

II

Sweet, William : *IDEALISM AND RIGHTS*, Lanham / New York/ London, University Press of America, 1997, pp. xiv + 262.

Here is a book which I am sure, will be welcome and most appreciated by the Indian scholars and thinkers in the field of Political Science and Philosophy because of their intellectual ties with the liberal tradition in Britain as also with the British School of Idealism for over last century and more. The subtitle of the book - The Social Ontology of Human Rights in the Political Thought of Bernard Bosanquet - will by itself make it plain why I venture to form this judgement. The fact that after the end of British Rule in 1947, the political leaders and thinkers in India could think unanimsly of framing the constitution of India and evolving Democratic structure of Indian polity after the British pattern is evidently indicative of these ties. Although we have accepted the British legacy of political structure, the legacy itself in Britain had to pass through great philosophical debate amongst the thinkers of the entire 18th & 19th century and even a few early decades of the 20th century. During those epoch-making eventful years in the history of Eurpoe, the British thinkers like Bentham, Mill and Spencer on the one hand and T.H.Green,D.G.Ritchie,William Wallace and Bernard Bosanquet on the other hand developed two schools of thought that were deeply concerned with the issue of determining "the relation between the state and the individual and providing an adequate account of the nature, source and limits of human rights". On the backdrop of important contributions made by Locke, Rousseau, Kant and Hegel, the debate in Britain acquired a significance of no mean importance and revealed that human individual is afterall capably far too greater than 'individualism' but much less liberal than the 'liberalism' took him to be. Prof. Sweet has rightly chosen the

figure of Bernard Bosanquet (1848-1923) as the stalwart amongst the British Idealists who worked strenuously, but more effectively, to pose a serious challenge both to the Utilitarianism of Bentham and Mill and the Naturalism of Herbert Spencer in respect of their theories of human rights. This dimension of the school of British Idealism is not presently known to many. As a serious student of political science and of political philosophy Prof. Sweet saw a number of difficulties in the theories of rights found in contemporary liberal thought and wondered whether one could provide a satisfactory - or at least more satisfying - alternative. As a result of his pursuits he stumbled against the sterling contributions made by thinkers like T.H.Green and Bernard Bosanquet. British Idealism, a movement which, according to Prof. Sweet, is very often ridiculed and misunderstood, had addressed itself to issues in political philosophy in a significant manner. He wanted to know "what it was that had sparked the development of idealist political thought and why it had virtually disappeared from discussions of philosophical liberalism". (p.ix) The author claims that the present book is the product of his wrestling with those issues, although it is incomplete. His focus is historical but the method is analytical and reconstructive. The task which Prof. Sweet has undertaken is indeed a difficult one and arduous. I must say however that he has accomplished his task admirably well. The vast industry that he has put in to complete this work is evident from page to page. The material that one finds in the form of very enlightening and informative footnotes and references given in support of the entire argument of the book makes Prof. Sweet's scholarship more conspicuous and prominent.

The *Introduction* opens with the major grievance that "the political philosophy of the British idealists in general and of Bosanquet in particular, has been the subject matter of much misunderstanding and prejudice. In Anglo-American philosophical circles it has, until very recent years, been entirely almost forgotten." (p.2) Prof. Sweet draws our attention to the great influence which both Green and Bosanquet wielded but considers Bosanquet's contribution to have had greater impact on the development of British political thought of his times. Bosanquet addressed the reaction to the ideas of Green and the 'first generation' idealists with full awareness of the then pre-

vailing political situation in Britain, on the continent and in USA. T.H.Green, who was himself Bosanquet's teacher at Oxford in 1867, had described him as 'the most gifted man of his generation'. The author quotes with approval Adam Ulam, the celebrated authority on English Socialism who considered Bosanquet's work, *'The Philosophical Theory of the State' (1899)* to have a comprehensiveness and an awareness of conflicting political and philosophical opinions which gave it a supreme importance in modern political thought. As a political theorist and a political analyst, Bosanquet was thus better poised to respond to the challenges from sturdy philosophers like Mill and Spencer and others. Prof. Sweet sketches the entire philosophical lineage of Bosanquet's political ideas right from Plato down to Hegel through Rousseau and Kant. This entire lineage has been critically preserved by Bosanquet from within the tradition to securely protect the value of an individual. We know Plato's view that state is individual writ large. Bosanquet wrote that "there is no sound political philosophy which is not an embodiment of Plato's conception." (*The Philosophical Theory of the State*, p. 6) Bosanquet's theory has been justifiably characterised by a few thinkers as 'an applied hellenism'. Given this platonic anchoring of his political philosophy, one wonders how Bosanquet would have reacted to Karl Popper's view of Plato. Would he have treated that view with the same indifference with which he treated Hobhouse's *The Metaphysical Theory of the State (1918)*, which was principally a critique of Bosanquet? There is no doubt that Bosanquet did enjoy a pride of place in academic sections but there seems to be a sudden turn which made the British Idealistic political philosophy to fall into oblivion. Prof. Sweet has adduced number of reasons, certainly appropriate ones, for the recession of academic Idealism and the political doctrines which they threw up as its offshoots. The story of the downfall of British Idealism is very well known, and one need not mention it here again. But there is one reason which he associates with the name of Hobhouse that he (Hobhouse) saw "idealism" as reflecting principles that led to war (which reason is favoured by Karl Popper and Leslie Paul as well), needs in my view further examination. Of course, Prof. Sweet does not believe that British Idealism had such non-academic virulent political consequence. While bad philosophies can be cherished to promote good causes, good philosophies can be marred by spreading false

