

THE MAKING OF THE MODERN WORLD

We can now return to some of the more general issues raised by this study of two theories concerning the making of the modern world. These are general reflections, stimulated by the thoughts of Maitland and Fukuzawa, but also drawing on other work I have undertaken over the last ten years. In particular, the chapter also draws on ideas generated by the two other books which I have written exploring these broad themes of the origins and nature of the modern world.¹

By the time of Fukuzawa's death in 1901 and that of Maitland in 1906, the mystery of how the modern world has been made had been clearly identified and a set of hypotheses to explain it had been put forward. Yet much of the subsequent work during the more than ninety years since then has buried both the question and any possible answers, so that the earlier work has become increasingly obscured. This book, and its companion on Montesquieu and his successors, has largely been an excavation to unearth something which was once widely known but is now largely forgotten.² Before we examine this mystery once more, it is worth speculating briefly on why the very existence of an enormous puzzle has virtually disappeared.

One part of the answer stems out of Tocqueville's profound remark that 'great successful revolutions, by effecting the disappearance of the causes which brought them about, by their very success, become themselves incomprehensible.'³ The transformation of the world during the last few centuries is certainly a 'great successful revolution', and it has largely erased, at least among many Western intellectuals, the memories of how difficult that transformation has been and hence any incentive to try to understand it.

Thus the fact that the Enlightenment solution, centring on liberty, wealth and equality, has spread so far and wide and become a part of the air which the world breathes is one of the reasons why it is now so difficult even to see that there was once a mystery at all. A 'modern' citizen of a 'modern' nation, however gifted, finds it hard even to see that there was any doubt about the current triumph of 'modernity'. It is worth briefly summarizing a few of the major changes in order to see how the actual course of events has concealed the mystery.

Part of the argument of all of the great Enlightenment thinkers was that England was a bridge from the **ancien regime** to the modern world. England for a very long time was a receiver of ideas from outside. The artifacts and philosophies from the ancient civilizations and of all the other contemporary world

¹ Macfarlane, **Savage and Riddle**

² Macfarlane, **Riddle**

³ Tocqueville, **Ancien**, 6-7

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civilizations poured into her over the centuries, were modified and then disseminated again. This transference is equally true of other countries. What makes England special is a set of accidents. At a crucial point, when western Europe was on the ascendant, England took the lead. It was able to do so because through the process of the absorption of ideas, it largely developed a new socio-technical form, the industrial system. At the same time it had accumulated the largest empire the world has ever known, including the vast population of India, and it replicated itself within this empire as well as on the continent of North America which would one day be the dominant power on earth.

This means that the curious set of institutions, funnelled through one small island, spread widely over the world. With the demise of communism and with the creeping capitalism of China, there are now only limited alternatives to the system which evolved over the centuries in England. If we probe below the surface we shall find that now, while England itself has shrunk to a second-rate power, the 'virtual' England spreads very widely. It has lost its Empire, but to a large extent the inner principles which made it so odd in the middle of the eighteenth century are now taken for granted either as a reality or an aspiration through much of the world.

The political trap has been broken, temporarily at least. The absolute sway of a single ruler or small group has been challenged and for all its weaknesses, democracy, the rule of the people by the people, is proclaimed as the only acceptable form of government. As Fukuyama shows, the victory of this form is only very recent.⁴ As late as the 1960s the majority of the countries in the world were ruled undemocratically. Now there are only a few exceptions to democratic rule. Such democracy always involves some form of parliament. In this respect a system that has lasted a thousand years, in essence, in England, has become the basis of the world's political systems.

The central feature of the modern political system is the separation of political power from other forms of activity based on religion, kinship and economics. Although many countries are still struggling to attain or maintain this separation, it is an ideal in almost all. Put in other words, the central hope and message of Montesquieu and Tocqueville that political liberty is paramount has been achieved more widely than they could have hoped, and much of this has passed over the Anglo-American bridge.

Closely related to this is the legal system. The 'Declaration of the Rights of Man' in America, which proclaimed it as a self-evident truth that men were born equal and free, could only be conceivable within a certain legal order which supported individual rights and liberties, contracts and 'fair' trials. Again the exceptional, balanced, jury-based, non-arbitrary legal system that was developed in England from the twelfth century onwards has become absorbed into the legal systems of almost all the world. The basic principle which treats humans as equal at birth and with intrinsic and inalienable rights, irrespective of birth, gender, caste, class or creed, is now very widely accepted, at least as an ideal.

⁴ See Fukuyama, **End of History**, 50.

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Religious toleration is another Enlightenment ideal which has widely been accepted. In 1700, 'freedom of conscience', the idea that a person's relation to God or whether he or she believed or engaged in religious rituals was their own private business, was present in a very limited part of the world. All through Catholic Europe, Islam, Hinduism and in large areas of Asian Buddhism, conformity to the major opinion was enjoined. The Counter-Reformation had re-captured most of Europe and in Calvinist countries such as Scotland there was intolerance of religious independence. The spread and increasing toleration of sectarianism, that separation of the public and private which Tocqueville documented, this and much else spread from the tiny enclave of Holland and England, through America until it is formally accepted in theory, if not in practice, through much of the world.

Turning to the Enlightenment hopes for greater equality, we again see a massive shift over the last three hundred years. The Enlightenment thinkers were deeply opposed to what Tocqueville termed 'caste', that is extreme, birth-based, stratification. In the eighteenth century, only a tiny fragment of the world espoused the idea that all forms of birth-based inequality were wrong - from slavery, to extreme privileges for the nobility. Yet this tiny minority view has now spread over most of the world. Although there are vast differences in **de facto** wealth, **de jure** distinctions are rejected almost everywhere.

