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## **TOWARD A HISTORY OF THE DEMOCRATIC STATE**

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

Over the past generation, the history of the state has been experiencing a much-noted renaissance, especially in France and the United States. In the United States as late as 1986, Morton Keller complained to William Leuchtenburg in the *Journal of American History*: “To say that ‘there is much still to be learned about the nature of the State in America’ is ... a major understatement. There is close to everything to be learned about the State.”<sup>1</sup> In France as late as 1990, Pierre Rosanvallon’s powerful introduction to *L’État en France* suggested that an ambitious history of the state could not yet be written because of the lack of works focused specifically on the state. As he put it, “L’État comme problème politique, ou comme phénomène bureaucratique, est au cœur des passions partisans et des débats philosophiques tout en restant une sorte de non-objet historique.”<sup>2</sup> As the essays in this volume attest, much has changed in the historiography of the American and French states in the intervening 25 years. The state has indeed been brought “back in” in Theda Skocpol’s influential words.<sup>3</sup> In fact, the return of the state in history, theory, and the social sciences in both France and the United States has been so strong and successful, that the subject of “the state/l’État” has again itself become an intellectual crossroads—and a contested terrain—for new important debates and controversies concerning the French and American past more generally.

The essays collected here thus appear at a crucial juncture in a rapidly developing historiography of the modern state. As Alain Chatriot’s and Sarah Gensburger’s historiographic statements make

clear in the French case, the quantitative problem that plagued the history of the state for so long—*i.e.*, not enough of it—has been remedied.<sup>4</sup> So too in the United States, the pioneering texts of Theda Skocpol and Stephen Skowronek, together with the steady stream of monographs produced by the school of social and political scientists working on American Political Development, have decisively pushed the history of the American state in all its guises (from the fiscal state to the welfare state to the penal state to the warfare state) back to the center of American historical inquiry.<sup>5</sup> And, needless to say, continued theoretical work in the traditions of Michel Foucault on governmentality, Michael Mann on social power, and Pierre Bourdieu's courses from the *Collège de France*, recently published as *Sur l'État*, continues to enlarge and enliven the interpretive frameworks through which historians reckon with the state.<sup>6</sup>

Amid all of this real progress in history and historiography, some important problems and lacunae remain. Something still rings true in Rosanvallon's and Keller's early pronouncements that much remains to be learned about the state. For as much as recent work on the state has opened up new realms for understanding American, European, and even world history, it has also generated as many new questions as answers. New histories of the French and American states have brought cascades of new information about the exercise of power in those regimes, but they have simultaneously revealed significant limitations in our inherited perspectives when trying to historically explain and assess the disparate operations of state power across time and space. The essays in this volume are thus dedicated to more than taking stock of the extant work of the past generation, let alone declaring the major work done and complete (as in some recent attempts to go "beyond the state").<sup>7</sup> Rather, taking cues from John Dewey's wise counsel that "the state must always be rediscovered," these essays view past histories as but a prologue to a history of modern liberal-democratic states that still remains to be written.<sup>8</sup>

#### HISTORICIZING THE STATE

One of the most interesting consequences of the past generation of state studies is the increasing realization (reflected at some point in all of these essays) that the state we have worked hard to bring back in is ultimately not the state we thought we once knew. That is, the

“state” revealed in some of the most recent histories of French and American governance is strangely at odds with the “State” of so much theory and political science. Current histories of the state increasingly confound traditional oppositions between state and civil society, law and power, center and periphery, strong and weak states. Indeed, the nineteenth- and twentieth-century democratic leviathans studied in France and the United States are more interesting for the way they depart from rather than conform to reigning models of statecraft that highlights formalization, rationalization, bureaucratization, office-holding, and the state monopoly of violence. In other words, the kind of state that was originally brought “back in” in the social sciences of the 1980s and 90s seems very much on its way “back out” in the histories of the 2000s and 2010s.

