
11. The state as social relation: Poulantzas on materiality and political strategy

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INTRODUCTION

Nicos Poulantzas' work remains, 40 years after his untimely death, one of the most innovative contributions to Marxist political sociology and political theory. In what is still the only English-language biography of Poulantzas, Bob Jessop called him 'the single most important and influential Marxist theorist of the state and politics in the postwar period'.¹ More recently, Poulantzas has influenced discussions of 'authoritarian neoliberalism',² political ecology,³ and the surveillance state.⁴ Translations of secondary literature, from German⁵ and French,⁶ have steadily increased his profile in the English-speaking world and cultivated an international dialogue on his contemporary relevance.

Poulantzas' theoretical interventions came at a particularly fertile time for Marxist debates about the capitalist state. These debates spanned the 1970s and were responses to the political reverberations of 1968, the internal reckoning of Western communist parties on the legacies of Stalinism, and the dual crises of accumulation and legitimation in advanced capitalist states.⁷ However, Poulantzas' analysis stands out because of his distinctive class theoretical approach, which rejected attempts to treat the state as either an object or a subject. Instead, Poulantzas advanced a conception of the capitalist state as a constellation of social forces and powers, to which the class struggle was immanent. He thus challenged both Leninist 'revolutionary' and social-democratic 'reformist' orthodoxy about the capitalist state, all with the purpose of theorising the ruptural strategies involved in the political and social transition from capitalism to socialism.

In this chapter, I discuss Poulantzas' work through this lens of the materiality of the capitalist state. I examine how Poulantzas situated his intervention in relation to existing treatments of the state as either an instrument/object or a subject; the impact of this framework on the law and juridical personhood; and the relevance of this account for political strategy, in particular

¹ Bob Jessop, *Nicos Poulantzas: Marxist Theory and Political Strategy* (St Martin's Press 1985) 5.

² Ian Bruff, 'The Rise of Authoritarian Neoliberalism' (2014) 26 *Rethinking Marxism* 113.

³ Bob Jessop, 'Nicos Poulantzas on Political Economy, Political Ecology, and Democratic Socialism' (2017) 24 *Journal of Political Ecology* 186.

⁴ Christos Boukalas, 'No Exceptions: Authoritarian Statism: Agamben, Poulantzas, and Homeland Security' (2014) 7 *Critical Studies on Terrorism* 112.

⁵ Alexander Gallas, Lars Bretthauer, John Kannankulam, and Ingo Stütze (eds), *Reading Poulantzas* (Merlin Press 2011).

⁶ Jean-Numa Ducange and Razmig Keucheyan (eds), *The End of the Democratic State: Nicos Poulantzas, a Marxism for the 21st Century* (Palgrave Macmillan 2019).

⁷ Martin Carnoy, *The State and Political Theory* (Princeton University Press 1984); Clyde W Barrow, *Critical Theories of the State: Marxist, Neomarxist, Postmarxist* (University of Wisconsin Press 1993); Raju Das, 'State Theories: A Critical Analysis' (1996) 60 *Science & Society* 27.

the transitions to liberal democracy in southern Europe and the opportunities for a transition to democratic socialism in the European and North American capitalist core. I argue that by theorising the state as a social relation—more specifically, as a material condensation of a relationship of forces between classes and class fractions—Poulantzas was able to sidestep the theoretical dilemmas that confounded prior Marxist thinking about the state. Furthermore, Poulantzas' account of political strategy follows from his treatment of the state as a material condensation of social forces. In particular, his conception of the state as a contradictory and uneven terrain that is potentially open to the intervention of the 'popular classes' into a given conjuncture continues to provide a foundation for a distinctly Marxist theory of politics.

BEYOND STATE-AS-THING AND STATE-AS-SUBJECT

Apart from his first book *Nature des choses et droit*,⁸ Poulantzas developed his arguments over the course of five major books and a substantial number of essays. While they share an overarching concern with the theorisation of the capitalist state, the scope and focus of Poulantzas' arguments varies across these works. *Fascism and Dictatorship* and *The Crisis of the Dictatorships* (CD) are studies of distinct exceptional forms taken by the capitalist state.⁹ Poulantzas characterised the remaining three books as approaching the same problem—the peculiar structures of the capitalist state—through distinct vantage points.¹⁰ Thus, the main focus of *Political Power and Social Classes* (PPSC) was a general theory of the capitalist state based on the separation of the economic and the political levels that was peculiar to the capitalist mode of production.¹¹ In *Classes in Contemporary Capitalism* (CCC),¹² Poulantzas addressed how the division of labour influenced the constitution of social classes. In his final work, *State, Power, Socialism* (SPS), the same lens of the division of labour was then applied to the institutional materiality of the capitalist state itself.

The relationship between Poulantzas' earlier and later writings has been a matter of some debate. Poulantzas' reputation as a structuralist Marxist was based on a (largely one-sided) reading of PPSC, published soon after the events of May 1968. There, he began from the distinct requirements of the capitalist mode of production and the role of the political level within a social formation, eventually proceeding to an account of the state as the 'factor of cohesion between the levels of a social formation' and the 'structure in which the contradictions of the various levels of a formation are condensed'.¹³ Due to this influence of Althusserian termi-

⁸ Nicos Poulantzas, *Nature des choses et droit: essai sur la dialectique du fait et de la valeur* (Librairie générale de droit et de jurisprudence 1965). See also James Martin, 'Ontology and Law in the Early Poulantzas' (2009) 35 *History of European Ideas* 465.

⁹ Nicos Poulantzas, *Fascism and Dictatorship: The Third International and the Problem of Fascism* (first published 1970, Judith White tr, New Left Books 1974) [FD]; Nicos Poulantzas, *The Crisis of the Dictatorships* (first published 1975, David Fernbach tr, New Left Books 1976) [CD]. On Poulantzas' earlier writing and his theory of the fascist type of state, see Bob Jessop's chapter in this volume.

¹⁰ Nicos Poulantzas, *State, Power, Socialism* (first published 1978, Patrick Camiller tr, Verso 1980) 53 [SPS].

¹¹ Nicos Poulantzas, *Political Power and Social Classes* (first published 1968, Timothy O'Hagan tr and ed, New Left Books 1973) [PPSC].

