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BEYOND STATELESS DEMOCRACY*

William J. NOVAK, Stephen W. SAWYER, James T. SPARROW

*The dominant spirit, however, that haunts this enchanted region, and seems to be
commander-in-chief of all the powers of the air, is the apparition
of a figure on horseback, without a head.*

Washington Irving

*In political thought and analysis, we still have not
cut off the head of the king.*

Michel Foucault

Pierre Bourdieu began his posthumously published lectures “On the State” by highlighting the three dominant traditions that have framed most thinking about the state in Western social science and modern social theory. On the one hand, he highlighted what he termed the “initial definition” of the state as a “neutral site” designed to regulate conflict and “serve the common good.” Bourdieu traced this essentially classical liberal conception of the state back to the pioneering political treatises of Thomas Hobbes and John Locke.¹ In direct response to this “optimistic functionalism,” Bourdieu noted the rise of a critical and more “pessimistic” alternative—something of a diametric opposite.

* This article builds on a previous introduction “Toward a History of the Democratic State” that appeared in *The Tocqueville Review/La Revue Tocqueville* in Vol. XXXIII, n° 2 (2012). This new, substantially expanded discussion of the democratic state has developed out of a series of conferences, paper presentations and the University of Chicago Neubauer Collegium project on *The State as History and Theory*.

In the work of Karl Marx and his progeny from Antonio Gramsci to Louis Althusser, Bourdieu highlighted the powerful rejoinder of the Marxist vision of the state as a *diabolus in machina*. While still functionalist—indeed, frequently materialist and reductionist—the Marxist vision subverted the neutral state idea and introduced the powerful notion of a predatory and conniving state (what Friedrich Nietzsche would refer to as “the coldest of all cold monsters”) ever serving the dominant interests of an economic and ruling elite through ever more subtle hegemonic technologies and ideological apparatuses.² Bourdieu’s lectures attempted to move beyond this frustrating intellectual stalemate between beneficent and critical functionalism by building directly on the third great tradition of state theory – Max Weber’s richly ambivalent theories of bureaucracy, rationalized law, and organized administration. Bourdieu launched his quest for a fresh perspective on statecraft by amending the classic Weberian definition of the state to include the monopoly of the means of violence, *both physical and symbolic*. His “provisional definition” of the state was defined by “possession of the monopoly of legitimate physical and symbolic violence.”³

Bourdieu’s opening salvo on the state underscores the extent to which histories and theories of the state still remain largely controlled by these three formidable archetypes. Most thinking on the state has largely moved betwixt and between the three reigning models a) the liberal vision of a neutral, nightwatchman state; b) the Marxist conception of a more extractive, dominating state; and c) Max Weber’s fetishization of bureaucratic rationality and autonomy.⁴ And in the end, even Pierre Bourdieu’s fresh foray in search of a new theory of the state settled for something more akin to an amendment or revision of a well-worn groove in the surface matter of existing state theory. To date, despite an expanding body of empirical, historical, and theoretical scholarship on the state, we remain surprisingly (and somewhat inexplicably) prisoner to these same three modes of state thinking outlined by Bourdieu: the Liberal neutral, the Marxist extractive, and the Weberian bureaucratic state ideas.

But as powerful and tenacious as these archetypal theories have been in the eighteenth, nineteenth, and twentieth centuries, the three essays in this symposium of *The Tocqueville Review/La revue Tocqueville* are dedicated to the proposition that they are no longer adequate or sufficient for sizing up state power in the twenty-first century and

beyond. Recently a growing body of empirical and theoretical work on the state in sociology, political science, and history has begun to take explicit issue with the reigning paradigms. Indeed, the revisionist essays that follow all first grew out of the real empirical difficulties presented by the lack of fit between conventional theories of the modern state and the actual complexities of modern European and American political history. Stephen Sawyer's previous work on nineteenth-century French politics, for example, exposed some of the real limitations of conventional portraits of a French Jacobin state defined by a rejection of intermediary bodies, a centralized bureaucracy, and a republican emphasis on legislative over executive power.⁵ Similarly, William Novak's research into nineteenth-century American law challenged the exceptional "myth of the weak American state" – a construct that emerged through the inapt application of competing liberal and Weberian theories to the complex legal-political technologies of the American regulatory state.⁶ In *Warfare State*, James Sparrow wrestled with this problem in the twentieth century, where reigning theories failed to adequately address the revolutionary state effects accompanying U.S. mobilization for a world war.⁷ We have not been alone. Des King, Robert Lieberman, and Patrick LeGalès have wrestled in comparable ways with the "ironies" of American statebuilding.⁸ Brian Balogh and Gary Gerstle have contributed syntheses of American politics in the nineteenth and twentieth centuries that simply do not square with classic liberal, Marxist, or Weberian expectations.⁹ And the number of more specialized monographs on the European and American states that defy conventional categorization grows every year.¹⁰

This troubling state of affairs of state prompted this symposium. The three essays that follow attempt to outline a set of different paths beyond conventional genealogies and analyses of the modern state. First, William Novak's essay "Beyond Weber: The Need for a Democratic (Not Aristocratic) Theory of the American State" urges a fundamental reconsideration of the Weberian hegemony that has dominated state studies since the revisionist work of the 1980s. James Sparrow's "Morgenthau's Dilemma: Thinking the Democratic Leviathan in the Atomic Age," then provides a contextualization and reconsideration of the post-World War II realist frame for political theory, which fundamentally misconceived the prospects of a democratic state in the American Century. Finally, in "Foucault and

the State,” Stephen Sawyer brings us to the present by revisiting some key social theories of power that are crucial to a fundamental rethinking of the state. In a radical revision of conventional wisdom concerning Michel Foucault’s conception of the state, Sawyer recovers the critical strand of state thinking that emerged in the wake of the social movements of 1968 and that moved squarely beyond the liberal, Marxist, and Weberian paradigms.

