realist, Machiavelli realised that passive Christian virtues, like gentleness and meekness, had little bearing on the sordid Italian

¹ Cf. *The Prince*, translated by Luigi Ricci, p. 70.

politics of the day where success followed only the pagan virtues of courage, audacity, cunning and duplicity. Italy had no place for Christianity for, as represented by Papacy, it was deliberately impeding the realisation of Italian unity. Once again, Machiavelli was not irreligious but non-religious. He was more attracted by the propagandist utility than by the doctrinal virtues of Christianity. Machiavelli knew the public utility of the binding force of religion without which the state could not exist and he looked upon devotion to religion as a useful weapon in the hands of a statesman to be skilfully used in furtherance of the ends of the state. To Machiavelli, the church was a department of the state and not independent of it. The church had a place *within* the state but not *above* or *beside* it. Properly used it could reinforce a citizen's sense of duty to the state. Machiavelli must be reckoned as the last of the great line of mediæval secularists who urged the subordination of the church to the state.

A good deal of odium attaches to Machiavelli for his cynical disregard of morality and religion. Machiavellianism has become a by-word for unscrupulousness; but we must note the following points. (1) Machiavelli wrote *The Prince* and *The Discourses* primarily from the point of view of the preservation of the state, every other consideration being secondary. (2) The crowning success of men like Cæsar Borgia and the active contact of Machiavelli with him reacted strongly on the mind of the philosopher in favour of the 'Strong Man'. To him, Borgia was the type of a successful ruler worthy of others' emulation. In *The Prince*, Machiavelli tries to idealise Borgia. On the other hand, Machiavelli had been very unfavourably impressed by the collapse in Florence of Savonarola's regime which was based on the shaky principle of moral excellence, unsuited as it was to the Italy of his day. (3) Morality and religion had very little touch with the actual Italian politics in the days of Machiavelli, who in this respect was a mere creature of his time. Machiavelli, when he discarded morality and religion from his political philosophy, acted like a realistic painter, for he had more of the Aristotelian than the Platonist about him. (4) The onrushing wave of pagan Renaissance had greatly weakened the hold of Christianity and Christian morality on the minds of the people. It appeared then that Christianity had ceased to function and that new standards of conduct based on self-interest were necessary and, therefore, justifiable. It was natural, therefore, that Machiavelli should have no place for either morality or religion in his political philosophy.

Classification of Government

Machiavelli's classification of the forms of government is rather unsystematic in a thinker of his calibre. He accepts the Aristotelian classification of governments into monarchy, aristocracy and constitutional democracy, with their perversions,

tyranny, oligarchy and democracy. He also agrees with Polybius and Cicero that a mixed type of constitution with proper checks and balances is the best and the most suitable constitution for a state. Machiavelli by inclination was a republican more than a monarchist. He observed a close connection between wealth and real political power. To him, a republican form of government was not only the most suitable but the only form of government for a political community where there was a general economic equality. A republic can maintain its institutions and adapt itself to changing environment better than a sentimental prince. An aristocracy, particularly a landed aristocracy, led to factious quarrels and civil disorder and would not do for a state. Machiavelli, however, would not swear by either a republic or a monarchy. His chief care was efficiency in the state and for this he wanted an extra-legal sovereign. He realised that different types of government suited different times and places, and, though by conviction a republican, he knew that to the Italy of his day an elective monarchy would be best suited. The one pressing need of Italy, then, was deliverance from the foreigners—German, French and Spanish—and for this a wise and strong elective prince was better fitted than a republic. Machiavelli believed in the cyclical character of the forms of government

Machiavelli's Inconsistency

Machiavelli holds that the republican form of government is better than the monarchical one. The 'virtue' that he prescribes for an individual is a combination of intellect and force. How can this egoistic virtue in the individual be the basis of a good and strong republican system which requires for its sustenance and efficient working public spirit, patriotism and willingness to sacrifice private for public interests.

The Doctrine of Aggrandisement

In *The Prince* and *The Discorsi*, Machiavelli insists on the necessity of extending the territory of the state. *The Prince* portrays Machiavelli's idea of a real monarchy, and *The Discorsi* that of a republic. An irresistible tendency to expand is inherent in both monarchies and republics. His idea of the extension of the dominion of a state did not mean "the blending of two or more social or political organisms, but as consisting in the subjection of a number of states to the rule of a single prince or commonwealth". To Machiavelli, a state must either expand or expire and extension of dominion was easier in one's own country, where there was no difficulty of language or of institutions to overcome in the assimilation of the conquered people. Machiavelli thought the Roman state and its policy of expansion to be ideal. Force of arms was necessary for political aggrandisement as well as preservation of a state, but force must be judiciously combined with craft. The doctrine of aggrandisement

is one of the most characteristic features of Machiavelli's political philosophy and brings out vividly his moral indifferentism.

Both *The Prince* and *The Discorsi* give us Machiavelli's ideas regarding the means to be adopted for the preservation of the state. In a monarchy, a prince must pay due respect to the established customs and institutions of the land which people hold as something dearer than liberty or life itself. The government being ultimately based on force and fear, a prince must have a well-trained army of his own subjects. He should draw on the spoils of war more than on the regular public treasury. He must fire the imagination of his subjects by grand schemes and enterprises. He must not impose heavy taxes and he must patronise art and literature. Machiavelli's ideal prince is, thus, an enlightened despot of a non-moral type. In a republic, the most important thing is that the constitution should be flexible, the law of the land reflecting the varying conditions in the republic. Machiavelli believed that dictatorship and party strife sometimes played a useful part in a republic.

Machiavelli's Influence

The influence of Machiavelli on modern political science and practice has been tremendous. Princes like Frederick the Great were essentially Machiavellian though Frederick had the hardihood to repudiate Machiavellianism in his *Refutation du Prince de Machiavel*. One of the most important contributions of Machiavelli was that he brought political theory into line with political practice, while in the Middle Ages the two were, on the whole, out of harmony, one with the other. Machiavelli followed the empirical method of observation and experience and brought about a reunion of political theory and political practice. His political philosophy was realistic, mirroring the conditions of the moment. This realism of Machiavelli is well illustrated by the doctrine of aggrandisement which he was bold enough to avow and enunciate. Aggrandisement was the order of the day in the Italy of Machiavelli. Absorption, of other states or by other states, was the order of the day. His doctrine of aggrandisement must have carried weight later on with governments and with princes like Frederick the Great and Henry VIII of England, etc.

His Contributions

By far the most important contribution of Machiavelli to political science lies in his bringing about a divorce between ethics and politics, i.e., in the distinction he created between the standards of public and private morality. It is this that entitled him to be called the first of modern political thinkers and it is because of this that he suffers from the odium that attaches to the word Machiavellianism. To him, the *raison d'état* would justify everything, including political murder, for the state was

an end in itself. He exhorted the prince to save the state even at the expense of his soul. Machiavelli demanded in the service of the state a sacrifice of everything, including personal conscience. Like the Greek philosophers, he was for the complete absorption of the individual by the state. It was only public virtue that he appreciated in a citizen, believing, as he did, that considerations of political expediency must weigh down any qualms of Christian conscience. Machiavelli worshipped the deity of strength as the only deity worth consideration and homage. To Machiavelli, history was a mere illustration of strength based on force and fraud. Blessed were the strong and the cunning! Long live Cæsar Borgia, for he represented a better ideal than a scrupulous but vacillating Christian prince. Modern politics and international relations fully illustrate his distinction between private and public morality. Count Cavour was only Machiavellian when he said, "If we had done for ourselves what we have done for Italy, we should have been great rascals." If within the state Machiavelli demanded a sacrifice of personal conscience, in international politics he altogether ignored the considerations of right or wrong. He was prepared to sacrifice the peace and solidarity of humanity at the altar of an efficient national state, and as such was one of those who are chiefly responsible for the growth of modern nationalism. He was one of the first of modern writers to conceive of a secular 'national' and 'isolated' state.

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CHAPTER IX

POLITICAL THEORY OF THE REFORMATION

I. THE GENERAL BEARING OF REFORMATION ON POLITICAL PHILOSOPHY

Growth of the Reformation Movement

THE religious revolution of the 16th century, known as the Reformation, marks the beginning of a new phase in the history of political thought in Europe. The Reformation, to a certain extent, represented the revolt of the Teutonic people from the religious domination of the Latin races and marked the end of the era when the Papacy was regarded as the inevitable condition of individual and corporate life, when the church regulated the relations between the rulers and the ruled and when the church stood as the highest court of appeal on all matters concerning human life. The Babylonish Captivity, the Great Schism and the personal character of the pre-Reformation Popes were considerably responsible for weakening the hold of the Papacy in Europe. The corruption of the church led to criticism and ridicule of the Papacy. The Reformation had its political and economic causes too. Politically, the Reformation represents the modern version of the Mediæval quarrel between the Empire and the Papacy. Young nations with distinct national interests and ideals of their own began to revolt against the universal domination of the Papacy which began to have a temporal policy of its own. Economically the princes and people wanted to take possession of the enormous riches, including vast landed estates, which belonged to a thoroughly degenerate church.

Alliance between Reformers and Princes and Growth of Monarchical Absolutism

In the 16th century political theory was inevitably and powerfully influenced by the Reformation Movement. The Movement, though primarily clerical, could not fail to have ethical and political significance. The opposition of the reformers to the sale of indulgences signified a re-union of morality and theology. In their rejection of the Papal authority the reformers found the princes, anxious to save their subjects from Papal exploitation, ready to help them. The reformers, in return, helped the princes to aggrandise themselves by seizing the property and jurisdiction of the church. This naturally increased the power and position of the princes. The reformers not only helped the princes against the Catholic Church and the Papacy but they also helped them against the disorderly element within the state by preaching the doctrine of passive obedience. They joined hands with the princes against dangerous sects, like the Anabaptists, or against dangerous feudal movements like the

Knights' War or the Peasant's War. This close alliance, particularly noticeable in the early part of the Reformation Movement, between the princes and the reformers, naturally led to the growth of absolute monarchy. The union between religion and politics, which characterised the Middle Ages but which had been temporarily sundered by Machiavelli was restored once again by the Reformation Movement. The Reformation was also marked by the reunion of religion and ethics.

The Nation-State Dominating the Church

The Reformation movement led to the transference to the state of a good deal of jurisdiction and authority which in the Middle Ages belonged to and were exercised by the church. In the Middle Ages the society was viewed as one organic whole with both secular and ecclesiastical authorities functioning within it. This universal society was more a church than a state, the ecclesiastics interfering in almost every department of the secular authority. The Reformation movement led to the break up of this universal society on a territorial basis, each territorial unit, *i.e.*, nation, partaking more of the nature of a state than of the church. In this creation of the nation-state, the Reformation movement both helped and was helped by the strong nationalism of the day. The Middle Ages conceived of a universal church-state in which the church dominated the state. The Reformation subordinated religious authority to the secular one and placed it under the jurisdiction of the "Godly Prince". Thus the Reformation movement changed the mediæval conception of a world empire into one of a territorial state and reversed the mediæval order by placing the church under the state.

The Reformation of the 16th century was predominantly a theological movement, but it raised a number of important issues. The Reformation replaced the religious prescriptions of the church by the notion of justification by faith. The Lutheran doctrine of justification by faith weakened the necessity for a church. Then, again, the reformers denied the power of the Pope to grant remissions of sins—a prerogative which belonged to God alone. These were revolutionary doctrines from the point of view of the church and naturally aroused its vehement opposition to the Reformation movement for the good reason that they raised the important question of what was to be done with the Papal authority and the church in general. Was Europe to retain the ecclesiastical hierarchy and allow the continuance of ecclesiastical supremacy as in the Middle Ages?

Growth of Individualism and Democracy

The fundamental Reformation doctrine of justification by faith led to the growth of a marked individualism which resulted in grave social, economic and political disorders. Many revolutionary sects grew up and there was a great diversity of

religious doctrines in Christendom. Economically and politically the teachings of the Reformation led to communistic disorders and peasant revolts. The reformers, in order to protect the movement from these excesses, appealed to the secular authorities. The princes were invited to the task of 'defining creeds and punishing heresies'. As the movement developed the princes were allowed to decide for their subjects as to the form of religion the latter should adhere to. This led to the enunciation of the principle of *cujus regio, ejus religio*, and the exaltation of the prince. But while the immediate effect of the movement was the exaltation of the prince, it led ultimately to the growth of individual liberty and democracy. The reformers preached the equality of man. They demanded the freedom of a man to follow his own conscience and to attain salvation in his own way. This individual freedom from a religious point of view had its political reactions too and led to the growth of the notion of democracy. In so far as the Reformation led to the growth of individual liberty and democratic government as also the establishment of a strong united national state, it was distinctly modern in its outlook. "But so far as it tended to revive theocratic ideals, theological politics, and appeals to Scriptures in regard to the form of government, it was a reversion to the ideals of earlier Middle Ages, which were largely disappearing under the combined influence of Aristotle and the Renaissance."¹

There were three main stages in the Reformation period, i.e.,

1. Period between 1517-1530 during which Luther was the predominant figure. This stage gave rise to the notion of the absolute state, territorial and national in character with power to demand the allegiance of all of its citizens, lay and ecclesiastical. This political notion or theory for which Luther was mainly responsible was formulated and manipulated for the purpose of church reform primarily, for, with Luther, the political significance of any theory was an accidental one, arising mainly from the situation which confronted him after the Diet of Worms.
2. Period between 1530-1564 during which Calvin held the field. Calvin's theories were markedly more logical and consistent than those of Luther. His political theory is based on a rigorous organisation and disciplining of human nature.
3. Period between 1564-1618 during which political interest is confined to a comparative and competitive examination of different systems of government. Democratic notions show signs of emergence as also notions of rights of man.

II. LUTHER

Martin Luther, born in 1483, joined an Augustinian monastery and later on became a professor of theology. His visit to

¹ From *Gerson to Grotius*, by J. N. Figgis, First Edition, p. 24.

Rome convinced him that the Papacy was the incarnation of anti-Christ, was morally undesirable, and must, therefore, be reformed. His theories and theses represented a challenge to Rome. The church refused to reform itself and also refused to answer Luther who appealed to the Holy Roman Empire. The Empire, due to the political exigencies of the times, stood by the Papacy. Luther, thereupon, appealed to the German nobility and princes whose leader John Frederick of Saxony befriended him. From the point of view of political philosophy Luther made three important contributions by his teachings, *viz.*,

1. He created a definite distinction between spiritual and secular authority.
2. He exalted the national territorial state as against any extra-territorial organisation, lay or clerical, *i.e.*, the Holy Roman Empire or the Papacy.
3. He inculcated the Christian duty of passive obedience to the established social and political order.

Luther's Erastianism

In his *To the Christian Nobility of the German Nation*, Luther appeals passionately to the German national sentiment against the Papacy for its illegitimate assumption of power and universal interference. His twenty-seven points of reform include the abolition of nearly all jurisdiction and revenue of the Pope outside the Roman Church. Luther lays down that whatever affects "money, estate or any material interest" is within the exclusive jurisdiction of the secular authorities. The Pope and the clerical hierarchy are mere officers of the church and, therefore, entitled to no special privileges at the hands of the secular authorities. Luther thus destroyed considerably the power and prestige of the Papacy, which, in the absence of any rival clerical organisation, were appropriated by the state. Lutherism led to Erastianism.

Lutherism Led to Royal Absolutism

The influence of Luther was definitely on the side of the lay authorities of the territorial state. Not only did Luther weaken Papacy but he defied and demoralised the Holy Roman Empire. Lutherism went counter to the spirit of federalism. The consolidation of the state within, and denial of any authority without the state was one of the effects of the teachings of Luther. This naturally led to the formulation of the theory of the Divine Right of Kings. No longer would the state acknowledge the supremacy of the church. The state did not exist by the favour of the church, as claimed by the ecclesiastics in the Middle Ages, but had an inherent right to exist. It was as divine in origin as the church and was responsible to God only. The doctrine of the Divine Right of Kings was in origin directed towards the independence of the state from subjection to the

church, rather than to the unlimited expansion of the powers of the prince as against his own subjects, though the latter development did take place in the 16th and the 17th centuries. Luther's exaltation of the state strengthened the absolutist tendency which characterised the 16th and the 17th centuries. The civil power, to Luther, was essentially holy. "Luther is as much the spiritual ancestor of the high theory of the State, as the Jesuits and their allies are of the narrower, utilitarian theory."²

Duty of Passive Obedience to the 'Godly Prince'.

Luther preached the doctrine of passive obedience to the "Godly Prince". In his *Of Secular Authority, How far is Obedience Due to It*, Luther, relying on the Bible, maintained that secular power was sanctioned by God and was necessary because a great majority of men were non-Christian and were outside the sphere of the Holy Spirit and must, therefore, be guided by the secular sword. Christians must submit to the secular government if only to set an inspiring example to non-Christians. Luther was against any right of overt resistance to the state for both divine and civic laws were against such a resistance. He scoffed at the idea of individuals standing for their natural rights. Luther, however, allowed a Christian to withhold his submission to the princes if the latter were clearly in the wrong. As a matter of fact, Luther was hardly consistent in his language and attitude on the question of passive obedience. The opposition of Emperor Charles V to the Reformation led Luther to modify his views on the passive obedience of a Christian to his secular authorities. Passive obedience was not due in case of tyranny. In matters of religion and faith, Luther stood against the extension of the power of the civil government, but allowed that the civil government must set limit of religious toleration and use force when that limit was passed by those who held religious belief subversive of civil order.

From the point of view of political speculation, Luther was a mere creature of circumstances. The Pope would not accept his reform; the nobles championed his cause but the days of Papal supremacy were not completely over. The main problem which confronted Luther politically was how to give the nobles authority and power to adopt reforms in their own states and how to make them independent of the Pope and the Holy Roman Empire. Luther's solution was the theory of the divine origin and right of kingship. This virtually denied the divine rights of the Pope. This theory was the inevitable outcome of Luther's own position after the Diet of Worms. If the Emperor had befriended Luther, the latter would certainly have insisted on the divine right, not of the princes but of the emperor. If the

² From *Gerson to Grotius*, by J. N. Figgis, First Edition, p. 77.

Papacy had accepted Luther's reforms, there would have been no divine right either of the princes or of the emperor.

Luther's Inconsistencies

Luther is one of the most inconsistent and vague thinkers in the whole series of political thinkers. On the one hand he is against the princes interfering in matters ecclesiastical, on the other, he allows them to set a limit to religious toleration and punish those who, according to them, hold subversive religious doctrines. On the one side, Luther was for the extension of the doctrine of freedom of conscience, on the other he virtually allowed the princes to regulate the religious beliefs of their subjects. By allowing the prince to determine the religious principles of his subjects, Luther was responsible for the evolution of the doctrine of *cujus regio, ejus religio*. Again, while on one side Luther preached the doctrine of freedom of conscience, on the other he urges the theory of passive obedience to the secular ruler, *i.e.*, of the complete subordination of the individual to his prince. The attitude of Luther towards the Peasants' Revolt shows the inconsistency of Luther's political doctrines, which he claimed were based on the Scriptures. The serfdom which existed in Germany in Luther's time seemed to be out of all harmony with the social and economic conditions which seem to be implied in the Holy Scriptures. The peasants thought that they had a right to fight to improve their lot to the level of the scriptural conditions. The peasants in following the Scriptures were following the law of God. Luther compelled peasants to follow the dictates and laws of the temporal princes. Here Luther deserted his theological principles for the sake of ingratiating himself with the princes. Because he relied on their support, he had to prove to them that there was nothing in his doctrines subversive of existing social order.

Luther did not believe in the essential equality of men. He stood for civil inequality. Due to the influence of Luther's doctrine of personal conscience, the individual found himself again and did not allow himself to be absorbed by the church. The sanctity which was attached and the devotion which was paid to the church by the individual was, thanks to Luther, now transferred to the state. The state gained at the expense of the church as also of the Holy Roman Empire. "The unity and universality and essential rightness of the sovereign territorial State, and the denial of every extra-territorial or independent communal form of life are Luther's lasting contribution to politics."⁸

MELANCHTHON

Melanchthon, unlike Luther, was a refined scholar, deeply imbued with the humanistic spirit. Unlike Luther, Melanchthon

⁸ *From Garton to Grotius*, by J. N. Figgis, First Edition, p. 91:

admired the Ethics and Politics of Aristotle, in spite of the fact that Aristotle was the 'philosopher' of mediæval theologians too. The ideas of Melanchthon show a certain amount of vacillation natural to a period of transition. He tried to construct a general system of moral and political philosophy of universal validity and for this he, like Luther, took his stand on the Scriptures.

The political system of Melanchthon is based on the concepts of natural law and natural right. He believed that the principles of natural law were summarised in the *Decalogue* and all institutions based on the *Decalogue* were in accordance with natural law. Besides the *Decalogue*, there are certain principles of universal validity from which natural law may be deduced.

According to Melanchthon the principles of natural law justify the existence of private property and liberty. "Thou shalt not steal" points to the justification of private property. The secular government is an institution of the law of nature. Various texts in the Scriptures enjoin obedience to the rulers. The characteristic function of civil government is the punishment of offenders in order to maintain order and calmness in the state as also to promote morality, true religion and proper discipline among the subjects. The extirpation of false worship and heresy is also one of the primary duties of the state. Like Luther, Melanchthon held that the sphere of secular government is confined to external relations between man and man. The state is not concerned with what is only spiritual in character.

Suggests Passive Obedience as also Tyrannicide

Melanchthon, like Luther, had little to say about the form of political organisation. Any form of government that did not violate the law of nature was good. He, however, did not believe in the universal rule of the Pope and the Holy Roman Emperor. Melanchthon too, like Luther, claimed a divine origin for kingship and held that the subjects of divinely established monarchs must yield full passive obedience to their rulers. Not even impious rulers were to be resisted. Yet Melanchthon allowed tyrannicide, if tyranny were notorious and undoubted. Melanchthon, at first, believed in the excellence of monarchic government but later on became an admirer of the aristocratic governmental organisations obtaining in the free imperial cities of his day. Melanchthon would not allow any coercive authority to the church, which he placed under distinct subordination to the state.

Melanchthon emphasised the notion that the loyalty a subject owes to the state is an absolute one. Hence, all alternative loyalties which exist in a state, as for instance loyalty to the church, ought to disappear. His point of view is that in no state should any dual or alternative loyalties be allowed. This notion of Melanchthon finds support in the Roman Law which

says that without the will of the state no corporations have any right to exist. In countries like Italy, France, Switzerland and Holland, etc., corporations represented artificial creations and could not divide the allegiance of a subject with the state.

ZWINGLI

Ulrich Zwingli, the Swiss reformer, did not make any new contributions to political philosophy. His political significance lies more in his methods than in his doctrines. Zwingli exerted a considerable influence on the secular policy of his Canton, Zurich, where he introduced his reformed religion through the agency of the established secular machinery. He was not himself a member of the Zurich Cantonal assembly but his ideas and doctrines were embodied into the Cantonal law. "At the outset he does not seem to have contemplated the assumption of ecclesiastical functions by the state; his theory as to the distinction in kind between spiritual and secular institutions and authority was not essentially different from that of Luther."⁴ "Zwingli regarded the church as the invisible communion of the saints, while whatever regulation was necessary for the proper institution of worship and discipline was a function of the secular organs of each community." The state, to Zwingli, was an external agency to regulate spiritual life. Zwinglianism thus "blended state and church in a single organization. The community (*gemeinde*) determined for itself, through its constituted authorities, the form and manner of its spiritual life as well as the rules which should control its mere physical existence."

Zwingli was more radical in his views than Luther, being more interested in politics than the latter. He was a prominent member of the reforming party in Switzerland which favoured democracy and which aimed at a national reform on a religious foundation. Zwingli inculcated the doctrine of obedience to the civil government and allowed the government the right to put down heresies. He was for religious toleration only so far as "the teachings of the Scriptures were not contravened". Zwingli was powerfully influenced by the democratic tendency in Switzerland of his day, with the result that instead "of a divine right monarchy, receiving passive obedience from its subjects, Zwingli conceived of a Christian commonwealth, in which the faithful should co-operate in establishing and administering the civil authority. A democratic state imbued with the social spirit of primitive Christianity was Zwingli's political ideal."

CALVIN

John Calvin, born a Frenchman, was the first reformer who created a comprehensive system of doctrines for the Reformed Church which was as logical as that of the Roman Catholic

⁴ *Political Theories, from Luther to Montesquieu*, by W. A. Dunning, p. 24.

Church. It was really Calvin who gave form and coherence to the Lutheran doctrines. "While Luther was the theologian, Melancthon the philosopher and Zwingli the politician, Calvin was distinctly the lawgiver of the Reformation."⁵ In his *Institutes of the Christian Religion*, Calvin tried to give a complete guidance as to what was necessary to do in order to live a good Christian life according to the injunctions of the Bible. Calvin dreaded revolutionary social doctrines and individual interpretation of the Scriptures. His interpretation of the Scriptures was based on the sound principles of order and authority. He tried to subject thought and action, church and state to law.

Of all the leaders of the Reformation Movement, Calvin is undoubtedly the most important from the point of view of political philosophy. Book IV of his *Institutes* contains the substance of his political philosophy. Calvin does not believe with Zwingli that the state and church should be united in a single organization. It was, in fact, the necessity of safeguarding the reform movement from the revolutionaries like the Anabaptists that impelled Calvin to begin the *Institutes* by asserting that the church and the state were two entirely different organizations. The church must have a system of government and discipline suited to itself and distinct from the secular one. The church organisation must have:—

- (1) A body or assembly of elders to lay down the rules of proper conduct.
- (2) The power to excommunicate the unbeliever but no severer penalty.
- (3) The power to exclude the state from clerical affairs and to exclude from its own organization everything of a mere secular character.

Origin and Functions of Civil Government

Calvin's conception of state is based on two fundamental ideas, *viz.*, the Sovereignty of God and the Fall of Man. To him men are evil, nine out of ten being damned. Secular government is, therefore, necessary to preserve order. It is as necessary as the church or other necessities of life. Calvin maintained that "the authority of a magistrate is the most sacred and honourable of all things pertaining to mere mortal life".⁶ The civil government had two chief functions to perform; *viz.*, (1) to preserve order and protect life, liberty and property and (2) to guard truth (as embodied in the *Institutes*) and exclude idolatry and blasphemy, from society. Every Christian had a moral duty to help the state in these functions. As to the forms of government

⁵ *Political Theories, from Luther to Montesquieu*, by W. A. Dunning p. 26.

⁶ *Political Theories, from Luther to Montesquieu*, by W. W. Dunning p. 27.

there is little to choose between monarchy, aristocracy and democracy. All are good at their own times but then, too, Calvin gave his preference to the rule of the elect, *i.e.*, aristocracy.

The main duty of the secular ruler is the care of religion because religion represents the soul of the state. When the church recommends a certain course of action, it is for the state to carry out the order, for, the church itself cannot go beyond excommunication. After paying consideration to the church a ruler must provide peace and order to the state, a task in which every Christian must help the state. Calvin, like Luther, recognized the duty of a subject to show passive obedience to the ruler in general. Even a bad ruler must ordinarily be given obedience and honour, but Calvin recognized that there were cases in which resistance to tyranny was justified. Though, in general, Calvin supported order against rebellion, yet he left an opening for resistance. He gave the representatives of the three estates the right of restraining the absolutism of a tyrant. Calvin also held that an individual had the right of resisting his ruler if the latter's orders contravened any command of God. This view of Calvin, in good time, gave handle to the Calvinists to rise in the name of God against their rulers in Holland, Scotland and France, etc.

In spite of the insistence of Calvin on the separation of church and state organisations, the Genevan system which grew up under the influence of Calvin was a church-state for it was "theocratic in principle and aristocratic in operation". The body of citizens at Geneva was organised into:—

- (1) The Venerable Company consisting of ministers and professors of theology to manage the worship.
- (2) The consistory composed of clergy and the Twelve Elders to regulate moral discipline. These two bodies represented the church.
- (3) The town council and other councils in Geneva. This was linked to the consistory by the Elders.

An extremely puritanical moral code of Calvin was enforced by the consistory which had drastic powers of search and punishment. Besides, there was the secular magistracy to enforce laws of morality. Through the influence of Calvin the secular organisation in Geneva became a handmaid of the ecclesiastical one. Calvinism became the antithesis of liberty in Geneva, though in other countries like Holland, France, etc., it laid the foundations of civil government. Thus, whereas Lutherism, in spite of Luther's belief in individual freedom, tended to the suppression of an individual's liberty by the God-like ruler, Calvinism fostered it, though merely as a result of circumstances.

Calvin believed in a law of nature. The moral law represented human knowledge of the natural law. There was natural right conforming to the natural law. The natural right created

natural duties too. The natural rights which are inalienable are right to law, right to liberty and right to freedom of worship.

GENERAL POLITICAL INFLUENCE OF THE REFORMERS

Reformation against Universalism in Church and State

The political teachings of the great reformers did much to counteract the rationalising non-moral and non-religious spirit of Machiavelli. In spite of the influence of the Renaissance, their ethical and political theories were, to some extent, mediæval. "To the Reformers the relation of church to state and the moral basis of the latter constituted practically the whole of political theory" and in this they followed and developed the mediæval doctrines. But the Reformation rejected the great mediæval idea of a universal empire and a universal church, and allied itself with the idea of nationalism.

Governmental Absolutism Strengthened

The doctrine of the divine character of secular government of the reformers was borrowed by them from the early Christian Church. The reformers greatly enhanced the dignity and power of the princes. A very notable teaching of the reformers was the conception of excellence bestowed by God on the elect. The result of this was that "in monarchic lands the tendency of the Reform was to enhance the hold of the monarchical principle and in aristocratic governments to confirm the principle of aristocracy. In both, the effect was to strengthen absolutism in the political sovereign."⁷ But while the reformers strengthened absolutism, they were not blind to the possibility of governmental tyranny. Lutherans, therefore, qualified the duty of passive obedience in relation to a tyrant, while the Calvinists evolved a system in which the chosen of God should be secure in their secular rights and privileges. Passive obedience was given well defined limits, and the ruler and subject alike were to be under the control of a higher law.

⁷ *Political Theories, from Luther to Montesquieu*, by W. A. Dunning, p. 36.

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CHAPTER X

THE POLITICAL THEORY OF THE COUNTER-REFORMATION

AFTER the first shock of the Reformation, the Roman Catholic Church tried to set its house in order. The process of purification of the Papacy began under the leadership of a series of great popes. The General Council of the church was reorganised. Old religious orders were revived. New ones were founded of which the most important was the Society of Jesus. A General Council of the church was summoned at Trent. The fundamental questions to be discussed by the Council were whether the Pope or the Council was supreme in the church and how should secular and spiritual authorities be delimited. Ultimately, the supremacy of the Pope was established over the church council mainly through the help of the Jesuits. It is to the Jesuits that the Counter-Reformation is mainly indebted for its political speculation and its political philosophy. During the latter half of the 16th and the 17th centuries the Jesuits considerably enriched literature on political science, their writings having an anti-monarchic bias.

The Jesuits were remarkable more for the brilliance of their methods than their ideas. Their ideas on political philosophy were not original, borrowed as they were from general canons of mediæval theory. But the Jesuits were able writers and able pamphleteers. Their method of work lay in capturing the minds of men who exercised power and in obtaining a control over the intellect of the people. This they did with the help of a brilliant educational system. The Society of Jesus produced three important thinkers in the persons of Bellarmin, Francis Parsons and Mariana. Besides these, there was a large number of really clever men among the Jesuits.

I. POLITICAL THEORY OF THE JESUITS

Opposed to Divine Right of Kings and in Favour of Popular Sovereignty

The Jesuits make a clear distinction between lay and ecclesiastical society. The secular society originates in the needs of men and exists for the sake of securing peace and liberty, done best by the society retaining power in its own hands. The basis, therefore, of any political society is the sovereignty of people. Supreme political power is in the possession of the people. This doctrine of popular sovereignty, though not an original doctrine, was first brought into prominence by the Jesuits. The civil state was a corporate personality. No divine

sanction surrounded the civil state. It had no divine origin. The secular state was concerned with the peace and protection of property. The king rules because of the power delegated to him by the people. Political power and sovereignty really belong to the people, the king being only an instrument of its expression. If the people can delegate political power they can also take it back at any time. The brilliant Jesuit Mariana justified tyrannicide but the majority of the Jesuits created a distinction between tyrant-usurpers and tyrants who were legitimate rulers. According to the Jesuits the civil state had no connection with religion. The people who were sovereign, *i.e.*, by whom political power was delegated to the ruler, had a right to reshape the political society if they thought it necessary. The Jesuits were opposed to the theory of Divine Right of kings and they allowed the people the right of deposing their rulers who were their servants or delegates. The Jesuits were responsible for this revolutionary doctrine of which such good use was made later by Locke and Rousseau.

As to the relations between the Church and the State the Jesuits abandoned the mediæval conception of a single and indivisible *Respublica Christiana* "and reverted to the view of the New Testament, the Early Fathers, and St. Augustine, *viz.*, that there are two separate and distinct societies—a *Civitas Dei* and a *Civitas Terrena*; that the *Civitas Dei* or the Catholic Church is divine in origin and organisation and inherently the higher of the two, and that the *Civitas Terrena* or national state is human in origin, a mere creature of contract, deriving such scanty authority as it possesses simply from the sanction of sinful men." Thus the Jesuits not only separated religion from politics but placed the latter in a position of subordination to the former. They were, however, not content with the separation of religion alone from politics, for they, like Machiavelli, brought about a divorce between ethics and politics. To the Jesuits, the end justified the means.

Law, to the Jesuits, was in its nature more than a mere command, for it was the reflection of a universal sanction of what was right. The Jesuit notion of law is the only one on which political rights can be ethicised. The Jesuits tried to affix the notion of law within the region of justice. Law recognised a right but did not create it.

Indirect Power of Papacy over Secular Affairs

Though the Jesuits separated the secular state from the religious one, they developed the notion of the indirect power of the Papacy over the secular society. The Pope is different from other sovereigns, for he is in charge of life eternal. He represents the reserve power of the society. The sovereignty of the Papacy must be exercised in order to protect the subjects

from the undue encroachments of the secular power. To achieve this end, the Pope could declare war. Of course this war would be different from ordinary war between two countries in so far as the Pope could ask the devoted Roman Catholic kings to declare war against a heretic sovereign, an illustration of which is furnished by the Pope calling upon Philip II of Spain to declare war against Elizabeth of England. In bringing out this notion of the indirect power of the Papacy over secular states, the Jesuits laid that basis of international law on which Grotius built up a splendid superstructure. Besides the notion of international law, the Jesuits also developed the general notion of Universal Right and Corporate Personality. All corporate personalities are natural and so long as they do not overthrow the state and so long as they are living a life that tends to the enrichment of the lives of its members, so long are those corporate personalities entitled to live. Does not this notion of the Jesuits take away partly from the sovereignty of the state?

After Westphalia, the age of religious rivalry gave place to an age of dynastic rivalry, an age when a secular theory of state was necessary. It lies to the credit of the Jesuits that they supplied this secular theory of state after separating religion from politics. We give below the political philosophy of some representative champions of the Counter-Reformation—Jesuits and others—leaving Mariana for treatment elsewhere.

II. BELLARMIN

Constitutional Monarchy the Best Type of Government

Robert Bellarmine (1542-1621), a Jesuit cardinal, was one of the ablest of Catholic writers during the period of Counter-Reformation. In his *Disputations*, he touches on almost all important questions of the day, political and ecclesiastical. In this book, Bellarmine discusses the various forms of government in order to find out which would suit the church best. He holds that (1) of simple forms of government, the most excellent is monarchy, (2) that constitutional monarchy is better than simple absolute monarchy, and (3) that theoretically simple monarchy is better than a mixed one.

After discussing the various forms of government, Bellarmine concludes that for the church the monarchical form is the best. The church could find divine sanction for Papal monarchy in the establishment of Petrine authority. Like a good Jesuit that he is, Bellarmine upholds the ecclesiastical sovereignty of the Pope. He holds that ordinary secular affairs are no direct concern of the Pope, but the Pope can interfere in secular affairs when the salvation of souls is in question. The view of Bellarmine that the Pope had no direct authority over secular affairs resulted in the *Disputations* being put on the Index. Bellarmine made up with the Pope in a later treatise entitled

On the Power of Pope in Temporal Affairs, by refusing to draw any distinction between the secular and ecclesiastical powers of the Pope, and holding that the Pope had temporal authority also.

BARCLAY

William Barclay, though a Roman Catholic, was not a Jesuit. He disliked both the "anti-monarchic doctrines of Protestants and Jesuits and the exaggerated pro-Papal doctrine of the latter". Barclay repudiated the Jesuit theory of popular sovereignty and believed in secular monarchy by divine right. He was against the right of tyrannicide. The Gun Powder Plot of 1605 and Henry IV's assassination made Barclay feel that the 'Divine Right of Royalty was the sole effective basis for social and political order'.

SUAREZ

In the 16th century, a number of Catholic Jesuits and moralists, including Vasquez, Soto, Victoria, Covarruvius, Molina, Ayala and Suarez, wrote on jurisprudence which bore indirectly on political philosophy, involving as it did discussion of moral philosophy. The conceptions of law of nature and law of nations were clarified. "The foundation of the philosophy which is set forth in all these writers is the theory of justice, of rights and of law that was formulated by Thomas Aquinas, from whom are taken by all alike the definitions and classifications of law and the important distinctions of *jus naturale* and *jus gentium*." These writings are based on a "supreme and immutable law of nature, changeless by God Himself, a *jus gentium*, through which private property and slavery were introduced, a state of nature antecedent to the state of corruption".¹ The most important of these Spanish jurists was Francisco Suarez, the Jurist.

Suarez was born at Grenada in 1548 A.D. and joined the Jesuit Society in 1564 A.D. He took up the teaching of philosophy and then theology. In 1612, was published his treatise on *Law and God the Legislator*, and in 1616 appeared his *Defence of the Catholic and Apostolic Church against the Errors of the Anglican Sect*, written at the instance of Pope Paul V, in refutation of the *Apology of James I*. Suarez's writings are marked by a scientific detachment from the controversies of the day. His *Treatise on Law* contains the substance of his political philosophy. In this book, Suarez maintains the medieval notions about the interrelationship of ethics, theology and politics. Suarez was a keen follower of Thomas Aquinas whom he assigns a position of unrivalled theological authority, his own writings being practically an exposition of the Aquinine philosophy.

¹ *Political Theories*, Vol. II, by W. A. Dunning, p. 134.

Suarez maintains that "all moral beings—that is, all beings endowed with reason and free will—are determined in all their relations by law". These relations are theological, ethical and political. Suarez defines law as "a just and permanent precept, applying to a community and sufficiently promulgated".² A law presupposes an act of goodwill and the dictate of right reason. Suarez follows Aquinas in classifying law as eternal, divine, natural and human. Human law originates from human will and includes both ecclesiastical and civil law. Civil law is designed to make men good and aims at the true and natural happiness of the political society. For this, moral virtues must be developed. The human law is inferior to the law of nature and must always conform to the latter.

Natural Law

"Natural Law is that law implanted in human soul through which right is distinguished from wrong. Its source is God the Creator, and its end is the good of the creature."³ It represents not only a judgment of human reason, but also a command of God. Natural Law is, therefore, divine law, for, it has a divine mandate and cannot be dispensed with by any earthly authority. It embraces various classes of principles and precepts and constitutes a code of conduct applicable to all times, places and men. It is immutable. According to Suarez, the *Jus Naturale* and *Jus Gentium* are distinguishable from each other, for *Jus Gentium*, unlike *Jus Naturale*, is a product of human need, and human will, its principles owing origin to social interests and requirements. "The distinction between *Jus Naturale* and *Jus Gentium* is primarily that between what is morally necessary and what is socially expedient." The former must always be obeyed; the latter is obeyed when it becomes a part of civil law. The *Jus Gentium* may be distinguished from the civil law because *Jus Gentium* embodies "the sense of customary right not of one nation or province, but of all". It grows up as an unwritten usage. The precepts of *Jus Gentium* are the common judgments of all or nearly all people and, therefore, Suarez assigns to *Jus Gentium* a position nearer to *Jus Naturale* than to *Jus Civile*. To him, private property and slavery represent *Jus Gentium*.

Popular Sovereignty and Conventional Origin of the State

The conception of Suarez regarding the origin of state or political society is more modern than his general scholasticism would otherwise warrant. To him, man is by nature free, but man is a social being. Life in society is natural to him and political society "is a necessary expression and result of man's

² *Political Theories*, Vol. II, by W. A. Dunning, p. 136.

³ *Political Theories*, Vol. II, by W. A. Dunning, p. 137.

social nature". It comes into existence through the deliberate and voluntary sacrifice by its members of their individual liberty. This view of Suarez brings us very near to Rousseau's social contract theory. Social life necessarily implies some regulative power which must be in human hands, for, men cannot be directly governed by God. A government is not only a coercive agency, as the early Church Fathers believed, but is also a regulative power, arbitrating between the various social grades obtaining in a society. The natural repository of this governmental power is the whole community and not an individual. This brings us to the theory of popular sovereignty. The sovereign people can alienate their sovereignty, but this alienation is irrevocable save in the case of injustice or tyranny. The sovereign's power thus is not of divine but of human origin, being the gift of the people. Suarez gives the Pope the power to intervene to save souls but does not allow him direct ordinary power in secular affairs.

Monarchy as also Tyrannicide Justified

As to the forms of government, Suarez holds that a political society may be a monarchy, aristocracy, democracy of a mixed type, but he believes that monarchy is the best form. Like Bodin, Suarez believes that the sovereign alone can create law and that a sovereign himself is subject to the law of God and the law of nature. He holds also that the constitutional laws of a state are superior to the positive laws. Suarez comes very near to the rule by consent of the people. Suarez does not believe with Machiavelli that the end of law is the preservation and aggrandisement of the state, irrespective of the moral quality of the law.

Suarez does not, therefore, divorce ethics from jurisprudence. As regards his attitude towards tyrants, Suarez thinks that a ruler who consistently violates common rights is a tyrant and ought to be deposed. The whole people have the right to depose or even execute a tyrant. A tyrant may be an usurper or a legitimate ruler. An usurper may be put to death by a private citizen but a legitimate ruler can be deprived of his sovereignty only by the whole people acting through its accredited representatives. He may even be killed if public necessity requires it.

The importance of Suarez, from the point of view of political philosophy, lies in his enunciation of the notion of natural law in clear terms. He also re-affirmed in a modern form the mediæval theory of popular sovereignty. The political community, according to Suarez, delegates its sovereign power to the ruler and 'to its judgment the temporary trustee of its sovereign power is always in the last resort responsible'. Then again Suarez, on the basis of right and reason, asserted the independ-

ence of the secular state from interference by the church authorities, the Pope being allowed to intervene only when interests of religion were at stake.

CAMPANELLA

Thomas Campanella (1568-1639) was a Dominican friar of Southern Italy and yet his writings have a touch of humanism about them. They represent a close "union of materialism with a narrow Christian theology". Campanella tried to bring about a synthesis of philosophy and theology. His political philosophy is best given in his *The City of Sol*, a Utopian work according to which all the phenomena of nature and history could be summed up under the three principles, *i.e.*, power, intelligence and love. Campanella's ideas regarding social organisation show a sort of a compromise between Platonic and mediæval scholastic ideas. To him, Papal autocracy represented the best form of government for adoption by a political community. Campanella is for an indissoluble union of secular and ecclesiastical functions. He does not recognise the institutions of family and private property.

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CHAPTER XI
ANTI-MONARCHIC POLITICAL THEORY
OF THE 16TH CENTURY

THE second half of the 16th century was a period of widespread civil and international warfare based mainly on religious considerations. This was particularly true of France, Scotland and the Netherlands and each of these countries made important contributions to political philosophy. In England and Spain, on the other hand, the autocracy of Elizabeth and Philip II was undisputed and "political theory, as usual in the time of absolutism, received practically no attention" in these two countries. The intolerance of Philip II in Netherlands made the Dutch declare their independence finally in 1581 after they had developed the theory that the 'denial of religious liberty constituted such tyranny as justified the deposition of the tyrant'. There was a severe Catholic persecution. "Protestantism in consequence assumed a militant aspect, and, out of the turmoil, theories of Christian duty in the state were developed that bore little resemblance to the ancient ideal of passive submission to established authority." This new orientation was both the cause and the result of a good deal of literature, anti-monarchic in character, that appeared at this time. The monarchomac, *i.e.*, the anti-monarchic writers, upheld the sovereignty of the people as against the sovereignty of the kings. We shall deal with them regionally.

FRANCE

In France, there were Catholic as well as Huguenot anti-monarchic writers. Until 1572, the Huguenots believed in passive obedience and did not believe in any such thing as the right to insurrection. But the Regency of Philip of Guise and Catherine de Medici changed their attitude towards the question of obedience to the established government. The massacre of St. Bartholomew put the Huguenots in a totally different and insecure position. The monarchy could no longer be relied upon. This gave origin to a literature of revolution, instead of a literature of submission and acquiescence. Nicholas Barnard wrote his *Awakening Call to Frenchmen*. As regards the Catholics, until 1589 they were mainly insisting on the divine right of kings. But in 1589 Henry IV, a Protestant, became the French King. There now grew up the Catholic monarchomacs, among whom the writings of the Jesuit Parsons are rather important. Two of the Catholic anti-monarchic publications were *Advertisement to English Catholics* and *Just Authority of a Christian Church*.

The two most important publications of an antimonarchic kind

were by two Huguenot writers, *i.e.*, (1) *Franco Gallia*, by Francis Hotman in 1573, and (2) *Vindiciæ Contra Tyrannos*, published under the pseudonym of Stephenus Junius Brutus and written probably by either Hubert Languet or Duplessis Mornay. The *Franco Gallia* limited itself to saying that France was never, from a constitutional point of view, an absolute monarchy and that a general assembly of the nation had exercised the highest political power in the early history of France. *Franco Gallia* represented a plea for the restoration of the historic rights of the Frenchmen. Historically, this plea was unsound but, then, it was a plea for liberty and marked the beginning of a serious study of French constitutional history. The second publication, *i.e.*, *Vindica Contra Tyrannos*, traced the foundation of monarchic authority and radically transformed the popular attitude towards it by asking and answering the following four pertinent questions:—

1. Are his subjects bound to obey a prince whose commands violate the law of God? The answer is 'No', and this answer is supported by the Scriptures. Besides, according to feudal relationship, a vassal is bound to obey the superior rather than the inferior lord in case of conflicting commands.

Contractual Origin of the State

2. How far and in what manner is it lawful to resist a prince "who is violating the law of God and laying waste the church"? This question is answered by reference to the theory of contract. There are two contracts, one between God on one side, and the king and the people on the other, for the maintenance of the glory of the church, and the other is between king and the people, the former agreeing to rule justly and the latter to obey him. The first contract implies the right of resistance against an impious prince and the second against an unjust king. According to the first contract, king and people are co-contractors, each having the right to restrain the other from violating the contract. But this right of resistance given to the people is to be exercised not directly but through the magistrates or assemblies to which the people have delegated their power. The estates of the realm, and not the people themselves, have the right of resistance.

Outlawry of an Usurper-Tyrant

3. To what extent is it lawful to resist a prince who is oppressing and destroying the state? The answer to this embodies a systematisation of the theory of popular sovereignty by divine right. Royalty exists for the good of the people only. The right to reign is based on popular consent. People existed before the king and can exist without the king. But the reverse is not true. The kings get their power from a contract entered into between themselves and the nobles representing the people. The king promises to rule justly and then the people

pledge obedience for so long as he remains just. "The king contracts absolutely, the people conditionally." He can be punished by the people. Coronation oaths, pledges, etc., all point to the contractual nature of the royal power. The usurper-tyrant is an outlaw and resistance to him is the right of everyone under natural law, law of nations and civil law. The council of the realm depose a king who breaks the contract just as the General Council of the church can depose a Pope. Private citizens, however, cannot depose a legitimate king which can be done only by the whole people acting through the council of the realm.

4. Is it the right and duty of the princes* to save neighbouring people from political or religious tyranny? Yes. This is because of the unity of the Christian church and humanity, and one's duty to God and one's neighbours.

The *Vindicia* bears the influence of the Conciliar Movement and falls for support on the Scriptures, history and the law of the land.

ENGLAND

The first anti-monarchic writer in England was John Pynet, Bishop of Winchester. John, who was exiled in Mary's reign, wrote an historical treatise on the development of political power. He threw overboard the doctrine of the divine right of kings and also the notion of passive obedience. He was an extreme advocate of the idea of popular sovereignty.

SCOTLAND

The Scottish Calvinists inculcated the duty of rebellion against the monarch who interfered with religious worship. John Knox preached that impious kings must not be obeyed and tyrants must be opposed. In his *First Blast against the Monstrous Regiment of Women*, Knox discusses the rights of the rulers to enforce laws against the conscience of the people. In a talk with Queen Mary in 1561, Knox declared that the subjects had the right to resist their princes if these princes exceeded the bounds of their authority. The princes could command no greater obedience than parents. They must be kept from wickedness. Knox referred to the contract between the sovereign and her subjects according to which obedience of the people depended on her doing duty by them. Knox, however, held that the rank and file of the people could not resist directly.

The most important of the Scottish anti-monarchic publications was that of George Buchanan who wrote to justify the deposition of Queen Mary. In 1579, Buchanan wrote his pamphlet entitled *On the Sovereign Power Among the Scots*. Buchanan held that checks upon royal power were ancient and customary and that relations between sovereign and subjects depended upon a contract between the two. The central theme

of the book was a distinction between a king and a tyrant. Society and government originate from a desire to get out of the bestial state of nature. The impulse to social life comes from self-interest as also from the instinct of association. Society is based on justice and the function of the king is to maintain justice. However, "justice is to be maintained rather by laws than by kings; hence it is that rulers, originally unlimited in power, have, with the development of enlightenment, been always subject to law".¹ People make laws through representatives chosen from all classes and the interpreter of law is not the king but independent judges. The king has "to maintain the general morale of the state by setting before the citizens a high example of rational and virtuous being".

A tyrant was one who usurped power or ruled unjustly. An usurper is an outlaw, while a legitimate tyrant is punishable for violation of law. Buchanan scorns the idea of passive obedience in spite of scriptural support for it. He believes in the contractual theory of the origin of state and of relations between king and subjects. The king gets his authority as a trust from the people and can exercise it within certain limits. The people are sovereign and can take back their power. The king gets his hereditary right to rule in return for a promise of justice and obedience to laws. Violation of contract deprives him of his power. He becomes a tyrant and war against him is legitimate. He can be put to death not only by the whole people but also by private citizens. Tyrannicide is a means of ensuring the reign of law. But the decision for tyrannicide must be taken by the whole people, the majority of people or good people. But who are good people? Buchanan does not enlighten us on this. Buchanan's writings played no small part in the Glorious Revolution of 1688 in England.

HOLLAND

The best anti-monarchic treatise was one written by Johannes Althusius, a German Jurist. The writings of Althusius reflected the conditions prevailing in the Netherlands by the end of the 16th century. Althusius was for 34 years the chief magistrate of Emden, near the Dutch Republic. His book, *Politics Systematically Arranged*, appeared in 1610. In his book, Althusius (1) explained social and political organisation with the help of the theory of contract, (2) gave a clear and intelligible idea of sovereignty, (3) ascribed sovereignty exclusively and inalienably to the people and (4) conceived of "people" as a confederacy of lesser organised units.

Contractual Origin of all Associated Life

According to Althusius, every kind of associated life among human beings is based on contract between parties. The two

¹ *Political Theories*, Vol. II, by W. A. Dunning, p. 57.

fundamental notions of the contract are a body of rules to regulate the conduct of society and a relationship of command and obedience. Human society is a vast series of associations in ascending gradations of complexity, *viz.*, family, corporation, commune, province and the state. The aims of these associations are different but their basis is contract. Public associations are formed by successive consolidations. A state is "a general public association in which a number of cities and provinces combining their possessions and their activities, contract to establish, maintain and defend a sovereign power".² Members of the state are not individuals but lesser corporations through whose contractual union the state comes into being.

Popular Sovereignty

Sovereignty is "the supreme and super-eminent power of doing what pertains to the spiritual and bodily welfare of the members of the state".³ This power inheres in the whole people, not individually but collectively. The sovereign assigns duties to different agents such as king, magistrate, etc., who are subject to the sovereign people. All men are free and equal and no one can justifiably dominate the other. Sovereignty must, therefore, reside in the whole people and not in an individual or group of individuals. It cannot be alienated or delegated because 'it is the essential principle of social cohesion'. The laws embody the will of the sovereign people and must be obeyed by the rulers. The king is the agent and executive head of the people and his coronation signifies a contract between him and the people. One promises lawful government, the other passive obedience. The contract of the king is absolute, that of the people conditional.

Deliberate violation of contract converts a king into a tyrant, when the people are released from their promise of obedience and are entitled to exercise their right of resistance and deposition. Private citizens can only offer passive resistance to unlawful commands, while the whole people acting through *Ephors* can depose the tyrant or even execute him. The different associations which form the state can break away from the tyrannical state and form new associations. "A breach of the contract, out of which the state arises, thus justifies not only resistance but also secession". These views of Althusius represent a generalisation from the constitution of the Holy Roman Empire and from the history of the Dutch War of Independence. The rights of the smaller associations are not created by the state; they are anterior to it.

The state must supervise the spiritual and material welfare of the people. It must supervise religion, worship, morals and education and it must prescribe general rules of social conduct.

² *The History of Political Science*, by R. H. Murray, p. 160.

³ *Political Theories*, Vol. II, by W. A. Dunning, p. 63.

Althusius, in short, believed in a state-church. The rights of the state extend over all persons and all causes. As to the form of government, there could, theoretically, be only one form since the people were sovereign. But the actual form of government may be monarchic or polyarchic. It is difficult to have a pure form of either of these two, since the kings have their assemblies and republics their presidents. Every government is a mixed type, the names monarchy, aristocracy and democracy merely signifying the most important element in the state.

SPAIN

While the bulk of anti-monarchic literature sprang out of the difference of religion between the writer and his sovereign, the writings of Mariana, a Spanish Jesuit, form an exception to the rule. Mariana wrote a political treatise entitled *On Kingship and the Education of a King (De Rege et Regis Institutione)*.

Mariana, like Hotman, is impressed with the importance of Estates on the growth of monarchy. Regarding the origin of kingship, Mariana starts from the natural state of man. Early man lived a lawless life of animals but his wants were greater, and powers of self-defence less, than those of other animals. This gave origin to association of men and their submission to a wise leader. Thus came into being the civil society, which represented a monarchy unrestrained by law in the beginning. But law began to be imposed for fear of the ruler being partial and for general restraint of human passions. Laws are necessary for a monarchical government. Monarchy, restrained by law, is less vicious and more efficient than other forms of government, but monarchy degenerates into tyranny.

Popular Sovereignty and Right of Tyrannicide

Mariana upholds the right of resistance to the ruler, including tyrannicide, on the ground of the sovereignty of people. The royal power is granted to the king by the people, who reserve to themselves the powers greater in substance than royal power, *viz.*, powers relating to religion, taxation, legislation and succession to throne, etc. The people are above the king. Tyrannicide represents the voice of nature but must not be resorted to by a private citizen till the national assembly has, unavailingly, called upon the king to reform. Tyrannicide is an useful restraint on the evil designs and inclinations of a ruler. A normal monarchy would include the estates of the realm, *viz.*, bishops, nobles and representatives of the cities. This assembly is *the* state. The king's actions and authority are regulated by the fundamental laws of the land formulated by the assembly. A king is subject to both the divine will and popular will. Mariana was quite Machiavellian when he thought that war was necessary for domestic peace. The king must maintain the goodwill of his subjects, not by rewards so much as the hopes of rewards.

Dissimulation was necessary for a king. This view represents a divorce between ethics and politics, somewhat on Machiavellian lines.

GENERAL INFLUENCE OF THE ANTI-MONARCHIC THEORIES

The general discussion of the anti-monarchic theories threw up certain well-defined concepts, like the state of nature, the contractual origin of society and government, and sovereignty of the people, which held the field till much later. Not that these concepts were new but then all serious writers had now to take cognizance of them. The anti-monarchic movement was more or less a secular conciliar movement because the monarchomacs, when they talked of the sovereignty of people, identified people with the estates of the realm. They wanted to replace royal autocracy by sovereignty of the estates, i.e., assembly of magistrates. In so far as this was true, the theory of popular sovereignty represented not a revolutionary but a reactionary concept.

The monarchomacs differed on many points but were all agreed that "political authority is derived by its possessor not from a divine but from a human source". All set aside the Reformation concepts of passive obedience. "The law and the contract intervene between God and the monarch, and the royal acts are to be subjected to the test of mere human reason."⁴ This went against the absolutism of the Reformation. The monarchomacs are generally vague in their concept of the 'people' which means at various times the classes which constitute the estates of the realm or the estates as represented by the national assembly but never as a multitude of individuals wielding political power. Except Althusius, the monarchomacs when they refer to contract mean civil or governmental contract and not social contract.

⁴ *Political Theories*, Vol. II, by W A Dunning, p 78

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CHAPTER XII

THE POLITICAL THEORY OF THE POLITIQUES

THE second half of the 16th century saw France torn by a series of civil wars based primarily on religious considerations. These wars continued for a period of about forty years, the country having been brought to the verge of ruin by the extremists on opposite sides. This pitiable condition of France gave rise to a new party of moderates known as *Politiques*. There were three notable writers of this party, *viz.*, Michael L'Hopital, Jean Bodin (*De Republica*) and Francois de Naire (*Political and Military Discussions*).

Religious Toleration and Political Expediency

The political theory of the *Politiques* was simple and attractive. They "advocated the restoration of political unity by means of the recognition of religious diversity". To them, the great need in any state was the need of simple order. Religious interests were secondary considerations. Hence religious toleration was necessary. The crowning practical achievement of the *Politiques* was the Edict of Nantes based on the principle of religious toleration issued by Henry IV in 1598. "No principle actuated the *Politiques* except the principle of expediency and the interests of the state." By a strange irony, the exaltation of order in the state at the expense of every other consideration was taken advantage of by Louis XIV who reared on it his structure of royal absolutism based on religious intolerance as shown by the revocation of the Edict of Nantes and the persecution of the Jansenists. For the formulation of the political theory of the *Politiques*, Jean Bodin, more than any other writer, is responsible.

✓ JEAN BODIN

Jean Bodin, the most celebrated of *Les Politiques* in France, was one of the greatest thinkers of the 16th century. He was a political philosopher trained in law and was attached to the court of Henry III. He was a man of vast intellectual sympathies and his reading was prodigious. He knew many languages, read Greek and Roman writers and had some knowledge of the scholastics. He studied the law and constitutions of many countries. He knew the *Old Testament* very well and had some knowledge of the physical sciences of his day. "The chief of the influences in his intellectual life seem to have been the *Old Testament* and the new Platonic philosophy as interpreted by the *Italian Platonists*."

¹ *The Social and Political Ideas of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 42.

If Bodin was a man of vast learning, his writings touched almost all aspects of political thought. France, in the days of Bodin, was torn by religious wars and party strifes. Unity of France was a great national necessity. That Jean Bodin realised this more than anybody else is evidenced by the trend of his political philosophy, particularly his enunciation of his doctrine of sovereignty and also by the philosophic detachment and clear logic adhered to by him which compelled the admiration and attention alike of Catholics and Huguenots. His writings are "conservative in quality, yet glowing with the inspiration of the Renaissance". Bodin was a great upholder of the monarchic system for he realised that a strong absolute monarchy alone could save France from the ruin caused by religious factions and civil wars. The unquestioned supremacy of the monarch alone could restore the unity of France. His political philosophy was not speculative but essentially practical. This is evident from the emphasis he laid in his political writings on the two essential qualities which alone could save a state, *vis.*, (1) religious toleration and (2) the undisputed authority of the sovereign. Bodin's juristic training bore strongly on his political writings.

Bodin is one of those political philosophers who followed the historical and analytical method of study. He created a philosophy of history after making "an exhaustive and scientific review of the facts of human development the basis of broad generalisations as to the principles and purpose underlying that development". In his *Methodus*, which represents a new attitude towards the interpretation of history, Bodin gives his ideas as to the "influence of climate and topography on political and social institutions, his doctrine as to the forms and transformations of states and his striking assertion of the theory of human progress." He was for the synthesising of all human knowledge like the mediæval schoolmen.

His Important Works

In 1569, Bodin published the *Response*, a treatise on political economy. Besides, we have his *Demonomanie*, his *Heptaplomeres* and his *Universæ Naturæ Theatrum*. But his great work *De Republica* (or *Six Books Concerning the State*) was published in French in 1576 and was later translated into Latin. It contains his views on the nature of political society, general rules of policy and suggestions about a number of reforms in the state. In the *Republica*, Bodin gives his main ideas in the form of well-defined definitions. For instance, a state is "an aggregation of families and their common possessions, ruled by a sovereign power and by reason".² For much of his *De Republica*, Bodin is indebted to Plato from whom he borrows the idea

² *The History of Political Science*, by R. H. Murray, p. 180.

that religion forms the social cement and that the end of the polity is neither happiness nor well-being but the good life of the citizens. The state has a moral end, for, rule by reason means rule by natural law which embodies the conception of justice. The *Politics* of Aristotle, too, influenced Bodin's political theory.

Law of Nature

Bodin believes that the law of nature regulates all human relations. This "law of nature is merely the rules that distinguish right from wrong" and Bodin assumes that this moral law determines all political theory from a higher plane. A sovereign might ignore the law of nations; he cannot ignore the law of nature. Without reason, which means rule in accordance with the law of nature, a state is no better than a band of ruffians. Bodin gives a decent burial to the moral indifferentism of Machiavelli, when he adds that the good and happiness of a state depend upon its "moral, rational and intellectual satisfactions".

The Origin of State: Family and not Individual the Basis of State

Bodin's theory of the origin of the state bears the resemblance of a compromise between the ancient Aristotelian theory and the social contract theory which dominated the age after him. Nature has given every individual liberty that is free from all but divine authority. To Bodin, the basis of all human association, and therefore of the state, is the regulation of this liberty. Bodin presupposes but does not develop his idea of a pre-social state. In his historical origin of the state, he neglects the individual and starts with the family which he conceives of as "a group of individuals under the supreme power of the *pater familias*". When he talks of the regulation and curtailment of liberty of individuals, he means the *pater familias*, for they alone are free and equal under natural law. Bodin thus gives a very restricted meaning to natural liberty and equality. To Bodin, the essential basis of society was different from that of the state. The society was based on the social instinct which made the individuals emerge out of their families. 'Civil' associations were formed out of the natural association, i.e., the family, because of the social instinct, and these civil associations served the purpose of the promotion of trade, public worship, etc. before any political society came into being. The state, unlike the society, was based on force. In the wars among primitive families, the vanquished were reduced to slavery and even the victors submitted to the authority of their military chiefs. Thus, slavery and political subjection appeared on the ruins of natural liberty. Bodin rejects the Aristotelian idea of the first kings being chosen for their superior virtues. To him, power originated from and depended upon physical force. Bodin,

like Aristotle, believed in the organistic origin of the state and rejected the social contract theory with which the sixteenth and later centuries were saturated. The state, to him, is the ultimate form of association "holding together by a supreme power" a mass of lesser associations and individuals" like the family, corporation, commune, etc. The state may be big or small, for, the essence of the state lies in the binding power and not in its size. The state is to be distinguished from other lesser associations which have 'no innate vital principle' by the fact that it alone possesses sovereignty, *i.e.*, power to hold all other associations in their places. The state is substantially an aggregation of smaller groups and holds power over them.

Bodin's Conception of Citizenship

In Bodin's scheme of things, it is the family and not the individual which represents the primary unit in the state. It is the heads of the families, therefore, who are citizens of the state. A citizen is "a free man who is subject to the sovereign power of another". Besides the slaves, there are two types of people in a state, the sovereign and the citizens. The citizens enjoy rights and privileges among themselves but are all subject to the sovereign. Bodin does not believe in the equality of rights between citizens and allows the nobility its own social and political status. He condemns both communism and slavery. Different classes have different rights and privileges but all are under the regulation and unifying power of the sovereign. The recognition of a common sovereign is the sole criterion of a state and subjection to him the sole test of citizenship.

Bodin's Doctrine of Sovereignty

Bodin shares with Hobbes the glory of having formulated the modern secular theory of the state, but to him, more than to Hobbes, the world is indebted for the first definite exposition of the doctrine of political sovereignty. "In every independent community governed by law there must be some authority, whether residing in one person or several, whereby the laws themselves are established and from which they proceed. And this power, being the source of law, must itself be above the law",³ *i.e.*, positive laws. The person or persons holding this power are the political sovereign. In his *De Republica*, Bodin defines sovereignty as the 'supreme power over citizens and subjects, unrestrained by the laws'.⁴ This does not mean that the sovereign is above duty or moral responsibility. True sovereignty must be not only supreme but perpetual and not periodic like that of a dictator, regent or viceroy. Bodin, however, tones down the conception of the word perpetual and holds that the 'life tenure of supreme power, therefore, may constitute

³ *The History of the Science of Politics*, by Sir F. Pollock, p. 47.

⁴ *The History of Political Science*, by R. H. Murray, p. 181.

sovereignty in an individual', if such a sovereign be free from any external conditions imposed on his authority. "Sovereignty can suffer no limitation in time, in function, or in law", for, "sovereignty belongs rather to the state itself than to the actual sovereign."⁵ It may be conferred by the voluntary act of the people, but this conferment cannot be conditional. There can be no mixed sovereignty. Besides, a sovereign may die, but sovereignty will continue.

Limitations on Absolute Sovereignty

According to Bodin, the characteristic function of sovereignty was the making of laws. As a creator of laws, a sovereign stands above the laws but not above all the laws, for, a sovereign is bound by the laws of God, the law of nature and the laws of nations. But, even in these, he is accountable to God only. His supremacy over the civil, *i.e.*, positive laws, created by his perfectly free will, is absolute. He can repeal or amend them. Positive laws created by him or his predecessors are not binding on him, and can be ignored by him. But, if a sovereign has sworn to observe certain laws as a condition of his reigning—a contract between him and his people—then he is bound to observe those laws. Bodin herein shows that he is not entirely uninfluenced by the theory of social contract prevalent in his days. The undertaking given at the time of coronation is a contract and the keeping of contracts is one of the fundamental principles of natural law to which a sovereign is subject. Another natural law, which a sovereign must respect, is the law of private property. Without good cause, a sovereign cannot seize the private property of a citizen. This is because private property is indissolubly associated with family, which is the indissoluble unit of the state. A sovereign is subject to the laws of God and the law of nature and if he ignores them he becomes a tyrant. All the same, he remains a sovereign because sovereignty represents a political fact, meaning exercise of political power, and has nothing to do with the ethics of a sovereign's actions. Not only must a sovereign observe divine and natural laws, but he must also respect the laws of the constitution which determine the very existence of the state. Here, Bodin evidently tries to give the state a securer foundation than the mere will of a sovereign.

Rights of Sovereignty

As to the rights of a sovereign, Bodin says that a sovereign can impose laws on the citizens, individually and collectively. Bodin distinguishes laws from edicts or decrees. Law is superior to customs, because law can abolish customs but the reverse is not true. Thus, both custom and law depend on the goodwill of the sovereign. Law, to Bodin, is nothing else than the com-

⁵ *The Social and Political Ideas of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 50.

mand of a sovereign. "Legislation, then, is not only the chief function of the sovereign; it is practically the sole and all-inclusive function."⁶ The subordinate functions of a sovereign, however, include declaration of war or negotiations for peace, the right of appointing the principal officers of the state, the right of pardon, coining money and levying taxes, etc.

Forms of Government

Bodin clearly distinguishes between the state and the government. "The possession of supreme power determines the form of state, but the system and method through which this power is exercised determine the form of government." According to Bodin, there are only three forms of state, *i.e.*, monarchy, aristocracy and democracy, according to the number of those holding supreme power. Bodin does not believe in a mixed form of state, for, "a society in which supreme power is claimed in part by various elements is not a state at all but anarchy".⁷ The seeming division of sovereignty in a mixed state is really a division in the actual functioning of sovereignty. The principle of government is different from the form of the state which is sovereign. A state may be monarchic while its government is aristocratic or democratic. Thus, a monarchic state has a democratic government when the monarch, who alone is the sovereign, confers honours and offices on all classes alike. Joint participation of different elements in the state is possible in government, not in sovereignty.

While the form of state is one, *i.e.*, monarchic, aristocratic or democratic, each of these forms may include several species or types. Thus there are three species of monarchy, *viz.*, despotism, royal monarchy and tyranny. Of these, the royal monarchy is not only the best among all monarchies, but the best of all forms of state, because, in a royal monarchy, 'the subjects are secure in their rights of person and property, while the monarch, respecting the laws of God and of nature, in all matters outside of these receives willing obedience to the laws he himself establishes'. On the other hand, tyranny is one of the worst forms of state, but, if the tyrant is a legitimate sovereign, the subjects must dutifully obey him. A democracy, Bodin concludes, is, in many respects, more in conformity with nature than monarchy or aristocracy, yet a democracy is subject to fickleness, venality or administrative inefficiency. Aristocracy, too, has some virtues but Bodin finally decides in favour of monarchy if the latter be based on the principle of heredity, primogeniture and the Salic Law. A monarchy, for one thing, would not allow the factional rivalries of aristocracies and democracies. Besides, in emergencies, the concentration of powers, adequate to meet

⁶ *Political Theories*, Vol. II, by W. A. Dunning, p. 103.

