

# THE SOCIAL AND POLITICAL PHILOSOPHY OF LUDWIG STEIN<sup>1</sup>

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## I. GENERAL NATURE OF HIS SOCIOLOGICAL THEORY

### 1. *His Leading Works.*

ONE of the most important sociologists who uses the German language as a medium for expressing his ideas, and yet one who has been but little known to English and American readers, is Ludwig Stein (b. 1859), long professor of philosophy in the University of Berne, Switzerland, and since 1910 in Berlin. Stein is particularly distinguished for his work on the history of philosophy and sociology. The second part of Stein's major work, *Die soziale Frage im Lichte der Philosophie, Vorlesungen Über Sozialphilosophie und ihre Geschichte* (1897, revised and enlarged edition, 1923), is as much the best history of the development of social philosophy since the earliest Greek writers as Paul Barth's work, *Die Philosophie der Geschichte als Soziologie*, which appeared in the same year (2nd enlarged edition, 1915), is the most comprehensive and satisfactory treatment of the development of modern sociology since the time of Comte. Stein's other important works, aside from special philosophical monographs, are *Wesen und Aufgabe der Soziologie: Eine Kritik der organischen Methode in der Soziologie* (1898); *Der soziale Optimismus* (1905); *Die Anfänge der menschlichen Kultur* (1906); *Philosophische Strömungen der Gegenwart* (1908); and *Einführung in die Soziologie* (1921), a valuable collection of his sociological essays and a handy summary of his social philosophy. Professor Stein's lectures delivered in the United States in 1923-24 are to be printed in a volume entitled, *Evolutionary Optimism*.

<sup>1</sup> I am indebted to Professor Stein for a critical reading of the manuscript.

## 2. *The Nature of Sociology.*

As might naturally be expected from a professor of philosophy interested in sociology, Stein holds that sociology is really a unifying philosophy of the special social sciences, in the same way that general philosophy is the unifying element in all science. "Sociology is social philosophy, a department of the whole philosophy which systematizes and brings into the most complete formulæ the unity of the different kinds of relations of men which are investigated separately by the respective specialisms."<sup>2</sup> This is essentially the view of Professors Schaeffle, Barth, and Ratzenhofer in Germany, and of Professor Small in America; it is sharply opposed by Professor Giddings and his followers and, in general, by the statistical school of sociologists.

The three main tasks of sociology, according to Stein, are: (1) the investigation of the history of social institutions; (2) the tracing of the development of social theories, and (3) the formulation of rules and ideals for guiding the social development of the future.<sup>3</sup> This outline of what he believes to be the proper scope of a system of sociology is strictly adhered to in his most important work, *Die soziale Frage im Lichte der Philosophie*.<sup>4</sup>

## 3. *Nature and Scope of His Social Philosophy.*

The fundamental principles of Stein's social philosophy are those of causality, teleology, and continuity.<sup>5</sup> Social causality is manifested in the universal tendency of the various social institutions to change with alterations in the fundamental economic and psychological foundations of society. A good illustration of this principle of causality in society is to be seen in the vast changes in political and social institutions which have taken place since the economic foundations of society have been entirely transformed by the Commercial and Industrial Revolutions. The principle of tele-

<sup>2</sup> *Sociological Papers*, 1904, p. 247. Cf. also *Wesen und Aufgabe der Soziologie*, p. 6, and *Philosophische Strömungen der Gegenwart*, Chap. xiii; Jacobs, *German Sociology*, pp. 39-41, briefly summarizes Stein's notions regarding the scope and nature of sociology. For his latest views, see his *Einführung*, pp. 11-19.

<sup>3</sup> *Sociological Papers*, 1904, p. 247.

<sup>4</sup> The citations from this work unless otherwise indicated, are based upon the French edition entitled *La Question sociale*, Paris, 1900. Though I have had available for revision of the manuscript the new German edition of the *Soziale Frage*, a comparison with the French edition and a conference with Professor Stein failed to reveal any essential changes of doctrine. Hence, I have retained the references to and quotations from the French edition because of the superior ease with which American readers can handle the French.

<sup>5</sup> *La Question sociale*, pp. 39ff.

ology in society is to be discovered in the changes which have been effected in laws and institutions by the conscious action of society—in other words, the attempt of society to improve its own condition. Finally, the element of continuity is to be discerned in the mutual interrelationship of different stages of social evolution, the principle of gradual development, and the almost invariable failure of every attempt suddenly to change the nature of the fundamental institutions of society by revolutions or direct legislation.<sup>6</sup>

The basic principle of Stein's interpretation of the phenomenon of association is the old Aristotelian dictum of the instinctive basis of social groupings. Stein's rather peculiar and arbitrary definition of *society*, however, precludes the possibility of his regarding it as an instinctive product. Like Ferdinand Tönnies, he distinguishes sharply between "community" and "society." Community life is an instinctive product.<sup>7</sup> The period of community in social existence is found in the primitive social groups of the family and horde. Here the bonds are consanguinity, contiguity, the sexual instinct, common intellectual interests. The economic and intellectual bonds prepare the way for the development of society out of the previous stage of community.<sup>8</sup> Society, according to Stein, is a more advanced form of grouping than community. It presupposes, besides contiguity and association, the additional element of conscious coöperative activities. Human groupings do not reach the stage of society until they become purposive organizations.<sup>9</sup> This distinction is, of course, very similar to the differentiation made by Professor Giddings between component and constituent societies, or, again, between instinctive and rational societies, and that maintained by Durkheim between segmentary and functional types of society.

In harmony with his view of the proper scope of sociology, Stein makes a sociological study of the evolution of the family, property, society, the state, language, law, and religion. He next presents his famous history of social philosophy, and concludes his work with an exposition of his program for the solution of the outstanding

<sup>6</sup> *Ibid.*, pp. 40-51; 350-54.

