

That an exception to
the basic scientific
conception



**ASSIGN
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That power is the State which, through its supremacy, ensures a harmonious enjoyment of liberties. It restrains some in order that all may be free. The most essential functions of the State are two: (i) war, and (ii) the administration of justice. But for the State, might would be right. The administration of justice is a process whereby right is protected by might, i. e., the might of the State.

The- administration of justice, as Salmond has put it, is the maintenance of right within a political community by means of the physical force of the State.

“ Without a common power to keep men in awe it is impossible for men to live together except in the most primitive forms of society where life would be solitary, poor, nasty, brutish and short” — Hobbes. The element of force behind the authority of the State is always there, though it may not come to the surface which signifies not the absence of State control but its final triumph and supremacy within the community governed by the State. Law is the will of the State, the command of the Sovereign. Law makes organised social life possible.

Law, according to Locke, does not abolish or restrain freedom; it enlarges it. So also thought, Kant and Savigny. The restraint of law is a means to an end, not an end in itself.

The social aspect of human life is supreme otherwise there would have been no need for either the State or the law to sustain it. It is not an exception to the basic scientific conception that it is the union of the positive and the negative forces or impulses, which gives shape to any concrete reality or existence. That, man is selfish —is an essential truth; that, man is social —is

a fundamental necessity. If Aristotle gives us the truth, Hobbes and Aristotle together give us the whole truth. Our concept of the social element in human life has become mature, grown up to its true dimensions and scientifically precise. Aristotle is a living thinker, living not in that we still read him, nor in that he has now more admirers but in that his thoughts have grown from where he had left them; he is still finishing his work from beyond.