Introduction

The State and State Theory

State theory has an uncomfortable history; like Marxism itself, it is frequently maligned, constantly declared to be in crisis, and in the words one of its own practitioners, “impoverished” (Panitch, 2002). Yet while much abounds when it comes to the topic of state theory, it is oddly striking how little the state itself has been problematized, in that as Przeworski noted, “much of what passes for Marxist theory of the state is in fact a state theory of capitalist reproduction…a theory that explains the reproduction of capitalist relations in terms of the role played by the state” (Quoted in Bratsis, 2006: 2, footnote 2).

Modern state theory began as an inquiry into power structures, most famously in C. Wright Mills’ (1956) *The Power Elite*. Due to its relative lack of a political economy however, many Marxists began to critique such studies, developing more rigorous accounts of their own (Barrow, 2007), explaining how the state does not exist in a vacuum but actually perpetuates the capitalist system of which it is part. Developing on this backdrop, Marxist state theory came to be defined along the lines of Miliband’s (1969) *The State in Capitalist Society*, explaining how the institutional and personnel make-up of the state demonstrates its class nature, and Poulantzas’s (1973) *Political Power and Social Classes*, which sought to define the state as an objectively class state through structural analysis. While it would later atrophy into a conjectural debate over ‘instrumentalism’ against ‘structuralism’, this nonetheless set the framework for much Marxist theory of the state.

Other theorists, particularly in the US, reacted to pluralism and systems-theory, which dissolved the state into the wider ‘political system’, by boldly affirming that the state did exist and was in practice autonomous from society; it did in fact have inherent interests and significant organisational capacities. Yet in ‘bringing the state back in’, theorists such as Skocpol have simply asserted the state’s autonomy and unity. While they did capture that the state was too embedded within popular discourse, too central of a concept to dismiss, in taking this effect as cause, the state’s presence and autonomy remain yet to be sufficiently explained (Mitchell, 1991). Still others postulated that ‘state theories’ themselves are based on a fundamental misunderstanding of the political and economic; that a properly historical materialist approach would seek to explain the
state in a way which does not presuppose their separation (Holloway and Picciotto, 1978).

However, for all the merit of these various conceptions, these theories have become increasingly disconnected from the world they seek to explain, despite being in a time where study of the state is increasingly essential. Where state theory has ended up is with several competing theoretical projects with their differing methodologies and focuses. Yet in our study of state theory we tend to observe these theories as seemingly suspended in mid-air for us to investigate the strengths and flaws in each, before ultimately selecting our own method: reinforced by several books of comparative state theory (Barrow, 1993; Clarke 1991). Such texts are useful for clarifying methodological differences, which is undeniably conducive toward greater theoretical understanding, as it is only at methodological levels where competing theories can truly debate (Dow, 1998). Nonetheless, they tend to omit more critical theoretical trends in favour of reinforcing the dominant conceptions, which leads us to either unequivocally accept the state as an autonomous institution or otherwise relevant only insofar as it seeks to explain capital accumulation.

So how is it that we can achieve an understanding of the state that takes its existence seriously in its own right, rather than as a functional tool or an automaton? For in these analyses, whatever their persuasion, the state is universally taken to be an institution which, despite difficulty in doing so, we can or at least should try to clearly delimit its separation from society; attempts to dissolve it in a wider political system miss its tangible importance in society and our lives, so it is necessary to take it seriously as a concept. Yet attempts to define it in contrast to ‘civil society’ are fruitless as there is never a consensus upon what institutions it is that constitute the state. This is because despite understanding the state’s highly political nature, its unclear borders with society and secret operations, we too often treat it neutrally as we attempt to define it. For it is the form of the state itself which is the key ideological effect. Critics of the state understand very well its role in servicing powerful political and economic interests, but what they miss is how the state is not a vehicle, but rather a mask. If we want to understand the state, we cannot take its unity, form or essence for granted, but rather have to critically deconstruct the processes behind the creation and functioning of the state itself. It is not inherent within the state to be separate from society; rather we must examine the way in which it is constructed to be so.
The state has its basis in this separation from society, reliant on a fundamental differentiation of social life into public and private. The state has only ever existed as a binary; in relation to another realm of society. It is only once we can account for this separation from society that the development of timeless, sovereign states can take place. Once a monarch or sovereign was held to be separate, it was then that the logical circularity of the sovereignty could establish itself, creating regularities of order consisting of a public political life and a private economic existence; for the state to have meaning it must exist within us. Rather than being ‘repressed’ or inculcated by its ideological apparatuses, people actually embody this separation in their own selves, allowing a continual reproduction of the state and the public/private split at its core. Yet the state did not remain static. Developing on the basis of state sovereignty, to account for the growing complexity in maintaining social order, the conduct of people came under increasing scrutiny and control with the development of governmental strategies, with competing strategies and visions for social order. It is through government that the state came to shape and perpetuate the conduct of individuals within its territory, which came to change over time as competing articulations became more dominant than others, with mercantilist forms of government being eclipsed by liberal and now neoliberal technocratic strategies. What was once ‘civil society’ is now best understood as ‘the economy’; the interplay between the latter and the state is how the modern order is defined.

The effect of these processes is to create a very real presence of the state in our lives. Through these acts of engaging with the state through mundane activities – news media, bureaucratic forms, I. D. cards, borders military parades, etc. – we come to accept the projected existence of the state. These governmental processes instil in us practices of being state subjects, which we internalise and eventually interpellate; that is, our identity is shaped as existing in relation to the state. It is not that we are blind to the consequences of inequality and power relations, as political conflict is still common at more local levels, but that through expunging the more obvious elements of political malfeasance we come to implicitly accept the social order. The same practice is at work with concepts of social reform. While we do understand hierarchical power relationships and how they govern our lives, these state processes do not rely on us literally accepting the legitimacy of power; rather they simply require our complicity. Despite disenchantment, cynicism and reluctance, we frequently comply with the
machinations of the social order. What we fail to grasp is our own complicity, as even erstwhile leftist critics find themselves reproducing its functions through their perpetuation of these processes of power. Particularly in the neoliberal age, the left has failed to follow through with its victories since the 1960s, allowing conservatives to co-opt the processes of subjectivity and constructivism to their own advantage. It is not until we make a break with these processes constructing the state and reinforcing these binaries of control that we can begin to undermine the forces of power that constitute it. This consists of not simply ‘fighting’ state power nor ‘educating’ others, but a complete break with the processes of control and power that enable the perpetuation of the state.

Chapter One of this paper will begin by exploring the way that the state presents itself; how failed attempts to define it give light to the fundamentally projected nature of its existence, and how this itself can be exploited as a technique of social control. What we will find is that the state exists only upon a set of binaries. This will be explained as we explore the historical construction of the state in Chapter Two, in which we explore how the foundation of ‘public’ and ‘private’ has been central to the construction of the circular logic of sovereignty, and how we embody these two separate selves. We will also see how the articulation of the state and its binaries has developed with competing regimes of governmentality, leading to the creation of the modern order of state/economy. The mechanisms through which the state imposes its logic come under scrutiny in Chapter Three, as we explore the processes that establish the state as a very real presence in peoples’ everyday lives. We see how the performative processes surrounding corruption reinforce the state’s order through the performative aspects of reform. Finally, in Chapter Four we analyse the processes through which sustained criticism of the state either fails to materialise or instead manages to feed into the construction of the social order itself. Through a critique of the concept of ignorance, we see how the left often fails to identify the processes in which power is implicitly reinforced, and subsequently suggest ways forward in which we can attempt to dismantle these relations within our own capacity.

On the outset this paper will treat the state with due importance, while never failing to reject it as an ontological or reified given. Rather than the universalistic culmination it portends, it will instead be demonstrated to be a culmination of historically contingent processes and strategies of power. It seeks to demonstrate how it is that the state is the purveyor of incredible fictions while demonstrating significant
presence in our lives and the world at large. It will explore how it is held so paramount yet so widely understood to be false, and how these mechanism of control bind us to it and our social order much deeper than we typically assume. We must ask how and why it is that we continue to let the state exist.
Chapter One

The Fictional Internal Borders of the State and its Ideological Effects

In 1993, Australian opposition leader John Hewson was widely expected to defeat sitting Labor Prime Minister Paul Keating, in what was dubbed the ‘unlosable election’. With a detailed policy platform titled ‘Fightback!’ Hewson was the intellectual authority who galvanised the conservatives after 10 years in opposition. Key in his proposal was a 15% sales tax, the GST, which would have been levied on most goods, with the notable exception of food staples. Yet in a fateful television interview, Hewson found himself unable to clearly articulate the distinction between ‘food’ and ‘confectionary’ after being questioned if a birthday cake would be taxed or not. A cake was said to be food, yet a birthday cake – with decorations, icing, ice-cream etc. – would be confectionary, and thus taxed under the GST. The question was clear: at what point did a cake cease being ‘food’ and become ‘confectionary’. Hewson defensively argued that it required details to exactly specify when this occurred and that the point was moot as other taxes would be reduced anyway, which led the interviewer, Willesee, to respond “It’s just an example. If the answer to a birthday cake is so complex, you do have an overall problem with the GST, don’t you?” Hewson would go on 10 days later to lose the ‘unlosable election’, and the ‘Birthday cake interview’ would enter Australian political folklore.¹

What Willesee grasped that Hewson didn’t was that the lack of clarity in the distinction between ‘food’ and ‘confectionary’ affected the logic of the tax he was applying. How could food not apply under a sales tax when there was no agreement upon what the definition of food actually was? If a birthday cake was confectionary, where does that leave croissants or other baked goods? Alternatively, if it was food, then were chocolates, ice cream and even soft drinks all food too? What was a seemingly unimportant or even semantic question to Hewson was revealed to be the weak point of a logical edifice. If public policy is supposed to be based on reasoning and logic rather than arbitrary designations then Hewson’s inability to answer a basic logical question was of the utmost importance.

¹ All text was sourced from Wikipedia at http://en.wikipedia.org/wiki/Birthday_cake_interview, retrieved 27/10/2013
Yet what frustrated Hewson has frustrated state theory for decades. Like the distinction between food and confectionary, delineating the boundary between state and non-state only makes sense as far as there is a clear distinction between the two. When we approach the junctures of ‘state’ and ‘civil society’, it is difficult to distinguish between the two with any real authority. To scholars such as Miliband, to understand the state we have to understand its institutional makeup. Thus even while acknowledging its nebulous nature, “that ‘the state’ is not a thing, that it does not, as such exist”, to Miliband it is a mask to distract from “a number of particular institutions which, together, constitute its reality, and which interact as parts of what may be called the state system” (Miliband, 1969: 46). Miliband’s conception of ‘state power’ (1970, 1973) imbued in its institutions is exhibited as he defines its reach to ‘the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies – which make up ‘the state’...it is these institutions in which ‘state power’ lies, and it is through them that this power is wielded” (1969: 50). It is not that these are the only relevant factors, as Miliband goes on to theorise the forces of legitimisation such as the church, media etc., but these are factors which constitute ‘civil society’ and are not directly part of the state apparatus, as “they are not the actual repositories of state power...it is necessary to treat the state elite, which does wield state power, as a distinct and separate entity.” (1969: 51).

Similarly, Panitch (1977: 6-7) regards this distinction between the state system and civil society as important “because of what it leaves out...these other institutions form part of the political system and no doubt part of the system of power...but, unlike the fascist case, they remain autonomous from the state”. The state and its different manifestations are thus defined by their form, which is clearly distinguishable from civil society. Even Poulantzas, who had previously expressed his disdain for the notion of ‘state power’ that was not directly reducible to ‘class power’ (1969, 1976), himself engages in form-definition and lists a far broader interpretation of state apparatuses, extending from the repressive apparatuses to churches, mass media, cultural apparatuses, political parties and even the family (Poulantzas, 1975: 150-151). While these apparatuses are presupposed on the basis of class relations, it nonetheless remains that they have a distinct form, one which can be more or less identifiable (1975: 151-153).

