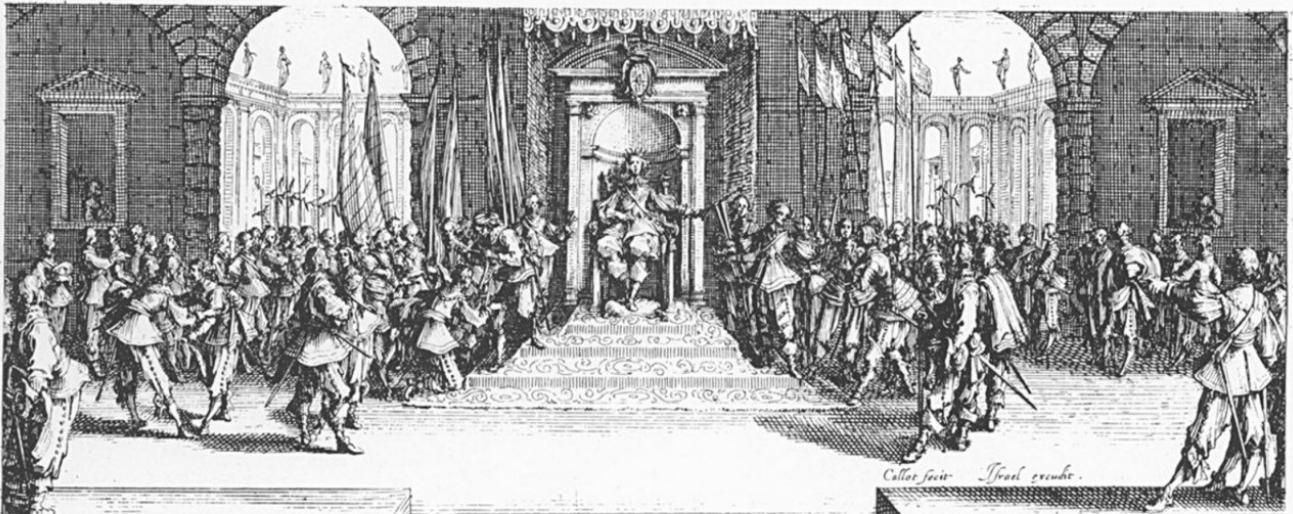


States in Capitalism: Reflections on Value, force, many states and other problems

Colin Barker



*Cet exemple d'un Chef plein de reconnaissance , Doit picquer les soldats d'un aiguillon d'honneur , Et qu'ordinairement ils reçoivent du Vice ,
Qui punit les méchants et les bons récompense , Puis que de la vertu, dépend tout leur bon-heur, La honte, le mépris, et le dernier supplice . 18*

Cover image: *Distribution des Recompenses (Distribution of Rewards)*, from *Les Misères et les Mal-Heures de la Guerre (The Miseries and Misfortunes of War)*, plate 18, by Jacques Callot (1633).

Throughout the history of Marxism state theory has developed in waves, with a renewed interest stimulated by the crisis of neoliberalism and the return of the state both to the politics of the left and the right. Colin Barker dedicated much of his life to developing a distinctive account of state power. His 1978 [essay](#) for *International Socialism* situated state power within the wider debates of the *International Socialist tendency* at the time.

Since the 1990s his thinking on state power moved towards stressing the importance of ‘states’ rather than ‘the state’, and towards looking at how violence and coercion are written into the core of capitalist social relations itself. These ideas took the form of a long essay that went back to Marx’s basic categories in *Capital*.

Originally published by revolutionary reflections at rs21.org.uk, June 2019

On commodities, force and the law of value

By way of introduction

Marx’s theory of the state is seriously underdeveloped, especially with regard to the role of the state within capitalism, and therefore also to the communist view of the struggle to overthrow the specifically *capitalist* state.

So far as the trajectory of Marx’s own thinking and writing is concerned, there are identifiable reasons for (or patterns within) this theoretical under-development.

Marx’s early writings – up to the 1848 revolutions – embody various developments of a general theme, arising from his reflections on the French Revolution and its limitations. He argued against ‘statist’ illusions along a number of fronts: against Hegel’s seeking in the principle of the state a point of reconciliation; against the Jacobin inheritance that saw the extension of ‘political emancipation’ as the solution to society’s ills; against the illusion that the state could solve problems of poverty.

In becoming a *communist*, and in identifying the key agent of social transformation in the proletariat, his argument became that a far more thorough-going *social revolution* was required, beyond the achievements of 1776 and 1789. The criticism of society must extend to its very roots, and to the forms of social life that liberal thought took for granted. Hence it was necessary to criticise ‘civil society’ itself, whose anatomy was to be found in ‘political economy’.

At various points, he suggests that the births of the modern state and of civil society rest on the same basic foundations; the ‘totality’ of social relations most definitely included the state. But his own studies pushed him towards a focus on the anatomy of one half of this double relationship, the analysis of civil society and the critique of political economy, with a particular focus on the ‘economic categories’.

Various of Marx’s sketches for his whole planned work suggest a return to the matter of the state, along with further exploration of such matters as international trade, the world market and crises. There was indeed a warrant for so doing even in terms of the basic ‘agenda’ of classical political economy, in e.g. Smith or Ricardo. But he never managed to make this ‘return’ to the totality.

Before noting some of the matters that this left unexplored, we should perhaps note three general effects of the ‘unfinished’ nature of Marx’s *Capital* and the whole line of critique he developed. The first is that

Marxist critique of modern society was taken by many of his readers to be basically ‘economic’ and not simultaneously ‘political’. In particular, the argument for the revolutionary overthrow of existing society contained a theme – the need to *abolish* the state as a form of social relations – that was never fully elaborated, although both Marx and Engels held to it consistently, and restated it powerfully with respect to the experience of the 1871 Paris Commune. ^[1] Marx retained the anti-statist impulse of his youth, but without developing a full analysis of the *modern* state and why that needed to be overthrown.

The second is that, while Marx at various points insisted on the importance of the world market as an emergent feature of capitalism, he did not develop much by way of analytical instruments for its exploration, whether by way of international trade, investment and the like or by way of inter-state politics, or indeed of the distinction between ‘national’ and ‘international’ formations.

The third is that the critical analysis of capitalist society was undertaken predominantly from one side, that of the analysis of capital, and not sufficiently also from ‘the other side’, the critical exploration of the constitutive role of the working class in both ‘making’ capital and challenging it. ^[2] If, in the 1848 *Manifesto*, all history is the history of class struggle, and if Marx saw class struggle as the means by which capitalism and its class system could eventually be abolished, that idea is rather recessive within the manuscripts associated with *Capital* as we have inherited them. In at least *three* senses, therefore, Marx’s theory was seriously underdeveloped, or ‘unfinished’. ^[3]

Here, my focus is on the question of *states* in capitalism. From any standpoint, this issue has increased in its salience since the deaths of Marx and Engels. ^[4] It would seem incredible, were Marx attempting to begin his *Critique of Political Economy* a century and a half later, that the forms and activities of states would not figure more centrally in his theorisation.

What must count among the questions that Marx would have needed to address? Or, in terms of what Marx has left us, where are the larger lacunae in his treatment of capitalist society? My list is anything but complete:

- Should organised violence, and in particular the role of states, be counted in any sense as part of the fundamental ‘social relations of production’ of capitalism, or are they in some sense always ‘superstructural’ or ‘secondary’?
- Should states be seen as inherently ‘parasitical’ formations, as Marx was inclined to regard the Bonapartist regime of the 1850s and 1860s in France, or have they played a more active and essential part in the development of capitalist production?
- Should Marx’s explorations of the role of force at the dawn of capitalism (in the ‘so-called primitive accumulation of capital’) be carried forward into the workings of developed capitalism?
- What significance should be given to the fact that the ‘political form’ of capitalism is not a single state, but many states?
- Given that there is very little explicit discussion of ‘competition’ in the pages of *Capital*– indeed, at one point Marx refers to the need to explore the matter in a continuation of the work – what significance should be given to ‘non-economic’ forms of competition, and notably to preparation for and actual waging of war? Those who contested the theory of ‘bureaucratic state capitalism’ (developed by Tony Cliff, Chris Harman, Mike Haynes and others) argued that military competition was insufficient to make its participants ‘capitalist’, that it was much older than capitalism, and indeed that it was not really analogous at all. Military competition, they argued, did not involve matters to do with the ‘law of value’. Were they correct, or did the proponents of the theory of bureaucratic state capitalism need to develop the theory of competition further?
- Are Marx’s remarks in the Preface to *Capital* Volume I about his use of English data, in one respect, potentially misleading? England was the first to reveal the possibilities of capitalist industry, but did the need felt in other states to ‘catch up and overtake’ not mean that they would use different combinations of the methods and social relations outlined in *Capital*? Here questions about ‘combined and uneven development’ suggest themselves.
- What difference would the addition of taxation to the different forms taken by surplus-value (industrial profit, commercial profit, interest, rent) in Volume III of *Capital* make to the overall analysis?

- How should such matters as states' partial and total ownership of industrial, commercial, financial and landed capital be treated?
- Does the exploration of value-relations require attention to the moment of **force** in their constitution and reproduction?
- What significance should be given to the increasing role of states in the reproduction of labour-power, through all manner of so-called 'welfare' provisions?
- What concretely does Marx's argument that workers' movements must abolish the existing state imply in a capitalist world where popular suffrage has become widespread and where states devote significant parts of their activities to providing 'welfare' to the labour force?

Force and commodity production – the social form of commodity production and exchange

I want to explore a possible starting point for the exploration of matters to do with force, and states, in the capitalist mode of production. The approach of some writers to these matters, and to the kinds of questions I posed above, is to turn immediately to the theorisation of *the state* and its relationship to capital. For reasons that will, I hope, become apparent below, I think this immediate conceptual leap to the state is mistaken. Rather, I want to begin at the same point that Marx chose for the beginning of his presentation of the 'economic categories' in *Capital*. Volume I of that work opens its presentation of the workings of capitalist society not immediately with 'capital' but with one vital facet of its existence, namely the fact that wealth in capitalism takes the appearance of an immense collection of *commodities*. It was only after and through an extensive exploration of the nature of this elementary 'cell' form and its implications – notably, value, exchange, money – that Marx began to define the specific character of *capital*.

To be sure, the end-point of the argument, the analysis of capital, and especially of capital once it has seized control of production and subordinated the labour-force to itself, is the vital thing. Indeed, Marx argued, it is only when capital has secured mastery over the production process that commodity relations become 'generalised' through the subordination of the labouring class itself to commodity exchange. The starting point of the presentation, the *generalised* commodity form, turns out to be the *result* of the development of the social form, capital, towards which the first part of the analysis has been driven. Nonetheless, that starting point remains vital for the *further* analysis of capital's movements in Volumes II and III. For, if the larger latter part of Volume I abstracts from further discussion of the presuppositions of commodity production – notably exchange and competition – the outline presentation of the whole system of circulation and distribution in Volumes II and III returns us to these matters in a fuller form.

