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The Idea of the State and the Problem of Continuity: The Medieval and Early Modern Divide (A Short Contribution to an Ongoing Debate)*

The usefulness of the concept of state in the study of medieval political thought is a matter of an age-old debate. This study argues that from the 13th century onwards it is plausible to speak about the beginnings of the state as an idea (and also as an institution) with some reservations to be kept in mind. Consequently, it is the issue of continuity which stands in the focus of this writing in which I intend to present the approaches of some emblematic authors on the topic, such as Quentin Skinner, pondering, at the same time, their applicability. I also emphasize in passing the importance of visual sources in the study of early modern concept of state and sovereignty, such as allegorical personification of *nationes* and the impact of new cartography.

Keywords: definitions of state, sovereignty, Latin and vernacular terminology, Bodin, female personification of state, interplay of visual and written sources, medieval and early modern continuities



Introduction

In discussing the emergence of the modern concept of state, one cannot avoid the question of whether it is plausible at all to use the *concept of state* prior to the fifteenth century. If so, which sub-period of the Middle Ages (High Middle Ages or Late Middle Ages) would qualify for this kind of analysis?¹ Furthermore, when can we justly speak of the existence of the *modern*

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¹ For these issues see especially: ULLMANN 1975. p. 17–18; BURNS 1988. p. 1–2; CANNING 1996. p. xix–xx; BLACK 1992. p. 186–191.

concept of the state? Without question, the answers depend on the definition of the state itself. My aim here is not (and cannot be) to consider various definitions of state.² Instead, I will rely on authors whose views I consider suitable not only for grasping the development of the idea of the state in historical perspective in Western Christendom, but which also can be applied for a comparison with Russia, even if the criteria should be used with reservations in the latter case.

The modern concept of state, in my view, implies a legally framed supreme power over a given territory, an impersonal public power independent of, and standing above, both governors and governed, to whom subjects/citizens owe their highest loyalty.

The emergence of the modern idea of state (as well as state formation) was a process of “secularization and depersonalization of sovereign power”.³ In the High Middle Ages, attempts to describe the legal position of the pope by canon lawyers generated the birth of the concept of sovereignty (if not the term itself). At this point, the language of papal sovereignty could be transferred to the secular sphere – the prince, and eventually the state. Mark Neocleous eloquently summarized the process laconically: “Where the prince once stepped into the shoes of the Pope, now the state stepped into the shoes of the king.”⁴

The author whose wording can best illustrate the above development is none other than Bodin, to whom we owe the *definition* of sovereignty itself (but not the coining of the term which was known before him), and the *linking of the concept to the state*: “SOVEREIGNTY is that absolute and perpetual power vested in a *commonwealth* which in Latin is termed majesty.”⁵ When Bodin moves to explain what the meaning of a king’s absolute power is – for despite linking sovereignty to the state he was preoccupied with monarchical sovereignty – viz. the right to create new laws and abolish existing ones, as the king is not bound by positive law, he explicitly refers to the pope: “It follows of necessity that the king cannot be subject to his own laws. Just as, according to the canonists, the Pope can never tie his own hands, so the sovereign prince cannot bind himself, even if he wishes.”⁶

Bodin’s above reference can be really understood in a wider context, if one keeps in mind that the legal term *absolute power* (*potestas absoluta*) was first used in the thirteenth century by theologians to describe the authority of the pope and was soon adopted by canon lawyers as well.⁷ It was eventually the legal language defining papal power transferred to prince in which royal absolute monarchy was clothed: by the fifteenth century this language had taken strong roots in those monarchies that “effectively

² For the theoretical problems and the present state of research on the approaches concerning the state. See: Cs. KISS 2017a; Cs KISS 2017b.

³ NEOCLEOUS 2003. p. 18.

⁴ NEOCLEOUS 2003. p. 18.

⁵ BODIN 1576. (Access: May 30, 2019.)

⁶ BODIN 1576. (Access: May 30, 2019.)