<sup>7</sup> "La communauté représente cette trame sociale primitive où l'homme, dépourvu de conventions extérieures ou même de sanction légale, rend des services à son semblable, le protège et l'aide grâce à un instinct naturel." *Ibid.*, p. 63. Cf. p. 192.

<sup>8</sup> *Ibid.*, pp. 63-8.

<sup>9</sup> "Par 'société' je comprends un mode de coopération constitué par les individus et réglant leurs rapports réciproques. . . . Pour qu'il y ait société, il faut non seulement que les individus vivent les uns à côté des autres, mais encore une *coopération* de ceux-ci fut-elle instinctive, est nécessaire." *Ibid.*, pp. 114-15. Cf. Jacobs, *German Sociology*, pp. 33-5. Cf. R. M. Maciver, *Community, A Sociological Study*.

social problems of the present. Stein is an optimist and believes that civilization is improving and is capable of a high degree of further development through the conscious self-direction of society guided by the laws reached inductively by sociology. His erudition is unquestionable, particularly in the field of philosophical literature, though he is also familiar with the chief works in the field of anthropology and systematic sociology. His original work of 1897 dealing with the problems of social evolution, while well abreast of the average sociological treatments of these subjects, is now antiquated, as it is based upon the generalizations of the classical anthropologists such as Lubbock, Spencer, Tylor, Post, Max Müller, Letourneau, and Grosse. When the volume was printed, however, twenty years ago, these writers were *the* authorities upon the subject of historical sociology, and to question their conclusions was considered to be almost a sacrilege. It is a sad commentary upon the lack of scientific alertness on the part of sociologists that these very works are still quoted in most contemporary sociological writings with the same degree of reverential credulity which was accorded them a quarter of a century ago.<sup>10</sup> In his last work, the *Einführung in die Soziologie*, and the revised edition of *Die Soziale Frage*, Stein shows decent familiarity with recent anthropological literature.

## II. SPECIFIC DOCTRINES REGARDING POLITICAL AND SOCIAL PROBLEMS

### 1. *Fundamental Concepts and Definitions.*

It has already been shown that Stein considers sociology to be the general unifying philosophy of the special social sciences. Therefore, political science is regarded by Stein as one of those subordinate specialisms, the results of which are used by sociology as the basis of its final and unitary survey and arrangement of social data.<sup>11</sup> Stein analyzes in detail the essential relations and differences between society and the state. Society may be regarded as the organization

<sup>10</sup> As a proof of the hopeless anachronism of current historical sociology compare the prevailing doctrines with the excellent synthesis of the newer point of view in R. H. Lowie's, *Primitive Society*, A. A. Goldenweiser's *Early Civilization*, and A. L. Kroeber's *Anthropology*. See my paper on "The Development of Historical Sociology," in *Publications of the American Sociological Society*, 1921.

<sup>11</sup> *La Question sociale*, pp. 14ff.; *Sociological Papers*, 1904, pp. 245-7; *Wesen und Aufgabe der Soziologie*, pp. 6-7.

of the coöperative activities of individuals for the purpose of regulating their reciprocal relations. The state is a social institution designed to secure the protection of the persons and property of its citizens. Society is thus an earlier and more fundamental organization of humanity which prepared the way for the later development of the state.<sup>12</sup> Though society is prior to the state, it is not, in the opinion of Stein, the most elementary type of association. Society grows up gradually from the more primitive and basic stage of "community." Community, tribal society, the territorial state, and modern international society are the chronological stages in social evolution.<sup>13</sup> Looked at from another point of view, society is voluntary though conscious in character, and is the chief agency in promoting the interests of the individual. The state is a coercive organ which is mainly concerned with the interests of the community as a whole.<sup>14</sup> Again, society is a much more all-inclusive organization of individuals and is much more flexible and plastic than the state.<sup>15</sup> After viewing the problem from these various standpoints Stein formulates his final definition of the state as follows: "We may behold in the State, especially in the modern civilized State, the substantial organization of the inevitable subordination and superposition of the individuals and associated groups within it, with the aim of establishing an equilibrium of interests between the legitimate personal necessities of individuals and the interests of the nation and

<sup>12</sup> "Par 'société' (*societas*) je comprends avec Morgan un mode de coopération constitué par les individus et réglant leurs rapports réciproques; j'entends au contraire par 'état' (*civitas*) une institution ayant pour but d'assurer la possession de la terre, de la protection de la vie et de la propriété à l'intérieur comme à l'extérieur. En s'appuyant sur cette définition, il n'est pas douteux que la 'société' ne soit la première forme qui précède l'Etat et prépare sa venue." *La Question sociale*, p. 114. See also *Einführung*, pp. 286ff. This is directly contrary to the rather anachronistic views set forth by Henry Jones Ford in his *Natural History of the State*.

<sup>13</sup> "Société et Etat ne coïncident jamais et nulle part. La société préétatique (*gens*) est le prius passager, la société actuelle le postérius de l'Etat. La *gens* s'est intégrée dans l'Etat. la société actuelle est une différenciation de l'Etat." *La Question sociale*, pp. 115-220.

<sup>14</sup> "La 'société' est surtout la gardienne du choix individuel, l'Etat, le rempart des intérêts communs." *Ibid.*, p. 222. "L'essence de la société consiste donc en une action combinée librement choisie, celle de l'Etat dans une action combinée exigible des individus unis en une société, ou en un Etat." *Ibid.*, pp. 226-7.

