THE STATE AS PARADIGM OF POWER
by Eduardo Colombo

*The greatest, indeed the only crime
against the State, is anarchy…*

Hegel

To make all men equal - seditious dream…, impious, sacrilegious chimera…" [5, p. 96].
"What is more apt than equality, that most absolute of prerequisites for human liberty, to
threaten domination and privilege?"

Equality predisposes us to "consider any form of authority whatsoever with a discontented
eye"; it breeds unruliness and, wrote Tocqueville, "I admire the way it leaves deep in the
heart and the soul of every man that vague notion of and instinctive strain towards political
independence" [30, II, p. 393].

The liberal credo may appear in "neo-anarchist" clothing. It is bound, however, to come
face to face sooner or later with its own allegiance to state control, proceeding as it does
from the assumption of the fully autonomous individual as defined by Natural Rights. The
freedom of each individual human being is not prior to society; nor is it an abstract whose
expansion can be hindered by another freedom. Men do not give up part of their freedom to
build the political space of the *city*; they engage in no contract whatsoever; nor do they
alienate anything of their own free will.

"Since it claimed to be by divine right, tyranny was repulsive; he (Rousseau) shaped it
anew and made it respectable by having it, or so he says, stem from the people" [26, p. 96].
Proudhon is impatient with the swindle of the General Will and the Social Contract.

When he came to define the positive principle of liberty, Bakunin founded it upon collective
equality and solidarity since liberty - like oppression - is a product of the social activity of
man. "Never may an isolated man become aware of his own freedom. To be free means, in
human terms, to be recognised and considered and treated as such by all other men." And
Bakunin adds: "Only when all my fellow human beings, men and women, are equally free,
can I rightly call myself so. Far from being a limitation on or the negation of my own
freedom, the freedom of the other is, on the contrary, its absolute prerequisite and
confirmation. Only through the freedom of others do I become free… My own freedom thus
confirmed by the freedom of all knows no bounds" [2, VIII, pp. 171-173].

Quoting once again these well-known words may seem all but perfunctory to anarchists.
They sum up, however, in a way quite unparalleled, the interpenetration essential to
anarchist theory of freedom and equality as the forces shaping the only political space in
which both the diversity of individuals and the inequality of means and talent find their
unhoped-for complementarity. Or to put it differently: "Freedom without socialism
amounts to privilege and injustice; whilst socialism without freedom amounts to slavery
and brutality" [3, I, p. 96].

When political power becomes autonomous and develops into a State, a wall soon to
become insurmountable is formed between freedom and equality. The *State principle*

perpetuates social heteronomy, acknowledges the established hierarchy and reproduces domination ad infinitum.

That is the reason why the critique of the liberal notion of the original covenant or so-called social contract - which is the legal basis of the State - has prevailed right from the very beginnings of anarchism, indeed from Godwin through Proudhon to Bakunin. "The consequences of the social *contract* are awesome indeed, since they result in the absolute domination of the State" [3, I, p. 174].

From the liberal, individualistic point of view, characteristic of the ideological furtherance of the nation state from the seventeenth century onwards, society is viewed as resulting from the relinquishing of the natural state and the subsequent foundation of an autonomous body politic, which is at one and the same time a hierarchical principle of institutional organisation with the inevitable consequence that society dissolves into the State.

Anarchism conceives of the political as part and parcel of society at large and posits the possibility, in organisational terms, of a complex, conflictual and incomplete structure, by no means pellucid or definitive, yet based on overall reciprocity together with the autonomy of the acting subject as opposed to the distribution and splitting-up of power.

Anarchy is a trope, an organisational principle, a representational mode of the political. The State is a different if not antithetical principle. Basically, the state is a paradigm in the hierarchical structuralisation of society; within the sphere of *political power* - otherwise domination - it is both necessary and irreducible. For this sphere is delineated out of the dispossession by a section of society of part of the overall ability of any human group to create relational modes, norms, customs, codes, institutions, in short, of its symbol-instituting ability which defines, constitutes and is the essence of the human approach to societal integration. For such dispossession is necessarily achieved by the use of force; it goes hand in hand with the notion of *political obligation*, that is the duty to obey.

Closely intertwined within the contemporary notion of the Leviathan are in fact two different aspects of the State which are too often fused or confused into one. One comes under the heading of "the State principle" already mentioned, with *domination* - at the core of which is command and obedience - as the inevitable form of the political; whereby the hierarchical organisation of power is assumed, within the same discourse establishing the State as a principle or paradigm, as necessary to the integration of complex societies. From one end of the spectrum of contemporary political philosophy to the other, with the single if notable exception being anarchism, the political instance at large is viewed as falling within the compass of that principle.

The other aspect for consideration is that of the composition and development of empirical structures constituting a State in any given situation; that is to say the institutions which make up nation states, stretching as these do over a circumscribed territory, ruling over large or small populations and possessed of a unique political organisation and an ideological system of legitimation within the larger generic pattern of the modern State.

Making the right use at the right moment of these two semantic components, the ongoing social discourse conveniently constructs the State as a coherent, unified concept within the dominant political theory.