⁷ *Ibid.*, p. 104.

such emergencies, in the hands of a monarch, would obviate the necessity of dictatorship. Again, it is under a monarchic form, more than other forms, that a state can grow extensively in territory. To Bodin, it was clear that in actual practice 'the sovereignty of any group must always be theoretical rather than real'.

Bodin on Revolutions

Bodin, like Aristotle, treats of revolutions and borrows, to some extent, from the latter. Bodin, however, unlike Aristotle, believes that transformations of states are inevitable and that men should direct their attention to the regulation of the manner of change and not to the prevention of the change itself. A revolution may be sudden and violent or slow and peaceful. It entails two changes: those which affect the sovereign and those which affect laws and institutions not involving the sovereign power. A total change in laws, in religion, or even in location of a state does not constitute a revolution, but, if sovereignty shift its location, then there is revolution even though everything else, including laws and religion, remain untouched. To Bodin, a monarchy is least liable to revolutions and a democracy most so. The causes of revolution are human, natural and divine. Among human causes are unrestricted freedom of expression and the right to bear arms. While discussing revolutions, Bodin waxed eloquent on the influence of physical environment on the people and their temperament and, therefore, on the state. In his *Methodus* and *De Republica*, he properly analyses the political and social bearings of climate and topography, but concedes that the form of government and properly-directed legislation may influence national character more than the physical environment. To Bodin, inequality of wealth is a potent cause of sedition, but Plato's or More's communistic utopias have no fascination for him.

According to Bodin, the "essential elements of government, as distinct from the sovereign, are a senate or advisory council, and a body of magistrates. The senate, he conceives to be an indispensable organ in every state, whether monarchic, aristocratic or popular", but Bodin would not allow the parliament or states-general to claim a share in sovereignty. Bodin lays stress on the importance of censorship which would give an idea of the numerical and economic strength of a nation.

Bodin's Importance

Bodin may be reckoned as one of the great political thinkers of the West. His *De Republica* was the first comprehensive work on sovereignty. According to Dunning, "Bodin brought back political theory to the form and method from which it had gone far astray since Aristotle, and gave to it again the externals."

at least, of a science".⁸ And his "real work, admirably accomplished, is to set the theory of the state and the science of government once more where Aristotle had placed it, on a foundation of history and observation, and by the side of, not dependent from, the sciences of ethics and theology".⁹ Bodin rejected mediæval institutions and political dogmas. He, like Machiavelli, followed the method of historical research and contemporary observation, but, whereas Machiavelli concentrated on political practice, Bodin wrote both on political practice and political science. Bodin, unlike Machiavelli, stood against the total severance of relations between politics and ethics or theology, for he believed that justice and God controlled political life. But still, he saw the necessity of a "clear separation of the legal from the ethical sphere of thought within political science itself"

His Contributions to Political Philosophy

The chief contributions of Bodin to political philosophy, for which he can claim a certain amount of originality, are his views on the distinction between state and government, the influence of climate and topography on national character and political life, and above all, his conception of sovereignty. He detached the idea of sovereignty from all previous associations and attempted to define its essential nature. Unlike the political thinkers of the Divine Right school, Bodin gave a human and not divine origin to sovereignty. Sovereignty emanated from human nature and human needs. Bodin, more than any previous thinker, stabilised the foundations of national sovereignty. Bodin exerted a good deal of influence on contemporary thought in France and England and his conception of sovereignty affects political thought even at present. Both Hobbes and Filmer were influenced by Bodin's idea of sovereignty.

HUGO GROTIUS

His Environment

Hugo Grotius (1583-1645) was the son of an eminent lawyer in Holland. From his early age, he showed himself capable of great intellectual attainments. At the age of sixteen, Grotius became a Doctor of Law. After holding a number of important official positions, beginning with that of Official Historiographer of the province of Holland, he became Pensionary of Rotterdam in 1613. He was then reputed to be one of the most learned lawyers in Europe. Grotius and his writings were profoundly affected by the circumstances of his age. The publication in 1599 of Mariana's *De Rege et Regis Institutione* synchronized with a systematic campaign of tyrannicide. In 1605,

⁸ *Political Theories, from Luther to Montesquieu*, by W. A. Dunning, p. 120.

⁹ *Ibid.*, p. 123.

was hatched the Gun Powder Plot in England. In 1610, Henry IV was assassinated in France. In Europe, the Catholic League and the Calvinistic Confederation were raging against each other and finally came to blows in the horrible and inhumanly-conducted Thirty Years' War. Grotius lived till 1645 and, therefore, had the misfortune to witness almost to the end the diabolical cruelty and folly of a war of Christian against Christian. To Grotius, the great truths of Christianity, held in common by Catholics and Lutherans, Calvinists and Armenians, were much more important than petty differences in detail. Grotius expounded this view-point in his *De Veritate Christianæ Religionis*. Like Bodin, he had a severe legal outlook and believed firmly in the principles of religious toleration. Grotius desired peace in the interests of Christianity and the comity of European nations and to bring this about, he wrote a number of treatises, the most important of which was his *De Jure Belli et Pacis*.

Precursors of Grotius

There is nothing very original about the works of Grotius. his theories and findings, in many cases, differing very little from those of the Spanish Jurist, Suarez. There was much in common between the views about the law of nature and the law of nations held by Grotius and Suarez. But the scholasticism of the latter was out of tune with Europe of the 17th century. The philosophy of Grotius, combining vigorous Protestantism and humanism, caught the imagination of the Europeans steeped in the spirit of Renaissance, and a general spirit of theological liberalism. A number of Protestant writers, too, had written about the law of nature before Grotius. One of these, Winckler, reduced the law of nature into a well-defined code of 21 articles. These Protestant writers, following Melancthon, held that the contents of the law of nature were to be found in right reason, supplemented by the direct commands of God as given in the *Decalogue*. Natural rights were based on the law of nature. These Protestant writers distinguished between *ius naturæ* and *ius gentium*, the "end of *ius gentium* being to protect and maintain *ius naturæ*". Grotius confesses, in his *Prolegomena*, to have read Victoria, Ayala and Gentilis, but does not mention Suarez nor does he acknowledge his indebtedness to Protestant fellow-jurists like Oldendorf, Hemming, and to Winckler, "from whom even more conspicuously some of his leading conceptions were borrowed". Grotius's claim to the formulation of international law is subject to the qualification that he only co-ordinated and codified what existed before him. All the same, it must be said of his *De Jure Belli et Pacis* that it "summed up the accepted wisdom of the ancients and applied it to the unprecedented conditions of the Renaissance and Reformation world; it epitomized all that had been written by Stoic philosophers, Roman lawyers,

scholastic theologians and Jesuitical casuists, concerning the Law of Nature and the Law of Nations, and combined it into a solid foundation for an incalculably valuable superstructure of international morality and custom."¹⁰

His Works

Long before Grotius wrote his *De Jure Belli et Pacis*, he had written *Jus De Jure Prædæ*, a treatise written in 1604 in defence of the Dutch East India Company in its controversy with the Peninsular Powers. In this treatise, Grotius laid down general principles of international law which he later expounded in his classical work *De Jure Belli et Pacis*. A comparison between the two shows that the views of Grotius towards *Jus Naturæ* and *Jus Gentium* had already been formed. In 1609, Grotius wrote his *Mare Liberum* in which he enunciated the doctrine of the freedom of the seas. The result of these publications was that when Grotius in 1621, after receiving a pension from Louis XIII and settling in France, began his *De Jure Belli et Pacis*, he had at hand "a systematic code of international morality and custom". His *De Jure Belli et Pacis* represents the reaction of a liberal mind against the inhumanities of the Thirty Years' War. Grotius wanted to evolve a standard of moral and political conduct of universal application, to be found in his conceptions of *jus naturæ* and *jus gentium*. The *De Jure Belli et Pacis* contains a Dedication to Louis XIII, a *Prolegomena* and three Books. In Book I, Grotius treats of war in general and maintains that war can be just. Book II deals with the just grounds of war and Book III, the most important of all the three, discusses the laws of war embodying moral and customary limits which the belligerents must not cross. His political philosophy, however, is to be mainly found in Book I.

Classification of Laws: Jus Naturale

Grotius classified all law as being either natural, *i.e.*, based on reason, or volitional, *i.e.*, based on will. In his conception of law, Grotius preferred the term *Jus* to *Lex*. He conceived of the law of nature as *Jus Naturale*, instead of *Lex Naturale*. He looked upon *Jus Naturale* as primarily a dictate of human reason rather than of divine will. He defined it as "the dictate of right reason, indicating that any act, from its agreement or disagreement with the rational nature, has in it moral turpitude or moral necessity."¹¹ Law of Nature cannot be changed by God Himself and, therefore, is not inferior to Divine Law. Reason is the guide of mankind and is common to all humanity. The Natural Law is independent of divine guidance and power because, even if there were no God, man would be guided by his

¹⁰ *The Social and Political Ideas of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 137.

¹¹ *Political Theories*, Vol. II, by W. A. Dunning, p. 165.

rational nature. Natural Law is independent of Divine Will and Divine Revelation. Grotius formulated his conception of the law of nature on ideas of right and justice embedded "in the essential, universal and unchangeable quality of human nature". Grotius rejected the idea that all law, justice and rights had their basis in utility or expediency. "Human nature and reason thus constitute the original fountain of all laws; utility is accessory." Civil law, to Grotius, is "immovably rooted in the law of nature". Grotius held that there were certain principles of universal recognition. If they represent "a necessary deduction from the principles of nature, they fell under the category of the law of nature, but if they represent the deliberate choice of all men, they belong to the law of nations". Grotius made a clear distinction between the two. Any institution of universal acceptance is natural law if it satisfies reason, otherwise it represents *Jus Gentium*. Again, Grotius distinguishes between two kinds of *Jus Naturale*, i.e., (1) pure law of nature, representing primitive state of nature prior to the formation of political society and (2) law of nature after the formation of society but prior to all civil law. The criteria of Grotius for the recognition of the law of nature are (1) conscience of a normal individual, (2) general agreement among best minds and (3) practice of most civilised nations. But in the absence of any amplifications of the notions implied in the criteria, *Jus Naturale* is reduced to mean "common dictates of conscience".

Jus Gentium

According to Grotius, as against *Jus Naturale* which represented dictates of reason, there was the *Jus Voluntarium*, a body of positive commands which were dictates of will. *Jus Voluntarium* was subordinate to *Jus Naturale* and was conditioned by it. It was subdivided into *Jus Divinum* or Law of God, *Jus Civile* or law of the state and *Jus Gentium*. The conception of *Jus Gentium* had originated with the Romans and *Jus Gentium* was law to the Roman subjects who were not Roman citizens. Later it tended to be confused with *Jus Naturale*, though institutions like slavery kept up the distinction between the two. In the Middle Ages, owing to diversity of peoples and institutions, it was related to laws governing the relations between independent states. It was related mostly to war though it was distinguishable from *Jus Militare*. Grotius viewed *Jus Gentium* as "law governing the intercourse between nations". He took it as a human and volitional law. Its content is what has been accepted as obligatory by the consent of all or of many nations. It represents a body of rights for the welfare of all or many nations. Yet it is not welfare alone but also the social instinct which is the source of *Jus Gentium*. "All mankind, or at least, the great part of it, constitutes a society of peoples for which the general law is indispensable." The *Jus Gentium* was.

to Grotius, "a code of precepts distinct from the *Jus Naturale* and of lower authority, yet immensely valuable. It provided a body of international custom which in a most serviceable way could supplement the universal morality of the Law of Nature".¹² Grotius is indebted to Bodin and Winckler for his definition of the *Jus Gentium*. From Bodin he borrowed the idea that *Jus Gentium* was not an unrevealed law of God but was a dictate of human reason, and he followed Winckler in conceiving of the *Jus Gentium* as "a rudimentary code of International Law rather than as a body of private law". Grotius could not press here his distinction between *Jus Gentium* and *Jus Naturale* for lack of good criteria to distinguish the one from the other. Besides, there was a certain amount of confusion and weakness in his idea of *Jus Gentium*. Firstly, his *Gentium* would mean respectable European nations only, and not all the common practices of these respectable nations would form the *Jus Gentium*. Again there are certain laws, common to peoples, which are necessary for international co-operation, and others which are not. Grotius failed to distinguish the one from the other.

Origin of State

Grotius believes with Aristotle that man is social and political by nature. He has a desire for society. He has a domestic instinct. Society, therefore, comes into existence as a result of the gregarious instinct of man. The state, however, is not the society. The state represents a small section of the greater society, i.e., mankind, organised for a specific purpose. The state is more than society functionally and is not, like society, natural in growth. The conception of Grotius regarding the origin of the state is founded on social instinct as well as a deliberate contract based on self-interest. The state involves elements of utility and of mutual consent or even contract. But Grotius does not explicitly develop the theory of social contract. His contract means a social, and not a governmental contract. He holds "that originally men, not by the command of God, but of their own accord, after learning by experience that isolated families could not secure themselves against violence, united in civil society, out of which act sprang governmental power".

Political Sovereignty

Political sovereignty, to Grotius, is human in origin. He does not recognize any Divine Right of kings nor does he believe in the inalienable sovereignty of people. Sovereignty does emanate from the people, but once the people have delegated it to a government created by themselves, they cannot take it back. The transfer is irrevocable. This resembles Hobbesian view of sovereignty. Grotius does not allow any right of resistance to

¹² *The Social and Political Ideas of Some Great Thinkers of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 150.

the subjects against their sovereign. To Grotius, sovereignty means supreme political power and by political power he means that "moral faculty of governing a state under which are included functions of general and of special character, of public or primarily of private interest, and functions performed either by the sovereign immediately or by persons commissioned by him". This supreme power is subject to no rights and is not revocable by human will. † With Grotius, the sovereign power is as definitely a right as any other private right. Sovereignty is merely a limited right of property held under Natural Law". This limitation, however, does not emanate from another human will. The sovereign must obey Natural Law, Divine Law, Constitutional Law, and the Law of Nations, but no civil law or human will is binding on him. Sovereignty, to Grotius, is real, even though held under pledges to God or man or even though held in full ownership, in usufruct or for a limited time.

As observed above, the delegation of sovereignty by the people is irrevocable. The people must remain completely subject to their sovereign: Grotius even maintained that 'the end of all government is the good of the sovereign'. Sovereignty is held independently of the interests and judgment of the subjects. It is subject, like private property, to sale or bequest. The will of the sovereign is supreme. Even if a sovereign deprives the subjects of political liberty, any rebellion against him is wrong. Grotius distinguishes between personal and political liberty by saying that when "sovereignty is transferred, the transaction has for its subject, not man, but the right of governing men. The personal freedom of the people is not affected". A command of a sovereign against divine or natural law must not be obeyed, but the punishment for disobedience must be endured without resistance to a legitimate sovereign. Even against usurpers, Grotius allows a very limited right of resistance.

Sovereignty and International Law

From the point of view of international law and relations Grotius invested sovereignty with certain attributes. Firstly, a sovereign is completely independent of other sovereigns or any supra-national authority like the Holy Roman Empire or Papacy. Each sovereign, within his own territory, is supreme in all matters, secular or ecclesiastical, and over all persons. Again, each sovereign state is on terms of complete equality with other sovereign states, legally and diplomatically.

To enjoy this equality of status the sovereign state must have (1) a civilization similar to that of European Christian powers, (2) a fixed territory over which its sovereignty is complete, (3) an organised government capable of concluding and honouring treaties and (4) stability. The states meeting the qualifications enumerated above form the family of nations. The

mutual relations of the members of this family of nations could be of three kinds, *viz.*, of peace, of war and of neutrality. To Grotius, "war is an armed conflict carried on under conditions, fixed by morality and custom, between the *public* forces of respectable states", from which non-combatant and private citizens must be excluded. Even among the combatant forces, superfluous cruelty must be avoided.

Grotius, in his attempt to formulate a new code for international relations, naturally dilated on concepts like *Jus Naturale* and *Jus Gentium* and more or less ignored those matters of political philosophy which had no direct bearing on the subject in hand. He was not primarily concerned with the state and its governmental organisation. He upheld the idea of absolute monarchy on which he could impose no other qualifications except the duty to conform to the Law of Nature and the Law of Nations. It was due to Grotius that this tendency held the field in Europe for about a century. Due to his influence, the subject of international relations was taken up by other political philosophers. "The greatest positive contribution of Grotius to political science was, of course, his formulation of a scheme of rights and duties applicable to the relations of nation and nation." In this Grotius was serving the most pressing need of the time in Europe. Christianity had failed to regulate public relations in Europe and a "new and non-religious ground was needed for international rights and duties", which Grotius found in the Law of Nature and the Law of Nations. The service of Grotius is that he set "bounds to the unlimited predominance of 'reason of state' stressed by Machiavelli" to flout international morality. Grotius did not stop war. He regulated the struggle between nations.

There is nothing original in Grotius's conception of sovereignty. Like Bodin and Suarez he is an advocate of monarchical rule. He was even reactionary in his conception of sovereignty in so far as he treated of sovereignty as a private right, subject to rules of private law. But the importance of his theories of state of nature and the implied contractual origin of political society put him in line with the anti-monarchist writers. "Hence it was that while on one side the work of Grotius promoted the cause of absolute monarchy, on the other side, it was a source of much aid and comfort to the advocates of limited government."¹⁸

¹⁸ *Political Theories*, Vol. II, by W. A. Dunning, p. 190.

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CHAPTER XIII

ENGLISH POLITICAL PHILOSOPHY DURING THE SEVENTEENTH CENTURY

POLITICAL THEORY BEFORE THE PURITAN REVOLUTION

Comparison between Roman and English Ideas and Institutions

THE development of political speculation in ancient Rome and England has been on more or less similar lines. In both cases it was after political institutions had ripened and were functioning well that political speculation, involving abstract principles of political philosophy entered into the consciousness of political theorists. The English constitution, like the Roman, represents a product of practical political sagacity. The characteristic features of the English constitution after the Norman Conquest were: (1) the establishment of a strong monarchy, (2) the development of a council, containing lay and clerical barons, which checked the royal tyranny, (3) the development of a parliament with considerable authority in taxation and general legislative work and (4) organisation of a fiscal and judicial administration. But this constitutional development was not attended with any corresponding development in political speculation. During the Middle Ages, England remained more or less, unaffected by the fierce Papacy *versus* Holy Roman Empire controversy raging on the Continent, and made little contribution to political thought. True, three Englishmen, *i.e.*, John of Salisbury, William of Ockham and Wycliff, noticed the controversy but they wrote from a European rather than an English point of view.

During the Middle Ages, the English, like the ancient Romans, developed their own system of jurisprudence. Unlike the Continent, England kept herself from the domination of Roman Law. English jurists like Glanvil, Richard Nigel and Bracton formulated legal principles which were peculiarly English. In the 15th century, Sir John Fortesque wrote a number of treatises on the law and constitution of England. But whereas the Roman Law represented a systematic code for legal reference, the English Law, known as Common Law, assimilating judicial decisions, legal precedents and custom, was constantly developing and with the passage of time assumed a respectable shape. The English political development, consequently, was on lines different from those of the Continent. The English jurists, for instance, held that the king though subject to no man, was always subject to law. "That the will of the monarch should have the force of law was wholly inconsistent with the force and theories" of English Law. The Common Law influenced what

little there was of political speculation in England before the 17th century. During the 15th and 16th centuries three Englishmen wrote on political philosophy, *viz.*, Sir John Fortesque, More and Hooker.

SIR JOHN FORTESQUE

Sir John Fortesque wrote a number of books on law and political philosophy of which mention need be made of:—

- (1) *On the Excellence of the Law of England.*
- (2) *On the Nature of the Law of Nature.*
- (3) *On the Governace of England.*

Eulogy of English Constitution and Law

Sir John Fortesque borrowed a good deal from St. Thomas Aquinas. Sir John conceived of the Law of Nature "as the universal code of all created things, dictated by God and embodying perfect justice."¹ This Law of Nature governed secular affairs till the rise of customary law. There was a state of nature prior to the emergence of the state. Royal power owed its origin to the law of nature which was the source of human enactments. Starting with Aquinas' distinction between royal or political government, Fortesque held that a third form, *i.e.*, royal and political government as exemplified by the constitutions of England and of ancient Rome, was the best. Royal monarchy, to Fortesque, was based on brute force and political monarchy on popular consent. He eulogised the English constitution as representing a happy mixture of the two, for, in England, legislation and taxation required the consent of the Parliament and the law of the land applied by the judges was superior to the royal command. Fortesque often repeats this theme in his works. "The form at once royal and political combines an absolute and untrammelled authority of the king in times of crisis with the rule of law in the normal condition of the people." To Fortesque, the English Law is as good as the English constitution, for, while on the Continent the will of the king made the law, in England the royal will was only one and subordinate element in law, there being the Common Law and the parliamentary statutes. To him, the French were an oppressed people because they had purely Royal Government. Fortesque became a source of inspiration to the Parliamentary Opposition in the 17th century. He was the political guide of Sir Edward Coke, who, like his master, revered the English Common Law and was a great champion of personal liberty against royal tyranny.

SIR THOMAS MORE

More's Communism

The Tudor period in England, when people cared more for material prosperity coming from strong government than for

¹ *Political Theories*, Vol. II, by W. A. Dunning, p. 201.

spiritual, legal or political enlightenment, was not particularly congenial to the development of political speculation. Passive obedience to the popular Tudor despots and the Divine Right theory were the keynote of political life in England then. This period too produced two writers on political philosophy. Sir Thomas More wrote his *Utopia* during the reign of Henry VIII, which was a satire on the existing society and government. To More, the institution of private property is at the root of all social evils and to improve the society he advocates communism. His *Utopia*, however, represents a return to the idealism of Plato more than any real contribution to political philosophy.

RICHARD HOOKER

By the end of the 16th century, the political doctrines of the Reformation and anti-monarchic Calvinism began to make themselves felt in England. As against this, there were writers who were in favour of unlimited royal despotism. But neither the theory of popular sovereignty nor that of Divine Right of Kings found full development in England during the Tudor period, a state of affairs best represented by the *Law of Ecclesiastical Polity*, written by Richard Hooker during the reign of Elizabeth. Hooker wrote the treatise in defence of the Anglican Church against Puritanism and, therefore, he wrote chiefly on church government. But Hooker believed in the identity of all governments, ecclesiastical or secular and, therefore, his writings have a political importance of their own. Hooker insisted "that the law of reason which governed the thoughts of men, and the laws of conduct which bound them into political societies, were equally divine in origin and binding in character with the special laws of religion revealed in the Bible."²

Origin of State in Social Contract

Hooker believed in a pre-social state of nature when there was no organised government. Due to the insecurity of the state of nature as also to their gregarious instinct, men, by formal consent and contract, established a civil government. The state of nature was not wholly evil, for, man was endowed with natural reason and could apply 'Law Rational' to his actions but then the civil state did constitute an improvement on the state of nature. The government was created by a voluntary and deliberate act of the people and the end of this government was common good. The social compact was perpetually binding and could not be broken without universal consent. Hooker was one of the pioneer advocates of the social contract theory and its natural corollary, i.e., popular government.

² *The Social and Political Thinkers of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 64.

Hooker on Law

Hooker believed that law was essential to social life and began his examination of the nature, origin and the obligations of law in general. He held that law protected rather than infringed personal liberty. The basis of law was consent, tacit or active and given personally or through a representative assembly. Hooker distinguished between natural laws and positive laws. "Laws natural do always bind; laws positive not so, but only after they have been expressly and wittingly imposed."⁸ Positive, *v.c.*, human laws, could be 'mixedly' human or 'merely' human. Hooker believed that man was always in need of laws of religion which he characterised as supernatural laws. Lastly, there was the international law regulating relations between different states.

Constitutional Monarchy the Best Form of Government

Hooker did not believe in the divine origin of kingship but his essential conservatism led him to characterise monarchy, regulated by laws, as the best practical form of government. Hooker was a convinced champion of constitutional monarchy. He held that the terms of the social compact formed the law of the commonwealth which regulated the power of the state and in the absence of that he allowed a determining power to written laws and current customs of the land. The king was subject, not superior, to law. Hooker, however, was no champion of unbridled democracy for he threw great emphasis on the stability of government. He supported monarchy and advised passive obedience but his theory of social compact did later on help the development of democratic theory. Hooker preferred a close alliance between state and church and visualised a society in which there was no divorce between politics and religion. The church was the mainstay of well-ordered states. Hooker wrote on most of the topics which agitated the minds of men in succeeding generations, like the theory of Social Contract, Popular Sovereignty, etc.

JAMES I

If the 16th century was a period of religious conflict in England, the 17th century witnessed an important and long-drawn-out political struggle in the country. Immunity from foreign danger and other causes at the time of accession of James I to the throne of England led to both ecclesiastical and constitutional opposition to the Stuart Monarchy. On the constitutional side both the parliament and the judiciary asserted their independence of the Crown. This opposition, it must be noted, however, was based on legalism rather than on abstract

⁸ *The Social and Political Thinkers of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 71.

theory. Magna Carta and not natural rights of man was the weapon of opposition against the Stuart kings. Not only in England but all over Europe religious minorities were struggling for survival and independent existence. The puritans in England, the Huguenots in France and the Calvinists in Holland and Scotland as also Catholics here and there were, as a reaction to royal persecution, developing theories of popular sovereignty and popular right of deposing a tyrant.

The political philosophy of James I had a strong relation with the bitter experiences of his early life in Scotland. The Scottish Presbyterians belittled the secular power and asserted the right of subjects to control their rulers. "No oath or promise can bind the people to obey and maintain tyrants against God . . . justly may they depose and punish them", said Knox. The Humanist Buchanan, who was James's tutor, maintained that a ruler derived his entire authority from the subjects. James feared the political doctrines inherent in Scottish Presbyterianism and took up cudgels against them. "To the Divine Right of the Kirk he opposed the Divine Right of Kings; to the doctrines of popular sovereignty and the right of resistance preached by Knox and Buchanan, he opposed the theory of monarchic¹ sovereignty and the duty of passive obedience."⁴ James, a political pedant himself, countered the anti-monarchical doctrines in his political treatises.

Divine Origin of Kingship

In his first treatise, i.e., *Basilicon Doron*, James puts down a king's duty to God who made him "a little god to sit on His throne and rule over men." The king is God's minister, His lieutenant upon earth, and monarchy, resembling divinity, the best and most perfect form of Government. A king gets his crown by right of birth and is not subject to any private law or statute. A tyrant feels no responsibility to God but a true king does. James believed that the duties of kingship were defined in the Scriptures, in the fundamental laws of the kingdom and in the law of nature. A king must be like a true father to his subjects. The kings are responsible to God for their rule but are responsible to no earthly power.

Irresponsible and Unlimited Royal Sovereignty

The "True Law of Free Monarchies or the Mutual Duty betwixt a free King and his Subjects" is a more systematic political treatise of James than his *Basilicon*. In this treatise James develops his doctrine of royal sovereignty almost on the lines of Jean Bodin. Above the people and above the laws, a king is subject to God and his conscience alone. "A good king will

⁴ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 10.

frame all his actions according to the law; yet he is not bound thereto but of his own good will and for good example to his subjects."⁵ Kings create laws, not laws the kings. The kings, however, are bound by their coronation oath to preserve religion and good laws made by their predecessors. Even a wicked king will maintain order and dispense justice and should not be opposed. James repudiates the idea of any contract between a king and his subjects. Even if there were a contract, who would decide if a breach had taken place? The Parliament, to James, is a creation of royal will and is a subordinate legislative agency. In regard to the king the subjects have duties but no rights. James strongly repudiates the doctrines of resistance and tyrannicide.

Apotheosis of Monarchy

In 1609, James told the English Parliament that "Kings are justly called gods; for they exercise a manner of resemblance of Divine power upon earth."⁶ The attributes of God agree in the person of a king. A king, like God, can create or destroy, make or unmake, give or take life, judge all and is accountable to none. In 1610, he added, that "the state of monarchy is the supremest thing on earth for kings are not only God's lieutenants on earth but by God Himself, are called gods."⁷ Again "as it is atheism and blasphemy to dispute what God can do, so it is presumption and high contempt in a subject to dispute what a king can do or to say that a king cannot do this or that."⁸

The claim of James to an inalienable and indefeasible sovereignty did not remain entirely unopposed. "Magna Carta", said Chief Justice Coke, "is such a fellow that he will have no sovereign in the land."⁹ But the royal claims of James found ready support with the Anglican clergy and the Universities. The Anglican Church emphasised the semi-divine character of kingship, proclaimed the Divine Right of Kings and the duty of passive obedience as a good weapon against both a militant Papacy and Puritanism.

BACON

Among the champions of despotism Bacon is one of the greatest. He was one of the chief upholders in England of some of the doctrines of Machiavelli. In politics, Bacon showed conservatism verging on reaction. As a tolerant erastian, he wanted that the state should be supreme and settle religious disputes. He stood for royal prerogative in the debate on

⁵ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 10.

⁶ *Ibid.*, p. 14.

⁷ *Ibid.*, p. 15.

⁸ *Ibid.*, p. 15.

⁹ *The Social and Political Ideas of the Sixteenth and Seventeenth Centuries*, edited by F. J. C. Hearnshaw, p. 118.

Monopolies. The king was not to break the law but rise above it in the interests of the commonwealth. He should control the common law.

The most important of the political doctrines of Bacon are to be found in his essay entitled "Of the True Greatness of Kingdoms and Estates", reproduced in the eighth book of his *De Augmentis*. The ideal Baconian state is a powerful military state based on a prosperous, well-armed people. A nation should take to arms as its chief occupation, for war is necessary for the greatness of kingdoms. The two potent causes of sedition are poverty and discontent. A ruler must exert to remove poverty by improving agriculture, trade and industry. Riches must not concentrate in a few hands.

Royal Absolutism in State and Church

Bacon's idea of monarchy was of a Tudor type. The state was an organism in which king and parliament had their functions. The king was the primary motive power in the state and must know no limitations. To Bacon, a republican form of government led to factious spirit and consequent disappearance of national unity. A strong aristocracy ought to buttress an unlimited monarchy. Judges were to be like lions under the throne, to interpret law, not to make it. The king should be the Moderator in every walk of national life. The Church ought to be subordinate to the State. "A generation before Hobbes, Bacon taught the unfettered sovereignty of the state alike over the religion and the politics of its citizens."¹⁰

In Bacon's ideal state, a sovereign should be irresponsible within the wide and undefined limits of his prerogative. Bacon was anxious to have a parliament but not for legislative work. Its function was to register grievances. The parliament had neither the experience nor the knowledge to share in the ruling of the country. To Bacon, the law was the will of the king. As a "political thinker his horizon was bounded by the autocratic monarchies of the century of the Reformation."¹¹ Bacon showed no insight into the significance of the new national democratic currents.

POLITICAL THEORY OF THE PURITAN REVOLUTION

During the period of the Puritan Revolution the political thinkers in England not only systematised the legalist ideas of English political philosophy but adopted the continental anti-monarchical, secular and ecclesiastical politics of the Renaissance and the Reformation, giving them thereby a new lease of life. The parliament of England sought to oppose the theory of the Divine Right of Kings and took its stand on the common law and the

¹⁰ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 31.

¹¹ *Ibid.*, p. 34.

pre-Tudor statutes. Besides, the parliamentarians stressed the idea "that the king was subject to law and that law had its source, not in the monarch but in the people as represented by its historical organ, the parliament."¹² "This was a distinctively English development and consisted essentially in a closer definition of 'people' in terms of the individuals composing the aggregate, and in a more precise ascription of rights to each of these individuals." From the beginning of the reign of Charles I, the parliament insisted that the law of the land gave various specific rights to every individual which the king could not interfere with. Various additions to these legal rights of individuals were made with the help of judicial decisions. The individual became possessed of certain fundamental liberties connected with life, liberty and property, which were inalienable.

Supremacy of Law

The English lawyers were not behind the parliament in their opposition to the absolutism of the Stuarts. They emphasised the supremacy of the Common Law, the independence of the judiciary and the popular origin of law. Chief Justice Coke upheld the supremacy of law and was later, as a member of Parliament, instrumental in the drafting and presenting to the king of the Petition of Rights. John Selden, the rationalist and utilitarian, ridiculed the idea of any divine sanction for royal absolutism. He held that a "king is a thing men have made for their own selves, for quietness' sake, just as in a family one maid is appointed to buy the meat."¹³ Selden was for judging institutions with the help of reason and commonsense.

The Scottish Presbyterians and English Independents brought into prominence the conceptions of social contract and natural right. The Scots did this as a reaction to the attempt of Laud and Charles to force Episcopacy upon Scotland. The English Independents held that each congregation was autonomous and formed a small republic. They believed that the state had no jurisdiction over the church and the conscience of man. To the rights of life, liberty and property, they added the rights of freedom of worship, and freedom of speech and thus added to the development of constitutional government. Thus political, legal and religious issues combined in England to oppose royal absolutism and the anti-monarchic theories of social contract, popular sovereignty and natural rights were brought into prominence.

POLITICAL THEORY OF THE COMMONWEALTH

The period of Commonwealth in England was one of fierce controversy which centred mainly on: —

¹² *Political Theories*, Vol. II, by W. A. Dunning, p. 220.

¹³ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 74.

1. The source, content and possession of the rights which, to the anti-royalists, belonged to the people.

2. The constitutional and governmental machinery to give practical shape to these rights of the people.

Political Philosophy of the Levellers

The English radicals, known as the Levellers, issued a very large number of pamphlets including some by John Lilburne, the leader of the Political Levellers. They taught that men were by nature free and equal and possessed natural rights to life, liberty, property, political equality, freedom of conscience and of speech. They pointed out that the source of these rights was not the laws of England but the law of nature. They appealed to reason rather than revelation in support of their contentions and spoke of 'natural rights derived from Adam and rights of reason'. They pressed for equality and manhood suffrage and declared that these natural rights belonged not to the "people considered collectively or as organised in traditionary corporations or parliaments but of the people considered individually". This marked a definite transition from the conception of rights of people to that of rights of man. The Social Levellers, led by Gerard Winstanley, further insisted that political reforms were useless unless there was a general establishment of social and economic equality. Cromwell and his followers opposed the more extreme doctrines of the Levellers and stood by law rather than natural reason and natural rights.

The Agreement of the People, drawn up by the radicals (Levellers) in the army on the basis of social contract, was calculated to embody the views of the Levellers in a new constitution for the country. The Agreement represented expressly the will of the people. Its leading provision was to create a unicameral legislature as representative of the people exercising supreme powers of government. It was expressly laid down that the authority of this legislature was a delegated one and not original. The legislature was not competent to deal with certain matters like those relating to things spiritual, confirmation of privileges and security of private property, these being constituted as rights 'fundamental to our common right, liberty and safety'. The government was to be through 'consent and compact' and the right of resistance against the government was expressly assigned to the people.

The *Instrument of Government* which established the Protectorate in England was a much more conservative document than the *Agreement of the People*. It reverted to the constitutional system of government of the Tudor type. The Protectorate as such produced no new theory of government. The political speculation of the period was more or less concentrated on the question as to whether Commonwealth or Monarchy should be the permanent system of government and in what particular

form the one or the other was to be established. During the Stuart period, including the Commonwealth and Protectorate period, many political works were produced in England by writers, of whom the following may be taken as representative:—

MILTON

Liberty of the Press

Milton plunged into the political and ecclesiastical controversies raging during the periods of Commonwealth and Protectorate, but his writings were much more moderate in outlook than those of the Levellers. Milton was in favour of the complete separation of the State and the Church. He opposed Episcopacy and showed his leanings first towards Presbyterianism and later on Independency. He generally sided with the Parliament but published his *Arcopagitica* against a parliamentary decree for control of printers and booksellers, for he held that "he who destroys a book kills reason itself, the image of God."¹⁴ The right of free comment was not only a privilege of free men but was of benefit to the state. 'Truth was divine and needed no licensing. An ardent advocate of the liberty of the press, Milton was less broad-minded on the question of religious toleration for he pleaded for extirpation of 'Popery and open superstition'.

Social Contract and Popular Sovereignty

Milton published his *Tenure of Kings and Magistrates* a few days after the execution of Charles I and approved of the establishment of the new republic. He, however, was not an incorrigible republican. Milton, more or less, followed the anti-monarchists of the 16th century in his views regarding the origin and functions of state. Men were born free and had the right of self-preservation. To prevent disorder and violence, brought about by the Original Sin, men entered into a social contract, to prevent mutual injury. Commonwealths were founded by mutual contract between men. Kings and magistrates were appointed with administrative powers to execute justice and maintain order, not as masters but as agents or deputies. 'Laws either framed or consented to by all' were made for the guidance of these deputies. The kings as deputies of people had only that much power which was delegated to them and were subject to laws. In spite of its delegation, the political power remained 'a natural birth-right of the people'. The people, as ultimate repositories of political sovereignty, could rightfully depose a tyrant who denied right and law to the people. "It is indeed more god-like for a people to depose a tyrant than for a tyrant to oppress an innocent people." Deposition of a tyrant was a

¹⁴ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 98.

duty. If the law of nature allows an individual the right of self-defence against the king, a commonwealth has a still greater right to do so. The radicalism of Milton is still more evidenced by his assertion, *i.e.*, "then may the people, as often as they shall judge it for the best, either choose him or reject him, retain him or depose him, though no tyrant, merely by the liberty and right of free-born men to be governed as seems them best. The right of choosing, yea of changing their government, is by the grant of God Himself to the people."¹⁵

Individual Liberty

Milton stood for popular sovereignty and for liberty as the birth-right of men and nations. His liberty did not mean the absence of royal absolutism but "assurance to the individual of a wide sphere of action unrestricted by any government". Milton was, thus, a great protagonist of individualism. An individual, to Milton, was endowed with reason and should be allowed to work out his own good without much interference from the laws of the country. "Liberty, then, was the first and controlling preoccupation of Milton in his political philosophy." The best guarantee for individual liberty was a republican form of government, though Milton would allow any other form of government based on the sovereignty of the people.

Aristocratic Republicanism

Milton was appointed Latin Secretary in the Commonwealth and was asked to refute a royalist pamphlet named *Eikon Basilike*, which he did in his *Eikonklastes*. Milton had now become an antimonarchist because, to him, kings followed their own will more than their reason. Besides, Milton had lost his faith in the wisdom and worth of the mass of individuals and he veered round to 'aristocratic republicanism'. Another royalist pamphlet named *Defensio Regia pro Carolo I*, written by the Dutch, Salmesius of Leyden evoked Milton's *Defensio Populi Anglicani*. In this pamphlet, Milton repudiated monarchy and defended regicide of tyrants. Hereditary rule was contrary to the law of nature. In his *Second Defence of the English People* (1654). Milton approved of the Protectorate but advised Cromwell to broaden his government. Milton had little faith in the wisdom of parliaments. He believed in the sovereignty of people but not in representative government. He did not much care for the dogmas of democracy and declared that an "individual had a birth-right to freedom, not to power."¹⁶ He was in favour of liberty for all, authority for the capable.

On the fall of the Protectorate, when Restoration was in sight, Milton wrote his *Ready and Easy Way to Establish a Free*

¹⁵ *English Political Theory*, by Ivor Brown, p. 60

¹⁶ *Political Thought in England: From Bacon to Halifax*, by G. P. Gooch, p. 107.

Commonwealth. Kingship, he declared, was unnecessary and wrong. He suggested that a free 'Commonwealth without First Person or House of Lords' was the best form of government. He advocated a government consisting of a body of representatives, holding by permanent tenure and choosing from amongst themselves an executive council, which was to be permanent. The suggestion of a permanent council by Milton represented a fall from his early ideas of liberty and democracy.

HARRINGTON

James Harrington was a widely travelled man. He carefully studied the Venetian system of government and returned to England a convinced republican. His *Oceana*, which was published in 1656, attracted considerable attention at the time. Harrington was much influenced by the writings of Aristotle and Machiavelli and, like the latter, formulated his political ideas on the basis of history and observation. He severely criticised the *Leviathan* of Hobbes which had just appeared.

Liberated Sovereignty and Economic Basis of Government

The introductory chapter of his *Oceana* contains the substance of Harrington's political philosophy, for it contains a scheme for a constitution for Great Britain as also the general principles underlying that scheme. Harrington believed that the basic principle of governments is the balance of forces. Not limited but 'liberated' sovereignty makes for a perfect government. This does not, however, mean a mixed government. Harrington held that a government may be either 'the empire of laws and not of men' or 'the empire of men and not of laws'. The end of the state in the first is general public interest, and in the second particular private interest. Governments may be either external, *i.e.*, foreign, or domestic, *i.e.*, national, based on wealth or intellectual distinction. Stability is the criterion of all governments and is secured if the supreme power in the land is in the hands of the land-owning class. This gives the government an economic basis. Monarchy, aristocracy or democracy was 'natural' according as land was in the hands of one, few or many. This relation between property and political authority represents the 'balance of dominion'. English history showed that power followed land, though in commercial countries it would follow capital. Harrington was the first of modern thinkers to construct an economic theory of state and show that the distribution of power must correspond to the distribution of property.

Harrington believed that the structure of a government must reflect the natural human instinct of the majority following a minority which formulates decisions and policies. The government, therefore, must consist of a Senate of natural aristocracy, a council and a magistracy. In order to secure stability in the government, he advocated a system of rotation in government,

and a system of ballot, as also a law preventing any person from owning more than a certain amount of land. Harrington believed in religious freedom except to people who were Papist, Jewish or idolators, and showed the desirability of enforcing a system of universal and compulsory education under state control. The political theories of Harrington and Milton were, to some extent, mutually complementary. If Milton worshipped individual freedom, Harrington was more concerned with the organisation of republican government. Both Harrington and Milton maintained the doctrine of popular sovereignty but were essentially aristocratic.

Harrington's *Oceana* is the most practical of all Utopias. In 1659, Harrington wrote his *Model of a Commonwealth Fitted to the Present State of This Nation*, with the help of a sketch of seven of the principal republican constitutions of history. Harrington believed that a good government was an organism and that it must grow naturally out of the social and economic conditions of society. He brought about a compromise between democratic principles and the interests of order and progress. Harrington's writings created a good deal of contemporary interest in England. Besides, the constitutions of Carolina, New Jersey, Pennsylvania, considerably reflect his thoughts. Sieyès of the French Revolution got many of his ideas from Harrington.

FILMER

Royal Absolutism of "Patriarcha"

The Restoration brought about a remarkable production of royalist political literature in England. *The Patriarcha* of Sir Robert Filmer represents the best exposition of the theory of absolute monarchy and was repudiated both by Sydney and Locke. Filmer agreed with Hobbes regarding the absolutism of royal power, but he would not base his theory of royal authority on the social contract. He was convinced that the state of nature and social contract really undermined the divine rights of kings. Men were originally not free or equal, and political authority did not rest on consent. "If every individual must consent to the establishment of government, government is for ever impossible." Filmer believed, with Bodin, that in every state there must be a 'single, absolute and irresponsible sovereign power'. To Filmer, popular sovereignty was impossible because it was difficult to find the 'people'. The principle of political equality of all would admit of neither aristocracy nor rule by majority. Filmer thus made out a strong case for royal sovereignty which, to him, was no more arbitrary than any other form of sovereignty. He held that arbitrary and irresponsible power was necessary for every form of government, monarchical or polyarchical, so that it was better to have the tyranny of monarchy than the tyranny of the majority.

Patriarchal, the 'Natural' Type of Government

Rejecting original equality and social contract as the basis of early political authority, Filmer held that the 'patriarchal authority exercised by Adam over his family when that family constituted the whole of the human race, is the only species of authority that has the sanction of God's immediate bestowal.'¹⁷ Patriarchal, therefore, is the 'natural' type of power, sanctioned by God and history. Monarchy is divine and natural. King is the source of law, the parliament being a mere advisory body. The duty of the subjects is to offer passive obedience. The importance of Filmer in the history of political philosophy lies in his giving the state a natural and organic growth. His theory of Divine Right of Kings is rationalistic more than based on Scriptures and is, therefore, more logical as well as open to criticism.

¹⁷ *Political Theories*, Vol. II, by W. A. Dunning, p. 259.

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CHAPTER XIV POLITICAL THEORY OF SOCIAL CONTRACT

I. THOMAS HOBBS

THOMAS HOBBS, born at Westport in North Wilts, was a man of a very studious, orderly and timid nature. He left England during the Civil War. He lived for about 20 years on the Continent, chiefly in France whose autocratic government appealed to him considerably. While on the Continent, he met many philosophers and studied many forms of government. Thomas Hobbes is really the first Englishman who wrote comprehensively on political philosophy and made valuable contributions to it. Amidst a chaos of political wrangling and pamphleteering in England during the middle of the 17th century, Hobbes built up a systematic philosophy of state, taking his stand neither on theology nor on tradition but on his study of human nature. Hobbes lived at a time of great constitutional crisis in England when the theory of Divine Right of Kings was fiercely contested by the upholders of the constitutional rule based on popular consent. Hobbes would subscribe neither to one side nor to the other. But, as an upholder of order and authority, he constructed a system of strong and irresponsible sovereign authority on the basis of the then very popular doctrine of social contract. Hobbes was, thus, as much a creature of his time as Machiavelli was. That Hobbes wrote with a philosophic detachment characteristic of him is evidenced by the fact that his theory of irresponsible, inalienable and indivisible sovereignty would as well apply to a republican form of government as to a monarchy. The political philosophy of Hobbes is a part of his general philosophy based on scientific materialism. Hobbes starts with the law of motion and builds his whole philosophy on the basis of mechanical process of causation and effect. He wanted to bring psychology and politics to the level of physical sciences. The notable political writings of Hobbes are:—(1) *De Corpore Politico* (1640); (2) *De Cive* (1642) and (3) *Leviathan* (1651).

The Leviathan and Its General Treatment

The Leviathan of Hobbes may be divided into four parts. The last four chapters of the first part give us the Hobbesian idea of the state of nature which is necessary for the understanding of the Hobbesian theory of the state. These chapters, along with the first five chapters of the second part, embody Hobbes' theory of the origin of the state and the nature of sovereignty. The third and fourth parts of the book show the erastianism of Hobbes in so far as they are concerned with the evils of eccle-

siastical interference in the state and suggest for the church a position of subordination to the state.

The Leviathan has gained Hobbes immortality as a political thinker but his earlier publications contained elements of his political philosophy which found maturity in his great classic. The first part of *De Corpore Politico* describes the various elements in human nature. Fear is the basis of subjection of one to another. In the second part of this book, Hobbes describes the state of nature which is the state of war. The state of nature passes into political society on the individuals agreeing that one or few or many will represent the will of all. The government thus created must have the power of coercion. In every political society there must be an absolute and indivisible sovereignty. Monarchy is not the only form of government, but is the least subject to passions. Hobbes is against resistance to a sovereign, *de jure* or *de facto*. The sovereign must decide religious controversies but not control conscience of men. In 1642 was published from Paris *De Cive* of Hobbes, which insisted on a supreme power in every state to which obedience in all things, temporal or spiritual, was due. The execution of Charles I in 1649 filled Hobbes with horror and indignation. *The Leviathan*, consequently, appeared in 1651.

Hobbes, like Bodin, was extremely fond of exactness in his definitions, deductions and his conception of things like state, sovereignty and law of nature, etc. His deductive method had no place for teachings of history, contemporary observation or tradition. The acuteness and cogency of Hobbesian deductions as shown in his treatment of *The Leviathan* 'bear the reader helplessly to the writer's conclusion'. The materialistic theory of Knowledge and of Happiness forms the basis of Hobbesian political philosophy. Happiness or felicity consists in getting what one desires. Power is the means of attaining the objects of desire, the greatest of all powers being that of the commonwealth. Hobbes gave his own meaning to the terms like the state of nature, the law of nature, natural rights, sovereignty, etc., meanings which appealed to reason and which made him the leader of the rationalistic school of philosophy.

Hobbes on the State of Nature

The idea of the state of nature prior to the appearance of social or political life was known before Hobbes. Most of those who used the 'state of nature' hypothesis were half inclined to believe in its historical reality, for, even if the state of nature were not a definite historical fact, it was "the logical opposite to any recorded or conceivable form of the civil state". Origin of political or civil society does imply a society which, in the beginning, was not 'civil'. To Hobbes, the only basis of human action is a perpetual desire for power because man is essentially selfish and egoistical. Every individual wants to gratify his desires and

appetites and men are substantially equal in their ability to do so. None is too strong or too weak for others. According to Hobbes, the state of nature was a state of 'war of all against all' in which chief virtues of mankind were force and fraud. This constant strife between mankind was due to competition for satisfaction of identical desires, jealousy of power and love for glory. There being no common superior to hold individuals in check, the hand of all was against all, and, therefore, in the state of nature the human life was 'solitary, poor, nasty, brutish and short'.

Conception of Right and Wrong

According to Hobbes, there can be no distinction between right and wrong in the state of nature. Any conception of right and wrong presupposes a common standard of conduct, a common law to judge that conduct and a common law-giver. A common law-giver implies an agreement on the part of all to accept somebody as their law-giver and regulator of conduct. This automatically terminates the state of nature. Again, there is no distinction between just and unjust in a state of nature, for where there is no common superior, i.e., a sovereign, there is no law and where there is no law there can be no justice. Again, there can be no private property in the state of nature, for possession of a thing depends upon the power of holding it. Hobbes did not so much believe in the actual historical reality of such a state of nature but maintained that something very like the state of nature, existed during the civil wars, among primitive people and among nations internationally.

Natural Rights and Natural Law

Hobbes clearly distinguishes between the Right of Nature and the Law of Nature, i.e., between *Jus Naturale* and *Lex Naturale*. "Right, consisteth in liberty to do, or to forbear; whereas Law determineth and bindeth to one of them; so that Law, and Right, differ as much, as Obligation, and Liberty."¹ The Natural Right at best implies a treacherous liberty whereas the Natural Law 'designates rule, found out by reason, forbidding any act or omission that is unfavourable to preservation'. Natural Right entitles a man to grab everything and leads to war. Natural Law forces him 'to renounce some part of his claim for the more certain realization of the rest' and, therefore, leads to peace or avoidance of war. The Law of Nature enjoins a man to avert war. But war can be averted only if each individual abandons his Natural Right to all things and if this abandonment is universal and reciprocal. The second demand of the Law of Nature on an individual, therefore, is that he enters into

¹ *The Social and Political Ideas of the 16th and 17th Centuries* edited by E. J. C. Hearnshaw, p. 138.

a covenant with all, promising to forego his natural liberty and that he keeps that covenant. Justice and injustice mean the keeping or breaking of covenants and imply some power to enforce those covenants, so that when there is no common power there is no justice or injustice. Hobbes sums up the import of his law of nature by saying, "Do not that to another which thou wouldst not have done to thyself". He believed that the laws of nature were eternal, for, on them depended the maintenance of peace, a condition necessary for fullest satisfaction of human desires. Hobbes distinguished between ordinary positive law and the law of nature by pointing out that whereas law proper was 'the word of him that by right hath command over others' and implied external restraint, the laws of nature were conclusions or theorems indicative of means of self-preservation and, therefore, implied those restraints by which we agree mutually to abridge one another's liberty. Hobbes here incidentally distinguishes legality from morality. To Hobbes, 'the law of nature is the dictate of right reason, conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies.' The law of nature enjoins a man to enter into covenants and respect those covenants for the better preservation of his life and property but 'covenants, without the sword, are but words and of no strength to secure a man at all'. This points to the necessity of a common authority.

The Origin of Commonwealth

Men, in order to get out of the terrible state of nature, enter into covenants to forego such of their natural rights, which, being retained, will hinder the progress of mankind. Man is selfish and egoistical and therefore Glory and Fear are the two instincts which make him keep his covenant. Of these two instincts, that of fear is the only one that can be relied on. There must, therefore, be some coercive power binding men to their covenants 'by the terrour of some punishment greater than the benefit they expect by the breach of their Covenant', and there can be no such coercive power of this kind before the establishment of a commonwealth or civil power. In the second part of *The Leviathan*, Hobbes creates this commonwealth by giving a new orientation to the old idea of the social contract. The social contract, before Hobbes, represented a governmental contract, a contract between ruler and ruled. Hobbesian contract is double, a social contract between individuals through which a people is created prior to the creation of a state and a second contract by which the people surrender their rights to their ruler who thereby becomes an absolute sovereign. Hobbes thus builds his commonwealth. "The only way to erect such a Common Power as may be able to defend them (*i.e.*, men) from the invasion of forrainers; and the injuries of one another . . . is to conferre all their power and strength upon

one Man, or upon one Assembly of men that may reduce all their Wills, by plurality of voices unto one Will; which is as much as to say, to appoint one Man or Assembly of men to beare their Person; and every one to owne, and acknowledge himselfe to be the Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted; in those things which concerne the Common Peace and Safetie; and therein to submit their Wills, everyone to his Will, and their Judgments, to his Judgment. This is more than Consent or Concord; it is reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, I authorise and give up my Right of Governing myselfe to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner. This done, the Multitude so united in one Person, is called a COMMONWEALTH."² "And he that carrieth this Person is called a Sovereign and said to have Sovereign Power, and every one besides, his Subject." This sovereign is the great Leviathan, the Mortal God to whom individuals owe their peace and preservation. This sovereign power may be created by institution 'when men of their own impulse unite' or by acquisition when impulse to union comes from without.

The Attributes of the Sovereign Leviathan

The following powers or attributes characterise the Hobbesian Leviathan or the Sovereign who is that individual "or assembly who, by the terms of the contract on which the commonwealth rests, is authorised to will, in the stead of every party to the contract, for the end of a peaceful life."³

(1) The creator of the *Leviathan* is the social compact; the *Leviathan* is no party to it. A sovereign does not exist prior to compact and, therefore, can be no party to it. Once he is created the covenanters lose all their power. The compact is irrevocable.

(2) No conditions, explicit or implicit, can be imposed on the sovereign, for his power is unlimited. There can be no constitutional checks for the sovereign. The sovereign cannot covenant with his people because *he is the people*. The only checks on the *Leviathan* are the laws of Nature.

(3) The created sovereign can do no injury to his subjects because he is their authorised agent. His actions cannot be illegal, because he himself is the source of law and the laws are subject to his interpretation.

(4) The sovereign cannot justly be punished in any way by his subjects.

² *The Leviathan*, edited by Ernest Rhys, Chapter XVII, pp. 89-90.

³ *Political Theories*, Vol. II, by W. A. Dunning, p. 281.

(5) Property is the creation of the sovereign and, therefore, a sovereign may make laws relating to property, taxation, etc. He can declare war and give judicial decisions.

(6) The sovereign has the right to allow or take away freedom of speech. He can suppress circulation of dangerous opinion.

(7) The sovereign has to protect his people externally and internally, for peace and preservation were the basis of the creation of the *Leviathan*.

(8) The *Leviathan* represents the ultimate, supreme and single authority in the state and there is no right of resistance against him except in case of self-defence.

(9) Every act of disobedience of a subject is unjust because it is against the covenant. A new sovereign cannot be substituted for a former one without the latter's permission because the original compact had made the latter's will representative of the wills of all persons contracting.

(10) No covenant with God can be quoted against a sovereign for he is the only channel through which contract with God can be made.

(11) If the sovereign ignore the pact, the subjects cannot do so. The pact made all individuals joining it to give up their natural rights. But the sovereign is no party to the pact and, therefore, retains his natural rights. Unlike the individuals the sovereign is still in the state of unlimited natural rights. A sovereign may be iniquitous but he cannot be unjust.

(12) A minority cannot resist the sovereign on the ground that it was no party to choosing the sovereign. The minority not agreeing with the majority in the selection of the sovereign are in a state of war with the majority which can use all the rights of war against them.

(13) The sovereign is the sole source of authority of public servants and is the fountain of honour.

(14) The attributes of the sovereign are indivisible and inalienable. This indivisible sovereignty admits of no co-ordinate or even subordinate authority and extends as well to spiritual as to the secular affairs. To Hobbes, a limited sovereignty was a contradiction in terms.

Hobbes on Liberty and Rights

The Hobbesian view of liberty, which, to Hobbes, meant absence of opposition, was diametrically opposed to the views of the Levellers and of Milton. Hobbes distinguished between liberty of the Commonwealth and the liberty of the individual. The liberty of the individual must be understood in terms of the state. Liberty of the state is unqualified but that of the individual is regulated by the laws of the Commonwealth. Liberty of the individual consists in what the laws of the state do not forbid and in what cannot be by the nature of the covenant

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be given up. This includes right of self-defence and self-preservation. But the liberty of the subject is no limitation on the rights of the sovereign. If there is a civil war, however, and the sovereign cannot protect his subjects, then the subjects have the liberty to choose a new sovereign or accept a new *de facto* sovereign. In the state of nature rights of the individual depended on his might. Liberty was license. For the civil state, Hobbes adopts the legal theory of rights. Man has right to self-preservation. Besides this he has all those rights which the state allows him. But a sovereign can disallow the rights of the individual except that of self-preservation. Rights of the individual cannot be quoted against the state.

The Individual and the State

Hobbes built up a theory of most thorough-going collectivism but the rationale of such a collectivism was the peace and security of person and property of the individual. He even allowed his individual the right to resist his sovereign if the latter attacked the individual's life for whose preservation the contract was entered into. In certain contingencies an individual could refuse to serve as soldier which might endanger his life. Then again, an individual could withdraw allegiance to a sovereign who was not capable of securing the individual's life. An individual could refuse to kill himself on the orders of the sovereign. Hobbes did not believe in legitimacy without power. An individual had the liberty to refuse allegiance to a deposed sovereign.

Classification of Government

Hobbes classifies governments according to the number of persons constituting the sovereign, *i.e.*, into monarchy, aristocracy and democracy. Hobbes had patience neither for a mixed form of government, nor for tyranny or oligarchy. There is no distinction in the sovereign power of monarchy, aristocracy or democracy, the sovereign in all the three cases having the same attributes. The relative excellence of the three forms of constitution depends on how far and how well the sovereign power in the three different forms serves the end of maintaining peace and security. Judged from this point of view monarchy, to Hobbes, was the best while democracy 'is no more than an Aristocracy of Orators, interrupted sometimes with the temporary Monarchy of One Orator'. Monarchy is the best because a monarch can harmonize his private with public interests; can pursue a steady policy and will show favours to a lesser number of favourites than is possible in an aristocracy or democracy. Hobbes is against elective constitutional monarchy.

Hobbes on Law

Hobbes, with characteristic definiteness, distinguishes between different kinds of law such as the law of nature, civil law and

divine law. The laws of nature are 'conclusions or theorems' and not laws. Law proper 'is the word of him that by right hath command over others', and that is the sovereign. Therefore "Civil Law is to every subject those Rules which the Commonwealth hath Commanded him by Word, Writing or other Sufficient Sign of the Will, to make use of, for the Distinction of Right and Wrong; that is to say, of what is contrary, and what is not contrary to the Rule."⁴ The sovereign alone can make laws and is himself above the laws. Custom is law because of the consent of the sovereign as implied by his silence. Divine Law emanates from Divine Will and Natural Law, too, if rational, may be regarded as divine law. A directly revealed command of God is 'divine positive law'. All laws, especially laws of nature and unwritten ones, need interpretation and the interpretation of the sovereign as communicated by his magistrates is binding on the subjects. Law must be rational but the sovereign's reason alone as expressed in the sovereign's will is the sole standard of reason. A divine law must supersede civil law but it is the sovereign alone who can interpret divine law, for otherwise every law would pass for divine law and civil law would be disregarded. In short, to a subject, the sovereign's will and judgment is the law of God, the law of nature, the law of nations and the civil law. Hobbes thinks that the law of nature and the law of nations are identical because sovereigns are mutually in a state of nature.

The Erastianism of Hobbes

The tone of the *Leviathan* is distinctly secular and anti-clerical. "Ecclesiastically he (Hobbes) was Erastian, and his exaltation of the political sovereign left no room for any church save as a dependency of the sovereign will." Hobbes believed that there ought to be an outward conformity in worship enjoined by law though he was too rationalistic not to bless a policy of religious toleration. The church was, to Hobbes, a "Company of men professing the Christian Religion, united in the person of one sovereign, at whose command they ought to assemble, and without whose authority they ought not to assemble."⁵ Therefore a church meeting against a sovereign's command was an unlawful assembly. Besides, there could be no such thing as a 'spiritual government' because the only government in a state is the political sovereign; nor could there be such a thing as a universal church for the church in every state is a part of the state. The sovereign is the supreme spiritual authority which he gets from God immediately. The spiritual authority of the bishops is delegated by him and is, therefore, *Regis gratia* and not *Dei gratia*.

⁴ Chapter XXVI of *Leviathan*, edited by Ernest Rhys, p. 140.

⁵ Chapter XXXIX of *Leviathan*, edited by Ernest Rhys, p. 252.

criticism of Hobbesian Conceptions and Theories

Hobbes draws up a very dark picture of the state of nature and proceeds to evolve his civil society on the basis of social contract which suddenly transforms the chaos of the state of nature into the orderliness of the civil state. In the state of nature no contracts are possible for there is no sovereign to enforce them but the social contract itself is made in the state of nature. It must be realised that the sovereign resulted from but did not co-exist with the social contract. The Hobbesian sovereign is representative of the people. What guarantee is there that this 'representative' of the people will 'represent' the people, *i.e.*, follow public opinion and look after public welfare. Locke ridicules Hobbesian social contract which boils down to this that "when men, quitting the State of Nature entered into Society, they agreed that all of them but one should be under the restraint of Laws; but that he should still retain all the liberty of the State of Nature, increased with power and made licentious by impunity. This is to think that men are so foolish that they take care to avoid what mischief may be done them by polecats and foxes, but are content, nay, think it safety, to be devoured by lions". Hobbes builds up his system on the basis of pleasure-pain theory and evolves a master-slave relationship. He presents the alternatives of surrender or chaos.

The Hobbesian system is rather based on unsound foundations. The state of nature of Hobbes was a state of war of all against all in which 'cardinal virtues are force and fraud'. Hobbes' natural man is anti-social. How could such a man go against his own nature and suddenly enter "a state not of war, but of peace, a state in which force and fraud are deliberately set aside, a state which is founded upon ideas of right and justice, and in which acts of wrong and injustice are put under the double ban of public disapproval and of positive prohibition"? How could a natural man stick to such a state? How could the Machiavellian Attila of the state of nature be so suddenly and so completely transformed into a cringing slave? Hobbes does not realise that man has always been possessed of gregarious instincts, that he is not all force and fraud and that even primitive people have their code of morality, however elementary. Besides, Hobbes uses his concept of the law of nature as it suits him. Sometimes this law represents a brute instinct, sometimes a moral ideal. Hobbes is neither purely utilitarian nor purely an idealist. With him, the self-interest of an individual before the contract is suddenly changed into his duty towards his sovereign after the contract.

Hobbes does not realise that the unit of primitive life is not an individual but a family or some other group. Political communities owe their origin to the emergence of new needs.

Hobbesian man is neither a moral nor a political animal. Hobbesian contract is irrevocable. Would the extremely selfish man of the state of nature willingly agree to an irrevocable and unconditional surrender of all his natural rights? Again Hobbes held that the only alternative to the absolutism of a single individual sovereign was anarchy but the history of the Middle Ages belies his contention for then the power was divided between the state and the church and between the king and his feudal vassals. And the Middle Ages, turbulent enough, did not so much represent a period of continuous anarchy! Besides, the history of the modern states shows that mixed or constitutional governments do not go for anarchy always. The Hobbesian conception of law was very narrow, the sovereign being the source and interpreter of all types of law.

With Hobbes, it was Absolutism or Anarchy. The only remedy for good behaviour of men was the coercive power of the sovereign. Hobbes did not realise that there were other factors besides the fear of law and punishment which kept men from relapsing into anarchy, *viz.*, 'common sense, reason, religious conviction', and public opinion. The Hobbesian system condemns the state to purely negative functions. Its sole duty is the preservation of life and maintenance of order. The *Leviathan* of Hobbes is essentially a 'policeman'. "This state is a necessary evil, an instrument to defend men against their savage instincts, not to achieve a free and progressive civilization". The political society created by Hobbes is not much of a society. It is like a flock of cattle driven by the mighty *Leviathan*, who sums up in himself the life of all and who is a universal regulator of thoughts and actions of all. This represents a state of affairs worse than anarchy.

Estimate of Hobbes

The *Leviathan* of Hobbes aroused the indignation of almost all important interests in England. His Erastianism was certainly distasteful to the church. Devoted churchmen could not tolerate the idea of the church being a mere department of the state. The monarchists, who believed in the theory of Divine Right of kings, did not like his secular theory of state based on a social contract. The royalists did not like the Hobbesian view of sovereignty because it justified the *de facto* government of a successful dictator as much as that of a legitimate monarch, and justified the absolutism of a parliament as much as that of a king. Hobbes discarded the divine right of kings in favour of the divine right of the state. The parliamentarians viewed with scorn the opposition of Hobbes to mixed government and constitutional checks. Hobbes received little notice in England till Bentham and Austin reviewed his political philosophy in a favourable light. Hobbes' doctrine that law is the command of a superior

and that no law can be recognized which is not enforceable by punishment was adopted by Austin and forms the basis of the latter's system of jurisprudence. The Austinian theory of sovereignty, the modern legal theory, is substantially the Hobbesian theory of sovereign power.

Little noticed in England for the time being, the political philosophy of Hobbes created a great stir in Europe. Spinoza was in a way a political disciple of Hobbes. The Hobbesian political system contained all the important concepts of the current political philosophy and yet Hobbes gave them his own interpretation. While Machiavelli had separated politics from religion and morals, Hobbes not only kept up the separation but subordinated religion and morals to politics. Hobbes outdid Machiavelli in his exaltation of the state for Machiavelli was never so absolutist as to declare that the laws of nature and the law of God were to find their expression only through the interpretation and will of the sovereign. Bodin limited his sovereignty by divine laws, natural laws and laws of nations; the sovereignty of Hobbes is indivisible and unlimited. Hobbes agreed with Grotius that the basis of moral and legal right was reason but to Hobbes this reason was the reason of the sovereign expressed through his will only. Hobbes was in fact the first political philosopher to grasp the idea of unlimited sovereignty. His absolutism was more extreme than claimed for the popes in the mediæval days. Yet Hobbes was an individualist in so far as he believed in the natural equality of men. The most distinctive contribution of Hobbes to political philosophy lies in his 'deriving logically from a mass of free and equal individuals the concept of an omnipotent state'. The brilliance of Hobbes is shown by the fact that he turned the theory of social compact, an instrument of early liberalism, to the defence of unlimited absolutism at a time when absolutism, born of Divine Right of Kings, was fast losing its theoretical basis.

II. CONTINENTAL POLITICAL THOUGHT IN THE 17TH CENTURY

The Peace of Westphalia brought the religious wars in Europe to a close. From 1648 onwards national rivalries and contests were actuated by political and commercial and not religious considerations. Westphalia destroyed the supremacy of the Pope and gave a death blow to the dignity and the unity of the Holy Roman Empire, on whose ruins, new national states. France pre-eminent among them, rose up. Politically the second half of the 17th century was an age of monarchic absolutism. The continental monarchies were strong in their national basis but were developing a dynastic outlook. Absolutists like Louis XIV and Peter the Great gave a Machiavellian touch to continental politics. It was an age of constant strife born of the personal rivalries and ambitions of the rulers. The times were too troubled and unsettled for any calm and systematic development of politi-

cal thought. Naturally enough, therefore, this age produced a small number of political philosophers of whom the most notable are Spinoza and Pufendorf. Both these philosophers further developed the rationalistic political philosophy of Grotius and Hobbes. A French thinker Bossuet upheld and glorified the divine absolutism prevailing in his country, France.

'SPINOZA

Benedict Spinoza was a Portuguese Jew who settled in Holland because of religious and political persecution at home. This persecution considerably affected Spinoza's political philosophy as evidenced by the fact that the two dominating principles of his philosophy are his defence of religious toleration and his holding up of an aristocratic republic as the best form of government. The substance of the political philosophy of Spinoza is to be found in his (1) *Tractatus Theologico-Politicus* (1670) and (2) *Tractatus Politicus* (1677).

Right Identified with Might

Spinoza did not believe in natural Right or Wrong. To him, Right in nature was identical with power so that "in every possible form of state, I conceive the rights of the ruler as against the subject not to exceed the limits of the power which he possesses in excess of the subject: that being a principle which is universally observed in the state of nature". In the natural state a man is led by blind desire and his powers and consequently his rights and liberty appear greater in the state of nature than in the civil state but are really less. In fact natural rights are hardly conceivable except in the civil state. This and the desire to satisfy physical, moral and intellectual wants requiring 'mutual aid between man and man' are the real motives for the origin of the state. Man, like other animals, is always led by self-interest and, therefore, "social virtues are merely conventions through which individuals seek their particular good".

