

## ARTICLE

# RATIONAL NATURAL LAW AND GERMAN SOCIOLOGY: HOBBS, LOCKE AND TÖNNIES<sup>1</sup>

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While the roots of modern German sociology are often traced back to historicism, the importance of rational natural law in the inception of the founding work of German sociology, *Gemeinschaft und Gesellschaft* by Ferdinand Tönnies, intended as a ‘creative synthesis’ between rational natural law and romantic historicism, should not be overlooked. We show how in his earliest scholarly work on Thomas Hobbes and John Locke the shift in the meaning of the two concepts ‘*Gemeinschaft*’ and ‘*Gesellschaft*’ represents a departure from early liberal enlightenment to a *Weltanschauung* marked by romantic authors such as Fichte, Novalis and Haller, by Schopenhauer, Nietzsche, Spencer and Marx, notwithstanding Tönnies’ adherence to the political and social values of a liberal civil society.

**KEYWORDS:** Gemeinschaft; Gesellschaft; commonwealth; politic society; sovereignty; sociability

## INTRODUCTION

An unexplored aspect of early modern German social theory, the roots of which are often seen in historicism, is the formative influence of rationalist natural law and the social philosophies of Thomas Hobbes and John Locke, to whom Ferdinand Tönnies attributed a central role. Tönnies saw sociology as only one academic strand of his interdisciplinary work, *Gemeinschaft und Gesellschaft* (1887), which straddled ethnology, psychology, sociology and law, and the work was initially addressed primarily to an audience of philosophers.<sup>2</sup>

Although Tönnies’ work *Gemeinschaft und Gesellschaft* was received more implicitly than explicitly between its publication in 1887 and the second

<sup>1</sup>The research findings here were made possible through grants from the Henkel, the Volkswagen and the Leverhulme foundations. I would like to thank Professor Jose Harris, Oxford and anonymous BJHP referees for their suggestions.

<sup>2</sup>Ferdinand Tönnies, *Gemeinschaft und Gesellschaft: Grundbegriffe der reinen Soziologie*. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1979).

edition in 1912, which was acclaimed and enjoyed popularity over the following two decades, its importance as a philosophical opus was remarked upon as early as 1888 by Tönnies' friend, the philosopher, Friedrich Paulsen in a critique in which he likened the work to Hobbes' *Elements of Law* and Schopenhauer's *Welt als Wille und Vorstellung*, noting its opening of themes for subsequent intellectual development.<sup>3</sup> Yet the reception of *Gemeinschaft und Gesellschaft* has often consisted of the superficial citing of the dichotomy, with little to no notice taken of Tönnies' philosophical arguments. Ferdinand Tönnies started as an intuitive and deeply ethically concerned student of the classics, convinced of the importance of firm commitment by intellectuals to resolving the social issues of the age and more generally concerned with the costs of rationalism and its economic manifestations in capitalism. He had, as most German intellectuals of his day, been steeped in romanticism, and admired the philosophies of Schopenhauer and Nietzsche. However, Tönnies' own entry into social theory and the development of modern German sociology was mediated by rationalist authors of the English tradition, Hobbes and Locke, to whom he was introduced by the philosopher, Paulsen. Although the romantic influences upon Tönnies' thought have been explored by Hans Freyer<sup>4</sup> and Arthur Mitzman,<sup>5</sup> the formative influence of Hobbesian rationalist natural law has remained understated.

Tönnies' thought has too often been presented either positively, e.g. by Freyer, or negatively, e.g. by the Marxist, Lukács<sup>6</sup> or the liberal, Dahrendorf,<sup>7</sup> as representative of a specifically German, anti-rationalist strain of thought. However, the foundations of Tönnies' sociological and political thought were Hobbesian, i.e. strictly rationalist, and the modern social sciences that Tönnies sought to establish were intended to remain resolutely rational in the exploration and revaluation of the irrational. Tönnies' *Gemeinschaft und Gesellschaft* can be read as a reasoned response to Hobbes' presentation of the foundation of Commonwealth and human sociability as a set of norms laid down by an accepted authority to constrain human beings in their latent mutual hostility, which Tönnies accepts as the basis of prevailing social intercourse in modern commercial and capitalist society. However, Tönnies argued that the presentation of human interactions as relations of hostility under constraint was not the whole

<sup>3</sup>Friedrich Paulsen, 'Tönnies, Ferdinand. Gemeinschaft und Gesellschaft. Abhandlung des Communismus und des Socialismus als empirischer Culturformen. Leipzig, Fues's Verlag, 1887', *Vierteljahresschrift für wissenschaftliche Philosophie*, XII (1888): 111–19.

<sup>4</sup>Hans Freyer, 'Ferdinand Tönnies und seine Stellung in der deutschen Soziologie', *Weltwirtschaftliches Archiv*, (July 1936).

<sup>5</sup>Arthur Mitzman, *Sociology and Estrangement: Three Sociologists of Imperial Germany* (New Brunswick, NJ: Transaction Books, 1987). Fritz Ringer, *The Decline of the German Mandarins* (Middletown: Wesleyan University Press, 1990).

<sup>6</sup>Georg Lukács, *Die Zerstörung der Vernunft* (Berlin: Aufbau Verlag, 1954).

<sup>7</sup>Ralf Dahrendorf, *Gesellschaft und Demokratie in Deutschland* (Munich: R. Piper & Co. Verlag, 1965).

truth, and went on to present an alternative explanation for human sociability, drawn from romantic authors and more recent ethnologists in his theory of pre-rational community. He viewed the shortcomings of Hobbes' and Locke or of rationalism and Enlightenment in general as lying in the ignorance of history, and in their unawareness that rationalism was a historical phenomenon that should be interpreted just like any other historical phenomenon. His foundation of the modern social sciences thus consists in an attempt at reconciling and offering a creative synthesis of the opposed traditions of rationalism and historicism.<sup>8</sup>

Here, we propose to explore the rationalist foundations upon which Tönnies was to construct his own social theory. These foundations were laid in Tönnies' early work of exegesis or intellectual history, a field in which Tönnies has remained a largely unsung hero. In the present article, we propose to present a close analysis of the first series of studies in which Ferdinand Tönnies presented the conceptual dichotomy '*Gemeinschaft*' and '*Gesellschaft*', which remarkably has been overlooked by literature on Tönnies' intellectual development – Tönnies' *Anmerkungen über die Philosophie des Hobbes*. His use of the dichotomy here diverges vastly from his later use, i.e. currently received usage, and this inconsistency may be a reason that previous commentators of Tönnies have shied away from the topic. After looking at ideological influences that contributed to the new direction in Tönnies' thought, we shall remark upon the importance that Hobbes should be accorded in Tönnies studies and that Tönnies may be accorded in Hobbes studies

## TÖNNIES' ENCOUNTER WITH THE PHILOSOPHY OF HOBBS

In 1876, at the age of 21, Tönnies was initiated by his friend, the Millsian philosopher Friedrich Paulsen into the social theory of Hobbes, who was to influence Tönnies' attempts to wed social organization to human psychology enormously. Having read *De Cive* in 1876, Tönnies bought the complete Latin works. His efforts to promoting Hobbes scholarship culminated in his edition of works by Hobbes<sup>9</sup> and a monograph, '*Hobbes Leben und Lehre*' in 1896, reedited in 1912 and 1925.<sup>10</sup> A pioneer in Hobbes studies,<sup>11</sup> Tönnies knew he had set the points for future exegesis,<sup>12</sup> and continued to lecture and publish regularly on Hobbes, e.g. at the Third International Congress for Philosophy in Heidelberg in 1908. He was the

<sup>8</sup>F. Tönnies, *Gemeinschaft und Gesellschaft*, p. xv.

<sup>9</sup>Uwe Carstens, *Ferdinand Tönnies: Friese und Weltbürger; eine Biografie* (Norderstedt: Books on Line, 2005), p. 117.

<sup>10</sup>F. Tönnies, *Hobbes Leben und Lehre* (Stuttgart: Friedrich Frommann Verlag, 1896).

<sup>11</sup>Bernard Willms, *Thomas Hobbes. Das Reich des Leviathans* (Munich, Zurich: Piper Verlag, 1987), p. 242f.

<sup>12</sup>Carstens, *Ferdinand Tönnies*, p. 205.

first president of Germany's *Hobbes Gesellschaft* or *Societas Hobbesiana* upon its founding at Hertford College in Oxford on the occasion of the 250th anniversary Hobbes' death in 1929, and later the society's honorary president.