The Birth of the State

The following discussion will therefore bear, in a way that is bound to be at once brief and cursory, on the general characteristics of the birth of the modern State since, despite

differences in the geographical, political and socio-economic nature of the various regimes, national States tally with the pattern which became prevalent in Europe between 1100 and 1600 [29, p. 26].

As a rule, there is a general consensus that the historical origins of the State ought to be looked for in the particular kind of institutionalisation of political power which developed out of the conflict between Papacy and Empire within Western Christendom. In the mid-Middle Ages - from the tenth to the thirteenth century [19] political power appeared fragmented and scattered. The feudal system looked like a random assortment of kingdoms, seigniories, church estates, imperial vicariates, free cities and principalities engaging in constant warfare to enforce or defend a sovereignty of some kind over land or property or vassals. From the twelfth century onwards, the Papacy began to acknowledge the sovereignty in temporal matters of princes breaking away from the Empire. Meanwhile, in France and Sicily, perspicacious jurists were preparing the final formula: *Rex in regno suo est imperator*, thus paving the way for the nation state to come [12].

These considerations on the historical origins of the State help us concentrate on the word state itself, which in Romance and Germanic languages is derived from the Latin *status* and whose present meaning is the result of the long process whereby the institutions and representational modes shaping the modern State gradually came into being [9]. In the fourteenth and fifteenth centuries, the word *status* (state) took on its governmental sense to become synonymous with *potesta*, *regimen, gubernatio*. In the works of Machiavelli, who is generally recognised as "the inventor of the modern political object", the term *stato* is used "in relation to what was to become, after him, the major feature of the State, i.e., its capacity to exert and control the use of force with regard to a specific people on a given territory" [24, p. 42]. Yet whenever such terms as *polis*, *res publica*, *civitas*, *regnum*, appearing in texts written prior to 1500, are translated as State, the past is invariably interpreted in the light of some of the mainstream ideas or prevalent views of contemporary political thought, namely the over-emphasis on the social due to the autonomisation of the political instance in its state form and the often-unstated correlative inevitability of political power or domination.

The major political organisations of some historical import prior to the emergence of the State are generally divided into three types: the Greek city, the kingdom and the empire.

Empires stretched over vast territories. Such was the case of the Roman Empire at the height of its expansion in the second century AD or of the Quing Empire of the Ching Manchu dynasty which in the eighteenth century covered twelve million square kilometres (two million more than today's People's Republic of China). They were highly centralised and ruled over newly conquered populations by force of arms. Their frontiers stood firm against the barbarity and chaos foreign to the only "world order" they knew. Yet even if some of these empires, such as that of the Romans, did develop a remarkable administrative apparatus as well as a fully integrated judicial machinery, the whole system showed a low degree of cohesion, since it succeeded in integrating and involving in the political process only an extremely small section of the population. Hence a total absence of any sense of allegiance or of belonging to the central imperial power.

Conversely, the characteristics of the Greek *polis* were: reduced territorial limits, smaller populations, a high degree of internal cohesion and strong political involvement entailing a definite sense of communal identity. Although its laws - *nomoi* - established the sovereignty of the assembly (one can trace as far back as the seventh century B.C. phrases such as "the city decreed" or, later, "the people pleased...") as well as equality amongst its members, the *polis* came up against its own limitations and those they excluded: women, foreigners and slaves.

Yet if the Greek city may rightly claim to have invented politics, it was still a far cry from the modern concept of the State. Politics still appeared indissociable from religion. In its minimal definition the city was confined to one locus; near the Agora, the public hall (*Prytaneum*) was indeed "that truly communal centre, religiously and politically speaking, the very heart of the city" [11, p. 269]. Nor was there any clear-cut division between the political system and "the system of kinship". Besides, political relationships were by no means universal but rather involved a limited number of citizens [1].

In the early Middle Ages the kingdom was the most common form of political organisation in Europe. It was moreover the complete antithesis of the modern State, as it was based not on an abstract principle or on more or less durable institutions but rather on loyalty towards a handful of people. A kingdom would bring together populations accepting a certain person as their king or acknowledging the hereditary right of a certain family to reign; yet territorial limits, so vital to the nation state, were a matter of indifference. Thus, within a few generations, the kingdom of the Visigoths moved from the Baltic to the Black Sea to the Bay of Biscay [29, p. 27].

What then are the first institutions, the very origins of the modern State? War and taxation invariably come to mind. History, however, is not as blunt. According to Strayer, the first permanent institutions in Western Europe dealt with the internal affairs of the kingdom, especially justice and finance. War was too expensive a business for small kingdoms to be able to set up large armies and keep them over long periods. Not that military service for all - by levy or conscription never occurred to kings. In England, in the name of the loyalty owed to him by each and every subject, the king proclaimed, in the Statute of Winchester (1285), that able-bodied men aged 15 to 60 should report to the battlefield if need be, equipped according to their various means. And a few years later, Philip IV of France (called the Fair) enforced levy in mass (*arrière-ban*) [12, p. 208]. Thus, in the early fourteenth century, did the concept of national army begin to materialise both in England and in France. In practice however it proved a failure since populations feeling neither directly involved in nor sufficiently bound by loyalty to the kingdom shunned military service in massive numbers. Not to mention the nobility, who by tradition held soldiering as their exclusive privilege, which was a further contradiction.