While offering distinctive perspectives on the problem of the state in different periods of European and American history, the essays that follow build on the new empirical, historical, and theoretical work on the state that has emerged in the last generation. And they attempt to incorporate and develop new perspectives on the interaction of social and political power. Consciously moving away from the three dominant models of current state theory—the Liberal State, the Marxist State, and the Weberian State—these essays go in search of an inexplicably elusive historical enigma—the Democratic State.

THE MYTH OF STATELESS DEMOCRACY

One of the reasons the democratic state remains such an elusive enigma is a prevailing tendency to view the state and democracy—like the state and civil society more generally—as something like separate spheres and competing aspirations. Just such antitheses pervade popular contemporary reflections on the relationship of democracy and statecraft. In the wake of the second Ukrainian revolution in 2014, for example, an *Economist* article “What’s Gone Wrong with Democracy?” concluded simply that “the key to a healthier democracy is a narrower state.”¹¹ Such a zero-sum, hydraulic theory of the relation of democracy and state—*i.e.*, more democracy, less state; more state, less democracy—harbors a peculiar vision of the ultimate possibility of stateless democracy. As an expert on the European Union explicitly declared: “Democracy is the end, states, as we have known them, are but means. Achieving a stateless democracy has been one of mankind’s most recurrent and noblest dreams.”¹² Such bold assumptions reflect a widespread misconception that characterizes too much popular as well as social science commentary on the state: the presumptive opposition—empirical as well as normative—between democracy and the state.

To be clear, by invoking the democratic state, we are not suggesting a specific form of state power that pertains only to democratic regimes. Rather, our aim is to move beyond an overwhelming (and somewhat inexplicable) emphasis on a refractory and autonomous "bureaucratic state." Building on the tremendous empirical gains of new cultural, social and political histories, it is clear to us that the time has come to bring the demos back in.

Thus, our ambition in choosing the term "democratic state" is not so much to coin a phrase as to begin to build on the extraordinary number of works within the social sciences that do not fit within our classical conceptions of the state. In light of this, it may be worth explaining why we have chosen the term democratic. At this stage, we would like to suggest three elements of a response. First, while we do not oppose the bureaucratic and the democratic (indeed they often worked hand in hand), we understand them as distinct features of modern governance. In particular, we understand the democratic state as the quality of porosity between the state and society (including but not limited to such groups as civic associations, unions, churches, etc).

Second, our motivation in highlighting the democratic is to bring our histories and sociologies of the state back into dialogue with the major gains that have been made in the field of democratic theory. As we highlight in this introduction, it is our contention that the time has come to combine our empirical work with the extraordinary scientific gains made in this field. Finally, and perhaps most importantly, our ambition is to bring the demos back into our histories of the state. It is for this reason that we have chosen the term "democratic." An overriding emphasis on autonomy, monopolies, rationality, and officialdom, we argue, has simply elided what has been most distinctive about state-building across the world over the last two centuries. To make this claim is not to suggest the ineluctable rise of democracy since the late eighteenth century; it is however to highlight the contingent, accidental, and, at times, ephemeral, role that individuals, groups, peoples, and publics as both political categories and social actors have played in building the modern state. Without an attentiveness to this aspect of state building, we argue, our vision of the state will remain impoverished.

Indeed, at least since the cataclysm of the Second World War, thinking democracy and the state together has become increasingly difficult—almost oxymoronic. The turn of the twentieth century gave

rise to fairly robust theories of European social democracy and American progressivism that featured complex and interconnected understandings of the relationship of state and society.¹³ In just such an atmosphere, John Dewey penned one of the fullest reflections on the state and democracy *The Public and Its Problems*.¹⁴ But the collapse of liberal democracy across continental Europe during the 1930s and the subsequent ideological politics of the Cold War spawned a rebirth and reinvention of traditions in political and social theory that increasingly insisted on separation. The result was both more society-centered and more polity-centered analyses that evacuated the question and the possibility of the democratic state. State theory and democratic theory began to travel down different paths to quite divergent destinations.