Men are born equal - and 'men' includes 'women'. The equalization of the genders, an even more eccentric idea in the eighteenth century, is now a widespread goal. The emancipation of women in many parts of the world has been partially achieved, though inequalities of course remain. Foot-binding and **sutee** have been abolished and though bride-burning and female circumcision and **purdah** still continue, there is little doubt that an appreciable shift has occurred. The proportion of those who would openly subscribe to the view of women as a sinful, inferior, creature, born to be the slave of man, has decreased dramatically.

There has also been an opening up and levelling of knowledge. The closed worlds of priesthood and literati have begun to wither before mass education, the rapid spread of printing and other communication technologies, the growth of scepticism and tolerance. The ordinary educated citizen may not have specialist knowledge in many fields, but the division of knowledge is no longer between the tiny minority who have keys to all that is known, and the vast majority who are totally excluded.

Many of these changes have been made possible by the third of the Enlightenment forces, wealth. Adam Smith described in his **Wealth of Nations** the peculiar world of English capitalism with its odd disassociation of the economy from society, religion and politics. At that time, such a system only existed in a tiny part of north-western Europe and in America - perhaps five per cent of the world population. Now the system of market or consumer capitalism, with its division of spheres, division of labour, its in-built separation of fact and value and combination of private vice and public benefit, is almost universal. We have seen, during the last dozen years of the twentieth century, how two-thirds of the world's population in China, India, Eastern Europe and the former Soviet Union, have switched to this system in the hope of those materialist benefits which Smith promised. We are almost all capitalists or Smithians now, just as we are almost all followers of Montesquieu in relation to liberty - and the two,

as they showed, are connected.

Related to all of these forces, and indeed forming their underpinning, was the technological structure of a post-agrarian world, or what, in short-hand, we call the 'industrial revolution'. By 1700 England, with Holland, had already advanced a long way towards new forms of manufacturing, but most of it was focused on agriculture and its bi-products. There were already significant gains in efficiency and productivity. Then in the next century the treasures of the carboniferous mines were unlocked, and with steam and factories, mankind for the first time, as Wrigley powerfully argues, could live off the vast stores of fossil energy accumulated from the sun.⁵ The techniques and their embodiment in work practices and behaviour were invented in England. By 1800 industrial civilization covered perhaps two per cent of the globe or less, some ten million people in the countries affected at the most. Two hundred years later the whole world has been transformed and the lives of thousands of millions are dependent on machinery and on non-human forms of energy.

In extending liberty, equality and wealth, some of the hopes and dreams of the Enlightenment thinkers have been partially achieved. That difficult balance of forces whereby religion, economy, polity and society were all restricted and separated, which they saw as only really existing in Holland, England, and partially in Switzerland, has, through America, become the almost universal premise of most nations in the world. The vision of our Enlightenment thinkers is far more secure now than it was three hundred, or even sixty, years ago.

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A second part of the answer to why the question has largely been forgotten lies in the development of theoretical frameworks since Maitland's death. These new historical and sociological paradigms have shaped our questions and our answers and they have been elaborated partly in response to the revolutions which have been described. Basically what happened was that under a number of pressures the 'shape' of the past changed. The Enlightenment account, from Montesquieu to Maitland, was quietly abandoned and a simple model of the past was developed whereby all societies went through a series of 'stages'. In essence, western Europe went through these stages first, and within western Europe, England did so a little earlier, but the rest of the world would inevitably do so. Whether this was seen within a Marxist framework, or an avowedly anti-Marxist one, as with the work of Walt Rostow, it was basically the same story, with images of a runway with societies, like planes, waiting to 'take off' into modernity.⁶

⁵ Wrigley, **People, Continuity**

⁶ Rostow, **Stages**

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According to a rising orthodoxy, the last thousand years of history was reduced to three 'stages'. Up to the fifteenth century, all of western Europe was 'peasant' and 'feudal'. Then there was a period of 'transition', a 'watershed', a century or two of revolutionary change, and then in the eighteenth century the modern capitalist and industrial world emerged. It was a neat and satisfying pattern with its radical oppositions of pre-capitalist/ capitalist, pre-industrial/ industrial, collective/ individualist and so on.

This three-stage model eliminated the mystery which I have been discussing and hence any chance of finding a solution. It was obvious that since all societies were moving along the runway, to do so was the 'natural' thing. 'Progress' was natural, and the problem was to understand why those few places, perhaps suffering from some variant of the terrible disease of 'Oriental despotism' or the 'Asiatic mode of production' seemed unable to 'take off'. The development of industrial capitalism was no problem. It was bound to happen, being part of the working- out of the spirit of history. The only question was where and when it would happen.

There was, in the Marxist version, an inner instability built into each mode of production, so that it was bound to evolve into the next, 'higher', stage. In a rather curious way, a Whig notion of inevitable 'progress' became mixed up with a Marxist version of the unfolding of history. The Marxist version was the most powerful of many variants since, in relation to recent history, it laid out in detail two basic modes of production in the West, the feudal and the capitalist. The historian's job was to describe how one inevitably led into the other. By the 1960's this was the framework which, despite some local resistance, dominated much of historical research on the last millenium.

Within this framework, the only questions to ask were how the inevitable contradictions within the feudal system occurred, the precise nature of the collapse and transformation to 'modernity', and the nature of the new world that was born. It was no mystery that it happened. It was bound to happen in one place, if not another.⁷ Nor was there any problem in it being spread to other parts of the world since, in essence, the agrarian civilization of medieval Europe was basically of the same order as that of China, India or elsewhere. This was the paradigm within which I was increasingly taught in the early 1960's, as I have explained at more length elsewhere.⁸ Within the debates of that time, there was hardly a mention of the Enlightenment alternatives sketched out in this book. The past was cut and dried, there was no real mystery or sense of wonder.

