A book from the Research and Training Group in Comparative Developmental Studies at the Institute of Industrial Relations and the Institute of International Studies, University of California, Berkeley

NATION-BUILDING AND CITIZENSHIP

Studies of our Changing Social Order

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Preface

THIS book inaugurates a new series of comparative developmental studies to be published by John Wiley and Sons. Facilitated by a grant from the Carnegie Corporation, these studies are a part of the research programs of the Institute of Industrial Relations and the Institute of International Studies, University of California, Berkeley. In regular meetings held for a number of years scholars in the several social sciences have discussed problems and collaborated on comparative studies of development in the belief that intellectual interchange across disciplines is a vital part of regular academic life. The present members of the Research and Training Group in Comparative Developmental Studies are:

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As an initiator of this group, as a beneficiary of its discussions, and as a former chairman, I am pleased to open this publication series with a book of my own.

inherent revolutionary potential appear inevitable to him, the actual development depends on a nation's "moral and intellectual qualities given by nature and education." In contrast to Marx, Tocqueville does not attempt to predict the final outcome of the tendencies he discerns or to explain away ideas by reference to some ultimate determinant like the organization of production. He seeks to account for the frame of mind in which servants reject the "rules of the game" on which the established society is founded. To do this he formulates a theory of crisis in the relations of masters and servants: (1) in an earlier condition the socially inferior person possesses a recognized status, which is reflected in the sense of "borrowed greatness" among the servants of aristocratic masters; (2) in the crisis of transition the masters retain their privileges but no longer perform their functions, while the servants retain their obligations but perceive new opportunities; (3) in consequence the servants consider that the traditional claims of their status have been abrogated unilaterally and/or that they are now entitled to an equality of rights with all other social ranks since in his capacity as a citizen every man is the equal of every other.

Tocqueville's theory of crisis in "domestic government" refers to the master's evasion of "his obligation to protect and to remunerate," but then gives special attention to the ideas of equality which elicit and shape the lower-class protest that initiates the "age of democratic revolution." Both perspectives will be examined in Chapter 3 together with an analysis of the extension of citizenship.

by Ashton and Hutt in F. A. Hayek, ed., *Capitalism and the Historians* (Chicago: University of Chicago Press, 1954). Although the level of living standards in the early nineteenth century is still a subject for scholarly debate, the point here is that a slow improvement after long deprivations is precisely the condition singled out by Tocqueville as a major cause of revolution. This possibility is neglected in the famous studies of the Hammonds which tend to equate all deprivation with increasing misery, although they also show much sympathetic understanding of the psychology of social unrest. Other observers agree with Tocqueville on this point. See the telling statement by Frederick Douglass, the early spokesman of American Negro slaves: "Beat and cuff your slave, keep him hungry and spiritless, and he will follow the chain of his master like a dog; but feed and clothe him well,—work him moderately—surround him with physical comfort,—and dreams of freedom intrude. Give him a *bad* master, and he aspires to a *good* master, give him a good master, and he wishes to become his own master," Quoted in Kenneth Stampp, *The Peculiar Institution* (New York: A. A. Knopf, 1956), p. 89. See also Eric Hoffer, *The True Believer* (New York: Harper, 1951), pp. 25–29. However, this view was relatively rare compared with that of the theory of revolution as a result of increasing misery, which was a commonplace in Europe from the seventeenth century on. See the study by Robert Michels, *Die Verelendungstheorie* (Leipzig: Alfred Kröner, 1928).

3

Transformations of Western European Societies Since the Eighteenth Century

TOCQUEVILLE carries his analysis forward to the beginning of the "age of equality." He characterizes the impact of equalitarian ideas on the relations between masters and servants and analyzes the resulting crisis in human relations. Writing in the 1830's, he speculates about the future, especially in his brilliant comparison between the settled conditions of equality in America and the unsettled conditions in France. Today, we can look upon these speculations, as well as those of Karl Marx, from the vantage point of a later time. Without the effort of these men to discern the outlines of the future we would lack guidelines for a critical analysis.

We saw that medieval political life depends on the link between hereditary or spiritual rank in society, control over land as the principal economic resource, and the exercise of public authority. All those whose rank or status excludes them from access to control over land are thereby excluded from any direct participation in public affairs. Rights and liberties are extended to groups, corporations, estates rather than to individual subjects; representation in judicial and legislative bodies is channeled through traditionally privileged estates. Within this framework no immediate rights are accorded to subjects in positions of economic dependence such as tenants, journeymen, workers, and servants: at best they are classified under the household of their master and represented through him and his estate. This system is broken up by the twin revolutions of the West—the political and the industrial—which lead to the eventual recognition of the rights of citizenship for all adults, including those in positions of economic dependence.

The following analysis begins with the crisis in "domestic government" analyzed by Tocqueville. From that crisis a new pattern of

class relations emerges, replacing the earlier traditional one by an individualistic authority relationship. New forms of unrest arise from this new pattern of class relations, involving the idea of equal rights for all citizens. An attempt is made to reinterpret the radicalization of the lower classes in the course of English industrialization. Against this background the process of nation-building is examined in terms of a comparative analysis of the rights of citizenship. In the emerging nation-states of Western Europe the critical political problem was whether and to what extent social protest would be accommodated through the extension of citizenship to the lower classes.

CLASS RELATIONS IN AN AGE OF CONTRACT

Individualistic Authority Relationships

The reciprocity of social relations falls into patterns because men orient themselves toward the expectation of others and every action of "the other" limits the range of possible responses. Authority means that the few in command have a wide choice of options. Conversely, subordination means that the many who follow orders have their range of choice curtailed. But the options of the few are limited, even when the power at their command is overwhelming. One of these limits is that even the most drastic subordination leaves some choices to those who obey. Tacit noncooperation can be varied, subtle, and more important than overt protest. Subordinates make judgments, leading to degrees of cooperation or noncooperation that are important variables in every established pattern of authority.

The traditional ideology which defends the privileges of the aristocracy in the name of its responsibilities must be seen in this light. Tocqueville emphasizes the positive aspects of the social relations which correspond to this world view. However willful and evasive individual lords were, it is reasonable to assume that for a time the sense and practice of aristocratic responsibility for their inferiors were relatively high, just as the loyalty and obedience of subordinates were genuine. Indeed, without some responsibility on one side and some loyalty on the other, it would be meaningless to say that traditional authority relations were disrupted. It is best to consider the traditional pattern as partly a behavior pattern and partly an ideal in view of the violent conflicts which also characterize medieval society. Ideals are essential in this connection because they affect the orientation even of those who fail to live up to them. Traditional authority

relations remain intact as long as the actions and beliefs which deviate from this pattern as well as those which sustain it do not undermine the basic reciprocity of expectations.

To say that a crisis of transition sets in when men consciously question previously accepted agreements and conventions, does not help us to distinguish this questioning from the continual adjustments of rights and obligations which occur while traditional authority relations remain "intact." Such adjustments involve modifications of detail which turn into a questioning of basic assumptions only if they should cumulate. Usually, the contemporary observer is barred from recognizing this distinction. He can see a crisis (no age is without its Cassandras), but he cannot tell whether it is *the* crisis and where it will lead. In his analysis of traditional authority relations in decline, Tocqueville observes that the masters increasingly evade their responsibility "to protect and to remunerate" but retain their customary privileges as an inalienable right. This process extends over centuries, during which the actual rejection of responsibility is thoroughly obscured by the traditional ideology. When does this discrepancy between the rights and responsibilities of the masters become manifest?

Ideas concerning the position of the poor do not provide the best clue in this respect. Throughout the centuries the poor are taught the duty to labor and the virtue of being satisfied with the station to which God has called them. Condemnation of their indolence and dissipation are a constant theme, but these failings are considered ineradicable—a token of low social rank. Human quality and social responsibility are believed to go together. The low station and quality of the poor also exempt them from responsibility; not much can be demanded of them. On the other hand, high rank also means great responsibility. Even where traditional practices are abandoned, it is easy to continue the convenient pretext that the rich and powerful treat the laboring poor as parents treat their children. Throughout much of the nineteenth century paternalism retains its appeal; a deeply ingrained view is not readily destroyed. It is all the more striking, therefore, that in the early phase of English industrialization the responsibility of protecting the poor against the hazards of life is rejected explicitly. The contrast with paternalism makes this rejection of upper-class responsibility a visibly new phenomenon.

During the last half of the eighteenth century a number of clergymen, writers, and political economists begin to reject the "responsibility of the rich" as a pious fraud. The dislocations of the industrial revolution with their cruel effects upon masses of people lead to or

call for new interpretations of the cause of poverty. Three of these interpretations are cited here. Though closely linked one with the other, they represent more or less separable themes of English social thought when, toward the end of the eighteenth century, traditional charity and the old poor-law legislation as a means of helping the indigent become controversial issues.[1]

One approach sees the cause of poverty in the very effort to relieve distress. The poor are not inclined to exert themselves; they lack the pride, honor, and ambition of their betters. Previously this observation supported the view that the poor must be guided; now it supports the view that charity only destroys incentive and hence intensifies poverty. Indolence increases where provision is made to succour the poor; dire necessity is the most natural motive of labor, for it exerts unremitting pressure on the poor. "The slave must be compelled to work; but the freeman should be left to his own judgment and discretion."[2] Here the accent is on the supposition that the rich cannot help the poor, even if they would, and further that the lower orders must depend upon themselves. Rejection of upper-class responsibility goes hand in hand with the demand that the poor should be self-dependent.

In the second approach the pernicious efforts of charity are linked with the market theory of labor. Hunger must be permitted to do its work so that laborers are compelled to exert themselves. Otherwise they will reduce their efforts and destroy their only safeguard against starvation. Here labor is viewed as a commodity like any other, its wage being determined by the demand for this commodity rather than the need of the laborer or his ability to survive. The only relevant question is what the labor is worth to the employer. For the employer is subject to the same necessities of supply and demand as the laborer. This means in the long run that he cannot pay him more than he offers without jeopardizing his enterprise, and hence that the interests of capital and labor are identical. The market theory means that the employer cannot act irresponsibly without damaging his own interest and that the laborer has no safeguard but exertion and no guarantee against starvation.

The third approach, specifically identified with the work of Malthus, relates this market theory of labor to the theory of population. Instead of asserting a harmony of interest between rich and poor, Malthus

[1] The details need not concern us here. For fuller discussion and citations see my study *Work and Authority in Industry* (New York: John Wiley & Sons, 1956), pp. 73 ff.

[2] Statement of Rev. Townsend quoted in *ibid.*, p. 74.

acknowledges the inevitability of periodic and acute distress. He attributes this phenomenon to the tendency of population to increase faster than the means of subsistence, a law of nature which the upper classes are powerless to alter. Malthus states that poverty is inescapable and a necessary stimulus to labor, that charity and poor relief only increase indolence and improvidence, that the higher classes are not and cannot be responsible for the lot of the poor. But in terms of the present context he also adds an important idea. If it is a law of nature for the poor to increase their numbers beyond the available food supply, it is the responsibility of the higher classes to understand this law and instruct the lower orders accordingly. Improvidence may be a natural tendency, but it also results from ignorance and lack of moral restraint, and these failings can be combated through education.

Education, then, is the keynote of the new, entrepreneurial ideology, since employers no longer possess the all-encompassing personal authority of the aristocratic master. Much reliance is placed on such impersonal forces as economic necessity and the pressure of population on resources—much more reliance than was the case when the master exercised an entirely personal domination over his household. Even so, employers must deal with the management of men, and early in the nineteenth century complaints are heard concerning the increasing personal distance which makes such management difficult, especially on the old, paternalistic basis. With the spread of equalitarian ideas the emphasis on social rank declines; the gulf between the classes widens, as Tocqueville observes, and the personal influence of employers declines. Accordingly, reliance is placed not only on impersonal economic forces but also on the impersonal influence of ideas and education. It is in this context that free-lance propagandists such as Samuel Smiles formulate the new entrepreneurial ideology with its emphasis on the "immense amount of influence" which employers possess, if they would approach their workers "with sympathy and confidence" and "actively aid [them] in the formation of prudent habits."[3] Henceforth entrepreneurial ideologies consist of thematic combinations of the following three elements: (1) the paternalistic element, modeled after the traditional household in which personal domination of the master over his family and servants is the keynote; (2) the impersonal element, modeled after the market conception of the classical economists in which the anonymous pressure of supply and demand, of the struggle for survival, forces the workers to do the

[3] Quoted in *ibid.*, p. 112.

bidding of their employers; and (3) the educational element, modeled after the classroom, the psychological laboratory, or the therapeutic session in which instruction, incentives and penalties, or indirect, motivational inducements are used to discipline the workers and prompt them to intensify their efforts.

For the course of Western European industrialization we can posit a sequence leading first to a decline of the paternalistic and a rise of the impersonal element and subsequently a declining reliance on market forces and an increasing reliance on educational devices. The sequence applies most closely to the English and American development, though even here it is a rough approximation. For paternalism always includes an educational element, reliance on market forces has often been adumbrated in a paternalistic manner, and the educational dimension is compatible with an impersonal as well as a personal approach. Different cultural antecedents as well as the changing organizational structure of economic enterprises have much to do with varying emphases among managerial ideologies such as those of the United States, Germany, and Japan.[4]

The political dimension of these ideologies is of special moment, however. In an emerging nation-state which has destroyed the earlier fragmentation of public authority, agencies of the national government afford employers of labor legal protection for their rights of property. These rights are part of a broad egalitarian trend which also finds expression in the praise of frugal habits and hard work, qualities that enable every man to acquire property and status. At the impersonal level of ideological appeals this approach produces certain typical paradoxes that are of political significance.

Individualistic interpretations of the authority relationship do not remain confined to the enterprise. The idea of an impersonal market which will induce workers to offer their services and work diligently calls for policies that will facilitate the operation of that market. Moreover, recourse to ideological appeals and educational methods suggest that impersonal incentives are insufficient. Entrepreneurs also seek to inculcate the desired habits and motives. But by encouraging the self-dependence of the workers, they run the risk that such individualism will eventuate in social and political protest rather than cooperation and compliance.

[4] *Ibid.*, Chap. 5; Heinz Hartmann, *Authority and Organization in German Management* (Princeton: Princeton University Press, 1959), *passim;* and James G. Abegglen, *The Japanese Factory* (Glencoe: The Free Press, 1958).

For the praise of good habits and hard work lends itself to invidious judgments of a very provocative type. The good and honest worker is a model to be followed as distinguished from the lazy and improvident one, whose deficiencies are broadcast for the benefit of all who will listen and as a warning that invites contempt and condemnation. The public manner in which these "collective attributes" are discussed makes them into a political issue. The moral division of the lower classes into diligent and improvident poor not only challenges the complacency of the idle, but also jeopardizes the self-respect of those who remain poor despite the most strenuous efforts. That self-respect is jeopardized still further when economic success is interpreted as a synonym of virtue and failure as a sign of moral turpitude. In a context of widening agitation such judgments help to make the civic position of the lower orders into a national political issue. The individualist interpretation of authority relations in industry appears from this standpoint as an effort to deny the rights of citizenship to those who are unsuccessful economically, an approach that can arouse a new sense of right on the part of the lower classes and lead to groping efforts to define the position of these classes in the national political community. Just as Tocqueville focuses attention on a transition in domestic relations, marked by a change in the terms of commands and obedience, so the following discussion will focus attention on a transition in group relations on the national level, marked by changing ideas concerning the rights and obligations of the lower classes.

Lower-Class Unrest Becomes Political: England

When political developments are attributed to economic determinants, the changing position of the lower classes and the emergence of national citizenship appear as by-products of industrialization. This line of interpretation develops at the end of the eighteenth century. It appears plausible in the sense that the revolutions in the United States and France "reflect the rise of the bourgeoisie," while the industrial revolution in England leads to the political mobilization of an emerging industrial work force. Greatly simplified as these statements are, they refer to historical phenomena rather than general principles. Yet it is in the light of these *historical* phenomena that *all* political events were first construed as more or less direct by-products of social and economic processes.[5] Today we know that elsewhere

[5] To some extent modern social and economic theories still reflect the historical situation in which they were first developed, but a century and a half later it should be possible to guard against this bias. See Chap. I, Sect. c, 4 above.

political revolutions have occurred in the absence of an economically strong and politically articulate middle class, or perhaps because of that absence, as in Russia or Japan. Again, the political mobilization of the lower classes has occurred as a prelude to industrialization, rather than as a result of it, as, for example, in the United States. Thus, although changes in the economic and political spheres are closely related, their influences work in both directions. Hence we get little guidance if we tacitly accept Western Europe and especially England as our model. It is true that there democratic ideas originated under circumstances in which socio-economic changes had a massive impact upon the political structure, but these ideas have spread around the world ever since in the absence of similar circumstances. National citizenship and modern industrialism have been combined with a variety of social structures; hence we should recognize democratization and industrialization as *two processes*, each distinct from the other, however intimately they have been related on occasion.

The two processes have been closely linked in England. For a long time the English development has served as a model for an understanding of economic growth in relation to political modernization—perhaps simply because England was the first country to develop a modern industry. Just for these reasons it may be well to show that even in England it is possible to distinguish the political element in the midst of economic change. We saw that prior to the eighteenth century the lower classes might try to wring concessions from the ruling powers by a "legitimist" posture mixed with violence; or that they might compensate for their exclusion from the exercise of public rights by millenarian fantasies and banditry. Different forms of lower-class protest became possible, however, after enlightened despotism and the philosophers of the Enlightenment had formulated the principle of equal rights for all men. The spread of this idea was certainly facilitated by industrialization, a fact which was recognized early:

> Of the working men, at least in the more advanced countries of Europe, it may be pronounced certain that the patriarchal or paternal system of government is one to which they will not again be subject. That question was decided, when they were taught to read, and allowed access to newspapers and political tracts; when dissenting preachers were suffered to go among them, and appeal to their faculties and feelings in opposition to the creeds professed and countenanced by their superiors; when they were brought together in numbers, to work socially under the same roof; when railways enabled them to shift from place to place, and change their patrons and employers as easily as their coats; when they were encouraged to seek a share in the government, by means of the electoral franchise.[6]

In this statement Mill describes a relatively industrialized country, and his references to dissenting preachers and the electoral franchise point to conditions that are more or less peculiar to England at this time. But he also notes several factors which have been rather generally associated with the recruitment of an industrial work force: the literacy of workers, the spread of printed matter among them, physical concentration of work, increased geographic mobility, and the depersonalization of the employment relationship. Mill's descriptive account may be considered equivalent to Mannheim's statement that "modern industrial society"—by physically and intellectually mobilizing the people—"stirs into action those classes which formerly only played a passive part in political life." [7]

Under the influence of ideas of equality this mobilization of lower-class protest comes to be oriented, broadly speaking, toward realizing full participation in the existing political community or establishing a national political community in which such participation would be possible. This consideration may be applied initially to some of the popular disturbances in early nineteenth-century England. For Marx these disturbances are similar to the sporadic rebellions in which for several centuries peasants and artisans have destroyed machines as the most immediate instruments of their oppression.[8] Later writers have shown that this violence was directed against bankers or money-lenders as much as against machines, and that despite their obvious agitation the workers of early nineteenth-century England show a most surprising respect for property not directly connected with their dis-

[6] John Stuart Mill, *Principles of Political Economy*, II, pp. 322–323. Mill's statement is cited here as an exceptionally clear formulation of what was apparently a common topic of conversation. See the illuminating survey of the growing consciousness of class relations by Asa Briggs, "The Language of 'Class' in Early Nineteenth Century England," in Asa Briggs and John Saville, eds., *Essays in Labour History in Memory of G. D. H. Cole* (London: Macmillan, 1960), pp. 43–73.