However, all these various definitions simply evade the question; at what point does the state actually cease to be and civil society take over? Like Hewson, we can
endlessly describe the various ice-creams and decorations, but we can never clearly *demarcate the state from civil society*. An ontological juncture between the two proves to be even less sustainable in the modern neoliberal state, where individual action is increasingly policed by both legislative and repressive apparatuses; workfare, union regulations and national surveillance all dispel the notion that the state is not intimately involved in our private lives. It seems that engaging in the question of discerning where the state starts and finishes is to miss how the state actually operates in the real world.

It is worth exploring how this distinction between state and civil society has been enshrined and created through political theory, and more specifically how state theorists themselves have done much to reify the existence of the state. This is not to deny the serious contributions of many Marxist political theorists, but rather to suggest that they did not and indeed could not approach the concept of the state without simultaneously exalting it in much the manner they were seeking to critique. ‘State theory’ in this sense is less a theory of the phenomenon of the state, concerned with how it is so ubiquitously accepted as the norm in capitalist societies despite lacking a corporeal form, and more an explanation of its role in perpetuating capitalist society. While various premises are contested, none more famously than the Miliband-Poulantzas debate, they take place within a certain neo-Marxist framework which requires the state in some capacity to be both the arbiter and site of resolution for the contradictions borne out by the capitalist mode of production. The state is the ‘political’ to be theorised to complement the ‘economic’ (Holloway and Picciotto, 1978: 1-4).

The reality is that as their target of study was already presupposed, both theorists and their various camps were only able to grasp the very edges of the phenomenon. Miliband’s discussion of the ‘state in capitalist society’ allowed him to take an analysis of state forms involving conflicts over institutional bodies and the process through which the state is legitimised, in contrast to Poulantzas’s functional analysis of ‘the capitalist type of state’, whose power derived not from an institutional base but the ability of one class or fractions thereof whose class power imbues the state to resolve society’s contradiction in a broad, relatively autonomous fashion (Jessop, 2008). Notably, despite their often-divergent analytical subject, both Miliband and Poulantzas’s engagements were less mutually disconnected than simultaneously frustrated by their inability to properly represent the state as a concept that is so innately understood yet simultaneously difficult to express in theoretical terms. This is how both
Miliband and Poulantzas readily concede the non-existence of the state beyond a mask for the political machinations of the powerful, yet are utterly incapable of translating this into political theory. It speaks to the ideological power of the state.

*Understanding the Fiction of these Internal Borders*

These difficulties and contradictions were brought under serious theoretical critique by Abrams (1988). Rather than the systematic understanding of the state that Miliband and Poulantzas sought to demonstrate, Abrams noted that the only truly theoretical gains were “a mutual recognition of a number of important features of the presumed relationship of state and society” which at no point could be adequately demonstrated without relying on blatant structural-functionalism (1988: 60). The innovation in Abrams’ argument was in understanding that rather than defining the state by specifying at what point it can be distinguished from civil society, it is the porous nature of these internal borders themselves that is conceptually significant. If the state is an entity which is powerful enough to mask its own conduct and nature and act in secrecy, then surely this must factor into how we study and theorise it (1988: 63). As the state can mask its operations, it thus follows that it presents itself only in a certain manner, conducive towards its interests. If we conceive of the state in a manner which accepts its own parameters, by its forms that we can readily observe, we are then incapable of analysing it without in the process reifying its projected existence. It follows that this projection is itself an exercise in legitimation, for it is only presenting itself in a certain capacity – this is precisely what we must avoid in a critical study of the state (1988: 64).

It appears superfluous to simply say that how we see the state is not how it actually operates. Ironically this is exactly how Marxists approach economic theory; by demonstrating the difference between how the world appears and the actual mechanisms behind it; between the apple falling and the gravity pulling it towards the Earth (Althusser, 1981). While it is understood instinctively by Miliband and Poulantzas that the ‘state’ is a veil for political and economic interests to mask their domination, it is not treated as such theoretically; they instead proceed to reify it by studying its effects as its essence (1988: 67). Yet why weren’t such glaring omissions noted until well into
the 1970s?\(^2\) It is arguable how much of this is inevitable and due to the methodological bases of Marxism. Abrams certainly argues its presupposition was due to Marxists’ reliance upon the “institutionalised nexus of central power…either because it was thought of as historically given or because it was assumed to be a dependent variable” (1988: 67). In contrast, Barrow (2002) contends that neither Miliband nor Poulantzas adopted any explicitly Marxist methodology and instead relied on different schools of sociology; Miliband inverts sociological pluralism while Poulantzas made heavy use of systems-analysis. Yet both theorists relied on some form of Marxist theory of the state with the former epitomised by *The Eighteenth Brumaire* and the latter extractable within the first volume of *Capital*. This perhaps speaks more to the complexity of the state itself and the manner which it operates; to which Marx himself could only capture partial or contingent theorisations, such as Bonapartism.

Yet this cannot be said to be unique to Marxism. It appears that there is something specific about the state-idea or the ideological effects of the state which makes us consider it uncritically; forcing its presupposition even upon its critics. The state’s legitimacy cannot be purely seen to be occurring outside of the realm of its institutions, through the propagation of normative acceptance in schools and churches et al as Miliband suggests, for its legitimacy is inextricably linked to its projected image (Abrams, 1988: 72). It is not simply bound with normative acceptance of its role in society. This however does not leave us without an object of analysis. For what has been entirely consistent within political theory has not been the definition of the state but the presence and indeed dominance of the state as a concept in and of itself. It is an undeniable social fact. If we take away the state’s projected presence from analysis, we are still left with the overarching idea of the state, which possesses significant clout even if it is unable to be defined by form or function alone. Indeed, this is precisely how the state operates: “it can be understood as the device in terms of which subjection is legitimated…it gives an account of political institutions in terms of cohesion…without necessarily telling us anything about the actual nature, meaning or functions of political institutions. We are in the world of myth” (1988: 68).

This suggests that above all the state’s essence to the extent that any exists is thoroughly self-defining and self-imposing; indeed Abrams suggests we “try

\(^2\) Abrams essay was first presented in 1977, Foucault’s work on the state began in the mid-1970s, and Poulantzas’s more critical *State, Power and Socialism* was published in 1978.
substituting the word god for the word state…and read it as an analysis of religious domination and I think you will see what I mean… [theorists are] not called upon to debate, let alone to believe in, the existence of God” (1988: 80). Yet these are precisely the mistakes that state theory has been engaged in; it perhaps explains the tendency for theorists and particularly political economists to implicitly rely on ‘states vs. markets’ discourse. Our treatment of the state as a formal object that can be geographically isolated and explained in terms of its forms and functions, i.e. on its own grounds, is precisely what we have to avoid in attempting to capture the mechanisms of how the state actually works. For while it portrays the guise of a unified entity to which we can submit, reform or antagonise, but inevitably react toward, the state’s real strength is in its lack of distinctive, corporeal form.

*The Internal Line – Why Fiction has very real consequences*

What we have so far come across is the fact that we cannot sufficiently articulate precisely what the state is by using our naked eye. The state, as far as we can conceive of it, operates in a way that is definable by its absence of concreteness. However, this is hardly to suggest that the state is not theoretically important, or lacks a tangible effect in the real world. It is instead simply how the state itself operates; projecting an existence which is altogether misleading. Mitchell (1991, 1999) in particular has demonstrated precisely how important this lack of distinctive form is as a strategic formulation of power. That is, the distinction between state and civil society is ambiguous in an external sense only because this distinction itself is routinely exploited for political ends. In this capacity, the state/civil society boundary should be interpreted “not as the boundary between two discrete entities but as a line drawn internally, within the network of institutional mechanisms through which a social and political order is maintained” (1999: 170). This internal line establishes a distinction between state and civil society that is itself entirely arbitrary, but with very real consequences. It is not simply an attribute of the state, but rather a strategy so pervasive as to be “the distinctive technique of the modern political order” (1999: 170).

This internal distinction is not unique to Mitchell. While the separation of political and economic has long been a plank of Marxist theory (Poulantzas, 1973; Polanyi, 1944) it was more explicitly discussed as an internal distinction in Althusser’s (1971) formulation of ‘ideological state apparatuses’ (ISA). Importantly, Althusser
recognised that the legitimisation of the state by these various ISAs was not contingent upon their public or private status. Yet in defining their importance by their function in relation to the state (1971: 92-93), we see Althusser implicitly accept the state’s parameters; that this public/private distinction exists only on the surface, legitimising the state beneath. Thus while Althusser acknowledges that these ISAs are unified by their ideological function, despite their diversity and contradictions beneath this outward exterior, the state itself is not problematized in this regard. Rather, these ideological apparatuses are seen as merely an outgrowth of the real state lying underneath, subordinate to whomever holds hegemonic power (1971: 93-94). While the ideological effects of the state and its apparatuses are important, to Althusser it is merely a constitutive element alongside its other effects, such as repression. In this sense, the army can be said to be primarily a force of repression while secondarily an ideological apparatus in its distillation of norms and values (1971: 93). What Althusser misses is that even armies function primarily by ideology, not only in the minds of soldiers and their agents but by those who they repress, in accepting their projected cohesion as a unit and accordingly their legitimacy as instruments of the state. The act of submitting to power requires an entity to which they can respond. Even as Althusser lists how the state operates and the functions of its various apparatuses, public or private, he is nonetheless inextricably bound up with explaining these only in reference to the reproduction of the relations of production.

Instead, Mitchell’s ‘internal line’ allows us to analyse how the designation of ‘state’ and ‘non-state’ is itself a function of how power operates; rather than simply being a distinctive feature of the state it is an active political strategy. It is a tool which is ever-more visible in the contemporary world of privatisation and sub-contracting, but is not unique to the neoliberal era. In this capacity, Althusser is correct in asserting that ideology “may be not only the stake, but also the site of class struggle” (1971: 94), except that the state’s ideological projection is itself the site of class struggle. The very notion that the state can be cleanly distinguished from civil society, as if through a straight line in which certain matters are ‘non-state’ and others are in the realm of the ‘state’ is precisely how order is defined and maintained (Mitchell, 1999: 175). It is thus not only the ability to remain outside the public, formally political system as a ‘private’ entity which confers political legitimacy, but the ability to redraw this line, to blur the line between the differing legitimacies conferred upon the public and private spheres.
Case Study of the Internal Line: The US State, the NSA and US Telecoms

As Abrams noted, a fundamental attribute of the state’s ontological distinctiveness is that it is the only institution that possesses the power to mask its own existence; that is, even a critical researcher can only gain insight into the state’s secret operations through what is said by government or state apparatuses or what is revealed by whistle-blowers. The state is the source of all knowledge about the state (Abrams, 1988: 63). This is no better embodied than in the secrecy surrounding the actions (and indeed creation) of the U.S. National Security Agency (NSA). Relatively unknown even to Congressmen and Senators, the NSA was the subject of political conflict in the mid-1970s, following the discoveries of the post-Nixon Church Committee investigation that the executive branch had repeatedly overstepped its legal boundaries. The legislature subsequently sought to restrict not only its operation but to bring it under judicial control (Greenwald, 2011: 55-57).

It is important to note how quickly the notion of the ‘state’ breaks down when dealing with empirical matters. Here we are not conceiving of the ‘state’ as itself an actor at all; instead we are dealing with the conflict of state apparatuses and political agents that Miliband noted, particularly in his distinction of government and state, and indeed that go back to The Eighteenth Brumaire. These empirical conflicts demonstrate how fleeting the supposed unity of the state is, given how openly these matters are depicted as conflicts between political actors, institutions and power structures. This does raise the question of how then is it so easy to fall under the state’s illusions, as will be explored in later chapters.

