

## Introduction

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*Bo Stråth and Quentin Skinner*

The imminent demise of the nation-state is regularly reported.<sup>1</sup> It is certainly true that contemporary states attempt to do less than they used to do. They rarely claim the power or even the right to control economies, and increasingly they ask their citizens to take responsibility for their own welfare. It is also true that contemporary states have more rivals than they used to have. They live in a world of supra-national agencies – the IMF, the World Bank, the United Nations – which have partly usurped their traditional functions. Meanwhile, investment and employment have fallen so much into the hands of multinational corporations that these agencies, we are constantly told, have now become the true rulers of the world.<sup>2</sup>

It only needs a little reflection, however, to remind us that the death of the state can hardly be an imminent or even a readily imaginable event.<sup>3</sup> We can even point to a number of ways in which states are becoming increasingly assertive. Consider, for example, current reactions to the large-scale migration of those fleeing poverty or tyranny. This has turned increasing numbers of desperate people into candidates for citizenship in the rich states of the West. So far the response of these states has been to re-assert their powers of exclusion with a new ferocity, while the response of their citizens has often been even more stridently nationalistic in tone.

Furthermore, it is or ought to be obvious that corporations have not taken over from states and cannot be expected to do so. Everyone, especially in a world beset by terrorism, increasingly demands security. Who but the state and its agencies can provide it? Do we seriously suppose that corporations stand ready to create their own armies, police forces, and intelligence services? Moreover, even the largest corporations remain vulnerable to collapse, as several spectacular instances have lately reminded us. If they expect to be provided

<sup>1</sup> For a recent historical survey which issues in the conclusion that the modern state is in rapid decline, with its functions increasingly being taken over by other organisations, see van Creveld 1999.

<sup>2</sup> For a strong statement of this claim, see Hertz 2001. For some valuably sceptical remarks, see the review by Corey Robin in *Times Literary Supplement*, 15 February 2002, p. 29.

<sup>3</sup> On the difficulties of thinking beyond the idea of the state see Bartelson 2001.

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with a safety-net, to whom can they turn except the state? Besides which, corporations need contracts to be enforced, money to be printed, interest-rates to be set, while at the same time they themselves need to be regulated. They turn out, indeed, to need far more regulation to prevent them from lapsing into sheer criminality than it has lately been fashionable to suppose. Who other than states can hope to perform these tasks? States, in short, are here to stay, at least in the foreseeable future.<sup>4</sup> Not for nothing is the condition of statelessness regarded as an extremely grave predicament.

Taking the importance of the state for granted, the contributors to this book reflect on its history, its theoretical underpinnings, and its prospects in the contemporary world. This is a vast theme, and we make no pretence of offering anything like systematic coverage. One limitation we have imposed on ourselves has been a geographical one. We have concentrated on the Western European experience, to which we have added the case of the greatest of the post-colonial democracies, India. We have little to say about state-formation in China or Japan, or about the two federated states that confronted each other for much of the twentieth century, the USA and the USSR. There is no implication that the Western European case is of unique importance. But we certainly believe it to be of exceptional importance, historically as well as conceptually, and it remains a legacy worth examining in depth.

Within our chosen geographical area, we concentrate specifically on the relationship between states and citizens. We have little to say about the embodiment of Western polities before the advent of the state, and accordingly begin no earlier than the medieval period. Equally, we have little to say about the role of intermediate groups within states or about the relations between states and nationhood. We are not unaware that citizens have always possessed multiple identities, and that one of these has normally been a sense of national identity. But nationality and nationalism are two further topics which, while obviously cognate to our theme, would have expanded it beyond all bounds if we had tried to include them.<sup>5</sup>

What, then, are the issues we address as we focus on states and citizens? We begin with three scene-setting chapters, the first of which examines the idea of state power in relation to the freedom of citizens. While this has always been an inescapable confrontation, Quentin Skinner shows that it has been conceptualised in a number of divergent and even incommensurable ways. Concentrating on the Anglophone case, Skinner provides a review of leading traditions of thought about the concept of political liberty. During the early-modern period,

<sup>4</sup> For further sceptical reflections about the supposed 'crisis' of the nation-state see Dunn 1996, pp. 196–210.

<sup>5</sup> For a valuable attempt to provide a broader historical survey, see the research reported in Hindle 2002.

the liberty of citizens was generally treated as a status and equated with conditions of legal and social independence. During the eighteenth century, however, this understanding began to be replaced by the view that liberty simply consists in absence of interference. Despite the efforts of many nineteenth-century thinkers to expand the concept of freedom to take in the notion of real human interests, the idea of freedom as non-interference eventually attained a hegemony which it has never lost. This opening chapter ends by reflecting on the moral limitations inherent in the resulting vision of the relationship between the freedom of citizens and the power of the state.

