I. INTRODUCTION

Marxists have always held that the state plays a pivotal role in sustaining the class domination of ruling classes. Without the intervention of the state, especially its repressive interventions, the contradictions between classes would become so explosive that bourgeois domination could hardly survive for an extended period. The state, nearly all Marxists insist, *fulfills an essential function in reproducing the class relations of capitalist society.*

This general approach can be called a *class-centered functional view of the state.* In one form or another it has been the core of traditional Marxist state theory.

1. BASE/SUPERSTRUCTURE

This kind of functionalist argument was a central part of the thesis in classical Marxism that the state was part of the “superstructure”. I do not want to dwell on this classical view, since it is not widely supported in contemporary discussions (at least in this form), and we will look at this more closely when we discuss historical materialism at the end of the semester, but it is worth briefly explaining its logic.

**What is a Superstructure?**

1. *Superstructures support bases*: without superstructures bases would collapse.
2. G.A. Cohen’s image: a roof holding up the struts. Without the roof, the struts fall down.
3. *Bases explain superstructures*: The explanation for the presence of the roof is the need to hold up the struts. The base explains *functionally* the form of the superstructure: the state exists and takes the form that it does because it is necessary to reproduce class relations.
4. Superstructures are not epiphenomenal: they have tremendous effects.

This kind of explanation is called a *functional explanation.*

2. FUNCTIONAL EXPLANATIONS

2.1 The structure of functional explanations

A functional explanation is an explanation in which the beneficial effects of a structure are an important part of the explanation of the structure itself. The classic examples come from biology:

Q. Why do birds have hollow wings?
A. Because these are necessary if they are to fly.

Q. Why do giraffes have long necks?
A. Because this enables them to eat the leaves of the acacia tree

*A consequence of something helps to explain its existence.*
One of my favorite examples in sociology is Mallinowski’s famous explanation of fishing rituals among the Trobriand islanders:

Rituals occur because they have the effect of reducing fear. The explanation of rituals is via their consequences. Since this reduction in fear is beneficial to the community, we can say that there is a functional explanation of the occurrence and persistence of rituals.

Functional diagram of Mallinowski’s functional explanation of Trobriand islanders fishing rituals (from Art Stinchcombe: *Constructing Social Theories*):

![Diagram](image)

### 2.2 functional vs intentional explanation

Functional explanations are distinct from what is sometimes called an “intentional explanation”. An *intentional* explanation is an explanation in which the anticipated effects of an action enter into its explanation. When it is said, for example, that a particular law was adopted because politicians believed it would serve the interests of the capitalist class, an intentional explanation is being offered. A functional explanation, in contrast, would explain the law by its *actual* effects, not just its intended effects. The two may work together, of course: we could say that the introduction of the law was intentionally explained, but its persistence is functionally explained (i.e., the law remained in place because of its actual effects).

### 2.3 functional explanation & functional description

Many people dislike functional explanations because they are too easy to make, they are often facile, they are hard to prove or disprove. More specifically, it is very easy to slide from a functional description to a functional explanation. A functional description simply points to the beneficial effects of something. We observe that rain makes flowers grow. We can say that rain is functional for the flowers. There is nothing objectionable in such a descriptive claim. But we would regard as absurd the corresponding functional explanation: why does it rain? It rains so that flowers can grow. (Note that religions often do slide from functional descriptions to explanations in the natural world, where “God” becomes the mechanism which underwrites the functional explanation: Rain exists so that flowers can grow because God designed it that way).

Cohen stresses that it is essential to distinguish a functional description from a functional explanation. To say that rain dances among the Hopi Indians (one of Cohen’s favorite examples) contributes to social cohesion is to present a functional description; to say that the existence Hopi rain dances is explained by the fact that they contribute to cohesion is to offer a functional explanation. Cohen’s thesis is that historical materialism -- the Marxist theory of history -- rests on such functional explanations.

Empirical observation about beneficial effects, therefore, is not equivalent to a demonstration of a functional explanation, but it can provide a basis for an *inference* about a dispositional fact which adds credibility to a functional explanation. If a functional explanation is correct, then there must exist some sort of underlying mechanism -- sometimes called a “feedback mechanism” -- which explains how it comes to pass that the structure is reproduced by virtue of its beneficial effects. In the case of functional explanations in biology, Darwinian natural selection constitutes the core of such mechanisms: the beneficial effects of a trait increase
the probability of the genes which produce the trait to be passed on to offspring. Cohen argues that an elaboration of such mechanisms is certainly useful in defending a functional explanation and is ultimately important for the theory within which the functional explanation figures to be complete. But he insists that a specification of such mechanisms is not logically necessary for believing a functional explanation to be valid.