[7] This is Karl Mannheim's definition of "fundamental democratization," which is compatible with different forms of government, not only with "democracy." The definition is useful, however, because it highlights the emergence of a national political community in which all adults regardless of class are citizens and hence participants. See Karl Mannheim, *Man and Society in an Age of Reconstuction* (New York: Harcourt, Brace, 1941), p. 44.

[8] See Karl Marx, *Capital* (New York: Modern Library, 1936), pp. 466–478 for his survey and interpretation of such rebellions.

tress. By distinguishing in practice between looting and a "justified" destruction of property, the workers may be said to have engaged in "collective bargaining by riot" at a time when combinations were prohibited by law.[9] Such evidence is compatible with the idea that the workers who engage in violence desire at the same time to demonstrate their respectability. They are face to face with a manifest legal inequity; they are prevented from combining for peaceful collective bargaining, while combinations of employers are tolerated or even encouraged. Hence, "collective bargaining by riot" easily accompanies the demand for civil rights which has been denied despite acceptance of formal equality before the law.[10]

Although very inarticulate at first, the appeal against legal inequities involves a new dimension of social unrest. To get at the relative novelty of this experience we have to rely on the circumstantial evidence of the period. In the late eighteenth and through the nineteenth centuries the civic position of the common people became a subject of national debate in Europe. For decades elementary education and the franchise are debated in terms of whether an increase in literacy or of voting rights among the people would work as an antidote to revolutionary propaganda or as a dangerous incentive to insubordination.[11] It is difficult to know what sentiments such debates arouse

[9] The phrase has been coined by E. J. Hobsbawm, "The Machine Breakers," *Past and Present*, I (1952), 57–70. Evidence concerning the distinction between looting and such disturbances as the famous Luddite riots is analyzed in Frank O. Darvall, *Popular Disturbances and Public Order in Regency England* (London: Oxford University Press, 1934), pp. 314–315 and *passim*.

[10] Note in this respect Marx's emphasis upon the way in which combinations of workers and employers stimulated each other and the reference in the text below to the awareness of this inequity among English magistrates. A study of industrial and agrarian disputes in Japan suggests that much the same mechanism operates in a very different cultural setting. See the comment that "an increasing number of tenant farmers became convinced of the need for political action, when they learned how often court verdicts, which were based on existing laws, went against them," in George O. Totten, "Labor and Agrarian Disputes in Japan Following World War I," *Economic Development and Cultural Change*, IX (October 1960), pt. II, 194.

[11] Similar questions were raised with regard to universal conscription, since arms in the hands of the common people were considered a revolutionary threat. A case study of the conscription issue and its significance for the development of class relations in Germany is Gerhard Ritter, *Staatskunst und Kriegshandwerk* (Munich: R. Oldenbourg, 1954), pp. 60–158 and *passim*. See also the related discussion in Katherine Chorley, *Armies and the Art of Revolution* (London: Faber & Faber, 1943), pp. 87–107, 160–183. The related debates on literacy are analyzed in detail with reference to the English experience in M. G. Jones, *The Charity School Movement* (Cambridge: Cambridge University Press, 1938), *passim*.

among the people themselves. Faced with the inequity of their legal position and a public debate over their civic reliability, there is naturally much vacillation. The people seem to alternate between insistence on ancient rights and violent uprisings against the most apparent causes of oppression; protestations of respectability and cries for bloody revolution; proposals for specific reforms and utopian schemes of bewildering variety. But such a diversity of manifestations can have a common core in the transitional experience which Tocqueville characterizes:

> . . . there is almost always a time when men's minds fluctuate between the aristocratic notion of subjection and the democratic notion of obedience. Obedience then loses its moral importance in the eyes of him who obeys; he no longer considers it as a species of divine obligation, and he does not yet view it under its purely human aspects; it has to him no character of sanctity or justice, and he submits to it as to a degrading but profitable condition.[12]

In England, at the political level, this ambivalence is resolved as the idea gains acceptance that the people's rights as citizens have been denied unjustly because as working people they have rights by virtue of their contribution to the nation's wealth.

There are several reasons for accepting the plausibility of this interpretation, even though it may be impossible to prove. One such reason is that legal inequity and the public debate over the people's civic unreliability represent a cumulative denial of their respectability which occurs just when industrialization and the spread of equalitarian ideas stirs "into action those classes which formerly only played a passive part in political life" (Mannheim). On occasion this denial of respectability is tantamount to a denial of the right to existence, as in this passage from Thomas Malthus, which became a notorious object of socialist attacks.

> A man who is born into a world already possessed, if he cannot get subsistence from his parents on whom he has a just demand, and if the society does not want his labour, has no claim of right to the smallest portion of food, and, in fact, has no business to be where he is. At Nature's mighty feast there is no vacant cover for him. She tells him to be gone, and will quickly execute her own orders.[13]

Extreme statements such as this or Burke's reference to the "swinish multitude" were made by intellectuals and may not have been widely

[12] Tocqueville, *Democracy in America*, II, 194–195.

[13] Thomas Malthus, *An Essay on the Principle of Population* (2nd ed.; London: J. Johnson, 1803), p. 531. This passage was modified in the later editions of the Essay.

known. However, haughtiness and fear were widespread in middle-class circles, and it is reasonable to expect a growing sensitivity among the people, however inarticulate, in response to this public questioning of their respectability.

Contemporary observers frequently commented on the popular reaction. These observers are often remote from working-class life, partisans in the debate concerning the "lower classes," and divided among themselves. Their biases are many, but partisanship can sensitize as well as distort understanding. In England such different observers as Thomas Carlyle, William Cobbett, Benjamin Disraeli, and Harriett Martineau comment on the feeling of injustice among the workers, on their loss of self-respect, on the personal abuse which the rulers of society heap upon them, on the Chartist movement as the common people's expression of outrage at the denial of their civil rights, and on the workers' feeling of being an "outcast order" in their own country.[14] Such a civic disaffection of the people was regarded with grave concern by prominent spokesmen in many European societies. In retrospect this concern appears justified in the sense that the position of the "people" as citizens was indeed at issue.[15]

The implicit or explicit denial of the peoples' civic respectability is countered rather naturally by an insistence on people's rights which must not be abrogated. That insistence is founded first on a sense of righteous indignation at the idea that labor which is "the Cornerstone upon which civilized society is built" is "offered less . . . than will support the family of a sober and orderly man in decency and comfort."[16] This conception of a "right to subsistence" with its

[14] See the chapter "Rights and Mights" in Thomas Carlyle, *Chartism* (Chicago: Belford, Clarke, 1890), pp. 30–39; G. D. H. and Margaret Cole, eds., *The Opinions of William Cobbett* (London: Cobbett, 1944), pp. 86–87, 123–124, 207, and *passim; Hansard's Parliamentary Debates*, Vol. XLIX (1839), cols. 246–247; and R. K. Webb, *The British Working Class Reader* (London: Allen & Unwin, 1955), p. 96 for the sources of these statements. Also relevant here is the famous simile of the "two nations between whom there is no intercourse and no sympathy; who are as ignorant of each other's habits, thoughts and feelings, as if they were dwellers in different zones, or inhabitants of different planets, who are formed by a different breeding, are fed by a different food, are ordered by different manners, and are not governed by the same laws." This passage occurs in Benjamin Disraeli's novel *Sybil* (Baltimore: Penguin Books, 1954), p. 73.

[15] For a survey of propagandistic efforts to counteract this "civic disaffection" in England, see R. K. Webb, *op. cit., passim*, and Reinhard Bendix, *Work and Authority in Industry*, pp. 60–73.

[16] The quoted phrase is from a Manchester handbill of 1818 reprinted in J. L. and Barbara Hammond, *The Town Labourer* (London: Longmans, Green, 1925),

traditional overtones, the idea of "labor's right to the whole product," and the belief that each able-bodied worker has a "right to labor" are the three inherent or natural rights put in opposition to the contractually acquired rights that alone are recognized by the prevailing legal system.[17] Although the theoretical elaborations of these concepts in the socialist literature do not reveal the thinking of the ordinary man, it is plausible to assume that the common theme of these theories expresses the strivings of the workingman in the nation-state.[18]

In England, lower-class protests appear to aim at establishing the citizenship of the workers. Those who contribute to the wealth and welfare of their country have a right to be heard in its national councils and are entitled to a status that commands respect. In England, these demands never reach the revolutionary pitch that develops rather frequently on the Continent, although occasionally violent outbursts disrupt English society as well. If the political modernization of England for all its conflicts occurred in a relatively continuous and peaceful manner, then one reason is perhaps that throughout much of the nineteenth century England was the leader in industrialization and overseas expansion. English workers could claim their rightful place in the political community of the leading nation of the world.[19]

pp. 306–308. In Tocqueville's paradigm this idea may be said to fall midway between the belief in "ancient rights" that have been wrongfully abrogated and the claim that the servants themselves should be the masters. Note also the analysis by von Stein who states that the antagonism between workers and employers "arises from the belief in the rights and worth of the individual workers, on one hand, and from the knowledge that under present conditions of machine production the wages of the worker will not be commensurate with his claims as an individual." See Lorenz von Stein, "Der Begriff der Arbeit und die Prinzipien des Arbeitslohnes in ihrem Verhältnisse zum Sozialismus und Communismus," *Zeitschrift für die gesamte Staatswissenschaft*, III (1846), 263.

[17] For a detailed exposition of these conceptions of natural rights in socialist thought and of their incompatibility with the law of property, see Anton Menger, *The Right to the Whole Produce of Labour* (London: Macmillan, 1899), *passim.*

[18] Presumably, Marx's use of the labor theory of value had its great moral impact on the basis of these conceptions of "natural rights," as analyzed by Menger.

[19] Engels considered the two phenomena causally linked, as in his comment to Marx that the "bourgeoisification of the English proletariat" was in a sense "quite natural in a nation that exploited the whole world." See his letter to Marx of October 7, 1858, in Karl Marx and Friedrich Engels, *Ausgewählte Briefe* (Berlin: Dietz Verlag, 1953), pp. 131–132. Yet, this interpretation ignores the historical legacies which prompt a "national reciprocity of rights and obligations" despite the threat of revolutionary ideas and the strains of rapid economic change. The coincidence of England's favored position and her favorable legacies for effecting this political "incorporation" of the "fourth estate" has been discussed so far only in bits and pieces. See J. L. Hammond, "The Industrial Revolution and Dis-

Within that favorable context the national debate concerning the proper status of the lower classes is carried on in the traditional language of religion. Certainly, English workers are greatly disillusioned with the established Church and with religious appeals which all too often are thinly disguised apologies for the established order. Nevertheless, doctrinaire atheism is rare, and English working-class leaders often couch their demands in Biblical or quasi-Biblical language.[20] Thus, England's prominence as a world power and a common religious background may have facilitated the civic incorporation of the workers, even though the new national balance of rights and duties was not accomplished easily.

An example from the field of industrial relations illustrates the niceties of this English transition to a modern political community. At first glance, the legal prohibition of trade unions in the early nineteenth century looks like brute suppression. "Workingmen's combinations" are said to curtail the employer's as well as the worker's formal legal rights. However, in their survey of early trade unionism, the Webbs conclude that the inefficient organization of the police, the absence of effective public prosecution, and the inaction of the em-

content," *The Economic History Review*, II (1930), 227–228; Henri de Man, *The Psychology of Socialism* (New York: Henry Holt, 1927), pp. 39–41, with regard to the role of injured self-respect in English radical protest; and Selig Perlman, *A Theory of the Labor Movement* (New York: Augustus Kelley, 1949), p. 291, who emphasizes the special significance of the franchise issue.

[20] Some evidence of the relation between religious revivalism and working-class protest is discussed in my *Work and Authority in Industry*, pp. 60–73, but the issue is controversial. In his *Social Bandits and Primitive Rebels*, pp. 126–149, Hobsbawm questions that the religious movements among workers diminished their radicalism. In his *Churches and the Working Classes in Victorian England* (London: Routledge and Kegan Paul, 1963), K. S. Inglis assembles a mass of evidence which suggests that English workers were markedly indifferent towards religious observances throughout the nineteenth century. But even Inglis admits (*ibid.*, 329–332) that atheism was rare among English workers (though pronounced among their fellows on the Continent), and that large numbers of working-class children attended Sunday schools. Such an admission may well be critical, however, since the question is not whether English workers were true believers, but whether they continued to use religious ideas in their "quest for respectability." Religious ideas are not necessarily less important when they become associated with secular concerns. See the analysis of secularity and religion in the American context by S. M. Lipset, *The First New Nation* (New York: Basic Books, 1963), pp. 151–159, and of the exacerbation of class-relations in the absence of a viable religious language by Guenther Roth, *The Social Democrats in Imperial Germany* (New York: The Bedminster Press, 1963), *passim*.

ployers were responsible for the widespread occurrence of illegal combinations despite this unequivocal legal prohibition.[21]

More recently, a publication of documents on the early trade unions has revealed why neither employers nor government officials would resort to all the legal remedies open to them. Apparently, the employers wished the government to institute proceedings against illegal combinations. An opinion of the Attorney General, sent to the Home Secretary in 1804, is of special interest in this respect. The opinion sets forth details of the great evil of combinations among workmen throughout the country, combinations said to be clearly illegal and liable to prosecution. But if the government were to initiate the prosecution in the case under consideration, then applications for similar actions on the part of the government can be anticipated from every other trade, since "combinations exist in almost every trade in the kingdom."

> It will lead to an opinion that it is not the business of the masters of the trade who feel the injury to prosecute, but that it is the business of Government. . . . It must be admitted indeed that the offence has grown to such height and such an extent as to make it very discouraging for any individual to institute a prosecution—as the persons whom he would prosecute would be supported at their trial and during their imprisonment by the contributions of their confederates, and his own shop would probably be deserted by his workmen. But then it is clear that it is owing to the inertness and timidity of the masters that the conspiracy has reached this height, and it may well be feared that this inertness will be rather increased than diminished by the interference of Government. . . . When they once think the punishment of such offences to be the business of Government, they will think it also the business of Government to procure the evidence, and not theirs to give it, so that the future detection and prosecution of such offences would probably be rendered more difficult. Besides . . . the impartiality of Government would be awkwardly situated, if, after undertaking a prosecution at the instance of the masters against the conspiracy of the journeymen, they were to be applied to on the part of the journeymen to prosecute the same masters for a conspiracy against their men.[22]

This opinion is instructive, even though its judiciousness cannot be considered representative.

[21] Sidney and Beatrice Webb, *The History of Trade Unionism* (New York: Longmans, Green & Co., 1926), p. 74.

[22] A. Aspinall, ed., *The Early English Trade Unions, Documents from the Home Office Papers in the Public Record Office* (London: Batchworth Press, 1949), pp. 90–92.

Whatever their partiality toward the employers, the magistrates are responsible for maintaining law and order. This task is complicated time and again by the reluctance of employers to make use of the law prohibiting combinations, by their repeated attempts to induce the government to do it for them, by their tendency to connive in these combinations when it suits their purpose, and finally by their tendency to reject all responsibility for the consequences of their own actions in the belief that ultimately the government will maintain law and order and protect their interests. It is not surprising that the magistrates are often highly critical of the employers, holding that the latter act with little discretion, that they can well afford to pay higher wages, and that the complaints of the workers are justified even though their combinations are illegal. Sometimes the magistrates even act as informal mediators in disputes between employers and their workers in the interest of maintaining the peace.[23] Thus, neither the partiality of the magistrates nor the principle of a hands-off policy nor the employers' evident opportunism is tantamount to suppression, even though in practice little is done to meet the workers' complaints except on terms calculated to injure their status as self-respecting members of the community.

In this period of transition Tocqueville sees a major revolutionary threat. The master continues to expect servility, but rejects responsibility for his servants, while the latter claim equal rights and become intractable. At the societal level the English case approximates this model. Many early English entrepreneurs certainly reject all responsibility for their employees and yet expect them to obey; they reject all governmental interference with management, though they seek to charge government with responsibility for any untoward public consequences of their own acts.[24] Government officials support the entrepreneurs in many cases because they are profoundly concerned with unrest and truculence. But having said this, several reservations must be added. There are some manufacturers who acknowledge the traditional obligations of a ruling class. Among some magistrates the

[23] For examples of these several aspects, see *ibid.*, pp. 116, 126, 168–169, 192–193, 216–219, 229, 234–235, 237–238, 242, 259–260, 272, 283, and so on.

[24] On this basis even staunch ideological spokesmen for *laissez-faire* were actively engaged in the extension of governmental controls. For details see Marion Bowley, *Nassau Senior and Classical Economics* (London: Allen & Unwin, 1937), pp. 237–281; S. E. Finer, *The Life and Times of Edwin Chadwick* (London: Methuen, 1952), *passim;* J. B. Brebner, "Laissez-faire and State Intervention in 19th Century Britain," *Journal of Economic History*, VIII (Supplement 1948), 59–73.

principle of noninterference by government is adhered to by a detached and critical attitude, even in the first decades of the nineteenth century. Finally, the demand for equality of the developing working class is cast in a more or less conservative mold in the sense that on balance it adds up to a quest for public acceptance of equal citizenship. In other words, English society proved itself capable of accommodating the lower class as an equal participant in the national political community, though even in England this development involved a prolonged struggle and the full implications of equality as we understand them today evolved only gradually.

Theoretical Implications

The preceding discussion is confined to developments in England. Industrialization can be initiated only once; after that its techniques are borrowed; no other country that has since embarked on the process can start where England started in the eighteeenth century. England is the exception rather than the model. For a time England possessed a near monopoly on the most advanced techniques of industrial production, and other countries borrowed from her. For the better part of the nineteenth century England stood in the forefront in that she combined industrial with political pre-eminence. In retrospect we know that as a result of these and related conditions she possessed a national political community in which the rising "fourth estate" was eventually permitted to participate through a gradual redefinition of rights and obligations rather than as a consequence of war or revolution. But an understanding of as singular a case as this is important in the comparative study of social and political change, for indirectly it may point to what many of the other "cases" have in common.

