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## MORITZ SCHLICK'S IDEA OF NON-TERRITORIAL STATES

### 1. THE DOCUMENT

In 1952, a small booklet by Moritz Schlick appeared. It was entitled "Natur und Kultur", and was edited by Josef Rauscher, a former student of Schlick. Its preface identifies it as an unfinished manuscript of what Schlick had intended to become his main work. It may have been written around 1935. Schlick died in 1936. As far as I know, the booklet has not been translated into any other language. I am not sure as to how much Rauscher manipulated the text, but I think that it can basically be regarded without suspicion. The booklet features Schlick's thoughts on topics like culture and morality, the concept of fate in history, war and military service and other political problems. Although it is only a draft, and thus not ready for publishing, it shows a rather unknown side of Schlick. This side, one would be forced to say, does not really fit with the usual description of Logical Positivism. None of the key terms of Logical Positivism like meaning, verification, falsification, basic sentence, proposition, the possibility of feeling other persons pain, etc., appear in the booklet. Here we have, as it were, a Wittgenstein-free Schlick. Of course, Schlick was not schizophrenic; he simply was more of a philosopher than the standard historiography of the Vienna Circle and Logical Positivism seem to claim.

### 2. NEGATIVE ASPECTS OF THE STATE

In the following I will only focus on a few remarks made by Schlick on the state. The term "remarks" must be stressed, because the whole issue was never really elaborated upon by Schlick.

Schlick does not use the term "social contract", but this concept obviously forms the backdrop for what he is saying. As is well known, this term is used to theoretically reconstruct what rational people could or would do in order to overcome a completely anarchic situation, a situation which usually is described as unsafe, poor, and miserable. According to this theory, rational people would agree to establish some kind of rulership or sovereignty by signing a "social contract". Thus a state is created in order to guarantee peace and security. However, as Schlick writes,

(1) There is nothing in our European civilization that causes more grief than the state. Under it we suffer most.

Since there is nothing wrong with the original idea of the state, i.e. an association for help and protection through reasonable institutions, the mistake must lie in its execution ... The first question would be: Who participates in the unification? According to which principle shall the selection be made? (p. 67)

This is an unusual and surprising question. According to the standard version of the social contract, such a question does not arise at all. There is no selection to be made – the whole population, all the people together, agree to instate a certain government. Should somebody disagree, then – at least in some constructions – he would be forced to give his consent, or else he would be considered to be an enemy of the state. The state rules over a certain territory; everything and every person within it, even unborn children and babies come under the state's control. On the other side of the border, there are other states, which means potential enemies. From the very beginning, the state plays a double role. It guarantees peace within its territory and prevents civil war, while at the same time preparing for war outside its precincts, against other states. But this latter feature of every state is not discussed in the theories of social contract. Schlick makes a bitter remark about civil wars, which to Hobbes, for example, were the most terrible of all political situations:

(2) Terrible as they are, one has to acknowledge the fact that civil wars usually do not claim as many victims as wars between states with separate territories have, i.e. between hostile countries.

This is an argument to not separate contradictory tendencies ... by space, but to mix the enemies. Then the unavoidable balance will lead to only minor catastrophes. (p. 101)

I will let the last sentence stand for a moment without commenting on it. However, it is probably true, as a "body-count" would reveal, that the number of people killed during "official", "regular" wars conducted by states is much higher than those killed during civil wars. From this point of view, the whole ideology of a social contract is highly problematic. But let me come back to the last sentence of Schlick and his idea of separating hostile groups in space.

### 3. THE SOCIAL CONTRACT AND TERRITORIAL STATES

For historical reasons, it is obvious that states are defined by a territory. But is this the only possibility? As Schlick says, states are constructions that are made by us and can be changed by us, and we should make these constructions as safe and rational as we can. That states start wars against others, is not contained in the idea of a social contract. It is rather a degeneration of that idea. Unfortunately, this degeneration is the most common and – so to speak – normal thing in history. As we shall see in a moment, Schlick looked for an alternative conception of the state in order to prevent such degeneration.

There are still other difficulties in the usual theory; but in one respect the standard theory of a social contract comes quite close to political reality. In order to give the state a moral justification, free persons must consent to it. Yet even within contractarian theories, there is not much room for freedom of decision. There is only one state that can be established, and people can only say yes to it. Those who say no become outcasts. Once this is done, it is very difficult to revise this decision; the only way to do it would be by emigration. Practically speaking, the vast majority of all people on this earth become citizen or subjects of their state by birth and must remain in the state where they have been born.

#### 4. AN ALTERNATIVE: SCHLICK-STATES

At this point, Schlick introduces an alternative kind of social contract, which allows people to make a real choice between several possibilities, a choice that later also can be revised without great problems.

He argues:

(3) According to our notion of the state, it is an association with the purpose of protecting all vital necessities. This conception leaves it completely open whether the boundaries of the state – i.e. the group of citizens of the state – are determined by living together on the same territory, or by some other principle. (p. 101)

It is not a priori necessary to define a state as sovereign over a certain territory. A state could also be defined as a sovereign over a certain group of human beings. In this case, several “states” could coexist within the same territory. Schlick tries to describe such a situation as follows:

(4) Suppose that the separation according to political convictions replaces the separation by geographical states. In such a case there would be no countries in the usual sense, but political organisations, the members of which would live scattered over all continents. Each of these invisible communities could have its own laws and costumes, its courts, police, and state form. There could be invisible republics and monarchies, but the presidents and kings would not rule over territories, but only over such people as voluntarily belong to their state. Since human convictions can change, it follows from the very principle that one can at any given time move from one organization to another. (p. 102/3)

Let us refer to this as “Schlick’s Principle” and “Schlick states”.

Clearly, all this is utopian thinking. The question is, is it an interesting utopia? Is it worth consideration? It is a theoretical reflexion about how modern, rational people, after having been through all the negative experiences mankind has had with territorial states, would or should construct their state – or rather, their commonwealth of states.

Unfortunately, Schlick does not provide any examples from history. Perhaps he thought that his ideas were too far removed from reality. Therefore, we have to look for examples ourselves.

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