Politics beyond the state: Bosanquet, Green, world governance and ‘the unity of mankind’

Abstract:
‘The current situation of the EU raises once more the question of whether loyalties beyond the state in the form of leagues or federations can succeed. This question is not new, and was examined by British Idealists T.H. Green and Bernard Bosanquet in the late 19th and early 20th centuries. Although Green and Bosanquet hold similar positions in much of their respective political philosophies, on the question of government beyond the state they differ. Green was quite optimistic that the sphere of common feeling could extend, in principle, to the whole of mankind. Bosanquet is much more sceptical, and argues the state is the limit of such spheres of common feeling. Given their closeness of position in so many areas, this difference raises interesting questions. This paper will explore the question of why Bosanquet was more sceptical about world government, how far his scepticism is justified in terms of concerns about the general will and common good, as well as exploring to what extent Green’s and Bosanquet’s conceptions of common feeling differ. In doing so, the paper also underlines the contemporary relevance of the often-neglected British Idealist school.’

This paper will examine the work of T.H. Green and Bernard Bosanquet with regard to the extent to which each thought that rights recognition beyond the state was possible. In doing so, the paper has three key aims. First, this paper aims to examine how viable a rights recognition approach is to international human rights – the question as to whether recognition can extend beyond the state. Second, the paper aims to use the issue of rights recognition to shed light on differences between Bosanquet and Green, in particular regarding the general will. Third, this paper will suggest that there are good reasons for contemporary theorists of rights recognition to take their cue from Green, rather than Bosanquet.

The paper will first outline the positions of Green and Bosanquet regarding the limits of rights recognition. Where Green holds that ultimately this process of recognition may extend to all humanity, Bosanquet is more cautious and sees little potential for rights recognition beyond the state. In the next section, the paper will investigate what accounts for this difference of opinion between Green and Bosanquet. Finally, the paper will argue that the differences between Green and Bosanquet point to crucial weaknesses in Bosanquet’s account, and that Green’s account of rights beyond the state is more convincing.

Over the last few years, there has been a revival of interest in the rights recognition thesis – the idea that human rights come into being through mutual intersubjective and social
recognition. This is a more promising basis for rights than basing them on accounts of natural rights, which must, at some point, fall back on shaky ontological or even theological propositions.

However, it might be suggested – particularly from a cosmopolitan standpoint – that human rights thought of as natural rights have a key advantage: they apply to all humans, regardless of what state they happen to be born in. If recognised rights rely on social recognition, then is it not the case that rights are extended only to those within a particular society. If this is indeed the case, then rather particularist consequences follow. While this would be acceptable to some, such exclusion means we cannot base human rights on recognition. This prompts the question: can recognition extend beyond the state? On this question, we are offered, by Bosanquet and Green, two distinct answers; this paper will assess both and suggest that, in the final analysis, it is Green’s answer that is most persuasive.

**Green’s Position**

For Green, rights recognition requires a society of people who are ‘ἴσοι καὶ ὁμοίοι’ – that is to say ‘equal and similar’. We will leave aside, for the moment, the question of equality, which has been discussed elsewhere; for now, it is Green’s requirement of people to be ‘similar’ which is important. Given that Green holds that similarity is a necessary prerequisite in a group of people for rights recognition to occur, the key question is: how much similarity is needed? Correspondingly, how much variation is possible within a group, and how wide a group may be commensurate with rights recognition? These questions are answered to some extent in the *Prolegomena to Ethics*. The second half of Chapter III concerns ‘The Extension of the Area of Common Good’, and here Green considers how wide

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a group of people might have some good in common. Green uses the phrase ἱσοί καὶ ὅμοιοι here,\(^5\) and it is worth pointing out that one meaning of ὅμος, the stem of ὅμοιοι, is ‘common’. ‘Sameness’, then, has a lot to do with the ability of people to conceive of having something in common with each other.

Green argues that the sphere of the ὅμοιοι – that is, the sphere of people who can conceive some commonality – has expanded throughout history: ‘the earliest ascertainable history exhibits to us communities, relatively very confined, within any one of which a common good, and in consequence a common duty, is recognised as between the members of the community, while beyond the particular community the range of mutual obligation is not understood to extend.’\(^6\) Originally, then, ‘sameness’ extended only so far as members of a small community; persons outside the community were somehow ‘different’.