'Commodity production' is not itself a 'stage in human history', but rather the conceptual starting point for Marx's exploration of the nature of capitalism. The logic of *Capital* is not one of historical narrative, but rather a journey of critical discovery, ^[5] in which different facets of capitalism as an 'organic system' are successively revealed. The total structure of *Capital* follows an 'expanding curve' or spiral. ^[6] Each step presumes the previous one, and adds enriched content to what has gone before, showing the starting point to be the *result* of the later conceptual development. If the starting point is the production of value, of commodities produced for exchange, the journey takes us to *surplus value* and to *capital*, whose dominance in production is the condition for the 'generalisation' of commodity production and circulation and then for its further exposition as *competition*. Each significant step in the journey enhances and rounds out what has gone before.

The various discussions by both Marx and Engels on the emergence and presence within human society of *states* adopt a definite stance towards the phenomenon. Like classes, states have not always existed; and, like classes, states are social forms whose supersession and disappearance ('withering away') are seen as necessary outcomes of the class struggle. The same Marx who, in 1844, recommended 'suicide' as the best contribution a state could make to the solution of social problems, was to celebrate the Paris Commune in 1871 as a beginning to the overthrow of the very principle of the state. And Engels cheerfully advised his readers in 1884 to look forward to the time when all the majesty of the state would be reduced to nothing more than a display in the Museum of Antiquities.

In *general terms*, they held, what permits and necessitates the emergence and consolidation of states is that the members of society are *unable to govern themselves*, lacking sufficient social power and collective self-organisation to manage their own mutual affairs directly, without being ruled by a minority. However, *historically*, the specific social circumstances that have promoted this condition are varied.

It is with an eye to this question – what conditions promote the impossibility of collective self-government by society’s subjects? – that we can turn to the particular social features of the capitalistic form of society, where human wealth appears in the form of an ‘immense collection of commodities’. Marx asked, what *kind* of society is it in which the production of commodities is generalised and becomes dominant? That is, he did not simply ask the *economist’s* question – namely, what is the quantitative relation between the values of commodities, and how is it determined? – but a *social anthropologist’s* question: what sort of social relations are ‘value relations’? That question is about the forms of *social regulation* in this strange society, and leads well beyond ‘economics’.

Marx offers some remarks about the social relations involved in commodity production, in the process of his exposition of the commodity, money and exchange. His argument is not immediately obvious, for in *Capital* he launches immediately into the ‘economic categories’ rather than the social relations *per se*, or the necessary political aspect that they express and reflect. We depend on Engels, for example, for an interpolation added to the early pages of fourth German edition. After Marx has explained that a thing can be a use-value without being a value, and that in order to produce *commodities*, one must produce ‘not just use-values, but use-values for others, social use-values’, Engels added a passage in parentheses, explaining in a note that misconceptions had arisen among Marx’s readers:

And not merely [a use-value] for others. The medieval peasant produced a corn-rent for the feudal lord and a corn-tithe for the priest; but neither the corn-rent nor the corn-tithe became commodities simply by being produced for others. In order to become a commodity, the product must be transferred to the other person, for whom it serves as a use-value, through the medium of exchange.^[7]

Commodity production is thus a form of *social production*, but one necessarily mediated by *exchange*. On the next page, exploring the dual character of the labour embodied in commodities, Marx himself explains that commodity production assumes a specific *kind of social division of labour*:

Labour is socially divided in the primitive Indian community, although the products do not thereby become commodities. Or, to take an example nearer home, labour is systematically divided in every factory, but the workers do not bring about this division by exchanging their individual products. Only the products of mutually independent acts of labour, performed in isolation, can confront each other as commodities.^[8]

Marx, distinguishing between the two forms of value – the relative and the equivalent – points out that the value of a commodity can only be expressed in the value of another. Value relations involve a social process of *creating equivalence* between different sorts of commodities, and of their *producers*. ‘Value’ is a purely social property, arising from the process of bringing commodities together, for purposes of exchange. The process of making this social connection converts labour – which is ‘like all other commodity-producing labour, ... the labour of private individuals’ – into ‘labour in its directly social form’.^[9] ‘Private’, ‘independent’ producers continually make and re-make this social connection, exchanging their products by weighing them against each other in terms of their shared characteristic, *value*. These transactions provide the ‘germ’ of the more developed forms of value, and above all the money-form, itself the root of capital.

When he has worked through these ‘economic’ arguments about the relation of the form of value to money Marx sets out, in the final section of chapter 1 (‘The fetishism of the commodity and its secret’), something more explicit about the social relations underpinning and expressed in the whole development. Human labour assumes a social form once human beings start working for each other in any way – something seen, indeed, at the very dawn of our species, and defining human life in general. But the *social forms* of these reciprocal interactions vary through human history. The question is, what

is this social form once they are producing *commodities*?

Objects of utility become commodities only because they are the products of the labour of private individuals who work independently of each other. The sum total of the labour of these private individuals forms the aggregate labour of society. Since these producers do not come into social contact until they exchange the products of their labour, the specific social characteristics of their private labours appear only within this exchange.^[10]

It's only through the relations that the act of exchange establishes between the products 'and through their mediation, between the producers' that the private individual's labour manifests itself as part of the total labour of society. Only then does it become apparent that this 'private' labour is in fact *social* labour.

Producers in a society where the commodity is the characteristic social form of the product are involved in *reciprocal dependence* on each other, expressed in the constant necessity for exchange.

The reciprocal and all-sided dependence of individuals who are indifferent to one another forms their social connection. This social bond is expressed in exchange value, by means of which alone each individual's own activity or his product becomes an activity and a product for him.^[11]

We are dealing here with a highly developed *division of labour*, in which every act of production (including the daily reproduction of human beings themselves) depends on the consumption of humanly produced or appropriated 'materials' which *others* produce in distinct social sites which are formally 'independent' of each other. Producing units are formally 'free' to produce what they like, how they like. At the same time, however, they are *constrained* by the need to offer their products for others via exchanges on a 'market'. The terms on which they strike bargains with those to whom they sell and from whom they purchase are not under their control, but are set through the mutual interactions of a vast web of transacting social partners, all subject to the vagaries of shifting patterns of productivity, demand, supply and much else besides. This is a form of social cooperation, in which the individual subjects are simultaneously 'free agents' of the processes of commodity production and circulation, and subjected to and coerced by forces beyond their control. The very property of 'value' that adheres to their own products rules them, so that it seems that social relations exist between things.

Their own movement within society has for them the form of a movement made by things, and these things, far from being under their control, in fact control them... It is ... precisely this finished form of the world of commodities – the money form – which conceals the social character of private labour and the social relations between the individual workers, by making these relations appear as relations between material objects, instead of revealing them plainly.^[12]

These relations are simultaneously relations of need, and relations of exclusion from need. That is, they are inherently contradictory. To be a commodity, a product must fulfil a need in another, hence the commodity presumes a needy would-be user/consumer. But the producer has not laboured in order to meet that need in any direct sense, nor does the producer have the slightest interest in the the character or intensity of that need. The producer has produced, not to fulfil their own need for the other person, nor to express the mutuality of their need, but solely in order only to obtain the means to meet their own needs. 'Indifference' to the other is the mark of commodity production.^[13] If the would-be user does not have 'the readies' then the producer will not part company with their product, and the would-be user's need to consume will not be met.

These social realities are reflected in the categories of bourgeois economics, which are valid – 'and therefore objective'^[14] – for just this form of society. But they are only valid and objective for this form, and for no other. Marx devotes several pages to considering some of the modes of social cooperation in which the categories of bourgeois economics are anything but valid: the imagined island of Robinson Crusoe, feudal Europe, the patriarchal peasant family, and a future association of free men (communism).^[15]

It is a central theoretical weakness of political economy that it has never asked *why* labour is expressed in value, i.e. has never explored the *form of value*. It has never asked, in other words, about the social-historical circumstances which brought the social relations of commodity-value production into dominance. Rather it has tended to treat them as natural.

There are passages in the *Grundrisse* where Marx explores the matter a little more. He notes the reciprocal dependence of producers on each other, expressed in the constant necessity for exchange. As he says, the (bourgeois) economists treat this as a situation where everyone pursues their own interest, thereby serving the general interest, but it could equally be said that ‘each individual reciprocally blocks the assertion of the others’ interests, so that, instead of a general affirmation, this war of all against all produces a general negation’. Rather than either, he suggests, the point is that ‘the private interest is itself already a socially determined interest’. [\[16\]](#)

He remarks, ‘The reciprocal and all-sided dependence of individuals who are indifferent to one another forms their social connection. This social bond is expressed in *exchange value*, by means of which alone each individual’s own activity or his product becomes an activity and a product for him’. [\[17\]](#) Each person carries their ‘social power’ over others, as well as their bond with society, in their pocket. In general terms,

The social character of activity, as well as the social form of the product, and the share of individuals in production here appear as something alien and objective, confronting the individuals, not as their relation with each other, but as their subordination to relations which subsist independently of them and which arise out of collisions between mutually indifferent individuals. The general exchange of activities and products, which has become a vital condition for every individual – their mutual interconnection – here appears as something alien to them, autonomous, as a thing...

Exchange, when mediated by exchange-value and money, presupposes the all-round dependence of the producers on one another, together with the total isolation of their private interests from one another, as well as a division of social labour whose unity and mutual complementarity exist in the form of a natural relation, as it were, external to the individuals and independent of them. The pressure of general supply and demand on one another mediates the connection of mutually indifferent persons...

(1)... individuals now produce only for society and in society; (2)... production is not directly social, is not the ‘offspring of association’, which distributes labour internally. Individuals are subsumed under social production; social production exists outside them as their fate; but social production is not subsumed under individuals, manageable by them as their common wealth. [\[18\]](#)

The *Grundrisse*’s following pages criticise the idea that such relations are either natural or the highest point of human development; rather, they are but a historically necessary way-stage in the development of social humanity.

To summarize: the presuppositions of the dominance of the value relation include a form of society of a specific kind. The analysis of this form of society was the work of political economy, and Marx took over and further developed the assumptions of that work.