Men enter the civil state by a silent and gradual process. Spinoza does assume a pact through which the state comes into existence but this is not the Hobbesian pact and is not distinguishable from ordinary pact between two private individuals. To Spinoza, the "state is merely an arrangement through which a multitude of individuals seek their respective interests". Right being identical with power, a sovereign is supreme and his supremacy is acknowledged because he represents the sum of forces of the individuals in the community. The civil state must have a fixed territory and sufficient force for defence and its chief function is "the establishment of common rights and laws, enabling or constraining all members of the community to live upon such terms as may be agreed upon between them". This is possible if government be instituted with powers to make men live according to the common will of all. Spinoza agreed with Hobbes,

that justice and injustice exist in a civil state only, not in the state of nature but he differed from Hobbes in thinking that justice and equity meant the same thing.

Sovereignty Unlimited but due to Superior Power

Spinoza differed from Hobbes in his conception of sovereignty too. He held that men were guided by positive motives, *vis.*, their physical, moral and intellectual improvement, in the formation of the state and were, therefore, in a position to make bargains or contracts with their rulers. Hobbes, of course, would not allow any such bargaining power. But Spinoza too maintained that once the civil state was formed, the sovereignty of the state must be submitted to. The will of the individual was merged in that of the community and the rights of the state against the individual were unlimited, depending, of course, on the superior power of the state over the individuals to enforce these rights.

Individual Liberty -

Spinoza disagreed with Hobbes in his conception of liberty too. The absolutism of the Hobbesian sovereign did not leave much scope for individual liberty. To Spinoza, liberty was the supreme end of the state and this liberty consisted "in life according to the reason rather than according to the passions". The state has rights against the individual to the extent it has powers. Both are, therefore, limited. Spinoza would grant the individual the freedom of thought and expression as also religious freedom, but he would not allow the question of religious freedom to endanger the safety of the state. The state can only prevent circulation of ideas which directly imperil its existence. Liberty of expression is a lesser evil for a state than the dangers of suppressing it. Besides, freedom of thought and expression is essential to the preservation and well-being of a state. This shows that Spinoza, unlike Milton, looked at liberty more from the point of view of the state than that of the individual. Spinoza's sovereign is as despotic as that of Hobbes but his subjects are not reduced to unmitigated slavery to which Hobbes condemns them. Right being identical with power, as Spinoza held, they might get their freedom by a successful rebellion.

Aristocratic Democracy

Spinoza thought democracy, or rather aristocratic democracy, to be a better form of government than either aristocracy or monarchy, though he was against radical democracy. Democracy was preferable because, in it, more than in other forms of government, the community was the government with lesser chance of evil between the ruler and the ruled, greater chance of peace and greater identity between rights and powers. Democracy, to Spinoza, was the most absolute form of government, be-

cause it had the most secure foundations and was, therefore, the most powerful. To Spinoza, a monarchial form of government was an impossibility and the monarchies were really aristocracies. Whereas Hobbes believed that the dissolution of government involved the dissolution of state too Spinoza's state was never dissolved, though it was sometimes moulded.

Separation between Ethics and Politics

Spinoza agreed with Machiavelli in believing that public ethical standards were different from private ethics. Standards of moral conduct applicable to the individuals would not always apply to the state. He agreed with Hobbes in believing that all men were enemies to one another by nature and were always actuated by selfish motives. Spinoza, therefore, banished the idea of duty and of right not only from the field of politics but that of ethics also. To Spinoza, the motive power behind the conduct of the state and of the subjects was expediency.

Estimate of Spinoza

Spinoza's political writings created very little enthusiasm among his contemporaries due primarily to the fact that his pantheistic ideas made his philosophy generally unpopular. Spinoza's treatment of individual liberty, however, seems to have influenced Locke considerably. Spinoza followed Hobbes in giving a rationalistic basis to the absolute sovereignty of the state and by transferring the "common will" of the whole body of citizens to their authorized agent, the sovereign. Spinoza served as a connecting link between Hobbes and Rousseau. The "general will" of Rousseau may be traced to the conceptions of "one mind" and "common will" of Spinoza. As a champion of expediency, Spinoza occupies the same platform as the utilitarians like Hume, Bentham as also Burke. Spinoza, in short, not only evolved a more consistent system out of the Hobbesian theory of state but also anticipated much of what was characteristic of the philosophy of Rousseau, Burke and the Utilitarians.

PUFENDORF

Samuel Pufendorf (1632-94 A.D.) is the first representative of rationalistic thought in Germany. His *De Jure Natura et Gentium*, which is a systematic study of social and political problems, represents a compromise between the absolute sovereignty of Hobbes and the limited ethical sovereignty of Grotius. This is shown by the fact that while Pufendorf accepts the definition of Grotius of the law of nature as being the dictate of reason, he, like Hobbes, believes that self-interest is the chief motive power behind human actions.

State of Nature—A Historical Fact

The political philosophy of Pufendorf is based on his conception of the state of nature which, to him, was a historical

as well as a logical condition of mankind, before the institution of the civil state. It was an actual condition which prevailed at some time among all the races of mankind, though not at the same time, before the rise of civil and political institutions. Men, to Pufendorf, were guided by impulse and selfishness in the state of nature rather than by reason and, therefore, they led a wretched life. The state of nature was not a state of constant warfare but conditions of life were hard indeed because considerations of right and justice were ignored by selfish people who followed impulse rather than reason. The gregarious instincts of men drew them together into a society but in the absence of a civil society, the individuals were guided by the law of nature which, to Pufendorf as to Grotius, was the dictate of right reason determining what was right or wrong in human actions. The first law of nature was that a peaceful social life must be cultivated. Private property was necessary to social life as also slavery. Pufendorf, like Hobbes but unlike Grotius, believed that the law of nature and the law of nations were identical.

Contractual Basis of Civil Society

In the state of nature, as observed above, men are guided by impulse rather than by reason. They ignore the law of nature. This makes it necessary to institute a civil society by means of a voluntary contract. Contract is necessary for the establishment of a civil society, for Pufendorf believed that "the social instinct in a man is to be held accountable for the formation of society, while a deliberate act of will through contract must explain the origin of the state". The civil state of Pufendorf, therefore, implies a two-fold contract, *i.e.*, the social contract and the governmental contract. "First, the individuals formed an agreement among themselves to establish a state, and decided by majority vote what form of government they desired. Second, a compact was made between the community as a whole and the designated holders of governing power, the former promising obedience, the latter agreeing to execute their authority so as to promote the general welfare."⁶ To Pufendorf, this was not a mere hypothetical explanation of the origin of the state.

Pufendorf's conception of sovereignty is like that of Grotius and not of Hobbes. It was supreme because it was not subject to any human law or higher human authority but it was not absolute, because it was limited by the law of nature and the law of God, as also by custom and by the ends for which it was created. Pufendorf believed that even an elected or a limited king was a genuine sovereign.

The theory of state of Pufendorf held the field in Germany till the rise of the Idealist school. Rationalists like Wolff and

⁶ *History of Political Thought*, by R. G. Gettell, p. 234.

Thomasius followed Pufendorf in their conceptions of political philosophy.

BOSSUET

Bodin, the French philosopher, thought of saving France from anarchy by creating a powerful sovereign but he too imposed certain limitations on his sovereign. There were some fundamental laws of the kingdom which even the sovereign could not disregard or disobey. After his death, and largely as a result of the efforts of Richelieu and Louis XIV, the French thought became uncompromisingly absolutist, justified the exercise of unlimited absolutism of the sovereign, maintained the theory of the divine right of kings and preached the duty of passive obedience to the subjects. The French philosophy also maintained the independence of the Gallican church from Papal control. Bossuet is the chief representative in France of this school of thought.

Bishop Jacques Bossuet, a tutor of the Dauphin during the reign of Louis XIV, expounded his political views in a book entitled *Politics as Derived from the very Words of the Holy Scriptures*. Bossuet followed the methodology of the mediæval school-men, while, in his political doctrines, he was much influenced by the rationalistic absolutism of Hobbes. He believed in absolute monarchy by divine right, sanction for which he found in the Scriptures.

Absolutism of Hereditary Monarch

According to Bossuet, a man is a sociable creature but social life is impossible without exterior control due to the evil tendencies and passions of man. This makes the establishment of a government necessary. Monarchy is the most usual and most ancient and, therefore, the most natural form of government. The monarchy, especially hereditary monarchy, is the best form of government. The king's authority is 'sacred, paternal, absolute and subject to reason'. It is a sacrilege to attack a king because he is holy. The authority of the king is absolute but not arbitrary. A king has not only rights but also duties towards his God and his subjects, though he is answerable to God alone for his actions. He embodies the whole state and he represents the general will of the community. A king must maintain religion and justice. The subjects have no right of resistance against their sovereign. All that they are entitled to do is to pray to God to make their king behave better in future. Bossuet passionately pleads for the independence of the church of France from Papal domination.

Bossuet's importance lies in his attaching sanctity to the sovereign whom he allows absolute powers. But Bossuet, though an incorrigible absolutist, emphasised the moral responsibility of the sovereign who must not be arbitrary in his actions.

A number of other thinkers in Europe echoed the political philosophy of Pufendorf and Bossuet. Leibnitz wrote on the law of nature, but he thought of the law of nature from the point of view of theology. The German Horn was a great believer in the theory of divine right of kings. He repudiated the Hobbesian conception of the secular origin of sovereignty on the basis of the social contract by stating that God was the direct source of royal authority. The later years of the reign of *Le Grand Monarque* witnessed a reaction against royal absolutism due to Louis plunging France into ruinous and endless wars. Fenelon, for instance, scorned the idea of the unlimited authority of the sovereign. But, on the whole, absolute monarchy was safe at the time and was considered the best form of government throughout Europe. England alone stood out against this Continental absolutism with her Glorious Revolution and her John Locke.

JOHN LOCKE

The Glorious Revolution of 1688 represented a triumph of the Whig party and the Whig principles of government but the Revolution was not legal in the strict sense of the word. The Whigs felt compelled to justify their *coup de etat* to a nation which had so far been fed, on the whole, on absolutist doctrines. Locke's *Essay on Civil Government*, which contains the substance of his political philosophy and which portrays, in general, the Whig philosophy of the day, is really an apology for the Revolution of 1688. As a confidential secretary of Lord Shaftesbury, the founder of the Whig party, Locke gained some experience of practical politics. He opposed the theory of Divine Right of Kings upheld by the Anglican church and Filmer as well as repudiated the absolute sovereignty of Hobbes. He was the chief official Whig interpreter of the Revolution.

His Works

Locke wrote two treatises on government. The first was calculated to be an answer to the *Patriarcha* of the absolutist Filmer which had created a storm of indignation among Whig minds as evidenced by the fact that Algernon Sydney too, in his *Discourses concerning Government*, noticed and refuted the *Patriarcha* by maintaining that government was a human institution, having no divine or natural sanction; that its basis was popular consent and that sovereignty belonged to the people. Locke's refutation of the *Patriarcha* too was more or less on the lines of Sydney. The second treatise of Locke, entitled *Of Civil Government*, presents a systematic theory of the origin and nature of state and sovereignty. The political philosophy of Locke represents an elaboration of that of 'Judicious' Hooker whom Locke acknowledges to have read. Locke also took up the social contract theory of Hobbes but used it to draw conclusions

diametrically opposed to those of Hobbes. The view of state of nature of Locke resembles that of Pufendorf.

The State of Nature

Locke, like Hobbes, begins his theorising about the state with the state of nature but differs materially from the latter in his conception of the same. To Locke, the state of nature is a state of 'goodwill, mutual assistance and preservation', i.e., a state not of war but of peace. The Lockean state of nature represents a 'pre-political rather than a pre-social condition'. Men do not indulge in constant warfare in it, for peace and reason prevail in it. The state of nature is governed by a law of nature. Locke, like Grotius, believes that this law of nature does not represent a mere natural impulse but is a moral law, based upon reason, to regulate the conduct of men in their natural condition. The law of nature does not constitute an antithesis of the civil law but represents a condition precedent to the latter. One of the fundamentals of the law of nature is the equality of men who possess equal, natural rights. "Man being born, as has been proved, with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power not only to preserve his property—that is, his life, liberty and estate—against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others."⁷ Natural equality, with Locke, does not mean equality in virtue or mental ability, but denotes equal right to natural freedom.

Its Criticism

The Civil Government of Locke with its roseate picture of the state of nature and the law of nature, represents a philosophy of the propertied and privileged class to which Locke himself belonged, a class very jealous of its rights. The natural man of Locke is a propertied gentleman insisting on his own rights and respecting the rights of others. He is led by the law of nature which represents a moral consciousness of one's duty to himself and to his fellow-beings. It may be said that Locke's state of nature is very like civil society without a government. His natural man is governed by natural law which means the dictates of right reason and moral consciousness. Need such a natural man enter into any contract at all!

Locke on Natural Rights

The natural rights of man, to Locke, are to life, liberty and property. Liberty means an exemption from all rules save the law of nature which is a means to the realisation of a man's free-

⁷ *Two Treatises on Civil Government*, by John Locke, edited by H. Morley, p. 234.

dom. Property comes when an individual changes the primitive community of ownership into individual possession by mingling his labour with some object. In the state of nature individuals are conscious of and respect these natural rights for they are subject to reason which "teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possession". The state of nature is to be distinguished from the civil state by the absence in it of a 'common organ for the interpretation and execution of the law of nature'. Hence in the state of nature every individual is the interpreter and executor of the law of nature. Variety in interpretation due to difference in standards of intelligence and in execution of the law of nature leads to chaos and confusion and consequent insecurity of life and property. Hence it is necessary to replace the state of nature by civil society, in which there would be a known law accepted by all and applied by an impartial and authoritative judge whose decisions would be enforced by the state.

Lockean Conception of the Social Contract

"God, having made man such a creature that, in His own judgment, it was not good for him to be alone, put him under strong obligations of necessity, convenience and inclination, to drive him into society, as well as fitted him with understanding and language to continue and enjoy it."⁸ This social instinct of man gives origin to various social units, the last in the process being the political society, which is formed thus:—"Each individual contracts with each to unite into and constitute a community. The end for which this agreement is made is the protection and preservation of property, in the broad sense of the word—that is, of life, liberty and estate—against the dangers both from within and without the community." According to this contract each individual agrees to give up not all his natural rights but that one of interpreting and executing the law of nature. But this right is given up not to any person or group of persons but to the community as a whole and that too on the understanding that the natural rights of the individual to life, liberty and property will be guaranteed by the community. It follows from this naturally that Locke's social contract does not create any absolute and unlimited sovereign. In fact, Locke does not use the word sovereign in his treatise. Locke's contract is not double, i.e., one for the creation of the society and the other for the creation of government, but is single because man, to him, is by nature social. The political society created by the contract is the recipient of voluntarily conceded rights and cannot encroach on those rights which have not been foresworn by the individuals.

⁸ *Two Treatises on Civil Government*, by John Locke, edited by H. Morley, p. 230.

The contract is not, as with Hobbes, made with the ruler but with the community which becomes the common political superior, *i.e.*, the state to interpret and execute the law of nature. Locke does not clearly distinguish between the community and the state. The Lockean state is not a sovereign state for the contract is not general, as with Hobbes, but limited in character. The state is limited by the end for which it has been created as also by the law of nature and can be set aside if it over-rides its limitations or does not fulfil the end for which it has been created. The Government, therefore, is a trust, breach of which would call for a revolution. The ultimate allegiance of the individual is not to the government but to the political society created by the pact, whom the government deputises for.

The Lockean theory of social contract is hardly logical. He builds up his theory on the basis of the ideas and institutions of his day but fails to properly synthesize these ideas and institutions into a definite and rational theory. It is not clear whether Locke's original compact creates society or only government, though he later on distinguishes the two and though the sovereign individual's rights limit both the society and the government. The Lockean conception of social contract postulates four things, *i.e.*, (1) an individual with innate and indefeasible rights (2) a society as a trustee of the rights of the individual, (3) a government which is a trustee for the society and (4) a legislature which is the all-important organ of the government.

Popular Sovereignty and Individualism

The Lockean conception of the social contract inevitably points to the theory of the sovereignty of the people, limited by the prior rights of the individual. Locke was a thorough-going individualist and he placed his individual before his state. Locke's contract implies the principle of the rule of majority. The law of nature cannot be enforced unless the minority submits to the majority. In fact such a submission is implied in the social contract. Locke bases his whole theory of state on consent. The consent for membership of the political community by an individual may be express or tacit. For one whose consent is expressly given the contract is binding and perpetual unless the political community itself is dissolved. A person remaining in a community and holding property therein gives his tacit consent. The consent of the new generations may be given expressly or tacitly by accepting the protection of the state. To Locke, the origin of civil society is a "historical as well as a logical fact". Locke was one of the nearest in his assumption of social contract as a historical fact. In his time, the tribes of North America were, more or less, living in a state of nature.

Limitations on Government

Locke does not build up a conception of legal sovereignty. He abolishes the legal sovereign in favour of popular sovereignty.

He has no idea of absolute and indivisible sovereignty. He is for a government based on division of powers and subject to a number of limitations. His limited government cannot command anything against public interests. It cannot violate or abrogate the innate natural rights of the individual. It cannot govern arbitrarily but must do so according to laws. It cannot tax the subjects without their consent.

Government and Separation of Powers

The chief motive of the individuals in entering into a political community being to put an end to the uncertainty regarding the interpretation and administration of the law of nature, the chief duty of the political community, *i.e.*, the state created by the social contract is to pass definite laws regulating rights and duties emanating from the law of nature. Hence the legislative function is the most important of the functions of the state. The location of the legislative power in a state would, therefore, determine the type of its government. Locke followed the time-honoured Aristotelian classification of government into monarchy, aristocracy or democracy, according as the legislative power was in the hands of one, few or many. Locke also believed in the possibility of a mixed government on the basis of the location of the legislative power. To him, the executive and judicial functions were subordinate to and dependent upon the legislative. The function of the executive is to enforce 'by penalties the prescriptions embodied in the laws'. Locke refers to another function of the government which he calls federative. This function means maintaining the interests of the community or citizens against other communities or citizens. Unlike Hobbes, Locke does not believe in the permanency of the character of government. To him, monarchy and aristocracy mean sectional governments while a democracy, represented by delegates chosen by popular election, is best because it promises enduring good rule. Locke, however, is not hostile to a monarchy which is based on popular consent and is divested of the Divine Right of Kings.

Locke pleads for but does not fully develop his doctrine of separation of powers. He suggests the principle of separation. The legislature and the executive must be separated in their functions, powers and personnel, for otherwise the legislators "may exempt themselves from obedience to the laws they make, and suit the law, both in its making and its execution, to their own private wish, and thereby come to have a distinct interest from the rest of the community, contrary to the end of society and government."⁹ But in spite of separation of powers, Locke gives to the executive the power of issuing ordinances when the legislature is not in session.

⁹ *Political Thought in England from Locke to Bentham*, by H. J. Laski, p. 40.

The Right of Revolution

According to Locke the power delegated to the government is a sort of fiduciary trust for the object of achieving certain ends. The supreme and ultimate power really rests with the people. Locke does not create any determinate human sovereign with an 'incontrovertible law-making authority'. If the government belie its trust or overact its powers, resistance to it is the natural right of the people. A ruler who acts arbitrarily puts himself in a state of war with the people. The whole society has then the right of resistance. Locke thus justifies the right of revolution. Resistance against the government is necessary in case of substitution of arbitrary will for law and non-assembly of parliament, etc., for this involves violation of the social contract. The government being a trust, it follows that its powers are limited. This limitation, if disregarded, justifies revolution. The legislature is the supreme branch of the government but its powers are limited to those given up by the individual. It must follow the law of nature and not be arbitrary in its enactments, for behind it stands 'a superior and final embodiment of power, the people'. Locke allows the people latent but not direct sovereignty. The right of resistance lies in the people. Locke gives the right of resistance, *i.e.*, 'appeal to heaven' to an individual but supposes that the actual 'appeal to heaven' against apparent injustice, will be made by the majority. Locke does not believe, with Hobbes, that the dissolution of the government means the dissolution of the society. When the government is dissolved, the community is entirely free to set up a new government or even a new constitution. A civil society may be dissolved by conquest or voluntary dissolution.

State and Church

Locke is not an erastian like Hobbes. In his Letter on Toleration he discussed the relations between the state and the church. He is for religious toleration for all except the Roman Catholics because of their foreign allegiance, the Mohamedans, due to their peculiar standard of morality, and the Atheists. The state and the church must be distinct. The church must not interfere in state affairs, thereby giving a theocratic colouring to the government. On the other hand the state should not bother about the religious belief of the individuals. The state should not suppress opinions except when they are dangerous to its safety or tranquillity. The opinions may relate to (1) God, (2) moral life and practical life. The state has no concern with the first and only a partial one with the second.

Comparison between Hobbes and Locke

Whereas Hobbes believes in the creation of society before the creation of the civil state, Locke is for the creation of the

civil society only, for his individual is already social. Again starting with the conceptions of the state of nature and social compact, Hobbes builds up the theory of an absolute irresponsible sovereignty while Locke starting with the state of nature creates a limited government. Whereas the sovereignty of Hobbes is inalienable, Locke believes that the political community which holds the real power delegates its powers to the government, reserving the right to overthrow the latter, if necessary. Hobbes declared resistance to the sovereign to be unlawful while Locke expressly gave the right of revolution to the people, *i.e.*, to the majority of the community. The individual of Hobbes is best in the state, that of Locke comes before the state. On the whole, it may be said that Hobbes is more original, logical and consistent in his theory of the state than Locke.

Criticism of Lockean Conceptions and Theories

Locke's theory of origins is obviously open to criticism for it is unrelated to hard facts. To him, the state of nature was not only a state of peace and innocence but it was an age when individuals consciously obeyed the law of nature which enjoined justice. Comparing this to the realities of to-day after the institution of civil society, one is forced to conclude that mankind has retrogressed morally and intellectually which is untrue. Then again, like a thorough-going individualist that he is, Locke makes out property to be something anterior to the civil society. Property, which, to Locke, includes life, liberty and estate, is an inalienable birth-right of an individual and is the main bulwark of his individualistic theory of the state. "Primitive man is on his lips; but the portrait he paints is that of a civil man". The state of Locke is not a sovereign state. Pressed to its logical conclusion, the Lockean theory would make the individual the sovereign of the state. To Locke, "the state, so far from being a corporate body with a distinct life of its own, is a mere aggregate of individuals, who agree to act together for certain specified and limited purposes, but reserve their primitive freedom in all other matters whatsoever. The state, therefore, is, at the most, no more than a Limited Liability Company; the real Sovereignty resides in the individual." Locke places his individual before his state.

Estimate of Locke

Locke is one of the first of utilitarians. His utilitarianism is obvious from his contention that "happiness and misery are the two great springs of human action". To him, morality is but pleasure and pleasure is only conformity to universal law. "The public good is the rule and measure of all law-making." Locke was one of the most prominent rationalist thinkers of the 17th century but there was nothing very original in his doctrines. The

concepts of social contract, the law of nature, natural rights, right of revolution, on which he built his theory of state, were already known and pretty well developed. For his ethical and political philosophy, Locke was indebted to Grotius as also to Pufendorf and Spinoza. He was materially influenced by the current politics of England and, like a good Whig, had to justify a *fait accompli* in the Glorious Revolution of 1688. Locke's theory of state might be less logical and consistent than that of Hobbes, yet it capitably suited the England of 1688 and after. His theory is more secular than that of Hobbes. One of the prominent contributions of Locke to political philosophy is his definition of natural rights. Life, liberty and property were converted by Locke into the inalienable, concrete rights of every individual. Political society could not be conceived of without them. The most important of the political contributions of Locke is his theory of government by consent. The social contract theory has long been exploded but the theory of government by consent still holds the field and gains strength daily. Locke denied "the right divine of kings to govern wrong" by limiting the powers of the state¹⁰ "If Hobbes' theory of sovereignty is to-day one of the commonplaces of jurisprudence, ethically and politically we occupy ourselves by erecting about it a system of limitations", borrowed mainly from Locke. The future has justified Locke more than Hobbes.

Locke profoundly influenced the development of political theory. After him his theories were developed by Rousseau into an extreme form of sovereignty of the people and were responsible for the outbreak of the French Revolution. Locke's theory of separation of powers formed the basic principle of the *Esprit des Lois* of Montesquieu, as well as influenced the American revolutionists as evidenced by the drafts of various American constitutions.

¹⁰ *Political Thought in England, from Locke to Bentham*, by H. J. Laski, p. 59.

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CHAPTER XV
POLITICAL THEORY FROM LOCKE TO
MONTESQUIEU

1. BRITISH THEORY

BOLINGBROKE

THE first half of the 18th century was a period of comparative dullness in Britain from the point of view of political speculation. The Revolution of 1688 was accepted as a *fait accompli* and there was a general tendency on the part of British—and also non-British—writers to eulogize the mixed nature of the post-Revolution constitution of Britain. The period in question is notable, not for any important treatise on political philosophy written by any body in Britain, but for the cropping up of a number of essayists who wrote on political problems. Pope wrote his *Essay on Man*. But the most important essayists of the period are Bolingbroke and Hume.

Idea of a Patriot King

The Hanoverian succession resulted in Bolingbroke losing his political power. Bolingbroke was an ardent Tory and an enemy of Walpole. He founded the first Party Journal in England named the *Craftsman*. Bolingbroke purged the Tories of their Jacobitism and tried to bring about an alliance between them and the discontented Whigs opposed to Walpole. He wrote a number of essays of which the most important is entitled *Idea of a Patriot King*. According to this political pamphlet, which gives the duties of a patriot king, the monarch derives his authority from the people, not from divine right. The royal authority is limited, not absolute. It is limited by the law of nature, by rights of the subjects and by customs of the realm. The chief task of the king is to maintain a free constitution based on personal liberty and national unity. The king must suppress parties and factions, spread patriotism, expel corrupt ministers and most of all reclaim the royal authority usurped by the Whigs. The king should stand upon the state, not upon any party. He must win the affection of his subjects.

Popular Sovereignty

Following Locke, Bolingbroke conceived of the people as a body in whom the 'supreme power of the state was inalienably vested'. 'The people was the maker of the constitution which represented a sort of a conditional contract between 'the representative and collective bodies of the nation'. The people had the right and power to check the parliament and also the king

if the latter went wrong. Bolingbroke's idea was that there should be no absolute and uncontrollable power anywhere in the state and the government should rest on a proper balance of various powers in the state and for this the Lockean contractual view of the state was upheld by Bolingbroke. Bolingbroke emphasised the artificial origin of the political institutions.

Personal Liberty and Separation of Powers

To Bolingbroke the chief possession of man is personal liberty. Liberty can only be secured under a constitution in which the legislative, executive and judicial powers are separated from each other with an accurate balance between them. England had lost this balance in 1714 due to the loss of royal authority which represented chiefly the executive side. Liberty is the true end of the state. Bolingbroke advocated the freedom of the press. On the whole, it may be said that Bolingbroke made very little contribution to political philosophy, though he exerted some influence on George III and on Disraeli.

DAVID HUME¹

Social Institutions based on Utility

Hume was one of the most distinctive critics of his time. He furiously attacked and exploded both the theories of Divine Right and social contract as the basis of the origin of the state. His political philosophy, embodied in his *Political Discourses* (1752), is based partly on Lockean conceptions. Hume opposed the rationalistic school and their philosophy based on their conception of the law of nature. Morality, to him, was based on expediency and, therefore, was vitally related to positive law, a conception which entitles Hume to be ranked as one of the forerunners of the Utilitarian school. Utility, to him, was the touchstone of institutions. Reason, to Hume, is an inert principle. Passions, arising from a sense of pleasure, motivate the actions of men.

Refutation of the Social Contract Theory

Hume attacked the theory of social contract from both historical and philosophical points of view. Historically the social contract could not have taken place among the primitive people because they were not endowed with enough reason and intelligence to think of a regular contract and its implications and to stick to it after entering into it. It was only gradually that obedience to government became habitual with man. History, to Hume, does not furnish any examples of an original contract. Besides, the consent of the parties to the contract could not perpetually bind their descendants. There is no evidence, according to Hume, of any formal contract between the rulers and the ruled playing any part in the building up of new governmental organisations. States were generally founded by

usurpation or conquest, Obedience to the state was based, not on the sanctity of any social contract but on custom and habit. Men are born into a state and they obey the state habitually. Besides, voluntary consent given at the time of social contract indirectly implies the power to withdraw from the state which is against facts. Men obey the state because they do not ordinarily reason about the state and because it suits them to do so. "A sense of the advantage to the individual of peace and order in social life is, in last analysis, he holds, the reason for the general submission to established authority." Hume followed Hobbes in his conception of human nature and was a utilitarian in his ethics. He believed that utility was the ultimate end, duty the proximate motive of an individual's obedience to government.

Against Democracy

Hume was against democratic government for 'free governments ... are most ruinous to their provinces'. Republics are favourable to science, monarchy to art. Like Harrington, Hume detected correspondence between wealth and political power. Hume was an advocate of freedom of the press and of religious toleration. According to Hume, people formed the society because society was a necessity to them. Knowledge of the usefulness of the society was provided by the institution of the family. Notions of justice in the family developed to protect and regulate property. Justice, thus, to Hume, was not a natural but an artificial virtue. The origin of society was due not to any contract but to 'tacit' understanding. The cause of the origin of the government was "war with neighbouring communities, with its natural sequel of civil strife over the spoils of war within the community itself". The military camps are the true mothers of cities and, therefore, of government. Thus all governments are at first pure monarchies.

2. ITALIAN THEORY

VICO

Gian Battista Vico, an Italian jurist and philosopher, founded the psychologico-historical method in the study of political philosophy. His *Scienza Nuova* is a philosophy of history, containing a body of philosophical principles to explain the course of human progress. To Vico, the phenomena of humanity are reducible to three categories, i.e., Knowledge, Will and Power.

Vico on the Law of Nature—Variable

Vico is concrete and historical. To him, the law of nature, like all laws applicable to human beings, is not stationary but progressive, varying with the stage of the growth of the community. The law of nature is not the same for all men, all places and all times. Governments and human laws, like the law of nature, vary according to the development of human mind and

human intelligence as also according to the needs of the times. Vico does not believe in the universal validity of reason and, therefore, holds that in all human affairs conceptions of law, authority and rights must vary. As to the origin of the state Vico believes that it is not isolated individuals but whole families, built already on half civic basis, which come together.

Cyclic Change in Form of Government

Vico studied human history and developed a theory of cyclic change in the forms of government. This cycle comprises of three stages, i.e., the divine, the heroic and the human. The three forms of government resulting from these three stages are (1) theocracy, (2) aristocracy and (3) free state. Theocracy is a form of government in which the authority of God, expressed through oracles, is the source of all political authority. In the aristocratic government, heads of the prominent families monopolise all the political power. The free state which represents a democratic society might be organised as a republic or as a monarchy, the latter being a type in which an individual wields political power on behalf of the people. The mixed forms of government represent phases of transition from one of the three stages to the other. Europe, to Vico, had passed the first two stages and was about to enter the third one.

Theory of Triads

Vico 'sees all phenomena in triads' corresponding to the three types of the state. He finds three kinds of nature, three kinds of social character, three kinds of language and alphabet and three kinds of jurisprudence, etc. To him, one element in each of these triads corresponds to one of the three forms of government.

Vico was the first of the early 18th century philosophers to revolt against the individualism of his day. He maintained that man was civic by nature and that the true study of man began not in an isolated individual of the state of nature but in the family and its natural sequence, the state. Society, to Vico, represented the natural state of man. Vico, like Plato, Rousseau and Burke, emphasised the connection between religion and the civic and moral life of a man.

3. THE GERMAN THEORY

The rationalistic political philosophy of Pufendorf influenced some of the political thinkers of his time of whom the most notable are Christian Thomasius and Christian Wolff. Thomasius distinguished between the sciences of law and morals as also between natural and positive law. To him, natural rights including freedom, right to life and freedom of thought were different from acquired rights like property which emanated from positive human laws.

Wolff made comparatively little new contributions to political philosophy but made a very considerable reputation for himself by his precise definition and formulation of political concepts. He followed the political ideas of Grotius and Pufendorf and wrote on the law of nature, on the law of nations and on the theory of state. Wolff's conception of the law of nature was very similar to that of Pufendorf. He held that all men were equal because their rights and duties were equal. The state came into being because of voluntary surrender of natural rights by individuals. The individual, however, did not give up all of his natural rights. The end of the state was the promotion of public good.

Frederick the Great, before he became the King of Prussia, had written against the absolutist writers. He read and admired the philosophy of Locke and was friendly with Voltaire. Frederick, unlike James I of England, was against the theory of Divine Right of Kings and held that kings ruled not because of divine grace but due to popular consent. They must, therefore, think more of their duties to their subjects than of their rights. The kings were the first servants of the state and not the masters of men and land included in the state. In his *Anti-Machiavel*, Frederick refuted the Machiavellian doctrine that public morals were different from private morals, *i.e.*, a ruler was not to be judged by common principles of morality if he did anything in furtherance of the interests and ends of the state. To Frederick, private and public morals were identical, though his practice was different from his doctrines in this respect. In his *Essay on Forms of Government and on the Duties of Sovereigns*, written in the evening of his life, Frederick displayed the pre-revolutionary rationalistic spirit of his time.

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CHAPTER XVI
EIGHTEENTH-CENTURY RATIONALISM

MONTESQUIEU

MONTESQUIEU was the son of a distinguished French lawyer. Steeped in legal traditions from his very birth, Montesquieu became the President of the Parliament of Bourdeaux, the most important of parliaments in France except that of Paris. Montesquieu was a true French literateur of the mid-eighteenth century. His political philosophy was affected by the spirit of scepticism and the spirit of rational liberty which characterised French thought in his days and which represented a reaction against the absolutism and general conditions prevailing in the age of Louis XIV. Though his works created a tremendous impression throughout Europe and America, they received little recognition in France itself for the time being. The best of his publications were printed anonymously and abroad and were:—

(1) *The Persian Letters* (1721).

(2) *Considerations on the Greatness and Decay of the Romans* (1734).

(3) *The Spirit of Laws* (1748), which consists of thirty-one books divisible into six parts. The first part, containing eight books, deals with law in general, and with forms of government; the second, containing five, with military arrangements, with taxation, etc.; the third containing six, with manners and customs and their dependence on climatic conditions; the fourth, containing five, with economic matters; the fifth, containing three, with religion. The last five books represent a sort of a supplement dealing specially with Roman, French and Feudal Law. Though all parts of the *Esprit des Lois* bear on liberty, the formal treatment of liberty is to be found in Books XI, XV, XVI and XVII.

His Intellectual Environment

Montesquieu was in active touch with the intellectual movement of his time. A man of a strong temperament, he loathed the atmosphere of the degenerate French court and found in study 'the sovereign remedy against all his disappointments'. He was a keen student of literature and history, a thing evidenced by the fact that in his *Spirit of Laws* he gives a number of historical references to substantiate his conclusions. There is also a marked tendency in his writings to correlate political philosophy with physical sciences. The mind of Montesquieu was moulded not only by wide study but also by an extensive travelling. Montesquieu visited a number of leading countries in Europe and stayed in England for two years. There he read

a number of authors like Locke, visited Westminster constantly, met a number of English politicians and was in close association with Bolingbroke. What influenced him most in England was the practical enjoyment of liberty by Englishmen and the working equipoise of the English constitutional machinery. It was the study of Roman History and of contemporary English institutions which determined the purpose as well as the content of Montesquieu's political philosophy. These two sources gave him the conception of liberty which forms the central theme of his speculation.

The Persian Letters of Montesquieu embodied a brilliant satire on the existing political, religious and social institutions in France. Montesquieu felt a deep interest in historical study, especially in the history and political institutions of ancient Rome. His *Considerations on the Greatness and Decay of the Romans* shows the great political insight and catholicity of view of Montesquieu. The histories of Rome, France, England, Egypt, Persia, India, China and Japan were studied by him and left their impressions on the cultivated mind of the philosopher. Montesquieu, however, does not draw his views primarily from history but uses history to illustrate and verify them.

His Empiricism and Historical Method

Montesquieu differed from almost all other 18th century thinkers in his method of treating a problem. He did not care to idealise. He used the scientific method of observation and drawing conclusions therefrom. His was an empirical study of politics rather than a polemic on politics. Like his contemporaries, Montesquieu too believed in the natural source of the fundamental principles of law and justice but his study of and his deductions from nature and consequently his conceptions of law and justice were to depend on actual observation as attested by historical evidence and not on abstract notions of nature, reason and justice, etc. Montesquieu was Aristotelian and not Platonic in his method of work though his point of view is often Platonic. The *Spirit of Laws* is more a book on social science than one on politics. As one belonging to the judicial profession, Montesquieu did not believe in the perfectibility of human institutions. Montesquieu 'applied himself to study political institutions as belonging to societies of definite historical types, and determined by historical conditions' and as such he is characterised as the father of modern historical research.

Liberty the Central Theme of Montesquieu

Montesquieu's writings are distinguishable from the radical philosophy of the time based on the 18th century conceptions of the law of nature. Montesquieu was what might be termed a progressive conservative. He was neither a radical democrat nor an egalitarian denouncing privilege. He criticised the social,

religious and political institutions of France with a view to reforming them and not so much in an hostile spirit of destructive criticism. That he was not completely absorbed by the current of the rationalistic political philosophy of the 18th century is shown by the fact that he was more concerned in his writings with the real spirit of liberty and harmonious working of political institutions than with the political dogmas of the age like the Rights of Man, Sovereignty of People and Natural Equality of Men, etc. Montesquieu wanted to reform political life in France by infusing in it the British sense of liberty and by introducing into the French constitution the principle of the separation of powers, particularly the separation of legislative and executive functions of the government, which he thought was characteristic of the British constitution. His *Spirit of Laws* represented an effort in this direction. The book, though it converges on the central theme of Montesquieu, *i.e.* liberty, deals incidentally with almost every aspect of national life and institutions. It studies the interrelations between the various factors which mould the life of a nation, *viz.*, the social, economic, religious and political institutions, racial characteristics, and effects of climate and other natural phenomena. To Montesquieu, climate and geography, as also economic conditions, had a great hand in moulding the character and the national institutions of a country.

Though Montesquieu stood in a state of intellectual isolation comparatively in his century, he did find himself in agreement on some points with other philosophers of his age. All the philosophers of the 18th century, on the whole, demand a constitutional type of government. They want religious toleration, civil freedom and a rational system of jurisprudence. As a rule they do not condemn a limited monarchy. They fear the demos and stick to their rights and privileges, including the sacred rights of property.

Relativity of Human Institutions

Montesquieu, as observed above, did not care for abstract notions of things. To him, all knowledge was knowledge of relations. He conceived of law as 'the necessary relations springing out of the nature of things'. Law was not the dictate of reason nor was it a command of the sovereign law-giver. It did not exist in nature from where it could be deduced by the dictates of reason. It was not immutable which it would be if it emanated from nature. All law, to Montesquieu, was relative. It represented the necessary relations of society. It embodied the history and genius of a people. Law was the expression of the customs of a people and represented the slow evolution of social customs and conventions which, with the passage of time, hardened into a form that commanded obedience. The laws repre-

sent a body of rules to regulate the life of a nation in accordance with the spirit and genius of that nation. Because of this reason a study of social rules is important because the positive laws of a country must have as their basis the national social customs. Law, to Montesquieu, is always related to specific environment. There is no such thing as a universal law based on natural reason because a number of influences determine always the nature of legislation and various institutions of a people.

Montesquieu on Laws

To Montesquieu, man in the state of nature was a timid creature. He was not an intelligent creature as Locke conceived him to be nor a wilful brute of Hobbes. With the formation of societies and the increase of knowledge man lost his timidity, sought for dominion over others and inaugurated a state of war. This gave rise to the positive laws which are of three types corresponding to the three sets of relations, *viz.*, relation between nation and nation (law of nations), between ruler and ruled in a society (political law) and between individual citizens belonging to a community (civil law). The law of nations is common to all nations but the political and civil laws vary with different nations. The political laws must have a relation to the character of the people. So also the civil laws must be related to topography, climate, size of population, religion, etc., of a people. Further these three types of laws must have a relation with one another. "All these various relations in their totality constitute what Montesquieu designates the 'spirit of laws'." Montesquieu repudiated the contractual theory of the origin of the state. The state was not a result of a contract between individuals. It was the product of environment and was organic and not conventional in nature.

In his *Spirit of Laws*, Montesquieu analyses the different types of government and examines critically the characteristics of each different type. Montesquieu does not follow the traditional system of classification of governments into monarchy, aristocracy and democracy. He classifies governments as (1) monarchy which represents the rule of an individual based on law, (2) despotism meaning the rule of an individual without law and (3) republic which could be further classified into aristocracy and democracy. Montesquieu's republic represented an idealised type of government in a country where the moral and intellectual attainments and standards of the people were very high. The essence of a republic lay not in whether the government was in the hands of a few or many, but whether the government was animated by 'virtue' or not. In the absence of Montesquieu's definition of it, 'virtue' may be taken to mean political virtue or true citizen-spirit. To Montesquieu, the republic is a type of government when the whole body of citizens

rule directly and not through parliamentary representatives. Montesquieu's democracy, therefore, would mean a democracy of the Greek city-state type. An aristocracy was a type of government in which political power was in the hands of only a small part of the citizens. An aristocracy must not only possess the virtue of the republic but must also be characterised by 'moderation in ambition'. Montesquieu created a distinction between monarchy and despotism more sharply than observation of contemporary politics or history warranted. By monarchy he meant the historic monarchy of France before it was corrupted by the absolutist zeal of Richelieu and Louis XIV. The government of France of his own day was a despotism. "Intermediate, subordinate and dependent powers are of the essence of monarchical government."¹

Basic Principles of Government

The classification of government of Montesquieu is based partly on the number of those who hold political power and partly on the manner in which that power is exercised. Montesquieu attaches more importance to the principle on which a government is based than on its nature. By nature he means the peculiar structure of the government, while by the principle of a government Montesquieu means the 'human passions which make it act'. Montesquieu assigned a particular basic principle to every form of government. The principle of democracy was virtue, of an aristocracy virtue *cum* moderation, of monarchy honour while that of despotism was fear. Montesquieu's 'honour' is as incomprehensible as his 'virtue' but it might be taken to mean a high standard of public conduct and love of national distinction. He enunciated the dangers attending each form of government if it lost its basic principle. He showed contempt for despotism because in it both the ruler and the ruled lived in perpetual fear. "A despotism exhausts the resources of the people enslaved by it. Property being in continual danger, the springs of industry and of commerce are destroyed."²

With the help of his conception of the nature and basic principles of governments, Montesquieu classified the most important political institutions known to history. He saw a definite relation between the nature of a government and the constitutional laws of a country. "For monarchy the most important laws relative to its nature are those which insure the pre-eminence of the privileged classes, especially the nobility." While dealing with the relations of laws and institutions to the

¹ *Social and Political Ideas of Some Great French Thinkers of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 125

² *Ibid.*, p. 130.

basic principles of various forms of government, Montesquieu makes a number of pertinent observations. Education and legislation must correspond in character to the principles of a particular government. In a democracy the laws must aim at promoting the love of equality and the practice of frugality. In a monarchy the main object of the laws should be to protect the privileges of the nobility.

Virtue of a Government, Relative

In spite of his rather idealistic definition of a republic, Montesquieu was essentially a realist, his weakness for monarchy of ancient France notwithstanding. Montesquieu believed that no type of government was inherently good or bad in itself. The goodness or badness of a government was relative. A form of government suiting one set of conditions would be bad in a different environment. The essential virtue of a government lay in its retaining its basic principles. Thus democracy was possible only if virtue and equality prevailed. Aristocracy would lose its essential character if the ruling classes lost their moderation. A monarch could not afford to disregard honour. The corruption of every government, to Montesquieu, began with the corruption of its basic principle. This corruption resulted in revolution but Montesquieu had no theory of revolutions. The change in form of government becomes necessary on the change of the basic principle because the laws and institutions suited to the original principle get out of harmony with the changed principle which results in general disorder.

Relation between Form of Government and Religion and Size of a State.

According to Montesquieu, certain religions had a definite affinity for certain types of government. Protestantism goes well with a republican form of government, Roman Catholicism with a monarchical form while Mohamedanism and despotism are well suited to each other. To Montesquieu, the size of a state gives another basis for the classification of government. A republican form of government was possible only in a state of a small size, monarchy suited the moderate-sized state while a big country or an empire must have a despotic government. Change of size was attended with change in the type of government. Real democracy was possible only in a small city-state. France of Montesquieu's days was too large for a republic. Monarchy would suit her best. Since a large state must have a despotic government, which he declared to be the worst form of government, Montesquieu, unlike Machiavelli, was against a policy of expansion and aggrandisement. He decried international rivalry and pleaded for international justice. To prevent small states from being absorbed by the bigger ones, he favoured the principle of federation, a hint adopted by the Americans after

they had won their independence of Britain. Division of power in a federation insured liberty which Montesquieu valued so highly. In a large area democratic institutions could only be maintained through a system of decentralisation which is of the essence of federation.

Montesquieu's Conception of Liberty

The most significant of the political contributions of Montesquieu is his conception of liberty which pervades through his *Spirit of Laws*. Montesquieu sharply distinguished political liberty from civil or individual liberty. His ideas of liberty were borrowed, to some extent, from Locke though he rejected the abstract Lockean notion of natural rights and natural justice promoting liberty. To Montesquieu, political liberty connoted a relation between the state and the subject. It meant 'the right of doing all that the law permit'. Political liberty is to be gained by conforming to laws and not by violating them. It means freedom of action in accordance with and under the protection of the laws. It follows naturally that if in a state an individual or a body of individuals are above the laws, there can be no liberty. In a despotism, liberty is not secure because of the unreasoned caprice of an individual ruler. Montesquieu does not clearly define civil liberty. His chief aim was to discover a governmental organisation that would best secure political liberty because of its system of checks and balances. In a true historical spirit Montesquieu tried to trace the origin and the abode of liberty. To him, Goths were responsible for introducing liberty into Europe.

Separation of Powers to Insure Individual Liberty

Montesquieu eulogised England as the nursery of the all-important liberty and in the *Spirit of Laws* subjected the constitution of England to a critical examination with a view to finding out a machinery of government which would best insure liberty. He began by pointing out that liberty was possible in a country where all parts of government were subject to law and control. He found in the separation of the three powers of government, i.e., executive, legislative and judicial, the best guarantee for liberty. "If the legislative power is united with the executive power in the hands of one person or of one body of officials there can be no liberty; nor can there be any liberty if the power to judge is not separated from the legislative and executive powers."³ The separation of powers ensured liberty by imposing a healthy check on the despotism of the governmental officials. Montesquieu's insistence on the separation of powers was sound but his reading of the English constitution was not

³ *The Social and Political Ideas of Some Great French Thinkers of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 127.

very correct. In the English constitution the powers are not separated but 'diffused' and therefore it is not possible exactly to distinguish one power from another. The House of Lords is both a legislative and a judicial body. The Judges 'legislate' by laying down case law. The Lord Chancellor in England partakes of all the three functions of government. Montesquieu, however, was quite right in believing that liberty arose from separation of powers. The concentration of all power in one body which is subject to no control destroys liberty. The legislature must check the executive and the judiciary and be checked by them. This separation and mutual control is fundamental to preservation of liberty. Montesquieu was unnecessarily prejudiced in favour of the English constitution. He admired it almost blindly. He admired it in spite of its rotten boroughs, its unrepresentative House of Lords and in spite of the fact that the Whigs had transformed its executive into a sort of 'Venetian Oligarchy'. Montesquieu's insistence on the separation of powers was his main contribution to political philosophy and this insistence was not lost sight of when the constitutions in the United States of America and Revolutionary France were framed.

As noticed above, Montesquieu distinguished between political and civil liberty. The latter grows out of relation between man and man and is opposed to slavery. Montesquieu attacked the system of slavery as being irrational. To him, the system of slavery, founded on a conception of inequality of men, was inhuman and un-Christian. Superiority of one people to another was no justification for slavery. He would not allow prisoners of war to be reduced to slavery. Slavery was unnatural and nobody must be enslaved unless he consented to be enslaved. Slavery violated the law of nature according to which all men were born equal. Montesquieu even suggested an international convention for the purpose of stopping slave trade.

Influence of Physical Phenomena on National Life

Like Bodin, Montesquieu dilated on the influence of physical environment on the social, economic, religious and political institutions of a country. Of these the climate played the most important part. Climate influences character and institutions must take their cue from the character of the people. Intellect and passions of nations vary according to climate. Thus heat produces a spirit of monasticism and indolence, cold energy and drunkenness. People of cold climate are restless and irritable in spirit. Then again from different wants in different climates arise different ways of living and these different ways of living result in different kinds of laws. According to Montesquieu, there is a direct relation between climate and liberty. He illustrates this theory by reference to England. English climate promotes irritability with a tendency to suicide. This irritability makes it

impossible for English men to tolerate personal despotism. To Montesquieu, the English constitution is primarily the result of English climate. It is a creature of the London fog. Montesquieu traces the extreme conservatism and the general backwardness of the laws, customs, manners and religions of the Asiatic countries to the warm climate. Hot climate breeds despotism and slavery of both domestic (of women) and civil kind. The cold climate, as of Europe, makes for the virtues of strength, self-reliance and frankness and these virtues produce political and civil liberty. According to Montesquieu, geography too plays an important part in the growth of national institutions. You will have liberty in the hills which are difficult of cultivation as well as conquest, and despotism in the plains which are more easily cultivable and conquerable. Again, the larger the area of a country, the smaller the chance of constitutional government and political liberty there. Then again continental people were more open to attack and, therefore, more liable to despotism than an island nation.

Montesquieu's views about religion were characteristic of the Age of Reason. His Christianity had a good deal of free thinking mixed with it. He satirised the Catholic Church and some of its institutions. He disliked the celibacy and monasticism of the Catholic Church which had resulted, to him, in the depopulation of the world. Montesquieu, a great humanitarian that he was, hated cruelty, particularly religious cruelty. He fiercely attacked the institution of Inquisition, for torture and religious persecution could never make good Christians of men. He criticised the old idea of religious unity being necessary for political unity and declared that it was good for a state to have many religions. Naturally, therefore, he favoured religious toleration.

State and the Church

Montesquieu was strongly secular and gallican in his attitude towards the church. He wanted that Papal authority in the French Church should be reduced to the minimum so that the traditional powers and customs of the gallican church might remain intact. As a patriotic Frenchman he feared that the power and sinister influence of the foreign papacy would prevent the national unity and power of the gallican church. He was for a national and not a universal Christian church. As to the relations between the state and the church, Montesquieu, like Machiavelli, thought of the church as a department of the state. He believed that the church was of no use in an absolutist state but in limited and properly balanced monarchy, the power of the church was very useful for the state as also for the people. The church strengthens the government as well as ensures liberty to the people by opposing the arbitrariness of the government.

Estimate of Montesquieu

There is a good deal of community of views between Montesquieu and thinkers like Plato, Aristotle, Aquinas, Bodin, Saurez and Pufendorf, but the *Esprit des Lois* has a distinct colouring of its own. The field of work of Montesquieu, like that of Machiavelli, is 'Politick' rather than 'Staatrecht'. His method, like that of Aristotle, Machiavelli and Bodin, was historical. Like them, he judged contemporary politics with reference to past history. By dilating on the influence of the physical environment in relation to national institutions, Montesquieu widened the scope of political philosophy. He also further developed the method of observation and history, for, whereas his predecessors like Aristotle, Machiavelli and Bodin had confined themselves to the advanced European nations for their material, Montesquieu, influenced as he was by the spirit of expansion of the world due to geographical discoveries, took into count the less advanced Asiatic nations also for his generalisations. As a true 18th century man, Montesquieu returned to 'nature' as the criterion with which to test human institutions. All institutions were good only if they conformed to the requirements of nature. His theory of liberty too shows traces of the rationalising spirit of the 18th century but whereas his contemporaries as also Locke defended liberty, political and civil, on the score of natural rights, Montesquieu cared little for the dogma of natural rights. Not the rights of man but the separation of powers was his panacea for liberty. Montesquieu differed from his contemporaries both in the method and content of his philosophy, for whereas he blended politics with jurisprudence, economics and general social science, they sharply distinguished the various sciences, one from the other. Again, whereas, to him, all laws and institutions were 'relative', his rationalistic friends drew from 'nature' rules of universal validity.

In the first half of the 18th century—a period of comparative intellectual stagnation in France—Montesquieu stood out as an isolated intellectual celebrity. Rather neglected in his own country, he was deeply respected elsewhere. He was read and admired in England and the United States of America. He was the spiritual father of Blackstone. Gibbon, Bentham, Washington and Jefferson all borrowed from him. The framers of the constitution of the United States of America learnt from him the extreme advisability of brining about the separation of powers. The fact that the *Esprit des Lois* has been translated into almost all modern languages shows the universal regard in which its author is held. Liberty was writ large on the *Esprit des Lois* but Montesquieu was no democrat. He did not believe in popular sovereignty. He was a sort of a French Whig and his Whiggism considerably influenced political theory in the 19th century.

VOLTAIRE

The Age of Unrest

Voltaire, an extremely versatile and loquacious genius of France, was the embodiment of that spirit of agitation which was a natural reaction to the very oppressive and irrational conditions, political, religious, economic and social, which were prevailing in the pre-Revolutionary France. In the range and variety of his interests and the knowledge of humanity, he represented, at its best, that spirit of omniscience which was characteristic of the Age of Reason, a spirit which had as its object the emancipation of human mind from the soul-destroying shackles of the *ancien regime*. Voltaire had an extraordinarily sensitive and critical mind and yet his prodigious literary productions do not show much of constructive originality. This is because the supreme restlessness of his mind incapacitated him for that concentration and calmness which alone admits of originality of thought. Voltaire was not, therefore, a philosopher, much less a political philosopher, for his contributions to political science are vague and scanty, but a practical moralist, imbued with a consuming desire to remodel the world in accordance with the dictates of enlightened reason. Voltaire uses his knowledge of history, religion, metaphysics and other sciences to create that moral ferment which was a necessary prelude to the regeneration of mankind. He employed his vivid imagination, his gift of pen, his brilliant wit and his indefatigable energy to monitor the world into being good. The intensity of his moral fervour prevented him from having that philosophic detachment which is necessary for a well-thought-out scheme of things, with the result that his philosophy of life, which includes his political philosophy, is negative, on the whole, rather than positive. It was an instrument of violence and destruction, for Voltaire "was the pioneer, the trail blazer, whose task it is to level rather than construct". Like the work of pioneers, his work was very useful to the succeeding generations because his speculation resulted in the growth of liberalism in the 19th century.

Voltaire's Spiritual Indebtedness

Voltaire got inspiration for his critical philosophy from local as well as foreign sources. In France the critical movement which grew out of the disastrous last years of Louis XIV's reign and gained strength from such men as Fenelon, Pierre Bayle and others deeply affected the receptive mind of Voltaire. Bayle, in particular, was the spiritual father of Voltaire for he insisted that material of every kind, including that of religious belief, must be subjected to a critical analysis before acceptance. Bayle thus struck at the root of theology by rejecting its dogmatism and his disciple, Voltaire, represented at its best this spirit of critical analysis. Voltaire was also deeply influenced

by the writings and teachings of English luminaries like Locke and Newton and by the English deists. Voltaire visited England just as his compatriot Montesquieu had done before him and was equally affected and inspired by the English ideas and institutions. All the same Voltaire was too much of an intellectual giant only to have reflected the intellectual influences around him. In the Age of Reason he was the most fundamental of all rationalist thinkers. His method of work, too, was like that of Newton and Locke, *i.e.*, the method of experimental science which presupposes, to some extent, uniformity and regularity of cause and effect. In spite of a great variety in mankind, Voltaire believed that human nature was the same and that, on the whole, men were moved by the same motives in similar situations in all times and places.

Inevitability of Change in Human Institutions

As the greatest disciple of Bayle, Voltaire began his voluminous literary career by writing historical essays. He wrote (1) *Essay on Manners and Civilization*, (2) *New Theories of History* and (3) *History of the Age of Louis XIV*. In the historical method he used in these essays, Voltaire showed himself to be in line with Aristotle, Machiavelli, Bodin, Montesquieu and others. These historical pursuits developed two fundamental notions in his mind which became the spearhead of his general attack on the *ancient regime*. Firstly, he was convinced that human history showed incessant and inevitable change in human institutions: and secondly, that since the Reformation there had been material and rapid changes in the substance, though not very much in the form, of institutions. If history reflected constant change, why should not the vicious system of *le grand monarche*, degraded into the irresponsible and inhuman absolutism of his own day, change into something more tolerable? And if change was as inevitable as it was badly needed, why should not Voltaire himself be instrumental in bringing it about? There were three things in particular which compelled the reforming attention of Voltaire. Firstly, he wanted to emancipate the minds of men from the irrational bonds of theology and the church. He wanted to liberate the human mind and give it freedom to speculate in any manner and direction. Secondly, he was against the vicious and extremely oppressive administrative system of France prevailing in his own day. Thirdly, Voltaire stood for individual freedom and was up against the arbitrary legislation which blackened the statute book of France. He was particularly indignant at the inhuman, irrational and oppressive way in which law was administered in his country. It was round these problems, roughly speaking, that the political philosophy of Voltaire, meagre and disconnected as it was, hung.

Voltaire was too versatile a thinker and writer to concentrate on any one subject and produce anything monumental.

Unlike Hobbes and Rousseau, he never tried to write a decent treatise exclusively on political science. Besides, he was too much of a moralist to do a bit of connected and well-reasoned-out political speculating. Inevitably, therefore, Voltaire's political ideas have got to be co-ordinated into a systematic whole. Voltaire, like Montesquieu, greatly admired England and the English administrative machinery but unlike the *Esprit des Lois*, Voltaire's *Letters sur les Angles* represents but a cursory glance over the working of the English constitution. Classification of governments and the merits and demerits of different types of government were things which did not interest Voltaire very much. In fact, Voltaire was more concerned with the spiritual values of things than their physical embodiments. He cared less for political institutions than for the invisible, spiritual and intellectual forces which gave these institutions their shape and content. Intellectually framed as he was, he disregarded the materialistic interpretations of human institutions. Consequently, he did not believe, as Montesquieu did, that geography and climate had very much to do with the development of human institutions. Voltaire conceded that physical conditions did react on physical developments and to some extent on the manners and customs of mankind, but he was convinced that human institutions, including the political, represented the sociological development of mankind and did not so much portray the reactions of physical conditions on human mind. History was based on the conscious activities of man and not so much on geography. The local institutional variations he explained thus: "There are two empires, the Empire of Nature which unites all men on the basis of certain common principles; the Empire of Custom, which, covering as it does, manners and customs, spreads variety through the world. Thus, the basis is everywhere the same and culture produces different fruits."⁴ On the basis of this uniformity of human nature, Voltaire builds up his philosophy of natural order containing natural law, natural rights and natural religion and believing these to be more vital, ancient and fundamental, he examines the existing human institutions with reference to them.

Voltaire on the Origin of Civil Society and on the Natural Rights of Man

Voltaire believed that man, like other animals, had the instincts of self-preservation and racial procreation, but over and above these purely animal instincts, a feeling of benevolence towards fellow human beings resulted in the formation of households and societies. All historical races have lived in societies.

⁴ *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 147.

Voltaire's natural man is neither the Hobbesian self-centred, inarticulate and undeveloped brute nor Rousseau's noble savage endowed with virtue and freedom. The instinct of benevolence creates in the man a craving for justice and order on which the society is based. To Voltaire, society, therefore, "is the most natural thing in the world; it is the fulfilment of human nature's instinctive need, the condition of its well-being, the vehicle for its self-realisation".⁵ This the society does by guaranteeing an individual his natural rights and ensuring their perpetual enjoyment. Voltaire nowhere specifically discusses these natural rights but the same might be inferred from his eulogy of the English constitution as guaranteeing the natural rights of man. These rights included "entire liberty of person and property; freedom of the Press; the right of being tried in all criminal cases by a jury of independent men—the right of being tried only according to the strict letter of the law; and the right of every man to profess, unmolested, what religion he chooses."⁶ It is significant that among these so-called natural rights of man, Voltaire did not include the right of equality between man and man. Voltaire, in fact, does not believe in the natural equality of men. To him, the limited resources of nature breed in a man love of power and possession and bring about inequality between men. Men being subject to physical wants, the needy must go to the rich and wait on him. Equality may be a good thing, but inequality was useful because in its absence full exploitation of nature would be impossible.

Voltaire does not believe in the social contract as an historical fact. Contract there is, but it is implicit in the society. It is "a contract which the individual incurs in virtue of his being a member of society, not a contract which precedes his membership". Once an individual, whether by birth or voluntary agreement, has become a member of the society, the social contract is binding on him. There is no getting out of it ordinarily. "In other words, although we do not contract ourselves *in* by a specific act, we cannot contract ourselves *out* unless society permits it." Any contract entered into by an individual member of a society, which is against the spirit of this implied social contract, is *ipso facto* invalid. The contract with the society or the state, though implied, must come first. Voltaire did not, like Locke or Rousseau, build upon the social contract any theory of sovereignty.

Natural Religion

Voltaire's natural religion allowed room to 'neither a superstitious person nor an atheist'. His belief in a Supreme Being

⁵ *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 150.

⁶ *Ibid.*, p. 151.

was overpowering, but his Supreme Being was not identifiable with the God of Christianity, who dispenses Love, Mercy and Justice, etc. Voltaire's Supreme Being was the Architect of Universe, who has created the Universe, set it into motion and then has retired into the background. The Supreme Being does not display himself in the workings of human beings. He is just a first cause, but He has created the instinct of benevolence in man which is the basic principle of society. Hence society is a divine institution. Voltaire believed that the influence for good of Christianity had been greatly exaggerated. Christianity was one of so many religions, and, on the whole, Christianity had wrought more evil than good. Morality was not a gift of Christianity but a natural gift. Like a true naturalist, Voltaire believed that canon law had its day and must be ruled out by natural law. Voltaire would have no theology, no dogma, no mysteries of religion.

A Plan for Religious Toleration

Voltaire's three years of residence in England had convinced him of the usefulness of religious toleration. Perfect religious toleration, to him, was in accordance with the law of nature. Because of this attitude, Voltaire advocated the re-establishment of the *Edict of Nantes* and the granting of civil equality to the Huguenots in France. He maintained that both civil and religious liberty was necessary for the full development of an individual. He voted against a state-church to be maintained exclusively by the state. All the churches must receive equal support from the state. Religions are not only ineffective, but they create division and thereby weaken the state. Voltaire not only pleaded for religious toleration but insisted upon complete liberty of conscience. There should be no spiritual or temporal control over conscience. To ensure liberty of conscience, the state should deprive the church of all its temporal jurisdiction. The church should have nothing to do with the civil life of a community because the church (Roman Catholic) represented a foreign authority which clashed against the secular authority and secular interests. Voltaire held that the state should be supreme over the society in all its secular aspects. Moreover, the church should be subject to the jurisdiction of the state. The state should take over a number of clerical functions relating to marriage ceremony, births, baptisms, education, deaths, wills, etc. The clerical property should be treated on terms of equality with the secular property and must not enjoy any immunities or privileges. The church should be under state supervision, inspection and control.

Administrative and Legal Reform

Voltaire was as keen on administrative reform as on reform in the church. The administration of criminal law in France was,

in his eyes, particularly calling for reform. The criminal legislation in France was oppressive, one-sided and unscientific. It was born of expediency or self-interest of the legislators. France was groaning under a variety of cruel and obsolete laws. Voltaire pleaded passionately for the simplification and uniformity of criminal legislation. Taking his inspiration from the Italian jurist, Beccaria, Voltaire pressed that punishments ought to be proportionate to the crime. In Voltaire's days in France, a very large number of crimes were punishable with capital punishment. The natural result was that people, out of humane considerations, were unwilling to prosecute the culprits. Inhuman legal penalties and their consequent non-enforcement really meant a premium on crime. Voltaire pleaded for the abolition of torture. In criminal cases, nobody should be condemned on scanty evidence. Along with the reform of criminal law, Voltaire pressed for the reform of civil law which too was very complex in France, and which too was, like criminal law, different in different parts of the country. Voltaire made out a strong case for a simple and intelligible code of law, civil and criminal, which would ensure quick and cheap justice.

Classification of Government

Voltaire did not make any regular classification of governments. He showed preference for a republican form of government, but argued that republics always started on a basis of virtue and ended with a basis of ambition. Republics also assume equality of men, but no legislation can secure true equality of men. Democracy was, to Voltaire, the most natural and best type of political organization, but it was also an impossible form of government, because 'men are rarely worthy of governing themselves in a large country. An enlightened monarchy based on the essential principle of justice and law was to be preferred from the point of view of security, internal and external. Voltaire did not believe in a representative government, because the common people had no capacity for self-government. He thought the English government to be the best of all governments in the world though the English system could not be successful if tried in France. A state, in order to survive, must (1) ensure sense of equality and liberty in the subjects, (2) transform the ecclesiastical hierarchy into state officials, (3) control the property of the church in order to impoverish the church and (4) introduce an equitable system of taxation. Voltaire also pressed for the freedom of the press, freedom of elections and freedom of parliaments and advocated the grant of political rights to the rising middle class in France.

Voltaire's Influence

Voltaire was an extensive and extremely effective writer. Though he did not show any originality of conception, Voltaire

was the co-ordinator of the aspirations of his time. He was a great propagandist and high priest of the Rationalism of the 18th century. "Voltaire attacked superstition and ecclesiastical domination, combated oppression of all kinds and fought for intellectual, religious and political liberty." Though he was no revolutionary himself, for he believed in reform rather than revolution, yet his penetrating analysis of the evils of France and of the *ancien regime* did much to herald the revolution. "His permanent contribution to philosophical thought lies not in the speculative sphere, but in his magnificent exposition of the principles of liberty and toleration.

It was Voltaire, more than any other thinker, who developed the critical spirit—a necessary basis for revolution—in the middle classes by leading them into an examination of existing beliefs and institutions. Whereas Montesquieu wrote for the *elite* of France, Voltaire appealed to the millions. Voltaire was, in a sense, the spiritual ancestor of the liberal bourgeoisie of the 19th century. If Voltaire was ruthless in his blows, the *ancien regime* of his days amply deserved them. Voltaire's insistence upon critical examination of things and his belief in the inevitableness of change were powerful factors in preparing for the great French Revolution which, with all its faults, was one of the mightiest instruments of human emancipation.

ROUSSEAU

Jean Jacques Rousseau was born in the democratic canton of Geneva. His early training was particularly ill-suited for the authorship of the immortal *Emile* and the *Social Contract*. Deserted by his father at an early age, Rousseau got very little of regular education. Rousseau was a very sensitive, emotional, self-conscious type of individual, impatient of control by man or institutions. His own life of vagabondage, to some extent, exemplified his free 'noble savage'. His *Confessions* make an unpleasant reading but bear a stamp of intellectuality, for Rousseau was a spoilt child of genius.

His Works

Chance brought Rousseau immortality. In 1749 he picked up an advertisement of a prize for an essay on 'Has the progress of Sciences and Arts contributed to corrupt or purify morals', issued by the Academy of Dijon. The unconventional Rousseau took up an unconventional line and made out a strong case for the assertion that 'morals had deteriorated since the artless and unscientific state of nature had been abandoned'. The Essay created a tremendous sensation in a society dominated by the spirit of the nature-ridden Age of Reason. Rousseau got the proffered prize but had to enter into a fierce controversy with the defenders of the much-maligned modern civilization based on Art and Science. It was this controversy which compelled

Rousseau to clarify his views about the state of nature, the origin of society and other political problems, improved his literary style and changed his mode of life. Both by commitment and growing conviction Rousseau became anti-social and lived as an artisan in Parisian slums. This was like taking a step away from the artificial society of Paris and one towards the state of nature. In 1754, Rousseau wrote his *Discourse on the Origin of Inequality*, a splendid treatise on the 'Back to Nature' cult. In it Rousseau tells us that man in his state of nature was innocent, happy, solitary and content; that there was no inequality in the state of nature and that inequality originated with the institution of private property and that society and government came into being for the defence of private property and for exploitation. This highly revolutionary and very individualistic *Discourse* was followed by an article on Political Economy in the French Encyclopædia (1755) in which, due to his growing sobriety and maturity of views, Rousseau recognized the usefulness of private property, society and government, advanced an organic theory of state, formulated his theory of popular sovereignty and above all, expounded his theory of the general will. From the intense individualism of the *Discourse on Inequality* to the collectivism of the article on Public Economy represented a transformation characteristic of Rousseau.

Between 1756 and 1762, Rousseau lived in a wood near Paris in a state of nature. These six years were years of the greatest moment for the history of mankind even more than the fame and fortune of Rousseau, for during this period Rousseau published his three greatest books, *viz.*,

1. *The Nouvelle Héloïse* (1761).
2. *The Emile*.—An eminent treatise on education which brought Rousseau into conflict with the church and made him seek shelter with Frederick the Great of Prussia. The book makes a strong 'Back to Nature' appeal.
3. *The Social Contract*.