<sup>15</sup> "Les limites de l'Etat se trouvent ainsi plus étroites que celles de la société; avec ce rétrécissement d'horizon il possède en même temps une structure incomparablement plus ferme. La société est de par sa nature incertaine et fluide, l'Etat est au contraire stable et solide. Le lien de la société est le tact, celui de l'Etat est la loi. Les membres de la société sont retenus entre eux par les moeurs, ceux de l'Etat par le droit." *Ibid.*, p. 227.

humanity as a whole which are frequently in conflict with individual interests."<sup>16</sup>

In contrast with his lengthy discussion of the distinctions between the state and society, Stein devotes little attention to the equally important matter of the differences between the state, the government, and the nation. The term state is employed by him both in the strict usage of political science and in the popular sense as synonymous with government. At the same time he makes the state include the attributes which are usually assigned to the nation.<sup>17</sup> The state is "un système d'action réciproque des intérêts intellectuels et esthétiques, moraux et religieux des hommes."<sup>18</sup> Such a conception of the state is very similar to the usual definition of a nation. There can be little doubt that Stein's failure to differentiate carefully between the the state and the government, and his subordination of nationality to the state, are a result of his Swiss political environment, where, in a majority of the cantons, the state and the government are practically identical and where a common nationality does not exist, the state being the only unifying agency. In his *Einführung in die Soziologie* his differentiations are much clearer and he accepts the scientific distinction between the state and the nation.<sup>19</sup>

## 2. *The Origin of Political Institutions.*

Stein's theory of the origin of the state is a combination of Morgan's theory of social evolution with a moderate version of Gumpowicz's doctrine of the conflict of social groups. The first stage of social evolution was the period of community, which was based on the bond of practically unorganized or undifferentiated blood-relationship. In this period the only types of social organization were the extremely crude forms of the primitive family and the horde. In his theory of the evolution of the family Stein follows the scheme of development postulated by Morgan which is now thoroughly discredited.<sup>20</sup>

The next stage of human evolution, or the period of the beginnings of social relations, according to Stein's use of the term "social" came with the development of the gentle organization of society.

<sup>16</sup> *Ibid.*, p. 230; cf. *Einführung*, pp. 334ff.

<sup>17</sup> *La Question sociale*, pp. 222, 227, 230, 265ff.

<sup>18</sup> *Ibid.*, p. 230.

<sup>19</sup> *Op. cit.*, pp. 253ff.

<sup>20</sup> *La Question sociale*, pp. 57ff., 82-3, 115ff. It should be kept in mind, however, that Stein was writing in 1900, when the newer anthropology had not been adequately formulated. In the *Einführung*, pp. 62-77, he modifies his earlier version in the light of the more recent anthropological research.

While this stage brought a system of regulation of social relations which was, on the whole, adequate to the demands of the time, gentile society was a period of idyllic democracy as compared to the present.<sup>21</sup> Stein's representation of the Iroquois as free from the burden of conventionality and custom which oppresses the modern man strongly resembles the Rousseauian variety of anthropology when viewed in the light of the later researches of Hewitt, Parker, and Goldenweiser. The alleged universality of the gentile organization of primitive society has been disproved by critical ethnologists, and even in those places where it did exist it could hardly be deemed the most primitive type of society, unless one accepts Stein's arbitrary definition of society.

Though the *gens* marked the origin of society, the series of changes which brought in the state began with the development of agriculture. Like many writers from Rousseau to Loria and Oppenheimer, Stein holds that private property in land broke up the primitive felicity and paved the way for the immediate development of the state.<sup>22</sup> Agriculture created a need for slave labor, and the ensuing raids upon neighboring bands to secure slaves produced the earliest wars and brought about the origin of the warrior class. The dangers of attacks from others led to a differentiation of the population of each group into two fundamental classes of warriors or protectors and laborers or producers.<sup>23</sup> Either offensive or defensive warfare, if successful, required an effective centralization of power, and when the *gens* conferred upon the leader the power to compel the group to bow to his will the essence of the state had appeared. Democratic communism was then well on its way to a transformation into absolute monarchy. The increased wealth of the chief made it possible for him to render his power more secure and enabled him to assume new functions. As industry and social relations developed, conflicting interests appeared within society, particularly between the servile class and its masters. The state was able to extend its influence here by adjusting the differences between these contending parties which threatened the integrity of society.<sup>24</sup>

This period of conquest and the integration of groups was an essential stage in the development of political institutions. Tribal communities and small nations have always been doomed to perpetual warfare and arrested development. Only by means of large-

<sup>21</sup> *Ibid.*, pp. 117-118.

<sup>22</sup> *Ibid.*, pp. 119-120.

<sup>23</sup> *Ibid.*, pp. 119, 124.

<sup>24</sup> *Ibid.*, p. 120-122.

scale warfare could a sufficient degree of integration be effected so that a compact and powerful state could be formed. Paradoxical as it may seem, centuries of warfare were required as a preparation for the final cessation of war.<sup>25</sup> Besides this, war provided a valuable discipline for the race.<sup>26</sup>

War being thus an essential agent in the integration of states and the discipline of society and the human mind, the more vigorous the warfare the more rapidly this bloody but necessary stage in social evolution could be completed.<sup>27</sup> Therefore, the great conquerors of history while morally little more than assassins on a large and picturesque scale, really rendered a great service to the progress of civilization without being aware of the fact.<sup>28</sup>

While Stein thus practically agrees with Gumplowicz, Ratzenhofer and Ward in regard to the process by which the State originated, he does not hold with Gumplowicz that progress must always be a result of the conflict of groups. The formation of the large and compact state by war is but the necessary preparatory period to the gradual cessation of war and the achievement of progress through the development of coöperative activities, the division of labor and legislation based upon the sound principles of sociology.<sup>29</sup> In this respect the doctrine of Stein greatly resembles the position taken by Lester F. Ward. Both emphasize the teleological nature of future progress.<sup>30</sup> The national territorial state is not, however, the last stage in social evolution. Already modern society, international in most of its interests and activities, has become more powerful and important than the national state. Man's voluntary activities, which are separate from the activities of the state, are

<sup>25</sup> *Ibid.*, pp. 123-2, 457, 461.

<sup>26</sup> "Un bon maintien du corps, la sobriété et la persévérance opiniâtre, l'éducation d'hommes vigoureux, une discipline absolue, la joie du sacrifice, les liens de la camaraderie, sont la propriété exclusive des peuples exercés par l'esprit militaire." *Ibid.*, p. 461.

