An Essay on the Modern State

We live in a world of states. Virtually every landmass of the globe is now the territory of some state. The modern state, considered as the fundamental form of political organization, has swept the world. Yet it was not always so, and it may not always be so.

This important book is the first serious philosophical examination of the modern state. It inquires into the justification of this particular form of political society. It asks whether all states are “nation-states,” what are the alternative ways of organizing society, and which conditions make a state legitimate. The author concludes that, while states can be legitimate, they typically fail to have the powers (e.g., sovereignty) they claim.

Many books analyze government and its functions, but none other focuses on the state as a distinctive form of political organization or examines critically the claims states make for themselves. In filling this lacuna, Christopher Morris has written a book that will command the attention of political philosophers, political scientists, legal theorists, and specialists in international relations.

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“...that great LEVIATHAN, or rather (to speake more reverently) of that Mortall God...”
Preface

This book has been long in coming to completion, and so perhaps a word of explanation is due. An Essay completes or, rather, replaces a project I initiated a decade and a half ago. I had long been perplexed and worried by states, and I had then an idea for “a theory of the state”. In outline it was simple and, at the time, quite appealing. States were to serve as supports for markets and, like markets, were to be justified only insofar as they were mutually beneficial. The primary functions of states, on this view, were to guarantee personal and property rights, control fraud and enforce contracts, provide for collective goods, and implement mutually advantageous distributions of resources. The account was to be supported by a contractarian moral theory. Elements for the whole were already to be found in the work of James Buchanan and David Gauthier, and my early formulations of the project borrowed extensively from their writings. I thought that states might be justified in redistributing wealth considerably more than these theorists were likely to find acceptable, and so I conceived of the project as a defense of a kind of “welfare state”. In some ways it was to be a corrective to the defense of the “minimal state” Robert Nozick and others defended in the 1970s.

This project failed for a number of reasons, most of them embarrassingly obvious now. Much of the initial inspiration came from welfare economics. Real markets, of any complexity, do not satisfy the conditions for “perfect competition” and leave room for mutually beneficial improvements. That is one of the functions of states. Additionally, they are not entirely self-sustaining – another task of states. Thinking of states as handmaidens to markets is a species of what Jules Coleman has called the “market paradigm”. The first set of difficulties with the project had to do with the problems facing this type of approach. It is doubtful that many markets have the sort of
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explanatory or normative priority this picture supposes (something Buchanan himself often stresses). In theoretical welfare economics alone, the theory of the second best should have been for me a source of considerable skepticism. I also had a tendency, never clearly articulated, to identify markets with "anarchy". And this betrayed another major difficulty in the original idea. I, like many other theorists, tended to think of anarchy and state as exhaustive alternatives. To justify "the state" was thus to show it superior in relevant ways to anarchy. My project was to investigate its possible superiority as judged according to contractarian criteria. But just as anarchy and market are not the same, so anarchy and state are not exhaustive possibilities. To show one seriously deficient is not to justify the other. It turned out I did not know what I was talking about when I spoke about "the state"; I did not even have a clear idea of the distinction between state and government. Here, it must be said, I was in good company, at least in the English-speaking world, where philosophers are very casual with concepts of the state. Lastly, I have come to have various worries about social contract approaches to politics. For these and some other reasons, the original project fell by the wayside. A few bits and pieces of it may be found in this essay, but for the most part it has gone.

I now think I have a much better understanding of the state (and of government). It is still not adequate, and historical sociologists and historians of political thought are likely to find much that is inadequate. The Eurocentrism of much of my analysis may annoy others, but this is more defensible. The modern state is a European creation, almost French and British, and much of the world today is a variation on a theme. A consequence of an improved understanding of states is that I no longer have a "theory". My subject matter is too complex and my views are too skeptical and piecemeal to merit any such label. I do have an essay, and I reach some conclusions. For the most part, I think states, even legitimate ones, fail to live up to their self-images. Like many things modern, they are pompous and have inflated conceptions of themselves. Aspects of their characteristic ways of arranging things can often be justified, as could many earlier forms of political organization. But other aspects seem, on examination, implausible. My attitudes are mixed. I hope that states will change and that we are able to develop better ways of organizing political life. But many of the alternatives discussed by political philosophers – for instance, anarchy and world government – do not seem very imaginative or promising. Perhaps something interesting
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(though not a state) will emerge from the European Union and, in the more distant future, from the cities and complex polities of the Pacific. But it is too soon to tell.

I have many debts to record. Some of the most important are to be found in the footnotes. I have borrowed ideas from many sources, given credit whenever memory permitted. For a start, many audiences have been subjected to my reflections, starting with graduate seminars at the University of Ottawa, the Université de Montréal, UCLA, the University of North Carolina at Chapel Hill, and Bowling Green State University. These proved to be very productive fora for me. Versions of the early project were presented to audiences at the University of Waterloo, the meetings of the Société de philosophie du Québec in Montreal, the Canadian Philosophical Association in Saskatoon, and the Ottawa Eis Kreis. Later parts have been discussed with university audiences in Los Angeles, Chapel Hill, Manchester (UK), Davis (California), Bowling Green, New Orleans, Louvain-la-Neuve, Prague, Claremont (California), Toledo (Ohio), Gödöllő (Hungary), Vancouver, Leuven, Bologna, Baltimore, and Paris. I am grateful for the assistance these audiences provided. My own department at Bowling Green has been supportive of my work, and equally patient. And the Centre de Recherche en Epistémologie Appliquée (CREA) at the Ecole Polytechnique (Paris) has been my intellectual home abroad for many years. I am grateful as well to the British Museum Reading Room and to university libraries in Chapel Hill, Charlottesville, Princeton, and Paris, as well as Bowling Green.

Many individuals are thanked for specific suggestions in footnotes. Some are not, for instance, when the offending text has been excised – as in the case of an entire chapter that fell victim to brief but skeptical remarks by Richard Arneson, David Gauthier, and John Roemer. I have considerable debts to the writings of many, in addition to those already mentioned – including Leslie Green, Jean Hampton, Gregory Kavka, Joseph Raz. They and others are recognized by the innumerable times their works are cited. Gérard Mairet, writing about sovereignty long before it was the fashion, is to be thanked for leading me to understand much that was missing from the early project and that became the focus of this one. For thoughtful comments on early drafts, I am in the debt of John Gray, Jean Hampton, Mario Pascalev, David Schmidt, the Press’s assiduous reviewers; and to David Copp for several dozen pages of notes on the penultimate draft. Others – G. A. Cohen, Jules Coleman, David
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I have many special debts as well: to my mother and late father, and to my late uncle H. O. H. Frelinghuysen, with whom I first discussed politics and states; to David Gauthier, who first suggested that my views required book-length treatment; to R. G. Frey, who urged me to stop procrastinating and virtually forced me to send a draft to Cambridge University Press for evaluation; to my supportive and patient editor, Terence Moore; to my skilled and assiduous copy editor, Nancy Landau; and lastly to my late friend Jean Hampton, who read more drafts than anyone, who encouraged me at crucial moments, and who exhorted me to finish. She advised me that one never finishes a book; one just stops writing. I have followed her wise counsel, but I remain responsible for the errors that remain (and that might have been cleared up with another decade’s work). It is to her memory that I dedicate this essay.