How is it possible then to explain the resurgence of warrantless wiretapping that emerged during the Bush Administration? Not only was the NSA restricted in its actions, requiring strict adherence to judicial requirements in requiring a warrant to legally spy, but the telecommunication companies involved became legally prevented from wilfully corresponding with unauthorised or warrantless spying (Greenwald, 2011: 56-59). While state-apparatuses could invoke their own secrecy to thwart opponents, where state surveillance was at least nominally curtailed in the mid-1970s, the institutions involved were able to overcome political opposition in the mid-2000s. This occurred precisely through the exploitation of the division between state and civil society.
What the Bush years demonstrate is how openly this internal line can be constructed. In the 1970s, in response to political backlash against the NSA, the telecommunications industry negotiated with the Church Committee so as to clearly delimit their legal obligations and remove all ambiguity from their relationship with the state-sector, resulting in the agreement that only explicitly and wilfully illegal cooperation with the state agencies would be punishable. When the scandal emerged in 2005-6 it was clear that the telecoms had intentionally violated the law, in the process reaping hundreds of millions of dollars in government contracts, with dissenting companies heavily pressured to follow suit (Greenwald, 2011: 58-63). Characteristic of the state’s self-defining logic, the Bush Justice Department prevented any legal challenges to its programmes on the basis of its own secrecy (2011: 62). Nonetheless, the executive pressured the legislature to redraw the former’s jurisdiction, in effect sanctioning its actions, regardless of the constitutional foundations to do so, legalising warrantless wiretapping (2011: 66-69). Yet this still allowed for legal action to be taken against the involved corporations. This led to a large-scale campaign from administration officials and corporate actors in which retroactive immunity was sought for the companies acting on the behest of the government, despite the noted illegality, which was passed in 2008 (2011: 69-100). Once again, the line between state and non-state was redrawn; clearly delineating the corporate sector from any malfeasance. It was also a strategic victory for actors in the administration and Republican Party, as immunity for the telecoms also prevented any potential legal challenge to the Administration should any lawsuit succeed (2011: 72).

Notably, many of these state and corporate actors are one and the same. While this is well understood by liberal commentators, who regularly employ the metaphor of a ‘revolving door’ between state and corporation, it is typically cast as an issue of improperly enforced state and corporate boundaries, rather than the inherent nature of twenty-first century state-capitalism. Yet Greenwald clearly distils the inappropriate nature of this metaphor; that elite actors “don’t really move from public office to the private sector and back again; that implies more separation than actually exists. Rather, the U.S. government and industry interests essentially form one gigantic, amalgamated, inseparable entity – with a public division and a private one” (2011: 74). A better description for the U.S. ‘state’ does not exist.
The NSA-Telecom case demonstrates how the state rapidly defines and redefines itself and its jurisdiction according to the strategic ends of those exercising power. Once the old internal line put in place by the 1970s legislation had lost its usefulness as well as its political backing, with a once-hostile Congress becoming significantly more amenable, it became strategic to redefine the distinction between the state and corporate sector and their respective responsibilities; from the telecoms’ obligation being redefined from following judicial warrants to obeying executive order from the national security apparatus. This ‘line’, this distinction between state and corporation is thus completely arbitrary, being contingent upon political conflicts, while at the same time a highly effective strategy. In no sense are the effects of these boundaries between state and non-state fictitious.

Conclusion

What this internal line suggests is how powerful state and corporate actors exploit a separation between state and non-state. While many Marxist theorists refer to this as ‘state’ and ‘civil society’, it has come to be seen in the twentieth century as the separation of ‘the state’ and ‘the economy’. The common thread is two separate fields; one which is imbued with structuring and resolving society’s contradictions while the other is functionally apolitical; the public and the private. As we have seen, these borders are porous and little more than political designations, as their true role is in delimiting what is and is not capable of political challenge at any given moment. Yet if the crux of these processes of power lies in the creation of this binary, then we must explore how it was that we became enamoured with these ideas of public and private in the first place. If the mechanisms of power epitomised in the state is structured by this order, we must seek to explain what lies behind this; how did we arrive at this very specific concept of the state?
Chapter Two

Historicising and Constructing the State

As suggested, there is no unified identity or definition that we can uniquely regard as ‘the state’. What we do understand is that it is a presence in our lives and that its importance as an idea is undeniable. Yet what will become increasingly obvious is the state itself exists in the form of binaries; that it is constantly presupposed against ‘civil society’, ‘the private sphere’, ‘the economy’ or ‘the economic’. These phrases, far from being synonymous, correlate differing representations of the state, contingent upon historical context and also theoretical methodology. The state does not clearly metamorphise from one social order into another; rather, these representations are better seen as competing constructions which arise and overtake each other at various points. So while the state has been constructed out of binaries, which as we explored in the last chapter, have real effects and consequences in enforcing order, these are the result of representations which then interact, compete and potentially coalesce with each other. Our modern preoccupation with ‘the economy’ has not cancelled out the binary of public/private even if it has eclipsed the concept of ‘civil society’.

It’s perhaps worth sparing a few words on methodology to clearly define the outlines of this explanation of the state. Elucidating these different concepts that we take for granted helps us to challenge and indeed witness the presuppositions that are often embedded within modern analysis. These genealogies of knowledge, as Foucault defined them, are less about constructing a better truth but rather about revealing the discriminating processes embedded within theoretical discourse (2003: 8-10). In this regard, it is only when we can account for a society removed from our own state-concept that we can begin to understand and remove the strains of essentialism embedded within our discourse. At no point do we take this to nihilistic ends and deny the very ability to theorise at all, lest social science remain a caricature. Nonetheless, in accepting this methodological plank of discontinuous forms of knowledge, it becomes easier to explain how the state has captured Western civilisation’s imagination only since roughly the sixteenth century, and how these manifestations themselves have been suspect to change.
We have spent the last chapter deciphering how the state in modern capitalism presents itself and operates rather than how it has been historically constituted. Yet this is worth exploring, as it was anachronistic to even speak of ‘the state’ for much of human history. If the state is a highly contingent, historically based concept, it is important to not only stress but demonstrate it was only with Machiavelli and Hobbes that mankind was caught up with the Western-centric fiction of “Leviathan, that model of an artificial man who is at once an automaton, a fabricated man, but also a unitary man who contains all real individuals, whose body is made up of citizens but whose soul is sovereignty” (Foucault, 2003: 34). Bratsis (2006: 26) brings our attention to the fact that modern political theory has consistently featured a basic distinction between the state and its people, of public and private sphere, one which did not exist in prior eras, notably Greek society. The Greek *polis* differs from our modern conception of the state in that not only did it not contain a separation between the governing and the governed – that is, there was no internal distinction between *polis* and ‘civil society’ – but also that “the spatial representation of the *polis* does not depend upon an internal-external dichotomy to establish its boundaries. Unlike a state, Athens does not have territoriality” (2006: 27). What this presents is a radically alternative perception of spatiality, of a ‘centre without limits’, in which it makes no sense to speak of as a ‘state’, with distinct internal and external, territorial borders.

These differences are more clearly visible when translated to the individual’s relation to the state as compared with the *polis*. While Athenian governance attempted to remove any trace of individual interest, in the pursuit of the good of the *polis*, which was itself the directly constitutive of its people, the same binary was not constructed under a Hobbesian framework, in which the interests of the individual are paramount. Yet in the construction of a ‘common good’, public actors of modern Western states, rather than be removed from decision making in areas of conflicts of interest, are instead expected to theoretically abstract their private individual interests from their actions as a public servant: “it is assumed that embodied in the person of George Bush are two individuals: one is selfish and replete with passions, economic interests…and so forth, the other is full of virtue and committed to the “common good” (Bratsis, 2006: 28-29).
These obvious absurdities of public statehood have not escaped unnoticed from liberal theorists. Most famous is Adam Smith's ‘impartial spectator’, which is drawn upon to represent the idealised non-parochial position with regard to political conflict (Sen, 2009: 124-152) as an attempt to resolve the inherent contradictions that result from private interests seeping into public discourse. Notably, this ‘impartial spectator’ is an idealised mental state for individuals to attempt to achieve rather than any actual state of being or mode of behaviour; it does not involve any positional change for the involved individual (Broadie, 2006: 179-186). In assuming that the public interest can be served by private individuals with frequently opposing interests, it is only by asserting this dual nature that liberal state doctrine can resolve this obvious contradiction.

What occurred then for this to emerge, where we create distinct spheres that we repeatedly transgress? Bratsis (2006: 33-37), drawing on Kantorowicz’s *The King’s Two Bodies*, points to the rise of the eponymous Western legal doctrine since its first appearance in the twelfth century in establishing a duality of abstract and physical; between the king as a public political figure and as a private individual. With the shifting emphasises of political and legal theory from divine to secular corresponding with a ‘law-centred kingship’, mediaeval kingship begin to transition and take on the forms of separate public and private spheres. Maintaining the Crown’s timelessness but eschewing its divinity, the King’s permanence is instead found within his wealth, within an ‘eminent domain’ transcending his personal self (2006: 34-35), such that “political theorists began to recast the Two Bodies doctrine so that the abstract body of the king became the political body, understood as the collective unity of the people and the administrative apparatuses…a juristic or fictitious corporate “person” *qua* polity” (2006: 36). It was not the king himself who transformed, but rather his realm of governance; with his advisors and bureaucrats; a newly created realm of political activity in ‘the public’ (2006: 36-37).

It is at this point which we reach the seedlings of Leviathan, of the exultation of the monarch as this supernatural figure disconnected from society, based upon this public/private split. This is expressed through the emerging theory of sovereignty, of the kind in Machiavelli’s *The Prince*, in which the primary concern is not state or realm but the monarch’s relationship with his people (Foucault, 2007: 242-243). It seeks to establish principles of right and ‘common good’ to enshrine into law, establishing a
circularity which seeks to bind the monarch’s people to his continued rule; the sole aim of the theory of sovereignty is to perpetuate the exercise of sovereignty itself (Foucault, 1991: 136-137). It is here that we see the establishment of a logic of state circularity, with indeed its very aim is to achieve presupposition of the sovereign. It seeks an acceptance and unity of its rule, a form of legitimacy more basic than laws so that it may be the basis upon which laws themselves are created (Foucault, 2003: 44). The principle of sovereignty codifies and seeks to permanently enshrine the privileged position of the sovereign as separate to society. It is on this basis that we see the morphing of the public/private split into the state’s existence as a duality; of state and society as two separate realms.

Yet it is not simply in the ideas of legal scholars that societies are built but rather it has to be explained how the split of public and private in the “two bodies” doctrine came to not only be accepted but vastly proliferated. Bratsis contends this was partially due to the rising power of the monarch vis-à-vis the landed gentry, with the rise of money-based economies increasing his monopoly of both violence and taxation (Bratsis, 2006: 38-40). Such an increasingly complex political order began to adopt strategies of individualisation – Poulantzas’s ‘isolation effect’ – in which economic struggles came to be separated from political conflict, in the process allowing the sovereign-state to present itself as the culmination of society’s interests. This manifests itself in the production and circulation of commodities, through which the individual internalises the abstract as another realm of existence alongside the concrete. Only then do we begin to create a fetish of the public and accordingly of the state (Bratsis, 2006: 40-48).

Can individualisation be linked to the acceptance of the “two bodies” doctrine, of creating public and private? Foucault (2007: 236-237) indeed attributes a problematisation of the public to the late sixteenth century, conducted through Hobbes and Machiavelli’s conception of sovereignty. Yet despite their elaboration of how it was manifest, both Foucault and Bratsis offer correlative rather than causal arguments for how the transition from mediaeval to modern kingship occurred as they fail to speak to the creation of the concept of the ‘public’ itself. At this point, it is only methodologically where such concerns can be answered. In seeking to unpick the fabric that has defined Western civilisation, it is not only difficult to locate a singular thread but entirely undesirable. Foucault is justified in suggesting that “intelligibility in history does not lie in assigning a cause … [it] would perhaps lie in...the constitution or
composition of effects...How are overall, cumulative effects composed? How is the state effect constituted on the basis of a thousand diverse processes?” (2007: 239) This is not an intellectual retreat but a methodological repositioning away from universal historical theories; for after all if we seek to remove essentialism from a concept as historically contingent as the state it makes little sense to reassign it timeless attributes by positioning it as the outcome of one particular historical event.

