

even *the* real will; and it must occur to us to ask whether what is thus affirmed in the case of the State can be denied in the case of other organised groups: for example, that considerable group, the Roman Catholic Church.* Obviously the theory which ascribes a genuine organic life to one association—the State—cannot deny it to others; and there can be no question that the progress of thought in England in recent years has been away from the unreal doctrine by which an independent and autonomous existence was to be regarded as a grant or a concession of the State to a particular group of men. So great a lawyer as Professor Dicey has said that “when a body of twenty, or two thousand, or two hundred thousand, bind themselves together to act in a particular way for some common purpose, they create a body which by no fiction of law, but by *the very nature of things* differs from the individuals of whom it is constituted.”† The logical issue of this position is surely that “the State, even if it includes everybody, is still only an association among others, because it cannot include the whole of everybody.”‡

This contrasts sharply with what Maitland calls “the motto of the absolute State,” the French Declaration of August 18, 1792, which held that

* Introduction to O. Gierke, “Political Theories of the Middle Ages,” p. xi.

† Quoted in “The Collected Papers of F. W. Maitland,” p. 306.

‡ G. D. H. Cole. “Conflicting Social Obligation.”—Proceedings of the Aristotelian Society, 1914, p. 154.