Among a postwar group of society-centered liberals and American exceptionalists, there emerged a dominant tendency to see the state in all its guises as something of a dangerous, foreign force—at best a necessary evil whose strength and power was inimical to the health of civil society. Friedrich Hayek captured the spirit of that ubiquitous position when he suggested that “the hodgepodge of ill-assembled and often inconsistent ideals” associated with the modern administrative, regulatory, and welfare state were simply “not compatible with the preservation of a free society.”¹⁵ While economically-oriented liberal theorists saw the free market as the best bulwark against a road to serfdom in totalitarian states, other liberals, like the philosopher Isaiah Berlin, the historian Arthur Schlesinger, Sr., and the political scientist Louis Hartz, focused on the protections of re-ascendant traditions of individualism, voluntarism, negative liberty, and the rule of law.¹⁶ What Edward Purcell labeled “the crisis of democratic theory” and what John Higham dubbed “consensus history” yielded a distinct trend among postwar liberals to discuss the state in opposition to civil society and to make clear a normative preference for less state and more society.¹⁷ Building on the categorical antinomies of state and civil society, collective and individual, public and private, power and the rule of law, these diverse strands of older classical liberalism and budding neo-liberalism would have lasting effects on conceptions of the state-society relationship throughout the second half of the twentieth century and beyond. Together, resurgent versions of society-centered liberalism essentially

evacuated the question of the democratic state as a fundamental feature of political modernity.¹⁸

But as Theda Skocpol and Steven Skowronek have contended for some time, it was not just classical liberalism that hollowed out state theory in the postwar society-turn of social science and social theory. Somewhat ironically, dominant currents in postwar neo-Marxism also shared the general tendency to look first to society rather than polity in deciphering the prime movers of modern historical change. For all of the profound differences between postwar neoliberalism and neo-Marxism, they shared a view of the state as something of an unwelcome interloper in the organization of divergent versions of a just society. As Skocpol put it, “At the theoretical level, virtually all neo-Marxist writers on the state have retained deeply embedded society-centered assumptions, not allowing themselves to doubt that, at base, states are inherently shaped by classes or class struggles and function to preserve and expand modes of production.”¹⁹ By locating the ultimate source of power in the relations of production, and seeing the state as a mere superstructure of class domination, they cabined an understanding of the modern state as more of an apparatus, cannibalizing power by capitalizing on specific modes of social relations. The important transformations took place within civil society. The state was consequently rendered a less interesting and less important object of scholarly and theoretical investigation.²⁰

The cognitive dissonance involved in the neo-liberal and neo-Marxist evacuation of the state during a period of unprecedented state development could not be maintained for long. And an intellectual revolution against the society-centered status quo was short in coming. The state was indeed brought back in. But rather than explode the state-society opposition or puncture the aspiration of stateless democracy, the interpretive pendulum simply swung back to state-centered, polity-centered analysis. The third great theory of modern state development came roaring back in as those interested specifically in the state in the final decades of the twentieth century turned again directly to Max Weber. Recognizing the fundamental inadequacy of reigning conceptions of state power and modern polity, scholars like Theda Skocpol, Stephen Skowronek, and Charles Tilly, among many others, revived Weber’s theory of the state and its priority of administrative, legal, extractive, and coercive organizations as “the core of any state.”²¹ With this sudden and somewhat curious

return of fin-de-siècle continental state theory, the study of the state per se began a much-heralded and still-thriving renaissance.

As the essays that follow make clear, however, the simple turn back to Weber and to polity-centeredness also revived some problematic assumptions about the inter-workings of state, society, and democracy. After all, the Weberian model of statecraft was originally conceived at the turn of the twentieth century, precisely in the age of political machines and parties, emerging mass-politics, and the development of a host of other political technologies designed to reign-in the unprecedented energies of a freshly burgeoning mass democracy. The Weberian concept of the state as rational bureaucracy was intimately bound up in the problem of containing what were seen as the otherwise unmanageable powers of popular democratic politics. In the end, the turn back to Weber's insights on the nature of modern, rational bureaucracy only hardened the traditional opposition between society and state on the one hand, and democratic life and autonomous bureaucracy on the other. In consequence, extensive literatures on the special attributes of the fiscal-military states and the institutional prerequisites of American political development quickly developed, divorced as ever from competing concerns like popular self-government, social citizenship, representation, and participatory democracy.

Precisely for this reason, many students of the state began looking for alternative and more capacious conceptions of the political by the turn of the twenty-first century. Three avenues seemed especially promising. First, theorists like Michel Foucault and Michael Mann generated new and complex accounts of power in modern societies.²² Consciously rejecting the existing neo-liberal, neo-Marxist, and neo-Weberian paradigms as incapable of coming to terms with the nature of power in the modern age, the expansive, creative, and detailed theories of Foucault and Mann offered accounts of power that was irretrievably social. From this perspective, a return to the social did not set questions of power aside any more than discussions of the state could take place at the expense of society. Owing to the persuasiveness of this new and more synthetic vision, some of the most innovative and influential work on the state built on theories of governmentality, biopolitics, and infrastructural and social power in place of the more limited Weberian concepts of bureaucratic autonomy and rationality.

Second, the extraordinary international and domestic political events of the turn of the twenty-first century sparked new and extensive re-evaluations of the nature of executive, emergency, and war powers. In just such context, Michael Hardt and Antonio Negri penned a new and expansive conception of the powers of empire and sovereignty.²³ Giorgio Agamben similarly revisited the state of exception and galvanized a resurgence of interest in theories of necessity, emergency, and decisionism.²⁴ Such theories, of course, had much deeper roots in Carl Schmitt's wholesale reconsideration of the concept of "the political."²⁵ Needless to say, such capacious renderings of the nature of the political and the far-reaching consequences of exertions of modern state power stood little chance of remaining contained for long within the static conceptions of conventional liberal, Marxist, or Weberian theories of the state.