One way in which this is particularly true is the degree to which new histories of the French and American state all seem to complicate the essentially Weberian vision that animated most first-wave efforts to re-center the state in history and the social sciences. Much like the introduction to Bertrand Badie and Pierre Birnbaum’s landmark study of 1979 *La sociologie de l’État*, the prominent introduction to *Bringing the State Back In*, by Theda Skocpol et al. was quite explicit about the revival of this original Continental (or more precisely, Germanic) model: “Now that comparative social scientists are again emphasizing the importance of states, it is perhaps not surprising that many researchers are relying anew ... on the basic understanding of ‘the state’ passed down to contemporary scholarship through the widely known writings of such major German scholars as Max Weber and Otto Hintze.” It is no accident, consequently, that such first-wave studies of the state ended up concentrating on the official “administrative, legal, extractive, and coercive organizations” that Skocpol, Skowronek, and Alfred Stepan identified as the “core of any state.”<sup>9</sup> What Skowronek dubbed an “organizational view” of the state based on an essentially Prussian model was grounded in a fundamental opposition between modern European continental states and all others, especially the British and American states. Indeed, in these histories and theories especially, the American state emerged as the great exception—a modern democracy without something that could rightly be defined, in Hegelian terms, as “a Real State.”<sup>10</sup>

This early re-theorization of the state in the social sciences in a primarily Weberian mode certainly underwrote an exciting rebirth of interest in state studies. But less fortunately, it also produced some interpretive emphases that more recent histories have struggled to get beyond. First, the stark separation of state from society that dominated first-wave studies and counterfeited a certain amount of analytical clarity, also sacrificed the opportunity for a more satisfactorily causal history of the political. In their over-eagerness to define the state as something specifically more than “government” and distinctly less than “society,” Skocpol, Skowronek, and company relied on definitions and concepts that fitted historical reality into a set of pre-conceived variables that could be manipulated within essentially ahistorical models. Second and relatedly, early state studies in France and the U.S. also introduced an ultimately distracting insistence on the “autonomy” of formal state actors and state institutions.<sup>11</sup> Finally, early state studies relied on a comparative typology of so-called “strong states” and “weak states” that has not stood up well against the advance of increased historical scrutiny.<sup>12</sup>

The newer histories of the state highlighted in the essays that follow all build on the very real accomplishments of a now mature scholarly literature. But in working to more adequately historicize as well as theorize the French and American states, these histories directly confront some of these larger interpretive legacies while also opening up a series of new questions that remained largely unaddressed in the first-wave studies of the 1980s and 90s. Much recent historical work, for example, advances a number of counter-narratives or counter-histories that emphasize the degree to which the actual histories of modern states refuse to conform to the expectations produced by the ideal-typical states of theory and social science. Indeed, some of these histories run so counter to established frameworks and typologies, that one can begin to detect the demand for and the outline of an emerging new theory of modern democratic state development. And interestingly, the proving ground for working out that new theory and history within a democratic framework may require shifting away from the Continental to a comparison of the increasingly rich histories of the French and American state.

In the American case, a host of new primary histories by scholars like Richard John, Max Edling, Gautham Rao, Michele Landis

Dauber, Jerry Mashaw, Nicholas Parillo, and Jim Sparrow, among others (on diverse topics ranging from fiscal policy and communications to administration, welfare, and warfare) have increasingly challenged what one historian has called “the myth of the weak American state.”<sup>13</sup> These scholars have taken cues from emerging revisionist analyses of the early modern British state (especially the work of John Brewer and Steven Pincus) that challenge reigning assumptions about “the peculiarities of the English” when viewed exclusively through the Weberian typology.<sup>14</sup> Together, these studies expose the foundations of an alternative Anglo-American historical trajectory of liberal and democratic state development that does not quite fit prevailing stereotypes emphasizing “exceptionalism,” “state weakness,” or mere “courts and parties.” Rather, the history of Anglo-American statecraft is explored on its own terms, as it structured power along its own lines and distributing it with sometimes surprising efficacy.<sup>15</sup>

As the revisionist British-American studies of the state have opened up new avenues for historical interpretation, the possibility of French-American comparison looks ever more compelling. A very interesting historiographical convergence seems well underway. Much as American historians have questioned Alexis de Tocqueville’s classic characterization of an essentially “weak” American state (*e.g.*, “being naturally weak, it gives up even the appearance of strength”), French historians have interrogated his equally stark portrait of the despotic power of the so-called “Jacobin centralist” state. As Delalande puts it, “Most French historians have thus abandoned the myth of the ‘Jacobin’ state, in order to provide a much more balanced and accurate picture of how the state interacted with civil society and market forces.”<sup>16</sup>

Most of the essays that follow find direct inspiration in Rosanvallon’s path-breaking history of the French state (unfortunately not yet translated into English), which reconceptualizes the state to bring its analysis more in line with the actual history of liberal and democratic regimes. But to date, Rosanvallon’s project, while being absolutely formative in the revision of modern French political history, has not, until recently, been fully engaged by comparative historical scholarship. While the American and Prussian cases have been opposed and the American and British

cases have been seen as complementary, the French state and its most sophisticated historical analyses has remained an outlier, serving as an archetype for an abstract, conceptual history of the state, which stays fundamentally opposed to the supposedly more instrumental American and British cases.