These three publications made a tremendous hit at the time and have been as popular ever since. They "sufficed to turn the Age of Reason to irrational sentiment, to charm Encyclopædic atheism into emotional deism, to convert passive obedience to malevolent despotism into a passionate enthusiasm for liberty, equality and fraternity."⁷ Rousseau's writings were extremely effective because of his passionate assertion of popular sovereignty, his appeal to the masses of the nation, the extreme emotionality of his writings and his superb literary style. They were popular because they aimed at a solution of the ills from which the body-politic of France was suffering at the time and which had created a widespread discontent. France was then suffering from an irresponsible and unenlightened divine-right

autocracy, from a demoralised and privileged nobility and from a degraded church. There was political discontent due to the political aspirations of the rich middle class kept down by an impoverished nobility; economic discontent due to iniquitous one-sided taxation from which the higher classes were exempted, social discontent due to the haughtiness of the aristocracy and intellectual discontent due to the ferment created by the writings of men like Voltaire. Rousseau's impressible nature was deeply affected by contemporary conditions and the general spirit of revolt. His writings struck a sympathetic chord in the agitated mind of the French nation. Rousseau did not agree with the ideas of moderate reform in France coming from an enlightened monarchy advocated by the Physiocrats, Encyclopædists and Voltaire, nor did he believe, with Montesquieu, that the adoption of the English constitution with its checks and balances would do any good in France. He was for the total abolition of social privileges and wanted equal rights to be extended to the middle and lower classes. He did not believe that intellectual progress would result in the establishment of equality between man and man. "His ideals aimed at direct democracy and equality, demanded a radical reconstruction of the social and political order and led logically to the Revolution." Rousseau closed his literary career by writing his *Confessions*, his *Dialogues* and his *Reveries*. Before his death he also framed, on requisition, model constitutions for Poland and Corsica in which he showed considerable disregard of his political principles.

Rousseau's Spiritual Ancestry

Rousseau's spiritual ancestry was a long and varied one. He read, among others, Plato, Pufendorf, Locke, Montesquieu, Hobbes and Grotius. He studied history too. He expressed his disagreement with the doctrines of Hobbes and Grotius. Of the remaining, Plato held his mind in the beginning while Montesquieu exercised some influence over him towards the end of his career. From Plato he learned to like and idealise the Greek type of democracy. As the champion of the absolute absorption of the individual by the state, Rousseau is evidently Platonic. The individual must obey the state and thus he free or must be obliged to be free. The intensely individualistic tone of his *Discourse on the Origin of Inequality* must have been the result of Lockean reaction on his mind. Again "the parts taken by outward circumstance, inherited character and historical tradition find their due place in the thought of Rousseau, and in the importance he attaches to these three elements he is a true disciple of Montesquieu". It is because of his mixed ancestry and rather unsystematic way of thinking that we find

¹ *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 182.

a duality in Rousseau. In his early writings Rousseau is an extreme individualist, asserting natural rights. On the other hand the maturer Rousseau, the Rousseau of the Social Contract, is a thoroughgoing collectivist. His birth-place, the great calvinistic democracy of Geneva also played a decisive part in moulding the character and mind of Rousseau for "his political ideals always remained municipal and his religion, even when it took the mould of catholicism or of deism, never lost its calvinistic character".

The State of Nature

Rousseau's Discourse on the *Origin of Inequality* gives us his idea of the state of nature. Rousseau, however, was too inconsistent to hold the same views throughout all his writings, though he always maintained that the natural state was always better than the social state. Then again the definition of the state of nature and of the noble savage is an historical conception of Rousseau and not a definite representation of an historical fact, though Rousseau, more than Hobbes and Locke, believed that his conception of the state of nature approximated to the actual pre-social historical conditions. Rousseau's natural man, his noble savage, lived a solitary, happy and care-free life. He knew neither speech nor dress. He felt free and equal, independent, contented and self-sufficient. He was a non-social being, unknown to good or evil or fear. He had no consciousness of coming death. He had neither family nor property. He followed not reason but self-interest or pity. Rousseau disagreed with Grotius, Hobbes and Locke in refusing to credit the natural man with reason. The state of nature was not, as with Hobbes, a state of war. The noble savage was in a state of Paradise before the entrance of the Serpent but the serpent did come in the shape of property, arising out of a desire to have a family and a fixity of abode in place of a wandering life. The institution of private property attended the institution of family and created a sense of jealousy and struggle, gave rise to inequality, and led to the formation of society, the enactment of laws and the setting up of the government. "The first man who, having enclosed a piece of ground bethought himself of saying, 'This is mine' and found people simple enough to believe him, was the real founder of civil society." This, of course, resulted in the noble savage losing his natural equality and freedom. He lost his pristine self-sufficiency and became subject to violence, crime and all the evils of society and civilization including slavery. There was no getting back to the state of nature now. The world was too densely populated to admit of the roamings of the noble savages. The institutions of family, of property, of society, of law and of government had come to stay. The great problem was to harmonise these institutions with the liberty, the

equality and the individualism of the state of nature. As Rousseau put it to himself, "The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each while uniting himself with all, may still obey himself alone and remain as free as before."⁸

Formation of Political Society

This problem was solved by the creation of the required association, *viz.*, the political society, on the basis of a social contract to which each and all members of the society consented. This conception of the consent being necessary to the exercise of political authority shows Rousseau's indebtedness to Locke, for in this way alone political authority can be constituted and at the same time individual liberty retained. The formulation of the society took place in the following fashion. The individuals who wanted to group themselves into a society met together and surrendered their natural rights by saying "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."⁹ This merging of the individual in the society is complete and creates a "moral and collective body composed of as many members as the assembly contains votes and receiving from this act its unity, its common identity, its life and its will" to be distinguished from those of its constituent members. It "is called by its members *State* when passive, *Sovereign* when active, and *Power* when compared with others like itself."¹⁰ Its constituents are collectively designated as people and individually as citizens or subjects. This complete absorption of the individual by the State shows Rousseau's indebtedness to Plato and Hobbes. The social contract ensures equality between all because all individuals, after complete surrender of their person and rights, are reduced to the same level and are, therefore, equal. Again, each associate member of the political society acquires over every other associate member the same rights which he himself loses. He loses to gain. The contract is entered into to substitute general authority for conflicting authority of the individuals. Rousseau adopts in this the fallacy of assuming that the parties to the contract are the individuals on one side and the community on the other. The contract is calculated to create the community and yet the community is a party to the contract. According to Rousseau's thesis each contracting individual enters into two relations, *i.e.*, as a member of the sovereign he is bound to other individuals, and as a

⁸ *The Social Contract*, edited by Ernest Rhys, Bk. I, Chap. VI, p. 14.

⁹ *Ibid.*, p. 15.

¹⁰ *Ibid.*, p. 16.

member of the state he is bound to the sovereign. "In order that the social compact may not prove an empty formula, it includes the tacit understanding that, whosoever refuses to obey the general will shall be compelled to obedience by the whole body of citizens. But this means nothing more than that they will force him to be free." Rousseau posits one contract between individuals in their personal capacity and individuals in their corporate capacity, *i.e.*, A, B, C and D as individuals surrender their natural rights to the corporate whole composed of A + B + C + D, etc. Rousseau's conception of social contract leads to sovereignty of the people. It distinguishes between the state and government and locates sovereignty in the General Will.

Theory of General Will

By the free act of those who enter into the pact all their powers and rights are resigned to the community and their respective wills are superseded by the general will. To understand the theory of general will we must distinguish between the terms 'actual will' and 'real will' used in their technical sense. The actual will of the individual is his impulsive and irrational will. This actual will is transient and conceives of the present only. It is based on self-interest and is not related to the well-being of the society. Such a will is narrow and self-conflicting. On the other hand, the real will of the individual is a rational will which wills his real interest in relation to the general welfare of the society. Real will thinks more of common good or interest than the good of the individual. The real will of the individual, therefore, promotes harmony between the individual and the society. Such a will is not transitory. It is the real will of the individual which represents his true freedom because it is purged of selfishness. This will takes into consideration not the momentary interest of the individual but his whole life. It also thinks of the society. It is based on reason. The habit of self-criticism of the average individual points to the reality of the real will. An average man has both an actual and a real will.

The General Will is the sum-total or rather the organisation and synthesis of the real wills of the individuals in the society. On any particular issue the general will is generated as follows: Firstly, the actual wills of the individuals based on individual point of view appear. But the selfish elements, *i.e.*, pluses and minuses cancel each other and the actual wills of the individuals, by interaction, get transformed into real wills. The general will represents a synthesis of these real wills. The general will is not a mere compromise after cancellation of pluses and minuses but represents a higher type of the will of society. It represents the common consciousness of the common good after proper discussion and deliberation. What is important about General

Will is that it wills general, *i.e.*, common interest and not that it is willed by the generality, *i.e.*, majority of the members of the society.

Conclusions from Rousseau's Theory of General Will

Rousseau's "conception of the general will as the single and simple volition of the body politic regarded as a living entity" represents his greatest contribution to political thought. It gives us an organic theory of state leading to collectivism. This theory of the general will which Rousseau identifies with sovereignty leads us to believe that:—

1. "The body politic taken as a whole may be regarded as an organised living body resembling that of a man."

2. "The body politic is also a moral being possessed of a will."

3. "This general will which tends always to the preservation and welfare of the whole and of every part, is the source of laws."

4. The general will "constitutes for all the members of the state, in their relation to one another and to it, the rule of what is just and unjust."

5. "The most general will is always the most just."

6. "The general will is always for the common good, *i.e.*, the general will is always on the side which is most favourable to the public interest", so that "it is needful only to act justly to be certain of following the general will."¹¹ This conception of general will, of course, precludes any other standard of justice than the general will itself but it represents a move in a circle.

Rousseau clearly distinguishes the general will from the will of all. The general will may coincide with the will of all or the majority will or the minority will or even the will of an individual. "There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills; but take away from these same wills the pluses and minuses that cancel one another and the general will remains as the sum of the differences."¹² Thus the will of all is but the aggregate of all the wills of the individuals of the community about their private interest, wills which partly clash and partly coincide mutually. But the general will represents the aggregate of such of these wills as are common to all the individuals, *i.e.*, those wills which concern inter-

¹¹ *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 192.

¹² *The Social Contract*, edited by Ernest Rhys, Bk. II, Chap. III, p. 25.

ests common to all and, therefore, coincide with one another. Though unanimity was essential for the original contract, Rousseau allows the general will, which is the seat of sovereignty, to be represented by the majority will, he being too intelligent not to realise that the realisation of the general will on every point was an impossibility. The minorities, being mistaken in thinking that their wills represented the general will, were really more free in being outvoted than if they had their own way. The general will of a community is a general will with respect to its members only; for the outside world it is a particular will.

Characteristics of General Will

The general will has the following characteristics:—

(1) *Unity*. The general will is a rational will and is not self-contradictory. It is, therefore, unitary. It gives a touch of unity to national character and institutions. It is *indivisible*.

(2) It is *permanent*, because it is rational and not impulsive. It springs from the genius of the people. It is not eternal but permanent and imparts stability to national institutions.

(3) It is a *right* will, willing the welfare of the society. It is based on ethical considerations. It is right morally and also sound though not infallible.

(4) It is *inalienable*. Rousseau locates sovereignty in the general will. General will and sovereignty are inalienable just as life of an individual is inalienable. The sovereign general will *qua* sovereign cannot relinquish sovereignty just as a human being as such cannot alienate life.

(5) It is *unrepresentable*. This leads to the notion that democracy cannot commit suicide. Rousseau's concept of general will tends to the notion of direct democracy.

Criticism of Rousseau's Theory of General Will

Rousseau's theory of general will may be subjected to the following criticism:—

1. His enunciation of the theory of general will is incomplete and not very clear. He seems "to regard the general will as a kind of arithmetical balance to be arrived at by striking out the opposite judgments of this and that citizen representing their particular interest". This is unsound because the "collective opinion, whether of all or of a majority which emerges—is not in the nature of a balance or average, it is more like the resultant of several forces," differing in magnitude and direction. The process is not arithmetical but dynamical.

2. It is, in actual practice, difficult to distinguish the general will from the will of all. What is the criterion for this distinction? The general will is not the unanimous will of the whole people because that will merely be the will of all. Nor is the general will a majority will, though it may coincide with

it. Nor again, is the general will the will of the minority though it may coincide with it. In fact the general will is its own criterion. In general, though this is not necessarily true, if a people is unanimous on a point—a rare happening—you may take its will to be the general will.

3. That part of your will which will always lead you to do the right thing is, to Rousseau, the will that matters, *i.e.*, is the essential will. The remaining part of your will is non-essential. The same applies to all. All these essential wills combine to make the general will. Now you cannot divide up an individual will into an essential will and a non-essential will, because an individual will is a corporate thing, one complete whole. In actual practice there can be no such thing as Rousseau's general will.

4. To Rousseau, the general will is the standard of justice; to act justly is to conform to the general will. Is there or is there not a standard of justice—a moral law—extraneous to general will?

5. Again, whosoever refuses to obey the general will shall be compelled to do so and be free. In actual practice to be thus free is to be forced to obey. Force is the negation of liberty. Rousseau, therefore, fails to reconcile individual freedom with the authority of the general will representing the community.

6. Rousseau's concept of general will is rather abstract and narrow. In actual practice it is nothing if it does not mean the will of the majority.

7. It leads to state absolutism and tyranny of the majority.

8. It posits common interest which is difficult to define or determine.

Merits of the Theory

The theory of general will in which sovereignty is located leads to the healthy notion that 'Will, not force, is the basis of the state'. The true basis of democracy is not force of majority, not even passive consent but active and selfless will. The theory exalts the principle of general good being the objective of the state and the spring of state action. It puts social before individual interest. It emphasizes the concept of the state being a moral organism in which alone a man reaches his highest moral stature. The law and justice of the state sublimate a man's impulses into reason and, therefore, force him to be 'free' from his base tendencies. The theory of general will emphasizes the corporate character of society in which an isolated selfish individual is a misfit.

Rousseau on Sovereignty

As we have seen, Rousseau identifies sovereignty of the state with the general will or, in other words, with the common interest of the community. This popular sovereignty of Rousseau

is infallible, indivisible, unrepresentable and illimitable. It is unrepresentative because it lies in the general will which cannot be represented. The sovereignty of the state of Rousseau is absolute like that of Hobbes with the difference that whereas Hobbes assigns the sovereignty to the head of the state, one or many, Rousseau gives it to the whole community. Again, whereas in the case of Rousseau the sovereign people cannot divest themselves of their sovereignty even if they wish, Hobbes makes the people alienate for ever their sovereignty in their first corporate action. In fact, "Rousseau unites the absolute sovereignty of Hobbes and the 'popular consent' of Locke into the philosophic doctrine of popular sovereignty."¹³ To Hobbes, the sovereign and the government are identical terms. Rousseau, on the other hand, distinguishes between the sovereign and the government. Rousseau rules out representative form of government, for is not his sovereign unrepresentable? Rousseau's love of popular government is evidenced by the fact that even after he had assigned absolute powers to his sovereign he laid down that the sovereign must rule properly, i.e., (1) it must not do anything which is not in the interests of the whole people and (2) it must ensure equality of all before law and maintain a rule of justice or equality. In fact, Rousseau's conception of sovereignty was a compromise between the constitutionalism of Locke and the absolutism of Hobbes. Rousseau believed that all forms of government were compatible with his notion of popular sovereignty.

Liberty and Individual Rights

Rousseau adopts the Personality theory of rights. The individual is free in the state because he does not surrender his rights to an outside authority but to a corporate body of which he himself is a member. Any restrictions on the liberty of the individual are self-imposed. "Obedience to a law which we prescribe to ourselves is liberty." The rights of liberty, equality and property are rights of the citizen and not, as with Locke, the innate and inherent rights of the individual. Liberty is civil liberty and not natural liberty. Men are equal by law and not by nature.

On Law

To Rousseau, law is an expression and the organ of the general will. "A law is a resolution of the whole people for the whole people, touching a matter that concerns all." The law must relate to general interests and must emanate from the community as a whole. The enactments of the governments, as distinguished from the community, are merely a corollary of the general will. They represent a method of enforcing the

¹³ *Introduction to the Social Contract*, edited by Ernest Rhys, p. 26.

general will. It is clear that Rousseau's idea of a true law is like the modern conception of a fundamental or constitutional law in accordance with which alone the government can enact their positive laws. To Rousseau, nobody in the state is above the law, since everybody is a member of the sovereign body which is the source of law. The laws representing the general will, which includes the will of all, cannot be unjust because nobody is unjust to himself. One is quite free when he is subject to laws because the laws merely reflect his own will. It is law which re-establishes the equality which belongs to a man in the state or nature. A state is legitimate only when it is ruled by law. Law, therefore, with Rousseau, is as sovereign as with Plato, but Rousseau puts this sovereign under the control of *La volonté générale*. The laws are the sole motive power of the community 'which acts and feels only through them'.

Distinction between State and Government

Rousseau, like Locke, creates a sharp distinction between the state, *i.e.*, sovereignty, and the government. "Thus, a state denotes the community as a whole, created by the social compact and manifesting itself in the supreme general will", whereas "a government denotes merely the individual or group of individuals that is designated by the community to carry into effect the sovereign will." The social contract creates not the government, but the state or sovereign. The government is created by a decree of the sovereign to serve as a means of applying the general will. Being a mere agent of the sovereign, a government is changeable at the sovereign's pleasure. Having placed the government in complete subordination to the sovereign, *i.e.*, the people, who could withdraw or modify the powers assigned to the government, Rousseau could view with indifference the actual form of government. The government does not make laws which emanate from the sovereign but only administers them. Rousseau's conception of government is that of the executive side of a modern democracy, whose power may be withdrawn or modified by the sovereign legislature. In his attitude towards the government, Rousseau seems to have been affected by the unbearable and irresponsible autocracy of the ancient regime and the antimonarchic philosophy of the 16th and 17th centuries. The laws represent the general will and, therefore, every state ruled by law, whatever its form of government, is to Rousseau, a republic.

Origin of Government

Rousseau found himself in deep waters in explaining the origin, *i.e.*, the institution, of government, as distinguished from the sovereign community. This is because he held that the sovereign regarded the subjects as a whole and that the actions of the sovereign were in the nature of an abstract act. In other

words, the actions of the sovereign must be general and not particular. Now the sovereign is perfectly entitled to name the form of government, *i.e.*, monarchy, aristocracy or democracy, but it cannot name the officers of the government which will make it a particular act. The government, but not the sovereign, can do particular acts. The naming of particular officers, being a particular act, will constitute an act of government even before the government has been instituted. Rousseau meets this anomaly by saying that the sovereign people, assembled to institute the government, firstly vote that a certain form of government shall be instituted and then vote that certain individuals shall be appointed to the offices thus created. Rousseau distinguishes the two acts by saying that the first vote expresses the general will and is law, while the second vote represents a mere governmental decree. Between the two votes, the popular assembly changes its character. In its first form, the assembly is the sovereign, in its second one it assumes the character of a democratic government. To Rousseau, therefore, every form of government originates in a democracy.

Classification of Government

Rousseau adopted the usual method of classification of government into monarchy, aristocracy, democracy and mixed forms of government. He believed, with Montesquieu, that the social, economic and physical conditions of a country had much to do with its form of government. To him, a democracy was one in which the sovereign assembly was the legislator as well as the administrator. He added, however, that such a government was possible only in small areas and among small communities. His love of the democratic city-states of ancient Greece and Rome, his own native democracy of Geneva and his theory of the sovereignty being identical with the general will made democracy the best form of government with Rousseau. But democracy would not do for large areas because the interpretation of general will was difficult in large communities. Rousseau did not believe that any particular form of government was absolutely the best one because he held that each form of government might be particularly suited for a particular set of conditions. He was, however, so far influenced by the current economic theories as to believe that a growing population was a good index to a good government. Census was, therefore, the measure of governmental excellence. Rousseau did not conceal his dislike of a representative government. He held, as observed above, that law-making was the function of the sovereign, *i.e.*, of the whole assembly of the people, and not of the government. As sovereignty was inalienable, a sovereign body could only be represented by its whole body. To Rousseau, a representative government signified a sign of political decay in a

community because the general will of the sovereign community could neither be represented nor alienated.

Rousseau holds that though in a democracy the will of the majority represents the general will, the minority follows its own will and is free. This is explained by Rousseau by saying that at the time of legislation what is asked is not whether a particular law is or is not approved by the minority but whether the law conforms to the general will or not. Voting, therefore, amounts to not the expression of will but guessing. The minority guesses badly but is really free—an unexampled piece of casuistry! Rousseau knew that with the growth of nations and the change of conditions there is a tendency for the general will to be replaced by the will of a particular individual or individuals, *viz.*, there is a tendency for democracy to become aristocracy and for aristocracy to become monarchy. This, to him, was a sign of political decay and could be checked by means of periodical assemblies of people convened to decide firstly whether the sovereign people do or do not want to change the form of government and secondly, whether new officers are to be elected or not. When the sovereign people are thus assembled, the government is, for the time being, superseded automatically. The referendum and the initiative of the modern democracies like Switzerland and the United States of America represent practically an adoption of this suggestion of Rousseau.

Rousseau on Religion

Rousseau would make religion subserve the ends of the state. The different forms of government, particularly Roman Catholicism, were unsuited to this purpose. Christianity itself was unsuited to the state because it laid stress on the salvation of the individual which might go counter to the salvation of the state. Rousseau, therefore, devised a new religion embodying the doctrines of the "existence of a God of power, reason, goodness and loving providence; the life to come; the happiness of the just and punishment of the wicked; the sanctity of the Social Contract and of the Law". Any one who did not adhere to this new code of religion, ethics and political morality was to be exiled or even put to death. Rousseau, the High Priest of the Age of Reason, proposing religious persecution!

Estimate of Rousseau

Rousseau belongs to the philosophical, and not the historical, school of political philosophy. His work is more suggestive than definitive. Many of the arguments of Rousseau are based on the second treatise on government of Locke, as sharpened by the reading of Plato. Rousseau's doctrine of sovereignty aimed at reconciling liberty and authority—a compromise between Locke and Hobbes. Through Rousseau the general welfare of the people and general will of the community assumed great import-

ance and became the starting point of all later theories of state. Rousseau's theory promoted unity and solidarity in the state and, therefore, Rousseau, like Bodin and Hobbes, is one of the creators of the modern national state. Yet the assumption of Rousseau that true liberty was a pre-social virtue cut across any theory of political authority. Rousseau created a sharp distinction between state and government and also between sovereign law and governmental decrees. His sovereign law is the ancestor of the modern fundamental or constitutional law. His influence is evident from the insistence made now-a-days that the positive enactments of the governments must conform to the fundamental law of the land. Rousseau's conception of sovereignty and law is considerably reflected in the American political institutions. Rousseau was not exactly original in his ideas but his 'importance lies just in the new use he makes of old ideas'. Rousseau more than any other thinker laid emphasis on the ideas that the people is the ultimate source of all political authority; that government is merely the agent and delegate of the sovereign people; that common good is the criterion of good legislation and administration; that the state is not a mere mechanism but that it has an organic life; that true basis of political obligation is popular consent; and that in the last resort freedom and authority, law and liberty, man and state are not antithetic to each other.

His Influence

Rousseau's influence on the political thought and action of the succeeding generations has been unparalleled. In his own country, *viz.*, France, his ideas of liberty, equality and popular sovereignty led logically to the Revolution of 1789. They were intensely popular in the heated and surcharged atmosphere of pre-1789 days of a thoroughly degraded and oppressive *ancien régime*. More so. The France of 1793—till the advent of Napoleon—was predominantly under the influence of Rousseau's ideas. The French, having helped the Americans to gain their independence of Great Britain, became deeply interested in their institutions and tried to model their institutions after the American fashion. Now both the Americans and Rousseau having borrowed a good deal from Locke, there was a good deal of similarity between Rousseau's theories and American practices. The America of the 18th century did not borrow much from Rousseau but the Jeffersonian democratic movement of the early 19th century was stimulated by the French, particularly Rousseau's, ideas. In America the theory of social contract played a conspicuous part. It was recognized in the Declaration of Independence and in nearly all the Bills of Rights in the state constitutions. It was the theory of social contract as enunciated by Rousseau that justified the Revolutions of 1776.

and 1789. It may be said of Rousseau that "in political thought he represents the passage from a traditional theory rooted in the Middle Ages to the modern philosophy of the state. His influence on Kant's moral philosophy and on Hegel's philosophy of Right are two sides of the same fundamental contribution to modern thought. He is, in fact, the great forerunner of German and English Idealism."¹⁴ In England, besides, Rousseau's ideas played an important part because the Benthamite theory of the greatest good of the greatest number had a close family resemblance with Rousseau's doctrine of the general will representing common interests of people. The Political Justice of Godwin is based substantially on Rousseau's *The Origin of Inequality*. With Rousseau, the Age of Reason might be said to have been replaced by the Age of Romanticism. Rousseau's philosophy enshrined sentiment by dethroning rationalism. The tremendous influence exercised by the writings of Rousseau on the subsequent ages is evidenced by the fact that rival schools quote Rousseau in favour of their own view-point. Thus the individualists and collectivists, the Monists and Pluralists, find solace in Rousseau who is also a source of inspiration to Philosophic Anarchy, Socialism, Hegelianism, Federalism, Syndicalism and many other schools of thought.

¹⁴ *Introduction to the Social Contract*, edited by Ernest Rhys, p. viii.

HOBBS

1. *Principal Works*
 - (1) *De Corpore Politico* (1640).
 - (2) *De Cive* (1642).
 - (3) *Leviathan* (1651).

2. *The State of Nature*
 Man egoistic; moved by fear, power, glory; political equality of all, no question of right or wrong, just or unjust; war of all against all; life, nasty, brutish and short.

3. *Law of Nature*
 In state of nature there was no civil law; law of nature was regulative of human action; law of nature conceived differently by Hobbes to mean different things on different occasions, i.e., (a) it was dictate of right reason for preservation of life, (b) it was based on prudence and expediency which dictated that everybody should try to secure peace by sacrificing natural rights by covenants with each other to a common sovereign and that covenants must be respected.

LOCKE

1. *Principal Work*
Of Civil Government, written in defence of the Glorious Revolution.

2. *The State of Nature*
 A state of 'good will, mutual assistance and preservation'; state of peace, not war; governed by law of nature but state became necessary to have one standardised interpretation of law of nature.

3. *Law of Nature*
 Law of nature does not represent natural impulse but a moral law, based upon reason, to regulate human conduct.

ROUSSEAU

1. *Principal Works*
 - (1) *Origin of Inequality* (1754-55) based on strong individualism.
 - (2) *Essay on Political Economy* (1754-55).
 - (3) *The Emile*—a novel on Back to Nature cult.
 - (4) *Social Contract* (1762)—his classic, strongly collectivistic and based on Plato and Montesquieu.

2. *The State of Nature*
 Men in state of nature equal, self-sufficient and contented; lived life of idyllic happiness; man actuated by impulse and not reason; origin of property creates inequality and necessity of state.

3. *Law of Nature*
 Law of nature based on instinct; sociability resulting from feeling and not from reason.

HOBBS

4. *Natural Rights*
Natural rights depended upon one's might.

5. *Social Contract*
The individual gives up all his rights except one, *i.e.*, right of defence and self-preservation to a common sovereign; social contract creates a commonwealth and a sovereign (one, few or many); contract unilateral and not binding on sovereign.

6. *Sovereignty*
Hobbesian sovereignty is unlimited, indivisible, inalienable, absolute, above law, source of law, justice, property, above state and church, no right of revolution against sovereign.

LOCKE

4. *Natural Rights*
Rights inherent in man by nature; natural rights of man are to life, liberty and property.

5. *Social Contract*
Men enter into social contract, *i.e.*, create a state to have a common agency for interpretation and execution of the law of nature. Individuals surrender some but not all their rights. Not clear whether Lockean contract creates civil society or only government. Government limited in authority and not absolute.

6. *Sovereignty*
Locke does not conceive of a sovereign state. His government is limited to performance of its duties. The inherent right of man to life, liberty and property, represents a limitation on government. Locke conceives of popular and not legal sovereignty.

ROUSSEAU

4. *Natural Rights*
Man is free in the state of nature and enjoys all rights incidental to his person.

5. *Social Contract*
State results from a contract between individuals in their personal capacity and individuals in their corporate capacity. A, B, C and D, etc., in their individual capacity surrender all rights to A + B + C + D, etc., as a corporate whole.

6. *Sovereignty*
The corporate whole, *i.e.*, people as a whole are sovereign. Thus Rousseau believes in popular sovereignty. People are the legal sovereign. Sovereignty resides in the general will of the people. The characteristics of this sovereignty are its unity, indivisibility, permanence, inalienability and its absolute and unrepresentable character. The government is dependent on the sovereign people. Rousseau distinguishes between the sovereign state and subordinate government.

7. *Liberty*
 In the state of nature, liberty was license. Civil liberty depends upon the state and is guaranteed by the state. It is a gift of the state and can be abrogated by the state. It cannot be quoted against the authority of the state.
8. *Individual and the State*
 The Hobbesian individual owes everything, i.e., rights, peace and law to the state and is, therefore, best in the state. He must obey the sovereign and pay taxes. His liberty of speech, publication, association, conscience, etc., depends on the state. But the individual has some kinds of liberty even in the civil state, i.e., (a) liberty to life which enables him to resist the sovereign if the latter attack his life, (b) liberty not to kill himself if asked to do so by the sovereign, (c) liberty to refuse allegiance to a sovereign who cannot save his life or to a deposed sovereign.
9. *State and Government*
 Hobbes does not distinguish between state and government or between *de jure* and *de facto* sovereign.
7. *Liberty*
 A man has certain rights inherent in him, i.e., rights to life, liberty and property which the state cannot deprive him of.
8. *Individual and the State*
 Locke conceives of popular sovereignty and limited government, limited by prior innate rights of the individual. His individual comes before the state. Individual's right to property is sacred: property means variously: (1) property; (2) life, liberty and property; and (3) any right. The individuals have right of revolution against the state. Locke conceives of a sovereign individual and not a sovereign state.
9. *State and Government*
 Locke distinguishes between state and government and state and society. His theory leads to a limited constitutional government.
7. *Liberty*
 In the civil state, individual liberty is a gift of the sovereign state. It must be reconciled with the absolute authority of the state and cannot be quoted against the same.
8. *Individual and the State*
 The individual is nothing outside the state. His rights of equality, liberty and property are rights as citizen, i.e., granted by the state and not rights of the individual. His liberty is civil, not natural liberty. But the individual is free because civil limitations on him are self-imposed through his real will which is part of the general will.
9. *State and Government*
 Rousseau distinguishes between state which is sovereign and government which is a subordinate creature of the state.

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CHAPTER XVII

ECONOMIC IDEAS AND POLITICAL THOUGHT

BEARING OF ECONOMICS ON POLITICS

It is foolish to deny a very close relation between the science of economics and that of politics. The institutions and ideas of one profoundly react on and mould those of the other. Even Plato in *The Laws* allowed distribution of offices on the basis of wealth and thereby recognised the interrelation between economics and politics. Aristotle emphasised the fact that the form and structure of government depended upon the distribution of wealth and that one of the most fundamental causes of the revolution was the economic struggle between the wealthy and the poor classes. To him, Polity, *i.e.*, government by the middle class, holding proper balance between the rich and the poor, was the most stable and, therefore, the best form of government from practical, if not ideal, point of view. His polity prophesied the 19th century bourgeoisie government. Machiavelli was not slow to realise the economic divisions of the community and advised the prince to maintain his ascendancy by putting one economic class against the other. Locke gave an economic basis to the origin and the end of the state and legitimised revolution if the government upset the economic equilibrium.

The most distinctive feature of the Middle Ages, *i.e.*, Feudalism, on which the structure of the government and of other political or quasi-political institutions was based, was itself based on economic principles. It was mostly on economic basis that nations were deliberately divided into the nobility, the clergy, the tradesman and the peasant, each division representing a class by itself and having a distinct economic occupation of its own. The leaders of the peasants' revolts in different parts of Europe showed great practical wisdom in declaring that economic equality was even more important than political liberty and basing their political reforms on economic considerations. The composition of the Model Parliament of Edward I reflected an adequate representation of every important economic interest in England. The various classes roughly shared in political power in accordance with their economic stake in the country. This was not due to any regard for abstract ideas of natural right, natural justice or equality of man. The theory of natural rights, in fact, has sundered the relations between economics and politics and the democracies founded upon ideas of natural rights or justice have been wanting in strength because of their lack of economic stability. The important part played by the Zollverein, an economic union of certain states in Germany, in bringing about

German political unity and consolidation in the 19th century, cannot be over-emphasized. In our own day, we see a gigantic experiment being tried in Russia where economics has not only been closely related to politics but has, for the time being, dominated the latter.

It was the discovery of the sea-routes to India and America that brought about a close and permanent alliance between economic and political theories and practices. This discovery led to the development of trade and foundation of colonies both in the East and the West. The young nations of Europe, invigorated by the spirit of Renaissance, entered into a free economic competition and war with one another. Economic considerations have played by far the most important part in the modern period in the formulation of both the domestic and foreign policies of the different nations. Mercantilism of the early modern age was an economic counterpart of vigorous nationalism of the period. The governments adopted protective tariffs to foster home industries and exclude foreign goods. The development of trade became the most important function of the government. On the other hand, it was trade alone which could meet the growing expenses of the state. Politically, the traders helped the government against the rebellious feudal nobles. In short, economic and political interests have profoundly reacted on each other.

THE PHYSIOCRATS

Emergence of the Individual

The rigid application of the Mercantile system almost up to the middle of the 18th century resulted in a violent reaction against it. Men felt that in fostering trade and economic prosperity of the nation the government had imposed unnecessary restrictions and regulations upon individual liberty and initiative. The individual had been completely ignored by the state for the sake of the community. They felt that the welfare of the individual as well as of the community or the nation required that the individuals should be left free to follow their vocations without let or hindrance, *i.e.*, without any unnecessary regulations. They thought that free competition between individuals would result in bringing the nation to a high state of efficiency from material and moral points of view. This reaction against mercantilism was considerably helped by the individualism of men like Locke and Hume. The doctrines of natural rights and natural liberty applied hitherto to politics, began now to be applied to economics.

Political Economy of the Physiocrats

Mercantilism had shown its worst results in France. Agriculture there, as elsewhere, had been comparatively neglected in favour of trade and commerce. The financial mishandling of

Colbert, high state expenditure and inequality of taxation created a deep discontent in the country. While the expenditure of the state was rising, land largely owned by the nobles and the clergy, was immune from taxation. This state of affairs created a body of thinkers in France, known as the Physiocrats, whose main task was to bring about economic reform in the state. The Physiocrats were concerned with the material more than the intellectual, moral or political uplift of the nation. Economic subjects and economic classes became, therefore, the subjects of their speculation. It was the question of the restoration of financial equilibrium in the state that gave origin to Physiocratic philosophy. Political economy and not pure politics, was the object of their attention. Consideration of the revenues of the state led to the consideration of the sources of wealth, methods of its production and distribution and allied subjects. Agricultural revolution in England brought agriculture once more to public notice. The Physiocrats based their theories on natural law and nature, advocated the enforcement of a single land-tax and free trade and it was to justify these two things that the Physiocrats formulated their political philosophy. "These writers were the first to grasp the conception of a unified science of society and to realise that all social facts are linked together by inevitable laws. They founded the science of economics" and were the forerunners of the school of Free Trade started by men like Adam Smith. The most important of these Physiocrats were (1) Mercier de la Riviere (1720-1793), Jacques Turgot 1727-1781, and Francois Quesnay (1694-1774). They are two important books for the study of the philosophy of the Physiocrats, i.e., (1) *Natural Right*, by Quesnay, and (2) *Natural and Essential Order of Political Societies*, by Mercier de la Riviere.

The Naturalism of the Physiocrats

Living in the Age of Reason, the Physiocrats based their doctrines on nature and the laws of nature and demanded that the state should follow the injunctions of nature in its attitude towards economic problems. They believed that justice was the primary condition of all society. Justice to them meant ensuring two rights, i.e., (1) the right to liberty and (2) the right to property. In forming political society men do not renounce these two fundamental and natural rights. The chief end of society, on the other hand, is to enable men to enjoy these rights. The Physiocrats advocated the non-interference of government in economic activities of the community. They differentiated between 'natural order' and 'positive order'. The laws of the first order were based on justice and morality and represented the divine will. These laws were not made but were merely discovered by men. The laws of the positive order,

human and imperfect as they were, represented mere ordinances for the execution of the laws of the 'natural order'. The Physiocrats strongly upheld the individual and his natural rights, particularly the right of private property. This private property was of three kinds, *viz.*, (1) property of an individual's person bringing with it the right to labour, (2) movable property arising from personal labour, and (3) landed property.

Laissez Faire

The society, to the Physiocrats, was organised to guarantee property, subject, of course, to the consideration that the right to property as well as to liberty of one individual was limited by similar rights of other individuals. The social guarantee necessitated a sovereign with adequate military force. The sovereign must represent a unit. The sovereign does not make laws. Its laws are merely declaratory of the natural and essential laws of social order, *i.e.*, laws of liberty and property. Any laws of the sovereign contrary to these essential laws are invalid. The government should exercise as little restraint on the individual and his property as possible. Hence the famous maxim-- *Laissez Faire, Laissez Passer*. The Physiocrats gave their support to a hereditary monarch of an enlightened type. They ignored political rights and denounced the parliamentary system. The sole function of the sovereign was to be legislative and executive but not judicial and his activities were to be confined to the protection of liberty and property, his ordinances being subject to the interpretation and revision of an enlightened magistracy.

The Physiocrats held that material things alone represented wealth and, therefore, urged that land was the real source of wealth, commerce and manufactures being considered as non-productive by them. Only agricultural labour was the right form of labour. They advocated increased investments in land, free trade and imposition of a single tax on land, which would ensure enough revenue to the state as well as promote the maximum well-being of all the members of the state. Besides, the Physiocrats laid emphasis on freedom of labour and freedom of exchange. The state must spread education in the masses to enable them to understand the fundamental principles of national law.

THE BRITISH FREE TRADERS

Industrial Revolution in England

A number of important inventions in the realms of industry and agriculture led to the inauguration of the Industrial Revolution in England in the 18th century, particularly in the latter half of the 18th century. The invention of machinery for the textile industry and of the steam engine, the substitution

of coal and coke for charcoal and improvement in iron industry made England the leading industrial nation in the world. Agriculture too was improved by a system of rotation of crops. Roads and canals were constructed to better the means of transport. All these improvements led to the substitution of the factory system in place of the cottage industry in England. The countryside was deserted for the mill areas near the towns. The substitution of machinery for hand labour threw many labourers out of employment. This, together with the shifting of population from rural to urban areas, led to many social evils. These industrial changes in England, helped by the *Laissez Faire* policy of the Physiocrats, broke down the mercantile system in England. The old regulations simply would not suit the new conditions. Even as early as the latter half of the 17th century many English writers, notably Sir Josiah Child and North, wrote vehemently against the mercantile system. In the 18th century, industrially advanced England saw the advantages of free trade. The paternalistic attitude of George III towards home industries and particularly towards English Colonies had begun to bear evil fruit. Many began to believe that the government should not at all interfere with industry. The ideas of economic liberty were also influenced by the individualistic philosophy of Locke and others which was so popular in the 18th century England and which taught the sanctity of natural rights and individual freedom. This served to create an atmosphere of economic individualism and liberalism in England. A number of writers in Britain wrote advocating the policy of *Laissez Faire* in industry. Of these the most important were Adam Smith of the Glasgow University and Adam Ferguson of the Edinburgh University.

ADAM SMITH

The Intellectual Indebtedness of Adam Smith

Of all the numerous books on economic subjects written in the 18th century, the *Wealth of Nations* of Adam Smith is the most important. This book dealt a stunning blow to the already decadent doctrines of mercantilism. Smith was greatly influenced by the views of Grotius, Locke and others and was in deep intellectual sympathy and communication with the French Encyclopædists and Physiocrats like Quesnay and Turgot. His own compatriots, Adam Ferguson and Josiah Tucker, also influenced his views, particularly in the direction of economic individual freedom and free trade. Smith borrowed freely from Hume, particularly the latter's ideas regarding human nature and mutual reactions of social forces. Smith "examined those political regulations which are founded, not upon the principle of justice, but that of expediency, and which are calculated to increase the riches, the power, and the property of the state."

Under this view, he considered the political institutions relating to commerce, to finances, to ecclesiastical and military establishments".

The fundamental doctrines of Adam Smith were:—(1) self-interest is the motive force in society; (2) men possess certain natural rights which they cannot be deprived of; (3) the government should interfere with commerce and industry as little as possible, (4) labour, and not land, as held by the Physiocrats, is the chief source of wealth; and the removal of artificial and obstructive regulations would result in the evolution of a harmonious natural order.

Adam Smith was more practical than the Physiocrats. He modified the extreme naturalism of his day with a judicious admixture of utilitarianism. He believed in evolutionary growth in the state but held that every nation, after a certain amount of development, reached a stationary stage. Like Carl Marx, Smith believed that there was a natural clash between the interests of the various classes in the state. As regards the functions of the state, Smith held that the state should confine itself to national defence against foreign attack, enforcement of law and justice in the land and the maintenance of useful public institutions like schools, churches and means of communication. In exceptional cases, however, Smith would allow the state to interfere actively in commerce and industry. For instance, he would allow the state to impose retaliatory tariff, regulate banking and adjust the relations between the employer and the employee.

The *Wealth of Nations* inaugurated the era of free trade in England and other countries. The leading British and French economists became converted to the views of Adam Smith. The classic was translated into many continental languages and exercised a tremendous influence in Europe. In England the Younger Pitt was a practical disciple of Adam Smith. His liberal colonial policy and his policy of commercial and political union between Britain and Ireland were in conformity with the doctrines of Adam Smith. A number of causes combined to establish firmly the system of free trade in Britain. The Industrial Revolution itself confirmed the views of Adam Smith regarding the efficiency of the system of division of labour. The factory owners wanted to exploit labour and, therefore, resented state interference in industrial matters. The loss of colonies in America, their assumption of independence and then the growth of commerce between Britain and the independent United States sounded the death-knell of the old mercantilist colonial and commercial policy of the British Government. During the 19th century the Manchester School preached and practised the free trade doctrines of the *Wealth of Nations*. The growth of socialism, however, marked a certain amount of reaction against governmental non-interference in matters industrial.

ADAM FERGUSON

Adam Ferguson (1723-1816) of the University of Edinburgh, was one of the most popular economists of the day. There was nothing original in his writings but his powers of assimilation and exposition were remarkable. His writings are based largely on the doctrines of Montesquieu as interpreted by Hume, Adam Smith and Ferguson himself. The most important of the works of Adam Ferguson are (1) *The Spirit of the Laws*, (2) *Essay on Civilization* (1765) and (3) *Principles of Moral and Political Science* (1792).

His Conception of Nature

Ferguson rejected the current definitions and conceptions of nature. To him, everything that is, is natural. All actions of men are equally the result of nature. Civilization is as natural as primitive barbarism. Ferguson holds that man is a complex being and that mankind is destined to progress. He defends the course of civilization and holds that any state legislation for the promotion of industry and commerce and the problems of social and political life is harmful. He further maintains that the formation of society is due to the instinct and not the reason of man. Similarly, social forms and organisations are founded on instinct rather than reason. Any legislation, based on reason, to regulate social organisation is, therefore, useless.

Ferguson believes that civil liberty and economic prosperity are based on conflict, political, economic and military and not on peace. Self-interest and profit are the guiding motives not only of individuals but also of nations. These motives and not any considerations of the promotion of virtue influence the nations in their organisation and politics. Ferguson rejects the theory of social contract as the basis of political society and yet he holds that due to the advance of civilization, the authority of the government had become dependent on popular consent and limited in its jurisdiction. The government should only be concerned with the maintenance of peace and order in the state. Ferguson disliked the extreme types of government, i.e., absolutism and democracy, as irresponsible and was more or less an opponent of political reform and of revolution.

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CHAPTER XVIII

SOCIAL, MORAL AND LEGAL PHILOSOPHY IN THE LATTER HALF OF THE 18TH CENTURY

THE latter half of the 18th century was the era of enlightened despotism in Europe. Frederick the Great of Prussia was a typical enlightened despot. Others of the same type were Joseph II of Austria who wanted to make philosophy the law-giver of his empire, Catherine II of Russia and Charles III of Spain. These enlightened despots carried out a number of useful reforms under the influence of social and economic philosophers, particularly French philosophers. The ideas and doctrines of Montesquieu and the Physiocrats were specially popular with these despots and led to the introduction in various countries in Europe of judicial, administrative and economic reforms. Turgot, one of the Physiocrats, was appointed minister by Louis XVI of France and given a free hand for some time to apply his philosophy. Voltaire was a friend of Frederick the Great. Rousseau, too, was approached to prepare new constitutions for Corsica and Poland. The philosophers and the kings joined hands to improve the general tone of the various nations. There was thus a deliberate alliance between political theory and political practice with the exception that the despots would not hear of the then very popular theory of the separation of powers.

In the second half of the 18th century, the period under review, political philosophy in Europe was of two types. There were a number of philosophers who were concerned primarily with the problem of improving social and economic conditions and with the administrative activities of the governments. There was another group of doctrinaire philosophers who dealt with the more strictly political problems affecting the form, organisation and limits of governmental authority itself. Both these sets of philosophers were marked with the characteristic optimism of the 18th century rationalism. The discovery of the natural law, it was fervently hoped, would lead to the removal of all social, economic and political evils. The success of the American Revolution was interpreted as a triumph of nature and it made the fundamental principles of sovereignty, liberty and popular self-government the central themes of political speculation.

1. FRENCH SOCIAL AND MORAL PHILOSOPHY

Between Rousseau and the outbreak of the French Revolution, it was social, moral and economic philosophers who touched on politics. These philosophers, though disagreeing in their diagnosis and remedy of the trouble, were all agreed that the condition of civilized society in France was utterly rotten because

it was irrational and that the political and social institutions in France were very unnatural. They advised a return to the natural order of things and wanted mankind to reform its institutions with reference to human reason. They borrowed a good deal from the writings of Montesquieu and Rousseau and the ideas of these two celebrated writers became the basis of their own philosophy. They differed in their schemes of reform, however. To the Physiocrats, land—a sacred institution—was the key to the solution of the whole trouble. Naturally, therefore, they advocated improvement in agriculture, a single land-tax and a policy of free trade. Others found private property, especially land-ownership, the root cause of the trouble, and proposed reforms on communistic lines. Others still ascribed the prevailing corruption to a degraded theology and corrupt morality. All these proposed reforms, whether advocated from social, moral or economic point of view, included political reforms too, based pre-eminently on the writings of Montesquieu.

MORELLY

One of the above-mentioned pre-Revolution philosophers was Morelly whose writings present a curious admixture of idealism and analytical philosophy. Morelly wrote a number of books including (1) *Essay on the Human Mind* (1743), (2) *Essay on the Human Heart* (1745), (3) *Basiliade* (1753)—a poem satirising French society, and (4) *The Code of Nature* (1775), an important treatise embodying an attack on the economic order of the 18th century France from ethical point of view.

Communistic Conception of the State of Nature

Imbued with the 18th century rationalism, Morelly thought that the primitive man possessed many virtues which were lacking in France of his day. The man of the state of nature was characterised by sociability and virtue. Sociability originally grew out of febleness and sensibility of the primitive man and was further strengthened by the unequal economic abilities of men, necessitating economic interdependence. Sociability was also increased by the primitive notion of the equality of rights when all equally shared the common inheritance. To Morelly, man is not only naturally sociable but he is also naturally virtuous for he is the 'creature of God'. "Beneficence is the first of all our moral ideals." The third of the fundamental virtues of the primitive man is economic equality. The primitive life, to Morelly, was based on communistic lines. There was no property as such to corrupt the early man. His wants were few and hunting represented the chief economic activity of the period. The early man was thus living a life of perfect happiness and equality. Modern society, to Morelly, was a perversion of the conditions of society in the state of nature. This was mainly

due to the institution of property. Property creates in a man an inordinate sense of self-interest resulting in the corruption of human motives. Self-interest also tends to the establishment of false ethical and, therefore, also a false political system and is injurious as much to the individual as to the society.

Establishment of a Communistic Society

As observed above, Morelly held that man was originally social and virtuous. It is the environment, and not the innate nature, of man that produces evil. Man being virtuous by nature is perfectible if suitable changes be made in his environment. But environment cannot be improved so long as the institution of private property is allowed to exist. Naturally, therefore, the programme of reform advocated by Morelly revolved round property. He criticised the inequalities in property and was prepared for the ultimate abolition of the institution of property. He advocated communism. Nothing was to belong to anybody in his individual capacity. Every man was to be maintained and employed by the public. Morelly would divide the nation into families, tribes, cities and provinces on a decimal system. Every man must pass through a well regulated schedule of duties during his life. He must study his professional duties at ten, be a land-worker at twenty and a voluntary worker at forty.

To regulate the affairs of the communistic society proposed by him, Morelly advocated a very simple governmental organization. Each town would be ruled by a senate composed of all fathers over the age of fifty, with the help of an advisory council consisting of fathers in town below fifty. These and other units of government would be controlled by a supreme state senate whose business it would be to harmonise the activities of the town senates. One of the main functions of the state would be the education of its members. Education would be compulsory and free and devoted to the development of the social sense. There is much in Morelly's philosophy that is vague and idealistic but both he and his contemporary Mably did much to create the revolutionary sentiment in the 18th century and the writings of both helped the development of socialism in the 19th century.

ABBE MABLY

Gabriel Bonnot de Mably came of a legal family and was the brother of Etienne Condillac Mably, the famous psychologist and disciple of Locke. Abbe Mably was a man of an extremely sensitive nature and independent character. In 1741, Mably became private secretary to the minister Cardinal De Tensin and was entrusted mainly with the formulation of treaties. Mably, however, soon quarrelled with the Cardinal and left him. Mably was a voluminous writer. He began by writing his *Parallels between the Romans and the French in Relation to Government*,

whose ideas he discarded later on with the maturity of age and views. Between 1748-85, Mably wrote as many as 14 books of which may be mentioned: (1) *Public Law of Europe* (1748); (2) *Observations on the Greeks* (1749); (3) *Observations on the Romans* (1751); (4) *Of the Principles of Negotiation*; (5) *Rights and Duties of Citizens*; (6) *The Conversations of Phocion on the Relations between Morals and Politics*; (7) *Of Legislation, or, the Principles of Laws*; and (8) *Principles of Morals*.

Much of the social and political philosophy of Mably is based on the doctrines of Rousseau. Mably also showed great reverence for Plato as well as for the city-states of ancient Greece, especially that of Sparta. "It is only in antiquity that one finds the true political model." Like other 18th century philosophers, Mably believed that it was possible to draw up a perfect science of society and politics by properly analysing the nature of man and discovering universal laws of nature. To him, politics, ethics and psychology were closely inter-related. Mably thought that a man was always actuated by self-interest in his social relations. But man, though egoistical, was also sociable, finding happiness not by himself but in the company of, or in co-operation with, others. Nature has so ordained things that the particular well-being of an individual is harmoniously bound up with the general welfare of the society. Nature has provided a bond of unity in the division of labour which owes its origin to the diversity in capabilities of different individuals, resulting in interdependence between them. A life of virtue, *i.e.*, of happiness, is possible only in society.

Natural Equality

Mably holds that nature intends that all men enjoy equality. Equality is thus a decree and a gift of nature and is even more important than liberty. Mably believes, with Morelly and Rousseau, that the institution of property, resulting in the inequality of possessions, is the root cause of all social and political evils. Man's fall from his primitive communism brought misery to him because it created avarice and inequality. Mably doubts, however, if a return to the sweet conditions of early communism is possible. This is because it is almost impossible to eradicate the prejudices in favour of property and allied institutions ingrained in mankind now-a-days. People love possession and power and ignore virtue and talent. Still much could be done to remove social and political evils by positive reforms in the direction of equality of possessions, brought about by wise legislation. This legislation must be of the disinterested type of Lycurgus and Solon, based on justice and reason and not on selfish class interests.

Ethical Basis of Politics

Mably holds that politics should be based on ethics. The laws should be calculated to stimulate social tendencies and to restrain passion. All political reform should aim at the cultivation of the virtues of prudence, justice and courage and should create in a man love of temperance, love of work, love of social approbation and love of God. Social education, inculcating the virtues mentioned above, would lead men back to the happy condition of social equality. Mably is convinced that the acquisition of property is not the only incentive to work. The idea of social distinction would make a man work equally well. Mably is a moral reformer, trying to effect reforms slowly and systematically. He preached moderation, though he was prepared to support revolutions whenever necessary.

Republican Monarchy Based on Separation of Powers

As to the form of government, Mably was for a mixed type. To him, despotism was out of question. Aristocracy would lead to oligarchy and then to tyranny. Democracy was an ideal form of government theoretically but then Mably admitted that masses were ignorant and selfish. Mably did not believe in a direct government. He, therefore, advocated republican monarchy, *i.e.*, a government of the mixed type based on the separation of powers and with the executive subordinate to the legislature. England, to Mably, was only half free. Mably drew up a comprehensive scheme of reforms for France. He advocated the summoning of the Estates General, which body must pass the fundamental laws of the nation. He advised the subordination of the executive to the legislature, many of the functions of the former, like finance, being taken over by the latter. Mably advocated the setting up of executive committees for particular departments—a hint taken up and adopted during the French Revolution. The national finances must be properly regulated. Like the Physiocrats, Mably advocated a single land-tax. The state was to control inheritance and regulate landed property and thereby try to secure the greatest possible equality of possessions among citizens. With his emphasis on natural rights and natural human equality, Mably did much to give a communistic colouring to the French Socialism that developed later on.

In the third quarter of the 18th century, the Encyclopædists, led by the brilliant Diderot, were extremely active. The Encyclopædists—a co-operative intellectual society—wrote on all sorts of topics, *i.e.*, social, economic, political and religious. They generally assembled together at the house of Helvetius or Holbach and discussed problems of various kinds. Both Helvetius and Holbach showed in their writings their disgust with the religious and moral doctrines of the day. They based their code of morality on utilitarianism which became the guiding principle of politics and legislation in the 19th century.

HELVETIUS

His Utilitarianism

In 1758, Helvetius published his obscene *Mind* which, because of its indecent tone, was proscribed. He also published his *De l'Esprit* in the same year and his *De l'Homme* in 1772. Helvetius was of a German-Dutch parentage and he settled in France. Discarding the sentimentalism of Rousseau and following Hobbes, Helvetius declared that men were born with substantially equal powers and capacities and that men acted according to some known and definite laws of nature. "If the physical world is subjected to the laws of movement, the moral world is no less subjected to that of interest."¹ Helvetius made egoism, *i.e.*, the principle of the maximum happiness of the individual, 'the sole motive of human action', and enlightened self-interest, based on love of pleasure and fear of pain, the criterion of morals'. Helvetius distinguished between general, *i.e.*, public, and individual, *i.e.*, private interest. These two types of interest, however, were not necessarily opposed to each other and could be reconciled to each other by following the true laws of morality which consisted of the service of general interests, *i.e.*, the interests of the state. Ethics and politics, therefore, must be merged into each other. To serve the general interests a moral philosopher should view life not from individual point of view but as a legislator. True morality would make a man believe, that his own welfare was identical with general welfare and this kind of morality could best be taught by proper legislation, *i.e.*, by a system of rewards and punishments given by the state. To Helvetius, therefore, ethics was closely related to legislation and politics. Helvetius created a sharp distinction between religious and civil conceptions of morality.

The *Man*, written by Helvetius, was published posthumously. In this book, Helvetius recapitulated and amplified most of his doctrines preached in his earlier works. Helvetius held that all men were equally endowed intellectually and could be made to serve the state equally well with the help of education and culture. These two means were of great importance to promote the well-being of the state. Complete harmony of private passions with general interests required that all men must receive the same type of education and must be given equal opportunities for getting rich, to prevent the division of the nation into antagonistic classes. In his emphasis on economic equality and education, Helvetius was a more thorough-going egalitarian than even Rousseau.

Helvetius, a forerunner of the 19th century utilitarianism, believed that the best government was one which brought

¹ *The Social and Political Ideals of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 202.

about the greatest happiness of the greatest number. A good government was one which followed the true principle by which nature regulated human affairs, *i.e.*, which was in accordance with 'nature'. All governments were naturally despotic, but Helvetius approved the enlightened despotism of the day. It was, to Helvetius, the character of the government which determined the spirit and manners of the people. Believing that ethics and legislation depended on each other and that the morals of a nation depended on its laws, Helvetius called for drastic reforms in the social and political laws of France. Not only the utilitarians in England but the Jurists, like Beccaria in Italy and elsewhere, were influenced by the writings of Helvetius.

HOLBACH

Baron Paul d'Holbach (1723-89) was a German living in France. Like Helvetius, Holbach was closely connected with the Encyclopædists and like him, he borrowed considerably from Rousseau and Locke. Holbach wrote profusely, the most important of his books being (1) *Christianity Unveiled*; (2) *System of Society* (1772); (3) *Natural Politics* (1772); and (4) *Universal Morality* (1776).

Following Helvetius, Holbach created a distinction between religious and civil ideas of morality. He condemned religion as useless from the standpoint of human happiness on which he laid stress by saying that a "reasonable being ought to be guided in his actions by his own happiness and that of his fellows". To Holbach, religion was more harmful than beneficial. Prayers and praises, fasts or feasts, confessions or communions were, from social point of view, quite useless. Like Helvetius, Holbach entertained a materialistic conception of life. Man is a material being. "The soul of man is a function of his body; look after his body and *ipso facto* his moral will improve." The rational state of man is that of a rational association with his kind under the law of nature.

Natural Inequality and Social Contract

Holbach believed in the natural inequality of man based on psychological differences. This inequality, resulting in diversity of functions, creates division of labour. In fact society is based on interdependence of man arising out of natural inequality. Nature, therefore, ordains that man should be sociable. Both ethics and politics are based on the natural sociability of man. It is a man's interest to be sociable. He is bound by many social obligations. A man is naturally bound by a social contract, pact or covenant. From natural to civil society, the change is by means of a compact, express or tacit, establishing the rule of law. Law means the will of the society as a whole and its end is the end of the society, *i.e.*, the greatest welfare of the greatest

number, welfare including liberty, property and security. The law, ensuring liberty, guarantees to every man, rich or poor, ruler or ruled, the fruits of his labour. The true function of education and political science is to educate men as to their true interests and to make them co-operate for the general good of the society. Holbach "adopted his (Rousseau's) ideas of social contract and general will, holding that the state was created by agreement in order to secure the greatest good of the greatest number and that this was accomplished by guaranteeing natural rights of individual liberty, property and security."² A government is justified in making a law only if it is in conformity with the general will of the community. Holbach believed that the sovereigns were representatives and servants of the people and were bound by laws as much as the latter. The people had the right of changing their sovereigns if the latter were unacceptable to them. This gives a Lockean basis to the theory of society and government of Holbach. On the other hand, his psychology of man, who was actuated by self-interest, was Hobbesian. To Holbach, the government was a group of citizens chosen by the rest to promote the greatest welfare of the greatest number. If the government failed to achieve this end, its contact with the people was broken. Political authority was based on a contract between the ruler and the ruled for the good of the latter. If the ruler did not succeed in promoting the general good, he automatically lost the obedience of his subjects. Holbach, however, rejected the doctrines of direct democracy and popular sovereignty preached by Rousseau.

Return to Natural Order

Holbach followed Montesquieu in his belief that political liberty could be secured best by separation of powers in a government. But Holbach was contemptuous towards governments in general, even including the English system of government so highly eulogised in the 18th century. The governments, to him, were useless for permanent good because they were based on force and ignorance. Holbach maintained that the governments had become dangerous to the moral and material well-being of the people because of their failure to check the individual passion for riches. People shrank from the physical discomforts of work and made others to slave for them. Hence the perpetual struggle between the idle rich and the busy poor. The governments of the day had failed because they could not avoid this conflict of classes. Holbach, therefore, advocated a return to the natural order with the help of intelligent education. Existing laws and institutions must be replaced by new ones conformable to reason and justice. Man was a creature of environment and his life

² *History of Political Thought*, by R. G. Gettell, p. 282.

and actions were considerably influenced by the existing laws and institutions. The existing inequality and injustice were largely due to unnatural and irrational institutions, social, political and of other types. These institutions should be based on the principle of utility, *i.e.*, the greatest happiness of the greatest number.

Justice, to Holbach, was the supreme virtue. Justice connoted a disposition to keep men in the enjoyment of their rights. Right meant the use of liberty in consonance with justice. The people would be free in proportion to the spirit of justice animating the government. A man is free when he obeys just laws and is a slave when he obeys the mere will of others. It was the consent of the people which made sovereignty legitimate. Holbach, however, held that only the whole nation in its corporate capacity had the right to rebel and that individuals could only emigrate out of the land. The government must think chiefly of the common people, *i.e.*, of the greatest number. It was the primary function of the government to ensure to the people the fruits of labour, education and political representation. Holbach did not specifically say which form of government was best. The governments of the day, declared Holbach, lived constantly in a state of nature which resulted in external and internal oppression. To remove this evil he suggested the federation of governments into the 'Great World Society'. Holbach, like other Encyclopædists, influenced the growth of radicalism in Europe, particularly in France. He, like other French Philosophers of the day, advocated religious toleration and freedom of the press.

The Main French Reformist Groups

"The 18th century writers who urged reform in France fall into four main groups. The liberal school of the first half of the century, represented by Montesquieu, D'Argenson and Voltaire, was historical in method, looked to the English Government as model and was moderate in its aims. The democratic school, of which Rousseau, Diderot, Helvetius and Holbach were the chief exponents, was doctrinaire and intolerant of existing institutions. It applied *a priori* methods and relied upon pure reason to construct a perfect state. The Physiocrats, of whom Quesnay and La Riviere were most influential, were monarchists, but urged economic reform. The Revolutionary school, represented by Mably and Condorcet, accepted the premises of democracy and urged that revolution was necessary in order to establish the sovereignty of the people. All were agreed that men possessed natural rights, and this became the cardinal doctrine of the revolution. After these philosophies had had their day, the control of French political thought passed from them

to that public opinion in which, according to Rousseau, final authority rested."³

2. THE JURISTS AND POLITICAL THEORY

In addition to the influence of social, economic and moral philosophers, political speculation in the latter half of the 18th century was considerably affected by discussions based pre-eminently on jurisprudence. Throughout Europe criminal law was obsolete, unfairly applied and very cruel. Torture was used to extract confession and a large number of crimes was punishable with death. The Jurists in various parts of continental Europe adopted the spirit and methods of Montesquieu and suggested various legal as also social and political reforms.

Cesare Beccaria

Cesare Beccaria (1735-1794), an Italian jurist and a disciple of Montesquieu, wrote on legal, economic and social problems. His best known work is his *Dei Delitti e delle Pene* (*Crime and its Punishment*—1764) in which he denounced torture and secret accusation and advocated public trials. He ridiculed legal discrimination between members of different classes of society and advocated equality of all before law. He also denounced confiscation of property as inflicting unnecessary punishment on innocent members of the family. He was for abolishing the capital punishment. He emphasised the fact that prevention of crime was more necessary than its punishment. This could best be done by making the law less harsh and more intelligible and definite as also by enlightening the public through education.

Beccaria held that individual self-interest was the chief motive of human action and that the aim of legislation should be to secure the greatest happiness of the greatest number. The public welfare was just the total of the welfare of individuals. The laws, to Beccaria, were the conditions under which men, naturally independent, grouped themselves into a society. The laws were just in so far as they contributed to the maintenance and security of the state and were consonant with intelligent reason. Beccaria's views on law and punishment were widely known in Europe and led to the reform of penal codes of different countries in Europe.

Gaetano Filangieri

Gaetano Filangieri was a Neopolitan publicist, jurist and reformer. In his *La Scienza della Legislazione* (1780) he denounced the evils of his own day. He wrote on and passionately advocated social and political reform. There is nothing original in his writings, most of his ideas being borrowed from Montesquieu. Both his theory of nature and his principles of

³ *History of Political Thought*, by R. G. Gettell, p. 283.

government were based on Montesquieu. Filangieri believed that human mind had reached a point in its conception and understanding of social phenomena when it had become both necessary and advisable to draw up a definite code of legislation covering all the important aspects of politics and government. Filangieri was optimistic enough to believe that Western European nations had reached a permanent condition of peace and stability, ensuring the security of individual liberty. He also held that industry, commerce and arts which were once a source of weakness had by his time become pillars of strength and prosperity of a nation if properly developed.

In his unfinished *La Scienza della Legislazione*, Filangieri tried to evolve a code of laws based upon reason and experience. He began with laying down rules to guide legislation and also touched upon such topics as principles of criminal jurisprudence, education, morals and free trade. Regarding criminal jurisprudence, he borrowed largely from Beccaria. Filangieri was less enthusiastic about the excellence of the English constitution than Montesquieu and watched with keen satisfaction and interest the working of the democratic government of America whose natural simplicity, to Filangieri, represented the nearest modern approach to the state of nature. Filangieri was a great admirer of William Penn whose work in Pennsylvania was, to him, comparable with the work of Lycurgus and Solon in Ancient Greece.

Sir William Blackstone

Political thought in England, in the second half of the 18th century, followed Montesquieu as shown by the writings of John Brown, Blackstone and others and later on was influenced by the writings of Rousseau as is evident from the publications of John Wilkes, Joseph Priestley and Richard Price. Montesquieu's and Voltaire's eulogy of the English constitution and institutions as best safeguards for individual liberty resulted in the English writers and jurists examining their national institutions critically. Sir William Blackstone (1723-1780) wrote his *The Commentaries on the Laws of England* in 1765. There is nothing very original about the *Commentaries on the Laws of England* which, however, exercised a considerable influence not only in England but also in France and America. Blackstone began his *Commentaries* with an enunciation of a general theory of state, based largely on the ideas of Pufendorf, Locke and Montesquieu. Blackstone's ideas of the natural law, divine law and civil laws were drawn from different sources and were confusedly put together. He recognized a law of nature which was willed and partially revealed by God, through human reason. Self-love was the great principle of human action. The law of nature was superior to civil laws, the latter being invalid if contrary to the former.

In his political theories Blackstone followed Locke generally, though he accepted some of the modifications of Locke by Montesquieu. Blackstone, however, did not believe in a state of nature or a conscious social contract. He found the origin of the state in the desire and efforts of individuals to secure their respective interests. Communities had a natural and gradual growth and did not come into being as a result of a definite social contract. To Blackstone, the 'original compact of society' means nothing more than an arrangement by which the community protects the individual and the latter submits to communal laws. Blackstone did not distinguish the state from the government. Every government is possessed of supreme, irresistible, absolute and uncontrolled authority in which the rights of sovereignty reside. In England, this sovereignty was located in the law-making body, *i.e.*, the King-in-Parliament.

Though Blackstone held that the authority of the sovereign and, therefore, of the legislative body of the government was supreme, he also insisted that the natural rights of the individual were also important and permanent. The natural rights of the individual were based on natural liberty, *i.e.*, the power of acting as one thinks fit. To Blackstone, 'civil liberty was natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public'⁴ and it was the main business of the state to guarantee it. In actual practice, civil liberty contained the rights to personal security, personal liberty, and private property granted by the state in lieu of the natural rights given up by the individual. Besides these major rights of the individual, Blackstone mentioned as minor rights, the right to petition for the redressing of wrongs, right to judicial redress and the right to bear arms, etc. Blackstone rejected the social contract but made use of some contractual notions.

Eulogy of the English Constitution

Blackstone viewed the English constitution as a happy mixture of monarchic, aristocratic and democratic elements ensuring completest possible political and civil liberty. To him, the English constitution was "so admirably tempered and compounded that nothing can endanger or hurt it, but destroying the equilibrium of powers between one branch of the legislature and the rest". Blackstone in his *Commentaries* gave attention to forms rather than substance. For instance his ideas of royal prerogative and political representation in the House of Commons were antiquated. In fact, Blackstone was, under the influence of the Continental eulogists of the English constitution, defending a system that had undergone a good deal of change for the worse since

⁴ *Commentaries of Blackstone*, Book I, Chap. I.

the publication of *The Spirit of Laws* of Montesquieu. The *Commentaries* of Blackstone was fiercely criticised by Jeremy Bentham in his *Fragment on Government*, because of its legal and political fictions and its disregard of political realities in England.

Jean De Lolme

Jean De Lolme (1740-1806), a Swiss jurist, was another continental eulogist of the English constitution. He was a political exile from Switzerland and he spent his period of exile in a critical study of the English governmental organisation. His *Constitution de l'Angleterre* (1771) made many acute observations on the English system of administration and was more discriminating in its appraisal of the English constitution than the writings of Montesquieu or Blackstone.

