THE STATE

IN THEORY AND PRACTICE

HAROLD J. LASKI

THE STATE IN THEORY AND PRACTICE

BY

HAROLD J. LASKI

NEW YORK

THE VIKING PRESS

MCMXXXV

First Published February 1935

Copyright 1935 by Harold J. Laski
Printed in the United States of America by
The Vail-Ballou Press

The State

in Theory and Practice

Justice is a power; and if it cannot create, it will at least destroy. So that the question for the future is not, shall there be revolution, but shall it be beneficent or disastrous?

—G. Lowes Dickinson

Justice and Liberty (1908), p. 206.

试读结束，需要全本PDF请购买 www.ertongbook.com

To Marion Denman Frankfurter

with our love

F.

D.

H.

PREFACE

The purpose of this book is to discover the nature of the modern state. It seeks to explain that nature by an examination of its characteristics as these have been revealed by its history; and, in their light, it seeks to outline a theory of the state more in consonance with that history than the classic outlook. In some sort, it is a sequel to my *Democracy in Crisis* (1933), the philosophic implications of which it tries to develop further.

I owe much to friends who have helped me with criticism and discussion. Above all, I must thank my colleagues Mr. H. L. Beales, Professor M. Ginsberg, and Dr. W. I. Jennings. None of them, of course, has any responsibility for these pages. What it owes to my wife I only can know. But of this neither of us would speak.

Mr. Victor Gollancz has kindly allowed me to use several pages from a chapter contributed by me to *The Intelligent Man's Way to Prevent War* edited by Mr. Leonard Woolf.

HAROLD J. LASKI

London, October 24, 1934.

Contents

CHAPTER ONE: THE PHILOSOPHIC CONCEPTION OF THE STATE
3

CHAPTER TWO: STATE AND GOVERNMENT IN THE REAL WORLD
87

CHAPTER THREE: THE STATE AND THE INTERNATIONAL COMMUNITY
193

CHAPTER FOUR: THE OUTLOOK FOR OUR GENERATION
241

THE STATE

IN THEORY AND PRACTICE

I

The Philosophic Conception of the State

I

EVER since Plato denied that justice was the rule of the stronger, men have sought to justify the state by reason of the high purposes it seeks to protect. The human mind, indeed, revolts from the notion that the possession of coercive power can be defended regardless of the ends to which it is devoted. We argue, as with Aristotle, that the state exists to promote the good life. We insist, as with Hobbes, that there can be no civilization without the security it provides by its power over life and death. We agree, as with Locke, that only a common rule-making organ, to the operations of which men consent, can give us those rights to life and liberty and property without the peaceful enjoyment of which we are condemned to a miserable existence. Rousseau could find certain terms of statehood in which, by obeying its laws, men could be more free than in pre-civil society. "The state," wrote Hegel in a famous sentence,[1] "is the

[1] *Philosophy of History* (trans. Sibree), p. 41.

试读结束，需要全本PDF请购买 www.ertongbook.com

Divine Idea as it exists on earth"; and he argued that all the worth of the human being is derived from his immersion in its activities.

Few institutions have received panegyrics more splendid than the state; and it is important to understand the grounds upon which they rest. They are rarely panegyrics of actual states; though there are occasions when the panegyrist has found his ideal embodied in an actual society. More usually, they are the defence of a system of purposes which the thinker deems good, and conceives as capable of realization only through the peculiar form of association we call the state. These purposes, in the history of political philosophy, have a fairly constant character. They are a search for the terms on which individual men and women may most amply fulfil themselves. They are a recognition of the fact that, because individuals move differently to the attainment of conflicting desires, a common organ is necessary in society to define the terms upon which that movement may legitimately proceed. Views differ violently as to the form that organ should take. The basis upon which it should act, the ambit of its authority, are questions upon which no unanimity has been attained. But, the philosophic anarchist apart (and in political philosophy he has been a curiously infrequent creature), the necessity of a coercive authority in society to define the permissible rules of social behaviour has been almost universally admitted. Granted the nature of men, the alternative appears to be a chaos of individual decisions fatal to the emergence of settled ways of life. With the state there comes security; and security is the condition upon which the satisfactions men seek to secure are capable of peaceful attainment.

But to argue that there is need in society for a coercive authority which is commonly obeyed begins and does not end a problem. Men do not obey that authority for the sake of obedience. They obey it for the purposes they believe to be secured by its operations. They submit to orders for the sake of what they believe those orders to imply. They scrutinize those orders in terms of the satisfactions they seek from life, and, from time to time, they reject them upon the ground that they are a denial of those satisfactions. Obedience, that is to say, is the normal habit of mankind; but marginal cases continually recur in which the decision to disobey is painfully taken and passionately defended.

These marginal cases make it clear that men obey the state not merely for the sake of order, but also on account of what they deem that order to make possible. They are, in fact, judging the state from the angle of satisfactions they think it should provide. Their judgments, no doubt, vary with time and place. Expectations of what is legitimate are always born of experience; and the demands of one society at one period will differ from those of another society at another period. But the implication is the clear one that the exercise of coercive authority in a society is never unconditional. It must act by rules. It must realize those purposes which the citizens who live by its activities deem to be fundamental. Any inquiry, therefore, into the nature of states, is at least as much an inquiry into the realized intentions of power as into the announced purposes by which their operations are justified in theory. For its citizens, a state is what it does; it is not justified merely because it is a state. It secures their assent to its actions by the judgment they make of the consequences. They concern themselves not with the philosophic purpose of the state

as such, but with the results of its actual processes as these are experienced in their daily lives.

