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State, Power, Anarchism, A Discussion of The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia

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James Scott's volume is a broad, compelling paean to the political agency and power of those who have been written out of history as backward and premodern—the people who resist states and create alternative forms of social and political governance. It is a cautionary tale for policymakers, scholars, military planners, and would-be state builders about the limits of state power and legitimacy, but also something of a guidebook on how to tame them. Scott's eulogy for polymorphous human societies appears premature, however, given the many alternatively governed structures currently enabled by geographical remoteness, population density, globalization, and the state itself. *The Art of Not Being Governed* is troubling, less because it questions the morality of the state as a sociopolitical form than because it romanticizes nonstate peoples who seek violently to repel and escape the state.

Scott highlights the often despotic and dehumanizing effects of state building on human beings. Historically, he shows that states have been much more concerned with controlling people and resources than providing security or state services. His sweeping account of state making makes this point beautifully, emphasizing the roles that slavery, forced labor, and population control played in state development from Western Europe to Southeast Asia. For Scott, resistance to political incorporation into a state is equivalent to asserting one's liberty to choose whether and how one is governed. Scott's work is a lament—for a world thought to be more filled with agency and therefore more multidimensional in form and voice than ours is said to be today. It is a wonderful account of the centuries-long enclosure of peoples into states. Prior to the mid-twentieth century, Scott argues, myriad types of social and political governance structures predated today's flattened, homogenized world of centralized territorial states. Today, he maintains, arbitrary lines on a two-dimensional map define polities and societies and destroy the fundamental liberty and agency of individuals.

State building, therefore, has always provoked deliberate efforts to "escape" (p. 23) and "repel" (pp. 180–91) the state, and so the story of the state is also a story of "nonstate spaces" (p. 10). This detailed account is ironically a primer for state builders wanting to gain control over such spaces. Scott argues that these strategic efforts occurred not only geographically, in flight from state spaces to remote areas (hills and swamps) where nonstate peoples could easily disperse if pursued, but also agriculturally, in their slash-and-burn land-stewardship methods and choice of crops. He links the choice to escape the state as well with nonstate peoples' political and social structures (fragmented, horizontal), cosmologies (always seeking to recover a lost paradise), identities (inclusive, dynamic, and responsive to economic opportunities, rather than primordial and hard-wired), and, least credibly, their literacy (strategically lost, as a way to avoid being "legible" by states).

Scott claims to be engaging in a "radically constructivist" account of Southeast Asian history in order to highlight the agency of those choosing to be stateless and the invention of ethnic identity and tribalism (p. 256). His account, however, is at root rationalist and functionalist, as nonstate peoples' choices—even the choice to "lose literacy"—are all portrayed as optimal strategies for escaping state control. States and nonstate peoples adopt identities that are politically and economically beneficial given their environmental constraints, which accords more with an instrumental rather than a constructivist account.

Scott's work offers several cautions regarding "ungoverned spaces," currently of much concern to policymakers in the United States and globally, who regard them as organizing spaces for nonstate actors that threaten national and international security.[1] His work on nonstate societies strongly reinforces arguments that such "ungoverned" spaces have always existed, and are more appropriately termed "alternatively governed" spaces.[2] Scott highlights the mutually constitutive nature of state and nonstate spaces, and underscores that alternatives to state governance have existed as long as there have been states to act as their foil. He demonstrates quite powerfully that there is nothing new in the notions of ungoverned spaces, or in state failure or state fragility; these concepts are as old as the hills that provide refuge to those seeking to escape the state. Nor are they necessarily threats to the state (pp. 106–8).[3]

Scott emphasizes the historical limits of state building and implies that authoritarian regimes are bound to fail in their efforts to control people, even if only at the margins. He indicates that over the long durée, states and statelets rise and fall with war, disease, and ecological disaster, with each creating nonstate spaces and peoples. In this story, state failure is common and state building is a punctuated process, waxing and waning depending on environmental factors and war. For our own epoch, the lesson is that state building is an ongoing rather than finite process and that nonstate spaces are endemic. Today's environmental factors that shape state success and failure continue to include hostile neighbors, war, disease, and environmental catastrophe (as the recent deluge in Pakistan all too tragically highlights). Added to these factors are current conditions of economic and financial interdependence, allowing for new sources of state crisis, collapse, and expansion.

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Policymakers therefore have centuries of history to mine for lessons about state-building efforts in such alternatively governed areas. One finding is that efforts to create "stateness" at the local level fall flat, as Scott demonstrates, in spaces dominated by headless (acephalous) forms of social organization, such as the Pashtun border areas of Afghanistan and Pakistan. His discussion of the many efforts of expanding states—especially colonial ones—to create hierarchy among such societies is an important lesson for contemporary postconflict reconstruction efforts in Africa, Iraq, and Southwest Asia (p. 258). More fundamentally, the central lesson he highlights is that efforts to create alternative governance will always emerge wherever there is state authority, as a result of a constant dialectic of power and resistance.