Since then, argues Green, the sphere of commonality has expanded, as it has come ‘to be understood that no race or religion or status is a bar to self-determined co-operation’. The breaking down of such barriers has had the result that ‘persons come to be recognised as having claims who would once not have been recognised as having any claim, and the claim of the ἱσοί καὶ ὅμοιοι comes to be admitted where only the claim of indulged inferiors would have been allowed before’.\(^7\) Here Green brings in the idea of equality – ἱσοι – too, unsurprisingly, given his use of Philistines and Israelites, two groups which viewed each other as not only different but inferior as well, as an example. The key point, though, is that the sphere of those regarded as ὅμοιοι has expanded. The concept of similarity has remained the same, but its area is enlarged. As Green puts it: ‘It is not the sense of duty to a neighbour, but the practical answer to the question Who is my neighbour? that has varied.’\(^8\)

However, the process does not stop there, according to Green. For Green, the idea of a common good is an idea implied ‘in the most primitive human society’ and an idea the tendency of which ‘in the minds of all capable of it must be to include, as participators of the good, all who have dealing with each other and who can communicate as ‘I’ and ‘Thou’.\(^9\) In other words, ὅμοιοι can be any people who are able to communicate with each other. This point is amplified in Green’s Lectures on the Principles of Political Obligation, where he describes the process by which states take in smaller groups: ‘A common humanity, of which language is the expression, necessarily leads to the recognition of some good as common to

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\(^5\) In Green, Prolegomena to Ethics (Oxford, Clarendon Press, 1899) (Hereafter, PE), § 207, p. 247 for example.

\(^6\) Green, PE, §206, p. 245

\(^7\) Ibid., §207, p. 247

\(^8\) Ibid., §207, p. 247

\(^9\) Ibid., §209, p. 250
these families with those which form the state. This is in principle the recognition of rights on their part'.

In other words, the ‘right to have rights’, to use Arendt’s phrase – the right of membership – is extendable to all those who are perceived as belonging to a common humanity, a belonging which is demonstrated by the ability to communicate using language. Rights recognition is possible wherever communication can occur.

The implications of this for rights recognition beyond the state are significant. When Green argues that a society must be equal and similar for recognition to occur, this similarity does not, it would appear, have to include considerations of race, religion, ethnicity or nationality. As we have seen, quite the opposite is the case: Green argues that, historically, the barriers these categories denote have been broken down. Further, Green’s example in the *Lectures on the Principles of Political Obligation* shows that recognition can extend beyond ‘the society’ (perhaps defined narrowly as a nation-state), so long as some common good can be conceived. We can hold people outside our nation or community to have rights.

The sphere of commonality, then, is potentially unlimited, so long as communication is possible. Green does not shy away from following this point to its logical conclusion: ‘With growing means of intercourse and the progress of reflection the theory of a universal human fellowship is [the] natural outcome.’ Clearly, universal human fellowship has not yet been arrived at, though for Green, but it is not the theory itself but ‘rather the retardation of the acceptance of the theory that the historian has to explain’.

Green offers some suggestions as to what may be impeding the universal fellowship of man. The impediments ‘are the same in kind as those which interfere with the maintenance of unity in the family, the tribe, or the urban commonwealth’. Of these, the ‘prime impediment…is selfishness’, which may be described as ‘a preference of private pleasure to common good.’ However, the wider the fellowship in question, the more impediments come into play: ‘ignorance, with the fear that springs from ignorance; misapprehension of the physical conditions of well-being, and consequent suspicion that the gain of one community must be the loss of another; geographical separations and demarcations, with the misunderstandings that arise from them’. These impediments must

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10 Green, *LPPO*, §135
11 This is perhaps extendable to non-human animals too, if it can be shown that they are able to communicate in a ‘language’. See: Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford, Oxford University Press, 2011)
12 *PE*, §209, p. 250
13 Ibid., §209, p. 250
14 Ibid., §216, p. 258
15 Ibid., §216, p. 258
be overcome in order to realise the potential community of ‘all men’: everyone, if they can communicate, can possibly conceive of one another as ὅμοιοι. However, in practice this conception is prevented by obstacles, albeit obstacles that Green holds can potentially be overcome.

For theories of rights recognition, the key point is that there is ‘no necessary limit’ to the group of people who may be considered ὅμοιοι: the barriers and impediments Green describes may be overcome or removed. This conceptualisation may have something useful to contribute to debates between cosmopolitans and ethical particularists, in that it suggests a position between the two. What is important is still one’s duty to one’s neighbour, which suits the ethical particularist position. However, one’s neighbour may be any fellow man, which suits cosmopolitanism. Conversely, this position does not give one duties in connection with people one cannot ever communicate with, as radical cosmopolitanism would, but neither does it suggest that it is only a narrow group of people that one can have significant duties towards, as radical ethical particularism would.