Can we pinpoint another basis for these processes? Poulantzas (1978: 96) certainly discouraged theorists from taking commodity exchange as a basis for all wide-reaching phenomena, as “although the mechanism of individualisation is certainly present in generalised commodity exchange, its basis lies elsewhere” (1978: 63). Typically among Marxists, he roots this individualisation instead in the relations of production and the social division of labour; the act of labour being required to commodify itself (1978: 64). Yet Poulantzas seeks to explain ‘the capitalist state’ rather than ‘the state’ per se, and in doing so ascribes this process of individualisation as a matter of capitalistic processes. As individualisation for Poulantzas is a matter of creating class, as opposed to a state-strategy of subordination, he implicitly relies on a circular ontology in which the state is both the site and progenitor of these individualisation strategies, borne out of relations of production (1978: 64-67). In no way does Poulantzas find himself explaining this public/private split presupposed in any discussion of individual/state dichotomy. While he does explain their mutual necessity, this is but an effect of the state processes of which he purports to explain the roots. This individualisation is a process that cannot simply be attributed to the rise of laissez-faire capitalism, for which it appears to have precipitated. Furthermore, Poulantzas speaks little to the ideological effects inherent in the public/private split, in explaining how its acceptance is an outcome of performed processes, lived and believed in a way such that “it is no longer the king who has two bodies, everyone has two bodies” (Bratsis, 2006: 42-43).

Commodity exchange does offer an insight into the dual nature of individuals, of entrenching two separate realms of existence. Yet what was the original nature of commodity consumption to begin with? For while humans have historically traded in a variety of market contexts, these goods were typically agricultural and measurable as opposed to stand-alone commodities in the modern sense. It was not until the advent of the widespread printed word in books and newspapers that the exchange of
commodities took their form of permanence, as “in a rather special sense, the book was the first modern-style mass-produced industrial commodity…a distinct, self-contained object exactly produced on a large scale (Anderson, 2006: 34). This is significant because books and newspapers offer us a link between the effects of commodity exchange in establishing the process of mentally separate selves, and the creation of new forms of thinking in creating a widespread knowledge and imagination of a world with differing countries and peoples. They helped to construct a new sense of identity and a new imagined community shorn of universalism and instead recognising finite territories and peoples (Anderson, 2006; Foucault, 2007). In this sense we can respect Poulantzas’ repudiation of pure deduction from commodity form, but recognise the manner in which it reinforced contemporaneous trends. In particular, we see the process of individualisation within a national context most saliently occur within the consumption of newspapers. More than simply the creation of national identity, newspapers reinforce an individualisation through the understanding that each reader is but one of many who process the exact same information, creating notions “of others of whose existence he is confident, yet of whose identity he has not the slightest notion” (Anderson, 2006: 35). In forming these separate selves we establish our own two bodies and in the process create greater notions of individuality, an enteral relation with the state and extending and shaping the ties with the community around us.

Thus, in seeking to maintain methodological consistency, while we may not have Foucault’s thousands of diverse processes, we are at least able to articulate several which point toward several significant state trends. It allows for an account of the acceptance of the “two bodies” doctrine and the corresponding processes of individualisation, themselves the mechanism through which Western civilisation as a whole gradually adopted and reified the public/private split and the notions of state sovereignty entailed. It is not that ‘the state’ or ‘sovereignty’ themselves crystallised into their final forms by the seventeenth century, but rather is by then that the state entered ‘reflected practice’. It “began to be projected, programmed and developed within this conscious practice…it became an object of knowledge and analysis…to be called for, desired, coveted, feared, rejected, loved and hated…it is the entrance of the state into the field of practice and thought” (Foucault, 2007: 247).
Yet while the construction of public/private is of fundamental importance to the establishment of the state as this ‘other’ realm, as ‘above’ society, it is thoroughly insufficient as far as the mechanisms of power are concerned. More pertinently, while this construction of the state sovereignty is central to understanding its privileged status, it does little to explain the actual mechanisms of state control or the exercise of power, nor how the state has evolved since the sixteenth century. While critiquing the concept of sovereignty is central to an historical understanding of the state, if this is our only concern we nonetheless fall victim to tacitly buying into liberal discourse; that ultimately the state, regardless of its origins, is concerned with maintaining Weber’s monopoly of force and this alone. To understand the vast layers of strategies of power under mercantile and liberal capitalism, the juridico-political notion of sovereignty of Middle Age monarchs (Foucault, 2003: 34), while providing an important foundation, is superseded in importance to the functions of government. Arising in the sixteenth century, frequently in response to Machiavelli and other theorists of sovereignty, the ‘art of government’ proposed an entirely different method of control and power. (Foucault, 1991). While sovereignty’s concern began and ended with the sovereign’s rule, government has always been concerned with governing things and people, and more importantly, governing in a certain way for certain ends (1991: 136-137). Rule of law is not a concern for its own sake, for the defence of the Prince, but rather laws come to be among the various tactics utilised to fulfil an overall strategy. Understanding this form of power helps us to avoid reifying power as something which is innately held by the sovereign state; it demonstrates how power operates as an exercise, as the result of strategies.

Government did not challenge sovereignty per se, as it was borne out of its structure and framework in response to what was seen as Machiavelli’s excesses; it rather represented different exercises of control, which were seen to be innovations even contemporaneously (1991, 2007: 231-240). These competing concepts found a neat coalescence in the sixteenth-eighteenth centuries with the rise of Raison d’État; a state-centric mercantilist system of competing European nations, timelessly and relatively peacefully co-existing (Foucault, 2007). It is in this form that the modern nation-state crystallised; with the development of statistics – the technical knowledge of the state – beginning to establish an imperative of internal secrecy; a distinction between what is to
be known and what isn’t. Indeed it was with this rise of modern sciences, of information concerning population, territory and secrets of foreign neighbouring states, that the state could establish control over these concepts (Lemke, 2007: 48). Government of people was less concerned with imposing public belief in divinity or legitimacy of the sovereign but rather in the creation of effective political subjects; modifying and subordinating opinions rather than issuing decrees of militaristic repression (Foucault, 2007: 274-275). It is in this way that the art of government can be seen as the “continuous act of creation of the republic” (2007: 259).

However the nature of state and government changed radically around the mid-eighteenth century. Hitherto, conflict over the role and reach of *Raison d’Etat* had taken place externally; limiting the state’s scope but not its governmental practices within, allowing it an uninterrupted police state. Yet opposition to the scope of the state’s police apparatuses led to the eventual transition of government defined by strengthening the state to a regime of government defined by its own internal limitation, the beginning of liberalism (Foucault, 2008: 10-11). In this crafting of internal limitations, with certain realms to be free of governance, we see the beginnings of an internal line. It is in this newly constitutive notion of government that matters are less a concern of the principles of what the borders are between sovereign and society, but rather concerned with effective governance, epitomised within political economy (2008: 12-21).

Governmentality allows us to conceive power in a way that doesn’t fall into a binary of repression/freedom, as was Foucault’s original intention from the beginning of his state and power analysis (2003: 12-19, 23). If we understand power as a manner in which modalities are created, processes which are established and obtain a form of regularity and techniques which are harnessed to effectively obtain certain ends, power begins to lose its sense of being something which is ‘possessed’ and rather something which is actively exercised (2003: 23-31). When thought of in this manner, it reveals the anachronistic nature of much of the analysis concerning the power of the state, implicitly reliant on a model of sovereignty, without capturing the governmental nuances. We see this in Poulantzas’s characterisation of liberal democracy as a soft totalitarianism. To his credit, Poulantzas expertly grasps the lie behind the internal distinction of state and society, as its shifting nature allows for the state to act on virtually anything it so chooses. While liberal democracies do provide significant restraints on state action to the point of preventing despotism, many of these only exist
in the formally political realm and bely the state’s ability to redefine what is public and political and what is private and apolitical (1978: 69-75). However, this analysis of power is limited in its failure to capture the myriad ways in which the state does exert extensive political power already. Its power is not purely repressive, as some kind of totalitarian state in hiding, ready to strike out at any dissident groups with brute force; rather the main exercise of power occurs in establishing forms of discipline, creating certain behaviours in the images of these successful strategies of control. Doubtless the state’s powers of repression are vital, but they only represent part of its strength; it does not simply keep people in line through brute force or ‘ideology’ alone, but through the vast network of governmental strategies. Ironically, Poulantzas’s (1969, 1976) main critique of Miliband (1969, 1970, 1973) was his separation of ‘state power’ and ‘class power’, yet in relying on this sovereignty-based concept of repression he himself relies on an innate institutional strength of the state in the same manner.

A job half done – Theorising ‘The Economy’

At this point, we must make a theoretical breakaway, for the articulation of the state began to differ in the twentieth century with the creation of ‘the economy’. While Foucault explores the contours of twentieth-century governmentality in his analysis of neoliberalism in *The Birth of Biopolitics*, these liberal governmentalities are still implicitly based off a perceived creation of the economic sphere or ‘the economic’ within the late-eighteenth to early-nineteenth century, in the same vein as Polanyi and other Marxists (Mitchell, 2008: 1116). Mitchell asserts that “the importance of the state as a common ideological and cultural construct should be grounds not for dismissing the phenomenon but for taking it seriously” (1999: 173). Yet just as theorising the state from the logic of capital accumulation is intellectual laziness – and a more insidious form of functionalism – it follows that theorising capital, ‘the economy’ or the private sphere itself on the basis of ‘the state’ will not do. Rather, “both capital and the state can be seen as aspects of a common process of abstraction…” and that it is imperative “to extend the critique of the concept of the state to include the parallel concept of the economy” (1999: 182).

If the state functions by an internally drawn line, it presupposes that there is something to contrast the state to. While in the nineteenth century it was appropriate to speak of the distinction between the state and civil society, or ‘political’ and ‘economic’,
the distinction of ‘the state’ with ‘the economy’ has become more relevant. Part of the ambiguity lying within this very essay regarding the ‘other’ of the state is that there is not simply one realm of comparison. It was not that ‘civil society’ had reached redundancy and was instantaneously replaced by ‘the economy’ as the binary ‘other’ to the state. Much like how the art of government came to work and compete with the notion of sovereignty to establish Raison d’Etat, these various concepts exist and interact uncomfortably and sometimes contrarily to each other. When understood this way, the multitudinal nature of these contrasting binaries – public/private, political/economic, state/civil society, state/economy – becomes clearer, as rather than seek one universal definition that explains every facet, we use these different terms to explain these different manifestations. Even as universal a concept of the state is unable to be deconstructed in such a way; for after all, as we have shown, this universality is a projection of the governmental strategies behind the state itself, part of their internal logic of state-imposition.

For Marxists and Foucault, the economy is a product of roughly the era of political economy, when norms of mercantilism were challenged by those of liberalism in the eighteenth century. Even more subtle Marxist formulations such as Ellen Wood’s (1981) still theorise the economy based off the state. In distilling how ‘economic’ power in capitalism is simply ‘privatised’ political power, Wood is reliant on a concept of the Asiatic state as the original site of production, from which ‘the economic’ is devolved. Despite attempting to explain how in this sense the economic and political in fact rest upon the same basis, it relies on a Polanyian ‘embedded’ conception of ‘the economic’, giving it an unduly essential nature with no social basis at its core, establishing a circular ontology that has so come to plague theories of the state. For Foucault (2008), this qualified rise of liberalism contrasted with the previous regime of Raison d’Etat, developing a notion of European states not requiring the contest of power but of a potential region-wide enrichment (2008: 53-61). In this sense, government came to be less concerned with population than with the concept of individuals’ ‘interests’ (2008: 44-47). In this capacity, Foucault was only able to theorise the governmental strategies of the economic as far as they were concerned with interests or incentives. He did not perceive the break between twentieth and nineteenth century notions of the economic as his understanding of liberalism homogenised differing strands of discourse; it essentialises notions of ‘the invisible hand’, attributing to liberalism a consensus on
incentives – or ‘interests’ – which it never had (Tellman, 2009). Foucault only theorises the economy to the extent that it is in line with his conception of liberal governmentality.