<sup>27</sup> "Un massacre en masse conduisant à une intégration immédiate de l'Etat est préférable à l'hypocrisie des guérillas perpétuelles entre petites tribus et petites nations." *Ibid.*, p. 123.

<sup>28</sup> "Ces assassins grandioses donnent à la civilisation une poussée puissante égale à celle de plusieurs siècles. . . . Ils ont plus fait pour la civilisation réelle que toute une armée de sentimentaux douillets." *Ibid.*, pp. 123-4.

<sup>29</sup> *Ibid.*, pp. 123-4, 352f., 450ff.

<sup>30</sup> Gumplowicz is criticized for his exaggerations, *op. cit.*, p. 119, note. Cf. *Einführung*, pp. 161ff., 226ff.



now preponderant.<sup>31</sup> The national state will be followed by the socialized state and a society of states.

### 3. *Sovereignty and the Principle of Authority in Human Society.*

In an interesting article entitled, "Die Träger der Autorität."<sup>32</sup> Stein analyzes the nature and value of the principle of authority in society and traces the changes in the nature, sources, and organs of authority throughout history. The principle of authority is as important for the maintenance of the race as the principle of self-preservation is for the individual.<sup>33</sup> Those who wield authority in society are the instrumentality for the education and discipline of the social will.<sup>34</sup> Stein finds that the organs of social authority have been successively: "1. die elterliche, 2. die göttliche, 3. die priesterliche, 4. die königliche, 5. die staatlich-militärische, 6. die rechtliche, 7. die Schulautorität, 8. die Wissenschaftsautorität."<sup>35</sup> Stein further maintains that in the course of the historic changes in the sources and organs of social authority, institutions have displaced persons as the bearers of authority in society; that, whereas originally authority was imposed by individuals upon the community, now the group imposes its authority upon individuals; and, finally, that, while in the past authority was wielded for the selfish interest of the individuals in power, at present it is consciously employed by the community for the purpose of securing social discipline and progressive improvement of the welfare of the group.<sup>36</sup> The changes in the nature, sources, organs, and conceptions of social authority have been correlated with successive stages of social development and different types of civilization.<sup>37</sup>

While Stein in no place analyzes in detail the nature and importance of sovereignty, considered in the technical or conventional con-

<sup>31</sup> Les rapports et traditions de famille, les états professionnels dans toutes leurs ramifications, les communautés d'intérêts dans des complications et des déplacements sans nombre, les associations libres, professionnelles, sportives, religieuses, artistiques, pédagogiques, scientifiques, de compagnonage, etc., associations en partie internationales, dans leurs nuances à peine perceptibles; voilà ce que présente la 'société' moderne. . . . Aucun Etat avancé ne peut longtemps résister à l'ordre suprême de la 'société.'" *La Question sociale*, p. 220; cf. *Einführung*, pp. 253-86, 441-54.

<sup>32</sup> Published in the *Archiv für Rechts- und Wirtschaftsphilosophie*, Oct., 1907, pp. 44-65; cf. also *Einführung*, pp. 388ff.

<sup>33</sup> *Loc. cit.*, p. 44.

<sup>34</sup> *Ibid.*, p. 54.

<sup>35</sup> *Ibid.*, p. 49.

<sup>36</sup> *Ibid.*, pp. 52, 54, 55, 56.

<sup>37</sup> *Ibid.*, p. 49. This notion harmonizes with Professor Giddings' view of the social foundations and the evolution of sovereignty; see *Political Science Quarterly*, Vol. XXI, No. 1.

notation of political science, he devotes a very considerable space to the treatment of the principle of authority as manifested in society. As a part of this general analysis he touches by implication upon the more specific problem of sovereignty. His treatment of the subject is to be found in the article on "Die Träger der Autorität," mentioned above, and another entitled, "Autorität, ihr Ursprung, ihre Begründung und ihre Grenzen."<sup>38</sup>

Authority, Stein holds, is the basis of order in the social organism corresponding to the dominance of law in the mechanism of nature.<sup>39</sup> The development of authoritative control in society was the indispensable prerequisite for the passage from unorganized communal life to the stage of organized society.<sup>40</sup> This development of authoritative control in society goes back to the groups of animals where it has its origin in force and the imitative instinct.<sup>41</sup> Among men, authority begins in the power of the heads of families and the leaders in war.<sup>42</sup> Authority was the force which domesticated man and made him fit for society.<sup>43</sup> Civilization has never developed except as a result of the previous establishment of the principle of authority in society.<sup>44</sup>

The type of social authority which is to be found in any particular group depends upon the stage of civilization and the character of the composition of the group.<sup>45</sup> The more fierce and uncivilized the group the more severe must be the type of authority.<sup>46</sup> Force was thus the first basis of authority. Faith and credulity are the foundation of the second type of authority. Ancient and medieval priests and emperors exercised their control because the masses believed them superior and actually vested with the powers which they claimed. Beginning with the French Revolution there has developed a higher form of authority—that based upon intelligence.<sup>47</sup>

<sup>38</sup> Published in Schmoller's *Jahrbuch für Gesetzgebung, Verwaltung, und Volkswirtschaft im deutschen Reich*, 1902, drittes heft, p. 1-30. These two articles are revised and reprinted in the *Philosophische Strömungen der Gegenwart*, chap. xv; cf. also *Einführung*, pp. 388-452.

<sup>39</sup> "Autorität," loc. cit., p. 3.

<sup>40</sup> *Ibid.*, p. 2.

<sup>41</sup> *Ibid.*, pp. 8-9.

<sup>42</sup> *Ibid.*, pp. 10-11.

<sup>43</sup> *Ibid.*, p. 4.

<sup>44</sup> *Ibid.*, pp. 3, 14-15, 22. "Und so möchten wir den als oberste Formel der Begründung aller Autorität den Satz aufstellen: Keine Kulture ohne Autorität." *Ibid.*, p. 22.

