

# THE STATE

## CHAPTER I

### THEORIES OF THE STATE

THIS treatise regards the State from the sociological standpoint only, not from the juristic—sociology, as I understand the word, being both a philosophy of history and a theory of economics. Our object is to trace the development of the State from its socio-psychological genesis up to its modern constitutional form; after that, we shall endeavor to present a well-founded prognosis concerning its future development. Since we shall trace only the State's inner, essential being, we need not concern ourselves with the external forms of law under which its international and intra-national life is assumed. This treatise, in short, is a contribution to the philosophy of State de-

velopment; but only in so far as the law of development here traced from its generic form affects also the social problems common to all forms of the modern State.

With this limitation of treatment in mind, we may at the outset dismiss all received doctrines of public law. Even a cursory examination of conventional theories of the State is sufficient to show that they furnish no explanation of its genesis, essence and purpose. These theories represent all possible shadings between all imaginable extremes. Rousseau derives the State from a social contract, while Carey ascribes its origin to a band of robbers. Plato and the followers of Karl Marx endow the State with omnipotence, making it the absolute lord over the citizen in all political and economic matters; while Plato even goes so far as to wish the State to regulate sexual relations. The Manchester school, on the other hand, going to the opposite extreme of liberalism, would have the State exercise only needful police functions, and would thus logically have as a result a scientific anarchism which

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must utterly exterminate the State. From these various and conflicting views, it is impossible either to establish a fixed principle, or to formulate a satisfactory concept of the real essence of the State.

This irreconcilable conflict of theories is easily explained by the fact that none of the conventional theories treats the State from the sociological view-point. Nevertheless, the State is a phenomenon common to all history, and its essential nature can only be made plain by a broad and comprehensive study of universal history. Except in the field of sociology, the king's highway of science, no treatment of the State has heretofore taken this path. All previous theories of the State have been class theories. To anticipate somewhat the outcome of our researches, every State has been and is a class State, and every theory of the State has been and is a class theory.

A class theory is, however, of necessity, not the result of investigation and reason, but a by-product of desires and will. Its arguments are used, not to establish truth, but as weapons

in the contest for material interests. The result, therefore, is not science, but nescience. By understanding the State, we may indeed recognize the essence of theories concerning the State. But the converse is not true. An understanding of theories about the State will give us no clue to its essence.

The following may be stated as a ruling concept, especially prevalent in university teaching, of the origin and essence of the State. It represents a view which, in spite of manifold attacks, is still affirmed.

It is maintained that the State is an organization of human community life, which originates by reason of a social instinct implanted in men by nature (Stoic Doctrine); or else is brought about by an irresistible impulse to end the "war of all against all," and to coerce the savage, who opposes organized effort, to a peaceable community life in place of the anti-social struggle in which all budding shoots of advancement are destroyed (Epicurean Doctrine). These two apparently irreconcilable concepts were fused by the in-

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termediation of mediæval philosophy. This, founded on theologic reasoning and belief in the Bible, developed the opinion that man, originally and by nature a social creature, is, through original sin, the fratricide of Cain and the transgression at the tower of Babel, divided into innumerable tribes, which fight to the hilt, until they unite peaceably as a State.

This view is utterly untenable. It confuses the logical concept of a class with some subordinate species thereof. Granted that the State is *one* form of organized political cohesion, it is also to be remembered that it is a form having *specific* characteristics. Every state in history was or is a *state of classes*, a polity of superior and inferior social groups, based upon distinctions either of rank or of property. This phenomenon must, then, be called the "State." With it alone history occupies itself.

We should, therefore, be justified in designating every other form of political organization by the same term, without further differen-

tiation, had there never existed any other than a class-state, or were it the only conceivable form. At least, proof might properly be called for, to show that each conceivable political organization, even though originally it did not represent a polity of superior and inferior social and economic classes, since it is of necessity subject to inherent laws of development, must in the end be resolved into the specific class form of history. Were such proof forthcoming, it would offer in fact only one form of political amalgamation, calling in turn for differentiation at various stages of development, viz., the preparatory stage, when class distinction does not exist, and the stage of maturity, when it is fully developed.