Together, the essays in this volume seek to begin to remedy this shortcoming. For, as we hope readers will see below, a comparison of the French and American states has much to offer historians as well as political and social theorists. Both states were instrumental to the revolutions that made the modern political world.<sup>17</sup> Both have since served as midwives to perhaps the oldest surviving democracies on the planet. The affinities between the French and American states are more than happenstance; they are the historical legacy of democratic birth-pains; of its terrible failures as well as its enduring successes.

Consequently, the task of a thoroughly comparative history of the French and American states involves more than simply comparing two separate historical experiences of the state. It also involves a larger attempt to loosen the moorings of national context as a whole in order to pursue a more conceptual history of the state in its multiple historical manifestations. The history of the modern state can only be fully understood by simultaneously stepping outside of the secure boundaries of a particular nation. Bringing the French and American states into dialogue is not intended to simply be one more set of national comparisons. Rather, it also involves a larger quest to rescue the history of the state from the nation-state itself.<sup>18</sup> Because of the possibilities of this particular historiographical moment and because of the comparisons that have already been pursued between the various states thus far, the approach articulated in the essays that follow also try to suggest the foundations for a new history of the state that spreads well beyond France and the United States.

#### BRINGING DEMOCRATIC THEORY BACK IN

In a 2012 interview, political philosopher and specialist on Rousseau, Bruno Bernardi, argued that “The conceptualization of democracy as a mode of organizing the state has prevented a proper problematization of the notion of democracy.”<sup>19</sup> And yet, within new political histories of the state, it is precisely the imperative of taking

account of the history of the democratic state per se that needs attention. By focusing attention on state “autonomy,” scholars have reified the undemocratic features of state-building without doing enough to consider the democratic pressures that encouraged government officials to dream of—if not attain—freedom from accountability in the first place. Pledging to make analyses more “polity-centered” only reaffirms the putative split between state and society, rather than deepening our understanding of their mutual constitution.<sup>20</sup>

Ours is decidedly not a call for more histories of techniques of liberal governance (separation of powers, rule of law, etc.), but rather a suggestion that what has been absent is a history of the political that takes the democratic state and therefore its relation to the social as its focus. For one of the real shortcomings in applying the Weberian model of statecraft to other historical experiences was the degree to which it 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, might have brought a greater attention to the distinctive aspects of statecraft, but again only by tabling the more 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 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.”<sup>21</sup> 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. Thus, historians may perhaps take a cue from Pierre Bourdieu, who provided a very different sociological perspective from that of Weber when he argued for the social embeddedness of the state: “the state” he concluded, “permits the logical and moral integration of the social world.”<sup>22</sup>

From a historical perspective, then, one may argue that a singularly important and inescapable theme in modern French and U.S. history is the democratization of state power. In the French case, however, these two concepts, democracy and *État* have, broadly speaking, remained opposed. The most famous example is again



Alexis de Tocqueville's analysis of the French Revolution as the ultimate achievement of state centralization that began with French absolutism. That the state was born under absolutism and then strengthened by the revolution suggested to Tocqueville that the state was not, in itself democratic; modern democracy remained a social project and for democracy to be achieved it was necessary to foster a democratic society at the expense of the state. This opposition between the modern state, grounded in its early modern precedents, and democracy as a modern social condition, elides however an essential aspect of the history of the modern state: democracy as a history of the state-society relation. The autonomous state thus evades a proper historicization of the very subject of the democratic state.

In the American case, the lack of an "old regime" coupled with the idea that the United States was born simultaneously with its state, has similarly set aside a democratic history of American statecraft. The American state, civil religion posits, was conceived from the beginning as popular or democratic and therefore has remained so since inception. Consequently, drawing a conceptual distinction between an American state and the democratic state appears paradoxical at best and as heresy at worst. In this view then, the modern American state is as historical as representative democracy itself. And yet, once again, it is precisely the history of the interplay between the state and democratic politics that demands and draws historical attention.