⁷ BURNS 1990. p. 32.

undermined the universalist claims of pope and emperor alike.”⁸ In this way the terminology of sovereignty migrated to the secular sphere and was attached to the person of the independent prince. From this point, it was just one step to adapt it to the state, as Bodin had done. This laconic summary of the medieval heritage passed on to Bodin is in itself an important point when we consider the problem of the idea of state in the Middle Ages.

Approaches and Problems

For the point of departure of my analysis I use Quentin Skinner’s approach outlined in his by now classic book, *The Foundations of Modern Political Thought* (1978). I take into account the criticism it received, especially from Cary J. Nederman. Skinner’s approach is all the more important because in a stimulating article Oleg Kharkhordin followed Skinner’s footsteps in his account of the development of the Russian concept of state (*What is the state? A Russian concept of gosudarstvo in the European context*⁹). According to Skinner, the development of the modern concept of state, a process that he argues took place roughly between 1300 and 1600, can be summarized briefly as follows.

“The decisive shift was made from the idea of the ruler ‘maintaining his state’ – where this idea simply meant upholding his position – to the idea that there is a separate legal and constitutional order, that of the State, which the ruler has a duty to maintain. One effect of this transformation was that the power of the State, not that of the ruler, came to be envisaged as the basis of government. And this, in turn, enabled the State to be conceptualized in distinctively modern terms – as the sole source of law and legitimate force within its own territory, and as the sole appropriate object of its citizens’ allegiances.”¹⁰

Skinner’s last statement, of course, contains the element of Max Weber’s classic definition of state (which Skinner does not fail to mention explicitly in a footnote): for Weber “a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that ‘territory’ is one of the characteristics of the state.”¹¹

Skinner’s view on the development of the modern concept of state puts the subject in a plausible historical perspective, although his chronological frame is debatable in two directions. My first objection is that the notion of rights of governance distinct from and independent of the ruler with an existence of their own, as well as the idea of their inalienability derived from

⁸ BURNS 1990. p. 33. Bodin also emphasized the French king’s independence of both pope and emperor.

⁹ KHARKHORDIN 2001. p. 206–240.

¹⁰ SKINNER 1978. vol. I, p. ix–x.

¹¹ WEBER 1919. p. 1. (access: May 30, 2019.)

the concept of *office (officium)*, was clearly emerging around 1200 when the *legal idea of the crown (corona)* as a corporation entered into political discourse. Furthermore, the idea that kings are not subject to either the pope or the emperor had also developed as early as the 1190s by Ricardus Anglicus, giving *imperium* and *iusdictio* to kings.¹² My second point, for which I rely on Nederman, is that Skinner overemphasizes the issue of terminology – at least in his 1978 book because it seems to me that in his more recent writing he has revised his view¹³ – which, in turn, questions the years around 1600 as a watershed. For Skinner, after giving the above definition, turns to “historical semantics – from the concept of the State to the word ‘State’”, claiming that in his view the “clearest sign that a society entered into a self-conscious possession of a new concept...that a new vocabulary comes to be generated, in terms of which the concept is articulated and discussed.”¹⁴ In this respect he treats the “decisive confirmation” of his thesis that “by the end of the sixteenth century, at least in England and France we find the words ‘State’ and ‘l’État’ beginning to be used for the first time in their modern sense”.¹⁵ Nederman, however, claims that Skinner is trapped in a “linguistic overdeterminism”, as the “presence or absence of a vocabulary determines the presence or absence of an idea” for him.¹⁶ While Nederman, in my view, goes too far in his criticism of Skinner in his alleged conflation of vocabulary and the idea of state, terminology is, of course, also crucial to the history of the idea of the modern state, especially in a comparative venture. As Kenneth Dyson writes, “The gradual awareness, from the late fifteenth century onwards, that a new kind of political association was emerging in Western Europe led to the search for an appropriate word with which to characterize this new phenomenon.”¹⁷ It cannot be denied that the above mentioned words denoting the new phenomenon, the state, “came slowly into usage” and, to be sure, were employed “with little precision and consistency.”¹⁸ Nevertheless, by the time the sixteenth century was approaching to its end, the novel terminology acquired *some degree of precision* in the writings of lawyers and political theorists. By 1600 *State* and *État* (written in capital letter to emphasize the difference from their former meanings) were capable of *conveying* the modern concept of the state: the link between the idea of territoriality and supreme power, i.e. sovereignty.¹⁹