We next turn to examine the character of the state. David Runciman's chapter highlights the extraordinary elusiveness of the concept, the difficulty of identifying the state with anyone or anything in particular. Runciman emphasises the classic importance of Thomas Hobbes's contribution to this view of the state in his *Leviathan* (1651). It is in Hobbes that we first encounter the paradoxical modern understanding of the state as at once the bearer of sovereign power and at the same time as little more than a fictional entity. Runciman concludes that, as in the case of the analogous institution of money, the fictional nature of the state does not undermine but rather helps to explain the power it continues to exercise over us.

The last of our scene-setting chapters looks at the other side of the coin, examining how the experience of citizenship has been conceptualised. After asserting that citizens should always be regarded in the first instance as subjects, Gianfranco Poggi reviews a number of ways in which individual subjects have represented themselves to the state. They have variously seen themselves as soldiers, as tax-payers, as bearers of rights, and sometimes as nothing but spectators of government. Against the background of this conceptual reconstruction, Poggi outlines the prospects for the state in the light of a number of contemporary developments, in particular the rise of globalisation and the formation of supra-national agencies.

After these conceptual clarifications, we shift our attention to the history of the changing relationship between citizens and states. Magnus Ryan traces the way in which the concept of civic liberty first emerged from the background of medieval law. When the concept of law first became a dominant preoccupation of medieval theorists, they did not think of it as a means to ensure the liberty of those living under it. Rather it was seen as a means to discipline the evil, to reward the good and thereby to keep the peace. However, one of the traditional means of rewarding the good was to grant them liberties, that is, special privileges, often in the form of limited rights of self-government. Such privileges frequently created communities by bringing entire populations under the rule of one lord. It thus became possible to regard privileges or liberties as expressive of the geographical area in which they applied, not simply of the power of the lord who applied them. In some cases this process went so far that the area itself

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was dubbed a liberty. Liberties had the potential, therefore, to become liberty, especially where traditional hegemonies were challenged and replaced by communal or corporate organisations. This raised questions about who should be regarded as the beneficiaries of such liberties. The way out of such problems was frequently to construct an abstract entity to act as the bearer of these rights. Ryan concludes that, while it would be impetuous to call these entities states, it would be a serious error to ignore the relevance of this development. As he ends by showing, there was a coherence in these discussions about law, liberty, and the abstract expression of collective organisation out of which the modern state partly emerged.

We next turn to the later Middle Ages, and specifically to the much-debated question of how far the civic traditions and experience of that period contributed to the crystallising of the modern state. Recent historiography has discredited the idealisation of the medieval city as an island of free burghers in a sea of feudal arrangements. But we are still left with the Weberian view that the urban legal systems of the later Middle Ages made an important contribution to the establishment of the impersonal legal rule of the modern state. As Almut Höfert shows, however, we need to abandon that conception too. Urban court decisions were not made in correspondence with town charters or other legal prescriptions. Rather they were based on an underlying social system of hierarchy and honour. During the fifteenth century, city councils managed to establish an almost complete sovereignty over citizens and so created in their place the concept of the subject. With Jean Bodin's concept of the *civis*, this authoritarian relationship was finally transferred from the city to the sovereignty of the state.

Because the state has become the master noun of our political discourse, it has become almost unavoidable for those reflecting on its history to write in teleological terms about its rise and triumph. The pull of this meta-narrative makes it all the more important to stress that, until a relatively late stage in Western European history, the state continued to face rivals to its absolutist and centralising tendencies. One of the main arguments of Martin van Gelderen's chapter is that too many historians of the nineteenth and twentieth centuries glorified the state as the hallmark of modernity. Even those who, like Friedrich Meinecke, had a more subtle and ambivalent view of modernity failed to give a genuinely historical account of the emergence and development of the modern state. They all failed, in particular, to appreciate the significance of a number of rival conceptions of political community that developed in the course of the seventeenth century. These included Grotius's republican model, Althusius's consociational theory and Arnisaeus's account of the sovereign *ordo civitatis*. Taking the work of Meinecke as its pivotal example, van Gelderen's chapter argues that historians and theorists of modernity have oversimplified a complex picture by failing to pay due attention to the conflict between the state and its rivals in the early-modern period.