His Conception of Liberty

De Lolme, in his book, discussed whether liberty could be gained if legislation were under direct popular control. He defined liberty as meaning that "every man, while he respects the persons of others and allows them quietly to enjoy the products of their industry, be certain himself likewise to enjoy the products of his own industry and that his person be also secure". Liberty also meant "to live in a state where the laws are equal for all and sure to be executed". De Lolme discovered that the real guarantee for liberty lay in a political system containing properly balanced monarchical and democratic elements. He did not believe in a radical democracy because he had a low opinion of the masses. He denounced Rousseau's conception of popular sovereignty. To De Lolme, liberty could not be secured by the political enfranchisement of the masses. General Will as the seat of sovereignty was, to him, a political myth, because politicians and great interests were always sure to control the masses and make the latter register their own particular wills. De Lolme "emphasised the value of judicial independence, of the freedom of the press, of the party system and of the supremacy of the civil over the military government. The use of the jury and the writ of *Habeas Corpus*, he found specially admirable."

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CHAPTER XIX

POLITICAL THEORIES OF THE AMERICAN AND FRENCH REVOLUTIONS

THE AMERICAN REVOLUTION

BESIDES the French and the modern Russian Revolutions, the American Revolution is reckoned to be one of the most important events of modern history. Up to 1763, the relations between the colonists and the mother country were not very strained. Granted that for about half a century before the actual outbreak of the American Revolution, the colonists had their grievances against the Home Government on questions like the extension of franchise, transportation of English convicts to America, the issue of paper money and the taxation of proprietors' lands. But these grievances were, after all, local and not very serious. The colonists depended on the justice and armed protection of the mother country. Actuated by necessity as well as tradition they allowed themselves to be ruled by the English Government. The colonists were Englishmen and proud of their ancestral English heritage. By the middle of the 18th century all but four (New England) colonies bore charters from the English crown. The American colonies were kept apart from each other by physical isolation, environment and religious and economic differences. They could not unite together, twenty-three attempts at union having failed before 1776. They had much to fear from the Red Indians and the French settled in the then French colony of Canada. Being unable to unite and being in need of armed protection, the colonies naturally clung to England and put up with whatever was dealt out to them by the English Government.

From 1688 the colonists, in spite of the royal origin of their charters, had begun to recognize the legislative supremacy of the British Parliament. Down to 1763 the colonists did neither deny nor contest the right of the British Parliament to legislate for them. The navigation Act of 1696 had laid down that any laws, bye-laws, usages and customs of the colonists, contrary to it, *i.e.*, the Navigation Act, or to any other Act of the British Parliament, present or future, should be null and void. Politically, the Americans had few grievances, for they enjoyed almost as large a measure of self-government as the British Dominions did before the passage of the Statute of Westminster. But though they accepted the principle and practice of Mercantilism, they did not very much like the commercial policy of the British Government. The colonial produce had to be carried to Europe in English ships and the colonial manufactures were discouraged lest they should injure the British industry. But then the colonists in certain respects held the monopoly of English markets,

a fact explaining approval of the Navigation Acts by such an individual as James Otis.

Trouble in the Colonies

The real trouble between Britain and her American colonists came from the expulsion of the French from Canada. The French menace having been removed, the American colonies no longer needed the British protection and were prepared to defy the British Government on the plea of their political and commercial grievances. They began to resent British domination. The ambition of George III to re-establish royal power led to the adoption of a vigorous colonial policy. George abandoned the conciliatory policy of Walpolean Whigs and insisted upon a stricter enforcement of the commercial laws in the colonies. This created a discontent in the colonies. The trouble between England and the colonies began with the stricter execution of the Navigation Acts which the colonies, especially the New England colonies, had been ignoring. The situation was further aggravated by the desire of the English Government to realise from the American colonies a part of the expenditure of the British troops stationed in Canada primarily for the good of the American colonies. As each colony had its own government, the only way of passing a law affecting all the thirteen colonies was by securing its passage through the British Parliament, a procedure to which the colonists had not shown any opposition so far. Therefore, the Stamp Act was passed by the British Parliament. This was vigorously protested against. The colonies were now opposed to the mother country, an opposition helped by the weak and vacillating policy of the latter. Retaliation and counter-retaliation were followed by war and the ultimate independence of the colonies.

Political Theory of the Revolution

Really speaking, the American Revolution had no genuine political theory of its own, for the political doctrines employed by the revolutionary leaders were not the product of the revolutionary period. There was nothing original in the revolutionary doctrines. "The thing most nearly new was that a law contrary to natural law was not a law at all."¹ In tracing the origin of the philosophy of the American Revolution, one has to deal with forces rather than with theories because "strictly speaking, there were not theorists of the American Revolution". Of these forces, nature itself was the most important. The early pioneers, living freely in limitless nature, began to love personal liberty. The colonists, from the very beginning of their settlement in America, enjoyed a great degree of freedom

¹ *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 12.

and had a training in self-government, particularly those of New England. They met together in assemblies of towns and districts and the ideas and sentiments formed in these assemblies later on became incorporated in the philosophy of the Revolution. In the domain of religion in the New England colonies, the idea of the sovereignty of the faithful gave origin to the political conception of the sovereignty of the people and the inalienable rights of the individual. Thus, due partly to inheritance, because the colonists had the English love of liberty, and partly to the liberalising effects of nature and New England theology, the American colonists were ready to offer constitutional opposition to England. They had their ideas and theory formed already for them when the Revolution came. The thirteen colonies united and fought not that they might secure any new right or establish some new principle of constitutional liberty, but to secure safety for rights already long enjoyed by them. This partly explains why the political theory of the Revolution was not systematically formulated in a definite document. The political philosophy of the American Revolution is to be culled from pamphlets, constitutions, resolutions of assemblies and magazines, etc., and represents the thought of revolutionary leaders, rather than of political philosophers.

The political philosophy of the American Revolution was based substantially on the philosophy of the Glorious Revolution of 1688 in England. The Americans borrowed freely from such English theorists of the 17th century as Milton, Harrington, Sydney, and Locke, etc. The ideas about natural rights, social contract, popular sovereignty and the right of revolution of these English philosophers were taken up by the American Revolutionists, who also drew on the ideas of natural law of men like Grotius, Pufendorf and other Continental thinkers. A few advanced American thinkers adopted the political doctrines of the English Levellers but, on the whole, the real leaders of the American Revolution were essentially conservative and practical in their outlook. Of the French philosophers, Montesquieu was the only one whose doctrines were popular in America, some of them, for instance, the doctrine of separation of powers, being incorporated in the new American constitution. Rousseau was too doctrinaire for the essentially English Americans.

Colonial Claims to Constitutional Rights

In the earlier stages of the Revolution, the colonists relied mainly on their constitutional rights. Thus, they insisted on the royal and not parliamentary origin of their charters and resisted the supremacy of the British Parliament over them. They ignored the fact that, after the grant of their charters by the Stuart monarchs, the Glorious Revolution of 1688 had made the Parliament the supreme political force in England. Alexander

Hamilton argued thus in *The Farmer Refuted*: "We may deny (reject) His Majesty, in his political capacity, as a part of the legislature of Great Britain, and yet acknowledge him in a similar political capacity as a part of the legislature of New York. . . . I deny that we are dependent on the legislature of Great Britain, and yet I maintain that we are a part of the British Empire, but in this sense only, as being the free-born subjects of His Britannic Majesty."² As Englishmen, these American Revolutionists claimed:—

1. Natural rights of men regarding property.
2. No taxation without representation. To them, taxation came by free grants of the several estates of which they were one.
3. No legislation without representation.

Patrick Henry of Virginia declared, in connection with the Stamp Act, that the original colonists had "brought with them, and transmitted to their posterity, all the liberties, privileges, franchises and immunities that have at any time been held, enjoyed and possessed, by the people of Great Britain," including the right of self-taxation.

As George III became their chief opponent, the Americans began to show opposition to the royal authority in addition to their opposition to the British Parliament. Thus, James Otis denounced the Writ of Assistance (1761) issued by the English authorities to ensure the proper enforcement of the Navigation Acts. Otis held that the British Parliament was not a sovereign legislature for the colonists, that there was a natural right, sacred beyond the power of any government, that what was vaguely called the British constitution placed limitations on the Parliament with respect to natural rights and that an Act of Parliament contrary to the constitution was null and void.

Adoption of Lockean Theory of Social Contract

In the American theories and arguments, there was a certain amount of inconsistency from the beginning to the end. The American theories were advanced to serve the different exigencies of the times and represented, on the whole, not a systematic philosophy but a strategic defence. In spite of this inconsistency, however, almost all types of Revolutionary leaders were agreed on certain points which included (1) the right to government by their own chosen representatives, and (2) the right to consider loyalty to the king the only bond between them and the other parts of the Empire. As the struggle proceeded the notions of natural rights and the social contract were constantly brought into service. The colonists began to claim their inalienable rights

² *The Social and Political Ideas of the Age of Reason*, edited by F. J. C. Hearnshaw, p. 19.

as men rather than as Englishmen. The contract theory of Locke became the backbone of the American revolutionary thought. Some colonial writers justified rebellion on the plea that the king had broken the contract to rule justly.

Appeal to Nature

In the later stages of the Revolution, the Americans, unable to meet the English rejoinders to their appeals to the liberties provided by the English constitution, dropped the constitution and turned to nature as the great tribunal of appeal. Against the parliamentary laws they held up the laws of nature. They stood on rights derived from nature, "the great legislator of the Universe". In 1765, James Otis published his *The Rights of the English Colonies*. In this, he held that the law of nature was a fundamental part of the British constitution. Otis admitted the supremacy of the British Parliament in the Empire which was, to him, one 'Commonwealth and Free State', but added that the Parliament could not override the constitution. God had given all men a natural right to be free. As superior to all charters, laws and acts of Parliament, the English colonists claimed the rights of Englishmen by the laws of God, laws of nature and by the Common Law of England. Realising the weakness of their constitutional position, the American theorists laid stress on the abstract doctrines of natural rights based on a belief in an original state of nature when men were free and equal. They dilated on the inception of society through social contract, on popular sovereignty, on the right of revolution, and on the inalienable rights of man to life, liberty, property and individual happiness. To these natural rights were later on added the freedom of worship and expression and trial by jury. Governmental interference with individual activity was denounced and it was held that a large measure of civil liberty should be left to the individual. It was further argued that the government, being based on social contract between free and equal men, rested on the consent of the governed. Legislation and taxation must be based on popular consent. No taxation without representation. The American theorists emphasised the notion of the sovereignty of the people but the people, to them, meant a group of groups and not a group of individuals. Revolution was both a right and a duty of the sovereign people. The Declaration of Rights represents the best exposition of the natural rights theory of the American Revolutionaries.

Growth of Republican Spirit in America

In the early stages of the Revolution, there was little of the republican spirit in the colonies. Due principally to the influence of Montesquieu and Blackstone, the Americans too thought the British constitutional monarchy to represent the best governmental system in the world. Both James Otis and John Adams

eulogized the British constitution. It was the bitterness of the protracted struggle and the writings of Thomas Paine which produced a republican spirit in America. Thomas Paine, of whom more later, wrote his *Common Sense* (1776) and other political pamphlets wherein he bitterly denounced monarchic and aristocratic systems of government. The *Common Sense* created a deep impression amongst the American rebels and was actually followed by the Declaration of Independence. The later American attitude towards monarchy and their ideas on political independence and popular government owed much to the influence of Paine. Against republican writers, who ultimately carried the day, there were a number of Loyalist writers who opposed the Revolution. Jonathan Boucher, a Virginian clergyman, in his *View of the Causes and Consequences of the American Revolution*, denounced the Revolution, held up the theory of the Divine Right of Kings and ran down the ideas of natural equality and popular sovereignty. To him, democracy was no better than anarchy.

THE AMERICAN DOCUMENTS AND CONSTITUTIONS

Their Political Theories Based on Old English Constitutional Rights and on Locke

For the substance of the political philosophy of the American Revolution, a study of the Declaration of Independence, together with the earliest constitutions, state and federal, would suffice. These constitutions were based mainly on the old English traditions of English liberty as represented by the *Magna Charta*, the Petition of Rights, the Bill of Rights and the *Habeas Corpus Act*. The Lockean conceptions of the inalienable natural rights of man and popular sovereignty also influenced the drafting of these constitutions. These constitutions and documents were based on some fundamental notions, *viz.*, (1) an original, pre-political state of nature—as conceived by Locke and not Rousseau—in which men were free and equal; (2) a contractual procedure by which the free and equal individuals established government for their individual and communal welfare; (3) a body of rights in every individual which no government could destroy; (4) the indefeasible sovereignty of the people, leading ultimately to the right of revolution; and (5) the restriction and regulation of all governmental organs by a system of checks and balances as well as by a written constitution.

The American documents and constitutions defined clearly some important terms of political philosophy. Thus, in the Massachusetts constitution, the social compact was defined as meaning that the "body politic is formed by a voluntary association of individuals: it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common

good".³ The American idea of the social contract was that the contract was a political and not a social contract and also that the natural rights of the individual not only survived the compact but were guaranteed by it. Jefferson, one of the leading American theorists, held that men were "endowed by their Creator with certain inalienable rights", to secure which governments were instituted. Most of the states prefaced their constitutions with a Declaration of Rights, enumerating the inalienable natural rights of man. These natural rights were generally conceived to consist of (1) life, property and pursuit of happiness; (2) means of acquiring and possessing property; (3) freedom of worship; (4) freedom of expression; (5) arrest by warrant; (6) detention by cause shown; (7) trial by jury; and (8) equality among citizens. The natural rights vested in the community as distinguished from the natural rights of the individuals were (1) the sovereignty of the people, though the Americans had no clear and definite notion of 'people' and (2) the right of controlling as also punishing the government.

The principles of government embodied in the American constitutions were (1) powers delegated to the government were to be narrow and precise, (2) the governmental powers were to be divided among the legislature, executive and judiciary, on the basis of the separation of powers so that each branch of the government could be checked by the other two, and (3) the legislative and executive offices were to be elective and given for a short time. *The Federalist* insisted on the division of sovereign powers. In general, the American constitutions, based on the notions of social and economic equality, declared against monarchy, privileged aristocracy and against the hereditary principle of holding public offices. They laid emphasis on local self-government and the subordination of the military to the civil authorities. Property and religious qualifications required for holding offices and for voting reduced the political people to a minority. The Roman Catholics were disenfranchised.

The Influence of the American Documents and Constitutions

The political importance of the American constitutions and documents lies in giving an example and impetus to the rest of the world of basing governments on written constitutions. The Americans were the first people in history to construct consciously and deliberately a system of government in which the leading political doctrines of political philosophy of the day passed into public law. Besides, it is impossible to over-emphasize the importance of the American idea and practice that the task of framing a constitution should be entrusted, as its particular function, to a constituent assembly which is distinct from the

³ *Political Theories*, by W. A. Dunning, Vol. III, p. 93.

government and which is directly representative of the people. A constitution drafted in such a way is calculated to minimise governmental tyranny, for it can guarantee civil liberty by the incorporation in it of a bill of rights and can neither be ignored nor changed ordinarily by the government.

The American Revolution created a profound influence in Europe. The French philosophers, who believed that a radical reform of political and social institutions on rational lines was necessary, saw in the American Revolution a practical realisation of their desires and hopes. Men of the type of Rousseau were glad to see a people deliberately casting off one government on the score of natural rights and setting up another one on the basis of the sovereignty of the people. In France, through the influence of Benjamin Franklin and the French soldiers, who participated in the American War of Independence, the American ideas of liberty and equality gained ground. French philosophers like Turgot, Mably, Condorcet and Mirabeau studied the American constitution with care and admiration. The American idea of the Declaration of Rights was specially approved of in Europe and led to the French Declaration of Rights later on. In England, men like Richard Price viewed the American Revolution as the welcome symbol of a new era. The European philosophers realised that a republican form of government could be successfully run in a big area containing a large population. This gave impetus to republicanism in Europe, particularly in France. Due to the American example, there was a general demand in Europe for written constitutions and representative assemblies. The American Revolution created a profound impression in the world for the time being, in spite of the fact that it represented no new doctrine of political philosophy, for, the principles which it stood for were, according to John Adams, "the principles of Aristotle and Plato; of Livy and Cicero, and Sydney, Harrington and Locke; the principles of nature and eternal reason".⁴

THE FRENCH REVOLUTION

The French Revolution did not represent a sudden and precipitate action on the part of the French people, for, reforms—political and otherwise—were long overdue in France. The French Government was a despotic one, there being little of enlightenment about the French despotism in an age of enlightened despots. Though the nobles and the clergy had already been deprived of their political power, they yet retained their social and economic privileges. They paid few direct taxes with the result that the highly extravagant expenditure of the government had to be borne by the third estate. M. Taire, a responsible French writer, worked up the incidence of taxation on an average

⁴ *The History of Political Science*, by R. H. Murray, p. 280.

peasant and found 'that the total of all the royal taxes, of the tithes payable to the church, and of feudal dues payable to the feudal lord, amounted on the average to 81¼ per cent. of the income, the tax-payer retaining only 18¼ per cent. of his earnings'. Besides, the peasant had to work on the lord's field, grind his corn in his mill and render *corvée*. The social privileges of the nobility bore hardly on the lower as well as wealthy and intelligent middle classes. In the church the higher officials got all the money and the lower clergy all the work to do.

Conditions became hopelessly corrupt and unbearable in the long reign of Louis XV. The court expenditure rose considerably, necessitating increased taxation. The administration was corrupt and inefficient. On the other hand, during this period, there arose a number of celebrated writers, Montesquieu, Voltaire and Rousseau being a few of them. These philosophers exercised a mighty influence in their day and after. The rationalistic doctrines based on the notions of natural rights were readily acceptable to a down-trodden and miserable majority of the nation. Thus there grew up an alliance between the masses and the thinkers which became irresistible with the passage of time. Again, a number of Frenchmen, some like La Fayette belonging to the noblest families, had participated in the American Revolution. They returned back to France imbued with the ideas of liberty and equality and became missionaries of the new doctrines. The French participation in the American War furnished the provoking cause of the French Revolution. The French expenses in America disorganised and crippled the French finances, brought France to the verge of bankruptcy, resulted in the summoning of the Estates General and the consequent outbreak of the French Revolution. The *Tiers Etat*, representing 96 per cent. of the nation, declared itself to be the National Assembly. The spread of the revolutionary ideas led to the execution of Louis XVI, the establishment of a republic and the rule of France by a Directorate, then a Consulate and finally to the enlightened despotism of Napoleon.

THE POLITICAL THEORY OF THE FRENCH REVOLUTION

For the philosophy of the French Revolution we have to tap the following sources:—

1. The works of Jean Jacques Rousseau and to a lesser degree those of Voltaire.
2. The *cahiers* issued to the delegates to the Estates General in the spring of 1789.
3. The political pamphlets of thinkers like Abbe Sieyès, Condorcet and Thomas Paine.
4. The Documents and Constitutions of the French Revolution.

Rousseau's influence on the politics and ideas of pre-1789 days and the early stages of the Revolution, *i.e.*, up to the year 1793 was unrivalled. His ideas of liberty, equality and popular sovereignty, based on social contract, led logically to the French Revolution. He justified and therefore precipitated the Revolution by maintaining that all government which did not depend on the consent of the sovereign people was unlawful. Besides Rousseau, there were many writers who, imbued with the spirit of the Age of Rousseau, offered their solutions, based on pure reason, for the troubles of France. They inundated the country with their radical ideas. Besides these, the *cahiers* mirrored the political ferment of the day and give us a knowledge of the current political doctrines of the era of revolution. These *cahiers* embodied public grievances and suggestions for reform, and were submitted by the local electoral districts, through their representatives, to the States General. They show an admixture of the reforming ideas of Montesquieu, Rousseau, Mably, Morelly, Holbach, the Physiocrats and other thinkers. They contain references to concrete grievances and oppression based on inequality, over-taxation and maladministration as well as embody principles like the rights of man, rights of citizens, social contract, popular sovereignty, etc. The *cahiers* of all classes were agreed that a new political system must be set up to save France from ruin. They were, on the whole, for the retention of the monarchical system, vesting of legislative power in the king and a general representative assembly jointly, ministerial rule and ministerial responsibility, frequent meetings of the Estates General to vote taxes for short periods, creation of local administrative assemblies and codification of laws. Of the political pamphleteers of the revolutionary era, the following were the most important.

ABBE SIEYES

The Third Estate

Abbe Sieyes was one of the best political pamphleteers of the day. His essay on *What is the Third Estate?* and his *Essai Sur les Privileges* well represented the political philosophy of the revolutionary era. His essay on *What is the Third Estate?* contains Sieyes' theory of state. It was written before the meeting of the historic Estates General in one body and was written for the purpose of effecting such an united meeting. In this essay, Abbe Sieyes bewails that the third estate which represents the bulk of the nation has had no political weight and suggests that it must get its share of power in future. Sieyes denounced the privileges of the clergy and the nobility. Privileges meant exemption from law. Sieyes agreed with Rousseau in believing that law meant the expression of the general will of the nation. To Sieyes, those who were privileged, *i.e.*, not under law, could

not claim to be members of the nation. Sieyes was convinced that the third estate, by itself, had all the essential elements of a complete nation.

Sieyes' Conception of the State

Sieyes' theory of state was based mainly on Rousseau. Sieyes held that as soon as the individuals willed to unite and voluntarily combined their individual wills to form a general will, the nation became a *fait accompli*. The wills of the individuals were then replaced by the general will. Sieyes differed from Rousseau, however, in holding that when the population and area of a state are very large and the expression of the general will is difficult, that part of the national will and power which is necessary to provide for public needs can be confined to certain members of the nation. This gives rise to representative government whose will, however, is not real general will but representative general will.

A Plea for a Written Constitution and a Constituent Assembly

Sieyes held that in the organisation of the state, a national constituent assembly should be summoned to draft a written constitution. The constitution provides the forms and law which determine how government shall function and which have the sanction of the nation behind them. Sieyes emphasised that the nation was the origin and cause of everything and was all-powerful. The will of the nation was always legal. It was law itself. The constitution can bind the government which is its creature but cannot bind the sovereign nation which can alter it through another constituent assembly. The framing of the constitution is not the work of the constituted, *i.e.*, the government, but of the constituent power, *i.e.*, the nation working through the constituent assembly. Neither the government nor any other agency can alienate or bind the will of the nation respecting the constitution. The government cannot frame or amend a constitution. Only an assembly, representing the nation, known as the national constituent assembly and specially designated for the purpose by the nation, can make or amend the constitution. Writing his essay before the meeting of the Estates General in 1789, Sieyes urged the third estate to declare itself the national assembly. "While the Americans had already put into practice the idea of a national constitutional convention, the clarity with which Sieyes worked out the doctrine of the expression of popular sovereignty through a special constitution-making assembly, was a valuable contribution to political thought." The national constituent assembly of Sieyes is certainly a better instrument to frame a constitution than either the central parliament or provincial assemblies or even the whole mass of individuals of Rousseau.

CONDORCET

Constitution Based on Pure Reason

The doctrine of written constitutions found another able and powerful advocate in Condorcet. Marquis de Condorcet was well acquainted with the American institutions and was an admirer of the American constitution. His *Plan de Constitution* and his *Outline of an Historical View of the Progress of the Human Mind* represent a powerful plea for basing the government on a written constitution, representing the will of the nation and drafted by a national constituent assembly. Condorcet's views show an influence of the doctrines of Rousseau and of the American constitution. Imbued with the spirit of the 18th century rationalism, Condorcet believed that human and national institutions should be based on pure reason. He cared more for a political system based on reason than for one based on practical considerations. He was for a constitution which embodied purely the principles of reason and justice and which ensured to the citizens the most complete enjoyment of their rights. To Condorcet, constitution-making was purely a matter of deductive logic based on the principles of popular sovereignty, individual liberty and natural rights.

Constituent Assembly

Condorcet held that the written constitution, representing the national will and being the fundamental law of the nation, should be formulated by an assembly of the whole people or by their representatives. This constituent assembly should be the absolute and uncontrollable source of public law. It could make or unmake governments or constitutions. It could make or unmake the declaration of inalienable rights. The changes in the fundamental laws could only be made by the constituent assembly and yet the constituent assembly itself was not above law in so far as its automatic periodic meeting was to be provided for by a definite clause in the constitution itself and thus regulated by law. To Condorcet, the highest authority on any constitutional question was the immediate majority of people, the first of political powers. He believed in the social pact but of a temporary kind. No generation could bind its successors to have any particular type of institutions.

In his *Outline of an Historical View of the Progress of the Human Mind*, Condorcet holds an optimistic view of the course of human progress. To him, change was necessary and beneficent. He found things steadily making for progress. The formation of the French Republic represented the triumph of reason in the regulation of society and government. Condorcet thought that the French constitution had a purer rationalistic basis than the American constitution. Both provided the constituent assembly but the American constitution was based,

unlike the French one, on fictitious identity of interests rather than on equality of rights. Another drawback in the American constitution was that, unlike the French constitution, it was based on a complex balancing of powers rather than an unified and simple plan representing national will.

THOMAS PAINE

Thomas Paine, an English Quaker by birth, was a born political agitator. He was a pamphleteer rather than a systematic philosopher but his pamphlets show remarkable lucidity of thought and expression. On the advice of Benjamin Franklin, the American Agent in London, Paine left for America in 1774. He contributed to the American political magazines and wrote his *Commonsense* in 1776. His American pamphlets and political contributions represent a defence of the extreme American revolutionary position. They were immensely popular and did much to stiffen the American attitude against England, as shown by the issuing of the Declaration of Independence a few months after the appearance of the *Commonsense*. Paine was against any American compromise with England. In 1787, after the Americans had gained their independence, Paine returned to England. In 1789 came the French Revolution, followed by Edmund Burke's *Reflections on the Revolution in France*, which represented the reaction of a conservative and aristocratic mind against mobocracy. Paine, an ardent republican and an uncompromising foe of monarchy and aristocracy and all that these two terms connoted, hailed the Revolution with eagerness and joy. He set to himself the task of writing a rejoinder to Burke's *Reflections* to "demonstrate the falsity of the political philosophy of monarchical conservatism by an exposition of the principles of the American constitution". Hence came *The Rights of Man*—a plea for democratic republicanism—written in 1791-92. The book had a very wide circulation in France and England. Paine was elected to the Convention in France but, disgusted with the anti-religious tone of the Revolution, he wrote his *The Age of Reason*, 'designed as a constructive essay to preserve the essentials of religion, theology and morals from subversion'. Paine was imprisoned in France and then released. In 1802 he left for the United States again, disgusted as he was with the course of events in France, culminating in Napoleonic despotism.

The Rights of Man

The Rights of Man, the most important of Paine's political pamphlets, showed a happy combination of the contemporary French revolutionary spirit and philosophy and the American ideas. It consisted of two parts, i.e., (1) an analysis of Burke's ideas as given in the *Reflections*, and (2) statement of the

philosophy of the state. The book vindicated the character of the Revolution and poured scorn on the English political institutions. Even the English Bill of Rights was, to Paine, 'more properly a bill of wrongs and insults'. Paine denounced monarchy and the theory of Divine Right of Kings. He condemned both the English monarch and the English Parliament. 'The supposed struggles of the English nation for liberty and constitutional government were illusory' resulting in the substitution of 'a despotic legislation' for royal despotism. This characterisation of the English constitution showed that Paine, unlike Burke, had little reverence for traditions, which, to him, represented the unnatural dominion of the dead over the living.

Paine on Society and Government

The political philosophy of Paine was not only destructive but had a constructive aspect too. Paine emphasised the distinction made by the 18th century philosophers between society and state and demanded that the civil government should be as cheap and as restricted as possible. The state and society were not only different but had different origins, the former being artificial, the latter natural in growth. "Society is produced by our wants, and government by our wickedness; the former promotes our happiness *positively* by uniting our affections, the latter *negatively* by restraining our vices—Society in every state is a blessing but Government even in its best state is but a necessary evil—Government, like dress, is the badge of lost innocence"⁵ Paine held that "all men are of one degree and consequently that all men are born equal and with equal natural right".⁶ Men formed civil government "not to have fewer rights than they had before but to have those rights better secured". The state was held together more by identity of interests than legal coercion. Paine minimised the importance of government and exalted that of the society. He was for restricting the functions of government to a narrow and subsidiary limit. To him, the 'best political society will be that in which the civil government is least in evidence'.⁷ The rights of man suggest limitation of government. The creation of law and the administration of law were, to Paine, the only two functions of government. Paine was therefore for a policy of political *laissez faire* on the part of the government. On the other hand he magnified the importance of society by saying that society was not only natural but essential because of the diversity of human needs. Society was all powerful. "The instant formal government is abolished, society begins to act."

⁵ *Commonsense*, by Thomas Paine, p. 1.

⁶ *The Rights of Man*, by Thomas Paine

⁷ *The Social and Political Ideas of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 113.

Natural Rights and Written Constitutions

Living in the Age of Reason, Paine laid emphasis on the natural rights of man for "natural rights were the foundation of all civil rights". The individual loses no other right on the formation of the government but the right to use force in defence of his natural rights. "Society grants him nothing; every man is a proprietor in society and draws on the capital as a matter of right."⁸ It follows, therefore, that (1) every civil right grows out of natural right, (2) civil power is made of the aggregate of that class of natural rights of man which he cannot employ effectively, and (3) the power made of the aggregate of such natural rights cannot be made to destroy the natural rights. Paine held that it was not only necessary to limit the authority of the government but that the "exact and detailed definition of its authority must be embodied in a constitution"⁹ and from this point of view the English political system was very defective. Written constitutions alone could secure the natural rights and popular liberty from being encroached upon by the government. To Paine, a constitution was not an ideal but a fact. It must be visible. A constitution is antecedent to government; the latter is a creature of the former. It is not the government but the people who make the constitution. A constitution must be a detailed document 'to which you can refer and quote article by article' and should not confine itself to laying down general principles. To Paine, England had no constitution. Paine was very enthusiastic about the American constitution, whose relation to liberty he characterised as being like that of grammar to language. Believing in human and therefore also political progress, Paine commended the provision for revision and amendment of constitutions.

Classification of Governments

Paine's classification of government bears the influence of Montesquieu and Rousseau. To him, a mixed type of government was a *reductio ad absurdum*. Governments were ultimately either hereditary, *i.e.*, based upon force or representative, *i.e.*, based upon consent. The first represented the corrupt form. "Representative government alone was consonant with reason and liberty." Paine was for a republican government built upon universal suffrage and run by representatives elected by the nation. "By ingrafting representation upon democracy we arrive at a system of government capable of embracing and confederating all the various interests and every extent of territory and population".¹⁰ Paine did not recognize the three-fold division of

⁸ *The Rights of Man*, by Thomas Paine.

⁹ *The Social and Political Ideas of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 114.

¹⁰ *The Rights of Man*, by Thomas Paine.

government into the legislative, executive and the judicial. He would have only two divisions of government, *i.e.*, (1) legislative for making of laws and (2) executive for administering them. The judicial power, to him, was a part of the executive power. The legislative power was certainly superior to the executive. Paine was for a unicameral legislature which might be subdivided into two or three sections by lot. One-third of the delegates must retire annually to keep the representation in a state of constant renovation. To Paine, all legislative enactments were not laws. "All laws are acts but all acts are not laws" and again "laws are only those acts of the assembly or commonwealth that have universal operation or apply to every individual of the commonwealth."

In restricting the functions and authority of the government, Paine showed an ardent individualism but in the last section of *The Rights of Man*, he showed a measure of socialistic outlook, and gave a programme including compulsory education, reform of poor law and a plan for a League of Nations. Paine was opposed to war and hereditary dynasties. He advocated limitations of armies and navies and promotion of international commerce as leading to international solidarity. He could not endure to see 'age going to the workhouse and youth to the gallows' and drew up a plan of national reorganisation incorporating reduction of salaries of officials, granting of family allowances and old age pensions and a system of educational grants.

Paine wielded a mighty influence on his own generation. *The Rights of Man* of Paine was so dangerously popular that the English government had to proscribe it. It represented a good rejoinder to Burke's *Reflections*, on whose defence of aristocracy and denunciation of democracy Paine remarked with characteristic heat and eloquence. "He (Mr. Burke) pities the plumage, but forgets the dying bird". In the days of the French Revolution, when political institutions changed with startling rapidity, Paine's destructive political ideas were more impressive than his constructive and positive political and social philosophy. To Paine, destruction was as necessary as construction. Paine had no reverence for the past and could not view the state as a natural organism as his opponent Burke did.

THE FRENCH DOCUMENTS AND CONSTITUTIONS

Their Political Theories

The one great idea of the revolutionary era was that written constitutions were necessary in a free state. This idea gave rise to a number of documents, and written constitutions during the course of the French Revolution. A number of revolutionary philosophers published their model Declarations of Rights. The French Revolutionary writers believed that it was necessary to

make the fundamental principles of political philosophy form a part of the public law. Hence, the Declarations of Rights of Man in 1789, 1791 and 1793. In many respects, the French Declarations were modelled after the American Bill of Rights, though they were more elaborate and logical than the latter.

The French Declarations of Rights embodied certain general principles, *viz.*, (1) men are from birth free and equal in rights; (2) every political association is designed to maintain the natural and inalienable rights of man which are liberty, property, security and resistance to oppression; (3) legal equality for all—to the French, liberty meant equality of subjection to law, whereas to the English, it, on the whole, connoted the absence of interference by government; (4) right of all to participate in legislative work, either in person or through representatives. To the French, security meant freedom of opinion and expression, of movement and of peaceful assemblage. According to the Declarations, property was to be subject to equal taxation and was to be compensated for when commandeered by the nation. The French Declarations tended to emphasize equality more than liberty and to confuse liberty with democracy. The sovereignty was made to reside in the nation exclusively and was to be 'one, indivisible, inalienable, imprescriptible'. Its powers were to be delegated to different branches of government. This made the separation of powers necessary. The nation had the right to change its constitution. It had the right of revolution.

Written constitutions were issued in 1791-93-95. The Constitution of 1791 adopted Rousseau's idea of popular sovereignty, Montesquieu's idea of checks and balances and Sieyès' doctrines of representative government and periodic constituent assemblies. The constitution retained the principle of monarchy but the real powers were assigned to a uni-cameral legislature. The Constitution of 1793 was even more radical because it was drafted under Jacobinical influences. It added to the rights of citizens. It decreed universal adult male suffrage, recognized the right to work or to livelihood, provided public education for all and gave all power to an annual uni-cameral legislature. "The principle of separation of powers was abandoned for the theory of direct popular control." The Constitution of 1795 was more conservative than the previous ones. It refused to recognize many natural rights, incorporated as such in previous constitutions, restored property qualification for voting, brought about a separation of powers and created a bi-cameral legislature and an independent executive. After 1794, the craze for constitution-making was practically over. The Constitution of 1800, drafted by Sieyès, was calculated to put up an efficient system of centralised despotism under Napoleon.

Both Rousseau, and to a lesser degree Montesquieu, exercised their influence in moulding the principle and practice of the French Revolution. But the ideas fundamental to the Revolution really belongs to the two French thinkers, Sieyès and Condorcet. These thinkers emphasised that (1) popular privilege is fundamental—the privileged position of the aristocrats must be destroyed; (2) political institutions must be under popular control. The suffrage must be universal; (3) the constitution of the state is binding upon the state and its legislature, but the nation is above such a constitution—the nation and not the government could change the constitution; and (4) every man is the possessor of a body of pious rights—natural rights—which no state can interfere with or destroy.

The Revolutionary period, from one point of view, may be divided into two periods, *i.e.*, 1789-93 and 1793-96. In the first period, Montesquieu was the chief influence and in the second Rousseau, though both had something to do with the period as a whole. Before 1793, France was, on the whole, an individualist state. It aimed at exalting the individual Frenchman by removing the age-long barriers, social economic and political, etc. The rights of the individual were jealously defined and guarded. After 1793, there was a change. The state was no more individualistic. The rights of man were defined but these were no real rights. Everything belonged to the state. The Jacobins made grandiloquent proclamations, but freedom was really a matter of definition by government. The rights insisted on were the rights to public education, to liberty, to security and the right of resistance to governmental oppression. In 1793, two things were noticeable, *i.e.*, (1) to the list of rights was also added the list of duties, though the latter were not very onerous, and (2) freedom of opinion was recognized, but could not be used save by permission of the state. The same applied to other kinds of freedom. The rights of the Frenchmen were rights, the substance of which was decided by the government, *i.e.*, by the Jacobins. What is true of rights is also true of popular sovereignty. In 1789, the doctrine of popular sovereignty represented an all-inclusive formula. In 1793, the sovereignty really belonged to the Legislative Assembly. The attitude towards property in the two periods was also different. Between 1789-93, the state could not commandeer private property without due compensation. After 1793, it could be seized by the state without compensation. The attitude towards the right of association, too, was different in the two periods. In the first period, the people could associate freely. After 1793, the law forbade all associations of more than 20 persons without permission. This was to prevent workmen from co-operative action. Before 1793, the French attitude was cosmopolitan, after 1793, due mainly to incessant war, it became intensely nationalistic.

Influence of the French Revolution

Many ideas of the French Revolution were derived from the American Revolution. The French Revolution was much more general in character than the American. Its importance from the point of view of political philosophy, lies not so much in any original contributions it made to political thought but in the emphasis it laid on the following:—

1. The rights of nationality. The French Revolution gave a sort of sacred character to the national system. In its origin, the idea of the rights of nationality was American, but it was intensified by the French Revolution.

2. The idea of deliberate constitution-making. This idea, too, had an American origin, starting with the Federal Constitution of 1787 and the Massachusetts Constitution of 1791, etc. In France, during 1789-99, no less than 140 schemes of constitution-making were proposed. All these emphasised the idea that political constitutions could be as much a result of deliberate choice as of slow evolution.

3. Notion of political rights, *i.e.*, the right to franchise, to take part in public affairs as also the right to change the government. The French Revolution was not very much concerned with the general body of social rights and elaborated the political rights in a rather narrow sense.

4. The notion of centralization was stimulated by the French Revolution, but this tended ultimately to make the masses apathetic towards governmental activities.

5. The French Revolution promoted the transference of political power from the aristocracy to the bourgeoisie all over the world. The political power, in spite of the theory of popular sovereignty, gravitated, not to the masses, but to the middle class. It was transferred to the small property-holders.

General Significance of American and French Revolutions

The American and the French Revolutions gave practical trial to some political systems that appealed to the political philosophers of the mid-eighteenth century. The simple principles of a rational theory of state and government were embodied in constitutional codes. Nature, universal and immutable, was the basis of these codes. Liberty and equality for every individual were provided therein. The natural rights were converted into civil rights and the sovereignty of the people was recognized by the extension of manhood suffrage acting through a representative body, the majority representing the sovereign will. Theoretically, the American and French systems of government were perfectly democratic, but not so in practice. In America, in spite of the Bill of Rights, Indians, Negroes and the Loyalists found no security for life, liberty and property which in France

was, due to the exigencies of war, denied to the royalists and aristocrats, etc.

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CHAPTER XX
POLITICAL THOUGHT DURING THE
REVOLUTIONARY ERA

ENGLISH THINKERS

ENGLAND was sharply divided in its attitude towards the American Revolution. While the Tories and the Court party denounced the American colonists as rebels, the Whigs, including Chatham and Burke, showed considerable sympathy with the colonists. The Whigs, on the whole, felt that the colonists, as Englishmen, were fighting for English liberty. The English Whigs, proud of 1688, were in hearty agreement with the colonial theories of natural rights and the right of revolution. There were some Englishmen who ignored the question of the legality or otherwise of taxing the colonies and the consequent colonial opposition. These people, under the leadership of Burke, opposed the governmental policy of coercion, not from the point of view of principle or right, but from the standpoint of expediency.

The French Revolution, on the whole, received less sympathy from England than the American Revolution, though in its earlier stages the English response to the French Revolution was considerable. The official English Whig view of the early stages of the Revolution was typified by the famous statement of Fox on the fall of the Bastille, *i.e.*, "How much the greatest event in the history of mankind and how much the best". The period of the early stages of the French Revolution coincided with the radical revival in England which had also been stimulated by the success of the American Revolution. Radical societies and clubs were founded to overhaul the British Parliamentary system and to imitate the French. The first note of warning and reaction against this enthusiasm came from Edmund Burke, who published his *Reflections on the French Revolution* in November 1790. The conservative views of Burke, though opposed by Paine, Godwin and others, represented, on the whole, the views of the bulk of the English nation.

EDMUND BURKE

Burke, an Irishman by birth, began his political career as Secretary to the Whig leader, the Marquis of Rockingham. He was a man of lofty ideals and high moral and intellectual attainments. His zeal and industry were extraordinary. By virtue of his high qualities, he succeeded, within a short time, in making his mark in the Parliament which he entered in 1765. Throughout his life, Burke remained an Old Whig apologist and, therefore, his political utterances, speeches and letters, etc., show a lack of detachment or philosophical impartiality. He often

allowed the party spirit to cloud his judgment. Burke did not belong to any particular school of thought and had no spiritual ancestry to speak of. He did not write any formal treatises expounding his social and political ideas. These have to be culled from his speeches, letters, etc., which, as they were related to current politics, represented applied political philosophy at its best. The political career of Burke might, for the sake of convenience, be divided into two periods, *i.e.*, 1769-89—the period of advocacy of reform as shown by his *Thoughts on the Causes of the Present Discontents*—and 1789-97, the period of opposition to Revolution when he parted company with the New Whigs on his attitude towards the French Revolution and became the champion of philosophic conservatism, *viz.*, his *Reflections on the Revolution in France*.

Burke's Theory of State

Burke represented a reaction against the rationalizing spirit of the Age of Reason. Like Montesquieu, Burke studied political problems from historical, and not philosophical point of view, and lifted the ban on the historical method imposed by Rousseau. Though belonging to the Whig Party, of which Locke was the political prophet, Burke did not believe in the cardinal points of Lockean philosophy, *viz.*, the theory of social contract and the natural rights of man. He did not formally repudiate the social contract theory and avowed that "society is indeed a contract" but his definition of this contract as 'a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection',¹ a partnership between the past, present and future generations, killed the essential spirit of social contract and presented the idea of society as an organism with roots struck deep into the past. Burke emphasized the religious basis of society. To him, "civil society rests on spiritual foundations", for, "man is, by his constitution, a religious animal". Not only society but state also is of divine institution. The political community had, to Burke, a biological development. It was more like an organism than an organisation. It was possessed of some kind of life, subject to growth and change. It was because of this view of state that Burke realized that the circumstances constantly changed and as they changed, old institutions became obsolete and needed modification or removal. This explains why Burke was opposed to theorising about the state on the basis of abstract and immutable philosophical principles of universal application and relied on the historical method of enquiry and experience. In his *Vindication of Natural Society*—a satirical pamphlet—Burke poured scorn on the natural law philosophy and denied that society could be reformed by abstract human

¹ *Reflections on the French Revolution, Burke's Works, Vol. III, p. 359.*

reason. Burke, himself a creature of circumstances, attached much importance to circumstances. Burke was a conservative reformer. Ideals, he held, must be applied to practical conditions. Reforms must be embedded in the past. Burke viewed political philosophy as a body of principles generalised from experience. He rescued political philosophy from the excess of abstraction but went a little too far in this direction.

Burke on Natural Rights

Burke repudiated, on the whole, the Lockean conception of natural rights as he did the theory of social contract. He did not formally repudiate the inherent primary right of individuals, *i.e.*, the right to life, liberty and equality, but he ignored them. Burke was against deductive thinking in politics. He would not discuss rights. The only rights he commonly admitted as valid were rights based on the civil laws of the state, provided the civil laws were in conformity with the divine laws of God, the latter being superior to all types of law. "To be a people, and to have those rights are things incompatible. The one supposes the presence, and the other the absence, of a state of civil society. Man cannot enjoy the rights of an uncivil, and of a civil, state together." To Burke, the full recognition of natural rights, would lead to anarchy. "Natural rights were national wrongs." Burke was a true upholder of the doctrine of inequality of man after the true fashion of Whig aristocrats. "All men have equal rights but not to equal things." To Burke, rights in abstract were wrongs in concrete. To him, the restraint of passions and liberties, too, was one of the rights, for true freedom in the state, as in the church, lay in the curbing of desires. He viewed a Declaration of Rights of Man as 'a sort of institute and digest of anarchy'. The institution of society suppresses the abstract rights. Burke characterised Rousseau's *Social Contract* as 'chaff and rags and paltry, blurred shreds of paper about the rights of man'. He did not deny the state of nature but would not allow it to have any bearing on his theory of state. He conceived of liberty as 'regulated liberty inseparable from justice'.

Burke on America

Burke's *Speeches on the American Revolution* show him to be possessed of remarkable political sagacity. He composed his *Speeches* in the spirit of a practical statesman, rather than as a doctrinaire philosopher. To him, the American question required to be handled, not on the basis of abstract rights, but concrete interests; not on the basis of legality, but on that of expediency. "The question will be, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy."² Burke insisted that in politics danger gene-

² *Works of Edmund Burke*, edited by Bohn, v. 475.

rally arose from the discussion of abstract theory. He held that, in spite of the legal rights of the Parliament to tax the American Colonies, its colonial policy was bad and oppressive. Burke could sacrifice truth to peace for the sake of expediency. To him, magnanimity in politics often represented the soundest political policy. Prudence was the standard of all political virtues. In relation to America, Burke showed himself to be a liberal-minded Whig. His liberalism, however, was based not on any theoretical basis of rights but on the practical basis of utility. He was always on the side of experience, expediency, and utility and not on the side of abstract philosophy. Though a champion of philosophic conservatism in general, Burke's attitude towards not only America but also Ireland and India was that of a Liberal. He was on the side of the future in the case of these countries. He was the first British statesman to comprehend properly the moral import of the problem of the conquered and subject races. He feared that imperialism abroad might breed despotism at home. But, whether he was dealing with the subject races or with England or France, he always made his appeal to expediency against abstract right, to experience against dogmatism. He refused to consider abstract rights or legality if they were pitched against humanity, reason and justice. With him, the question of right mixed itself inextricably with considerations of expediency and circumstance. Burke was in line with Bentham and Hume in rejecting abstract ideas of right and in relying on expediency. His expediency included reason, justice and humanity, but could degenerate into blind passion as shown by his unreasonable defence of the rotten institutions of the *ancien regime* in France.

Burke as a Conservative Reformer

"Burke, as a conservative reformer, was equally opposed to Jacobitism and Jacobinism."³ He was for a cautious improvement in the working of the old established institutions. He almost deified Order and, therefore, banned "irrelevant innovations that paid no regard to venerable tradition". He "was always a reformer and never a revolutionary; always a Conservative and never a Tory."⁴ He sums up his own view of reform in the statement—"The disposition to preserve and the ability to improve, taken together, would be my standard of a statesman." "If I cannot reform without equity, I will not reform at all."⁵ Again, "All the reformations we have hitherto made

³ *The Social and Political Ideas of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 97.

⁴ *The Social and Political Ideas of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 98.

⁵ *The History of Political Science*, by R. H. Murray, p. 295.

have proceeded upon the principle of reference to antiquity".⁶ In his *Thoughts on the Causes of the Present Discontents*, Burke delineated the troubles that beset the government and the nation and cursed the double-cabinet system and the subservience of the Parliament to the King's friends, and yet he presented his Economic Reform Bill as a substitute for any Bill embodying a scheme of organic reform of the political constitution which he disliked. He thought that the British Constitution was as good as could possibly be and, therefore, conservative by nature as he was, he opposed all attempts to lower the suffrage, to abolish the rotten boroughs, to add to the county representation or to make any changes in the structure of the Parliament. He would not allow any meddling with the fundamentals and tried usages of the constitution. Burke believed in liberty alright, but liberty must be based on order. In his political reform, he would neither imitate foreign political institutions nor follow abstract reason, but would accept the guidance of 'the rule of equity and utility, founded on, and preserving the rights and liabilities which exist'. Burke insisted that the rights of property were fundamental. In fact, property was, to him, the right index to power and, therefore, property rights must be jealously safeguarded. Any reforms or changes must not harm any individuals and the method of change must be regulated by past experience. Burke, in fact, laid more emphasis on preservation than on reform, for, he believed that a state given to radical changes was courting disaster. And yet, he believed that change of circumstances necessitated modifications of old institutions. "As a political reformer, Burke combined in himself devotion to liberty with respect for authority; hope for the future with reverence for the past a sane conservatism with cautious reform."

While many Whigs viewed the French Revolution as being similar to the English Revolution of 1688, Burke compared it to that of 1649. A wholesale destruction of ancient institutions, political, religious, social and economic, aroused his essentially conservative wrath. The founding of political clubs and consequent political agitation still further intensified Burke's hostility to revolution. Burke was no democrat. He did not believe in popular sovereignty and would not allow the common people to participate in politics actively. In his *Reflections on the Revolution of France*, he vigorously denounced the character and content of philosophy of the Revolution. As the Revolution in France proceeded, the *Reflections* were followed by:—

1. *Letter to a Member of the National Assembly* (1791).
2. *Appeal from the New to the Old Whigs* (1791).
3. *Thoughts on French Affairs* (1791).
4. *Letters on a Rigid Peace* (1793).

⁶ *Political Thought in England, from Locke to Bentham*, by H. J. Laski, p. 189.

In the true spirit of a partisan, Burke took a wholly one-sided view of the Revolution in his *Reflections*. He belittled the genuine grievances of the third estate and overestimated the merits of the French monarchy, aristocracy and ecclesiastical hierarchy. He failed to understand the complexity of causes which rendered the Revolution inevitable but then he alone in his time understood the full significance of the great event. To him, the Revolution was undermining the existence of the state and the society and imperilling the very life of the French nation. Burke predicted the course of the Revolution with remarkable foresight as leading to a republic, anarchy, war and military dictatorship. His *Reflections* decided the English attitude towards the French Revolution.

Repudiation of Fundamental Revolutionary Principles

Burke fiercely contested the fundamental principles of the French Revolution such as the doctrines of natural equality, popular sovereignty, right of revolution, majority-government and written constitutions. He was too much of an aristocrat to believe that men were born equal. He was a firm upholder of the inequality of man and therefore of the division of society into the ruler and the ruled. Repudiating in substance the current Lockean notion of the social contract, he denounced its natural corollaries, *i.e.*, natural rights and popular sovereignty. He would not give any conventional basis to government which would allow the retention by the individual of any of his rights. "Government is a thing apart from natural rights; it is contrived to provide for men's wants and to restrain their passions" which can only be done by a "power out of themselves". Government is a contrivance of human wisdom to provide for wants of man, when the individual loses his abstract rights. Political society or government may have originated from an agreement between individuals. But in a well-ordered state the individual will or a number of such wills are not the abode of sovereignty. Society does not mean so many heads or so many wills. "It is a natural organism and a social discipline." Man is born to be a citizen in that he is born into an existing social order and is attached to it automatically by a system of mutual duties anterior to him. A man born into a society is under obligation to respect the institutions of that society. Duty to society cannot rest upon formal consent, for without social duties, society is impossible. The political and social institutions of a society are not an individual's creation and yet they rightfully impose duties on him.

Burke scorned the idea of government by majority. He ridiculed the idea of creating a political society by a social contract and the idea of the sovereignty of this community to be exercised by the majority. "First there is a fiction to make one corporate person of many men; then another fiction to

enable a majority to act as this one person.”⁷ Again, in “establishing a state unanimity is indispensable, and after the state is established, the people as a mass of independent units no longer exists, having been replaced by the organisation and relationships created by the social union.” The state, to Burke, that follows nature is ~~necessarily aristocratic~~. A joint action presumes an element of leadership; otherwise the objects of the co-operative action cannot be achieved. A natural aristocracy is observable in every large body properly constituted.¹ His alliance with the Whig party and his essential conservatism decided Burke's attitude towards the right of revolution. As the inheritors of the Glorious Revolution of 1688, the Whigs could not denounce the theory of the right of revolution. But Burke justified a revolution only as the last remedy. To Burke, the state and society were founded on religious faith and were integral parts of the same whole. Naturally, he could not unreservedly approve of the right of revolution. Burke did not believe in the theory of divine right of kings and yet, to him, the powers that he were ordained of God and resistance to them was to be shown only in the case of direst necessity. Burke was against absolute monarchy.

One of the greatest contributions of the revolutionary era was the notion of written constitutions as the only safeguard of natural rights of man against governmental usurpation. Burke had no patience with the idea of a written constitution. A constitution means definitions but ‘prudence is cautious how she defines’. Burke was ‘resolved not to be wise beyond what is written in the legislative record and practice’. Showing ‘respect due to the continuity of the present with the past, and to associations which cannot be replaced, he looked on the analysis of the ultimate forces of society as a kind of sacrilege’. To him, constitutions grew and were not made. His theory of constitution was just a description of the British constitution in which the civil and political forces operated with regularity; king, parliament and the courts had their authority from law and the customs of the land like liberty and property were secured by law; policy was based on political expediency and not on abstract formulæ of right and justice; checks and balance were the essence of the system and liberty and authority were duly regulated. To Burke, a simple governmental system based on a written constitution was defective because “the state must be viewed as a practical concern, making necessary adjustments and compromises rather than as an abstract concept of pure reason”. Experience of mankind and the institutions in which it has expressed itself are a better guide than abstract reasoning. Burke would have none of the arm-chair constitutions, imposed

⁷ *History of the Science of Politics*, by Sir F. Pollock, p. 93.

fresh from outside because he believed that each people had its own national genius as expressed by its own customs and institutions. As such, each people must evolve its own system of government and must not imitate foreign systems based on philosophical concepts. The constitutions of the different countries were so by divine ordination, had a moral purpose behind them and must be reverently supported by men.

Criticism of Burke's Eulogy of the British Constitution

Burke's eulogy of the British constitution was exaggerated. His picture of it was remote from facts. Burke realised the defects of the Whig oligarchy but would not allow the alternate solution, *i.e.*, a democratic government. In the days of rotten boroughs he was against both the extension or reduction of franchise. He would not recognize that the period of privilege was over. He would allow the public no share in politics. Burke revered the past and yet refused to see that the revolutionary spirit was a product of the past. Burke did not realise that in England class distinctions were more vital and were growing deeper than the harmony of interest and yet he would not allow any radical changes in the body politic of the country. Like a true bureaucrat, Burke was for good but not for self-government. Burke, with all his wisdom, was more a coiner of some happy political maxims than the creator of a regular system of political philosophy.

Estimate of Burke

Burke's importance as a political thinker lies in his insistence on the importance of the actually existing institutions and on the evolutionary nature of any reforms to be made in them. These reforms must be based on the realisation of the complexities of human and political life for which pure philosophy would not do. "The most conspicuous general features of his political outpourings are, first his avoidance of abstract political speculation and his denunciation of the metaphysical treatment of practical affairs; secondly, his insistence on the empirical nature of the art of government; thirdly, his appeal to history and experience as the only satisfactory guides in administrative matters; fourthly, his emphasis on considerations of expediency rather than on arguments based on rights, in all debatable problems of policy; and, finally, the essential moderation of all his opinions even when he expressed those opinions with extreme immoderation of language."⁸ Burke gave a decent burial to the theory of social contract with all its attendant implications. His reverence for the past, *i.e.*, his sentimental traditionalism and his

⁸ *The Social and Political Ideas of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 89.

idea of the essential sanctity of the state gave a sort of majestic colouring to his political philosophy.

The prophetic insight into the course of the French Revolution increased the influence of Burke and his writings. Young statesmen like Canning, after a temporary lapse, veered round to the defence of the old order in England. Men like Disraeli took their cue from the progressive conservatism of Burke. Men of letters like Wordsworth, Coleridge and Southey, disillusioned by revolutionary excesses, began to follow Burke and started the Romantic Reaction. Burke is the spiritual ancestor of modern conservatism which is as progressive as it is cautious.

Burke's reflections, as we have seen, were answered by Thomas Paine in his *Rights of Man* and by James Mackintosh in his *Vindicie Gallicae* (Defence of the French). Mackintosh took up a very simple line of argument in his Defence. "The Revolution is the natural reaction of men against the burden that they had come to feel as intolerable." But Mackintosh soon fell under the influence of Burke and disavowed his old theories. By 1796 all faith in the French Revolution was practically destroyed in England because of the fear of subversive revolutionary societies existing in England, in spite of the fact that the English movement represented only a generous and superficial outburst for the ideals of the Revolution across the channel. Besides Paine, there was only one political thinker of some importance who retained his enthusiasm for revolutionary doctrines and he was William Godwin.

WILLIAM GODWIN

His Spiritual Ancestry

William Godwin, in his religious as well as political views, underwent a radical change during his long life. Born a non-conformist, he passed into calvinism, then deism and finally agnosticism. His politics, too, changed from Toryism to Whiggism, then radicalism and finally anarchy. In 1787 Godwin was appointed Editor of the *Whig New Annual Register*, an anti-Burke Journal. Throughout his life Godwin read and wrote extensively but almost all his social, economic and political ideas are contained in his "An Enquiry Concerning the Principles of Political Justice, and Its Influence on General Virtue and Happiness". His Enquiry contained very little that was original. "From Locke and the empiricists he borrowed his ideas of the nature and structure of mind; from Rousseau, Helvetius and Holbach he learnt the effects which education and political institutions have on the formation of character; from Mably and others he accepted the idea of the uniformity of truth; Paine taught him the distinction between society and government; and from all these writers he took over the criticisms of monarchy and aristocracy. His criticism of private property is obviously

inspired by Mably and by Wallace, and to a less extent by Plato and Sir Thomas More".⁹ This huge indebtedness naturally made the *Political Justice* a treatise touching on almost all the problems associated with the latter half of the 18th century. There is a social purposiveness running through the book. The treatise represents a sort of 18th century utopia.

Godwin's Individualism

The tone of the *Political Justice* is distinctly individualistic. It regards society as "nothing more than an aggregate of individuals". It abounds with the idea of progress and human perfectibility. Human "inventions are capable of perpetual improvement." History showed that there was progressive improvement in the emancipation of human reason. Godwin believed in an immutable moral law from which deductions regarding a society might be made. Property was the fundamental problem of human society. "Republicanism will not solve the social problems." The solution lies in the redistribution of property. Godwin's idea of the perfectibility of man led him to lay emphasis on leisure and education as necessary for realisation of democracy. There is reason latent in every human being and it must be developed fully. Education was the only medium of progress and reform. Godwin was against reform based on violence. He conceived of politics as 'the general science of human virtue and happiness'. His political treatise was, therefore, not only a treatise on politics but also one on ethics and philosophy, on individual and social psychology and on education and religion.

Uniformity of Human Nature

Godwin believed in the essential uniformity of human nature. All minds at birth represent a *tabula rasa* but all men are born endowed with reason and, therefore, what is required for any individual is "improvement of his reasoning faculty to make him virtuous and happy". Godwin rejects the idea of free will though he believes in a 'potential reasoning faculty'. Character is determined by environment alone. All human beings have equal, moral and intellectual potentialities. Godwin conceived of the universe as a system of cause and effect governed by a code of immutable moral laws, based on the attainment of virtue and happiness. His ideas of the uniformity of human nature and of moral code made Godwin conclude that (1) there can be no inherent rights in the political sense. The moral law prescribes social duties but not rights, (2) there is no such thing as real legislation, for legislation means only the interpretation of the immutable moral law, (3) no obedience is due to the govern-

⁹ *The Social and Political Thinkers of the Revolutionary Era*, edited by F. J. C. Hearnshaw, p. 146.

ment. Government uses force while men should be guided by reason. The rules of conduct should be based on reason and justice and not force, *i.e.*, government, and (4) there is one best form of government, for truth is one at all times and places and also human nature is uniform.

Godwin believed that there were three principal sources of moral improvement, *i.e.*, literature, education and political organisation. These three factors have large powers of suggestion and are creators of healthy environment. Godwin was very alive to the pernicious effects of bad social environment and institutions. Institutions, external to an individual, which affect his upbringing are government, law and property.

Basis and Forms of Government

Godwin rejects as foundations of government either force, divine right or contract and thinks that 'common deliberation is the only true foundation of government'. Because of the community of human needs and endowments people form a government. Yet, to Godwin—a philosophical anarchist—'government is an evil, an usurpation upon the private judgment and individual conscience of mankind',¹⁰ to be eliminated with the gradual 'illumination of human mind'. Government represents coercion and all forms of coercion are wicked. Godwin condemned monarchy in all its forms as an evil. Aristocracy was still worse because it multiplied the evils of monarchy. Godwin gave his approval to a representative democracy but added later on that national assemblies must meet very infrequently, *i.e.*, during emergencies or on a single day every year. This really means that, to Godwin, government in all its forms was an evil. He was against majority rule, for 'universal consent cannot convert wrong into right'. Godwin advocated the dissolution of the institution of government by stages. The government was to be steadily broken up into smaller and yet smaller self-governing communities with a uniform organisation. He was for the division of the state into small parish units organised for the suppression of injustice. Ultimately all political organisation, even the parish units, must disappear. Each man would then become a sovereign unto himself and would be ruled by his inclination and conviction. Godwin advocated a communistic anarchism.

Godwin denounced law because of its vagueness and uncertain nature. "Law is only necessitated by, and relative to, the exercise of political force" and is, therefore, an evil because all coercion is evil. The enforcement of law by a system of punishment is bad. In his treatment of law and crime, Godwin was considerably influenced by Beccaria. Denying the existence of free will, Godwin believed that a murderer was not responsible for his murder. His mind was not a free agent. Godwin

¹⁰ *Political Justice*, by William Godwin, p. 380.

denounced property as the greatest source of evil. Property is bad because it creates a degrading sense of dependence, corrupts the moral sense of man, discourages intellectual development, multiplies sin and is the basic cause of war because it keeps the country in a state of under-population. Godwin, therefore, advocated the abolition of all property. His own system of distribution of property was to him, based on justice. Everyman's possessions must be regulated by his needs.

THE CONTINENTAL REACTIONARY THOUGHT

MARQUIS DE BONALD

In England more than on the continent the anti-revolutionary doctrines were popular and in full swing. But the philosophy of the French Revolution was denounced by a number of continental writers too. A French nobleman, Marquis de Bonald, who based his political philosophy on metaphysics and religious dogma, denounced the Revolution and upheld the *ancien regime*. His (1) *Essay on the Natural Laws of the Social Order* and (2) *Primitive Legislation* represent a catholic reactionary philosophy. To Bonald, the revolutionary doctrines were atheistic and unsocial because they ignored the essential unity of religious and political society. Human knowledge is concerned with cause, means and effect. In society this is represented by the sovereign, administrators and subjects. Such an arrangement expresses the universal and eternal rule of nature and provides a sovereign to will, a ministry to execute and subjects to obey. Bonald tried to prove the utility and rationality of a hereditary absolute monarchy and a privileged nobility. Monarchy is inevitable because many may will but one must give the determining volition. Monarchy goes for stability, order and preservation and is, therefore, a natural system of government for a society. The nobility is the necessary agent of the monarchy. The end of the nobility is the service of the state by an offer of ability and experience.

De Bonald did not see any equality in nature. Equality is incompatible with the first principle of order.

JOSEPH DE MAISTRE

De Maistre was a Savoyard nobleman, who became French due to the annexation of Savoy by France. His works include (1) *Soirees de St. Petersburg*, (2) *Considerations Sur la France* (1797), (3) *Essay on the Source of Political Constitutions* (1814), and (4) *The Pope* (1817). The political theory of de Maistre is inseparable from his theology, like that of a true medievalist. De Maistre found an absolute limit to thought and learning in the dogmas of the Christian faith and the Roman Church.

De Maistre found monarchy indispensable to state and church. It was in accordance with the divine will that during

the Christian era the monarchic principle dominated both in the church and the state. De Maistre did not believe in written constitutions. Human intelligence could not penetrate the mysteries of state. Making of constitutions and governments was foolish. The roots of political constitutions exist prior to all written laws. A constitutional law merely represents an already existing and unwritten right. The greater the number of constitutional provisions in a written constitution, the greater the weakness of the constitution. In politics, human will is ineffective. Constitutions cannot result in liberty and rights. A free nation may make a free constitution, but a free constitution can never make a free nation. Self-consciousness in a people is destructive.

LUDWIG VON HALLER

Repudiation of Social Contract

Haller was a German-Swiss thinker. Haller found the cause of all political disorder in the belief that the authority of man over man originated in a voluntary surrender of individual sovereignty. In order to destroy the theory of social contract, Haller wrote a book of six volumes entitled *Restoration of Political Science or Theory of the Naturally Social State Opposed to the Chimera of the Artificially Civil State*. Haller attacked the Roman juristic idea that men were by nature equal and that political authority originated in delegation of authority by the sovereign people. Haller believed that the social contract doctrine did not correctly represent the system of nature. Not equality but inequality is the rule of nature. All men have the same rights which are fixed by the divine and natural laws of justice and love. But the human needs and powers to satisfy them are different, and on this fact rests the whole system of social relations. The disparity in powers to satisfy human needs is the cause of human authority. One who is powerful and resourceful enough to be independent of others in his own needs and helps others in satisfying theirs is the latter's natural leader while they are his subjects. This principle explains not only governmental but all kinds of authority. Human society is based on a system of relationships based on the principle of control on one side and submission on the other.

Monarchy and Republic the Only Forms of Government

Political authority differs from other types of authority in degree but not in kind. Governmental authority ensures to its possessor independence and abundance of means to help his subjects. An individual who, by reason of wealth, energy, wisdom or other qualities, inherent or acquired, is able to satisfy his own needs and those of others, will knit together round him those whom he helps. This naturally-formed association is a political society and represents a monarchical government. If,

instead of one individual, there is a group of equally powerful and equally independent ones, they form a republic. Haller did not believe in any other form of government but a monarchy and a republic. Political authority originates not in formal pacts but comes partly from the operation of natural forces and partly from individual agreements. It is a result of slow accumulation. It comes from nature through the grace of God. The subject gives up no liberty or right but allows himself to be ruled in return for protection, food, etc.

Haller does not believe in any indefeasible right to sovereignty. The possession of sovereignty is not a matter of moral right. The exercise of sovereignty, on the other hand, cannot be legally called into question. Haller sees no basis for preference in monarchy or republic, for, each is a natural product of particular circumstances. The verdict of history is for monarchy which Haller classifies into (1) patriarchal—based on land; (2) military—based on conquest; and (3) spiritual—with moral or religious basis. To Haller, the monarch is the supreme, but not the sole, law-maker. Law is but a binding expression of will. Whatever is just is binding. The expression of every one that is just is law. The civil law differs from the other laws only in the extent of its enforcement.

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CHAPTER XXI

THE IDEALIST POLITICAL THOUGHT

1 THE IDEALIST SCHOOL IN GERMANY

Its Origin

THE Idealist-Ethical political thought owed its inspiration ultimately to the writings of the Greek philosophers, Plato and Aristotle. The Idealist school arose in Germany about the end of the 18th century and received fresh support in England during the latter half of the 19th century. In Germany, the rise of the Idealist school represented a reaction against the materialistic rationalism prevailing in the latter half of the 18th century due to the teachings of Locke, Hume and other. The philosophers of the Enlightenment looked at human history and human institutions as an expression of human reason. This materialistic rationalism was attacked by Rousseau who valued a man not according to his reason but according to his moral nature. Rousseau's ideas profoundly affected the German philosophers like Kant, who laid the foundations of the Idealist school in Germany.

The Idealist theory is termed variously as the Absolutist, Philosophical, Metaphysical, or Mystical theory of state. It holds, as did Plato and Aristotle, that the state exists for good life and is a moral agency, and that the state is a moral entity of which the individual is a part. The individual has his position in the society and his real significance lies in his membership of the society. The Idealists also, like the Greek masters, bring about a good deal of identification between the state and society.

IMMANUEL KANT

About the time of the French Revolution, Kant was the recognised leader of German philosophy. Yet Kant was a philosopher who contributed nothing new to political philosophy. His chief importance in this field lies in his harmonising and systematising conflicting doctrines. Kant was far happier in his analysis and definition of ultimate concepts like liberty, law, right or state than in his treatment of government and its constitution. For his theory of the state, Kant was indebted to Rousseau, while his analysis of government is borrowed mainly from Montesquieu.

The substance of the political philosophy of Kant lies in his *Metaphysical First Principles of the Theory of Law*, published in 1796, and his *For Perpetual Peace* (1795). Kant holds that men are by nature equal and free and that the state is the product of a contract by which the individuals place their inalienable rights under the guarantee of the whole people. The people is the sovereign and the supreme law-maker. The general will

of the people is the source of law. The adoption of a constitution is the means and an act of the general will through which the mass of individuals becomes a people. The three branches of the government are the legislative, the executive and the judiciary and the separation of the legislative and executive functions is necessary for the maintenance of liberty. The Government may be autocratic, aristocratic or democratic. A government in which the legislative and executive functions are separate is a republican government; otherwise, it is despotic. A rational government must be a representative government, though this representation may be through the king, the nobility or through the deputies.

Inconsistencies of Kant

In his attempt to reconcile his ideas of an ideal state with the conditions prevailing in Prussia in his days, Kant led himself into some inconsistencies. While he repeatedly ascribed sovereignty to the general will of the people, Kant admitted that there were three kinds of sovereign. The sovereign conceived as the general will was a concept of pure reason, an abstraction. "To give it objective, practical reality, it must be expressed in physical form, as one, or few, or many persons."¹ Kant is inconsistent again when on the one hand he says that the legislative power belongs solely to the people, and, on the other, he assigns to the people a ruler who is not a mere administrator but is a legislator, who has rights but no duties and who is above effective control. Against such a ruler-legislator, there is no right of resistance. Kant decried the idea of popular revolutions and proposed constitutional reforms.