Undoubtedly, notions of ‘the economy’ and economic action existed prior to their common-sense acceptance within the early twentieth century, particularly within the marginalist school as well as their implicit acceptance within Weberian sociology (Clarke, 1982). Yet for the existence of ‘the economic’ realm and for the governmental focus on population, these notions are evolved and transformed within the twentieth century, into a focus instead of what we now call ‘the economy’. Where this has become particularly evident is in how “the contemporary concept of the state has become inseparable from the fundamental distinction that emerged between state and economy...much of the more recent theorising about state and society is more accurately described as theorising about the state in terms of its relation to the economy” (Mitchell, 1999: 183). Yet it is in this capacity that ‘the economy’ is understood to end where the state starts; these borders were mutually created, as evidence in the fact that tools of economic measurement have consistently been formulated at a level of nation-state, a concept only stabilising in its modern form in a similar era (1999: 184).

‘The economy’ conceptually did not always exist, and it did not come into play with the rise of commodification; instead it was borne out of socio-technical practices, of forms of calculation and representation. It does not exist in a concrete sense, ‘embedded’ in social relations, but rather can be seen as a ‘metrological regime’, as a set of projects, of which ‘the economy’ as we currently understand was borne into fruition (Mitchell, 2008: 1120). Mitchell depicts this through Edison’s successful schemes to commercialise electricity and lighting in New York. At no point was the sale of light simply put onto a marketplace containing an autonomous economic rationality; rather than simply meet an external market, Edison’s project instead constructed networks of electricity themselves, which required not only technological and mathematical calculations but immense amounts of social data, much of which had to be constructed and regulated (2008: 1117-1119). It is on the basis of successful projects such as these that concepts of ‘consumers’ and rational actors became lived realities, once these socio-technical calculations had developed into increasing large ‘metrologies’ which have created and stabilised patterns of behaviour and thought.
Once we see the economy as constructed out of these social experiments, creating new modalities and regularities, it is not then coincidental that macroeconomics would emerge as a new way of thinking within political economy, as a discipline concerned with systematically charting the economic processes of a nation-state epitomised in Keynes’ *General Theory*. “What was new was the notion that the interrelation of these processes formed a space or object that was self-contained, subject to its own internal dynamics, and liable to ‘external’ impulses…factor such as population, territory and even other ‘economies’” (Mitchell, 1999: 183). This is notable as while subsequent economists were largely hesitant to incorporate Keynes’ more radical theories on investment or uncertainty, the mainstream discourse followed his lead in developing increasingly sophisticated technologies to measure and depict a national economy and tools to predict changes within it.

It is only with the creation of the economy that Foucault’s account of the West German state makes sense. Being wholly occupied and radically altered with no historical remnant of sovereignty, the creation of the West German state occurred on the basis of a liberal governmentality which would then seek to establish its sovereignty in the very opposite manner to the historical formulation of European states (Foucault, 2008: 86-87). As Foucault himself notes, rather than be constructed on the basis of history or population, the state instead had agendas pertaining to the economy; to the functioning of free markets and state non-interventionism, rather than to the performance or behaviour of individuals (Foucault, 2008: 80-91). Individual behaviour of course remained part of the agenda, as Foucault seeks to explain the manner in which neoliberalism pursued ever-more individualistic politics, but rather that it occurred on the basis of the functioning of the economy as opposed to the norms of liberalism.

**Conclusion**

In this chapter we have traced the evolution of the state in its various manifestations. This project is obviously incomplete, but nonetheless represents a great progression in situating the state and the strategies invoked in its name. It is not simply sufficient to theorise how the state ‘actually’ works or how it ‘actually’ is without tracing its progression. We can reasonably infer that the state’s ‘internal line’ is indeed how it operates within this modern governmentality, of a state-economy duality which serves to prevent challenges to either, but such assertions would be meaningless if we
did not understand the precise nature of these concepts. While noting the contingent nature of these various historical phenomena, we can see that ‘the state’ as any form of entity separate to society, is reliant upon a split between ‘public’ and ‘private’. This split is key in the formulation of the theory of sovereignty, which establishes a ‘public’ state, apart from the rest of the society, while simultaneously acknowledging the fallible human bases of this ‘public’. In effect this grants the state its logical circularity, acting as a mask and source of legitimation for power exerted under its name. Yet if the state is such a façade, such a continually changing historical institution, then it begs the question of how it is felt in everyday life; why does it have such magnificent importance if it appears so fleetingly and contingently? What we shall go on to see is the state’s manifestation; how these ethereal notions are themselves readily apparent and concrete in their effects. What this analysis attempts to demonstrate is that far from existing in the world of theory alone, the constitution of the state and the strategies behind it have had radical impacts on history and peoples’ lives.
Chapter Three

The State on the Ground – A Different Ontology

Central to this thesis is the concept that the state itself can hardly exist ‘separately’ to society; it is this notion which is essential to dismantling its reified projection. Yet to deny the state having an important role in the world, or to simply dismiss it as some sort of fiction, a meaningless illusion to wake from, is to do little better than take its projection for granted. We must explain why the state is so central to the lives of people in the twenty-first century, to the extent that it is almost impossible to conceive society without presupposing its existence. This forces us to understand its outward ideological projection as well as its very real impact in modern life. As we’ve explored, the state is far more than an academic mirage to simply intellectually overcome, for it creates very real modalities of behaviour and develops structures in manners which cannot be reduced to its functions in perpetuating capital accumulation, regardless if it does serve this task. It is necessary to explore how despite its empty shell, in practice the state has a very real existence in the lives of people; we must understand how these processes work to grant it the metaphysical properties we attach to it.

The State’s Projected Existence

While the state projects itself as separate or indeed above society, as an object to be understood through its quantity and quality of personnel, institutions and legislation, one of the chief achievements of Marxist state theory has been to deconstruct this separation. Miliband (1969) sought to trace the sociological links of state figures, questioning how distant this separation between state and society actually is, whereas Poulantzas’s (1973, 1976) concept of ‘relative autonomy’ is an explanation of how state processes seek to achieve autonomy from the class system of which it is part. Yet these critiques share a surface-level view of institutions, as innate structures which exist prior to or separate from human beings. Rather than analysing social practises, they construct a similarly binary order out of the complexity of society. Instead, it is necessary to look at how these patterns of discipline and government occur within our daily lives, whether they are passports, flags and fences for territorially-bound nation-states, marches and parades for armies or uniforms and time-sheets for workplaces, and how these everyday activities grant seemingly metaphysical effects of the creation of these structures (Mitchell, 1999: 178-179). Marxist theorists seek to stress how capital, while presenting
itself as an objective category – a tool of investment represented as profit – is to be understood as a social relation. It is this critique that is to be applied to not only the state but other entities and ‘institutions’ of discipline. How is it that individuals, organised in a certain way, create these structures of such vast complexity that one of their very features is to project an existence which is taken to be unquestioningly real. Only in this way can we really speak of an ontology of the state, or indeed any institution.

The state cannot be taken to be an actor separate to society, with relative degrees of autonomy. It signifies the success of these strategies of government that the state is seen as the progenitor of power, as an institution above society, when it is in fact only the effect of (Mitchell, 1999: 176). Even Abrams’ (1988: 82) distinction between a ‘state-system’ and ‘state-idea’ still implicitly places power in these state-institutions, autonomous from society in some capacity. In still partially relying upon the state’s visible manifestations, Abrams cuts the head off the snake by suggesting that the idea of the state is the most important object of analysis, and yet fails to dispatch with the body, writhing around in our subconscious. It is worth recalling Foucault in that the state is better understood as a process of ‘statification’ through the effect and interplay of competing governmentalities. A theory of the state must progress through analysing the development of these processes rather than seeking a definition of ‘the state’ to then apply to other processes and institutions, or to be the ultimate residue of power in the last instance (Foucault, 2008: 77). Even if one dissents from the unitary Leviathan that is implicitly codified in Marxist analyses and explicitly so in Weberian sociology, it is not this form alone that should be replaced but it is the entire notion of the state as a timeless, manifestly different institution. In untangling these various threads of historical contingencies, legal doctrines, governmental strategies and accepted social constructions, we are replacing the universal conception with one based on peoples’ experiences, deconstructing the state’s projected existence, separate to society. When the state is understood as an effect of sociohistorical processes rather than a physically concrete institution, we move past casting some states as ‘effective’ and others as ‘aberrations’, past superficial comparisons between Western and non-Western; developed or undeveloped states (Gainsborough, 2009: 1321-1322). In this capacity, we can avoid ethnocentric and anachronistic comparisons through acknowledging that there is no end-point or inevitability to ‘the state’, lest we replace one universal with another.
It is with this in mind that in seeking to study the state’s ontology it is best to recognise it as a ‘social fact’. Whatever the inadequacies and logical impossibilities embedded within this projection of the state – and these are evident in daily life – it remains that it is how the state is actually felt and experienced by many. The ideological effects are not separable from state encounters because it is precisely these ideological effects which structure these interactions to begin with (Bratsis, 2002: 253-257). People are not ‘fooled’ any more than they are ‘repressed’; they simply exist in a system of power relations which creates certain effects, which are lived realities.

The State’s Spatialities, Differing Governmentalities and Translocal Nature

As we’ve discussed, the state relies upon a projected separation from society in order to legitimate itself. This imposition on society comes with a tendency to conceive the state as being ‘above’ the society ‘below’. It is evident in a variety of political phrases – ‘top-down planning’, ‘bottom-up grassroots organisation’, etc. (Gupta and Ferguson, 2002: 982) – descriptions which are popular even among left-wing groups. This notion of the state as ‘above’ has roots within the conception of sovereignty, explored in the previous chapter, but it is also visible in Hegel and a very young Marx, both of whom saw it as the ultimate embodiment of society (Miliband, 1965). Contemporary political debate is almost entirely centred around its role as a guardian of society, certified in the ‘states vs. markets’ discourse, in which for better or worse it is certainly greater than humanity (Watson, 2005; Gupta and Ferguson, 2002: 983). Yet, keeping in mind the state’s presence as a social fact rather than an academic construct, it is not simply these various critiques which have overtaken peoples’ conceptions; although they certainly may have helped. More important is that this is how the state – or those working in its name – actively presents itself. It is seen as the source of repression by ‘cracking down’ on dissidents; the saviour of civil society through jailing criminals; the helping hand of the public through emergency services and welfare; all-knowing through surveillance and documentation; not to mention the reinforcement of geographical localities, as state officials are typically limited to regional and national capitals, establishing further spatial separation (Gupta and Ferguson, 2002: 984-988).

However, despite this ontological projection, analytically we understand the fiction behind attempts to place society and its institutions as ‘inside’ or ‘outside’ of the state, as bottom-up grassroots organisations or authoritative top-down state apparatuses.
If we consider popular lexicon in development studies, can we say that an NGO is really part of ‘civil society’? Can African states be counterpoised with ‘the grassroots’ even while the nation-state is being dictated to by the IMF? These terms of spatiality appear to be of a fundamentally political nature. It is only when we accept their normative propositions that ‘civil society’ can see itself counterbalancing the dominating power of ‘the state’; despite the fact that supposedly grassroots civil society is often funded and organised by outside interests, and that the nation-state is fiscally compromised by the IMF and World Bank. It is in this counter-play that new modalities of neoliberal government are established and reinforced, eroding the sovereignty of the African nation-state (Gupta and Ferguson, 2002: 991-994). This takes us back to Foucault; what is ‘the state’ but a set of governmental processes? After all, the state’s separation from society is only projected. It is an effect, not the cause of these processes; and the same must be said for international institutions ‘above’ the state. It must be understood that the state – and indeed every institution – is not isolatable, but rather:

“The state…appears as an open field with multiple boundaries and no institutional fixity – which is to say that it needs to be conceptualised at more than one level. Though linked to a number of apparatuses not all of which may be governmental, the state is not an apparatus but a set of processes. It is not necessarily bound by any institution, nor can any institution fully encapsulate it…it’s materiality resides much less in institutions than in the reworking of processes and relations of power so as to create new spaces for the deployment of power” (Trouillot, 2001: 127).