¹² Nicos Poulantzas, *Classes in Contemporary Capitalism* (first published 1974, David Fernbach tr, New Left Books 1974) [CCC].

¹³ Poulantzas, PPSC, 44–45.

nology, Poulantzas' contemporaries, especially in the English-speaking world, saw him as exemplary of structural Marxist approaches to the state—a reputation that he retains today.¹⁴

However, Poulantzas' indebtedness to Althusser has often been overstated, partly as a result of his famous debate with Ralph Miliband in the early 1970s, which helped popularise the schematic distinction between instrumentalist and structuralist approaches to the state.¹⁵ Jessop argues that Poulantzas shed much of the Althusserian conceptual framework after *PPSC*, as he moved toward a relational account of the state.¹⁶ In addition, Barrow points out that even in his most structuralist phase Poulantzas had already registered his differences with the positions taken by Althusser and Balibar in *Reading Capital*.¹⁷ These differences became more pronounced in his later writings, as Poulantzas criticised their reduction of the state to the function of repression and ideology, as well as their treatment of the political and economic levels in the capitalist mode of production as self-generating and independently functioning instances that were then mechanically 'combined' with each other.¹⁸

What is truly distinctive about Poulantzas' contribution is not the 'structuralism' of his account of the capitalist state, but rather the innovative way he framed the relationship between social forces and political structures. Despite the changing nuances in his thought between *PPSC* and the appearance of *SPS* ten years later, Poulantzas consistently rejected the 'false dilemma' between the state understood as a thing/instrument and as a subject.¹⁹ His conception of the relative autonomy of the state, for which he is best known, must be seen in light of his critique of these two dominant approaches to the state within Marxist thought, corresponding to its Leninist and social-democratic variants.

First, Poulantzas rejected a tendency that saw the state as a thing, instrument, machine, or tool. This view, which he associated with both the legacy of economism and voluntarism in Marxist thought, saw the state as a 'mere tool of domination, manipulable at will' by the dominant class.²⁰ The unity of the state was derived from the assumed unified will of the dominant class, thereby reducing the state to an instrument of organised coercion wielded for the purpose of class rule. Understood in this way, the state had no autonomy, since it was merely the superstructural expression of class interests originating from the base of the combined forces and relations of production.²¹ Poulantzas attributed this 'instrumentalist' conception

¹⁴ Amy Beth Bridges, 'Nicos Poulantzas and the Marxist Theory of the State' (1974) 4 *Politics & Society* 161; David A Gold, Clarence YH Lo, and Erik Olin Wright, 'Recent Developments in Marxist Theories of the Capitalist State' (1975) 27 *Monthly Review* 29.

¹⁵ See Nicos Poulantzas, 'The Problem of the Capitalist State' [1969] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 172. See also Clyde W Barrow, *Toward a Critical Theory of States: The Poulantzas-Miliband Debate After Globalization* (State University of New York Press 2016) ch 2.

¹⁶ Jessop, *Nicos Poulantzas*, 81–82.

¹⁷ Barrow, *Toward a Critical Theory of States*, ch 2; Louis Althusser et al, *Reading Capital: The Complete Edition* (first published 1965, Ben Brewster and David Fernbach trs, Verso 2015).

¹⁸ Nicos Poulantzas, 'The Capitalist State: A Reply to Miliband and Laclau' [1976] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 270, 286–93; Nicos Poulantzas, 'The State, Social Movements, Party: Interview with Nicos Poulantzas' *Viewpoint* (18 December 2017), <https://www.viewpointmag.com/2017/12/18/state-social-movements-party-interview-nicos-poulantzas-1979/> accessed 7 April 2021.

¹⁹ Poulantzas, 'The Capitalist State: A Reply to Miliband and Laclau', 283.

²⁰ Poulantzas, *PPSC*, 256.

²¹ Poulantzas, 'The Capitalist State: A Reply to Miliband and Laclau', 283.

of the state alternately to Lenin, the Third International, and contemporary analyses of ‘state monopoly capitalism’.

By contrast, the social-democratic tradition tended to see the state as a subject. This conception, said to originate with Hegel, later re-emerged in the Second International and interwar German social democracy, as well as in the thought of Max Weber and the ‘institutionalist-functionalist’ political sociology of the 1960s and 1970s.²² Here the unity of the state was not premised on a direct expression of a specific class, but on corporatist institutional arrangements that allowed it to balance and harmonise competing societal interests.²³ The state, imbued with metaphysical principles of a ‘personality’ and ‘will’, was seen as the ‘rationalising instance of civil society’ and as ‘incarnated in the power of the group that concretely represents this rationality/power (bureaucracy, elites)’.²⁴ The state-as-subject had absolute autonomy, acting as the neutral arbitrator between contending classes, and thus could incorporate working class interests into a pluralistic consensus.

Poulantzas rejected both the premise that the state derived its unity from a presupposed dominant class will, and that it possessed a unity insofar as it was an integral subject ‘animated’ by a professional bureaucratic cadre. This left open the matter of explaining *how* and *why* it was still possible to discuss ‘the capitalist state’ as a coherent and unified entity. What criteria enabled us to speak of the unity of the state and its capitalist character, such that it was neither reducible to direct control by a single class nor reified into a transhistorical or metaphysical entity?

Poulantzas’ innovation in the face of this dilemma was to advance a conception of the capitalist type of state as a material condensation of social/class forces—one that acted as the privileged terrain for the formation and consolidation of capitalist class hegemony. Initially, Poulantzas expressed this view via his theory of the relative autonomy of the state, as found in *PPSC*. In this framework, the state’s relative autonomy from the dominant classes and fractions was a structural feature stemming from the distinctive separation taken by the political and the economic levels in the capitalist mode of production. As the instance tasked with maintaining the cohesion of the different levels of the capitalist mode of production, the capitalist state had a structural unity that allowed it a degree of independence from the immediate interests of any particular class or faction. More concretely, the capitalist state was the nexus on which the competing interests of different fractions of the bourgeoisie could be organised, mediated, and reconciled under the hegemony of a dominant power bloc (including through political parties). Just as it consolidated the political power of the dominant classes, the state also disorganised the working classes, through mechanisms both ideological (e.g., educational institutions, the legal system) and repressive (e.g., the army, the police, prisons, and other carceral institutions).