Other possible reasons for the loss of the earlier vision of continuity with change is suggested by James Campbell. He argues that attacks on the Stubbs-Maitland picture arise from a fear of appearing anachronistic. He notes that 'historians dread the charge of anachronism', that the 'principal element in

⁷ For a strong expression of such a view by a distinguished historian, see William McNeill in Hall and Jarvie, **Gellner**, 571-2

⁸ See the introductions to Macfarlane, **Individualism** and **Culture**

the rejection of Stubbs has been a morbid fear of anachronism'. Campbell rejects the re-interpretation of the Anglo-Saxon and medieval history by many recent historians and again suggests that the reasons for their mistakes were 'many', but 'behind them all lies, one may suspect, again the fear of anachronism, reinforcing the belief that somehow or other everything changes in the sixteenth century'. Another reason why 'the study of the early history of England' moved to a situation where people were 'avoiding the largest issues and the most arresting questions' was that 'it had fallen into the hands of trained medievalists', who did not have the wide philosophical backgrounds of men like Maitland.⁹

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Looked at from the perspective of all of human history and all other human civilizations, what has happened during the last three hundred years is extraordinary. A new kind of civilization has emerged which has an unprecedented set of organizational principles. All other civilizations have been based on the principles of an ordering of institutional parts in two ways. There was a strict vertical hierarchy, some form of stratification where orders were integrated through a set of levels, whether castes or otherwise. These were based on birth and indicated to people where they were placed, how to behave, how to live. Yet the overturning of these premises is precisely what has happened in the last three hundred years and anarchy, on the whole, has not ensued. This is part of the tendency towards equality which Tocqueville analysed. That this happened raises two great questions. How did such a strange thing as the break-down of hierarchy occur, and how could a civilization not based on it work? What could hold equal people together and prevent them either from falling apart into atomistic confusion or, equally dangerously, from surrendering their liberty to some form of absolutist government?

Put in another way, the problem could be seen in terms of the loss of the sovereignty of groups. In the long history of mankind, people had always existed as subordinate to groups, but now, for the first time, a world arose where the individual came before the group. This is often seen as the quintessence of modern liberty. Again this poses the double question of how such a strange situation could have emerged, and, once present, how it could possibly work. Too much atomization would surely lead to the collapse of the social system. This was one of the great quandaries for the anthropology and sociology of the nineteenth century and lay behind many of its best-known theories.

Yet not only did this unprecedented social order work, it worked so well, at least at the material level, that the area where it first developed, Holland, England and then America and western Europe, rapidly became the richest and most powerful area of the world and hence dominated and spread its system, until, now, it envelopes almost the whole world. Likewise, it seems to work extremely well when transferred to parts of Asia, and particularly, in the early period, Japan.

One might put the same story in a slightly different way, following hints from Fukuzawa. Human life

⁹ Campbell, *Anglo-Saxon*, xxix, 261, 267, 259

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can for convenience be divided into four major spheres, the pursuit of power (politics), the pursuit of wealth (economics), the pursuit of salvation and meaning (religion), the pursuit of social and sexual warmth (kinship). In the normal state of affairs these are fused into one totality, a holistic merging based on the dominance of one sphere to which everything else is secondary. Tribal societies provide this dominance or infrastructure through kinship, India and Islam through religion, traditional China through kinship and ethics (Confucianism), **ancien regime** Europe increasingly through kin-based politics. What is peculiar about modernity is that there is no institutional infrastructure, or, if it exists, it is provided by the impersonal, contextual, contractual pressures of the 'free' market economy and the ethic of trust upon which it has to be based.

Again one has to ask how such a state of affairs, where the spheres have become separated and balanced came about and, once dominant, how it can possibly work. People only kept together by the 'invisible hand' would surely soon realize that it was not just invisible, but did not exist. Anyway, how could the predatory tendency of each sphere to dominate the others be restrained and, furthermore, how were the different areas integrated when each was supposedly autonomous and proud of its liberties? For example, how was religion largely kept out of family relations, or kinship out of economics? These are themes discussed by Fukuzawa, Maitland and the Enlightenment thinkers.

To achieve and sustain such a balance over a long period is very difficult. Always in human history the tendency for one, or two spheres in collusion, to dominate has quickly emerged and some form of **ancien regime** has established itself. Even in the twentieth century, those who worked in the name of the two massive ideologies of right (fascism) and left (communism) have been united in their attempts to bundle things together with one superior master, the State or Party. That they only very narrowly failed to return mankind to an undivided world where liberty and real equality of all men would have vanished is well known. The political institutions of modernity are extremely precarious and may well be transient.

If this stark and rough characterization of modernity is correct, it suggests two mysteries already referred to. The state of affairs which first became strongly evident in Holland and England, where liberty, equality (of a sort), and wealth were joined in new ways, is extraordinary. Firstly, it is historically and comparatively unique; no large-scale civilization has ever run for a period of several centuries on these principles. Secondly, it is extremely difficult to see how such a civilization could have emerged. Normally the balance tips one way or the other as wealth increases. One sphere, perhaps in collusion with another, comes to dominate and almost necessarily the group comes to dominate the individual. This had always happened in the past, yet, for the first time, it did not happen again. How did this astounding exception occur; what made it not only possible, but happen? This is the question which Maitland sought to answer. Linked to this is the question that has vexed many of the greatest thinkers from Montesquieu to Durkheim; what could possibly hold such a system together? If kinship was restrained, God was kept out of the market, the State inhibited, how or why should people work effectively together? These were the two great unanswered questions by the middle of the nineteenth century.

