

The Character of a Modern European State

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I propose to spend this term considering the last of the political experiences we set out to study: that of modern Europe.

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During the last four and a half centuries, a certain kind of political association, a certain manner of engaging in political activity, a certain political vocabulary, and a certain style of governing and being governed, has emerged in Europe.

It is appropriately called 'a modern European state'. And it is the scene and the occasion of all modern European political thought.

This kind of political association (the kind to which we ourselves belong) began to appear in Europe in the late fifteenth century. New 'states' of this sort have gone on emerging even in our own day. The model has been extensively copied outside Europe.

For this reason, I do not think it fanciful to consider European politics in these modern centuries as composing a specific political experience, different from, but comparable to the political experience which constituted the *polis* of ancient Greece, for example.

And, just as the political experience of the ancient Greek *polis* has a certain singleness of character, in spite of the fact that the world of the Greek *polis* was composed of many cities in some respects unlike one another, so the political experience of the modern European state may be discerned to have a certain singleness of character, in spite of the fact that modern Europe is composed of many states in some respects unlike one another.

I want this morning to try to describe to you what I will call the 'character' of a modern European state: the common 'character' shared by the political associations of modern Europe.

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Now, there are two very general ways of understanding this character which I believe to be mistaken and which I want, first, to get out of the way.

(1) Some interpreters of the modern European state have suggested that it is so similar to an ancient Greek *polis* that it is illuminating to lump ancient and modern together, and to speak of an antique-modern political experience, contrasting it with that of medieval Europe.

This, I believe to be a very great mistake.

The condition of the emergence of modern European states and the materials out of which they have been composed were utterly unlike those of any Greek *polis*. Modern European politics is, I think, quite incomprehensible unless it is seen emerging from that of the middle ages. The pedigree of all modern European states is unquestionably medieval.

(2) It is sometimes suggested that the modern European state has a discernible character because it is the work of a designer, or (more plausibly) of a number of designers, all working to a common specification.

The excuse for this view lies in the fact that the states of modern Europe did not all emerge at the same time, and that what had been achieved in one was sometimes imitated in another.

But, it is a lame excuse. And, as I understand it, the modern European state was never designed by anybody. The political dwelling we inhabit never had an architect.

A modern European state is, of course, the product of human choices and activities; it did not descend from heaven. But it is to be understood as the net result of all the temporary and contingent enterprises ('failures' as well as 'successes') of these centuries of European politics.

The path and direction of modern European political activity is neither more nor less than the footprints of those who engaged in politics.

Some footprints have been firmly placed and remain individually distinguishable; others are blurred and obscured, the trampling of many feet which have gone this way and that.

But they are all the marks of men necessarily ignorant of any ultimate destiny, who took their direction from their immediate circumstances, and whose purposes and choices were often modified or frustrated by those of others.

Nevertheless, the political experience of modern Europe is not to be understood as a sequence of aimless choices.

As I understand it, the course of this political experience has been more like the fortunes and adventures of a man whose character (like the characters of us all) has come to be composed of a limited variety of dispositions, and whose activities consist of responding to the circumstances he encounters according to those dispositions.

Some of these dispositions are, of course, stronger than others; and they by no means pull in a single direction.

The modern European state, then, is to be understood as the kind of political association which has emerged during the last four and a half centuries from the conditions of medieval politics.

And the different idioms of it, which constitute the different states of modern Europe, represent, for the most part, a single set of political dispositions working upon marginally different medieval experiences.

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The political experience of modern Europe begins with an important addition to the European political vocabulary: the word 'state', *l'état*, *stato* etc. It is a word for a new political experience.

This word derived from the Latin word *status*; and like *status* it was not originally a political word. It meant a 'condition' of any sort, but particularly a 'social' condition.

When the Romans used the word politically they showed they were doing so by qualifying it by another word: thus, *status civitatus* meant 'the political condition or state of the Roman community'.

Politically, in English, the word 'state' is a contraction of an older word – 'estate'. In French no such contraction took place: *l'état* continued to be used for both 'estate' and 'state'.

The word 'estate' in medieval times had various meanings; but for our purpose two are more important than any others.

