

# **THE STATE AND FREEDOM**

## **The State**



# THE STATE AND FREEDOM


**Hoffman and Graham** – “The question of the state is linked to the question of when the state emerges historically.”

In other words, is it a pre-modern or modern institution?



# **THE STATE AND FREEDOM**

**Most scholars believe  
that the state is a  
“modern” institution  
and is defined in terms  
of 5 attributes:**



# THE STATE AND FREEDOM

1. A public institution separated from the private activities of society.



# THE STATE AND FREEDOM

2. The existence of sovereignty in unitary form (power was divided between the pope and emperor).



# THE STATE AND FREEDOM

3. The application of laws to all who live in a particular society.



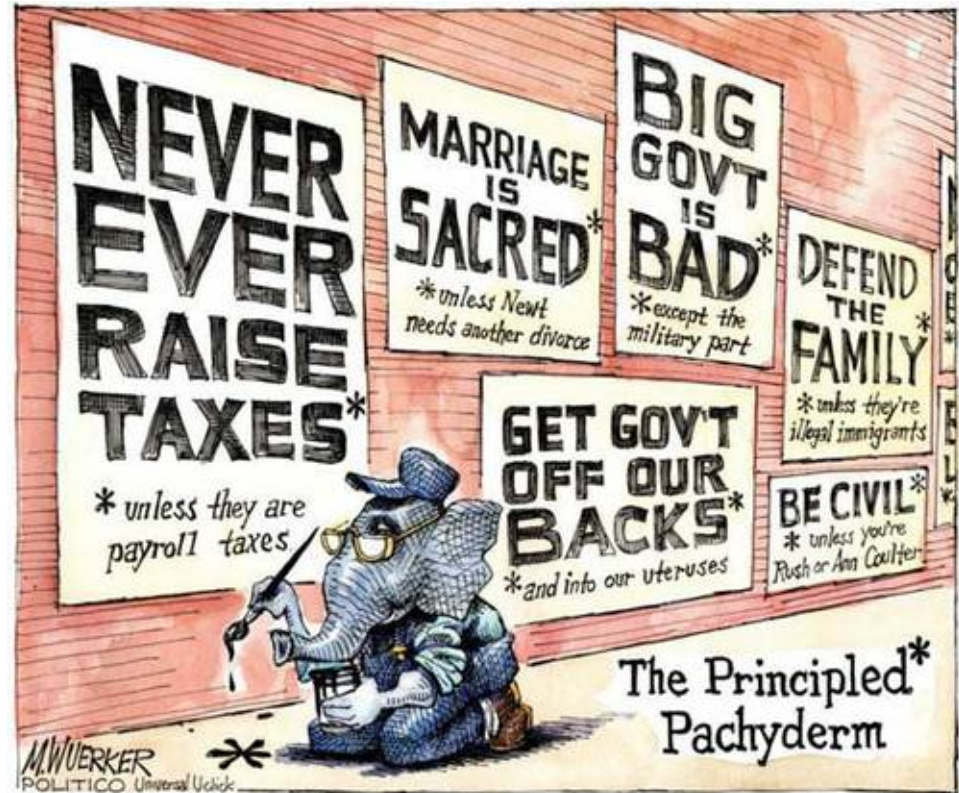
# THE STATE AND FREEDOM



**4. The recruitment of personnel according to bureaucratic as opposed to patrimonial criteria.**

# THE STATE AND FREEDOM

5. The capacity to extract revenue (tax) from a subject population.



# **THE STATE AND FREEDOM**

**Defining the state:**

**Force?**

**Morality (or “will”)?**

**Or a combination of both?**



# THE STATE AND FREEDOM

**Robert Dahl** –  
force is  
central to the  
state, its  
most  
essential  
attribute.



# THE STATE AND FREEDOM

## Hamlin and Pettit

– a system of rules which embody a system of rights, the “normative analysis of the state.”



# THE STATE AND FREEDOM

Others say the state does not have a “basis” or central attribute, but is a mixture of both force and morality.

**Gramsci:** the state is linked to force, but also to law, morality, and right.

Those who argue that the essential property of the state is either morality or force are “essentialist” or “reductionist.”