In this sense, to borrow Jim Kloppenberg's term, 1789 and 1776 marked something of an "uncertain victory" for the democratic state. This is not only because France would fall under the yoke of various forms of liberal authoritarianism or because the United States would maintain the institution of slavery for almost a century following their respective "democratic" revolutions, but because any democratic state is necessarily unfinished by its very nature. It was, after all, Louis Blanc who most poignantly argued in "The State in Democracy" that the democratic state was a peculiar form of state power distinct from any other precisely because of its historical nature. As he put it,

Unfortunately, there is no regime in which the state can be seen as a faithful and exact representation of society. You argue that this is what

exists within the democratic regime? Alas, as superior as it may be to all the others, its power cannot represent the unanimity of all citizens.<sup>23</sup>

For Blanc, the democratic state was “society acting as society upon itself.” And yet, as there can never be perfect resonance between society and its expressions in the state, the democratic state always remains a fundamentally open-ended and historical process. Rather than being the End of History, as Hegel famously stipulated, the state has supplied the essential ways and means to democratic politics through history. A conceptual history of the democratic state, then, must build the historicity of the state-society relationship into its very methodology.

#### CONCLUSION

Each in their own way, the essays in this volume are informed by analytics and theory, but they take their direction more from empirics and history. They are less concerned with generating a permanent and air-tight definition of the state separate from society and everything else, and more preoccupied with tracing the actual changing forms of the modern democratic state as it developed over space and time in France and the United States. In place of clean and uniform conceptions of the state as a singularity—a “thing” coherent—these essays emphasize the necessarily plural and multidimensional features and means of democratic states. In place of formal typologies and trans-historical constants, these essays ponder the forever-changing historical practices at the heart of both state and democracy. Long ago, John Dewey cautioned against most concepts introduced by “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.”<sup>24</sup>

We have attempted to “start from the latter”—the historical facts of human political activity. And they lead us to some previously underexplored events, interpretations, and comparisons. Many scholars currently taking stock of recent developments in the history and theory of the state write as if the most important work is finished

and behind us. They emphasize something of a methodological ending, and work hard to articulate an agenda somewhere beyond the state. The essays in this volume, in contrast, take an alternative tack. They embrace the idea that the most interesting work on the state has just begun. And they hold out the promise that a fresh comparison of the history of the French and American democratic states in the nineteenth and twentieth centuries is just the place to pioneer a new beginning. The history of the democratic state is being rediscovered.

#### NOTES

- [1] Quoted in William E. Leuchtenburg, "The Pertinence of Political History: Reflections on the Significance of the State in America," *Journal of American History*, 73 (1986): 585-600, 594.
- [2] Pierre Rosanvallon, *L'État en France: de 1789 à nos jours* (1990), 9.
- [3] Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (New York, 1985).
- [4] We have not reproduced the large bibliography in this introduction, see their articles for a thorough review of recent works on the state in France.
- [5] The classics in the American Political Development tradition are Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (New York, 1982); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass., 1992); and Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York, 2004). Also see, Richard R. John, ed., *Ruling Passions: Political Economy in Nineteenth Century America* (University Park, Pa., 2006).
- [6] Graham Burchell, Colin Gordon, and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality* (Chicago, 1991); Michael Mann, *Sources of Social Power*, vol 2 (Cambridge, 1993); Pierre Bourdieu, *Sur l'État: Cours au Collège de France (1989-1992)* (Paris, 2012).
- [7] See for example, Nikolas Rose and Peter Miller, "Political Power Beyond the State: Problematics of Government," *British Journal of Sociology* 43 (1992): 173-205.
- [8] John Dewey, *The Public and Its Problems* in Jo Ann Boydston, ed., *John Dewey: The Later Works, 1925-1953*, vol. 2 (Carbondale, 1984), 237-350, 256.