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We can call the two questions about modernity the historical and functional ones. The historical one is basically, when, how and why did the peculiarities of modernity - equality, liberty, individualism, the absence of infrastructural determination, first happen? Once such a civilization had occurred and once it had been shown that it produced wealth and power, it was soon emulated and its spread is less of a problem, though how it happened is very revealing, as we saw in the case of Fukuzawa and Japan. The first instance is particularly baffling and has attracted the thoughts of many great minds from the Enlightenment onwards. Yet the functional question is equally difficult to solve, that is the question of how such a system works. How is it possible to provide a balance which will give people an ability to work effectively together and yet not crush their liberty and individuality? 'Status' had been extremely effective in bringing civilizations up to a high level, but then proved too cramping for 'modernity' to emerge. Yet the conventional wisdom, which was that 'contract' or the division of labour provides the answer, was patently unsatisfactory. Humans only tied together by functional interdependence, as on a conveyor belt, do not have enough incentive for co-operative action outside the specific situation. 'Contract', which is immediate, rational, impersonal, is not a foundation for effective group action. It is temporary and dyadic by definition. Thus the conventional wisdom of nineteenth century sociology, of the movement from status to contract, from mechanical to organic solidarity, of community to individual, are all unsatisfactory.

The mystery deepens if we re-phrase the puzzle in slightly different words as follows. In order for humans to achieve their ends, they need to enter into a social contract with others. This is Thomas Hobbes' main point. To overcome narrow individualistic competition and the war of all against all, it was necessary to forgo some power and allocate it to the governor, Leviathan. More normally, rather than erecting a State, early societies were formed into kinship-based groups, which we term the tribal stage. As State-based systems emerge, they usually build themselves upon these kinship groupings and re-order them through religious (caste) or State hierarchies (Confucian China) which can integrate wider groupings but still maintain their kinship base. What is central to all of this is that these are systems founded upon status, blood birth. What Hobbes envisaged was different, entirely contractual, not based on religion or kinship, but secular and individualistic. Yet Hobbes' system was tied together by one system of loyalties alone, those to the State. The only subordinate groups were corporations licensed by the State.

Thus the large-scale civilizations which first emerged tended to re-enforce the birth-status groupings, caste and kinship, while integrating them into a powerful State. Much of Indian and Chinese history fits broadly within this pattern. A second variant, which we often describe as the **ancien régime**, was somewhat different. There were functionally defined birth statuses - peasants, nobility, bourgeois, clergy - but alongside these there were also many groupings with some contractual mobility. Yet while these groupings were not based on birth, they were explicitly recognized and licensed, as it were, by the State. Thus all meaningful groupings either derived from birth or from delegated power from the State.

In such a social structure, as wealth increases it automatically strengthens the organising institutions of

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the system. Part of the wealth will flow towards birth-based institutional groupings, whether of kinship or religion, re-enforcing kinship and caste. Part of the wealth will go to strengthen occupational and hierarchical blood divisions, between workers, priests and warriors for example. Part of the wealth will go towards increasing the power of the State. Each of these institutional orders will cast a jealous eye on the wealth producers, whether peasants, merchants or craftsmen, and try to siphon off as much as possible of any new surpluses they make.

In such a normal course of events a productive system tends to become over-rigid. All attempts to set up groups other than those based on birth are seen as threats to the kin or the State. Religion often provides the one achievement-based alternative, but by definition is not meant to engage too much in wealth production. Thus the general tendency is for hierarchy, whether based on ritual, class, kinship or political forces, to increase over time. So it is clear that wealth and new technology tends to inflate or feed into the pre-existing structures.

How, then, did something different emerge, which neither fell into the trap of too-powerful birth-based or centralized political systems, nor a too fragmented and individualistic, Hobbesian, world? How could civilizations avoid the Scylla of Status and also the Charybdis of Contract? The way, obviously, lay through some combination of the best of both; the affective, emotional ties of status, the flexibility and efficiency of contract, forged into something new. This new arrangement must allow a new kind of grouping to emerge which had certain unusual properties.

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The mystery of how our world came about and, in particular, continues to exist, is made even greater if we investigate the moral, social and psychological costs of the new kind of civilization which has come to dominate the world so recently. The contradictions at its heart were a central concern to all of the great Enlightenment thinkers and we need to be reminded of their message.

If, basically, the essence of modernity is an ever-vigilant patrolling of the borders between spheres, one is left with those problems of living in an Open Society which many, including poets such as Blake and Yeats, or political philosophers such as Popper, have documented. People are often forced to live in a dessicated world of compromises, captured so well by Alexander Pope. They cannot afford to let any particular drive win out for long. All power tends to corrupt, so power must be muzzled. Kinship loyalties and warmth must be held in check and love can seldom be unreserved. Belief and ritual must be tempered and all ethical judgments are provisional and relativistic. Even the pursuit of wealth has to be moderated and many areas are put 'out of bounds'. All knowledge is provisional, all action is tempered by the knowledge of its hidden cost.

The benefits of this modern world are huge: personal liberty and autonomy, an equality of sorts, and wealth undreamed of for vast numbers of people. The consumer revolution deadens the pain of the loss of integration and meaning and few would go back. But the costs are only just below the surface and

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when a prophet arises who promises the re-integration of life, the overcoming of alienation and anomie, the togetherness of a purpose, whether a Mao, Hitler or Pol Pot, many are ready to abandon their somewhat desiccated lives of efficiency in order to surrender to the new wholeness. Or they may be attracted to the ecstasies and loss of self of a new Pentecostal religion or New Age faith. For most, however, there are only oases of togetherness, in drink, friendship, sport, music and the institutions of civil society. Much of life is lived in restraint and rational balance.

As well as the costs to the inner core of the modern world, there are the costs incurred as this world spreads outwards, undermining all closed systems through its conspicuous economic success or military might. Local worlds of meaning are drained and a technocratic, managerial, ascetic world partially replaces them. One recompense is the dream of material wealth and leisure. Another is the forms of associationalism in sport, business, religion and elsewhere which partially overcomes the separateness of the lonely crowd. With the fall of communism, the only surviving holistic world system offering an alternative to the Open Society is Islam.

