

The Modern State

Second edition

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1 Modern states

A matter of definition

A US Supreme Court judge hearing an obscenity case had to decide what was meant by 'pornography'. Admitting that he could not define it, the judge insisted nonetheless that 'I know it when I see it' (cited in Hawkins and Zimring 1988: 20). We may feel the same way about the modern state. We might find it difficult to give a precise and comprehensive definition of the state, but we think we recognize it when it flags us down on the motorway, sends us a final tax demand or, of course, arranges for our old-age pension to be paid at the nearest post office. We may also think that we recognize the long arm of the state as CNN shows us a group of marines raising their national flag over some distant corner of windswept desert. Stateless persons, refugees and asylum-seekers have a very keen sense that it makes a real difference to live beyond the jurisdiction (and protection) of the state. From the mandatory certification of our birth (which should have taken place under medical circumstances prescribed by the state) to the compulsory registration of our death, we tend to feel that the state is (nearly) always with us. Even in Anglo-Saxon countries, everyday political discussion is replete with appeals to, condemnations of and murmurings about the state. Rather like the judge, we think that we know the state when we see it, yet it proves extremely difficult to bring it under some brief but generally acceptable definition. *'Everybody agrees'*, so Berki argues, that 'the modern state . . . is a rather baffling phenomenon' (Berki 1989: 12). At times, it seems that collective bafflement is about as far as the agreement reaches.

A number of commentators, from quite differing political traditions, circumvent this problem by refusing any explanatory value to the category of 'the state'. More empirically minded political scientists ask us to focus upon 'governments' and the 'political system', abandoning the suspiciously metaphysical realm of 'the state' for institutions and practices which can be measured with due 'operational rigor' (Almond *et al.* 1988: 872; Easton 1981). Others, who are much more critical of the prevailing social order, insist that talk of the state actually serves to *conceal* or *obscure* the exercise of political power. According to Abrams, 'the state is not the reality which stands behind the mask of political practice. It is itself the mask which prevents our seeing political practice as it is' (Abrams 1988: 58). Some follow the brilliant and iconoclastic French thinker Michel Foucault (1926–84) in arguing that the state may be 'no more than a composite reality and a mythicized abstraction'. What matters for

Foucault is not so much the state as the much more generic practice of the 'art of governing' and the corresponding idea of *governmentality*. The state is just one site of the practice of governing (understood as the management of 'the conduct of conduct'). To focus attention exclusively upon the state is to fail to capture the full range and intensity of governing practices that permeate and mediate the entire body politic (Foucault 1994).

It is important that we do not lose sight of these rather unorthodox views (and we return to Foucault's argument in Chapter 3). Most political scientists, political sociologists and political economists, however, have felt that there are political structures, institutions and practices which it makes sense to try to explain under the rubric of the state. While their attempts to do so are very diverse, there has been a surprisingly broad area of agreement about what constitutes the essential elements of the modern state. In this chapter, I will try to establish the most important features of this shared understanding of the modern state.

Approaches to the modern state

We can think of analysis of the state characteristically having asked two kinds of questions. The first and more normative or evaluative question is: What should the state be and what should it do? This invites us to consider the proper terms for establishing and maintaining any political authority, for defining the appropriate relationship between the state and its members and the acceptable limits of state action. This has been the major concern of political philosophers. The second and more 'fact-based' or empirical question asks: What are states actually like? This is the question that has most often been addressed by political scientists and political sociologists. In practice, the two approaches cannot be so neatly separated. For many commentators, description and evaluation overlap. For both advocates and opponents, what states are *really* like does imply something about what we can (reasonably) suppose that they *should* be like. Nonetheless, our primary focus here will be upon the second type of question, though with a recognition that more evaluative claims are never far away.

Initially, we may think about these explanations rather crudely in terms of those which focus primarily upon the organizational *means* adopted by the modern state and those which concentrate upon its *functions*. Still the most authoritative source for the first of these approaches is the work of the German political sociologist and economic historian Max Weber (1864–1920). Active in the early years of the twentieth century, Weber established many of the parameters of statehood which are still common to discussions a century later. A starting-point for Weber, which contrasted with much earlier thinking, was that the state could not be defined in terms of its goals or functions, but had rather to be understood in terms of its distinctive *means*. Thus, he argued:

The state cannot be defined in terms of its ends. There is scarcely any task that some political association has not taken in hand, and there is no task that one could say has always been exclusive and peculiar to those associations which

are designated as political ones. . . . Ultimately, one can define the modern state only in terms of the specific *means* peculiar to it, as to every political association, namely, *the use of physical force*.

(1970a: 77–8; second emphasis added)

For Weber, *the modern state* was a particular form of *the state* which was, itself, a particular form of a more general category of *political associations*.

A compulsory political organization with continuous operations will be called a 'state' insofar as its administrative staff successfully upholds the claims to the *monopoly* of the *legitimate* use of physical force in the enforcement of its order. . . . [The modern state] possesses an administrative and legal order subject to change by legislation, to which the organized activities of the administrative staff, which are also controlled by regulations, are oriented. This system of orders claims binding authority, not only over members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent over all action taking place in the area of its jurisdiction. It is thus a compulsory organization with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it. . . . The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and continuous operation.

(1978a: 54–6)

These economical definitions help us to isolate several of the most important (if contested) features in all subsequent discussions of the mechanisms of the state:

- 1 (monopoly) control of the means of violence
- 2 territoriality
- 3 sovereignty
- 4 constitutionality
- 5 impersonal power
- 6 the public bureaucracy
- 7 authority/legitimacy
- 8 citizenship.

To these, I shall add a ninth category: taxation. I will discuss each of these in turn.

(Monopoly) control of the means of violence

Weber gives great prominence to control over the means of violence as a defining characteristic of the state. Indeed, his very briefest definition sees the state as 'a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory' (Weber 1970a: 78). In fact, control over the means of violence has long been a concern for those whose primary interest is in the 'reality'

of states' practices. Thus, Thomas Hobbes (1588–1679), the Englishman who many see as the first theorist of the authentically *modern* state, was insistent that, to avoid collapse into civil war, individuals needed to establish over themselves 'a Common Power, to keep them in awe, and to direct their actions to the Common Benefit'. It seemed to Hobbes that 'the only way to erect such a Common Power . . . is to conferre all their power and strength upon one Man, or upon one Assembly of men' and to ensure that the wielder of this 'Common Power' – the 'great Leviathan' – 'hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to forme the wills of them all, to Peace at home, and mutuall ayd against their enemies abroad.' Once established, the authority of this 'Common Power' proceeds not from consent but from force: 'Covenants being but words, and breath, have no force to oblige, contain, constrain, or protect any man, but what it has from the publike Sword' (Hobbes 1968: 227–31).

Writers in the Marxist tradition have also stressed the importance of the state as organized violence, but for them this is primarily an expression of the intense antagonisms generated by a society divided into classes. Friedrich Engels (1820–89) articulates the classically Marxist view that the state is an expression of the contradictions of a society divided by irreconcilable class differences. The existence of the state is an admission that 'society has become entangled in an insoluble contradiction with itself, that it has split into irreconcilable antagonisms which it is powerless to dispel.'

