

13. State justification

‘This part of Philosophy is in the same situation as the public roads, on which all men travel, and go to and fro, and some are enjoying a pleasant stroll and others are quarrelling, but they make no progress. The single reason for this situation seems to be that none of those who have dealt with this subject have employed a suitable starting point from which to teach it.’

Thomas Hobbes

Synopsis: *No particular justification necessary: states are natural to humans (1); Social Contract theory (2); Against social contract theory (3); Religion (4); Other state justification theories (5); Utilitarianism (6); Hegel’s Idealism (7); Marxism (8); The welfare state (9); State malaise (10); The digital world (11).*

1. *

Because it is argued that states are natural to humans, no further justification for states is necessary: states were formed naturally, automatically and immediately at the moment when two humans gained self-consciousness and started to communicate with each other using language.⁴⁵⁶

There is some merit, however, in examining a bit more closely (without daring to claim comprehensiveness) other state justification theories, which, after all, form the norm throughout human recorded history, in order to demonstrate how the approach advocated here differs from them and what advantages can be drawn from it (particularly in the digital world).

2. Social contract theory*

Social contract theory has been the dominant state theory for the past 2500 years, ever since Plato was the first to put it in writing. At its barest, it claims that the state is the result of an agreement among humans to form states in

456 See Chap. 8, par. 1.

order to achieve a purpose (of some sort). Thus, because the agreement is artificial, a construct achieved by a group of humans, the state, it is argued, is artificial too.

Plato's epigones⁴⁵⁷ never really got away from the 'agreement' idea. In essence, they either popularised and expanded, or viewed from a different angle the same, basic idea, namely that the state is an artificial association of humans, a group of humans deliberately formed on the basis of an underlying agreement among them for a particular reason and purpose.

3. Against social contract theory*

Social contract theory is unsatisfactory simply because, assuming an agreement or a contract is in place (an idea that is not-so-easy to digest for many humans), if states are artificial constructions of humans, then one is obliged to examine their merits. Are they good enough? The best possible? For what purpose and under which metric? Could there, perhaps, be another, better, alternative? At the end of the day, if we are building (and building on) (theoretical) constructions that are in any way artificial, anything goes.

It is essentially at this exact point and for this specific reason, that the *should* entered political philosophy, never to leave it since. It is the artificiality of the state (according to social contract theorists) that explains how political philosophy, as soon as it was born, was basically transformed into political theory.⁴⁵⁸

4. Religion*

Those not satisfied with a human-made, artificial explanation for the state may always find recourse to religion (in which, as a matter of faith, one believes in or does not). God (or gods) is the alternative explanation of state creation throughout human history. From the religious perspective, states originated not from humans but were God's will, they were created by God.

457 These include almost every political philosopher ever since, including Aristotle, Cicero, St Augustine, Hobbes, Spinoza, Locke, Rousseau, Kant, Hegel, Schopenhauer, Nietzsche, Marx—practically everybody up until the days of Rawls, as well as, science-specific experts such as Weber, Kelsen and Hayek, but also empiricists such as Hume and Bentham. Regarding Aristotle, although he (alone) claimed that the state is natural to humans, he connected it with a purpose anyway (to secure the *good life*).

458 See note 0/1/3.

5. Other state justification theories

The above two theories have been the dominant state justification theories throughout human recorded history. Other alternatives have emerged from time to time: while they have never excluded the idea of ‘agreement’, and thus of the artificiality of the state, they have all approached it from different angles (rather than the purely contractarian). At any event, all of them have been heavily criticised and none have won widespread acceptance—outside, that is, a larger or smaller circle of people who found them useful for their political agendas of utilitarianism, idealism, and Marxism.

6. Utilitarianism*

Utilitarian philosophers (Bentham, Mill, and, to a certain extent, Hume), perhaps trying to refute the social contract theory of their (immediate) predecessors (Hobbes and Locke), suggested that states are natural to humans on account of a habit of obedience. According to Bentham, ‘When a number of persons (whom we may style subjects) are supposed to be in the habit of paying obedience to a person, or an assemblage of persons, of a known and certain description (whom we may call governor or governors) such persons altogether (subjects and governors) are said to be in a state of political society.’ Notwithstanding that what is described here is the government and not the state, apparently this habit of obedience will continue for as long as the government maximises the greatest happiness of the greatest number—essentially placing agreement on the basis of the relationship, and thus not moving substantially away from social contract theory.