What we are seeing is different sites of governmental practice; forms that are not limited to the nation-state but which are nonetheless the result of exercises of government. The state-like nature of ‘third-party’ or ‘non-state’ institutions, such as various NGOs, the UN, World Bank and IMF is reflected in their governmental roles; establishing norms, procedures and strategies of control which create these processes of separation from society and their subsequent legitimation (Trouillot, 2001: 130). This demonstrates how openly ‘the state’ is a result, rather than originator, of these processes and strategies of control (2001: 131); their simple transcendence of the modern nation-state is no more than an evolution of competing state projects in the same way that Raison d’Etat was gradually succeeded by more liberal projects of government. These examples don’t simply highlight the changing form of ‘the state’, in that of a timeless institution simply
undergoing engrained mechanisms of evolution, of the state being weakened by the process of so-called globalisation. It is better understood as the result of competing forms of government, creating state-like processes of form and legitimacy.

We can see this occur in the conflict in the European Union over fiscal and monetary union, which features competing roles of government in ‘the economy’ articulating how far the self-limitation in liberalism should transpire. On the one hand there is the formal IMF and EU position that government in the economy – the ‘EU economy’ – should limit itself to low levels of public debt and inflation, and instrumentally, that if this is not so then it shall be enforced from ‘above’. On the other, there is the position of the nation-states of Spain, Greece, the UK etc., that ‘the economy’ is instead a national, domestic economy, government in which is only marginally different but importantly up to the discretion of the domestic parliamentary government. Both compete to instil different conceptions of a social order, yet both are created on the basis of strategies to separate themselves from society and to control the population – ‘the economy’ of which people are just a part – in a certain way. While one could label both as part of ‘the state’, as it is how both try to present and legitimate themselves, this is but the effect of their similar but competing processes.

However, Gupta and Ferguson’s point was that this is not how the state is felt and experienced. While the state does project itself to levels beyond mere mortals, the state’s ontology is present in more than its simple projection but is also necessarily spatial (Gupta, 1995: 377). The predominance of the state cannot be explained by reference to totality alone for it is a living, breathing concept in people’s lives, without which there is little cause for it to be so dominant within public conception worldwide. “Constructions of the state clearly vary according to the manner in which different actors are positioned. It is therefore important to situate a certain symbolic construction of the state with respect to the particular context in which it is realised” (1995: 392). What is key about this ‘positionality’ and correspondingly different interpretations of the state is that they are not illusory, but ontological realities. In capturing the nature of something as ephemeral as the state, these positionally-contingent perceptions are a product of the reality of the state to different individuals (Sen, 2009: 155-173). This awareness is central to abandoning any preconceived concept we have of the state – as something ‘out there’ itself to capture theoretically or empirically – for after all, these concepts are simply products themselves; effects, rather than causes.
Individuals do position themselves in relation to the state though. It is not that individuals are simply bamboozled by the ideological effects of the state, through family life, schools and propaganda (Althusser, 1971). Part of their positioning is that individuals encounter the state within their ordinary life, not simply through the overarching Leviathan but in their local embodiments as well. While these local elements of the state have little relation to the more dominant players within the system, what is more important is the interaction of individuals with forces under the grouped designation as ‘state’ in constructing the state as a multi-faceted, translocal institution (Gupta, 1995: 384-390). While its relative incoherence is inevitable, this is precisely what we explored in the first chapter; that the inconsistent distinction between state and non-state is a symptom of the arbitrariness of order.

Bratsis (2006: 75-97), drawing on Althusser and Žižek, articulates that the state’s hold over individuals; its dominance of presupposition to the extent that we cannot think outside of it is due to a process of interpellation within individuals. That is, processes and particularly everyday practices construct an identity which is only fully constituted and recognised – that is, interpellated – when called on to do so. It is only in our constitution as state-subjects throughout our lives, and the then-corresponding recognition of this occurrence that the state completes its hold on our minds. Encounters with projections of the state, such as passport control, immigration or police and military units naturally reinforce this tendency. As such, we create a translocal state in our mind through ordinary, everyday practices. Asides from personal experiences, we also encounter a hegemonic discourse through the mass media, press conferences, political advertising, etc., creating differing localities and spatialising ourselves with regard to others (Gupta, 1995: 391). This is essential to our construction of the states’ projected identity within our minds. Even just the notion of ‘everyday life’ is specific to constructing an identity vis-à-vis the state, as everyday life itself is contingent upon a social organisation of life such as sleeping patterns, work routines, and accordingly a particular conception of time and the universe at large (Anderson, 2006; Bratsis, 2006: 96). This goes to some length to explain how even critical individuals despite ready uneasiness will readily accept the political positioning of powerful institutions in practice.
Construction of Corruption

However, individuals are not so blinded by ideology or the process of interpellation that they readily accept these projections at face value. Nor are they helpless or incapable of response, and even political conflict. This occurs particularly at the local level, where such conflict is at its most personal and its political nature is drawn out into the open. Indeed this is where the fiction of the state’s internal borders is most effectively brought out. It is at this local level where bribery and ‘corruption’ are commonplace – whether it be zoning and development scandals in Western nations or extra fees to transit offices in India or Russia – and where we see the contradictions of the higher levels of the state are resolved. While senior officials and politicians may receive generous rewards in the private sector after retirement or simply be openly bribed for large sums, local officials typically operate on a much smaller but more widespread basis (Gupta, 1995: 384). Far from this petty corruption distorting the otherwise sharp distinction between state and society, the local level is simply where the inherent contradiction between the two is played out, with local issues taking the form of open political contests. While this small-scale corruption is less endemic to Western states than their Asian neighbours, the same modalities do exist – consider the near-ubiquitous complaints about local councils, police forces and government officials – in which personal and political conflicts are recognised as such and often trump the projected officialdom and unity of the state.

However, just as how local interactions help to reinforce the state’s projection, so do hegemonic discourses help shape these interactions; how these local political conflicts are perceived is itself shaped by public discourses and representations, particularly through mass media. We see through these mechanisms how this fetishisation of the public is constantly recreated and reinforced; Gupta details how the local Indian press creates depicts ‘threats to the public’ through airing citizens’ grievances of being exploited by corrupt officials, oppressed by draconian police officers or their political conflicts with local state figures, etc. (1995: 387-388). Yet while these political conflicts are occurring within the public/private binary, they are nonetheless conflicts which openly depict the machinations of the those who work in the state’s name, to the point where they undermine the legitimacy of the personnel involved, and sometimes entire apparatuses themselves; spreading rumours that are
unable to be effectively countered and shifting the representation of the state and the officials claiming to act on its behalf (1995: 388).

So, people are not tamed or repressed creatures before the state. Within the system there exist various mechanisms with which they can challenge officials who are imbued with power; after all, their status is simply an effect of processes of power. Yet nonetheless, it does remain that through the reliance on a construct of ‘the public’, allegations of corruption and malfeasance serve to actively reinforce the structures behind the state. Indeed the process of identifying and correcting corruption is in fact essential to maintaining the division between public and private. Far from corruption’s etymological origins, referring to decay; political corruption is in fact far more in line with the Biblical separations of Leviticus; that is, arbitrary separations to keep both fields respectively pure (Bratis, 2003: 18-20). The substance of each respective field is irrelevant to the process of maintaining purity. It is this characteristic which is carried over to the maintenance of ethics codes, in which certain limits are imposed on what politicians can accept from private sources. In reality, even a conservative everyday voter would probably indicate a level of distrust of politicians, large corporations and particularly the two working together. They would be similarly unconvinced that the enforcement of an arbitrary limit of political donations is unlikely to reverse trends of inequality or class-recognition amongst political and economic elites (2003: 21-27).

Rather, what is more important about the identification of corruption is that it reinforces the status quo through identification of obvious contradictions; by acknowledging and acting on corruption, the purity of the state is thus affirmed (2003: 27-29). Indeed Gupta recognises that “the discourse of corruption is central to our understanding of the relationship between the state and social groups precisely because It plays this dual role of enabling people to construct the state symbolically and to define themselves as citizens…it is through such representations…that the state comes to be marked and delineated from other organisations and institutions in social life” (Gupta, 1995: 389).

It is notable how those in the political class plainly reveal their concern in seeking to maintain these distinct borders of public and private. As a recent example, in response to Australian mining magnate Clive Palmer entering electoral politics one commentator asserted “where his interests stop and the public interest begins is a critical line that Palmer and this parliament must draw to preserve integrity and confidence in our democracy” (Murphy, 2013). Rather than her concern being the influence of the
wealthy in political matters *per se*, Murphy is rather interested in the damage Palmer’s presence may do to public confidence in the political system. Palmer’s ‘private’ wealth and influence is tolerable so long as it does not too ostentatiously infringe upon the functioning of the ‘public’. His presence as an MP is an open contradiction of the juridical-legal equality within the public sphere; by so belying this fiction behind these internal borders his presence is openly revealing their arbitrary nature. These borders are a technique of social control but their strength lies in not being perceived as such.

The clearest indication of this strength is the fact that even reformers and anti-corruption campaigners seek little more than to re-establish the public/private line at a more restrictive yet still arbitrary line. If political power is challenged on its alleged corruption, as Gupta says occurs frequently at the local level, it leads to a loss of confidence in this liberal form of democracy. It is only by ‘purifying’ this distinction between public and private that the system is seen to regain its integrity, with contradictions becoming manageable, and more importantly, less overt, courtesy of this newly drawn line. Those who seek to ‘restore faith in our democracy’, or ‘avoid the appearance of impropriety’ seek to do just that: restore public faith and avoid negative appearances, so that our current state-system may remain unchallenged. This demonstrates anti-corruption’s vital performative role. Campaigning against corruption creates a definite narrative; through its observation, denouncement and ultimate reform we have order broken and now re-established, resulting in a *de facto* endorsement of the new system. It is irrelevant to these reformists that mining has been strongly endorsed and supported by successive Australian governments well before Palmer’s political interjections; it is only when this private figure seeks to impose a public presence that the system is malfunctioning.

**Conclusion**

In this chapter we have explored the ways in which the state presents itself as an ontological reality. While the state lacks any innate physical presence, the success of the processes behind its projection are of fundamental importance and entirely real in peoples’ lives. Its reality as a social fact rather than an academic concept is a key into its presupposing nature. This is illustrated in how we conceive of the state spatially; as ‘above’, in contrast to society ‘below’, codifying the binaries on which the state is dependent to ensure its separation from society. We become inculcated within this
system through various repetitious acts, which ingrain an identity which is contingent upon belonging to the state. While this is by no means universally accepted, it operates on an implicit level. Thus, whenever any of these contradictions become too glaring, the performative action of excoriating corruption allows individuals the satisfaction of having these borders of public and private untainted; reinforcing the necessary separation between the two, regardless of the content of either. In this way, we have explored how the state, despite lacking a concrete presence, is an integral part of people’s lives; its ontology lies in the effects it creates and above all our interpellated understanding of ourselves as state-subjects.
Chapter Four

The State in our heads, and in the future

What has so far been laid out is a far-reaching critique of the state. In exploring how the state operates to maintain order through internal borders, analysing its historical constitution and the real functioning of power, and discussing how the state is felt and engaged with on an everyday level, we have transcended the ‘form’ or ‘function’ analysis that is too often put forward by Marxist state theorists by offering a sociohistorical analysis of what it is that comprises our understanding of the state, rather than simply utilising it as a tool to explain capital accumulation. Through this, we understand the primacy of the public/private split in both constructing and maintaining state order, manifest in the modern-day order of state/economy; an order which is created through constant redefinition of these borders and reaffirmation of their distinction. While the state is a fleeting concept – an effect rather than a cause – its presence in our lives is such that we unconsciously constitute ourselves in relation to it. However, this leads us into a problem. If this critique is as far reaching and as profound as it intends to be, then how and why has it not been raised before, or received more traction when it has? After all, the mere fact of this discussion proves that our interpellation as state-subjects is obviously not so extreme as to prevent critique. Even beyond the level of scholarship why haven’t seriously-minded critics, powerful political actors or even just shrewd individuals caught onto the contingent, historicised and largely ideological constitution of the state? How is it that the state’s projections are so readily accepted, particularly in an age where the state is more secretive than ever?