But in order that these antagonisms and classes with conflicting economic interests might not consume themselves and society in a fruitless struggle, it became necessary to have a power seemingly standing above society that would alleviate the conflict and keep it within the bounds of 'order'. This power, arisen out of society but placing itself above it, and alienating more and more from it, is the state.

(Engels 1978: 752)

Of course, as Weber himself was well aware, 'the use of physical force is neither the sole, nor even the most usual, method of administration of political organizations' (Weber 1978a: 54). If we look around the contemporary world, we see great variation in the levels of direct physical intimidation that states offer to their citizen-subjects: compare, for example, the Netherlands with Indonesia or Sweden with China. Even the most violent states of modern times (e.g. Stalin's Soviet Union, Hitler's Germany) did not impose their rule by physical force alone. Nor did Weber argue that the state would necessarily reserve to itself all the lawful use of violence. In the USA, for example, citizens have a constitutional right to carry lethal weapons and many states sanction (limited) violence exercised by disciplining parents against their children. Feminist critics have long argued that states frequently fail to uphold their monopoly of violence in restraining the perpetrators of domestic assaults upon women (Dobash and Dobash 1992). What Weber does see as essential to the state is its status as 'the sole source of the "right" to use violence' (Weber 1970a: 78). Thus, those who exercise violence within the jurisdiction of a state may do so only under

the express dispensation of that state. Normally, however, the state will seek to impose its will through the managed consent of its population – an aspect of legitimation to which we return below. Nonetheless, Weber insisted, ‘the threat of force, and in the case of need its actual use . . . , is always the last resort when other [methods] have failed’ (Weber 1978a: 54). As Hobbes had it, ‘command of the Militia, without other Institution, maketh him that hath it Sovereign’ (Hobbes 1968: 235). Under many constitutions, the harshest and most lethal remedies are reserved for those who challenge the integrity of the state itself (i.e. those who commit the crime of treason). Yet, even a quite minor breach of the authority of the state (e.g. failure to disclose certain driving documents to the police) may finally result in incarceration. In Berki’s irreverent formulation: ‘Tell the judge, a ridiculous old fogey dressed up in theatrical garb, to bugger off and leave you alone; you see where you will end up’ (Berki 1989: 18). As we shall see, states’ practice is usually a mixture of (managed) ‘consent backed by coercion’ (see below, pp. 60–3).

In fact, as a number of more recent commentators have suggested (see Mann 1993a: 55; Giddens 1985: 189), the state may never actually attain Weber’s monopolization of violence within its jurisdiction, even if we include those forms of violence which are ‘licensed’ by the state. Organized crime and domestic battery are but two forms of chronic violence within contemporary societies which evade effective control by the state. The same commentators point out the extent to which the apparatus of the state’s physical violence (above all, the armed forces) is institutionally isolated from many other areas of state activity. There may, nonetheless, be a relationship between the extent of monopolization of violence achieved by the state and actual levels of violence in society. Indeed, the more effectively is the use of force *monopolized* by the state, the less frequent may be the actual resort to violence. This was certainly the supposition of Hobbes and of many of those who have experienced the peculiar horrors of civil war. In Hobbes’s view, the individual did a good deal when he [*sic*] surrendered almost all of his natural liberties to an authoritarian sovereign, since this was the only way of avoiding society descending into a war of all against all in which his life would famously be ‘solitary, poor, nasty, brutish, and short’ (Hobbes 1968: 186).

More important than the actual monopolization of violence may be the inauguration of a unitary order of violence. In Chapter 2, we shall see that many commentators trace the emergence of the modern state to the historical transition in Europe from forms of feudalism to absolutism. Crudely put, this is a transition from societies built upon multiple sites and sources of power to societies premised on a single legitimating structure. Feudalism is often represented as a pyramidal social formation built upon personal ties of fealty in which the wielders of power at any level depended upon their capacity to mobilize the resources (including armed force) controlled by many lesser power-holders. In such a model, power was not unified in the monarch but diversified among a hierarchy of lesser nobilities. It was also an order in which separate powers and jurisdiction applied to those in religious orders. An important part of the coming of the modern state was the move away from this multi-centred and pluralist structure of powers towards a single (absolutist) centre of power ruling over an undivided social order.

Fundamental to this process of the centralization of state power was the increasing *pacification* of society. To some extent the monopolization of violence within the state was matched by a pacification of relations in society. This was certainly a part of Hobbes's justification for the individual's subjecting himself to 'the great Leviathan'. Of course, in ways that I have already indicated, this pacification of society was always quite partial. Violence and the threat of violence continued to be a chronic feature of daily life. Yet, there is considerable evidence (in the face of the commonplace claim that our societies are becoming increasingly violent) that the rise of the state coincided with a reduction in the levels of violence in day-to-day life. In part, this had to do with the new forms of surveillance and control that were becoming available to an increasingly powerful state. Premodern states could be extraordinarily arbitrary and despotic, but the range of their power was drastically limited. Genghis Khan was a fearful despot, but surely not the equal of Stalin, once famously described as 'Jenghiz [sic] Khan with a telephone' (Maclean 1978: 159). As Giddens points out, it was crucial too that the rising economic order (of capitalism) was one in which violence was extruded from the core economic relationship – the sale of labour power (Giddens 1985: 181–92). Of course, Marx insisted that the *establishment* of capitalism, the process of primitive accumulation, was 'written in the annals of mankind in letters of blood and fire' (Marx 1965: 715). Marxists saw the growth of imperialism as a very bloody business and expected that the revolution which would see capitalism replaced by socialism would be a violent one. Yet, the liberal capitalism described in Marx's *Capital* was one in which it was economic necessity, not the threat of violence, that drove workers into an exploitative contract with their capitalist employers.

Territoriality

A second and seemingly straightforward feature of modern states is that they are geographic or geo-political entities. States occupy an increasingly clearly defined physical space over which they characteristically claim sole legitimate authority. Once again, this is a feature of statehood which is recognized by a wide range of writers (from Hobbes through Engels and Weber to contemporary theorists such as Mann and Giddens). Indeed, a clearly defined territoriality is one of the things that marks off the state from earlier political forms, such as premodern empires (i.e. those empires which were not the external domain of already established nation-states). These early empires were extensive and powerful political formations, but their territorial limits tended to be set by ill-defined frontiers rather than by the clearly demarcated borders with which we are familiar (Giddens 1985: 49–50). Rule was concentrated at the centre of the empire. The outlying areas tended to be a source of tribute rather than the objects of permanent and tightly managed administration. Considerable autonomy was allowed to local systems of governance, so long as the expectations of the imperial power could be satisfied.