If we accept Green’s argument that there is no necessary limit to those we can recognise as ὅμοιοι, the question remains as to whether this limitless sphere of commonality is normatively desirable. There may be reasons why we might think it better to choose other criteria to determine who is ὅμοιοι: we may decide that it is important to maintain precisely those barriers which Green suggests have been, and are being, gradually removed. Green makes an argument against any such position however, and holds that there is a normative reason to conceive ὅμοιοι as all people, rather than any narrower group. The conception of a common good, argues Green, has ‘come to be conceived with increasing clearness, not as anything which one man or set of men can gain or enjoy to the exclusion of others, but as a spiritual activity in which all may partake, if it is to amount to a full realisation of the faculties of the human soul.’ The implication is clear: the wider the range of people amongst whom a good can be common, the fuller the faculties of the human soul can be developed and realised; restriction of the conception of ὅμοιοι to a smaller group of people places a restriction on human development and perfection, and thus must be avoided.

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Bosanquet’s Position

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16 Ibid., §286, p. 349 (My italics.)
Having examined Green’s thought on the expansion of commonality to the whole of humanity, this paper now turns its attention to Bosanquet’s treatment of the same question. It will become clear that Bosanquet is rather more sceptical than Green about the possibility of politics beyond the state and the unity of mankind.

Bosanquet addresses the question of the unity of mankind in various places throughout his work, notably in his paper ‘The Function of the State in Promoting the Unity of Mankind’,\(^{17}\) his essays ‘The Teaching of Patriotism’,\(^{18}\) ‘Patriotism in the Perfect State’,\(^{19}\) and ‘The Wisdom of Naaman’s Servants’,\(^{20}\) and his book ‘The Philosophical Theory of the State’.\(^{21}\) He addresses analogous debates in his address ‘The Kingdom of God on Earth’.\(^{22}\)

Green, as we have seen, suggests that it is left for historians (and political philosophers) not to explain the idea of ‘universal human fellowship’, but ‘rather the retardation of the acceptance of the theory’.\(^{23}\) Bosanquet seems to address this quite directly. In ‘The Function of the State in Promoting the Unity of Mankind’, he writes ‘the whole raison d’être of our theory is to show why, and in what sense there must be states wherever there are groups of human beings, and to explain for what reasons men are distinguished into separate adjacent political bodies instead of forming a single system over the whole earth’s surface.’\(^{24}\)

The answer to this question ‘is drawn’, argues Bosanquet, ‘from the conception of the general will’, a conception ‘which involves the existence of an actual community, of such a nature as to share an identical mind and feeling’.\(^{25}\) These are the two key pillars of what might be termed Bosanquet’s ‘empirical’ argument against politics beyond the state (we shall examine his ‘normative’ argument later): it is only in a state that there is an actual community sufficient to sustain a general will. The general will is vital for Bosanquet, as it is only this

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\(^{23}\) PE., §209, p. 250

\(^{24}\) FSPUM, p. 33

\(^{25}\) FSPUM, pp. 28-29
which allows a state legitimately to govern: ‘Behind all force there must be a general will, and the general will must represent a communal mind. All other contrivances for government are external and tyrannical.’ For rights there must be both the general will and (necessary for the general will), the second pillar, namely an ‘actual community’ which can form such a general will.

Bosanquet is clear that the state is the largest community capable of forming a general will: ‘the community which organises itself as a state will be for every group the largest body which possesses the unity of experience necessary for constituting a general will.’ Further, there is ‘no other body at all comparable with it in intensity of unity’. For a general will to be possible, ‘a vitally coherent community, intimately bound together by feeling and type of experience, and allegiance to the same values and aspirations’ is necessary. ‘At present’, notes Bosanquet, ‘the difficulty is to find such common constituents throughout any area exceeding what has usually been called the territories of a nation.’ Indeed, countries or nations are defined by this common experience: ‘Broadly speaking, the limit of a country or nation is the limit of a common experience, such that people share the same mind and feeling, and can understand each other’s ways of living and make allowance for each other so that the same laws and institutions are acceptable and workable for all of them.’ Bosanquet’s argument on this point, then, can be summarised as follows: rights require a general will, which in turn requires a meaningful community. The largest meaningful community possible is the state. Therefore expanding rights recognition beyond the state is not possible, as there is no possibility for a general will – which is necessary for such rights – to be created in the absence of any community larger than the state. (This paper will return to the relation between the state and rights recognition shortly.)

Bosanquet’s argument that the state is the largest meaningful community is amplified by his discussion of humanity in general. In his essay ‘The Teaching of Patriotism’, Bosanquet argues that ‘humanity as a fact...gives us little or no guidance and tells us little nothing of what is desirable to be done’. We may wish ‘the best for all these people’, but

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26 FSPUM, p. 29
27 I leave to one side the question of how exactly a general will is formed. (On this question, see Sweet, *Idealism and Rights: The Social Ontology of Human Rights in the Political Thought of Bernard Bosanquet* (Lanham, Maryland, The University Press of America, 1997).
28 FSPUM, p. 29
29 WNS, p. 312
30 Ibid., p. 312
31 TP, p. 3
32 TP, p. 14
the mere existence of humanity gives us no indication of what the best might be – in clear contrast to the situation within a state, where the general will gives us guidance.