Commodity production and exchange promote a kind of *equality* between participants, in the same process that creates an abstract *equivalence* between their commodities:

Each of the subjects is an exchanger; i.e. each has the same relation towards the other that the other has towards him. As subjects of exchange, their relation is therefore that of equality. It is impossible to find any trace of distinction, not to speak of contradiction, between them; not even a difference... A worker who buys commodities for 3s. appears to the seller in the same function, in the same equality – in the form of 3s. – as the king who does the same. All distinction between them is extinguished. [\[19\]](#)

Their mutual equality – and their indifference to each other – is the product of their mutual need for the other’s commodity, and thus for the other’s contribution to social production. The differences between individuals and their commodities ‘form the motive for the integration of these individuals, for their social interrelation as exchangers’ and this process of exchange promotes not only their *equality* but also their freedom:

Although individual A feels a need for the commodity of individual B, he does not appropriate it by force, nor vice versa, but rather they recognise one another reciprocally as proprietor, as persons whose will penetrates their commodities. Accordingly, the juridical moment of the Person enters here, as well as that of freedom, in so far as it is contained in the former. No one seizes hold of another’s property by force. Each divests himself of his property voluntarily’.^[20]

A key element differentiating modern society from previous forms is its particular form of the social division of labour. Each producer specializes in the production of a specific part of society’s total needed product. Each producer is free to produce what they like, in what conditions they like, to what quality they like, and taking what time they like. That is, each producer is autonomous and independent: there is no ‘central authority’ – whether custom or plan – that instructs producers.

Force and commodity production – coercion and the law of value

However, if at first sight there seems to be no coercion or social regulation, further consideration soon reveals not only that there is strict regulation of all producers but also that this occurs ‘blindly’, through the very process of their mutual interaction.

In order to be able to live, each producer must exchange products with other similarly placed producers. Each has need of the products of others, but can in principle only obtain the objects of their need by entering in relations of ‘contractual exchange’ with other producers. These are the circumstances in which, as Marx explains, the products of human labour become ‘commodities’: products are not simply use-values for others, but possess an additional social quality, an exchange-value. What determines that exchange-value is the quantum of ‘socially necessary labour-time’ the commodity contains. All producers find that, though they be formally free to produce as and what they like, in practice the law of value acts on them quite as coercively as any decree, compelling them to produce with constant regard to the ever-shifting standard of what is ‘socially necessary’. That standard is established, and continuously re-established, through the practical interactions of producers and their commodity-products on the market. Only through the actual process of exchange do products acquire the stamp of ‘social validity’ which declares them – and therefore also the labour involved in their production – to possess any *value* whatever.

Through exchange, a whole host of concretely different forms of labour are reduced to a common standard, and weighed against each other: exchange involves a practical process of ‘abstraction’ and ‘equalisation’ through which products are found to contain merely different quantitative amounts of the same essential substance, human social labour as such, or ‘abstract labour’. That ‘abstract labour’ is the result of ‘the objective equalisation of different kinds of labour which the social process forcibly carries out’.^[21]

Human beings within capitalism do not and cannot control the world they themselves produce. The idea of alienation which the young Marx developed reappears here in the critique of commodity production and exchange. Just as in the world of religious illusion, human beings produce in ways that involve their own products falling out of their control and returning to rule over them. Only, where the rule by humanly produced deities is an (understandable) illusion, the rule of the relations required for commodity production and exchange is all too real.^[22]

This is a form of socialised production, as Engels put it, in which ‘Anarchy reigns... [It] has its peculiar, inherent laws inseparable from it; and these laws work, despite anarchy, in and through anarchy.’ If, along with many liberals and some libertarians, anyone is tempted to think that such ‘anarchy’, in which no body rules – no decree by a ruler, no custom, no communal decision – is the very acme of human

freedom, Engels's argument continues immediately:

The [laws] reveal themselves in the only persistent form of social interrelations, i.e. in exchange, and here they affect the individual producers as compulsory laws of competition... They work themselves out... independently of the producers, and in antagonism to them, as inexorable natural laws of their particular form of production. The product governs the producers.^[23]

Liberalism, which celebrates free competition and regards its absence as the negation of individual freedom, forgets that this kind of 'individual freedom is... at the same time... the complete subjugation of individuality under social conditions (which) assume the form of objective powers, even of overpowering objects', which have made themselves independent of individuals.^[24] Social integration is achieved, not through the direct joint activity of the producers, but 'behind their backs'. Humankind is driven, blindly, by the very products that manifest the human capacity to control the world: this is the acme, not of freedom, but of alienation.

Beyond noting in the very opening sentence of *Capital* that commodities are 'the elementary form' of wealth within capitalist society, Marx has not immediately introduced *capital* in his exposition. Nonetheless, already in his first chapter he has begun to criticise capitalism and measure it against *other* forms of production, including those characterising a future communist society.^[25] His *political critique* of capitalism begins with a critique not of *exploitation*, but of the *market* and the social relations underpinning it.^[26]

The relations of mutual dependence involved in the production and exchange of commodities can be understood one-sidedly, as for example in Emile Durkheim's *Division of Labour in Society*. The French sociologist presents humanity's development simply in terms of a shift from 'mechanical' to 'organic' solidarity, where the latter depends on an all-round development of the division of labour and interdependence of production. If, indeed, we focus on nothing but the *use-value* aspect of commodity production and exchange, then we are presented with the growth of human civilization as the expansion of an immense cooperative commonwealth that draws all individuals, communities, nations and peoples into a single interacting social mechanism which provides the means for all to supply the needs of others and in turn to depend on those others for their support and aid. Such a focus, of course, shows on the one hand what real possibilities lurk within the present form of social production – *if* there is a global revolutionizing of social relations. On the other hand, it quite fails to account for the immense and growing inequalities in access to fundamental needs that characterize the modern world, or the *violence* and *oppression* that mark every facet of our everyday lives.

Durkheim offers a fundamentally *positive* account of this development, reserving to his last pages some remarks about 'pathological' forms of the division of labour, but with no attempt to provide an integrated account of their central role in capitalist society. He does not capture the contradictory combination of *social dependence* and *social antagonism* inherent in this form, where 'value' and 'use-value' stand opposed.

Those who stand in need of others' products must offer in return some other thing that the producers need, in exchange – whether that be a direct use-value, itself in commodity-form, or its monetary equivalent. In short, they must be able to *pay*. Those who lack the wherewithal shall not get the goods they need. 'Need' is not the same as 'demand'. There are two sides to this: would-be consumers can be excluded from consuming for lack of things to offer in exchange, and be compelled to live without meeting their needs, indeed to starve; and would-be sellers, failing to 'find a market' for the commodities they have to offer, can thus be unable to get back anything in return – again, with major consequences for their own reproduction.^[27]

The social relations underpinning the production and exchange of commodities are not 'eternal' but have historical – social and material – presuppositions.^[28] Contrary to the whole Enlightenment tradition, none of these social relations and their associated values can be derived from 'nature', any more than we can derive the categories of capitalist political economy from nature. No feature of the modern form of society can be explained by some a-historical principle *outside* itself. These social

relations and property forms are historically constituted, as are their social and material presuppositions.

Furthermore, the constitution of these social relations and forms involved the forcible destruction of other, previous and different such relations and forms. The whole process which Marx dubbed ‘the so-called primitive accumulation of capital’ involved not only the constitution by force of a propertyless proletariat, but also the violent overthrow of older property forms and alternative ‘moral economies’.

[29] This is the theme of the final section of *Capital* Volume I, where Marx offers an historical sketch of the way in which the various necessities of capitalist production were first brought together in England, in the ‘so-called primitive accumulation’ of capital. Discussing how the ‘different moments’ of primitive accumulation are systematically combined in late-seventeenth century England, he notes that the various methods all depend on ‘brute force’. He adds:

... they all employ the power of the state, the concentrated and organised force of society, to hasten, as in a hothouse, the process of transformation of the feudal mode of production into the capitalist mode, and to shorten the transition. Force is the midwife of every old society which is pregnant with a new one. It is itself an economic power. [30]

A question that naturally arises is whether this remark about ‘force’ as an ‘economic power’ is applicable only to the birth-pangs of capitalist society, as a ‘once-for-all’ process, or whether the ongoing reproduction of this form of society also depends on the continuous use and threat of force. On that question, the rest of *Capital* as Marx left it to us is as largely silent as it is on the whole matter of states within capitalism.

Further elaboration of force in the reproduction of capitalist social relations

Exchange relations involve a kind of ‘abstract coercion’, in which the law of value compels all participants to follow prescribed patterns of activity. But there is an additional, ‘non-economic’ side to value relations, entailing a definite pattern of political-juridical relationships among them. To consider these, we need to look again at the social relations of commodity production and exchange, only this time through a different window. I partly borrow here from David Harvey, who himself acknowledges a debt to Bertell Ollman:

It is rather as if... Marx sees each relation as a separate ‘window’ from which we can look in upon the inner structure of capitalism. The view from any one window is flat and lacks perspective. When we move to another window, we can see things that were formerly hidden from view. Armed with that knowledge, we can reinterpret and reconstitute our understanding of what we saw through the first window, giving it greater depth and perspective. By moving from window to window and carefully recording what we see, we come closer and closer to understanding capitalist society and all of its inherent contradictions. [31]

Only where Harvey writes of ‘each relation’, I am suggesting that we look at the same essential relation – that existing between those engaged in commodity production and exchange – from a different perspective. For there are qualities inherent in these social relations that remain to be explored.

According to Marx, as we have seen, commodity production and exchange involves a particular kind of social *division of labour*. What it also involves, necessarily, is a particular division of *the world of material necessities*, into separate ‘property parcels’. Each separate ‘parcel’ of necessities is attached to an individual or group, as ‘exclusive property’. It is as if almost the entire world of nature on this planet is fenced around and marked with signs: ‘Private property! Keep out!’ The means of production and of consumption have been made exclusive – or, to use the contemporary jargon, ‘privatised’. If at one point this delimitation of property was confined to land, water, tools, machines, buildings, foodstuffs, clothing and other necessities, today the world of human ‘mental products’, invention, discovery, ideas, images, melodies and the like are also classified, labelled and turned into ‘patents’, ‘copyrights’ and ‘intellectual property’.

Private property, in this ‘exclusive’ sense, is anything but ‘natural’, and had itself to be *created* through

historical struggles, involving the dispossession of claims, customs and previous entitlements that were built into customary social arrangements. Such processes form an essential part of what Marx termed the ‘primitive accumulation’ (or ‘original accumulation’) of capital. Marx remarks of landed property that it ‘receives its purely economic form by the stripping away of all its former political and social embellishments and admixtures’. ^[32] It is not only that, as Marx argued, the critical presupposition of capitalist production, namely, a propertyless proletariat compelled to subsist on wage labour, had first to be created through a long and violent process of dispossession, but also the very existence of delimited ‘private properties’ with their borders and fences, their ‘limits’ to others, had to be fully constituted. Land had to become alienable and defensible private property. All movable property and means of production to be treated socially as belonging by right and law to a definite person or group, territory and population to be constituted as ‘nation-state’, and so forth. The delimitation of property, and such a division of the world of needed things with boundaries set between them, was and remains a precondition of commodity production and exchange and thus the domination of ‘market’ relations.