Following *PPSC*, as his arguments became less marked by structuralist terminology, Poulantzas placed greater emphasis on the capitalist state understood as a material, social relation that was affected by class struggles. Jessop suggests that Poulantzas’ previous reliance on the notion of relative autonomy would later present a theoretical problem, as it was difficult to reconcile with the contingency implied by the class struggle approach.²⁵ From this

²² Poulantzas, ‘The Capitalist State: A Reply to Miliband and Laclau’, 281.

²³ Poulantzas, *PPSC*, 270.

²⁴ Poulantzas, ‘The Capitalist State: A Reply to Miliband and Laclau’, 283.

²⁵ Jessop, *Nicos Poulantzas*, 98–102.

he concludes that the residue of the relative autonomy argument undercut the real insight of Poulantzas' subsequent, relational approach to the state. Conversely, Barrow has argued for greater continuity in Poulantzas' thought, pointing to the role he assigned to class practices even in his more overtly 'structuralist' phase and his differences with Althusser and Balibar.²⁶ While it is true that relative autonomy is less emphasised in *SPS*, this can partly be explained by changing social and political contexts. After 1968 the effectiveness of the capitalist state in the reproduction of hegemony came into question. This new reality required an explanation not only of the state's role in creating political stability and social reproduction, but also how its failure to do so under certain conditions gave rise to political crises.

Despite this change of emphasis from a regional account of the state to the state understood as a relational, strategic field, what remained consistent in Poulantzas was a rejection of earlier Marxist problematics. He consistently adhered to a view of the capitalist state whose task was the organisation (and disorganisation) of social classes, and whose unity was the product of an ongoing interaction between structures and practices.²⁷ If, in its attempt to fill the textual lacunae in Marx's writings on the state, the Marxist tradition had come to alternate between treating the state as either a superstructural derivative of ruling class interests or as a neutral institutional apparatus, then Poulantzas' theoretical intervention can be seen as a materialist dialectical *inversion* or *displacement* of this dichotomy.

THE MATERIALITY OF THE STATE

Despite their differences, the Leninist and social-democratic views both tended to see the state in a relation of externality to the class struggle, in which 'either the dominant classes submit the state (thing) to itself by a game of "influences" and "pressure groups" or the state (subject) submits the dominant class to itself'.²⁸ Instead, Poulantzas suggested that the capitalist state was always already at work in forging and reproducing class power, because state institutions were the crucial sites where hegemony was constructed and consolidated. Classes did not first constitute themselves 'outside' the state (e.g., in the workplace, civil society, or the domestic sphere), and only subsequently 'encounter' the state. Rather, the capitalist state was itself the fusion of social/class forces, both acting upon and being affected by them. It was not merely that class contradictions and struggles traversed the previously-constituted terrain of the state, but that 'class contradictions are the very stuff of the State: they are present in its material framework and pattern its organisation; while the State's policy is the result of their functioning within the State'.²⁹

Poulantzas thus sought to develop a conception of the *interiority* and *immanence* of power relations between class and state. As he wrote:

the political field of the State (as well as the sphere of ideology) has always, in different forms, been present in the constitution and reproduction of the relations of production ... The position of the State

²⁶ Barrow, *Toward a Critical Theory of States*, ch 2.

²⁷ For a self-clarification of Poulantzas' occasionally abstruse discussion of structures and practices, see Poulantzas, 'The Capitalist State: A Reply to Miliband and Laclau', 292.

²⁸ Nicos Poulantzas, 'The Political Crisis and the Crisis of the State' [1976] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 294, 308.

²⁹ Poulantzas, *SPS*, 132.

vis-à-vis the economy is never anything but the modality of the State's presence in the constitution and reproduction of the relations of production.³⁰

The implication of this argument was monumental: the traditional Marxist problematic of base and superstructure, with all of the theoretical dilemmas it raised, needed to be put to rest, in favour of a model in which the economic, political, and ideological levels were fused into a unity.³¹

How are class forces present in this material framework of the state? The state is fundamentally a relation, like capital. More specifically, it is a 'material condensation (apparatus) of a relation of force between classes and fractions of classes as they are expressed in a specific manner (the relative separation of the state and the economy giving way to the very institutions of the capitalist state) at the very heart of the state'.³² In *SPS* Poulantzas identified four key aspects of the state's institutional materiality: the division between manual and intellectual labour; the individualisation and regimentation of the social body; law and state-sanctioned violence; and the ideology of the nation, with its particular temporality and spatiality. These are material practices, stemming from the relations of production and the social division of labour, through which the capitalist state perpetuates itself. Together, they contribute to the capitalist state being a:

specialized and centralized apparatus of a peculiarly political nature, comprising an assemblage of impersonal, anonymous functions whose form is distinct from that of economic power; their ordering rests on the axiomatic force of laws-rules distributing the spheres of activity or competence, and on a legitimacy derived from the people-nation.³³

Poulantzas' stress on the interiority of the state and class distinguishes his account from neo-Weberian institutionalist frameworks that sought to identify the scope of state autonomy from society, largely by investigating its bureaucratic capacity and ability to resist capture by any particular class.³⁴ These accounts have tended to define the state not as a relation but as a set of concrete institutions, thereby returning to a conception of class-state (or society-state) exteriority.³⁵ While state apparatuses are indeed 'material condensations of relations', they are material only insofar as they are crystallised expressions of the dynamics of class struggles.³⁶ As Demirović puts it, 'the state is a space determined by the class struggle, in which the power relations among the classes materialize and become sedimented, thus also determining the class struggles of the future'.³⁷

³⁰ Poulantzas, *SPS*, 17.

³¹ Albert Bergesen, 'The Rise of Semiotic Marxism' (1993) 36 *Sociological Perspectives* 1.

³² Poulantzas, 'The Political Crisis and the Crisis of the State', 307–8.

³³ Poulantzas, *SPS*, 54.

³⁴ Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (CUP 1979); Theda Skocpol, 'Political Response to Capitalist Crisis: Neo-Marxist Theories of the State and the Case of the New Deal' (1980) 10 *Politics & Society* 155.

³⁵ Rafael Khachaturian, 'Bringing What State Back In? Neo-Marxism and the Origin of the Committee on States and Social Structures' (2019) 72 *Political Research Quarterly* 714.