As we compare industrial latecomers with England and democratic latecomers with France, we can ask: what happens when a country does not possess a viable political community or if the community which it possesses is so "backward" in comparison with democratically and industrially advanced countries that it must be reconstituted before the demand for "full citizenship" becomes meaningful at all? It is not a novel idea to suggest that lower-class protest may progress from a demand for full citizenship within the prevailing political community to a demand for a change of this community in order to make full citizenship possible. But although this idea is compatible with Marx's theory of an advance from machine breaking to political action, it should be noted that I emphasize the alienation from the political community rather than the alienation which results from "creative dis-

satisfactions," as Marx does. This shift of emphasis helps us to see together two mass movements of the nineteenth century—socialism and nationalism—in contrast to Marx who explains the first while ignoring the second. There is a very close link between socialist and nationalist agitation in that both aim in different ways at the political integration of the masses previously excluded from participation. This link is obscured by the Marxist separation of these movements and by the fact that England's pre-eminence as a world power made it unnecessary for the English lower class to demand a national political community to which it could belong in self-respect.[25] Yet, the exceptional development of England has served social theorists for a century as the model which other countries are expected to follow.

The approach here proposed is not a mere reversal of the Marxist theory. Marx looks upon social movements of the nineteenth century as protests against psychic and material deprivations that cumulate as a result of the capitalist process; he sees in the masses a fundamental craving for creative satisfactions in a good society. I interpret these protest movements as *political* and define their character in terms of the contrast between a premodern and a modern political community. When this view is taken, the eighteenth century appears as a major hiatus in Western European history. Prior to that time the masses of the people were entirely barred from the exercise of public rights; since then they have become citizens and in this sense participants in the political community. The "age of democratic revolution" extends from that time to the present. During this period some societies have universalized citizenship peacefully, while others have been unable to do so and have consequently suffered various types of revolutionary

[25] See the following statement from a speech of the Chartist leader Hartwell, delivered in 1837: "It seems to me to be an anomaly that in a country where the arts and sciences have been raised to such height, chiefly by the industry, skill and labours of the artisan . . . only one adult male in seven should have a vote, that in such a country the working classes should be excluded from the pale of political life." Quoted in M. Beer, *A History of British Socialism* (London: Allen & Unwin, 1948), II, pp. 25–26. It is instructive to contrast this statement with that by the Italian nationalist leader Mazzini: "Without Country you have neither name, token, voice, nor rights. . . . Do not beguile yourselves with the hope of emancipation from unjust social conditions if you do not first conquer a Country for yourselves. . . . Do not be led away by the idea of improving your material conditions without first solving the national question. . . . Today . . . you are not the working class of Italy; you are only fractions of that class. . . . Your emancipation can have no practical beginning until a National Government [is founded]." See Joseph Mazzini, *The Duties of Man and Other Essays* (New York: E. P. Dutton, 1912), pp. 53–54.

upheavals. So conceived, the problem of the lower classes in a modern nation-state consists in the political process through which at the level of the national community the reciprocity of rights and duties is gradually extended and redefined. It is quite true that this process has been affected at every turn by forces emanating from the structure of society. But it is here maintained that the distribution and redistribution of rights and duties are not mere by-products of such forces, that they are vitally affected by the international position of the country, by conceptions of what the proper distribution in the national community ought to be, and by the give and take of the political struggle.[26]

My thesis is in keeping with Tocqueville's stress on the reciprocity of rights and obligations as the hallmark of a political community. In Europe the rising awareness of the working class expresses above all an experience of *political alienation*, that is, a sense of not having a recognized position in the civic community or of not having a civic community in which to participate. Because popular political participation has become possible for the first time in European history, lower-class protest against the social order relies (at least initially) on prevailing codes of behavior and hence reflects a conservative cast of mind, even where it leads to violence against persons and property.[27] Rather than engage in a millenarian quest for a new social order, the recently politicized masses protest against their second-class citizenship, demanding the right of participation on terms of equality in the political community of the nation-state.[28] If this is a correct assess-

[26] This approach differs from Marxism which treats politics and government as variables dependent upon the changing organization of production, without coming to grips either with the relative autonomy of governmental actions or the continuous existence of national political communities. It also differs from the sociological approach to politics and formal institutions which construes the first as mere by-products of interactions among individuals and the second as the "outward shell" inside which these interactions provide the clue to a realistic understanding of social life. See a critical analysis of this reductionism in Wolin, *op. cit.*, Chaps. 9 and 10. An alternative approach which emphasizes the partial autonomy as well as the interdependence of government and society is contained in the work of Max Weber, as discussed above on pp. 15–17.

[27] See in this connection Engels' expression of disgust with regard to the ingrained "respectability" of English workers and their leaders in his letter to Sorge of December 7, 1889, in *Ausgewählte Briefe*, p. 495.

[28] The perspective presented above has been developed by a number of my former students. The study by Guenther Roth of "Working-Class Isolation and National Integration" in Imperial Germany was cited earlier. See also Gaston Rimlinger, "The Legitimation of Protest: A Comparative Study in Labor

ment of the impulses and half-articulated longings characteristic of much popular agitation among lower classes in Western Europe, then we have a clue to the decline of socialism. For the civic position of these classes is no longer a pre-eminent issue in societies in which the equality of citizenship has been institutionalized successfully.

The following section of this chapter traces this institutionalization on a comparative basis.

THE EXTENSION OF CITIZENSHIP TO THE LOWER CLASSES [29]

Elements of Citizenship

In the nation-state each citizen stands in a direct relation to the sovereign authority of the country in contrast with the medieval polity in which that direct relation is enjoyed only by the great men of the realm. Therefore, a core element of nation-building is the codification of the rights and duties of all adults who are classified as citizens. The question is how exclusively or inclusively citizenship is defined. Some notable exceptions aside, citizenship at first excludes all socially and economically dependent persons. In the course of the nineteenth century this massive restriction is gradually reduced until eventually all adults are classified as citizens. In Western Europe this extension of national citizenship is set apart from the rest of the

History," *Comparative Studies in Society and History*, II (April 1960), pp. 329–343, by the same author, "Social Security, Incentives and Controls in the U.S. and the U.S.S.R.," *loc. cit.*, IV (November 1961), pp. 104–124, and Samuel Surace, *The Status Evolution of Italian Workers, 1860–1914* (Ph.D. Dissertation, Department of Sociology, University of California, Berkeley, 1962).

[29] The following section was written jointly with Dr. Stein Rokkan, Christian Michelsen Institute, Bergen, Norway. I have adapted the original essay in keeping with the purposes of this volume. Subsequent formulations will emphasize the classificatory sense in which the term "lower classes" is used. The question is left open which sections of the "lower classes" develop a capacity for concerted action and under what circumstances. Although in some measure a response to protest or the result of anticipating protest, the extension of citizenship occurred with reference to broadly and abstractly defined groups such as all adults over 21, or women or adults having specified property holdings, fulfilling certain residence requirements, etc. Such groups encompass many people other than those who have few possessions, low income, little prestige, and who because of these disabilities are conventionally understood to "belong" to the lower classes. The reference here is to the larger, classificatory group of all those (including the "lower classes") who were excluded from any direct or indirect participation in the political decision-making processes of the community.

world by the common traditions of the *Ständestaat*.[30] The gradual integration of the national community since the French Revolution reflects these traditions wherever the extension of citizenship is discussed in terms of the "fourth estate," that is, in terms of extending the principle of *functional representation* to those previously excluded from citizenship. On the other hand, the French Revolution also advanced the *plebiscitarian principle*. According to this principle all powers intervening between the individual and the state must be destroyed (such as estates, corporations, etc.), so that all citizens as individuals possess equal rights before the sovereign, national authority.[31]

A word should be added concerning the two adjectives "functional" and "plebiscitarian." The phrase "functional representation" derives from the medieval political structure in which it is deemed proper, for example, that the elders or grand master of a guild represent it in a municipal assembly. Here function refers generically to any kind of activity considered appropriate for an estate. Used more broadly, the term "function" designates *group-specific activities or rights and duties*. As such it encompasses both, observations of behavior and ethical mandates of what is thought proper. The latter imply very different theories of society, however. In medieval society the rank and proper functions of the constituent groups are fixed in a hierarchical order. In modern Western societies this older view has been superseded by concepts of group function which presuppose the ideal of equality, except where medieval connotations linger on. The term "plebiscite" refers to the *direct vote on an important public issue by all qualified electors* of a community. The broader the community, the more minimal the qualifications stipulated for the electors, and hence the larger the number of persons standing in a direct relationship to public authority, the more will the plebiscitarian principle conflict with the functional. The specific meaning of both principles varies naturally with the definitions of group-specific activities and the extent and qualifications of community membership.

[30] So much so that the historian Otto Hintze denies the *indigenous* development of constitutionalism anywhere else. See his "Weltgeschichtliche Vorbedingungen der Repräsentativverfassung," in *Staat und Verfassung* (Göttingen: Vandenhoeck & Ruprecht, 1962), pp. 140–185.

[31] These two models have been analyzed in terms of the distinction between the representative and the plebiscitarian principle by Ernst Fraenkel, *Die Repräsentative und die Plebiszitäre Komponente im Demokratischen Verfassungsstaat* (Heft 219–220 of Recht und Staat; Tübingen: J. C. B. Mohr, 1958). The ideology of plebiscitarianism is documented in J. L. Talmon, *The Origins of Totalitarian Democracy* (New York: Frederick A. Praeger, 1960).

Various accommodations between the functional and plebiscitarian principle have characterized the sequence of enactments and codifications through which citizenship became national in many countries of Western Europe. To examine this development comparatively the several rights of citizenship must be distinguished and analyzed. In his study of *Citizenship and Social Class*, T. H. Marshall formulates a threefold typology of rights:

—*civil* rights such as "liberty of person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice";
—*political* rights such as the franchise and the right of access to public office;
—*social* rights ranging from "the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society." [32]

Four sets of public institutions correspond to these three types of rights:

the *courts*, for the safeguarding of civil rights and, specifically, for the protection of all rights extended to the less articulate members of the national community;

the local and national *representative bodies* as avenues of access to participation in public decision-making and legislation;

the *social services*, to ensure some minimum of protection against poverty, sickness, and other misfortunes, and the *schools*, to make it possible for all members of the community to receive at least the basic elements of an education.

Initially, these rights of citizenship emerge with the establishment of equal rights under the law. The individual is free to conclude valid contracts, to acquire, and dispose of, property. Legal equality advances at the expense of legal protection of inherited privileges. Each man now possesses the right to act as an independent unit; however, the law only defines his legal capacity, but is silent on his ability to use it. In addition, civil rights are extended to illegitimate children, foreigners, and Jews; the principle of legal equality helps to eliminate hereditary servitude, equalize the status of husband and wife, circumscribe the extent of parental power, facilitate divorce, and

[32] The essay referred to has been reprinted in T. H. Marshall, *Class, Citizenship and Social Development* (Garden City, New York: Doubleday & Co., Inc., 1964), pp. 71–72. The following discussion is greatly indebted to Professor Marshall's analysis.

legalize civil marriage.[33] Accordingly, the extension of civil rights benefits the inarticulate sections of the population, giving a positive libertarian meaning to the legal recognition of individuality.

Still, this gain of legal equality stands side by side with the fact of social and economic inequality. Tocqueville and others point out that in medieval society many dependent persons were protected in some measure against the harshness of life by custom and paternal benevolence, albeit at the price of personal subservience. The new freedom of the wage contract quickly destroyed whatever protection of that kind had existed.[34] For a time at least, no new protections are instituted in place of the old; hence class prejudice and economic inequalities readily exclude the vast majority of the lower class from the enjoyment of their legal rights. The right of the individual to assert and defend his basic civil freedoms on terms of equality with others and by due process of law is *formal* in the sense that legal powers are guaranteed in the absence of any attempt to assist the individual in his use of these powers. As Anton Menger observed in 1899: "Our codes of private law do not contain a single clause which assigns to the individual even such goods and services as are indispensable to the maintenance of his existence." [35] In this sense the equality of citizenship and the inequalities of social class develop together.

The juxtaposition of legal equality and social and economic inequalities inspired the great political debates which accompany the nation-building of nineteenth-century Europe. These debates turn on the types and degrees of inequality or insecurity that should be considered intolerable and the methods that should be used to alleviate them. The spokesmen of a consistent *laissez-faire* position seek to answer this question within the framework of formal civil rights.

[33] See R. H. Graveson, *Status in the Common Law* (London: The Athlone Press, 1953), pp. 14–32. For details of these legal developments in Germany, Austria, Switzerland, and France, see J. W. Hedemann, *Die Fortschritte des Zivilrechts im 19. Jahrhundert* (Berlin: Carl Heymanns Verlag, 1910 and 1935), two volumes. A brief survey of the background and extent of these developments in Europe is contained in Hans Thieme, *Das Naturrecht und die europäische Privatrechtsgeschichte* (Basel: Halbing and Lichtenhahn, 1954). A more extended treatment is contained in Franz Wieacker, *Privatrechtsgeschichte der Neuzeit* (Göttingen: Vandenhoeck & Ruprecht, 1952), esp. pp. 197–216 and *passim*.

[34] Alexis de Tocqueville, *Democracy in America* (New York: Vintage Books, 1954), II, pp. 187–190.

[35] Anton Menger, *The Right to the Whole Product of Labor* (London: Macmillan and Co., 1899), pp. 3–4.

Having won legal recognition for the exercise of individual rights, they insist that to remain legitimate the government must abide by the rule of law. It is consistent with this position that in most European countries the first Factory Acts seek to protect women and children, who at the time are not considered citizens in the sense of legal equality.[36] By the same criterion all adult males are citizens because they have the power to engage in the economic struggle and take care of themselves. Accordingly, they are excluded from any legitimate claim to protection. In this way formally guaranteed rights benefit the fortunate and more fitfully those who are legally defined as unequal, while the whole burden of rapid economic change falls upon the "laboring poor" and thus provides a basis for agitation at an early time.

This agitation is political from the beginning. One of the earliest results of the legislative protection of freedom of contract is the legislative prohibition of trade unions. But where legislative means are used both to protect the individual's freedom of contract and deny the lower classes the rights needed to avail themselves of the same freedom (i.e., the right of association), the attacks upon inequality necessarily broaden. Equality is no longer sought through freedom of contract alone, but through the establishment of social and political rights as well. The nation-states of Western Europe can look back on longer or shorter histories of legislative actions and administrative decisions which have increased the equality of subjects from the different strata of the population in terms of their legal capacity and their legal status.[37] For each nation-state and for each set of institutions we can

[36] Ideological equalitarianism as well as an interest in breaking down familial restrictions upon the freedom of economic action were presumably the reason why protection was first extended to these most inarticulate sections of the "lower class." For a critical analysis of the German Civil Code of 1888 exclusively in terms of the economic interests its provisions would serve, see Anton Menger, *Das bürgerliche Recht und die besitzlosen Volksklassen* (Tübingen: H. Laupp'sche Buchhandlung, 1908). The book was originally published in 1890. This perspective omits the self-sustaining interest in formal legality which is the work of legal professionals and leads to the prolonged conflict between legal positivism and the doctrine of natural law. See in this respect the analysis of Max Weber, *Law in Economy and Society* (Cambridge: Harvard University Press, 1954), pp. 284–321. See also the illuminating discussion of this point in Fr. Darmstaedter, *Die Grenzen der Wirksamkeit des Rechtsstaates* (Heidelberg: Carl Winters Universitätsbuchhandlung, 1930), pp. 52–84.

[37] When all adult citizens are equal before the law and free to cast their vote, the exercise of these rights depends upon a person's ability and willingness to use the legal powers to which he is entitled. On the other hand, the legal status of the citizens involves rights and duties which cannot be voluntarily changed without intervention by the State. A discussion of the conceptual distinction between capacity as "the legal power of doing" and status as "the legal state of being" is contained in Graveson, *op. cit.*, pp. 55–57.

pinpoint chronologies of the public measures taken and trace the sequences of pressures and counterpressures, bargains and maneuvers, behind each extension of rights beyond the strata of the traditionally privileged. The extension of various rights to the lower classes constitutes a development characteristic of each country. A detailed consideration of each such development would note the considerable degree to which legal enactments are denied or violated in practice. It would thus emphasize how the issue of the civic position of the lower classes was faced or evaded in each country, what policy alternatives were under consideration, and by what successive steps the rights of citizenship were extended eventually. A full analysis could illuminate each step along the way, but it would also obscure the overall process of nation-building.

For taken together, the developments of the several European countries also constitute the transformation from the estate societies of the eighteenth to the welfare state of the twentieth centuries. A comparative study of this transformation from the standpoint of national citizenship will inevitably appear abstract if juxtaposed with the specific chronology and detailed analysis of successive legislative enactments in each country. However, such a study will have the advantage of emphasizing the truth that, considered cumulatively and in the long run, legislative enactments have extended the rights of citizenship to the lower classes and thus represent a genuinely comparable process in nineteenth- and twentieth-century Europe.

The following discussion is limited to one aspect of Western European nation-building: *the entry of the lower classes into the arena of national politics.* Only those policies are considered which have immediate relevance for lower-class movements seeking to enter national politics.[38] The decisions on the *right to form associations* and on the *right to receive a minimum of formal education* are basic, for these rights set the stage for the entry of the lower classes and condition the strategies and activities of lower-class movements once they are formally allowed to take part in politics. Next, the actual *rights of participation* are analyzed in terms of the extension of the

[38] Accordingly, only incidental consideration is given to the initial and the terminal phases in this process of change: the breakup of estate-societies through the extension of civil rights and the final codification and implementation of welfare rights in our modern, "mass-consumption" societies.

franchise and the provisions for the *secrecy of the vote*. Considered together, the extension of these rights is indicative of what may be called the civic incorporation of the lower classes.

A Basic Civil Right: The Right of Association and Combination

Civil rights are essential to a competitive market economy in that "they give to each man, as part of his *individual* status, the power to engage as an *independent* unit in the economic struggle."[39] By taking cognizance only of persons who possess the means to protect themselves, the law in effect accords civil rights to those who own property or have assured sources of income. All others stand condemned by their failure in the economic struggle according to the prevailing views of the early nineteenth century. The abstract principle of equality underlying the legal and ideological recognition of the *independent* individual is often the direct cause of greatly accentuated inequalities. In the present context the most relevant illustration of this consequence is the law's insistence that the wage contract is a contract between equals, that employer and worker are equally capable of safeguarding their interests. On the basis of this formal legal equality, workers in many European countries were denied the *right to combine* for the sake of bargaining with their employers.