Former students of the philosophy of the State were dimly aware of this problem. And they tried to adduce the required proof, that because of inherent tendencies of development, every human political organization must gradually become a class-state. Philosophers of the canon law handed this theory down to philosophers of the law of nature. From

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these, through the mediation of Rousseau, it became a part of the teachings of the economists; and even to this day it rules their views and diverts them from the facts.

This assumed proof is based upon the concept of a "primitive accumulation," or an original store of wealth, in lands and in movable property, brought about by means of purely economic forces; a doctrine justly derided by Karl Marx as a "fairy tale." Its scheme of reasoning approximates this:

Somewhere, in some far-stretching, fertile country, a number of free men, of equal status, form a union for mutual protection. Gradually they differentiate into property classes. Those best endowed with strength, wisdom, capacity for saving, industry and caution, slowly acquire a basic amount of real or movable property; while the stupid and less efficient, and those given to carelessness and waste, remain without possessions. The well-to-do lend their productive property to the less well-off in return for tribute, either ground-rent or profit, and become thereby con-

tinually richer, while the others always remain poor. These differences in possession gradually develop social class distinctions; since everywhere the rich have preference, while they alone have the time and the means to devote to public affairs and to turn the laws administered by them to their own advantage. Thus, in time, there develops a ruling and property-owning estate, and a proletariat, a class without property. The primitive state of free and equal fellows becomes a class-state, by an inherent law of development, because in every conceivable mass of men there are, as may readily be seen, strong and weak, clever and foolish, cautious and wasteful ones.

This seems quite plausible, and it coincides with the experience of our daily life. It is not at all unusual to see an especially gifted member of the lower class rise from his former surroundings, and even attain a leading position in the upper class; or conversely, to see some spendthrift or weaker member of the higher group "lose his class" and drop into the proletariat.



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And yet this entire theory is utterly mistaken; it is a "fairy tale," or it is a class theory used to justify the privileges of the upper classes. The class-state never originated in this fashion, and never could have so originated. History shows that it did not; and economics shows deductively, with a testimony absolute, mathematical and binding, that it could not. A simple problem in elementary arithmetic shows that the assumption of an original accumulation is totally erroneous, and has nothing to do with the development of the class-state.

The proof is as follows: All teachers of natural law, etc., have unanimously declared that the differentiation into income-receiving classes and propertyless classes can only take place when all fertile lands have been occupied. For so long as man has ample opportunity to take up unoccupied land, "no one," says Turgot, "would think of entering the service of another;" we may add, "at least for wages, which are not apt to be higher than the earnings of an independent peasant working an

unmortgaged and sufficiently large property;" while mortgaging is not possible as long as land is yet free for the working or taking, as free as air and water. Matter that is obtainable for the taking has no value that enables it to be pledged, since no one loans on things that can be had for nothing.

The philosophers of natural law, then, assumed that complete occupancy of the ground must have occurred quite early, because of the natural increase of an originally small population. They were under the impression that at their time, in the eighteenth century, it had taken place many centuries previous, and they naïvely deduced the existing class aggroupment from the assumed conditions of that long-past point of time. It never entered their heads to work out their problem; and with few exceptions their error has been copied by sociologists, historians and economists. It is only quite recently that my figures were worked out, and they are truly astounding.\*

\* Franz Oppenheimer, *Theorie der Reinen und Politischen Ökonomie*. Berlin, 1912.—Translator.

