

AUTHOR'S PREFACE

TO THE SECOND AMERICAN EDITION

This little book has made its way. In addition to the present translation into English, there are authorized editions in French, Hungarian and Serbian. I am also informed that there are translations published in Japanese, Russian, Hebrew and Yiddish; but these, of course, are pirated. The book has stood the test of criticism, and has been judged both favorably and unfavorably. It has, unquestionably, revived the discussion on the origin and essence of the State.

Several prominent ethnologists, particularly Holsti, the present Minister of Foreign Affairs of the Finnish Free State, have attacked the basic principle formulated and demonstrated in this work, but they have failed, because their definition of the State assumed the very matter that required to be proven. They have brought together a large array of facts in proof of the existence of some forms of *Government* and *Leadership*, even where no classes obtained, and to the substance of these forms they have given the name of "The State." It is not my intention to controvert these facts. It is self-evident, that in any group of human beings, be it ever so small, there must exist an authority which determines conflicts and, in extraordinary situations, assumes the leadership. But this authority is not "The State,"

in the sense in which I use the word. The State may be defined as an organization of *one class* dominating over the other classes. Such a class organization can come about in one way only, namely, through conquest and the subjection of ethnic groups by the dominating group. This can be demonstrated with almost mathematical certainty. Not one of my critics has brought proofs to invalidate this thesis. Most modern sociologists, among whom may be named Albion Small, Alfred Vierkandt and Wilhelm Wundt, accept this thesis. Wilhelm Wundt, in particular, asserts in unmistakable language, that "the political society (a term identical with the State in the sense employed in this book) first came about and could originate only in the period of migration and conquest," whereby the subjugation of one people by another was effected.

But even some of my opponents are favorably inclined to my arguments, as in the case of the venerable Adolf Wagner, whose words I am proud to quote. In his article on "The State" in the *Handwörterbuch der Staatswissenschaften*, he writes: "The sociologic concept of the State, to which I have referred, particularly in the broad scope and treatment of it given by Oppenheimer, deserves careful consideration, especially from political economists and political historians. The vista opened out, from this point of view, of the economic development of peoples and that of the State during historic times, should be attractive even to the opponents of the concept itself."

The "sociologic concept of the State," as Ludwig Gumplowicz termed it, is assured of ultimate general acceptance. Its opponents are strenuous and persever-

ing, and I once called them "the sociologic root of all evil;" but the concept, none the less, is the basic principle of "bourgeoisie" sociology, and will be found of value in the study, not only of economics and history, but in that of Law and Constitutional History. I permit myself to make a few remarks on this point.

The earliest evidence of the recognition of the idea underlying the *law of previous accumulation*, may be traced back, at the latest, to the period of the decay of classical civilization, at the time when the capitalistic slave economy brought the city states to ruin as though their peoples had suffered from a galloping consumption. As in our modern capitalistic age, which resembles that period in many respects, there occurred a breach in all those naturally developed relations in which the individual has found protection. What Ferdinand Toennies calls the "community bonds" were loosened. The individual found himself unprotected, compelled to rely on his own efforts and on his own reason in the seething sea of competition which followed. The collective reason, the product of the wisdom of thousands of years of experience, could no longer guide or safeguard him. It had become scattered. Out of this need for an individual reason, there arose the idea of *nationalism*. This idea had its justification at first, as a line of development and a method in the newly born science of social government; but when later it became what Rubenstein (in his work *Romantic Socialism*) calls a "tendency," it was not justified. The community, to use Toennies' term, changed into a "society." "Contract" seemed to be the only bond that held men together—the contract based on the purely ration-

alistic relation of service for service, the *do ut des*, the "Contrat Social" of Rousseau. A "society" would thus appear to be a union of self-seeking individuals who hoped through combination to obtain their personal satisfactions. Aristotle had taught that the State had developed, by gradual growth, from the family group. The Stoics and Epicureans held that individuals formed the State—with this difference, that the former viewed the individual as being socially inclined by nature, and the latter that he was naturally anti-social. To the Stoics, therefore, the "State of Nature" was a peaceful union; to the Epicureans it was a war of each against the other, with Society as a compelling means for a decent *modus vivendi*. With the one a Society was conditioned "*physei*" (by nature); with the other it was "*nomos*" (by decree).

In spite, however, of this fundamental difference between these schools, both assumed the premise that, at the beginning, individuals were *free, equal* politically and economically, and that it was from such an original social order there had developed, through gradual differentiation, the fully developed State with its class hierarchy. This is the *law of previous accumulation*.

But we should err if we believed that this thesis was originally intended as a historical account. Rationalism is essentially unhistoric, even anti-historic. On the contrary, the thesis was originally put forward as a "fiction," a theory, a conscious unhistorical assumption. In this form it acquired the name of *natural law*. It was under this name that it came into modern thought, tintured stoically in Grotius and Puffendorf, and epicureanally in Hobbes. It became the operative

weapon of thought among the rising third estate of the capitalists.