Finally, a powerful, parallel tradition grew up almost simultaneously providing a more specific emphasis on the question of democracy per se. Modern democratic theory, of course, has become something of a cottage industry in and of itself, but it too opens a curtain on a more vibrant and vital vision of politics and the political. Building directly on some of the unconventional postwar perspectives of theorists like Hannah Arendt, recent democratic theory re-emphasizes the absolute centrality of politics as well the agonistic nature of the polity in a democracy.²⁶ Recognizing that democracy is built on negotiating, capturing, and relinquishing power, theorists and historians like Claude Lefort and Pierre Rosanvallon, for example, have provided a more fecund definition of democracy as embedded in the social. From this standpoint, the history of democracy may be located at the nexus of society and the state.²⁷ Such theories embrace the possibility of theorizing power within modern democracy just as they open the door to concept of the political—and the state—that pushes the democratic to the fore.

In short, new theories of governmentality, social power, exception, and democracy suggest productive alternative routes past the intellectual cul-de-sacs of liberal, Marxist, and Weberian theories of the state. To date, however, state theory and democratic theory have remained quite separate endeavors. Similarly, histories of the state and histories of social and cultural power also seem locked in independent, often contrary, perspectives and directionalities. The essays in this symposium propose that an alternative and more

synthetic approach to the social and the state is in order. And they suggest that the key to such a revisionist project is a return to the democratic. Stateless democracy is a fiction, perhaps a pipe-dream. The power of democratic states in the modern world is a powerful historical reality that we neglect to understand at our peril.

THINKING DEMOCRACY BEYOND THE STATE/SOCIETY DIVIDE

In *The Public and Its Problems*, John Dewey cautioned against most concepts introduced with the definite article “The.” “Without our intention and without our notice,” he argued, “the notion of ‘The State’ draws us imperceptibly into a consideration of the logical relationship of various ideas to one another, and away from the facts of human activity.” “It is better,” he noted, “to start from the latter and see if we are not led thereby into an idea of something which will turn out to implicate the marks and signs which characterize political behavior.”²⁸ “Starting from the latter”—following the empirical and historical facts of human political activity—leads directly to a previously underexplored perspective. Dewey’s work, perhaps more than any other, called directly for a fundamental reconsideration of the relationship between state and democracy. At the heart of Dewey’s project was the explicit attempt to move beyond a conception of the state (and sovereignty) as somehow external to the democratic field or as some kind of residual power left over from an absolutist age. Rather, Dewey understood democracy to involve a distinctive way of posing the problem of the state, not a means of solving the problem of the state. And much as Dewey’s conception of “the public” pushed beyond the conventional starting point of “sovereignty,” his idea of democracy confounded the traditional opposition of state and society.

The opposition between state and civil society can be traced back to some of the most important theorists in European social, political, and democratic thought.²⁹ And at least since Alexis de Tocqueville’s classic study, *Democracy in America*, civil society has stood near the center of dominant conceptions of democratic practice. In the American context (especially at mid-century), this opposition was strengthened through an exceptionalist ideology that continued to view the American state at best as a neutral platform for contending interests. More often than not, such valorization of civil society *against* the state devolved into fairly uncomplicated celebrations of things like

“voluntarism,” “individualism,” “market competition,” and “deliberation.” This exceptional emphasis on the primacy of civil society has been one of the profoundest sources of confusion about the relationship between state and society and it continues to yield a fairly crabbed set of intellectual resources for thinking through the peculiar characteristics of modern democratic states.³⁰ For the fact of the matter is that democracies constantly distribute and redistribute, negotiate and renegotiate power between state and society. The traditional opposition between state and civil society, state and democracy simply does not hold up to empirical scrutiny or historical reality.³¹

The quest for a new history and theory of the democratic states is rooted in the search for a more synthetic understanding of the state-society relationship at the heart of the democratic project. As such, it consciously pushes beyond the boundaries of some conventional theories and antinomies. The three essays that follow all challenge the three dominant modes of studying the history of the state as either a Liberal neutral, or a Marxist extractive, or a Weberian bureaucratic essence. Through the conception of the democratic state, they embrace an approach that broadens the history and theory of the state along the lines suggested by Foucault that, in our histories of the state, we have yet to cut off the king’s head. Democratic states cut off the head of the king—sometimes literally, but sometimes more figuratively and constitutionally. In all cases, the idea of a democratic state broadens our conception of the ways in which power is plural rather than singular—legitimated and deployed in widely varied forms across fields of democratic engagement. The history of the democratic state places the question of the permeability and dissemination of power into the polity front and center. It simultaneously suggests that the key question involves a history of power *within* democratic practice, rather than a conception of power simply arrayed against the state. Rather than embrace a genealogy of continental European state theory that *ends* once and for all with the fundamental insights of Max Weber, the democratic state opens the door to an alternative genealogy that only starts with John Dewey and leads through theorists as diverse as Hannah Arendt, Claude Lefort, Pierre Rosanvallon, Chantal Mouffe, and Jürgen Habermas. The insights of such theorists of democracy and politics suggest that a democratic society cannot exist without a democratic state. From this

perspective, the history of the state emerges not as an autonomous zone that is checked by democracy, but as a fundamental and inherent process for mediating society's relationship with itself. While some theorists of democracy have long recognized the importance of this observation for reconsidering democratic theory, too few have explored its implications for understanding the nature of power in modern states. Within an expanding array of political histories and theories of the state, it is precisely this history of the *democratic state* that demands increased attention.