However, this denial of the right to combine raised conceptual and political difficulties from the beginning. Civil rights refer not only to the rights of property and contract but also to freedom of speech, thought, and faith which include the freedom to join with others in the pursuit of legitimate private ends. Such freedoms are based on the *right of association*—an accepted legal principle in several European countries (France, England, Belgium, Netherlands) which nevertheless decided to prohibit the workers' *right to combine*. It was held that conditions of work must be fixed by agreements freely arrived at between individual and individual.[40] Such legal prohibitions were distinguished, however, from the right to form religious or political associations in so far as associations not specifically prohibited by law were legal. Accordingly, enactments singled out

[39] Marshall, *op. cit.*, p. 87. Italics added.

[40] See statement by Le Chapelier, author of the French act prohibiting trade unions of July 1791, as quoted in International Labour Office, *Freedom of Associations* (ILO Studies and Reports, Series A, No. 28; London: P. S. King & Son, 1928), p. 11. Further references to this five-volume work will be given in the form *ILO Report*, with the number and pages cited.

workmen of various descriptions by special regulations in order to "uphold" the principle of formal equality before the law.

The distinction between association and combination was not made in all countries, however. To understand this contrast we must recall the traditional approach to the master-servant relationship which was similar in many European countries. Statutory enactments had been used to regulate the relations between masters and servants and to control the tendency of masters and journeymen to combine in the interest of raising prices or wages. Such regulation increased in importance as guild organizations declined, though governmental regulations were often made ineffective by the new problems arising from a quickening economic development. Efforts to cope with these new problems could take several forms.

The government could attempt to use an extension of the traditional devices. This approach worked temporarily in England but gave way to the distinction between associations which were allowed and workers' combinations which were prohibited. In the Scandinavian countries and Switzerland the traditional policies proved more successful. These countries remained predominantly agricultural until well into the nineteenth century. They experienced a remarkable proliferation of religious, cultural, economic, and political associations which followed the breakdown of the estate society. Except for a few cases of violent conflicts, their governments did little or nothing either to restrict or to legalize these activities. There were differences here also in the various efforts to cope with the mounting unruliness of journeymen and agricultural workers. But none of these countries went as far as England in enacting special prohibitory legislation designed to stamp out rather than curb combinations of workingmen. In this traditional setting with its estate ideology such a prohibition would have violated the widely accepted right of association.

Such reservations did not prevail in Prussia and Austria, where by the end of the eighteenth century conventional absolutist controls over journeyman's associations were extended to a general prohibition of all "secret assemblies" as in the Prussian Civil Code of 1794. This prohibition was directed principally against Free Masons and other early forms of quasi-political organizations, which were springing up in response to the ideas and events of the French Revolution (such legislation was used against workingmen's combinations as well). A specific prohibition of the latter occurred in Prussia only in the 1840's, although in Austria it had occurred already in 1803. This

absolutist approach may be considered together with analogous policies elsewhere which had much the same general effect on workingmen's combinations. In Italy and Spain restrictions of associational activity were traditional and local and hardly required specific legislative enactments to ensure their implementation. In France, on the other hand, the plebiscitarian tradition of direct state-citizen relations led to the promulgation of the famous *Loi Le Chapelier* in 1791, and this tendency to restrain all associations was further strengthened under Napoleon. Here was ample evidence that absolutism and plebiscitarian rule are mutually compatible.

Finally, in England, the early invidious distinction between associations and combinations proved difficult to maintain in the long run. The right of association permitted political agitation through which the prohibition of trade unions could be opposed. Although the Act of 1824 repealing the anti-combination laws was not effeective, its early passage is evidence of opposition to the harsh prosecution of workingmen's combinations. We have seen that these repressive measures need to be balanced against others in which violations went unpunished, because employers would not lodge complaints and magistrates would not act in the absence of a complaint.

When the decline of the guild system together with the increasing pace of economic development suggested the need for new regulations of master-servant relations and of journeymen's associations, the several Western European countries responded with three broadly distinguishable types of policies. The Scandinavian and Swiss type continued the traditional organization of crafts into the modern period, preserving the right of association at the same time that they extended the statutory regulation of master-servant relations and journeymen's associations to cope with the new problems. In modified form this variant represents the medieval concept of liberty as a privilege, a concept which certainly allows for a statutory reinforcement of existing arrangements. The second, absolutist type is exemplified by the Prussian prohibition first of journeymen's associations, then of all secret assemblies, and finally of the newly formed workingmen's combinations—in keeping with the policy of enlightened absolutism which seeks to regulate all phases of social and economic life. This type represents a major break with the tradition of liberty as a corporate privilege in so far as the king destroys all powers intervening between himself and his subjects, though this destruction could be just as thoroughgoing under plebiscitarian auspices. Finally, the liberal policy exemplified by England went from the earlier regulation

of guilds and the master-servant relationship to a policy which combined the specific prohibition of workingmen's combinations with the preservation of the right of association in other respects. Thus, liberalism with its invidious distinction between association and combination represents a halfway mark between the preservation of the right of association (as this was understood in the premodern social structure of Europe) and the complete denial of the right of association which was an outgrowth of absolutist and plebiscitarian opposition to the independent powers of estates and corporations.

Countries of the first type are characterized by relatively insignificant histories of repression, while countries of the other two types suppressed workingmen's combinations by outright prohibition or severe statutory regulations for periods ranging from 75 to 120 years. We can compare countries in terms of this interval between the first decisive measures taken to repress tendencies toward workingmen's combinations and the final decision to accept trade unions. In Denmark, for example, that interval comprised 49 years, in England 76 years, and in Prussia/Germany either 105 or 124 years, depending on whether we consider 1899 or 1918 as the date most appropriate for the legal recognition of trade unions. But the dating of such intervals is problematic. The early acts of repression inevitably blurred the distinction between a mere extension of traditional regulations and a novel and harsher prohibition which singled out the newly developing working class. It is also difficult to date the final legalization of trade unions precisely, since in most cases such legalization occurred gradually. However, these difficulties of dating do not invalidate the rough, threefold typology of the policies which have guided the extension of the right of association to the lower classes in Western Europe.

The legal right to form associations combines the plebiscitarian with the functional principle. Whenever *all* citizens possess this right, we have an instance of *plebiscitarianism* in the formal sense that everyone enjoys the same legal capacity to act. However, in practice only some groups of citizens take advantage of the opportunity, while a large majority remain "unorganized." Thus, in the developing nation-states of Western Europe private associations exemplify the functional principle of representation on the basis of common interests, in contrast with the medieval estates that collectively enjoyed the privilege of exercising certain public rights in return for a common legal liability. It was recognized early that organizations based on common economic interestes would perpetuate or re-establish cor-

porate principles analogous to those of the medieval period.[41] In his argument against mutual benefit societies, Le Chapelier expresses this view in his 1791 speech before the Constituent Assembly to which reference was made earlier:

> The bodies in question have the avowed object of procuring relief for workers in the same occupation who fall sick or become unemployed. But let there be no mistake about this. It is for the nation and for public officials on its behalf to supply work to those who need it for their livelihood and to succour the sick. . . . It should not be permissible for citizens in certain occupations to meet together in defence of their pretended common interests. There must be no more guilds in the State, but only the individual interest of each citizen and the general interest. No one shall be allowed to arouse in any citizen any kind of intermediate interest and to separate him from the public weal through the medium of corporate interests.[42]

This radically plebiscitarian position which does not tolerate the organization of any "intermediate interest" is difficult to maintain consistently. For the individualistic tendencies of the economic sphere, which are partly responsible for this position, are likewise responsible for legal developments which undermine it. A growing exchange economy with its rapid diversification of transactions gives rise to the question how the legal significance of each transaction can be determined unambiguously. In part, this question is answered

[41] We do not go into the question of the continuity or discontinuity between medieval and modern corporations, a problem treated at length in the writings of Figgis, Gierke, Maitland, and others.

[42] Quoted in *ILO Report*, No. 29, p. 89. Le Chapelier's statement reflects the principle enunciated by Rousseau: "If, when the people, sufficiently informed, deliberated, there was to be no communication among them, from the grand total of trifling differences the general will would always result, and their resolutions be always good. But when cabals and partial associations are formed at the expense of the great association, the will of each such association, though *general* with regard to its members, is *private* with regard to the State: it can then be said no longer that there are as many voters as men, but only as many as there are associations. By this means the differences being less numerous, they produce a result less general. Finally, when one of these associations becomes so large that it prevails over all the rest, you have no longer the sum of many opinions dissenting in a small degree from each other, but one great dictating dissentient; from the moment there is no longer a general will, and the predominating opinion is only an individual one. It is therefore of the utmost importance for obtaining the expression of the general will, that no partial society should be formed in the State, and that every citizen should speak his opinion entirely from himself. . . ." See Jean Jacques Rousseau, *The Social Contract* (New York: Hafner Publishing Company, 1957), pp. 26–27.

by attributing "legal personality" to organizations such as business firms and hence by separating the legal spheres of the stockholders and officials from the legal sphere of the organization itself.[43] Incorporation establishes the separate legal liability of the organization and thus limits the liability of its individual members or agents. Although "limited liability" was denounced for a time as an infringement of individual responsibility, massive interests were served by this new device and objections based on the concept of obligation were quickly overcome. Incorporation is a most important breach in the strictly plebiscitarian position. It represents a first limitation of that radical individualism which stands for strictly formal equality before the law and against the formation of "intermediate interests."

Marshall states that in the field of civil rights "the movement has been . . . not from the representation of communities to that of individuals [as in the history of parliament], but from the representation of individuals to that of communities."[44] The device of incorporation and the related principle of limited liability make it possible for an economic enterprise to take risks and maximize economic assets on behalf and for the benefit of individual shareholders. Through its officials the enterprise performs a representative function in the sense that it makes decisions and assumes responsibilities for the collectivity of its investors, which is frequently composed of other corporate groups as well as of individuals. Through much of the nineteenth century this representative function of the corporation was confined to economic goals. However, such concepts as "corporate trusteeship," the development of public relations, and direct political participation by many large corporations suggest that in recent decades this earlier restriction has been abandoned—a development whose significance for citizenship still needs to be explored.

These considerations provide useful background for an understanding of the special position of trade unions. As Marshall points out, trade unions:

> . . . did not seek or obtain incorporation. They can, therefore, exercise vital civil rights collectively on behalf of their members without formal collective responsibility, while the individual responsibility of workers in relation to contract is largely unenforceable. . . .[45]

[43] Weber, *Law in Economy and Society*, pp. 156–157 ff. The editors have added references to the extensive literature in this field.

[44] Marshall, *op. cit.*, p. 94.

[45] *Ibid.*, p. 93. The following discussion is based on Marshall's analysis on pp. 93–94, but our emphasis differs somewhat.

If we take the prohibition or severe restriction of combinations as our starting point, then the development of trade unions also exemplifies the movement of civil rights from the representation of individuals to that of communities. This collective representation of the economic interests of the members arises from the inability of workers to safeguard their interest individually. Trade unions seek to raise the economic status of their members. The workers organize in order to attain that level of economic reward to which they feel entitled—a level which in practice depends on the capacity to organize and to bargain for "what the traffic will bear." These practical achievements of trade unions have a far-reaching effect upon the status of workers as citizens. For through trade unions and collective bargaining the right to combine is used to assert "basic claims to the elements of social justice." [46] In this way the extension of citizenship to the lower classes is given the very special meaning that as citizens the members of these classes are "entitled" to a certain standard of well-being, in return for which they are only obliged to discharge the ordinary duties of citizenship.

The legalization of trade unions is an instance of enabling legislation. It *permits* members of the lower classes to organize and thus obtain an equality of bargaining power which a previously imposed, formal legal equality has denied them. But to achieve this end it becomes necessary, as we saw, to discriminate in favor of "combinations" by allowing them legal exemptions without which the disadvantaged groups are unable to organize effectively. In other words, civil rights are used here to enable the lower classes to participate more effectively than would otherwise be the case in the economic and political struggle over the distribution of the national income.

However, many members of the lower classes either do not avail themselves of the opportunities afforded them by the law or are prevented from doing so by the exclusivist or neo-corporatist devices of established trade unions. Hence, *in effect* legal opportunities have turned into privileges available to workers who are willing and able to organize in order to advance their economic interests. Such privileges are buttressed, in turn, by legal, extralegal, and illegal devices to make union membership obligatory or nonmembership very costly. Thus, the right to combine turns out to be a "privilege of those organized in trade unions." In a sense this is a measure of the weakness of corporatist tendencies in modern Western societies, since the same

[46] *Ibid.*, p. 94.

right more generally applied would mean that every adult belongs to an organization representing his occupation. Instead, the right to combine has given rise to a "corporatist enclave." The very effectiveness of exclusive practices by trade unions makes membership quasi-obligatory, however beneficial, and unwittingly it is often related to the failure of drives for new members. In this way the right to combine can be used to enforce claims to a share of income and benefits at the expense of the unorganized and the consumers. This exceptional position of *some* trade unions has not altered the *principle* that civil rights are permissive rather than obligatory, though it may be said to have infringed upon it. This permissiveness of civil rights needs special emphasis in the present context because of the contrast with the second element of citizenship, *social* rights, to which we now turn.

A Basic Social Right: The Right to an Elementary Education

The right to an elementary education is similar to the "right to combine." As long as masses of the population are deprived of elementary eduction, access to educational facilities appears as a precondition without which all other rights under the law remain of no avail to the uneducated. To provide the rudiments of education to the illiterate appears as an act of liberation. Nonetheless, social rights are distinctive in that they do not usually permit the individual to decide whether or not to avail himself of their advantages. Like the legislative regulation of working conditions for women and children, compulsory insurance against industrial accidents, and similar welfare measures, the right to an elementary education is indistinguishable from the duty to attend school. In all Western societies elementary education has become a duty of citizenship, perhaps the earliest example of a prescribed minimum enforced by all the powers of the modern state. Two attributes of elementary education make it into an element of citizenship: the government has authority over it, and the parents of all children in a certain age group (usually from 6 to 10 or 12) are required by law to see to it that their children attend school.

Social rights as an attribute of citizenship may be considered benefits which compensate the individual for his consent to be governed under the rules and by the agents of his national political community.[47] It is important to note the element of agreement or con-

[47] This formulation is indebted to the perceptive analysis by Joseph Tussman, *Obligation and the Body Politic* (New York: Oxford University Press, 1960), Chap. II.

sensus which is at the root of the *direct relationship between the central organs of the nation-state and each member of the community*. But in now turning to a consideration of social rights, we find that this plebiscitarian principle of equality before the sovereign nation-state involves duties as well as rights. Each eligible individual is *obliged* to participate in the services provided by the state. It is somewhat awkward to use the term "plebiscitarian" for this obligatory aspect of citizenship as well. Yet there is a family resemblance between the right of all citizens to participate (through the franchise) in the decision-making processes of government and the duty of all parents to see to it that their children in the designated age groups attend school. In the fully developed welfare state citizens as voters decide to provide the services in which citizens as parents of school children are then obliged to participate. The right to vote is permissive, whereas the benefits of school attendance are obligatory. But both are principles of equality which establish a direct relationship between the central organs of the nation-state and each member of the community, and this direct relationship is the specific meaning of *national* citizenship.

It may be useful to reiterate the major distinctions at this point. There is first the distinction between an indirect and a direct relation between the nation-state and the citizen. We have discussed the *indirect* relationship in the preceding section in connection with the *rights to association* and the *right to combine*. Although these civil rights are in principle available to all, in practice they are claimed by classes of persons who share certain social and economic attributes. Thus, group (or functional) representation is of continued importance even after the earlier, medieval principle of privileged jurisdictions has been replaced by equality before the law. In now turning to the *direct* relationship between the nation-state and the citizen, we consider *social* rights before we turn to the discussion of *political* rights. The extension of social rights with its emphasis upon obligation may leave privilege intact and broadens the duties and benefits of the people without necessarily encouraging their social mobilization, whereas the extension of the franchise unequivocally destroys privilege and enlarges the active participation of the people in public affairs.

There is clear indication that on the Continent the *principle* of an elementary education for the lower classes emerged as a by-product of enlightened absolutism. In Denmark, for example, Frederick IV established elementary schools on his own domains as early as 1721

and provided them with sufficient resources and a permanently employed teaching staff. Attempts to follow through with this policy failed, because the landed proprietors evaded their responsibility for the employment and remuneration of teachers by imposing charges for teacher salaries on the peasants who could ill afford them. Following the principal measures alleviating the obligations imposed on the peasants (1787–88), Frederick VI proceeded to establish a new organization of elementary schools which has remained the basis of national education in Denmark since 1814.

This Danish development may be compared with the corresponding development in Prussia, where the program of a system of national education also developed early. The profoundly conservative purpose of this program is not in doubt. In 1737, a basic Prussian school law was issued with the commentary that it had grieved the king to see youth living and growing up in darkness and thereby suffering damage both temporally and to their eternal souls. On this occasion the king donated a sum to facilitate the employment of capable teachers, and for several decades thereafter the Prussian kings and their officials promoted the scheme on the basis of such incidental appropriations. By 1763 an ordinance was issued regulating school affairs for the entire monarchy and including provisions for disciplinary measures against teachers who neglect their duties, thus at least envisaging a regular administration of the schools. At the same time efforts were made to alleviate the teacher shortage by earmarking special funds for this purpose. These measures encountered difficulties, because parents were reluctant to send their children to school and local bodies would not assume their share of the financial responsibility. In 1794, the schools (together with the universities) were declared institutions of the state, and in the ensuing years the whole system of national education became part of the national liberation movement against Napoleon. Although some officials publicly expressed doubts concerning the usefulness of literacy for the ordinary man, military defeat and patriotic enthusiasm generally removed such doubts. Official declarations demanded that all subjects without exception should be provided with useful knowledge; national education would raise the moral, religious, and patriotic spirit of the people.[48] In all probability national education became acceptable to the conservative rulers of Prussia on the ground that it would help to instill

[48] The preceding two paragraphs are based on A. Petersilie, *Das Öffentliche Unterrichtswesen* (Vol. III of Hand- und Lehrbuch der Staatswissenschaften; Leipzig: C. L. Hirschfeld, 1897), I, pp. 203–204, 158–166, and *passim*.

loyalty for king and country in the masses of the population. It is well to remember, however, that in the field of military recruitment the same effort to mobilize the people in the wars of liberation led to great controversies and provoked a very strong reaction among ultra-conservatives, once the immediate danger was passed.[49] Thus, enlightened absolutism may be considered the reluctant or equivocal pioneer of extending social rights to the people. Absolutist rule endorses the principle that nothing should intervene between the king and his people, and hence that the king out of his own free will distributes benefits among them. But absolutism naturally insists that the people are the king's subjects; it rejects the idea of rights and duties derived from and owed to the sovereign authority of the nation-state.[50]

The ideas of national citizenship and a sovereign national authority are basic concepts of liberalism. They have special relevance for education, because in Europe teaching had been in the hands of the clergy for centuries. Accordingly, the schools were under clerical rather than political authority so that pupils to receive an education are subject to this special jurisdiction. This clerical control is destroyed, where absolutist rulers or the nation-state assume authority over the schools. In Lutheran Prussia such secular control over education could be imposed without difficulty. When ministers of the church as well as teachers are subject to the sovereign authority of the king, it is easy to recruit the ministers into the teaching profession. But when, as in France, the Catholic clergy is under an authority separate from that of the state, the establishment of a national system of education and hence of a direct relationship between each citizen and the government becomes incompatible with the ex-

[49] For details see the excellent study by Gerhard Ritter, *Staatskunst und Kriegshandwerk* (Munich: R. Oldenbourg, 1959), I, Chaps. 4 and 5.