For, unlike the state, which is ‘an organic unity’, the whole of humanity is much less unified: ‘at present there is no organism of humanity’, argues Bosanquet. No-one, Bosanquet suggests, would argue that ‘the existing multitude of humanity possesses any connected communal consciousness whatever’. Humanity, then, does not have the unity that a state has; without such unity there can be no general will, and therefore no rights.

A second argument against the unity of all mankind raised by Bosanquet is that, ‘considering as an aggregate all the human beings on the earth’s surface, we can find in them no common character in which the values to which we are devoted as the qualitative essence of humanity are adequately represented… it is plain that neither the main values which govern our aspirations to the best life, nor the valuation of them, are possessions common to mankind.’

Furthermore, the ‘quality’ of humanity, whether this is taken to be ‘culture or humaneness’ is to be found, argues Bosanquet, not in humanity as a whole, but ‘in the life of the great civilised nations, with all their faults’. In this way, Bosanquet argues that there is no conflict between humanitarianism and patriotism, as because ‘if we belong to one of the great civilised nations, our highest sense of humanity is drawn from our own national culture and kindness’, then it is ‘[o]ur nation’ that ‘remains our instrument for doing service to humanity and our main source of the ideal of humanity itself.’ Similarly, ‘[d]evotion to humanity as a best, as a supreme quality, is, unless and until the organism of mankind becomes actual, better represented by the moral world of the highest communities than by anything common to the whole multitude of mankind.’

An analogous argument to this can be found in ‘The Kingdom of God on Earth’. Here, Bosanquet argues that ‘it is through our station and its duties that we take hold of our humanity and bring it home to our particular selves’. The good will enacted in one’s own station is both oneself and ‘the common aim and spirit of society and mankind’; the moral goodness of the individual ‘consists in grasping this common aim and spirit, and applying it

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33 Ibid., p. 14
34 FSPUM, p. 47. His emphasis.
35 Ibid., p. 47
36 Ibid., p. 47
37 TP, pp. 14-15
38 TP, p. 15
39 FSPUM, p. 45
in the particular duties of our daily life’. Out service to the ideal of humanity, then, does not require politics beyond the state, argues Bosanquet. Rather, we do our moral best by acting as our station calls for. Our station within a nation or state is the moral world within which we work. Though it is quite unclear what one is left to do if one has the misfortune of birth not to be born into what Bosanquet would call a great nation.

Bosanquet’s reasoning here is not just an echo of New Testament ideas about the sanctity of the ‘powers that be’. Rather, it is only in states that the ‘external conditions necessary to the best life’ can be found. These conditions are rights, or ‘claims recognised by the will of a community as the sine qua non of the highest obtainable fulfilment of the capacities for the best life possessed by its members.’ These rights – or external conditions – require a state, because the state is ‘the power which, as the organ of a community, has the function of maintaining [these] external conditions’, or ‘rights’. For Bosanquet, then, one can achieve the best life only in the context of a state, because it is the state which, through its recognition of rights, enables those ‘external conditions necessary to the best life’.

Beyond the state, there is no such mechanism for enabling goodness, morality, or the best life.

Unlike Green, Bosanquet holds that not only must rights be recognised, but they must be recognised by the state. This key difference between the two lies at the heart of much of their disagreement about the possibility of politics beyond the state. For Bosanquet, in the absence of any power that can recognise and enforce rights, there can be no such rights. Furthermore, state action, argues Bosanquet is ‘at bottom the exercise of a Will’ – the general will. As we have seen, Bosanquet holds there to be no general will extending to the whole of humanity; thus the possibility of there being a state is precluded, which in turn makes rights impossible.

There is some circularity here in Bosanquet’s position. There can be no rights beyond the state because the state is necessary for rights recognition. There can be no state for the whole of humanity as there is no humanity-wide general will. There is no general will

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40 KGE, p. 121 – though later in this article Bosanquet becomes rather cosmopolitan, and quotes Kant with some approval.
41 FSPUM, p. 29
42 Ibid., p. 29
43 PTS, p. 193; though Bosanquet’s position on p. 196 seems subtly different: here a right is ‘a claim recognised by society and enforced by the State’ (his emphasis) – this is an altogether different proposition. The authority enforcing a right is not necessarily the same thing as an authority recognising a right as valid. Sweet holds Bosanquet to be consistently different from Green on the role of the state in rights recognition: Idealism and Rights, p. 71.
44 PTS, p. 215
because the limit of the common experience necessary to form one is generally coterminous with that of the state. The state requires a general will which is normally limited to the nation. We will return to this point later.