Modern states defend their territorial integrity with a quite ferocious jealousy. At times, states have been willing to go to war over seemingly valueless tracts of land or uninhabitable islands, apparently unmindful of the considerable costs and the

sometimes very limited benefits. The south-eastern corner of Europe has been repeatedly riven by civil war over the competing territorial claims of a number of aspirant states. Elsewhere in the world – in Kashmir, or the Indonesian provinces of Aceh or Irian Jaya, for example – claims to state authority continue to be fiercely contested. In addition, states lay claim not just to jurisdiction over a particular tract of land, but also to the minerals that lie beneath it, to the coastal waters that surround it (and to their economic product), to the airspace above it and, most importantly, to the people who inhabit it. States have not been an omnipresent form of human organization. Even upon the most expansive definition, the majority of people through most of human history have not lived in states. Nonetheless, we now live on a planet which is almost universally divided into (competing) state jurisdictions. There can hardly be a rocky outcrop anywhere which has not been claimed by at least one jurisdiction (and often by several).

This raises a number of further points. First, states do not exist in isolation. They are by their very nature part of a *system of competing states*. Frontiers might abut unclaimed territory, but borders are necessarily the dividing line between one state and another. The territoriality of states, their claim to monopolistic powers of adjudication within their boundaries and the existence of an international order premised upon competing nation-states, is definitive of one of the most important general approaches to the state – international relations. The sub-discipline of international relations invites us to focus our studies of the state, first and foremost, upon the *external* and *international* relationships of a series of competing sovereign states operating within an unruly international order. We shall return to this approach in Chapter 6.

Second, while the globe is finite and almost every inch of it is now under some state's jurisdiction, this does not mean that particular states are permanent features of the world's landscape. Those of us who live in one of the historically longer-standing states may think of states once having been founded as lasting in perpetuity. But this is not so. Tilly records that 'the Europe of 1500 included some five hundred more or less independent political units, the Europe of 1900 about twenty-five' (Tilly 1975: 15). Rather more remarkable is the redrawing of the map of European states between 1980 and 1995. Thirty-three nations competed in football's European Nations' Cup in 1992. Just four years later, there were forty-eight contestants, including separate teams from Slovakia and the Czech Republic and two national teams from within the borders of the former Yugoslavia! (*Sunday Times*, 23 January 1994). Or consider the statehood of one of Europe's central political actors: Germany. Founded little more than a hundred years ago, the country was split into two states for nearly half of that time and resumed its existing borders only in 1991. And in the twenty-first century, new states continue to appear, including, for example, East Timor, which reached full statehood on 20 May 2002.

Third, as the territory occupied by the state became ever clearer, so did the tendency to identify states with *nations*. The international order is increasingly recognized as one consisting of nation-states. This is, in both theory and practice, an extremely contentious and confused area. At this point, it may be useful to try to

distinguish between conceptions of the *nation*, *nationalism* and *the nation-state*. *The nation* may be taken to describe 'a collectivity existing within a clearly demarcated territory, which is subject to a unitary administration' (Giddens 1985: 116). In Greenfeld's usage, the nation describes 'a *unique* sovereign people' (Greenfeld 1992: 8). *Nationalism*, by contrast, describes identification within an 'imagined community' (Anderson 1991). According to Giddens, it is 'primarily psychological, [expressing] the affiliation of individuals to a set of symbols and beliefs emphasising communality among the members of a political order' (or, we might add, of those *aspiring* to form a distinct political order) (Giddens 1985: 116). In Greenfeld's account:

National identity in its distinctive modern sense is . . . an identity which derives from membership in a 'people', the fundamental characteristic of which is that it is defined as 'a nation'. Every member of the 'people' thus interpreted partakes in its superior, elite quality, and it is in consequence that a stratified national population is perceived as essentially homogeneous, and the lines of status and class as superficial. This principle lies at the basis of all nationalisms.

(Greenfeld 1992: 7)

We return to the difficult question of the relationship between nations, nationalisms and the nation-state in Chapter 2.

Sovereignty

Greenfeld's discussion of the nature of nationalism raises a third core component of the state – its supposed *sovereignty*. Hinsley (1986: 1, 26) defines sovereignty as 'the idea that there is a final and absolute authority in the political community', with the proviso that 'no final and absolute authority exists elsewhere.' The essence of sovereignty is not that the sovereign may do whatever it wishes. After all, even the most unbridled of states cannot make pigs fly. Rather, it is the idea that, within the limits of its jurisdiction (set by the division of the world into a series of similarly sovereign nation-states), no other actor may gainsay the will of the sovereign state. Modern usage is often seen to derive from the French philosopher Jean Bodin (1529–96), but still the most uncompromising statement of this position is that found in Hobbes's *Leviathan*. For Hobbes, once the members of the commonwealth have come together and agreed to constitute a sovereign power to rule over them, the powers of that sovereign are almost unlimited. The terms of the contract are irrevocable and, since members of the commonwealth have mutually willed the creation of the sovereign, they are deemed to have vicariously willed all of its actions. Since the initial agreement is between the members of the commonwealth (to create a sovereign power) and not between individual subjects and that sovereign power, 'there can happen no breach of Covenant on the part of the Sovereigne; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his Subjection.' Since 'he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth . . . whatsoever [the sovereign] doth, it can be no injury to any of his Subjects.' It is true 'that they that have Sovereigne

power, may commit Iniquity; but not Injustice, or Injury in the proper signification' (Hobbes 1968: 230–2).

Even for Hobbes, however, there are limitations upon the lawful authority of the sovereign. 'It is manifest', so he argues, 'that every Subject has Liberty in all those things, the right whereof cannot by Covenant be transferred.' So,

if the Sovereigne command a man (though justly condemned) to kill, wound, or mayme himself; or not to resist those that assault him; or to abstain from the use of food, ayre, medicine, or any other thing without which he cannot live; yet hath that man the Liberty to disobey.

And there is one further substantial qualification of the powers of the sovereign: 'The Obligation of Subjects to the Sovereign, is understood to last *as long, and no longer*, that the power lasteth, by which he is able to protect them. (Hobbes 1968: 268–9, 272; emphasis added).

Subsequent discussion of sovereignty and the state may be seen to have moved in three directions. First, there has been an aspiration, consonant with the brief discussion of nationalism above, to relocate the site of sovereignty not in the state or the government, but rather in *the people*. Although the other great seventeenth-century English political theorist John Locke (1632–1704) was far from being an untrammelled democrat, he certainly held sovereign power to be much more subject to the will of its citizens. In contrast to Hobbes, he maintained that some form of continuing endorsement of government (however passively expressed) was needed for it to exercise proper and lawful authority. A much more radical position was adopted by Jean-Jacques Rousseau (1712–78), who argued that the principle of sovereignty should be retained, but that it should be relocated in the sovereign people. Certainly, advocates of democratization of the last two centuries have often made their case in terms of *legitimate* sovereignty residing in the people. Those states which are based upon some founding constitutional settlement often posit the sovereignty of the people as their first principle. Thus, the founding authority for the constitution of the USA rests famously with 'We, the people . . .' (McKay 1993: 305). The location of sovereignty in an unreconstructed constitution, such as we enjoy in Britain, is much more ambiguous.