[50] The significance of absolutist regimes for elementary education varied with the prevailing religious beliefs of the country. In Austria, elementary education was organized by the government as early as 1805, with the clergy acting as the supervisory agent of the state. In Catholic countries with less religious unity than Austria such an approach did not prove possible; in France, for example, the traditional Catholic claim to superintend education was challenged in the 1760's with the suppression of the Jesuits and the endorsement of a nationally organized system of lay education. (See p. 91.) Again, in countries with Protestant state churches (Prussia, Denmark, Norway, and Sweden) little or no conflict developed as the unity of church and state in the person of the monarch allowed for the ultimate authority of government over elementary education, with ministers of the church acting in this field as agents of the monarch or (later) of a ministry for education and ecclesiastical affairs.

isting system. In his *Essai d'education nationale*, published in 1763, La Chalotais opposes the clergy's control of education by demanding that the teaching of letters and science should be in the hands of a secular profession. After observing that distinguished men of letters are laymen rather than clerics, and that "idle priests" overrun the cities while the country is deprived of clergy, La Chalotais continues:

> To teach letters and sciences, we must have persons who make of them a profession. The clergy cannot take it in bad part that we should not, generally speaking, include ecclesiastics in this class. I am not so unjust as to exclude them from it. I acknowledge with pleasure that there are several . . . who are very learned and very capable of teaching. . . . But I protest against the exclusion of laymen. I claim the right to demand for the Nation an education that will depend upon the State alone; because it belongs essentially to it, because every nation has an inalienable and imprescriptible right to instruct its members, and finally because the children of the State should be educated by members of the State.[51]

The statement parallels the plebiscitarian principle enunciated by Le Chapelier which was quoted earlier.[52] Where Le Chapelier had argued against mutual benefit societies on the ground that no "intermediate interest" should be allowed to separate any citizen from the "public weal through the medium of corporate interests," La Chalotais here echoes the same idea in his argument against the clergy. There must be a profession of teachers which is entirely at the disposal of the state, in order to implement a program of instruction in which nothing intervenes between the "children of the State" and the teachers who are members and servants of the state.

At a later time the principle of a national system of elementary education also became acceptable to the emerging industrial work force. Among laborers the desire to become educated was strong, partly to better their chances in life, partly to see to it that the children had a better chance than their parents, and partly in order to give additional weight to the political claims made on behalf of the working class. If this desire led to voluntary efforts to provide educational facilities for workers, as it did notably in England and Germany, such action was largely a response to the fact that no other facilities were available to them. Once these facilities became available, voluntary efforts in the field of workers' education declined

[51] See La Chalotais, "Essay on National Education," in F. de la Fontainerie, ed., *French Liberalism and Education in the Eighteenth Century* (New York: McGraw-Hill Book Company, 1932), pp. 52–53.

[52] See page 84.

(though they did not cease), another indication of the relative weakness of corporatist tendencies.

It is probable, therefore, that systems of national education develop as widely as they do, because the demand for elementary education cuts across the spectrum of political beliefs. It is sustained by conservatives who fear the people's inherent unruliness which must be curbed by instruction in the fundamentals of religion and thus instill loyalty to king and country. Liberals argue that the nation-state demands a citizenry educated by organs of the state. And populist spokesmen claim that the masses of the people who help to create the wealth of the country should share in the amenities of civilization.

Compulsory elementary education becomes a major controversial issue, however, when governmental authority in this field comes into conflict with organized religion. Traditionally, the Catholic Church regards teaching as one of its inherent powers, with the work of instruction being conducted by the religious orders. In this view the *corporate* principle is paramount in so far as the Church administers man's "spiritual estate" and in this realm possesses the exclusive right and duty of *representation*. This principle was challenged during the eighteenth century in France, and conflict over clerical or lay control of education has lasted to this day. Similar conflicts have also persisted in Protestant countries in which the population is sharply divided over religious issues. That is, a national system of elementary education has been opposed wherever the Church or various religious denominations have insisted upon interposing their own educational facilities between their adherents and the state. Thus, such countries as England, Belgium, and the Netherlands have been the scene of protracted struggles over the question whether or under what conditions the national government should be permitted to give assistance or exercise authority in the field of elementary education. In England, for example, voluntary contributions in aid of education amounted, in 1858, to double the amount of support provided by the government. Since 1870 a new system of state schools has been developed, not as a substitute for the schools based on voluntary contributions, but in addition to them. Thus, until well into the modern period local and voluntary efforts preserve elements of "functional representation," despite the steady growth of a national (plebiscitarian) system of education.[53] Perhaps the most outstanding example

[53] See the historical sketch of the English educational development in Ernest Barker, *The Development of the Public Services in Western Europe* (New York: Oxford University Press, 1944), pp. 85–93 and the comparative account by Robert Ulich, *The Education of Nations* (Cambridge: Harvard University Press, 1961), *passim.*

of the corporate or representative principle in education is provided by the Netherlands with its three separate school systems: one Catholic, one Calvinist, and one secular-humanist. The significant fact here is that all three systems are financed by the government and all three are based on the principle of obligatory attendance, thus neatly combining the plebiscitarian principle in finance with the representative principle in the organizational and substantive control over the educational process.

Political Rights: The Franchise and the Secret Vote

This strain between estate orientation and nation orientation in the determination of policy is even more apparent in the debates and enactments concerning *rights of political participation:* the right to serve as a representative, the right to vote for representatives, and the right of independent choice among alternatives.

The basic condition for the development toward universal rights of participation was the *unification of the national system of representation.* In the late Middle Ages the principle of territorial representation had on the Continent increasingly given way to a system of representation by *estates:* each estate sent its separate representatives to deliberate at the center of territorial authority and each had its separate assembly.[54] Only in England was the original system of territorial representation retained: the House of Commons was not an assembly of the burgher estates but a body of legislators representing the constituent localities of the realm, the counties and the boroughs. The greater openness of English society made it possible to keep up the territorial channels of representation, and this, in turn, set the stage for a much smoother transition to a unified regime of equalitarian democracy.[55]

[54] The primary authority on the history of corporate estates and their representation is still Otto von Gierke, *Das deutsche Genossenschaftsrecht* (Berlin: Weidmann, 1868), I, pp. 534–581.

[55] This question of territorial vs. functional representation is at the heart of the debate over the reasons for the survival of Parliament during the age of absolutism. Otto Hintze has stressed the historical continuities between medieval and modern forms of representation and has argued that the two-chamber polities beyond the reach of the Carolingian Empire offered the best basis for the development of pluralist, parliamentary rule. See his "Typologie der ständischen Verfassungen des Abendlandes," *Staat und Verfassung*, pp. 120–139.

Regardless of the principle of representation in these *anciens régimes*, only the economically independent heads of households could take part in public life. This participation was a right they derived not from their membership in any national community but from their ownership of territory and capital or from their status within legally defined functional corporations such as the nobility, the church, or the guilds of merchants or artisans. There was no representation of individuals: the members of the assemblies represented recognized stakes in the system, whether in the form of property holdings or in the form of professional privileges.

The French Revolution brought about a fundamental change in the conception of representation: the basic unit was no longer the household, the property, or the corporation, but the *individual citizen;* and representation was no longer channeled through separate functional bodies but through a *unified national assembly* of legislators. The law of August 11, 1792, went so far as to give the franchise to all French males over 21 who were not servants, paupers, or *vagabonds*, and the Constitution of 1793 did not even exclude paupers if they had resided more than six months in the *canton*. The Restoration did not bring back representation by estates: instead the *régime censitaire* introduced an abstract monetary criterion which cut decisively across the earlier criteria of ascribed status.

A new phase in this development opened up with the Revolution of 1848 and the rapid spread of movements for representative democracy through most of Europe. Napoleon III demonstrated the possibilities of plebiscitarian rule, and leaders of the established elites became increasingly torn between their fears of the consequences of rapid extensions of the suffrage to the lower classes and their fascination with the possibilities of strengthening the powers of the nation-state through the mobilization of the working class in its service.[56] These conflicts of strategy produced a great variety of transitional compromises in the different countries. The starting points for these developments were the provisions of the *Ständestaat* and the postrevolutionary *régime censitaire*, and the end points were the prom-

[56] See H. Gollwitzer, "Der Cäsarismus Napoleons III im Widerhall der öffentlichen Meinung Deutschlands," *Historische Zeitschrift*, Vol. 152 (1952), 23–76. In a number of countries the demands for universal manhood suffrage became intimately tied in with the need for universal *conscription*. In Sweden the principal argument for the breakup of the four-estate *Riksdag* was the need for a strengthening of national defense. In the Swedish suffrage debates, the slogan "one man, one vote, one gun" reflects this tie up between franchise and military recruitment.

ulgations of universal adult suffrage. But the steps taken and the paths chosen from the one point to the other varied markedly from country to country and reflected basic differences in the dominant values and character of each social structure.[57]

We may conveniently distinguish five major sets of criteria used in limiting the franchise during this transitional period: (1) traditional *estate* criteria: restriction of franchise to heads of households within each of the established status groups as defined by law; (2) *régime censitaire:* restrictions based on the value of land or capital or on the amounts of yearly taxes on property and/or income; (3) *régime capacitaire:* restrictions by literacy, formal education, or appointment to public office; (4) *household responsibility* criteria: restrictions to heads of households occupying own dwellings of a minimum given volume or lodged in premises for a given minimum rent; (5) *residence* criteria: restrictions to citizens registered as residents either in the local community, the constituency, or the national territory for a given mimimum of months or years.

The Norwegian Constitution of 1814 provides a good example of an early compromise between estate criteria, the *régime censitaire* and the *principe capacitaire*. The franchise was given to four categories of citizens: two of these, the *burghers* of incorporated cities and the *peasants* (freeholders and leaseholders), corresponded to the old estates; a third, applicable only in cities and towns, was defined by ownership of real estate of a given minimum value; and the fourth was simply made up of all officials of the national government. This system gave a clear numerical majority to the farmers, but as a political precaution the interests of the burghers and officials were protected through inequalities in the distribution of mandates between urban and rural constituencies.[58] The simplicity of the social structure made the Norwegian compromise a straightforward one: the age-old division between peasant and burgher estates corresponded to an established administrative division into rural districts and chartered towns, and the only class of voters explicitly placed above this

[57] The details of these developments have been set out in such compendia as Georg Meyer, *Das parlamentarische Wahlrecht* (Berlin: Haering, 1901), and Karl Braunias, *Das parlamentarische Wahlrecht* (Berlin: de Gruyter, 1932), Vol. 2.

[58] See Stein Rokkan, "Geography, Region and Social Class: Cross-Cutting Cleavages in Norwegian Politics," in S. M. Lipset and Stein Rokkan, eds., *Party Systems and Voter Alignments* (New York: The Free Press of Glencoe, forthcoming).

territorial-functional division was the king's officials, the effective rulers of the nation for several decades to come.

Much more complex compromises had to be devised in multinational polities such as Austria. In the old Habsburg territories the typical *Landtag* had consisted of four *curiae:* the nobles, the knights, the prelates, and the representatives of cities and markets. The *Februarpatent* of 1861 kept the division into four *curiae*, but transformed the estate criteria into criteria of *interest representation.* The nobles and the knights were succeeded by a *curia* of the largest landowners. The ecclesiastical estate was broadened into a *curia* of *Virilstimmen* representing universities as well as dioceses. The burgher estate was no longer exclusively represented by spokesmen for cities and markets, but also through the *chambers of commerce and the professions:* this was the first recognition of a corporatist principle which was to become of central importance in the ideological debates in Austria in the twentieth century. To these three was added a *peasant* division: this was new in the national system; direct peasant representation of the type so well known in the Nordic countries had only existed in Tyrol and Vorarlberg. The most interesting feature of the Austrian sequence of compromises was the handling of the lower classes so far excluded from participation in the politics of the nation. True to their tradition of functional representation, the Austrian statesmen did not admit these new citizens *on a par* with the already enfranchised, but placed them in a new, a fifth *curia, die allgemeine Wählerklasse.* This, however, was only a transitional measure: eleven years later even the Austrian *Abgeordnetenhaus* fell in with the trend toward equalitarian mass democracy and was transformed into a unified national assembly based on universal manhood suffrage.[59]

The rise of commercial and industrial capitalism favored the spread of the *régime censitaire.* The ideological basis was Benjamin Constant's argument that the affairs of the national community must be left to those with "real stakes" in it through the possession of land or through investments in business. The *principe capacitaire* was essentially an extension of this criterion: the franchise was accorded not only to those who own land or have invested in business but also

[59] A useful account of these developments in Austria is found in Ludwig Boyer, *Wahlrecht in Österreich* (Vienna, 1961), pp. 80–85. It is interesting to compare the Austrian mixture of medieval estate-orientation and modern corporatism with the Russian provisions for the *Duma* in 1906; see Max Weber's detailed analysis in "Russlands Übergang zum Scheinkonstitutionalismus" *Gesammelte Politische Schriften* (Tübingen: J. C. B. Mohr, 1958), pp. 66–126.

to those who have acquired a direct interest in the maintenance of the polity through their investments in professional skills and their appointment to positions of public trust. The implicit notion is that only such citizens can form rational judgments of the policies to be pursued by the government. A Norwegian authority on constitutional law links the two elements together in his statement: "Suffrage . . . should be reserved to the citizens who have *judgment* enough to understand who would prove the best representatives, and *independence* enough to stick to their conviction in this matter." [60]

This question of criteria of intellectual independence was at the heart of the struggles between liberals and conservatives over the organization of the suffrage. Liberals favored the *régime censitaire* and feared the possibilities of electoral manipulation inherent in the extension of the suffrage to the economically dependent. Conservatives, once they recognized the importance of the vote as a basis of local power, tended to favor the enfranchisement of the "lower orders": they had good reason to expect that, at least on the patriarchal estates in the countryside, those in positions of dependence would naturally vote for the local notables. This conflict reached a climax in the discussions at the German National Assembly in Frankfurt in 1848–49. The Constitutional Commission had recommended that the franchise should be restricted to all *independent* citizens, and this term was at first interpreted to exclude all servants and all wage earners. This interpretation met with violent protests in the Assembly. There was general agreement that subjects who received public assistance or were in bankruptcy were not independent and should be excluded from the franchise, but there was extensive disagreement on the rights of servants and workers. The left claimed full rights for the lower classes and was only moderately opposed by the conservatives. The result was the promulgation of universal manhood suffrage. As it happened, this law could not be enforced at the time: it took another 17 years until Bismarck was able to make it the basis for the organization of the *Reichstag* of the North German Federation. The Prussian Chancellor had already had the experience of a system of universal suffrage, but a markedly unequal one—the Prussian system of three-class suffrage introduced by royal decree in 1849. Under that system the "lower orders" had been given the right to vote, but the weight of their votes was infinitesimal in comparison with those of the middle classes and the landowners. This system

[60] T. H. Aschehoug, *Norges nuverende Statsforfatning* (Christiania: Aschehoug, 1875), Vol. I, p. 280.

had obviously served to bolster the power of the *Gutsbesitzer*, particularly east of the Elbe: the law had simply multiplied by *n* the number of votes at their disposal, since they counted on being able to control without much difficulty the behavior of their dependents and their workers at the polls.[61] Bismarck detested the three-class system for its emphasis on abstract monetary criteria and its many injustices, but he was convinced that a change to equal suffrage for all men would not affect the power structure in the countryside: on the contrary it would strengthen even further the landed interests against the financial. Generally, in the countryside the extensions of the suffrage tended to strengthen the conservative forces.[62]

There was much more uncertainty about the consequences of an extended suffrage for the politics of the urban areas. The emergence and growth of a class of *wage earners outside the immediate household* of the employer raised new problems for the definition of political citizenship. In the established socio-economic terminology their status was one of dependence, but it was not evident that they would inevitably follow their employers politically. The crucial battles in the development toward universal suffrage concerned the status of these emerging strata within the political community. A great variety of transitional compromises were debated and several were actually tried out. The basic strategy was to underscore the structural differentiations within the wageearning strata. Some varieties of *régime censitaire* in fact admitted the better paid wage workers, particularly if they had houses of their own.[63] The householder and lodger franchise in Britain similarly served to integrate the better-off

[61] For a recent detailed account see Th. Nipperdey, *Die Organisation der deutschen Parteien vor 1918* (Düsseldorf: Droste, 1961), Chap. V. For a parallel with conditions in the similarly structured rural areas of Brazil, see the chapter by Emilio Willems in Arnold Rose, ed., *The Institutions of Advanced Societies* (Minneapolis: University of Minnesota Press, 1958), p. 552: "The main functions *of suffrage was that of preserving* the existing power structure. Within the traditional pattern, suffrage added opportunities for displaying and reinforcing feudal loyalty. At the same time, it reinforced and legalized the political status of the landowner."

[62] See D. C. Moore, "The Other Face of Reform," *Victorian Studies*, V (September 1961), pp. 7–34 and G. Kitson Clark, *The Making of Victorian England* (London: Methuen, 1962), especially Chap. VII.

[63] A special tax census taken in Norway in 1876 indicates that more than one-quarter of the urban workers who were on the tax rolls were enfranchised under the system adopted in 1814: by contrast only 3 per cent of the workers in the rural areas had been given the vote. See Statistisk Centralbureau ser. C. No. 14, 1877, pp. 340–341.

working class within the system and to keep out only the "real proletariat," migrants and marginal workers without established local ties. The retention of residence requirements has served similar functions even after the disappearance of all economic qualifications for suffrage: these restrictions are adhered to most stubbornly in the provisions for local elections.