To many of its critics the modern world is fairly repulsive morally, and psychologically almost intolerable. Yet others believe that it is the worst of all possible systems, except for all the rest, which are even worse. The hedonism, loneliness, lack of purpose, contradictions are unattractive, but the world of communistic, fascistic or other totalitarian systems are even less attractive in the long run both at the personal level and in terms of what they produce. Liberty, equality and the pursuit of happiness may not encompass all the lofty goals humans can pursue, but there are worse. The modern world that emerged over the long centuries has turned humans into great lords of all things, yet they remain a prey to all, including their own inner self-doubt.

All of this means that humans are not blissfully happy in our modern world. It has a number of the properties of anomie, alienation, loneliness, coldness described by a great many authors. In particular the individual is held in perpetual doubt, as Pope had so elegantly described in his 'Essay on Man'. Every action has a cost as well as a benefit, enthusiasm can be crushed, there are no certainties. This is one of the great attractions of play, art and romantic love, a moment of re-integration and meaning. Usually one has to settle for a compromise between almost equally balanced loyalties and demands. Yet the balancing of them and the constant contradictions are probably also the cause of the energy of modern civilization. Some kind of fission or explosion occurs again and again. It is those societies where fusion has completely dominated which appear to become inert.

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So there have been a number of insights provided by the comparative and historical method of the great thinkers who have surveyed the great transformation. Firstly, they have established the central peculiarities which I have discussed briefly above. Secondly, they have seen that the essential bridge to this new form of civilization was England, though later transferred elsewhere. The third clue lay in

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relation to the functional question. Something had to be found which would join people together, but the ties must not be based on blood and birth, but must be fluid and be able to balance the allegiances of group and individual, providing the affective warmth of kinship and religious devotion, without being based on kinship and religion.

So by the 1870s the problems had become quite focused. The West was decidedly peculiar in its lack of infrastructure and in its deep contradictions arising out of the separation of spheres. This was noted by outsiders such as Fukuzawa as well. No other civilization in world history had been like this and it was somehow tied to the wealth, productivity and power of the West which now confronted the world. So how had this happened and how did it work? The answer seems to lie in the history of England which, well before 1870, was the dominant imperial power. And within England the answer to the question of how it worked seems to lie in some alternative to the primordial institutions, that is in the various imagined rather than actual communities, not the nation alone, but all the imagined and invented communities of civil society.

The solution or heart of the mystery lay in the hybrid nature of what emerged. The overcoming of the contradictions between status and contract must lie in a new form of association. This new entity must be 'incorporate', that is have an enduring body, yet it must not be set up by blood (kinship) or by religion, or by the State. It must be answerable to itself. Yet it must be recognized and tolerated by these jealous institutions. Secondly, it must be recruited and selected on the basis of choice, both of those within the group and those outside. It must be based on achievement rather than ascription, with a right to recruit and expel and a tendency towards recruiting on the grounds of merit and efficiency. Thirdly, it must be able to pursue goals and protect itself from the encroachments of jealous rivals, goals which are rather specific and which are not thrown off course by wider considerations. In other words, it needs to encase a set of individuals and give them a co-operative and protected space where they can pursue the goals of the group.

All civilizations develop temporary, if often weak, versions of this; flower arranging circles, mutual credit associations, coffee-house cliques. But as soon as any of these gain conspicuous success or begin to accumulate wealth, they tend to be crushed by their rivals. The family resents the time and emotional attraction of groups of this kind; the Church bans Masonic-type institutions; the State crushes any large-scale organization or meeting of potential subversives. Thus nothing much can develop in the interstices between the dominating institutions of kinship, religion and the State.

What is extraordinary, and so beautifully described by Maitland, is just that development of the myriad sets of such institutions over time in the rather odd civilization of England. The Trust provided just these features, an enduring or embodied entity larger than the individual, recruitment on choice and merit, toleration by the State, religion and kin, providing a sense of mutual sharing and co-operation in pursuit of some goal. Its fruits, as Maitland showed, are to be seen in many fields, in religion, politics, economy, social clubs. One possible side-effect or connection he only touched on is between these new entities and the world of sport and games. He did note their immense importance in sport, as in the

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Jockey Club or the M.C.C., but this was only the shell. The extraordinary fact that almost all team games were invented or developed in England from the later middle ages on, rugby, football, cricket, hockey and so on, is surely not a coincidence.

Firstly these games need the organization within which they could occur, the bounded areas of space, time and attention that permits a group of people taking time away from the calls of economy, kinship, State and religion, to kick a ball about or whatever the activity is. This is provided by the 'club' with its rules, pitch, club house and so on. And then that extraordinary blend of competition and co-operation, self-love and social obligation, which is the quintessence of team games, is encouraged. It is the template for all other kinds of collaborative behaviour. The goal is to win, in sport, war, wealth production, pursuit of merit. The rules are known and involve mutual responsibilities as well as personal gratification. The boundaries of the activities are strictly policed. In theory, during the game itself, the demands of kinship, faith, social status, political power should be excluded, if possible. The game is the thing. The same spirit of those who pool their talents and assets to form a trading company, bank, operatic society or a legion of 'Quangos', quasi-autonomous non-governmental organizations, or what is often referred to as 'civil society'.

Once these middling groupings have gained a foothold and been allowed to develop, they soon reach a stage where the inflow of increasing wealth is fed into them. They are like middle-sized plants, filling in densely the space between the high vegetation, the tree-tops of the State and Church, and the single individuals or family on the forest floor. In most civilizations, this middle level has been increasingly cut away, leaving a huge space between the State and the Established Religion on the one hand, and the clinging bed of short, flattened, lateral links that is the extended family. But once the peculiar associations start to flourish, as Tocqueville noted in America, or Fukuzawa tried to encourage in Japan, they crowd into this middle area, weakening the despotic power of the two extremes, the roof canopy of State and God, the amoral familistic demands of the kinship groupings. Loyalties are multifarious, activities are protected, there are huge advantages to be gained from associating for numerous purposes. A world of clubs, companies, fellowships, sects and so on emerge.

