

## How not to argue against state personhood: a reply to Lomas

ALEXANDER WENDT\*

It may be that states are not persons, but there is nothing in Peter Lomas' dismissive critique of my article that would help us decide one way or the other. Lomas never engages the central points of my argument, and does not appear to have read the relevant literature. This is too bad, since Lomas' evident passion about the question of whether states are persons is fully justified. At stake empirically is our ability to explain important patterns in world politics, like balancing or the tendency of states to follow international law, which seem to presuppose state persons. And normatively, state personhood has many politically charged implications, whether limiting the possibilities for individual self-realisation, as emphasised by Lomas, or providing a metaphysical ground for claims of group rights, collective responsibility and guilt, reparations, and the like. So the stakes are high, and having been neglected in IR for so long our current understanding of the issue is preliminary at best. Passion, however, is no substitute for clear thinking, and here Lomas muddies the water considerably. As such I welcome the opportunity to respond. Since Lomas concentrates on my easy case – collective intentionality – I shall do likewise, defending the reality of only that aspect of state personhood, thus bracketing whether states are also super-organisms with collective consciousness.<sup>1</sup>

Let me begin with Lomas' contention that in the eyes of most people state personhood is a 'long-discredited' idea. If this is true, then it is certainly strange that it continues to appear so often in our discourse. State persons still pervade IR scholarship, and similarly the media. I opened the front page of the *New York Times* this morning and there they were again: the United States, Iraq, Iran, France, even the EU, all acting just like persons: fighting insurgents, criticising each other's policies, arguing about nuclear proliferation, and much else besides. There are no scare quotes around their names, reminding us not to take their personhood seriously. And in everyday life, where state persons fill our conversations about world politics. Indeed, I would be surprised if Lomas himself never talked about states as persons. For a discredited idea it is remarkable that we embrace it in such a ubiquitous and unself-conscious way. It seems to do some important work in our lives, and the purpose of my article was to make sense of that work, rather than continue taking it for granted.

Lomas might concede the empirical point, but argue on a theoretical level that such talk does not 'really' refer to a kind of person, since we all know that bureau-

\* The author thanks Jennifer Mitzen for her valuable comments.

<sup>1</sup> All page references in the text below are to Lomas' article.

cratic politics, political parties, interest groups, and other sub-state actors play important roles in state behaviour. Of course they do. But to say that this disproves the reality of state persons is like saying the role of neurons in human behaviour disproves the reality of individual persons.<sup>2</sup> Like individuals, state persons can only exist as long as they have suitable micro-foundations, but that does not mean they are reducible to the latter. As such, engaging in the discourse of state personhood is not just a matter of ‘simplifying complex facts’ (p. 350), since the central point of my essay was that the complexities of state personhood cannot *even in principle* be simplified into micro-level facts, making a reductionist account impossible.

Lomas’ recourse here seems to be to concede that in cases where states have achieved ‘perfect’ corporate personhood we might plausibly attribute intentions to them, where ‘perfect’ means that every single member of the state shares the intention. However, this ‘heap’ view of collective intentionality ignores at least two basic problems with reductionism, both discussed in my article. First, as individuals we can only intend things that we can do or control alone, and many collective intentions are not like that. I cannot intend to make war unless an opponent shares a similar intention; without that, killing him would be murder not war. If only a collective can have an intention, then no heaping of individual intentions will ever produce it. Second, even for collective intentions that individuals in principle could have – the hard case for my argument – collectives can have ones that *none* of their members share. Philip Pettit uses the example of a graduate admissions committee to illustrate what he calls the ‘discursive dilemma’, where certain voting rules could lead to an applicant’s admission that none of the participants would have intended separately.<sup>3</sup> So the fact that a collective intention may be imperfectly shared, which Lomas thinks is a decisive objection to my account, is in fact no objection at all (unless enough individuals resist it to block its realisation). In short, no assumption of ‘perfect’ corporate personhood is needed to get my argument off the ground, and none is asserted in the article.

In view of these objections to his argument it is hard to understand Lomas’ decision to ignore the philosophical literature on collective intentionality, even the reductionist literature, apparently for ‘lack of space’ (fn. 13). Even reductionists today acknowledge the failure of the heap theory of collective intentions, so if not reductionism what then is the philosophical basis of his objection? Had he used his space more wisely he would have realised that the existence of sub-state persons is no threat to the proposition that states are persons too.

Importantly, none of this is to suggest that we should always treat states as persons; for some explanatory purposes it makes perfect sense to descend to the sub-state level to explain what is going on. If we wanted to explain Germany’s invasion of the Soviet Union in 1941, for example, then Hitler’s ideas about German racial superiority and *Lebensraum* would certainly figure prominently in a satisfactory account. Or if we were interested, like Lomas, in the experience of individual Germans of the invasion, then again one would not start with the assumption that the German state was a person. But such an understanding of the invasion would be

<sup>2</sup> Some materialist philosophers of mind do in fact argue this, but their position is extreme and not widely accepted.