The taxation issue, on the other hand, developed on much firmer bases. In the Middle Ages the power of a prince was largely dependent on the size of his estates, but these were so fragmented and so far apart that tolls as well as other feudal duties had to be shared with other members of the aristocracy, making it difficult to assess the revenue.

Thus the first full-time civil servants ever were the estate stewards whose function was to centralise and keep due record of all the sources of revenue from widely scattered territories [29, p. 47]. But what contributed most to the shaping of the nascent national State was the introduction of new forms of taxation. The first to be introduced were indirect taxes, such as the salt tax and customs duties. The latter, for instance, were adopted in 1274 by the small republic of Genoa, which collected two deniers per pound of merchandise imported or exported. In 1275 Edward I levied a customs duty on wool, and in 1277 Philip III of France banned the exportation of wool and other merchandise. "What these three measures have-in common", says Bernard Guenee, "is that they were concomitant, differed in nature from the old circulation rights familiar to the feudal world and marked the first manifestation of the young States along their frontiers" [12, p. 168].

However, the most fundamental changes were brought about by direct taxation which not only encouraged the setting up of representational institutions but entailed the registration of the property of each inhabitant. It was not until the end of the fifteenth century that all

Western States succeeded in imposing modern direct taxation on their various populations. Two major obstacles had first to be removed.

The first was popular opposition, for a direct universal contribution required a certain degree of consent. This decisive step towards the establishment of the nation State was achieved by the transfer of ancient loyalties from clan, city or province to the nation State, which coincided with the recognition of a supreme and abstract authority endowed with the power to decide in the final analysis. It is in the light of this that the evolution of the "Estates General" and parliament should be understood. In times of crisis, princes found themselves obliged to consult representative assemblies - or *parlamentum* - in order to obtain the funds they needed. By the middle of the fourteenth century, direct taxation could not be levied except in case of emergency and with the approval of the representative assembly of the country, be it parliament or Estates General.

The second major obstacle governments had to face was assessing personal capital or income or even taking stock of the number of households. The first to appear, in Pisa (1162), was the *estime*, whereby direct taxation was no longer the same for every household but depended on an estimate recorded in a register. Shortly afterwards, the *cadastre* followed in Italy and France and in 1300 the *percentage* was approved by the English Parliament.

Widespread taxation led to more clearly outlined and centralised administrative techniques and to the creation of a body of specialised civil servants.

The administration of justice which was also destined to play a part in the founding of the State initially provided part of local revenue - most offences being liable to a fine. In addition, tax collection and the administration of justice were carried out by the same agents of the State. Sovereigns soon came to realise that justice could serve as a pretext for extending their power and strengthening their authority. The fact that major offences, such as murder, could only be judged in royal courthouses enabled them to have a say in provinces where they owned no land and had no right of local jurisdiction.

To conclude this cursory survey of the institutions which gave its shape to the modern nation State, it could be said that "the two pillars of the mediaeval State were the Treasury and the High Court" and further, that at this stage in the history of the Western world, bodies of specialised civil servants began to appear ensuring regularity in administrative control together with Chancery, a central, coordinating body [29, pp. 53-54].

Thus, by the end of the Middle Ages, all the components of the modern State can be said to have reached maturity. The first unmistakable sign was a certain permanence in political units, both in space and time. But what made its emergence possible was the establishment of impersonal and differentiated institutions. The decisive step was taken with the recognition of, in Strayer's words, "the need for a supreme authority" as opposed to a mere monopoly of power existing de facto.

This needs qualification, but first a word must be said about the failure of the nation State to impose itself with any ease, owing to the resistance offered by hostile currents of thought, be they of a communalist or federalist nature. In his well-known pamphlet entitled "The State - its historic role", Peter Kropotkin traced the birth of the State to as late as the sixteenth century, thus taking into account the fact that the institutionalisation of the state form went hand in hand with the great peasant revolts and millenarianist upheavals.

To quote Guenee: "In the fourteenth and fifteenth centuries, the political life of Western states was the privilege of an elite and normally excluded the bulk of townsmen and country people" [12, p . 269]. The revolts of the peasantry and the paupers of the cities were long and violent. Rebellion broke out in Toulouse in 1322, then in Flanders one year later - where it was to last for five years; then in Cahors in 1336, culminating in the