This is the safeguard of liberty and equality, as Montesquieu, Tocqueville, Maitland and Fukuzawa all realized, protecting the individual from the tendencies towards political centralization or over powerful demands of a familistic or religious kind which stress uniformity. Emerging diversity, co-operation with competition, flexibility, constant new forms of organization and innovation are encouraged. This is the secret of the strength and vigour of England, then America, then Japan and now much of the world. It has swept over the world along with English language, law and games, all of which are linked to each other.

For the first time, increasing wealth fed into the middle parts of the system, rather than top and bottom. A prosperous, bourgeois, middle-class world emerged, full of competing small-scale groupings, 'teams' one might say, which tried to outdo each other whether at football, in interpretation of the Christian bible, trade with the Indies, political power. Parties, clubs, associations, these are the

organizational secret of modernity. Only they could effectively overcome the two extremes of anomie/contract or holism/status. They made tolerable the separation between different parts of a society and indeed help to maintain it. They constitute the increasing division of the world into small, meaningful, social spaces which cross the boundaries of primordial loyalties. The grounds of recruitment are not status, but contract, but once formed they have some of the warmth of kinship, without the open-ended claims. And because there are many of them, and none has a monopoly, none can become absolutist. Whether competing political parties ever jostling for power, or religious sects, jostling for salvation, or scientific and artistic associations, competing for truth or beauty, or social clubs, competing for leisure and jollity, or economic associations, competing for wealth, they provide the individual numerous places to develop her or his creativity and energy. The Japanese developed this through a peculiarly flexible sort of kinship system, the English through the Trust. And on these developing institutions were laid the foundations of the first escape into modernity in East and West.

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One of the characteristics of this world of associations is, of course, that if you are brought up in it and it surrounds you, it becomes invisible. Associationalism is now so 'natural' to the British and Americans that it seems to need no explanation, and it would hardly be such peoples who discovered the power of associations. It tends to be those who have lost or have weakly developed associationalism who first notice its importance. Nowadays it tends to be those, for example, from an East European background who are interested in what will replace communism who praise civil society in the West and stress its centrality.¹⁰ In earlier times it was those outside Europe, like Fukuzawa. Even earlier, it was the French and Scots, living in recently **ancien regime** or clan societies, dominated by status, who were astonished by this peculiar phenomenon.

The new dimension added through Maitland's rejection of Sir Henry Maine's theory of the movement of all progressive societies from status to contract was the historical documenting of the accidental and artificial development of civil society, which for the first time became dominant in a world civilization. Democracy, liberty, equality and wealth all have their roots in this common, largely invisible, bed of associations. Its emergence was an accident, its survival precarious. The infant could easily have been strangled and if Henry VIII or Hobbes had had their way, the intestinal worms that fed within the body politic would have been poisoned and evacuated. If they had been, the desire to unite in the pursuit of wealth, power, knowledge, would no doubt have been expressed in the multitude of secret societies, Masons, Rosicrucians, Mafia, Triads, Yaku-za and so on which infest other bodies politic.

In the majority of historical cases there are the fully accepted, status-based, structures and against them the prohibited secret organizations at war with the State. The constant tension saps both parties;

¹⁰ See for example the work of E.Gellner, particularly **Conditions of Liberty** and, for a more critical assessment, from an East European perspective, Hann and Dunn **Civil Society**.

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the costs of secrecy and the costs of policing are equally great. What is extraordinary in the Anglo-American tradition is that the associations were relatively open. There was little prohibition or interference. The sects, parties, clubs, companies, fellowships, were not driven underground into a world of an 'informal' or 'black' economy, polity or society. They worked with the State and the Established Church. They paid their taxes, observed the rules of the State, were composed of the most upright citizens who were proud to declare their membership. Hence wealth, power, sociability, knowledge could all be pursued openly. There was little of the friction of surveillance, of intrigue and secrecy. Nor was it difficult to spread successful solutions to practical problems.

As soon as a sect or company or club was set up which appealed to others, the open market in associations encouraged competitors. And the rewards of belonging to such units, whether material or symbolic, did not have to be laundered in any way. The encouragement to honesty, trust and mutual respect, rather than fear, deceit and mutual suspicion is enormous and the advantages of such an open society, whether in the pursuit of truth or wealth or social worth, were decisive. The 'black' alternative systems and double standards which are increasingly the bane of the former Soviet Union, India and many parts of the world, were, on the whole, absent.

Thus at the level of the nation, that same favourable mix of diversity within a common uniformity occurred at a localized level. This encouraged the splitting up of the sources of power, wealth, sociability so that centralization and rigidification became more difficult. As soon as some monopoly began to build up, it was automatically outflanked by smaller, but nimbler, rivals. Even the State itself found itself deprived of many of its lucrative functions by sets of individuals combining in associations which had 'privatized' policing, money making, entertainment, knowledge generation.

As Tocqueville had pointed out, this meant that the almost powerless individual could become strong through associating with other like-minded individuals. Whether through a trades union, a women's institute, a suffragette organization, a slavery abolition society, a disability action group, a minority religion or whatever, a plurality of voices were heard and hitherto disadvantaged groups started to improve their position. Normally, in other countries, protest from such groups, or even a recognition of their common interests, was crushed. Yet the associations gave them power. And this power was at a meaningful level. Marx glumly encouraged the workers of the world to unite, well aware that class solidarity was too nebulous, too factionalized, to be strongly felt. But like-minded individuals could join in communities which could be strongly imagined because they were small enough, directed enough, to make people feel part of a rule-bound local organization. People could play for and identify with a football club or religious sect. It is more difficult for them to imagine themselves deeply devoted to 'football' or a world religion in the abstract.