The capitalists used the weapon, first against the feudal state with its privileged class, and, later against the fourth estate, with its class theory of Socialism. Against the feudal domination it argued that a "Law of Nature" knows and permits no privileges. After its victories in the English Revolution of 1648, and the great French Revolution of 1789, it justified, by the same reasoning, its own *de facto* pre-eminence, its own social and economic class superiority, against the claims of the working classes. According to Adam Smith, the classes in a society are the results of "natural" development. From an original state of equality, these arose from no other cause than the exercise of the economic virtues of industry, frugality and providence. Since these virtues are pre-eminently those of a bourgeoisie society, the capitalist rule, thus sanctioned by natural law, is just and unassailable. As a corollary to this theorem the claims of Socialism cannot be admitted.

Thus, what originally was put forward as a "fiction," became first, a hypothesis and finally the *axiom* of all bourgeoisie sociology. Those who support it accept the axiom as self-evident, as not requiring proof. For them, class domination, on this theory, is the result of a gradual differentiation from an original state of general equality and freedom, with no implication in it of any extra-economic power. Robert Malthus applied this alleged law to the future, in his attempt to demonstrate any kind of Socialism to be purely Utopian. His celebrated *Law of Population* is nothing but the *law of*

original accumulation projected into the future. He claims that if any attempt were made to restore the state of economic equality, the workings of the law would have the effect—because of the difference in economic efficiency—of restoring modern class conditions. All orthodox sociology begins with the struggle against this supposed law of class formations. Yet every step of progress made in the various fields of the science of sociology, has been made by tearing up, one by one, the innumerable and far-spreading roots which have proceeded from this supposed axiom. A sound sociology has to recall the fact that class formation in historic times, did not take place through gradual differentiation in pacific economic competition, but was the result of violent conquest and subjugation.

As both Capitalism and Socialism had their origins in England, these new ideas were certain to find their first expression in that country. So that we find Gerard Winstanley, the leader of the "true levellers" of Cromwell's time, arraying the facts of history against this anti-historical theoretical assumption. He showed that the English ruling class (the Squirearchy) was composed essentially of the victorious conquerors, the Normans, and that the subject class were the conquered English Saxons. But his demonstration had little influence. It was only when the great French Revolution brought the contrast out sharply that the thought sunk in. No less a person than Count St. Simon, acknowledged as the founder of the science of modern sociology, and the no less scientific Socialism, discovered in the dominant class of his country the Frankish and Burgundian conquerors, and in its subject population, the

descendants of the Romanized Celts. It was the publication of this discovery that gave birth to Western European sociology. The conclusions drawn from it were carried further by St. Simon's disciple, August Comte, in his *Philosophy of History*, and by the Saint Simonists, Enfantin and Bazard. These thinkers had great influence on the economic development of the next century; but their chief contribution was the elaboration of the sociologic idea of the State.

Among the peoples of Western Europe, the new sociology found a readier acceptance than it did among those of Eastern Europe. The reason for this can easily be seen when it is remembered that in the East the contrast between the "State" and "Society," had not been so definitely realized, as it had been in the West. Even in the West, this contrast was only fully appreciated, as a social fact, in England, France, the Netherlands and Italy, because in these countries only the class of mobile wealth which had worked its way up as the third estate, had succeeded in ousting the feudal "State." In France, the league of the capitalists with the Crown against the then armed and active nobility had succeeded in subjecting the Frondeurs under the absolute power of the King. From this time on, this new estate represented itself as the Nation, and the term "National Economy" takes the place of the older term "Political Economy." The members of this third estate felt themselves to be those subjects of the State whose rights and liberties had been curtailed by the privileges of the two dominant estates of the nobility and the clergy. Henceforth, the Third Estate proclaims the rights of "Society" and against the "State,"

opposes the eternal Law of Nature—that of original equality and freedom—against the theoretic-historical rights of the Estates. The concept of Society as a contrast to the concept of the State, first appears in Locke, and from his time on this contrast was more and more defined, especially in the writings of the physiocrat school of economists.

In this struggle between classes and ideas, neither Middle nor Eastern Europe played any important part. In Germany there had once developed a Capitalist class (in the period of the Fuggers of Augsburg) which attained to almost American magnitude. But it was crushed by the Religious Wars and the various French invasions of the sixteenth and seventeenth centuries, which left Germany a devastated, depopulated desert. At the end of the period there remained a few cities and small states under the absolute domination of princes. Within the cities the artisans were bound together in their craft-leagues, and the rest consisted of those of educational pursuits and academic officials. In a large degree all these were dependent on the State—the members of the craft-guilds because they accepted a privileged condition, the officials because they were servants of the State, and the professional men, because they belonged to the upper estate of the society. For this reason there was no economic or social movement of the third estate in Germany; there was only a literary movement influenced by the flow of ideas from the West. This explains why the contrast between the two ideas of the State and of Society was not present in the minds of the German people. On the contrary, the two terms

were used as synonyms, both connotating an essentially necessary conformity to nature.