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We can determine with approximate accuracy the amount of land of average fertility in the temperate zone, and also what amount is sufficient to enable a family of peasants to exist comfortably, or how much such a family can work with its own forces, without engaging outside help or permanent farm servants. At the time of the migration of the barbarians (350 to 750 A. D.), the lot of each able-bodied man was about thirty morgen (equal to twenty acres) on average lands, on very good ground only ten to fifteen morgen (equal to seven or ten acres), four morgen being equal to one hectare. Of this land, at least a third, and sometimes a half, was left uncultivated each year. The remainder of the fifteen to twenty morgen sufficed to feed and fatten into giants the immense families of these child-producing Germans, and this in spite of the primitive technique, whereby at least half the productive capacity of a day was lost. Let us assume that, in these modern times, thirty morgen (equal to twenty acres) for the average peasant suffices to support a family.

We have then assumed a block of land sufficiently large to meet any objection. Modern Germany, populated as it is, contains an agricultural area of thirty-four million hectares (equal to eighty-four million, fifteen thousand, four hundred and eighty acres). The agricultural population, including farm laborers and their families, amounts to seventeen million; so that, assuming five persons to a family and an equal division of the farm lands, each family would have ten hectares (equal to twenty-five acres). In other words, not even in the Germany of our own day would the point have been reached where, according to the theories of the adherents of natural law, differentiation into classes would begin.

Apply the same process to countries less densely settled, such, for example, as the Danube States, Turkey, Hungary and Russia, and still more astounding results will appear. As a matter of fact, there are still on the earth's surface, seventy-three billion, two hundred million hectares (equal to one hundred eighty billion, eight hundred eighty million and four

hundred sixteen thousand acres) ; dividing into the first amount the number of human beings of all professions whatever, viz., one billion, eight hundred million, every family of five persons could possess about thirty morgen (equal to eighteen and a half acres), *and still leave about two-thirds of the planet unoccupied.*

If, therefore, purely economic causes are ever to bring about a differentiation into classes by the growth of a propertyless laboring class, the time has not yet arrived; and the critical point at which ownership of land will cause a natural scarcity is thrust into the dim future—if indeed it ever can arrive.

As a matter of fact, however, for centuries past, in all parts of the world, we have had a class-state, with possessing classes on top and a propertyless laboring class at the bottom, even when population was much less dense than it is to-day. Now it is true that the class-state can arise only where all fertile acreage has been *occupied* completely; and since I have shown that even at the present time, all the

ground is not occupied economically, this must mean that it has been preëmpted politically. Since land could not have acquired "natural scarcity," the scarcity must have been "legal." This means that the land has been preëmpted by a ruling class against its subject class, and settlement prevented. Therefore the State, as a class-state, can have originated in no other way than through conquest and subjugation.

This view, the so-called "sociologic idea of the state," as the following will show, is supported in ample manner by well-known historical facts. And yet most modern historians have rejected it, holding that both groups, amalgamated by war into one State, before that time had, each for itself formed a "State." As there is no method of obtaining historical proof to the contrary, since the beginnings of human history are unknown, we should arrive at a verdict of "not proven," were it not that, deductively, there is the absolute certainty that the State, as history shows it, the class-state, could not have come about except through warlike subjugation. The mass of

evidence shows that our simple calculation excludes any other result.

THE SOCIOLOGICAL IDEA OF THE STATE

To the originally, purely sociological, idea of the State, I have added the economic phase and formulated it as follows:

What, then, is the State as a sociological concept? The State, completely in its genesis, essentially and almost completely during the first stages of its existence, is a social institution, forced by a victorious group of men on a defeated group, with the sole purpose of regulating the dominion of the victorious group over the vanquished, and securing itself against revolt from within and attacks from abroad. Teleologically, this dominion had no other purpose than the economic exploitation of the vanquished by the victors.

No primitive state known to history originated in any other manner.<sup>1</sup> Wherever a reliable tradition reports otherwise, either it concerns the amalgamation of two fully developed primitive states into one body of more

complete organization; or else it is an adaptation to men of the fable of the sheep which made a bear their king in order to be protected against the wolf. But even in this latter case, the form and content of the State became precisely the same as in those states where nothing intervened, and which became immediately "wolf states."