# **THE STATE AND FREEDOM**

## **Arguments against the concept of the state**



# THE STATE AND FREEDOM

The behavioralist argument:

## 1. Arthur Bentley

the study of politics is like natural science, therefore, it must not make *value judgements*. The “science” of politics should not defend particular values, but should draw up testable hypotheses by “objectively” studying political behavior.

# THE STATE AND FREEDOM

The behavioralist argument:

## 2. David Easton

The concept of the “state” is a hopelessly obscure, empty, and ambiguous term. If political theory is to be scientific, clarity requires we abstain from using the concept of the state altogether.

# THE STATE AND FREEDOM

The behavioralist argument:

3. **T.D. Weldon** (linguistic and radical)

Analysts are only competent to tackle “second order” problems, as in the *words* politicians use, not the realities to which these problems are supposed to refer.

# THE STATE AND FREEDOM

**The distinction  
between  
force and  
constraint,  
state and  
government**



# THE STATE AND FREEDOM

**Force = imposition  
of physical  
harm.**

**Constraint = doing  
something you  
would not have  
done without  
force.**

**Government =  
resolving issues  
through  
sanctions but  
not force.**

**States = most  
definitely use  
force to resolve  
conflicts.**

# THE STATE AND FREEDOM



# **THE STATE AND FREEDOM**

**The State  
and  
Sovereignty  
(the idea of supreme  
and unchecked power)**



# THE STATE AND FREEDOM

Sovereignty as a *modern* concept:

1. **Rosenberg** – sovereignty is a modern idea just as the state is a modern idea.
2. **F.H. Hinsley** – the “state” is modern and archaic, but the idea of sovereignty is not.

# THE STATE AND FREEDOM

Sovereignty as a *broad* concept:

1. **Allen James** – states have always been sovereign, and sovereignty is best defined as *constitutional independence*: a sovereign state is a state that is legally in control of its own destiny. A state is sovereign no matter how much it may in practice be beholden to the will of other states. (Iran and nuclear weapons?).

# THE STATE AND FREEDOM

A stateless world?

1. **Hedley Bull** (*The Anarchical Society*, 1977)

a. the increasing importance of international law as a body of rules which has no wider monopoly of legitimate force to impose it;

b. the globalization of the economy, making the idea state sovereignty archaic;

c. a growing number of issues such as the environment which can only be settled by acknowledging the common interests of contending parties.

# THE STATE AND FREEDOM

A global government?

**Hoffman and Graham:**

**“If globalization is to be positively conceived – as an opportunity rather than as a source of violence and division – than it is crucial that we see free-market fundamentalism and the abstract similarity that it seeks to impose as a distortion of globalization.”**

**What do you suppose they are getting at here?**

# THE STATE AND FREEDOM

# Freedom



# THE STATE AND FREEDOM

**Hoffman and Graham** – “The starting point for many, although not all, political theorists in debating this topic is what can be termed *the presumption in favor of freedom.*”

**Fish** – “...absolutism of this defense of free speech conceals the fact that the Supreme Court can quite easily find ways of limiting speech by redefining it as a form of action – as “fighting words.”

# THE STATE AND FREEDOM

**Isaiah Berlin** – “Two Concepts of Liberty”

(the terms freedom and liberty used interchangeably, as synonyms).



"Only barbarians are not curious about where they come from, how they came to be where they are, where they appear to be going, whether they wish to go there, and if so, why, and if not, why not."

Isaiah Berlin

# THE STATE AND FREEDOM

***Negative Liberty*** – “what is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons?” And so negative liberty is essentially about being left alone.

# THE STATE AND FREEDOM

***Positive Liberty*** – “what, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?” So positive liberty is about being in control of one’s life.

# THE STATE AND FREEDOM

Attending  
college?  
Positive or  
Negative  
Liberty?



Can you think of other examples?