³⁶ Nicos Poulantzas, 'Interview with Nicos Poulantzas' [1979] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 387, 397.

³⁷ Alex Demirović, 'The Capitalist State, Hegemony, and the Democratic Transformation Toward Socialism', in Jean-Numa Ducange and Razmig Keucheyan (eds), *The End of the Democratic State: Nicos Poulantzas, a Marxism for the 21st Century* (Palgrave Macmillan 2019) 43, 56.

Here we can note a main point of contention in Poulantzas' debate with Miliband about the distinction between state power and state apparatuses. Miliband had famously argued that Poulantzas' 'structural superdeterminism' reduced the state to class power, thereby undercutting the very concept of state autonomy that Poulantzas had tried to establish in *PPSC*.³⁸ Yet Miliband's criticism was largely misguided, for while the state was the locus of class practices, its makeup eluded any direct determination by a particular class or fraction. As Poulantzas later clarified, 'state apparatuses do not possess a "power" of their own, but materialise and concentrate class relations ... The state is not an "entity" with an intrinsic instrumental essence, but it is itself a relation, more precisely a condensation of a class relation'.³⁹ Later, he suggested that the state exhibits a 'peculiar material framework' where the phenomenon of state power could not be reduced to the state apparatus; rather, 'political domination is itself inscribed in the institutional materiality of the State'.⁴⁰

Class struggles thus adapted themselves to 'the materiality of the various state apparatuses, only becoming crystallised in the State in a refracted form that varies according to the apparatus'.⁴¹ The administration of the capitalist state is organised at 'nodes and focuses of real power located at strategic points of the various state branches and apparatuses', including the executive, the parliament, army, judiciary, ministries, regional and municipal administrations, and the ideological institutions.⁴² Together, they act as multiple points from which the various fractions of the dominant classes organised their interests into a hegemonic power bloc. Since it is a tenuous unity of contradictory processes, the capitalist state's various apparatuses are constantly engaged in a process of 'structural selectivity', making decisions and non-decisions, determining their own priorities, and processing and interpreting the information gathered by the other apparatuses.⁴³

These functions also require the existence of state personnel (politicians, bureaucrats, judges, military and police personnel, etc.), individuals who are members of a specific social category, the state bureaucracy, that links them across their class positions. By virtue of the organisational framework of the capitalist state, these state apparatuses have a relative autonomy from the economically dominant classes. At the same time, their personnel may be divided both 'vertically' (as upper and lower echelon civil servants), and 'horizontally' (through rivalries between the different organisations and apparatuses making up the state). The capitalist state's various organs and branches (ministries and government offices, executive and parliament, central administration and local and regional authorities, army, judiciary, etc.) thus reveal 'major contradictions among themselves, each of them frequently constituting the seat and the representative—in short, the crystallization—of this or that fraction of the

³⁸ Ralph Miliband, 'The Capitalist State: Reply to Nicos Poulantzas' (1970) 59 *New Left Review* 63.

³⁹ Poulantzas, *CCC*, 26.

⁴⁰ Poulantzas, *SPS*, 14.

⁴¹ Poulantzas, *SPS*, 131.

⁴² Poulantzas, *SPS*, 139.

⁴³ Poulantzas, 'The Political Crisis and the Crisis of the State', 309. Poulantzas borrowed the concept of 'structural selectivity' from Claus Offe, 'Structural Problems of the Capitalist State: Class Rule and the Political System. On the Selectiveness of Political Institutions' in Klaus von Beyme (ed), *German Political Studies*, vol 1 (SAGE 1974) 31. However, as Jessop suggests, his own approach to the term is better understood as strategic selectivity; see Bob Jessop, 'The Strategic Selectivity of the State: Reflections on a Theme of Poulantzas' (1999) 25 *Journal of the Hellenic Diaspora* 1.

power bloc, this or that specific and competing interest'.⁴⁴ Put differently, state institutions take on a materiality as they mediate and channel the dynamics of the class struggle, from the micro-processes of subject-formation all the way to the macro-processes of national economic management and engagement with other states in the transnational sphere.

Developing this account of the materiality of the state allowed Poulantzas to avoid the dichotomy of treating the capitalist state as either a monolithic bloc in the hands of monopoly capital, or a neutral apparatus that pursues policies of functional integration which reproduce capitalist class rule. It is important to note the element of contingency in Poulantzas' framework, for he understood class conflict as a material but decisively non-teleological dynamic. Readings of Poulantzas as a functionalist have suggested that the relative autonomy of the capitalist state consistently enables it to effectively co-ordinate the long-term hegemony of the power bloc.⁴⁵ However, the fact that its materiality is derived from a relation of class forces makes any such 'state project' uneven and uncertain, although its strategic selectivity still favours the capitalist class. Poulantzas does not simply derive the operations of the state from what is predetermined as necessary for the reproduction of the capitalist mode of production.⁴⁶ Instead, he focuses on the materiality of capitalist states in their concrete, historical form, which are not fixed in advance but depend on social struggles. In his words, 'the relation of the masses to power and the State—in what is termed among other things a *consensus*—always possesses a material substratum ... the State acts within an unstable equilibrium of compromises between the dominant classes and the dominated'.⁴⁷ Correspondingly, the notion of hegemonic crisis plays a more pronounced role in his later writings.⁴⁸ Both the constitutive makeup of the state and the policies that it produces are susceptible to shifts, interventions, and transformations, albeit their specific nature will vary depending on the conjuncture.

Here we return to the question of the state's unity and capitalist character. If Poulantzas' earlier works were criticised for their 'structural superdeterminism' and 'structural abstractionism',⁴⁹ a directly opposite criticism was made of the 'class struggle' approach found in *CCC* and *SPS*. This line of criticism asked whether, by making room for class struggle, Poulantzas had not undermined his own claims about the necessarily capitalist character of the state.⁵⁰ However, as Demirović observes, while the state does express a relationship of forces, it is not merely 'the momentary result of the conflict between various groups' different interests'.⁵¹ This neo-pluralist approach misses important elements of the state's institutional permanence, including the persistence of its apparatuses and their role in organising and disorganising particular class fractions. This role of disorganisation, which remained consistent across

⁴⁴ Poulantzas, 'The Capitalist State: A Reply to Miliband and Laclau', 284.