Now just to be clear, the call for a new history of the democratic state is distinctly not a plea to explore once again traditional techniques and classic institutions of democratic governance like majority rule, the separation of powers, and free elections.³³ It is instead a suggestion that what has been missing is a history of the political that places the very possibility of the democratic state at the center of the investigation by exploring a peculiar form of the state-society relationship that is inherent in a democratic context. At the heart of this view is a critique of one of the real shortcomings in the Weberian model of statecraft—*i.e.*, the degree to which this vision short-changed the role of democracy as a project in the organization of social power by modern states. Approaching the state instrumentally, primarily through its administrative, legal, extractive, and coercive institutions and organizations may have brought a greater attention to distinctive aspects of modern statecraft, but only by tabling the historically-grounded and central problem of democracy as a social form. In so isolating the formal structures of “the state” from the wider social surround, as Pierre Rosanvallon has duly noted, social and political theorists bequeathed us a conception of the state in which “it becomes impossible to account for the basic differences between a democratic state and a totalitarian state.”³⁴ Surely, as both a normative as well as a descriptive issue, this elision of democracy is a major problem in our inherited history of the state.

Claude Lefort too pointed the way towards a richer and more complex understanding of the democratic when he claimed that democracy is a regime built on the void, “*le lieu vide*.”³⁵ At the heart of such a conception is a reading of the democratic condition as a problem of how society represents itself *to* itself, or the *auto-institution* of the social. Democracy, in this view, poses the question of social immanence in a profoundly radical way as the fundamental condition

of political modernity. As Marcel Gauchet argued, “Democracy is the *mise en place* of the autonomisation of the social world. [*La démocratie est la mise en place de l’autonomisation du monde social.*]” “The state,” he continued, “is a machine for forging the separation between society and religion in the passage toward autonomisation. [*L’État est une machine à faire la séparation entre la société et la religion, dans le passage vers l’autonomisation.*]”³⁶ Democracy, in such accounts, emerges as a social project that has defined the modern political condition. Instead of the normatively-charged story of freedom; it becomes the more interesting history of the public construction of the social.

Building explicitly on the work of Claude Lefort, Chantal Mouffe has highlighted the importance of reintroducing a more robust concept of the political into our aging theories of democracy as discourse and deliberation.³⁷ Mouffe contends that one of the great limits of current democratic theory is a focus on deliberation and rationality and a consequent evacuation of the problem of power. She notes, “According to the deliberative approach, the more democratic a society is, the less power would be constitutive of social relations.” But she goes on to hold that, “if we accept that relations of power are constitutive of the social, then the main question for democratic politics is not how to eliminate power but how to constitute forms of power more compatible with democratic values.”³⁸ Building on this assessment, our histories of the state need to take more account of the mutually political and social question: How does the state mediate the relations of power that are constitutive of the social?

From just such a perspective, Stephen Sawyer’s essay below argues that it is also worth exploring Foucault’s work for what it has to tell us about a particularly democratic form of power. Though Foucault’s emphasis on power is typically read as primarily concerned with social power and subjectivity, his theories of governmentality, biopolitics, and security also open up a path to a much more capacious theory of democracy.³⁹ As Foucault once noted, “Juridical systems, no matter whether they were theories or codes, allowed the democratization of sovereignty, and the establishment of a public right articulated with collective sovereignty, at the very time when... the democratization of sovereignty was heavily ballasted by the mechanisms of disciplinary coercion.”⁴⁰ At the heart of this assessment is the idea that democratization opens up new modalities for an expansion of sites

deploying power. Such power was hardly confined to the institutions that formally or informally constitute coercive or despotic state apparatuses (although it could be that too). It was also manifested as a means of organizing a democratic society within a profoundly new set of power relations.

Such a reorientation of state history and theory around a reinvigorated concept of democracy highlights a few characteristics of modern statecraft. First, if the subject matter of democracy turns on the idea of society mediating its relationship with itself, as Lefort, Rosanvallon and others have suggested, then power is immanent (or perhaps, as suggested by the epigraphs to this introduction, headless).⁴¹ In such a context, it becomes meaningless to insist upon power residing exclusively in the hands of bureaucrats, judges, party leaders, an executive, or even a parliamentary assembly. It becomes equally one-sided to place a countervailing overemphasis on voting or electioneering whether at the local, national, or even international level. At no point may such momentary representation make a claim to harness the full, living, and ever-shifting contingent power of a democratic regime. State power, in a democratic regime, is not a thing coherent; it may not be totally and finally grasped, captured, or dissolved.⁴² Rather it is better understood as an ever-changing historical process.

By extension, no particular historical form of state power (bureaucratic, military, parliamentary, executive, legal, etc.) may be taken as the full expression of what the state is. In fact, democratic society is saturated with power, proliferated by relations, subject positions as well the denial of proper subject positions. Such power is certainly crystallized into various institutional forms, but such forms are never the entirety of what the democratic state *is*. A monopoly of democratic power by the state is an impossibility not the definitional pre-condition for state existence that neo-Weberians posit. There is always a residuum of social and democratic power—a position not articulated, administered, or represented. Such a perspective fervently denies that democracy lessens the grip of power as in prevailing myths of stateless democracy.