When Tönnies was on a 10-week trip to England in 1878, Edward Maunde Thompson, subsequently Director of the British Museum granted him access to Hobbes' literary estate, where he discovered *Elements of Law natural and politic* (1640). At St. John's College in Oxford, Tönnies found the original manuscript of *Behemoth or The long Parliament* of 1682. After gaining access to the Duke of Devonshire's papers at Hardwick through Max Müller, Tönnies compared them with the British Museum versions so as to reconstruct the text of Hobbes' 'little treatise' of 1640. When commenting wryly to Paulsen that discovering a manuscript by Bacon would have created more of a stir and been better for 'business',<sup>13</sup> Tönnies underestimated Hobbes' future position, which may have kept him from seeking a publisher for the work and writing a monograph on Hobbes immediately, a decision he later regretted.<sup>14</sup> Tönnies concluded that Hobbes was underestimated, anything but a mere epigone of Bacon, as the philosopher, Kuno Fischer had claimed. Tönnies' work on Hobbes marked the beginning of an academic career and set the direction of his own social theory. 'Looking back, the former philologist in me is amused by the value his discoveries would have had, (I had also stumbled upon what I entitled the *Short Tract on first principles*), had they had been the work not of the important seventeenth century philosopher but of some mediocre writer of antiquity.' Paulsen urged Tönnies in August 1879 to put to paper his ideas 'on politics and social theory (*Gesellschaftslehre*): even if it is of no use to anyone else, it will surely be of use to yourself.'<sup>15</sup> Richard Avenarius, professor of philosophy at the University of Zurich and founder of the revue, '*Vierteljahresschrift für wissenschaftliche Philosophie*' in 1877, asked Tönnies, whose acquaintance he made through Paulsen, for a contribution.

Less than 3 months later, in October 1879, Paulsen received a 70-page series of four articles entitled *Notes on the Philosophy of Hobbes*, surpassing all Paulsen's expectations. They were published in the *Vierteljahresschrift* from 1879 to 1881. The *Notes on the Philosophy of Hobbes* are among Tönnies' clearest writings; when he later submitted his *Habilitationsschrift* or postdoctoral thesis, a sketchy draft of a mechanistic philosophy of history entitled *Gemeinschaft und Gesellschaft*, the faculty followed the recommendation of his supervisor, Professor Benno Erdmann, awarding him the degree on the merits of his Hobbes essays instead. The essays point to the concerns of

<sup>13</sup>Ferdinand Tönnies and Friedrich Paulsen, *Briefwechsel, 1876–1908* (Kiel: Ferdinand Hirt, 1961), p. 40.

<sup>14</sup>cf. Carstens *Ferdinand Tönnies*, 79 and F. Tönnies, *Ferdinand Tönnies. Eutin (Holstein). in: Die deutsche Philosophie der Gegenwart in Selbstdarstellung* (Leipzig: F. Meiner Verlag, 1922) 9–10 (211–12).

<sup>15</sup>Tönnies and Paulsen, *Briefwechsel*, p. 59.

Tönnies' later work and include the 'conceptual dichotomy', '*Gemeinschaft*' and '*Gesellschaft*'. Paulsen remarked that they were 'the best that had ever been published in the journal.'<sup>16</sup> There is a finish, coherence and simplicity missing in much of Tönnies' later writing, burdened by the ambition of producing a synthesis of disparate traditions. Although Tönnies went on to publish Hobbes' works and produce an intellectual biography, *Hobbes Leben und Lehre* in 1896, the essays of 1879 present his mature reading of Hobbes.

Tönnies' own thought developed as he concurred and differed with Hobbes. His admired Hobbes as the first consistent materialist in social philosophy, freeing thought from the thrall of the clerics, and as a founder of both Spinoza's philosophical and Marx' historical materialisms. By erecting a system of rational ethics, Tönnies had dealt a blow Church power. Hobbesian natural law turned Scholastic natural law on its head, enabling man to contemplate the consequence of acts rather than the purity of the individual conscience or soul. While modern science had begun to address practical problems in production and commerce, Hobbes was the first to apply its method to the ethical issue of how man should live. Hobbes laid the groundwork for the social sciences and psychology, and asserted that science needed no practical justification, but was an end in itself. Because of his determinist outlook, he sought out real causes, and his pioneering enquiries into the foundations of social and political life culminated in what Tönnies calls the 'anthropological legitimacy' of political authority, which undermined traditional sources of authority. Finally, Hobbes took great pains to justify all of his conclusions through a theory of knowledge. In all of these respects, Hobbes served as a model for Tönnies. On the other hand, Tönnies saw shortcomings in Hobbes – his 'mechanistic' understanding of the human psyche, his failure to recognize that 'human nature' is not immutable, his ignorance of historical evolution, and an erroneous construction of human nature. Tönnies draws from the works, *Elements of Law, Natural and Politic, De Cive, Leviathan*, and *De Homine* in his four articles on Hobbes' epistemology and political theory, which Tönnies saw as divorced from the remainder of his philosophy.<sup>17</sup> The impact of those articles on the development of sociology in Germany has yet to be commented.

## THE THEORY OF KNOWLEDGE

A major achievement of Hobbes was 'the revision of the medieval world set', the supplanting of the superstition and the influence of the clergy through

<sup>16</sup>Tönnies and Paulsen, *Briefwechsel*, p. 64.

<sup>17</sup>F. Tönnies. 'Anmerkungen über die Philosophie des Hobbes', Vierteljahresheft für wissenschaftliche Philosophie, ed. Avenarius, reprinted in: *Studien zur Philosophie und Gesellschaftslehre im 17. [siebzehnten] Jahrhundert*. Hrsg. von E. G. Jacoby, (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1975).

scientific materialism, driven by 'enmity against the Middle Ages and the intellectual power that predominated, the Catholic church.' While metaphysical truth was received 'directly from God through revelation' in the tradition of Thomas Aquinas, modern science initially served man's needs by rationalizing trade or improving the tools of production. But Galileo turned mechanics, astronomy and other fields into philosophical disciplines, meaning 'all sciences that produced general and necessary truths.' Through his revolutionary teachings on the movements of bodies and use of mathematics, Galileo destroyed the physics of the Scholastics. According to Tönnies, the revolution unleashed by Galileo hinged on the new use of the concept of the *ends* or *purpose* (*Zweck*).<sup>18</sup> The notion of 'purpose' or 'ends' was to become the key to his own interpretation of modernity. Tönnies' distinction between essential and arbitrary will, the psychological bearers of community and modernity, hinges on the unity of 'ends' and 'means' in the former, their separation in the latter, a preoccupation taken on by Max Weber in his categories of '*Gesellschaftshandeln*' in his article, '*Über einige Kategorien der verstehenden Soziologie*' and purposive rationality ('*Zweckrationalität*') in *Wirtschaft und Gesellschaft*. The centrality of purposive rationality in the human sciences as an immediate legacy of Thomas Hobbes induced Tönnies to devote an essay to Weber's memory entitled '*Ends and Means in the Life of Society*'.<sup>19</sup>

Tönnies argues that Hobbes' immediate model was not Bacon's empiricism, which Tönnies regarded as the consensus of his day, but Galileo's science of deduction. Apart from a few reflections on the validity of induction, Tönnies writes, Bacon had given no thought to epistemology. Hobbes was also inspired by Euclid's geometry, having discovered his *Elements*. He thus aimed at 'demonstration through the syllogistic connection of definitions.' This aim, and his conviction, expressed in 1634, that 'everything in nature happens mechanically' placed him squarely in the tradition of Galileo. For Tönnies, Hobbes is less a British empiricist in the tradition of Bacon, Newton, etc. than a rational systematic thinker in the continental European tradition.<sup>20</sup> Notwithstanding the divide between Hobbes' analysis of material reality and his political philosophy, Hobbes was convinced he was applying the same methods. *Elements of Law, Natural and Politic* of 1640, analysed thought as the connection of various judgements, and distinguished between sensual perception (or empiricism) on the one hand and science or rationalism, i.e. a knowledge of the truth of certain propositions, on the other. While history retains what has been perceived by the senses, philosophy aims at establishing general truths.

<sup>18</sup>Ibid., pp. 171–4.

<sup>19</sup>F. Tönnies, 'Zweck und Mittel im Sozialen Leben', in *Hauptprobleme der Soziologie. Erinnerungsgabe für Max Weber, [2 Bde]* (Munich und Leipzig: Duncker & Humblot, 1923) Vol. 1, pp. 235–70.

<sup>20</sup>Tönnies, *Anmerkungen*, pp. 176–9, 196.

Judgments connected in propositions depend in turn on the consensual use of language as names or signs for the purpose of comparison. Since, as Hobbes argues, nothing is general apart from names, understanding universals does not involving understanding of the things themselves, but of the names and of the speech made up of these names<sup>21</sup> – a radical application of nominalism.