# THE STATE AND FREEDOM

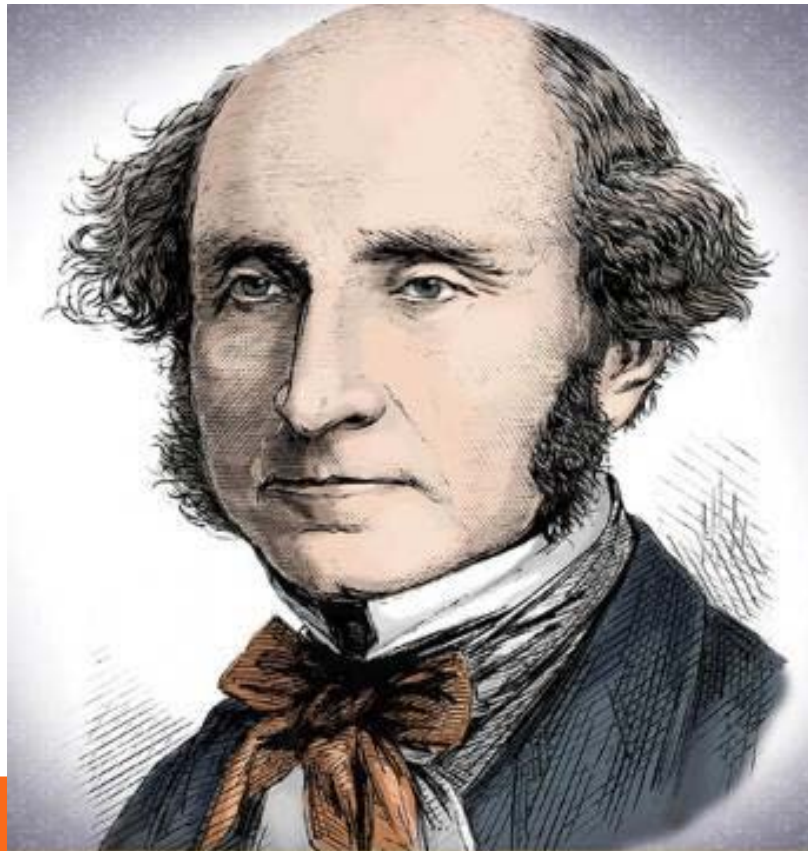
## Unfreedom vs. Inability

**David Miller** – “freedom is interpersonal: not only must unfreedom be attributed to the actions of other agents, but personal responsibility also plays a role. If you are simply unable to do something then this cannot be described as a case of unfreedom unless that inability can be sourced to other people.”

# THE STATE AND FREEDOM

John Stuart  
Mill

*On Liberty*  
and  
the “Harm  
Principle”



Tantor Audio's Book Classics

JOHN STUART MILL  
ON LIBERTY

READ BY GILDART JACKSON

# THE STATE AND FREEDOM

## Hoffman and Graham

Mill's essay *On Liberty* has been hugely influential in discussions of political freedom. Mill's project? Grounding political principles in a *utilitarian* moral theory.

Utilitarian – assessing the validity of principles or institutions by the extent to which they bring about good consequences.

# THE STATE AND FREEDOM

## Mill on Negative Liberty and the Harm Principle

“the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.”

