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Comment on Paul du Gay and Alan Scott/2

On Historical Semantics, State Forms, and Political Regimes

by Bob Jessop

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My article responds to the provocative comments of Paul du Gay and Alan Scott on recent Weberian, mainstream, and neo-Marxist work on the state. It proceeds in two steps. First, I address their approach to defining the state, their account of periodization, and their distinction between state and regime. Second, I relate their concerns with the state and regimes to the wider body of state theory and its implications for state formation and transformation and propose a more comprehensive approach to the issues raised by du Gay and Scott.

The starting point for their critique of recent contributions to the theory and/or sociology of the state is the conceptual history proposed by the Cambridge School. This focuses on the historical semantics of the state in Western Europe and the pragmatic (or performative) force of state discourse in struggles over the nature of sovereignty and the unity of state power. In beginning their analysis of confusions in state theory in this way, du Gay and Scott are themselves guilty of confusion. They mistake the *intellectual genealogy* of the concept of the “state” or state idea (or even, more loosely, the history of political thought) for the *historical constitution* of the state apparatus. They thereby neglect two crucial questions: one in conceptual history, the other in the history of state formation. First, why was one particular word or concept selected from many in a particular period to describe (and, perhaps, help to constitute) a particular historical phenomenon, namely, the rise of the modern state? Put differently, why did the “state” become the accepted term to describe a specific type of government in Western Europe (and its subsequent diffusion) rather than

competing terms? Second, and more fundamentally, why did the historically specific semantics of the “state” lag so many centuries, if not millennia, behind the actual process of state formation?

In other words, unless du Gay and Scott wish to argue that states or state-like assemblages did not exist prior to the modern concept of the state, they should engage with the complexities of state formation on a world historical scale. This problem is reflected in state theory and political sociology in the common, if poorly specified (and typically Eurocentric), distinction between “traditional” and “modern” states. What unifies these multifarious institutional and organizational forms in their state-ness is the territorialization of political power, which began well before the emergence of the idea of the modern state. In terms of German *Staatslehre* (which should not, *pace* du Gay and Scott, be equated with Cambridge conceptual history), the territorialization of political power signifies the development of the articulation among a state apparatus (*Staatsapparat*), a territory (*Staatsgebiet*), and a population of political subjects (*Staatsvolk*). Starting from this perspective would provide a better basis for historical and comparative analyses of state formation, state forms, and diverse kinds of political regime than conceptual history. Combining them would be even better [cf. Jessop 1990].

To the extent that they even hint at answers to these two questions, du Gay and Scott seem to explain the appeal and consolidation of the *state idea* (presumably to state managers and other dominant forces) in terms of its role in limiting demands for popular sovereignty and, by extension, its role in shaping the juridico-political form of the *modern state*. But it is unclear why they privilege the historical semantics of the state (or, as it sometimes seems, the history of political thought) in this respect and ignore other constitutive features of statehood that developed before the modern concept of the state. This also poses the question of why they regard the state as a “long-term historical project” with “a unifying drive” that seems to be realized by the state itself to legitimate its sovereign power in response to “historical necessities” generated within a heterogeneous, potentially conflictual civil society and/or by the plurality of states in the inter-state system.

Further problems arise from other arguments about the state in their contribution. For example, in discussing non-state societies as based on biological ties of kinship, du Gay and Scott implicitly recognize that states existed before the relevant early modern European discourse developed to describe the “relatively disembedded, historically stable and limited set of institutional devices” of the modern state. Likewise, they suggest that the constitutive features of the state are its claim to sovereignty and the maintenance of internal and external security – features that also characterize, albeit in different ways, more “traditional” state forms. A focus on the *concept*

and/or *legitimizing discourses* of the state is also undermined by their later distinction between what states as opposed to governments actually “do.” One corollary of this distinction is that the idea or concept of the state (or, indeed, of political regimes) should not be confused with the changing institutional architectures or activities of states and/or regimes. This is one reason why Weber chose to define the constitutive feature of the modern state as its legitimate (or constitutionalized) monopoly of organized coercion in a given territorial area. Finally, even if one were to accept that the concept of the state is the best starting point for defining the constitutive features of the modern state, one should certainly look at other approaches to conceptual history, broadly interpreted, such as those of German *Begriffsgeschichte*, Luhmann’s historical semantics, Foucault’s genealogies of disciplinary and governmental power, or the histories of political ideologies associated with various bodies performing statal or state-like functions.