- 'Estate' = a man's property, and particularly the land he held or owned; e.g. his 'manorial estate'.
- 'Estate' = a man's condition or situation in the world. Thus, the expression 'man's estate' or 'the human condition' (as Montaigne called it). Or, more narrowly, a man's condition or 'place' or 'status' in his society.

Thus, each of the more notable 'degrees' in a medieval society was recognized as an 'estate', and to constitute a specific 'status' in society.

There was a 'kingly estate' - the 'status' of being a king. There were 'noble' and 'knightly' estates. There was a 'clerkly' or ecclesiastical 'estate'. And (according to the French way of speaking) there was a *tiers état*, the 'condition' or 'status' of a free town-dweller, outside the feudal organization.

Now, when the political word 'state' emerged from this word 'estate' in the sixteenth century, it carried with it both these meanings, and added a third.

- (1) 'State' = a piece of territory, on the analogy of a 'landed estate'. For example, the expression 'the manor of England' was used in the sixteenth century to signify the whole territory of England understood as a single landed 'estate'.
- (2) 'State' = the ruler and the apparatus of rule. This derived partly from the notion that the 'kingly estate', or the condition of being a ruler, was the estate par excellence; and partly from an identification of the land with its ruler. In Shakespeare, for example, the word 'France' may mean both 'the King of France', and the 'land of France'.
- (3) State = an association of human beings in respect of political activity and in respect of those matters with which political activity is understood to be concerned - instruments of government, policies, and laws. It is the formal word for a *political* association; and it is distinguished, on that account, from less formal, non-political words, such as 'country'.

Thus, the political experience of modern Europe is the experience of generating, living in, ruling, and understanding a new sort of political association.

And when it is said (with some exaggeration) that there was no such thing as a 'state' in medieval Europe, what is meant is that the particular sort of political association characteristic of modern times had no exact counterpart in the middle ages.

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Now, the main features of this sort of political association which came to be called a state are:

(1) A specific territory. What in modern Europe and elsewhere in the world is recognized as a 'state' is, in the first place, a well-defined piece of territory.

Normally, this territory is continuous. But there are exceptions: e.g. Alaska is detached from the USA; East and West Pakistan are discontinuous.

The territory is defined by frontiers which have come to be drawn exactly on accurate maps. Where this boundary includes the sea, a defined area of 'territorial waters' is included in the territory of the state. And, more recently, the so-called 'airspace' above the territory, similarly defined, is also included. Everything to do with the territory of a modern state is as precise as it can be made.

Moreover, in modern Europe there is no piece of territory which is not part of some state.

(2) The second feature of a modern state concerns the character of the inhabitants of its territory.

Generally speaking, in modern Europe, every man belongs to a state, and no man can belong to more than one state. And, for the most part, those who belong to a state live in its territory.

Thus, a modern European state allows no recognition to nomadic habits, and it could not have emerged until the peoples of Europe had lost those migratory urges which prevailed throughout a large part of medieval times. Hence, once one of the difficulties which this model of a political association has had in establishing itself outside Europe – e.g. in Africa and in the Arab world, where nomads still exist.

(3) But the human components of a modern European state have something to distinguish them besides normal residence within a certain area of territory.

They enjoy in common what may be called a certain sentiment of solidarity.

Now, the sentiment of solidarity in virtue of which the members of a modern European state compose a specific collectivity of human beings is much easier to detect than to define. And, as we shall see, one of the great enterprises of modern European political thought has been concerned with attempts to understand and to interpret it: an enterprise which may remind us of Aristotle's effort to discern the nature of a *polis* and to distinguish it from other human collectivities.

We must consider, later, what has been thought about the sentiment of solidarity enjoyed by the members of a modern European state, but three things may be said about it:

First, it is based neither upon a belief in common blood, nor upon a common language, nor upon common religious beliefs, although any of these may be present and may contribute to it. It is less definite and less powerful than the sentiment of solidarity characteristic of a tribe and it does not entail the same degree of homogeneity in those who share it.

Secondly, it is a unique kind of sentiment of solidarity; it is one of the characteristics which most distinguish these political associations from all others; and, being a product of circumstance, each modern European state has achieved it in an idiom of its own.