This cautionary tale, however, underscores one of the main theoretical and policy shortcomings of Scott's work: its historical limitation to the era predating the end of colonialism in the mid-twentieth century. While the state form is both dominant ideologically and ubiquitous territorially, as Scott correctly notes, resistance to it is alive and, if policymakers' warnings are to be believed, kicking. These alternatively governed spaces now often take on forms that belie the omnipotence and omnipresence of the state. Either they have persisted in the remote reaches of territorial space or they have been transformed through global markets and diffusion of ideological and technological innovation.

For Scott, the current era is one in which "virtually the entire globe is 'administered' space and the periphery is not much more than a folkloric remnant" (p. 324). On one level this is undoubtedly true. The diversity in sociopolitical territorial forms that predated the modern era has all but disappeared. Alternatively governed spaces were not, however, eradicated by the state in the late twentieth century. Scott's description of the precolonial era seems appropriate to many places today: "[S]overeignty was ambiguous, plural, shifting, and often void altogether" (p. 61). Such a description certainly fits that given by proponents of a new medievalism.[4]

Today's nonstate spaces reside within and across "administered space," and many of them still operate to evade or repel Leviathan, not simply tame it (p. 324). In these areas, nonstate organizations generate rules and govern. They are shaped as much by global and regional flows of goods, people, ideas, and wealth as by the existence of states. All of these alternatively governed spaces, as those in Scott's account, are in an ongoing dance with state spaces and the varying levels of state control across them—whether in stable or failing states, states with robust, lax, or no regulation, "quasi-states," or "effectively sovereign" ones.[5] Today's world is one of softening sovereignty, not its hardening or replacement.[6] As Stephen Krasner has noted, state sovereignty has always been mythic in its claims; peripheries and interstitial spaces have always existed.[7]

Some nonstate spaces are still recognizable as the headless societies that are Scott's focus. These societies persist, providing governance in some of the alternatively governed spaces that most trouble Western policymakers today: the mountainous borderlands of Pakistan and Afghanistan, Yemen and Saudi Arabia, and the Andes. He is incorrect, however, to associate nonstate spaces and peoples predominantly with territorial remoteness. Today, liminal spaces of the global economy and Internet, and cities and urban spaces can all resemble the remoteness of hilly Southeast Asian refuges.[8]

Global forces—from business, media, people, goods, and services to information and ideas—now penetrate virtually the entire planet with far greater intensity than in previous eras, providing "nonstate peoples" newly available avenues for evasion of, autonomy from, and resistance to state forces. In some areas, these take the form of "foreign fighters," hosted as guests by Pashtun tribes, who provide training, funds, and ideas of jihad in order to reject and resist the authority of states.[9] In others, they manifest as nongovernmental organizations providing training, money, and ideas of rights to life, liberty, property, and autonomy, and freedom from abuse and tyranny.[10] Transnational corporations and NGOs have created authoritative rules systems that are market driven, such as the *lex mercatoria,* but extend to other realms as well, in the case of private transnational governance structures.[11] Examples abound, from the failure to control the "offshore world" of international finance to cyberwarfare to Mexican drug cartels, whose tentacles reach far beyond their home turf to a network of gangs laced throughout the drug routes in North America, and to warlords, business, and government forces competing for natural resources in Congo, Somalia, and Afghanistan.[12]

In cyberspace, we are witnessing state repelling and resistance, as hackers battle crackers and "cyber warriors." States here are still repressive and seek population control in their virtual terrain, as actions by China, Iran, and many others with respect to Internet surveillance suggest. They are quite literally trying to break the open and "hidden repertoires" of resistance that form online, enabled by encryption and other technologies.[13] The establishment of the U.S. Cyber Command reflects the growing perceived threat from these liminal spaces.[14]

These alternative governed spaces profit from arbitraging jurisdictional boundaries, just as Scott's do (p. 133), even as they exist inside of nominal territorial states. In most cases, these nonstate actors and nonstate spaces need the state; therefore, they do not seek to replace it, rather to profit from the nature of statehood—its territorial boundedness.

States, as a result, are feeling insecure about their abilities to consolidate and monitor—to make legible, in Scott's terminology—the world's population and product. We see this in the increasing number of policy statements about the need to restore effective sovereignty in these "ungoverned spaces" and failing states, just as Scott views premodern Chinese and Russian edicts against population movement and serf uprisings as evidence of the difficulty in establishing state control (p. 67). Then as now, the state's core capacity for such functions—its armed forces—cannot always be counted on to act in the "national" interest.[15]

Certainly, policymakers' concerns about "ungoverned" or nonstate spaces suggests that Scott's core premises—that states are concerned about legibility and the power of the weak to resist the state—are correct. Their concerns also suggest that they believe states are failing to eradicate nonstate spaces and that "ungovernance" is growing, rather than being anomalous. Taken together with the literature on private authority and transnational nonstate networks, these concerns suggest that Scott's pronouncement on the demise of nonstate spaces is untimely.