But there is still another cause for this difference in the mental attitude between Western and Eastern Europe. In England and France, from the time of Descartes, the problems and inquiries of science were set by men trained in mathematics and the natural sciences. Especially in the new study of the philosophy of history, the beginning of our modern sociology, did these men act as guides. In Germany, on the contrary, it was the theologians and especially the Protestant theologians who were the leaders of thought. In their hands the State came to be looked upon as an instrument of Divine fashioning, and, indeed, of immanent divinity. This thought resulted in a worship of the State, which reached its height in the well-known Hegelian system. It thus happened that two rivers of thought flowed for a time side by side—the Sociology of Western Europe, and the philosophy of History of Germany—with occasional intercommunicating streams, such as Althusius and Puffendorf into the French, English and Dutch teaching of natural law, and that of Rousseau into Hegel. In 1840, however, a direct junction was effected through Lorenz Stein, one of Hegel's most gifted pupils who, later, became the leading German teacher of administrative law, and influenced generations of thinkers. He came to Paris, as a young man, for the purpose of studying Socialism at the fountain head. He became acquainted with the celebrated men of that heroic time—with Enfantin and Bazard, with Louis Blanc, Reybaud, and Proudhon.

Lorenz Stein absorbed the new thought with enthusiasm, and in his fertile mind there was precipitated the creative synthesis between the Western Europe scientific sociological thought and the metaphysical German philosophy of history. The product was called by him the Science of Society (*Gesellschaftswissenschaft*). It is from the writings of Stein that almost all the important developments of German sociologic thought received their first impulses. Karl Marx, especially (as Struve has shown), as well as Schaeffle, Othmar Spann and Gumplowicz are largely indebted to him.

It is not my purpose to develop this historical theme. I am concerned only in tracing the development of the sociologic idea of the State. The first effect of this meeting of the two streams of thought was a mischievous confusion of terminology. The writers in Western Europe had long ago lost control of the unification of expressions in thinking. As stated above, the Third Estate began by thinking itself to be "Society," as opposed to the State. But when the Fourth Estate grew to class consciousness and became aware of its own theoretic existence, it arrogated to itself the term "Society" (as may be seen from the selection of the word Socialism), and it treated the Bourgeoisie as a form of the "State," of the class state. There were thus two widely differing concepts of "Society." Yet here was an underlying idea common to both Bourgeoisie and Socialist, since they conceived the State as a collection of privileges arising and maintained *in violation* of natural law, while Society was thought of as the prescribed form of human union in *conformity* with natural law. They differed in one essential only, namely, that while the Third

Estate declared its capitalistic Society to be the result of the processes of natural law, the Socialists regarded their aims as not yet attained, and proclaimed that the ideal society of the future which would really be the product of the processes of natural law, could only be realized by the elimination of all "surplus value." Though both were in conflict with regard to fundamentals, both agreed in viewing the "State" as *civitas diaboli* and "Society" as *civitas dei*.


Stein, however, reversed the objectives of the two concepts. As an Hegelian, and pre-eminently a worshipper of the State, he conceived the State as *civitas coelestis*. Society, which he understood to mean only the dominant bourgeoisie Society, he viewed through the eyes of his Socialist friends and teachers, and conceived it as *civitas terrena*.

What in Plato's sense is the "pure idea," the "ordre naturel" of the early physiocrats and termed by Frenchmen and Englishmen "Society," was to Stein, the "State." What had been contaminated and made impure by the admixture of coarse matter, they termed the "State," while the German called it "Society." In reality, however, there is little difference between the two. Stein realized with pain, that Hegel's pure concept of a State based on right and freedom, was bound to remain an "idea" only. Eternally fettered, as he assumed it must be, by the forces of property and the culture proceeding from them, it could never be a fact. This is his conclusion regarding "Society," so that its effective development is obstructed by the beneficent association of human beings, as Stein conceived that association.

Thus was attained the very pinnacle of confused

thinking. All German sociologists, with the single exception of Carl Dietzel, soon realized that the Hegelian concept of the State was impotent, existing only in the "Idea." In no point did it touch the reality of historical growth, and in no sense could it be made to stand for what had always been considered as the State. Long ago both Marx and Bakunin—respectively the founders of scientific collectivism and practical anarchism—and especially Ludwig Gumplowicz, abandoned the Hegelian terminology and accepted that of Western Europe and this has been generally accepted everywhere.

In this little book I have followed the Western European terminology. By the "State," I do not mean the human aggregation which may perchance *come about to be*, or, as it properly *should be*. I mean by it that summation of privileges and dominating positions which are brought into being by extra economic power. And in contrast to this, I mean by Society, the totality of concepts of all purely natural relations and institutions between man and man, which will not be fully realized until the last remnant of the creations of the barbaric "ages of conquest and migration," has been eliminated from community life. Others may call any form of leadership and government or some other ideal, the "State." That is a matter of personal choice. It is useless to quarrel about definitions. But it might be well if those other thinkers were to understand that they have not controverted the sociologic idea of the "State," if a concept of the "State" grounded on a different basis, does not correspond to that which they have evolved. And they must guard themselves particularly against the



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danger of applying any definition other than that used in this book to those actual historical products which have hitherto been called "States," the essence, development, course and future of which must be explained by any true teaching or philosophy of the State.

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