Jacquerie in 1358 when "over a hundred thousand villains put the spade down to take up the pike. Cottages had been burning for too long - the time had come for the castles to burn too" [23, p. 12]. Italy had already experienced uprisings both in Rome (1347) and Siena (1355). And in England the insurrectionist movement shook the foundations of the social order in 1381 under the influence of Wyclif's demand for equality and common ownership of land, and thanks to John Ball's prophetic preaching: "England cannot fare better nor ever will ere all property be held in common and there be no more villains nor lords but we are all equal" [7, p. 217]. In the course of the fifteenth and sixteenth centuries, rebellion became more widespread and more politically orientated since, with the secularisation of heresy, State and Church were no longer two unrelated entities. The great Hussite rebellion which broke out in Bohemia in 1419 increased overnight the power of guildsmen who proceeded to lead the Prague movement along the revolutionary lines of its radical (Taborite) wing usually referred to as anarcho-communist. The Taborites were recruited from among unskilled workmen, paupers and outcasts in the cities, but what accounted for their remarkable ability to mobilise the masses was the fact that they penetrated deep into the country. The Taborite movement was practically wiped out at the battle of Lipan (1434) by the Bohemian Ultraquist army, which was made up of moderate Hussite elements. But rebellion was to rage again, for some twenty years, with the breaking out of the Peasant War in Germany (1515), relayed by Thomas Müntzer and, later, by the Anabaptists. Many insurrections followed - up to the present day - yet, by the end of the sixteenth century, the nation State was on its feet - ready to conquer the world.

The Metaphysical Principle of the State

Four centuries later, in the Orwellian year of nineteen eighty-four, we are left wondering: how can a State possibly work? What is it that accounts for the coherence of this pattern, this structuring principle of society born right in the middle of the Middle Ages as the by-product of "a sinister clerical conspiracy"? How did the three confederates of Western Christendom mentioned by Strayer, namely the priest, the general and the Roman judge, ever manage to take "the decisive step"?

If these questions are to be answered, it should be understood that the institutionalisation of power into its *State form* is what entails, within the social imaginary, a system of legitimisation which enables the selfsame political power, otherwise domination, to be reproduced on the basis of an *unconscious structure* of participation.

The type of political power that appeared at the end of the Middle Ages succeeded in bringing together the primitive sense of loyalty towards the immediate community and the notion of the "absolute sovereignty" of an institutional complex both abstract and impersonal.

The main characteristics of this institutional complex or body are that it constitutes itself as a unit - unifying the entire political sphere of society in the process, renders its action identical to the law and expresses itself through a system of prohibition and sanction.

Therefore, the modern State can be said to exist. Therefore, the modern State can be said to exist effectively when it has acquired the ability to make sure it is recognised, without resorting to force or threat. Once established, the concept of State is associated with the notion of an imperious power over and above individual will and implies compulsory submission to the decisions of the political power. This duty to obey or *political obligation*, which inspired La Boétie and astonished Hume[1], is closely related to a theory of the *legitimacy of power* whereby the State is viewed not as an impassioned, whimsical tyrant

but as an entity both abstract and rational - of an instrumental kind of rationality dependent on the achievement of its ends within the framework of the law. Yet the law is made by men in order to produce social effects and as such is a product of political power. Mistaking legality for the State is a tautology inherent in power, which legitimises everything it lays hands on.

The incipient mediaeval State was nurtured on Roman law as revised and corrected by the popes. In the early Middle Ages, there were two rival ways of accounting for the legitimacy of the origins of power. The first and oldest saw power as deriving from the will of the people, from "below". This was the case of the Germanic tribes who elected their generals or kings with the result that they retained a "*right to revolt*". The second maintained that all power came from God - or more prosaically from the Emperor, as in the caesaro-papistic doctrine of the Byzantine Empire - at any rate, from "above", from the Supreme Being, the source of all earthly power. From the fourth century onwards and by virtue of the decree of the emperors Valentinian II, Gratian and Theodosius proclaiming Christianity the religion of the Empire, the Papacy and the Church gradually came to assume responsibility in political affairs. The triumph of the Roman Church was to have two fundamental consequences. One was that for almost a thousand years the theory of power "from below" did not find public expression. And another was that all political relations were dealt with in judicial terms. "To the creators of Latin Christianity and Latin dogma the relations between God and man were legal relations, conceived in the framework of rights and duties and moulded into a Roman jurisprudential scheme" [31, p. 21]. Today we speak of "political relations" as if the different categories familiar to us - society, politics, economics, morals, religion, etc. - were dissociable and autonomous. The Christian world however was an all-embracing entity and was far from imagining that religion and politics could be considered as distinct matters. In these early stages of Christianity, the insertion of human behaviour into the mould of the law was an important if insidious achievement for the Church of Rome[2].

According to Ullman, Saint Jerome's translation of the Bible from the Hebrew and Greek into Latin was a decisive factor in this enterprise. The Vulgate emphasised the judicial aspects of the Old Testament and rendered all the "political" concepts in the characteristic style of Roman law. Thus did the Papacy, from the fifth century onwards, evolve a political theory about the hegemony of the Church, "And these ideas culminated - entirely in consonance with the theocratic standpoint - in the monarchic position of the pope" [31, p. 22].

Since it is impossible, short of being incoherent, to trace in the history of the Western world the development of the ideas which, in the ever-changing social imaginary, gave shape to "the metaphysical principle of the modern State", we shall simply point out a few landmarks which can be regarded as essential.