A second development has been manifest in the attempts not so much to deny as to *apportion* sovereignty. This is, perhaps, clearest in the constitutional principle of the *separation of powers*, under which the functions of government (most usually divided between executive, legislative and judicial tasks) are allocated to differing institutions and persons. The principle is at its clearest in the US constitutional order, in which the powers of the president, the congress and the supreme court are clearly set out with the intention that no one branch of government should be able to dominate the others. Of course, this may be read as a simple refutation of the Hobbesian idea of sovereignty, i.e. that of all lawful authority residing in one institution or even one person. On the other hand, if the people are held to be sovereign, it may seem that this is but a convenient system for ensuring that the apparatus of government, to which the sovereign devolves its powers for a time,

should perform its task effectively without that concentration of power which might pose a threat to the properly sovereign people. Alternatively, we may view such a constitutional order as one in which it is not the particular branches of government but the constitutional order itself which is sovereign.

The third development must be considered rather more unambiguously as a counter-movement against the idea of sovereignty. We have seen that democracy may be seen as a way of expressing the wishes of the sovereign people. In a more 'realist' tradition, democracy has sometimes been represented as a mechanism for exercising constraint over an apparatus of government in which *de facto* sovereignty is seen to reside. From the advocates of 'protective' democracy in the nineteenth century – such as Bentham (1748–1832) and J. S. Mill (1806–73) – to the 'democratic elite' theorists of the twentieth century – above all, Joseph Schumpeter (1883–1946) – the democratic process is one through which the people, who are not in fact sovereign, exercise some sort of constraint upon those state actors with whom real sovereignty rests. There is also a long-standing fear of the democratic sovereign retraceable all the way to Aristotle (384–322 BC). For some, the very real popular legitimacy of the democratic state makes it, if anything, more to be feared than an authoritarian but 'illegitimate' state. Liberals and conservatives, in particular, have seen, not very far behind the idea of popular sovereignty, the prospect of 'the tyranny of the majority'. For conservatives, the principal threat has been to the established order of property; for liberals, it is a challenge to property and individual liberty. For both, the legitimating force of a truly popular democracy is a threat to minorities. We have then, complementing the claims for popular sovereignty expressed through the extension of democratic institutions, a counter-movement stressing the inviolability of certain personal rights and an inviolable private space within which the state should not interfere. Paradoxically, we sometimes find argument and counter-argument voiced by the same individual (as famously in the case of J. S. Mill), as well as calls for a constitutionally self-limiting state, a state which should legislate to constrain its own powers of intervention.

Finally, it is worth stressing that the territoriality and, more especially, the effective sovereignty of modern states were transformed by a series of technical changes which profoundly altered the state's capacity for surveillance and control. New forms of administration, new techniques for record-keeping, new technologies for the transmission and processing of both people and information gave the modern state powers to govern which were simply unavailable to more traditional states. It was one thing for the pope to assert his authority as the head of all Christendom, but something else for officers of the state to have more or less instantaneous access to the personal details, criminal records and credit status of each of its citizens. According to Giddens, 'surveillance as the mobilizing of administrative power – through the storage and control of information – is the primary means of the concentration of authoritative resources involved in the formation of the nation-state' (Giddens 1985: 181). We need to be careful here. Giddens is not saying that changing technology *caused* the development of modern states. Rather, technological change made available to the modern state forms of surveillance and control which simply had not existed under more traditional state formations.

Constitutionality

In much 'official' discourse about modern states, constitutions and the 'constitutionality' of the political order enjoy considerable prominence. In this context, constitutions are often taken to describe the basic 'rules of the game' of the political process. In many polities, there is a single document or set of documents that lays out and, often at the same time, justifies the state's basic political arrangements. The constitution establishes 'the laws about making laws' and may be presented as actually creating or, at least, securing the existence of the state itself. In some states, perhaps in the USA above all, the whole political process is sometimes presented in 'official' explanations as little more than the day-to-day operation of 'the constitution'. This narrowly constitutional account of the modern state is what one might expect to hear (in a truncated form) from a tour guide at the House of Commons or on Capitol Hill, or from a practising politician in a particularly pompous mood and with the tapes running.

Political commentators, be they academics, journalists or 'ordinary citizens', have been rather less persuaded that the constitutional model gives a very 'realistic' account of what states really do. The severest critics, such as Lenin (1870–1924), have seen claims about constitutional governance as an ideological gloss through which the minority who exercise *real* power through the state and its monopoly of violence seek to conceal this fact from the subject population (Lenin 1960). The 'realist' school of international relations, inasmuch as it has been at all concerned with constitutionality, has tended to see this as a rather decorous fiction drawing attention away from the 'real' business of politics, i.e. a largely non-constitutional clash of powers and interests. Some (perhaps most notoriously the inter-war German theorist Carl Schmitt) have stressed the importance of establishing who is sovereign in *exceptional* periods, i.e. when constitutional government is suspended. Certainly, there is a reasonable suspicion that the very best of constitutions are no match for the will of a usurping sovereign. The Soviet constitution of 1936 'guaranteed' extensive liberties to Soviet citizens. But this proved no great impediment to Stalin's reign of terror. Even those who have been willing to give rather greater weight to constitutional accounts (such as the US political scientists Robert Dahl and Charles Lindblom) have doubted that the actual working of constitutional arrangements looks very much like these idealized descriptions.

Nonetheless, 'constitutionality' rather more broadly conceived is an extremely important component of the idea of the modern state. We have seen that Weber writes of the modern state possessing 'an administrative and legal order subject to change by legislation'. The idea that the state constitutes a distinct and rule-governed domain with powers which are (at least formally) distanced from society and the economy is distinctively modern. Most modern states do indeed exercise a form of power which, at least formally, is public, rule-governed and subject to lawful reform. These characteristics may be as often honoured in the breach as in the observance, but they do nonetheless help to locate the state in modernity. In pre-modern states, social, economic, patriarchal and political powers were largely undifferentiated. Their activities could be justified as *explicitly* arbitrary, absolutist,

theocratic and dynastic in ways which modern states generally cannot. The idea of constitutionality thus points us towards a number of further characteristic features of modern statehood (differentiation from society and economy, 'impersonal' power, bureaucratic organization and so on). But it is an idea that has also done an enormous amount of work in more *normative* accounts of the modern state. It has been an abiding concern of political philosophers to establish what (if anything) justifies the state's claim to the loyalty of its subjects. Is there anything more than 'might' that makes the state 'right'? This raises questions about the legitimacy of the state, the nature of its authority and the nature of its obligations to its citizens and of its citizens to it.

'The rule of law' and the exercise of impersonal power

Of the essence, for those who stress constitutionality, is the idea that a constitutional political order would mean 'not the rule of men, but *the rule of law*'. There is a very ancient claim in political theory that a good polity is one which is ruled not by the subjective and arbitrary will of particular men [*sic*], but by the objective determination of general and public laws. According to Kant (1724–1804), 'the state is a union of an aggregate of men under rightful law' (cited in Dyson 1980: 107). Especially in the continental European tradition, we find that state activity is often characterized as a special form of (public or administrative) law, an arrangement under which 'public law regulates the interrelationships of public authorities with the "subjects"; private law regulates the relationships of the governed individuals among themselves' (see Dyson 1980; Weber 1970b: 239). Admittedly, some commentators have always been much more concerned with the state's actual capacity to uphold its own laws than with what would make them 'rightful' (e.g. see Kelsen 1961). But it is widely argued that, within a constitutional order, those who exercise state power must do so in ways which are themselves lawful, constitutional and constrained by publicly acknowledged procedures. They are generally seen to act not upon a personal basis, but rather because of their public position as the occupants of particular offices of state.