beliefs about them. An academician has to be careful about this. Prof. Sweet's motivation is purely academic. He does say, ".....given the increased interest during the past twenty years in Hegel, T.H.Green and more recently, F.H.Bradley and given the revaluation of the significance of their work and its place in the history of philosophy, it seems particularly appropriate to ask whether the standard criticisms of Bosanquet's idealist political thought are in fact, sustainable." (p. 6-7)

Firstly, Prof. Sweet delineates succinctly arguments presented by Bentham, Mill and Spencer - the arguments which Bosanquet referred to collectively as "theories of the first look". Outlining the analysis of the notions of law, liberty and individual, underlying their theories, he presents Bosanquet's major criticisms of them. Liberal individualism of the trio takes the notion of liberty mostly in negative sense as freedom from external restraint and compulsion. Liberty is the absence of restraint and for Bentham, one is free only to the extent that the others in the society do not hinder his pursuit of the good. Naturally law is looked upon by Bentham as a limit on one's freedom. Bentham does not deny the necessity of law for social order but would certainly delimit the authority of the Govt. to the framing of laws to limit the activities of individuals. On the one hand Spencer and Mill agree with Bentham on this point but import moral value into liberty either by treating it as natural or by adopting Bentham's greatest happiness principle as the norm of right action. The differences between Bentham, Mill and Spencer on all these three notions, viz; law, liberty and individual are subtle and Prof. Sweet has tried to mark them out through his careful analysis. It is important to note that while all three agree concerning the nature of the individual and the character and function of law, they differ on some important and vital matters. This gives rise to differences in the views which the three hold on the nature of rights and their role in the polity. While Bentham attacks theory of natural rights, Spencer defends it, tooth and nail, and Mill speaks of rights as "valid claims on society by an individual either by force of law or by that of education and opinion". All this debate on the nature, source and role of rights in people's life with special reference to the relationship of individual to the state is crucial for understanding the reaction of

Bosanquet and Prof. Sweet does well to pinpoint the salient features of this intra-school controversy amidst Liberal Individualists. Bosanquet's response is that none of these theories can give a cogent account of the nature of the individual nor a clear explanation of the nature and role of law. Thus they cannot explain adequately legal or political obligation. On two counts the Liberal Individualism was flawed. "First, it reflected a defective view of the individual and second, it contained an inadequate account of law and of state - particularly in their relation to the freedom and development of person." (p. 35) Bosanquet's criticism of Mill's criterion of demarcation to distinguish the sphere of individual autonomy from the sphere of social obligation is noteworthy. Bosanquet maintained that the criterion is arbitrary, untenable, hopelessly confused and too narrow to cover the varied play of relations and obligations in society. Mill's view of individual is atomistic and has disastrous implications for the principle of value or the nature of the good. The account of the good presented by individualists and utilitarians is too narrow and inconsistent and collapsible into a "commonplacecollectivism". Bosanquet further argued that the view of the individual and of liberty which Mill and Bentham take as the basis for antithesis between law and liberty is unfounded and simply false. On the contrary, he argued that there is no *a priori* antithesis between liberty and law. In fact, pursuit of the good and development of one's own personality along moral dimension is possible only through law and the institutions lawfully reflected. Bosanquet's attack has so many finer points and Prof. Sweet has very painstakingly brought them out in his presentation. So far as rights are concerned, the brunt of Bosanquet's incisive criticism seems to be that the Liberal individualists do not adequately explain the importance of talking about rights and that they do not provide satisfactory account of how rights have a moral character and how they become obligatory on others. Prof. Sweet locates the root of these criticisms in Bosanquet's full recognition of the role played by social life and the relations it involves with others. It is such recognition alone that can explain the possibility of a wide range of 'positive' rights. For Bentham, Mill and Spencer rights are 'negative', i.e. they are considered primarily as a means of limiting the law or state action. This happens because they exaggerate the value of the human person as a standard of value. Bosanquet, like all liberal individu-

alists, is not interested merely in philosophical exercise but also in action programmes. "A better understanding of fundamental principles would greatly contribute to the more rational handling of practical problems". Prof. Sweet believes as a native philanthropist that to the extent that Bosanquet can succeed in doing this, idealist rights theory may be able to alter the range of actions in a given society enabling its members to realize their moral potentialities fully. He therefore turns to the fuller statement of Bosanquet's theory of rights. (Chapter 2.)