In *Leviathan*, which appeared in 1651, Hobbes aimed at establishing a science of man. Although Hobbes sees the validity of knowledge as relative when he acknowledges that facts, although initially perception, afterwards become mere memory, he attempts to elaborate a comprehensive materialistic world set along rationalist lines, in which geometry would grasp the effects of movement in the abstract, dynamics and mechanics would show the effects of the movement of bodies, and psychology would describe the effects of such movements (through e.g. the ocular faculty) on man. Tönnies criticizes Hobbes 'tacitly' 'mechanistic approach to psychology',<sup>22</sup> attributing Hobbes' misunderstanding of human nature to a simplistic doctrine of physical and mechanic attraction and repulsion. Yet while describing the connection between Hobbes' mechanics and physics on the one hand and his politics on the other as tenuous and awkward, Tönnies was to follow Hobbes in linking material causes and ethical consequences through psychology. The gap between Hobbes' primitive materialism and materialist underpinnings of modern psychology, according to Tönnies, were to be filled by Spinoza.<sup>23</sup> 'The study of Spinoza determined my philosophical views forever. If I ascribe my sense of rigorous logical thinking and consequently an understanding of cultural facts oriented around the natural sciences to Hobbes, it was Spinoza who provided me with the foundation of my actual world set, which at the same time includes a critique of and corrective to science.'<sup>24</sup> 'Hobbes: the true physics, Spinoza, the true psychology', he would write in his introduction to a letter from Leibniz to Hobbes, published in the same year as *Gemeinschaft und Gesellschaft*.<sup>25</sup>

Tönnies remarks that rather than replace 'the obvious errors of the old physics and the entire implicit world set' with 'merely presumed general propositions', 'like so many contemporaries and later thinkers (Hobbes) felt he had to oppose the merely ostensibly necessary truths of the Scholastics with truly necessary truths.'<sup>26</sup> Tönnies developed his social theory in opposition to Hobbes' 'truths' on human nature. But despite what Tönnies

<sup>21</sup>Tönnies, *Anmerkungen*, pp. 184–6.

<sup>22</sup>*Ibid.*, p. 189.

<sup>23</sup>F. Tönnies, 'Studie zur Kritik des Spinoza', in *Vierteljahresschrift für wissenschaftliche Philosophie*, (1883): 158–83, 334–64.

<sup>24</sup>Tönnies, *Die deutsche Philosophie*, 15 (217).

<sup>25</sup>F. Tönnies, Introduction to, 'Brief des Leibniz an Hobbes' of 1670, *Philosophischen Monatsheften*, 23 (1887): 557–73, reprinted in *Studien zur Philosophie*, p. 165.

<sup>26</sup>Tönnies, *Anmerkungen*, pp. 189–96.

describes as a logical leap made by Hobbes from the physical motion of bodies to the psychological motivations of humans, and his misunderstanding of the limits of a hypothesis, he produced an admirable 'mechanical natural philosophy', emulated by Tönnies more than two centuries later, as is particularly conspicuous in the introduction to *Gemeinschaft und Gesellschaft*, with its 'physiological' attributions of 'man's specific capacities', its assumption of a unity of human and natural sciences, consisting in the invariable task of establishing changes and generalizing these to probabilities. Tönnies' approach to science was influenced by Hobbesian analogies, creating a surprising link between Tönnies' work of 1887 and Hobbes' intellectual universe, with an explanation of the human sciences that recalls early enlightenment: the 'formal consequences' of human relationships are the study of 'pure jurisprudence (natural law)', and are thus analogous 'to geometry', while 'the material nature' of human relationships are the stuff of 'political economy, which can be compared with abstract mechanics.'<sup>27</sup>

Materialism was an epistemological, sociological and political position Tönnies related to Hobbes and Spinoza, but which had taken on other meanings through his varied readings: the pantheistic, mystic natural philosophy of Schelling, with its emphasis on the existence of an undivided will lead Tönnies to juxtapose Spinoza's monist materialist declaration of the identity of the will and the intellect alongside a mystic declaration from the monist spiritualist Jakob Böhme. At the same time, the term 'materialism' was increasingly associated with Marx' historical materialism, with which Tönnies felt sympathy. However remote Spinoza's and Marx' are from one another, Tönnies' associates philosophical monism and historical materialism in his essay on Spinoza and Marx and his monograph on Marx, and his 'materialism' is as ambiguous as its influences.<sup>28</sup>

## ETHICS AND POLITICS

Tönnies sees Hobbes' place in the history of thought on man not so much in his material determinism as in his attempts to elaborate a rationalist system of ethics to do justice to man as he exists. Hobbes and Tönnies both develop their metaphysical arguments on the social organization of man around experience so as to solidify norms derived from empirical propositions. Hobbes had arrived at the basis for his ethics when translating the histories of Thucydides in 1628, at the time he discovered Euclid's geometry and Galileo's physics. While Tönnies suggests that Hobbes simply placed his

<sup>27</sup>Tönnies, *Gemeinschaft und Gesellschaft*, p. xxii.

<sup>28</sup>Tönnies, 'Spinoza und Marx', in *Die neue Zeit. Wochenschrift der deutschen Sozialdemokratie*, edited by Cunow, 1921, 39. Jg. vol. 1, no. 24, pp. 573–6. F. Tönnies, *Marx, Leben und Lehre* (Jena, 1921).



physics alongside his ethics, it appears more that Hobbes developed his physics around his convictions as to man's nature, induced from reported history and experience. The importance of physics in Hobbes' psychology and ethics was that it showed the inevitability of conflict in the absence of an equal or greater force.<sup>29</sup> Similarly, Tönnies arrived at his own vision of the inexorable collective evolution of humans parallel to the maturing and decline of human individuals entirely independently of his epistemological positions. Tönnies' views on ethics and politics, although ostensibly related to his theory of social development, were as divorced from his epistemological positions as Hobbes'.

Hobbes' ambition in the field of ethics was to define the concepts of moral philosophy through reason, an enterprise that had not been undertaken previously, for 'as long reason is against a man, man will be against reason.' According to Tönnies, Hobbes took two premises of Scholasticism on board: that a natural law containing positive law exists and that natural justice consists in giving what is rightfully due. But Hobbes defined man in the state of nature differently from the Scholastics – not as an innocent before the fall, leaving a memory of virtue in a progeny tainted by his original sin, but as a likely perpetrator of violence attending only to satisfying his own needs. In Hobbes' state of nature, in the absence of social constraints, every man demonstrably has a right to all things. The propensity of men to stake a claim to scarce necessities of life, compounded by the specifically human quality of vanity and a desire for fame, which induce men to subjugate others, lead to conflicts and aggression. As humans are equally endowed with the ability to kill one another, in a state of nature they live in constant danger. As it is reasonable for any man to stake a rightful claim to all the means he requires to defend his life, if there is no authority to adjudicate on what means are justified, every man in nature has a right to all means and hence all things. This state of affairs leads to eternal war, *bellum omnium contra omnes*. Because of the universal fear of death ensuing from a state of nature, in itself good for no man, to maintain this state of nature and perpetual war is unreasonable. 'Hobbes boldly equates reason and the natural fear of death.' The war of all against all is a consequence of the equality of all men. Hence, it is reasonable to abrogate equality 'where one can' for the sake of security. For in nature, 'irresistible power (over people as well) is Law.' Reason dictates that man seek peace if he has some hope for achieving it. This is the fundamental law of nature, according to Hobbes, from which all secondary laws are derived. 'Its main tenet stipulates that contracts be respected. Contracts are the basis of Commonwealth.'<sup>30</sup>

<sup>29</sup>Tönnies, *Anmerkungen*, pp. 197–202.

<sup>30</sup>*Ibid.*, pp. 202–4, 215. Tönnies' exegesis can be compared with Thomas Hobbes, *Leviathan*, A Critical Edition by G. A. J. Rogers and Karl Schuhmann (Bristol: Thoemmes Continuum, 2003).

Hobbes' natural law was less a reinterpretation of existing notions of natural law than their negation. The Scholastics viewed the laws of nature as equally valid in the state of nature and in society, where they were expressed in positive law, itself subordinate to the laws of nature. Scholastics equated natural law with morality and divine law, engraved in man's heart but obscured through the fall of Adam. Despite man's fall from grace and concupiscent and irascible passions, he is nonetheless capable of recognizing good and acting accordingly through his free will. According to Scholasticism, man's reason leads him to choose good over evil; for in the Scholastic view, 'man's *rational* nature is at the same time his *social* nature. It is the source of temporal society or the State (*weltliche oder staatliche Gemeinschaft*).<sup>31</sup> For Hobbes, however, these premises were simply absurd. Hobbes rejected out of hand the notion of the *immediate* recognition of virtue, since knowledge can only be obtained by thinking, i.e. by connecting judgements consisting of names, and such judgements would be impossible in a state of nature without language and in which man's sole purpose was self-preservation. While Scholastics insisted that man's reason will make him act out of love for his fellow man, Hobbes argued that man's reason would instead make him defend himself from his fellow man, using all the means that he regards as legitimate. Civil society and social virtues are not ends in themselves, but a mere means to the higher ends of preservation. Man deems 'good' those things that serve the purpose of his own survival; the word 'good' loses all moral connotations, retaining a purely utilitarian meaning. Tönnies concludes that 'these propositions constitute the first attempt to extend the refutation of teleological dogmatism, as it was made possible by rational physics, to the realm of morality.'<sup>31</sup>