3. What is wrong with the superstructural view of the state?

The basic problem usually identified is the absence of adequate mechanisms that explain the functionality of the superstructure. The functionality of the state -- or anything else -- cannot be taken for granted; it is not automatic, but must be socially produced and sustained. The image of the state-as-superstructure tends to short-circuit the investigation of such mechanisms. Still, I think it is legitimate to sustain the functional description of the state as a working hypothesis and starting point for analysis, as a way of posing a set of questions.


Three kinds of theoretical moves have characterized Marxist discussions that have rejected the strong superstructural notion of the state:

(1) **State as arena of struggle** → **contested functionality.** First, it is now often argued that the state is also an object and arena of class struggles, struggles which may impinge on the capacity of the state to fulfill this “essential function.” While the class nature of the state is still generally accepted, its functionality is viewed as more problematic and potentially even contradictory because of the effects of struggles.

(2) **the State in a complex system** → **contradictory functionality.** The state faces multiple demands to satisfy functional needs of capitalist social reproduction, and the conditions for satisfying the needs are incompatible. This means that it is forced to engage in contradictory actions, self-undermining, inconsistent, unstable. There is no stable equilibrium. This becomes further complicated because in order to fulfill any of these function, the state needs some meaningful autonomy, but such autonomy can intensify these contradictory processes.

(3) **The state as an historically specific structure:** **contingent contradictory functionality.** Taken together, these two arguments -- that class struggles may impinge on the ability of the state to serve the ruling class and that state actors may have some autonomy from ruling class interests -- have seriously challenged the traditional functionalism of Marxist state theory. There is a general recognition that a full account of the capitalist state must integrate on the one hand an analysis of the state’s functions and the mechanisms which enable the state to fulfill those functions, and, on the other, an analysis of the process of struggle and institution-building which transforms the state and its mechanisms and which generates potentially contradictions within the state itself. Understanding such “contingent, contradictory functionality” will be the guiding theme of our exploration of the theory of the state.
II. Basic Concepts for understanding politics & the state

In this first lecture on the state we will try to clarify the basic conceptual terrain that will be used throughout our discussions of politics and the state. Four interconnected concepts are particularly important: 1. politics 2. political power 3. domination 4. the state. These concepts are all hotly contested. The definitions which I will offer, therefore, should not be viewed as reflecting a general consensus within contemporary Marxism. Indeed, in certain respects, what I will have to say by way of definition is not even distinctively Marxist in that these definitions could be adopted within quite non-Marxist substantive arguments.

1. POLITICS

1.1 Practice. In order to define “politics” we must first define the concepts of “practice” and “political practice”. Practice is defined as human action analyzed in terms of its transformative effects on the world. This does not imply, it must be emphasized, that social action is no more than objective, transformative effects or that the subjective meanings of the actors are irrelevant to understanding action. Indeed, as we shall see, one of the critical issues in contemporary Marxist discussions is the relationship between conscious political practice -- those practices in which the subjective meanings are political as well as the objective effects -- and the unintentional political aspects of other kinds of practices. The point is that the subjective state of the actor is not part of the very definition of political practice.

1.2 General format of discussions of practice:

All practices have the following formal properties:

- **Raw material** – the object of transformation
- The **means** of transformation – the instruments, tools, organizations, etc. that are used by people to accomplish the transformation
- The **process** of transformation
- The **product** of transformation

The simple paradigm case is economic practice:

- **Raw material** = nature
- The **means** of transformation = means of production, productive forces
- The **process** of transformation = the labor process, production process
- The **product** of transformation = use-values

All practices can be analyzed in these terms.

1.2 Political Practice. What then is political practice? I will define political practice as human social action that transforms social interactions into social relations. Contrast: with:

- **economic practice** which transforms nature (into use-values) and
- **ideological practice** which transforms human lived experience (into subjectivity).

1.3 Reproduction as Transformation. “Transformation” is an encompassing term in these definitions. A social practice that reproduces a given social relation, which maintains it in a given form, would also be considered a political practice. A reproductive political practice, in a
sense, transforms a social relation into itself. The assumption underlying this characterization of reproduction is that:

*Social relations never continue simply out of pure inertia. This is especially true in cases where social relations contain inherent antagonisms of interests (or what can be called contradictions); such relations do not continue unchanged simply by existing. Reproduction of antagonistic social relations should be viewed as an active process of blocking certain specific kinds of transformations.*

The implication here is that an antagonistic social relation like that of class exploitation requires specific processes for its maintenance, otherwise it would be transformed through struggle.