Our other chapter on early-modern developments focuses on the emergence of the discourse of rights. The idea that we are citizens, not just subjects, and accordingly hold rights, not just in respect of each other but also in respect of the state, has become central to European political self-consciousness. As Annabel Brett shows, however, if we look at the historical development of both these notions – ‘rights’ and ‘citizens’ – we can see that there is something highly problematic about their association in the modern idea of ‘citizens’ rights’. The language of rights arose in the context of articulating the moral claims of human beings independently of the positive order of the *civitas*. These claims were developed by appealing to a normative, pre-civic notion of human nature and natural law, generating the idea of natural rights. During the wars of resistance at the end of the sixteenth century, the appeal to natural rights was used as a means of legitimating revolt against the *civitas*. In reaction, seventeenth-century theorists of natural rights sought to analyse them in such a way as to neutralise this revolutionary force and to see them as guaranteed by the state. By contrast, the classical figure of the citizen, revived in the course of the humanist Renaissance, implied that a human being achieved morality only within the *civitas*, thus removing any grounds for appeals to nature against it. Although citizenship implied a form of government which could be used as a critique of tyranny, by the mid-seventeenth century it too, like rights, had been refigured to neutralise its radical edge. During the seventeenth century, a new focus on the history of the *civitas* allowed theorists to draw together the notions of citizen and rights as a critical weapon against current regimes. However, this did not resolve the inherent conflict between rights and citizenship, a theoretical dilemma that has never finally been overcome.

The modern state has traditionally been seen as a product of the Enlightenment and the French Revolution, and we next consider the merits of this argument. Judith A. Vega focuses on Enlightenment conceptions of identity and citizenship, and specifically on the place of women’s rights within these debates. She questions a received view of the struggle for women’s rights as centring on the desire for equality. The demand for citizenship on behalf of women was frequently articulated in terms of the inadmissibility of slavery, while the vocabulary of slavery was challenged by the vocabulary of sociability. Both vocabularies made the idiom of rights incumbent on historical anthropology, but in different ways. As Vega shows, the struggle about rights gave rise to a language of gender difference, one distinguishable from claims to universal equality or group identity. A conception of justice alert to cultural and economic asymmetries originated in the space where the precise meaning of natural rights for civil existence was contested.

With Lucien Jaume’s chapter we reach the French Revolution itself, and its influence on the history of citizenship in France. Jaume distinguishes three different views of the *citoyen* associated with the Revolution. One was that of

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the moderates in 1789, for whom citizenship was not an end in itself but a means of protecting private individuals and rights. A second view was associated in particular with Condorcet, for whom citizenship must aim (notably through the use of education) to create what he described as 'public reason'. Finally there was the perspective of the Jacobins, for whom citizens were seen as members of the people, parts of a whole and thereby subject to the common norms of civic virtue.

Jaume goes on to show that, in the two centuries following the Revolution, the French concept of citizenship came to be characterised by its universalist and abstract nature, irrespective of all horizontal ties, whether communitarian or associative. Recently, however, these elements have been profoundly questioned by the extension of pluralism, by the growing autonomy of civil society and by the forms of standardisation introduced by the European Community. Jaume concludes by suggesting that liberty and equality, the two leading principles of citizenship according to the Revolution, need careful rethinking if they are to accompany these new features of citizenship now coming to birth.

The eighteenth century not only witnessed the crystallisation of the modern concepts of state and citizen in Western Europe; it also saw the beginnings of the great phase of Western European imperialism. What types of state were set up as a result of these colonial adventures? We focus on the case of India, an example of exceptional importance not only by virtue of its scale, but also because it illustrates the successful implanting of the modern state and its conversion to popular government. Sudipta Kaviraj's chapter begins by considering the organisation of power in traditional Indian society. This operated through the structure of the caste system, which segmented society and subjected political power to an inflexible religious order, thereby denying sovereignty to the state. As Kaviraj demonstrates, colonial power in India did not enter through a conflict with the Mughal state but through a slow, insidious process of commercial, administrative, and cultural control. By the mid-nineteenth century it had established a state structure which claimed sovereignty over society. But the unwillingness of the colonial state to overextend itself gave increasing opportunities to Indian elites, who eventually shaped the nationalist ambition to seize control from the British. Kaviraj ends by suggesting that the most significant elements in the evolution of the Indian state since independence have been the immense expansion of its bureaucracy together with an irresistible impulse towards democracy. The democratic effects of lower-caste electoral mobilisation have undermined the caste-based society, a transformation of enormous and continuing significance.

We end with a group of chapters in which the history and prospects of the contemporary state are surveyed. Bo Stråth traces the ironic trajectory of the conflict between the state and its critics in the latter part of the twentieth century.