In the political theory of the mediaeval Papacy, three major antecedents can be isolated. First, one should bear in mind the fundamental distinction which Pope Leo I (440-461), invoking Roman law, made between the monarchical function of the pontiff and his person, thus ensuring the abstract, institutional perpetuation of power together with all governmental decrees, laws and actions. Second, Leo I also expressed the crucial tenet of the State when he formulated the *plenitudo potestatis* which was to be taken up in the thirteenth century and to give birth to the concept of *sovereignty*. Finally one should mention two related theoretical postulates. One was the invention of the *hierarchical theory* whereby the ramifications of power account for the dependence of each grade upon the one immediately above and - since power filters down - the subsequent duty to obey.

The other is that those at the bottom of the ladder, i.e. the bulk of the people, should be treated like children in need of protection and guidance.

With the rediscovery of the Justinian Code in the second half of the eleventh century, Roman law was again very much to the fore of political thinking. But this time the papal theory suffered an important modification due to the increasing importance of corporations which demanded once more that the legitimation of power "from below" be recognised and the community called upon to validate the laws. The myth of representation was born: the so-called embodiment of the collective will of deliberative assemblies or parliaments, either ecclesiastical or secular.

This was to lead, towards the end of the Middle Ages, to the key notion of an abstract normative power based on the law and applying conjointly to subjects and governments. Whether power derived from the people or the Prince was now immaterial. A *summa potestas* or supreme power was beginning to emerge regardless of either community or assembly or government or any other institution. The notion of a body politic endowed with absolute sovereignty was indeed the embryo of the State and although the thirteenth century could not possibly have formulated it, the supreme power was gradually made to coincide with the boundaries of a kingdom or a territory. When the *res publica christiana* split up, each kingdom claimed for itself the whole of the Empire's sovereignty - and each king, the glory of the Emperor. Meanwhile the political, social and institutional structures making the new power possible began to appear - a long and by no means smooth process culminating in the Jacobin strain of the French Revolution.

The sixteenth century witnessed a U-turn towards the modern world and the State which stands for it. In 1567 Jean Bodin in *Les Six Livres de la République* formulated the theory of sovereignty which must be absolute, indivisible and everlasting. The sovereignty of the republic is embodied in the person of the Prince, but if the Prince rules according to his whims the sovereign republic ceases to exist. Absolute sovereignty is not arbitrary.

Bodin still smacks of old times. In fact, a few years earlier, Machiavelli had opened up the way for the making of the modern "political object". He described the struggle for the conquest and retention of power as dependent upon human action and the use of force or cunning. The social sphere in which power was wielded was no longer protected either by the religious symbolism which had enveloped the reality of domination up to the eleventh century or by the abstract rationality of the State, which had not yet reached completion. What determined and legitimised, for Machiavelli, the institutionalisation of power was the *logic of political action* which alone justified command and obedience.

With the works of the Florentine statesman the way was clear and the Leviathan could now develop all its potentials. Nearly a hundred and forty years after *The Prince* was written (1513), the nation State had acquired its definitive modern form and Hobbes was able to write *De Cive* (1642) and *Leviathan* (1651). Whereas Machiavelli considered political actions from the point of view of the agent, whether he be prince or rebel, Hobbes inverted the perspective: "I do not speak of men but, in an abstract way, of the seat of power - rather like those simple, unbiased creatures who in the Roman Capitol defended by their uproar those present not for what they were but because they were there"[3]. The logic of power was no longer the logic of the situation in which men found themselves but the *logic of the political institution* to which they were submitted.

By abolishing the "natural state", the Leviathan provided civil society with a legal basis. But the Leviathan was a "mortal god", an artificial being created by men to evade the fear of violent death from the hands of other men. The body politic is "more than consent or concord; it is real unity of them all, in one and the same person, made by covenant or every man with every man". And the power resulting from it should be sufficient to protect them;

and it is sufficient only insofar as "he (the "Leviathan) hath the use of so much power and strength conferred on him that by terror thereof he is enabled to form the wills of them all, to peace at home and mutual aid against their enemies abroad" [15, pp. 131-132]. Any attempt to limit the absolute power of the Leviathan would be tantamount to destroying the legitimacy of the covenant which instituted it. According to Hobbesian theory, "the body politic cannot exist independently of the sovereign who, as it gives it unity, gives it, so to speak, being" [22, p. 66]. From the Hobbesian concept of a single contract founding at once sovereign power and civil society, as opposed to the more ancient theory of the two contracts (*pactum societatis/pactum subjectionis*), it follows that the fundamental law of all states is *political obligation* or duty to obey.

Hobbes is the philosopher of political power; he gave the modern State, a State which is abstract, rational and "atheist" - that is, without any transcendental legitimacy -, its true imaginary dimension. "Hobbes's myth is so powerful and thought-provoking that it still haunts our minds and hearts. If ever something testified, one and for all, to the birth of the modern State, it was this myth", one contemporary author aptly observed [24, p. 131].

