

CHAPTER 2

From God or the Sword?

IS THE STATE ordered in the nature of things? The classical theorists in political science were so persuaded. Observing that every agglomeration of humans known to history was attended with a political institution of some kind, and convinced that in all human affairs the hand of God played a part, they concluded that the political organization of men enjoyed divine sanction. They had a syllogism to support their assumption: God made man; man made the State; therefore, God made the State. The State acquired divinity vicariously. The reasoning was bolstered by an analogy; it is a certainty that the family organization, with its head, is in the natural order of things, and it follows that a group of families, with the State acting as over-all father, is likewise a natural phenomenon. If deficiencies in the family occur, it is because of the ignorance or wickedness of the father; and if the social order suffers distress or disharmony it is because the State has lost sight of the ways of God. In either case, the *pater familias* needs instruction in moral principles. That is, the State, which is inevitable and necessary, might be improved upon but cannot be abolished.

Accepting *a priori* the naturalness of the State, they sought for the taproot of the institution in the nature of man. Surely, the State appears only when men get together, and that fact

would indicate that its origin is lodged in the complexity of the human being; animals have no State. This line of inquiry led to contradictions and uncertainties, as it had to because the evidence as to man's nature lies in his moral behavior and this is far from uniform. Two men will respond differently to the same exigency, and even one man will not follow a constant pattern of behavior under all circumstances. The problem which the political scientists with the theological turn of mind set for themselves was to find out whether the State owed its origin to the fact that man is inherently "good" or "bad," and on this point there is no positive evidence. Hence the contradictions in their findings.

The three thinkers along these lines with whom we are most familiar, although they had their forerunners, are Thomas Hobbes, John Locke, and Jean Jacques Rousseau. As a starting point for their speculations, the three of them made use of the same hypothesis, that there was a time when men were not politically organized and lived under conditions called a "state of nature." It was pure assumption, of course, since if men ever roamed the face of the earth as thoroughgoing isolationists, having no contact with one another except at the end of a club, they never would have left any evidence of it. There must always have been at least a family organization or we would not be here to talk about a "state of nature."

At any rate, Hobbes maintained that in this pre-political state man was "brutish" and "nasty," ever poised at the property and person of his neighbor. His predatory inclination was motivated by an overweening passion for material plenty. But, says Hobbes, man was from the beginning endowed with the gift of reason, and at some point in his "natural" state his reason told him that he could do better

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for himself by cooperating with his fellow "natural" man. At that point he entered into a "social contract" with him, by the terms of which each agreed to abide by an authority that would restrain him from doing what his "nature" inclined him to do. Thus came the State.

Locke, on the other hand, is rather neutral in his moral findings; to him the question of whether man is "good" or "bad" is secondary to the fact that he is a creature of reason and desire. In fact, says Locke, even when he lived in his "natural" state, man's principal concern was his property, the fruit of his labor. His reason told him that he would be more secure in the possession and enjoyment of it if he submitted himself to a protective agency. He therefore entered into a "social contract" and organized the State. Locke makes the first business of the State the protection of property and asserts that when a particular State is derelict in that duty it is morally correct for the people to replace it, even by force, with another.

Looking into the "state of nature," Rousseau finds it to be an idyllic Eden, in which man was perfectly free and therefore morally perfect. There was only one flaw in this otherwise good life: the making of a living was difficult. It was to overcome the hardships of "natural" existence that he gave up some of his freedom and accepted the "social contract." As to the character of the contract, it is a blending of the will of each individual with that of every other signatory into what Rousseau calls the General Will.

Thus, while the three speculators were in some disagreement as to the nature of man, where the seed of the State was to be found, they nevertheless agreed that the State flowered from it. It should be pointed out that this attempt to find an origin of the State was not their prime pur-

pose, that each of them was interested in a political system of his own, and that each deemed it necessary to establish an origin that would fit in with his system. It would not serve our present purpose to discuss their political philosophies, but it is interesting to note that each was fashioned to fit the exigencies of the times, giving rise to the suspicion that their theories as to origin were similarly influenced. Their common prepossession was that the State is in the natural order of things, and Hobbes gives it divine sanction. In that respect they followed tradition; early Christian speculation on the State referred to its ideal as the "City of God," and Plato spoke of his State as something "of which a pattern is made in heaven."

Modern political science passes up the question of origin, accepts the State as a going concern, makes recommendations for its operational improvement. The metaphysicians of old laid the deficiencies of a particular State to ignorance or disobedience of the laws of God. The moderns also have their ideal, or each political scientist has his own, and each has his prescription for achieving it; the ingredients of the prescription are a series of laws plus an enforcement machinery. The function of the State, it is generally assumed, is to bring about the Good Society—there being no question as to its ability to do so—and the Good Society is whatever the political scientist has in mind.

In recent times a few investigators have turned to history for evidence as to the origin of the State and have evolved what is sometimes called the theory of the sociological State.

The records show, they observe, that all primitive peoples made their living in one of two ways, agriculture or livestock raising; hunting and fishing seem to have been side lines in

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both economies. The requirements of these two occupations developed clearly defined and different habits and skills. The business of roaming around in search of grazing land and water called for a well-knit organization of venturesome men, while the fixed routine of farming needed no organization and little enterprise. The phlegmatic docility of scattered land workers made them easy prey for the daring herdsmen of the hills. Covetousness suggested attack.

At first, the historians report, the object of pilferage was women, since incest was tabu long before the scientists found reason to condemn the practice. The stealing of women was followed by the stealing of portable goods, and both jobs were accompanied by the wholesale slaughter of males and unwanted females. Somewhere along the line the marauders hit upon the economic fact that dead men produce nothing, and from that observation came the institution of slavery; the herdsmen improved their business by taking along captives and assigning menial chores to them. This master-slave economy, the theory holds, is the earliest manifestation of the State. Thus, the premise of the State is the exploitation of producers by the use of power.

