

THE GREAT IDEAS ONLINE

May '01

Center for the Study of The Great Ideas

131

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—Mortimer J. Adler



STATE AND SOCIETY * (in four parts)

by Mortimer Adler

PART IV

WHAT MUST BE INCLUDED IN THE DEFINITION OF THE STATE?

Aristotle's reference to the benefactors who first founded states by drafting constitutions for them would seem to imply that having a constitutional form of government is an indispensable element in the idea of the state. This raises a serious problem for us.

As we shall see in the next chapter, some of the human societies that we call states, both in the historic past and now, have despotic rather than constitutional forms of government. Is it, therefore, improper to regard ancient Persia, Babylon, and Egypt as states? Must we, for the same reason, withhold the attribution of statehood to the societies that, in modern times, lived under the absolute despotisms of the Bourbons, the Hapsburgs, and the Stuarts? Is it wrong today to regard Saudi Arabia, Argentina, Chile, and even, perhaps, the Soviet Union as states, or Germany under Hitler and Italy under Mussolini?

Before trying to answer these questions, let me first take a few preliminary steps toward a tenable definition of statehood.

(1) Families and tribes, as contrasted with states, are composed of individuals who, to a greater or lesser degree, are related by consanguinity or ties of blood—more so in the family, less so in the tribal community. This is not true of all the individuals who comprise the population of a state.

(2) Families may exist in independence of one another and as not subordinate to or included in any larger community. The same holds for tribal communities. Both may also exist as subordinate to and included in larger communities—families in tribes, and both families and tribes in states. But a state does not exist unless it is an independent community and one that is not subordinate to or included in any larger community. The point just made can also be expressed by saying that the state cannot exist unless it has sovereignty.

Much has been said on the subject of sovereignty, but the only thing that is relevant here is the note of supremacy which the term implies. States are supreme in the sense that, as independent communities, not subordinated to anything larger than themselves, they acknowledge no superior on earth.

This carries with it their claim to autonomy as well as to independence. As the word “autonomy” connotes, sovereigns are laws unto themselves. A sovereign state is not subject to laws imposed by others.

(3) In consequence of what has already been said, it should be added that states are more populous than families and tribal communities. The larger size of their populations, and the consequent greater division of labor, enables states to produce more wealth than families or tribal communities; and, in addition, to emancipate some portion of their populations from toil and give them time for the leisuring that produces the goods of civilization—the arts and sciences, together with social institutions of all sorts.

(4) From this distinguishing characteristic of states, it follows that states can serve more than the biological needs served by isolated families or independent tribal communities. Beyond the means of subsistence, they

provide human beings with the conditions they need for a good or civilized life.

The fact that in all the states that have existed up to the present and in many of the states that now exist the conditions of a good life are enjoyed only by a privileged few does not alter the point under consideration. What matters here is that such conditions are not enjoyed by any individuals living in isolated families or small, independent tribal communities.

It may be regarded as a point of progress in human affairs that, when the earliest states came into existence, some individuals, if only a few, enjoyed such conditions. Further progress was made by later states in which the many, rather than the few, enjoyed the conditions of a good life. We can look forward to still further progress when this will hold true for all—the whole population of a state.

(5) Finally, we come to the criterion of statehood that appears to be problematic: its form of government. Not only Aristotle suggested that this criterion be employed in the definition of statehood. Locke wrote to the same effect when he declared that absolute monarchy is inconsistent with civil society, which is statehood. So, too, Rousseau when he maintained that the only legitimate form of government is that of a republic, and implied that only republics deserve to be called states in the full sense of that term.

The solution of our problem lies in the words “the full sense of that term.” A definition can be either purely descriptive or it can be prescriptive as well. For example, we can define man-made laws as laws that any form of government makes and enforces, whether or not that government and its laws are just. Our definition is then purely descriptive because it falls short of considering what manmade laws should be.

The definition becomes prescriptive by requiring that, to be laws in the full sense, they must be made by a legitimate government, having the rightful authority to make laws as well as to enforce them, and also that the laws enacted be just. As Augustine and others have said, an unjust law is a law in name only, for it satisfies only the descriptive criteria in the definition of law. It fails to satisfy the prescriptive criterion.