The point is illustrated rather well in Marc Bloch’s account of the lack of ‘freedom’ of the feudal lord in medieval Europe to dispose of ‘land’ in the way that a modern landowner might:

...the word ‘ownership’, as applied to landed property, would have been almost meaningless... For nearly all land and a great many human beings were burdened at this time with a multiplicity of obligations differing in their nature, but all apparently of equal importance. None implied that fixed proprietary exclusiveness which belonged to the conception of ownership in Roman law. The tenant who – from father to son, as a rule – ploughs the land and gathers in the crop; his immediate lord, to whom he pays dues, and who, in certain circumstances, can resume possession of the land; the lord of the lord, and so on, right up the feudal scale – how many persons there are who can say, each with as much justification as the other, ‘That is my field!’ Even this is an understatement. For the ramifications extended horizontally as well as vertically and account should be taken of the village community, which normally recovered the use of the whole of its agricultural land as soon as it was cleared of crops; of the tenant’s family, without whose consent the property could not be alienated; and of the families of the successive lords. ^[33]

The American elementary school parody of Woody Guthrie’s song nicely brings out the difference between that situation and what obtains under modern capitalism:

This land is my land, and only my land I’ve got a shotgun, and you ain’t got one. If you don’t get off, I’ll blow your head off, This land is private property. ^[34]

Economic and juridical relations

The division of the world into parcels of delimited property is paralleled by a division of human society into property-owners, standing in definite relations to each other. This is the theme that Marx broaches in the second chapter of *Capital*, where he begins to explore the legal presuppositions of commodity exchange.

Commodities are just ‘things’ and can’t take themselves to market and perform exchanges in their own right. If commodities are unwilling to be marketed, humans can use force against them, or as Marx puts it, ‘take possession of them’. Exchange relations involve people adopting a particular stance towards each other, as a necessary condition of the whole process:

In order that these objects may enter into relation with each other as commodities, their guardians must place themselves in relation to one another as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and alienate their own, except through an act to which both parties consent. The guardians must therefore recognise each other as owners of private property. This juridical relation, whose form is the contract, whether as part of a developed legal system or not, is a relation between two wills which mirrors the economic relation. The content of this juridical relation (or relation of two wills) is itself determined by the economic relation. Here the persons exist for one another merely as representatives and hence owners, of commodities.

A few pages further on, he adds:

Things are in themselves external to man, and therefore alienable. In order that this alienation may be reciprocal, it is only necessary for men to agree tacitly to treat each other as the private owners of these alienable things, and, precisely for that reason, as persons who are independent of each other.^[35]

Marx goes on to say that the commodity-owner is only prepared to part with his property in return for commodities whose use-value satisfies his own need. He doesn't care if his own commodity has any use-value for the owner of another commodity: 'From this point of view, exchange is for him a general social process'.^[36]

And, Marx notes, essentially repeating the argument of the last part of chapter one, this 'relationship of reciprocal isolation and foreignness' doesn't exist for the members of primitive communities of natural origin, etc. It's only as the products of such communities become part of their 'external relations' that they 'also, by reaction, become commodities in the internal life of the community'.^[37]

Marx is describing a society where the necessary means of production and consumption take the form of exclusive property, and where there is a systematic social division of labour with vast numbers of producers dependent on each other for the means to sustain life and continue production. In such a society, the only *legitimate* manner in which its participants can obtain access to the things they need is by entering into 'contractual relations' with the owners of their necessities. They must make 'offers to exchange', offers which can in principle be rejected. The world of 'free exchange' is definitely not the world of Mario Puzo's *The Godfather*: We make offers that can be refused. There is 'pressure' to enter into transactions of exchange but it derives not from political or legal coercion, or the threat of violence, but from material need for what the other possesses. *The starting point of modern private property is not mutual exchange, but mutual exclusion*. Participants must recognise each other's *rights*, including the right to deny them access to what they need.

The 'juridical relation' between those who exchange not only, as Marx suggests, *mirrors* the economic relation but is indeed its precondition, or its entailment. It has a number of vital implications. The moment of exchange at least is one in which the participants treat each other as *equals*, each possessed of rights, and in which the things they bring to the exchange have themselves been equalised as *values*. They recognise each other's *freedom*: each is entitled to offer and refuse a contractual exchange.

The Bolshevik theorist of jurisprudence, Evgeny Pashukanis, takes this relationship as the starting point for his theory of legal regulation. As he suggests, the relationship is not only marked by contractualism, but by the *conflict of private interests*. As Marx suggests, the participants in exchange are 'indifferent' to each other, and each seeks to gain advantage from the other in their relationship. It is in the interest of the owner of the commodity offered for sale to set the price high, as it is in the interest of the would-be purchaser to set the price low. Antagonism of interest is central to the workings of commodity production and exchange. Hence the advice to everyone entering the market-place: *Caveat emptor!*

As Pashukanis notes, the 'right' of property – a necessary accompaniment of commodity exchange – does not imply anything by way of *obligation* to others, but rather the reverse.^[38] The endless chain of commodity exchanges is, viewed from another aspect, simultaneously an endless chain of legal relations. Commodity production is maintained, he suggests, by a permanently renewed sequence of 'successfully concluded business deals'. What constitutes the heart of the legal form (the inherent accompaniment of value relations) is 'dispute', conflict of interest.

It is above all in private law that the *a priori* principles and premises of judicial thought become clothed in the flesh and blood of two litigating parties who, vindicta in hand, claim 'their right'.^[39]

The 'legal subject' is the 'atom' (we might say, following Marx, the 'cell-form') of legal theory.^[40] The 'legal subject', the human presupposition of commodity production and exchange, is not simply a needy being standing in relations of mutual dependence with billions of other such persons, but also at once

the figure of the participant in the 'duel', asserting a 'right' not simply as a 'human right' (a claim to equality and humanity of treatment by others) but as an *anti-social, private right*, in contradistinction to all other 'rights' and in regular opposition to others' *needs*, and ready to back up that 'right' by the exercise of *might*.

That 'legal subject' is endowed with or is a 'bearer' of 'rights', though these are formal in nature. The 'subject' is 'eligible' to own property, an abstract right that endows them with nothing tangible, except with 'will', with 'freedom', with an autonomous and equal personality recognised by ethical theory (itself rooted in commodity production and exchange) as both a 'moral subject' and a being of equal worth, yet one marked simultaneously by an essential egoism.

The person engaged in exchange must be an egoist, that is to say they must stick to naked economic calculation, otherwise the value relation cannot be manifested as a socially necessary relation. The person engaging in exchange must be the bearer of rights, that is, they must be able to make autonomous decisions, for their will supposedly 'resides in objects'. Lastly, they embody the principle of the essential equivalence of human personalities, for, in exchange, all forms of labour are equalised and become human labour in the abstract.

Thus the three aspects mentioned above, or, as people used to call them, the principles of the egoism, freedom, and supremely equivalent worth of the personality are indivisibly linked and represent, in their totality, the rational expression of a single social relation. The egoistic subject, the legal subject and the moral personality are the three most important character masks assumed by people in commodity-producing society. The economics of value-relations provides the key to an understanding of the juridical and ethical structure, not in the sense of the concrete content of legal or moral norms, but in the sense of the form itself.^[41]

Commodities and crime

One thing perhaps requires to be emphasised again about these relations: they are the way in which needs are open to being met legitimately. The social division of labour involves a system of mutual social dependence, in which the everyday reproduction of individuals necessitates repeated access to things which are the property and/or the productions of others. It is that mutual *need* which also lies behind a vital matter which Pashukanis, for all the brilliance of his exposition, does not draw out with sufficient clarity. *Exchange is not the only possible mechanism in a commodity-producing society by which necessities may be socially distributed.* There is another possibility: *crime*.

We have already quoted Marx on exchange, suggesting, 'No one seizes another's property by force. Each divests himself of his property voluntarily.' That is true, of *commodity exchange*, or Pashukanis' 'successfully concluded business deals'. But that is not the whole story of everyday life in commodity-producing society. There is that urgent matter of the *gap* between need, whatever its expression, and the means of satisfaction of that need. Commodity-producing society is always potentially a *thief-producing* society. Pashukanis is right: every exchange involves *contract*, the heart of the legal form. But *exchange* is not the only mechanism by which goods change hands – and I leave out here all issues to do with *gifts*. Given the contradiction between need and means of satisfaction, the formal 'right' of property, the 'consent' of the property-owner and the like are in constant threat of being subverted by 'illegal' means, where there is indeed 'seizure of another's property by force'.

None of this is brought out in Marx,^[42] while Pashukanis restricts himself to almost gnomic remarks. He notes that, 'Legal intercourse does not "naturally" presuppose a state of peace, just as trade does not, in the first instance, preclude armed robbery, but goes hand in hand with it.' Also he writes, 'In intercourse between commodity owners, the necessity for authoritarian coercion arises whenever the peace is disturbed or a contract not fulfilled voluntarily'.^[43] His final chapter, on 'Law and lawbreaking' discusses modern forms of *punishment*, not the roots of 'lawbreaking' itself.

Never mind. It's useful to remind ourselves that holy texts are holey. They're sufficiently rich that they often offer clues about how to go beyond them.

Need and force

It now becomes possible to begin an answer to the question, was the ‘force as an economic power’ of which Marx wrote when discussing ‘primitive accumulation’ simply a ‘once-for-all’ process, or does it enter into the necessities of capitalism as a system? In the light of our discussion of the relations of commodity production and exchange, it seems that the very maintenance and *re*-production of the everyday assumptions of modern private property relations depends on the systematic use or threat of force.

The reason is plain enough. Existing property relations systematically *separate producers from the objects of their need*, on an everyday and continuous basis. In commodity production, ‘need’ and ‘right’ stand opposed. The organisation of existing society constantly *impels* individuals, groups, classes and other collectivities towards what MacPherson termed the ‘invasion of the rights of others’. ^[44] The motive to trespass, steal, invade, oppress, rob and generally transgress property rights is continually recreated through the pressure of material need.

Hence this system of social production relations generates a permanent and general requirement for means of ‘defence’, i.e. for means of violence and its organisation. Without a constant threat and/or application of force, commodity production would stand in danger of rapid subversion and breakdown.