<sup>3</sup> See Philip Pettit, ‘Collective Persons and Powers’, *Legal Theory*, 8 (2002), pp. 443–70.

far from ‘epistemologically and normatively complete’ (p. 353), since these are not the only kinds of questions we might ask about this case.

In particular, as I suggested in my article, if we wanted to explain why three million German soldiers simultaneously crossed the Soviet border on 22 June 1941 and started shooting at Russians, there is no need to invoke their individual intentions, since the fact that the German state had a collective intention to invade is sufficient to explain their joint action. Indeed, given that their motivations were undoubtedly quite varied – some feeling coerced, some committed to the cause, some simply loyal to their comrades – we would actually *lose* information by focusing on their individual intentions to explain the invasion, namely the fact that they were all participating in a single collective intention that none could control or have alone. Similarly, if we wanted to explain pre-emptive wars more generally – which Operation Barbarossa partly was – here too one would find the concept of collective intentionality indispensable, since it was indeed the operation of a *collective*, not a heap of individuals. For questions like these, the idea of state personhood enables us to see and explain patterns of behaviour that we otherwise could not.

This underscores my central claim that if we can explain the behaviour of a collective by reference to its intentions, and if these cannot be reduced to individual intentions, then there is every reason to believe that the collective does in fact have intentions. Collective intentionality, in other words, is an irreducible causal mechanism in the social world, and given that personhood is defined in part by intentionality, it is evidence that states are persons. This is a straightforward realist inference to the best explanation. Put another way, if states are not persons, then how could we so successfully explain their behaviour by treating them ‘as if’ they were? It would be a miracle that theories assuming state persons could explain anything if their referent objects did not exist.<sup>4</sup> Perhaps Lomas believes that such theories never in fact do explain anything, but he offers no argument to this effect, and it seems a debatable proposition at best.

The real question we should be asking, therefore, is ‘*under what conditions* should we treat states as persons?’ I failed to address this question in my earlier article, and I still don’t have an answer. But intuitively it seems that state personhood will be a more useful assumption in theories of international politics, where the goal is to explain the behaviour of many different collectives, than in theories of foreign policy, where the goal is to explain the behaviour of only one. But to even ask when it is legitimate to treat states as persons we first have to accept that it is legitimate at all.

This brings me to the last issue I shall take up here, which is my ‘failure to confront the normative challenges’ of attributing personhood to states, such as the limits it may impose on individuals’ ‘voluntary self-transcendence’ beyond the nation-state (p. 354). I agree with Lomas that the normative questions surrounding state personhood are important, and as such enthusiastically second his call for normative theorising (*pro* or *con*) about state persons. Indeed, I even agree that the

<sup>4</sup> On inference to the best explanation and the ‘miracle argument’ for a realist view of theoretical terms see Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), ch. 2.

existence of state persons may limit human self-realisation, at least when they take the form of more than one state.<sup>5</sup>

However, in considering such questions we should be mindful of two things. First, they are intrinsically different from the empirical question of whether states really are persons. Lomas seems to disagree, on the grounds that in individuals psychological, legal, and moral personhood is ‘undivided’, whereas in states they presumably are not. Yet, even in individuals empirical (psychological) and normative (legal and moral) personhood are separate and irreducible to each other, and as such it is perfectly reasonable in any particular inquiry to ask questions about one and not the others. Second, how we answer these normative questions will depend in part on how we answer the empirical question. The latter, in other words, is in some sense *prior* to the former, since if states are not really persons – if they are just useful fictions or metaphors – then why would they be normatively interesting, let alone problematic, at all?

There are further misunderstandings in Lomas’ article, such as his claim that I dismiss political realism (in the passage he quotes I am plainly talking about *scientific* realism with respect to state persons, not political); his claim that I contradict myself in pointing to the difficulties of trying to understand collective consciousness in physicalist terms (what makes contemporary physicalism so interesting is precisely that it justifies a realist view of collective intentionality, while lacking a good explanation for even individual consciousness); his claim that I mistakenly conflate anthropomorphism and personification (my Webster’s dictionary has them as synonyms, and they are used interchangeably in the philosophical literature); and so on.

But taking up these misunderstandings further would have little value, since my fundamental point should be clear. Lomas comes out with both guns blazing and ends up shooting wildly off-target. This is not to suggest that there are no valid criticisms of the idea of state personhood. It is a complicated and under-theorised issue, and there are good arguments on all sides. But to find these one would have to look elsewhere than Lomas’ critique.

<sup>5</sup> See Wendt, ‘Why a World State is Inevitable’, *European Journal of International Relations*, 9:4 (2003), pp. 491–542.