But it would be unfair to turn the seventeenth century into the preserve of Hobbes, and even more so to overlook the fact that the thought structures institutionalised by sovereign power within the confines of Reason were already being undermined by the corrosive force of human liberty and social revolt. Hobbes was writing in a time of civil war and revolution. The aristocracy, in whose interest it was to defend the monarchy, considered that Thomas Hobbes was no more than a Leveller, judging from the faith he had in equality of mankind [14, p. 301], so that countless "common ignoramuses" had taken to dreaming of "utopia and unlimited liberty", making it possible for a Radical like Winstanley to write in 1650: "The law is nothing but the declared will of the conquerors on the manner in which they want their subjects to be governed" [14, p. 210].

It is not at all certain that Locke took his inspiration from the Digger Winstanley but, while in exile in Amsterdam, he reflected upon the right to revolt and proceeded to improve on the Leviathan. In 1690 the *Two Treatises on Government* were published and as it is by consent that individuals join the body politic, the right to revolt was overtly acknowledged. Consent, however, also implies an act of confidence, of trust in the political institution and, as subjects of a constituted body politic, individuals are bound by a civic duty to obey without exception. In chapter VII, "Of political or civil society" [20, p. 159], Locke wrote: "There and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the hands of the community,… And thus all private judgement of every particular member being excluded, the community comes to be umpire."

David Hume stands out in the mid-eighteenth century as the critic of the concept of contract as a means of legitimising political power, denouncing firstly its historical invalidity and secondly the absurd logic that has the duty to submit derive from some original covenant - since we would be hard put to say just why we must keep our engagements.

According to Hume, the political duty to obey is determined by the very existence of the social order. If we look for historical evidence of the legitimacy of power, all we will find is usurpation and violence. And if we investigate further, we will see that possession and ownership turn out, at one stage or another, to be based on fraud and injustice. Which does not prevent him from reaching the conclusion that "as obedience is our duty in the common course of things, it ought chiefly to be inculcated". ("*Of Passive Obedience*" [16, p. 475].)

In the meantime, Rousseau had conjured up the "General Will", a threatening fantasy which acknowledged as deriving from the social pact "the total alienation to the community of

each associate together with all his rights" [27, III, p. 360]. For the original pact can be reduced to the following terms: "Each of us places his person and strength in common under the supreme command of the General Will" (*Du Contrat Social*, 1760). And the consequence had always been present in the mythical structure of power: fate only echoed the oracle. Thus "the social pact ... tacitly includes the clause whereby anyone refusing to obey the General Will will be forced to do so by the whole body" [27, III, p. 364].

In a sense it could be said that with Rousseau the metaphysical notion of the modern State has come full circle, since he explicitly based the political duty to obey not on safety and social order but on individual freedom. "Man was born free, and everywhere he is in chains", the citizen of Geneva exclaimed. And why is that so? Because of the social pact which, combining the law with force, imparts to the State sovereignty, supreme reason, *summa potestas*.

As a matter of fact, the process this paper has been dealing with, namely the birth of the State, reaches its climax eleven years after the death of Rousseau, with the French Revolution, when, under Jacobinic influence, the sovereignty of the people was transferred to the nation.

Yet the Great Revolution was not, at least not entirely, a bourgeois revolution. The radical pressure exerted by the "*sans-culottes*" set a precedent for an insurrectionist critique of power. In the words of the *enrage* Varlet: "Why, the revolutionary government is a social monstrosity, a masterpiece indeed of pure Machiavellianism. To any being endowed with reason, government and revolution are simply incompatible" [13, p. 85]. Furthermore: "The sovereign must constantly preside over the social body. He will not tolerate being represented." "Such," says Harmel, "was the conclusion that the last of the *enrages* drew from the events of 1793. This conclusion was anarchist insofar as revolution must be carried out through direct action by the people, without the people entrusting their will to any authority whatsoever, no matter how popular, no matter how transitory it claims or promises to be" [13, p. 87].

By the end of the eighteenth century, the anarchist critique of the State was taking its first hesitant steps forward. William Godwin in *Political Justice* (1793) reproaches the social contract with enabling the autonomisation of the political and submitting individual reason to the reason of State. Later, Proudhon and Bakunin were also to criticise the notion of contract and above all the Rousseauist formulation. Let us however return to the State.

The Structure of Domination

From our reading of the history of institutions and the political philosophy of the State, it is clear that the existing State, real or institutional, cannot be reduced to the various "State apparatuses" it is made up of, namely government, civil service, the army, the police, the educational system, etc., any more than to institutional continuity in time. The State demands that the socio-political sphere be organised according to its own model or paradigm, that is the State paradigm. Which in turn presupposes a predetermined ideology of power. In his analysis of the *Leviathan*, Manent states that "the Hobbesian definition is realistic, better still genetic or creative: the real issue at stake here is what is created by virtue or by means of the voluntary mental process of which the definition is a mere testimony" [22, pp. 63-64].

This accounts for the difficulty in finding a satisfactory definition of the State. While making allowance for this difficulty, Strayer remarks: "The State lives essentially in the hearts and

minds of its citizens. Should they fail to believe in its existence, no amount of logic could give life to it" [29, p. 13]. For *belief* is the fundamental argument which consecrates the credibility of the contract, the liturgy of the consensus, the legitimacy of the monopoly of coercion. "I believe in the State because it doesn't make sense, because I just don't know - which is why the anarchist stand is not a matter of ignorance but misbelief" [28], says Louis Sala-Molins. And G. Burdeau writes in the *Encyclopaedia Universalis*: "The State is an idea ... it exists only insofar as it is thought. There lies its essence. (...) It is produced by human intelligence to account for and justify political power as a social entity."