In order for the modern world to emerge it was necessary not only to set up a new economic organization, a new political order, or even a set of oppositions and separations between the basic ties and demands of religion, politics, economics and kinship. Somehow the old dichotomies, community and individual, status and contract, rulers and ruled, had to be overcome. Or if one were to put it in

Darwinian terms, the selfish gene is not enough. Free competition leads to Hobbes' nasty, brutish and short life. But the other extreme, the complete fusing of the individual in the organic whole is not satisfactory either, leading in extreme cases to the worlds of Stalin, Hitler, Mao and Pol Pot. A tension between competition and co-operation, self-love and social, has both to be maintained and, at the same time, resolved.

When Bernard Mandeville in the early eighteenth century began to speculate on these problems, it was clear that somehow a resolution of the conflict between 'private vice' or self-love, and 'public benefit' or social good, was possible and the 'grumbling hive' worked.¹¹ Yet neither he, nor, to a large extent, even the Enlightenment philosophers could work out how the trick was performed. In the second half of the nineteenth century, Maine, Tonnies, Marx all applied their minds to the same problem, but none really came up with a satisfactory answer, for they either thought in terms of binary oppositions (Maine and Tonnies) or tried to return mankind to some primitive, pre-oppositional, situation (Marx). Maitland accepted the disassociations and the disenchantments, the contradictions and the separations. Yet he saw beyond them to new forms of mixture of status and contract, of community and individual, which had until relatively recently never underpinned a civilization. Developing insights of Tocqueville on associations, anticipating recent work on civil society, he saw how humans had invented a system which encouraged the development of numberless small, imagined, communities which still preserved individuality.

These little groupings had bodies, they were emotionally and organisationally more than the sum of the parts, yet they were also artificial bodies. They were not based on birth or inheritance, nor were they merely chartered off-shoots of the State. They were autonomous, yet regulated lightly, recognized yet largely ignored, 'nobodies' in Maitland's phrase, yet they filled the teeming middle space of open, democratic societies. This multitude of associations were the bane of all authoritarians, they needed to be 'bundled up' into the State according to those from Hobbes, through Rousseau, to Hitler and Mussolini. If they could not be incorporated into the body politic, they must be exterminated if possible. All alternative groupings to the State, whether these are artificial entities or ethnic ones, must be broken down, destroyed. As the French Revolutionaries quoted by Maitland had declared, there must be no other loyalties than to the State. A world of State and citizen alone, with no cross-binding ties between citizens not mediated through the State, was proclaimed.

* * *

One keen insight into the importance of non kin-based associationalism is given by Fukuzawa, who saw it from the outside. He had experienced in his childhood a world dominated by the institutional rigidities of hierarchy and the conformities of holistic familism. He had started to escape from this in Japan by moving from his home town into the great cities of Osaka and Tokyo. Yet in neither of these,

¹¹ Mandeville, **Fable**

beyond the glimpses in Ogata's school and elsewhere, could he see how a new institutional order could be constructed. This is what fascinated him on his visits to the West and particularly England where he was intrigued by various types of association.

So when Fukuzawa returned to Japan he tried to build up both the institutions and the arts of associationalism, that 'civil society' which alone could provide the foundational structure for modernity. There were the social and political clubs of the West, so he founded the Kojunsha social club in Tokyo, which survives to this day. It was specifically designed to emulate the London clubs, to foster discussion and a mature approach to politics, a place to talk and create networks of trust and information, share warmth and solidarity. Another kind of association, for the pursuit of knowledge, is the university, an archetype in the West of fellowship and equality. The university had been crucial in the development of western arts and science, yet it had never developed in China and Japan. So Fukuzawa started a high school which later developed into the first private Japanese university, Keio.

Or again there were the exchange banks of the West, without which Japan was losing much of its wealth. So he helped to set up one of the first new-style banks. Likewise he was active in the effort to form a modern police force and founded one of the first daily newspapers. Yet the institutions of association were not enough. He needed to go further, for without the skills to use the institutions they would never work. Practices which had long been taken for granted in the West, the arts of structured conversation, the art of the conference or public meeting, the art of making and listening to speeches (and even of clapping), the art of argument and methods of proof, the art of keeping the accounts of associations in order, all these basic skills had to be learnt for they existed, if at all, only in rudimentary form in Japan before the 1870's.

So Fukuzawa wrote a book on the art of public speaking and built a 'speech hall' in which to practice it. He wrote about the art of argument. He wrote a manual to introduce double-entry book keeping. And in all his writing and public speaking he kept his style simple and accessible so that real communication could take place. Through this and his best-selling descriptions of Western institutions, including the numerous techniques of civil society, he helped to undermine the older, rigid order and replace it with a more open, pluralistic and associational one. Thus he showed both an appreciation of the secret of Western civilization, the separation of spheres, and a deep understanding of the organizational technology of civil society which makes such a separation possible. He learnt from England, Holland and America the ways in which to open up a society, to build up those counter-vailing institutions, those 'secondary powers' which Montesquieu and Tocqueville and Maitland realized were essential for the pursuit of liberty, equality and wealth. This is why he is a principal architect of a modern, free, equal and wealthy Japan.