While Scholastics saw in Natural Law the opportunity for humans to avail themselves of their free will to follow the transcendental commandments of God and of reason, Hobbes describes natural law as a set of constraints and obligations which restrain the unreasonable impulses of our wills. 'Free will' was absurd as a term, for the freedom to act contrary to one's will would be tantamount to self-prevention. Freedom, which for Hobbes was simply the 'absence of external impediments to motion', including the 'desires' of the will, must yield to the covenant of a contract in recognition of the necessity. The emotions to which Hobbes reduces all human motivation in his *Elements of Law*, 'pride, foolishness, modesty, courage, anger, vindication, remorse, hope, despair, trust, pity, callousness, indignation, jealousy, the unknown affects that provoke laughter and crying, lust, love, charity, admiration, a thirst for knowledge' compete in a race 'in which there is no other goal and no other prize than to be ahead.' According to Tönnies, Hobbes has concluded that there is no love among mankind, otherwise it would be universal; 'but real experience shows that people only seek the company of those who offer them honour or

<sup>31</sup>Ibid., pp. 204-8.

advantage.’ Since not even vanity and the desire for fame moves man to act socially, ‘no one should doubt that people would in the absence of fear strive for power with greater desire than for society (*Gemeinschaft*).’ ‘Hence the great paradox: the mutual fear of people unites those people to join in society.’ (Here, Tönnies uses the word, *Gemeinschaft*). For ‘only a common power’ (*gemeinschaftliche Macht*) could hold people together. Yet power requires ‘a will as of its bearer. The many wills must therefore become a will, and this is only possible if one will, irrespective of how it is created, at every manifestation is able to determine all of the actions of everyone, i.e. must be valid for all. However, this will cannot be the unanimity of all, for one cannot count on it existing forever. A constant will can only be the will of a person, whether a natural person, i.e. a human being; or an artificial person, i.e. a congregation; the will of a congregation is the will of its majority.’<sup>32</sup> (We shall not comment here upon the faithfulness of Tönnies’ rendition of Hobbes.)

In *Leviathan*, Hobbes elaborates his position. Reason is the product of man’s fear of death; it is not ‘innate like sense and memory, nor attained merely through experience, like cleverness, but obtained by industry.’ Man, by industry, invents and connects names in syllogisms, so as to form compacts that will ensure peace. The question of where this power has been proved to be recognized by subjects can be best answered with the question of ‘when or where an empire has long been free of unrest and civil war?’ Hobbes is ultimately indifferent to how a governing power attains power; whether it originates in a social contract (as ‘commonwealth’) or through conquest by foreign aggressors is immaterial as far as its legitimacy is concerned. Reason in any case demands obedience for the maintenance of the social peace.<sup>33</sup>

The Christian Commonwealth posed specific problems for Hobbes, whose writings are marked by an age of secular and religious rivalries. Hobbes’ deductions accord fully with the interests of the English monarchy since Henry VIII, as he declares the union of the head of state and the church a logical necessity. Irrespective of how it is revealed, all divine will must be interpreted. Since all men can be deemed fallible in their interpretation, such an interpretation can only be undertaken by the sovereign power of the Commonwealth. For whosoever interprets divine will gains sovereignty over the wills of his following; and the existence of two sovereigns within one Commonwealth is a conceptual absurdity, leading Hobbes to argue that the union of Church and State was necessary. The absolute inequality between the sovereign and governed coexists with the legal equality of the sovereign’s subjects. ‘For his power is all the greater, on no account lesser, the more equally the power of all individuals is spread.’ The law ensures the protection of citizens’ lives in exchange for the sacrifice of certain freedoms.

<sup>32</sup>Ibid., pp. 226, 212–16. Adelung, Grimms.

<sup>33</sup>Ibid., pp. 220, 222, 223f.

'Rebels' cannot be punished by law within civil society; however, by acting against the sovereign in principle and by committing a breach of his contractual obligations, they have offended not the law of the commonwealth, but the law of nature. Rebels are thus not punished as criminals but, having entered into that state which is war, killed as enemies.<sup>34</sup>

Hobbes, Tönnies concludes, thus laid the foundations of modern natural law. 'All Commonwealth (*Gemeinschaft*) is understood to issue from contracts among individuals, just as in Hobbes; and accordingly, all the moral obligations of each individual are derived from his own will. What is common to this outlook is its individualism. It is opposed both in content and effect to every outlook that refers to traditional morality, i.e. the belief in custom and traditional authorities, particularly religion, and any norm of good and evil. It is altogether revolutionary.' Locke, Hobbes' follower 'in almost every respect', not only imitated Hobbes as a 'critic of concepts', but also took on board Hobbes' premise and later the central tenet of modern social and political theory: that institutions are based on acts of will.<sup>35</sup>

### TÖNNIES' CRITIQUE OF HOBBS

Tönnies was dissatisfied with Hobbes' account of human nature, introducing a criticism, but retracting it. Like the Scholastics, Tönnies has faith in man's goodness, but unlike Scholasticism sees this propensity for good not in overcoming temptation through free choice, but as a determinist sees man's nature corrupted not by a veil obscuring his knowledge of the good, but by the illuminating advent of rationality. In his essays on Hobbes, Tönnies only opens and then closes a window onto those convictions:

'If Hobbes wishes to maintain the principles of his psychological doctrine that all actions issue from affects, . . . he should admit the possibility of a special affect which can be depicted as love of one's commonwealth (*Gemeinschaft*) or at least a reluctance to act against what had once been wanted, and thus the sovereign power. Such an affect, however, would merely be the general drive for self-preservation or (expressed negatively) fear of death, however formed through the correct opinion or the reasoned recognition of the best means to the intended purpose. Hobbes did not move on to this.'<sup>36</sup>

Tönnies moves away from exegesis to critique, ignoring that Hobbes' goal was not to account for all possible variations of human affects but to make a polemic point on behalf of undivided and respected sovereignty on the basis of generalizations about probable human behaviour. Hobbes was prepared

<sup>34</sup>Ibid., pp. 230, 232.

<sup>35</sup>Ibid., pp. 239, 236.

<sup>36</sup>Ibid., p. 232.

to acknowledge a natural nobility of spirit in individuals. But to 'fulfill their task with the same success as mathematicians',<sup>37</sup> Hobbes' explicit aim and a condition for social peace and prosperity, moral philosophers have to base logical deductions on the overwhelming probability of egotism.

Rousseauesque and Tönniesian naturalism is amoral and moralistic: noble savages need no moral scriptures; however, while Rousseau's primal man lives without friction outside society, Tönnies' primal man lives in harmony within community. However, human nature was mutable for Tönnies and Rousseau. In an essay on Hobbes and Spinoza, Tönnies writes that those philosophers' rationalism had a fatal flaw: it lacked 'the concept of *development*. (Hobbes) only knew set and immutable concepts: to this extent, the old, Platonic idealistic mind-set, which had ossified in Scholasticism in the form of realism, kept him in its thrall.'<sup>38</sup> The heir to the historicist critique of enlightenment in both positivist sociology and romantic philosophies of history, Tönnies himself became enthralled by the nineteenth century idea of immutably regular *development*.

The second thrust of Tönnies' criticism concerns Hobbes' legitimizing of the state. Tönnies resents the idea that irrespective of the origin of a state's power, whether through contract or through conquest, that power is regarded as legitimate and must be respected. He argues on the one hand that power based upon 'unilateral or reciprocal fear' would be perpetually endangered. On the other hand, he proceeds directly to the statement that 'probably all empirical states go back to that sort of origin.' A 'commonwealth founded in reason, i.e. a true suspension of the state of nature in reality' therefore does 'not exist', being instead a fiction that, however, 'must be *thought* of as though it issued from a reasoned understanding and the deliberate contracts of every individual with all other individuals; thus, in lieu of natural power relationships, artificial or actual legal relationships are created through the mutual recognition of the equality of all.'<sup>39</sup> Tönnies moves from the liberal critique of Hobbes' rationale for authoritarianism that it cannot be upheld to the historicist counter-argument that violence was at the origin of all power, trailing off with a plea for natural law fictions nevertheless. The flaws in Tönnies' criticism of Hobbes are due to his own vacillations in defining the origins of society. This very prevarication was to serve as the inspiration for Tönnies' own sociology. His own social thought, with its 'subterranean influence'<sup>40</sup> on German and international sociology, issued from Hobbes' question: what is the 'internal' basis for human coexistence and for a social order? And like Hobbes, he attributed human action and hence relationships as the

<sup>37</sup>Ibid., p. 234.

<sup>38</sup>Tönnies, 'Hobbes und Spinoza', *Studien zur Philosophie*, p. 239.

<sup>39</sup>Tönnies, *Anmerkungen*, p. 225.