The primary concern is not how intellectuals have been led so astray, or why the general public is so sheep-like and ignorant. Rather, it is exploring the mechanisms through which clever, critical individuals implicitly accept the parameters of something which they know to be false. Explicitly, people understand power and ‘bullshit’ very well and it does not take more than a glance at the letters page in a newspaper to see public questioning and bemoaning of corruption, incompetence, lies and outright criminality of politicians and powerful corporations. Yet, despite this common dissatisfaction, most people are not only rare to protest but overwhelmingly act in a manner which fundamentally enables the system to continue at large. As we will see, these processes of reform and decrying are potent mechanisms which contrary to the
intentions of the actors involved implicitly bind themselves to the system of which they are part. In particular, the left has yet to fully understand its role in perpetuating hierarchical pedagogies, which speak more to the needs of authors and critics than an actual deconstruction the power that constitutes the state. It is only by understanding how we ourselves perpetuate these processes that we can begin to point toward the beginning of a stateless future.

**Acting “as if” we believe – The State Doesn’t Need Us to Like it**

At no point should we assume that individuals are so naïve as to accept the word literally. Indeed to do so misses how ideological effects operate. When a public official, speaking on the state’s behalf defends its use of power with reference to the greatness of the society and its people, their purpose is not to actively convince their audience. Rather, the use of ‘bullshit’ within public discourse is an act of posturing (Frankfurt, 2005). While it may not be agreed with *per se*, this misses the point of bullshit: it is not concerned with truth, only with the advancement of those who practice it, but is not necessarily a lie, it is just bullshit (2005: 59-62). So it is not an ideological apparatus which needs to be studied, but rather the complete in-practice acceptance of the status quo amongst people who possess significant freedoms to challenge it. After all, people do care about social issues and change. Whether it involves charities, political action groups or single issue lobbies, it is difficult to make a coherent case that people do not care about the world surrounding them. Contrary to Hayek’s (1982) theory of knowledge and society – in which we are just stardust in the impenetrable *catallaxy* surrounding us, unable to understand our own impact – there is little evidence pointing towards individuals being unable or even unwilling to understand the world around us and the consequences of our actions. Rich individuals, particularly actors and musicians, spend time and money campaigning for political causes to the extent of farce. There lies more substance in trying to understand why it is that individuals seek to enact social change.

If we understand the ceaseless bullshit that is endemic to public discourse, we also understand the inequality and injustice at the root of it. Even if we may not agree about the cause of injustice, the purported aims of reform are typically to increase or enforce justice; to make things better (Sen, 2009). Notably, the tasks of reform and activism are never-ceasing. While this is partially due to the oppositional nature of
politics, it does suggest the permanent nature of reform and social change, to the extent that it reaches an almost-fetish level of ‘doing good’. Indeed, the crux appears to be in the act itself: by acting towards changing the system, one absolves themselves of any complicity within it. Thus by working toward a particular goal and certainly in achieving it, systemic problems are often acknowledged and bemoaned, but can in practice be typically shrugged off through acknowledgement alone; the world is not perfect so the only possible action is minor, piece-meal reform. This is evident in the language and conduct of the Obama Administration, with partial healthcare and financial regulation reform bills hailed as ‘historic’ and ‘once in a generation’ despite their limited achievements. Like the way in which corruption is ‘resolved’ through eliminating its most excessive and visible breaches, thereby restoring peoples’ ‘faith in our democracy’, so we do with public policy; a widespread injustice is perceived, discussed and eventually called for action, and we act accordingly. This injustice now having been addressed – at least notionally – we can now rest assured that the system has been restored. Again, we see this when then-Senator Obama called for ‘a more perfect union’, as through the process of addressing a few obvious injustices, the union of the state with its people is restored, with these reforms making it ‘more perfect’.

This does not require individuals to be foolish or naïve in accepting the words of politicians. Likely very few people truly accept any politicians’ words at face value, and even President Obama’s most partisan supporters would not argue that the US is now perfect or just due to the laws enacted in his presidency. But this is irrelevant to the fact that people act “as if” they do. Even if injustices still exist and are widely perceived as such, the partial resolution of one or two prominent examples – those which political parties are more comfortable in promoting and addressing – effectively binds even reluctant supporters to their leader. A left-liberal Democrat may be unhappy at Obama’s perceived weakness or the compromised nature of the healthcare or financial regulation laws, yet ultimately end up supporting him due to the lack of a better alternative. Whatever the merits of any sustained criticism, it is typically beaten back by a de facto endorsement of the President, and as such the system at large; partial reform is better than none, ergo support for the Democratic Party is justified. Regardless of how reluctant or troubled this support is, people’s internal beliefs are less important than their actions and their complicity in reinforcing the system that they ostensibly reject.
The forces that prevent a challenge to the state aren’t simply that of physical repression or ideological brainwashing; they are much more complicated and they rely on the complicity of us all in helping to perpetuate these structures. “Whether we participate in bullshit with great irony or with full conviction is secondary; the important thing is that...we act “as if” we believe. What counts is not just the ideological moment taken by itself but rather the density of the networks that have developed around it and serve to secure its effective operation” (Konings, 2011: 321). This feeds back into our creation of our secondary selves, whether it is the process of commodity consumption or calling out corruption. No matter how obvious the inequality or illogicality of the world that we live in and how well understood these concepts are, we continue to act “as if” the projected image of public/private separation is actually real, or “as if” an object is a commodity which can be equated to a certain amount of money. It is often those who are most engaged in politics who do the most to reinforce this legitimation. Dissent, vocal disappointment and outrage are all mechanisms through which we come to terms with our submission to forms of government we disagree with. More than this; they act as masks for our implicitly understood role in servicing and perpetuating systems of power, as a defence mechanism through which we attempt to shirk our complicity. Expressions of cynicism or disengagement are themselves not sufficient in counteracting relations of power, as they can actually serve them by functioning as replacements for action, or as justifications for peoples’ own complicity within a system they theoretically reject. This is even expressed in popular culture; even the most biting political satire rarely follows through with the implications of the targets it impugns (Konings, 2011: 322-324). The resounding conclusion is that the faults of modern capitalism are great, but they are worth the price.

After all, it is difficult if not impossible to convince people to give up activities or mindsets they not only enjoy but which form of part of their identity. An American would not consciously identify themselves on the basis of apple pie, but how would they be persuaded not to do so? (Bratsis, 2006: 94) Similarly, there is great difficulty in convincing people who identify as state subjects, who enjoy the capacity to consume and individualistic lifestyles, to actually reconsider these and position themselves away from these elements which they otherwise decry in theory. Fundamentally, we are interpellated as individuals who actively enjoy the system of which we are part, no
matter how uncomfortable we are with this reality. In this way we can rather openly see the binding process of individuals to the order as is. No matter how great the disconcertedness or even moral revulsion of the order we live in, we remain reluctant but willing cogs in the system; one which we actively enjoy just as much as we claim to lament it.

Indeed it is this lamentation itself which is not just a product but an active reinforcement of the system as is. Social democrats and self-styled progressives play out a tragedy in which ‘reform’ is always necessary, permanently in danger of being ‘rolled back’ (Konings, 2011: 324). It thereby affirms their position in the status quo; reluctantly accepting the world as it is, but relishing the fight to make it ‘just that bit’ better; a fight of which they ceaselessly stress the importance. If it just so happens that reformists enjoy prominent positions of power, wealth and status, then this is simply coincidental, or at worst, justifiable considering the good the reformist is doing. Similar mechanisms are at work with socialists and leftists, whose complicity has often occurred through the acceptance of conservative dogma. Through defensive displacement of the left’s failures onto the misconduct, strength and unity of anti-progressive forces and the supposedly conservative and imbecilic tendencies of the public behind them, leftists can justify their continual enjoyment of the system that they function within without truly seeking to challenge it (Dean, 2009: 1-7). Their enjoyment – or at least, their self-defined purpose – may be decrying the dehumanising nature of modern capitalism or detailing the war crimes of Western states, but in terms of the continued functioning of the social order it is of little difference to social democratic reformists or even conservative reactionaries. In this sense it is more important to recognise pathologies within the system – or cast the system itself as pathological – than recognise their own place within it. Yet, it is not necessary to accept the tenets of dogma that are articulated by the mouthpieces of hierarchical order. Nobody has to believe in a ‘more perfect union’, but what is central is acting as if we do, to allow and perpetuate the processes that enable it to reproduce the union itself.

**Considering the Binary of Knowledge and Ignorance**

Indeed the recognition of problems and issues with the world is just as much about fulfilling the needs of the critic than it is about their ideals, goals and theories. If we truly posit a world of equality in which we are all equals, the role of critic or
theorician is considerably diminished, if not useless; it cannot adjust to a different structure, being borne out of the present system. Yet our system of thought, embodied particularly within education system, is based on a fundamental presupposition that individuals lack knowledge and are ignorant, and need to be educated by the intelligent minority, whether they are teacher, mentor or author. That is, there exist these empty vessels of ignorance needing to be filled by the knowledge of the learned. However, in continually seeking to reduce inequality, achieve social change or even just teach a classroom, in so continually striving to promote knowledge, diminish ignorance and reduce inequalities, we discursively reinforce a separation of power and knowledge that continually justifies the superior role of teacher and philosopher (McGoey, 2010: 9-10). This is not a left-wing ‘public choice’ theory, as undoubtedly little of this reinforcement is intentional, but rather it simply demonstrates how ingrained these hierarchies are within society; to the extent it structures how we see knowledge itself. Obviously not every individual has equal knowledge on every issue; some are inevitably smarter and better informed than others in a hierarchical society. Yet in assessing the problematic role of ‘ignorance’ in modern society – the classic Greek apolitical idiot, the working class Tea Party Republican voting against his own self-interest, etc. – we must consider what it means to be ‘ignorant’. It is not that people are just entirely unaware of the world beyond them, as ignorance of major issues cannot be simply attributed to stupidity. It is more appropriate to “offer non-knowledge its full due as a social fact, not as a precursor or an impediment to more knowledge, but as a productive force in itself, as the twin and not the opposite of knowledge…a recognition that accruing new knowledge does not dispel ignorance, but rather compounds it, as new discoveries magnify awareness of what remains unknown” (McGoey, 2012: 3).

The binary of knowledge and ignorance is central to the maintenance of our two bodies, as we see through its two mechanisms of resolving the contradictions emerging from public/private clashes. On the one hand, there is Smith’s impartial spectator, in which we attempt to extract our private self from our mortal coil, transcending all self-interested impulses by achieving a demi-god state of relative omniscience (Broadie, 2006). That is, by filling ourselves with knowledge – or acting as if we did – we can reach a more just world. On the other hand, we could opt for a state of aspirational ignorance by removing all potentially prejudicial information so that in making a judgement we are not governed by irrationality or self-interest. By making ourselves
ignorant, that is to say by removing ourselves of knowledge, we attempt to avoid legal prejudice as well as economic disparity (McGoey, 2012: 4-5). Notably, both of these strategies are simply aspirational tactics, in that they are only states of mind which can attempt, but never truly succeed. They are reliant on a conception of knowledge and ignorance which fails to capture the real dynamism between the two and primarily serves to reinforce the binary of public and private by attempting to reconcile their contradictions. Remaining in this conception provides significant challenges in undermining the basis on which these processes are based. Our unintentional complicity runs deep.

This requires us to move beyond a binary of knowledge and ignorance as opposing concepts and rather as counterparts. If we understand that willingly or not philosophers and theorists are just as much of a cog in the machine as business advocacy groups, then it is worth assessing how the production of ‘knowledge’ – their chief attribute – itself fits into the perpetuation of state processes. Pointedly, this is recognised by conservative strategists, who themselves have become radical postmodernists in constructing new realities and feedback mechanisms for individuals to orientate themselves (Dean, 2009: 7-10; Konings, 2011: 322-324). It is not simply the left’s complicity in a system they decry, but their actual inability to recognise their own victories, which have been co-opted by conservative forces (Dean, 2009). In being reliant on a paradigm of educating and attempting to counter ignorance through knowledge, the left has fundamentally misunderstood how a duality of knowledge and ignorance are used as strategies.