Thirdly, just as the early history of all modern European states was greatly concerned with the consolidation of their territories, so it was also greatly concerned with the promotion of this sentiment of solidarity among its members.

Nevertheless, it is characteristic of modern European states that this solidarity has always remained limited. Just as Europe is (and in modern times has always struggled to remain) a manifold of independent states, so each of these states has, characteristically, an internal variety which qualifies its solidarity.

This internal variety, absent from the Greek *polis* and from the Roman *civitas*, is one of the inheritances of modern from medieval Europe, and it is the heart of modern politics.

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A modern European state is, then, distinguished by having exactly defined and carefully maintained frontiers to its territory, and by being composed of inhabitants who have acquired, or are on their way to acquiring, a variously interpreted sentiment of solidarity.

Its third important characteristic is that it has a government exclusively its own.

This ruling authority may take different forms. And, for the most part, modern European thought has identified and understood these forms of government in the old Aristotelian terms. This is unfortunate, because these terms are misleading. But where they have been seen to be particularly misleading some new terms have been invented.

But, underneath this variety of forms, the governments of modern European states have their most important characteristics in common.

The modern European state, and any state elsewhere which has been modelled upon it:

Is ruled by a single, centralized authority.

No part of its territory, and no person, is exempt from this single ruling authority.

All who participate in the activity of governing are either principals, or agents whose powers derive from these principals.

There is a single hierarchy of courts of law which permits no independent jurisdictions.

One of the main reasons why a modern European state is said to have no exact counterpart in medieval Europe is the absence from medieval realms of this single, centralized ruling authority.

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The activity of governing in a modern state is recognized to be a twofold activity:

- Making law, administering it, and applying the law to particular cases in a judicial procedure;
- The pursuit of policy.

Neither of these activities is peculiar to modern European states. They correspond fairly closely to the medieval terms: *jurisdictio* and *gubernaculum*. But in the modern European

state they have changed both their characters and their relations to one another.

(1) Law. Nothing distinguishes a modern European state from a medieval political community (or, indeed, from any other historic polity) more than the freedom and confidence with which its government makes new law; the formality and exactness of the process in which law is made; and the very precise distinction between what is law and what is not law.

Nevertheless, as these modern European states emerged out of medieval communities (even if, in some cases, the emergence was rapid and revolutionary), they were each conscious of already having a law. No modern state began *de novo* in respect of its law.

The ruler, or government, of each of these states was recognized to be the custodian of the law and the dispenser of justice. This is what the middle ages called the *jurisdictio* of a ruler: what a government does under the law.

In most modern European states a distinction was recognized between law not known to have been made in any legislative process (like the common law of England), and law known to have sprung from a legislative act: statute. Though the distinction was often vague.

But the unique characteristic of a modern European state is to recognize the supremacy of the legislative act and to regard all other law as authoritative simply in virtue of its not having been changed or repealed by a legislative act.

Further, in a medieval realm no very firm distinction was made between processes of ascertaining what the law is, making a law, and applying it to a particular case.

All this was done in a 'court of law', and legislatures were courts of law. The process was a judicial process.

But when (in a modern state) lawmaking became an every-day affair, and came to be distinguished from a merely judicial process, a considerable change had taken place: to make law had become the exercise, not of *jurisdictio*, but of *gubernaculum*.

For legislation, when it ceased to be recognized as a judicial activity, became assimilated to the pursuit of policy: *gubernaculum*.

Thus, the modern European state appears as an association in which the medieval distinction between *jurisdictio*

and *gubernaculum* had become compromised. And that distinction having become compromised in respect of legislation, the door had been opened for *gubernaculum*, the pursuit of policy, to invade more specifically judicial processes – the determination of cases in a court of law.

Law courts which decide cases on grounds not of law but of policy are not eccentric to the character of a modern European state; they are one of the potentialities of its character. They were common in the sixteenth century, and they have become common again in the twentieth. And to accommodate them the expression 'the rule of law' has received appropriate reinterpretation.

(2) The pursuit of policy. The most direct form in which *gubernaculum*, the pursuit of policy, appears in the government of a modern European state is, of course, in connection with the conduct of a foreign policy.