It turns out that the exchange of commodities itself depends on ‘non-exchange’ relations, the forcible exclusion of participants in commodity production and exchange from the objects of their need. As I hope to show, the forms of these ‘non-exchange’ relations require further development. ^[45]

The logic of the argument is that two positions are mistaken. The first is the vulgar bourgeois-liberal one. This treats the existing system as ‘natural’, i.e. as conforming to ‘human nature’, and thus as demanding no intervention of force except by way of the accident that man is also ‘bad’, i.e. prone to breach the naturalness of private property by his tendency to be a wolf to other men, because of his inherently fallen and ‘competitive’ nature. In our argument, private property is not ‘natural’ but historically created, and human tendencies to sinfulness are, at least in this respect, a product of the specific historical form in which human social cooperation is developed. The second is that set of versions of Marxism itself which see the role of ‘extra-economic force’ in maintaining *other* modes of production than capitalism (e.g. feudalism), but which only see the role of force in *constituting* the capitalist mode (‘the so-called primitive accumulation of capital’, where force is the ‘midwife’ acting at the *birth*). These miss out the permanent necessity of force as a condition of exchange and social cooperation through every phase of the processes of capitalist reproduction, and its regular role in competition and in the resolution of capitalism’s recurrent crises and internal struggles.

All we need assert here is that, at the most abstract and general level of analysis, *force* is a pre-requisite for social production: all we suppose for the moment is ‘commodity production’ and not (yet) exploitation of one class by another. The *social organization* of necessary force and the specific matter of the *state* still await further development. *Nonetheless, it is at this level of analysis that such general concepts as ‘right’, ‘contract’, ‘force’ and indeed ‘law’ belong. They are the legal-political correlates of such economic concepts as ‘value’, ‘exchange-value’ and ‘money’.* They express the same social relations, only in a different, ‘jurisprudential’ aspect. In principle they demand the same kind of dialectical presentation as Marx offers in the opening part of *Capital*, although this will not be attempted here. ^[46]

Of course, if means of violence for purposes of ‘defence’ of rights are required as part of the normal everyday functioning of social production, those same means of violence may also be deployed for the opposite purpose: for the ‘offensive’ invasion of the property rights of others. Just as ‘purchase’ and ‘sale’ imply each other, within the social relation of exchange, so ‘attack’ and ‘defence’ are mutual correlates. The major difference is that the attacker and the defender are less easily distinguished in reality than are buyer and seller. Conflicting interpretations and understandings of ‘right’ abound; needs and rights are poorly matched; ‘rights’ regularly conflict. In conflicts over ‘right’, there are and can be no ultimately agreed principles of settlement. Rather, the really operative truth is that ‘Might is Right’.

Those whose interest it is to protect their own property and position are not immune from the temptation to enhance their property and position by seizing the property and position of others by force or fraud. The biggest robbers are the rich and powerful, not the poor and weak!

If the historical effort is made to trace back particular 'rights' to their point of origin, again and again they will be found to rest on acts of force. The boundaries separating properties, as much as those separating kingdoms, and the exclusions associated with these boundaries, were founded on acts of violent expropriation. All that has happened is that a kind of 'Statute of Limitations' has been applied, and theft and murder have been sanctified. ^[47] This is not only a matter of power exercised 'from above' to establish existing rights, but equally of power exercised 'from below'. Popular revolutions, for example, forcibly expropriate existing rights and property claims. Were this not so, the citizens of the USA would still acknowledge Queen Elizabeth as their sovereign ruler.

The point emphasised here is that, without the continuous organisation of means of violence, the very possibility of the world of 'value' relations would dissolve. The constitution and preservation of 'property' and of the boundaries which demarcate it is an inherently conflict-prone social enterprise. 'Economic' processes demand, as a vital presupposition, the consolidation of a system of 'rights' and 'freedoms' and a set of means by which they may be maintained. It is not so much that the *economic* (in this specific sense) 'causes' the *political* and/or *legal* framework; for the development of the economic depends on the political/legal, and vice versa. The relation is one of mutual entailment. The constitution of the social relations of value production, rather, involves the simultaneous development of its various sides as interdependent conditions.

If, as we have suggested, 'value' and 'violence' are as much correlative as antagonistic, we need to consider the social forms through which the necessary organisation of perpetual threat of force is accomplished. Properly developed, the understanding of 'value' relations within commodity production demands at least the outline of a theory of jurisprudence, politics and war, alongside its theory of the 'abstract or economic coercion' of the law of value.



Frontispiece for Thomas Hobbes' *Leviathan* (1651). Engraving by Abraham Bosse.

Violence and commodity producing societies

Club-law (Faustrecht)

At this point in the argument, most readers would probably expect us to turn to 'the state'. This is the normal mechanism for securing 'right' on which both classical political theory and Marxism alike have mostly focused. There is, however, an under-discussed alternative, which has some claims to logical priority.

Every property owner has to be vigilant, before, during and after any passage through the circuits of commodity exchange. The *exclusion* of others from access to one's own property without one's consent is a necessary precondition of commodity-legal production, and material means are necessary to achieve this. One solution potentially open to commodity owners is to secure for themselves their own means of 'self-defence'. Pashukanis' term for this is 'self-help'. Indeed, as he comments, 'Law and self-help, those seemingly contradictory concepts, are, in reality, extremely closely linked'. ^[48] For Pashukanis, the foundation of all legal forms, the social expression of legal relations arising from private property, is 'the duel'. ^[49]

The principle of 'self-help' is simple. Producers either provide and deploy their own means of force to defend themselves and/or to wage war on others, or 'hire' others to carry out this function for them. In the real world, the 'hiring of others' may shade over into the paying of *tribute* to a 'protection agency' (a.k.a. 'security specialist'). Self-armament was a vital political principle of the feudal ruling class; it was also a necessity for much early merchant activity. In the (mythical?) Wild West, the hired gun played this part before the arrival of the full panoply of state power; every pioneer carried a gun, and not just for hunting meat. Even in the developed world of state monopoly capitalism, 'self-help' continued to play its part. Just as Henry Ford hired a private army of 'goons' (as well as 'social workers') in an effort to keep the unions out of his auto-plants, so 'hired goons' find plenty of work today across the

world. Private security agencies proliferate, along with store detectives, video cameras and electronic detection devices. Many householders kit themselves out with burglar alarms in the minimal hope that marauders will go next door.

This tendency has proliferated in the years following 9/11, but even in the 1990s there was evidence of this burgeoning industry. A former head of the London police, Sir Robert Mark, told a security conference that the police were incapable of protecting people's property. Duncan Campbell reports:

As recession breeds crime, crime has, in its turn, stimulated a remarkable growth in the security industry... While other industries have withered, the indications are that security has not only survived but prospered in the recession. In 1989, the turnover of member companies of the British Security Industry Association was £1,107 billion. Last year, it had increased by 19 per cent to £1,163 billion and is estimated this year to reach £1,148 billion. In 1989, there were 59,000 employed in BSIA companies and this year the figure is likely to be 62,500. Closed circuit television companies, who sell to garages and shops, have seen their turnover increase from £236 million to £304 million since 1989.... Dr Olinga Ta'eed, of Molyntx, the company developing the IDS tracking system which can follow a burglar round a building and zoom in on his face, says that there has been a great increase in demand for proper security. 'People are looking for much more sophisticated equipment now. We have had a lot of interest both from industry and the police.' ... It is not just hardware that is being promoted. Role Management, based in Milton Keynes, offers advice to victims of bank robberies and even produce a newsletter called Trauma Counsellor with details of the effects of trauma suffered – 'low libido, shivering, shaking, numbness and disbelief.' Traditionally the police have been opposed to the growth of security firms carrying out private street patrols; such firms charge between £3 and £10 a month per household to patrol in areas where there has been a high rate of burglary. But there are now signs that police resistance is softening.... There is an even faster growth among the 'cowboy' companies who provide everything from bouncers for pubs to nightwatchmen for warehouses. Some firms of bouncers have shrewdly realized that they can give a discreet form of protection; pubs that don't pay find trouble-makers on their doorsteps.^[50]

'Self-help' is associated with a particular form of law. Marx's term for it is 'club-law' (*Faustrecht*)^[51]:

... every form of production creates its own legal relations, forms of government, etc. The crudity and shortcomings of the [bourgeois economists'] conception lie in the tendency to see but an accidental reflective connection in what constitutes an organic union. The bourgeois economists have a vague notion that it is better to carry on production under the modern police, than it was, e.g. under club-law. They forget that club-law is also law, and that the right of the stronger continues to exist in other forms even under their 'government of law'.^[52]

Under 'club-law', or the right of the stronger, those with property to defend must *spend* to defend themselves, to engage in 'self-help'. Means of violence and exclusion - however they are produced, marketed, controlled, enforced - are inherent requisites of everyday exchange and circulation, and necessary elements in the costs of production. Locks and keys, alarm systems from dogs and geese to modern electronic systems, knives, guns, bombs, tanks, warships, multiple-targeted re-entry vehicles are all part of the real economic necessities of commodity production in its modern (i.e. capitalist) form. So are all the means for protection against *fraud*, or covert theft.

The expenses of maintaining private means of defence fall, strictly, under the head of 'unproductive labour'. This does not, however, exempt them from the same socio-economic necessities associated with the 'law of value'. No more, of course, are banks, insurance companies, merchant and retail enterprises, and so forth - centres *par excellence* of unproductive labour - exempt from the law of value.

In his preparatory materials for *Capital*, Marx offers some comments, semi-satirical in tone, on the connection between crime and the development of the productive forces:

The effects of the criminal on the development of productive power can be shown in detail. Would locks ever have reached their present degree of excellence had there been no thieves? Would the

making of bank-notes have reached its present perfection had there been no forgers? Would the microscope have found its way into the sphere of ordinary commerce (see Babbage) but for trading frauds? Doesn't practical chemistry owe just as much to adulteration of commodities and the efforts to show it up as to the honest zeal for production? Crime, through its constantly new methods of attack on property, constantly calls into being new methods of defence, and so is as productive as STRIKES for the invention of machines. And if one leaves the sphere of private crime: would the world-market ever have come into being but for national crime? Indeed, would even the nations have arisen? And hasn't the Tree of Sin been at the same time the Tree of Knowledge ever since the time of Adam?^[53]

The world of 'crime' and 'crime-prevention' has its own rapidly developing technologies, its own rising organic composition of capital, and its own tendencies to concentration and centralization. Like productive, commercial and financial capital, it too spills across national boundaries. Here too, living labour plays a diminishing part in relation to dead labour, whether among the poachers or the gamekeepers, the people who design sages, and those who crack them.

