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The rise of the modern state

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Heide Gerstenberger, Impersonal Power: History and Theory of the Bourgeois State, translated by David Fernbach (Brill, 2007), £139.10

Heide Gerstenberger’s Impersonal Power is an ambitious book. It tries to give an explanation for the form and content of the bourgeois state, rooted in a wide-ranging description of over 1,000 years of English and French history. If this review is critical in tone, this is not out of a lack of appreciation for the wealth of historical knowledge and detail displayed in its almost 700 pages.

The problem of the state has always caused much debate among Marxists. The famous description in the Communist Manifesto of the state as “but a committee for managing the common affairs of the whole bourgeoisie” provides little more than a pointer as to how the state functions and why.

In order to come closer, Gerstenberger borrows a concept from Marx’s youthful critique of Georg Hegel’s Philosophy of Right. In this complex and unfinished piece of writing, still heavily influenced by the Young Hegelians, Marx provides a number of valuable insights into the rise of modern politics. Among other things, he draws a sharp distinction between the close relationship between social classes and the state in medieval times and the modern “separation between the state and civil society”. Put schematically, in the Middle Ages exploitation was organised primarily through violence or the direct appropriation by the ruling classes of part of the surplus product from the direct producers by “political” means. This also meant that social relations were immediately political. In such conditions there is no separation between state and civil society, or as Marx puts it, “In the Middle Ages, there were serfs, feudal goods, guilds, scholarly corporations, etc, that means, in the Middle Ages property, trade, society, human beings [are] political; the material content of the state is determined by its form; every private sphere has a political character or is a political sphere, or politics is also the character of the private sphere.”

By contrast, under capitalism exploitation is primarily an economic process. State and civil society become separate entities, in which the state ceases to be the direct tool of individual members of the ruling class and becomes the general overseer of society. However, far from liberating the state from the particular interests of the economic ruling class, as Hegel implied, the state thereby came to be based more firmly on the institution of private property, since private property became the guiding institution of the society on which the state rested.

In the 1970s many Marxists went back to those ideas to argue against mechanical interpretations promoted by Stalinism, which explained the class nature of the capitalist state merely from the hidden dealings of individual members of the bourgeoisie. Against this highly personalised and simplistic explanation of class rule they posed the idea that the capitalist state is a form
of “impersonal power” or, in the original German title of this book, “subjectless violence”.

Although a welcome counterweight to mechanical interpretations, this concept is itself not unproblematic. For one thing authors basing themselves on it tend to overestimate the autonomy of the functioning of the state from prevailing class relations. The strange jump by Gerstenberger in the last lines of her book from describing the inherent inequalities and limitations of bourgeois democracy on an international scale to suggesting strengthening of international law as a (partial) solution to the problems created by the system can be seen as one expression of this.

However, the heart of Marx’s argument was to expose the falseness of all universalist claims by bourgeois state and law. Instead he showed how these are rooted in capitalist society even when they appear to exist as completely independent entities. The realities of class rule are all the more easily forgotten by proponents of the concept of “impersonal power”, since it operates on such a high level of abstraction. The real state is, of course, made up of real people who in real historical circumstances apply highly subjective violence.

To be fair, Gerstenberger does try to avoid some of those traps. Indeed already in the 1970s she criticised the ahistorical nature of much of the so-called “state derivation debate”, and in a way this book can be seen as a major attempt to give the concept of “impersonal power” a more historical underpinning.

The main part of this book, then, consists of a historical description of the making of the bourgeois state in the two countries that are traditionally at the centre of discussions on the transition from feudalism to capitalism: France and England. Gerstenberger argues that the history of state power in both countries can be divided into three successive stages. The first was that of the highly personalised, divided power at the high point of feudalism, when “the state” consisted of a conglomerate of sovereignties of often competing feudal lords.

The second phase is one of “generalised personal power” in which kings managed to subject the competing lords to their rule and started to build more centralised state machines. This Ancien Régime, which roughly coincides with the period between the 16th and the 19th century, is often described as the age of absolutism. It saw the integration of the rising merchants, bankers and bourgeois professionals into a power structure that, in the eyes of Gerstenberger, was still decidedly non-capitalist, being based on estate privileges defended by the personal rule of the monarch.

Only when those estate privileges themselves started to disintegrate, she argues, could the state transform from a form of generalised personal rule into the impersonal realm of class rule, the third stage in the process. Capitalism arose out of the Ancien Régime, rather than the Ancien Régime being a response to the rise of capitalism.