<sup>45</sup> *Ibid.*, pp. 4-5, 15, 20. "Jedes Volk hat die Autoritäten, die es vermöge seines Civilisationsgrades braucht und verdient." *Ibid.*, p. 5.

<sup>46</sup> "An der Schwelle der Kultur stehen durchweg blutdürftige Tyrannen. Wilde Bestien zu bändigen, giebt es nur ein Mittel: die Furcht." *Ibid.*, p. 4.

<sup>47</sup> *Ibid.*, pp. 4-7.

Though authority is indispensable in the evolution and functioning of society, it should not exceed its legitimate scope. When it has reached the point where it obstructs and restrains cultural development instead of advancing it, authority is to that extent an undesirable evil.<sup>48</sup> Egypt in antiquity, the Byzantine Empire in the middle ages, and Spain in modern times have been "horrible examples" of how an excess of authority can obstruct progress.<sup>49</sup> Reviving the Hegelian myth Stein maintains that the Germans have solved for future civilizations the age-long problem of the reconciliation of liberty and authority.<sup>50</sup> "Vernünftige Einsicht und öffentliches Wohl" has been the formula followed by them in making this notable contribution, and it is truly enlightening to learn that the main personal agent in grounding the Germans in this principle was no other than Frederick the Great.<sup>51</sup>

#### 4. *Liberty and Authority.*

Stein, in his treatment of the abstract question of liberty and authority, takes the sensible view that liberty can be secured only through the protection of the interests of the individual by the state.<sup>52</sup> The anarchistic ideal of absolute liberty is a pure chimera.<sup>53</sup> Liberty, while important, is not the sole goal of social effort or evolution. Equal in importance are a just reward for labor, the intellectual development of the race, and the raising of the standard of life of all strata of society.<sup>54</sup> As a substitute for that liberty which is the ideal of the individualists, Stein offers that of the "socialization of law" (*droit*). By this, he says, "We mean the juridical protection of the economically weak; the conscious subordination of individual interests to those of the State, but ultimately and fundamentally to those of mankind as a whole."<sup>55</sup> For a writer who is so favorably

<sup>48</sup> *Ibid.*, pp. 22ff. "In dem Augenblicke aber, da die Autorität solche Dimensionen annimmt, das sie nicht mehr kulturfördernd, sondern geradezu kulturhemmend wirkt, verliert sie ihr logisches Daseinsrecht. In solchen Fällen wird eben mit Goethe zu sprechen 'Vernunft Unsinn, Wohl'that Plage.'" *Ibid.*, p. 22.

<sup>49</sup> *Ibid.*, pp. 23ff.

<sup>50</sup> *Ibid.*, pp. 26-7. "An der hand der Germanischen Völker, welche mit der Wahrung des Autoritätenprinzips ein hohes Ausmass individueller Freiheit zu verbinden wissen, soll jetzt der positive Beweis erbracht werden, dass in der Germanischen Versöhnung von Autorität und Freiheit die Lösung des probleme liege." *Ibid.*, p. 26.

<sup>51</sup> *Ibid.*, pp. 29-30. In his *Einführung*, pp. 449ff., Stein argues for the establishment of an international authority and a League of Nations.

<sup>52</sup> *La Question sociale*, p. 125; cf. *Einführung*, pp. 320ff.

<sup>53</sup> *La Question sociale*, pp. 296-7.

<sup>54</sup> *Ibid.*, pp. 402-3.

<sup>55</sup> *Ibid.*, p. 304. See also *Der Soziale Optimismus*, chap. vii. Cf. Roscoe Pound. "A Theory of Social Interests." in *Publications of the American Sociological Society*, 1920.

inclined towards the socialization of the activity of the state the abstract question of individual liberty could only be regarded as a minor consideration as compared with the benefits which might accrue from reform legislation. Stein agrees with Priestley and Bentham that "the greatest happiness for the greatest number" is about as satisfactory a formula for the guidance of the social reformer as has ever been devised, in spite of the difficulties involved in its metaphysical interpretation and its practical application.<sup>56</sup>

##### 5. *The Forms of the State and the Government.*

Stein makes no attempt at a comprehensive treatment of the different forms of the state and government. He merely touches upon the subject in dealing with other topics. In a republic and a constitutional monarchy sovereignty is vested in the whole body of the people, while in a despotism the ruler possesses sovereign power.<sup>57</sup> While he has great confidence in the Swiss democracy, Stein has no patience with the view that all men are created equal. He maintains that it is one of the primary principles of sociology that men are of unequal ability. While the state may adjust itself to these inequalities, it cannot hope to eliminate them.<sup>58</sup> Equality before the law is the only sense in which men can be held to be equal.<sup>59</sup> Democracy is founded on an aristocracy of ability just as much as a monarchy.<sup>60</sup> At the same time, the masses in a democracy are not entirely devoid of reason, as Le Bon would have us believe. Democracy does not necessarily mean mob rule.<sup>61</sup> In general, while Stein seems to regard the Swiss democracy as the most advanced type of modern government, he has a very high degree of admiration for the efficient German bureaucracy. This original veneration of the German polity, evident in Stein's writings, was somewhat stimulated by his German residence and the recent world war. His most recent work, the *Einführung in die Soziologie*, however, is notable for the moderation of tone, the absence of chauvinism, and the frank recognition of the inadequacy of the modern national state system.

<sup>56</sup> *La Question sociale*, pp. 288ff.

<sup>57</sup> *Ibid.*, p. 282. "Autorität," *loc. cit.*, pp. 4-6, 23.

<sup>58</sup> *La Question sociale*, pp. 231, 297.

<sup>59</sup> *Ibid.*, pp. 301-2.

<sup>60</sup> "Autorität," *loc. cit.*, p. 19.

<sup>61</sup> "Si LeBon, aveuglé par son horreur pour la démocratie, s'était donné seulement la peine d'aller habiter dans une commune rurale suisse, au lieu de prendre pour modèles des gamins et des camelots parisiens, il aurait trouvé en pleine activité cette 'raison' qu'il refuse catégoriquement à la masse." *La Question sociale*, p. 215.