'Self-protection' too is subject to the law of value, both in respect of the cost of the technologies it employs and its own labour processes. As in the productive sphere, socially necessary labour time also rules here. The costs and effects of 'defence' in a world where the means of self-protection are wooden clubs or bows and arrows are very different from those in a world with thermic lances and ram-vehicles, computer fraud, tanks and Multiple-Targeted Re-Entry Vehicles.... Just as, in competition within the sphere of productive labour, the development of new means of production by one producer has profound consequences for all other producers, so too in the inter-connected fields of robbery and self-defence: means of force must match means of force, whether directly or reciprocally. In sum: although the field of legal-political defence of private property is not itself, directly, a sphere of exchange or of productive labour, it is nonetheless also subject to the law of value, whose effects are just as real here as in the directly 'economic' processes Marx and the political economists explored. It is by no means only in the sphere of exchange proper that human beings relate to each other through things, and are indeed dominated by the properties of those relations between things.

What does the 'law of value' dictate? Here we should remind ourselves that the law of value is not merely a 'scientific law', a statement of the general principles underlying processes of production and exchange in commodity-producing society; it is also a coercive force operating on all producers. Adapting a term Marx uses elsewhere, we can fairly say that coercion is the 'Moses and all the prophets', that is - the law of value as *command*. To buy, you must have adequate commodities at your own disposal to exchange, and the social adequacy of these is shaped by the socially necessary labour-time they embody. To sell, your own production must not only satisfy a need in others, but also be undertaken within socially necessary labour-time if you are to obtain, through free exchange and contractual relations, the means to continue reproducing yourself and your means of production. Now we must add that the means of 'defence' must also be adequate to the conditions in which you find yourself, and these depend on what those who *threaten* you are capable of.

It is, thus, not only via 'price competition, monetary competition' that the law of value is able to transmit itself. 'Defence competition' is also a vital transmitter.^[54] It is true that the sphere in which this is *most* open to demonstration is indeed the sphere of international relations, where the principle of 'self-help' (or 'club-law') still reigns supreme, as Pashukanis himself noted, almost in passing.^[55] But commodity production always implies and involves the development of means of 'self-help' or 'defence', and these are also subject to the law of value. Matters to do with 'defence of property rights' are not somehow *extrinsic* to the analysis of commodity production, and thus of capitalist production, but are *essential* aspects of the very social form itself.^{[56] [57]}

States and force

One possibility open to those who need to defend their property, we noted, was not to provide direct 'self-help', but to turn to some kind of 'protection agency', possessing the means of violence, to

perform this service for them. The most developed form of such protection agencies are *states*. ^[58] States form an inherent part of capitalist society, yet their analysis and understanding have proved troublesome to Marxism.

Classical liberal political thought, from Hobbes to Hegel, connected the necessity of states with the existence of private property. Indeed, a key strength of liberal theory was its insistence on this link. Characteristically, liberal thinkers construed a fundamental distinction within modern society between two spheres: on one side, the private sphere of 'civil society' (Hegel), 'commercial society' (Adam Smith) or the 'state of nature' (Hobbes, Locke, Paine and others), and on the other side and the public realm of the state (Adam Smith's 'civil magistrate'). Civil society remains the sphere of the egoistic pursuit of self-interest. Corresponding to civil society, but over and above it, there needs must exist a distinct sphere, that of the state.

In liberal theory, modern states have a dual function. On the one hand, they protect private property rights. On the other, they represent a larger, communal interest than any actors in civil society can achieve - precisely because of their pursuit of essentially private and selfish interests. Hobbes offers perhaps the most extreme and uncomfortable version of the theory. He presents a society brutally characterized as living in a condition of 'war of all against all', which must end in common ruin unless obedience be demanded by and given up to *Leviathan*, an independent state power which rules and protects society 'for its own good'. Later liberal thinkers were to soften the presentation, but the heart of the vision remained the same: a competitive civil society requires a state to govern and protect its members from each other, and to resolve partly some of the internal contradictions of that society.

This vision, in turn, generated its own specific series of practical, moral and theoretical problems, which constitute the heart of the agenda of liberal political theory. How should such states be composed, and how controlled? What allegiance ('obligation') is owed to such states, and when is rebellion justified? How far can and should the dangerous power of such states be permitted to develop? What activities is it proper for states to undertake, and what matters are better left to the autonomous self-regulating process of competitive wealth-creation? The problems faced by liberal political thought multiplied to the degree that its practitioners recognized the contradictions generated by the free pursuit of private greed: class division, poverty, ignorance, vice, exploitation, inequality, hypocrisy and the like. Classical liberal theory was forced to wrestle with, and to attempt a resolution of the paradoxes posed by such a society and such states: 'private vices and public benefits'; wealth for some founded on poverty for many; the inherent generation of popular class discontent; equality before the law allied with practical inequality; the dissociation of individual and common morality, the contradiction between the particular and the general. The greatest thinkers - among them Rousseau, Kant and Hegel - could represent the problems with brilliant acuity, but offer nothing but essentially 'tragic' resolutions. ^[59]

What is involved in the state 'solution' to the problems of providing the necessary force to secure private property? At the most general level, as we remarked above, the necessity and possibility of states arises from the inability of civil society's members, divided and fragmented as they are by special and antagonistic interests, to govern themselves directly. States, in this sense, provide a political analogue to Adam Smith's 'hidden hand' or Marx's 'law of value'. That is, states develop, in connection with private property, as integrating and socializing mechanisms, which are out of the direct control of the members of civil society. States, quite as much as money, bear the birthmark of human alienation.

The formation of states is an inherently 'dangerous' enterprise for all concerned. For states constitute themselves with a monopoly of legislative, armed and judicial power over the societies they rule. Their establishment enables them to 'interfere' and 'intervene' in and to 'supervise' the everyday conditions of social reproduction. If, like the American cop, states 'serve and protect', they have the character of a protection racket: they demand 'respect', they collect 'contributions' from those they protect, and they enforce submission from those unwilling to cough up. Like the Mafia, states *do* make offers we can't refuse. The emergence of modern states involves the constitution of the members of civil society as 'legal subjects' capable of owning and exchanging via property rights. But, they are constituted by states as 'subjects' *beneath themselves*.

States must themselves subsist, and they have the means to enforce their subsistence costs upon society.

Liberal theorists may have presented states' existence as the result of a 'social contract', but states' relations with their *subjects* are not themselves contractual. Unlike the 'commercial' relations of civil society, states' transactions with their subjects are not first and foremost conducted according to the rules of the market, those famous principles of freedom, equality, property and Bentham. The freedom of the subject is always conditional; states may declare their subjects free, but they also constitute them as their creatures. ^[60] Between state and subject there is no final presumption of equality: there is command and obedience. Property rights may be protected by states, but they are by that fact no longer 'absolute': states make their own claim, in principle, on all property (even including the famous 'property in oneself' which state conscription overrules.) The pursuit of naked self-interest may be licensed by states, but only on condition that the 'general interest' whose definition the state arrogates to itself is always borne in mind. *Raison d'état* is a final argument against all resistance: states, once constituted, develop their own specific interests. The interests of states may conflict with what mere private individuals consider to be their interests, yet those states possess the violent power to prevail in such a contest.

Both to 'protect their subjects' and to pursue what they determine to be the 'general interest', states must develop 'policies' for the *management* of society. Those policies carry costs as well as benefits for different groupings in society, which they may prefer not to meet or to have provided. The very existence of states may be a necessity for the preservation of 'free' commerce and the working of the law of value; but the existence of states simultaneously contradicts, in principle, the workings of that law. States live above society and live off the fruits of 'extra-economic' surplus extraction. The necessary product of contradiction in commodity-producing society, they also contradict that society directly. They may stiffen the framework of legal relations in society through their judicial and police apparatuses, but the first decree of states is strictly extra-legal: their own safety and security, their own majesty.

As already indicated, the development of states effects a significant transformation in the content of socio-economic relations. Initially, when we consider contractual exchange relations, it appears that every contract has two parties, each free and independent of and equal in status to the other. But the introduction of a state as guarantor of contract law, and indeed as a formative element in the very constitution of the parties to contracts as free and equal legal subjects, involves the practical introduction into every contractual relation of a 'third party'. This 'third party' itself stands over the contracting parties, ruling and taxing them, giving them legal definition as members of civil society. Thus the development of the category of 'state' also involves the modification of a theoretical assumption which underlies the development of the economic categories in *Capital* as we have it. Commodity production presumes equivalence of exchange as its normal and average basis; this is the starting point of Marx's exposition. As is well known, Marx went on to show that, in practice, this principle is already subverted once the concepts of capital and surplus value are introduced and developed (see below). So too, in the development of the concept of states out of the legal-political exigencies of commodity production, we find that it is necessary to introduce another, competing logic, that of state tribute and taxation. Within capitalism, these two forms of surplus extraction – 'economic' and 'extra-economic' – are not simply separate and opposed, but are each mutually entailed and complementary features of the other.

As a commodity is at the same moment both a 'thing' and a social relation, so states are both organized collections of people and a relation to society. The form of that relation is, in Marxist terms, a 'class-like' one: states appropriate for their own purposes a share of the surplus produced within society. States live, in that direct sense, by exploitation: either directly or through the forcible appropriation of surpluses produced elsewhere. ^[61] In Volume 3 of *Capital*, Marx discusses the various phenomenal forms that surplus-value takes within capitalist society: industrial profit, commercial profit, interest on financial capital, rent on land. Interestingly, he quite ignores one form: *tax*. ^[62] Any further development of the critique of political economy most decidedly requires the development of that category, for tax collection is the presupposition of all state intervention.

'Property' is not only something which is exchanged, or which represents the means to produce commodities for exchange. It is also, while it remains in the hands of those who possess it, something

‘managed’ and ‘directed’ by those with an ‘interest’ in it. From the standpoint of states, civil society itself appears as ‘their property’. There is more to the role of states than simply that of guardian of the civil law, protector of the rights of property owners within civil society. From its beginning, states develop a ‘managerial’ or ‘administrative’ capacity in relation to ‘their subjects’; they formulate and execute ‘policies’, [63] deploying their own armed power and their own tax-collecting and distributing powers in pursuit of what they come to define as the ‘social’, ‘general’, ‘common’ or ‘national’ interest. Far from being merely passive guardians, states are active organizers and shapers of society beneath themselves. Thus, in the modern period (certainly from the 16th century onwards), the development of states is much more than the development of *civil law*: it is a process of ‘state-building’, of the formulation and re-formulation of ‘state policy’ and of the instruments for its pursuit. [64]

In all of the foregoing, there has been a degree of conscious stick-bending on my part. On the whole, Marxist theorizing about states and capitalist society - including most of Marx’s varied and interesting *remarks* on the subject in the 1840s - has stressed, usually descriptively rather than analytically, the ways in which states are subordinated to the imperatives of capital accumulation, to the interests of the bourgeoisie, etc. This particular side of the concrete functioning of capitalist states undoubtedly requires extensive emphasis and development. But the problem with much of this style of theorizing, taken by itself, is that it is one-sided: it ignores the *specific character* of states themselves. [65] The need for a Marxist theory of ‘politics’ and ‘law’ which is more than simply ‘economistic’ and ‘derivationist’ disappears; the ‘class-like’ nature of states’ power over society is played down, and a way is left open for a ‘reformist’ politics alien to Marx’s spirit. [66]

For the present, the stress falls on the way in which states - through their very existence and through their activities and policies - modify the law of value. Obviously, a more systematic account would be preferable; here I just note a few aspects of the question in very general terms.