* * *

If, as Tonnies put it, the opposition is between societies based on contract, reason, the mind, in other words **gesellschaft** (or what Maitland translated accurately not as 'association', but 'partnership'), as

opposed to societies based on emotion, status, blood and place, or **gemeinschaft** (community) then modern civilizations, in order to work and be tolerable places to live in, have somehow to find a way to fuse the two. This is what 'fellowship' or trust does. It is vaguely related to clubism, to 'matiness' in the Australian sense, but is not gendered. It makes it possible to set up meaningful, enduring, sub-communities within a basically contractual society. These 'communities' are not based on blood and place, but communities of sentiment as well as purely instrumental and practical goals, which make life worth living and complex co-operation possible. Whether a music club, a rowing club, a ballroom dancing club, a gardening club, a political club, a religious fraternity, a business organization, a charity, or a thousand other organizations, the blend of heart and mind, of emotion and reason, of the short-term instrumental and the long-term affections, of self-love and social, can be achieved. It is this invention of associational institutions which explains why most of the major charitable, social, political as well as economic, political and sporting associations were invented in England. The list would include the RSPCA, Salvation Army, Lions clubs, Boy Scouts and Girl Guides, Oxfam, Women's Institutes, Rambler's Associations and so on almost endlessly.¹² And as Tocqueville had noticed, participation in such self-governing associations are the main bulwarks against dictatorship. The rights of associations are the protection for liberty and all totalitarian aspirants try to curtail them, usually on the pretext of war or the threat of war.

The real mystery is how such anomalous and mixed entities could arise; with too much sentiment to have been achieved by contract alone, with too much choice and reason to be ascribed purely by status. They are logical contradictions, hybrid forms, as Maitland so elegantly described. They are corporate, having bodies, yet not incorporated by the State. They are formally constituted, artificial entities, yet evoking the passionate adherence of their members. Do they have any parallels in the high animals, one wonders, that is associations based on mutual interest and proven capacities independent of birth? Some have lasted up to seven hundred years in the West, the Universities, Inns of Court, religious brotherhoods, guilds and fraternities. Yet the great time of their proliferation was probably the seventeenth to nineteenth centuries when Britain became the richest and most powerful nation in the world. And the whole art of setting up these quasi-groups was exported to America.

This is not to argue that such an associational world had never occurred before or outside the Anglo-American region. This situation of numerous non-kinship, non-state associations is what was characteristic of the small-scale communities of Western Europe in the early medieval period. Thousands of semi-contractual, semi-permanent institutions, religious fraternities, guilds, craft mysteries, liberties, vills and manors, feudal associations, universities were present. It was a community of communities. This was, to a certain extent, also the situation in medieval Japan after the collapse of the Chinese-based civilization in the eleventh and twelfth centuries. Numerous semi-contractual associations of a religious and secular kind flourished. Such periods, as in the free cities of southern Germany or Renaissance Italy, are periods of enormous innovation and energy. Yet they usually do not last for long.

¹² See Veliz, 'A World Invented in England' in **New World**

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The parts are knitted up together, the loose confederations and liberties crushed, a few powerful institutions, Leviathan and the Papacy, grow and absorb smaller entities until there is a new hierarchical and holistic world. This happened in different ways in **ancien regime** Europe and Tokugawa Japan. They were alike in seeing a move away from contract to status. In only one or two exceptional cases, for example Holland, parts of Scandinavia, England, does one see a move from contract and status to something beyond both of them, namely trust and association.

In continental Europe, with its revived Roman Law from the fourteenth century, the new institutions found it difficult to survive and have several times almost been snuffed out in the twentieth century. Likewise it has been difficult for them to take hold in the communist states, which consider all alternatives to the Party with deadly hostility. Nor have they always found great favour in caste-based India or, until recently, in much of Latin America. Only in Japan, where the legacy of medieval feudalism was a society already curiously modern in its separations, even if overlaid with the rigidities imposed after the Tokugawa gained dominance in the early seventeenth century, could the Anglo-American system very rapidly take root, even if it was again temporarily repressed in the period up to the Second World War.

These associations fit with a modern world in various ways. Firstly, they tend to fit within a separated sphere. Whereas the traditional spheres tried to be hegemonic, for example kinship dominated religion and the economy, or politics tried to organize the rest, the associations were located within a particular sphere. A religious sect should not interfere much in politics or the market, a gardening club would not pronounce on religion, a sporting club should not tamper with the market. So these associations did not demand a total, but rather a partial, goal-directed, loyalty. On the other hand, they tended to be more than purely utilitarian. They had rules, demanded commitment, excluded as well as included, had a feeling of community, that is to say of belonging. The call to efficiency in pursuit of certain ends, sport, thought, politics, worship, could be heeded. Yet the individual could also have a sense of mutual friendship, fellowship, meaning, social appreciation in Smith's terms. So the whole was more than the sum of the parts.

As far as the relations between these associational groups go, this was flexible, fluid and quite relaxed. There was sometimes games-like competition, as in a college or university boat race. There was sometimes ranking. But on the whole the structure was maintained, as in other acephalous (headless) systems by the tension between the groups. In the same way, the system as a whole worked through structural tensions and contradictions and oppositions, rather than through a merging of top-downwards authority.

Thus, in theory, through the mysterious contradictions of these new mixed forms of association, the individual can expand beyond the isolation of the lonely crowd, to become part of numerous quasi-groups, the fellowship stretching from transitory ones (the pub or communal hot spring) to an enduring group making or doing things together over the years. Even if each woman and man is not part of a continent, in theory each person can visit islands of fellowship in a sea of atomistic, contractual,

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market society. This possibility, and the resolution of the logical contradiction of self-love and social, is the mysterious essence of modernity.

In a trick which is so difficult to understand, a civilization has emerged which has separated off different parts of life, the institutions of power (politics), wealth (economics), knowledge and belief (religion), warmth and procreation (kinship). But the intolerable burden of living in such a world, the enormous inefficiency of a world of isolated, non-trusting, individuals who would be the only locus of contact between the separated spheres, is overcome by a new flexible institution, whose proto-type was the trust. This is something akin to the reciprocal altruism of the biologists, but with humans is much more than that, and develops into an extraordinary mixture of flexibility and commitment, of individual and community, of calculation (reason) and loyalty (emotion). This is what gave Maitland hope that a new world which combined liberty, equality and wealth was both possible and might continue and underlay Fukuzawa's strategies for founding a new Japan.