Let us then concentrate on the heart of the matter: the State is a *construction* which explains and justifies the *social entity* of *political power*. This "social entity" is neither neutral nor inert: it is in turn built upon by an accretion of significance, is dependent on the context which defines it and is subject to the overwhelming symbolical structure which includes it.

Society constitutes itself as such by instituting a wide range of meanings in a circular process whereby action and discourse, action and symbol generate each other [8]. In this respect, the organisation of social power into its State form defines the social sphere according to a *central imaginary meaning* "which reorganises, re-determines and reshapes a host of existing social meanings, thereby altering them and conditioning the emergence of new meanings, which triggers off certain effects" [6, p. 485] upon the whole system.

Whatever the case may be, we must bear in mind that such key meanings - which organise symbols into a force field dependent on these very meanings, which in many cases remain virtual or latent (unconscious) - cannot be conceived from their "relation" to "objects as their referents". For it is in and through them that the objects and therefore the referential relation are made possible. The object - in the present case, the State - as referent is always co-constituted by the corresponding social meaning [6, p. 487].

In the long formative process of the State, the representations, images, ideas and values which make up *collective imagery* as a representation of a supreme central power, distinct from civil society and endowed with "the monopoly of legitimate physical coercion" (Max Weber) over a given population within the limits (boundaries) of a given territory, acquire or take on an intense emotional load which in the course of history binds each subject of the body politic to the concept constituting this body as commonwealth, *civitas*, republic, State.

The transition to the State form, a decisive step, is complete when the symbolic system of the legitimisation of state political power succeeds in capturing and draining most of the primitive loyalties which previously went to the *primary group*, i.e., tribe, clan, family or village. This is a fundamental process, for primitive loyalties contain potentially what we have called the structure of *domination* (or second articulation of the symbolic) in the form of a largely unconscious system of integration into the socio-cultural world [8].

The structure of domination is dependent on the institutionalisation of political power as it is at once constitutive of and constituted by the said power. By political power is meant here the concept of domination as defined by Bertolo [4], that is, the appropriation and control by a minority of the regulatory capacity of society, in other words, of the "sociality-producing process".

Human societies, unlike other animal societies, are not regulated homeostatically but rather in a more specific, more complex, unstable fashion, namely through the creation of meaning, norms, codes and institutions, in short, of a symbolic system. Any symbolic (or semiotic) system requires a set of positive *rules*. Yet if rules are necessary to the semiotic system, their relation to the representation which embodies them, or symbolic shifter, is contingent. Selecting as symbolic shifter the paternal metaphor - or more precisely, the

incest taboo central to it - our own socio-cultural order presents rules as laws so that the contingent relation becomes universal and essential to the whole system.

Sexuality and power are all the more closely linked as they relate lineage and exchange on the one hand, generations and sexes on the other on the basis of a single taboo, that of incest. Thus, the symbolic order is conditioned by the Primeval Law, which reproduces itself in the form of institutions and establishes the individual as a social subject. The law of the unconscious and the law of the State are interdependent. Domination is therefore normative insofar as it creates a hierarchy which sanctions and institutionalises the dispossession, carried out at one extreme of the asymmetric relation thus established, of the symbol-making capacity of society.

The modern State, or rather the notion or "metaphysical principle" behind it, completes the autonomisation process of the political instance and permeates the whole of the social fabric with the semantic determination entailed by the structure of domination. Any social relation in a society of the State type is, in the final analysis, a command/obedience or dominator/dominated relation.

This led Landauer to say that "the State is a mode of being, a particular kind of relationship between human beings, a form of human behaviour..." [18]. This all-embracing dimension of domination, which applies equally to the "inner world" of the subject and to the mythical, institutional structure of the "outer world" and is the basis of the reproduction of political power, has two major consequences. To put it briefly, the first is what a contemporary author has called "the principle of generalised equivalence" [21] whereby the entire institutionalisation of social action reproduces the State form. The second, closely related to the first, is "voluntary servitude", i.e. the acceptance of the duty to obey or political obligation which, surprisingly enough, is everywhere a fact.

Although it may be agreed that power is "the name we give to a complex strategic situation in any given society" and that it is "wielded from countless sources in the interplay of mobile, unequal relations" [10, p. l23], it should be remembered that these various networks of asymmetry do not proceed from the base upwards to produce the State, but rather are set up by the State so that it can reproduce itself. Hierarchy institutionalises inequality. Where there is no hierarchy, there is no State.

To conclude, let us recall some of the concepts we have been using.

The *domain of the political* can be defined as including all that has to do with the regulatory process of collective action in a global society. This regulatory process is the *symbol-making capacity* characteristic of any social entity. This, which has been defined by A. Bertolo as the dimension of power [4], we would rather describe as capacity or "dimension of the political, devoid of constituted or autonomous power".