<sup>40</sup>Alfred Vierkandt, *Gesellschaftslehre: Hauptprobleme der philosophischen Soziologie* (Stuttgart: Ferdinand Enke, 1923).

sum of actions to acts of will. However, Tönnies saw many relationships as non-contractual, and distinguished between qualitatively different acts of will on the basis of level of reflection, immediacy and integrity.

Hobbes' aim was to prove the necessity of a state or Commonwealth and of the civic virtues of contractual loyalty and civil obedience, since in the absence of government, men behaved like wolves. According to Tönnies of 1887, the state of nature was neither Eden, as the Scholastics had supposed, nor *bellum omnium contra omnes*, but a humane state of organically evolved *Gemeinschaft*, unmitigated by the artificiality of an instrumental reason that reinforced egotism. If Tönnies, like the Scholastics, assumes that man's nature had at one point been 'better', his values and virtues and his view of the nature of and reasons for man's fall or steady moral decline will have differed. For man's original virtue did not get lost in the obscurity that befell his soul with the expulsion from the garden, but simply paled in the light of his growing lucidity as to his wants and means to attain those wants. Tönnies had as little time for such Scholastic constructs as the 'free will' as Hobbes. Unable to resist those factors that mark their wills, men cannot resist the inexorable development of 'essential' to 'arbitrary will.' Tönnies' ethics leave little place for choice, since as the sociable behaviour of man of community is biologically determined.

While Hobbes had found ample demonstration in his lifetime and in Thucydides' history that without the constraints of reason and the fear of death, man was a wolf, and while the scholastics saw a constant teetering between man's potential good and his real evil, Tönnies argued that neither had grasped the possibility that man's attitudes and behaviour depended on a number of social, economic, religious, demographic, biological and gender determinants of nature and nurturing. From the Hobbesian question of the psychological basis of human relations and institutions in human will, Tönnies, a witness to far-reaching industrial and social transformation, integrated the Fichtean conviction of moral degeneration with the irreversible advance of rationalism. By developing a theory of volitional evolution, of the regular and inexorable development of rational individualism from naive collectivism, he allowed opposing views of human nature, an 'optimistic' and a 'pessimistic', to coexist. While this idea is fundamental to *Gemeinschaft und Gesellschaft*, it is already touched on briefly in Tönnies' *Notes on the Philosophy of Hobbes*.

#### HOBBS AND LOCKE: GEMEINSCHAFT AND GESELLSCHAFT

In describing the relationship between Hobbes and Locke, Tönnies concurs with the appraisal Paulsen offered of John Locke (1632–1704) before Tönnies commenced his study of natural law: that Locke was a follower of Hobbes in virtually every respect, a position later defended by Leo Strauss. By 1887, Tönnies had also anticipated C.B. Macpherson's Marxist reading

of Hobbes and Locke. But while noting that Locke followed Hobbes in his conceptual criticism and in a natural law based upon the contract, Tönnies ascertains important differences between the natural law of Hobbes and Locke. It is in contrasting the two that Tönnies first introduces *Gemeinschaft* and *Gesellschaft* as a dichotomy, however one that differs considerably from the concepts of 1887. In contrast to Hobbes, for whom reason postulates the necessity 'of the absolute sovereignty of the common will (*Gemeinschaftswillen*)', the historical equivalent of which is 'the phenomenon of the absolute monarchy', Locke has a more 'optimistic vision of human nature', 'abhors' such authority, and felt that 'a Commonwealth (*Gemeinschaft*) as such was not really necessary, believing instead that the greatest possible human happiness could be attained through mere society (*Gesellschaft*) and a societal state (*gesellschaftlichen Staat*); i.e. through reciprocal, equally binding and dissoluble relations among people.' Historically, the 'external form' of Locke's notion of '*Gesellschaft*' corresponded, according to Tönnies, 'to liberalist (*sic*) constitutionalism.'<sup>41</sup>

Tönnies introduces the concepts '*Gemeinschaft*' and '*Gesellschaft*' for the first time, almost as an afterthought. While the word '*Gemeinschaft*' had been used previously in the essay to mean anything from 'society' to 'company' to 'peaceful intercourse' to 'community' to simply 'common' (e.g. in the compound word, '*Gemeinschaftswillen*'), it becomes a specifically political term at the end of the essays, designating a social or political order. Here, '*Gemeinschaft*' refers to pre-liberal monarchical absolutism, instituted to restrain human egoism; '*Gesellschaft*' to post-absolutist liberal constitutionalism, which accepts that mankind can be elevated to the status of free citizenry. To those accustomed to hearing that Tönnies' notion of '*Gesellschaft*' corresponds to Hobbes' view of society, it may be surprising to note that in Tönnies' *Notes on the Philosophy of Hobbes*, not '*Gesellschaft*', but '*Gemeinschaft*' was the Hobbesian concept, indeed a direct translation of Hobbes' 'Commonwealth'. In Tönnies' work of 1879, '*Gemeinschaft*' and '*Gesellschaft*' corresponded to opposing views in the development of English rational political philosophy. By 1887, the meaning of this dichotomy had been altered beyond recognition. One might indeed suppose a simple reverse; but the swing in the meaning of the terms is more complex, revealing not only of the genesis and development of Tönnies' work, but equally of turns in his political ideology.

While Tönnies had taken considerable care in reproducing Hobbes' arguments, his analysis of Locke is cursory and coloured by his reception of nineteenth century liberalism. It must be said at the outset that as admirably succinct Tönnies is in reproducing the general thrust of Hobbes' chief argument, his depiction of Locke's thought seems superficial. His idiosyncratic reading of Locke's argument teaches us little on Locke, but indicates where Tönnies' own concerns were leading him.

<sup>41</sup>Tönnies, *Anmerkungen*, p. 240.

‘COMMUNITY’ AND ‘SOCIETY’ IN LOCKE’S  
*TWO TREATISES OF GOVERNMENT*

The Hobbesian term translated by Tönnies in his *Notes on the Philosophy of Hobbes* as ‘*Gemeinschaft*’ is ‘Commonwealth.’ It is less apparent which term of Locke’s Tönnies renders with ‘*Gesellschaft*’, as Locke employs the terms ‘Commonwealth’, ‘Community’, ‘Civitas’, and ‘Society’, with inconsistent meanings in chapter 10, ‘Of the forms of a commonwealth’ of his Second Treatise:

‘By *Common-wealth*, I must be understood all along to mean, not a Democracy, or any Form of Government, but *any Independent Community* which the *Latines* signified by the word *Civitas* to which the word which best answers in our Language, is *Common-wealth*, and most properly expresses such a Society of Men, which Community or Citty in *English* does not, for there may be Subordinate Communities in a Government; and City amongst us has a quite different notion from *Commonwealth*.’<sup>42</sup>

Locke presents approximate synonyms: ‘Commonwealth’ as a group organized with ‘magistral’ power, ‘society’ as a group of people, used interchangeably with ‘community’. ‘Society’ is the term Tönnies renders as ‘*Gesellschaft*’ at the close of his article, as in the expression, ‘political’ or ‘civil’ ‘society’ in chapter 7 of the second treatise, ‘Of Political or Civil Society’:

‘Wherever, therefore, any number of men so unite into one society as to quit every one his executive power of the law of Nature, and to resign it to the public, there and there only is a political or civil society. And this is done wherever any number of men, in the state of Nature, enter into society to make one people one body politic under one supreme government: or else when any one joins himself to, and incorporates with any government already made. For hereby he authorises the society, or which is all one, the legislative thereof, to make laws for him as the public good of the society shall require, to the execution whereof his own assistance (as to his own decrees) is due.’