- [9] Skocpol, *Bringing the State Back In*, 7.
- [10] Skowronek, *Building a New American State*, 6, 293. Georg Wilhelm Friedrich Hegel, *The Philosophy of History*, trans. J. Sibree (New York, 1956), 85–86.
- [11] Beyond the programmatic statements of Skocpol and Skowronek on “state autonomy,” also see Eric A. Nordlinger, *On the Autonomy of the Democratic State* (Cambridge, 1981); Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms, and Results,” *European Journal of Sociology*, 25 (1985): 185-213; and Claus Offe, *Contradictions of the Welfare State* (Cambridge, 1984). One of the most sophisticated renderings of the “autonomy” theme in the political science literature is Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton, 2001).
- [12] Peter Baldwin, “Beyond Weak and Strong: Rethinking the State in Comparative Policy History,” *Journal of Policy History* 17 (November 2005): 12–33; Frank Dobbin and John R. Sutton, “The Strength of the Weak State: The Employment Rights Revolution and the Rise of Human Resource Management Divisions,” *American Journal of Sociology* 104 (1998): 441–476; Gary G. Hamilton and John R. Sutton, “The Problem of Control in the Weak State: Domination in the United States, 1880–1920,” *Theory and Society* 18 (1989): 1–46; Robert C. Lieberman, “Weak State, Strong Policy: Paradoxes of Race Policy in the United States, Great Britain, and France,” *Studies in American Political Development* 16 (2002): 138–161. For a defense of the “strong” state theory, see Pierre Birnbaum, “Défense de l’État ‘fort’. Réflexions sur la place du religieux en France et aux États-Unis,” *Revue française de sociologie* 3 (2011): 559-578.
- [13] Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, Mass., 1995); Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York, 2003); Gautham Rao, “The Federal Posse Comitatus Doctrine: Slavery, Compulsion, and Statecraft in Mid-Nineteenth Century America,” *Law and History Review* 26 (Spring 2008): 1–56; Michele Landis Dauber, “Fate, Responsibility, and ‘Natural’ Disaster Relief: Narrating the American Welfare State,” *Law and Society Review* 33 (1999): 257–318; Jerry L. Mashaw, “Recovering American Administrative Law: Federalist Foundations, 1787–1801,” *Yale Law Journal* 115 (2006): 1256–1344; Nicholas Parrillo, “Against the Profit Motive: The Salary Revolution in American Government, 1780-1940 (forthcoming, Yale University Press); James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford University Press, 2011); William J. Novak, “The Myth of the Weak American State,” *American Historical Review* 113 (June 2008), 752-772.

- [14] John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (Cambridge, 1990); Steven C. A. Pincus, *1688: The First Modern Revolution* (New Haven, 2011); David Sugarman, "In the Spirit of Weber: Law, Modernity and 'The Peculiarities of the English,'" in Claes Peterson, ed. *History and European Private Law* (Stockholm, 1997): 217-262.
- [15] See for example, Ira Katznelson, "Flexible Capacity: The Military and Early American State-Building," in *Shaped by War and Trade: International Influences on American Political Development*, Katznelson and Shefter, eds. (Princeton, 2002), 86; Gary Gerstle, "The Resilient Power of the States across the Long Nineteenth Century: An Inquiry into a pattern of American Governance," in Jacobs and King, *The Unsustainable American State* (Oxford, 2009), p 61-87; Desmond King and Robert C. Lieberman, "Ironies of State Building: A Comparative Perspective on the American State," *World Politics* 61(3) 2009: 547-588.
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- [18] Prasenjit Duara, *Rescuing History from the Nation-State* (Chicago, 1992); Duara, *Rescuing History from the Nation: Questioning Narratives of Modern China* (Chicago, 1995).
- [19] "État, représentation, démocratie. Que faire de la philosophie politique?" Table ronde avec Bruno Bernardi, Philippe Raynaud et Myriam Revault d'Allonnes, *Esprit*, mars-avril 2012, pp 185-199, 190.
- [20] Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, 1992), 41-62.
- [21] Rosanvallon, 11: "Il est impossible de faire sur cette base la différence entre un État démocratique et un État totalitaire." Rosanvallon has returned to this question of democracy as a social form in his recent book *La société des égaux* (Paris, 2011).
- [22] Pierre Bourdieu, *Sur l'État. Cours au Collège de France, 1989-1992* (Paris, 2011), 15.
- [23] Louis Blanc, *L'État et la commune* (Paris: Librairie Internationale, 1866), 10.
- [24] John Dewey, *The Public and Its Problems* in Jo Ann Boydston, ed., *John Dewey: The Later Works, 1925-1953*, vol. 2 (Carbondale, 1984), 237-350, 241.