1.4 *Type vs Aspect of Practice.* In discussions of political practice it is important to distinguish the political aspects of social practices in general from political practice as a type of practice. To speak of the political aspects of any social practice (eg. the political aspects of economic practices) is to discuss the ways in which a given practice reproduces and transforms social relations, even if those transformations were not intended by the actors. To speak of political practice as a type of practice, on the other hand, implies that the intention of the actors is to produce such transformations. Actors are conscious subjects and may take social relations as the intentional object of their actions. *Politics*, then, is the term we use when discussing interactions among political practices in which the political aspects are intentionally pursued by the actors.

1.5 *Multiplicity of Types of Political Practice.* Understood in this way, politics can be identified with every type of social relation:

- gender politics produce and reproduce gender relations;
- classroom politics produce and reproduce the relations between teachers and students;
- class politics produce and reproduce class relations.

Even if there are reasons to treat class politics as particularly central to understanding large scale social changes, it is incorrect to identify politics as such with class politics or to treat all other types of politics as simply reflections of class politics.

It is also incorrect, under the definition of politics as interactions among conscious political practices, to restrict politics to the “public sphere”. Politics occurs within families and other intimate relations in the private sphere as well as factories, schools, and, of course, the state itself. What is more, it is a political question, not one given once and for all by the social relations themselves, precisely where the boundary between the public and private -- and thus the public and private spheres of political practice -- is drawn. While there may be good reasons in the study of politics to focus on the public arena of the formal “political system”, especially the state, the theoretical domain of politics is much broader than this.

This definition of politics and of political practice is considerably broader than that implicit in many Marxist analyses. Sometimes the analysis of politics is restricted to practices oriented to the state; other times to practices that take political power or domination as their object (rather than transformations of social relations in general). Under such more restricted definitions, if one could imagine a society without a state, and certainly if one can imagine a society without domination, then there would be no politics as well. The withering away of the state, to use a venerable Marxist slogan, would also signal the withering away of politics.
In the definition which I have offered, politics is an intrinsic feature of human social life, and while the hypothesized withering away of the state would certainly radically transform the terrain on which political practices occurred, politics as such would continue. If anything, one might expect, politics would loom larger in the daily life of average people, since the conscious transformation of social relations would no longer be primarily delegated to experts and politicians but would be a central feature of everyday practices.

2. **Political Power**

2.1 **Power in General.** All practices of whatever sort involve “power”, i.e. *capacities to produce the transformations* specific to the practice. “Economic power” in these terms refers to the capacity to transform nature, political power to the capacity to transform social relations, and ideological power to the capacity to transform subjectivity.

2.2 **Instrumental & structural power.** The expression “capacity to transform” has both an *instrumental* and *structural* meaning. The instrumental meaning is the simplest. To say that a particular individual or group has a great deal of political power is to say that they effectively control a variety of resources which enables them to effectively transform social relations. These resources constitute the “means of production” of political practice and the conscious use of those means of production to accomplish transformations is what we have called “politics”.

In addition to this instrumental meaning of political power, however, it is important to specify a sense in which a group can be structurally powerful politically even if the individuals in the group do not consciously wield instruments of political power. This occurs when the unintended political aspects of social practices *reproduce or transform social relations in ways which serve the interests of the group in question*. For example, as we will see in more detail later, the economic practices of capitalists have systematic political effects. The patterns of investment and disinvestment impose constraints on the political choices of all groups in the society and thus deeply shape the possibilities of transforming social relations even if capitalists do not use their investments consciously as political weapons. Of course, capitalists may also use investments as a conscious political instrument -- as when investment strikes are consciously used to shape state policies. This would be an instance where economic power is being deliberately used to enhance political power. But even apart from such instrumental political uses of economic power, the control over investments by capitalists gives them structural political power.

2.3 **Means & efficacy of Instruments of Power.** In analyzing any type of power, whether it be economic, ideological, political, it is important to establish both what constitutes the principle *means of transformation* used within the practice in question and the determinants of the *efficacy* of those means of transformation. This way of talking is most familiar in the case of economic power. Economic power is the capacity to produce transformations of nature:

The “forces of production” constitute the means of production deployed in such practices, and the efficacy of those forces of production is defined largely by their technical productivity. The economic power of an individual or class thus depends both upon *the extent to which it monopolizes the means of production* -- the property rights -- and the productivity of the means of production which it controls.
2.4 Organizations as the “Means” of Politics. As in the case of economic practices, the analysis of political power involves specifying the “means of production” of political practice, or what I will call “means of politics”, and the efficacy of those means. The prototypes of “means of politics” are political parties and the state, i.e. organizations.