Descriptively defined, the all-embracing large societies that include families and other subordinate communities and that have independence and sovereignty, can all be called states, regardless of the form of government under which their populations live. In a way that Aristotle pointed out, they carry over from tribal communities the kind of government appropriate to families and tribes: despotic rule by parents and by the elders or chieftains of the tribe. In this sense, they appear to be extensions of the family and the tribe. To become fully different, states must satisfy the other descriptive criteria that distinguish states from isolated families and independent tribes. They must also satisfy the additional prescriptive criterion that requires a shift from the form of government appropriate to families and tribes to one that is distinctively appropriate to states—constitutional rather than despotic government.

In terms of this fuller definition of statehood, ancient Persia under Xerxes and ancient Egypt under its Pharaohs do not deserve to be called states. In contrast, ancient Athens and Sparta, under their adopted constitutions, were states in the full sense of that term.

The same discrimination between societies that are states only by a purely descriptive definition of states and societies that are states by an additional prescriptive criterion, applies to all later societies—in the Middle Ages, in modern times, and in the contemporary world.

Does the purely descriptive definition of statehood or

the fuller definition apply equally to all the historic forms that states have taken?

For example, can a city-state have statehood in exactly the same sense of the term as a nation-state? Does this hold as well for imperial city-states and imperial nation-states that have colonies? And for unitary states, such as France and Sweden, as well as for federated states, such as the Russia, Switzerland, and the USA?

I think the question can be answered affirmatively, both for the purely descriptive definition of statehood and also for the fuller definition of it. All the things that differentiate city-states from nation-states are accidental aspects of statehood and so do not enter into its definition.

Concrete applications of the point just made should clarify it. What differentiates a city-state from a nation-state lies in the role that a great city plays.

Consider such ancient city-states as Athens, Sparta, Thebes, and Corinth. Their domains embraced the surrounding countryside, but statehood resided principally in the city itself and secondarily in its immediate environs. The same can be said about certain of the great commercial cities in modern times—Venice on the Adriatic, and the cities of the Hanseatic League on the North Sea and the Baltic.

Though they were equally great commercial cities, London, Stockholm, and St. Petersburg were the capital cities of nation-states—England, Sweden, and Russia. The difference between being merely the capital city of a nation-state that includes other large cities and being an independent, sovereign city, dominating an adjacent countryside, justifies calling the latter city-states, but not the former. However, the nation-state that has a capital city and other large cities within its domains has

statehood in exactly the same sense that independent, sovereign city-states do.

Similarly, it makes no difference to its having the properties of statehood whether a particular state does or does not have colonies and whether it has a unitary or federal type of organization.

Considering states that are federal in structure leads us to a distinction between two types of sovereignty, external and internal. All states have external sovereignty vis-a-vis other states. They also have internal sovereignty in the sense that they possess the supreme power to enforce the laws of the land. Everyone who belongs to the population of a state is subject to its laws; no one outside the state is.

In unitary states, that internal sovereignty is undivided. In federal states, it is divided between the states or provinces that constitute a federal union and the nation or nation-state thus composed.

For example, both the United States and the State of Massachusetts have internal sovereignty over the people of Massachusetts. The people of Massachusetts are subject to the laws of the federal government and also to the laws of the state in which they live. They live under a dual jurisdiction.

While Massachusetts has internal sovereignty over the population resident there, it has no external sovereignty whatsoever. It cannot make war or peace with other states. It cannot form alliances or conclude treaties. With minor exceptions, it cannot control commerce with other states or immigration from other states. It cannot do many other things that states with external sovereignty can do.

Must we not conclude, therefore, that the State of Massachusetts has statehood to a lesser extent because it

lacks the external sovereignty that fully independent states possess? Yet it cannot be said that Massachusetts does not have statehood at all, in any sense of that term. Nor can it be said that the USA has statehood to a less extent because, being a federal rather than a unitary state, its internal sovereignty is restricted to certain matters, the rest being left to the jurisdiction of the several states in the federal union.

Considering the external sovereignty of states vis-a-vis one another, we can understand why states are sometimes thought of as moral or juridical persons. This attribution of personality to them derives by analogy from the things that real or natural persons and private corporations are able to do.