**Summary**

To summarise, then, the foregoing section has shown that Bosanquet is a great deal more sceptical about the possibility of the unity of mankind and of politics beyond the state than Green is. Where Green sees all obstacles in the path of the fellowship of mankind as, in principle, surmountable, Bosanquet presents, in various places, a sustained argument that rights beyond the state system simply aren’t possible. This includes both the recognition of rights of non-members of a state by members of a state, and recognition of rights on a cosmopolitan basis throughout humanity more generally (these are two distinct categories). The question is prompted: which theory should we be more convinced by? Before answering this directly, this paper will first focus on reasons for the differences in position between Green and Bosanquet.

**Reasons for the differences**

One might be tempted to explain away the difference in opinion between Green and Bosanquet by reference to the philosophical context in which they were writing. Green’s *Prolegomena to Ethics* was published shortly after his death, in 1882. Bosanquet’s lengthiest treatment of the question of politics beyond the state, ‘The Function of the State in Promoting the Unity of Mankind’, was published in 1916; his essay on ‘Patriotism in the Perfect State’ in 1915, and ‘The Wisdom of Naaman’s Servants’ in 1917. The dates seem to leap out: is Bosanquet’s pessimism towards the unity of mankind simply a product of the conflagration of the First World War, where even the geography and geometry of the trench system pointed to the impossibility of extending rights – or even communication – beyond the state? This contextual analysis is tempting, but flawed. As Nicholson points out, Bosanquet’s philosophy remained consistent, including his view of the possibility of rights beyond the
state. In the 1919 preface to The Philosophical Theory of the State, first published in 1899, Bosanquet writes ‘Then all the old things were true’. Far from being shaped in his theory by the war, Bosanquet believes the war has proved his theory correct. Indeed, there is no contradiction, or noticeable change, between 1899, 1911, when ‘The Teaching of Patriotism’ appeared, and works published during the First World War.

Instead, there are two key theoretical differences which lie at the heart of the disagreement between Bosanquet and Green. These are, first, the difference between ‘common feeling’ in Green and the ‘general will’ in Bosanquet, and, second, a different account of precisely how rights are recognised.

For Green, rights recognition requires people who are equal and similar, yet these qualifications are not very strong. As we have seen, the idea of a common good for Green must include ‘all who have dealing with each other and who can communicate as ‘I’ and ‘Thou’’. In this way, the area of the common good admits the possibility of near-continual expansion, provided that communication is possible. The ties that link people together in this sphere of common good do not have to be extensive or deep – merely communication which allows people to identify a common good is necessary.

For Bosanquet, on the other hand, a much deeper and extensively linked-together community is necessary for a general will – which is necessary for rights – to form. Such a community is ‘vitally coherent, intimately bound together by feeling and type of experience, and allegiance to the same values and aspirations’. In this sort of community, people ‘share the same mind and feeling, and can understand each other’s ways of living and make allowance for each other’. This is a much more complicated interconnection and interdependency of persons than is Green’s area of common good. This points towards an assumption which appears to lie beneath Bosanquet’s conception of the community of recognition much more than it does beneath Green’s: this is the assumption that such a community is coterminous with a nation, and thereby a (nation-)state. As Tyler has recently pointed out, the sphere of the common good in Green is not tied to the nation or state necessarily, but, rather ‘Green believes that the individual will probably be a member of many separate groups…each of which possesses its own common good’. For Bosanquet, in

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45 Nicholson, “Philosophical idealism and international politics: a reply to Dr Savigear”, p. 78
46 PTS, p. 32
47 PE, §209, p. 250
48 WNS, p. 312
49 TP, p. 3
50 Colin Tyler, Civil Society, Capitalism and the State: Part 2 of the Liberal Socialism of Thomas Hill Green (Exeter, Imprint Academic, 2012), p. 75
contrast, the depth and strength of the ties required to form a general will means that rights – and a common good – are only recognised in much more formal, established settings.

The area of common good, for Green, then, is very much more flexible than is the area of the general will for Bosanquet; this explains a large part of their differing attitudes towards the possibility of politics beyond the state. Further, where Bosanquet’s general will-generating community appears to be linked to the nation-state, Green’s is much more flexible (and admits the possibility of multi-level governance).

A second key explanatory factor in the difference between Green and Bosanquet on the unity of mankind and politics beyond the state is the difference in their accounts of how recognition occurs – and of who recognises.

For Green, individuals, and society, can recognise rights. So long as a common good can be conceived, then any group of people can recognise rights among themselves as powers which contribute to that common good. Such recognition of rights is of course safeguarded most effectively when recognised – and then enforced – by the state, but there is no requirement in Green’s theory that the state recognise a right (or claim) in order for it to be, meaningfully, a right.