Another set of strategies in this battle to control the onrush of mass democracy comprises the institutions of *weighted* suffrage and *plural votes*. The crudest examples are no doubt the Austrian *Kurien* and the Prussian three-class system: universal suffrage is granted, but the weights of the votes given to the lower classes are infinitesimal in comparison with those of the established landed or financial elite. The most innocuous system of plural voting is perhaps the British provision for extra votes for university graduates and for owners of business premises in different constituencies. Sociologically the most interesting is the Belgian system of plural voting devised in 1893: universal manhood suffrage is introduced, but extra votes are given not only on *capacitaire* criteria but also to *pères de famille* upon reaching the respectable age of 35. The basic motive is clearly to underscore structural differentiations within the lower strata and to exclude from the system the elements least committed to the established social order.

Closely related to these strategies is the stubborn resistance to changes in the delimitation of constituencies. Rapid urbanization produces glaring inequalities even under conditions of formally equal universal suffrage. The injustices of the Prussian districting provisions were the object of acrimonious debate for decades. The extreme solution adopted in the Weimar Republic—the establishment of a unitary system of proportional representation for the entire Reich—no doubt gives every voter the same abstract chance to influence the distribution of seats, but at the same time brings to the fore the inherent difficulties of such standardization across localities of very different structure. The continued overrepresentation of rural areas in the United States is another example.

The entry of the lower classes into the political arena also raises a series of problems for the *administration of elections*. Sociologically the most interesting issue is the safeguarding of the *independence of the individual electoral decision*. The defenders of estate traditions and the *régime censitaire* argue that economically dependent subjects cannot be expected to form independent political judgments and would, if enfranchised, corrupt the system through the sale of votes

and through violent intimidation. Corrupt practices were, of course, widespread in many countries long before the extension of the suffrage, but the enfranchisement of large sections of the lower classes generally provides added incentive to reforms in the administration and control of elections. The secrecy of the ballot is a central problem in this debate.[64]

The traditional notion was that the vote was a public act and only to be entrusted to men who could openly stand by their opinions. The Prussian system of oral voting was defended in these terms, but was maintained for so long largely because it proved an easy way of controlling the votes of farm laborers.

The secret ballot essentially appeals to the liberal urban mentality: it fits as another element into the anonymous, privatized culture of the city, described by Georg Simmel. The decisive factor, however, is the emergence of the lower-class vote as a factor in national politics and the need to neutralize the threatening working-class organizations: the provisions for secrecy isolate the dependent worker not only from his superiors but also from his peers. Given the state of electoral statistics, it is very difficult to determine with any exactitude the effects of secrecy on the actual behavior of workers at the polls. But it seems inherently likely, given a minimum amount of cross-class communications, that secrecy helps to reduce the likelihood of a polarization of political life on the basis of social class.

In this respect the secret ballot represents the national and plebiscitarian principle of civic integration, in contrast to working-class organizations which exemplify the principle of functional representation. That is, the claims of trade unions and labor parties which seek recognition for the rights of the *fourth estate* are counterbalanced by the claims of the *national* community and its spokesmen. The provision for secret voting puts the individual before a personal choice and makes him at least temporarily independent of his immediate environment: in the voting booth he can be a national citizen. The provisions for secret voting make it possible for the inarticulate rank and file to escape the pressure for political partisanship and at the same time put the onus of political visibility on the activists within the working-class movement. In sociological terms we can say, therefore, that the national electoral system opens up channels for the expression of secret loyalties while the political struggle makes it necessary for the party activist to publicize his views and expose himself to censure where he deviates from the "establishment." [65]

[64] A recent one-nation account of the development of standards for the control of elections is Cornelius O'Leary, *The Elimination of Corrupt Practices in British Elections, 1868–1911* (Oxford: Clarendon Press, 1962).

CONCLUDING CONSIDERATIONS

The extension of citizenship to the lower classes of Western Europe can be viewed from several complementary points of view. In terms of the comparison between the medieval and the modern political structure the discussion exemplifies the simultaneous trends toward equality and a nationwide, governmental authority. The constitution of a modern nation-state is typically the fountainhead of the rights of citizenship, and these rights are a token of nationwide equality. Politics itself has become nationwide, and the "lower classes" now have the opportunity of active participation.

The preceding discussion has stressed the over-all similarity of the Western European experience, arising from the common legacies of European feudalism. The estate assemblies and parliaments of the eighteenth century provide the immediate background for the development of modern parliaments and for the conception of a right to representation which was gradually extended to previously unrepresented sections of the population. This extension has two, more or less disparate, elements. According to the plebiscitarian idea, all adult individuals must have equal rights under a national government; according to the functional idea, the differential affiliation of individuals with others is taken as given and some form of group representation is accepted. The two ideas reflect the hiatus between state and society in an age of equality. When the extension of legal, political, and social rights becomes a principle of state policy, abstract criteria must be used to implement these rights. Hence, there are recurrent attempts to define in what respects all persons must henceforth be considered equal. However, the society continues to be marked by great inequalities. Hence, all adults who would take advantage of their legal, political, and social rights naturally associate with one

[65] Some socialist parties try to counteract these effects of secret voting by establishing intimate ties with trade unions. Note in this respect the controversy over the political levy paid by members of British trade unions as discussed in Martin Harrison, *Trade Unions and the Labour Party since 1945* (London: Allen & Unwin, 1960), Chap. 1. Trade union members who wish to be excused from payment hand a "contracting-out" form to their branch secretary, but although the payment is nominal and the procedure simple, controversy has been intense, in part because "contracting-out" is a public act which indirectly jeopardizes the secrecy of the ballot.

another in order to advance their claims as effectively as possible, and such associations reflect (or even intensify) the inequalities of the social structure. The preceding discussion has shown that the relations between the plebiscitarian and functional ideas are frequently paradoxical.

Formal equality before the law at first benefits only those whose social and economic independence enables them to take advantage of their legal rights. Efforts to correct *this* inequality take many forms, among them regulations which enable members of the lower classes to avail themselves of the right of association for the representation of their economic interests. However, these regulations in turn do not reach those individuals or groups who will not or cannot take advantage of the right of association. Accordingly, equality before the law unwittingly divides a population in a new way. Further legal provisions attempt to deal with remaining inequalities or cope with newly emerging ones, for example, the institution of the public defender where the defendant is unable to take advantage of his right to counsel, or efforts to protect the rights of shareholders who are unable to do so under existing legislation. As yet there are only debates concerning the best ways of protecting members of trade unions against possible violations of their individual rights by the organization which represents their economic interests. The principle of formal legal equality may be called "plebiscitarian" in the sense that the state directly establishes each individual's "legal capacity." In addition, special provisions seek to reduce in various ways the unequal chances of individuals to use their rights under the law. In the latter case the rule-making authorities "represent" the interests of those who do not or cannot use their legal powers.

The right and duty to receive an *elementary education* may be considered another way of equalizing the capacity of all citizens to avail themselves of the rights to which they are entitled. Although elementary education provides only a minimal facility in this respect, it is perhaps the most universally approximated implementation of national citizenship, all other rights being either more permissive or selective in character. As such, public elementary education exemplifies the plebiscitarian component of the nation-state, since school attendance is not only incumbent upon all children of a certain age group but also depends on the financial contribution of all taxpayers.[66] But here again, formally instituted equalities give rise

[66] Children attending elementary school are more numerous than taxpayers since school attendance allows for no exemptions as does the tax system. Indeed, even the children of resident aliens are subject to this requirement, but this may be considered an administrative convenience, a welfare measure, a preparation of potential citizens, and so on rather than a matter concerning the principle of national citizenship.

to or are the occasion for new types of inequalities. Those concerned with teaching and the organization of schools join together because of common professional and economic interests. These specialists in education often develop organizations with entrenched opinions concerning education. As such, teachers as a group confront parents as individuals, just as they confront the state with the influence of their organization in all matters affecting their interests. More indirectly, public elementary education helps to articulate, however inadvertently, the existing residential divisions within the community, since children will be assigned to schools closest to their area of residence and the school population will reflect the social characteristics of residential areas. Efforts to counteract these consequences of the functional principle such as the Parent-Teacher Associations and the reassignment of children among different school districts as in the United States are examples of plebiscitarianism within the system of public education. In addition, there is the prolonged resistance of denominational groups against public education as such, to which reference was made earlier. The plebiscitarian principle is resisted since the agencies of the church or the denominations, by controlling the curriculum, seek to represent the special religious and cultural interests of parents as members of their respective congregations. Religious groups thus use the right of association to implement their special concerns in the field of education, though they differ widely in terms of whether and to what extent they rely financially on tax support or on assessments of their congregations.

With regard to the *franchise* the conflicts between the plebiscitarian and the representative principles may be divided into the two phases of a variously restricted and a universal right to vote. The restrictions we have reviewed are typically administrative criteria to which functional significance is imputed. When the right to vote is made dependent upon a certain level of income, tax payment, property ownership, or education, it is assumed that those who meet minimum standards in these respects also share social and political views compatible with the established social order. It is also assumed that the representatives elected from these strata of the population will be notables capable of thinking and acting in terms of the whole community. This legal recognition of the representative principle is in

large part abandoned once the right to vote has become universal. Yet the plebiscitarian principle of the right to direct participation by all adults as eligible voters is quite compatible with an acceptance of group differences and various indirect forms of functional representation. The electoral process itself is greatly influenced by the social differentiation of the voting public, and it is supplemented at many points by other influences on policy formation, many of them depending on special interest groups. Social differentiation and interest groups result in modifications of the plebiscitarian principle and in new inequalities which may in turn provoke countermeasures in order to protect the plebiscitarian principle of equality of all adults as eligible voters.

Accordingly, the extension of citizenship to the lower classes involves at many levels an institutionalization of abstract criteria of equality which give rise both to new inequalities and new measures to deal with these ancillary consequences. The system of representative institutions characteristic of the Western European tradition remains intact as long as this tension between the plebiscitarian idea and the idea of group-representation endures, as long as the contradiction between abstract criteria of equality and the old as well as new inequalities of the social condition is mitigated by ever new and ever partial compromises. The system is destroyed when, as in the totalitarian systems of recent history, these partial resolutions are abandoned in the interest of implementing the plebiscitarian principle alone under the aegis of a one-party state.

4

Administrative Authority in the Nation-State

THE patrimonial-feudal structure of medieval political life, the "great transformation" of public authority in the immediate premodern period, individualistic as contrasted with traditional authority relationships, social protest in the modern as contrasted with protest in the medieval period, the elements of national citizenship and their gradual extension to previously excluded sections of the population—all these are concepts of limited applicability. The social structures and behavior patterns to which they refer prevail for a time that exceeds the lifespan of the individuals involved. Nonetheless they are of limited duration, and this implies a period of emergence and decline. Concepts appropriate to such structures can only designate the cluster of attributes by which they may be identified; they cannot also encompass the ebb and flow of these attributes over time.

The concept "nation-state" is another case in point. It refers to attributes of public authority which are most unequivocal when contrasted with the attributes of medieval political life. In the medieval conception the king not only rules over a territory as a private domain, he also owns the judicial and administrative functions of government and hence can dispose of them as if they were pieces of property. In theory the king retains ultimate authority even over those lands, and rights to the exercise of authority, which he has granted to a vassal in perpetuity. The fiction of royal sovereignty is maintained by the ruler through formal reinstatement of successive heirs in the titles and rights of their forefathers. In practice the vassal often treats the lands and rights granted him as if these are a property to which his family has an hereditary claim. Thus, governmental authority is as much linked to family as to property. The ruler and his vassals claim a prescriptive right to the exercise of authority, not for themselves as individuals but as members of families in which that title inheres by virtue of royal or aristocratic lineage.

Edmund Burke's dictum concerning society as a partnership applies to this context. "As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." [1] In the medieval conception the "building block" of the social order is the family of hereditary privilege, whose stability over time is the foundation of right and of authority, while the rank-order of society and its transmission through inheritance regulates the relations among such families and between them and the supreme ruler.

The modern nation-state presupposes that this link between governmental authority and inherited privilege in the hands of families of notables is broken. Access to important political and administrative posts in the governments of nation-states can be facilitated by wealth and high social position through their effect on social contacts and educational opportunities. But facility of access is not the same as the prerogative which aristocratic families in medieval politics claim by virtue of their "antiquity of blood," to use Machiavelli's phrase. For the decisive criterion of the Western nation-state is the substantial separation between the social structure and the exercise of judicial and administrative functions. Major functions of government such as the adjudication of legal disputes, the collection of revenue, the control of currency, military recruitment, the organization of the postal system, the construction of public facilities, and others have been removed from the political struggle in the sense that they cannot be appropriated on a hereditary basis by privileged estates and on this basis parceled out among competing jurisdictions. Politics ceases to be a struggle over the distribution of sovereign powers whenever the orderly dominion over a territory and its inhabitants is conceived to be the function of one and the same community—the nation-state.[2] Instead, politics becomes a struggle over the distribution of the national product and over the policies and the administrative implementation which affect that distribution. One unquestioned corollary of this emergence of the nation-state is the development of a body of officials, whose recruitment and policy execution were separated

[1] Edmund Burke, *Reflections on the Revolution in France* (Gateway Editions, Inc.; Chicago: Henry Regnery Co., 1955), p. 140.

[2] See Max Weber, *Law in Economy and Society* (trans. and ed. by Max Rheinstein and E. A. Shils; Cambridge: Harvard University Press, 1954), p. 338 and *passim*. See also Max Weber, *The Theory of Social and Economic Organization* (New York: Oxford University Press, 1947), p. 156.

gradually from the previously existing involvement of officials with kinship loyalties, hereditary privileges, and property interests.[3] The following discussion examines this process of bureaucratization and then turns to an analysis of selected aspects of the relation between administrators and the public in the modern nation-state.

BUREAUCRATIZATION

One attribute of all government is the implementation of commands through an administrative staff. The appointment of officials and their manner of implementing commands differentiate one type of political structure from another. Since the base point of the preceding discussion is the medieval political structure of Western Europe, we can best characterize the process of bureaucratization by means of a systematic contrast with the patrimonial type of government.

The patrimonial ruler or chief is related to his personal subordinates and officials in the following manner:

1. Through arbitrary decisions of the moment the ruler grants powers to his officials, or commissions them to perform set tasks; in principle he is free to alter these grants or commissions as it suits him.

2. "The question who shall decide a matter—which of his officials or the chief himself—. . . is treated . . . [either] traditionally, on the basis of the authority of particular received legal norms or precedents, [or] entirely on the basis of the arbitrary decisions of the chief."

3. ". . . Household officials and favourites are very often recruited on a purely patrimonial basis from among the slaves or serfs of the chief. If the recruitment has been extra-patrimonial [i.e., outside the ruler's personal household domain], they have tended to be holders of benefices which he has granted as an act of grace without being bound by any formal rule."

4. Qualification for office depends entirely upon the ruler's personal judgment of quality among his household officials, retainers or favourites.

5. "Household officials and favourites are usually supported and equipped in the household of the chief and from his personal stores. Generally, their exclusion from the lord's own table means the crea-

[3] A comparative study of administrative history, in which this process of separation is traced since the middle of the seventeenth century, is contained in Ernest Barker, *The Development of Public Services in Western Europe, 1660–1930* (New York: Oxford University Press, 1944).

tion of benefices . . ." and hence a weakening of patrimonial rule as here defined.

6. Through abrupt changes in appointment and a series of other arbitrary acts the ruler makes every effort to prevent the identification of any one household official or favorite with the office he occupies at a given time.

7. The ruler himself, or his official and favorites who act in his name, conduct the affairs of government when and if they consider it appropriate, i.e., either upon payment of a fee or as a unilateral act of grace.[4]

Government is considered a mere extension of the ruler's private domain. We saw that under patrimonialism arbitrary personal rule is considered legitimate on the basis of immemorial and sanctified tradition. But tradition does not legitimize disregard of the sanctions which consecrate and authenticate tradition. Repeatedly, the patrimonial ruler confronts the task of balancing one principle against another. This consideration applies to all the conditions enumerated above: the delegation of authority, the basis of recruitment and remuneration, qualification for office, obedience of subordinates to the ruler or the relative independence of their position, and finally the degree to which ruler and officials treat official business as an act of personal indulgence or the performance of that duty which tradition makes incumbent upon them. In these respects neither personal arbitrariness nor adherence to sanctified precedent can be dispensed with. For if arbitrariness comes to prevail, patrimonialism gives way to tyranny; if established rights eliminate the arbitrary will of the ruler, patrimonialism gives way to feudalism or a large realm disintegrates into smaller patrimonial domains. Patrimonial rule will endure as long as these eventualities are avoided, but it is also true that *within* this framework arbitrary rule or adherence to sanctified tradition can become dominant.

Weber's characterization of patrimonial rule subsumes a great diversity of historical events, and the paired concepts of sanctified arbitrariness and sanctified precedent provide an interpretive device for an analysis of social change. But every concrete exercise of authority by a historical ruler is, by the same token, an instance in a series of events which reveals a pattern only when viewed in retrospect and over the long run. Although the conceptualization of that pattern enables the analyst to approach any specific case with a knowledge of the "principles of action" which are at issue, that knowledge is inevitably removed from the ambiguities and compromises by which men of action thread their way between opposing principles. It is necessary, therefore, to emphasize the dilemmas intrinsic in benchmark concepts like patrimonial administration, in order to reduce the gap between concept and behavior. On the other hand, as we learn how to assess the price of every line of action, the avoidable and unavoidable drawbacks it entails for the attainment of its own ends, we also reduce that gap from the side of behavioral analysis. Parallel considerations apply to the system of administration under the rule of law.

In the modern nation-state of the Western type governmental administration is characterized by an orientation toward legal and administrative regulations. Since Weber's definition of bureaucracy parallels the points just cited regarding patrimonial administration, I repeat it here in abbreviated form. A bureaucracy tends to be characterized by: (1) defined rights and duties, which are prescribed in written regulations; (2) authority relations between positions which are ordered systematically; (3) appointment and promotion which are regulated and are based on contractual agreement; (4) technical training (or experience) as a formal condition of employment; (5) fixed monetary salaries; (6) a strict separation of office and incumbent in the sense that the employee does not own the "means of administration" and cannot appropriate the position; (7) administrative work as a full-time occupation.[5]

Each of these characteristics stands for a condition of employment in modern government administration. The process of bureaucratization may be interpreted as the manifold, cumulative, and more or less successful imposition of these employment conditions since the nineteenth century. The problems of management arising from this process can be characterized in a general way by contrasting each bureaucratic condition of employment with its nonbureaucratic or antibureaucratic counterpart.

[4] The quoted passages are taken from Max Weber, *The Theory of Social and Economic Organization*, pp. 343, 344, and 345. The remaining characteristics of patrimonial rule are extracted from Max Weber, *Wirtschaft und Gesellschaft* (Tübingen: J. C. B. Mohr, 1925), II, pp. 679–723. Related discussions are found in Max Weber's *Religion of China* (Glencoe: The Free Press, 1951), pp. 33–104.