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Beginning with the challenge posed by the social movements of the 1960s, Strath emphasises their individualistic thrust: cries for freedom and equality were essentially cries for personal emancipation from the state or from parental authority. This individualism was in turn inspired by a Marxist critique in which the state was cast as an instrument of bourgeois repression. This critique developed within a framework of disintegration: the optimistic image of Western modernisation, industrialisation, and democratisation was seriously undermined by the dollar collapse, the oil-price shock, and the recurrence of mass unemployment in the first half of the 1970s. The outcome, however, was not the realisation of Marx's prophecy of a classless society. A new political language emerged in which the values of flexibility and responsibility were emphasised and a growing role was assigned to individual workers in friendly relationships with their employers. The ironic outcome was that the changes of the 1960s were followed not by the triumph of the working class but by its gradual dissolution as an historical category. What emerged was the surprisingly robust structure of the neo-liberal state.

We end by addressing two of the most pressing questions facing contemporary states. First, how can they accommodate the equality of their citizens, men and women alike? Michèle Riot Sarcey considers the issue in relation to the French experience. Although the French democratic system is nominally constructed on the basis of liberty and equality, the establishment of representative democracy in the nineteenth century went hand in hand with a social hierarchy grounded on inequalities of sex and class. Women were regarded as naturally inferior, and were limited to their reproductive role, thereby creating a social difference that became, over time, a difference in kind. Politics meanwhile developed as the prerogative of the free man, to whom the privilege of representation was alone accorded. Eventually a new word – parity – had to be invented to enable women to participate in the system of political representation. Parity, however, is very different from liberty and equality, and it is Riot Sarcey's conclusion that a genuinely democratic state, in which men and women are equally gathered together, has yet to be created.

We conclude by asking whether we can hope to create a more internationalist conception of citizenship. Andrew Dobson considers the question in relation to the environmental problems that every state is now obliged to face. Since many of these problems are global in character, states cannot be the only locus of environmental action. But states remain dominant in our political thinking, making it difficult to generate internationalist or inter-generational conceptions of citizenship. We need to recognise, Dobson argues, that it is a mistake to link citizenship too firmly to the state. He proposes a 'non-bounded' view that could underpin an environmentally oriented conception of citizenship, buttressing it by showing that the obligations of citizenship are not exhausted by the

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citizen–state relationship. We accordingly end by peering beyond the boundaries of this relationship, the millennial-long history of which we have principally been concerned to trace.

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*PART ONE*

States and citizens: setting the scene

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# 1 States and the freedom of citizens

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*Quentin Skinner*

What is the extent of the lawful power of the state over its citizens? Or, to put the question the other way round, what is the extent of the freedom and rights of citizens within the state? The claim that these are among the central issues in political philosophy would nowadays be accepted by almost everyone. But this makes it all the more important to begin by stressing that these questions, in the form I have raised them, are distinctively modern ones. Among political theorists writing in the English language, the suggestion that the fundamental confrontation is between states and citizens arose only in the course of the constitutional upheavals of the seventeenth century. It was only once the opponents of the Stuart monarchy began seriously to question the powers of the crown in the 1640s that they started to describe themselves as freeborn citizens rather than as subjects of their king.<sup>1</sup> And as David Runciman indicates in chapter 2, it was only in the same period that they began to think of the holders of sovereign power not as persons acting in their own name but rather as representatives of the state.<sup>2</sup>

The same applies to the belief that, when we speak about the freedom of citizens, we are speaking about the extent of their individual rights. This assumption likewise came to the fore in Anglophone political theory only in the course of the seventeenth century. As late as the Jacobean period, conservative legal and political writers continued to construe civil liberties as nothing more than privileges allowed by the crown as a matter of grace. They were still living, in short, in the world described by Magnus Ryan in chapter 4. When they spoke about the liberty of the Church, they had in mind its special exemptions from the law; when they spoke about the liberty of subjects, they had in mind whatever immunities the crown had chosen to bestow on them.

<sup>1</sup> See, for example, Overton 1998, which is headed (p. 33) 'A remonstrance of many thousand citizens and other freeborn people of England'. Here the category of *subject* is silently but vehemently repudiated.

<sup>2</sup> Hobbes in *Leviathan* is perhaps the first Anglophone political theorist to insist in so many words that the figure of the sovereign merely 'carries the person' of the state – that is, serves as its representative. See Hobbes 1996, ch. 17, p. 121 and cf. David Runciman's discussion in chapter 2 of the present work.