Tönnies’ presentation of Locke’s argument as optimistic is erroneous, for Locke argues that absolute monarchy is an absurdity because it places the sovereign outside the commonwealth. ‘Wherever any persons are who have not such an authority to appeal to, and decide any difference between them there, those persons are still in the state of Nature. And so is every absolute prince in respect of those who are under his dominion.’ Rather than defend optimism, Locke taxes Hobbes with inconsistency. Contrary to Tönnies’

<sup>42</sup>John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988), p. 355.



assertion, ‘*Gesellschaft*’ or ‘political society’ in Locke’s usage expresses no opposition to ‘*Gemeinschaft*’ or ‘Commonwealth’ in Hobbes’ writings: for Locke, ‘Commonwealth’ and ‘civil’ or ‘political society’ are virtual synonyms. Nowhere does Locke suggest that a Commonwealth is unnecessary. He subscribes to Hobbes’ conviction that a Commonwealth based upon a social compact is the only means for man to emerge from a state of war. Locke differs with Hobbes in distinguishing the state of war from a peaceful state of nature; (inconsistently, for he also says that without government, the world would be ‘perpetual Disorder and Mischief, Tumult, Sedition and Rebellion’, and confuses the state of nature and state of war). Though Locke was an adamant opponent of absolute monarchy, he was as much a proponent of ‘Commonwealth’ as Hobbes, and for very similar reasons.<sup>43</sup>

In summing up the difference between Hobbes’ and Locke’s views with single words, Tönnies succumbs to a fallacy that was to colour his life’s work. For Tönnies believed in the precision of language and its ability to render discerningly vast complexes of diverse ideas. Locke used the terms ‘community’ and ‘society’ indiscriminately, in ways that falsify Tönnies’ conclusions in his *Notes on the Philosophy of Hobbes*, and undermine later arguments in *Gemeinschaft und Gesellschaft*. Apart from being employed as a synonym for ‘Society’, designating an otherwise undefined group of people, as indicated above, ‘Community’ is also used in the second treatise as a virtual synonym for ‘Commonwealth’, i.e. a politically organized community, founded on a compact and identical with ‘Government’;<sup>44</sup> in the expression ‘Community of Nature’, it designates a group of people prior to political organization;<sup>45</sup> ‘the Community becomes Umpire’, i.e. the executor of law within the Commonwealth;<sup>46</sup> ‘Community’ is furthermore Locke’s translation for ‘*Populo universo*’.<sup>47</sup> And though Locke writes: ‘That which makes the Community, and brings Men out of the loose State of Nature, into one Politick Society, is the Agreement which every one has with the rest to incorporate, and act as one Body, and so be one distinct Commonwealth’<sup>48</sup> – appearing to employ ‘Community’ as a group of men in the state of Nature prior to the social compact – Locke also understands Community as a group of men who have united ‘out of a state of Nature’:

‘99. Whosoever therefore out of a state of Nature unite into a *Community*, must be understood to give up all the power, necessary to the ends for which they unite into Society, to the majority of the Community, unless they expressly agreed in any number greater than the majority. And this is done by

<sup>43</sup>Ibid., pp. 279f, 268, 326 ff, 91 ff.

<sup>44</sup>Ibid., pp. 268, 273, 428, 331.

<sup>45</sup>Ibid., p. 271.

<sup>46</sup>Ibid., p. 324.

<sup>47</sup>Ibid., p. 419f.

<sup>48</sup>Ibid., p. 406.

barely agreeing to *unite into one Political Society*, which is *all the Compact* that is, or needs be, between the Individuals, that enter into, or make up a *Common-wealth*. And thus that, which begins and actually constitutes any *Political Society*, is nothing but the consent of any number of Freemen capable of a majority to unite and incorporate into such a Society. And this is that, and that only, which did, or could give *beginning* to any *lawful Government* in the World.<sup>49</sup>

'Society' is employed as a synonym of 'Commonwealth';<sup>50</sup> Locke writes that by 'putting themselves into Society', men quit 'the State of Nature'.<sup>51</sup> But he also uses 'Society' quite differently, as when he writes that the 'first Society was between Man and Wife', calling it 'Conjugal Society' and describing it as a 'voluntary Compact between Man and Woman'.<sup>52</sup> In *Gemeinschaft und Gesellschaft*, Tönnies was to argue that '*Gesellschaft*' rather than '*Gemeinschaft*' could not be conceivably used to refer to the state of marriage; notwithstanding, the Adelung dictionary of 1796 contains an entry for '*eheliche Gesellschaft*' (Conjugal Society); and even as Tönnies wrote that '*Güter-Gemeinschaft*' (common ownership within marriage) would not be called '*Güter-Gesellschaft*', a volume of Grimm's dictionary was being prepared with the entry, '*Gesellschaft der Güter*' that would contradict him.<sup>53</sup> Locke uses 'Politic' or 'Political Society' as a synonym for 'Civil Society'<sup>54</sup> and for 'Commonwealth', the English equivalent of the Latin 'Reipublicae'<sup>55</sup> deriving the specificity of 'civil' or 'politic society' from the difference to 'Conjugal Society', or 'Society betwixt Parents and Children'.<sup>56</sup>

To blind ourselves to shifts in meaning because we expect terminological consistency makes understanding thought impossible. Tönnies should have concluded from Locke's *Two Treatises of Government* that he used terms inconsistently. But eager to deduce findings from linguistic usage, he chose to ignore language's intrinsic irrationality. Though observing that the terms '*Gemeinschaft*' and '*Gesellschaft*', etymologically near synonyms that had been employed 'at random',<sup>57</sup> he develops an analysis of society based on their 'correct' usage. Locke provides striking examples of the indiscriminate use of the terms 'Community', 'Society' and 'Commonwealth'. His arguments can nonetheless be followed by virtue through their context. Readers of Tönnies realize that far from being unambiguous, specific

<sup>49</sup>Ibid., p. 333.

<sup>50</sup>Ibid., pp. 279, 280, 295, 314.

<sup>51</sup>Ibid., p. 282.

<sup>52</sup>Ibid., p. 319.

<sup>53</sup>Tönnies, *Gemeinschaft und Gesellschaft*, p. 3f.

<sup>54</sup>Locke, *Two Treatises*, p. 324.

<sup>55</sup>Ibid., p. 420.

<sup>56</sup>Ibid., VII, § 84, p. 322.

<sup>57</sup>Tönnies, *Gemeinschaft und Gesellschaft*, p. 3.

meanings of *Gemeinschaft* or *Gesellschaft* in a given passage have to be deduced through reference to their context. The meanings of these terms vary not only from author to author, or from one work to another (as between Tönnies' *Notes on the Philosophy of Hobbes* and *Gemeinschaft und Gesellschaft*), but within a single work.

### TÖNNIES, HOBBS AND LOCKE

When contextualizing Hobbes, Tönnies assumes erroneously that Hobbes' Commonwealth necessarily corresponded to absolute monarchy. Hobbes' argument, as reproduced by Tönnies, aims at establishing the legitimacy of the power monopoly of any government, whether 'a natural' or an 'artificial person', i.e. a 'congregation' – a passage that Tönnies quotes. Hobbes believed that the foremost aim of government is stability and social peace, and expressed the personal preference of hereditary monarchy over an elected body with a defined term of office as a guarantor of such stability or peace; but Hobbes never advanced the idea that absolute monarchy was the only valid form of government, instead describing a variety of conceivable and functioning forms of Commonwealth. Tönnies equally errs in his reading of Locke. Locke, as Tönnies indicates, precludes that a Commonwealth as a political society formed by a social compact may reasonably be an absolute monarchy – however, not, as Tönnies suggests, because he was more optimistic as to the nature of men in general, but because he was more pessimistic about the nature of monarchs: 'He that would have been insolent and injurious in the Woods of America, would not probably be much better in a Throne.' It is unreasonable for men 'to take care to avoid what Mischiefs may be done to them by *Pole-Cats*, or *Foxes*, but are content, nay think it Safety, to be devoured by *Lions*.' Holders of office, according to Locke, are equally members of a civil or political society, and hence subject to its laws: 'No Man in Civil Society can be exempted from the Laws of it.'<sup>58</sup> In point of fact, both Hobbes and Locke expressed the belief that chivalric values were on the decline, necessitating modern civic virtues all the more. It seems incorrect to argue that differences in Hobbes' and Locke's arguments were based upon Hobbes' 'pessimism' or Locke's 'optimism'.

Tönnies' approach of relating thought to historical constellations has been taken up with zeal and erudition by scholars divided as to whether Locke was an apologist or a revolutionary over the question of the precise date of Locke's Second Treatise. Tönnies distinguishes between Hobbes' and Locke's values, between political stability at all cost and a guarantee of liberties: Hobbes, destined by inclination to a grand old age, accepting virtually any political order, and Locke, according to varying interpretations, either an apologist for the monarchy that issued from the Glorious

<sup>58</sup>Ibid., pp. 327, 328, 330.

Revolution or a republican advocating a future revolution. Tönnies' one-line summary of Locke's place in intellectual history is misleading, as it suggests that members of civil society can withdraw from society at their pleasure. While Locke argued that there were limits to the power of those who govern, he never suggests that responsible individuals can 'dissolve' their 'reciprocal... relationships' at will. But though Tönnies' summary of Locke's thought may leave an erroneous impression of Locke, it serves to illuminate the development of the thinking of Tönnies, who regarded the 'dissolubility' of human ties as the key feature of modern life.