[5] H. H. Gerth and C. W. Mills, eds., *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), pp. 196–198. The following discussion is based on my book, *Work and Authority in Industry* (New York: John Wiley & Sons, 1956), pp. 244–248.

The endeavor to define rights and duties in accordance with formal (impersonal) criteria will encounter persistent attempts to interpret them in a manner the individual concerned regards as advantageous to himself.

The systematic ordering of authority relationships will be opposed, though often quite unwittingly, by attempts to subject these relationships to informal bargaining by using favors of various kinds.

Similar personal considerations may also affect the appointment and promotion of employees, even when there is outward compliance with the rules.

Technical training as a condition of employment is perhaps least subject to such practices, though even here personal relationships and subjective interpretations may modify what otherwise would be a purely formal adherence to this condition. I think of such factors as the preference of hiring officials for applicants who have certain personal characteristics as well as the required technical competence. Subjective evaluation also enters into the weighting of a candidate's experience, professional standing, and so on.

Similar considerations apply to fixed monetary salaries. Although salary scales can be readily fixed and administered, appointment and promotion are subject to bargaining and personal influence, as is the whole system of job classification without which a salary scale is meaningless. In addition, there are continual efforts at supplementing any given salary scale by various fringe benefits which are not as readily systematized as the scale itself, and hence permit the maneuvering which the scale seeks to eliminate.

The strict separation between official and incumbent, between the position and the employee, is an ideal condition which is rarely achieved in practice, especially with regard to salaried employees and skilled workers. Incumbents endow their work performance with personal qualities that range from dispensable idiosyncrasies to untransferable and often indispensable skills, so that some measure of identification of the employee with his position is unavoidable. Under modern conditions of employment the individual cannot appropriate his position in the sense in which, say, in the British government during the eighteenth century administrative offices were a form of private property a family could pass on from one generation to the next. But the safeguards against dismissal established in modern government under the slogan of "job security" have endowed employment with a quasi-proprietary character which is more or less incompatible with the strict separation between the job and the employee.

Although the idea of work as a full-time occupation is generally accepted, the intensity of work is subject to disputes and interpretations. "Full-time" is unambiguous as contrasted with part-time or avocational work. But the amount of work done in a full-time occupation continues to be a most controversial condition of employment, which employers seek to regularize by the use of incentives and penalties and which workers interpret in their own way by the practice of output restriction. In this way bureaucratization is an ongoing process, in which those in authority subject the conditions of employment to an impersonal systematization, while the employees seek to modify the implementation of the rules in a manner they consider advantageous to themselves. We may say that employees continue to "bargain" silently over the rules governing their employment, long after they have signed the contract which ostensibly precludes such further "bargaining." On the other hand, those in authority endeavor to maximize the predictable performance of employees by the strategic use of penalties, incentives, and ideological appeals.

Within the administrative context these conflicting strategies replicate what Weber considers the basic characteristics of legal domination. In so far as "love, hatred, and every purely personal . . . feeling [is excluded] from the execution of official tasks," modern government approximates the ideal type of the bureaucracy under legal domination.[6] But such approximation is a human and hence a conditional achievement. The tendencies toward an impersonal administration of rules arise from the basic beliefs in accordance with which laws are regarded as legitimate, if they have been enacted by the proper authorities on the basis of procedures having the sanction of law. In modern society legislators, lawyers, judges, administrative tribunals, and others are concerned with working out the rules and procedures that are to govern the recurrent transactions among individuals and groups. Impersonal administration provides an indispensable buttress of regularity, detachment, calculability, and all the other positive attributes of order, but these gains are inextricably linked with a studied disregard of person and circumstance and hence of considerations of equity.

Accordingly, as Weber shows in his sociology of law, advance in "formal rationality" has been and continues to be circumscribed at many points by the concern of interested parties, and indeed the rule-

[6] See this conditional formulation in Weber, *Law in Economy and Society*, p. 351.

makers themselves, with principles of equity. A belief in legality means first and foremost that certain formal procedures must be obeyed if the enactment or execution of a law is to be considered legal. But while legal rule-making tends to eliminate the idiosyncrasies of personal rule in the interest of developing a consistent body of rules that is the same for everyone, it also militates against the exercise of judgment in the individual case. Yet attention to rules for these reasons may engender an interest in rule-making for its own sake—just as too much regard for equity in the individual case can jeopardize the integrity of the rule-making process. Hence, the rule of law endures as long as piecemeal solutions for these conflicting imperatives are found and neither the concern with equity nor with the formal attributes of rule-making is allowed to predominate. The basic and anguishing dilemma of form and substance in law can be alleviated, but never resolved, for the structure of legal domination retains its distinguishing features only as long as this dilemma is perpetuated.

The conflicting imperatives of "formal and substantive rationality" extend even into the relatively simple rules governing public administration, for it appears that the implementation of such rules is beset by certain incompatibilities inherent in the structure of hierarchical organizations. The problem of communication is a case in point. The hierarchy of ranks indispensable in large organizations involves a formally unambiguous order of authority. All subordinates receive their orders from superiors, who by definition know more about the policy of the organization and its "proper" execution than those whom they command. Yet their superior knowledge is limited or circumscribed by the fact that their high rank within the organization removes them automatically from day-to-day experience with its operational problems. In the parlance of organization theory, this is called the problem of two-way communication. But, as Florence has pointed out, the information which should come up the line of authority from those who are in daily touch with operational problems "tends to be neglected for the very reason that it comes from a subordinate." [7] It should be emphasized that the reason for such neglect is not necessarily the ill-will of superiors or the ineptitude of subordinates. It is rather that the hierarchy of ranks involves different levels of information so that subordinates are not in a good position to judge what aspects of day-to-day operation are of special interest to their superiors. Nor is it possible for superiors to spell this out in too much detail, for this would interfere with the very delegation of responsibility which large-scale organizations make necessary. Hence, subordinates are left to judge in some measure what their superiors want or ought to know. Since the subordinate's performance is evaluated in part by his manner of keeping the superior informed, the information he supplies is likely to be an amalgam of the necessary, the frivolous, and the self-serving. Superiors and subordinates deal daily with this and similar problems, and solve them as best they can in the light of circumstances and with the organizational skills at hand. Study and research may well improve such solutions, but they cannot, it seems to me, eliminate the dilemmas inherent in rule-abiding behavior and hierarchical organizations.[8]

[7] P. Sargant Florence, *The Logic of British and American Industry* (London: Routledge and Kegan Paul, Ltd., 1953), p. 153.

The preceding discussion of patrimonial and bureaucratic administration shows that benchmark concepts of social structures can encompass a range of historical experience. A given type of administration will retain its character as long as rulers and officials achieve some balance between that type's conflicting imperatives. The analytic task is to identify these imperatives and hence the issues or conflicts whose repeated resolutions define and redefine the attributes of the type. To avoid the reification of the type, that is, the fallacy of attributing to a social structure a concreteness it does not possess, we must see these "attributes" as objects of action by specific groups.

The discussion also exemplifies an approach to social change which allows for transformations from one type to another. For example, the dependence of patrimonial officials upon the household of the ruler contrasts with the impersonal fixation of monetary salaries of

[8] In his book, *Administrative Behavior* (New York: Macmillan Co., 1948), pp. 20–44, Simon has shown how such dilemmas have led to administrative theories which are as contradictory as proverbs. Administrative efficiency requires specialization. Again, specialization requires clear criteria for a division of labor, but these criteria overlap or conflict with one another and hence call for coordination that is often incompatible with specialization. The contention that such dilemmas are ineradicable and hence that judgments are indispensable, is quite compatible with the endeavor to put managerial decision making on a more scientific basis. The substitution of machine methods for manual operations is obviously an ongoing process that has greatly curtailed some areas of discretion, though such methods also create new opportunities for discretionary judgment. But although organizational changes (including those based on prior research) curtail and reallocate the areas in which discretion is possible or desired, they cannot, as I see it, eliminate the exercise of judgment. At any rate, Professor Simon's contradictory administrative proverbs are likely to continue, as long as the operation of hierarchical organizations requires such judgments.

bureaucratic officials. As the ruler's domain becomes more extensive, the number of household officials grows, as does the difficulty of maintaining them in the household. Accordingly, benefices and hence relative independence from the household increasingly take the place of the earlier arrangement. The ruler's officials will seek to make their benefices hereditary, while the ruler will attempt to reclaim the benefice as his own upon termination of service or the death of the incumbent. This conflict will be fought out in terms of the personal arbitrariness and respect for tradition which are the characteristics of patrimonial rule. When the officials succeed in making themselves personally independent, they have taken the first step away from the complete identification of ruler and government. Note, however, that this first step consists in the complete identification of government with many rulers; hence it remains well within the framework of patrimonial government. In Western Europe this framework prevailed for many centuries, but it was gradually undermined from within, as the performance of governmental functions declined in effectiveness with the commercialization of offices.

Eventually, the idea of government office as a type of personal and inheritable property was superseded by the complete separation between office and incumbent with renumeration now taking the form of regular salary payments in lieu of the earlier dependence of the incumbent on the ruler's household and on income from the performance of official functions. It is true that this new principle, like the earlier one, is subject to considerable variations. Although salary scales are fixed and officials possess no proprietary rights in their positions, these conditions of administrative service are subjected to bargaining and personal influence. Such factors as fringe benefits and personal indispensability can modify the salary scale and the separation of office and incumbent, often to a considerable extent. The balance struck will depend on the conflicting efforts of those who administer the salary scale and supervise the conditions of employment, as against those who use bargaining and influence to maximize their advantages. If the former were completely successful, they would codify fringe benefits and employment conditions so minutely as to minimize bargaining and personal influence. If the bargainers were completely successful, they would undo the formal conditions of modern administration and re-establish personal decision-making on questions of remuneration and employment. The extent to which this patrimonial alternative has become impossible is a true measure of the degree to which the bureaucratic type of administration has become the prevailing pattern. But bargaining and influence continue to affect the conditions of administrative work, and to this extent the prevailing bureaucratic pattern is subject to gradual alteration. Whether these alterations are mutually countervailing and hence preserve the identity of bureaucracy, whether they cumulate in one or another direction and give rise to "neo-patrimonial" or "neo-feudal" patterns, or whether entirely new types of administration emerge—all this is subject to empirical investigation. The following discussion is relevant for such an investigation in that it relates Weber's ideal type of bureaucratic organization to two critical problems of public administration in a Western nation-state.

PUBLIC ADMINISTRATION AND SOCIAL STRUCTURE

In the second part of the epilogue with which he concludes his novel *War and Peace*, Leo Tolstoy describes the root metaphor of hierarchic organizations. As men unite for common action, the largest number of them take a direct share in the action, while a smaller number take a less direct share. The commander-in-chief never takes part directly, but instead makes general arangements for the combined action. For Tolstoy a perfectly shaped cone represents the model of any hierarchic organization.[9]

In his ideal type of an administrative staff under legal authority, Max Weber refers to the same model when he emphasizes the *monocratic* type in which a "chief" exercises *supreme authority over the whole administrative staff*. However, in his specification of the attributes which distinguish bureaucratic from patrimonial administration, he focuses primary attention on *intraorganizational authority relations. By ordering and facilitating the faithful implementation of commands, authority insulates officials from influences which would interfere with that implementation.* We have therefore two critical variables. One refers to the nature of the authority exercised *over* an administrative staff, the other to the organizational conditioning and insulation of that staff which affects its implementation of commands. Both aspects are equally important for the exercise of public authority in the Western nation-state, but I shall here concentrate on the second.

At the level of public-personnel policy, government officials are now recruited irrespective of their kinship loyalties, while privileges of he-

[9] Leo Tolstoy, *War and Peace* (New York: The Modern Library, n.d.), pp. 1128–1129 and *passim*.

reditary estates exist no longer. The safeguards against outright appropriation and direct involvement with family and property interests are supplemented by the several conditions of public employment in which Weber sees the distinguishing characteristics of a modern bureaucracy. Taken together, these conditions are to ensure that no extraorganizational influences will interfere with the implementation of commands as this passes down the hierarchy from the decision-making level at the top to the executive official "on the firing line." In this way the exercise of administrative functions is to be insulated effectively from the surrounding social structure. Ideal-typically, the bureaucratic hierarchy is a structure of its own: basic policy decisions are arrived at prior to and clearly distinguished from their administrative implementation; officials are so conditioned as to confine themselves willingly and with technical competence to that implementation; and the public complies with the resulting rules and does not attempt to influence their formulation or execution. Yet these assumptions can only be approximated.[10] Several conditions impinge on the hierarchy as a whole: the structure of supreme authority (which, as Weber saw, is frequently *not* monocratic), the bureaucratic culture pattern which forms the prevailing outlook of public officials, and the contacts between administrators and the public.[11]

Accordingly, the *assumptions* of Weber's model (rather than the attributes which make up the model) will be modified in the following discussion in order to approach a fuller understanding of administrative authority in the modern nation-state. The discussion will focus on two critical issues: the legal and political position of civil servants, and certain typical problems in the relation between administrators and the public.

Authority and the Bureaucratic Culture Pattern

The emergence of the nation-state is accompanied by the growth of a large-scale governmental structure, staffed by officials who, on entering public employment must accept the conditions of employment laid

[10] Weber himself offers a behavioral analysis in his political writings, especially in his analysis of the bureaucratic problem in Imperial Germany under Bismarck. See his *Gesammelte Politische Schriften* (Tübingen: J. C. B. Mohr (Paul Siebeck), 1958), pp. 299 ff. We do not know how he would have developed the relation between the ideal-typical and the behavioral level of analysis, had he lived to complete his sociology of the state.

[11] My first attempt to formulate structural preconditions of bureaucratic behavior is contained in Reinhard Bendix, *Higher Civil Servants in American Society* (University of Colorado Series, *Studies in Sociology*, No. 1; Boulder: University of Colorado Press, 1949), Chap. I.

down by public authority. In the absence of hereditary privileges and with the decline of extended kinship groups, public employees accept these conditions readily enough. But with the universalization of citizenship, traced in the preceding chapter, a question arises. Should public employees be permitted to retain all the rights of the private citizen, or should certain special restrictions be imposed on them in view of their responsibilities and powers as public officials? Typically, three answers have been given to these questions. At one extreme is the view that the two roles are entirely compatible so that the public official enjoys the full rights of the private citizen whenever he acts in that latter capacity. This view may be called *democratic plebiscitarianism* in that it treats all citizens alike and does not permit the special status of the official to infringe upon the universal rights of citizenship. At the other extreme is the view that civil servants are above all servants of the state and hence that public employment implies positive political support for the government in power. This view may be called *autocratic* or *totalitarian plebiscitarianism* whenever that same demand of complete allegiance is made of all the citizens; rights of citizenship are nullified whenever they interfere with this overriding allegiance so that under these circumstances there is again no difference between the ordinary citizen and the public official. Between these extremes is the position which urges upon all public employees and especially those in positions of responsibility the ideal of political neutrality. Here, public officials are deliberately set apart from all private citizens. Either informally or through special legislation they are asked to accept special restrictions upon their expression of political views and their participation in political activities in order to safeguard the impartiality of governmental administration as well as public confidence in that impartiality. In the Western democracies the view is widespread that public officials must surrender some of their rights as citizens because governmental employment involves a public trust which could be jeopardized by an injudicious use of those rights. In the terms of the preceding discussion this approach exemplifies the *functional principle* in the sense that public officials are recognized as an occupation possessing *particular* rights and duties. Hence, with reference to public employment, the plebiscitarian principle of universal rights of citizenship is rejected.[12] The discussion immediately following will be restricted to the third ap-

[12] For a brief survey exemplifying these three approaches with reference to France under the Third Republic, Nazi Germany and Fascist Italy, and Great Britain, see Thomas I. Emerson and David M. Helfield, "Loyalty among Government Employees," *Yale Law Journal*, Vol. 58 (1948), pp. 120–133.

proach just mentioned. Its purpose is to show the impact of the authority structure and the bureaucratic culture pattern on the effort to define the legal and political position of public officials in the United States and in Germany.[13]

In the American setting suspicion toward public officials goes back to the beginning of independence. Among the complaints of the colonies against the "repeated injuries and usurpations" of the king of Great Britain is the declaration that "He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance."[14] The Virginia Bill of Rights of 1776, as well as the corresponding declaration of rights for Massachusetts, Pennsylvania, and other states, put the top officials of the executive branch of government on the same footing as the legislative with reference to the principle of rotation. Appointed as well as elected officials should be returned to private life at fixed intervals, both as a safeguard against the abuse of power and as a means whereby they can participate once again in the cares and deprivations of the people. Thus, government administration should reflect the will of the people directly, and government officials are literally servants of the public. On the basis of his observations in 1831, Tocqueville noted that in the United States government is considered a necessary evil, any "ostensible semblance of authority" needlessly offensive, and that "public officers themselves are well aware that the superiority over their fellow citizens which they derive from their authority, they enjoy only on condition of putting themselves on a level with the whole community by their manners."[15] When men in public office are not at all distinguished from the general population, rotation in office is seen as a guarantee that no invidious distinctions can be introduced in the future, while men from all ranks of the population are considered equally qualified to hold public office.[16] This anti-

[13] The following discussion is greatly indebted to Ernst Fraenkel, "Freiheit und Politisches Betätigungsrecht der Beamten in Deutschland und den USA," in *Veritas, Iustitia, Libertas* (Festschrift in Honor of the Bi-Centenary of Columbia University transmitted by the Freie Universität Berlin and the Hochschule für Politik; Berlin: Colloquium Verlag, 1953), pp. 60–90.

[14] Quoted in Carl L. Becker, *The Declaration of Independence* (New York: Vintage Books, 1958), p. 12.

[15] Alexis de Tocqueville, *Democracy in America* (New York: Vintage Books, 1954), I, pp. 214–215.

[16] See James Bryce, *The American Commonwealth* (Chicago: Charles H. Sergel & Co., 1891), II, pp. 127–128. The importance of these views is not diminished by the finding that the spoils system was not as extensive under Andrew Jackson as had been supposed. See S. M. Lipset, *The First New Nation* (New York: Basic Books, Inc., 1963), pp. 101–102.

bureaucratic sentiment has remained a potent influence upon American public administration, even after the Civil Service Reform of 1883 abolished the spoils system and introduced certain legal safeguards into the rules government public employment.