⁴⁵ Simon Clarke, 'Marxism, Sociology, and Poulantzas' Theory of the State' (1977) 1 *Capital & Class* 1; Skocpol, 'Political Response to Capitalist Crisis'.

⁴⁶ Lars Bretthauer, 'Materiality and Condensation in the Work of Nicos Poulantzas' in Alexander Gallas et al (eds), *Reading Poulantzas* (Merlin Press 2011) 72, 74.

⁴⁷ Poulantzas, *SPS*, 30–31 (original emphasis).

⁴⁸ Jessop, *Nicos Poulantzas*, 84.

⁴⁹ Miliband, 'The Capitalist State: Reply to Nicos Poulantzas'; Ralph Miliband, 'Poulantzas and the Capitalist State' (1973) 1 *New Left Review* 83.

⁵⁰ Axel van den Berg, *The Immanent Utopia: From Marxism on the State to the State of Marxism* (Princeton University Press 1988); Kenneth Finegold and Theda Skocpol, *State and Party in America's New Deal* (University of Wisconsin Press 1995).

⁵¹ Demirović, 'The Capitalist State', 56.

Poulantzas' writings, was accomplished not only through the state's material apparatuses but also through the social relations articulated in its juridical structures, to which I now turn.

LAW AND THE CAPITALIST STATE

Poulantzas understood law (the state's juridico-political structures) as a central element in the organisation of hegemony and as a technique for the creation of cohesion and consensus, both within the power bloc and between the power bloc and the dominated classes.⁵² This argument was already being developed in his earliest work but acquired a more elaborate, and persuasive, form in *PPSC*.⁵³ The dual function of the capitalist state in relation to class struggles was 'to disorganize the dominated classes politically, and at the same time to organize the dominant classes politically'. By virtue of its juridical and ideological structures, the capitalist state concealed from its subjects their socio-economic relations as agents participating in a socialised form of production. Through this 'effect of isolation', individuals experienced these relations as a 'specific fragmentation and atomization'.⁵⁴

This atomisation is not merely an ideological mystification at the individual level. It is perpetuated through concrete state institutions and mass material practices of a political and juridical nature, including parliamentary representation and universal suffrage. Through these practices, as well as pronouncements of popular sovereignty and the collective will, the state-nation came to represent a collective unity. The state's political legitimation through popular sovereignty created a collective subject—the people—as an 'empirical, abstract mass of individuals-citizens whose mode of participation in a national political community as expressed by the state is manifest in universal suffrage'.⁵⁵ To subjects constituted in this manner, the capitalist state then appears as a political unity representing the general interest, complete with the universal values of formal abstract liberty and equality, as the 'incarnation of the popular will of the people/nation'.⁵⁶ These universals are codified in a juridical system of state apparatuses, whose objective function is to preserve and maintain the fragmentation of civil society, and to organise its operation within the exchange-based capitalist mode of production.⁵⁷

However, by *SPS*, Poulantzas' treatment of the juridico-political level as one of working-class atomisation and disorganisation gave way to a qualified support for elements of the modern *Rechtsstaat*. On the one hand, the repressive and productive capacities of the law were now seen as a 'constitutive element of the politico-social field'.⁵⁸ In the capitalist mode of production, law replaces religion as the dominant discourse for the reproduction of ideology. In the context of the capitalist state, 'abstract, formal, universal law is the truth of

⁵² Sonja Buckel, 'The Juridical Condensation of Relations of Force: Nicos Poulantzas on Law' in Alexander Gallas et al (eds), *Reading Poulantzas* (Merlin Press 2011) 154.

⁵³ Poulantzas, *PPSC*, 189. See further Bob Jessop's chapter in this volume.

⁵⁴ Poulantzas, *PPSC*, 189.

⁵⁵ Nicos Poulantzas, 'Preliminaries to the Study of Hegemony in the State' [1965] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 74, 85.

⁵⁶ Poulantzas, *PPSC*, 133.

⁵⁷ Poulantzas, 'Preliminaries to the Study of Hegemony in the State', 83–85. See also Bob Jessop's chapter in this volume on the echoes of this juridical theory of the state in Hans Kelsen.

⁵⁸ Poulantzas, *SPS*, 83.

subjects: it is knowledge (in the service of capital) which constitutes juridical-political subjects and which establishes the difference between private and public'.⁵⁹ The productive processes of capitalism in its monopoly phase, and the corresponding social division of labour, require the law to individualise agents, once again constituting them as juridico-political subjects and re-aggregating them within the fictitious unity of the people-nation-state.

However, Poulantzas also modified this account of atomisation by noting that in certain cases the abstract and general norms of the law allowed it to act as a mechanism through which the exercise of state power could be regulated, if highly imperfectly. Since the capitalist state was the condensation of social forces and articulated the form taken by class struggles, the 'material concessions imposed on the dominant classes by popular struggle' also became inscribed within the juridical domain.⁶⁰ The 'formal' and 'abstract' liberties of the *Rechtsstaat* were also historical victories of the popular masses. Treating the institutions of representative democracy and civil rights as the historic gains of the oppressed classes, Poulantzas argued that these concessions were the means by which popular struggles and resistances were inscribed into the materiality of the capitalist state. While he acknowledged that there remained a constant gap between their codification and their application in practice, he nevertheless insisted that the rights of the dominated classes were real, insofar as they were embedded as practices within the material structures of the state itself.

Because of these gains, Poulantzas suggested that modern law could 'set the limits of the exercise of power and of intervention by the state apparatuses'.⁶¹ Rather than seeking to politicise all existing social relations as a mode of revolutionary strategy, Poulantzas came to speak of the limits to the 'politics of politicization', in part because such politicisation was likely to take the form of the modern state's impingement on the sphere of individuality.⁶² As evidenced by his discussion of 'authoritarian statism' as the new tendency of the capitalist state, Poulantzas' views about the political and strategic importance of juridical personhood, including civil freedoms and political rights, and as a space to be defended from state encroachment, eventually came to play a larger role in his thought.