In the same spirit as Bertolo, Proudhon said: "In the natural order, power is born of society; it is the resultant of all the particular forces unified for purposes of work, defence and justice." Furthermore, "according to the empirical concept prompted by the alienation of power, it is, on the contrary, society which is born of it..." [25, I, p. 491]. The alienation of power brings about *political power* or domination which, in fact, is the result of the appropriation by a minority or a specialised group of the symbol-making capacity. The political instance becomes autonomous.

The State is a particular historical type of political power as were "the chieftaincy without power", the Greek city or the Roman Empire in other times.

A society free from the State, free from political power or domination, is a new form to be conquered. It lies in the future.

N.B. It has not been possible in this brief study to deal with a number of points essential to an understanding of the State. In particular certain sociological aspects such as the class struggle, differentiation, bureaucratisation, social complexity, etc. have not been considered, although this does not mean I underrate their importance. E.C.

Notes

1. "... A tyrant whose only power is that which has been given him" [l7, p. 174] "nothing appears more surprising... than the ease with which the many are governed by the few" [16, p. 29].
2. I would like to draw attention to the fact that what relates, symbolically speaking, the manifest and latent strata of the prevailing *representation of power* is precisely the reference to the law. As Foucault admits, even if he refutes its consequences, this representation of power in judicial-cum-discursive terms "prompts both the motives of repression and the theory of the constitutive law of desire". He goes on to say: "And let it not be imagined that such a representation is the prerogative of those who raise the problem of the relation of power and sexuality. It is much more widespread, is to be found regularly in political analyses of power and is probably deeply rooted in the history of the western world." [10, p. 109]. See also [8].
3. Quoted in [24] (p.134)

BIBLIOGRAPHY

1. BADIE B., BIRNBAUM P., *Sociologie de l'Etat*, Grasset et Fasquelle, Paris, 1982 (1979).
2. (BAKUNIN) BAKOUNINE M., *Oeuvres completes*, Champ Libre, Paris, 1982.
3. (BAKUNIN) BAKOUNINE M., *Oeuvres*, Stock-Plus, Paris, 1895-1980.
4. BERTOLO A., *Potere, Autorità, Dominio*, in *Volontà,* Vol. XXXVII (1983), No. 2.
5. BOSSUET, *Oraisons funebres*, Tallandier, Paris, 1972.
6. CASTORIADIS C., *L'institution imagnaire de la societé,* Seuil, Paris, 1975.
7. COHN N., *Les fanatiques de l'apocalypse*, Payot, Paris, 1983.
8. COLOMBO E., *Il potere e la sua riproduzione*, in *Volontà,* Vol. XXXVII (1983), No. 2.
9. COLOMBO E., *Lo Stato*, in *Volontà,* Vol. XXXVII (1983), No. 4.
10. FOUCAULT M., *La volonté de savoir*, Gallimard, Paris, 1976.
11. GERNET L., *Droits et institutions en Grèce antique*, Flammarion, Paris, 1982.
12. GUENEE B., *L'Occident aux XIVe et XVe siecles*, *Les Etats*, PUF, Paris, 1981 (1971).
13. HARMEL C., *Histoire de l'anarchie*, Champ Libre, Paris, 1984.
14. HILL C., *Le Monde a l'envers*, Payot, Paris, 1977.
15. HOBBES T., *Leviathan*, Clarendon Press, Oxford, 1967.
16. HUME D., *Essays moral, political and literary*, OUP, Oxford, 1963.
17. LA BOETIE E. de, *Le discours de la servitude volontaire*, Payot, Paris, 1976.
18. LANDAUER G., *Der Socialist*, June 1910.
19. LE GOFF J., *La civilisation de l'Occident medieval*, Flammarion, Paris, 1982 (1964).
20. LOCKE J., *Of Civil Government*, J. M. Dent, London, 1924.
21. LOURAU R., *L'Etat inconscient*, Minuit, Paris, 1979.
22. MANENT P., *Naissance de la politique moderne*, Payot, Paris, 1977.
23. MARTIN H., in *La Jacquerie*, Maspero, Paris, 1971.

24. PASSERIN D'ENTREVES A., *La notion d'Etat*, Sirey, Paris, 1969.

25. PROUDHON P.-J., *De la justice dans la révolution et dans l'Eglise*, Garnier Freres, Paris, 1958.

26. PROUDHON P.-J., *Idée générale de la révolution au XIXe siècle*, Groupe Fresnes-Antony de la FA, Paris, 1979.

27. ROUSSEAU J.-J., *Du Contrat Social*, Gallimard, Paris, 1964.

28. SALA-MOLINS L., "*L'Etat*", in *Le Monde*, Paris, 8 August, 1982.

29. STRAYER J. R., *Les origines médiévales de l'Etat moderne*, Payot, Paris, 1979,

30. TOCQUEVILLE A. de, *De la démocratie en Amérique*, Genin, Paris, 1951.

31. ULLMAN W., *Il pensiero politico medievale*, Laterza, Bari-Rome, 1984.

translation by April Retter