Ernst Fraenkel cites two decisions exemplifying this pervasive attitude. In the case of *Butler* v. *Pennsylvania* (51, U.S. 1850), plaintiffs argued that their appointment to a position in the State government was based on contract protected under Article 1, Sect. 10 of the Constitution, which forbids the states to pass laws "impairing the obligations of contracts." But in the opinion of the Court,

> appointment to, and the tenure of an office created for the public use, . . . do not come within the import of the term contracts, or, in other words, the vested, private personal rights thereby intended to be protected. They [appointment to, and tenure in, public office] are functions appropriate to that class of powers and obligations by which governments are enabled, and are called upon, to foster and promote the general good: functions therefore which governments cannot be presumed to have surrendered. . . .

A century later, in *Bailey* v. *Richardson* (182 f. 2d., 1951), the Court upheld the right of the government to dismiss an employee of whose loyalty it was not completely convinced. In the opinion supporting this judgment the Court also commented on the nature and legal status of public employment:

> The due process clause does not apply to the holding of a Government office. . . . Government employment is subject to many restrictions upon otherwise unrestricted individual rights in respect to activities, property ownership, etc. . . . So in the present case, if Miss Bailey had no constitutional right to her office, and the executive officers had power to dismiss her, the fact that she was injured in the process of dismissal neither invalidates her dismissal nor gives her a right to redress. . . . These harsh rules which run counter to every known precept of fairness to the private individual have always been held necessary as a matter of public policy, public interest, and the unimpeded performance of the public business.

Thus, since positions in the civil service do not depend upon the rights of contract protected under the Constitution, termination of public employment does not deprive the incumbent of any rights in view of the overriding importance of the public business.[17]

Such separate and discriminatory treatment of public officials was not applied in the political sphere, at least at the beginning. Article 1, Section 6 of the Constitution declares that no person be allowed to

[17] See Fraenkel, *op. cit.*, pp. 84–85. See also my discussion of American civil servants as an "underprivileged group" in *Higher Civil Servants in American Society*, pp. 100 ff.

hold an appointive and elective office at one and the same time. In principle, this prohibition circumscribed the permissible political activities of federal employees. As Thomas Jefferson pointed out in 1801, the separation of powers makes it "improper for officers depending on the Executive . . . to control or influence the free exercise of the elective right" so that electioneering by public officials is "deemed inconsistent with the spirit of the Constitution." [18] But this interpretation was not heeded, political activities by federal employees were generally accepted as a part of the spoils system, and only the constitutional provision itself was obeyed. However, this generally lenient attitude changed following the Civil Service Reform of 1883. In a directive of 1886 President Cleveland forbade federal employees to engage in "obtrusive partisanship," pointing out that "the proprieties of official place will also prevent their assuming the active conduct of political campaigns." Twenty years later the same principle was formalized by Theodore Roosevelt and incorporated in the Civil Service Rules that remained in force until 1939, when the Hatch Act extended the same rules to all federal employees as well as to certain employees of state and local governments.[19] Since then the Civil Service Commission has implemented these restraints by a detailed specification of the political activities in which federal employees may engage as well as those which are proscribed.[20]

The several opinions expressed in the case of *United Public Workers* v. *Mitchell* [330, U.S. 75 (1947)] reveal the underlying logic of such specifications. In this instance a federal employee had been dismissed for his active participation in the political campaign. In his minority opinion Mr. Justice Black held that the Hatch Act curtails the constitutionally guaranteed freedom of millions of public officials who are prevented from contributing their arguments and suggestions to the free discussion of public issues. Employees of the government are thus made into second-class citizens, mere spectators of the discussions which result in policies concerning the public welfare. This consideration is based on the plebiscitarian view which accords the same rights and duties to all citizens irrespective of their status in the community.

[18] Quoted in Joseph M. Friedman and Tobias G. Klinger, "The Hatch Act: Regulation by Adminstrative Action of Political Activities of Government Employees," *The Federal Bar Journal*, VII (October 1945), p. 6.

[19] See Milton J. Esmein, "The Hatch Act—a reappraisal," *Yale Law Journal*, Vol. 60 (June 1951), p. 988 for the source of the directives of Presidents Cleveland and Roosevelt.

[20] See *ibid.*, pp. 990–991, for a listing of political activities under these two headings.

In part this view is shared by Mr. Justice Douglas, who considers it unconstitutional to curtail the political activities of ordinary public employees. However, Justice Douglas concurs with the majority of the Court when he expresses the fear that civil servants in administrative positions could jeopardize the smooth functioning of the executive branch of government, if they were allowed to engage in political activities without restraint. Here the "functional principle" is adduced in support of special rules for the particular status of the civil servant in a responsible position. In the majority opinion of the Court this same consideration is applied still more broadly so that the "functional principle" predominates. Writing for the majority, Mr. Justice Reed states that two dangers would arise if public officials could double as party functionaries. The principal danger for administrative officials is that partisan activities would interfere with the performance of their public duties; for the great majority of ordinary, public employees, partisan activities could strengthen the hold of the party in power and thus give rise to tendencies favoring a one-party state. Accordingly, the Hatch Act serves as a safeguard against the political contamination of the civil service as well as against the possibility of a bureaucratic manipulation of party politics—a major effort to ensure the separation of politics and administration.

Efforts to achieve such a separation have not characterized the development of the German civil service. In the American case the initial and dominant experience was the colonial opposition to the "swarms of officers" sent from England. In the Prussian case the initial experience was the emergence of highly educated public officials to a position of great influence and relative political independence after protracted struggles against arbitrary, personal rule. Recruited in considerable part outside Prussia these officials were loyal to the monarch rather than the Prussian nobility. While in the royal service they received seminoble privileges and a hereditary title of nobility if they attained high rank. The contrast between this emerging bureaucratic nobility and the subordinate position of American public officials mentioned earlier could not be more striking:

> The policy of ennoblement in Prussia, whether inadvertently or by design, helped to fix the social identity and the loyalties of the civil bureaucracy as a distinctive status group within the remodeled upper class. As such, it was detached and alienated from the common and inferior people. It was imbued with the hierarchical and corporative ideals of the superior class of the preabsolutist past which had been intimately blended with the authoritarian outlook and the arrogant habits of militaristic *Herren-*

menschen. In the execution of their orders, the commissars were apt to act like commanding officers in their own right and accustomed to bending the lower orders to their will.[21]

Until the death of Frederick II (1786) these autocratic officials were at the same time "royal servants" in the literal sense. But under the influence of the Enlightenment and with the weakening of autocratic rule these educated men became increasingly restive in their subservient position. The subsequent decline of Prussia and her defeat at the hands of Napoleon in 1806 provided them with opportunities for administrative and social reforms. Thus, the idea of enlightened, technically competent rule by highly placed governmental officials was associated in Prussia with the endeavor to curb the arbitrary rule of a royal autocrat and with the promotion of reforms in opposition to the established privileges of the nobility.[22]

This is the setting in which early German liberalism supported the idea that civil servants must be protected against arbitrary disciplinary measures and unjustified dismissals. In the first half of the nineteenth century, liberal spokesmen advocated the constitutional protection of the rights of civil servants in order to offset the earlier subservience of officials to the monarch. Once officials enjoy the legal protection of their position, they are able to protect the public against arbitrary edicts of the monarch or unlawful actions of privileged groups. Accordingly, in contrast to the American constitution, the early German constitutions contained provisions guaranteeing the legal regulation of public employment. A civil servant can be dismissed from his position, or his salary can be reduced, only on the basis of a proper adjudication of his case. The same liberal orientation also gave rise to the view that civil servants should be permitted to serve as members of parliament. This view found support in the experience of South-German legislative assemblies (*Landtage*) before 1848. Delegates whose civil-service position was secure on the basis of constitutional guarantees, proved themselves independent of the ruling government and determined defenders of the constitution.[23] Even in Prussia there had

[21] Hans Rosenberg, *Bureaucracy, Aristocracy and Autocracy* (Cambridge: Harvard University Press, 1958), p. 142.

[22] This brief resume is based on Otto Hintze, *Geist und Epochen der preussischen Geschichte* (Leipzig: Koehler & Amelang, 1943), especially pp. 25–33, 537 ff., 566 ff.

[23] Fraenkel, *op. cit.*, pp. 87–89. Taking together all delegates who are considered public officials in Germany, a survey shows that from one-fifth to more than one-half of the representatives in successive legislative assemblies have been

been significant instances prior to 1848 in which officials voiced their independent judgment at the risk of instant dismissal. And in the absence of representative institutions some top officials interpreted such independence as playing the role of a constitutional opposition in an absolutist state.

These are the circumstances under which the political orientation and activities of civil servants became a general issue. The complete political freedom of public officials appeared desirable to liberal spokesmen, as long as these officials opposed arbitrary, monarchical rule and contributed to the growth of parliamentary institutions—tendencies which naturally aroused apprehension among conservatives. These positions were reversed in the years following the revolution of 1848, whenever high officials of liberal persuasion found themselves confronted by staunchly conservative subordinates who opposed constitutional government. The result was a compromise. Previous legislation had legitimized the dismissal of civil servants in cases of moral turpitude. In 1852 a new disciplinary regulation was added according to which ministers have the power to place officials in a position of temporary retirement (*einstweiligen Ruhestand*) at half-pay, but without any further abridgment of their legally guaranteed rights. This power is not limited by procedural safeguards and it extends to a specified group of high civil servants who came to be known as "political officials" in the 1880's. Although details have been modified from time to time, this compromise of 1852 has remained in force ever since. It appears to uphold the legal or constitutional protection of the civil service with its freedom of political expression and participation, as well as safeguard the efficiency of government.[24]

Experience with this compromise solution has been very mixed. In

civil servants. Their proportion has declined from a high of 55% of all delegates in the Paulskirche of 1848. Since then the proportion of civil servants among Reichstag representatives has been 47% in 1871, 38% in 1887, 25% in 1912, and 21% in 1930. This includes university professors, teachers and superintendents of secondary schools, army officers, clergymen, as well as civil servants. For further details see Karl Demeter, "Die soziale Schichtung des deutschen Parlaments seit 1848," *Vierteljahrsschrift für Sozial-und Wirtschaftsgeschichte*, Vol. 39 (1952), p. 13 and *passim.* After World War II the proportion of civil servants in the parliamentary bodies of the Federal Republic rose once again, initially because of a lack of suitable candidates for elective office.

[24] See Fritz Hartung, "Studien zur Geschichte der preussischen Verwaltung," in *Staatsbildende Kräfte der Neuzeit* (Berlin: Duncker & Humblot, 1961), pp. 248–254. In the pages following Hartung gives a detailed account of policies concerning "political officials" in the period 1848–1918.

the nineteenth century German governments would employ public officials in electoral campaigns as well as call upon them for an active defense of policies in parliament and elsewhere. Before 1914 these attempts were by no means always successful, since higher civil servants—among them those designated as "political officials"—often defended the rule of law against what they considered political expediency. In retrospect we can see that such independence was facilitated by the conservative outlook of the officials; their quarrels with a conservative government were conflicts among like-minded men, rather than between opposed, ideological camps. After 1918 the situation changed when ministers of the Weimar Republic found themselves confronted by staunchly conservative public officials who opposed a constitutional regime. Accordingly, the device of "temporary retirement" was used to replace recalcitrant officials by others more acceptable to the party in power, thus undermining the independence of the civil service and furthering its partisanship rather than its neutrality. After 1933 political endorsement of the regime was made a positive requirement of public employment.[25] These vicissitudes have not affected the prevailing outlook, however.

To this day public officials are allowed to double as legislators and party spokesmen, although many arguments favoring a prohibition of this practice have been brought forward in the course of the German debates on this issue.[26] However, the policy which allows officials to serve in parliament remains associated not only with the belief in political liberties for all citizens irrespective of their status, but more specifically with the idea that the legally protected independence of civil servants must not be impaired since it is a buttress of the rule of law. Similarly, maintenance of the legal order remains identified with a civil service, whose members are appointed for life, protected against changes of positions which do not represent the exact career equivalent of the previous office, protected against arbitrary dismissal or removal from the service (except in cases of "temporary retirement"), and entitled to an adequate subsistence for themselves and their

[25] Evidence for the political independence of civil servants prior to 1914 is cited by Hartung, *op. cit.*, who seems however to underestimate (on pp. 273–275) the degree to which high public officials were obliged to "toe the line" politically during the Weimar Republic. For a survey of this latter problem see Theodor Eschenburg, *Der Beamte in Partei und Parlament* (Frankfurt: Alfred Metzner Verlag, 1952), Chaps. 2–3.

[26] See Werner Weber, "Parlamentarische Unvereinbarkeiten," *Archiv des öffentlichen Rechts*, Vol. 58 (1930), pp. 208 ff. for a comprehensive comparative analysis of the arguments advanced and the relevant legislation.

families.[27] In the American setting these conditions have hardly even been approximated, and further the improved status of the American civil servant has not brought with it anything like the prestige, security, and supporting ideology of the German civil service.

The implications of this difference became evident when at the end of World War II the American Military Government sought to apply the precepts of the Hatch Act to the reorganization of the German civil service. In the view of German observers this attempt appeared motivated by American suspicion of the German civil service as a survival of an absolutist tradition, animated by reactionary political attitudes, cumbersome and antiquated in its procedures, and enjoying excessive economic and social privileges owing to the special trust characterizing the relation between government and its officials.[28] But these considerations are not considered applicable to a system based on codified law, which in contrast to the common law greatly limits the discretion of the judge or the official. In the American case dangers arise where officials become involved in partisan activities, because they are allowed considerable discretion in their public duties and "obtrusive partisanship" can easily distort their exercise of discretion. But in the German case officials are bound by legal norms; the expertise and impartiality of their public actions must be safeguarded by the conditions of employment which ensure their security and independence. In this view the privileged employment conditions of German civil servants are a guarantee of their independence from extraneous pressures arising from political parties and interest groups; as long as that independence is ensured, it makes little difference whether a few judges and civil servants serve for a time as elected representatives and participate in parliamentary deliberations. The important thing is to protect the expertise of the official and prevent the intrusion of politics into the administrative process—both important safeguards of the rule of law.[29]

[27] See Klaus Kroeger, "'Parteipolitische Meinungsäusserungen' der Beamten," *Archiv des öffentlichen Rechts*, Vol. 88 (June 1963), p. 134 for the relevant legal citations. This article contains on pp. 121–147 a full, if turgid, restatement of the views characterized above. There are indications that this view is shared widely by the German public. See Brian Chapman, *The Profession of Government* (London: George Allen & Unwin, 1959), pp. 308–310.

[28] Ernst Kern, "Berufsbeamtentum und Politik," *Archiv des öffentlichen Rechts*, Vol. 77 (1951/52), p. 108.

[29] I follow here the argument advanced in *ibid.*, pp. 109–110. The same volume of the *Archiv* contains a rebuttal by Otto Kuester (on pp. 364–366) in which the author argues against the special legal position of civil servants as no longer justified today, but no reference is made to the special problem of political activities by civil servants.

This conventional defense of the German civil service has been challenged by those who favor that special restrictions be placed on the political activities of public officials.[30] When civil servants serve as parliamentary delegates, they help enact and supervise the execution of laws, thus leading to a bureaucratization of parliament. It is just as much of an abuse if political parties put their top functionaries in civil-service positions. Both the legislative and the executive branch of government are harmed if either is made into a mere extension of the other. One writer states that political neutralization of the civil service can only enhance the integrity of the state. But in thus favoring the clear separation between politics and administration, he also adds a consideration which reveals the basic difference between the German and the American institutional structure. Political neutralization will

> presumably strengthen the inner homogeneity of the [German] civil service. But then the question arises whether this is really in accord with the intentions of the [American] military government. For they are concerned in the first place to eliminate the "caste-like segregation" of the privileged civil service (*Beamtenstand*). The political neutralization of the officialdom could prove to be a genuine privilege, however, even though the denial of elective office to the civil servant constitutes a diminution of his rights as a citizen. For this neutralization also precludes the possibility that the officialdom is pervaded by forces outside its own province ("*berufsfremde*" *Kräfte*).[31]

When a traditional position of special privilege exists, political neutralization may only intensify the social and psychological distance between officials and the public which the reforms are supposed to reduce. This is in contrast with the American case, where similar measures reinforce the "second-class citizenship" of public officials. The German context thus tends to transform the meaning of political neutrality, as Ernst Fraenkel points out.[32] For the prohibition to engage in partisan activities may mean in effect that the German

[30] A survey of opinions and of several proposals for remedial legislation are contained in Eschenburg, *op. cit.*, pp. 59–77. The author examines the implications of political activities by civil servants with numerous examples from the German context in Chapter 4 of this work.

[31] "Beamte als Abgeordnete," *Archiv des öffentlichen Rechts*, Vol. 75 (1949), pp. 108–109. There are other opinions, of course. See, for example, Eschenburg, *op. cit.*, p. 67 where neutralization is considered a potential danger, because in the absence of political participation civil servants would be politically ignorant or uncertain and might again fall victim to "wrong tendencies."

[32] See Fraenkel, *op. cit.*, p. 80.

civil servant is enjoined to display a pointed emphasis on the neutrality of his position and the special obligations arising from its legal privileges. Accordingly, public officials often claim a special trust and authority as functionaries of the state. In their eyes the prohibition of partisan activities can be tantamount to an authoritative depreciation of politics as such and hence "justifies" the idea of executive immunity from the parliamentary controls that "only" reflect partisanship.

The German word for the obligations of the public officials is, characteristically, *Treuepflicht*, or duty of faithful service, recalling an earlier condition when civil servants were personal servants of the monarch. Under the influence of political romanticism this idea was transformed into the official's special duty to the state and this in turn was interpreted to mean that he was the special guardian of the *Staatsinteresse*, which could mean anything from power politics to public welfare. Against this background it is not surprising that restraint on the political activities of these "public guardians" could appear to some as the elimination from politics of the one group which was explicitly identified with the public and the national interest.

The preceding discussion has focused attention on the political activities of public officials in relation to their social and legal status. Such officials are separated from involvement with kinship loyalties, hereditary privileges, and property interests by the conditions of their recruitment, while the relations of authority among them are stipulated in impersonal terms. But once this is achieved, it becomes necessary to guard these impersonal criteria of public employment against *new* forms of influence. Restraints imposed on the political activities of civil servants are one example of such a safeguard. The insulation of officials from the influences of partisan politics becomes a common attribute of the nation-state, where the separation of government from society is instituted under conditions of a modern system of plebiscitarian parties. But each nation-state is also affected by the momentum of past events peculiar to itself. The same idea of curtailing the political activities of public officials may have contrasting repercussions, as in the German and the American social structures. Without attention to the divergent bureaucratic culture patterns, we cannot understand the significance for each society of bureaucracy as an ideal type of administration under the rule of law.[33]

The exclusion of civil servants from direct participation in "obtru-

[33] A fuller analysis of bureaucracy from a similar perspective is contained in Michel Crozier's *The Bureaucratic Phenomenon* (Chicago: University of Chicago Press, 1964).