IMPLICATIONS FOR POLITICAL STRATEGY

Poulantzas' theoretical shift in conceptualising the state not as a thing or subject but as a relation had strategic implications. If the 'normal' (non-exceptional) capitalist state was not an instrument in the hands of any specific fraction of the bourgeoisie, but was nevertheless structured in such a way as to give them an institutional advantage, what opportunities for intervention would the popular classes have? In *PPSC* the atomising effects of the capitalist state and its relative autonomy were largely seen as excluding the possibility of a struggle on the terrain of the state. That conception of the state as an institutionally fragmented but func-

⁵⁹ Poulantzas, *SPS*, 89.

⁶⁰ Poulantzas, *SPS*, 84.

⁶¹ Poulantzas, *SPS*, 92.

⁶² Nicos Poulantzas, 'The Loss of Nicos Poulantzas: The Elusive Answer' *Legal Form* (7 December 2017), <https://legalform.blog/2017/12/07/the-loss-of-nicos-poulantzas-the-elusive-answer-a-translation-by-rafael-khachaturian/> accessed 7 April 2021.

tionally unified entity implied that only an intervention by a revolutionary party could act as a counterweight to the state's advantages in the organisation of hegemony.

However, as suggested by Poulantzas' changing account of juridical subjectification and ideology, the importance of the state's materiality as an absorber of popular struggles became strategically more pronounced in *CD* and *SPS*. Although Poulantzas initially began to think of the state as a condensation or relation of forces in *CCC*, a major impetus for the shift in his thinking on the strategic view of the state can be attributed both to the crisis of the Leninist party model and the transitions from military dictatorship to constitutional democracy in Portugal, Spain, and Greece.⁶³ Rather than being internally coherent entities positioned 'above' civil society, these regimes were riven by social contradictions. The enlistment of the popular classes and the petty bourgeoisie into the lower ranks of the military created internal contradictions at the core of the state apparatus between the lower/intermediate and top ranks of the military.⁶⁴ Lacking mass parties that could link the competing fractions of the bourgeoisie into a common hegemonic project (as was the case with fascism), and having to rely directly on the military cadres and loyal bureaucrats to implement state policies, these regimes' state apparatuses were toppled by an alliance of the popular classes and the national bourgeoisie. While popular struggles were not the direct or principal factors in the overthrow of the southern European dictatorships, they were the determining ones.⁶⁵ Such popular interventions, therefore, could have second-order effects on the state apparatuses and on the balance of power within them.

The balance of class forces that constituted the state were not expressed directly in the state, but at a certain distance, mediated and channelled by its many institutions. Nevertheless, because the state was both constituted and divided by class contradictions, it could never be 'a monolithic bloc without cracks, whose policy is established, as it were, in spite of its own contradictions'.⁶⁶ State institutions are not static nuclei of coercive and ideological power, upon which externally formed and reproduced classes then act. Precisely because the state is a condensation of the balance of forces, it reproduces within itself these class contradictions and social struggles, which permeate and run through the state apparatuses as fissures within the power bloc. Inscribed in the state in this manner, contending social forces and interests could create cleavages and contradictions within state institutions leading to political crises. As Poulantzas noted, 'the shift in the relationship of forces within the State touches its apparatuses and mechanisms as a whole ... Any struggle at a distance always has effects within the State: it is always there, even if only in a refracted manner and through intermediaries'.⁶⁷

The southern European transitions illustrated Poulantzas' argument that pitting social classes against the state in a relationship of externality led to seeing the state either as a subject or a thing, either the 'embodiment of the general will in the face of atomized individuals', or a machine 'that can be manipulated at will by the dominant classes, and whose relationship of representation with their class interests is supposedly due to their "grip" on this inert instrument'.⁶⁸ Maintaining that the capitalist state was a condensation of class struggles, in contrast

⁶³ Poulantzas, 'Interview with Nicos Poulantzas', 394.

⁶⁴ Poulantzas, *CD*, 85.

⁶⁵ Poulantzas, *CD*, 78.

⁶⁶ Poulantzas, *SPS*, 132.

⁶⁷ Poulantzas, *SPS*, 259.

⁶⁸ Poulantzas, *CD*, 81.

to Hans Kelsen's formal-juridical account of the state's uniformity, Poulantzas argued that we should 'discard once and for all the view of the State as a completely united mechanism, founded on a homogeneous and hierarchical distribution of the centres of power moving from top to bottom of a uniform ladder or pyramid'.⁶⁹ The latter was a strategic oversight that foreclosed the ability to read the state's internal contradictions, and specifically the class contradictions that cut through the state, which are 'expressed, in a specific way, as internal contradictions within the state, which never is and can never be a monolithic bloc devoid of fissures'.⁷⁰

Rejecting the Leninist view of the state as a repressive monolith also meant rejecting its corresponding political strategy: the concentration of a parallel, dual power in the soviets in preparation for a 'frontal' assault on the capitalist state. As a member of the KKE Interior (the breakaway, Eurocommunist part of the Communist Party of Greece) and a supporter of the 'Common Programme' between the French Communist Party and the Socialist Party during the late 1970s, Poulantzas sided with the PCF's decision to formally abandon the notion of the dictatorship of the proletariat. He saw the latter as an impediment to the process of making successful alliances across various classes and class fractions at the base of the party. While the 'social democratisation' of labour parties in Western capitalist democracies turned them into custodians of the state, the Leninist call for soviet democracy, absent the existence and balance of representative democratic institutions, would soon consolidate into a 'dictatorship of the party' and a conflation of party and state rather than any genuine dictatorship of the proletariat.

With regard to the popular classes, the view of the state as a social relation required a strategy where the purpose was 'to modify the balance of power [*le rapport de force*] within the state, and furthermore, radically modify the materiality of the state'.⁷¹ In very general terms, this required a tactical combination of organised, electoral participation by a unified left on the terrain of the state, and—equally importantly—popular struggles outside the state apparatuses via new structures of direct democracy at the base exerting continuous pressure on existing state institutions.⁷² Such an approach could make possible a novel articulation of representative democracy on the level of the state with direct democratic struggle originating outside the state. Struggles that by all accounts appeared 'external' to the state could actually reverberate within it by exacerbating its existing internal contradictions—not only through class-based appeals, but also through the development of hegemonic projects relying on invocations of democracy and 'the people'. Here too we can note the shift in the conception of popular sovereignty, from that of atomised juridical subjects aggregated and represented by the legal institutions of the state, to the prominent role played by the 'popular classes' and cross-class alliances in the undercutting of the authoritarian state. The materiality of the capitalist state enabled the advancement of collective rights claims not only by the working classes, but also by the post-1968 'new social movements' advocating such previously 'secondary' concerns as feminism and environmentalism. Together, these popular alliances, which linked the working classes to the growing strata of white collar workers and the downwardly mobile fractions of

⁶⁹ Poulantzas, *SPS*, 133.