This aspiration to lawful government should not be conflated with the aspiration to extend democracy. Not only do the calls to make governance constitutional long *precede* any very widespread appeal to make it more democratic, but they have also often been advanced as a way of protecting certain individual or corporate interests *against* the encroachments of democratic governments. However, it is of the essence that, under a law-governed regime, politicians should themselves be subject to the constitutional order and the laws which they have themselves helped to make and enforce. Even under so centralized and sovereign a state as in the UK, government ministers may still be arraigned by the courts if they fail to abide by their own rules (however limited may be the effect of such judgments). From this, we may derive the central (if rather idealized) principles of legality and lawfulness as characteristic modes of state activity, of the state as an impersonal power, of politicians and civil servants as the (temporary) occupiers of particular public posts.

The public bureaucracy

For Weber, it was of the essence that the administration of modern states would be *bureaucratic* (Weber 1978a: 217–26; 1978b: 956–1005). In fact, Weber saw bureaucracy as the generic form of administration in all large-scale organizations of modern society (including, for example, the modern capitalist corporation and the modern army) and this was, in its turn, a particular form of the more general process of rationalization which Weber identified with modernization itself. It established the administration of the modern state as quite distinct from those forms that had preceded it. The public bureaucracy, in Weber's celebrated description, can be isolated around the following features:

- 1 that bureaucratic administration is conducted according to fixed rules and procedures, within a clearly established hierarchy and in line with clearly demarcated official responsibilities;
- 2 that access to employment within the civil service is based upon special examinations and that its effective operation is dependent upon knowledge of its special administrative procedures – a good deal of the power of the civil service rests upon its specialized knowledge and 'expertise';
- 3 that bureaucratic management is based upon a knowledge of written documents ('the files') and depends upon the impartial application of general rules to particular cases;
- 4 that the civil servant acts not in a personal capacity, but as the occupier of a particular public office.

Office-holding in the civil service is seen as a 'vocation', subject to a special sense of public duty, and involves the individual civil servant in a clearly defined and hierarchical career path, usually with 'a job for life' (Weber 1978a: 220–1; 1978b: 956–63).

There were great bureaucracies in the premodern world (e.g. in ancient Egypt and China), but, for Weber, the modern predominance of bureaucratic organization is a product of the coming of a fully monetized market economy. The reason for its 'success' lies in 'its purely technical superiority over any other form of organization'. Bureaucracy is 'formally the most rational known means of exercising authority over human beings . . . , the needs of mass administration make it today completely indispensable.' According to Weber, 'bureaucracy inevitably accompanies modern *mass democracy*' and 'everywhere the modern state is undergoing bureaucratization.' He insists that 'it is obvious that technically the great modern state is absolutely dependent upon a bureaucratic basis. The larger the state, and the more it is or the more it becomes a great power state, the more unconditionally is this the case.' Furthermore, 'once fully established, bureaucracy is among those social structures which are the hardest to destroy' (Weber 1970b: 232; 1978a: 223; 1978b: 971, 983, 987).

Weber was quite ambivalent about the idea that bureaucracy (along with the more general process of rationalization characteristic of modernity) represented 'progress'.

He recognized that the treatment of individuals and their particular circumstances as just so many 'cases' to be processed according to 'the rules' has a cost in terms of the quality of our humanity. He was also fearful that the 'routinization' and rule-guidedness which was appropriate to large-scale administration might spill over into the more properly dynamic and value-laden sphere of 'politics proper'. He was certainly concerned about the consequences of a regime in which civil servants usurped the proper function of the politician (see Beetham 1985). The routinized terror of the bureaucratized authoritarian state was to become a prominent theme of twentieth-century fiction (from Kafka to Havel). The dullness and rule-boundedness of public officials has become one of the standing jokes of modernity. Much more at variance with Weber has been the widespread claim that, in practice, bureaucracy is a drastically *inefficient* means of administration. Rather than being grindingly efficient, bureaucracies (in the public sector above all) have been depicted as chronically inefficient. Above all, neo-liberal or 'New Right' critics have insisted that bureaucracies are almost universally *less* efficient as a means of administration than are markets. Bureaucrats are seen as rent-seekers who exploit the monopoly of provision by the state to extract greater material rewards for themselves from a system which tax-paying citizens cannot escape. This view has now spread well beyond the New Right to become a part of the new governing common sense of the twenty-first century, often classified under the label of the 'new public management'. Bureaucracy is very far from disappearing. Indeed, a whole new breed of bureaucracies has been established to manage the new surveillance practices that new public management creates. Nonetheless, there have been enormous changes in the ways in which public services are delivered (and we shall consider these further in Chapter 7).

Authority and legitimacy

Issues of authority and legitimacy are quite central to the appraisal of the modern state. No state can survive for very long exclusively through its power to coerce. Even where power is most unequally distributed and the possibilities for coercion are at their greatest – for example, in a prisoner-of-war camp – the subordinated can always exercise *some* level of non-compliance, and, across time, the maintenance of social order is 'negotiated'. How much more is this the case for a state governing many millions of subjects in a comparatively open society? A stable state requires that, for whatever reason, most of the people most of the time will accept its rule.

At this point, it may be useful to turn again to Weber. In *Economy and Society*, he offers the following definitions:

Domination (or '**authority**') is the probability that a command with a given specific content will be obeyed by a group of persons.

Legitimacy describes 'the prestige of being considered binding'.

Legitimate authority describes an authority which is obeyed, at least in part,

'because it is in some appreciable way regarded by the [subordinate] actor as in some way obligatory or exemplary for him'.

(Weber 1978a: 53, 31)

Authority and legitimacy imply that, under normal circumstances and for most people, the actions of the state and its demands upon its population will be accepted or, at least, not actively resisted. Without *some* level of legitimacy, it is hard to see that any state could be sustained, and consequently a great deal of work goes into defending the state's claim to exercise not just effective power, but also legitimate authority.

Virtually all states have sought to make their rule appear legitimate. Sometimes the appeal has been to tradition (to a 'natural' order which is said to have governed since time immemorial and/or to have been ordained by God) or to the charismatic qualities of a particular leader (or indeed to both). But what is most characteristic of the modern state is not just the greater weight given to *legal* authority – to the state's embodiment of abstract legal principles enforced through an impartial bureaucratic and judicial apparatus – but, above all, to the idea that the state embodies and expresses the (sovereign) will of the people. In Weber's interpretation, legal authority rests 'on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands' (Weber 1978a: 2, 15). Within such an account, citizens are seen to attribute legitimacy to the modern state on the grounds that it is the appropriate embodiment of 'a consistent system of abstract laws' impartially administered by a rule-governed and non-partisan civil service.