In dealing with the state, Kant neither fully rejects nor accepts the theory of social contract. To him, government by consent would weaken the claims of justice and order and government without consent would jeopardize the claims of individual freedom. He dismisses the idea of social contract, after weighing both the positions, by saying, "Whether an actual Contract of Subjection to the ruler was as a fact the first step, or whether Force was the first step and laws only came in at a later state . . . these are for the People, which already stand under the protection of Civil Law, quite empty subtleties, and for the state full of danger."² To Kant the contract does not mean emergence from the state of nature but transition from a lower to a higher form of social organisation.

Politics Bound to Ethics

Kant approaches politics from ethical point of view and bases his philosophy on his conception of the 'moral will'. A

¹ *Political Theories*, by W. A. Dunning, Vol. III, p. 133.

² *Studies in the History of Political Philosophy Before and After Rousseau*, by C. E. Vaughan.

man is free if he enjoys 'autonomy of the moral will'. Individual freedom is not absolute but conditioned by similar freedom of others. It is not unqualified license. True freedom is based on respect for universal laws and respect for rights and liberty of others. A will is free only when it wills rationally and in consonance with the interests of the society. In his conception of right of the individual, Kant follows Rousseau.³ Right is identical with moral freedom and is conditioned by similar rights for all. Rights are correlated with duties.

By binding Politics to Ethics, Kant gave an entirely new orientation to the conception of right, property, law and state, etc. His system of idealism put the absolute truth at the basis of morals, law and politics. The free will of the individual dominated the philosophy of Kant. From an abstract point of view, man represents a rational and free will. Morality, law and politics are concerned with the co-existence, and interaction of two or more rational free wills. Each individual has the right to will. It is morality that guides him to do that only 'which is consistent with the same action, of every other'. Law consists in the possibility of harmonising a general and reciprocal constraint with the liberty of each. The state represents a solution in which the freedom of the individual will is reconciled with the authority of the general will. As to the mutual relations among states, Kant believed that the states could not be entirely independent internationally. "He advocated the subordination of the state to a federal league of nations, in which each state should be subject to the adjudication of a general European will."³ Kant believed that it was the divine intention that mankind should ultimately be united in a world-state.

While Kant attached due weight and importance to collective entities, like the society and the state, his philosophy was chiefly concerned with the rational individual possessing an autonomous will. The attitude of Kant in political philosophy was individualistic. Kant does not prescribe a wide sphere of action to the state which should not, through its laws, interfere much with the moral freedom of the individual. But man is egoistic and is actuated by love of power, gain and glory. The state, therefore, must maintain external conditions of social order and harmony and must take coercive steps to effect this end. The function of the state is to remove obstacles to the moral freedom of the individual.

JOHANN GOTTLIEB FICHTE

Fichte's Intellectual Reactions to Political Environment

Fichte believed in the idealistic philosophy of Kant but his writings, especially his later ones, are profoundly affected by, and in a measure reflect, the political conditions in Europe as

³ *History of Political Thought*, by R. G. Gettell, p. 316.

influenced by the Revolutionary and Napoleonic France. Fichte was one of the leaders of the Nationalistic Revival in Germany against France. The political exigencies of his time made Fichte feel his way from one ideal to another. Each of his political treatises corresponds to one of the turning points in the great European struggle of his day. Thus, in his earlier works, Fichte, like Rousseau, is individualistic and dilates on the individual and his rights, while in his later works, *i.e.*, in his *Closed Commercial State*, and his *Lectures on the Theory of State*, this individualism is replaced by the supremacy of the state and Fichte gives an elaborate theory of state-socialism and of the national state.

In his earliest writing, *The Beitrage*, Fichte joins the political theory of Rousseau with the moral theory of state of Kant. "Fichte is as positive as Kant in placing the moral life of men under the control of universal laws, and in tracing those laws to the sole authority of the human will." Ethics is the sphere of duty and inflexible laws, politics that of caprice. In *The Beitrage*, Fichte allows the individual to get out of the social contract.

To Fichte, an individual is possessed of rational self-consciousness which implies consciousness of other like beings and of a relation between self and others. Like Kant, he conceives of "free, rational beings, realising that their freedom is limited by the freedom of others, uniting their wills into a general will by means of a social contract, in order that the restrictions placed by law upon their free activities might be self-imposed".⁴ There was, to Fichte, no pre-social state of nature, for the state itself represented a man's natural condition.

Social Contract

According to Fichte, a social contract involves three distinct contracts, *i.e.*, the property contract by which men limit their right of free action with respect to the external world of sense, the protection contract by which each agrees to contribute his share of force to maintain the property contract, and thirdly, the union contract by which all individuals unite to form the state for the purpose of enforcing the previous contracts. The individual, however, is not lost in the state which is not to interfere with the free actions of individuals beyond protecting their natural rights.

In his later works, Fichte widened the sphere of governmental authority and activity. Fichte, who had by now all but lost his individualism, believed that property had no existence apart from the state, whose duty it was to give each individual what property belonged to him and to protect him in possession thereof. Each state should represent a self-supporting

⁴ *History of Political Thought*, by R. G. Gettell, p. 316.

economic unit. The state should classify the population into farmers, artisans and merchants and should guarantee to each individual his share of the national wealth. The state should stop foreign trade, or at least carry it on itself. Commercial rivalries were the most potent cause of war. Fichte, too, like Kant, dreamed of the ideal of a world league of nations.

Believing that each nation has its own contributions to make to the progress of mankind, Fichte, in his Addresses to the German People, delivered after the catastrophe of Jena, appealed for the establishment of political and educational institutions for the realisation of the higher mission of the Germans, and urged that the real function of the state was to provide for the moral and intellectual training of citizens and to protect them. Fichte, thus, like Plato, conceived of the state chiefly as an educational institution.

Classification of Governments

As regards government and its constitution, Fichte held that a government might be monarchic or aristocratic, elective or hereditary, but never democratic, for the whole people can never take part in the governmental work. The executive included the judiciary. The legislation represented exclusively the will of the sovereign people and was calculated to provide against the government disregarding the sovereign will. Fichte suggested an institution named Ephorate, whose duty was to watch any violation of the constitution and to provide the machinery, when necessary, for the expression of the sovereign will of the people. If this check on the government failed, the people, as a whole, had the right of revolution.

Fichte's Collectivism

In his *Staatlehre* (1813), Fichte is almost wholly anti-individualistic. He now drops the doctrine of social contract and with it the right of the individual to determine whether or not he shall remain a member of the society. He now asserts that the society originated in armed force and the government in the unlimited power of a providential dictator. Compulsion is the basis of his new political system. The only check on the dictator is his own conscience. The dictator alone embodies rights in himself; other individuals have no rights or liberty. He is the compulsive power ordained of God. Fichte thus preaches a sort of Hero-worship. Fichte pointed out the part played by nationality in the collective life of man. To him, the citizen is a passive instrument in the hands of the state which has the sole right of determining what use that instrument is to be put to. The ideal of each state, to Fichte, no less than to Machiavelli, is perpetual aggrandisement for which war is necessary. Fichte, influenced as he profoundly was by the Napoleonic

Wars and the humiliation of Germany, has, by now, sacrificed the individual to exalt the state.

HEGEL

"Outline of the Philosophy of Right"

George Wilhelm Frederick Hegel represents the climax of German idealism in political thought. Like Kant and Fichte, Hegel, too, based his political system on his system of psychology, *i.e.*, on his conception of positive and self-determining freedom. In his writings, Hegel combined the historical sense of Vico and Montesquieu with the philosophic eminence of Kant and Fichte. The keynote of the Hegelian system is evolution, the evolution of Idea by a dialectical process. Writing during a period of monarchic reaction, Hegel exalted the personality of the National State, represented by its sovereign, to a mystical height. Hegel repudiated much that is Kantian. Unlike Kant, he abhorred the French Revolution. He disliked abstract principles and cosmopolitan ideals and believed in the rationality of existing institutions. If Rousseau and Kant were influenced by classical Rome, Hegel drew his inspiration from the classical Greek city-state, in which "ethical ideals had been wrought into the texture of social life".⁵ Hegel's method was historical, evolutionary and dialectic. To him history showed a process of evolutionary unfolding. Each of its periods has a character of its own which is reflected in all the institutions of the period. Evolutionary unfolding resulted from the fact that every idea embodies in itself its own contradiction and, therefore, there are contracties in nature everywhere. But these contracties are never absolute or mutually destructive. There is a balancing of opposites leading to equilibrium and evolution of a new idea. It must be said that Hegel chooses his contraries rather arbitrarily in presenting his case for the dialectic evolution of mankind.

The political philosophy of Hegel is practically confined to Part III of the *Philosophy of Right*, particularly subdivisions dealing with civil society and state. His whole philosophy is based on three fundamental postulates, *viz.*, (1) all organic processes are dialectical, (2) Reality is an organic process and (3) Reality lies in the Ideal.

Hegel on Freedom

Hegel's idea of freedom was based on the old Greek notion of an individual finding his true personality and his freedom in the state. This represents a reaction against the notion of freedom born of natural rights which characterized the revolutionary era. The social institutions and environment are the media through which an individual finds self-realization and freedom.

⁵ *The Social and Political Thinkers of the Age of Reaction and Reconstruction*, edited by F. J. C. Hearnshaw, p. 53.

There is little freedom outside the state and the civil society. Hegel distinguished between the state and the civil society.

The State as a Natural Organism

Hegel rejected the idea of the origin of the state in a social contract. To him, the state was a natural organism, all organic processes being dialectical. He "viewed the state as the real person, its will as the manifestation of perfect rationality—the synthesis of universal and individual freedom".⁶ The state was not a collection of individuals endowed with natural rights. The individual had no reality apart from the state. "The state is not formed by a grant of certain arbitrarily selected powers from the individual but by taking up into itself the whole circle of his life. The individual, on the other hand, cannot be conceived apart from the community. He is what he is, as a member of it, his whole life—physical, moral and intellectual—is drawn from it". Hegel deified the state *qua* state, calling it "this actual God". He drew no distinction between the Ideal and the Actual for, to him, "the real world is as it ought to be". Reality is idea.

The State

The state is the realised ethical idea. It is "the highest embodiment of reason, the guardian of liberty".⁷ It is the state that enables a man to enjoy his freedom by raising his outward self to his inward conception of freedom. This real freedom which is active and developing is the gift of the state and can exist only in the state. "It manifests itself first in law, secondly in the rule of inward morality which the individual receives from the society, and thirdly in the whole system of social institutions and influences that make for the development of personality".⁸ The state itself is a real personality and has a real will, absorbing the will and personality of the individual. The individual rights emanate from the state and cannot conflict with those of the State. To Hegel, the state was a 'self-knowing and self-actualising individual'. The end of the state is liberty, but liberty cannot be realised without law. Hegel repudiated the notions of Rights of Man, popular sovereignty and Kantian internationalism. To him, liberalism represented a 'simple disintegrative negation'.

It is in the state that the individual, the family and the civil society find their completion and their security. The state represents the unity of objective and subjective freedom. It is omnipotent, infallible and absolute. It is not a means but an end and represents the rational ideal. It represents the 'march of God' in the world. It can claim the allegiance of the individual

⁶ *History of Political Thought*, by R. G. Gettell, p. 318.

⁷ *Studies in Modern History*, by G. P. Gooch, p. 220.

⁸ *Modern Political Theory*, by C. E. M. Joad, p. 12.

to the exclusion of other institution. "Render unto the Cæsar-God the things that are Cæsar-God's, and unto the God-Cæsar the things that are God-Cæsar's."

The state was composed primarily not of individuals but of associations, corporations, guilds and estates and these associations and corporations create that moral faculty in the individual which render him capable of membership of the state. Hegel was against territorial representation. It was the functional interests of the individual that needed protection and for this functional representation was required. Hegel believed in a federal state organised not on territorial but functional basis.

Criticism of the Idealist Theory

The metaphysical theory of state of Hegel is based on the conception that true individuality or freedom lies in conformity with our real will, that our real will is identical with the general will and the general will is embodied in the state. This theory conceives of the state as an end in itself, as the sole criterion of morality and rights and as the supreme incarnation of human reason. Hegelism exempts the state from moral criticism and deifies it. It makes the state an end in itself but it must be realised that the state exists for the individuals and not the individuals for the state. Freedom has meaning only in relation to the individual and the society and the *raison de etre* of the state is the welfare of the individual. The individual is the end of the state and should not be lost in it. The idealist conception of the state reverses this viewpoint. "It was the Hegelian conception of the state which was designed to turn the edge of the principle of freedom by identifying freedom with law; of equality, by substituting the conception of discipline of personality itself, by merging the individual in the state; of humanity, by erecting the state as the supreme and final form of human associations."⁹

The Hegelian theory of the state leads to state-absolutism and goes against the modern notions of liberty and democracy. His conception of the state as representing the realisation of human freedom is belied by such hard social realities as slavery and social, economic and political exploitation and subjection of classes and peoples. But Hegel was right in perceiving a close connection between politics and ethics and in pointing out that individual ethics must conform to public ethics. Hegelism has given rise to two different lines of political thought. His idolising of the state has led to Fascism. His dialectics modified by the materialism of Marx has resulted in communism.

Sovereignty and Government

To Hegel, the sovereignty of the state lay not in the people representing an aggregate of individuals but in the state as a

⁹ *Metaphysical Theory of the State*, by L. T. Hobhouse, p. 23.

legal person. This personality must have an objective reality for practical purposes and, therefore, the king bears the personality of the state. Hegel thus practically identified the sovereignty of the state with the sovereignty of the hereditary monarch. Hegel insisted that the constitution of every state was the result of historical evolution and was the best for it for that particular time. He divided the governments into three parts, *vis.*, (1) legislative, (2) administrative which included the judiciary and (3) monarchic. The monarchic element was very important as a co-ordinating force for the first two elements. These three elements also represented the democratic, the aristocratic and monarchical principles respectively. Hegel opposed the theory of separation of powers on the score that the state was a moral organism functioning as a whole. The king, administrators and the people all must take part in legislation.

Hegel believed that internationally each state was independent and had an individuality of its own. It was not subject to any external law. Hegel believed, with Machiavelli, that the ethical rules applicable to individuals would not apply to international relations. Treaties between nations were of a temporary character. War was a national necessity because perpetual peace would lead to internal disorganisation and decay. Hegel, following Fichte, held that each nation had its own contribution to make to the world because each had its peculiar culture. The history and progress of mankind represent the gradual unfolding of a world-spirit. In each age some people or the other represent this world-spirit. Holding that the goal of the state is the realisation of ideal freedom, Hegel detected four stages through which, by a dialectical process of thesis, antithesis and synthesis, the "idea of freedom has progressed to perfect realisation", *vis.*, (1) the oriental in which the despot alone was free, (2) the Greek and (3) the Roman in which some were free, and (4) the German in which all were free. Hegel thus portrayed the Germany of his day as having reached the highest point of human progress towards the goal of ideal freedom.

HUMBOLDT

Individualism of Humboldt

Ideas for an Attempt to Determine the Limits of the Activity of the State (1792) represents Wilhelm von Humboldt's theory of the state. The title of this essay shows that while German political philosophy under the lead of Kant, Fichte and Hegel was progressively getting away from individualism and leading to state-socialism and the idealising of the state, Humboldt developed his ideas in the opposite direction. Humboldt believed that the state originated in the social contract, entered into by men for their mutual benefit, but he held that the state thus created was not an end in itself. It was one of the many means for the

promotion and realisation of human welfare. The end of man is the fullest development of his powers and the state must help in the realisation of this end by leaving the individual to himself. Full human development comes from the unrestricted play of powers and faculties of individuals which means that liberty is the condition of human progress. The state must help the development of the individual by removing the obstacles to progress and preventing conflict between the peculiar propensities of the individuals. The state is a necessary evil but the state should not take any positive steps to promote the welfare of the individuals. Its role should be negative only, *i.e.*, protecting the citizens from external attack or internal disturbances. Active state intervention would create lifeless uniformity. The state must not concern itself with education, religion and improvement of morals. The leading principle of the philosophy of Humboldt "is the absolute and essential importance of human development in its richest diversity".

In building up his scheme of state non-intervention, Humboldt really combined the restrictions imposed on the state by various writers, *viz.*, those of Milton regarding opinion, of Locke regarding property, of Voltaire regarding religion and of the Physiocrats regarding industry. While Humboldt was a great upholder of individualism, he believed neither in democracy nor in the right of revolution.

Influence of the German Idealists

The political philosophy of the German Idealists was not of a uniform type but there was one element of uniformity about Kant, Fichte and Hegel and that was that all the three founded their political systems upon concepts of pure thought and not upon observation and experience. They did not contribute much to political philosophy but by their subtlety of thought, they gave definition to the concepts of political ideas and institutions. They developed "the idea of will, as the ultimate element in politics". Kant and Fichte gave a philosophical colouring to the idea of social contract, though later on Hegel dropped the idea of contract. They added majesty to or rather deified the state. Hegel, for instance, conceived the state as "the absolute spirit, consciously realising itself in the world, its existence has no other explanation than that God so wills; it is God". Starting with the liberal and individualistic doctrines of the Age of Reason, the German Idealists developed their political doctrines in the opposite direction and exalted authority at the cost of freedom. They had a genuine belief in the greatness of Germany and her great mission in the world. They developed the ideas of nationality and state-socialism which had a marked influence on political speculation and political practice during the 19th century.

II. THE ENGLISH IDEALISTS

Neo-Hegelianism

About the year 1870 a real change began to take place in the English view regarding the state. The state upto this time had been a *laissez faire* state. But it was becoming more and more clear that the conflict of interests born of the competitive spirit due to the *laissez faire* policy was not likely to produce that harmony in the state or that quality in the individual which was desirable. From 1870 onwards the state began to occupy itself with removing hindrances to good life, as evidenced by legislation like the Employer's Liability Act, Workmen's Compensation Act, various Education Acts, removal of restrictions on trade, etc. Roughly about 1870 there came into existence in England a Neo-Hegelian school of philosophy of which T. H. Green, F. H. Bradley and B. Bosanquet are the best representatives. The theory of state of this school is the idealistic theory.

The English Idealistic School of thought—mainly an Oxford School—drew its inspiration partly from the philosophy of state of Rousseau, Kant and Hegel but ultimately from the Platonic and Aristotelian conception of the city-state, which represented man as a political animal by nature and the state as a moral organism, with a will of its own, promoting the good life of its citizens. The English Idealists put emphasis on the "vital relation between the life of the individual and the life of the community, which alone gives the individual worth and significance, because it alone gives him the power of full moral development; the dependence of the individual, for all his rights and for all his liberty, on the membership of the community; the correlative duty of the community to guarantee to the individual all his rights".¹⁰ The English Idealists modified the German Idealist theory a little. The Hegelian disregard of international morality, belief in absolute monarchy and deification of the state were not acceptable to the English Idealists who, imbued with the English love of liberty, had their own notions about individual rights and limitation on the authority of the state.

The State

The English Idealists look at the state as a moral institution like the church or the family. Unlike Hegel, they believe that the state is not an end in itself but is a means to the end of perfecting the individual and the society. There can be no contradiction between the moral ends and rights of the individual and of the state and, therefore, between Ethics and Politics. The state exists for the individuals. Will, not force, is the basis of the state. Coercive power is not the characteristic of the state. The individuals obey the state because such obedience promotes

¹⁰ *Political Thought in England, 1848-1914*, by Ernest Barker, p. 11.

common good. The function of the state is to promote the good of the individuals and perfect their personalities. The state does this by removing hindrances to good life and creating conditions of freedom, rendered possible by the institution and enforcement of uniform rights. The state should ordinarily be obeyed because it is a medium of individual's self-realisation but the individual has the right and duty of resisting the state if state interference encroaches on the sphere of personality, acts as a private corporation in defiance of public good and does not reflect general will.

English idealism represented a sort of reaction against the utilitarian materialistic individualism. "It abandoned the mechanistic conception of free individuals and contractual rights, and laid stress upon the organic nature of the state as a natural growth, and upon the value of collective responsibility and control exercised through governmental agencies. . . . The assimilation of the individual and the state, and the insistence upon the unity of ethics and politics were the basic doctrines of the school."¹¹

T. H. GREEN

The English Idealist school begins effectively with Green, whose idealism, more Kantian than Hegelian, linked the Kantian notion of moral freedom with British liberalism. Green's philosophy is based partly on a very valuable and practical experience of civic life, for Green was one of the greatest figures in the municipal life of Oxford in his days. In his *Principles of Political Obligation* Green gives his theory of the state. The state, to him, represents a natural growth with an ethical end. It is a product of human consciousness, which "postulates liberty; liberty involves rights: rights demand the state".¹² In his conception of liberty, Green adheres to the Kantian theory of a free moral will which makes an individual will himself as an end. The aim of man is self-realisation and freedom is the primary means to this end. But the self of an individual not only wills its own good: it also wills the goodness of its relation to others, i.e., it wills the goodness of society which involves a system of rights, because each claims from others and in return recognizes in others the power of pursuing ideal objects. Rights inhere in the individuals and are not a result of any contracts but they inhere in them only as members of society which gives its recognition to such rights. This society which represents the sovereign authority is based on the consciousness of a common end. Common consciousness, therefore, creates both rights as well as sovereignty. The rational basis of the state is will and not force

¹¹ *History of Political Thought*, by R. G. Gettell, p. 322.

¹² *Political Thought in England, 1848-1914*, by Ernest Barker, p. 32.

though the state uses force to ensure rights and to create freedom necessary for the fulfilment of the moral end in society. Should an individual forego his natural rights, which, to Green, are ideal rights more than legal ones, or resist the state? Green holds that a man is justified in resisting the state only if his claim to a natural right has a social sanction behind it, *i.e.*, if the government infringe any individual rights of general social recognition.

Green believed with the Greeks that the state was a natural moral organism and that the individual could find full self-realisation only in and through the agency of the state. But Green had a more democratic view of the society and citizenship than the Greeks entertained.

Green on Freedom

Green defined freedom as denoting that "state in which he (the individual) shall have realised his ideal of himself, shall be at one with the law which he recognizes as that which he ought to obey, shall have become all that he has it in him to be, and so fulfil the law of his being".¹⁸ The freedom of the individual was confined to the realisation of self-consciousness. "The good will is free, not the bad will". Green believes, as does Rousseau, that the quality which characterizes a man is 'moral freedom'. Green distinguishes between 'negative' and 'positive' and 'generic' and 'particular' freedom. Positive freedom represents an approximation between will and reason. True freedom does not mean license to do as one likes.

Principles of Political Obligation

Hegel believed that true freedom was only realisable in the state which was 'objective freedom'. Green insists that "we cannot significantly speak of freedom except with references to individual persons; that only in them can freedom be realised; that, therefore, the realisation of freedom in the state can only mean the attainment of freedom by individuals through influence which the state ... supplies".

Green on Rights

If freedom lies in self-realisation, the state must help the individual by instituting and enforcing a system of universal rights. Rights are the outer condition essential for a man's inner development. Every individual has the supreme right of self-realisation and all other rights naturally flow from this right. The basis of rights is not mere legal recognition but common moral consciousness and as such rights are as vitally related to morality as to law. An individual has rights only as a member of society.

¹⁸ *A History of Political Thought*, by Phyllis Doyle, p. 287.

Green's Conception of the State

The state, to Green, was a natural institution necessary for the moral realisation of the individual. For this the state must secure to the individual his rights and conditions necessary for good life. The state represents the general will of the people. The state is not omnipotent. It has its internal and external limitations. Internally it is limited because it must confine itself to the negative function of removing hindrances to good life. Besides, the individual has the right of resistance against the state in certain exceptional circumstances. Then again various permanent groups in the society have their own system of rights over which the state has only the right of adjustment. The external limitation on the state is international law.

Individual Right of Resistance

In certain exceptional circumstances, Green allows the individual the right of resistance against the state. An individual may refuse to obey the command of the state if the legality of a given command is doubtful and also when the system of government is tyrannical and opposed to public interests. Again where there is no means of agitating for the repeal or amendment of a bad law, resistance is not only a right but a duty.

To Green, the state is a 'society of societies'. The societies within the state have their own system of rights. "The state adjusts for each its system of rights internally; and it adjusts each system of rights to the rest externally."¹⁴ These rights of societies, therefore, emanate from the state. Green entertained the idea of a state representing a smaller unit of association in a world brotherhood of nations. To him, war could never be absolutely justifiable.

The "function of government is to maintain conditions of life in which morality shall be possible, and morality consists in the disinterested performance of self-imposed duties".¹⁵ The function of the state is thus limited to the removal of obstructions. "The state has no positive moral function of making its members better; it has the negative moral function of removing the obstacles which prevent them from making themselves better."¹⁶ But removal of obstacles, too, under which category Green puts state intervention in questions like education, liquor traffic and landed property, is a pretty positive function!

Green on Punishment

Green holds that the will of the criminal represents a force opposed to freedom. In punishing a criminal the state uses force against his anti-social force. Punishment cannot be in strict measurement with the moral guilt of the criminal nor can it be

¹⁴ *Political Thought in England, 1848-1914*, by Ernest Barker, p. 43.

¹⁵ *Ibid.*, p. 47.

¹⁶ *Ibid.*, p. 46.

aimed primarily at his reformation, for real reform is internal. The object of punishment is deterrent, *i.e.*, creation of terror, in the criminally-minded. The object of punishment is to 'secure freedom of action for the moral will of every member of the community'.

Green gave an English interpretation to the philosophy of ancient Greece and the German Idealists. He did not idealise the majesty of the state and "is more of an Aristotelian than a Platonist, and more of a Kantian than a Hegelian". He puts emphasis on the individual and on the moral limitations of law. He puts liabilities on the state in its dealings with individuals and other states. But despite those limitations, the state of Green has a moral value. It is a being with a moral end. Rights, which are a necessary condition of morality, emanate from the state. With the sobriety of his views regarding the liberty of the individual, sphere of the state, right of resistance against the state, emanation of rights from social recognition, representative government and a wide franchise, Green has played a very important part in moulding modern political mind.

BRADLEY

F. H. Bradley, in a chapter entitled 'My Station and Its Duties' of his *Ethical Studies* gives a definition and a doctrine of state more Hegelian than that of Green. Bradley conceives of the state as a moral organism. An individual owes his personality and his moral freedom to the community. The family, the national and the civilized characters come to a child because of the community. "As he grows, the community in which he lives pours itself into his being in the language he learns and the social atmosphere he breathes, so that the content of his being implies in its every fibre relations of community, on whose welfare depends the welfare of the individual." In the fulfilment of his stations and his duties lies his morality. A "man's life with its moral duties is, in the main, filled up by his station in that system of wholes which the state is, and that this partly by its laws and institutions, and still more by its spirit, gives him the life which he does live and ought to live".¹⁷ Bradley agrees with Hegel in viewing the state as a 'self-knowing and self-actualising individual'. Bradley's conception of the state implies state as well as society and involves the possibility of an unlimited state regulation of life. Like Hegel, Bradley conceives of the various social groups 'as being co-ordinated in and subordinated to the state'.

The state as a moral organism has a common moral purpose. It has a life, spirit and consciousness of its own. It includes a number of such institutions with life, spirit and consciousness of their own. Bradley often confuses the society with the

¹⁷ *Political Thought in England, 1848-1914*, by Ernest Barker, p. 36.

state. He insists that a man must realise himself by the fulfilment of his social function, in his proper station in life. But it is difficult to locate one's proper station in life and its attendant functions and duties. Does a man's station in life mean the actual position in society or does it embrace his potentialities also?

BOSANQUET

B. Bosanquet, in his *The Philosophical Theory of the State*, drops some of the limitations imposed upon the state by T. H. Green and comes very near the Hegelian conception of the state. Bosanquet, too, like Green, had practical experience of civic life. In the formation of his theory of the state, Bosanquet is influenced by Rousseau's conception of the liberty of the individual, the general will of the community and their correlation with each other. Bosanquet believed in the reality of a group-mind for groups 'have their own moral rights and obligations'. Believing in the 'supreme and final value of the autonomy of the good will', Bosanquet, like Green, assigns to the state the negative function of removing hindrances, by force if necessary, in the way of the freedom of that will. Bosanquet distinguishes between the state as a political organisation and the society with its social institutions. The society is within the state and derives its meaning from the state so that "if we take the state in its fuller sense, not as a political mechanism using force, but as a general organisation and synthesis of life, which includes and correlates all other organisations, we shall see it as a group of groups, a community of communities, embracing and sustaining the whole field of social co-operation".¹⁸ Bosanquet, thus, comes very near the Hegelian view of the state as a moral organism absorbing the individual will. To Bosanquet, the "state is an ethical idea or rather it *the* ethical idea, since it is the final working conception of life as a whole". A national state which represents "the widest organisation which has the common experience necessary to found a common life"¹⁹ has a national spirit of its own which moulds the life of an individual. Bosanquet, too, like Hegel, believes that individual ethics does not apply to actions of the state. The state itself is not bound by the system of rights and duties which it imposes on the individuals. It may be said that "Dr. Bosanquet abstracts the doctrine of the Real or General Will and links it with Hegelian Idealism. His whole argument rests on the assertion that there is no contrast, no conflict, between the individual and society."

Bosanquet on the State

Bosanquet bases his theory of the state on the theory of the general will. Like Rousseau he distinguishes between the

¹⁸ *Political Thought in England, 1848-1914*, by Ernest Barker, p. 71.

¹⁹ *The Philosophical Theory of State*, p. 298.

actual will of the individual which is impulsive and irrational and his real will which is a rational will. The real wills of the individuals, representing common good, make the general will which finds its perfect expression in the state which represents the rational social mind. The state is a co-ordinating and regulating agency. Bosanquet, like Green, assigns to the state the negative function of removing obstacles to moral life. But he concedes a higher position to the state than does Green. Green allowed the individual, in exceptional circumstances the right of resistance against the state on the basis of his own individual conscience. Bosanquet would grant this right if the individual represents social conscience.

(English Idealist theory represents a happy compromise between Individualism and Collectivism and brings about healthy relationship between Politics and Ethics. It emphasizes the organic nature of the society and the state and establishes true relationship between the individual and the state. It represents a reaction against the materialism of utilitarianism. It attaches importance to the rational element in the individual as also to the social side of the individual. The negative functions it assigns to the state leave the individual considerable initiative for self-realisation. But with all this the Idealist theory is abstract and unrelated to facts of life. It underestimates the force of habit, imitation, feeling and impulse as factors behind human action. It does not properly distinguish between state and society.)

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CHAPTER XXII

THE ENGLISH UTILITARIANS

Origin of Utilitarianism

It is hardly consistent with facts to think that Utilitarianism, which represents the only distinctive British contribution to political philosophy, began with Bentham. In the 17th century Richard Cumberland, in his treatise on Natural Law, published in 1672, first gave expression to utilitarian ideas. It was Francis Hutcheson who first made use of the formula of the greatest good of the greatest number. Bentham himself took some of his views from Priestley. Still, Jeremy Bentham may be considered the real founder of the Utilitarian school because it was he who first gave the utilitarian system a systematic exposition and gave currency to conceptions which are characteristic of utilitarianism.

The utilitarian philosophy is not based on abstract principles which were so current in the Age of Reason, *i.e.*, the 18th century, but on hard realities of human life. It is, therefore, inductive in method and has a practical aim in view. The utilitarians believe that man is social by nature and is always moved to action by a desire to obtain happiness and avoid pain, which desire involves him into relationship with other individuals, necessitating state regulation of mutual relations of men by legislation. Utilitarianism has, thus, a close touch with practical ethics and politics. To the utilitarians, the state is a human necessity, for it promotes general welfare.

Utilitarianism is hedonistic and pragmatic. It is based on pleasure-pain theory. The Utilitarians assert that despite its hedonistic basis, utilitarianism is not egoistic but altruistic. It seeks the happiness of the individual by securing the greatest happiness of the greatest number. The utilitarians hold that all men possess self-regarding and other-regarding impulses in varying degrees. If the emotional satisfaction of impulses is a powerful factor in human conduct, so is reason which compels a man to be other-regarding. Reason impels a man to reconcile his self-regarding with his other-regarding impulses. It must be pointed out that pleasure and pain represent an individual's subjective experience and are not a sound basis for a theory of general happiness. While referring to general happiness, the utilitarians mean general welfare rather than general pleasure. Bentham holds that an individual becomes other-regarding and seeks his own happiness in general happiness because of certain sanctions like law, public opinion and religion.

Utilitarianism became popular in England in the 19th century because it reflected the aims and needs of the time. The Industrial Revolution had changed the structure of society in

England which made political, social and legal reforms imperative. This could not be done under the stress of the Revolutionary and Napoleonic wars, but from 1820 onwards the cry for reform became insistent. Men engaged in industries believed in the policy of *laissez faire* and free trade. On the political side, these free-traders were individualists. The trade union movement and the demand for the liberty of action and association created difficulties for the government. The industrial class began agitating for parliamentary reform and the reform of electoral law, suffrage, etc. Bentham and his disciples, with their philosophic radicalism, joined hands with the reformers. They produced a systematic body of political philosophy suited to the practical needs of the day and having a close touch with the practical welfare of human beings.

Conception of Utility

The word 'utility', to a utilitarian, means the greatest happiness of the greatest number. Utility is welfare which includes everything that determines and constitutes man's happiness. A utilitarian is practical and is primarily concerned with human life, human activity and human well-being. Politically he is a champion of individualism. To a utilitarian, pleasure is the ultimate end of the individual and is constantly desired. Its attainment in society, however, is subject to limitations or encouragement coming from custom and law. Happiness, therefore, is closely connected with legislation and state action. The action of the state is based on ethical considerations and, therefore, the utilitarian combines ethics and politics.

1. JEREMY BENTHAM

Jeremy Bentham was the real founder of the utilitarian school of political philosophy. He represented a type of mind in England that had revolutionised industry through the application of steam to it. Born in 1748, Bentham soon showed that he was an intellectual prodigy. He went to Oxford but later entertained a poor opinion of the education he received there. From Oxford he went to Lincoln's Inn in London to receive his legal training. Bentham had a scientific bent of mind, given to introspection. From a comparatively early age he was given to problems of social welfare. From Priestley's *Essay on Government*, Bentham learnt that the true end of the state was to promote the happiness of the greatest number. A state and its laws were good or bad according as they kept this end in view. In spite of Blackstone's eulogies of the British constitution and British laws, Bentham was convinced that the English laws were 'a mass of obscurities, fictions and formalities,' unsuited to England of his day. In 1776 Bentham wrote his *Fragment on Government*, advocating change in the government and laws of England, which brought him into

contact with the ardent reformers and politicians of his day. His interest in the theory of jurisprudence and his zeal for legal reform, a zeal kept up till his death in 1832, made Bentham write a number of treatises, the most important of which are:—

1. *Fragment on Government* (1776).
2. *Introduction to the Principles of Morals and Legislation* (1789).
3. *Discourse on Civil and Penal Legislation* (1802).
4. *A Theory of Punishments and Rewards* (1811).

Bentham's writings produced little practical effect during the 18th century because of the British dislike of innovations and British reactions against the excesses committed by the reformers of the French Revolution. But after 1815, the spirit and philosophy of Bentham carried all before them. Bentham became the leader of the radical philosophers, among whom were such intellectual celebrities as David Ricardo, James Mill, John Stuart Mill, John Austin and George Grote. During his life-time, Bentham legislated not only for England but also for France, Russia, Mexico and Chili. He discounted racial differences and believed that he had discovered a body of general principles of universal application. He, therefore, was always ready to draw up legal codes for other countries. Bentham had no respect for antiquities. The age of an institution was no guarantee of its usefulness. Historical interpretations of institutions and historical method of study had no use for him. The law and institutions of a country must represent the needs of the day. They must be judged, not with reference to past but from the point of view of their present utility.

Bentham on Utility

According to Bentham, a man was subject to two sovereign masters, pain and pleasure, which determined for him what was right and what was wrong. Bentham enumerates fourteen simple pleasures, i.e., those of sense, wealth, skill, amity, good name, power, piety, benevolence, malevolence, memory, imagination, expectation, association and relief. Simple pains were twelve, *i.e.,* privation, sense, awkwardness, enmity, ill-name, piety, benevolence, malevolence, memory, imagination, expectation and association. The principle of utility recognizes this subjection of man to pain and pleasure and approves or disapproves of actions according as they increase or decrease the happiness of man. Utility is "that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness",¹ and prevents the opposite of these. Happiness means pleasure—all pleasures being equal in quality though not in intensity or duration—and the absence of pain or the surplus of pleasure over

¹ *The Utilitarians*, by Davidson, p. 48.

pain. The sanctions of pleasure are physical, religious, moral and political. Bentham ignored the influence of conscience or moral sense in human conduct. Bentham's doctrine of utility applied not only to morals but also to legislation and politics. The aim of law should be to apportion happiness among the members of a community on the principle of everybody to count for one, and no one for more than one. Political institutions ought to be so devised that everybody has a share in the control of government. Utility, therefore, needs that there should be a democratic and not aristocratic or royal absolutist government and the government should follow the policy of *laissez faire*. The principle of utility, therefore, demands individualism. For the principle of utility, Bentham later substituted the principle of the greatest happiness of the greatest number.

Origin of Political Society

Bentham did not believe in the contractual origin of the state. Political society, and rights and duties of the state and of the individuals did not emanate from consent or contract. The ultimate reason for men submitting to law and government is not original contract but present interest and utility. Governments exist because they promote happiness, *i.e.*, because of their utility. Men obey the law and the state because they know that the "probable mischiefs of obedience are less than the probable mischiefs of disobedience." If, in a group, there is on the part of some of the members the habit of paying obedience to other members, whether one or more, that whole group constitutes a political society. To Bentham, therefore, habit, born of utility, and not contract is the basis of the state.

Law and Rights

Bentham began his political writings at a time when writers like Thomas Paine and Godwin, imbued with the spirit of the Age of Reason, were dilating on Natural Law and the Natural Rights of Man. Bentham rejected the idea of a law of nature. Nature, to him, was a very vague term and, therefore, natural law and natural rights were meaningless. Borrowing somewhat from Hobbes, Bentham conceived of law as the expression of the sovereign will, in the form of a command, of a political society which gets the natural obedience of its members. Legislation is the characteristic function of sovereignty. Law is the expression of will which God and man possess, but not so nature. There can, therefore, be a divine and a human law but no natural law. But divine law, too, is unascertainable and, therefore, in every political society, there must be some human will which gives law and which holds the sovereign power. Law, to Bentham, aims at four ends, *i.e.*, security, substance, abundance and equality. It is general obedience which gives a law its permanence and makes it effective and thus enables it to promote

the greatest happiness of the greatest number. Bentham believed in natural rights as little as in natural law, and characterised them as simple nonsense. Rights are not natural but are created by law whose worth depends on its utility. Bentham thus replaced natural rights by utility. Bentham believed in freedom and equality but he would not base them on natural law.

Bentham on Sovereignty

Bentham gave unlimited powers to the sovereign, who could legislate for all and everything. "The supreme governor's authority, though not infinite, must be allowed to be indefinite, unless limited by express convention." The only conceivable restraint on a sovereign is his own anticipation of popular resistance, based on popular interests. Bentham believed in written constitutions to ensure a rational government of people, but he was against any bills of rights and he would give his sovereign the power to amend the constitution. A government was liberal or despotic according to the arrangement of distribution and application of supreme power. The sovereign was not bound to respect any individual rights. A right involves a correlative duty but duty has no other basis than interest or utility. B will not perform the duty of respecting A's rights if the consequences of doing so are not more agreeable to him than those of doing otherwise, unless the sovereign authority forces him to do so. Hence individual rights emanate from the sovereign. Bentham recognized three kinds of duties, political, religious and moral, and two kinds of rights, legal and moral. Natural rights had, as observed above, no meaning for him.

Right of Resistance

Bentham thought that a subject had no legal right to resist his sovereign. On the other hand he has a legal duty to obey his sovereign unconditionally. But a subject has a moral right and a moral duty to resist his sovereign if the utility of resistance were greater than the evil of resistance. The exercise of his unlimited powers by the sovereign would depend on considerations of utility.

Government

Bentham did not agree with Blackstone on the latter's characterization of the British constitution as perfect and suggested some amendments to it. He was for the introduction of universal manhood suffrage, annual parliaments and voting by ballot. Bentham was in favour of a democratic government. He disliked both the monarchy and the House of Lords in Britain. A republican government was best because it ensured efficiency, economy, and supremacy of the people, and brought about the greatest good of the greatest number on the basis of the identity

of interests between the ruler and the ruled. Bentham was in favour of the government adopting the policy of free trade and *laissez faire*.

Punishments

Bentham made many suggestions for improvement in the laws and the administration of laws in England. He was for giving publicity to laws and was in favour of the freedom of the press. He prepared codes of international law, constitutional law, civil law and criminal law. He began the system of separating jurisprudence from politics, a process completed later on by his disciple, John Austin. To Bentham, the only valid test of the adequacy of a punishment was its ability to secure public welfare. He believed that the English criminal law was inhuman. He was in favour of the reform of the criminal and the prisons, and suggested the building of his novel Panopticon, a wheel-shaped building, for the housing and proper observation of the criminals. He had great faith in education as an instrument of reform. Bentham wanted universal suffrage, representative parliament, a responsible executive and universal education in the programme of 19th century British Liberalism.

Bentham's influence spread rapidly both in England and abroad. In England, the Free Trade and the Humanitarian movements owed much of their inspiration to Benthamism. Bentham's writings on legislation were translated into French and he was made a citizen of France in 1792. His ideas and theories were very popular in Russia, Iberian Peninsula and South American republics.

2. JAMES MILL

Essay on Government

James Mill, one of the most intelligent of Bentham's disciples, laid deeper the foundations of the utilitarian philosophy with the help of his associationist psychology. Mill agreed with Helvetius in believing that men were born with equal capabilities and that actual inequality between men was due to educational and environmental differences. Hence he believed strongly in the usefulness of education. To him, the ethical value of an act depended upon its utility. The function of law, therefore, was to regulate acts according to their tendency to promote general happiness or do otherwise. Mill was certain that a man naturally pursued his own pleasure and avoided pain. In pursuit of this, he was sure to encroach on others if unrestrained. A government was, therefore, necessary to provide this restraining force.

Mill on Government

Government itself being composed of individuals who have ordinary human passions and tendencies and who, if unrestrained,

would use their powers to advance their selfish interests, Mill looked for a form of government which would provide against this tendency. He was convinced that none of the three ordinary forms of government, *i.e.*, monarchy, aristocracy and democracy, nor even a mixed government, was suitable for the purpose in view. His remedy lay in a representative government, *i.e.*, in a government by the people's representatives acting as a check on legislative abuse. Further, the duration of the powers of these representatives too was to be limited to ensure their interests being identical with public interest.

Mill would not grant suffrage to those whose interests were safeguarded by their association with others. This struck the children and the women off the electoral roll. Mill was, unlike Bentham, against universal, even against male universal suffrage, for, to him, all people did not know and, therefore, could not safeguard their own interests. Men above the age of forty were to be given the franchise. Mill favoured, the enfranchisement and political power of the middle class people, who were, to him, the natural guides of the nation. In his *Essay on Laws of Nations*, Mill advocated the formulation of a code of international law and the establishment of an international tribunal. He was convinced of the necessity of the reform of law and judicial procedure in England and gave his views on the subject in his *Essay on Jurisprudence*.

3. JOHN AUSTIN

John Austin was a utilitarian jurist. He served utilitarianism by "elaborating from the side of jurisprudence, the philosophy of law", for which utilitarianism had furnished the ethical basis. The chief work of Austin was to give a definiteness and precision to Benthamite principles on law. Austin, therefore, represents a combination of utilitarianism and juristic positivism. His political theories are contained in his *The Province of Jurisprudence Defined*, in which Austin limited jurisprudence to positive law. "He separated the theory of sovereignty from its ethical and historical background and by a process of abstraction built up the science of positive law."² Though he studied in Germany, Austin disliked the Hegelian political theories. He was, however, much influenced by the German jurist, Hugo.

Austin on Law

Austin considered natural law to be vague and meaningless. A law is an expression of will by a determinate being for regulation of human conduct, entailing punishment for disregard of such a will. There are two kinds of law, divine and human. Human law again is of two kinds. Rules that are imposed by

² *History of Political Thought*, by R. G. Gettell, p. 348.

political superiors in independent states make positive law, but rules set by persons who are not political superiors are to be classed as positive morality. A positive law, therefore, in the Austinian sense, may be defined as a command, given by a political superior which is binding because of the power of the superior to enforce penalties in case of its breach. Austin distinguished clearly the sphere of law from the sphere of ethics.

Origin of the State

Austin did not believe in the state originating in a social contract. He had an organic conception of state. The state grows due to the "perception of the utility of political government, or the preference of the bulk of the community of any government to anarchy".³ Men obey the state not because of any formal consent but due to the force of habit of obedience. With men of reason, the chief reason of the existence and continuance of a state is its utility; whereas in backward communities, the state rests on custom, irrational sentiment or prejudice. The end of the state is the greatest good of the greatest number. Austin insisted that the state should not make as the object of its policy a single element of happiness, for example, property. Austin was against the notion of any natural rights of an individual against the state. All rights, to him, were created by law.

Austinian Conception of Sovereignty

The only distinctive contribution to political philosophy made by Austin is his doctrine of sovereignty. His definition of sovereignty and the state is:—

"If a determinate human superior, not in the habit of obedience to a like superior, receive habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society, and the society (including the superior) is a society political and independent".⁴

According to Austin the sovereignty is vested, not in the king nor in the whole people but in that determinate part of the people which exercises sovereign power. According to this definition of Austin, where would one locate the sovereignty of the United States of America? The sovereign, to Austin, is the source of all positive laws to which obedience is habitually given. Customary rules, too, may be said to come from the sovereign because he allows them to be operative. Austin's, like Hobbes', sovereign is absolute and above any restrictions of law. He is free from considerations of any legal rights and duties, being himself the source of them. Sovereignty must be indivisible and unlimited. Austin's sovereign is a legal sovereign. According

³ *The Utilitarians*, by Davidson, p. 241.

⁴ *Jurisprudence*, Vol. I, p. 226.

to Austin, the ultimate sovereignty must reside in the state and not in any section of it.

Criticism

Austin's theory of sovereignty does not square with the facts of political reality. A 'determinate sovereign is not absolutely essential to the state. In fact it is generally difficult to determine the real sovereign in a state, particularly in federations. To Austin, whatever the sovereign *permits* is law. But in practice the sovereign *has* to permit deep-rooted customs and usages and, therefore, the sovereign is not the only source of law. Austin overemphasizes the element of coercion in his definition of sovereignty. The power of the sovereign may be theoretically unlimited but there are, in practice, very powerful political, international and historical limitations to it.

Civil Liberty

Austin defined political or civil liberty to be the freedom of action left or granted by a sovereign to its subjects. A sovereign can narrow or widen the scope of the liberties of its subjects and in this, it has no restrictions except those based on customs, habits and traditions of people. The principle of utility itself helps the state in deciding the limits of civil liberty. Austin had no love for exaggerated notions of liberty. To him, "political or civil liberty is not more worthy of eulogy than political or legal restraint". Austin did not like a democratic form of government and opposed parliamentary reform in 1859.

4. JOHN STUART MILL

John Stuart Mill was trained up by his father, James Mill, and John Austin. In his earlier days, Mill was very considerably influenced by Bentham's philosophy and its reforming programme. But with the passage of time, many of the evils, against which the early utilitarians laboured hard, ceased to exist and Benthamism began yielding place to other philosophic systems. The biological speculations of Darwin and Spencer and the sociological researches of Auguste Comte had set in motion new currents of thought and John Stuart Mill was not uninfluenced by them. J. S. Mill, while still a utilitarian, somewhat modified the narrow principles of the original Benthamite utilitarianism. Bentham and John Mill, for instance, believed that pleasures were different in quantity only, not in quality. J. S. Mill saw both qualitative and quantitative differences in pleasures. "If to Bentham, a 'pushpin was as good as poetry', Mill held a different view. Mill brought about a greater identification between individual happiness and general happiness than did Bentham. "The utilitarian standard is not the agents own greatest happiness, but the greatest amount of happiness altogether." Unlike

Bentham, Mill held that there were internal as well as external sanctions for happiness. Unlike Bentham and James Mill, John Stuart Mill held liberty to be a personal right. His conception of liberty was not based on the principle of Benthamite utility. His assertion that the whole world was not justified in suppressing one individual's freedom of thought and expression was not in accord with the Benthamite principle of the greatest good of the greatest number.

The principles of political philosophy of J. S. Mill are to be found mainly in his—

1. *On Liberty* (1859).
2. *Considerations on Representative Government*.

Mill believes that "society is not founded on a contract".⁵ The Government comes into existence for social well-being. Political institutions find their basis in human will and interest. A government owes its authority to the consent and co-operation of the people. The end of the government is to promote social welfare by promoting the qualities of virtue and intelligence in a number of concrete human beings.

Mill on Liberty

Mill attaches great importance to individual liberty and lays down that governmental interference in individual activity should be reduced to the minimum. On the basis of utility, Mill develops a complete system of individualism and *laissez faire*. He defends the freedom of thought and expression. He recognizes "the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion and freedom of the expression of opinion."⁶ Originality in thought and conduct and individuality are factors making towards social welfare. The development of man should be on individual lines but this development should not ignore an individual's social duties and responsibilities. Individual development enriches the world by a variety of characters. Mill, therefore, in the beginning opposed state education as producing individuals of an uniform stamp. Though the fundamental message of Mill was one of liberty, it was the liberty of the individual and not of groups or abstractions.

Mill was an individualist because he believed that the individual was the ultimate reality. Progress was innovation which was individual. 'No society in which eccentricity is a matter of reproach can be in a wholesome state.' Mill also feared the

⁵ *Utilitarianism, Liberty and Representative Government of J. S. Mill*, edited by A. D. Lindsay, p. 132.

⁶ *Ibid.*, p. 111.

power of collective tyranny. In spite of his individualism, however, Mill believed that men were stupid and selfish individually and mediocre collectively.

Representative Government

To Mill, there "is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community, every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general."⁷ "But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative."⁸ Mill agreed with Austin in believing that in every political society there must be a determinate absolute human sovereign. In England such a sovereign was the British Parliament. The function of the representative sovereign body should be neither active legislation nor active administrative interference but a general policy of scrutiny and control.

Proportional Representation

Mill viewed with alarm the growth of radical democracy in England. Democratic despotism was more to be feared than aristocratic or monarchical despotism. Extreme democracy would kill individuality. Mill saw the dangers of representative democracy too. "The positive evils and dangers of the representative, as of every other form of government, may be reduced to two heads: first, general ignorance and incapacity, or, to speak more moderately, insufficient mental qualifications, in the controlling body; secondly the danger of its being under the influence of interests not identical with the general welfare of the community."⁹ Representative government gave undue domination to numerical majority. It tended towards 'collective mediocrity'. Mill was very conscious of the majority tyrannising over the minorities and the inadequate representation of the latter in the parliament. Ordinarily, a majority party succeeds in securing a greater number of seats in parliament than their proportionate number of votes would justify. To guard against this injustice, Mill supported the system of proportional representation. He ranked "Mr. Hare's plan among the very great-

⁷ *Utilitarianism, Liberty and Representative Government of J. S. Mill*, edited by A. D. Lindsay, p. 207.

⁸ *Ibid.*, pp. 217-218.

⁹ *Ibid.*, p. 243.

est improvements yet made in the theory and practice of government."¹⁰ Mill believed that representative government, though best, would not do for all people. Despotism was bad because it led to passive indifference in politics. Mill's insistence on the place of minorities makes him one of the progenitors of modern pluralism.

Mill thought it necessary that the legislators should be wise, educated and enlightened. He was in favour of granting universal suffrage to men and women, knowing the three R's. He, however, advocated plurality of votes to higher-educated citizens which would secure proportionate weight to men of superior intelligence. He even drew up a list of those classes, whose superior intelligence entitled them to plural voting. Mill was against the system of voting by ballot, for a vote, to him, was not a mere right, but a trust demanding a due sense of responsibility which should obviate the necessity of secret voting. Mill was opposed to the payment of Members of Parliament. He did not express his opinion about monarchy but considered the House of Lords to be a useful body for drafting bills. Mill was opposed to the unlimited interference of government in economic and industrial matters.

Mill's Modified Utilitarianism

J. S. Mill, as the greatest of Bentham's disciples, differed a little from his master in his utilitarianism. But he simply 'softened the angles' of Benthamism without introducing any new principles. In economic theory, Mill diverged from original Benthamism when he argued that instead of pure competition, based on the notions of individualism and *laissez faire* policy, co-operation was necessary for production. In spite of utilitarian individualism, Mill realized that there were some avenues of social effort. He stressed more than other Benthamites did, the importance of education from the standpoint of liberty and representative government. Mill made whatever improvements were called for in Benthamism in the latter half of the 19th century. If the utilitarianism of Mill were not unalloyed nor were his individualism and democratism.

Influence of Utilitarianism

Utilitarianism, a British gift to political philosophy, represented a British reaction against the vague generalities about natural rights and social contract and the mystic idealism of the German political philosophers. Utilitarianism brought political theory back from the abstractions of the Age of Reason to the

¹⁰ *Utilitarianism, Liberty and Representative Government of J. S. Mill*, edited by A. D. Lindsay, p. 263.

level of concrete realities. The Utilitarian philosophers, particularly Bentham and Austin, rendered valuable service to political philosophy by giving simplicity and definiteness to its political terminology. They constructed a new theory of government, according to which government was based not on contracts but on the habit of obedience, born of utility. The individualism and emphasis on individual liberty of utilitarianism represented a much-needed corrective to the growing deification of the omnipotent state at the hands of the Idealist school. The individual was rescued from his complete absorption by the state and became the prominent subject of political speculation once again. The utilitarians, however, viewed their political society merely as an aggregate of so many individuals. They failed to realize that an aggregate possesses attributes different from those of the individuals who compose it and that such an aggregate has a life of its own. Their political philosophy did not take count of such a thing as group psychology. Their theory of state is, therefore, more a theory of government than one of the state. Utilitarianism had little influence on the Continent because of its metaphysical weakness, whereas Germany, the leader of Continental political speculation, was more interested in metaphysics than pure political speculation.

Achievements of Benthamism

Bentham and his followers are chiefly responsible for the parliamentary reforms in England during the 19th century. The Municipal Reform Act of 1835 in England and the reorganisation of the administrative machinery in India are very much due to the activities of the Benthamite school. The whole reform of law and legal procedure as well as of prisons in England is the direct outcome of Bentham's suggestions. It was due to the influence of his school that university education became available in England to people other than the Church of England ones, and that trade unions were established. It would be no exaggeration to say that every important reformer in England during the 19th century was a Benthamite. Benthamism was influential because it answered to the spirit of the times. The generation after the French Revolution was determined to do away with natural rights and secure property. It picked up the Benthamite doctrines because they were conservative and practical. Benthamism represented an anti-socialist theory because it was individualistic. It limited the sphere of the government to the minimum and provided for freedom of contract. The promotion of the well-being of the state in terms of individual activity was fundamental to it. The Benthamite influence waned after 1870, though the collectivism of to-day is based on the Benthamite conception of the greatest good of the greatest number.

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CHAPTER XXIII

SOCIETARIAN POLITICAL THEORY

The Rise of Socialism

THE rise of socialism in its modern form is due to the Industrial Revolution but the levelling tendencies of the French Revolution had their own part to play in furtherance of the socialistic movement. The confiscation of the property of the nobility and the church, during the early years of the Revolution, raised the general question of ownership in property. In 1796, an abortive movement led by Babouf in Paris was aimed at the abolition of private property, especially in land. From 1815, new economic factors appeared prominently which made the rise of socialism inevitable. The Industrial Revolution was attended with many economic and social evils. The factory system of production made the rich richer and the poor poorer. The gulf between capital and labour got widened. The Industrial Revolution altogether changed the economic structure of society. Population shifted from the rural to the urban, *i.e.*, industrial, areas, subjecting large numbers of men and women to the unhealthiness, morally and physically, of the evils of life in congested areas. The Trade Union Movement, suppressed by capitalist governments at first, embittered the relations between the employer and the employee. Anti-labour laws were passed in many industrial countries. The capitalist economists like Ricardo wrote in defence of capital and its importance in the economic life of a nation. This capitalist economic theory, coupled with the economic dislocation caused by the factory system, resulted, by way of reaction, in the inception and growth of the early systematic socialism.

Utopian Socialism in England

In Britain, Robert Owen was responsible for the rise of what is known as Sentimental or Utopian Socialism. A factory-owner himself, Owen began, from 1800, to regulate the relations between the employer and the employees on the basis of co-operation rather than competition. Between 1820-40, Owenism succeeded in bringing about some pro-labour legislation in Britain. The Trade Union law was repealed in 1825 in Britain and in 1833 laws were passed to regulate factories in the interests of the workers. About this time, some socialist writers like Thompson and Hodgskin began denying the right of capital to rent and profit. While Owenism introduced a practical kind of socialism in Britain, in France, during this period, men like Charles Fourier and St. Simon approached the question of social reform necessitated by the evils of industrialism, from the point

of view of philosophic speculation. They aimed at the removal of poverty of the labourers.

Both Owenism and St. Simonism depended for success upon the adoption of their systems by capitalists, who did not very much feel interested in doing so. This resulted in a demand on the part of labouring classes to overthrow the existing economic system by all possible means. The socialist writers began to stress the necessity of the nationalisation of the means of production for the benefit of the bulk of the nation, *i.e.*, the workers, whose good must be the end of every government. About 1840, French writers like Louis Blanc and Proudhon began to assert the right of the labour to the products of its labour, regardless of the claims of the capitalists. Sentimental socialism was replaced by political socialism. Louis Blanc and men of his type realised that social and economic changes could not be brought about unless labour controlled the political machinery of the government. Louis Blanc advocated a labour democracy. He got his chance in 1848 but his system failed hopelessly, due in no small measure to the hostility of the Provisional Government, which was in power in France in 1848. Proudhon was an anarchist and would have no government at all. In 1848 Karl Marx and Frederick Engels drafted the famous *Communist Manifesto*. Revolutionary socialism began to affect political theory and political practice. This kind of socialism pointed out the irreconcilability of the interests of the workers and those of the capitalists and advocated a class war for the establishment of the hegemony of the proletariat.

I. THE FRENCH SOCIALISTIC THEORY

1. JEAN DE SISMONDI

Utopian Socialism in France

The socialism of Sismondi, St. Simon and Fourier in France and of Owen and his followers in England is Utopian Socialism, to be distinguished from the later Marxian Revolutionary Socialism. The Utopian Socialists believed that political ills would be removed by the removal of social evils. They agreed in their belief that poverty was a great social evil. They denounced unfair competition in commerce and industry, unearned increments and the existing capitalist system as the chief causes of the prevalent poverty. They were against economic individualism. French socialism began with an attack on the economic evils brought about by the *laissez faire* policy advocated by the Adam Smith school.

In 1819, Sismondi published his *New Principles of Political Economy* which represents the first effective criticism of the *laissez faire* doctrine. Sismondi's *New Principles* practically marks the beginning of humanitarian economics developed later

on by Christian Socialists. In contradistinction to the economic policy of the Adam Smithites which aimed at the increase of the national wealth, Sismondi's *New Principles* aimed at the increase of national happiness. Sismondi was not in favour of the abolition of the existing social order and of private property, advocated by earlier communists. His chief aim was to urge the government to regulate the distribution of the national wealth in a more equitable way, by abandoning its *laissez faire* policy. Sismondi subjected the *laissez faire* regime to a severe criticism by pointing out the evils attendant on capitalism. There could be no harmony between capital and labour and, therefore, the maintenance of the capitalistic system was injurious to society. A capitalistic system, based on *laissez faire*, was bound to result in over-production which must produce spasmodic crises, fatal to the economic welfare of the society. In a society, built upon competition, the workers are helpless against the capitalist or, in other words, the society is at the mercy of the individual. In the capitalist system, the divorce between labour and property is hopeless because it is very difficult for a worker to enter the ranks of property-holders.

To remove some of the evils of the capitalist system, Sismondi suggested the necessity of a system of industrial insurance to provide the worker with continuous means of livelihood. The worker ought to have the right of combining against the employer, a right which he had been deprived of in France in 1791. The freedom of contract begins when there is equality of bargaining power and there can be no such equality between labour and capital, unless the workers can combine against the capitalists. Besides, Sismondi demanded the abolition of child-labour, the limitation of hours of labour to twelve a day and one day rest in a week. Sismondi, thus, foreshadowed the socialised liberalism of the latter half of the 19th century by demanding state intervention in social and economic matters on a very large scale.

2. ST. SIMON

Positive Morality

St. Simon, a nobleman by birth, began his career of a social-ist-economist with his *Genevan Manuscripts*. His writings during 1815-25 represent a consistent economic theory. The Simonian system is less concrete than that of Fourier but embodies a sounder basic philosophy. The best exposition of the Simonian doctrines is to be found in the writings of one of his disciples named *Enfantin*. St. Simon was convinced that a positive morality must replace the religious morality which had ceased to influence people. Such a system of positive morality, which is to give society a new basis of life, must be built upon

the existing industrial system. St. Simonian theory, therefore, represents industrialism modified with a certain amount of socialism and later became the basis for the positivism of Auguste Comte and a good support for economic liberalism. With St. Simon, production is the starting point of any political analysis. Political liberty is closely related to the system of production, a conception in which Simon may be said to have anticipated the materialistic interpretation of history which became, in the hands of Karl Marx, an argument for the inevitability of class war. St. Simon viewed the French Revolution as a class war and in spite of his birth threw his lot on the side of the workers.

Regulation of Society on the Basis of Productive Capacity

St. Simon brings out clearly the distinction between productive industries and classes on the one hand, and the non-productive or positively destructive activities and classes on the other. To him, the productive classes are the only useful classes in society and must eventually become the only class. Simon urges that the abolition of aristocracy would not ruin the society but that any ruining of those engaged in productive work would ruin the whole social order. St. Simon is for the abrogation of class distinctions, which, if at all, should be due to greater or lesser productive capacity. He suggests a new social order based on the political hegemony of the productive classes. Producers, representing capacity, must supplant the consumers, representing wealth, in political power. He views his new social order as having a monarchical government, in which the supreme political power would be in the hands of a Parliament which would include (1) a House of Invention, including engineers, poets, painters, architects, etc., (2) a House of Examination, including Physicists and Mathematicians, and (3) a House of Execution, including captains of industry. The first House would propose laws, the second pass them and the third execute them. St. Simon was for the subordination of politics to economics. He would reduce the functions of the government to mere police work.

St. Simon on Property

The importance of St. Simon lies in the fact that he realises that private property is exploitation unless it is the result of effort, *i.e.*, labour. He did recognise clearly the fact of the existence of a class warfare. The real distinction between men is one between the worker and the idler, a distinction depending largely on the form of property organisation. St. Simon realised the superiority of the producer's interest over consumer's interest from the point of view of social well-being. He was not in favour of a community of goods. Nor was he in favour of an equal share for all regardless of effort put forth. He viewed

property from an evolutionary point of view and showed that forms of property changed from time to time. In his *New Christianity*, St. Simon proposed the supplanting of the existing forms of religion by a new ethical order, aiming at the improvement of the conditions of the poor.

St. Simon's system was developed, after his death, by his disciples, prominent among whom were *Enfantin* and *Bazard*, in the direction of collectivism. These disciples formed a society to practise the *Simonian* religion. This society, however, was dissolved six years later, in 1831, by the police. The St. Simonian school has taught the world that the goal of humanity has been the 'exploitation of the globe by association', though in the past, humanity, more than nature, had been exploited through the institutions of slavery and serfdom. With *Enfantin*, there developed also the criticism of private property. According to him, the social order should be based on the principle of the abolition of property. All wealth should be inherited by the state. The St. Simonians profoundly influenced *J. S. Mill* who was a friend of *Enfantin* and *Auguste Comte*.

3. FOURRIER

The Phalange

Charles Fourier was another great figure in French Socialism. *Fourrier* has been variously viewed as an insane writer with moments of lucidity and the best suggestive writer on socialism of the 19th century. He was not a centralising collectivist like *St. Simon*. He looked with disfavour at the wastefulness of production and stressed the necessity of order and harmony. A prominent feature of his philosophy is the doctrine of 'passional attraction', according to which passion rather than reason is the basis of every kind of association, particularly a productive association. Men retain agreeable functions and assign disagreeable ones to others. The primary concern of *Fourrier* was with agricultural rather than industrial production. His remedy for restoring order and harmony in the economic and political life was the 'phalange', representing a communal life. The phalange was a decentralised separated community which consisted of 400 families, each family consisting of four persons. These 1,600 persons were to form a self-sufficing community on the basis of integral co-operation. This society would govern itself through its own elected leaders and would be related to other communities on a federal basis. It would be an agricultural rather than an industrial federation with headquarters at Constantinople.

Fourrier realised that labour could not be made attractive unless the wage-earner could be transformed into a capitalist and disagreeable tasks were handsomely rewarded. The phalange was to consist of capitalists, labourers and men of creative genius.

Each would contribute to the productiveness of the community. Specialisation of function would create zest for work. Every member of the phalange was to be a capitalist, holding share according to a scale which assigned a fixed proportion, *viz.*, 5/12 to labour, 4/12 to capital and 3/12 to business talent. A minimum return was guaranteed to all workers for family support. Each worker was to have the right of work, in occupations of his choice and capacity. Fourier was convinced that his system of phalanges would abolish property, bring happiness and liberty and stop coercive activities of the state.

Fourrier's system anticipated the entrance of women into industry and their social emancipation as a result of this entrance. J. S. Mill's advocacy of women's position and rights in politics is traceable to Fourier's ideas about them. Fourier also inspired the reorganisation of the education of children. He discussed the question of domestic service and suggested co-operative living. The trend of Fourier's thought was in the direction of philosophical anarchy.

4. PROUDHON

'What is Property?'—1840.

Anarchism

Pierre Joseph Proudhon came into prominence after the failure in 1848 of the Utopian idealistic socialism. Louis Blanc's experiment was a disastrous failure and led to radical socialism in France. Proudhon was really not a socialist. He was an anarchist, for he repudiated government altogether. He believed in the natural equality of men and the right of every man to the product of his own labour. To Proudhon, 'property is robbery'. Unlike the Simonians, he held that in society the only just rule was the equal sharing of the products of joint labour. Productive superiority gives more distinction and satisfaction but should not mean more wages. To Proudhon, labour alone was productive, for land and capital, without labour, could not produce anything. The institution of property was responsible for the existence of an equally bad institution—the government. Both these institutions owed their origin to the strong usurping control over material things in the state of nature, which represented a state of 'negative communism'. Proudhon even criticised common property in a socialistic state.

Proudhon borrowed many of his ideas from Godwin. His anarchism was in sharp contrast with the earlier utopian socialism in France. The earlier socialistic systems were socialistic and not individualistic in their tendencies. They were for purging the government of its coercive activities but were not against the institution of government altogether. Proudhon's anarchism

was strictly individualistic and his abolition of government was distinctly revolutionary in conception.

II. THE ENGLISH SOCIALISTIC THEORY

The Importance of English Socialism

In the history of the socialistic movement, England has played a very prominent part. This is but natural since the effects of the Industrial Revolution were first felt in England. The English socialist movement developed along two lines. Socialism born of Godwinian theories progressed along anarchistic lines, while Ricardo's principle that 'labour is the source of value' inspired another school of socialist thought in England which developed along economic lines. The importance of the English socialist movement is evidenced by the fact that continental socialism derived much of its inspiration from English socialism. The French socialistic ideas are traceable to English sources. Besides, both Frederick Engels and Karl Marx worked for sometime in London. Karl Manger in his *The Right to the Whole Produce of Labour* pointed out that Marx borrowed his ideas from English Socialists.

1. DR. HALL

The first notable English socialist is Dr. Hall who, in 1805, published a book entitled *Effects of Civilization on European States*. He also wrote *An Answer to Malthus*. In his first book, Dr. Hall criticised the character of the European civilization which was characterised by the division of society into the rich and the poor, as also by the existence of a body of pensioners or parasites upon the industry of other people. Dr. Hall criticised the legal position of private property and held that so long as private property was a legal institution, social welfare was impossible of realisation. He held the view that every person had a right to the whole produce of his labour. He favoured the abolition of the rule of primogeniture. He was for the nationalisation of land and the division of land among families in estates varying in size with the size of the family. Luxuries should not be produced at the cost of the necessaries of life.

2. ROBERT OWEN

Environment and Character

Robert Owen, a Welshman, was a practical idealist. To Leslie Stephen, he was 'one of those intolerable bores who was the very salt of the Earth'. In his *The New View of Society*, Owen held that character was all-important and that character was formed by environment, including the influence of language, country, religion, parentage and society. The magic of property, too, was great, so that nobody should be property-less. The

character was formed *for* and not *by* the individual. Owen believed that men were essentially good and that social evils were due to the industrial system. Private property and religion were disturbing the harmony of the world.