Morally, Scott's lament for a bygone polymorphous world of nonstate spaces and state-repelling societies hangs on whether there is any merit in the "king's peace" (p. 67). The current modernization agenda of state building is best measured not only in terms of the liberty of peoples to choose how they are governed (as Scott suggests) but also in terms of whether those choices of governance yield predation on the weak by the strong; this is the charge to create "human security," not just economic growth. The author's distaste for state-based societies is paired with a rather romantic image of nonstate societies that are more just, democratic, and representative (p. 9), yet without sufficient evidence that they are so in fact.

Is it moral for guerrillas, whom Scott terms only a "somewhat limiting" case of state-evading nonstate peoples (p. 206), to gang-rape freely in Congo or to enslave children in Uganda? Is there any moral difference between state forces and nonstate peoples who do so? Or is it better for a functioning government to dictate that all such actions are unlawful and punish perpetrators through incarceration, forced labor, or death? Nowhere does he address the moral limits of resistance to the state in the *Art of Not Being Governed,* though he provides a number of examples of nonstate peoples being as repressive as states (pp. 22, 150–52).

It is never entirely clear what constitutes a nonstate people, in part because their identities are said to be so plastic and responsive to economic and political incentives (p. 183). From Scott's functionalist perspective, slave raiding by Southeast Asian hill tribes and Ugandan warlords or rapes in the Congo are comparable forms of state-repelling behavior, and as such a strategic choice to ensure liberty—at least for the raiders and rapists. Of those peoples caught between the state and nonstate forces, he does not have much to say, though they may be the majority.

As a result of Scott's functionalism, virtually any form of illicit activity, whether it be slavery, drug trafficking, gang violence or polygamy, can be cast as a state-repelling act of resistance, regardless of the actors' actual motives, which may be simply greed or lust for power. Scott rejects social contract theory and holds that the state is always imposed on society. In his "state of nature," stateless societies are not inferior to state-based ones and are often cast as more egalitarian and libertarian (pp. 9, 22). Only democracy provides some relief to citizens from state tyranny (p. 324). Yet he does not consider what relief peoples, especially the weak, can seek from a hostile state of nature and violent nonstate peoples that populate it.

The reader is left to wonder whether Scott omits the present era from his analysis because to do so would necessarily cast often inhumane groups—guerrillas, warlords, terrorists/freedom fighters, narco-traffickers, pirates, modern-day slavers, and mafias—in the same positive light as the nonstate peoples of yore. While the history of nonstate peoples should be documented and recalled, in Scott's account the art of not being governed is often a cruel, unjust, and violent one. As much as liberty is a moral and philosophical value, so is security of life and property. Today's "failed states," such as Afghanistan, Congo, or Uganda, are unable to provide these values to their citizens, but the moral superiority of nonstate groups, such as the upland Pashtun, Mayi-Mayi, and Lord's Resistance Army, is far from evident. Nor is the superiority of Scott's precolonial hill peoples who engaged in slave raiding and trading (pp. 151–53). His view of nonstate society overlooks its poverty, violence, lack of liberty, and inequality in order to emphasize the despotism of states.

The Art of Not Being Governed is a rich and fascinating account of state building and state evasion that yields provocative hypotheses and important policy lessons. Scott views the end of polyform human societies as a present, sad fact. Reality, however, suggests that state evasion, resistance, and alternative governance structures are alive and well. Whether this is morally positive is uncertain. Resistance to the state has helped make them more respectful of human security and liberty and is often the only means of preserving life and dignity. It also produces ills such as intrastate war, crimes against humanity, terrorism, predation, and slavery. These are real problems that result in the killing and hurting of millions of people around the world today, and one wishes that Scott had addressed them in his otherwise impressive study of nonstate governance.

Notes

1 Flournoy 2009; Lamb 2008.
2 Clunan and Trinkunas 2010.
3 Clunan and Trinkunas 2010b.
4 Bull 1977; Friedrichs 2001; Khanna 2009.
5 Jackson 1990; Lamb 2008, 6.
6 Clunan and Trinkunas 2010a.

7 Krasner 1999.
8 Williams 2010.
9 Groh 2010; Phillips 2010, chap. 10.
10 Keck and Sikkink 1998.
11 Cutler 2003; Hall and Biersteker 2002.
12 Palan 2003.
13 Deibert and Rohozinski 2010; Scott 1990.
14 Air Force Space Command 2010.
15 Jaskoski 2010.

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