Roughly speaking, we can isolate two types of question about legitimate authority. First, there is the question that has dominated much of classical and contemporary political theory: i.e. under what circumstances can the state's actions be considered 'valid'?, and, consequently, under what circumstances should the citizenry obey or, indeed, be made to obey? A second set of questions is more empirical: Why has the state sought to present its actions as legitimate? How do states uphold their claim to legitimacy? Why do people obey?

Since the question of political obligation has been a major problem – in some accounts, *the* major problem for political theorists of the past four centuries (at least) – and since this is not a text in political philosophy, I can give only the briefest indication of where the difficulties lie. Although the problem is older than modernity, it is posed in a peculiarly acute way in the modern period. There was a time when legitimacy might derive from religious authority or simply the custom and practice of a long-established order. In the post-Enlightenment world, these forms of legitimacy are, at least in principle, very largely rejected (though the attempt to re-establish theocratic states in our own time perhaps challenges this assumption). It seems that the justification of the modern state has normally to be rational and perhaps legal-rational in character. It has also tended, in the West at least, to proceed from certain beliefs about the integrity and autonomy of the human individual. At its simplest, the issue is this: What are the grounds that would justify an agency (such as the state) forcing individuals to do things which they do not wish to do? Of course, one perfectly respectable response (that of most anarchists) is that

there are *no* circumstances under which such an imposition could be justified and that, consequently, the state is *never* legitimate. Among those who reject anarchy, probably the most popular response has been to argue that the state is legitimate to the extent that it expresses the authentic will of its population. Thus, the state is not a usurpation of the freedom and autonomy of individuals where it is simply the (collective) representation of our individual wills. In obeying the state, we are simply obeying the dictates of our *own* wills vicariously expressed.

Of course, this rather vulgar formulation hardly does justice to four hundred years of accumulated political wisdom! It raises many more questions than it could possibly answer (not least about how our individual wills may be aggregated and how consent can be maintained across time) and it distracts from the fact that political thinkers have taken a radically different view of the sorts of political institutions to which such a supposition about the state might give rise. It does, however, help to point us towards a ubiquitous feature of arguments about the contemporary state: i.e. that the modern state is widely seen to be legitimate inasmuch as (but no more than) it represents 'the will of the people'. Of course, in *institutional* terms this carries us no further forward. Hobbes and Rousseau, for example, might be thought to justify the state on the basis of 'the will of the people', but to radically different effects. But we might wish to argue that there is here an underlying premise – that we should obey the state because it is an indirect or derived expression of our own wills – that straddles many disparate traditions in modern Western political thought.

We should be clear about what this means. It certainly does *not* mean that all modern states are 'truly' popular or democratic. Indeed, there is again a perfectly respectable view (held by many Marxists and anarchists among others) that *no* modern state is democratic. If democracy is defined as a political order in which all the people themselves rule and rule themselves directly, no contemporary state can qualify as democratic. We know, too, that many of the most authoritarian regimes of the twentieth century have claimed that their right to rule derived from their being an expression of the 'real' will of the people, without or even in defiance of the 'empirical' will of the population expressed through duly constituted electoral procedures. Military regimes across the globe, even those that have held power for many years, characteristically describe themselves as 'preparing the way for a restoration of democratic government'. The argument is not that states in modernity are genuinely an expression of the will of their peoples, but rather that it is perceived to be important that they should present themselves as such. Just as the thief, to take Weber's example, acknowledges the legitimacy of laws of property when he seeks to conceal his breach of them, so does the state acknowledge the validity of 'popular legitimacy' when, however disingenuously, it commends its own actions as an expression of the popular will.

As we turn to the question of the capacity of states to uphold their claim to exercise legitimate authority, we need further to distinguish two senses of legitimacy. For the most part, political theorists and philosophers have been concerned with establishing the conditions that would make the state's rule justified in terms of some more or less externally validated rational criteria. For actual states, it is much more important that they should be able to maintain the general population's belief

in the legitimacy of their claim to rule. Indeed, even this is to claim too much for the state's interest in legitimacy. For states, it will usually be enough that the great majority of the population do not actively regard the existing form of governance as illegitimate – and that they do not act collectively upon this premise. Consider the classification developed by Held:

We may obey or comply [with the instructions of the state] because:

- 1 There is no choice in the matter (*following orders, or coercion*).
- 2 No thought has ever been given to it and we do it as it has always been done (*tradition*).
- 3 We cannot be bothered one way or another (*apathy*).
- 4 Although we do not like the situation . . . we cannot imagine things being really different and so we 'shrug our shoulders' and accept what seems like fate (*pragmatic acquiescence*).
- 5 We are dissatisfied with things as they are but nevertheless go along with them in order to secure an end; we acquiesce because it is in the long run to our advantage (*instrumental acceptance or conditional agreement/consent*).
- 6 In the circumstances before us . . . we conclude that it is 'right', correct', 'proper' for us as individuals or members of a collectivity: it is what we genuinely *should* or *ought* to do (*normative agreement*).
- 7 It is what in ideal circumstances . . . we would have agreed to do (*ideal normative agreement*).

(Held 1989a: 101)

All of these constitute reasons for which subjects may obey the state. Only one is unambiguously related to the threat of force, but only a further two rely in any strong sense upon the view that the state's authority is legitimate. Citizens are busy people. They want to hold on to their jobs, to make love, to play football and to walk the dog (though not necessarily in that order and certainly not all at the same time). It is enough for the state that they should not spend their time thinking critically about the legitimacy of the state and making this the basis of coordinated political action (see Mann 1970). It may, of course, be in the state's interests to *encourage* this political indifference, as it always has, by supporting whatever is the contemporary equivalent of the Romans' 'bread and circuses' (perhaps sponsoring a National Lottery and a broadcasting regime dominated by 'reality TV').

This said, there is still a residuum of legitimacy which the state must seek to deliver, and, given the general scepticism that is expressed above, it is worth pointing out that many modern states do have some plausible claim to legitimacy. I have already indicated that there are perfectly respectable grounds for arguing that existing Western 'democracies' are not really democratic at all. Much more common, though, is the view that, while very imperfect, the sorts of institutions which we associate with Western liberal democracy – fixed-term elections, 'free' competition between parties, lawful opposition, constitutional arrangements for the scrutiny of government activity and so on – represent real, if rather limited, popular achievements. Democratic elite theorists, for example, argue that, while this is still

'government by elite', we the people do get to choose by which elite we should be governed and are, from time to time, constitutionally empowered to change our collective mind. They insist that, limited as it is, this is about the most democratic order we can hope to achieve in large-scale modern societies. Even those who believe that much more democracy is possible would probably concede that what we have so far is valuable, hard won and better than the absence of any constitutional constraint upon the activity of the state.