# **THE STATE AND FREEDOM**

## **Criticisms and Developments**

**What does Mill mean by “harm”?**

### **1. Harm to Others**

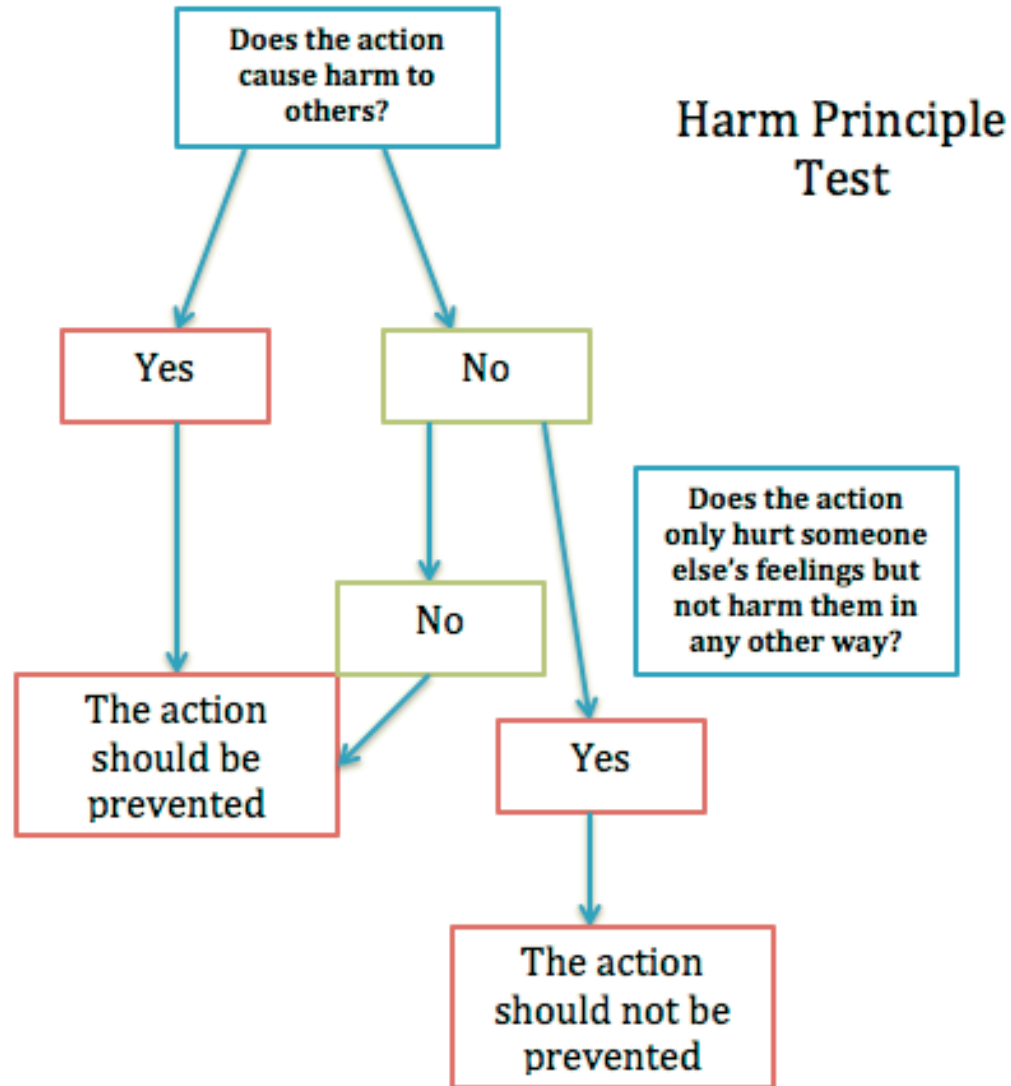
**a. Physical harm**

**b. Psychological harm (very limiting in terms of freedom)**

### **2. Consent**

**3. Harm to Self – Paternalism  
(discuss paternalistic laws on page 45)**

# THE STATE AND FREEDOM



# THE STATE AND FREEDOM

## 4. Expression and Harm

a. Can expression cause harm?

b. Offensiveness

c. Harmless Wrongdoing – **Devlin's** “social cohesion” thesis (actions may not have discernible harmful effects, but cumulatively they erode social norms, and that erosion is *seriously* harmful).

Can you think of examples of this?

# THE STATE AND FREEDOM

## AMERICAN EXCEPTIONALISM

**GREATEST INCOME INEQUALITY ...**

**HIGHEST POVERTY RATE ...**

**GREATEST NUMBER OF CHILDREN IN  
POVERTY ... WORST CHILD WELL-**

**BEING ... LOWEST SOCIAL**

**MOBILITY ... HIGHEST HEALTH CARE**

**COSTS ... MOST PEOPLE WITH NO**

**HEALTH CARE ... HIGHEST INFANT MORTALITY RATE ...**

**HIGHEST OBESITY RATE ... HIGHEST ANTI-DEPRESSANT**

**USE ... SHORTEST LIFE-EXPECTANCY AT BIRTH ... HIGHEST**

**CARBON EMISSIONS ... WORST GENDER INEQUALITY ...**

**HIGHEST MILITARY SPENDING ... MOST ARMS SALES ...**

**HIGHEST INCARCERATION RATE ... WORST MURDER RATE ...**

AMONG OECD NATIONS

**Freedom baby....**