The authority of a modern government in this activity is often determined by constitutional law and custom: the conditions in which treaties become binding, the formalities of a declaration of war and the conclusion of peace, etc., though these have become less, rather than more, significant in the history of modern European politics as the distinction between war and peace has become more indefinite.

But the conduct of policy is not, itself, the making or the administration of any law. It is pursued by means of negotiations, agreements, suggestions, bargains, indirect pressures, conditional undertakings, threats, promises, advances and withdrawals, etc., all designed to achieve some immediate purpose. And in this conduct of policy a modern European government is considered to be free from any legal obligation to its subjects save, in some cases, the constitutional obligation to reveal what it has done and to justify it in argument.

The government of a modern European state, then, is recognized to be the sole authoritative custodian of the interests of the state in relation to other states – as it was in medieval times. And its authority in this respect is the necessarily unlimited authority of *gubernaculum*.

But, as I have said, it is characteristic of a modern European state that the pursuit of policy is not confined to the conduct of a foreign policy. Their governments also pursue

policy in relation to their own subjects: sometimes this entails making law, often it does not.

This, like most else, is not entirely new. In any medieval realm the ruler's *gubernaculum* was liable to invade his *jurisdictio*, though he was expected to justify such an invasion when it took place.

What is new, and characteristic of a modern state, is that this invasion is taken as a matter of course. A government is recognized to be, not only the custodian of its subjects' law, but of the *salus populi*.

In other words, the activity of *jurisdictio*, in a modern state, has become hopelessly compromised by the activity of *gubernaculum*. A modern state is a 'policy' state; and this, in its extreme, is a 'police' state. For what constitutes a 'police' state is not the 'knock on the door' (that is a minor detail), but the pursuit of policy by a government in relation to its own subjects.

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Now, these characteristics of modern European governments may be summed up by saying that in a modern state

- Governing is recognized to be a sovereign activity
- Governments are exceedingly powerful.

These features refer, respectively to (a) *potestas*, the legal authority of governments; and (b) *potentia*, the actual, physical power a modern government disposes.

(1) The word 'sovereignty' was admitted into the vocabulary of modern European politics to describe two main features of a modern European state.

We speak of a modern European state as a 'sovereign' state, and we mean that it is an association whose government is not legally obliged to any other, or higher, authority unless it expressly accepts such an obligation.

Thus, a medieval king whose acts as a ruler were subject to the legal veto of a pope or an emperor, was not a sovereign ruler.

Sovereignty, here, means independence of all other authority. In the sixteenth century, a 'sovereign' state, in this sense, was called a 'free' state.

But, secondly, the word 'sovereign' is used to signify a legal quality or characteristic of a government in relation to its own subjects and the law of which it is the custodian.

Governing in a modern state is a recognized to be a 'sovereign' activity, not because the ruler can do anything he likes, but because its legally authorized government is supreme over all other authorities, and it is recognized to be the sole source of law.

It is the second of these qualities which is, perhaps, the more important and the more characteristic of modern European states.

It denotes that, in its legislative activities, it is legally independent of any other authority and proof against prescription. In other words, in a modern state, there is no law so ancient or so 'entrenched' that it lies outside the authority of the government to amend or to abolish it; and in every modern European state there is a known and recognized procedure by which this can be done.

This, then, is the sovereign *potestas*, the legal authority, of a modern government. By its nature it is 'absolute'. In this a modern government differs from the government of a medieval kingdom; and we shall have to consider how and why it acquired this quality.

(2) The second notable characteristic of modern European governments is their *potentia*, the actual power they dispose of. This is of a magnitude unknown in earlier times to any government; but, by its nature, it can never be 'absolute'.

A government may be said to be 'powerful', not in respect of its 'sovereignty' (which is a legal authority it may not be able to exercise effectively), but in respect of its ability:

To formulate its designs clearly, to make them known in utterances which readily reach and are understood by all those whom they involve, either agents or subjects;

To enlist continuous support or to compel continuous acquiescence;

To act quickly, economically, and with the certainty of achieving what is desired and of being as little hindered as may be by the intrusion of undesired consequences.

These are the attributes of *potentia*. And a government may be said to lack *potentia* if it makes laws which it is unable to enforce, or embarks upon policies which it cannot carry to the desired conclusion.