Democracy is a very powerful ideology in contemporary societies. Indeed, some might suppose that in a 'post-ideological' world it is the one ideology that remains. Certainly, in many contexts other than the state, we are as individuals willing to accept decisions that go against our own personal will and judgement, if we feel that such decisions have been made by an appropriate community to which we belong with due freedom of discussion and information and through properly constituted democratic procedures. Acquiescence with the state is an amalgam of indifference, deference, fear, instrumentality and active consent. For all the inadequacies of liberal democracy, we should not underestimate the extent to which citizens, when they *do* think about the legitimacy of the state's actions (usually in a rather piecemeal way), accept that democratic procedures do give the state some authority to act as it wishes and do place us under some (albeit limited) obligation to obey. But we should remember that states are typically very jealous of their monopoly over the means of violence and no state relies exclusively upon its power to persuade. The characteristic form of state action, as the Italian Marxist Antonio Gramsci (1891–1937) observed, is 'consent backed by coercion' (see below, pp. 60–3).

Citizenship

Citizenship is one of the oldest terms of political discourse, probably as old as the idea of the political community itself. In essence, the citizen is one who is entitled to participate in the life of the political community. Citizen status in the modern world typically denotes a mixture of entitlements or rights of participation and a series of attendant obligations or duties. In Held's helpful summary: 'Citizenship is a status which, in principle, bestows upon individuals equal rights and duties, liberties and constraints, powers and responsibilities [within] the political community' (Held 1995: 66). Although the claims of citizenship first articulated in the city-states of the ancient world never quite went away, they burst onto centre stage in the modern world with the events surrounding the French Revolution of 1789. Revolutionary discourse was replete with appeals to citizenship and to the rights of the citizen. This republican approach to state and citizenship is neatly caught by Rousseau:

The public person . . . formed by the union of all other persons was once called the city, and is now known as the *republic* or the *body politic*. In its passive role it is called the *state*, when it plays an active role it is the *sovereign*, and when it is compared to others of its own kind, it is a *power*. Those who are associated in it take collectively the name of a *people*, and call themselves individually *citizens*, in

so far as they share in sovereign power, and *subjects*, in so far as they put themselves under the laws of the state.

(Rousseau 1968: 61–2)

This captures the important sense in which modern claims of citizenship concern the transference of sovereignty. According to Turner (1990: 211), ‘the transfer of sovereignty from the body of the king to the body politic of citizens is . . . a major turning point in the history of western democracies.’ It suggests that, even, perhaps above all, in the revolutionary tradition, the entitlements of citizenship are complemented by the duty of the subject to obey the sovereign will. It also points to the association between an expanded citizenship and the shared identity of ‘a people’. In Turner’s usage, there are ‘two parallel movements’ in which ‘a *state* is transformed into a *nation* at the same time that *subjects* are transformed into *citizens*’ (Turner 1990: 208). Finally, the French revolutionary tradition makes clear that citizenship is a status which is (at least implicitly) *universal*. Thus we have an image of citizenship as empowering, universalistic, rights-based and tied to both democratization and an increasingly active role for the *nation-state*.

Citizenship has certainly been a key term in constituting the relationship of the state to its subject-members, but not always in just the ways that its more uncritical admirers have supposed. Thus, for example, the ‘universalism’ and ‘participation’ identified with citizenship have been extremely ambivalent. First, citizenship rights are not universal in the sense of ‘natural rights’ or ‘human rights’, which are often described as holding good at all times and in all circumstances, placing a general obligation upon those who are capable of satisfying them. Citizenship is normally acquired by the accident of one’s place of birth and/or one’s parents’ citizenship. Not everyone residing within a given state’s territory or under its jurisdiction will enjoy the status of a full citizen. Citizenship rights apply only to those who are fortunate enough to enjoy the status of citizen and can generally be redeemed only by the particular state to which such citizenship applies. In the mundane political world, disputes about citizenship have often been about the means of acquiring or the procedures for exclusion from this full citizen status and its attendant rights. At the same time, while citizens’ rights imply an entitlement to some form of provision or restraint by the state, they are generally subject to interpretation or even revocation by state authorities. It is often an agency of the state which must decide to whom citizenship is to be attached and what substantively citizenship rights require. Citizenship is also seen to be ‘exclusive’ in at least two further senses. First, various categories of persons may be *formally* excluded from the status of citizen. This was for centuries the experience of women, to whom rights of citizenship (the right to enter into various forms of contract, to vote, to receive welfare benefits) were almost always granted some considerable time after men. Such formal exclusion remains important (especially for immigrant populations, émigré workers, political refugees and so on). But as formal equality has advanced, so have *substantive* differences of citizenship become more important. This, for example, is at the heart of feminist critiques of existing forms of citizenship (e.g. see Pateman 1988a; Phillips 1993; Lister 1993). Men and women may enjoy the same *formal* rights of access to the

political process, but *actual* patterns of social organization – different working lives, provision of child care, the division of domestic labour – mean that men have *systematically* privileged access to the exercise of their citizenship rights. Existing evocations of citizenship are inadequate because of the particular way in which they conceive of the relationship between public life (the domain of citizenship) and the private sphere (which is conceived as politically ‘off limits’). Citizenship helps to generate a distinctively modern conception of ‘the public’, but it is a public from which certain voices – defined by gender, ethnicity, sexual orientation or whatever – tend to be excluded.

Finally, since our concern is principally with the relationship of citizenship to the state, it is imperative to record that the strengthening of principles of citizenship may actually furnish *greater* powers to the state. This is not just because an extension of welfare citizenship, for example, puts enormous resources into the hands of the state, enabling it to control the basic life chances of many millions of its subjects. It is also that the rights of citizenship have been powerfully complemented by the *obligations* of citizenship. This was clear in the revolutionary tradition, where the invocation of the state’s will as an expression of the collective will of all the citizens was seen to place a mighty obligation upon individual citizens to carry through the will of the state. Therborn (1977) has traced the association between the extension of political citizenship and conscription into the armed forces. Some strands of citizenship thinking – e.g. French republicanism or Soviet constitutional theory – show a strong sense that citizenship entails sometimes onerous duties (including compulsory military service) as well as rights. Citizenship is a double-sided process. In principle, its extension may empower individuals over and against the state. But, at the same time, it implies a strengthening of the authority and the obligation of the state’s rule (now presented as the expression of the collective will of all the citizens). Many of these issues are developed in rather more detail in Chapter 5.

Taxation

Taxation is mentioned but little discussed in Weber’s account of the modern state. Yet the modern state as Weber describes it could not have existed without substantial and regular tax revenues. Indeed, the apparatus it requires, the relationship between tax-state and tax-subject it defines, and the sheer resources it generates make the consideration of taxation essential to any explanation of the modern state. We can begin from Braun’s definition: ‘taxes are regularly paid compulsory levies on private units to produce revenues to be spent for public purposes’ (Braun 1975: 244). Of course, the extraction of resources from ‘private units’ is very ancient. The church tithe, for example, under which parishioners would pay a tenth of their ‘income’ to the clergy, long pre-dates the modern state, and, of course, the ancient and medieval world is full of stories of pillage, piracy and extortion. What distinguished these early forms of extraction was that they were occasional, sometimes quite random and often justified by little more than brute force or ‘the right of conquest’. Before the eighteenth century, so Mann avers, tax collection was an ‘expedient in times of emergency and even an abuse which as soon as possible

should be replaced by income from public property, particularly domains, and by voluntary contribution' (Mann 1943: 225). Yet, the regime of the 'modern tax state', as Schumpeter (1954) calls it, carries all the hallmarks of Weber's modern state. It is systematic, continuous, legal-rational, extensive, regularized and bureaucratized.