Some key state functions

States collect and spend taxes; they recruit and may conscript personnel whom they deploy to their various apparatuses; they pay and may otherwise feed and provide subsistence to their personnel; they purchase and may commandeer land [67], goods and services; they shape the supply of currency and, to the degree they borrow, affect the pattern of interest rates; they directly organize the production of some goods and services; they may subsidize the prices of some of their own products or others that are ‘commercially’ produced while equally they may inflate the prices of other products by imposing a variety of taxes at the point of their production and/ or sale; they enforce processes of economic ‘redistribution’ through a variety of specific policies, from investment promotion to ‘welfare’. By these and other mechanisms of ‘policy’ states give a kind of *direction* to the overall economic process among their subjects, whether consciously or otherwise. All these forms of ‘intervention’ by states involve, in greater or lesser measure, modifications of the operation of the law of value which are backed by state power. A society where ‘commodity production’ is the predominant form cannot be characterized, solely, by the predominance of the law of value, but only by the simultaneous co-existence of that law with its practical negation. [68] If ‘generalized commodity production’ provides a possible starting point for the consideration of the concept of ‘capitalism’, other necessary aspects of that starting point turn out to include the armed and tribute-collecting power of states, their ‘interventions’ and ‘policy-formations’. They have been universal and necessary aspects of the whole of capitalist history.

One further point needs to be made at this stage. If states in some sense represent the general interest of a community which is both associated but also divided by commodity production relations, and if they deploy their various powers in support of that general interest, how do they determine what that interest is? Which of many possible versions of the communal interest do states express? Given the competitive diversity within society, any given policy will tend to advantage some interests and hurt others. When states collect revenues and resources from their subjects, the actual pattern and level of tribute-exaction they follow will have significant consequences for all or some of their subjects. The very existence and activities of such states, with their various extra-economic powers, necessarily makes them objects of both fear and desire for their subjects. The *politics* of their control, their steering and their limitation

becomes a vital matter for their various subjects. How far can this or that state be lobbied, diverted, persuaded, corrupted, resisted, captured, overthrown? State-society relations become, inherently, objects of political struggle.

Against the state

The power of states is the reverse of the powerlessness of their subjects, their lack of control over, not simply the means of production, but the conditions of their social activity: social rules, laws, the allocation of resources to different needs, etc. In different forms of social production (modes of production or cooperation), the roots of this alienation of their powers to entities standing over them are different. In the capitalist form of society, where social wealth takes the form of an immense collection of commodities, and where their products rule over them, states take their place as vital parts of the larger machinery of human alienation. The struggle against capitalism is necessarily also a struggle to do away with states.

Capital and commodity production

In Marx's *presentation* in the early chapters of *Capital*, commodity production and exchange contains the *possibility* of capital, developed as a category through the exploration of the circulation of commodities and money. It is only when capital takes hold of production that the conditions are created for commodity production and exchange to become *general, fundamental features of human social cooperation*. And the condition for capital taking hold of production is the creation of a class of workers, lacking direct access to the means of production, who must *hire out* their labour-power in return for wages. Although he *begins* his exposition with the social relations of commodity production and exchange, Marx's argument is that these themselves only become dominant where capital has seized control over the process of production itself: 'only where wage-labour is its basis does commodity production impose itself upon society as a whole'. ^[69] As Jorge Larrain notes: 'One cannot derive the capital-labour contradiction from the contradictions immanent in commodities; on the contrary, the emergence in history of the capital-labour contradiction is the precondition for the actualization of the potential contradictions inherent in commodities'. ^[70] The flowering of commodity production and its social assumptions are dependent on the development of capital, not the reverse: capital is *cause* not *consequence*. The order of presentation is not the same as the order of significance.

Commodity production and exchange, it turns out, are not 'self-subsistent' social relations, capable of their own reproduction without other, distinct and necessary social relations. ^[71] On the one hand, as argued above, the application of *force* in some form is a necessary entailment of commodity production and exchange. On the other hand, the generalization of the production of 'value' (and its associated pattern of social relations) requires the generalized production of 'surplus value'. Only on the basis of the development of the exploitation of wage-labour do the social relations that Marx, Pashukanis and others decoded as underlying commodity production and exchange become general features of social production and social cooperation. It turns out that the social and legal implications we have been exploring under the heading of commodity production and exchange are those of capitalism. Only we have been looking at these in a one-sided way.

The further exposition of the social relations of *capitalist production and circulation* also involves transformations and further developments in our understanding of the social and legal relations inherent in this mode of production. The freedom of producers, the equalization of their products, their mutual indifference, their property rights and so on all now take on additional features, and appear in a new light. So too do the figures who populated the landscape of commodity production and exchange. The relation between commodity producers offers what turns out to be a complex and contradictory starting point for conceptualizing capitalism, but it is by no means the terminus. By itself, the analysis of commodity production enables us to grasp, in the dimmest outline, a world of 'private property' where producers buy and sell, where they meet as free and equal contracting agents, where some force is required to reproduce their relations with each other and where, although very abstractly, it is possible to perceive that 'crises of reproduction' can occur. ^[72]

But what the more precise content of these relations is, we do not yet know. Nor do we know under what circumstances these relations of commodity production become dominant. We know that there are 'subjects and things', and socially determined relations of 'control', 'ownership' and 'possession' between these 'subjects' and these 'things', and that there are likewise relations of *exclusion*, but we know nothing of the social roles of these subjects or the character of these things. Who or what counts as a 'subject' and what or who as an 'object'? We may, at the level of the analysis of commodity production, be able to construe an outline theory of 'exchange-value' and of the relationship between commodity values and money; but many of the immediate forms in which we come across these matters – 'wages', 'profit', 'interest', 'rent' and the like - are still quite inexplicable. We can deduce that some kind of organization of 'force' is needed to keep property 'privatized', but not how it is organized; if a state form exists, we know little about it. It is not apparent what, if any, pattern of inequality exists in society, nor whether society has any marked pattern of development or 'laws of motion'.

Once, however, we turn to established capitalist social relations, the normal functioning of the capitalist unity of production and circulation can be seen as reproducing many of its own preconditions. The process of production, circulation and distribution is one, through which, simultaneously, goods in the social form of commodities are produced and reproduced, but what is also produced and reproduced is a basic shape of society. For at the end of every period, the labour-force has earned sufficient wages to enable them to continue as workers, but without overcoming their basic propertylessness, so that they are faced again with the necessity of offering their services for hire; and the capitalists have enlarged their capital and remain capitalists. 'Production' and 'reproduction' refer not only to the making of needed things, but also at the same time to the making of society, its relationships and the individuals who compose it. Marx's famous remark – 'Men make their own history but not under conditions of their own choosing' - applies with full force not simply to moments of revolutionary change but equally to the everyday and ordinary making and remaking of the social world and our own places within it. Those who make, say, Microsoft software are involved through the same activity in reproducing themselves as workers, but also in making Bill Gates and his expanding wealth. The making of things embodies the making of (class) society; these are not distinct activities, but the same process considered from different aspects.

The development of specifically capitalist production relations, founded upon the exploitation by capital of wage labour, not only provides the conditions for the complete generalization of 'commodity production', but it also transforms its inner drives.

First, the formation and reproduction of a class of propertyless workers enormously expands the field of action of commodity production and exchange. Now, the majority of society can no longer subsist on their own direct production. Not only must they hire out their labour power in 'labour markets', but they must spend their wages on obtaining the necessities of life. As producers and as consumers alike, their everyday life is now necessarily involved in the world of market exchange. All aspects of their lives are now, directly or indirectly, mediated through monetary relations.

Second, the interdependence associated with the particular form of the social division of labour found within commodity production now has a more definite shape. Those denominated previously as 'producers' are now identifiable as capitalist enterprises. Each one, separately, is still 'independent' and yet part of an interdependent system of social production. Each, necessarily, is compelled by the logic of that system to produce under conditions it does not itself determine. 'Socially necessary labour time' remains a governing principle, for each enterprise taken as a unit must, as a condition of its survival, keep up with or catch up with all other enterprises with whom it struggles for a market. Capitalist commodity production demands 'efficiency' in the use of productive resources, and condemns the 'inefficient' to destruction or absorption by the more efficient.

Under conditions of capitalist production, the pursuit of 'surplus value' becomes an unavoidable imperative for those who control and own capital. Capital's endless self-expansion is a condition for its survival. The competitive relations between capitals compel each, separately, to search constantly for means of cutting the costs of production, of improving and speeding up the methods of production, and thus of reducing the average 'socially necessary labour time' embodied in the commodities it produces. One effect is to distinguish the capitalist class from all previous exploiting classes in one crucial respect.

While a part of the surplus value extracted from the labour of its workers continues to be devoted to the capitalist class's own consumption and enjoyment, such 'unproductive' or 'luxury' consumption plays a proportionately smaller part than was the case with all previous exploiting classes. Rather, those who play the part of 'modern capitalist' find themselves compelled to re-invest the greater part of the surplus value that comes their way back into the renewal and development of the forces of production. What compels them to such 'productive' consumption of surplus value is the competition between them all. The ideal capitalist is thus indeed one who conforms to such patterns as those prescribed by the Protestant Ethic: living an austere personal life, spending no more than is necessary on enjoyment and decoration, and wisely ploughing wealth back into the field of capitalist production and circulation to be further fructified and expanded. This happens not out of any ideal or religious conviction, but out of simple necessity. Those who 'waste their substance' are doomed to destruction.

The effect, though, is considerable. As capital 'took hold of production', it launched that convulsive drive to expand the productive forces of society and extend their global scope which has so marked the history of the past two or three centuries.

Capitalism: subjects and objects

The transition to discussion of *capitalism* also involves a transformation in the nature of *subjects and objects*. So long as we remain at the *starting point* of Marx's presentation in *Capital*, namely commodity production and exchange, it is sufficient to assume that the property relation is one, as Geoffrey Kay and James Mott put it, consisting of ' *persona-res*'. [73] That is, the 'owner' of property is a person, or perhaps a family group, and the 'object' of property is a material 'thing': a physical commodity, a tool or machine, a piece of land, etc. The 'rights' of property are attached to persons.