⁷⁰ Poulantzas, *CD*, 82.

⁷¹ Poulantzas, 'The Loss of Nicos Poulantzas: The Elusive Answer'.

⁷² Nicos Poulantzas, 'The State and the Transition to Socialism' [1977] in James Martin (ed), *The Poulantzas Reader: Marxism, Law and the State* (Verso 2008) 334, 338.

the petty bourgeoisie, would displace the traditional understandings of the proletariat and the party form as the privileged subjects of the struggle.

Because of this position, Poulantzas has often been associated with left Eurocommunism. *SPS* was praised by one author at the time as perhaps the most theoretically sophisticated document of Eurocommunist political strategy.⁷³ However, for critics such as Ellen Meiksins Wood, Poulantzas was the bridge between the Marxist tradition of class analysis and the identity-based new social movements that had begun to emerge in the 1970s.⁷⁴ Similarly, in his dialogue with Poulantzas, Henri Weber had suggested that by having rejected Lenin's theory of the state as a repressive apparatus, he had arrived at electoral reformism.⁷⁵

Indeed, during this period, Poulantzas suggested that representative democratic institutions, 'formal' rights and liberties, and a plurality of political parties would remain key elements of a successful transition to socialism. However, he differed from other Eurocommunist theoreticians such as Santiago Carrillo and Pietro Ingrao on the question of the seizure of state power. Identifying fissures within the state did not mean that the popular classes could seize the state in a piecemeal manner as part of an extended transition to socialism. The capitalist state was a strategic terrain on which social relations could be modified. But it nevertheless remained a relation of material forces premised on the social division of labour, the concentration of repressive power, and juridical subject-formation. All of this skewed the state's terrain in favour of the dominant class. The presence of a plurality of parties inherently swung the balance of power in favour of the status quo and risked the stagnation of the movement into parliamentary reformism unless it was buttressed by institutions of self-management and rank-and-file democracy at the base. Even more dangerously, since power was distributed through numerous nodes across the different state apparatuses, a left government gaining control of some parts of the state apparatus also enabled other apparatuses to become privileged sites of resistance by the power bloc.⁷⁶ As the Chilean example tragically illustrated, the repressive apparatuses often remained the privileged site of the state's relative autonomy, staying mostly insulated and resistant to popular pressures.⁷⁷ Poulantzas had also diagnosed a new set of tendencies emerging in the period of capitalist crisis during the 1970s. This new modality of the capitalist state, which he called authoritarian statism, featured 'intensified state control over every sphere of socio-economic life combined with radical decline of the institutions of political democracy and with draconian and multiform curtailment of so-called "formal" liberties'.⁷⁸ Authoritarian statism was characterised by the establishing of new power techniques, practices, and channels to create 'a new materiality of the social body upon which power is exercised'.⁷⁹ Among these were the shift of power from parties and the parliament to the executive and administration; the emergence of parallel administrative, coercive, and surveillance networks not susceptible to legislative oversight; the decline of the rule of law and curtailment of civil and political liberties; and the insulation of the state apparatuses from

⁷³ George Ross, 'Nicos Poulantzas, Eurocommunism, and the Debate on the Theory of the Capitalist State' (1979) 9 *Socialist Review* 143.

⁷⁴ Ellen Meiksins Wood, *The Retreat from Class: A New 'True' Socialism* (first published 1986, Verso 1998).

⁷⁵ Poulantzas, 'The State and the Transition to Socialism'.

⁷⁶ Poulantzas, *SPS*, 138–39.

⁷⁷ See Poulantzas, *CD*, 156–57.

⁷⁸ Poulantzas, *SPS*, 203–4.

⁷⁹ Poulantzas, *SPS*, 238.

political interventions by the popular masses. Yet this was also the form of state on whose terrain the struggle for democratic socialism would have to occur. Contradictions between fractions of the bourgeoisie could reverberate within the authoritarian state, politicising layers of the middle and lower ranks of the administration, and leading to a legitimisation crisis on which broader interventions by the popular classes could occur.

Equally rejecting social-democratic reformism, dual power, and the piecemeal ‘occupation’ of state institutions, Poulantzas stressed that a transition to democratic socialism would be brought about by a ‘*stage of real breaks*, the climax of which—and there has to be one—is reached when the relationship of forces on the strategic terrain of the State swings over to the side of the popular masses’.⁸⁰ Culminating in this ruptural transition characterised by a crisis of the capitalist state, the balance of forces would ostensibly give way to a new form of political organisation, based on the already existing mechanisms of direct workers’ democracy. Critics of Poulantzas as a Eurocommunist reformist have thus ignored his insistence that the democratic transition to socialism still required a ‘moment of rupture ... a profound crisis of the state, with a shift in the balance of forces inside the state itself’.⁸¹

There were clear risks involved in this strategy of strategic escalation, in expanding and deepening the insufficient formal-representative democracy found in capitalist states. However, Poulantzas maintained that a more militant strategy would doom a movement to failure, for no capitalist state, not even one undergoing a crisis such as Portugal in 1974, would allow the establishment of a true dual power situation without resorting to an armed intervention. Prematurely rushing into such a ruptural break, including by dismantling the state’s economic apparatus at the first opportunity, would only paralyse the state and mobilise the bourgeoisie in opposition.⁸² The best chance for success remained in a left parliamentary coalition, such as the *Programme commun* of French socialists and communists in the early 1970s, supplemented by widespread social mobilisation and popular democratic initiatives, which would act as an extra-parliamentary catalyst to prevent social-democratic stagnation.⁸³

TOWARD A DEMOCRATIC STATE?

I have argued that Poulantzas’ approach to the capitalist state as a material condensation of social forces was a key intervention within Marxist discussions of the state, with important theoretical and practical consequences. I wish to conclude by suggesting that Poulantzas’ insights about the materiality of the state allow us to pose a speculative and open-ended question—one concerning the controversial notion of the withering away of the state, but also extending beyond it to the issue of democracy as a political form.