In fact, chapter 2, 3 and 4 constitute the core part and the positive substance of Prof. Sweet's labour's love. Chapter 2 attempts reconstruction of Bosanquet's analysis of rights and identification of several concepts that are central to this analysis. Chapter 3 and 4 provide a more complete presentation of them through an outline of what Prof. Sweet designates as Bosanquet's 'social ontology'. Firstly, Prof. Sweet works on Bosanquet's view of the nature of a right, how rights come to be ascribed to an individual, role of the state in the existence of rights and what conditions, if any, prevail under which rights may be limited. He also discusses some of the objections and Bosanquet's replies to them. What emerges out of all this is a very systematic but rigorous sketch of Bosanquet's view extending into an ideal society and state with which the destiny of a moral person is tied up. Rights cannot be considered in abstraction from the contexts in which they emerge. It's in the nexux of relationships that obtain between the individuals and the state that rights acquire their being and significance. Reference to moral end certainly makes them teleological in character. It is by reference to the moral end that rights derive their imperative authority. The moral end is variously referred to by Bosanquet as 'rational life', 'existence and perfection of human personality' or simply as the 'best life'. Individuals have positions or stations and they perform several functions appropriate to these positions. It is possible that in their performance they may face obstacles. The distinctive action and purpose of the state lies in recognizing the rights of the individuals to performances by creating legal sanctions and removing those obstacles. The state thus operates as an agency to secure rights of the individuals. In this, Bosanquet is echoing Green's definition of

right as the power of the individual to make a common good his own and his view that rights have no being except in a society of men recognizing each other. Both Bosanquet and Green regard state as the "sustainer of rights". Further, Bosanquet holds the view that the moral and legal sides of a right are brought together because rights are assigned by the state to positions alone and positions can exist only in a social order which is infused through and through by the moral end. Thus rights are "claims recognized by the State, i.e., by society acting as ultimate authority, to the maintenance of conditions favourable to the best life." (p. 63) Rights cannot exist independently of the state. It is necessary to note that individuals acquire and lose rights depending on how their positions and responsibilities change. In view of this position of Bosanquet with regard to the ascription of rights to individuals a number of objections can be raised. Actually Prof. Sweet lists them and tries to defend Bosanquet against them. Rights are not inalienable; they are functional depending on individual's station in his society. One might complain that Bosanquet's emphasis on 'position' of individual in society does not provide an adequate account of his value *qua* individual. Chapter 3 and 4 are really developed to provide answer to this complaint. Prof. Sweet deals with several considerations concerning recognition of rights and limits of rights - considerations which are of seminal character. He however warns us to keep in mind that although Bosanquet refuses that rights are natural and inalienable, it does not follow that he considers the individual to be of no, or of little, importance. (p. 89) One must also understand Bosanquet's analysis of state as a wellknit structure of individual intelligences.

Bosanquet's theory of rights has three fundamental elements: his teleology, his account of the nature and value of the individual and his notion of general will. All these three components are controversial and debatable. He interprets teleology in political life as distinctly focusing on 'best life' life of reason, of completeness and coherence. I have already mentioned that Bosanquet does not approve of Bentham's or Mill's atomistic view of an individual as a principle of value. Nor does he approve of Spencer's evolutionary teleology. Mechanistic account of the social and spiritualistic dimensions of human life is simply out of place for Bosanquet. He therefore be-

lieved that it is by referring to the general will that one can better see the nature of, and the relationships between, the individual and the end. The end is an extension of the nature of the individual. The notion of general will enables us to explain the authority which the 'end' enjoys in generating obligation on all of us. Indeed it is one's real will. Prof. Sweet is keen on telling us that for Bosanquet, "as a moral norm and as reflecting the common good, the general will is a mechanism of legitimation and all social institutions, including the state are dependent on it." (p. 146). General will being also the individual's real will, state action is not *a priori* opposed to individual's autonomy. "Bosanquet would argue", he continues, "that because liberal individualism misunderstands the actual character of autonomy and ignores the possibility of general will, it can turn only to force as the basis of state." (p. 146)

Though Prof. Sweet seems to carry the conviction that Bosanquet's position, vis-a-vis liberal individualists is less problematic than many have alleged, he is quite open-minded on the several issues thrown up by this debate. He indicates that "while this in no way entails that all of Bosanquet's conclusions are correct, this study has at least gone some way in clarifying several of the more controversial aspects of his theory of rights." (p.146)