Organizations are central to political power because of their role in mobilizing collective action and constraining choice.

But really any resource that bears on the capacity to transform relations can be considered pertinent to political power. Thus, many economic resources are simultaneously political resources and can enhance political power. The translation of economic resources into political power can operate through very crude mechanisms, for example when money is used to bribe officials or “buy one’s way into office”, or in quite subtle ways, as when the need for private investments shapes the political agenda discussed by politicians. How material resources are to be treated -- as elements of economic power or political power or both -- depends upon what is being explained, what effects and transformations are being considered. One of the pivotal theses of Marxism is precisely that economic power is the basis of political power, i.e. the effective control over the material means of production is the basis for the control over the means of producing/transforming social relations.

Political power is also affected by the efficacy of the means of politics, not simply the degree to which they are monopolized by particular actors. In the economic case it is easy to talk about the “productivity” of the forces of production. There is a fairly well defined concept of technical progress, of the surplus producing capacity of a given technology and knowledge, etc. The parallel concept is more problematic in the domain of politics, but is nevertheless pertinent. Different political organizations are able to produce different effects -- they have variable efficacy. This is not just a question of who controls them or how thoroughly they control those organizations. States may be strong or weak, efficient or inefficient as political means of production. The “incapacity” of the state is a critical problem, as we shall see in a later discussion. Similarly for political parties: working class party organizations vary in their ability to effectively mobilize workers for struggle. Lenin’s arguments for the necessity of a vanguard party in his famous essay, “What is to be Done?”, is precisely an argument about the political productivity of different means of politics open to the working class.

3. Domination

3.1 Power vs Domination as concepts. In many discussions of power, power is equated with “domination”: if there is no domination, there is no power. I think that power -- the capacity to transform relations -- is distinct from domination -- situations in which there are unequal distributions of power. Even in a utopian communist, egalitarian society there must be politics and power, but there need not be domination.

Domination, then, is a way of describing the distribution of power. Domination exists within a relation when one individual or group or category asymmetrically has power over another individual or group or category. (If the power of one group over another was symmetrical -- that is, each group had power over the other -- then this would not be domination).

3.2 The Multiple faces of Domination. The expression “power over” is a complex one and has been subjected to many interpretations in political theory. There are at least three meanings that
have been widely used. These have been identified by Steven Lukes, in his influential book, *Power: a Radical View* (London: McMillan, 1974), as “three faces of power” (which in our terms are three faces of domination):

1. A dominates B when A can get B to **do something even over the objections** of B: instrumental power
2. A dominates B when A can **define the range of alternatives** open to B, within which B freely chooses what to do (negative power, nondecisionmaking power).
3. A dominates B when A is able to **realize A’s interests at the expense** of B’s interests, even if B freely cooperates with A.

### 3.3 System-logic notions of power/domination

Bob Alford and Roger Friedland have referred to these three forms as **situational** power, **institutional** or organizational power and **systemic** power (see *The Powers of Theory*, Cambridge University Press, 1985, chapter 1). These can best be understood in the metaphor of politics as a game as suggested in an early lecture:

- **Systemic power** concerns power over what game is to be played = revolutionary v counterrevolutionary politics;
- **Organizational power** concerns power over the rules of the game = reformist v reactionary politics;
- **Situational power** concerns power over plays within a given set of rules = liberal vs conservative politics.

Systemic *domination*, then, refers to a situation in which there are deep asymmetries of power in shaping which game is played; institutional domination refers to a situation in which these asymmetries determine the precise rules of the game; and situational domination is a situation in which particular actors can dictate to others specific actions. As we shall see in subsequent discussions, many of the debates within the Marxist theory of the state and politics revolve around the interplay of these different faces of power and domination.

**[3.3 A parenthetical note on situational politics]**. In the case of both institutional power and systemic power it is clear that social relations as such are the objects of politics. To talk about which game is played or the rules of the game is precisely to talk about the reproduction and transformation of social relations. Situational power, on the other hand, seems to have less to do with social relations as such. The concept looks like it simply refers to direct control over the *practices* of one person or group rather than over relations. Should this, then, still be viewed as an instance of *political* power?