Such a perspective further denies that “the democratic state” is some kind of synonym for popular rule, naively refusing to interrogate fundamental inequalities in the distribution of political and

social power. To the contrary, such a revisionist project breaks entirely with the tired understanding of democracy as a normative faith in some utopian future ideal where power will ultimately cease to structure social, economic, and legal relations. Instead, it takes its bearings from Pierre Rosanvallon's caution that "The democratic ideal now reigns unchallenged, but regimes claiming to be democratic come in for vigorous criticism almost everywhere. In this paradox resides the major political problem of our time."⁴³ There are simply too many institutions at the center of modern "democratic" states that defy what we colloquially refer to as "democratic" to neglect this basic social fact. Our histories of the state have suffered from neglecting the essential contributions of modern democratic theory that push us beyond one-dimensional conceptions of democracy bound up exclusively with things like the vote and electoral processes. Introducing democracy into the history of statebuilding would be an empty gesture if it ignored those areas where non-democratic practices interface everyday with democracy.⁴⁴

However one assesses its normative significance at different moments in time, the democratization of state power has been a singularly important and inescapable theme in modern history. Yet our histories of the state have suffered from a persistently anemic understanding of democracy. In spite of the extraordinary renaissance in works on the history and theory of democracy as well as the explosion of works on the history and theory of the state, these historiographical and theoretical developments have all too often not come into substantial contact with each another.

The essays that follow are an attempt to bring the social and the political, the state and civil society, and the polity and democracy back together again. They argue that thinking the state democratically opens up a new approach to the social scientific investigation of modern economic, social, and cultural, as well as political power. And yet, their ambition is not simply to replace one static theory of the state with another. Rather, as John Dewey recommended, they insist that the state must always be rediscovered, democratically and historically. The search for the democratic state is necessarily an always unfinished, historically bounded project. And any particular form of the democratic state is only a temporary, contingent response to a specific problem.⁴⁵ By investigating the modern state's democratic character, we seek to avoid the objectification of the state

as a simple, rarified nexus of institutions and elites aloof from the people—yet alone the beneficent neutrality or cold monster of classical liberal and Marxist theory. Like Pierre Bourdieu, we acknowledge that thinking “On the State” remains one of the most important questions in understanding political modernity. And while acknowledging the deep insight of the classic approaches of Hobbes, Locke, Marx, Hegel, and Weber, we too think that a great deal more work and thinking needs to be done. The democratic state is a new horizon.

CONCLUSION

It is admittedly amorphous and complicated. And it does not conform to fixed philosophical definitions or timeless social-science categories. But the democratic state has a history that demands recording, analysis, and understanding. To be sure, the alternative of not reckoning with the peculiar configurations of social and political power at the heart of the democratic state is a frightening prospect indeed.

Writing on the other side of revolutionary divide in 1820, Washington Irving’s tale of the headless horseman explains that the great phantom of the land lost his head in the Revolutionary War: “It is said by some to be the ghost of a Hessian trooper, whose head had been carried away by a cannon-ball, in some nameless battle during the Revolutionary War.” A mercenary hired by the British to fight in the Revolutionary War, the Hessian soldier had been both the enemy of popular revolt and the phantom that emerged transformed, even more menacing in the new regime. In one of the great illustrations of this iconic story, the headless horseman instills extraordinary fear in Crane as much for his power as his mystery.⁴⁶ Out of fear of the headless horseman’s power, Crane runs the other way.

It sometimes seems that theorists and historians of the modern state have done something of the same thing. Fearful of grappling with the state as an essential and ineluctable force in political modernity, many have run quickly in the opposite direction—perhaps in hope that on the other side of some kind of spontaneous democratic revolution that there might not be a state after all.

Writing in the dark shadow of totalitarianism and world war, Bertrand de Jouvenel warned against the view that democracy was

opposed to the state or a regime that weakened the state. “If that were so,” he noted, “we should expect to find that in monarchical and aristocratic regimes the apparatus of coercion was at its zenith... and that in modern democracies it was at its nadir.” In contrast, he continued, “What we in fact find is the very opposite and that there goes with the movement away from monarchy to democracy an amazing development of the apparatus of coercion.”⁴⁷ Recognizing the extraordinary power of the modern democratic state, Jouvenel and many like-minded colleagues reenacted the flight of Ichabod Crane. They ran from the headless democratic state, seeing it as a phantom to be avoided at all costs. Such intellectual flights—such oft-repeated evacuations of the state and democracy—have made the theory and history of the democratic state a shouting silence that sorely needs a voice if not necessarily a head.