Owen tried to bring about a new economic and social order by basing the relations between the employers and the employees on co-operation rather than competition. Due to the efforts of the Owenite school a good deal of legislation, useful for the labourers, was passed which aimed at the shortening of hours of work and granting of adequate wages to labourers. This was accompanied by the education of the factory children and the starting of mechanical schools for the adults. Owen proposed that all child labour below the age of ten should be abolished and that children between the ages of ten and twelve should not work for more than six hours a day.

In his *The Book of the New Moral World*, Owen made a number of useful suggestions. He proposed that every man, instead of remaining a hired employee, should become a master. This could be brought about if every man were allowed to retain the fruits of his labour. The idle man and the *entrepreneur* should be eliminated from the economic field. Productive associations should be started. The exchange value ought to be measured not in terms of money but according to the number of hours of labour spent upon a commodity. Owen suggested the starting of labour exchanges. He had a great hold on the working classes but had no influence with the middle class people, due to his attack on the clergy. Both the employers and the clergy undermined his influence.

Utopian Communities

Owen put up a novel scheme for a new social and economic order. The unit of this order was a community of families, containing from 500 to 3,000 persons living on a sufficient tract of land. Each community was to have a council for internal affairs composed of men between 30 and 40 in age and another council for external affairs, *i.e.*, to regulate relations with other similar communities, composed of men between 40 and 60 years in age. Owen organised many such Utopian communities, notable among them being those at New Lenark in Scotland and at New Harmony in Indiana, for industrial and educational experiments. The primary communities were to form unions under similar councils for larger areas. The councils of the communities were to act according to the Owen code, which aimed at imparting education and industrial training on the basic principle of formation of character under good environment. Members of the communities, acting irrationally, were to be removed to hospitals for physical, mental or moral invalids.

In spite of the ultimate fate of his communities, Robert Owen did succeed in bringing about a certain amount of improvement in the condition of the workers. He was responsible for the growth of the spirit of co-operation, which resulted in the formation of both Producer's and Consumer's co-operative societies. His insistence on the spirit of solidarity among workers led to the formation of the National Union of Workingmen in 1834. Utopian Socialism of Owen represents, on the whole, a very important phase in the economic life of Britain.

There were, besides Owen, many other socialist writers in Britain, among whom the most notable were William Thompson, Thomas Hodgskin, John Grey and John Francis Bray. Thompson urged that labour was the source of all value in exchange and that the labourer was entitled to the full share of his produce. He was for the reconstruction of the social order on the lines laid down by Robert Owen. He believed, with Owen, that co-operation would harmonize the relations between the employer and the labourer. Thompson was in favour of equality of remuneration. His defence of the rights of women had its own share in converting J. S. Mill to be a feminist. Hodgskin was a sort of a philosophical anarchist, believing that as universal nature worked through all men, governmental authority was useless. He was also in favour of the right of the labourer to the whole produce of his labour. Besides, he pleaded for the abolition of the system of inheritance and advocated the nationalisation of land. The *natural* right to property depended on productive labour, *artificial* on force and conquest. J. S. Bray may be called the ancestor of modern guild socialism. In 1850, a society for promoting workingmen's associations was started in England. The publicity organ of this society was entitled *The Christian Socialist*. Charles Kingsley and F. D. Maurice were the leaders of Christian Socialism. They aimed at securing more liberal legislation in favour of the working classes and at getting legal recognition for co-operative associations.

III. THE GERMAN SOCIALIST THEORY

1. KARI, MARX

Karl Marx was born in Germany in 1818. He studied at the University of Weimar, mixed with revolutionaries, went to Berlin and began to study economics there. He was then asked to leave Prussia. He went to Paris, met Proudhon and read the writings of some French radicals there. Marx was very considerably influenced by Hegelian dialectics and by the English socialists and economists like Adam Smith, Ricardo and William Thompson. He borrowed, for instance, his ideas regarding his theory of surplus value from William Thompson's *Inquiry into the Principles of the Distribution of Wealth*, published in 1826.

Marx soon got tired of Utopian Socialism. He became deeply interested in economic matters and began to contribute to the press. His writings show evidence of a very wide reading of English economic theory from Adam Smith to J. S. Mill. During the revolutionary upheaval of 1848, Marx issued the *Communist Manifesto*, written in collaboration with Frederick Engels.

The Communist Manifesto

The *Communist Manifesto* deals with the evolution and achievements of the bourgeoisie class which arose out of feudalism and which gave birth to modern capitalism and was consequently responsible for the rise of the proletariat, economic anarchy and periodical crises. The *Manifesto* also showed that human history, since the creation of private property, had been a history of class struggle, viz., of conflict between freeman versus slave, and of capitalist versus labourer, etc. It also deals with the role of the proletariat and with the revolutionary action of their leaders, the Communists. The *Manifesto* also criticises other socialist schools. Marxism being the outcome of the revolutionary unrest of the mid-nineteenth century Europe, not only was his new economic order revolutionary in conception but Marx, unlike the Utopian Socialists, advocated the use of force to capture the state which represented the machinery of exploitation used by the possessing and ruling classes. The proletariat must resort to revolution, for they "have nothing to lose in it but their chains". His editorship of the *Rheinish Zeitung*, his friendship with Frederick Engels and his controversies with Bauer, Ruge and Proudhon did much to develop Marx's ideas. His *The Holy Family* contains "the germs of the materialistic conception of history as well as the first attempt to give a social revolutionary interpretation to the class struggle between capital and labour".¹ The *Poverty of Philosophy* (1847) of Marx represents an anti-Proudhon attitude and embodies a critical survey of Utopian Socialism.

The substance of the political philosophy of Marx is to be found in his—

1. *The Communist Manifesto*, drafted in co-operation with Frederick Engels.
2. *The Critique of Political Economy*.
3. *Das Capital*.

Intellectual Indebtedness of Marx

The political philosophy of Marx lies implicit in his essentially economic works. The writings of Karl Marx represent the classic exposition of scientific socialism, but there is practically no

¹ *The Life and Teaching of Karl Marx*, by Max Baer, p. 21.

single element in his writings which had not been anticipated more or less fully by previous writers. The materialistic interpretation of history had already been given by Harrington and others. The notion of a class war is set out by St. Simon in his *Genevan Letters*. Marx borrowed his theory of value from English socialistic thinkers. Marx's main contribution to socialism was the outlining of deductions to be drawn from the generalisation of earlier writers. The real value of Marx lies in his launching a sustained attack on the position of capitalism. "With Marx, socialism became international or cosmopolitan in scope in contrast to the associationism or national industrialism of his predecessors." Marx attacked the existing capitalist institutions. He did not believe in the essential goodness of man. He conceived of a man more as an economic than a political animal.

The philosophy of Marx is divisible into three portions, i.e., (1) a purely philosophical section on dialectics, (2) pure economics and (3) historical materialism. The three cornerstones of the political philosophy of Marx are the materialistic or economic interpretation of history, the doctrine of class struggle and the concept of surplus value. The theory of historical materialism begins in the *Communist Manifesto* and is expounded in the *Critique of Political Economy*.

Unlike Utopian Socialism, Marxian Socialism is materialistic in conception. Marx argued that value consisted in the amount of labour embodied in a commodity, which meant that labour was the only source of value. The worker produced more than he actually received from the manufacturer. He only received wages and was robbed of rent, interest and profits. This theory of value and labour appealed strongly to a class of workers, who lived on the very margin of subsistence due to low wages resulting from industrial competition. Marx believed that the movement of capital was towards greater and greater concentration. On the other hand, the number of workers was increasing constantly. Capital was exploiting labour and this embittered the relations between capital and labour.

If Darwin was responsible for the discovery of the law of evolution in the economic world, Marx discovered the evolutionary law of human society. To Marx, history represents a process of dialectic unfolding and evolution of mankind. It must be realised that the dialectics of Marx is based on the repudiation of Formal Logic which is based on the exclusion of contradiction and which takes a static view of things. Marx believed that the world of status is not the world of reality. Things keep on changing and reality is dynamic and evolutionary. Reality lies in the Becoming, not in the Being. Economic relationships between men get crystallised into economic classes

² *History of Political Thought*, by R. G. Gettell, p. 385.

which become thesis and antithesis in the dialectic evolution of history. Marx stands for not only dialectic interpretation but also economic interpretation of history, though it is quite possible to have economic interpretation of history which is not dialectic.

Marx stressed the difference between his own dialectic materialism from the mechanical materialism of eighteenth century French thought. Marx discovered that the existence of the classes is closely bound up with particular historical phases in the development of production, that class-struggle results inevitably in the dictatorship of the proletariat and that the dictatorship of the proletariat is only a temporary phase and must lead to a classless society.

The Materialistic Conception of History

Marx saw evolutionary changes in the ethical, religious, social, economic and political ideas and institutions of mankind. His conception of history is called materialistic to be distinguished from the idealistic conception of history of Hegel from whom Marx borrowed the dialectical method. According to Marx, human institutions and ideas and, therefore, actions, are subject to endless change. The chief motive force which brings about this change in human things is not the Hegelian Idea but the material conditions of life. Human history has, therefore, a material basis. The most important material conditions of life are productive forces which are animate, i.e., labourers, inventors and engineers, etc., and inanimate, i.e., soil, raw material and tools, etc. Of all these, the manual and mental labourers are the most important. Next in importance to the forces of production are the 'conditions of production' which include the form of state, laws and the grouping of social classes. The conditions of production have definite reactions on political, legal and social institutions as well as on religious, ethical and philosophical systems. The forces of production are the gift of nature; the conditions of production are created by man. Any expansion or improvement in the productive forces makes the old laws, institutions and ideas unsuitable because these are more conservative in comparison with the forces of production. This results in discontent and society enters on a revolutionary period. There is a struggle in the social order for adaptation to new forces of production. The mutual relations between various sections of society get a new adjustment. New ideas and new institutions are created. Thus, the disharmony between forces of production and conditions of production create conflict of interests and promote class-struggles till the old social order, full of contradictions, gives place to a new one based on new conditions of production. That is why "the essence of the historical

development of human society has been, so far, the progressive dialectical unfolding and perfection of the productive forces".³

This evolutionary view of society was borrowed by Marx from Hegel who viewed nature "as being involved in a process of evolution inherently propelled by the Idea (a mystical God) to create and negate and re-create one stage after another, and each higher than the other, in eternal progression, each stage creating its own antagonism which negates it, at the same time creating a new and higher stage",⁴ nothing being final, absolute or sacred. Marx accepted this Hegelian process of evolution but substituted in place of the Idea "the economic forces as the predominant dynamic agency of human society and its history". To Marx, the economic power has been the ultimate power, which has determined the political and social relations between men. Marx thus subordinated politics to economics.

Economic Determinism

There is a definite strain of determinism in the historical materialism of Marx. Social, political, ideological and institutional developments are the inescapable results of economic forces and developments. According to Marx, the mode of production in material life determines the general character of the social, political and spiritual process of life. The final victory of the proletariat is inevitable and independent of our wishes. This is outside ordinary human control or activity. Marxism is determinist, though not fatalist. It does not entirely ignore the free will of man but it minimises its importance by asserting that even the free will of man must work within the material conditions around it. The disharmony between forces of production and means and conditions of production lies in the logic of facts and is independent of human will.

To Marx, all phenomena of history are a result of and determined by economic conditions. The system of production is the ultimate factor which determines the network of human relationship. Legal, social and political institutions, even religion and philosophy reflect and are determined by the economic conditions of the day. To a Marxian like Engels even Protestantism is essentially a bourgeois religion. The economic factor is the determining factor and all ethical, religious, social and political systems converge on and reflect the systems of property and economic production. The economically dominant class pursues its own collective economic interest and harnesses art, religion, philosophy, law, social and political organisation to its own use. It must be stated here that Marx puts his theory of historical materialism in two slightly different forms. Accord-

³ *The Life and Teaching of Karl Marx*, by Max Baer, p. 76.

⁴ *History of British Socialism*, by Max Baer, p. 205.

ing to the extreme form current ideology and institutions representing art, law, philosophy, religion and politics, etc., are a *reflection* of economic conditions. According to the mild form they are conditioned and determined by the prevailing economic system.

Criticism of Marxian Dialectic Materialism

The Dialectic Materialism of Marx has a good deal to recommend it for approval and acceptance if it is a mere statement that history records and represents an evolutionary growth and that economic conditions affect other institutions profoundly. But both the dialectics of Marx and his historical materialism must be accepted with qualifications. According to Marxian dialectics history records a triple process, *i.e.*, there is an evolutionary growth of ideas and institutions, that this growth is conditioned by economic conditions and that institutions evolve by provoking their own antagonism and arriving at a compromise with these antagonisms. To assert that this triple process is universal and infallible is warranted neither by facts nor by logic. Why should not a thesis provoke more than one antithesis and if it does what will be the synthesis? Then again, Marx overemphasizes the importance of economics in human affairs and human evolution. As pointed out by Engels, the economic factor, though the most important, is not the only factor in human affairs. 'The economic condition is the basis', but the various elements of the superstructure, *i.e.*, political, legal and philosophical theories and institutions also affect the historical struggles and 'in many instances determine their form'. The religious factor has played a most important part before the dawn of the modern era. 'Lutherism was something more than a protest against the sale of indulgences.' Nationalism has been a mighty factor in human history and relationship. It must be said lastly that the determinist factor in Marx's dialectic materialism emphasising the inevitability of evolutionary development of a particular kind and in a particular direction takes little notice of free human will and conscious human behaviour. It reduces mankind to the dead level of Matter without consciousness and volition. The dialectics of Marx, implying as it does, a predetermined plan of social evolution is fatalistic, and it leads to an unwarranted simplification of highly complex situations'.

The Notion of Class Warfare

To Marx, the class represented a very important entity. It has a collective unity of its own and its characteristic beliefs, notions and heritage. The individual has importance principally because of his membership of his class. He imbibes the traditions and notions of his class by environment and education. Economic relationship between men get crystallised into econo-

mic classes which become thesis and anti-thesis in dialectic evolution of mankind. The powers of the economically powerful class are transmuted into social rights and are translated into legal and political systems.

One of the greatest contributions of Marx has been his conception of the evolution of social classes and of the social struggles to which he gave precise form and due importance. "The history of all hitherto existing society is the history of class-struggles."⁵ The economically dominant classes have been keeping down and exploiting the other classes. Marx believed that at first the landed aristocrats were in possession of political power but later on they had to yield to the bourgeoisie, *i.e.*, the middle class people who remained in power for many centuries. Marx saw the further development of this evolutionary growth in the direction of the domination of the proletariat. Out of feudalism came the capitalist bourgeoisie and out of the latter arose the proletariat. The capitalists are creating, organising and disciplining the proletariat and will be destroyed by the latter. The expropriators will be expropriated. *The Communist Manifesto*, issued in 1848, was designed as a programme of action for the communists who were to galvanise the workers into a self-conscious class for the coming struggle with the bourgeoisie.

The Dictatorship of the Proletariat

Marx, realising that there was a deep-rooted economic antagonism between the two, looked forward to the intensification of the struggle between capital and labour, carried out on a world-wide scale. The workers would reorganise their resources and by a political and social revolution would take over the political and economic control of the world leading to the nationalisation of the means of production. Marx believed that the capture of political power was necessary for the abolition of capitalism and the establishment of a communist society. This transformation must involve a period of transition of the revolutionary dictatorship of the proletariat which, to Marx, was a necessary result of class struggle. This dictatorship of the proletariat is "but a transition to the abolition of all classes and to the creation of a society of the free and equal". "The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralise all instruments of production in the hands of the state, *i.e.*, of the proletariat organised as a ruling class."⁶ The proletariat will ultimately abolish its own supremacy as a class when society would represent, not a group of mutually antagonistic classes but "an association in

⁵ *Marx-Engels-Marxism*, by Lenin, p. 14.

⁶ *The Life and Teaching of Karl Marx*, by Max Baer, p. 86.

which the free development of each should be the condition for the free development of all".⁷

Though Marx believed in the inevitability of class-struggle and the domination of the proletariat, economically and politically, after a successful revolution, he did not want to leave this revolution to the forces of economic evolution. He wanted that this revolution should be precipitated through organisation and energetic action on the part of the workers. He favoured intensive open agitation and the formation of a great socialistic political party. He believed that the International Workingmen's Association, started in 1864, would create solidarity among the workers of the world and promote the proletarian revolution. Marx, in his writings, showed more concern with the preparation for and the carrying out of the revolution than with the post-revolution settlement. He suggested, however, that under the proletarian regime, each man was to get according to his needs. The Marxian ideal was a proletarian conquest by violence, not through persuasion.

Marx on the State

According to Marx, the chief attribute of the modern state is not its promotion of the welfare of its people nor its right to political obligation and obedience but its coercion and that a class-coercion. The state is an agency of class-coercion in the hands of the dominant economic class rather than an association of citizens in pursuit of a common purpose. Said Marx: 'The executive of the modern state is but a committee for managing the common affairs of the bourgeoisie as a whole.' With the disappearance of the classes and the emergence of classless society, the need for the state will disappear and the state will 'wither away'. ✓

Criticism of Marxian Fundamentals

The fundamental theory of Marx, *viz.*, the theory of labour-value, has been, on the whole, abandoned by a majority of modern Marxists who seem to make their choice between the theory of 'final utility' or that of 'economic equilibrium'. Marx himself tones down the angularity of his labour-value theory by constantly admitting that value also depends upon supply and demand. The law of concentration, as propounded by Marx, is not borne out by facts. The number of small independent manufacturers is actually increasing. Besides, the development of modern joint-stock companies shows that the concentration of industry does not necessarily imply centralisation of property. The Marxian doctrine of class-struggle is based essentially on the supposition that modern society is sharply divided into two classes only—the capitalists and the labourers. Is there not an

⁷ *Contemporary Socialism*, by John Rae, p. 145.

increasing differentiation even *within* the capitalist and working classes themselves? The materialistic interpretation of history, while representing a modicum of truth, represents an over-emphasis on one aspect of history only. Marx envisages dictatorship of the proletariat as a temporary development. But power dies hard. Will the proletariat relax its iron hold on men and affairs and not try to perpetuate its rule?

Marx and Hegel

Marx uses the dialectics of Hegel if only in an inverted form. He explains, like Hegel, social development on dialectic basis. Hegel looked to German leadership, Marx to proletarian leadership as representing the culmination of dialectic evolution of society. For Hegel, the mechanism of history was warfare between nations; for Marx it was a revolutionary struggle between classes. Both were determinists and believed in a pre-determined goal for society. Both made the individual subservient to a higher social entity which was the state with Hegel and class with Marx.

The main contributions of Marx to political philosophy relate to his theories about economic determinism, class-struggle, surplus value and the concentration of capital resulting in increasing misery of the proletariat whom Marx defined as "the class of modern labourers, who, having no means of production of their own, are reduced to selling their labour-power in order to live". To Marx, "the most important factors in determining action either individual or social, are economic".⁸ Marx did not agree with Utopian Socialism for, under the influence of Hegelism, he could not accept the idea of final social forms. Marx was the first socialist who stressed the importance and pointed out the role of the proletariat. The economic emancipation of the working classes was, to him, a social problem of vital importance. His revolutionary socialism was based on the "labour-value theory with class warfare as a dynamic force". The principle of class-struggle of Marx carried with it the repudiation of the principle of democracy. Marx underrated the cementing force of nationality. He divided the civilized world into antagonistic classes on an economic basis. As such he was an internationalist. The importance of Marx in the history of socialism is evident from the fact that Marxism is still the avowed creed of mutually contending socialist groups.

2. LORENTZ VON STEIN

The doctrines of Stein, a German socialist, represent an amalgamation of Hegelian idealism, Comte's positivism and historical materialism of Karl Marx. Stein was also influenced

⁸ *Civilization in Transition*, by H. C. Thomas and W. A. Hamm, p. 287.

by the writings of Haller and St. Simon. Stein believed that human association was based on the relation between two classes, *i.e.*, the haves and the have-nots. The satisfaction of the material or spiritual desires was the cause of subjection of one by another. In every community, there is a conflict of classes, due to the efforts of the special interests to secure their good at the expense of others. Each class, therefore, wants to control political power. Stein, like Marx, saw that class-struggle was inevitable, but believed that reform should be brought about, not through revolution, but by the introduction of social democracy. The working classes should emancipate themselves from the clutches of the capitalists by gaining control of the state through education and extension of suffrage and then securing the passage of pro-labour legislation. The doctrines of Stein thus show a strong tinge of socialism, which became a powerful factor in Germany later on. Stein condemned communism, because of its insistence on equality of possession. Communism destroyed individuality. Socialism, on the other hand, was based on the idea of individual personality. Logically, the socialist idea led to the idea of political democracy. Socialism, combined with political democracy, would lead to social democracy.

Distinction between State and Society

Stein saw a fundamental difference between the basic principles of the state and of the society. The state represented the principle of free self-determining personality and consciously safeguarded the liberty and full personal perfection of every individual. On the other hand, the society expressed the principle of 'blind unintelligent, instinctive self-interest', in which each individual promoted his own interest at the cost of others. There was a constant state of war between social and political forces. Freedom and justice could only be secured by a proper organisation of the state and extension of its functions. Stein's doctrines show a combination of sociology and socialism and suggest an influence on him of Comte's sociological principles.

The Importance of Socialism

During the years 1815-1880, three mighty forces, representing three different bodies of doctrines, occupied successively the position of honour in political speculation, *i.e.*, (1) Constitutionalism, (2) Nationalism and (3) Socialism. The political implications of socialism differ, in some respects, materially from those of constitutionalism. While constitutionalism ignored the society and the state and laid emphasis on the government, the socialist theory relegated both the state and the government to the background and concentrated on the society. Again, while the constitutional theory discussed things in terms of peoples, the socialistic theory reclassified people according to the economic standard and created a new conception of the people. Regarding

the organisation of government, the tendency of socialism is, on the whole, towards representative government. As to the source and scope of the authority of the government, there is a sharp division of opinion among the socialists themselves. While socialists of the type of St. Simon, Comte and Marx assign unlimited powers to the government, Godwin, Proudhon and Spencer were anarchists and anti-governmental in their attitude. The 19th century socialism was based on the 18th century notions of the law of nature and the rights of man. The socialists took up the dogmas of liberty and equality and looked at property in its relations to their great principle of equality.

IV. OTHER SOCIALIST SCHOOLS

The period between 1880-1914 saw the emergence of a number of socialist schools, some of which tried to revise, supplement or implement Marxism. These may be described as follows:

Fabian Socialism

The Fabian socialists, among whom the most important are H. G. Wells, George Bernard Shaw and Sydney and Beatrice Webb, regard the transition from capitalism to socialism as a gradual process, look forward to the socialisation of industry peacefully through the existing economic and political agencies and want to arouse the social conscience of the community in favour of the socialist creed.

German Social Democrats

The German Social Democrats, like Lassalle, demand universal, equal and direct suffrage, direct legislation, popular militia, freedom of speech and association, sex equality, separation of Church and State, compulsory secular education and free administration of justice, etc. Other important leaders of this school are Babel and Liebknecht.

Revisionism

The revisionists, of whom the most important name is Edward Bernstein, point out certain weaknesses in Marxism and propose revision of Marxism accordingly. They ridicule the Marxian belief that the collapse of the capitalist system is imminent and contend that any tactics based on this assumption are unwarranted. The Marxian theory of social evolution is correct regarding its *general tendencies* but not regarding its estimate of *time of evolution*. The revisionists point out that industrial combinations have not developed in a uniform fashion. Class crystallisation and class opposition is less acute than Marx predicted. There is not a decreasing number of capitalists but an increasing number of capitalists of all kinds and degrees. Pro-labour legislation is lessening the danger of revolution. Bernstein believes in the economic interpretation of history but

emphasises the importance of factors other than economic, *vis.*, law and morality, social and religious traditions, geographical environment, etc., which make history.

Marxist Reply to Revisionists

In reply to revisionism arose a number of supporters of Marx, chief amongst whom was Karl Kautsky. These people took up the view that true Marxism lay not in following Marx uncritically but in applying Marxian methods to assess facts. These Marxists believed that while Marx and Engels were correct in gauging the direction of social development, they were wrong regarding the timing, velocity and form of coming social revolutions and that they minimised the importance of geographical peculiarities, and racial individualism, etc. The Marxists believe that the increase in the number of small *entrepreneurs* runs parallel to the concentration of capital in great industrial combines. The percentage of economic output and total national labour employed by these industrial combines and corporations is on the increase.

On the question of Reform *vs.* Revolution, there is a sharp difference of opinion between socialists. Kautsky held that violence was less effective than peaceful pressure through free press, universal suffrage, political democracy and strikes, etc. Unlike Marx, Kautsky, visualises the socialist millineum which would be based on elimination of vestiges of feudalism, proletarian government, universal suffrage, freedom of expression and association, secularisation of state, abolition of army, abolition of rights of inheritance and a reformed system of taxation.

Syndicalism

Syndicalism lays stress on trade and industrial union movement, on the producer rather than consumer as the controlling factor in industry, on general strike, sabotage and other forms of direct action as the means of social transformation, on the impotency of political action as a means of working class emancipation and on the need of abolishing the political state. The fundamental idea of revolutionary syndicalism, like that of Marx, is that of class-struggle between the two classes of employers and employees. The unit of social organisation is the syndicate or trade union. The syndicalists believe in the educative and cementive power and potency of direct action which may take the form of strike, boycott and sabotage.

The Syndicalists have no use for the state which is an instrument of class-rule. Parliamentary or political action will not suffice. Workers should not be deceived by the snares of parliamentary democracy. The workers of the world have no fatherland and no regional patriotism. They have class and economic but not national ties. They should promote international

class solidarity. Democracy, to a syndicalist, means minority rule.

The object of the Guild socialists like A. J. Panty, S. G. Hobson and G. D. H. Cole has been 'the abolition of the wage-system, and the establishment of self-government in industry through a system of national guilds working in conjunction with the state'. Later on, *i.e.*, in 1920, the word state was dropped. Guild socialists are against territorial representation for no individual can wholly represent another. Only interests can be properly represented and, therefore, there should be functional representation. To the Guild socialist, the state is an engine of coercion. The Guild socialists occupy a middling position between older socialists and syndicalists.

V SOCIOLOGY AND POLITICAL THEORY

Alongside the rise of socialism, there was the rise of another definite science, the science of sociology. From early times philosophers had distinguished between the society and the state. Human groups had a life distinct from their political life. The Physiocrats, Adam Smith and other economists showed the importance in a nation of forces other than the state. St. Simon and other socialists concentrated on these newly recognised forces. The real science of sociology, however, began with Auguste Comte. Comte's Positive Philosophy was very prominent during the main part of the 19th century. He made sociology an all-embracing science. Later sociologists, however, narrowed the sphere of sociology. Herbert Spencer's synthetic philosophy, based on the principle of evolution, made sociology more definite, if narrower and materialistic—a tendency followed by later sociologists.

1. AUGUSTE COMTE

According to Auguste Comte, sociology is a science which is concerned with the phenomena of the organic as distinguished from the inorganic world. Sociology includes and follows the science of Biology. Comte's system of sociology, based on the theories of St. Simon, is treated comprehensively in his *Cours de Philosophie Positive*, which was based on his earlier essay entitled *Systeme de Politique Positive*. Like other Simonians, Comte believed that a new method was necessary to solve social problems. He denounced natural rights, social contract, written constitutions and separation of powers preached by the revolutionaries as well as the divine-right theological doctrines of the reactionaries. Comte believed that political theory, based on practice, like all theory, must pass through three stages. The first was the theological stage in which physical force regulated social relations. Conquest and slavery were the notable features of this stage, the political theory of this stage being the theory

of divine-right. The second stage was the metaphysical stage, in which military force yielded place to industrial progress, which was attended by fierce economic competition. Serfdom or free labour replaced slavery. The theory of natural rights and social contract became prominent during this stage. The third stage was the scientific or positive stage, which would be characterized by the conquest of nature and expansion of industries. Social problems, more than physical ones, would dominate this period, which would, therefore, be a period of positive philosophy.

Positive Philosophy

Comte believed that politics, like all other sciences, must be based on observation and history. The institution of government must be judged in its relation to the civilization and general social conditions around it and not according to absolute notions of which government is ideally best and which worst. Comte thus belonged to the inductive and historical school. The positive philosophy of Comte is based on the notion that social phenomena are, like the phenomena of any other science, regulated by natural laws which must be discovered. These laws are of two kinds, *i.e.*, (1) laws relating to the fundamental conditions necessary for social relations; and (2) laws relating to the development of social relations. These two bodies of laws form respectively social statics and social dynamics, which collectively form the science of sociology. Social statics represents the factor of Order and social dynamics, the factor of Progress; Order and Progress being two necessary factors in social relations summing up the life of a civilized society. The science of sociology, properly built up, will restore harmony between Order and Progress. Comte was more interested in society than in the state.

Society and Government

Comte believed that social life began with the selfish and altruistic social instincts of man. The family was the primitive unit of society. The government was necessary for society and society for government. The government established order which facilitated the harmonious organisation of social laws for the exercise of social functions. The principles of organisation are (1) distribution of functions, and (2) combination of efforts, and these two principles require the coercive forces of government. Comte justified government by saying that 'force (material power) is the basis of every human society'.⁹ But, though force was the basis of government, intellectual, moral and religious forces also played a great part in society. At the top of his system, Comte placed a new religion and a priesthood, in which were centred all the ultimate elements of social control.

⁹ *Political Theories*, by W. A. Dunning, Vol. III, p. 392.

Biological Conception of Society

The most distinctive contribution of Comte to political philosophy is his comparison between society and biology and his consistent exposition of social, moral and political phenomena by the analogies of the physical sciences, especially biology. To Comte, the society was an organism and had life like other forms of life. Sociology and biology were, to Comte, two branches of one science. He compared the evolutionary progress of humanity with the evolution of the individual man. He attributed characteristics of organic life to society. Auguste Comte was against the democratic form of government. Women, workers and teachers should have no share in public life. Comte wanted to reconcile the principles of dictatorship and liberty. He was for a government by a committee of experts representing agriculture, commerce and industry.

2. HERBERT SPENCER

The writings on political philosophy of Spencer include the *Proper Sphere of Government* (1842), *Social Statics* (1851), *Principles of Sociology*, and *Man versus the State* (1884). At the basis of all the social and political philosophy of Spencer, there is the theory of evolution. The political philosophy of Spencer represented a none too happy compromise between Darwinism and Benthamism. The evolutionists believed in a life-force which was dynamic in character and which made towards evolution. Mankind evolved upwards. Spencer applied the doctrine of evolution to his political philosophy in order to justify the claims of individual liberty. Spencer believed in the utilitarian theory that happiness was the end of all individuals. In order to gain happiness, a man must constantly adapt himself to his environment. This adaptation and adjustment required that every man must be free. Spencer, like Bentham, identified morality with laws of the physical world. To him, morality 'is essentially one with physical truth—is, in fact, a species of transcendental physiology'.¹⁰

Organic and Evolutionary Conception of Society

Spencer viewed the society as something analogous to a living organism. He found the principle of evolution exhibited in nature where matter changed from an 'indefinite, incoherent homogeneity to a definite, coherent heterogeneity'. The same principle applied as well to the vegetarian world as to the animal world and to the human society. The life-history of the society showed the same process of evolutionary development as the life-history of a human being. Spencer's view of society, therefore, was organic and evolutionary. Spencer had to reconcile and

¹⁰ *Political Thought in England—1848-1914*, by Ernest Barker, p. 85.

harmonize his organic and evolutionary conception of society with his concepts of individual rights and his doctrine of the evolution of the individual. Spencer found that the society had reached a highly complex stage where specialization of functions was not only useful but necessary. This specialization of functions in society was a result of the urge to individuate. The end of human endeavour was to achieve this individuation. The society in which the greatest possible standard of individuation has been reached enters its ideal state, and becomes static. Each man is perfectly adjusted to his environment in such a society and develops his individuality on his own lines.

Spencer did not, like the Utilitarians, distinguish between state and government. His organistic view of society led him to interpret the organization and activity of the government with analogies from the organic life. The governmental institutions of a society represented a differentiated structure which had developed under the evolutionary process. "The main organs of society were the sustaining system, under which the industrial organization of society was compared to the alimentary organs of the individual; the distributing system, under which the commercial organization of society was compared to the circulatory organs of the individual; and the regulating system, under which the political organization of society was compared to the nervous motor organs of the individual."¹¹ The main function of the government was defence against external attacks and its secondary function was to secure the individual against internal encroachments.

Spencer's Individualism

Spencer maintained the conception of natural rights of the individual. He accepted the social contract as a theoretical though not as an historical basis of political authority and institutions. He conceived of justice as freedom for each individual to do what he pleased, provided he did not encroach on the right of others to similar freedom. Spencer applied the principle of *laissez faire* to the political as well as to the economic systems. He assigned a negative function to the government. The government is there only to remove obstacles in the way of the free development of individuals. Ultimately, individuals would be able to develop freely and independently and government would become unnecessary. Spencer imposed severe restrictions on the activities of the government. The state ought not to regulate industry, to establish a state church or to attempt colonisation. There should be no compulsory education in the state. The state should not give poor-relief or undertake public health measures. This strict delimitation of governmental functions by

¹¹ *History of Political Thought*, by R. G. Gettell, p. 407.

Spencer was due to his belief that any extension of state functions 'interfered with the natural evolution of society and prevented the proper differentiation of social structure, which progress demanded'. The whole function of the government was to ensure the individual his natural rights which consist of life, liberty and pursuit of happiness. The state had no life or individuality of its own. (6)

Anarchy the Goal of Society

Spencer believed that the laws of evolution which governed the life of the society would lead to the ultimate elimination of the government. Anarchy was the goal of society. This would happen when the essentially military type of society, based upon material force, would be replaced by an essentially industrial type of society, based upon voluntary co-operation. The industrial type was the higher and the goal of social evolution. War, which was valuable in the earlier stages of human evolution, was no longer necessary and with its disappearance the government would lose its main support and tend to disappear. Spencer believed England and the United States of America to be the leaders in the process of social evolution. He believed that representative type of government would become more and more prevalent and the executive would become elective. He prophesied the decentralization of the government and the rise of individualism.

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CHAPTER XXIV

SOME RECENT TENDENCIES IN POLITICAL THOUGHT

1. THE STATE AS AN ORGANISM

THE organic theory of state, assigning a personal nature to the state, represents one of the most important developments of political theory during the 19th century. But the conception of the state as an organism is practically as old as rational political philosophy itself. The organic conception of the state was first formulated by the Greeks, to whom, man was essentially a political animal inseparable from the city-state. Plato characterized the state as a magnified individual with functions similar to those of the individual. His political society was divided into the rulers, warriors and artisans representing the three human faculties of reason, courage and appetite. In the Middle Ages, the political theorists drew parallels between the activities of the individual and those of the state. The theory of sovereignty of Althusius was based on an organic conception of the state. Hobbesian Leviathan was an artificial man of vast proportions. Even Rousseau compared the state legislature to the human heart and the executive to the brain. On the whole, however, the contractual origin of the state militated against the organic conception of the state. But with the growing unpopularity of the social contract theory, the idea of state as an organism appeared again and emphasis began to be laid on the natural growth of the state. The growth of German Idealism marked a strong revival of the organic conception of the state. To Fichte, the state represented an organic unity, the citizen having no separate identity. It was as a member of the state, said Hegel, that an individual got his reality. A state represented a personality of the highest order. Below the metaphysical sublimation of German Idealism, the organic theory of state received a more materialistic colouring from the non-Idealist writers who viewed the state differently as a psychic organism, a biological organism and as a social organism.

The Psychic Theory

The theory of state as a psychic organism represented a transitional compromise between the metaphysical conception of state as a moral organism and the later biological theory. The psychic theory assigned to the state the mental qualities of human personality and compared the mental growth of the individual with the political development of the state. The democratic and monarchical elements of the state were likened by Joseph Von

Corres to the automatic and voluntary elements in human psychology. The monarchic element was like the conscious will of the individual. In a good state, the monarchic and democratic elements must co-operate as voluntary and automatic functions of the human organs. States passed through their periods of infancy, adolescence, full manhood and old age as reflected in their laws and governmental structure. The state had a will like, but superior to, the will of the individual. The state represented an organic growth distinct from the body of its citizens. "Its juristic personality was not a legal fiction but a living reality"

The Biological Theory

The biological conception of the state, developed in the latter part of the 19th century, compared the origin, growth and activities of the state to those of the natural organisms. Karl Zacharia discussed the chemistry, mechanics, physiology and the biology of the state. The state was an organism because, like other organisms, it was composed of matter and spirit. Political activity and lull represented life and death respectively of the state. Karl Volgraff combined the psychic and biological conceptions of the state and classified the state-systems into four distinct racial temperaments. The sovereignty of the state was like the head of the body and depended upon the proper functioning of all other organs. Bluntschli insisted on the living and organic character of the state. To him, the state was not a natural organism because it was indirectly the creation of man but it represented an organism higher than natural organisms. The state is an organism because it represents the union of soul and body, i.e., of material elements and vital forces. It is a whole and yet embodies numerous distinct but closely related bodies. Like other organisms, it develops internally and externally. The state has a will and a spirit of its own and represents essentially a moral and a spiritual organism. According to Bluntschli, the state has a personality of its own and has got a masculine character as distinguished from the feminine nature of the church.

The State as a Social Organism

The growth of sociology and the application to it of the biological method resulted in the growth of the conception of the state as a social organism. The sociologists viewed the society and the state as organisms, the state representing a particular organ of the organic society or the society itself from a particular point of view. This conception of society began with Auguste Comte, who believed that human society had passed through three stages, i.e., theological and military, metaphysical and legalistic, and scientific and industrial. In the last stage interest shifted from political to social questions. Studying society from the

point of view of biology and other natural sciences, Comte characterised it as an organism. The spontaneous harmony of organs and functions, to be found everywhere in organic nature, reached its perfection in the social organism, *i.e.*, the state. Social progress involved increased specialisation of functions with corresponding specialisation in component organs. Social evils were like disease in a living organism.

Herbert Spencer applied the biological doctrine of evolution to his study of society. He believed in a divine force of life in organic nature as well as in society. He combined the organic conception of the state with the idea of its development through evolutionary process. Spencer, however, noted the difference between a social organism and a living organism. He looked at the various institutions of the state as representing specialized structures developed by evolutionary process to perform particular functions. Spencer believed that the function of the state, like that of the brain, was directive and restraining and that the law of evolution would result in the gradual disappearance of the state. The followers of Spencer in England emphasised the differences between social and biological evolution. To men like Darwin, Huxley, and others the organic development of human living organism was like the ethical development of human society. Huxley differentiated between social philosophy and natural science. In Germany, Paul Von Lilienfeld believed that the state was a real organism possessing perfectly all the attributes of organic life. The state, like other organisms, was liable to disease and death. To Schaffle, the same laws governed all phenomena, whether they were inorganic, organic or social. Society represented the highest stage of organic evolution. The state embodying national unity and individuality, represented the highest organ of social will and social power. To Rene Worms, the state was a higher form of society, which had become self-conscious. It was not only an organism but represented a real personality.

The organic theory of state tends to harmonize the relations between the individual and the state by merging them into one organic whole. This theory arose as a reaction against extreme individualism and against the contractual and artificial conception of the state. It arose also because of the tendency to apply the principles of natural science, particularly the principle of biological evolution, to the study of social problems. The Idealist school favoured the organic conception of the state in order to exalt it. This theory was pressed into service to justify various forms of government, *i.e.*, monarchy, aristocracy or democracy on various grounds. Spencer justified individualism with its help. This theory laid useful emphasis on the historical and evolutionary nature of the growth of the state and brought into

prominence the effect of natural and social environment in the development of institutions. It threw light on the interdependence between individuals and institutions as also on the essential unity of social and political life. The organic theory of state, however, overdraws the similarity between the state and living human organism. Citizens of a state have a will and a life of their own which the different parts of a human body have not. The natural laws of evolution, too, depending so much on intuition, would not strictly apply to the growth of the society and the state because of the element of conscious purpose, instead of mere intuition, in social conduct. Individuals in a society or state can consciously regulate their progress.

II. ENQUIRY INTO THE BASIS OF POLITICAL OBLIGATION

'Why do men obey the state?' is not a very modern question in its conception. This is because any discussion regarding the nature and ends of the state inevitably leads to the more fundamental enquiry regarding the origin and validity of the political authority which a state may exercise over its members. Why and how far should a man obey the commands of the state in which he lives? Is political obligation a religious, ethical or a conventional duty? Closely associated with the question of political obligation is the question of law, because any enquiry into the validity of political obligation leads automatically to an enquiry into the nature and validity of law. Is law fundamental and immutable, or is it conventional and changeable? How far is it right to obey or defy law? Any enquiry into the basis of political obligation and law leads us irresistibly into an enquiry into the basis of political society itself. Political philosophy, generally conceiving of political society in terms of force and law, emphasises the coercive power of the state and attaches little importance to the motives which put and hold men together and regulate the relations between the individuals and the political societies. Rousseau has given a new orientation to the whole question of political obligation by basing his political society, not on force or law but on will.

The Basis of Political Authority

One of the most fundamental phenomena of history has been that the state, represented by as also representing the few, has claimed and got the allegiance of the many. Why should the many obey the state? Various theories have been pressed into service at various times to rationalise the basis of the state, as far example, the theory of social contract, the theory of divine right and the theory of force. Changing conditions have changed the conception of the basis of political authority. In the early days of human history, the ruler was very much the lord of his people and his state represented a mere collection of

individuals, sometimes with no fixed territory. Political obedience at such a time was personal to the ruler and was due to his position in the kinship group or his relations with gods or his acknowledged military leadership. With the fixity of state territory, political obligation became associated with citizenship of, and domicile in, the state. For some, the state is divinely ordained; for others, it results from the innate political nature of man. Some justify submission of the state on the scope of utility; others, on that of force or consent. Some have given an ethical basis to the state, because they think that political life is essential to the highest development of human individuality. Obedience to the state means obedience to one's own best self.

People in different ages have sought and given different answers to this fundamental question of political speculation, the question of political obligation. The earliest political philosophers traced political authority and therefore political obligation to law. Aristotle based political obligation on law. The state, arising from the natural sociability of man, was a natural organism and therefore its laws were binding upon its members. "The great Jurists of the Digest recognised one, and only one, source of political authority in the Empire, that is, the Roman people"¹ The early Church Fathers enjoined obedience to the government on the ground that all government, though not a natural was yet a divine institution, representing as it did a divine dispensation consequent on the Fall. "The powers that be are ordained of God" and therefore obedience is due to them by the law of God. Political obedience is thus a religious duty. This did not, however, mean to the Fathers that any manner, *i.e.*, form, of exercising the civil authority had a divine sanction. Political obligation, with Aquinas and other Churchmen, was linked up with the moral obligation of a man's being. Spinoza identified right with power both in the individual and in the state. The right of the state against the individual was limited by its power. Spinoza's theory would lead to the justification of a successful rebellion. Hobbes believed that political obligation was essentially parented by fear. He gave his sovereign an absolute right to the submission of all his subjects, singly or collectively, a right emanating from the irrevocable covenant entered into by his subjects. The *de facto* sovereign's right to obedience was not limited by his power. Hobbes really joined the contractual and utilitarian theories to rationalise political obligation. Without a state, there can be power but no rights. Individual rights depend upon the state and due obedience to it. During the American and French revolutionary wars, the questions of the Rights of Man and political obligation were discussed in conjunction with each other.

¹ *Medieval Political Theory in the West*, Vol. II, by A. J. Carlyle, p. 56.

The revolutionary philosophers went into the foundations of political authority and the limits of political obedience.

Sir Henry Maine ascribes political obedience to the force of habit. We obey the state because we are habituated to render such obedience. We seldom think of doing otherwise. Other thinkers like Locke, and Rousseau, urge that the state is built on consent but this, at best, represents an artificial generalisation. The subjects are not ordinarily called upon to give their explicit consent to the building of the state and implicit consent is meaningless. Locke allows the whole community the right of revolution, *i.e.*, the right to withhold obedience to the state. Rousseau gives his sovereign, *i.e.*, the political community, the supreme coercive power. To Hume, governmental authority was based on opinion. The Benthamites held that men obeyed the state because it was useful to do so. Such an obedience promoted the greatest good of the greatest number. Neitzsche made power the basis of the state and held that obedience to the state was a matter of compulsion rather than consent or co-operation of the subjects. The conventionalists hold that authority is based on convention, "not primitive or unchanging or universal but on the convention of a sufficient number enforced by their interest or what habit has led them to act on as their interest. Authority is based on an attitude—the voluntary attitude of men who prefer to support rather than oppose."² Some, while agreeing that consent, interest, tradition, imitation and habit all support authority, insist that the same ultimately rests on Faith. Every one of the answers given above, it may be said with fairness, represents but a partial truth. All theories which try to rationalise the basis of political obligation approximate to truth at certain times but are not valid for all times and circumstances.

Limitations on Political Authority and Obedience

Closely bound up with the question of political obligation is the question of political allegiance. In the Middle Ages there was no question of shaking off political allegiance. A man born in France remained a Frenchman throughout his life even though he had permanently settled in Persia. Naturalisation, however, makes change of nationality possible now and even justifies a man fighting against his country of birth. But can a man, living in the country of his birth, fight against his own country, while fully enjoying the rights and privileges of the citizenship of that country? Does the injustice of the state justify revocation of allegiance and rationalise physical resistance? "No moralist would deny that there are limits to the obedience which the state can require of its members."³ The theories of limitation of authority

² *The Principles of Politics*, by G. F. G. Catlin, p. 172.

³ *The Common Weal*, by H. Fisher, p. 118.

range from the doctrine of the duty of rebellion to the assertion that the only limitation on the authority of a state is self-limitation by the state. Some hold that the "inherent limit of authority lies neither in law nor in force nor in contract, neither in revolution nor in self-limitation, but in the requirement of maintaining the strength of the believers as greater than the strength of disbelievers."⁴ The right of resisting a tyrant has always been a controversial topic. A tyrannical despotism, particularly an alien despotism, lacks *ab initio* the basis of consent on which the governments of all organic states are founded. Another aspect of the question of political obligation and political resistance is furnished by the question of passive resistance justified on the basis of the right of individual conscience. Passive resistance, if carried to an extreme, destroys all civilised government.

The growing extension of democracy during the recent period has naturally brought to the fore the question of political obligation which is bound up with the question of political resistance, inevitable in a democratic state. In a democracy the people are sovereign and may claim to disobey laws made by themselves. Then again a democracy is bound to be worked under the party system. The adherents of one party might justify their resistance to the laws of the state on the plea that the laws and acts of the state are laws and acts of a temporary hostile majority and do not truly mirror the wish and the best interests of the nation. The industrial disputes and the question of the rights and limits of state intervention therein have naturally led to discussions regarding the right of revolution against the state, for the worker has always accused the bourgeoisie state of direct or indirect partiality to the capitalists. Anarchism, syndicalism and anti-authoritarian socialism have always refused to acknowledge the sovereignty and supreme authority of the state. The anarchist finds little justification for coercive political authority and would abolish the state altogether. The pluralists, in recent times, have consistently aimed at diluting the sovereignty of the state. There has been, in fact, a very considerable growth of anti-stateism during the recent times. Naturally these attacks on the state have led to the discussion of the nature and validity of political obligation.

Green on Political Obligation

T. H. Green's *Principles of Political Obligation* and Bosanquet's *Philosophic Theory of the State* have, during recent times, made valuable contributions to the rational discussion of the question of political obedience. Green, as we know, represented a compromise between the Kantian philosophy of moral freedom

⁴ *The Principles of Politics*, by G. F. G. Catlin, p. 174.

and the British liberalism of the 19th century. In his examination of the conditions best calculated to develop his 'self-conscious individuality', Green was led to examine the basis of moral and political obligation. He wanted to see how far an elaborate and complex system of state-law hampered the development of individuality and to judge the right and extent of the influence of state and society to regulate this development with its customs, laws and penalties, etc. Green's discussion of the question of political obligation brought him to the discussion of moral end of man, the nature of law and its interaction with the activities of the society. "My purpose is to consider the moral function or object served by law . . . and in so doing to discover the true ground or justification for obedience to law."⁵ Green viewed his moral end in terms of individual self-realisation. A self is free when it can fully realise itself. But no man lives *for* and *by* himself alone and every one realises himself in society. Each individual, therefore wills, along with his own self-realisation, a common good. This common good, being willed by all members of society, represents the rational basis of society and is the moral end which is the *raison de ctre* of the state. The rational basis of the state, therefore, is will and not force, a conception in which Green agreed with Rousseau. Political obligation differs from slavery because a citizen voluntarily submits to the regulative power of the society in order to realise a common moral end. The society represents "the common consciousness of a common end." This consciousness creates rights as also the sovereign power to secure those rights by its laws and systems of rules. A citizen, however, has, thought Green, the right, nay the duty, of disobeying the state if the latter did not subserve its ends.

The French Jurist, Duguit, in his *Law and the Modern State*, finds in his principle of social obligation the true basis of political obedience. To him, political obligation is 'a form of social service' dictated by social necessities and is not due to contract, utility or coercion. The general tendency, during the recent times, has been to find sanction for political obligation in racial, economic and psychological impulses rather than to rely on philosophic rationalisation. It has been increasingly realised that an analysis of the motives behind obedience to the state and its laws shows that political obligation is considerably founded on imitation, rational self-interest, inertia, sympathy and herd instinct and that the relative importance of these motives is different in different environment.

III. THE APPLICATION OF PSYCHOLOGY TO POLITICS

Close Alliance between Ethics and Politics

Ethics and politics have always been closely related to each other. Both owe their origin to early group-life when custom,

⁵ *Principles of Political Obligation*, by T. H. Green, p. 29.

based on tribal notions of morality, represented the law of the community. With the growth of distinction between the individual and the community arose ideas of individual and public morality developing into ethics, and law and politics, respectively. The connection, however, between ethics and politics remained close because ethical concepts, when universally accepted, are translated into laws. The application of psychology to politics, though a notable feature of modern political speculation, is old both in its conception and practice. Both Plato and Aristotle construct their theory of state on a psychological conception and analysis of human nature. Aristotle finds an individual by nature a political animal. Machiavelli and Hobbes evolve their state absolutism on a very dark visualisation of human nature. On the other hand, Locke and Rousseau support their theory of popular sovereignty on a pretty bright conception of the nature of man. In the 19th century, the Benthamites made pleasure the objective of human nature and built their utilitarian philosophy of the state accordingly. The experimental psychology, developed in the forties of the last century, due particularly to the inspiration of the German philosopher, Wundt, considerably changed notions about human psychology and influenced the growth and trend of political philosophy. To Cole, political philosophy and psychology are complimentary because both deal with the human mind in action.

Group Psychology

Whereas, during the middle of the 19th century, the biological theory of evolution considerably affected the development of political thought as witnessed by the writings of Herbert Spencer and others, in the latter part of the same century and the beginning of the present one, the social and political philosophers increasingly sought the aid of psychology. They turned to the study of the laws of individual and group consciousness and behaviour amongst mankind. Psychological concepts like will and reason, custom and tradition, instinct and impulse, became current coin with social and political philosophers in their study of the causes and phenomena of social and political growth. The growth of nationalism, during the 19th century, also drew attention to the importance of the national spirit and of group psychology in politics. The various revolutionary movements naturally led to an enquiry regarding mob-behaviour and mob-psychology.

In England, the study of political problems on the basis of psychological study began with Bagehot (1826-1877) who brought out the importance of rigid custom in the formation of early society. Imitation, according to Bagehot, played an important part with primitive people. Bagehot identified human progress with co-operative groups. *The Human Nature in Politics*, of

Graham Wallas, published in 1908, is based on experimental psychology. Wallas, in his book, arrives at the conclusion that in political conduct, the sphere of reason is very small and that subconscious processes, like habit, instinct, suggestion and imitation, play a good deal greater part than reason. Political conduct of an individual is based generally on an unreasoned impulse of which a clever politician naturally takes advantage. Wallas brings out the importance of the part played by emotional suggestion in politics as witnessed by the effect of a properly conducted propaganda. Political determinations do not so much represent a rational general will as a practical arrangement of subconscious impulses, habits and prejudices. In his *The Great Society*, published in 1914, Wallas introduces certain limitations on his former theories. He attaches greater importance to reason as the basis of political actions. His *Social Heritage* brings out the importance of social traditions and institutions.

The psychologists of the school of Graham Wallas have done considerable service to political philosophy, for, they did not confine themselves to *man* as a political or social animal. They were rather engaged in the study of human *institutions*. They studied the working of parliamentary assemblies and social associations more than the social instincts of man. They used their knowledge of individual psychology to build up their theory of the psychology of society itself. A number of other eminent psychologists have enlightened political philosophy by their psychological researches. Some of the psychologists, like McDougall, have concentrated on the study and classifications of social instincts in man. They have not written directly on politics, for, they have been concerned with the social *man*, rather than social and political *institutions*, but then no hard and fast line can be drawn between man as a social and man as a political animal. According to McDougall, instinct is the basis of all human activity. McDougall, in his *Social Psychology*, distinguishes the social mind from the mind of the individuals, and holds that highly organised societies are characterized by intelligence and morality of a higher order than those of their average members. McDougall brings out the importance in politics of studying general principles of group life and applying them to particular groups. William Trotter lays emphasis on the gregarious instinct. The study of this instinct is important, particularly because politicians make such effective use of the group-consciousness of the people. MacIver has devoted his attention to the study of the psychology of various forms of social groups such as communities and associations. He believes that the state is just one of the forms of human association, possessing legal and coercive power, and should have only a regulative power over other associations. He denies the McDougallian theory of a single group-mind. Rivers

has done useful service to political philosophy by his researches in the behaviour of committees and bureaucracies. He believes that whereas advisory committees are useful because they produce a result superior to that attainable by their individual members, the reverse is true of executive committees. Rivers also points out that a psychological study of socialism and an enquiry into the possibility of an individual working for the good of the society on altruistic lines are bound to be useful. Rivers suggests that the Freudian study of repression in the case of an individual might have a strong bearing on the study of political repression. Miss Follet and other psychologists have thrown light on political problems like democracy and its future. They have indicated the difficulties of applying democratic principles of government to large areas in modern nation-states. The basic democratic ideals of justice, freedom, loyalty and lawfulness obtain really in small communities like city-states, more than in big democracies. Besides, political knowledge, and therefore political control, is more difficult in modern big democracies than in ancient ones.

Of French writers, Tarde lays stress on imitation as the basic principle of social life. Social ideas result from the mental interaction among the members of a group. Emile Durkheim concentrates on the study of group-mind. Social interrelations give birth to collective consciousness. The social mind is distinct from individual mind and is intellectually and morally superior to it. The society is a complex of interest-groups and the state exists to reconcile the conflicting interests of these groups. Durkheim, Le Bon and Sighele have emphasised the importance of the impact of crowd-mind on the individual mind. Gustav Le Bon learns from his researches in the field of crowd psychology that the collective mind of a group represents a lower standard, intellectually and morally, than that of its average member. He lays emphasis on the emotionalism and irresponsibility of the group-mind.

The recent application of psychology to political philosophy has borne fruitful results. Psychological researches in subjects like the gregarious instinct of man, his tendency to act with his group, fear of authority and the tendency to imitate are evidently useful in the explanation of his political behaviour. No political theory can be adequate or scientific which does not take proper account of human nature. What political philosophy is concerned with is, not the determination of the nature of ultimate good, but the realisation of the welfare, moral and otherwise, of the individual, and of the community as a whole. And this is best possible only through the application of the knowledge of human psychology to political philosophy.

IV. RECENT THEORIES OF SOVEREIGNTY

According to the 'modern' theory of sovereignty, *i.e.*, the theory of Jean Bodin, sovereignty is conceived of as a 'co-ordinated, unified supreme power, controlled by a definite person or group of persons'. It is best located in a monarch. The theory held good for some time and became the basis of Austinian conception of sovereignty. But various forces and factors such as the growth of the powerful associations and the comparative failure of parliamentary democracy, during the recent period have resulted in sovereignty being viewed in different ways and from different angles. Positivism, neo-Kantianism and Pragmatism, etc., have changed the concept of sovereignty. A few representative and new concepts of sovereignty are given below.

1. *Esmein—National Sovereignty*

To Esmein sovereignty resides and must reside in the nation. Rousseau also conceived of sovereignty residing in the General Will of the nation. But Rousseau's theory was based on a conscious contract and destroyed the individual which is not in accord with the modern concept of free man. Esmein substitutes for contract 'common-sense, long current'. Sovereignty is in the interest of all and must reside in the nation. It resides inalienably in the nation and is based on reason and the rights of individuals. Such a view of sovereignty is in favour of a republican form of government, majority rule, single district constituencies and representative government. The state is the juridical personification of the nation.

2. *Jellineck—Sovereignty as Auto-Limitation*

Jellineck's theory of sovereignty, like that of Esmein, puts emphasis on constitutionalism, the individual and his rights and distinction between the nation and the state. Jellineck views the state as a sociological or socio-physical entity or as a juristic personality or corporation. 'The state is a group-entity of human beings settled on a given territory, endowed with original power of domination'. All human purposes and interests fall within the sphere of state activity. But there are some obvious limitations on such activity. The control of the state is external. The state cannot control an individual's religious beliefs, his health and his length of life, etc. But these are auto-limitations because the state is sovereign. 'The state obligates itself to its subjects by creating a law ... to apply and execute that law'. International law is another limitation on the state. The sovereign state can change its constitution but it must have a constitution. It must have law. Sovereignty is 'auto-determination and auto-limitation', under legal restrictions which must be observed by the state even in changing its form.

Duguit—Sociological Jurisprudence

Sociological jurisprudence considers law as objective and proceeds to deny the necessity of the concept of sovereignty. It shifts the emphasis from 'stateism' to syndicalism and public services. "It is a 'societal' jurisprudence which would bind the governing group to the rule of law, to the rule of social solidarity, in which 'society' is primary."

Duguit attacks the sovereignty of the state by attacking its 'unity'. Decentralisation and federalism disprove this unity. In its public utility services like education, poor law and transport, etc., the state works in a manner which must be regulated by public law and which is incompatible with notions of sovereignty. Not imperium but public service is the characteristic of the state. Instead of issuing commands the state 'organises' public utilities which are necessary for social solidarity. Sanction behind law is public service and public need. Each public utility department develops its own code of law and there is no monism in these developments. The state is 'responsible' for its acts and this responsibility destroys its sovereignty. The state is not a force that commands. It is not sovereign. It is an organisation of public services. French positivism, federalism, decentralization, syndicalism and internationalism all contributed to Duguit's denial of sovereignty to the state.

4. *Kelsen—Pure Jurisprudence and International Law*

Kelsen looks at the problem of sovereignty as a pure jurist. He is concerned with principles of law, not with social facts. The state is the legal organisation; it is law. Kelsen is not against the sovereignty of the state.

5. *Laski—Political Pluralism*

Laski's thought betrays influences of positivist sociology of Duguit, group-personality of Gierke and Maitland, individualist liberalism and collectivist socialism. He rejects sovereignty with its monistic connotation as inconsistent with the pluralistic structure and functioning of society. The society represents a multitude of groups and associations competing for the loyalty of the individual. The state is one of these associations. The claims of the society on the individual are superior to those of the state. The happiness of the individual is the criterion of the excellence of the state and its demands on his allegiance. The individual is the best judge of this claim on him. The validity of the acts of the state comes from individual decisions. The state has force but the individual is the best judge of whether or not he will submit to this force and take the consequences of non-submission.

Laski holds that whatever is essential to the free development of personality is the right of the individual. Individual

rights, therefore, change with time and place. Rights are born *with* the state, not *of* it. They precede law which represents an attempt to actualise them. The state 'is not unitary; it is not absolutistic; it is not independent. It is pluralistic and constitutional and responsible. It is limited in the force it exercises; it is directive rather than dominating'. The state is an association with the special function of co-ordinating other groups and associations. There is no sovereign, no determinate human superior. Law is not the command of the state. It is anterior to and coincident with the state. Laski is a rationalist, an individualist, a democrat, a pragmatist and a pluralist.

V. PLURALISM *versus* MONISM

Revival of the Study of Mediæval Corporations

Gierke in Germany and Maitland in Great Britain were responsible for a revival of the study of mediæval institutions. The theory of corporations, as developed by them, threw light on the significance and spontaneity of growth of many mediæval institutions and associations which did not originate or find sanction in the state but represented a large part of the life and spirit of the mediæval society. This theory assigned to those national associations a 'real personality' and, therefore, collective consciousness and a will of their own. The functioning of these associations did not depend on any sanctions of the state. This revival of the study of mediæval institutions—a tendency due considerably to the existence of very powerful capitalist combines and trade unions in modern times, resembling some mediæval corporations—has, during the recent times, resulted in the growth of political pluralism.

Political pluralism is inspired by the notion that liberty is to be found in the division of powers between the state and other associations and corporations. Not only does centralised sovereignty of the state destroy democracy and freedom but its action is cumbrous and wasteful. Pluralism, in general, insists on functional democracy and has a strong tinge of individualism in so far as it lays stress on the 'real personality' of groups and associations. The Pluralists, unlike the Anarchists, Communists or Syndicalists, are not in favour of abolishing the state. Their state is, however, not a sovereign state but merely a useful social institution among so many other social institutions, at best a *primus inter pares*. Even the most notable of the Pluralists like H. J. Laski, Ernest Barker, A. D. Lindsay, Hobhouse, Leon Duguit, Paul Bancour and H. Krabbe, however, are more keen in challenging the unitary conception of political obligation than in suggesting functions for their non-sovereign state. The monist philosophers view the state as a human institution *par excellence*, besides which all other associations are at best corporate or quasi-corporate individuals. Monism views the state as a vast series

of concentric circles representing various associations within the all-encircling state.

Pluralism represents a Reaction against State Absolutism

The pluralistic tendency in politics represents a reaction against state absolutism which grew out of the traditional theory of state sovereignty as developed by political philosophers like Bodin, Grotius, Hobbes, Rousseau and Austin. The Idealists, particularly the German Idealists of the Hegelian school, assigned a position of unchallengeable eminence and authority to the state. Their state was not only legally but also morally supreme. Hegel, for instance, believed that the ethical value of an individual depended on his membership of the state. Resistance to the state was unthinkable. Treitschke identified right with might and maintained that the greatest moral duty of the state was to maintain and strengthen its authority. The views of these absolutist Idealists were not identical with those of other monists like Bodin, Grotius and Austin, etc. The sovereign state of the latter was not above criticism or resistance. It was not irresponsible though it was superior to all other organisations and associations within its sphere of authority. All monists, however, agree in assigning certain characteristics to their sovereign state which are (1) comprehensive regulation of relations between individuals and between social organisations and groups; (2) power of enforcing membership of itself and possession of coercive authority; (3) power of framing and enforcing laws; and (4) absence of any other institution claiming legal equality with the state. Political allegiance is unified and is given to the state. The monists, in short, believe in an indivisible political sovereignty of the state. Individual liberty is created and guaranteed by the state. The monists allow a considerable amount of free action to individuals and groups. But they do it on the score of expediency, for their state must have full power of intervention. They allow moral but no legal limitations on state sovereignty. The pluralists view the state differently and adopt various lines of attack against the sovereignty of the state. They hold that the conception of the state as an absolute legal sovereign hardly fits in with political practice now-a-days. They advocate the acceptance of the group as an autonomous political unit, *i.e.*, they want to substitute the sovereign group for the sovereign state. Modern, *i.e.*, 'corporate' individualism, unlike the individualism of the 19th century, represents, due to the pluralistic exaltation of the group, an antithesis not between Man and the State but between Group and the State.

Pluralism represents a reaction against Hegelian Absolutism and has been inspired by the comparative failure of democracy with its concomitant of majority-tyranny over economic, political, racial and religious minorities. It is also a reaction to the break-

down of state administration due to expansion and over-centralisation of the functions of the state. MacIver equates state omnipotence with incompetence. The pluralist theory denies sovereignty of the state but not the state itself. The pluralist writers are not agreed on their line of attack on the state but this attack follows two broad directions. The state is attacked *internally* because (1) the state is not superior to other associations in the society who are co-partners of sovereign authority with the state; (2) law does not emanate from the state and is independent of, anterior and superior to the state; (3) the state is attacked *externally* as not being sovereign for it has to submit to international laws and regulations which limit its sovereignty.

The State not Superior to other Social Institutions

The pluralists hold that the state is neither superior nor anterior to other essential institutions of the society, some of which like functional associations have an ancestry older than that of the state. These institutions, whether religious, social, economic or political, are not creatures of the state. Their growth is spontaneous and their functions and powers do not emanate from the state. Hence, they are co-sovereign with the state. Some pluralist writers have emphasized the importance of professional and economic groups in society. Paul Bancour, for instance, holds that professional groups and associations, in all ages and places, have had a spontaneous growth. Though contractual in origin, these associations have been exercising a sovereign authority on their members. The sovereignty of these sovereign groups has overshadowed that of the state in matters affecting the special interests of the members of their own group. Various sociologists have realised that the economic life of modern society is too complicated for the ordinary machinery of the state. According to MacIver, "how vain is the project which would place under a single centre of control not only the economic enterprises of individuals, but also the activities of a multitude of economic groups, corporations and monopolies, trade unions and co-operative societies, leagues of manufacturers and of wholesalers and of retailers in their myriad forms, circle beyond circle of economic interests, financial and commercial, and industrial and agricultural alliances seeking through union, inclusive and exclusive, the particular aims which distinguish them from the rest, to say nothing of the professional and technical objectives which are reinforced by the sense of a common economic motive."⁶ Some of the pluralists suggest that the economic control of the state may be transferred to professional groups which may also serve as a basis of political representation. J. N. Figgis is against state interference in the special spheres

⁶ *The Modern State*, by MacIver, p. 461.

of social associations like churches and trade unions, etc. He urges the spontaneity of the various groups in the society. He believes the state to be the apex of an hierarchy of groups but not the holder of a centralised and unlimited sovereign authority, supreme over all individuals, groups and associations. Ernest Barker admits that social groups are anterior to the state. G. D. H. Cole, an advocate of federalism within the state on the basis of guild socialism, challenges the sovereignty of the state and advocates functional representation.⁷

The State vis a vis Other Institutions

Laski holds that the state represents only one among many forms of human association. He denies political sovereignty to the state which must be shared by the state with many other social groups. The state has no exclusive, nor even superior, claim to the competing loyalties of an individual. The acts of the state are really acts of those who are in immediate possession of political power and as such have no moral sanction behind them. The state, which has no inherent right to an individual's allegiance, must show higher moral purpose; otherwise, the groups within the state may be as important socially as the state, and may claim equal allegiance with it. "A citizen of Italy might claim with a show of justice that the state does not offer to him the guarantees of freedom, either in political or civil liberty; and he might reject the pretence of such a state to moral pre-eminence over the groups within it."⁸ The state is not the only obligatory form of human association or the only representative and guardian of the general interests of the society. Lindsay believes that social groups, representing as they do closer community of interests, may claim and win greater allegiance of the individual than the state and may serve as better means of co-ordination than the state. These pluralists are for the creation of functional democracy based on the spontaneous life of the various social associations, primarily economic; yet they would not deprive the state of all its controlling and regulative power. Figgis, for instance, regards the state as a 'society of societies' and allows it a superior authority as an agency of social co-ordination and regulation, though not an unlimited and indivisible sovereignty. MacIver criticises the legalist conception of sovereignty of the state. The state may have no legal limitations, being itself the source of law, but positive law is only one of the forms of social regulation. Political power is the instrument of social service. The service of the state is not unlimited and, therefore, the unlimited sovereignty of the state is out of question.

⁷ Cole has considerably changed his views about Guild Socialism (vide his *The Next Ten Years in British Policy*).

⁸ *The Pragmatic Revolt in Politics*, by Elliot, p. 80.

Internationalism against State Monism

The growing development of international ideas, sentiments, precedents and codes of law is tending to jeopardise the traditional sovereignty of the state. International rules, practices and conventions are losing their voluntary character and are hardening more and more into a regular body of law with the support of world opinion which the sovereign state cannot ordinarily defy. An international organisation, like the League of Nations, is evolving a machinery for the regulation of international relations and conduct which, with the passage of time, might become all-comprehensive and coercive in character. The internationalists also decry the sovereign states by alleging that these states do not represent the natural divisions of mankind. The various modern states are not based on any essential principles of homogeneity, racial, economic or intellectual. An internationalist would pull down the modern sovereign state by dividing the world, not geographically but on economic or intellectual basis. The present geographical sovereign state creates unnecessary international conflicts and rivalries.