I second the opinion of those authors who claim that applying the concept of state for the analysis of *medieval political structures* is irrelevant and misleading for most of the period conventionally called the Middle Ages (300–1450). Before roughly 1200, the state did not exist either as an idea or

¹² TIERNEY 1982, p. 22.

¹³ SKINNER 2010, p. 26–46.

¹⁴ SKINNER 1978, vol. I, p. x.

¹⁵ SKINNER 1978, vol. I, p. x.

¹⁶ NEDERMAN 2009, p. 54.

¹⁷ DYSON 1980, p. 25.

¹⁸ DYSON 1980, p. 25.

¹⁹ DYSON 1980, p. 27–28. Compare it with my conclusion at the end of the article.

an institutional reality not even in Western Europe. However, from the thirteenth century onwards, we can observe *the beginnings* of a political entity which is called the '*sovereign territorial state*',²⁰ in the history of which the period cc. 1450–1700 proved to be crucial. I argue that it was during this period that the *modern state as an institution* as well as the *modern concept of state* was born. The term '*sovereign territorial state*' means that the idea of a supreme and final political power, i.e. the idea of sovereignty, became fused with "territorial exclusivity" – in other words, political power is exercised over a defined territory.²¹ (This can be defined, at least in principle, as including overlapping jurisdictions across country borders, part and parcel of the Old Regime.) To put it differently, sovereignty can be limited only *horizontally* by the reach of another supreme political power.²²

The concept of territorial sovereignty, born in the early modern age, emerged not only because of developments in political thought. Seemingly unrelated phenomena also contributed. Perhaps one would not immediately think of the importance of *early modern cartography* in this context. However, this portends one of my main arguments of my forthcoming book, namely the importance of *parallel use of written and visual sources of political thought and their interaction*. There can be no doubt, that similarly to *allegorical personification of nations in female figures, cartography* also played a great part in the formation of the idea of territorial sovereignty. It was the ability of the map "to figure the new state itself, to perform the shape of statehood".²³ When in maps of the late sixteenth century *blue and red dotted lines* (as the case is even today) took the place of former mimic depictions of borders symbolized by forests or hills²⁴ – often in clear contrast with geographical reality in the latter case –, this new way of marking borders had important consequences. Early modern maps thus had the potential to "give the elusive idea of state concrete form".²⁵ They made *visible the sovereignty of a given state* – to be constrained only horizontally – at the very time when the modern concept of *state sovereignty* was first proposed by Bodin in 1576. Similarly, in the Dutch engravings of the 1580s called the '*Dutch virgin*' (the allegorical personification of the United Provinces in the figure of a young woman), the *fence* around the female figure (and the gate guarded by lions) meant the *symbolic borders of the United Provinces*, the integrity of which was to be untouched – an integrity symbolized by the virgin herself.²⁶

As for the prehistory of the idea of territorial sovereignty, it is significant that by the end of the fourteenth century in the writings of influential lawyers, such as Bartolus of Sassoferrato and Baldus de Ubaldis, it was stated

²⁰ SPRUYT 1994. p. 3.

²¹ SPRUYT 1994. p. 34–35.

²² SPRUYT 1994. p. 35.

²³ WOOD 2010. p. 31.

²⁴ KATAJALA 2011. p. 75.

²⁵ WOOD 2010. p. 31.