#### THE CONCEPTS GEMEINSCHAFT AND GESELLSCHAFT IN THE NOTES ON THE PHILOSOPHY OF HOBBS

To understand the terms '*Gemeinschaft*' and '*Gesellschaft*' in Tönnies' *Notes on the Philosophy of Hobbes* one must forget Tönnies' later usage and understand Tönnies' representations of Hobbes and Locke, as opposed to the tenor of their philosophy. For Tönnies of the *Notes*, the concept of '*Gemeinschaft*' corresponds to Hobbes' 'Commonwealth' – an 'artificial man'. The concept of '*Gesellschaft*' corresponds to Locke's 'civil society'. Although we have shown that Locke actually used the terms as virtual synonyms, we can make the following conjectures on Tönnies' 'historical' reading of Hobbes and Locke: For Hobbes, (1588–1679), life was sociable only if man reasonably disavowed liberties to the benefit of a common pacifying will, with liberties defined negatively as omissions of law (*De Cive*, Chapter III). Locke (1632–1704), who upheld the citizens' participation in defining their society, provided for positive liberties for autonomously organizing productive and functional non-state institutions. '*Gesellschaft*' is distinguished from '*Gemeinschaft*' in *Notes on the Philosophy of Hobbes* neither through the emotional quality of human relations, nor the question of whether relationships are affirmed as ends or merely as means to ends, as it was in *Gemeinschaft und Gesellschaft* of 1887, but through the question of freedom in political orders. In light of the importance of the question of freedom not merely for the thought of Tönnies in general, but in particular for the political abuse of the term *Gemeinschaft*, the neglect of the problem of what freedom meant to Tönnies by previous literature is surprising. In Tönnies' *Notes on the Philosophie of Hobbes*, *Gemeinschaft* is the absolutist, illiberal state for the incorrigible, *Gesellschaft* a liberal constitutionalist state that requires and promotes the autonomy and participation of its bearers. If it has become a commonplace in literature on Tönnies that his concept of *Gesellschaft* had been taken from Hobbes, it should be pointed out that in his *Notes on the Philosophy of Hobbes*, it is not *Gesellschaft* but *Gemeinschaft* that corresponds to Hobbes' gloomy vision of the necessary role of a social order. That *Gemeinschaft* historically preceded *Gesellschaft* nonetheless – as absolutism preceded liberalism – shows that the *Notes on the Philosophy of*

*Hobbes* depict historical development not as a decline in any sense, but as the increase of real liberty and civilization. The implicit assumptions and values of the *Notes on the Philosophy of Hobbes* must therefore contrast sharply with those of *Gemeinschaft und Gesellschaft*.

And this is the case. The brief conclusion of the *Notes on the Philosophy of Hobbes* is characterized by those liberal values and ideas that Tönnies imputes to Locke. By 1887, this paradigm has as good as disappeared. As early as 1881, in Tönnies' *Habilitationschrift*, the question of rule in modern society is deemed irrelevant. The essays on Hobbes end with a description of the transition of a (modern) ideology of absolutism to an ideology of liberalism within the Enlightenment. Locke's vision that man need not only be constrained in his social dealings and that the good of society would increase as man reasonably pursued his own ends was, for Tönnies of 1879, relatively optimistic. The transition from absolutism to liberalism meant the recognition that man was capable of living in freedom, and that his emancipation from tutelage and tyranny went hand in hand with his moral edification and ability to act productively in society. We are light years from the idea that emancipation, the dissolution of the libidinous and valuable ties of *Gemeinschaft* and consequent egotistical pursuit of individual interests in *Gesellschaft*, is tantamount to the decline of moral values.

While as a historical stage, *Gemeinschaft* precedes *Gesellschaft* in both the *Notes on the Philosophy of Hobbes* and in *Gemeinschaft und Gesellschaft*, in the former the development amounts to an ascent in social and human values, whereas in the latter it amounts to a decline. In the *Notes*, *Gesellschaft* characterizes man's departure from tutelage and the gradual unfolding of freedoms as man comes to age; the idea of the movement from non-age or minority to majority is essential in Locke. Throughout Tönnies' life, this liberal tune accompanies as an upbeat counter melody the deep romantic theme so often described as Tönnies' cultural pessimism, though it was ignored for the most part by his ideological following. Those contemporary Germans enraptured by the twilights of community who will have perceived liberal strains or undertones may have found the English counter-melody, so remote from the tragedy of the overall theme, irritating, or may have felt the resulting dissonance a concession to modernity. This it was, however not as a deliberate experiment in style, but as the accidental result of clashing values, the unresolved collation to a *motif* of its transposition into a minor key.

If we consider Tönnies' own values, his abandoning Locke, to whom he devoted but a single line throughout his work, must have caused him little grief. Locke's marriage of faith in God with free enterprise will have repulsed him. He must have taken exception to the idea that God had left the earth mainly for the 'industrious and rational' and that Providence had provided for inequality of property. The premises of 1887 are that the values of freedom and equality that emerged in the wake of individualism were irrelevant in

*Gemeinschaft*, while in *Gesellschaft*, they were increasingly grotesque fictions upheld by a minority in their own interests and against the interests of the whole. Tönnies neither believed that individuals' pursuit of their own interest would be of greater benefit to the whole than distributive justice, nor was he wildly enthused about the process of social selection in mercantile society.

Quite apart from differences over values, Tönnies' turning from Locke as a representative of rational natural law was mainly due to his reservation that Locke's (relatively) 'optimistic' corrective to the Hobbesian 'image of man' was not optimistic enough, when seen against Tönnies' own understanding of human potential. If we read the *Notes on the Philosophy of Hobbes* from Tönnies' ideological perspective of 1887, Locke has, in constituting political society, condemned man to dividing his thought and his action perpetually. By 1887, Tönnies had concluded that liberalism amounted not to a surmounting of egoism, but a harnessing of egoism as the most valid force for material progress. Liberalism does not transcend the contract as the basis of society, but allows it to proliferate.

Thus, in *Gemeinschaft und Gesellschaft*, *Gemeinschaft* and *Gesellschaft* are no longer represented by Hobbes and Locke respectively. Having ascertained the similarities of Hobbes' and Locke's notion of man, or at any rate the systemic importance of like premises, Tönnies bundles homo hobbesiana and homo lockeana together and puts them into '*Gesellschaft*', where the egotistical contractual thinker, 'an abstract person', suffers the isolation of modernity with or without civil liberties. The thus vacant concept, '*Gemeinschaft*', is given the meaning the German word acquired through Romantic authors: the notion of an undivided will, borrowed from Schelling and Böhme, an understanding of '*Gemeinwesen*' marked by Rousseau, Wieland and Fichte. Tönnies' pre-modern man of *Gemeinschaft* is one of unreflecting virtue. After writing his *Notes on the Philosophy of Hobbes*, Tönnies immersed himself in the ambivalent histories of Rousseau, Herder, Novalis and Fichte, in the conception of society not as a mechanism, but as an organism, the cult of medievalism, exemplified by Novalis, scepticism towards emancipation, expressed in Fichte's utopian antithesis to liberalism's utopias, in the notion of *Gemeinwesen*, absorbed in Tönnies' theory of community<sup>59</sup> and contrasting starkly with the Hobbesian and Lockean models of the Commonwealth, in Savigny's repudiation of rationalized law, in Müller's critique of atomism as applied in economics, in Carlyle's reception of German Romanticism in the English-speaking world, in Friedrich List's debunking of the free market creed, and in Schelling's theory of an all-encompassing will that preceded the divisiveness of modernity. Romanticism was as important as rationalism in the 'creative synthesis' undertaken by Tönnies of those diametrically opposed visions of man and society, a project Tönnies saw as a turning point in

<sup>59</sup>Tönnies, *Gemeinschaft und Gesellschaft*, p. 185.

intellectual history comparable to Kant's synthesis of rationalism and empiricism.<sup>60</sup> When compared with Tönnies' vision of pre-rational man living in natural harmony with others, Hobbes' man appeared to Tönnies to be an altogether artificial and tragically decadent construction, while the extolling of liberty and equality before the law by liberals appeared to be simple hypocrisy, given the exacerbation of material inequality and misery within capitalistic society, as shown by Karl Marx.

While Hobbes and Locke taught us rational man, Tönnies taught us, under the influence of the romantics – Rousseau, Fichte, Novalis, Haller – to revere his predecessor, whose love of his own community was becoming increasingly incomprehensible to the inhabitants of individualist civil or bourgeois society. Tönnies was to conclude that the 'process of civilisation' was an embellishment of moral decline. Locke's ideal of education, challenged by Tönnies implicitly as it had been by Rousseau and Marx, aimed by and large at the civic virtues upheld by Hobbes – '*bürgerliche Tugenden*'. However, the German language makes no distinction between 'civic' and 'bourgeois virtues', and Tönnies was disdainful of the virtues of the bourgeois aspiring only to comfort. All the accomplishments of a free society paled against the costs of individualism to the development of human character. In his theory of *Gesellschaft* in *Gemeinschaft und Gesellschaft*, Tönnies intimates that in light of the irreversible dissolution of the sacred, 'the current emancipation of individuals from all ties that bound them to the family, the country and the town, and that held them to superstition, faith, tradition, habit and duty', in light of 'the victory of egotism', 'more or less' freedom was really inconsequential. 'Arbitrary freedom (of the individual) and arbitrary despotism (of a Caesar or a state) are not opposites. They are two manifestations of the same state. They may dispute over more or less. But by nature, they are allies.'<sup>61</sup>

This position, which is revealing when viewed against the German political battles of his day, must be born in mind in any appraisals of Tönnies' ideological and political influence in Germany in the definition of its political and social order. Tönnies' scholarly work was intended as a corrective to Locke, offering a natural law that 'transcended liberalism'.<sup>62</sup> For liberalism, as Tönnies believed, had been shown its lamentable inadequacy in the course of the intellectual and social history of the nineteenth century, failing to take account of economic power and to provide for needs not met by the market, while natural law theory ignored all those human motivations that transcended acquisitive egotism. Tönnies held ambivalent hopes for a 'renewal of natural law', as he entitled a lecture he held early in the 1880s: he saw a resurgence in rationalism with the publication of the utilitarian Rudolf von Jhering's

<sup>60</sup>Ibid., p. xv.