6. *The Scope of Desirable State-Activity.*

In regard to the question of the proper scope of state activity, Stein lays down the preliminary proposition that the range of legitimate action on the part of the state must necessarily vary with the degree of civilization. The higher the development of the group the greater the number of interests which it is the duty of the state to protect and harmonize.<sup>62</sup>

It is the prime duty of the state to preserve and protect the equilibrium of interests which are represented by its citizens. The state alone is able to harmonize the interests of the individual and the race, which achievement is the real goal of social evolution.<sup>63</sup>

After these few preliminary observations, Stein sketches what he believes to be desirable activities to be undertaken by the State. He states at the outset that he intends only to suggest the general outlines and will leave the details to be worked out by specialists.<sup>64</sup> While he denies that he can correctly be designated as a Socialist, Stein proposes a field of state activity which very nearly coincides with the program of state socialism, and he certainly is nearer to the views of the socialistic group than to the doctrine of extreme individualists, such as Herbert Spencer.<sup>65</sup> He says that his theory of state activity is a combination of the programs of the socialists and the individualists "qui nous assure les avantages d'un mode de production collectiviste, sans abandonner l'émail incomparable de ce qui est intimement personnel, le parfum enchanteur de l'individualité."<sup>66</sup> Stein makes the very pertinent observation that the amount of successful state activity which is possible depends upon the *morale* and efficiency of the existing governments.<sup>67</sup>

Stein enumerates a considerable list of activities and industries which should be taken over by the state. This list includes the postal service, the telegraph and telephone service, the railroads, distilleries, mines, the salt, match and tobacco industries, and all dangerous occupations.<sup>68</sup> Further, the state should assume all insurance business within its boundaries.<sup>69</sup> The state must guarantee to its citizens the right to live, which under normal circumstances, means the right to work. If the industries above mentioned are not

<sup>62</sup> *Ibid.*, p. 122.

<sup>63</sup> *Ibid.*, pp. 225, 231; cf. *Einführung*, pp. 275-306.

<sup>64</sup> *La Question sociale*, p. 290.

<sup>65</sup> *Ibid.*, pp. 232-4 and p. 232 note.

<sup>66</sup> *Ibid.*, p. 267; cf. p. 278.

<sup>67</sup> *Ibid.*, pp. 271-2.

<sup>68</sup> *Ibid.*, pp. 269*ff.*, 281.

<sup>69</sup> *Ibid.*, 286.

sufficient to employ all who cannot secure employment in private, it is the duty of the state to enter into other lines of industrial activity for which it is specially adapted, so that it may furnish the necessary opportunity for employment.<sup>70</sup> Moreover, the state should protect the interests of its prospective citizens who are yet unborn through "the taking over by the State of all the underground natural resources which have not been discovered, of all water power which the technology of the future will exploit for industrial purposes, as well as the exploitation by the State of the most important inventions of the future."<sup>71</sup> Stein holds that the state should control all the important inventions made by its citizens and should reward the inventors by salaries and official honors which would make the incentive to invention much greater than it is at present.<sup>72</sup> He believes that when the state shall have taken up the rôle of the enterpriser to the extent that he has indicated, it will be able to fix and equalize prices and will be strong enough to make private capital follow its lead.<sup>73</sup>

Aside from this direct participation in industry, Stein believes that the state should develop departments to adjust or eliminate the struggles between capital and labor and to prevent the exploitation of the citizens by monopolistic combinations.<sup>74</sup> As to the practical application of his program for the extension of state activities, Stein points with a considerable amount of justifiable pride to the fact that Switzerland may serve as a school of social reform for the rest of Europe.<sup>75</sup> Stein contrasts his program with that of the socialists in the following paragraph:

The social democrats demand the extinction of the modern capitalistic State; we demand its conscious perfection; they desire a fraternal and international alliance of the proletariat of the world; we desire, first of all, a fraternal national alliance of all classes and of producers of all levels; they demand the elimination of all private property and the private ownership of the means of production, and the abolition of all wage employment; we demand the maintenance of an economy of private property under a socialized form, a mixed type of industry divided in control by the State and private enterprise, which would not entirely extinguish labor for wages, but would soften its repulsive harshness; they demand at once a social State, or, in fact, a "society," in order that they may build from within it a polity; we demand, on the contrary, first of all, a socialized law and polity from which there will naturally proceed, like ripened fruit, the socialized State.<sup>76</sup>

<sup>70</sup> *Ibid.*, pp. 270, 314-16.

<sup>71</sup> *Ibid.*, p. 283

<sup>72</sup> *Ibid.*, pp. 284-5.

<sup>73</sup> *Ibid.*, pp. 275ff., 291.

<sup>74</sup> *Ibid.*, pp. 276-7, 280.

<sup>75</sup> *Ibid.*, pp. 262-3

<sup>76</sup> *Ibid.*, p. 351.

### 7. *The State and Social Progress.*

Stein maintains that the evolution of political and judicial institutions must keep pace with general social evolution. If the political and legal machinery is not adjusted to the needs of the time it must submit to a radical reform in order to make it competent to deal with the present situation.<sup>77</sup> It is to be desired that political evolution move along gradually and peacefully, so that a revolution may be avoided. It was to escape the necessity for a political and legal revolution in the future that Stein formulated his program for the socialization of law.<sup>78</sup> Like Ward, Stein holds that the progress of the future should be primarily teleological. Legislation must be based upon the accepted doctrines of sociology.<sup>79</sup> The state will not disappear in the future, but, reformed and socialized, it will become an increasingly important organ in achieving social progress. It is folly to expect that the course of evolution will be reversed and that society will return to primitive anarchy and communism.<sup>80</sup> Stein, then, stands with Comte, Ward, Dealey and Hobhouse, as an exponent of social teleosis."