Mirowski’s (2013) analysis of the aftermath of the Global Financial Crisis details the mechanisms through which ignorance and non-knowledge – ‘agnotology’ – is produced. It is here where we see ignorance’s real role, the manner in which it operates. It is not that it is a void of knowledge, but nor is it simply being brainwashed by state or corporate propaganda. It is best represented by this interplay of competing thoughts from various directions and of differing persuasions. The movement and frequency of thought encountered by an individual, be it through the media or everyday interactions, creates the impression of competing thoughts, of debate where there fundamentally is little to be had (2013: 223-230). While Mirowski sees agnotology as an actual tactic, as a conscious political response from a rich few to issues such as global warming and financial crash, it is still relevant as an overarching strategy for
diminishing dissent and keeping individuals within a certain worldview. Its reality lies within the ordinary individual, whose often brief exposure to a variety of issues – background television and radio, newspaper headlines, political advertising – creates the effect of diminishing the need for any political inquiry at all. Either these varieties of perspectives are considered just the voices of an extremist minority, for the sensible centre to ignore, or that the individual need not inquire substantially into political issues, because their ‘gut feeling’ is more real to them than the hysterical debate surrounding them. Again, we do not see ignorance here as a lack of knowledge – although certainly individuals are typically not completely knowledgeable about climate science or the intricacies of the financial crash – but rather it is a construction of ambiguity, uncertainty and non-knowledge, the palpable effect of which is to discourage sustained critique (2013: 294-297). After all, when political debate is considered this way, it is understandable why many choose to adopt a strategic ignorance; if the world is entirely contrived; if most political conversations consist of some degree of bullshit then it is understandable why individuals would find it more worthwhile not to be politically active.

Where do we go now?

There is no one universal explanation for why people have not effectively dismantled the mechanisms of power that govern their lives; too much relies on assertion, supposition and anecdotal evidence. Nonetheless, it is significant that recent trends of theorising have increasingly begun exploring the mechanisms in which we operate within the system we live in. No theory of the state is tenable without an inquiry into the nature of social order itself, and more importantly our complicity within it. We cannot simply assume individuals are either repressed or moronic, and throughout this analysis we have seen how even with remarkable awareness of this issues of the world, people are bound back into a system that they in no sense morally condone.

If there is any critique to non-positivist thought broadly, it is the ubiquitous charge that it ends up being either meaningless gobbledygook or unhelpful toward the struggle of real people. To this author, this seems altogether ironic, given the complexity and at-times opacity of language and thought within positivist social science and Marxist currents. The tone of this essay has been deliberately clear and devoid of such phrases to the extent that it is possible, for the analysis and methodology proposed
throughout is designed for greater rather than less clarity; for greater ability to analyse the world around us, not less. With this in mind however, it does beg the question as to how this is practically helpful; what can such analysis help to achieve in a real political capacity.

As we have seen, there are significant issues in the way we conceive power and knowledge to begin with, let alone the state. Both within this and the previous chapter, we explored how even when we counter the state’s obvious contradictions, decry them and seek to change them, we do so in a way that serves to reinforce the source of these contradictions. There is great difficulty in seeking to undermine the state when by doing so you are building it up; when you are confirming its projected identity, cementing its processes of power and reinforcing the shaping of people as state-subjects. It is not possible to undermine the state’s legitimacy while conferring upon it the presence and autonomy that give it legitimacy in the first place. Leftists will find themselves confused as to what their political targets are when they do not truly understand their foe in the first place; even the label ‘anti-statist’ conjures up an undue binary. It means little to be ‘anti-state’ when in the process of granting it the presence it needs to function. Whereas, if we understand that the state is the effect of human relations and strategies therein; if its legitimacy is contingent upon projecting an ideology of not only legitimacy but of its very nature, then surely the first step toward reversing this would be to explore and demonstrate its human bases.

Foucault remarked that socialism’s lack of sustained success can be partially attributed to its inability to construct a socialist understanding of government (2008: 91-95). It is certainly true that socialists have been unable to articulate a proper definition of power and correspondingly a theory of its antithesis. It is not enough to dismiss Leninist notions of the state being a tool of socialism; there are theoretical and methodological imperatives in understanding the nature and functions of power as they occur, not simply as they are projected. Little has been achieved if our sum contribution is to defy the edicts of authority; even a child may defy its parent’s authority but it will remain a child. We may deny the state’s legitimacy but fundamentally we form part of its web of power in antagonising against it in this way; we have not countered its processes of individualisation, of creating public/private selves, nor of its fictional projection. If effect is taken for cause, is it so surprising that state theory and its activists involved have found themselves so continually frustrated?
In doing so, we must be clear to avoid repeating the reconstruction of a theory of repression. Even more broadly however, we must consider the positive as well as the negative conception of structures and the actors involved within. Even Foucault, while shifting emphasis from sovereignty to government, is guilty of placing too much stress on the role of power as controlling the conduct of other people. It in effect diminishes the capability of individuals to act and shape their world; something which Foucault’s entire corpus otherwise attempts to demonstrate, inadvertently recreating a softer notion of repression. Konings (2010: 58-60) suggests that, in the manner of American pragmatism, we should seek to stress the ability of individuals to shape their world; not that structures do not exist to shape and condition these relations, but that these codes and social rules are themselves subject to interpretation, that people are still capable of innovating and attempting to shape the world around them. It is not to deny the powerful effects of structures and strategies of power and government, but rather not to exaggerate the capacity of the ability to control human beings. Despite their great capacity, state-actors rarely have an omniscient view of the world – they navigate structures and institutions the same way as all individuals (2010: 75-78). After all, what we have explored is how it is far more incumbent on the complicity of individuals involved rather than any notion of state repression. One must not be too quick to extoll the omnipotence of power in any form, particularly when dealing with the state, for it “presents power in its coherent and ideal aspects: it aims to make power work, not to expose its contradictions” (Konings, 2010: 85).

If we take seriously this openness provided by pragmatism, that we need not necessarily operate by the structuring grid that is laid out for us, that indeed we might shape it in our own way, we open up a new field of options. The nature of most dissent has taken place within the confines of power itself, and whether it has been reform or revolution it has seen its logic continue and prosper, as for whatever end the ultimate result has been the extension of power (Holloway, 2005: 11-18). Yet what capacities exist when we form our strategies on an entirely different basis? If as actors within this social order we rely on a ‘structuring fiction’ – that inequality must be reduced, that we must teach the ignorant, that conservatism must be fought, etc. – which justifies our own complicity with the social order, then it follows that we must refuse to cede this position, but rather embrace an emancipatory ignorance (McGoey, 2012: 5-10), in which we refuse to perpetuate these notions of difference, power and hierarchy. After
all, it does not matter if bullshit is right or wrong: what matters is that we act “as if” it were so.

Hierarchy is not about the degree of separation, but just the nature of separation itself. In attempting to understand and potentially undermine the state, we must not validate the notion of hierarchy or separation to begin with. This precisely mirrors the way in which we discursively construct the state; not that it or inequality would go away if we refused to recognise them, but that in the process of antagonism we reinforce the foundations that construct them in the first place; that we all have this public and a private self, that reform is all that is possible, that change can only occur through the wielding of power. If the state’s materiality lies within these processes and technologies which we implicitly reproduce (Lemke, 2007: 50), it is only by breaking with these constructions that we may undermine these state processes. It is only by rejecting the projection of the state from the onset that we can indeed change the social order.
Conclusion

Breaking with the Language of Politics

The central aim of this paper has been to demonstrate a continual flaw within state theory: in seeking to explain the state, all too often have theorists failed to take its very nature into question, and instead reproduce the state’s own ideology; its effects as its cause. The state instead should be seen as the culmination of sociohistorical processes, continually reproduced, which have granted it its seemingly metaphysical nature. Its constitution is contingent upon an order of binaries, through which it can be projected as separate to and greater than society. Though the different governmental regimes articulate competing mechanisms through which society should be conducted – primarily through ‘the economy’ in contemporary society – it remains on this original basis of public and private that the state’s functioning is possible.

Despite the state being a purveyor of fictions, this critique’s fundamental tenet is that state theory has not taken it seriously enough as a concept. It is not simply academic but rather of great importance in people’s lives, to the extent that individuals have been ideologically interpellated as state subjects. It exists not ‘out there’ but within us. It is established through everyday practices and reinforced by performative practices in which its most obvious transgressions are dramatically removed, purifying the social order. This logic applies to both corruption and social reform in general. It is in this way that sustained criticism is warded off, through an implicit, in-practice endorsement of the system by our failure to effectively challenge it. So long as we perpetuate its binaries and hierarchies of knowledge and power, the processes that create the state and reinforce the social order will not be successfully challenged. Fundamentally, the world exists because we let it be this way; we must begin with our own actions and imagination.

If anything has been gained, it is that we must understand the importance of not to speak in the language of the state. It is not only unscientific, taking its projected identity as reality and in the process reifying its existence, but it is also politically dangerous. George Orwell once warned of the perils of sloppy, ‘modern’ English; not out of any archaic sentiment but that through the reliance on poorly constructed, ready-made phrases that dominate intellectual discussion, it is possible to write without truly thinking about the substance of one’s words, as they are instead using other peoples’
thoughts and phrases. Not only does this reduce the scope of originality, but it transforms the intent and meaning of our arguments, at best into unintelligibility and at worst into implicitly bolstering the very targets and arguments we were seeking to undermine in the first place (Orwell, 2004: 113-118).

Orwell cautioned that “political language…is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind” (2004: 119). There is no purer political language than that which comes from the state, or those claiming to speak for it. The language of the state’s defenders seeks to legitimate its violence, as best represented by Weber’s aphorism of ‘monopoly of legitimate use of force’. Conversely, its detractors perpetuate the same fiction and in adopting its language and framework all too commonly giving the state – and the operatives who mask themselves under its banner – the physical presence it so desires to cloak itself with. At its most basic, the state’s projection is a fundamental element of its legitimation. When we can demonstrate that it is not as it seems, that it is not unified, that it is arbitrary in its use of power, that this power is not exercised by some abstract body but only in its name; when its projected nature is undermined, we will be in a place to much more effectively challenge its legitimacy. If self-described state actors cannot even defend the existence of their own institutions, or corporate actors lose their recourse to legitimate forms of fraud, theft and violence, how can they effectively defend a regime of inequality and authority that goes to the heart of the state-capitalist order, all of which is reliant upon the state’s own presence and legitimacy?

While there various means of advancing this, it helps to refer back to Orwell: “The present political chaos is connected with the decay of language, and that one can probably bring about some improvement by starting at the verbal end…one cannot change this all in a moment, but one can at least change one’s own habits, and from time to time one can even, if one jeers loudly enough, send some worn-out and useless phrase…into the dustbin where it belongs” (2004: 119). But if we are truly to be done with the state’s language, it is not simply a task of refusing to mention ‘the state’. While this paper has gone to significant lengths to demonstrate the processes of construction behind the state, it is still very real and will be so for the foreseeable future. Refusing to utter its name will merely reinforce our engrained obsession with it; treated ironically or not it will exist as long as we continue to enable it.
Yet there is something in this refusal to speak ‘political language’. The state and the processes of power behind it run far deeper than the level of academic discourse; its language is as much to do with its actions which perpetuate its narrative. If we truly wish to stop speaking its language, we should attempt to arrest our own complicity in these processes. Instead of seeking power for our own righteous ends, should we not instead try to dissolve power itself? Rather than relish our own privileged positions in the system we claim to rail against, let us embrace a radical praxis and pedagogy and remove the hierarchies within our own context. If actions still speak louder than words, then to dismantle political language and practice, to jeer it into its thoroughly deserved dust-bin, we must start to define our own path, practices and the language therein. In Orwell’s words, we must “let the meaning choose the word, and not the way about” (2004: 118).
Bibliography


