

**The Social Theory and the Idea of Social State:
Lorenz von Stein's (1815-1890)**

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Abstract

Based on the social theory proposed by Lorenz von Stein (1815-1890), a German scholar of the public law, this paper first states the construction and movement of the social organism, further analyzes how the social theory constructs the historical rules of the state theory, and meanwhile presents the origin of the social state. Apart from the tradition of the German idealism, Stein's thought was deeply influenced by the French positivism and socialism, both of which comprised his philosophy of the social state. His social and political (state) theories were mainly presented in the following books: *The History of the Social Movement in France, 1789-1850*, published in 1850, *System of the State Science I, II*, published in 1852 and 1856, and *The Administrative Theory* published from 1868.

This paper analyzes how Stein based his social state theory on the social theory. Particularly, in the process of the social movement, Stein interpreted how the interrelationship between the state and the society dominated the individual independence and dependence. Different from the deduction and explanation of the law concept, his statement directly pointed out the weakness of the conceptual jurisprudence, showing the innovation and substance of the social state theory. In this paper, it is hoped to clarify that on the premise of the highly social autonomy and movement, if the state and the society could converse and interact with each other, should the state get rid of the neutralism and have its highly autonomy? If the state lacked the autonomy, would the society autonomy disperse the sovereignty into the social sovereignty? And did the social

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sovereignty represent the benefit for the dominators or the public? According to the dualism of the state and society, Stein suggested that the state autonomy should put into practice while the social policy is constituted and executed, which is differentiated from the distributive mode of resource under not only the principle of state subsidiary but also the subsidy offered from a democratic welfare state. Furthermore, Stein endowed an organic state with a historical task that lastingly and actively altered the social structure. Nevertheless, he, on the one hand, coped with the opposition between the individual independence and the supremacy of state; on the other hand, the process was expected to look after both individual independence as well as the total progress. Moreover, he integrated the idea of the administrative state and that of the financial state into his social state theory, which becomes the value and purpose embedded in democracy.

Does Stein's theory have contemporary meaning? This is a question that any classic theory has to face. Today, as the monarchy has been withdrawn, how does the democratic state set up its public interest? Do the government and the parliament act as the monarchy of social reform appropriately? How does Stein's social theory converse with the current social justice theory? These questions are worth further exploring.

Keywords: Lorenz von Stein, modern welfare state, social state, social reform, social dependence, dualism of state and society