The authors’ approach to periodization is also problematic. Whilst correctly rejecting the dangers of a ruptural “post-ism” that one-sidedly emphasizes discontinuity, they still assume that the state can be analyzed in terms of a master periodization that holds for all states (or at least those in western societies). This rests on a contrast between continuity/discontinuity in the state and continuity/discontinuity in regimes. Thus du Gay and Scott propose a simple *two-stage* periodization of *state form* (emergent sovereign *state* as analysed by the Cambridge School, the “mature” *Rechtsstaat* or nation-state with its constitutionalized monopoly of violence and security and fictive legal unity, as analysed by Poggi) and, in this context, a limited and ill-specified *three-phase* analysis of *regime types* (pre-Keynesian, Keynesian, and post-Keynesian). Not only does the first distinction conflate the national territorial state and the nation-state, which is a serious but common category mistake in state theory, but it also ignores the multitude of alternative periodizations that are based on other constitutive or contingent features of the state. Likewise, their three-phase analysis of regimes makes sense at most for states directly integrated into the circuits of Atlantic Fordism after 1945 on the assumptions that regimes are best analysed from the viewpoint of certain economic functions rather than others and that other types of activities can be safely ignored. This periodization, with or without due regard to any continuity within discontinuity, does not hold for most states outside the circuits of Atlantic Fordism; and it provides little useful information or insight into other state or regime activities. Limiting questions of periodization in this way reinforces the Eurocentric bias inherent in adopting a definition of the state that relies on European conceptual history and therefore lacks the temporal or spatial horizons necessary to deal with state formation and forms of regime on a world-historical scale.

This problem is closely related to the third problem: the distinction between state (or government, their phrasing differs) and political regime. The latter notion is said to derive from Montesquieu via Aron and refers to the contingent features of the state. In practice, however, regime seems to be defined in terms of specific forms of representation (e.g., parliamentary regimes based on party competition) that serve to institutionalize and domesticate the struggle between different social groups and, to a lesser extent, in terms of specific economic functions (pre-Keynesian, Keynesian, and post-Keynesian). Ignored in this regard are regime features that involve the internal articulation of the state apparatus (e.g., the relative importance of legislature, executive, and judiciary, the scalar division of labour, the organization of state capacities), the changing social bases of state power (e.g., changing coalitions of external social forces incorporated into, or excluded from, the state's sphere of activities), state projects that define the nature, scope, and purposes of government (e.g., nation-building, social democracy, neo-liberalism), and the hegemonic visions that connect the state and wider social formation [cf. Jessop 1982].

There are also many other approaches to regime analysis. One of the most important in much Eurocentric theorizing is the distinction between normal and exceptional regimes, i.e., between different forms of regime based on the electoral principle and party competition and regimes that suspend this principle in favour of, for example, military dictatorship, fascism, Bonapartism, sultanistic, or theocratic rule. This distinction is important for analyzing the state (or regimes) in Europe, whether in the period of Nineteenth century state constitutionalization, the interwar period (with its crisis of parliamentarism and diverse forms of exceptional regime), or the post-war period (notably in Southern Europe). It is hinted at when du Gay and Scott distinguish, following Aron, between “constitutional pluralist regimes” and the *temporary* “seizure of power” but they do not follow through on this distinction apart from indicating that, following Aron, the “other” of a pluralist multi-party regime is a totalitarian and monopolistic regime. Accordingly they continue to focus on normal regimes to the detriment of sustained engagement with the wide range of non-democratic and/or exceptional regimes within and beyond Europe. It is presumably for the same reasons that they ignore the rich literature on state formation and political regimes that addresses various Eastern European, African, Asian, and Central and South American cases – whether in terms of the historical constitution of states and empires, colonial and post-colonial regimes, and so-called “new nations” or newly emerging national territorial states. New state or regime forms such as the European Union also pose problems for the over-simplified principles of periodization proposed by our two authors and it would be interesting to learn their views on the stateness or otherwise of the European Union.

In short, while the distinction between state and regime is important, the version presented by du Gay and Scott is unfit for purpose historically and comparatively. A closer engagement with historical semantics and pragmatics would reveal a richer conceptual history of the state (even in Western Europe) based on a proliferation of discourses and projects concerned with the unity of the state and its purposes in relation to the wider society. German *Begriffsgeschichte* has explored this from many perspectives, time periods, and social formations. Relevant projects and discourses range from mercantilism and cameralistics to laissez-faire and liberalism, from the *Polizeistaat* (an administrative, “police state” oriented to the welfare of the state and its citizens, bio-politics, and social improvement) to the *Rechtsstaat* (a constitutional state based on the rule of law), from the nation-state to plurinational consociationalism, from the “associational state” to “corporate liberalism,” from the *Sozialstaat* (social state) to the modern welfare state, from the corporate state to guild socialism, from the *Führerstaat* to “free and democratic state,” and so forth. Moreover, because there is never one dominant state project, state action (in conjunction with forces inside and beyond the state) is required to determine which projects are prioritized and how they are articulated to the interests, identities, values of external social forces and competing societalization projects.