In contrast, Bosanquet holds that in order to be rights, claims must be recognised by the state. By the state, Bosanquet means ‘society as a unit’ – the limits of state and society, are, again, coterminous with each other. Sweet defends Bosanquet, to an extent, on this point and points out that ‘without a formal recognition, a claim to a right would be indistinct from – and would amount to nothing more than – a wish that there be such a right’. The crucial role of the state in Bosanquet is bound up with his justification for the legitimacy of the state – namely, that the state expresses the general will. In any given society, there can be only one body which expresses such a will, for Bosanquet; only one body may claim sovereignty on the grounds that it is enforcing the general will. Therefore, ‘for there to be ‘rights’, independent of the state, there would have to be an agency able to enforce and ensure their respect. But one cannot have two agencies in a society, both of which possess the authority to make a final adjudication of competing claims.’ For Bosanquet, Green’s conception of the potential multiplicity of common goods would mean a general confusion, and the breakdown of a (single) society with a shared conception of the general will.

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51 PTS, p. 180
52 Sweet, p. 188; see also p. 75
53 Sweet, p. 188
There is a further difference in the process of rights recognition between Green and Bosanquet, which has frequently been overlooked. This difference is the fact that recognition in Green is a two-stage process. As noted previously, the first stage of recognition is analogous with what Arendt terms ‘the right to have rights’. In Green’s language this is ‘in principle the recognition of rights on their part’.\textsuperscript{54} Recognising others as human – because they use language – is to recognise that they are potentially rights holders. This first stage of recognition does not recognise specific rights, but merely the potential that they might have rights, ‘in principle’. By introducing communication, and the identification of a common good, this stage of recognition – the ‘recognition of persons’ – confers membership of a political community. Thus, political communities of recognition can, for Green, emerge wherever there is communication, and without the need to work out precisely what rights each person is entitled to; recognising others as members of a political community is a first stage and admits them to the community which may then debate which rights claims are worthy of recognition.

This two-stage process enables rights recognition to extend – in principle at least – without the need of such fixed communities as Bosanquet depicts, where the minutiae of laws and institutions have been worked out. Through the recognition of persons, and the recognition of a common good, without working out the details of rights, politics can extend beyond the state, and unity of mankind becomes a real possibility – at least in the sense that a common good for all of sorts is conceivable, and that the rights of all can be recognised in principle.

The normative question

For neither Bosanquet nor Green is the question of politics beyond the state free of a normative dimension. For Green, the contention is, clearly, that the spread of the ‘moral ideal’ of the common good, to encompass all humans, is morally desirable. It is, he argues, ‘the intuition of the educated conscience that the true good must be good for all men’;\textsuperscript{55} in the way of such a spread of the moral ideal stand vices such as selfishness, and obstacles to be overcome, such as ignorance and geography,\textsuperscript{56} as well as the ‘suspicion’ of ‘practical men’,

\textsuperscript{54} Green, \textit{Lppo}. §135
\textsuperscript{55} Green, \textit{PE}. § 218, p. 261
\textsuperscript{56} Green, \textit{PE}. §216, p. 258
and the exaggerated distinction between nationalism and cosmopolitanism made by ‘men to whom a little philosophy has proved a dangerous thing’. The implication is clear: there are normative reasons to spread rights and politics beyond the state to encompass all mankind; so much is called for by the ‘almost…axiom of popular Ethics that there is at least a potential duty of every man to every man’ and the conception of ‘a universal Christian citizenship, as wide as the Humanity for which Christ died’.

Bosanquet, on the other hand, presents us with arguments as to why the creation of a world state, or the extension of rights beyond borders, may be normatively undesirable. The first argument is that we stand to lose something if all humanity becomes one general will. Bosanquet questions whether such a coherent worldwide general will ‘could be achieved without the sacrifice of the valuable individual qualities of national minds.’ To illustrate this point, Bosanquet uses the idea of language as an analogy. ‘We should desire’, he argues ‘to preserve the languages of the world in all their glory and individuality’ but in such a way that ‘they should become for mankind a means of entrance into each other’s minds and not a bar to it.’ This is quite different, he maintains, from the creation of ‘a universal artificial language’; we should reject the latter and accept the former, he argues. Leaving aside the loaded distinction between ‘natural’ and ‘artificial’ languages, Bosanquet’s point is that there is something normatively desirable about variety: could we imagine Shakespeare in Latin, Goethe in Russian or Proust in Italian? In a similar way, for Bosanquet, individual states contribute to humanity in different, yet valuable ways, and this contribution would be diminished were all states to become similar, or indeed one. Rather, a ‘number of great systems, very profoundly differing in life, mind, and institutions, existing side by side in peace and co-operation, and each contributing to the world an individual best, irreducible to terms of the others’ might well be ‘a finer and higher thing than a single body with homogeneous civilisation and a single communal will.”