Now, the *potentia* of modern European governments derives chiefly from having acquired a large share (though rarely a monopoly) of the ability to control men and things which distinguishes modern European civilization from that of earlier times.

By what means have European governments since the sixteenth century been able to exercise the minute control over their subjects that they are increasingly able to do?

It is because they have at their disposal an apparatus of inquiries, records, registers, files, dossiers, indexes, passports, identity cards, licenses, etc.

It is because their paid agents can move and communicate quickly.

It is because they enjoy settled and guarded frontiers which none may pass without scrutiny and perhaps permission.

It is because they have:

Methods and instruments of administration by means of which policy may be rapidly and effectively carried out, and agents who can be directed from one centre.

Extensive and organized civil and police services.

Military forces easily mobilized and supplied with uniform and powerful equipment.

A ready supply of paper and ink and the reports and records (of births, deaths, marriages, incomes, occupations, the resources of the territory etc.) which spring up wherever paper, ink, curiosity, or ambition are joined.

Efficient techniques for collecting revenue.

Control over the issue of money; banking and monetary techniques which enable governments to live on credit with a permanent debt in which the future productivity of their subjects is mortgaged. Debtors are always more powerful than creditors.

Accurate maps and precise means of measuring time.

Literate subjects upon whom the duty of reading notices and filling in forms may be imposed with confidence.

A settled common language and almost unhindered ability to disseminate utterances of all sorts, whether of command, persuasion, encouragement, or prohibition.

Effective means of identifying their subjects individually by means of names, signatures, photographs etc.

The telegraph (which in the last century enabled Abdul Hamid to massacre his Armenian subjects with incompara-

ble efficiency), the telephone, broadcasting, the Holerith machine, and the computer.

I need not continue the list. These are the sources of a modern government's *potentia*. They have been acquired slowly over the last four and a half centuries; but now, even the least powerful government enjoys a mastery quite unknown to the most powerful in earlier times.

As Lenin remarked, a system of ration cards gives a government greater power over its subjects than was ever possessed by a prophet who could convincingly threaten his followers with hellfire. The prospect of starvation is more persuasive than the prospect of damnation.

These, then, are the characteristics of a modern European state. It is a well-defined territory, inhabited by a people who have acquired, or are on their way to acquiring, a certain sentiment of solidarity, ruled by a government endowed with sovereign authority and very great power. And in all these respects it constitutes a large modification of the medieval political community from which, in most cases, it sprang.

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There is one further feature to be noticed. It belongs to the character of a modern European state to be one of a number of similar states, with which it is in continuous diplomatic relations. And it is recognized to be the first duty of its government to maintain the integrity of its state in these circumstances.

In the conduct of a foreign policy a government claims and exercises rights over its subjects' persons and property which are absolute.

The manifold in which the modern state emerged was European. The conduct of policy was recognized to be an activity in relation to other *European* states.

In the early centuries of modern history the only external threat to this European manifold of states was the Ottoman empire, and by the mid-seventeenth century that had ceased to be significant.

In these circumstances there emerged a pattern of activity the immediate design of which was to maintain a so-called 'balance of power' within the manifold.

The principles of the policy of each state were:

- To ensure, by agreements and alliances, that a working preponderance of power lay with itself.
- To ensure that no one state acquired so great a preponderance of power as to constitute an imbalance dangerous to the rest.

Against such an overwhelming power, all other European states have habitually united: successively against Spain, France, Germany, and Russia.

If one may speak of a 'European policy', it was to preserve the multiplicity of states which constituted Europe.

The conduct of this foreign policy has involved this manifold of modern European states in almost continuous war.

In the political experience of modern Europe there have been short periods of relative stability, the longest of which was in the late nineteenth century. But the normal condition of most states has been one of preparing for war or engagement in war, defensive or offensive.

This pattern of European politics, in later times, extended itself, without serious modification, to the rest of the world, just as the model of a modern European state imposed itself on political communities outside Europe.

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Now, this characterization of the modern European state might be greatly extended; there are many features which I have not mentioned. But its chief defect is its abstractedness.

Not until we have seen how these features actually emerged shall we understand the political experience which modern European political thought explored and reflected upon.

Editorial Note

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