To say that A gets B to do something B would not otherwise do is to say A has the capacity to reproduce a particular social relation between A and B, a relation within which B will act in the proscribed way. The sanctions at A’s disposal are precisely what defines the relation between A and B, and A’s power (capacity) consists in preventing B from escaping that relation (this is what transforming a relation is). To say that a manager dominates workers by being in a position to force them to do particular tasks (which they otherwise would not do) is a shorthand for saying that workers are unable to transform the relation within which they must obey their bosses and that the costs to the individual worker of trying to escape the relation are greater than
staying in it. This does not imply that workers are *powerless* within this relation, since they are formally free to quit and that they can collectively resist the domination of the boss in various ways. But they are, nevertheless, dominated situationally in so far as their capacity (power) to determine their specific activities within production are less than the capacity of their bosses.]

4. The State

4.1 General definition.

Domination is not just a problem of interpersonal relations as the metaphor of A getting B to act in particular ways suggests. Domination is inscribed in social institutions of various sorts. This is crucial, for it is the institutionalization of domination that makes it stable over time.

The state, in these terms, is:

(1) *the most superordinate,*
(2) *territorially centralized*
(3) *institution of domination in a society.*

Political power may be unequally distributed within many arenas of social life -- in the family, in the factory, in the community. Each of these may be sites of domination. *To the extent* that these specific sites of domination in a given territory are themselves dominated by a centralized apparatus, that apparatus can be called a “state”.

4.2 Contrast with Weberian definitions and some Marxist definitions.

This definition of the state is somewhat at odds with conventional definitions in both the Weberian and Marxist traditions. Weberian definitions of the state typically define the state as an apparatus which “monopolizes the legitimate use of force” over a territory. The definition above does not assert either that the state state monopolizes violence nor that its rule is legitimate. To be sure, it may well be the case that states generally do more or less successfully monopolize violence over a territory, and also that this monopoly of violence is generally viewed as legitimate by at least a significant part of the population (and certainly by the personnel of the state itself). But neither of these seems to me to be essential to the very definition of the state. The essence is *domination in territorially centralized* institutions; it will be variable the extent to which that domination rests of violence and is legitimate.

The definition is also somewhat at odds with most Marxist definitions, since it does not explicitly insist that states are apparatuses of *class* domination, but just *political* domination. While I in fact believe that states are apparatuses for class domination for reasons we will explore in subsequent chapters, I do not think that this should be built into the definition of the state itself. Rather it is a proposition which has to be argued on independent grounds. The basis for the argument revolves around the relationship between economic power and political power, and thus political domination. It is not, however, logically entailed by the very concept of the state.

4.3 Variability in the *degree of stateness*.

Defining the state as the superordinate, territorially centralized apparatus of domination implies, as Pierre Birnbaum has suggested, that historically, *empirical “states” vary in their degree of “stateness”*. That is, they vary in both the extent to which domination is in fact territorially
centralized, and in the extent of the domination that is so centralized. High levels of stateness occur when there are high levels of domination and territorial centralization; low levels exist where there are either high levels of relatively autonomous decentralized domination (eg. in feudal states) or low levels of domination altogether (eg. in radically democratic political systems). This is the sense in which genuine “democracy” as a social principle of the exercise of political power is anti-statist, and the radical extension of democracy as envisioned in classical Marxist theories of the revolutionary socialism in fact signals at least a partial dissolution of the state (i.e. a reduction of the stateness of state apparatuses).

Important implication: the withering away of the state does not equal the withering away of politics and does not necessarily imply the withering away of domination

5. State and Civil Society

The meaning of any theoretical object is shaped by other concepts with which it is contrasted. In the case of political practice, these contrasts involve the distinction between political, economic and ideological practices. In the case of the state itself, the contrast that is frequently introduced in Marxist discussions is between the state and what is called “civil” society.

The concept of civil society is a particularly vague one in many discussions. Generally it is used to refer to those aspects of social life that have what could be termed strictly external relations with the state. That is, they exist autonomously from the state, have their own mechanisms of reproduction, but in various ways interact with state apparatuses. Primary examples of social relations “in” civil society are social networks of various sorts, secondary associations, what are loosely called communities, and families.

Critics of the state/civil society dichotomy have argued that because the state has become more and more implicated in everyday life, in production, accumulation, the family, and so forth, it no longer makes any sense to imagine a sphere of social relations constituted independently of the state. All aspects of social relations have internal relations with the state proper and therefore should not be analytically separated into a distinct sphere.