### 8. *The State and International Relations.*

In regard to the question of international relations, Stein in 1900 took the position of the majority of sociologists, namely, that whereas war has in the past made important contributions to the advance of civilization, its mission has been fulfilled and it should give way to economic and psychic modes of competition. He believed that an alliance of European states would be accomplished in the near future and that international disputes would tend more and more to be settled by arbitration.<sup>81</sup> Quite in contrast with the views of Novicow and Tarde, he maintained that the desire of France for revenge was the chief menace to the future peace of Europe.<sup>82</sup> Europe cannot, however, afford to disarm even after the consummation of an international alliance or after it has agreed to settle its disputes by arbi-

<sup>77</sup> *Ibid.*, p. 232; cf. F. J. Goodnow, *Social Reform and the Constitution*.

<sup>78</sup> *Ibid.*, p. 313.

<sup>79</sup> *Ibid.*, pp. 232ff., 352f.

<sup>80</sup> *Ibid.*, pp. 128, 495. "Ce n'est donc pas dans le dépérissement, mais dans la construction complète et l'organisation basée sur l'égalité économique, de nos Etats nationaux que nous voyons le salut social de l'avenir. Sans Etats nationaux, solidement construits, avec des législations nettement a'truistes, l'humanité civilisée ne peut pas atteindre son but suprême; la constitution d'un type humain supérieur." *Ibid.*, p. 495. Cf. *Einführung*, pp. 286-89, 334-387.

<sup>81</sup> *La Question sociale*, pp. 459, 461ff.

<sup>82</sup> *Ibid.*, pp. 458-9; cf. A. L. Fisher, *Studies in History and Politics*, pp. 146ff.

tration. The danger of an Oriental invasion will render it necessary to keep large standing armies, but this expense will find compensation in the moral and cultural value of military discipline.<sup>83</sup> While Stein believed that war will ultimately be banished from Europe, he expressed the fear, which later events have proved to be well founded, namely, that war would not be eliminated in Europe until after a last great conflict.<sup>84</sup> But though there may ultimately be a cessation of war between states, a continuation of the conflict of interests within the state is inevitable and desirable. Competition within certain reasonable bounds is indispensable to progress.<sup>85</sup>

In his most recent work, the *Einführung in die Soziologie*, Stein develops still further his theories on the subject of war and international relations, particularly as they have been formulated as a result of the recent World War. His doctrine is a peculiar combination of the Marxian and Hegelian types of determinism. He takes the position that the wars of today are caused primarily by economic factors—by the struggles for raw materials. "The contemporary pattern of wars is the following: the parceling out of the earth according to the distribution of raw materials. As man earlier fought for pasture lands, so today he struggles for ore, coal, potash and petroleum."<sup>87</sup> Yet, ultimate world-peace, internationalism, and the league of nations are inevitably to be produced by the "immanent logic of history" in the service of the *Weltgeist*.<sup>88</sup> At the same time, this manifestation of the will of the *Weltgeist*—internationalism and the league of nations—can be secured in practice only through erecting an international organization with power to control and equalize the economic resources of the earth.<sup>89</sup> The following section best summarizes Stein's latest views on international relations and the league of nations:

<sup>83</sup> *La Question sociale*, pp. 459-62.

<sup>84</sup> "Malheureusement, le sociologue qui embrasse d'un coup d'oeil tous les facteurs, ne peut pas se débarrasser de la crainte que le type guerrier de l'Europe ne chante encore dans une dernière bataille décisive son chant d'adieu aux accents lugubres, avant de céder définitivement le pas au type industriel." *Ibid.*, p. 458.

<sup>85</sup> *Ibid.*, pp. 453, 461, 465f., 470. "Mais si le combat sous forme de guerre doit un jour se rétrécir et devenir insignifiant ou même entièrement disparaître, la cessation complète de la lutte sociale n'est ni souhaitable ni désirable. Religion et morale, science et art, langue et religion, tempérament et mœurs, commerce et industrie pourvoieront abondamment à ce qu'il ne manque jamais de matière pour une lutte généreuse, pour une incessante excitation au plus haut déploiement des forces individuelles. Si donc en ce qui concerne les relations politiques des peuples la solution est la paix éternelle, le mot de la concurrence sociale des individus est, au contraire; lutte éternelle, avec des armes loyales!" *Ibid.*, p. 470; cf. *Einführung*, pp. 226ff.

<sup>87</sup> *Op. cit.*, pp. 108-9, 449ff.

<sup>89</sup> *Ibid.*, pp. 449-50.

<sup>88</sup> *Ibid.*, pp. 450-52.



The political and social struggles of the human race can be ended only through a league of nations, of which we have now the first groping manifestations. If authority means essentially and primarily a focus of power, the league of nations will represent just as much authority as it has power. By power, I mean not merely an international army, such as was proposed two decades ago by von Vollenhoven but, above all, economic power—a tribunal of economic authorities for the purpose of settling the world-wide battle between capital and labor. Let us not deceive ourselves about this: The political wars are in their ultimate causes economic wars, and the longer they last the more pronounced this economic aspect becomes. The battle for fuel, for coal and petroleum, especially the struggle between capital and labor, dominated the present war far more thoroughly than was the case in the earlier religious wars or the dynastic wars of succession. A purely political league of nations, without the economic foundations for the purpose of regulating the economic intercourse of the world, will be futile. A rump league of nations without the United States of America, Germany and Russia is a torso.

The alliances and ententes, which characterized the political situation before the war, have furthered the idea of settling by jury such differences as do not involve vital issues between nations. The two conferences at the Hague, the Red Cross, the fourteen points of Wilson, the embryonic Institute of the League of Nations in Geneva, Harding's Conference in Washington in November, 1921, are plain evidences that the idea of the league of nations, as proclaimed by the Prophets of the old covenant and the *stoa*, has made more progress in the last three centuries than in the preceding three thousand years of history. One would have deliberately to close one's eyes to these impressive facts not to recognize that they reveal an inner logic of history. One need only review these symptoms to convince even those who are opposed to this idea on principle that the logic of social evolution tends to the final goal of a peaceful adjustment among the civilized nations, and that it does this according to immanent laws, tenaciously and unswervingly, even if only slowly and seemingly by circuitous routes.