Bosanquet's account of society, social institutions and the state is central to his analysis of rights. Prof. Sweet's strategy in chapter 4 is to first acquaint us with the objections raised to his views by his contemporaries and to restructure them in spite of some unclarity which goes with them. Though the criticism of his views has been varied and wide-ranging, Sweet holds that principally the objections are three-fold. The first set of objections concerns the nature and role of the state. The second concerns the issue of the legitimacy of the state and extent of its authority. The third is about his theory of the state itself, the relationships amongst itself, society and social institutions. Each one of these three sets includes several points of details and when we read that all these objections have come from the authorities like, L.T.Hobhouse, R.M.MacIver, G.D.H.Cole, C.E.M.Joad and Harold Lasky (all of them his contemporaries), the task of defending Bosanquet becomes an uphill task, Bosanquet expired in 1923 and most of these criti-

cisms or objections were expressed almost during the fag-end of his career. Prof. Sweet undertakes this task with an academic docility because he knows that "Bosanquet was aware of most of these criticisms and did not consider them decisive." (p. 154) He believes that if we consider Bosanquet's conceptions of the state and the society as the networks of moral relationships that spiritually and mentally bring individuals together in their fold, we can make Bosanquet's theory of rights sustainable against these criticisms. Bosanquet, following Hegel, looked upon society and institutions as constituting our ethical life. These institutions, according to him, are family, neighbourhood or district, the position or the social class of the individual and the nation state. They are ethical *ideas*, each one of which contributes in a distinctive way to the intellectual, moral, social and spiritual development of the human person. His work *The Philosophical Theory of the State*, devotes a special chapter to the careful analysis of these ethical ideas and the role which they play. Society is neither an accidental association of individuals nor normally subject to dissolution. No institution is reducible to any other institution. Bosanquet speaks of society as a unity falling into groups with different functions and within each one of these groups each member has a distinctive position with functions and rights duly ascribed. The closest analogy that we can speak of is the unity of the human organism itself. This would make sense only if society is conceived as Mind, or, to be precise, an integrated system of individual minds. Of the various social institutions in any society, state occupies central position because the rights which individuals in the society enjoy ultimately derive their sanction from the state. Bosanquet is of the view that whatever else the state may be, it is essentially implied by the very constitution of human individual. "If you start with a human being as he is in fact and try to devise what will furnish him with.....a stable purpose capable of doing justice to his capacities....you will be driven on by the necessity of facts at least as far as the State." (p. 162) Prof. Sweet brings forth several issues which this Platonic overtone suggests squarely enough to remind us of their complexity. His handling of the nature and role of the state, Law, the moral authority of the State, the nature and limit of State action is simply brilliant. We learn that Bosanquet considered himself as a moral socialist and was opposed to economic socialism. Recent history has shown

Bosanquet to be right although one cannot claim wholeheartedly that his political philosophy has received wide acclaim and assent. Bosanquet's conception of state is metaphysical but he would maintain that it is still natural in the sense that platonism implied in it is itself natural.

In the final chapter of the Book, Prof. Sweet gives his own assessment of Bosanquet's theory of rights. According to him, Bosanquet's approach to human rights responds to the problems with liberal individualism and constitutes, to say the least, a coherent alternative to liberal individualism of 18th and 19th century. It is however not the last word on the subject. His only claim about this study is that it illustrates the value of an idealistic perspective on human rights and that there is much more to be said in favour of that perspective. After reading the whole book carefully, one can hardly dispute this claim. This assessment is however preceded by two things. In one, Prof. Sweet brings together all the threads of Bosanquet's perspective on rights and forcefully argues that the social ontology that he provides allows him to address a number of the subsidiary problems that arise in the articulation of a theory of rights. His views on human person, liberty, law, common good, general will, society and social institutions, state and rights are all of one piece. Prof. Sweet has done well to focus his search light on this. The second thing that he does is to throw open the debate on the question as to whether Bosanquet's theory of rights is an alternative to the one proposed by Bentham, Mill and Spencer or a development from within British liberalism. It is more of a scholarly nature and both the sides have been placed before us with all the fairness in the world. Prof. Sweet is not in a hurry to settle the issue, most probably because it is of a meta-critical level, requiring a thorough and perspicuous study of the literature discussing this issue for forming one's fair judgement on it. The value of the book certainly does not depend upon such a judgement. It depends upon the academic presentation of the problem of human rights as it was handled by Bernard Bosanquet - a problem of which the politicians and all others talk so much and make some times so much in the modern world of conflicts and confusions. Prof. Sweet makes such a presentation successfully.

One important feature of the book is that at the end of every chapter,

we are provided by the author with a neatly drawn summary. Recapitulation of certain important sections is also provided in the course of the argument to keep our minds on right track. Further the book has a detailed index and a very useful bibliography as well, for the use of scholars and thinkers in the field. Prof. Sweet deserves a word of praise for highlighting an issue which is of perennial interest to the entire mankind.

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