These criticisms, in my judgment, conflate the important fact that all social relations and practices have political aspects with the problem of distinguishing the state as a specific apparatus from other institutional arenas in a given territory. In the terms of the definition of the state elaborated above, the state/civil society distinction hinges on the existence of arenas of political practice in which, at a minimum, situational power is not exercised by the state or state officials. If the state exercises situational domination throughout the society, then the state is not simply the most superordinate territorially centralized organization of domination; it has become the only organization of domination. This is the image embodied in the concept of the totalitarian state: the state directly penetrates all sites of social practice. So long as this is not the case, then there remains sites of political power, struggle and initiative -- sites of politics -- that cannot be subsumed under the state as such. This is what is meant by civil society.
III. THE PROBLEM OF THE CAPITALIST STATE

1. Introduction

- **Pivotal Contrast:** “State in Capitalist Society” versus “a Capitalist State”:

  *Instrumentalist* approaches see the state as institutionally neutral but manipulated by powerful actors, especially classes. The state is a state in capitalist society → the political task is to seize this apparatus and wield it for other purposes.

  *Structuralist* approaches see the very form of the state as embodying class principles. The state is a distinctively capitalist type of state → it cannot just be seized: its form must be transformed (or, in a more extreme version: smashed). The very form of the state generates effects that serve the interests of capitalists.

  **Note on Patriarchal State:** The same question can be asked about patriarchy: does the state serve the interests of men primarily because (a) it is controlled by men, or (b) its very form is inscribed with patriarchal elements.

- **Central question for which instrumentalist and structuralist approaches are answers:**

  **QUESTION:** Both of these approaches observe that, broadly speaking, the policies and actions of the state in capitalist societies generally contribute to the reproduction of capitalism in one way or another. While there may be policies from time to time that disrupt capitalism, these are rare and almost always quickly reversed. The question is why? *How do we explain the fact that the state broadly functions to serve the interests of the capitalist class and reproduce capitalism?*

  **Instrumentalist answer** = the state fulfills this function by being controlled by capitalists or their direct agents who act in the interests of capital. The state acts *at the behest* of capital.

  **Structuralist critique** = the ruling class is often too divided and too myopic to guarantee its own interests. The basic mechanism through which capitalism is sustained by the state, therefore, must be institutionally embodied in the very organization of the state, not (in general) its external manipulation. The state acts *on behalf* of capital, but generally not at the behest of capital.

We have several tasks here:

1. Examine methodological problem of establishing the class character of properties of the state.
2. discuss some of the candidates for properties of the state which have a distinctively bourgeois character
3. discuss some of the candidates for properties of the state which have a distinctively patriarchal character

2. METHODOLOGICAL PROBLEMS (Claus Offe)

Offe explores two issues:

(1) what do we mean precisely when we say that the state has a “class” character?
(2) how do we empirically demonstrate or discover these properties?
2.1. **The Meaning of Class Character**

**Negative Selectivity**

Offe argues that the pivotal concept for understanding the class character of the state is the negative selectivity of state institutions:

> The structure of the state is such that it makes certain state actions impossible and others improbable, i.e. it systematically imposes biases into the process of policy formation.

The thesis that the state has a class character is then treated as a proposition about the content of this selectivity: the state is organized in such a way that it excludes certain possibilities on a class basis -- the selectivity has a systematic class bias to it.

**EXAMPLES:**

1. explanation for the agenda of political debate: exclusion of issues from the table
2. explanation for the range of political choices in an election: excluded kinds of alternatives

**Nested Filter Mechanisms**

Offe elaborates this notion of selectivity in terms of four nested selective filter mechanisms built into the state:

- Structural/constitutional properties: eg. Public/private spheres; electoral institutions
- Ideological filters
- Process/procedures of policy formation, bargaining, etc.
- Repression

2.2. **How to Demonstrate Class Bias:** the logic of explaining “nonevents”

Offe’s approach to the problem of the class character of the state is similar in certain critical ways to what is sometimes called the analysis of nonevents or nondecisionmaking = explaining what does not happen. This is important because if nonevents are systematically produced, then the methodological decision to restrict empirical research to variations among actual events necessarily gives a distorted picture of the process. It could, for example, be the case that conventional pluralist theory could completely explain the choice of a policy alternative by the state among the range of alternatives on the table while class theory could explain why some alternatives were excluded from the table altogether.

2.3. **Methodological Problem** = there is an infinity of things that do not happen. Problem is to distinguish the systematically excluded from two other categories:

(1) **Contingently excluded:** Some nonevents are just potential events that have not yet happened; they are only contingently or accidentally excluded. There was no course in the Marxist sociology in this department before I was hired; now there is. This did not reflect a systematic exclusion, but just the fact that students had not yet demanded such a course.
(2) some nonevents are “epochally” excluded because no social category could conceivably support them: the practice of sacrifice of animals by the state at harvest time is not systematically excluded in an interesting way.