Pluralism and Law

The most serious attack made by the pluralists on the sovereignty of the state is represented by their refusal to acknowledge the monist claim that the laws emanate from the state. Leon Duguit sharply distinguishes between the authority of the state and the authority of the law. A state has no vital connection with law and its authority is not sanctified by the latter. The laws are a body of rules for the regulation of social conduct. The obligations of law arise from the necessities of social life and not because the law emanates from the state. Men observe laws not because of the coercive authority of the state but because of self-interest and the knowledge that they promote social solidarity. Thus, the laws have social, and not political, sanction behind them, for they are 'independent of, superior and anterior to, political organisation'. Duguit denies both the personality and the sovereignty of the state. Public service, rather than sovereignty, is its essential characteristic. The state is not sovereign because it is subject to the limitations of law. Duguit is against a unitary state and advocates administrative and professional federalism. Krabbe also assigns to law a position of superiority to and independence of the state, which has little control over factors contributing to the making of laws. To Krabbe, the state is the creature of law which alone is sovereign. MacIver holds that the law is not the mere fiat of the state and, therefore, believes, with Krabbe, that the authority of law is greater than the authority of the state. To him, the state is more the official guardian than the maker of the law. The state can-

not break the law and, therefore, is subject to it. Maurice Hourion attacks the monist state ingeniously by distinguishing between political sovereignty which resides in the various organs of government, and the juridical sovereignty of the people which enables them to refuse to accept and execute the decrees of the state.

The pluralists have, undoubtedly, rendered considerable service to political philosophy by throwing proper emphasis on entities other than the state. On the economic side, this tendency has been responsible for the origin and development of the activist philosophy of social action which stands for the free citizens realising themselves through a number of functional associations. The tendency to 'direct action' for the attainment of political and economic ends is also traceable to political pluralism which thus leads to anarchism. In spite of their repudiation of the sovereignty of the state, however, the pluralists cannot entirely do without an authoritarian state, because their non-political social groups, *i.e.*, professional combines, trade unions and churches, etc., must have a co-ordinating and regulative superior authority over them in the shape of the state. To some, like Elliot, the hope of the future lies not in the repudiation of the authority of the state and law but in making it attune itself to a wider state-purpose. A sovereign state is necessary, because, without the control of a common political superior, the "polyarchism" of groups and associations, advocated by pluralists, might degenerate into feudal anarchy.

Pluralism is useful in so far as it denies moral sovereignty and irresponsibility to the state, emphasizes that the state is subject to the limitations of law and morality, recognizes the federal character of social organisation and secures to the various social groups and associations proper recognition and representation. But pluralism has its darker side too. It encourages the anarchistic individualism of groups. It denies the state legal supremacy without which the state cannot perform its all-important function of regulation and co-ordination of social life. The state must have coercive power over atomic individuals and associations to prevent clash of interests and jurisdictions. The pluralists deny the state its sovereignty but are not clear about their ultimate objective.

VI. DEMOCRACY AND PARLIAMENTARISM

Meaning of Democracy

Democracy, the most comprehensive as also one of the most ancient and complex of all political concepts, has, of late, arrested a good deal of attention of the political speculator. The French Revolution is chiefly responsible for making constitutional democracy one of the mightiest forces of the 19th century. Democracy

has been discussed from various points of view but the exponents of democracy have failed, on the whole, to bring home the essential difference between political, economic and social democracy. They have failed sometimes to see the difference between the ancient conception of democracy, based on conditions obtaining in a small city-state and the modern notions of democracy arising out of modern conditions. Democracy has been variously defined by different writers on the subject. According to Bryce, democracy denotes 'that form of government in which the ruling power of a state is legally vested, not in any particular class or classes, but in the members of the community as a whole'. To Professor Giddings, a 'democracy may be either a form of government, a form of state, a form of society, or a combination of all three'. H. E. Barnes defines democracy as 'a form of social organisation in which the participation of each individual in the various phases of group activity is free from such artificial restrictions as are not indispensable to the most efficient functioning of the group, and in which group policy is ultimately determined by the will of the whole people'. Democracy has both its uncritical protagonists and its uncritical antagonists but the bulk of the writers on democracy are its rational supporters. They see the attendant evils of democracy and yet consider it to be the best of all forms of governmental or social organisation.

Opposition to Democracy

The uncritical opponents of democracy, as a rule, base their criticism on a conception of democracy as a form of government or of state. They attack democracy because of its essential and unavoidable weakness and because it stands for the rule of the incompetent and the uninitiated. Sir Henry Maine, one of the stoutest opponents of democracy, tries to prove that democratic governments have been very unstable in history. To him, aristocracy has been the mother of all progress, social and otherwise. Democracy is opposed to the spirit of liberalism, for there is an essential incompatibility between the doctrines of liberty and equality. Universal suffrage lowers the tone of political life and political leadership. Maine believes that democracy can never represent the rule of many because, as a rule, the people merely accept the opinions of their leaders. Democracy leads to corruption. To Lecky, democracy means the rule of ignorance and the negation of liberty. It curtails individual liberty because of its tendency towards excessive legislation. Other writers, European and American, have criticised democracy from various points of view. Democracy is identified with incompetence because it stands against the specialisation of functions. Democratic egalitarianism has brought about deterioration in social manners. Democracy is said to be synonymous with incapacity and uniformity. The anti-democratic writers empha-

size that the growing social and economic complexity needs specialised knowledge, generally lacking in leaders of democracy. They attack the fundamental basis of democracy by rejecting the idea of the general will, for unanimity of thought on a number of important national questions is inconceivable. Representative democracy is ruled out because of the impossibility of adequately representing all interests in a highly complex society.

Criticism of Democracy in the Light of Biology and Psychology

Biology and psychology have recently been pressed into service in the discussion of democracy. These sciences discuss the inherent differences, physical and mental, between different races of mankind and between individuals of the same race. Some of these scientists and philosophers believe in the doctrine of racial superiority which goes against the basic principle of democracy, *i.e.*, the principle of the natural equality of man. Among philosophers there is almost a universal agreement regarding differences between individuals of the same racial group. Differential psychology goes against the theory of equality. Mental tests of the United States Army showed that 4½% of the tested were of superior, 30% of above average and about 60% of average or below average intelligence. This test inevitably points to the essential incompetence of the masses to handle a vast and complex democratic organisation.

Defence of Democracy

Uncritical devotees of democracy, like George Bancroft, look at it as something sacred and inviolable. To them, democracy represents the ideal form of government and the nearest approach to social perfection. The rational supporters of democracy, as a rule, are agreed that democracy connotes something more than a form of state or the rule of demos. Bryce and Dicey, however, deal with democracy as a form of government. The majority of the protagonists of democracy, on the other hand, include in democracy not only the form of government but also the form of society. They do not deny the shortcomings of democracy. Bryce is one of the most impartial and intelligent exponents of democracy. According to him, democracy represents the rule of the people 'who express their sovereign will through their votes'. This practically reduces democracy to be the rule of the majority. The people do not rule but determine the policy. Democracy may be bad but other forms of government have been worse. Public opinion is a safeguard for democracy enjoyed by no other form of government. The growth of democracy in the world is evident from the growth of the systems of initiative, referendum, recall and direct elections. Both the gifts to and demands on the individual of democracy are greater than those of any other form of government. Democracy has its evils too. Politics tends to

become an attractive profession. Democracy makes for extravagance, does not appreciate skill and leads to the abuse of the doctrine of equality.

Some writers on democracy have made various suggestions on the working of the democratic system of government. Miss Follet, for instance, would substitute group representation for territorial constituencies. To Lippmann, the irresponsible press represents the greatest danger to the successful working of a democratic government. He urges the establishment of political observatories to collect and systematise political data. Others have insisted on the need for education to keep up the intelligence of the demos. The Fabians in England would establish an oligarchy of intellect within their democracy.

Representative Government

Alongside democracy, there has been a good deal of discussion, during the recent period, on representative government. The opponents of democracy have levelled their attacks on representative government as well. Claims have been made for proportional and occupational representation as against the present territorial representation. Guild Socialists, like G. D. H. Cole, hold that a true representative represents not persons but definite purposes common to a number of persons. Real "democracy is to be found, not in a 'single omniscient representative assembly', but in a system of co-ordinated functional representative bodies."⁹ Such a system of functional democracy is much superior to the present irresponsible parliamentary government. Occupational representation, is on its trial in Soviet Russia nowadays. Proportional representation, too, has been and is being tried in some Western countries as the best possible solution of the minorities problem. The development of the systems of initiative and referendum naturally points to the inefficiency and inadequacy of the representative form of government.

Reaction against Parliamentary Government

Not only the system of representative government but also the system of parliamentary government has reached a critical stage in its development. During the 19th century, parliamentarism seemed to represent a permanent cure for all political ills. It is now increasingly recognized, even by the devotees of parliamentarism, that a representative assembly is, at best, only one vehicle of expression of public mind; that there are other forms of national associations and institutions, besides the national parliament, and that the parliamentary system lacks the driving force and strength of a centralised despotism. The reaction against parliamentarism is due to the modern change in the con-

⁹ *The Social Theory*, by G. D. H. Cole, p. 108.

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⁹ *The Social Theory*, by G. D. H. Cole, p. 108.

ception of the functions of the state. The state is now called upon to concern itself with the problems of social reform and industrial enterprise no less than the maintenance of peace and order. Necessity for the securing of foreign markets and loans demands active state intervention. Politics is being increasingly subordinated to economics and the old parliamentary system with its checks and balances is felt to mean a harmful restraint on decisive and quick state action.

Parliamentarism has also been adversely affected by the growth of Socialism, Fascism and Internationalism. During the 19th century, socialism represented more a doctrine than a definite feature of social structure and a practical programme of action. But the growth of industrial groups and trade unions has resulted in the repudiation of the idea of the sovereignty of parliament. The industrial organisations have increasingly demanded freedom to legislate within their own spheres. The recent establishment of dictatorships in many advanced countries has practically meant the repudiation of the parliamentary system of government. In the 19th century, nationalism was allied with liberalism and parliamentarism, but the history of the last half a century shows that once a people have achieved its national emancipation and unity under a parliamentary system, nationalism gets associated with conservatism. This tendency is particularly noticeable in Fascism and German National Socialism. The Nationalists have, in practice more than in theory, repudiated parliamentary democracy and voted for some form of dictatorship. Mussolinism in Italy, Hitlerism in Germany and Bolshevism in Russia mean the negation of parliamentarism.

The growth of the idea of Federalism and Internationalism constitutes one of the most significant tendencies of the modern times. The League of Nations embodied a new conception of co-operation between governments. The League stood for international co-operation to (1) discuss issues which might result in international conflicts, (2) take united action in furtherance of an aim of common advantage to the world like the prevention of epidemics and detection and prevention of drugs and slave traffic, etc. Internationally, it might be said, the League of Nations has adversely affected parliamentarism by trying on the one hand to usurp the functions of national parliaments and on the other by adding to the responsibilities of the parliamentary system.

VII. NATIONALISM, INTERNATIONALISM, IMPERIALISM, FEDERALISM :

(1) NATIONALISM

One of the greatest forces of the 19th century Europe was the force of Nationalism, which emphasized the independence of

the sovereign states, representing distinct ethnic groups and which led to international individualism and imperialism. As a reaction against the militarism of nationalism arose the force of internationalism. Nationalism and internationalism, though they appear to be mutually antagonistic, are really related to each other. It is on the basis of a sane nationalistic system that an effective internationalism can be realised. Again, it is through an effective national system that the rights, or even the existence, of the weaker nation-states can be safeguarded.

The Meaning of Nationality

The idea of nationality is a modern one. Nationalism owes its present force to great patriot-philosophers like Mazzini and to the great nationalistic movements, so characteristic of 19th century Europe. The words 'nation' and 'nationality' are derived from the Latin word *Natus*, meaning born. A nation is not the same thing as a race nor can it be identified with the state. A nation may be defined as "a body of people who feel themselves to be actually linked together by certain affinities which are so strong and real for them that they can live happily together, are dissatisfied when disunited, and cannot tolerate subjection to peoples who do not share these ties".¹⁰ These ties are:—(1) The occupation of a definite geographical area creating a sense of geographical unity and affection for the soil. (2) Unity or a belief in unity of race. The belief in the purity of race may, however, result in the growth of racialism instead of nationalism. (3) Unity of language promoting community of ideas and interests. (4) Unity of religion. Religious disunity is definitely hostile to the growth of nationalism. (5) Common subjection for a long time to a firm alien government. (6) Community of economic interests. (7) Common traditions, common history and common sufferings and victories, etc. Some modern writers, influenced by the theory of evolution and social psychology, minimise the influence of racial purity and geographical unity and lay emphasis on the development of spiritual unity resulting from common experience and common patriotism. Writers like Bluntschli dilate on the real personality of a national group.

The word 'nation' has a broader significance than the word 'state'. It is the state *plus* something else. The nation, according to T. H. Green, underlies the state. The state is a spiritual sentiment more than an idea arising out of the common ties mentioned above. Not all these ties, however, nor any one nor any combination of them are absolutely essential, though every nationality is always based on some of them.

The nationalists stand for the promotion and development of the peculiar traditions and cultures of different nations. They

¹⁰ *Nationalism and Internationalism*, by Ramsay Muir, p. 31.

hold that every distinct human group is possessed of some special quality or culture which must be preserved and developed for the common good of humanity. This is possible of achievement only if that group is free to develop its own laws and institutions. Every genuine national group, therefore, must be in the enjoyment of political freedom. Nationalism is not exclusive. It implies also relationship with other groups, even while these groups preserve their group differences. Where the spirit of nationality genuinely exists, it is to the advantage of the nation as well as of the world that the nation shall be independent enough to develop its own laws and institutions reflecting its own life and thought. National lines of division, once established, are extraordinarily permanent.

The emergence of a definite national character began with the Renaissance. It originated with the idea of Renaissance sovereignty, for state sovereignty preceded national consciousness. The Renaissance divided Europe into separate sovereign, though not self-conscious, states. The Reformation movement, depending for support upon the state, created some national consciousness by developing racial dialects and by accentuating national differences in religious belief and worship. It was Revolution with its insistence on the Rights of Man which fanned national consciousness. The people, as distinguished from their governments, became the centre of interest. It is in the fitness of things, therefore, to say that out of "Renaissance Sovereignty combined with Revolutionary Rights comes Nationalism".¹¹ There now grew a conception that every distinct and permanent human group, having a national character of its own, must be allowed to develop its own forms of law and government. During the Renaissance period, nationalism was allied with national autocracy. Later on, benevolent despotism remained in power so long as despots like Louis XIV, Frederick the Great and Napoleon satisfied the national craving for national efficiency and aggrandisement. In the 19th century, nationalism was associated, at least in the beginning, with democracy but unfortunately democratic nationalism was as severely local and sectional as that of autocracy had been.

Historical Origin of Nationalism

Nationalism was a spirit, on the whole, foreign to the mediæval world. The first of the European peoples to be animated by an organised and conscious nationhood were the English. The wars between the English on one side and the Scotch and the French on the other infused the spirit of nationality in the latter too. Then came Spain, Portugal and others. The French Revolution and the Napoleonic domination ushered in an era of vigo-

¹¹ *Political Ideals*, by D. Burns, p. 174.

rous revival of the spirit of nationality in Europe. From now onwards nationalism, being conscious, began to have a theoretic basis. The French Revolution had brought into prominence the doctrine of the Rights of Man. "But as the Rights of Man primarily included the right to choose their own governors, it was a natural corollary that men had a right to be governed by their mutual sympathies and affinities in the organization of the state, and once this position is granted, the nationalist doctrine is established."¹² If, in the first half of the 19th century, nationalism was revolutionary and democratic, in the second half it was associated with conservatism and anti-constitutionalism, because it was controlled by the governing classes rather than by people. It, therefore, led to paternal autocracy and imperialism.

Machiavelli was the father of modern nationalism. He preached the creation of a united Italian state. There is a trace of the conception of nationalism in the writings of Vico too. In Fichte's *Addresses*, there is a clear consciousness of the national spirit. J. S. Mill also definitely treats of the national character in his *Representative Government*. During the 19th century, the reaction against the Settlement of Vienna opened a new and distinct era in the ideological history of nationalism. A definite theory and creed began to support the great nationalist movements arising out of the vicious Settlement of Vienna. Nationalism in the hands of its high priests like Mazzini and Kossuth, assumed the strength of religion and began to dominate 19th century politics. Two main tendencies in nationalism are noticeable during the 19th century, *i.e.*, (1) Nationalism preached by exiles from Italy, Poland, Hungary and Germany, etc., having a certain international character, because conducted in common by men of different nationalities, and (2) Racialism of German professors.

Sane Nationalism

Mazzini was the greatest of the philosophers of sane nationalism. He founded his 'Young Italy' in 1831 to propagate the national idea among all sections of the Italian people. The Young Italians were to mix with all and revive the idea of the glorious traditions of Italy. According to Mazzini, past sufferings and glories informed the soul of the nation. Mazzini's nationalism had no parochial outlook. It was cosmopolitan in conception. To him, freedom of Italy would be incomplete and insecure unless free Italy was surrounded by free nations. In his *Duties of Man*, Mazzini advocated natural national divisions instead of arbitrary divisions based on conquest and greed. "The countries of the peoples will arise instead of the countries of kings and privileged classes: and between these countries there will

¹² *Nationalism and Internationalism*, by Ramsay Muir, p. 71.

be harmony and fraternity." According to Mazzini, a people did not exist for its own advantage only. Sane nationalism implied not merely the rights but also the duties and functions of nations. "God divided humanity into distinct groups or nuclei, thus creating the germ of nationality." Mazzini and his school enunciated the doctrine that every nation, just because it was a nation, had a right to unity and freedom.

German Racialism

German nationalism, a product of universities, took a different form. The German philologists and historians developed a passion for hero-worship of ancient Germans, to whom they ascribed all great virtues. This led to the promulgation of the doctrine of racialism, founded on a sense of racial superiority. The greatest exponent of racialism in Germany was Treitschke whose philosophy is based on a worship of brute-force and on a firm belief in the superiority of the German Kultur. This racialism implies the repudiation of the saner doctrine of nationality which gave 'rights' to other peoples. To Treitschke and men of his school, German nationhood alone was a sacred thing.

Treitschke, like Machiavelli, held that state is power and is not bound by any moral obligations. There is no international morality because it cannot have effective sanctions behind it. An international authority is unthinkable. It is the highest moral obligation of the state to extend its own power by all means possible, and above all, by the divine institution of war. War is not only legitimate but represents the highest part of the law of political life. It founds states and gives them dignity and meaning. A state is bound by no treaties in its policy of self-aggrandisement. It may not respect the rights of other nation-states. The right of a nation was dependent upon and measurable by its power. The states are in the state of nature internationally and it is the law of nature that smaller states should be swallowed by the greater ones. The *raison de etre* of a state was not justice but power. The state is the highest authority in the world. It creates rights and wrongs. War and a national policy of self-aggrandisement are the highest forms of state action. German racialism has led directly to the growth of imperialism and embodies a conscious repudiation of the Mazzinian doctrine of nationalism.

Criticism : Advantages of Nationalism

In spite of its serious drawbacks, to be enumerated later, nationalism has served much useful purpose. It has, for one thing, revived the Greek ideal of autonomy, *i.e.*, the right of all people to self-determination, and has also exposed the injustice of foreign domination. The minorities make use of nationalism, in their attempt to emancipate themselves from the tyranny of

the majorities, on the basis of the autonomy of distinct groups. The majorities use nationalism to assimilate minorities in their claim to achieve national unity. Some writers do not believe that there is any connection between nationalism and a claim to self-determination of a distinct group. To them, there is more of liberty in countries inhabited by many distinct groups, like Switzerland and the United States of America, than elsewhere. They would have each people develop its national genius on non-political lines. Besides reviving the idea of national autonomy, nationalism has also given great stimulus to art and literature. It has brought material benefits to humanity by creating a healthy spirit of rivalry between nation-states for greater efficiency in material advancement. If each nation develops on its own characteristic lines, then each nation is valuable to other nations by presenting a healthy contrast, and humanity at large is actually benefited by the development of such a variety of national cultures.

Evils of Nationalism

But nationalism has its darker side too. Nationalism is severely criticised because it narrows the political outlook of a nation. Development on national lines tends to give a parochial colouring to national politics. Nationalism tends to create a sense of primitive seclusion. It has often happened that small nations, representing distinct national groups, have gained due to their association with larger groups under the same laws and government. The narrow outlook of nationalism naturally creates national jealousy and hostility. Morbid nationalism has been responsible for international conflicts and has thereby cramped human progress. Nationalism in a small nation hardens into imperialism, when the nation becomes more powerful. Nationalism does tend to create a certain amount of indifference to the welfare and sufferings of other nations. To check the evils of nationalism, various means have been adopted in modern Europe at various times, such as the enforcement of the doctrine of balance of power, great European coalitions against imperialistic nations, international treaties, the creation of a concert of Europe and the occasional use of international arbitration. Nationalism, on the whole, has increased the 'dissidence of dissent' between nations and has, as a reaction, been directly responsible for the growth of the modern spirit of internationalism.

(2) INTERNATIONALISM

Growth of Internationalism

Europe represents the spectacle of a variety of national types based upon an essential underlying unity of moral, religious and political ideas. In the Middle Ages, this unity was represented

by the Papacy and the Holy Roman Empire; more so by the former than by the latter. Various causes, however, contributed to the extinction of the cosmopolitanism of the Middle Ages. To begin with, the Renaissance ushered into existence independent nation-states with their disruptive policy of national aggrandisement. Then the Reformation destroyed the religious and also the political unity of Europe. Reformation, because of its dependence on the state, exalted the prince, who became the sole judge of his own state policy. Then again, the growing spirit of nationality made remote the possibility of the realization of a world-state or brotherhood of nations.

The first three centuries of the modern age, due to the reasons given above, were filled with almost unceasing wars. All the same, there was a continuous attempt made towards the establishment of unity and uniformity of laws and institutions, till internationalism emerged as a practical ideal in the 19th century. "The movement towards Internationalism has had for its chief aim the establishment of the Reign of Law in the relationship between states."¹³ Various methods were adopted to bring this about. Firstly, a number of schemes were prepared to establish an all-European authority, competent to regulate inter-state relations without encroaching on the internal affairs of the sovereign states. The most important of these schemes were:—(1) The Grand Design of Duc de Sully of France; (2) The Project of Perpetual Peace of Abbe de St. Pierre; and (3) schemes suggested by other European philosophers to promote international concord. Grotius stressed the value of international arbitration and the holding of occasional congresses to settle international disputes. William Penn suggested the creation of an European Parliament to discuss and give awards on international problems. Rousseau proposed the creation of a Federation of Europe. Bentham helped in the growth of international law. Kant, in his *Zum Erwingen Frieden (Towards Lasting Peace)*, suggested representative institutions for each state, the creation of a body of international law and the creation of a world citizenship.

Another attempt in the direction of the establishment of the Reign of Law in international affairs is represented by the formulation and acceptance of the principles of international law as drafted by jurists like Grotius and Bynkershock (Holland), Pufendorf, Leibnitz and Wolff (Germany), and Vattel (Switzerland). This international law may be considered to be a gift of the small states to Europe. From the time of Grotius, all civilized states have recognized, at least in theory, the validity of international law. Hugo Grotius is chiefly responsible for the formulation of international law. Taking his inspiration from

¹³ *Nationalism and Internationalism*, by Ramsay Muir, p 138.

the universal acceptance and international import of the Roman *Jus Gentium*, Hugo tried to apply it to the regulation of mutual relations between states. "Perhaps his most essential contribution to the foundation of the new science was the assumption that the sovereign states of Europe, not being under the authority of any legal tribunals, were in a 'state of nature' in relation to one another, and hence, subject to the 'law of nature'."¹⁴ Now, according to *Jus Gentium*, all men are equal in the state of nature. Grotius took up this doctrine and evolved his own theory of the international equality of all states. International law was not to recognise the superiority of any state, however great its resources, to the other states. This doctrine of the equality of all states has been the cardinal doctrine of international law. Besides Grotius, international law derived its strength from the body of international customs relating to the embassies, prisoners of war as also from maritime law. Then, again, the many treaties between different states implied or embodied many principles of universal application and validity and furthered the evolution of international law. The spirit of internationalism was also fostered by the various congresses of European Powers, convened from time to time, to settle international questions at issue.

The Principle of Arbitration

The Hague Conference of 1899 and that of 1907 took in hand the task of revising and codifying the whole body of international laws affecting the conduct of war. There was also set up a tribunal to arbitrate in the disputes of nations which gave Europe a sort of international court of law. The first case of arbitration regarding boundary disputes, between England and U.S.A., took place as early as 1794. During the 19th century more than a hundred cases of international dispute were settled by arbitration. This principle of arbitration got strengthened when nations began to enter into general treaties pledging themselves to submit to arbitration every suitable controversy between them. The first treaty of this kind was between Italy and Argentine in 1898. More important was the treaty between England and France in 1904. The growth of internationalism during the 19th century is evident from the fact that the main political movements of the 19th century, *i.e.*, socialism, nationalism and constitutionalism, were very much international in their character. Internationalism, however, did suffer a certain amount of check at the hands of excessive nationalism, commercialism and militarism during the last century. The earliest writers on internationalism confined themselves to the ethical side of it and brought out the immorality of international disputes and wars. The more modern writers on the subject point out

¹⁴ *Nationalism and Internationalism*, by Ramsay Muir, p. 157.

the biological and economic disasters resulting from international friction and warfare. War destroys the physically fit and, therefore, is instrumental in the deterioration of the human race.

International Organisation

There is now-a-days no such thing as a self-contained national state. The civilization of Europe is essentially common and of the world is tending to be so, since the world is getting Europeanised. Modern civilization, therefore, depends upon an elaborate international organisation which has three aspects, *viz.*, economic, cultural and political. Economic organisation is international in banking and there are many international industrial combines. For cultural advancement each nation depends upon a continuous intercourse with other nations. The basis of the culture of each nation may be native but modern culture in all civilized countries is more or less uniform and thereby international at the top. Economic and cultural intercourse naturally affects the political relations between nations. There are certain psychological influences which are not exclusively confined to any particular nation. "The thirst for morality and truth, the two master passions of the noble nature, have nothing to do with distinctions of race, geography, or political constitution."¹⁵ Science promotes international co-operation and is one of the important forces for the creation of an international mind. Religion, too, from a certain point of view, helps the growth of internationalism. The labour movement, embodying a sense of the solidarity of labour throughout the world, is another force promoting internationalism. "Socialism, Bolshevism, and their opposite Fascism, are, in fact, not so much national as international phenomena".

Until about the middle of the 19th century, the chief functions of the state were held to be the maintenance of law and order but in the modern period these functions have yielded the pride of place to such functions as the spread of education, improvement of public health, etc. In these new functions, not only is there no national antagonism between different states but international co-operation is useful and necessary. A large number of commercial treaties and international organisations for the control of epidemic diseases and improvement of means of communication point to this. The universal postal system is one of the best illustrations of the modern international spirit.

The League of Nations

The League of Nations has very much advanced the cause of internationalism. It has substituted conciliation for armed conflict to decide international disputes. It arranges for common

¹⁵ *The Common Weal*, by H. Fisher, p. 205.

international action in cases when such action is known to be of common advantage to all, like the suppression of epidemic diseases, control of traffic in drugs and women, restoration of economic stability, the raising of standard of life, etc. The League has also transformed diplomacy by ensuring the regular meeting of foreign ministers of important nations instead of their diplomatists of the older type. The substitution of open for secret diplomacy, in so far as it tends to prevent wars, has been a great instrument of international peace.

The League of Nations is trying to prevent international wars by popularising the use of arbitration but then the nations would not submit to arbitration questions affecting their vital interests or their national honour. Under the auspices of the League of Nations, some social and religious minorities have been given, by treaties and regulations, the right of complaint to the Council of the League. Then again, the mandatory system, tried by the League of Nations, represents the happy evolution of a novel form of the discharge of international responsibility. The mandatory power has to submit annual reports of its mandate to the League for inspection and control. The old conception of imperialism with respect to backward regions of the world is bound to be transformed by the mandatory system in the direction of respect for the interests of the ruled people.

Since the war many international associations for the promotion of common aims have been strengthened or have come into existence. There are, for instance, the Women's International League, the International Council of Women, the World Alliance of Churches, the Second, *i.e.*, Socialist, International and the Third, *i.e.*, Communist, International. The modern nations are getting to be less and less of isolated units and more and more of an integral part of an international state-system. The outlawing of war by the Kellog Pact and the like has tremendously helped the international cause. War has been declared to be outside the national policy of the states, signatory of the Pact. The League of Nations and other international organisations have done much to create the international mind but the growth of internationalism is being impeded by the old mutual suspicions between nations. National particularism is still strong because it is traditional.

(3) IMPERIALISM

An Empire denotes a vast territorial area inhabited by many races under one government and dominated by one of these races. Imperialism is not a modern tendency. Alexander's Empire and later on the Roman Empire were based on a policy of imperialism. In the Middle Ages, the imperial idea was embodied in the Papacy and the Holy Roman Empire. Modern imperialism owes its origin mainly to the geographical discoveries

resulting in commercial and colonial exploitation of non-European regions on the basis of the mercantile theory. It also received a strong impetus from the strong evangelism of the Reformation, trying to subjugate and christianize the heathen parts of the world. Imperialism has further been stimulated by modern economic rivalries and competition for markets and raw materials necessitated by the industrial revolution as also by the modern ease of communication and the need and usefulness of interchange of local resources. Imperialism is both international and national in its tendencies. In so far as it tends to delocalise interests it shows an international bias. Again, modern imperialism has been very much a creature of modern aggressive nationalism and has been closely associated with militarism, since the modern nation-states, conscious of the superiority of their own culture, have tried to subjugate the weaker nations. Imperialism accuses nationalism for its tendency to separate and localise national interests and internationalism for its all-embracing vagueness.

Justification of Imperialism

The protagonists of imperialism view it to be a natural and inevitable tendency. In spite of the narrowness of its outlook and aggressive nationalism, or even racialism on which it is based, imperialism is justified on various grounds. It brings vast areas under peace and uniform law and tends to the broadening of outlook. It promotes commerce over vast areas by establishing one political system over these areas and thus bringing economic advantage to the groups living within the same imperial area. The establishment of the same system of laws and institutions improves the relations between different groups. Easier means of communication within an empire broaden the minds of men and give variety and richness to life by widening its interests. German racialism has led directly to imperialism by asserting that each racial group must make its own contribution to the world. The nation with a superior culture is justified in adopting an imperialist policy which will enable it to impart its own culture to the less advanced world. Imperialism is justified because it represents the evolutionary process of the survival of the fittest. The anthropologists support imperialism by pointing out that war destroys national lethargy, stimulates inventiveness and brings about social cohesion.

Evils of Imperialism

The evils of imperialism are even more pronounced than its advantages. Imperialism promotes international jealousy and tends to become obstructive of human progress. Imperialism makes a people believe that its own customs and institutions are best and that they must be forced on others. The laws and sys-

tem of government in an empire naturally are those of the dominant partner and not a result of the common consideration of all the excellent points in the laws and institutions of the component groups in the empire. Imperialism also brings about the suppression of local differences, based on local culture and genius. Imperialism thus destroys richness and variety for the sake of institutional unity. Each distinct human group has a soul of its own which must not be sacrificed for the sake of imperial unity, for the world will be the poorer for such a sacrifice. Imperialism is invidious because in an empire the interests of the less vocal classes and peoples are often ignored and even suppressed in the interests of the dominant people.

(4) FEDERALISM

The unification of smaller political units into a bigger one, through either conquest or association, has been one of the most notable features of political history. Such union may result in the creation of a single unitary political organisation, when the component parts lose their identity and get absorbed in the unitary state controlled by the central government. When, however, the component units have a regional consciousness with strong local differences of their own, they are reluctant to be merged into a new unit, and form a federation, based on a constitutional distribution of powers between the federal government and the component states. A federal state is not a compound state. It is one and sovereign.

Conditions necessary for the Success of the Federal System

For the success of any federal system of government, certain favourable conditions are essential. One of the most important of them is geographical contiguity, *i.e.*, the component parts of a federation should not be located wide apart. Physical separation is bound to create a certain amount of indifference and apathy so fatal to the successful and harmonious working of a federation. Then again, the federating units must have a community of language, culture, economic interests, historical traditions and if possible religious unity; otherwise the federation will lack the dynamic force of nationality. Another condition very essential to the success of a federation is that there should be an equality among the federating units. This does not mean the equality of wealth or area, *i.e.*, economic or military or geographic equality. What is required is political equality which means that no component part or parts may be treated as politically incompetent or backward and that each may be able to express through its own institutions its own conception of its own interests. This political equality will prevent local jealousy between the component groups. Another essential for a federation is the political competence and educational advancement of the people living in the federal state.

In a federation, based on the division of powers between the central government and the component states, the supremacy of the constitution is of the highest importance. There must be, as far as possible, a clear boundary line between the federal and the state spheres of action and powers. There must also be an independent judiciary to decide about constitutional disputes between the federal government and the states. The modern tendency is to assign more and more powers to the central government to strengthen its hands against the outside world. As regards the division of powers and subjects between the central and state governments, there are two main types of federal constitution, *viz.*, the U.S.A. type and the Canadian type. In the U.S.A., the central government is assigned a definite number of powers, the residue remaining with the states. In Canada, the central government is stronger because it holds the residue. In the nature of things, there can be no perfect type of federation. The success and the perfectibility of a federal constitution depend upon its suitability to the people. Such a constitution should, as far as possible, respect local and historical institutions and should avoid importation of entirely novel ideas or institutions.

The greatest advantage of federation is that it gives strength and tone to the weak states which federate together. The loss of political independence of the states is made up by the increased opportunities for economic activity and exploitation. The abolition of tariff walls and the organisation of interstate communication promote trade and mutual prosperity. In a federal state, an average citizen can afford to concentrate on local affairs, the central government doing all that is necessary in relation to the outside world. There are certain disadvantages and weaknesses, too, inherent in a federation. There is, again, the fear of secession of some of the federating states as also the fear of combinations within the state.

Imperial Federation

Some hold federation to be a transitory system of government, to be replaced by a unitary government by a further process of unification of states. To Sidgwick, "federalism is likely to be, in many cases, a transitional stage through which a society—or an aggregate of societies—passes on its way to complete union".¹⁶ At present, however, federation seems to be a hot favourite with political thinkers, who not only point with satisfaction to the flourishing condition of the existing federations but who also visualise the whole world knit together into a federal union. The British Government is at present engaged in the advisability of bringing about a compromise between the present

¹⁶ *The Principles of Science*, by R. N. Gilchrist, p. 362.

imperial system and the federal systems prevailing in the dominions by evolving a system known as imperial federation.

VIII. INDIVIDUALISM *versus* SOCIALISM

There are various theories regarding the ends of the state and the functions of government. In the modern age, when ultimate political sovereignty lies with the demos, the limits of the functions of the government naturally assume a very great importance. How far is the government to interfere with the lives of the sovereign people? Is the government to regulate the society in its various ramifications or is the government to be limited to the performance of a few definitely assigned tasks? In other words, is the government to be run on individualist or socialist lines? Individualism may be distinguished from socialism as being chiefly concerned with the full development of each separate individual in a society, while socialism lays stress on the society and not on individuals, considered separately. The theory of individualism has been advanced from three different standpoints, *i.e.*, the ethical, the economic and the biological.

Growth of individualism

Traces of individualism are to be found in ancient Greek political theory as well as in Renaissance Humanism. The Reformatino, too, with its emphasis on individual conscience as against clerical dogmatism, gave support to individualism. The theories of natural rights and of social contract as also utilitarianism naturally brought the individual to the forefront. Individualism, however, has adopted its present shape since the beginning of the 19th century. The Industrial Revolution transformed the whole economic and social system of society. A school of economists arose who brought into prominence the evils of governmental interference in economic matters and preached the doctrine of *laissez faire*, *i.e.*, complete freedom for the individual from state intervention. This doctrine, however, was more concerned with the limits of government than with the sphere of government. Individualism, born of *laissez faire*, naturally, therefore, was more concerned with the rights of the individual than with his duties. The evolutionist biology of the latter half of the 19th century, too, suggested an unregulated natural competition between man and man.

Its Justification

Individualism stands for the fullest development of the ability of the individual in a world which is getting more and more mechanised as well as socialised. Individualism grew up before the rise of the present vogue of studying the group-spirit or social psychology. The society seems to be coming to the fore but the individual remains and must remain a fundamental reality.

Individualism is right in insisting on the fullest development of individuality so that exceptional ability may have its chance because no society can progress if the exceptionally gifted are levelled down to the height of the average. Individualism marks a protest against the modern democratic tendency towards mediocrity and uniformity and, like the ancient Greek philosophers, believes in the aristocracy of intellect. If, however, individualism stands for the unrestricted development of exceptional ability, it does not ignore the society. A genius cannot grow without social contacts in a congenial atmosphere. The under-development of the majority of a society is bound to affect adversely the development of the more gifted minority. Individualism, therefore, demands free opportunity for full development of every member of the society. This implies that the best interests of the society demand an intelligent pursuit by each of his own interest. This implies, in turn, a strict delimitation of governmental interference in the affairs of an individual. In its extreme form, individualism leads to anarchism.

While the writings of William Humboldt in Germany and De Tocqueville and others had a strong individualist colouring, the best exposition of the individualist theory has been given by English philosophers. Herbert Spencer in his *Specialized Administration* (1871), showed by historical examples that state regulation had kept down economic development. Spencer held that fellow-feeling and social altruism would limit the selfishness of an individual without any governmental regulation. Spencer's ideal was a society in which individuals were left, as much as possible, to follow their natural reasonings and feelings which would result in the promotion of the general welfare and interest of all. Spencer not only wanted the delimitation of government control to a minimum but also believed that historically such control and regulation had decreased with the transformation of the society from the primitive, through the militant, to its industrial organisation. The state must limit its activities to the maintenance of order and peace. This will conduce to the development of specialisation of functions in men which was necessary in the interests of human evolution. Spencer thus made use of history and the theory of evolution to build up his case for individualism.

Mill on Individualism

John Stuart Mill, in his *Liberty*, has given the best statement on individualism. He says, "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection the only purpose for which power can be rightfully exercised over the member of a civilised community, against his will, is to prevent harm to others. His own good, either physical

or moral, is not a sufficient warrant. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign."¹⁷ According to this view, only the protective functions of the government as performed through the army, police and judiciary, etc., are justified and not others. Mill maintains that in respect to actions having no direct bearing and influence on others, an individual must have liberty of thought and expression, liberty of pursuits and tastes and liberty of combination. To Mill, freedom of individual conduct was the chief source of individual happiness and of individual and social progress. The society or the state cannot know an individual's interest better than himself and, besides, social interference destroys individual initiative and originality. It also destroys the variety which enriches the state. In the case of a sane person, Mill would not allow the society any power of guidance beyond spreading education. In matters affecting itself, Mill allowed the community to coerce the individual. Mill advocated a decentralised popular government. He wanted the fullest and freest development of all the faculties of all the individuals in the society. In his later days, however, Mill showed a certain amount of tendency towards state-socialism. Henry Sidgwick, in his *Elements of Politics*, favours a minimum of governmental interference in the individual's affairs. He holds that "the common welfare is likely to be best promoted by individuals promoting their private interest intelligently".¹⁸ The state ought to confine itself to ensuring personal security, private property and obligation of contract.

Group Individualism

Various factors have contributed to the growth of modern individualism. The growth of voluntary associations for economic and ethical purposes has destroyed the old state monopoly, or even the priority, of the allegiance of an individual. Both the state and the individual are yielding the pride of place to these associations or groups. New individualism thus differs from the old 19th century individualism in laying emphasis on the notion of the group *versus* the state and not the individual *versus* the state. The enormous extension of state activity during the war has also created a reaction against the state. The majority-rule as representing the modern state is also coming in for criticism.

¹⁷ *Utilitarianism, Liberty and Representative Government of J. S. Mill*, edited by A. D. Lindsay, p. 72.

¹⁸ *Political Ideals*, by D. Burns, p. 248.

Individualism and Anarchism

Individualism in its extreme form leads to anarchism. This is because the ideal of individualism is a community composed of free and fully developed individuals who can do without external regulation. This naturally leads to the conception of a society without a government. "Anarchism is a sort of Utopian Individualism." Individualism, as such, is very much a gift of England whereas anarchism is mainly French and Russian in growth. The anarchists hold that a man can develop fully only if he is free, *i.e.*, free from economic, political and religious authority. The anarchists believe that the principle of free arrangement and free combination will result in a natural harmonious grouping of society superior to the complicated and artificial regulation of it by the state. The anarchists are against all government including representative government. Anarchism to them, however, means the absence of coercive force and not the absence of order.

Criticism of Individualism

The individualist writers do not agree in their general theory or substance of individualism. Individualism is based on a grievous neglect of the social causes and effects of the action of an individual and as such is bound to promote egoism. Individualism of to-day is tainted by the atomism of the post-French Revolution period but an individual is not a "separate atom surrounded by a hedge of rights".¹⁹ His rights are conditioned by his duties. The state is an organic whole and not a mere collection of individuals. Individualism is apt to exaggerate the undoubted danger of over-regulation of the individual by the state.

The basic unsoundness of individualism lies in its assertion of an individual as atomistic and egoistical. The society and government are 'unnatural'. But man is by nature social. He is born into a society and depends upon it for his physical and mental development. The society is as natural as the individual and therefore has its rights as well as has the individual. The society and the individual are not antagonistic to each other. They are complementary, the welfare of one being organically connected with the welfare of the other. "The major problem of human society is to combine that degree of liberty, without which law is tyranny, with that degree of law, without which liberty becomes licence."²⁰ According to Mill, "the worth of a state in the long run is the worth of the individuals composing it."²¹ Mill limited the state to the function of protection, but even Mill had to allow the state considerable regulative power with respect to

¹⁹ *Political Ideals*, by D. Burns, p. 250.

²⁰ *The Principles of Politics*, by G. E. G. Catlin, p. 156.

²¹ *Political Ideals*, by D. Burns, p. 253.

children and barbarians, etc. The Darwinian theory of the survival of the fittest goes against individualism because it militates against the enjoyment of individual freedom by the weak and the feeble. Individualism in the economic field has led to economic distress, born of *laissez faire*. As a result grew up socialism demanding state interference in economic matters.

Individualism, as an ideal, has had its day. As the organisation of modern life becomes more complex, the more necessary becomes state control over individuals because greater complexity of society makes an individual more dependent upon it. Individualism has derived its strength from the biological doctrine of evolution. But the survival of the fittest may not always mean the survival of the best. Individualism has done great service to mankind by its emphasizing self-reliance, by negating excessive state interference and by urging the value of the individual in the society, but it has exaggerated the evils of social control of an individual.

Growth and Justification of Socialism

If individualism has been atomistic in its tendency, socialism desires to bring about an attitude in which each individual may think that he is naturally and normally a part of the whole, called society. "Individuality and community are correlatives."²² Socialism is for creating a state of society in which there may be a real and rational social sense. Socialism lays emphasis on the notion that individual actions have social causes and effects and cannot be entirely isolated. The socialists hold an "organic view of the state as an entity composed of mutually dependent units and believe that individual freedom can only be achieved as the result of an elaborate social organisation. If the individualists believe in the attainment of personal freedom and self-development, the socialists hold that this can be done only if the society as a whole co-operates to give to each the means and the possibility of self-realisation. In the socialist view of state, "the society is an association of human beings, formed with the object of giving all its members the opportunity to satisfy their desire for spiritual freedom and good life". Socialism aims at the replacement of the motive of private profit by one of social service. One of the direct causes of socialism was the increase of communication between different nations. This resulted in the emergence of international class consciousness. Unlike individualism, socialism involves a comparison of class with class, i.e., of capitalist with worker, and not of individual with individual.

The early part of the twentieth century saw the development of anti-stateism as a reaction against the absolutism of the Idealist

²² *The Philosophy of Communism*, by John Macmurray, p. 96.

state. Thinkers began to look at the state as an "association of consumers, one among many such associations, to which the individual may belong". Both the Syndicalists and the Guild Socialists attack the collectivist state. The Syndicalists advocate the transference of political control from the present state to bodies of producers organised on a vocational basis. Guild socialism allows such a transference of economic but not political power. The Syndicalist theory, mostly of French origin, favours direct action as contributing to class consciousness and class war and distrusts representative parliament, involving the heresy of majority rule. The Guild Socialists, too, look at representative government as a myth and advocate functional democracy.

International socialism inherits the universalism of the French Revolutionary thinkers. It neglects too much the separate identity of distinct groups. It is apt to treat of individuals of entirely different groups as similar. In advocating the abolition of the present capitalist system, socialism is out to destroy the natural luxuriance of social development which characterises capitalist society. The socialist ideal of state control of all means of production involves the erection of a large official caste with all the evils of bureaucratic rule. Socialism is not inherently opposed to individualism, "for the fullest development of each is to be found in the performance of his function in the life of the whole".²³

²³ *Political Ideals*, by D. Burns, p. 275.

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CHAPTER XXV

FASCISM AND BOLSHEVISM

FASCISM

Rise of Fascism

FASCISM, though gaining ground now-a-days in a number of countries in the world, is essentially an Italian movement and is treated here in its purely Italian aspect. The word 'Fascism' is derived from the Roman *fasces*, i.e., a bundle of rods and an axe, which, with the Romans, represented discipline. Fascism has derived much of its philosophy from the political doctrines of the Nationalist Association, founded in Italy in 1913 A.D. Like the Fascists, the Nationalists were opposed to parliamentary government. They were for the expansion of Italy on the Mediterranean. They believed in "Nothing for the individual, all for Italy". The immediate predecessors of Fascism were the *Fasci de Combattimento*. Besides, three movements, i.e., the revival of Catholicism, Syndicalism and Nationalism, gave spiritual nourishment to Fascism, which is essentially a creature of the Great World War, born due to the unsatisfied ambitions of the disillusioned heroes of the War. Fascism represents the revolt of the middle classes in Italy, inspired by the nationalist and conservative ideals, against a peace disastrous both externally and internally. These classes naturally opposed the claims and subversive activities of the proletarian classes after the War. The chaotic faction-fights of post-War Italy gave Fascism its opportunity and its strength. The mystical absolutism of Hegel and anti-intellectualism which glorified force and power reinforced Fascism.

Its Meaning

"Fascism may be defined generally as a political and social movement having as its object the re-establishment of a political and social order, based upon the main current of traditions that have formed our European civilization, traditions created by Rome, first by the Empire and subsequently by the Catholic Church. Conversely, Fascism may be described as the repudiation of that individualist mentality that found expression first in the Pagan Renaissance, then in the Reformation, and later in the French Revolution."¹ Fascism has repudiated liberty, equality and fraternity in favour of responsibility, hierarchy and discipline. To Mussolini, Fascism represents an escape from the Demoliberalism of the 19th century. It also marks the end of the principle of *laissez faire*. The fascist ideology has borrowed

¹ *The Universal Aspects of Fascism*, by J. S. Barnes, p. 35.

two important themes from the Great War, *i.e.*, (1) emphasis on military discipline as opposed to a parliamentary government and democratic liberty, and (2) Imperialism.

In the *Down with Parliament*, Mussolini, the founder of Italian Fascism, described the Italian Parliament as a noxious boil which poisoned the blood of the nation and must, therefore, be extirpated. He showed contempt for talks about civil liberties, free speech, rights of labour, and democratic institutions. These must be sacrificed if they stood in the way of the moral unification and discipline of the nation. Fascism identifies parliamentarism with mob-rule and is opposed to democracy, based on general will. It is also strongly imperialistic. To a Fascist, "Imperialism is the external and immutable law of life", because it represents the need, desire and will for expansion. The idea of the supremacy of the moral over the material forces has also been a pet theme with the Fascists. An empire, to the Fascists, represents a transcendent value, an ethical idea, a duty and an inspiration. Imperialism may take the form of economic conquest and peaceful penetration. Imperialism is natural because the world is not static and a strong state, having much to give to the world, has a right to expand.

The Fascist Philosophy

The Italian Fascists have, on the whole, shown a comparative disregard of political philosophy and political principles as such. "Formal principles are iron and tin fetters." The Fascists declare themselves to be problemists and realists. "The Fascists are the gypsies of Italian politics; not being tied down to any fixed principles, they proceed unceasingly towards one goal, the future well-being of the Italian people."² To Mussolini, the strength of Fascism depends upon Italian flexibility and consciousness of the ancient glories of Italy. The Fascist movement came first, its philosophy afterwards. Fascist philosophy has also undergone some change with the change of programme in the course of the development of the movement. The early programme of Fascism was republican, democratic and anti-clerical, with a touch of internationalism. The Fascists did not create a whole philosophy of thought afresh. They picked up suitable ideas from a number of convenient sources. Fascism has been represented as anti-Communist and a bulwark of the bourgeoisie against the proletariat. "Fascism, like Bolshevism, is a post-War product . . . in a poor and overpopulated country whose political life teems with vast millions of men lacking both organization and political education." It is akin to Russian Bolshevism in its challenge to parliamentarism, its insistence on active citizenship, its attempt to exclude hostile elements from

² *Making the Fascist State*, by H. W. Schneider, p. 67.

any share in the control of the state, even from any effective means of expression, its desire to co-ordinate all active forms of voluntary association and communal life under the direction of the state and its determination to give the Fascist Party the direction and control of the policy of the state. But the basic principles of Fascism are different from those of Bolshevism, for, whereas the fundamental reality with the latter is the reality of the proletarian class, the underlying reality with the Fascists is that of the nation. Fascism, unlike Bolshevism, is not for any radical change in the economic structure of the society. Fascism may be taken to represent the dialectical antithesis of Communism.

The Fascist Idea of the Nation

Fascism conceives of the Nation as the ultimate moral being. The nation is not merely an aggregate of individuals but an organism, evolving through countless generations. It represents the ultimate synthesis of all the material and spiritual values of the race, the state being just the 'legal incarnation of the nation'.³ The national state is the ultimate reality, being more real than the individuals or groups which compose it, and claiming the absolute loyalty of all. Individual interest must be subordinated to the interest of the nation which alone can change class conflicts into national co-operation. All things and persons are subordinate to the nation, and it is through the latter that they realise themselves. Men owe duties to the nation; the nation owes duties to none. A nation has no superiors, not even the family of nations. Fascism does not believe in the basic principles of the League of Nations. The nation seeks self-expression and expansion. The "Nation is the Universal, and the object of politics is national self-realisation".⁴ This means imperialism without, for the nation must have room to expand.

The national idea, if it means a policy of expansion without, means concentration within, for, the entire life of the nation must be organised round the nation-state. All the agencies of action and expression must attune themselves to the nation-state and co-operate in its self-realisation. This involves, in particular, the suppression of the labour movement which has international tendencies. Trade Unions and labour organisations with international affiliations must be replaced by Fascist substitutes. Instead of Trade Unions, Fascism sets up Fascist Unions, consisting of Fascists only, thus making the labour organisation an integral part of the Fascist state. These Fascist Unions enjoy wide powers, including the exclusive right of collective bargaining with employers. These Fascist Labour Unions are to be

³ *Mussolini and the Cult of Italian Youth*, by P. N. Roy, p. 17.

⁴ *An Outline of Modern Knowledge*, edited by Dr. William Rose, p. 730.

associated with corresponding Employers' Associations in state-recognized corporations for the supervision of each industry. These corporations, along with other functional bodies, are to serve as electoral colleges for election of members to the Fascist legislature. The Fascist doctrine of representation is evidently more like that of Hobbes than like Rousseau's, while the Fascist conception of sovereignty is more like Rousseau's than like that of Hobbes.

The Corporate State

The theory of Fascism represents the theory of the corporate state, covering and unifying all national institutions. "The state is more than the sum of its individuals of one generation; it has an actual entity of its own, a transcendental existence deriving from the past, from the present and the future."⁵ The state consists of individuals grouped in accordance with their different functions in a number of corporations through which they are linked on to the life of the nation. The Fascists believe in an organic state with a "varied symmetry of classes organised in syndicates and corporations of syndicates and, above all, directed by its hierarchs".⁶ This state controls, harmonizes and tempers the interests of all the classes of society. Like Machiavelli, Mussolini "holds no moral values above a united and Imperial Italy". Next to the state itself, the corporations represent a vital order of reality, for it is through them that the life of the state finds expression. The Fascist conception of the corporate state has much in common with political pluralism, but there is also a fundamental difference between the two, for, while with Fascism the state is essentially unitary and sovereign and the corporations are decidedly subordinate to the state in their functions and importance, the pluralists deny the state its sovereignty and look at the voluntary corporations as independent and spontaneous bodies, competing with the state for the prior allegiance of their members.

The Totalitarian State

Fascism believes that the state has the right, in principle, of controlling and regulating every act and interest of the individual and group if in the judgment of the state, such control is necessary. No association, political, economic or cultural, may exist without the permission, active or implied, of the state. The state has the right of regulating art and industry, education and even religion. Freedom of expression, association and conscience depends on the state. To popular sovereignty Fascists oppose sovereignty of the state.

⁵ *Italy To-Day*, by Sir Frank Fox, p. 97.

⁶ *The Keystone of Fascism*, by G. M. Cresswell, p. 248.

The Fascist State and the Individual

Fascism presents an Hegelian attitude towards order and authority, and would have men realise their freedom in the freedom of the state rather than in their individual or even corporate capacities. As to the relations between the individual and the state, the state being the embodiment of the ideal unity of its members, each individual must be completely at the disposal of the state. An individual must realise himself within the state. "Everything within the state, nothing against the state, nothing outside the state". Duty, discipline and sacrifice must bind the individual to the state. The state, and not its individuals, must be free. The state has rights and the citizens duties. Fascism stands for a strong unified nation-state absorbing the individual, like the ancient city-state, within its folds.

Fascism is for law more than for liberty. A Fascist does not attach a high value to the freedom of speech. "Liberty is not a right but a duty." It is neither a natural right nor a gift, but an achievement. It must be sought in law and, therefore, through the state. Liberty, in fact, is possible only in a strong state. The fundamental criterion of a good state, according to Fascism, lies in its strength, though not merely physical strength. According to Mussolini, all government is a combination of force and consent. A nation must have a highly centralised organ of control. The Fascist theory of state and government is really a reaction against the pluralistic conception of state sovereignty. The Fascist state must be sovereign and the government authoritative. Constitutional checks and balances breed confusion. If a state is not sovereign, it is not a genuine state. Fascism aims at the sovereignty of the state by the identification of the individual with the state. The art of government is the art of identifying the aim of each with the aim of all, so that maximum amount of liberty can co-exist with the fullest recognition of the sovereignty of law and the state. Thus, according to Fascism, liberty and state sovereignty are co-existent and interdependent. "There is no liberty but the liberty which is inherent in the state." The state is "an authorized body for the repression of arbitrary will, and a guarantee to society in general, and to the individual citizen in particular, that his safety is guarded by the mailed fist of the law". The power of the state has an ethical value, because it is exercised for the common welfare. To a Fascist, democracy is an organised struggle of factious groups and is no government at all. Universal suffrage is a conventional fiction and popular sovereignty a constitutional lie. Parliament, to a Fascist, stands for collective irresponsibility. Dictatorship may be incompatible with a true Communist society; it is essential to Fascism.

Fascism and the Church

Fascism attaches great importance to tradition. Its ideal is Rome and the classical era. It respects the ancient Italian institutions, one of which is the Catholic Church. Fascism needs the support of the Church. It, therefore, insists on religious education in primary schools. The Catholo-Fascist union has been one of the chief features of Mussolini's Fascist programme. Catholicism is a very vital instrument of his imperial policy, internal and external. To Mussolini, "Latin traditions of Imperial Rome are to-day alive in Catholicism". An irreligious state is no state at all.

Italian Fascism, as noted above, "arose out of the chaotic faction fights of post-war Italy",⁷ and, as such, it represented a call to action more than a political theory. Fascism is nationalistic. It appeals chiefly to youth and it lays emphasis on action rather than on thought. It opposes communism, class warfare and internationalism in any form. It stands against parliamentarism and pacificism. Italian Fascism represents a synthesis of nationalism and syndicalism, though, unlike the latter, it denies the existence of class struggle. The nation, embodying the highest synthesis of all the material and spiritual values of the community, is above individuals, occupations and classes, which are the instruments of national glory and whose interests acquire legality by being identified with higher national interests. The Fascists have not only reasserted the sovereign state but have revived the mediæval corporate machinery of economic control. Fascism does not believe in the class struggle of Marx. It defends capitalism and believes in private property.

Fascism embodies the most exalted conception of patriotism. But, like Bolshevism, it has a cramping effect on the intellect of the nation, its watchwords being action and discipline and not thought. The fundamentals of Italian Fascist philosophy have been (1) keen patriotism as a manifestation of nationalism, (2) a benignant state to direct and control the activities of the individuals and corporations, and (3) the conversion of the state into a Fascist property. Like Bolshevism, Fascism decries the old electoral, parliamentary and democratic systems. It grants suffrage not to individuals but to interests. Unlike Bolshevism, it has not destroyed the old institutions but simply added to them. Unlike Bolshevism, Fascism is not in favour of class war.

BOLSHEVISM

The Aims of Communism

Bolshevism represents the modern Russian form of communism. Modern communism owes much to Karl Marx who regu-

⁷ *An Outline of Modern Knowledge*, edited by Dr. William Rose, p. 729.

larised it into a revolutionary movement by giving it a definite philosophy and shape. It was due to his inspiration and lead that communism became an international organisation, emphasizing the unified interests of the working classes of all countries. Communism adopted its revolutionary character because of the apparent impossibility of the proletariat conquering power, necessary for the establishment of a communist society, by peaceful means. The modern communists believe in capturing the machinery of the state by revolution and its subsequent employment to crush out capitalism and establish economic democracy. The communists believe in a social revolution, in which the dictatorship of the proletariat would be the effective instrument to realise the communistic ideal of a classless society based on the common ownership of the means of production and distribution. Russian Bolshevism has thus given the socialist ideal a practical form. Communism aims at a classless society organised not on national lines but representing "a world society cut up into autonomous groups merely for the purpose of administrative convenience." Since communism aims at revolutionising the basic economic structure of the present society, it is a more radical movement than Fascism. The two essential doctrines of communism are (1) class war and (2) revolutionary dictatorship of the proletariat.

The Communists and the State

The communists look upon the state as an organ of repression and urge that liberty cannot be secured unless the state be overthrown. According to Marx, the capitalist state wields "the character of national power of capital over labour, of a public force organised for social enslavement, of an engine of class despotism".⁸ The capitalist society and the capitalist state are built upon the deliberate exploitation of labour by the capitalist who is better organised and who maintains himself with the help of and at the expense of the state. According to Bakunin, "In all countries the State is merely a union of the master class". The civil servants are either the capitalists themselves or their paid agents. The capitalists, with the help of the state, secure for themselves the possession and monopoly of the means of production and distribution and also compete with other master-unions. To the Bolsheviks, the state, from an economic point of view, represents a society of capitalists for the extraction of surplus from the toiling workers and politically it is a society to protect the capitalist exploitation against the rebellion of the workers. Even justice serves the end of capitalism in a capitalist state, where offences against property are considered to be of graver moment than offences against persons. The communists

⁸ *From Marx to Lenin*, by Morris Hillquit, p. 53.

look upon the state as an instrument of class-rule. The aim of the capitalist state is to legalise and perpetuate class-rule by moderating the forces which bring about collision between classes.

Lenin on the State

The state, to Lenin, is the "product and the manifestation of the irreconcilability of class antagonisms".⁹ Though these antagonisms are irreconcilable, the state being a capitalist organisation tries by persuasion or compulsion to reconcile the workers to itself, thereby perpetuating their oppression and exploitation. The domination of the majority by the minority leaves no room for justice or equality in a capitalist state. The state represents force and this force must be opposed by force and overpowered by the workers. According to Lenin, "we do not all disagree with the anarchists on the question of the abolition of the State, as a final aim", but communists "make temporary use of the weapons and methods of the State against exploiters". The state is to be ultimately abolished because it represents an agency of repression but the Bolsheviks believe that it "can be used as a powerful weapon to change of itself the whole basis of property and thus by force to make possible the coming of communism". To Lenin, "toilers need the state only to overcome the resistance of the exploiters". The communists distinguish clearly between the state and the government. According to Lenin, "Our state must not be confused, *i.e.*, identified with our government. Our state is the organisation of the class of proletarians as a state power, the purpose of which is to crush the resistance of the exploiters, organise socialist economy, put an end to classes and so on. Our government, on the other hand, is the peak of that state organisation, the ruling peak."¹⁰

Justification of Violence and Revolution

Like the syndicalists, the Bolsheviks emphasize the impossibility of capturing the state by constitutional methods. Not only is the middle class a strong barrier against a proletarian capture of the state but the workers themselves are not, as a whole, class-conscious. Workers in luxury trades are attached to the capitalists and other workers are lazy and apathetic. Besides, the state has the army and the police to repress the working class movements. Capitalist laws are enforced by capitalist judiciary. Then again, the capitalists monopolise the means of propaganda, *viz.*, the educational institutions, the press and the church. Not parliamentary and constitutional methods but revolution, therefore, can dethrone capitalism. The proletarians should by force seize the state. The communists justify

⁹ *Communism*, by H. J. Laski, p. 129.

¹⁰ *Leninism*, by Stalin, p. 14.

revolution, *i.e.*, use of force, both historically and theoretically. The state has always been created and maintained by force, which has always been the essence of historic revolutions. Theoretically too, violence is justified because there is "no other way of breaking the class-will of the enemy except by the systematic and energetic use of violence."¹¹ The violence of the communists is further justified by the greatness of their purpose. The end justifies the means. Said Lenin, "We do not believe in the eternal principles of morality, and we will expose this deception. Communist morality is identical with the fight for the strengthening of the dictatorship of the proletariat."¹² Besides, "revolutionary violence is force used to further the natural evolution of society; violence used against communism is violence used in the service of reaction."

The State Withers Away

The communists are for the ultimate abolition of the state. But in between the successful wresting of the state from the hands of the capitalists by revolution and the establishment of a perfect communistic society comes the period of the dictatorship of the proletariat. During this period, the state gradually withers away. The state arose as an instrument of class tyranny and with the disappearance of the classes, the state will disappear also. The process would be as follows. The proletariat will take possession of the machinery of the state by a successful and violent revolution and will at once socialise the means of production. But by this very act it will end itself as a proletariat destroying, at the same time, all class differences and class antagonisms as also the state. The interference of the state with social relations will become increasingly superfluous and finally cease of itself. When the society becomes classless, there is nothing to repress and therefore no need for the state. The government of persons is replaced by administration of things. The state is not abolished; it withers away. In the new commonwealth, which is not a state, there will be a classless administration of the business of the people by their own chosen representatives. Harmonious relations will be ensured, not by submission to any law or authority but by free agreements between the various territorial and professional groups freely constituted for the sake of production and consumption. Communism is thus a means to an anarchic end. The subjection of man by man and class by class, will disappear. People will get used to social behaviour without the necessity of coercion and subjection. The masses will be educated into spontaneous social behaviour and the guiding principle of the new order will be social justice.

¹¹ *Communism*, by H. J. Laski, p. 139.

¹² *The Mind and Face of Bolshevism*, by Rene Miller Frielsep, translated by F. S. Flint and D. F. Tait, p. 278.

To a genuine communist, the idea of a communist state is a contradiction in terms, because whereas the word state connotes an instrument of coercion of one class by another, communism is for the abolition of classes altogether. Under communism there will be an administrative machinery but not a state. For some time, however, after the overthrow of capitalist state, there must be a state of a fundamentally different kind, for societies cannot be suddenly transformed from capitalism to communism. There must be an intervening period, during which the proletariat will organise itself and attune itself to a classless way of thinking and living. This is the period of the dictatorship of the proletariat.

The Dictatorship of the Proletariat

The notion of the dictatorship of the proletariat represents one of the most fundamental ideas of communism, for whereas the communists and evolutionary socialists agree in their ideal of the ultimate establishment of a socialist society, they differ in their methods of achieving this end. The communists bring this about by the overthrow of the capitalist state by a proletarian revolution, the dictatorship of the proletariat, the disappearance of the old classes and conditions, the withering away of the state and the final establishment of a communist society. The communists believe that the cleavage between the old and the new society must be sharp and distinct and that the new society must be built upon new foundations by a proletarian state, in which the organised collective expression of the will of the proletariat will be represented by the communist party which will mediate between the actual executive machinery of the state and the proletarian class. Active proletariat in modern Russia means the class-conscious part of the proletariat, *i.e.*, the communist party. This party is like the advance guard of the proletariat and is a sort of a close corporation, a class within a class. Bolshevism thus is internally aristocratic. It is not impossible that Bolshevism may lead to bureaucratic aristocracy of the communist party. Bertrand Russell fears that the dictatorship of the communist party may last indefinitely and the party itself may lose its proletarian psychology and become a definitely privileged class. The communist party holds great importance because it prepares the proletariat for its fight against capitalism. It brings about the ideological and organisational union between the workers.

Marx claimed the authorship of the idea of the dictatorship of the proletariat. In the Communist Manifesto, issued in 1847, he declared that the "first step in the revolution by the working classes is to raise the proletariat to the position of ruling class", when "the proletariat will use its political supremacy to wrest, by degrees, all capital from the Bourgeoisie, to centralise all instruments of production in the hands of the state, *i.e.*, of the proletariat organised as a ruling class". Marx saw the inevita-

bility of the dictatorship of the proletariat, first because capitalism itself tended to create a class-conscious proletariat, and secondly because capitalism led to imperialism, resulting in the destruction of the capitalists of one country by the capitalists of other countries, *i.e.*, of capitalism itself. The dictatorship of the proletariat also finds justification in history which shows that every dominant class has been supplanted by a class created and suppressed by it. Thus the bourgeoisie created by feudalism destroyed feudalism. But whereas the previous changes represented the replacement of a minority by a minority, the victory and the dictatorship of the proletariat heralds the emancipation of humanity. The dictatorship of the proletariat is not on a par with the dictatorship of other classes because according to Lenin, "the proletariat represents and realises a higher type of social organisation of labour than can be achieved under capitalism." Besides, the dictatorship of the proletariat is better than capitalist dictatorship because it represents the dictatorship of the majority. "The main thing in the teaching of Marx is the elucidation of the world-wide historical role of the proletariat as the builder of a socialist society."¹³

Criticism of the Communistic Notions

The capitalist organisation of society and labour is based on the discipline of hunger; that of the communists on the free and conscious discipline of the workers themselves, based on the law of "to every one according to his needs, from every one according to his abilities". The critics of the communistic system allege that the system is based upon unwarranted assumptions regarding the action of human motives and the possibility of raising the moral tone of human character. The communists lay emphasis on equality and justice, but how are these to be secured and maintained between different types of producers, between the skilled and the unskilled, between the strong and the weak and between the industrious and the lazy? The communists may ultimately have to choose between efficiency and equality.

Communism opposed to Freedom and Democracy

The communistic quasi-state, representing the dictatorship of the proletariat and, as such, a class organisation will, of necessity, work in the interests of the revolutionary working class. In order to break down the resistance of the capitalists, this quasi-state will show revolutionary violence and remain oppressive and autocratic till capitalism is disarmed and forcibly reconciled to the new economic and political conditions. It will exercise compulsion and emergency powers and will not represent the entire

¹³ *Marx-Engels-Marxism*, by Lenin, p. 56.

community. Democracy, on the other hand, connotes that form of government in which the ruling power of the state is held, not by any particular class or classes but by members of the community as a whole. The communists, however, do not hold this view. They allege that present-day democracy is based on class domination, though it maintains the fiction of equality of individuals and classes. Modern democracy, to them, means the dictatorship of the capitalist. The system of checks and balances in a so-called democratic state is a bourgeoisie device to thwart the will and the power of the masses. Besides, according to Engels, "since the state is only a temporary institution which is to be made use of in the revolution in order forcibly to suppress the opponents it is perfectly absurd to talk about a free, popular state. So long as the proletariat needs the state, it needs it not in the interest of freedom but in order to suppress its opponents and when it is possible to speak of freedom, the state as such ceases to exist. Democracy during the transitional period of the dictatorship of the proletariat is neither practicable nor desirable." Under capitalism, democracy is inoperative because capitalists dominate the state and during the revolutionary period it is impracticable because capitalists must struggle and must be put down by violence. Communism blesses political and economic conditions of life unsuited to the present institutions of democracy. The advocates of democracy look upon the state primarily as a moral, intellectual and political institution, whereas, to a communist, the state is primarily an economic organisation existing for the purpose of production and equitable distribution. Democracy is not a sacred principle with a communist, and yet the communists hold that true freedom can only exist under communism, *i.e.*, in a classless society, because the very "phenomenon of class is an expression of degrees of economic servitude"¹⁴ involving negation of political freedom.

Communism and Natural Rights

To a communist, the idea of natural rights, the fundamental idea of democracy, is a fiction, for it is impossible of realisation. No capitalistic state, however democratic, is without safeguards in the interest of the exploiting capitalist class. The rights of the majority in a capitalist state are recognised only if the majority do not enforce them. In the most democratic of such states, the legislatures, which represent the majority, are being controlled by smaller and smaller groups, the cabinets. A few clever politicians control big democracies. A communist does not also believe in the principle of majority rule. In the capitalist-democratic state, the minorities always play the predominant

¹⁴ *The Philosophy of Communism*, by John Macmurray, p. 88.

part, the majority being inert or submissive. The communistic political philosophy reflects this principle of minority leadership through the control of the proletariat by the communist party. Communism and fascism have much in common in their ideology. Both decry democracy and parliamentarism. In the communist collectivist state, as in Fascism, the commonwealth looms so large that the individual completely disappears.

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