

Monopoly on violence

The **monopoly on violence** or the **monopoly of the legitimate use of physical force** is a core concept of modern public law, which goes back to Jean Bodin's 1576 work *Les Six livres de la République* and Thomas Hobbes' 1651 book *Leviathan*. As the defining conception of the state, it was first described in sociology by Max Weber in his essay *Politics as a Vocation* (1919).^[1] Weber claims that the state is the "only human *Gemeinschaft* which lays claim to the monopoly on the legitimated use of physical force. However, this monopoly is limited to a certain geographical area, and in fact this limitation to a particular area is one of the things that defines a state."^[2] In other words, Weber describes the state as any organization that succeeds in holding the exclusive right to use, threaten, or authorize physical force against residents of its territory. Such a monopoly, according to Weber, must occur via a process of legitimation.

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Max Weber's theory

Max Weber wrote in *Politics as a Vocation* that a fundamental characteristic of statehood is the claim of such a monopoly. His expanded definition was that something is "a 'state' if and insofar as its administrative staff successfully upholds a claim on the 'monopoly of the legitimate use of physical force' (German: *das Monopol legitimen physischen Zwanges*) in the enforcement of its order."^{[3][4]} Weber's concept has been formalized to show that the exclusive policing power of the state benefits social welfare via private property, provided the state acts benevolently in the interest of its citizens.^[5]

According to Weber, the state is that "human community that (successfully) claims the monopoly of the legitimate use of violence within a given territory." The public police and military are its main instruments, but private security might also be considered to have "the 'right' to use violence" so long as the sole source of this perceived right is state sanction. Weber applied several caveats to his discussion of the state's monopoly of violence:

- He intended the statement as a contemporary observation, noting that the connection between the state and the use of physical force has not always been so close. He uses the examples of feudalism, where private warfare was permitted under certain conditions, and of religious courts, which had sole jurisdiction

over some types of offenses, especially heresy and sex crimes (thus the nickname "bawdy courts"). Regardless, the state exists wherever a single authority can legitimately authorize violence.

- For the same reasons, the "monopoly" does not mean that only the government may use physical force, but that the state is that human community that successfully claims for itself to be the only source of legitimacy for all physical coercion or adjudication of coercion. For example, the law might permit individuals to use force in defense of one's self or property, but this right derives from the state's authority. This conflicts directly with enlightenment principles of individual sovereignty that delegates power to the state by consent, and concepts of natural law that hold that individual rights deriving from sapient self-ownership preexist the state and are only recognised and guaranteed by the state which may be restricted from limiting them by constitutional law.

Criticisms of Weber

Robert Hinrichs Bates argues that the state itself has no violent power; rather, the people hold all the power of coercion to ensure that order and other equilibriums hold up.^[6] The implication of this is that there is a frontier of well-being in stateless societies, that can only be surpassed if some level of coercion or violence is used to elevate the complexity of the state. In other words, without investing in troops, police, or some sort of enforcement mechanism, early states cannot enjoy the law and order (or prosperity) of more developed states.

Relation to state capacity

The capacity of a state is often measured in terms of its fiscal and legal capacity. Fiscal capacity meaning the state's ability to recover taxation to provide public goods, and legal capacity meaning the state's supremacy as sole arbiter of conflict resolution and contract enforcement. Without some sort of coercion, the state would not otherwise be able to enforce its legitimacy in its desired sphere of influence. In early and developing states, this role was often played by the "stationary bandit" who defended villagers from roving bandits, in the hope that the protection would incentivize villagers to invest in economic production, and the stationary bandit could eventually use its coercive power to expropriate some of that wealth.^[7]

In regions where state presence is minimally felt, non-state actors can use their monopoly of violence to establish legitimacy and order.^[8] For example, the Sicilian Mafia originated as a protection racket providing buyers and sellers in the black market with protection. Without this type of enforcement, market participants would not be otherwise confident enough to trust their counter-parties for valid contract enforcement and the market would collapse.

Even in illicit and underground markets (somewhat akin to stateless societies), violence is used to enforce contracts in the absence of accessible legal conflict resolution.^[9] Charles Tilly continues this comparison to say that warmaking and statemaking are actually the best representations of what organized crime can grow into.^[10]

Other

According to Raymond Aron, international relations are characterized by the absence of widely acknowledged legitimacy in the use of force between states.^[11]

Martha Lizabeth Phelps, writing in Politics & Policy, takes Weber's ideas on the legitimacy of private security a step further. Phelps claims that the use of private actors by the state remains legitimate if and only if military contractors are perceived as being controlled by the state.^[12]

See also

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References

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