Interspersed in Poulantzas’ writings are references to a number of different state forms, corresponding to distinct phases of capitalism. Thus, alongside authoritarian statism, there are accounts of absolutist, liberal, monopoly capitalist, fascist, Bonapartist, and totalitarian states, among others. However, there is no discussion of the democratic state, such as that may emerge during or after the transition to democratic socialism. Here the notion of a democratic

⁸⁰ Poulantzas, *SPS*, 258–59 (original emphasis).

⁸¹ Poulantzas, ‘Interview with Nicos Poulantzas’, 391.

⁸² Poulantzas, *SPS*, 198.

⁸³ Poulantzas, ‘The State and the Transition to Socialism’, 359.

socialist state is conspicuously absent, being at most a latent theoretical and historical *possibility* rather than a necessity or guarantee.

What institutional forms could we expect social relations under a democratic state to take? Here neither the examples of the Paris Commune nor the Soviet Union clearly suffice. Even Gramsci, the intellectual inspiration of Eurocommunism, was said by Poulantzas to lack ‘a positive theory of the exercise of power, of the institutions of representative democracy in the transition to democratic socialism’, in part because of his disinterest in the plurality of parties and the *Rechtsstaat*.⁸⁴ We have seen that by the end of his life, Poulantzas came to suggest that a successful transition to democratic socialism could only entail a combination of parliamentary-representative and direct democratic institutions, along with a plurality of parties and autonomous social movements and forms of contestation that extended beyond the traditional concerns of the organised labour movement. Alongside these conditions, we could expect a democratic state to retain a constitution combining socialist, republican, and liberal elements (as did the new Portuguese constitution adopted in 1976), and also to oversee the radical democratisation and transformation of the previous state’s repressive and ideological apparatuses.

Yet the notion of the democratic state is not exhausted by these cursory institutional elements. Approaching the state as a material condensation of social forces means that any post-transitional democratic state would exist as a concrete and specific articulation of social and political struggles. It would be a political formation within which a variety of contestatory social movements could seek to challenge and modify existing social structures and the balance of social forces as expressed through state institutions, particularly if advanced in the name of greater universality and inclusion. In different ways, theorists like Étienne Balibar and Chantal Mouffe have built on Poulantzas’ contributions to present accounts of democracy as an ongoing project. For Balibar, who eventually came to adopt Poulantzas’ view of the state, these struggles would be expressions of a popular demand for the democratisation of democracy—a dynamic between constituent and constituted power animated by what he terms ‘equaliberty’.⁸⁵ In turn, Mouffe has recently suggested that the state is a ‘crystallization of the relations of forces and a terrain of struggle’, upon which discourses of liberty and equality are articulated in different ways.⁸⁶

Crucial to both cases is an expanded field of struggles that traverse state institutions, and in which the language of citizenship and the paradoxes of inclusion and exclusion from the *demos* are among the principal ways in which the state’s materiality is organised. Viewed through this lens, the democratic state would not be an alienated, parasitic body superimposed upon civil society, but a material constitution immanent to the balance of forces and popular struggles within a social formation.⁸⁷ We may thus suggest that a consequence of Poulantzas’

⁸⁴ Poulantzas, ‘The Loss of Nicos Poulantzas’.

⁸⁵ Étienne Balibar, ‘Communism and Citizenship: On Nicos Poulantzas’ in Étienne Balibar, *Equaliberty* (first published 2010, James Ingram tr, Duke University Press 2014) 145; Étienne Balibar, *Citizenship* (Polity Press 2015).

⁸⁶ Chantal Mouffe, *For a Left Populism* (Verso 2018) 46. For a critical discussion, see Rafael Khachaturian, review of *For a Left Populism* (2021) 1 *Philosophy and Global Affairs* 168.

⁸⁷ See Rob Hunter, ‘Constitutionalism: Appearance, Form, and Content’ *Legal Form* (3 December 2017), <https://legalform.blog/2017/12/03/constitutionalism-appearance-form-and-content-rob-hunter/> accessed 7 April 2021; Rob Hunter, ‘Elaborating the Material Constitution: A Response to Marco Goldoni’ *Legal Form* (30 June 2018), <https://legalform.blog/2018/06/30/elaborating-the-material>

intervention is the displacement of the traditional Marxist problematic of the abolition or transcendence of the state with a different problematic: that of the state's ongoing and perpetual democratisation.⁸⁸

While a unified Marxist theory of the state is likely impossible, largely because of the internal diversity of Marxist approaches, Poulantzas' contribution to a rethinking of the Marxist tradition in the postwar period is significant.⁸⁹ It is ironic that his theoretical breakthrough came on the threshold of the irreversible decline of communist regimes. Nevertheless, his work opened a path toward a rethinking of the state, law, and politics. Writing from the vantage point of the 1970s, Poulantzas was preoccupied with the transformation of the capitalist state during that decade's accumulation and legitimation crises, and the political possibilities that these opened. His conception of the state as a social relation was an innovation that identified the dilemmas reached by then-existing approaches, and provided the lasting elements of a research agenda for studying the nature and functions of the capitalist state and its relationship to social struggles. Today, Poulantzas' insights remain crucial from the perspective of political strategy and democratic agency, capturing how an abstract—yet nevertheless material—entity like the state can be engaged, challenged, and potentially transformed.

-constitution-a-response-to-marco-goldoni-rob-hunter/ accessed 7 April 2021; Marco Goldoni, 'Introduction to the Material Constitution: Traditions and Constitutive Elements' *Legal Form* (9 February 2018), <https://legalform.blog/2018/02/09/introduction-to-the-material-constitution-traditions-and-constitutive-elements-marco-goldoni/> accessed 7 April 2021.

⁸⁸ In at least one place Poulantzas (*SPS*, 262) suggests that the articulation of struggles to transform the state with struggles for direct democracy opens up a 'global perspective of the withering away of the State'. Yet he does not elaborate on this idea, in part because his theory rests on a rather different problematic concerning the state's emergence, function, and transformation.

⁸⁹ Clyde W Barrow, 'The Marx Problem in Marxian State Theory' (2000) 64 *Science & Society* 87.