While the creation of a world state, would, argues Bosanquet, entail the loss of something precious, the alternative option, that of the creation of leagues, brings with it different problems. Leagues or federations ‘are apt to be unsuccessful unless they possess, like the United State of America, an obvious and increasing tendency to assume the national

57 Green, PE, §207, pp. 246-247  
58 PE, § 206, p. 245  
59 PE, §206, p. 246  
60 FSPUM, p. 53  
61 FSPUM, p. 53  
62 FSPUM, p. 55
Because leagues ‘have not the spirit of true communities’, the ‘carry the germs of disruption within them’. Without a ‘single general will’, ‘every powerful league tends ipso facto to raise up a powerful counterleague against it, with grave risk of war.’ Extending politics beyond the state in the form of leagues, then, is, for Bosanquet, normatively undesirable because leagues do nothing to decrease the disruption of war, but rather threaten to increase the risks of war and other disruption. ‘Take away the general will and nothing but force is left’: this force may well lead to violence. Furthermore, as ‘behind all force there must be a general will’ and ‘other contrivances for government are external and tyrannical’, a league with binding rules yet no general will is itself a tyranny, and intrinsically illegitimate.

Bosanquet’s empirical account of the impossibility of rights beyond the state is, then, matched by his normative concerns about the effects of any such rights. Green, in contrast, holds the extension of politics beyond the state and the unity of mankind to be normatively desirable. This gulf between the two is strange given their similarity on so many points. Further, it seems that Bosanquet is only partially aware of Green’s thought on this point. He references Green’s Lectures on the Principles of Political Obligation in more than one place in connection with politics beyond the state, but, strangely, he does not refer to the discussion of the matter in the Prolegomena to Ethics.

A difference merely in emphasis?

Before concluding, it is worth considering one thesis, namely that Green and Bosanquet do not disagree as much as I have presented, and that there is merely a difference of emphasis at play. At times, Bosanquet admits that ‘larger units than nation-states’ are possible, provided that ‘they must have achieved a unity comparable to that which we now experience in nationality alone’. Elsewhere, he argues that a ‘principle, so to speak, of political parsimony – entia non sunt multiplicanda praetor necessitate, ‘two organisations will not survive when one can do the work’ – is always tending to expand the political unit’.

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63 FSPUM, p. 52
64 FSPUM, p. 49
65 PPS, pp. 136-137
66 WNS, p. 313
67 FSPUM, p. 29
68 PPS, p. 150; WNS, p. 306
69 FSPUM, p. 53
70 PTS, p. 180-181
The logical extension of this argument is the eventual coming into being of a world state, the result of expansion to the limits of humanity. Bosanquet admits further that ‘it is conceivable that a true general will (not a mere external convention) might grow up which should be solidly supported by the body, spirit, and sentiment of all the communities’, but it is clear that he holds this to be unlikely. The possibility of theoretically conceiving something does not make it a probability.

Likewise, Green is not always so consistent about the potential of the sphere of common good for expansion. Certain passages in his *Lectures of the Principles of Political Obligation* have quite nationalistic overtones and seem at odds with his view that the sphere of commonality may expand to all humanity. In these passages, Green argues that an equality of patriotism is necessary (as part of his argument that rights recognition requires people to be equal and similar). For Green, even if an individual can participate actively in government, ‘even then his patriotism will hardly be the passion which it needs to be, unless his judgement of what he owes to the state is quickened by a feeling of which the ‘patria’, the fatherland, the seat of one’s home, is the natural object’. The state becomes the object of this feeling ‘only so far as it is an organisation of a people to whom the individual feels himself bound by ties analogous to those which bind him to his family’. Such ties are derived ‘from a common dwelling-place with its associations, from common memories, traditions and customs, and from the common ways of feeling and thinking which a common language and still more a common literature embodies’. Only if these conditions are met, argues Green, can the individual ‘learn to regard the work of the state as a whole, and to transfer to the whole the interest which otherwise his particular experience would lead him to feel only in that part of its work that goes to the maintenance of his own and his neighbour’s rights’: in other words, common ties are needed so that the individual may conceive all in the state as possessing a common interest, of being ὃμοιοι, rather than just the few neighbours he admits readily he has common interest with, and with whom he conceives himself as ὃμος. Here, the equality is an equality of feeling: all must feel equally tied to the state in order to shore it up.

This is despite Green’s criticism in the *Prolegomena* of ‘men to whom a little philosophy has proved a dangerous thing’ who ‘make much of the distinction between an

71 *PPS*, p. 150
73 *Ibid.*, §123, p. 130
74 *Ibid.*, §123, p. 130
obligation that admits of being enforced between persons subject to a common sovereign’ and obligations between ‘man to man as such’.\textsuperscript{75} It would seem that what Green is doing when he argues that some patriotic feeling is needed within a state is certainly not far from this.