The philosopher may, like Burke, think of the state as a partnership in all virtue and all perfection; the common man thinks of it as a way of being ruled which satisfies his expectation of legitimate satisfactions. The philosopher, that is, has, in the main, been satisfied to construct an ideal form of state and to transfer its implications to the actual experience of states. That ideal form has been, very largely, the philosopher's personal conception of what is desirable in the light of his experience; he has externalized his autobiography into a programme and criterion of reality. Hobbes's theory of the state is, at bottom, built upon the insistence, intelligible enough in an epoch of civil war, that order in itself is the highest good, without regard to what that order makes. Hegel's assertion that the personality of the state is incomplete without a monarch chosen by primogeniture is clearly less a universal truth than it is the elevation to that plane of Hegel's own preference for the Kingdom of Prussia as the highest form in which a state can clothe itself. Unless we take the view that, as Bosanquet argued, "the state is a brief expression for states *qua* states" [1]; that, therefore, the theoretic purpose is always being realized in living fact; that the failures we encounter are to be attributed not to the state as such, but to non-state sources which the state is seeking to purify; it is obvious that a theory of the state must be a way of valuing the achievement of actual states, a criterion of measurement, rather than a statement of reality. We cannot say, with Hegel, that the individual's "highest duty is to

---

[1] *Social and International Ideals* (1917), p. 274.

be a member of the state"[1] until we have judged the quality of the actual state of which he is a member.

I shall seek, in this book, to set out as best I can that philosophic justification of the state which has, I believe, exercised, in the last century, the main influence upon Western civilization. I shall then examine that justification in the light of the states we encounter in our daily lives. This will lead me to a formulation of a theory of the state more related, as I shall suggest, to the facts we know than that which is commonly accepted at the present time. Finally, in the light of that formulation, I shall seek to draw some practical inferences by which we may predict—since prediction is the ultimate test of a true social theory—the probable course of events in the future.

My argument throughout will be based upon a single assumption. I shall assume that the justification of coercive authority, the only title upon which it can claim the obedience of those over whom it is exercised, is in the measure of its satisfaction of maximum demand. It is not, that is to say, its intention merely to achieve this end that is its title to allegiance; a theory of intention can never be the basis of an adequate political philosophy. It is not the purpose announced, but the purpose realized, when this is set over against the reasonable possibilities of realization, that can alone be the criterion of value in human institutions.

II

We have to begin with definitions; not a little of the barrenness of political philosophy is due to the failure of men

[1] *Philosophy of Right* (Eng. trans.), p. 306.

to agree upon the meaning of their terms. We find ourselves living in a society with other men; that society, in relation to all other forms of human association, is integrated into a unity we call the state; as a state, its affairs are administered by a body of persons we call the government. What do these terms mean?

By a society I mean a group of human beings living together and working together for the satisfaction of their mutual wants. The basic wants they have to satisfy are economic in character; they must earn their living before they begin to live well. But, beyond bare economic need, there is every variety of want, religious, cultural, domestic, the satisfaction of which becomes possible through the social instinct of man. Theoretically, there is no reason why this group should not be equivalent to the totality of human beings; and, actually, as I shall show later, the implications of our methods of economic production make it necessary to regard that equivalence as having profound institutional significance. But for various historical and geographical reasons, into which it is impossible here to enter, the societies with which we are concerned are those such as England, France, Germany, the United States, and Russia—groups of human beings differentiated from other groups by sharing in certain traditions, political, psychological, linguistic, or whatever they may be, which separate them in an identifiable way from the rest of mankind. The societies with which we shall be here mainly concerned are those which, over a long period of history, have assumed the form of a national state.

By a state I mean a society of this kind which is integrated by possessing a coercive authority legally supreme over any individual or group which is part of the society. An examina-

tion of any national society will always reveal within its boundaries not only individuals, but also associations of men grouped together to promote all kinds of objects, religious, economic, cultural, political, in which they are interested. Such a society is a state when the way of life to which both individuals and associations must conform is defined by a coercive authority binding upon them all. The French state, for example, is a territorial society, divided into government and subjects, whether individuals or associations of individuals, whose relationships are determined by the exercise of this supreme coercive power.

This power is called sovereignty; and it is by the possession of sovereignty that the state is distinguished from all other forms of human association. A municipality is a territorial society divided into government and subjects; so, also, may be a trade union or a church. But none of them possesses supreme coercive power. Each must normally subordinate its habits to those defined as legitimate by that supreme coercive power. Its will is, formally, an unchallengeable will, since, otherwise, it could not be supreme. For the same reason, its will can suffer neither division nor alienation; as Bodin said, the state is sovereign because it gives orders to all and receives orders from none. Its orders are therefore law and, as such, binding upon all who come within the ambit of its jurisdiction.

It is important to realize that the attribution of sovereignty, in this fashion, to the state connotes merely a formal source of reference and nothing more. It is the description of a structure, not an inference of valuation. It says nothing of the wisdom or the justice that may or may not be inherent in the will of the state; it only says that the state is supreme over

试读结束，需要全本PDF请购买 www.ertongbook.com