²⁶ For female allegorical personification of nations and the impact of this phenomenon on the development of the idea of state from the Late Middle Ages onwards, see my article: SASHALMI 2018.

that Latin Christendom, i.e. Europe, consisted of *territorially organized political communities* (either in monarchical or republican form of government) with the purpose of maintaining the *common good*, within which there was a *supreme power independent of any foreign authority*.²⁷ I think that this can be taken as the *medieval idea of state* – although it was not yet, of course, the *modern concept of state*. What was missing was the fusion of these two notions. Relying on the research of Passerino d’Entrèves, Nederman summarized the core of the above problem: “The Middle Ages did not produce – and could not have produced – the idea of the state in the modern meaning, the modern state – both as a theoretical construct and a practical force – but it could not have emerged without the pre-existence of distinctively medieval ideas and institutions.”²⁸ Such ideas were capable to acquire new interpretations in a new context.²⁹ Therefore, the method needed in the study of the development of the concept of state is the one David Armitage has proposed for the study of history of ideas in general: “*transtemporal*” and “*series contextual*”.³⁰

Touching very briefly the question of terminology, in the High and Late Middle Ages there were various Latin terms used to designate an independent political community, terms such as *respublica*, *regnum*, *civitas*.³¹ But none of them was able to convey the link between *territoriality* and supreme power, i.e. *sovereignty*.³² Indeed, as Jean Dunbabin condensed the whole issue: “The first difficulty that the reader of medieval political literature has to face is the lack of an abstract noun capable of conveying the concept of state.”³³ The lack of a precise term notwithstanding, the *state* was clearly in the making in the fourteenth-fifteenth centuries on two levels: both theoretical and practical (institutional). “If medieval political writers did not as yet recognize either *in name or substance the ‘State’ in its modern acceptance*, it is all the more interesting to see the effort they made to grasp the essence of the new political reality which was beginning to take shape during the last centuries of the Middle Ages.”³⁴ In agreement with d’Entrèves and Nederman, I also claim that

²⁷ D’ENTRÈVES 1967. 98–99. This latter principle was expressed in the phrases *rex superiorem non recognoscens, est in regno suo imperator* (“the king not having a superior is an emperor in his kingdom”) or *civitas superiorem non recognoscens, est sibi princeps* (“the community not having a superior is its own prince”). The term *princeps* from the thirteenth century was increasingly used in a general sense, meaning a sovereign ruler.

²⁸ NEDERMAN 2009. p. 52. Nederman emphasizes that throughout his book Entrèves “points to these preconditioning elements and their limits”. NEDERMAN 2009. p. 52.

²⁹ NEDERMAN 2009. p. 53.

³⁰ ARMITAGE 2012. p. 498.

³¹ The word *civitas* was even used by Hobbes in his famous definition of the state: “For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE (in Latin, CIVITAS)...” – HOBBS 1651. p. 1.

³² DUNBABIN 1989. p. 479. Bodin, however, made this connection plain: “the commonwealth should have a territory which is large enough, and sufficiently fertile and well stocked, to feed and clothe its inhabitants.”

³³ DUNBABIN 1989. p. 479.

³⁴ D’ENTRÈVES 1967. p. 29. [emphasis mine]

the discussion of the modern concept of state cannot be understood without a historical perspective.³⁵ Indeed political thinkers of the thirteenth-sixteenth centuries had some kind of notion of the state.

In my view, Antony Black has listed the most useful criteria of the modern state. Indeed, he devoted an entire chapter to this in his book. Although the chapter in question was entitled the "State," Black made clear that he intended to deal only with "the *idea* of the state."³⁶ Black relies on some of the authors I have referred to (specifically mentioning Weber and Skinner) in what he calls a 'definitions of state', but it will be clear that he tried to put together a rather comprehensive list of what I would rather call *typological elements*. By presenting a scheme, Black provides a useful tool for a short historical overview, as it is more rewarding to identify certain *typological elements* than being preoccupied with pondering various definitions.³⁷ The elements listed by Black, which I try to identify with short labels of my own in brackets, are as follows:

"(1) an order of power distinct from other orders", the most important for us is the "religious order" (*secular power aspect*);³⁸ "(2) an authority exercised over a given territory and all its inhabitants" (*territorial aspect*); "(3) the monopoly of the legitimate use of physical coercion (as Weber put it)" (*coercive aspect*); "(4) legitimacy derived from inside the political community, not delegated by an external authority" (*external aspect of sovereignty*); "(5) a body or authority with some moral (as opposed to repressive) functions such as the imposition of law and order, the defence of justice and rights, promotion of a common welfare" (*aim of power aspect*); "(6) 'an apparatus of power whose existence remains independent of those may happen to have control of it at any given time' which Skinner calls a 'recognizable modern conception of state'" (*impersonal governmental rights aspect*).³⁹

Having provided this list, he asserts: "We have seen that the idea of state in most of these senses was present or developing in this period."⁴⁰ He substantiates this assertion in the pages that follow by presenting a summary of the different topics discussed in the book. Although Black speaks simply of

³⁵ NEDERMAN 2009. p. 22.

³⁶ BLACK 1992. p. 186.

³⁷ NELSON 2006. p. 7.

³⁸ Black himself considered this distinction between the secular and religious powers "the most important distinction" of the period between 1250–1450. BLACK 1992. p. 188. This issue, namely the lack of such distinction in Russia until the early 18th century, will be vital in my comparison of the West with Russia.

³⁹ BLACK 1992. p. 186–187.

⁴⁰ BLACK 1992. p. 186. In the following pages Black one by one enlists his arguments concerning the presence of these criteria.

the “idea of state”, his criteria, taken together, no doubt express the *idea of the modern state*.

Black then shifts his attention to those Latin terms which had been in use to denote *supreme political power*, before the French *souveraineté* emerged as a result of the change in terminology brought on by Bodin’s use of the term in 1576. In the Late Middle Ages *principatus, superioritas, auctoritas/potestas suprema, plenitudo potestatis, maiestas*⁴¹, to which we can add *imperium* and *iurisdiction*, were all used with the above meaning. In the translation of Bodin’s work into Latin (1586), *maiestas* was the preferred word for *souveraineté*, although he was not consistent, as he also used *summa potestas, imperium*. Early modern political discourse “was always a conversation in translation” between the Latin and the vernaculars.⁴² (This aspect also holds true in case of the westernization of Russian terminology related to concepts of power, which I call the “Russification of meanings”.) The plethora of Latin terms employed to denote *supreme political power*, similar to the ones referring to an *independent political community*, posed a problem in order for a coherent terminology to emerge. *I contend that the great variety of Latin words mentioned previously, in some sense, was a barrier to denote both State and Sovereignty because of the multifarious connotations of these terms*. In both cases a *vernacular word* was destined to have remarkable career in later political thought⁴³ – *État* and *Souveraineté* in French, *State* and *Sovereignty* in English (in old English spelling, *Soveraignitie*) – the consequence of this terminological problem.

Although beginning in about 1600 State and Sovereignty went hand in hand (“*the state is a sovereign state*”),⁴⁴ they were not yet linked to each other in such a close way that contemporary theoreticians would use the phrase, ‘*sovereign state*’, which was a rare exception in the early seventeenth century. *Princely sovereignty* remained in the focus of analysis until the late seventeenth century.

⁴¹ BLACK 1992. p. 186–187.

⁴² BRETT 2015. p. 31.

⁴³ BRETT 2015. p. 31.

⁴⁴ BRETT 2015. p. 32.

BIBLIOGRAPHY

Sources:

- BODIN 1576 BODIN, Jean: Les six livres de la republique. In: https://www.constitution.org/bodin/bodin_1.htm.
- HOBBS 1651 HOBBS, Thomas: *Leviathan (1651). Political Philosophy*. Create Space Independent Publishing Platform. 2016.

