

**THE RIGHT OF THE STATE TO BE:
AN ATTEMPT TO DETERMINE THE
ULTIMATE HUMAN PREROGATIVE
ON WHICH GOVERNMENT RESTS.
(DOCTOR'S THESIS)**

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The Right of the State to Be: An Attempt to Determine the Ultimate Human Prerogative on Which Government Rests. (Doctor's Thesis) by F. M. Taylor

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(DOCTOR'S THESIS).

BY

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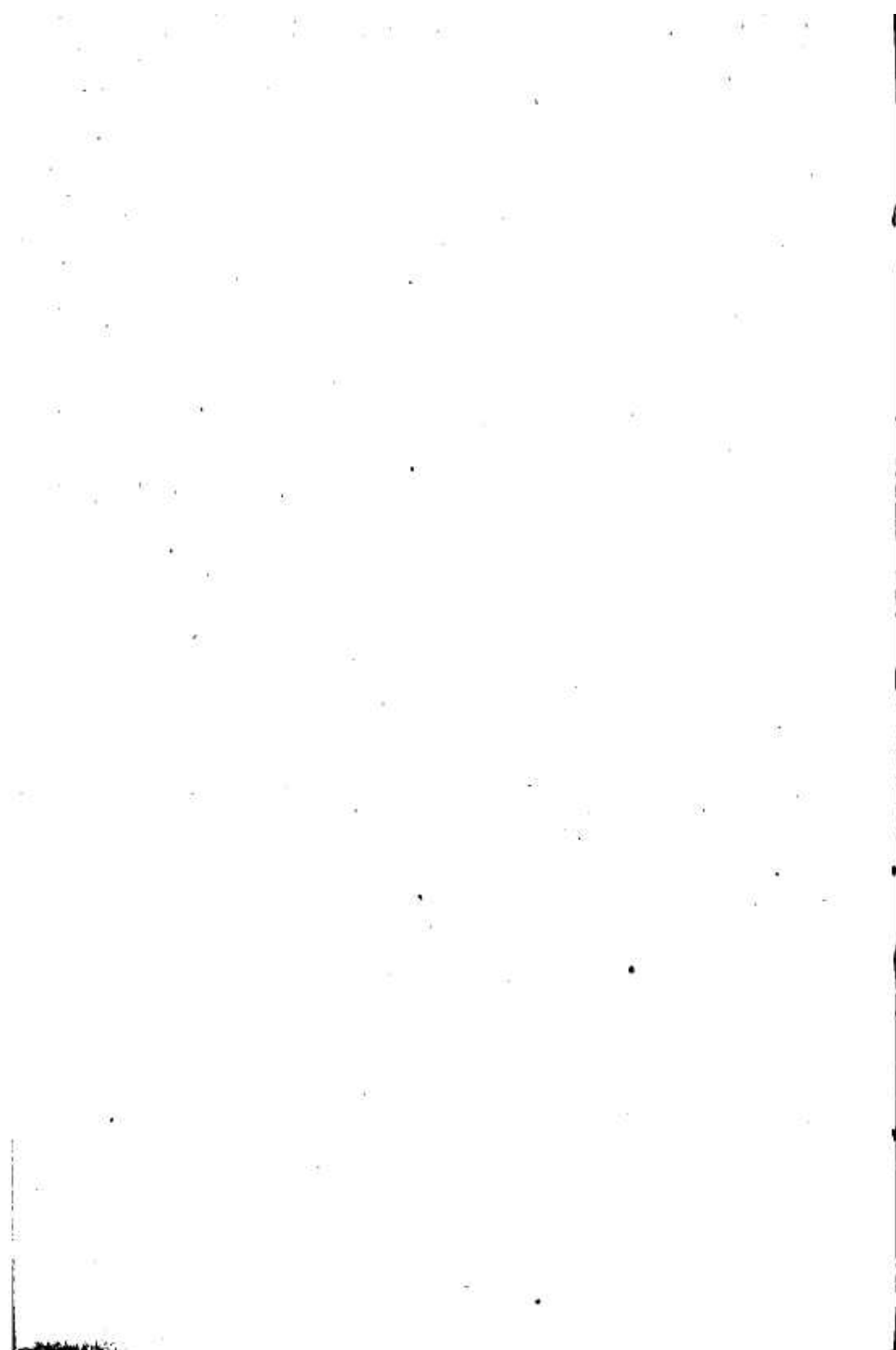


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INTRODUCTION.