One way to address these problems is through a more complex set of definitions that runs from statehood (*Staatlichkeit*) through types of state (*Staatstypen*) and forms of state (*Staatsformen*) to particular instantiations of given state forms (e.g., different kinds of normal or exceptional regimes or different configurations of state activities) and, even more concretely, different political conjunctures (e.g., phases of relative stabilization, crises, ruptures, or restoration). Such an approach would also need to look beyond early modern and modern Western Europe and/or competitive party regimes to include the much greater number of other fully recognized national states (a total of 192 belong to the United Nations, for most of which their preferred typology is inapplicable) and the state concepts or ideas that have been influential in their formation and transformation. It is also essential for any serious engagement with states and regimes to consider other bases for a periodization of regimes than the simple issue of changes in a given regime’s types of economic intervention, let alone one based on a specific model of economic growth in a small section of the global economy. In my own work, which draws on a wide range of contributions to political economy and state theory (including, paradoxically, Cambridge conceptual history and German *Begriffsgeschichte*), I propose a typology of regimes based on four dimensions: the distinctive (as opposed to generic) functions of regimes in securing the conditions for profit-oriented, market-mediated accumulation; the distinctive (as opposed to generic) functions of regimes

in securing the conditions for the daily, lifetime, and intergenerational reproduction of the population (including, but not confined to, its role as a potential labour force), the scalar division of state or regime activities, and the relative weight of different modes of coordination in the activities of a given state form or political regime (e.g., exchange, command, network, solidarity) [see Jessop 2002]. This is a more open-ended heuristic and can be applied not only to the cases of interest to du Gay and Scott but also to other state forms and regimes in different periods and regions.

In summary, I have noted three main problems with the intervention of du Gay and Scott into the theory and sociology of the state and must admit to some bafflement about its apparently ideational, liberal-conservative, and Eurocentric tendencies. Thus they conflate the history of political thought with the historical constitution of the modern state, they normalize the constitutional state based on the rule of law and multi-party regimes, and they periodize regimes in relation to a small set of states integrated into the circuits of Atlantic Fordism. One cause of these problems might be the limited range of literature that Du Gay and Scott cite – an issue indicated by their equation of state theory with Marxism and political sociology with an Anglophone perspective. Yet state theory is a long-established pre- or trans-disciplinary field in Continental Europe that has been studied from multiple perspectives [cf. Dyson 1980]; and, if it is less common in the Anglophone world, it may be due to the lack of a state tradition in England [cf. Badie and Birnbaum 1983]. This neglect is especially surprising given that Scott has edited an important text on state theory and political sociology [Nash and Scott 2000]. It is also reflected in their failure to engage with the many different accounts of state transformation that have been developed in terms of shifts in the relative significance of divergent of government, governance, and meta-governance [e.g. Benz *et al.* 2007]. In conclusion, while their article certainly identifies the need to distinguish the state from regimes, the arguments deployed in support of this need are less persuasive.

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Abstract: This comment responds to the provocative arguments of Paul du Gay and Alan Scott on recent Weberian, mainstream, and (neo-)Marxist work on the state. It first addresses their approach to defining the state, their account of periodization, and their distinction between state and regime, indicating problems with each step in this sequence of arguments. Of particular concern are confusion between state idea and the state apparatus, the need to recognize alternative bases of periodization, and the different ways in which the concept of regime is used in analyses states. The response concludes with some general remarks on how the arguments of Gay and Scott relate to the broader body of state theory and their implications for state formation and transformation.

Keywords: *State theory, periodization, political regime, exceptional state, conceptual history.*

Bob Jessop is Distinguished Professor of Sociology and Co-Director of the Cultural Political Economy Research Centre at Lancaster University, England. In addition to his contributions over three decades to state theory, he has also undertaken research in the areas of the philosophy of social sciences, critical political economy, critical governance studies, and welfare state restructuring. His current research concerns the cultural political economy of economic crisis, crises of crisis-management, and questions of governance failure in these regards.