7. Hegel’s idealism*

Hegel, adopting a basically Aristotelian viewpoint, suggested that the state is natural and not artificial, claiming that it is the ‘rational destiny of human beings to live within a state’. The state is ‘the ethical order in which individuals realize their capacities and potentialities.’

8. Marxism*

Marxism (Marx himself admittedly having given relatively little attention to the state) has either followed the Hegelian approach of identification

between individuals and their states, ideally merging the two (an approach not foreign to Rousseau, either), or has treated the state as an ‘apparatus’, merely ‘a committee which manages the common business of the bourgeoisie’.

In any event, even one of the few systematic and structured attempts to examine the state under the Marxist toolset has produced few results: (unavoidably) focusing on the functions of the state (and thinking in terms of an Asiatic-Babylonian state, an ancient Greek state, a feudal state and a capitalist state), it concludes that ‘there is no general theory of the State because there can never be one’. For Marxists, the state remains an ‘undecipherable mystery’.

9. The welfare state*

The welfare state is not a state justification theory but rather a purpose-of-the-state theory, that has, however, gained traction recently by insisting on increased public spending for whatever is (arbitrarily and high-handedly) perceived each time to be needed for the welfare of a state’s citizens.

10. State malaise*

The above unsatisfactory theories to justify the existence of something as basic and evident in human lives as the state are responsible for a certain malaise that has been felt by humans vis-à-vis their states for the past 2500 years. This malaise has left individuals’ minds wanting—and wondering (if not, wandering): if the state is something unnatural to humans, something artificially constructed by them, perhaps there are other (better) alternatives? What if there is something out there that is better than living in states for us, patiently waiting to be invented in some distant future? What if our ancestors were simply wrong to have chosen states as their primary form of organisation?

State malaise is further aggravated by the pitting of individuals against their states,⁴⁵⁹ as is, after all, bound to happen whenever a contract, and a contractual relationship, is involved (the confusion of the state with its

459 See also Chap. 26, par. 8.

government,⁴⁶⁰ although not caused by social contract theory *per se*, has not helped, either).

By contrast, if states are finally acknowledged as being natural to humans, because they are the only natural individualisation and identification mechanism that turns humans into individuals and makes possible a meaningful life, then our efforts can finally be focused at understanding, not questioning them (releasing, in this way, political philosophy from the shackles of the 'should').

II. The digital world*

Current state justification theories are not only unsatisfactory in the analogue world but are also unsuitable for the digital one too. If such fundamental matters as what the state is and why it exists have not been resolved in the analogue world, how can they apply or sound even remotely convincing in the digital? How can they solve the problems of non-territoriality, loss of individual identity or challenged sovereignty?

For the moment state justification remains jumbled in the minds of humans as a combination of social contract theory,⁴⁶¹ realistic findings ('there is no other alternative to living in states throughout human history anyway'), and a pragmatic way to manage current affairs ('states are the only mechanisms available to humans to manage major projects such as mitigating climate change, building large infrastructures or addressing inflation').

While the analogue world may have been served well by the above combination (excepting state malaise), the digital world will put all these theories to the test by challenging (if not reversing) all their basic assumptions. For example, if humans have allegedly agreed to a social contract in the analogue world because they can do little else to avoid a state of nature, does this extend to the digital world too? Significantly, in the digital world there is no state of nature, because it is artificial, made by humans, and thus, unlike the analogue one, entirely controllable.⁴⁶²

Or, alternatively, does Reason (in the sense employed by utilitarianism and others), as assumed in the analogue world, remain the same in the digital world too, even if all assumptions (i.e. about individuality, sovereignty, and, most importantly, the finite nature of information) are overturned?

460 See Chap. 12, par. 1 (but also Chap. 12.1, par. 5).

461 Or Marxist (Hegelian) theory, depending on which part of the planet one lives in.

462 See Chap. 1, par. 17.

Inevitably, all of the above state justification theories, which have only barely held their ground until today on the basis more of pragmatic than theoretically sound arguments, will crumble under the challenge posed by the digital world.