Eventually, hit-and-run pilferage was replaced by the idea of security—or the continuing exaction of tribute from people held in bondage. Sometimes the investing tribe would take charge of a trading center and place levies on transactions, sometimes they would take control of the highways and waterways leading to the villages and collect tolls from caravans and merchants. At any rate, they soon learned that loot is part of production and that it is plentiful when production is plentiful; to encourage production, therefore, they undertook to patrol it and to maintain “law and order.” They not only policed the conquered people but also protected

them from other marauding tribes; in fact, it was not uncommon for a harassed community to invite a warlike tribe to come in and stand guard, for a price. Conquerors came not only from the hills, for there were also "herdsmen of the sea," tribes whose hazardous occupation made them particularly daring on the attack.

The investing people held themselves aloof from the conquered, enjoying what later became known as extraterritoriality. They maintained cultural and political ties with their homeland, they retained their own language, religion, and customs, and in most cases did not disturb the *mores* of their subjects as long as tribute was forthcoming. In time, for such is the way of propinquity, the ideational barriers between conquered and conquerors melted away and a process of amalgamation set in. The process was sometimes hastened by a severing of the ties with the homeland, as when the local chieftain felt strong enough in his new environment to challenge his overlord and to cease dividing the loot with him, or when successful insurrection at home cut him off from it. Closer contact with the conquered resulted in a blending of languages, religions, and customs. Even though intermarriage was frowned upon, for economic and social reasons, sexual attraction could not be put off by dictum, and a new generation, often smeared with the bar sinister, bridged the chasm with blood ties. Military ventures, as in defense of the now common homeland, helped the amalgam.

The blending of the two cultures gave rise to a new one, not the least important feature of which was a set of customs and laws regularizing the accommodation of the dues-paying class to their masters. Necessarily, these conventions were formulated by the latter, with the intent of freezing their economic advantage into a legacy for their offspring. The

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dominated people, who at first had resisted the exactions, had long ago been worn out by the unequal struggle and had resigned themselves to a system of taxes, rents, tolls, and other forms of tribute. This adjustment was facilitated by the inclusion of some of the "lower classes" into the scheme, as foremen, bailiffs, and menial servitors, and military service under the masters made for mutual admiration if not respect. Also, the codifying of the exactions eventually obliterated from memory the arbitrariness with which they had been introduced and covered them with an aura of correctness. The laws fixed limits on the exactions, made excesses irregular and punishable, and thus established "rights" for the exploited class. The exploiters wisely guarded these "rights" against trespass by their own more avaricious members, while the exploited, having made a comfortable adjustment to the system of exactions, from which some of them often profited, achieved a sense of security and self-esteem in this doctrine of "rights." Thus, through psychological and legal processes that stratification of Society became fixed. The State is that class which enjoys economic preference through its control of the machinery of enforcement.*

The sociological theory of the State rests not only on the evidence of history but also on the fact that there are two ways by which men can acquire economic goods: production and predation. The first involves the application of labor to

* This brief summary of the historical background of the sociological theory suggests Old Testament stories of the conquest of Canaan by the Israelites, the history of England and of the Roman Empire. However, the principal proponents of this theory, Gumplowicz and Oppenheimer, were more interested in the origin of the State than in its development, and they dug into the records of early tribes all over the world; wherever they looked they found that the political organization began with conquest.

raw materials, the other the use of force. Pillaging, slavery, and conquest are the primitive forms of predation, but the economic effect is the same when political coercion is used to deprive the producer of his product, or even when he accedes to the transfer of ownership as the price for permission to live. Nor is predation changed to something else when it is done in the name of charity—the Robin Hood formula. In any case, one enjoys what another has produced, and to the extent of the predation the producer's desires must go unsatisfied, his labor unrequited. It will be seen that in its moral aspect the sociological theory leans on the doctrine of private property, the inalienable right of the individual to the product of his effort, and holds that any kind of coercion, exercised for any purpose whatsoever, does not alienate that right. We shall take up that point later.

Incidentally, at first glance this theory seems to bear a resemblance to the dictum of Karl Marx that the State is the managing committee for the capitalistic class. But the resemblance is in the words, not in the ideas. The Marxian theory maintains that the State in other hands—the “dictatorship of the proletariat”—could abolish exploitation. But the sociological theory of the State (or the conquest theory) insists that the State itself, regardless of its composition, is an exploitative institution and cannot be anything else; whether it takes over the property of the owner of wages or the property of the owner of capital, the ethical principle is the same. If the State takes from the capitalist to give to the worker, or from the mechanic to give to the farmer, or from all to better itself, force has been used to deprive someone of his rightful property, and in that respect it is carrying on in the spirit, if not the manner, of original conquest.

Therefore, if the chronology of any given State does not

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begin with conquest, it nevertheless follows the same pattern because its institutions and practices continue in the tradition of those States that have gone through the historic process. The American State did not begin with conquest; the Indians had no property that could be lifted and, being hunters by profession, they were too intractable to be enslaved. But the colonists were themselves the product of an exploitative economy, had become inured to it in their respective homelands, had imported and incorporated it in their new organization. Many of them came to their new land bearing the yoke of bondage. All had come from institutional environments that had emerged from conquest; they knew nothing else, and when they set up institutions of their own they simply transplanted these environments. They brought the predatory State with them.

Any profitable inquiry into the character of the American State must therefore take into account the distinction between making a living by production and gaining a living by predation; that is, between economics and politics.