The transitions between the three phases mentioned were not automatic. Particular events, such as the bourgeois revolutions, played a role in the
process. But Gerstenberger denies that they were in any way the crucial turning points. According to her, after the “Glorious Revolution” of 1688, which she sees as more important than the (much more revolutionary) civil war of the 1640s, it took over 100 years before the Ancien Régime really started to disintegrate in England. And Gerstenberger manages to find traces of the Ancien Régime well into the 20th century.

The importance Gerstenberger attaches to the prevalence of aristocratic political practices derives from her denial of any primacy for economic developments. Legal reforms, changing cultural or religious practices and political shifts within the ruling aristocracy seem to be as important to her as the underlying shifts at the base of society. Her approach comes close to the “political Marxism” of writers such as Robert Brenner, Ellen Meiksins Wood and Benno Teschke. Gerstenberger tries to find the roots for the changes within the feudal state apparatus in the power relations stemming from particular modes of exploitation. But like those other writers she tends to cut off the forms of exploitation, and more particularly the forms of political rule, from the changes in the forces and relations of production.

This weakness is of great consequence to her general approach. While she traces in great details the complex mixture of feudal, Ancient Régime and bourgeois forms of government over a large span of time, the complete transformation of economic life between, say, the year 1000 and 1789 receives only scanty attention. The social content of the political, juridical, ideological and religious practices she describes therefore remains unclear.

This methodological weakness also helps explain why Gerstenberger treats the Ancien Régime almost like a separate form of class rule, non-feudal and non-capitalist in nature, while refraining from determining more precisely the nature of the prevailing mode of production during this phase. Now, the choice to treat this period as a completely separate phase rests on a real difficulty facing historians of the transition. Anyone who tries to come to terms with the 17th and 18th century basing themselves on a set list of what is feudal and what is capitalist will run into serious problems. In most societies, at least the ones under investigation, an intricate mixture existed between the old feudal forms in strongly adapted new guises and the new capitalist ways of dealing which were deformed by the feudal straitjackets in which they arose.

Further complicating the matter, no state was allowed to quietly work out “its own transition” since permanent warfare forced them to constantly adapt their internal structures and copy successful practices among neighbouring states. The international nature of the rise of capitalism, and especially of the process of state formation, should therefore preclude any attempt to fit the transition onto the Procrustean bed of narrowly defined national models.

Unfortunately, this is precisely the road that Gerstenberger takes. If we simply take the modern state form as our ideal type, all 18th century states will indeed fail the necessary requirements to be called capitalist. The mistake lies in the attempt to define the social content of the state from its form.
Judging superficially one could say that those states that had gone through a successful bourgeois revolution (such as the Netherlands and England) and those that had not (such as France) had many more common features than differences. All were primarily geared at raising taxes in order to pay for war. All more or less improvised a state bureaucracy in order to fit those demands, leaning both on existing aristocratic ties and on merchant wealth. All allowed for widespread corruption and the intermingling of state and private interests as long as the money needed for war kept coming in. And all to a certain extend stimulated the growth of manufacture and trade in order to be able to compete internationally.

In many aspects, the warring mercantilist states of the 18th century were so symmetrical that this seems to warrant speaking of a particular type of society. However, doing so means glossing over the very real differences in the way those states related to the acceleration of capitalist development within their domains, despite similarities in forms of rule or specific policies. While in France capitalist interests always remained subsumed under the dynastic aims of the feudal state, the Dutch and English states were to a far larger extent willing to set the forces of accumulation free. It is by their successive attitudes to the interests of capitalist accumulation that the class nature of early modern states should be judged.

Of course, in a book of such scope one can find much to learn from despite disagreeing with the general direction of the argument. Many of Gerstenberger’s arguments are challenging and refreshingly undogmatic. Unfortunately, there are other weaknesses to add to the ones already mentioned. The most important of those is inaccessibility.

There is the issue of the book’s price, but readers who are interested can always try to find a university library willing to order it for them. However, even when overcoming this problem many readers will find the style of the book disheartening. The structure of the argument is overburdened by the many side-roads taken, and some ruses in the construction of the book were necessary to save the theoretical argument from collapsing under this weight of detail. Often the author does not bother to explain how much importance is to be attached to various factors or what selection criteria led her to expound on those rather than others.

In all, the book does not manage to escape from the primary weaknesses of the state derivation debate of the 1970s. Its composition remains highly academic. The historical argument seems to be built around a set of theoretical ideal types, instead of the theoretical model being rooted in critical historical investigation. And finally, the models that are chosen are in essence national, ignoring both the international nature of the transition to capitalism and the international dimension of capitalist accumulation and state formation. Gerstenberger’s book grapples with important questions. But after 700 pages she leaves us wanting.