For some commentators, such distinctively modern forms of well-regulated resource extraction become possible only with the emergence of a commercial market- or exchange-based economy. In earlier times, 'tax-farming', under which a ruler would sell off or award to a subaltern the right to make an income by extracting what resources he could from the local populace, had been common. Concealment or hoarding were equally common forms of resistance to this exaction. In the modern period, however, we move towards taxation uniformly applied by the state through officials who are responsible for collection, but whose income is not dependent upon these revenues. Modern accounting and banking procedures expose economic activity to state surveillance and expropriation (creating, in turn, the market for offshore tax havens and clever accountants). Indeed, as Giddens argues, the assessment and collection of taxation liabilities is one of the ways in which the state extends its penetrative surveillance of society (Giddens 1985: 157–9).

In some accounts, taxation (and the apparatus required to collect it) is one of the most basic constituents of the modern state, helping to mark it off from its 'feudal' predecessor. According to Schumpeter, 'without financial need the immediate case for the creation of the modern state would have been absent' (Schumpeter 1954: 24–5). This imperative is especially clear in the work of Tilly. In essence, Tilly's view of the development of the modern European state was this: 'War made the state, and the state made war.' Making war meant raising taxes.

The building of an effective military machine imposed a heavy burden on the population involved: taxes, conscription, requisitions and more. The very act of building it – when it worked – produced arrangements which could deliver resources to the government for other purposes. . . . Thus almost all the major European taxes began as 'extraordinary levies' earmarked for particular wars, and became routine sources of governmental revenue.

(Tilly 1975: 42)

None of the ambitions of state-makers could be realized without *extraction*, that is 'drawing from its subject population the means of statemaking, warmaking and protection' (Tilly 1990: 96). To simplify a complex historical story, we have a pattern something like the following. Proto-states make war. War is costly and requires a systematic and continuous process of extraction of resources. For the successful states, the process of extraction requires a larger state apparatus. The larger state apparatus requires more resources and thus a higher tax revenue and so on. Of course, royal courts could be very extravagant. Mann records that James I spent £15,593 on a bed for the infant Queen Anne! (Mann 1986: 458). But however profligate was the personal expenditure of kings and queens, these costs were generally dwarfed by the expenses of military activity. According to Tilly, 'the formation of standing armies provided the largest single incentive to extraction and

the largest single means of state coercion over the long run of European statemaking' (Tilly 1975: 73).

As important as the sheer rise in revenue demands was the transformation of public indebtedness. Wars meant not just increased costs to be met in the present but also an increase in the public debt, and this had to be serviced by taxation payments outside times of active war-making. Mann observes that it was 'under Henry VIII that one important and permanent development occurred: Peacetime taxation' (Mann 1986: 57).

Upon Tilly and Mann's accounts, the development of the modern tax-state is full of unintended consequences. It was not that anyone wished to create a large fiscal state and extractive apparatus. It was rather a necessary by-product of the state's warlike ambitions. Once established, 'emergency' taxes proved increasingly difficult to remove. (In Britain, income tax started life as a temporary wartime expedient.) Once established, the public debt changed its character (so that by the mid-twentieth century it was seen as an instrument of governments' macroeconomic strategy). The state used taxation not just to raise revenue but also to encourage/discourage various forms of behaviour (imposing duties on alcohol and tobacco, offering tax relief for preferred family forms and so on).

Again, while the origins of modern taxation regimes may lie in the changing requirements of military activity, there is also some agreement that the pattern of public expenditure shifted in the later nineteenth and twentieth centuries. Despite the colossal costs of warfare in the twentieth century, and the extraordinary impact that the sheer costs of war have had in shaping the world since 1945, we can observe an underlying process of 'civilianization' in the changing balance of public expenditures over the last hundred years (Tilly 1990: 122–3). For most of the eighteenth century, military expenditure accounted for much more than half of all state expenditure in Britain. By 2000, this figure has fallen below 3 per cent (SIPRI 2002). At the same time, however impressive was the growth of state funding in earlier centuries (starting from an extremely low base), in volume terms this has been dwarfed by developments of the last hundred years. The tax take rose dramatically in the twentieth century from less than 10 per cent in 1890 to something more than 40 per cent by the 1980s (Peacock and Wiseman 1961: 42–3; *The Economist* 337 (1995), 7943) and there has been a transformation in the disbursement of these public funds. Of these changes, as we shall see in Chapter 2, the most remarkable has been the extraordinary growth of social expenditure – one of the most profound, if under-reported, developments of the twentieth century.

Of course, this wholesale transformation in the public finances has had a profound political impact not only upon the state, but also upon its subjects (as well as upon other potential political actors). Few people enjoy paying taxes – 'to tax and to please', so Edmund Burke (1729–97) argued, 'is not given to men' – and resistance against extraction is very ancient (Burke 1909). History before the rise of the modern state is littered with 'tax revolts' and 'peasants' rebellions' against unreasonable forms and levels of taxation. With the rise of the modern state, both the imposition of and the resentment against taxation became more systematic. While both Tilly and Mann, for example, argue that the militarization of the state was

essentially turned *outwards* towards other states, the requirement to raise revenue certainly encouraged a more active policing of the *internal* order of nascent states. Control – military, judicial, civil and fiscal – was a commonplace of the modern tax-state. But, as in other areas of its activity, the modern state could not normally hope to extract resources by force alone, not least because the costs of compliance might make such a regime counter-productive. There was thus an increasing incentive to make the state's taxation regime appear *legitimate*. At the same time, we find a long-standing movement among those who bore the burden of taxation to gain some control over those who extracted their resources. To a certain extent at least, the story of the (partial) democratization of the modern state between the eighteenth and twentieth centuries can be understood in terms of the American rebels' famous insistence upon 'no taxation without representation'. For both rulers and ruled, it seemed that taxation might be more bearable if, at least formally, it could be construed as 'chosen by the people'.

Taxation is still a touchstone of the politics of the modern state. In Britain, the longest-serving prime minister of the twentieth century was brought down, at least in part, by her insistence upon reviving a premodern form of taxation – the poll tax (Butler *et al.* 1994). Modern British general elections are sometimes supposed to be won and lost on the basis of the projected headline rate of income tax. It is also widely argued that recent years have seen the growth of an increasing 'tax resistance' among democratic publics who feel themselves overburdened by a massive state apparatus. Certainly, the transformation of taxation (who pays and who benefits) helped to shape the grand contours of the politics of the second half of the twentieth century. Just as important, though a little less remarked upon, are the political constraints imposed by public indebtedness. Those who service the government's debt – and who may, unlike the general citizenry, decline to continue to do so – are in an extremely powerful position to establish the acceptable limits of the state's activity. It is the power that the servicing of the public debt places in the hands of fund-holders, banks and 'the markets' (rather than some 'bankers' ramp') which gives internationally mobile investors such a powerful lever upon the conduct of the state.

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