2.4. Strategies for identifying systematically excluded possibilities and the mechanisms which accomplish this exclusion. Possible strategies include:

(1). normative criteria: problem = arbitrariness
(2). objective interests: problem = difficulty in specifying objective interests of actors.
(3). empirical comparisons: (eg. Crenson on the unpoltics of air pollution). Problem = exclusions may be common to all cases.
(4). voiced claims: if exclusions are strong enough, then excluded alternatives may not be even voiced.

(5) Crucial Methodological Solution =

the limits of possibility created by negative selections are observable under those special historical situations in which they are challenged and transformed.

Upshot = there may not be historically ripe opportunities for testing certain class-exclusion hypotheses. All of the approaches discussed above may give some insight into class biases & mechanisms of exclusion/selectivity, but it may be impossible to fully investigate class selectivity except under conditions where the selectivity is systematically challenged.

Implication for research: crisis as the empirical setting for studying normal functioning (cf. psychoanalysis: pathology as the empirical setting for the normal).

3. WHAT MAKES THE CAPITALIST STATE A CAPITALIST STATE

It is not enough to believe that the institutional form of the state imparts to the state a class bias; it is also necessary to decode that institutional structure in order to establish precisely which characteristics generate such class effects. Above all, it is essential to establish a typology of the variability in institutional forms corresponding to variability in class character.

This is an arduous task which has not been fully explore theoretically or empirically. The most sophisticated attempt so far has been that of Göran Therborn in his study What Does the Ruling Class Do When it Rules? In this section we will examine some of the key elements in his analysis.

3.1. STATE APPARATUS & STATE POWER

The core concept in Therborn’s analysis of the form of the capitalist state is the concept of “state apparatus”. STATE APPARATUS: the institutional structure through which state power is exercised. STATE POWER: What then is “state power”? Therborn has some fairly complex – and at times a bit obscure – things to say about the concept of “state power”, and I don’t want to get into this here. Basically the idea is that state power is the capacity of the state to produce effects in the
world. This isn’t really different from my notion of power as the capacity to transform things. These effects are generated through institutions of the state, or apparatuses.

Therborn’s central thesis, like Offe’s, is that these apparatuses have a distinctive class character in the sense that they impart to state power distinctive class-relevant effects:

- **Strong version**: these apparatuses are structured in such a way as to **insure** the production of effects which reproduce capitalism and the class power of capitalists
- **Weak version**: they simply **exclude** radically nonreproductive or disruptive effects.

Therborn discusses this thesis with respect to 11 aspects of the organization of state apparatuses. To illustrate the point, let’s look at four of these. For each of them the class content of the exclusion mechanisms is demonstrated by contrasts with feudalism and socialism:

### 3.2. Illustration of Some Class Attributes of State Apparatuses

#### (1). The Selection of Tasks

Key issue = distinction between the *public* and *private* spheres as it is institutionalized in constitutions, legal procedures, bourgeois rights, etc. The institutionalization of a depoliticized private sphere which is, in principle, noncontestable is essential to the reproduction of capitalist interests, insulating them from the possible assault by the working class.

Contrasts =
- Feudalism: the public is absorbed into the private;
- Capitalism: the two are institutionally distinct (although the boundary shifts over time and may be contested);
- Socialism: the private is in some sense subordinated to the public (the personal is the political).

Two comments:

(a). The line of demarcation between public and private is called into question in advanced capitalism because of intervention. This necessitates **new forms of insulation** of production/accumulation from politics -- rise of technocratic legitimations, etc.

(b). Salience of this distinction to feminist issues: *the family as private sphere insulated from state intervention*. But note: in terms of sexuality and reproductive rights, feminist demands also include the essentially liberal demand for the absolute right of women over their own bodies (abortion, sexual preference, etc.) = extension of *private* sphere. **Important issue for feminism**: is there an inherently patriarchal character to the form of the public/private distinction in these kinds of states?
(2). **Resource Acquisition**

- feudalism = state revenues from private royal estates
- capitalism = from taxation of private accumulation
- socialism = from state enterprises

Two implications of taxation in capitalism:

1. The capitalist form makes the state dependent upon its “tax base” for revenues ⇒ the state will avoid policies that undermine that base. Note competition between cities and states for business investments (debates over how good is the “business climate”). Comment: this is a *variable constraint*, not an invariant. Variability comes from:
   
   (a) forms of taxation: value added tax vs sales tax vs income tax vs consumption tax
   
   (b) degree of centralization of taxation: higher the level of territorial centralization of taxation ⇒ weaker constraint on taxation capacity
   
   (c) sunk costs of capitalist investment and infrastructural dependency of capital on state.
   