“By what right does the State exist? By what right does any human organization coercively control the will of individuals? What is the ultimate basal prerogative on which government is built?” This problem has, until recent times, occupied a very conspicuous place in modern political philosophy. It has not, indeed, attracted great attention for its own sake purely. Attempts to solve it have been made chiefly as an indispensable preliminary to the solution of several closely related and thoroughly practical problems. “Which of two claimants for supreme authority, *e. g.*, the pope and the emperor, has the truly valid title?” “Is there any right to overthrow an existing but unsatisfactory political order? and, if so, who possesses that right?” “Has some particular class heretofore excluded from active participation in government a valid claim to be admitted to such participation?” It has been as an incident to the answering of questions like these that men have attempted to find the ultimate political prerogative, rather than as an effort to meet the direct anarchic demand for the *quo warranto* of the state. Thus, the doctrine of direct divine commission was given prominence by the medieval church as a necessary step in her struggle against emperors and kings for temporal ascendancy. So, also, the doctrine that all political prerogative rests on an original compact, the violation of which justifies the pulling-down of kings, came to the front in a later epoch as one of the church's chief weapons against heretic rulers. Similarly, the efforts of new

classes of citizens to gain a share in government kept the question alive during the seventeenth and eighteenth centuries, and also determined the character of the generally accepted doctrine, securing that place for the contract theory.

This problem, which has thus been of chief interest because of its relation to other problems, has once and only once, brought out extended discussion for its own sake; once, and only once, has its solution been undertaken with direct reference to the defense of the state against anarchic tendencies. This was in the period immediately subsequent to the French Revolution, when the empirical excesses of those who controlled the practical application of Rousseau's theories, as well as the really anarchic character of the doctrine which makes all just government rest on the consent of the governed, rendered imperative an effort to rebuild the theory of the state on more secure foundations. In consequence, the next thirty years was extraordinarily prolific in theories as to the ethical genesis of the state, some of them new, most of them old, all of them reactionary, tending toward the exaltation of the state and the belittling of the individual.

But, while the problem here considered has in the past received ample attention either for its own sake or because of its bearing on related problems of supreme importance, in our own day the interest in the subject seems to have passed away. This fact, doubtless, has a variety of causes; but it is chiefly due to this,—that the practical occasions for insisting on a solution are fewer and less pressing than in former epochs. We have, indeed, more theoretical anarchism, a more explicit denial of the rightfulness of authority, than ever before. Still, this movement is too weak both in numbers and influence to threaten seriously the foundations of the state. Further, the

related problems which have hitherto called for a justification of the state as a part of the process of their solution, absorb much less attention in our day than formerly. Revolution, as a method of improving matters, has largely given place to reform. So, also, among the Western nations there are no longer any considerable conflicts between rival claimants for authority; and there is no general interest in the various efforts to extend political power to new classes of citizens. But, if the question no longer commands general attention, it has not yet lost its purely scientific interest. This could be true only if there were general concurrence in some particular solution. But such is far from being the case. On one thing, indeed, there is quite universal agreement. Almost everyone fitted to judge rejects the contract theory of the eighteenth century. But, beyond this, there is still chaos. The doctrine of divine right still has a large following. The theory that "might makes right" satisfies a large class. The right of self-preservation is accepted by many as the basal prerogative. Very common in America is the theory that the ultimate prerogative belongs to the people or the nation. And still others might be mentioned. It is evident, therefore, that the problem has still academic interest, for it is still unsettled. In this paper the task of finding the satisfactory solution is again undertaken. With what success the reader must judge.

In form, the essay divides into three parts. In the First, after a chapter of definitions, the reality of the problem will be maintained, and its exact nature defined. In Part Second, previous theories will be reviewed and their defects pointed out. In Part Third, the writer's own theory will be explained and defended.