It is for the sociologist to interpret this immanent logic of the historical process. Statesmen make history, sociologists explain it. Great men, says Hegel, are the instruments of the *Weltgeist*, which avails itself of all the human passions as motive power in order to accomplish the goal of human improvement all the more easily and swiftly. The statesmen believe they are pushing, but in reality they are forced by the immanent logic of history to steer a course that the *Weltgeist* needs.

There was originally opposition to obligatory trial by jury, yet how gladly was it recognized by 1908 that there was the Hague Tribunal as a permanent institution, and that in 1913 it had a fixed home. For history is not the crazy dream of a sleeping Deity but it reveals in large outlines purpose and plan, and reason and con-

tinuity. This continuity was first sensed in the stories and fairy tales, the legends and mythologies of our prehistoric ancestors in a kind of proto-philosophy, as Wundt has termed it. The religious myths are in fact a low kind of metaphysics, that is, metaphysics in a popular edition, in the phrase of Schopenhauer. The philosophic metaphysics, on the other hand, is meant for the intellectual élite of the human race: it is, so to speak, a dialectical pocket edition of the old mythologies, in the form of logical conceptual processes. After that come the augurs, seers and visionaries, the star-gazers and astrologers, and they proclaim the future of humanity. All science, says Comte, has this tendency: *voir, pour prévoir*, to understand, in order to predict. And thus arises the task for the sociologist, to interpret the evident processes of history. The theory of social articulation and institutions developed in these pages, is no mere abstraction of the study room, no speculation in the sense of Hegel, whose Triadic rhythm has been wittily parodied by Fortlage in remarking that it suffered from articular disease. But my sociology keeps closely in touch with the actual course of history. I use the facts of history only in order to explain its causes, in the words of Bacon: *V'cre scira est per causa scire*. For that reason I see in cosmopolitanism, on the one hand, the historical stepping-stone to the idea of nationality, and, on the other hand, also the stepping-stone to the league of nations. Nationalism is the antithesis of cosmopolitanism, internationalism is the synthesis of cosmopolitanism and nationalism on a higher plane of consciousness. Internationalism realizes that section of the mutual interests of all civilized and nationally united people which demands a uniform regulation of their common interests and, therefore, accomplishes it by means of a conscious international convention. This regulation of the economy of the world by means of a kind of economic clearing-house is the basic function of the league of nations. Cosmopolitanism is the longing for, nationalism the limitation upon, and the league of nations of the future the fulfillment of, the idea of unity within the scope of what it is historically possible to realize. Cosmopolitanism is the dream stage of the idea of humanity, nationalism the waking stage of the idea of national unity, and internationalism, finally, as it is to be embodied in the league of nations, is the waking stage of the idea of international unity, inasmuch as it deliberately, i. e., by contract, puts together the common interests of all civilized nations.

Wherever, among civilized nations, there exist, in addition to vital national interests, which must be preserved first of all and most certainly, common interests and compromises of interests, international treaties will have to be made. The radically changed international intercourse, which brings to the fore the problem of a world economy, has smashed the dogma of the isolated national state. The goal of history is the league of nations, in accordance with the words of the New Testament: "peace on earth and good will toward men."<sup>90</sup>

<sup>90</sup> *Ibid.*, pp. 449-52.

### 9. *Extra-legal Phases of Political Control.*

Stein offers some pertinent observations regarding the extra-legal aspects of social control. Man, he says, is in modern society the slave of custom and convention.<sup>86</sup> A society of the modern type can hardly be said to exist where there is not a well-developed public opinion. In the highly developed states of modern times, society, in its most general sense, is more powerful than the state. Laws are not valid or enforceable unless they are supported by public opinion and, conversely, the state cannot successfully refuse legislation which is persistently demanded by the organized opinion of the group. The organ through which public opinion is moulded and society is enabled to exercise its control is the press, taken in its most comprehensive sense.<sup>91</sup>

### 10. *Political Theory and the Social Environment.*

Stein devotes about a third of his major work to a discussion of the history of social and political theories and the manner in which they reflect their contemporary environment.<sup>92</sup> Stein's own social and political doctrines in many ways reflect his Swiss environment. In the matter of abstract political theory, his identification of the state and the government, and his emphasis upon the state rather than upon the nation as the most important political concept, are tendencies which might well be natural to a teacher in the Swiss republic. His ideal of the socialization of law and the extension of state activities are in full accord with Swiss practice. He invites the attention of LeBon to the success of democracy in Switzerland, and holds that Switzerland might well serve for the model for Europe, both in regard to advanced social legislation and with respect to the formation of a successful and lasting alliance between the European nations.<sup>93</sup> Likewise his emphasis on the socio-political function of authority and the assertion that the Germans alone have succeeded in reconciling it with liberty, reflect Stein's German birth, education and affiliations.

While significant as a social and political theorist, it must be admitted that Stein excels as a critical expositor and historian of sociological and philosophical doctrine.

<sup>86</sup> *La Question sociale*, pp. 117, 125, 128. "L'Européen civilisé qui vit sous la domination du cérémonial en est l'esclave perpétuel. Seulement nous n'entendons pas le bruit de nos chaînes; nous y sommes habitués dès l'enfance; il est aussi imperceptible pour nous que les coups de marteau pour l'oreille d'un forgeron. Et pourtant, en réalité, nous ne sommes jamais délivrés du cérémonial, nous n'arrivons pas même à nous en défaire dans le coin le plus retiré de notre appartement." *Ibid.*, p. 117.

<sup>91</sup> *Ibid.*, pp. 220-21; cf. *Einführung*, pp. 51ff.

<sup>92</sup> *Die Sociale Frage*, pp. 145-385.

<sup>93</sup> *La Question sociale*, pp. 215, 292, 459.