The question here is whether there is a way out of what seems to be a contradiction in Green’s thought. Can he subscribe both to the notion that there sphere of commonality can expand limitlessly and the notion that the state is the location of common feeling, and must be based on the patriotic feelings inspired by aspects of nation? It would appear that this is simply a contradiction in Green’s thought, borne perhaps out of the fact that neither the \textit{Lectures on the Principles of Political Obligation} nor the \textit{Prolegomena to Ethics} were quite finished when Green died: both appeared posthumously. It may be that Green’s thinking on this point was not completely systematic.

However, one possible solution would be to reframe the terms of patriotism in less exclusive terms. The areas involved in Green’s ‘common dwelling-place’, ‘common memories, traditions and customs’, ‘common ways of feeling and thinking’, ‘common language’ and ‘common literature’ are entirely arbitrary. If we were to apply these very strictly we would find that such patriotic ties would only apply to the village or local level: a small village certainly involves a common dwelling place, common memories, traditions and customs, common ways of feeling and so on that may be completely at odds with a village only a few miles away. The idea that a resident of the Shetland Isles has all these things completely in common with a resident of South London is something that is clearly open to challenge. In other words, there is no reason why a whole \textit{nation} should have shared feelings and sentiments, as opposed to any other grouping. The sphere within which these common reference points exists is as flexible as Green argues the sphere of commonality is in the \textit{Prolegomena}. Thus a way out of the seeming contradiction in Green’s thought is possible, if we admit that the nation is not the only grouping within which common sentiment exists, but rather accept that groupings can be much more flexible, whether at a smaller level – villages and the like – or at a higher level – a European identity, for example.

Despite these considerations of possible inconsistencies in Green and Bosanquet, the overall picture emerges unchanged: Green is, on any assessment, both readier to believe in the possibility of politics beyond the state, and in the normative value of extending rights recognition to the whole of humanity. Bosanquet places much more value on the state as

\textsuperscript{75} Green, \textit{PE}, §207, p. 246
providing the ‘station’ within which individuals can bring about good for the whole of humanity; he views the possibility of a world state as damaging to the existing plurality of customs and value-systems; he views a federation as normatively undesirable as it would be backed by no general will; he is sceptical that rights recognition or politics could be extended beyond the state.

Assessment

This paper has shown that there are considerable differences between Bosanquet and Green on the matter of rights recognition beyond the state. In doing so, it has helped to inform the debate about the possibility of politics beyond the state. Green and Bosanquet represent two divergent positions in this debate. Were one to follow Bosanquet, then the possibility of meaningful politics outside the state – and the possibility that non-citizens may have rights – seems far-fetched. Following Green, on the other hand, leaves much more open the possibility that the sphere of the common good and of rights recognition may be extended beyond national and state boundaries.

There are good reasons to prefer Green’s account to Bosanquet’s. It would be a cheap shot to accuse an Edwardian writer of what Ulrich Beck would term ‘methodological nationalism’, but it is nevertheless the case that Bosanquet’s model of the general will and of recognition is rooted in the nation state. The largest groups of people who are capable of forming a general will are, for Bosanquet, nations; the state is formal apparatus of each nation. This conception is rooted in a Westphalian model of relatively static nation-states, which was always more ideal-type than fact. Loyalties can exist, sufficient to form a general will, at levels higher and lower than the state: Green’s work demonstrates this.

Further, Bosanquet’s insistence that rights must be recognised by the state has serious drawbacks. Not only is there the problem of a state which does not pass a right into law that ought to be passed into law (regardless of how one conceptualises ‘ought’ here), but this fails to do justice to the multiplicity of rights systems in any given society. This is due to Bosanquet’s rather monolithic ontology of society. Societies are not monolithic. In each society, there is not one single debate about which rights claims ought to be justified, which can be settled by one formal body, namely the state. Rather, there are a multiplicity of fora, formal and informal, in which rights claims are adjudicated. There is not just one overall general will, but rather, a multiplicity of overlapping spheres of conceived common goods.
Therefore, Green’s conceptualisation of rights recognition – with its many spheres of common goods – seems to correspond better to the empirical facts of society. Further, Green’s conceptualisation of recognition, which does not require formal state recognition, is more plausible: we recognise many rights and duties to each other without formal legislation. Legislation is not always the recognition of a right, but rather it is the enforcement of a right recognised by society: recognition and enforcement are not the same thing.

Finally, Green’s two stage recognition offers a useful way of conceptualising rights beyond the state. The fact that we can recognise that a person has rights in principle – without specifying quite what those rights are – allows that person membership of the rights-recognising community. It allows at least a channel of communication to be opened up. Once communication is established, then the content of rights can be debated. This obviates the need for such deeply established communities as Bosanquet’s general will calls for. It also allows for change and movement to occur: where Bosanquet sees communities as having been created by past and tradition, Green’s pre-cursor to ‘the right to have rights’ allows new communities to come into being. In an era of globalisation and migration, this has the advantage of being significantly more inclusive than Bosanquet’s rather exclusive historical communities.