NOTES

- [1] Pierre Bourdieu, *On the State: Lectures at the Collège de France, 1989-1992*, trans. David Fernbach (Cambridge: Polity Press, 2014), 5.
- [2] Bourdieu, *On the State*, 5-6.
- [3] Bourdieu, *On the State*, 4. See also Bourdieu’s earlier work on the centrality of the symbolic, “On Symbolic Power,” in *Language and Symbolic Power* (Cambridge: Polity Press, 1991): 163-170.
- [4] For paradigmatic statements, see Richard Epstein, *The Classical Liberal Constitution: The Uncertain Quest for Limited Government* (Cambridge: Harvard University Press, 2014); Nicos Poulantzas, *State, Power, Socialism* (London: NLB, 1978); Peter Evans, Dietrich Rueschmeyer, and Theda Skocpol, *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985).
- [5] Stephen W. Sawyer, “An American Model for French Liberalism: The State of Exception in Édouard Laboulaye’s Constitutional Thought,” *The Journal of Modern History* 85 (December 2013): 739–771; “Louis Blanc’s Theory of the Liberal Democratic State,” *The Tocqueville Review/La revue Tocqueville*, Volume 33, Number 2, 2012, pp. 141-163; “Beyond Tocqueville’s Myth: Rethinking the Model of the American State,” in *Boundaries of the State in U.S. History*, James T. Sparrow, William J. Novak, and Stephen W. Sawyer, eds., (Chicago: University of Chicago Press, forthcoming 2015).

- [6] William J. Novak, *The People's Welfare: Law and Regulation in 19th Century America* (Chapel Hill: University of North Carolina Press, 1996); Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113 (2008): 752-772.
- [7] James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (New York: Oxford University Press, 2011).
- [8] Desmond King and Robert C. Lieberman, "Ironies of State Building: A Comparative Perspective on the American State," *World Politics* 61 (2009): 547-588; Lawrence Jacobs and Desmond King, eds., *The Unsustainable American State* (Oxford: Oxford University Press, 2009).
- [9] Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); Gary Gerstle, *Governing America: A History of Public Power in America from the Revolution to the Present* (Princeton: Princeton University Press, 2015).
- [10] On the French state, see for example, Pierre Rosanvallon, *L'État en France : de 1789 à nos jours* (1990); Nicolas Delalande, "Reforming the Tax State: Taxation and Democracy in a Transatlantic Perspective France," *The Tocqueville Review/La revue Tocqueville* 33 (2012), 71-85; Alain Chartiot, "La société civile redécouverte : quelques perspectives françaises" *Discussion Papers*, WZB, SP IV, 2009-402; Claire Lemerrier, "La France contemporaine : une impossible société civile," *RHMC* 52-3 (2005): 166-179. On the American experience, illustrative examples include the recent work of Jerry Mashaw, *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law* (New Haven: Yale University Press, 2012); Nicholas Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780-1940* (New Haven: Yale University Press, 2013); David A. Moss, *When All Else Fails: Government as the Ultimate Risk Manager* (Cambridge: Harvard University Press, 2002); Dauber, Michele Landis Dauber, *The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* (Chicago: University of Chicago Press, 2012).
- [11] "What's Gone Wrong with Democracy?" *The Economist*, March 1, 2014.
- [12] Federico Mancini, *Democracy and Constitutionalism in the European Union: Collected Essays* (Portland: Hart Publishing, 2000), 66.
- [13] James T. Kloppenberg, *Uncertain Victory: Social Democracy And Progressivism in European And American Thought, 1870-1920* (New York: Oxford University Press, 1986); Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Harvard University Press, 1998).
- [14] John Dewey, *The Public and Its Problems* in Jo Ann Boydston, ed., *John Dewey: The Later Works, 1925-1953*, vol. 2 (Carbondale: University of Illinois Press, 1984), 241.
- [15] F.A. Hayek, "Foreword to the 1956 American Paperback Edition," *The Road to Serfdom: Text and Documents: the Definitive Edition* in *The Collected Works of F.A. Hayek*, vol 2, Bruce Caldwell, ed. (New York: Routledge, 2014). For a full and more nuanced discussion of the emergence of this

- position, see Angus Burgin, *The Great Persuasion: Reinventing Free Markets since the Depression* (Cambridge: Harvard University Press, 2012).
- [16] Isaiah Berlin, *Two Concepts of Liberty* (Oxford: Clarendon Press, 1958); Arthur M. Schlesinger, Sr., "Biography of a Nation of Joiners," *American Historical Review* 50 (1944), 1-25; Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace & World, 1955).
- [17] Edward A. Purcell, *The Crisis of Democratic Theory: Scientific Naturalism and the Problem of Value* (Louisville: The University Press of Kentucky, 1973); John Higham, "The Cult of the American Consensus: Homogenizing Our History," *Commentary* 27 (1959): 93-100.
- [18] Theda Skocpol put it this way: "Despite important exceptions, society-centered ways of explaining politics and governmental activities were especially characteristic of the pluralist and structure-functionalist perspectives predominant in political science and sociology in the United States during the 1950s and 1960s... 'Government' was viewed primarily as an arena within which economic interest groups or normative social movements contended or allied with one another to shape the making of public policy decisions." Skocpol, "Bringing the State Back In: Current Research," in Evans, Rueschmeyer, and Skocpol, *Bringing the State Back In*.
- [19] Skocpol, "Bringing the State Back In," 5.
- [20] The strange irony is that many of the best and most complex works on the state during this period were written by neo-Marxists with the ultimate goal of capturing or pushing beyond the state. For an attempted Marxist response to the evacuation of the state by liberal political theory, see Stanley Aronowitz and Peter Bratsis, *Paradigm Lost: State Theory Reconsidered* (Minneapolis: University of Minnesota Press, 2002).
- [21] Skocpol, "Bringing the State Back In," 7; Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982); Charles Tilly, *Coercion, Capital, and European States, A.D. 990-1992* (Cambridge: Basil Blackwell, 1990); Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979).
- [22] Of course, relevant works here are voluminous, for a sampling, see Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* (New York: Palgrave MacMillan, 2008); Graham Burchell, Colin Gordon, and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991); Michael Mann, *The Sources of Social Power*, 2 vols. (New York: Cambridge University Press, 1986, 1993).
- [23] Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000).
- [24] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998); Agamben, *State of Exception* (Chicago: Chicago University Press, 2005).