Individual persons can enter into contracts with one another, dispute with one another, engage in economic transactions with one another, and so on. Associated human beings, especially when their association creates a corporation, can do these same things. The laws that govern the activities of corporations and their interactions with one another recognize them as juridical persons for this reason.

For the same reason, states having external sovereignty regard themselves, metaphorically if not literally, as persons. This resembled literal truth more closely when absolute monarchs identified the states they ruled with their own persons, referring to themselves by the name of the state they ruled when addressing one another. Claudius, in Shakespeare's *Hamlet*, in a letter to the King of England, signed himself "Denmark." Louis XIV said, "*L'etat, c'est moi.*"

The consideration of external sovereignty leads us to one further insight. Sovereign states, like the sovereign princes who identified the states they ruled with their own persons, are always in a state of war with one another.

Their external sovereignty is inseparable from their absolute autonomy. No enforceable laws govern the conduct of sovereigns visa-vis one another. In the absence of enforceable laws, sovereigns resort to force, which is warfare, when they cannot settle their conflicts in any other way. Even when sovereigns are not engaged in warfare with one another, they always remain in a state of war, which consists in the necessity of resorting to force in order to settle disputes because other means of doing so are not available or sufficient for the purpose.

What this implies about the difference between war and peace, and especially about the meaning of genuine peace, which does not consist solely in the absence of actual warfare, I will reserve for the next chapter on the idea of government. There we shall see more fully that the state of war is a state of anarchy—the kind of anarchy, or absence of government, that exists in the relation of one autonomous sovereign to another.

THE GOODNESS OF THE STATE

With respect to all the ideas treated in this book, the overarching idea, treated in a prior book, is the idea of goodness, of good and evil, of right and wrong. I cannot conclude this chapter without asking whether the state is good or evil.

Only philosophical anarchists look upon the state as evil, an evil that need not be suffered. They do so because they think all coercive force is evil. The state, through its internal sovereignty, has the power to enforce laws. It could not govern otherwise.

Philosophical anarchists mistakenly think that men can live in peace and harmony with one another without being subject to coercive government of any kind. In

their view, the state and its coercive government are avoidable evils that do not have to be endured because another alternative is available.

Some, like Bakunin, advocate direct action to overthrow the state and abolish government. Others, like Marx, predict the ultimate withering away of the state in the future. The establishment of a communist economy, under the dictatorship of the proletariat, is the penultimate step in that direction.

By still others, the state is regarded as a necessary, not an avoidable, evil. It is to be suffered for the sake of certain benefits that cannot be obtained in any other way. It is the price one must pay for civil peace and for the protection of life and limb.

It would be better if these and other advantages could be obtained in the much smaller local community of a neighborhood, instead of the much larger, more extended society of the state, with its overwhelming concentration of power and its overpowering centralization of government.

Unfortunately, all but the most extreme advocates of decentralization admit that the benefits conferred by the larger society that is a state cannot be obtained without suffering certain disadvantages that follow in their wake. For them, the state is, therefore, a necessary evil, but one that is not totally devoid of redeeming features, which render it also good.

To whatever extent you concede that they have some justification for their complaints against the state, you minimize the good done by the state—the benefits it confers on its inhabitants. Be that as it may, you also affirm that the state is not totally evil and that it may, on balance, do more good than evil.

The greatest goodness inherent in the state, which in

my judgment cannot be denied, lies in the ultimate end it serves, which no other form of society serves at all, or certainly not as well.

When the state is correctly conceived as made for man, not the other way around, it seeks to facilitate the pursuit of happiness. It does so both directly and also indirectly by promoting the general welfare, participation in which confers on individuals external goods they could not otherwise obtain for themselves.

When the state is correctly conceived as coming into existence not just for the increased satisfaction of man's biological needs, but preeminently to enable human beings to live well and to lead civilized lives, its goodness overshadows any of the evils that those who have complaints against the state can think of. If it is not an unalloyed good, it is at least more good than bad, and the goodness it does have is indispensable to the pursuit of happiness.

* From his book *A Vision of the Future* (1984)

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THE GREAT IDEAS ONLINE is published
by the Center for the Study of The Great Ideas
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A not-for-profit (501)(c)(3) organization.
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