The little history learned in our school-days suffices to prove this generic doctrine. Everywhere we find some warlike tribe of wild men breaking through the boundaries of some less warlike people, settling down as nobility and founding its State. In Mesopotamia, wave follows wave, state follows state—Babylonians, Amoritans, Assyrians, Arabs, Medes, Persians, Macedonians, Parthians, Mongols, Seldshuks, Tartars, Turks; on the Nile, Hyksos, Nubians, Persians, Greeks, Romans, Arabs, Turks; in Greece, the Doric States are typical examples; in Italy, Romans, Ostrogoths, Lombards, Franks, Germans; in Spain, Carthaginians, Visigoths, Arabs; in Gaul, Romans, Franks, Burgundians, Normans; in



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Britain, Saxons, Normans. In India wave upon wave of wild warlike clans has flooded over the country even to the islands of the Indian Ocean. So also is it with China. In the European colonies, we find the selfsame type, wherever a settled element of the population has been found, as for example, in South America and Mexico. Where that element is lacking, where only roving huntsmen are found, who may be exterminated but not subjugated, the conquerors resort to the device of importing from afar masses of men to be exploited, to be subject perpetually to forced labor, and thus the slave trade arises.

An apparent exception is found only in those European colonies in which it is forbidden to replace the lack of a domiciled indigenous population by the importation of slaves. One of these colonies, the United States of America, is among the most powerful state-formations in all history. The exception there found is to be explained by this, that the mass of men to be exploited and worked without cessation *imports itself*, by emigration in

great hordes from primitive states or from those in higher stages of development in which exploitation has become unbearable, while liberty of movement has been attained. In this case, one may speak of an infection from afar with "statehood" brought in by the infected of foreign lands. Where, however, in such colonies, immigration is very limited, either because of excessive distances and the consequent high charges for moving from home, or because of regulations limiting the immigration, we perceive an approximation to the final end of the development of the State, which we nowadays recognize as the necessary outcome and finale, but for which we have not yet found a scientific terminology. Here again, in the dialectic development, a change in the quantity is bound up with a change of the quality. The old form is filled with new contents. We still find a "State" in so far as it represents the tense regulation, secured by external force, whereby is secured the social living together of large bodies of men; but it is no longer the "State" in its older sense. It is no longer the

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instrument of political domination and economic exploitation of one social group by another; it is no longer a "State of Classes." It rather resembles a condition which appears to have come about through a "social contract." This stage is approached by the Australian Colonies, excepting Queensland, which after the feudal manner still exploits the half enslaved Kanakas. It is almost attained in New Zealand.

So long as there is no general assent as to the origin and essence of states historically known or as to the sociological meaning of the word "State," it would be futile to attempt to force into use a new name for these most advanced commonwealths. They will continue to be called "states" in spite of all protests, especially because of the pleasure of using confusing concepts. For the purpose of this study, however, we propose to employ a new concept, a different verbal lever, and shall speak of the result of the new process as a "Freemen's Citizenship."

This summary survey of the states of the

past and present should, if space permitted, be supplemented by an examination of the facts offered by the study of races, and of those states which are not treated in our falsely called "Universal History." On this point, the assurance may be accepted that here again our general rule is valid without exception. Everywhere, whether in the Malay Archipelago, or in the "great sociological laboratory of Africa," at all places on this planet where the development of tribes has at all attained a higher form, the State grew from the subjugation of one group of men by another. Its basic justification, its *raison d'être*, was and is the economic exploitation of those subjugated.

The summary review thus far made may serve as proof of the basic premise of this sketch. The pathfinder, to whom, before all others, we are indebted for this line of investigation is Professor Ludwig Gumplowicz of Graz, jurist and sociologist, who crowned a brave life by a brave self-chosen death. We can, then, in sharp outlines, follow in the sufferings of humanity the path which the State



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has pursued in its progress through the ages. This we propose now to trace from the primitive state founded on conquest to the "free-men's citizenship."