   (d) degree of social solidarity among citizens thus willingness to accept high taxes for high public goods (i.e. shift in consumption from private to public): basically if the “wage earning class” (the working class in the broadest definition) is willing to be heavily taxed for collective purposes, the state can achieve greater autonomy from capital.

2. Capacity for taxation is one measure of the democratic potential of a capitalist state: this defines the limits of democratic allocation of the social surplus.

(3). **Transformation of tasks**

Weberian-type Bureaucracy = a specific way of organizing the internal procedures for executing policies, transforming tasks. Pivotal issue = the way this *insulates the operations of the state from popular pressures*.

Contrast = citizen boards, client-centered administration, deliberative administrative institutions, etc. The PTA goes against the bureaucratic power of the state and represents an alternative logic.

(4). **Leadership**

- feudalism = personal dependents
- capitalism = professional bureaucratic leadership
- socialism = cadre leadership: organic connection to communities

Each of these forms of leadership establishes different patterns of *accountability*, recruitment, change, etc.
IV. THE PROBLEM OF THE “PATRIARCHAL” STATE

How can we make sense of the parallel question to the question “is the state a distinctly capitalist state” that might be asked by feminists: “is the state a distinctly patriarchal state?”. What, if anything, is patriarchal about the form of the state?

The central issue = it is not enough to demonstrate a systematic empirical bias in state policies as such; the task is to demonstrate that this bias is generated by distinctive patriarchal properties of the form of apparatus as such.

1. Some possible candidates for patriarchal form:

   a. **Familialism** as an aspect of defining the “private” sphere;

   b. **Professionalism** (full time careerism in hierarchal bureaucracies) as male form;

   c. **abstract universalism** in formal rationality of the law as “male rationality” contrasted to more experiential or affective rationality.

2. **Familialism**

The issue = does the public/private distinction have a gendered character as well as a class character? Can one construct a gendered structuralism of the state alongside a class structuralism?

a. Capitalist vs patriarchal dimensions of public/private spheres:

   - **Capitalist dimension** = establishment of distinctive sphere of private property
   - **Patriarchal dimension** of public/private = privatized personal relations: establishment of distinctive sphere of private personal relations (family) outside of direct state regulation.

b. Note the leakiness/permeability of boundary:

   - State Occupational safety & health regulation = politicization of private property rights
   - State regulation of interpersonal behavior within families = politicization of private interpersonal behavior (eg. marital rape; wife beating; child abuse)
   - state regulation of sexuality & the body (reproductive rights especially): politicization of the personal
Some Additional Comments

1. The issues of the class character of the state apparatuses can be related to the Alford/Friedland three-fold distinction in levels at which “power” and politics can be analyzed =

   **Systemic power** concerns power over what game is to be played ➞ revolutionary v counterrevolutionary politics;

   **Organizational power** concerns power over the rules of the game ➞ reformist v reactionary politics;

   **Situational power** concerns power over plays within a given set of rules ➞ liberal vs conservative politics.

We can think of the contrast between a *state-in-capitalist society* and the *capitalist-state* views as reflecting different claims about the class analysis of the state at the systemic & organizational levels:

   **state-in-capitalist society** ➞ at the systemic level power can be understood as having a capitalist character, but the organizational level power is just “organizational power” ➞ the state as an *organization* is basically neutral.

   **capitalist-state** ➞ at the organizational level itself the state has a class character as well: organizational properties of the state are embedded with class effects.

Implication = Lenin’s famous edict: smash the state. If the very form of the state has a class character, then it cannot simply be wielded by oppressed groups; its class nature must be transformed. Similar to the point that workers being on the board of directors of capitalist firms and owning stock will not make those firms “socialist”.

2. Unitary vs Contradictory class character of apparatuses

Recognizing that the apparatuses of the state have a class character does not imply that they have a unitary class character. Result = possibility of internal class contradictions within the state -- some apparatuses may have, to a greater or lesser extent, a noncapitalist character to them.

Examples of state apparatuses with potentially contradictory class character (contradictory negative selectivity):

- Juries
- PTA/PTO boards in public schools
- “Maximum Feasible Participation” in the 1960s War on Poverty agencies
- Empowered participatory governance