- [25] Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996); Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2005).
- [26] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958); Arendt, *On Revolution* (New York: Viking Press, 1963).
- [27] See for example, Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge: MIT Press, 1986); Pierre Rosanvallon, *L'État en France: de 1789 à nos jours* (Seuil, 1990); Rosanvallon, *The Demands of Liberty: Civil Society in France since the Revolution*, trans. Arthur Goldhammer (Cambridge: Harvard University Press, 2007); Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust* (Cambridge: Cambridge University Press, 2008); Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*, trans. Arthur Goldhammer (Princeton: Princeton University Press, 2011); Rosanvallon, *A Society of Equals*, trans. Arthur Goldhammer (Cambridge: Harvard University Press, 2013).
- [28] Dewey, *The Public and Its Problems*, 241.
- [29] Philip S. Gorski, *The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe* (Chicago: Chicago University Press, 2003) is especially perceptive on this longer historical perspective.
- [30] A robust literature on the history of civic associations has arisen in response to Robert Putnam's *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000); most notably, Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life* (Norman: University of Oklahoma Press, 2003) and *What a Mighty Power We Can Be: African American Fraternal Groups and the Struggle for Racial Equality*, ed. Skocpol Ariane Liazos, and Marshall Ganz (Princeton: Princeton University Press, 2006), as well as some recent work of Skocpol's students. But virtually all of this literature has taken the categorical separateness of civil society from the state for granted, despite Skocpol's call for a more "polity-centered" history, in her *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Harvard University Press, 1992).
- [31] On this point, see the essays in the "State and Civil Society" section of James T. Sparrow, William J. Novak, and Stephen W. Sawyer, *Boundaries of the State in U.S. History* (Chicago: University of Chicago Press, forthcoming 2015).
- [32] See for example the four volume history of the *Advent of Democracy*, by Marcel Gauchet, *La révolution moderne* vol.1 (2007); *La crise du libéralisme*, vol. 2 (2007); *À l'épreuve des totalitarismes, 1914-1974*, vol. 3 (2010) (Paris: NRF Gallimard).
- [33] William J. Novak, Stephen W. Sawyer, and James T. Sparrow, "Toward a History of the Democratic State," *Tocqueville Review* 33.2 (December 2012): 7-18.
- [34] Pierre Rosanvallon, *L'État en France* (Paris : Seuil, 1990), 11.
- [35] Claude Lefort, "La Question de la démocratie," in *Essais sur le politique XIXe-XXe siècles* (Paris: Seuil, 1986), 28

- [36] Marcel Gauchet, *Comprendre l'histoire de la démocratie* [consulted October 5, 2014, <http://www.youtube.com/watch?v=kcMw5y1oGxM>]
- [37] Chantal Mouffe, ed., *The Challenge of Carl Schmitt* (Verso, 1999); Mouffe, *The Democratic Paradox* (Verso, 2000).
- [38] Chantal Mouffe, "Deliberative Democracy or Agonistic Pluralism," *Social Research*, Vol. 66, no 3 (Fall 1999): 745-758, 753.
- [39] Miriam Revault d'Allones is one of the few to have made this point convincingly. See her essay *Pourquoi nous n'aimons pas la démocratie* (Paris: Seuil, 2010).
- [40] Michel Foucault, *Society Must Be Defended, Lectures at the Collège de France, 1975-76* (New York: Picador, 2003), 37.
- [41] Our meaning of "immanence" here is precisely that on which Eric Voegelin predicated his most influential work, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1952). We, of course, ascribe a very different, almost diametrically opposed, valence to the significance of political immanence, although we agree it is quintessentially modern (if not the quintessential "error" of the moderns).
- [42] Precisely when such a total control of democratic social power is approached – notably, through radical parties' hollowing out of the state, which is quite distinct from any "capture" of it – that is when the democratic state not only ceases to exist, but gives way to its totalitarian nemesis. See Franz Neumann, *Behemoth: The Structure and Practice of National Socialism* (New York: Oxford University Press, 1942), and Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, 1951).
- [43] Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, Arthur Goldhammer, trans. (Cambridge: Cambridge University Press, 2008)
- [44] On this, see James T. Sparrow, "Behind the Atomic Curtain: School Desegregation and Territoriality in the Early Cold War," *Tocqueville Review* 33.2 (December 2012): 115-39.
- [45] See Dewey's chapter on "The Democratic State" in *The Public and its Problems*.
- [46] John Quidor, *The Headless Horseman Pursuing Icabod Crane* (1858) oil on canvas 26 7/8 x 33 7/8 in. (68.3 x 86.1 cm.) Smithsonian American Art Museum.
- [47] Bertrand de Jouvenel, *On Power: Its Nature and the History of Its Growth* (New York: The Viking Press, 1948), 21.