Secondary literature:

- ARMITAGE 2012 ARMITAGE, David: "What's the Big Idea? Intellectual History and the Longue Durée". *History of European Ideas* 38 (2012), p. 493–507.
- BLACK 1992 BLACK, Anthony: *Political Thought in Europe 1250–1450*. Cambridge. 1992.
- BRETT 2015 BRETT, Annabell: Political Thought. In: *The Oxford Handbook of Early Modern European History 1350–1750*. Ed. SCOTT, Hamish. Vol. II. Oxford. 2015. p. 29–49.
- BURNS 1988 BURNS, John H.: Introduction In: *The Cambridge History of Medieval Political Thought*. Ed. BURNS, John H. Cambridge. 1988. p. 1–10.
- BURNS 1990 BURNS, John H.: The Idea of Absolutism. In: *Absolutism in Seventeenth-Century Europe*. Ed. MILLER, John. London. 1990. p. 21–42.
- CANNING 1996 CANNING, Joseph: *A History of Medieval Political Thought*. London – New York. 1996.
- DUNBABIN 1988 DUNBABIN, Jean: Government: 1150–1450. In: *The Cambridge History of Medieval Political Thought c. 350 –c. 1450*. Ed. BURNS, John H. Cambridge. 1988. p. 477–519.
- DYSON 1980 DYSON, Kenneth H. F.: *The State Tradition in Western Europe. The Study of an Idea and Institution*. Oxford. 1980.
- D'ENTRÈVES 1967 D'ENTRÈVES, Alessandro Passerin: *The Notion of the State*. Oxford. 1967.
- KATAJALA 2011 KATAJALA, Kimmo: Maps, Borders and State-Building. In: *Physical and Cultural Space in Pre-industrial Europe*. Ed. LAMBERG, Marko et al. Lund. 2011. p. 58–94.
- KHARKHORDIN 2001 KHARKHORDIN, Oleg: "What is the state? A Russian concept of *gosudarstvo* in the European context". *History and Theory* 40 (2001), p. 206–240.
- Cs. KISS 2017a Cs. KISS, Lajos: Államelméleti helyzetkép [The State Theory – An Overview]. *Pro publico bono – Magyar közigazgatás: a Nemzeti Közszołgálati Egyetem közigazgatás-tudományi szakmai folyóirata* 5. (2017:2), p. 4–46.
- Cs. KISS 2017b Cs. KISS, Lajos: Wie ist staats-theoretische Grundlagenforschung möglich? Entwurf und Strategie. *Pro publico bono – Magyar közigazgatás: a Nemzeti Közszołgálati Egyetem közigazgatás-tudományi szakmai folyóirata* 5 (2017:4), p. 4–28.
- NEDERMAN 2009 NEDERMAN, Cary J.: *Lineages of European Political Thought*. Washington. 2009.
- NELSON 2006 NELSON, Brian: *The Making of the Modern State: A Theoretical Evolution*. London. 2006.

- NEOCLEOUS 2003 NEOCLEOUS, Mark: *Imagining the State. Maidenhead.* 2003.
- SKINNER 1978 SKINNER, Quentin: *The Foundations of Modern Political Thought.* Vol. I. Cambridge. 1978.
- SKINNER 2010 SKINNER, Quentin: The Sovereign State. A Genealogy. In: *Sovereignty in Fragments. The Past, Present and Future of a Contested Concept.* Ed. KALMO, Hent – SKINNER, Quentin. CAMBRIDGE. 2010. p. 26-46.
- SASHALMI 2018 SASHALMI, Endre Political Theology and the Emergence of Female Personifications of Russia in Visual Sources from a European Perspective: The Petrine Period as Watershed. *Russian History* 45 (2018), p. 70–85.
- SPRUYT 1994 SPRUYT, Hendryk: *The Sovereign State and its Competitors. An Analysis of Systems of Change.* Princeton. 1994.
- TIERNEY 1982 TIERNEY, Brian: *Religion, Law and the Growth of Constitutional Thought 1150–1650.* Cambridge. 1982.
- ULLMANN 1975 ULLMANN, Walter: *Medieval Political Thought.* London. 1975.
- [WEBER 1919](#) WEBER, Max: *On Politics.* [München. 1919] (online version: <https://www.panarchy.org/weber/politics.html>)
- WOOD 2010 WOOD, Denis: *Rethinking the Power of Maps.* New York. 2010.

