
To Hegel the state was what to Aristotle was God: “absolute unmoved end in itself”. Like the Christian God the state alone can give man true freedom; it is in the state that man’s freedom gets at its “supreme right”. And like any ordinary god the state obliges every one, for it is every one’s “highest duty” to be a member of the state. (Hegel *Grundlinien der Philosophie des Rechts*, § 258)

Hegel’s understanding of the state is not specific to his philosophy. He just formulates more copiously, comprehensively, perhaps even consistently, and certainly less transparently, a view most political thinkers and actors held, far into the 20th century and from the time when the modern state won over its competitors: the empire, the Church, the city-leagues and city-states. It is this modern state, the only political organization that strictly speaking may be called *state* (so the adjective *modern* is pleonastic, 18), that Christopher Morris makes the object of a normative enquiry. How, if at all, can the claims of the state be justified?

They cannot, to anticipate his result, though it comes somewhat as a surprise. Morris does not deny that states may be legitimate: “It is possible to imagine reasonably just and efficient states” – justice and efficiency are Morris’ conditions of state legitimacy – “and some of ours may approximate this standard.” (291) He rejects the state’s claim to being the only institution to do what legitimate states do: “pursue, apprehend, and punish wrongdoers; . . . requisition funds for their own defense and the interests of their members; . . . protect members of groups who have been systematically exploited; . . . issue rules and regulations for the protection of the environment; . . . institute and support programs for the prevention of disease; . . . counsel people to be moderate in their consumption of tobacco and drugs, or fattening fast food; . . . speak in favor of the rights of persons throughout the world”. States may even be “permitted to support particular redistributive or paternalistic programs”. “. . . legitimate states will have considerable powers even if their authority is much less than claimed.” (292):
That their authority is much less than claimed means according to Morris that their powers and acts can only be justified “much in the way that the powers and public acts of other agents are justified. Nothing much turns on the fact that an act is an act of state. A state is justified in pursuing wrongdoers, helping the poor, or putting out fires in the same way as other agents. Considerations of justice and efficiency are determining. There is nothing special about the state’s performance of these tasks.” (292 f)

Let us call this thesis of Morris the thesis of the states’ replaceability. It is obviously a match for Hegel’s claim of the states’ godlikeness, which implies that of their irreplaceability. It is not Hegel, however, whom he picks out for criticism but the doctrine of sovereignty as it has been formulated by Hobbes and others. It is a good choice, as Hobbes has a better reputation than Hegel, but less good in respect to giving reasons for the thesis of states’ replaceability, which is rejected by Hegel but not necessarily by Hobbes.

The most important argument for the doctrine of sovereignty is that in order to avoid anarchy and guarantee social order there must be one supreme power and authority that is the source of all laws and lesser legitimate power and authority. Against this hierarchical conception of a system that guarantees social order Morris appeals to Joseph Raz’s Concept of a Legal System. Raz showed “that it need not be the case that every legal system presuppose a basic norm” (192); rather, a first norm may depend on another, this on a third and the third again on the first one.

True, as Raz concedes, “the validity of each of these laws can be proved only if, in the last resort, the validity of one of the other laws is assumed and not proved” (192). But such a circularity of the validity of laws is what one should expect when one considers how social order is in fact secured in politics: “In this world, social order is maintained, sometimes only precariously, by power, interest, justice, convention, compromise, benevolence, religious sentiments, ties of kin and nation, and the like. The sources of political authority are multiple and none need be supreme. A variety of things provides different people with reasons for action, and these often suffice to secure social order, even great prosperity and civilization.” (217 f)

There is a lot more of argument, bolstered by excursuses into more special questions that are not immediately connected to the main subject but give helpful reviews of the state of discussion. There are hints and expressions of hope that the state, being the product of a historical constellation of very different factors in medieval times, may in some of his exemplars (for instance, in Europe through the European Union) turn into something new and more adapted to the exigencies of our time, perhaps