<sup>61</sup>Tönnies, *Gemeinschaft und Gesellschaft*, p. 182.

<sup>62</sup>Tönnies and Paulsen, *Briefwechsel*.

*The Purpose in Law* (1877),<sup>63</sup> and proposed a natural law of community in *Gemeinschaft und Gesellschaft* alongside the natural law of liberal individualism in his theory of society. Otto von Gierke confirmed the effective demise of natural law in his fourth and final volume of *Genossenschaftsrecht*,<sup>64</sup> and in his lifetime, Tönnies was to witness the most dramatic triumph over natural law and liberalism with the advent of National-Socialism, to which he opposed his visceral resistance. One of Tönnies' last public positions was the expression of his conviction that liberalism, which after 1933 seemed irretrievable, would return dialectically in a higher form. The price of its renewal, which Tönnies was not to witness, was the defeat of his commonwealth.

### RECONSTRUCTING TÖNNIES' THOUGHT

While numerous publications have sought to situate Tönnies' thought, none to date have clarified the key position of Tönnies' early studies on Hobbes. Though very attentive to the influence of Spinoza, even the fine intellectual historian E. G. Jacoby overlooks the fundamental importance of the *Anmerkungen* in his own study of modern society in Tönnies' social science.<sup>65</sup> In his sensitive but defensive presentation of Tönnies as a creatively synthetic thinker drawing from liberal enlightenment and historicist critiques of liberal values, Cornelius Bickel rejects 'caesura' in Tönnies' thought, and bases his exegesis not on the early work, but on Tönnies' later study of social development.<sup>66</sup> Günther Rudolph's interpretation of Tönnies, begun in East Berlin in the 1960s, focuses on Marx' incontestable influence at the expense of other authors.<sup>67</sup> In his discussion of the 'architecture' of *Gemeinschaft und Gesellschaft*, Peter Ulrich Merz-Benz shows less interest in the work's archaeology.<sup>68</sup> Finally, Carsten's useful biography retraces life events without expanding upon intellectual arguments.

Yet situating Tönnies' exegesis of Hobbes in the development of his own thought is an urgent research desideratum, especially for the awaited critical re-edition of *Gemeinschaft und Gesellschaft* within the complete works, being

<sup>63</sup>Rudolf Jhering, *Der Zweck im Recht* (Leipzig: Breitkopf & Härtel, 1916). Translated as: *Law as a means to an end* (Boston: The Boston Book Company, 1913).

<sup>64</sup>O. Gierke, *Das deutsche Genossenschaftsrecht: | Bd. 4. Staats- und Korporationslehre der Neuzeit* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1954).

<sup>65</sup>E. G. Jacoby, *Die moderne Gesellschaft im sozialwissenschaftlichen Denken von Ferdinand Tönnies* (Stuttgart: Enke, 1971).

<sup>66</sup>Cornelius Bickel, *Ferdinand Tönnies, Soziologie als skeptische Aufklärung zwischen Historismus und Rationalismus* (Opladen: Westdeutscher Verlag, 1991).

<sup>67</sup>Günther Rudolph, *Die philosophisch-soziologischen Grundpositionen von Ferdinand Tönnies* (Hamburg: Fechner, 1995).

<sup>68</sup>Peter Ulrich Merz-Benz, *Tiefsinn und Scharfsinn. Ferdinand Tönnies' begriffliche Konstitution der Sozialwelt* (Frankfurt am Main: Suhrkamp, 1995).



published by DeGruyter.<sup>69</sup> While numerous volumes have been edited and published, the crucial first two volumes, which will respectively include the *Anmerkungen* and *Gemeinschaft und Gesellschaft*, have yet to be undertaken, perhaps inter alia to the extreme difficulty of Tönnies' major work, alluded to in Harris' and Hollis' recent translation,<sup>70</sup> and perhaps also to the set of competences necessary for retracing Tönnies' own mental processes – a knowledge of the classics and languages sufficient for the reconstruction of a discourse that is linguistic, culturally and historically mobile. A final weighty reason for inadequate attention to Tönnies' thought is political: in light of the National Socialists' use of the word, '*Gemeinschaft*', his reception has been overshadowed by the work's perceived anti-modernism, criticized e.g. by the liberal, Dahrendorf,<sup>71</sup> and the communist, Georg Lukács.<sup>72</sup> The omission of scholarship to point to the ideological ramifications of the swing from the *Anmerkungen* to *Gemeinschaft und Gesellschaft* may be due to a reluctance to address ideological influences, notably that of romanticism, upon which only Mitzman and Ringer have shed light;<sup>73</sup> although in a letter to his friend, Friedrich Paulsen, Tönnies expressed his hope to bring rationalism and romanticism together to a 'higher synthesis'.<sup>74</sup> The pessimistic turn we see in Tönnies' thought, notably in his re-evaluation of rationalism, has been situated biographically in the estrangement of a move from the country to the town following his father's conversion from farmer to financier, economically in the recession that followed the post-unification boom and Tönnies' exposure to the poverty of London, politically in the rationalization of the life world of his origins, Slesvig-Holstein, through its absorption by the Prussian bureaucracy, and philosophically in the influence of Schopenhauer and Nietzsche. The origins of the ambivalence of a thinking that exercised such fascination on his contemporaries and has so deeply marked social theory must be illuminated in any new undertakings to present Tönnies.

In insisting upon the need to revive Tönnies' thought by exploring its roots, we would be remiss not to consider Tönnies' impact on Hobbes scholarship. Tönnies was introduced to the field by Kuno Fischer, who presented Hobbes as an epigone of Bacon with little consideration for his originality and none for his importance as a symptom of societal

<sup>69</sup>Ferdinand Tönnies, *Gesamtausgabe TG im Auftrag der Ferdinand-Tönnies-Gesellschaft e.V. herausgegeben von Lars Clausen, Alexander Deichsel, Cornelius Bickel, Rolf Fechner, Carsten Schlüter-Knauer* (Berlin, New York: DeGruyter Verlag, 2000 ff.).

<sup>70</sup>Ferdinand Tönnies, *Community and Civil Society*, edited by Jose Harris, translated by Jose Harris and Margaret Hollis (Cambridge: Cambridge University Press, 2001).

<sup>71</sup>Ralf Dahrendorf, *Gesellschaft und Demokratie in Deutschland*, p. 151 ff.

<sup>72</sup>Georg Lukács, *Die Zerstörung der Vernunft*.

<sup>73</sup>Arthur Mitzman, *Sociology and Estrangement: Three Sociologists of Imperial Germany* (New Brunswick, NJ, 1987). Fritz Ringer, *The decline of the German mandarins* (Middletown, 1990).

<sup>74</sup>Letter from Tönnies to Paulsen, Leipzig, October 30, 1879, F. Tönnies and F. Paulsen: *Briefwechsel. 1876–1908*, p. 61.

development.<sup>75</sup> Tönnies can fairly be said to have set the points for future Hobbes research. The sparse correspondence between Tönnies and Carl Schmitt and Leo Strauss refer to seventeenth-century thought, and may have borne fruit following the crises of the 1930s.<sup>76</sup> Interesting later publications, such as C. B. Macpherson's political theory of possessive individualism were anticipated, if not inspired by Tönnies.<sup>77</sup>

Tönnies' youthful exploration of Hobbes' thought, in which his original presentation of the (later modified) *Gemeinschafts-Gesellschafts* dichotomy anticipated the opposition of 'sovereignty' and 'sociability' recently emphasized by David Singh Grewal,<sup>78</sup> represents a turning point both in the interpretation of the political canon and for the development of modern social thought.

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<sup>75</sup>Kuno Fischer. *Francis Bacon und seine Schule* (Heidelberg: Karl Winter, 1923).

<sup>76</sup>Leo Strauss: *The Political Philosophy of Hobbes* (Oxford: Clarendon Press, 1936). Carl Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes. Sinn und Fehlschlag eines Symbols* (Hamburg: Hanseatische Verlagsanstalt, 1938).

<sup>77</sup>C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962).

<sup>78</sup>David Singh Grewal, *Network Power. The Social Dynamics of Globalization* (New Haven and London: Yale University Press, 2008).

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