At the level of *capitalism*, however, these simple assumptions must be modified. For one thing, thanks to the concentration and centralization of capital, 'ownership' becomes dissociated from 'natural persons' (that is, individual human beings) and increasingly held in the hands of corporate entities (limited liability companies and corporations, and indeed states). 'Rights' now attach not simply to individual human beings, but to collective forms - 'the company', 'the estate', 'the crown', 'the state' and the like - which lack the real attributes of personality but are nonetheless endowed by law with all the attributes of 'person-hood'. [74] 'Natural rights' are attributed to ownership in the abstract, to the 'fictional individuals' that comprise these entities. These corporate forms may and do assert their legal 'rights' against mere real persons. Abstract persons and real persons may each have their day in court, though such abstract persons can usually afford better lawyers.

Such developed forms of capital as the modern corporation (or indeed state-owned capitalist property) [75] involve a further significant transformation. We might have assumed that the functions of 'ownership' and 'management' of property are combined in the same person or group, and thus that the function of 'capitalist' is always associated with direct personal ownership. But the development of capitalist property forms allows and involves a dissociation of functions, as numerous commentators have noted - even if they have read the significance of the development in different ways. In some theories of 'managerial revolution', it is assumed that once salaried managers with less immediate 'ownership' interests take the helm within business enterprises, they become less concerned with 'profit' and more open to the pursuit of other, and more 'socially aware' goals. Rather than review a whole literature on this, it is sufficient to recall that, regardless of the individuals who head and manage enterprises, those enterprises themselves, as 'collective subjects', are still enmeshed in a world of competitive relations with each other. That world of competition itself constrains managerial behaviour, irrespective of the persons who occupy decision-making positions within enterprises - and irrespective of whether they are 'private', 'corporate' or even 'publicly owned'. Occupancy of a 'directive' role within capitalist enterprise, with the responsibilities that carries, is normally sufficient - quite independent of any 'personal stake' - to ensure adherence to the rules of the capitalist game. The 'agents' of capitalist production and competition need to be understood, first, in terms of the field of constraints they occupy, and the compulsions they find themselves under, rather than the particular routes by which they acquired their 'agencies'. Rather as the young Marx remarked that, under primogeniture, the Prussian estate *inherited* the eldest son, one might say of 'managers' that their relation to property is that it *owns them* rather than the reverse. [76]

Further, it is not only the 'subject' of the property relation which is inwardly transformed through the development of capitalism, so too is the 'object'. For now labour-power, the essential human capacity for transformative creative activity, also becomes a commodity for hire. The assumption of liberal thought that property may exist in a 'thing' but not a 'person' (for that would deny the postulate of equal freedom) is now also subverted.

Or, rather, it is both subverted and not subverted. Workers retain *ownership* of their powers, but allow the use of them to pass into the control of another for the period of the working day. One might say that they 'hire them out'. But, whereas the owner of a lorry may hire out the use of the vehicle, both retaining its ownership while spending the day in bed, the unfortunate owner of labour-power has to accompany the 'commodity' if it is to be used by the hirer. No one has yet solved the trick of hiring out their labour-power while staying in bed. Real human powers are inseparable from their bearers. To hire the capacity to labour is unavoidably also to hire the self.

For the period of the working day, the worker's capacities pass into the effective possession of the hirer. The only way in which the hirer can, in practice, obtain the use-value of labour-power is by *directing* the worker's activities. That is, workers necessarily void their freedom of activity for the period of the working day, and work under another's command. They hand over property in themselves and their powers. For the period of the working day, the worker is a double entity: in formal terms, a free, equal and self-possessing agent, (as opposed to a slave or a serf); in real terms, the worker has become a servant, one who submits to another's will and does what they're told, as much another's property as a horse. Wage-workers are both free and not-free, both equal and unequal, both a property-owner and dispossessed of their property, both a Benthamite chaser after their own interest and one who is chased to do another's bidding.

At the end of the working day, workers slip their arms back into the sleeves of freedom and equality, and recover control of their property. The whole situation has an element of paradox about it, for the 'unemployed', would-be workers who cannot find an employer, maintain their freedom all day long. In their own way, they too discover what a *formal* thing their freedom is. *Need* drives them to seek a way out of their condition of freedom, to turn to every corner of the labour market with pleas to all they meet: 'Please, won't you exploit me? Please take command of my inherently human freedom of will in return for some wages!'

Limits to liberalism

The transition from understanding modern society from one side, as based on the principles of commodity production and exchange, to a view of modern society as capitalist, and founded in exploitation, has more than simply 'economic' implications. Marx provides the basis for a critique of the 'legal-political' assumptions of the same essentially liberal doctrines which underpinned classical political economy. Many commentators have paid attention to the general 'philosophical' categories with which Marx attacked the assumptions of capitalist society in his early writings of the 1840s on such matters as 'alienation' and 'estrangement', and have argued (in my view, correctly) that these same issues continued to motivate his later writings. Less attention has been paid, however, to the way in which Marx's *Capital* directly attacks the basic assumptions of liberal political and jurisprudential thought.

So long as we remain at the level of exchange relations, Marx suggests, liberal assumptions retain an important element of validity. But the social relations embodying these principles by no means exhaust the essential constitutive relations of capitalist society. Liberalism's account of capitalism is not so much 'wrong' as grossly one-sided. It mistakes a part of the reality of capitalism for the whole.

In a marvellous passage, Marx sums up the lessons of Enlightenment thought as to the legal and political principles of market exchange relations in what Adam Smith termed 'commercial society' and Hegel called 'civil society':

The sphere of circulation or commodity exchange... is in fact a very Eden of the innate rights of man. It is the exclusive realm of Freedom, Equality, Property and Bentham. Freedom, because both buyer and seller of a commodity, let us say of labour-power, are determined only by their own free will. They contract as free persons, who are equal before the law. Their contract is the final result in which their joint will finds a common legal expression. Equality, because each enters into relation with the other, as with a simple owner of commodities, and they dispose equivalent for equivalent. Property, because each disposes only of what is his own. And Bentham, because each looks only to his own advantage. The only force bringing them together, and putting them into relation with each other, is the selfishness, the gain, and the private interest of each. Each pays heed to himself only, and no one worries about the others. And precisely for that reason, either in accordance with the pre-established harmony of things, or under the auspices of an omniscient providence, they all work together to their mutual advantage, for the common weal, and in the common interest.^[77]

In terms of economic theory, political economy had difficulty explaining the sources of capitalist profit

and the other forms of surplus value - indeed, it characteristically lacked a general concept of 'surplus value'. It is just at the corresponding point in legal and political theory that its formulations also begin to break down. As Marx suggests, liberal theory rests on a series of assumptions: that the individual possesses the freedom to determine his own existence; that individuals are equal in status and rights; that individuals possess certain property rights, and not least the right to property in themselves; and that individuals have the right to pursue their own self-interest so long as that pursuit does not damage others. Liberalism as a general doctrine thus stands opposed to political despotism, inequality of legal status, and slavery. Much of modern liberalism, indeed, goes further and advances - on something like the above basis - the notion that individuals therefore have the right to an equal share in determining the legislation governing their interactions (some kind of political democracy).

All of the above is compatible with, and may be read as a legal and political underpinning of the assumptions of market exchange. Capitalism and freedom, capitalism and human rights, are regularly taken to be somehow essentially correlated. And to the degree that 'capitalism' is taken to mean no more than the intrinsic relations of contractual exchange, the position is indeed supportable. The advance of capitalism has, historically, been associated with the practical advance and extension of just these kinds of values. The consistent liberal has grounds to celebrate the progress made over the past several centuries towards the theoretical and practical development of 'human rights'. But the same liberal has grounds too for concern at the many places and social situations in which such rights still remain unfulfilled - political regimes which rob, torture, silence and oppress their citizens; inequality of status and treatment for particular ethnic groups, migrants, women, children, the LGBT community, and so forth; the practical continuation of actual enslavement of parts of the labour force. However, in the face of the still only partial achievement of their values, liberals may remain cautiously optimistic that historical progress sides with them, and that these problems remain in principle soluble. As the Wealth of Nations flourishes, so too surely does and will their freedom grow.

Marx's critique, however, throws all of this in question. The very development of capitalism, he insists, not only promotes liberalism's core values, but also *systematically denies* them. The key turning point in Marx's exposition of these matters occurs just as the seller and buyer of labour-power meet and freely bargain the terms of their contract with each other in the market - the moment of the passage cited earlier on Freedom, Equality, Property and Bentham. That 'liberal moment' initiates the transition to another social world inherently constituted on quite different principles: the world of the workplace and of exploitation. As Marx takes his buyer and seller over the portals of this other domain of capitalist life - over whose doors is written, in ironic remembrance of the entry to Dante's Hell, 'No Admittance Except On Business' - they undergo a transformation:

When we leave this sphere of simple circulation or the exchange of commodities, which provides the 'free-trader *vulgaris*' with his views, his concepts and the standard by which he judges the society of capital and wage-labour, a certain change takes place, or so it appears, in the physiognomy of our *dramatis personae*. He who was previously the money-owner now strides in front as a capitalist; the possessor of labour-power follows as his worker. The one smirks self-importantly and is intent on business; the other is timid and holds back, like one who has brought his own hide to market and now has nothing to expect but - a tanning. ^[78]

Once inside the 'hidden abode of production', liberalism's legal and political presuppositions suddenly cease to apply. The equals of the market place are now 'master and servant', 'boss and hand', 'manager and managed'. One rules over the other, commanding his or her activity. ^[79] Here workers do not determine their own life-processes, but act according to the plans of others. Here, there is not 'freedom' but 'despotism'. Here the property of the worker in himself or herself has become the property of the capitalist in its use. The world of immediate exploitation, where surplus value is produced, and where the essential distinctions of class society are reproduced, reverses the 'public' assumptions of the sphere of exchange. Here workers pursue, not their own self-interest, but the interest of those who stand over them. The capitalist workplace subverts liberalism's core principles. Here there apply the principles of *slavery* - conditioned by the limits of its duration to 'wage-slavery', but nonetheless operative - rather than of freedom and equality. And the more that capitalism develops, the more developed is this despotic relation.

The seeming free exchange between capitalist and worker turns out to be illusory, even if a necessary illusion is involved:

The exchange of equivalents, the original operation with which we started, is now turned round in such a way that there is only an apparent exchange since, firstly, the capital which is exchanged for labour is itself merely a portion of the product of the labour of others which has been appropriated without an equivalent, and, secondly, this capital must not only be replaced by its producer, the worker, but replaced with an added surplus. The relation of exchange between capitalist and worker becomes a mere semblance belonging only to the process of circulation, it becomes a mere form which is alien to the content of the transaction itself and merely mystifies it.^[80]

Or, as Marx expressed the matter in the *Grundrisse*:

In present bourgeois society as a whole, this positing of prices and their circulation etc. appears as the surface process, beneath which, however, in the depths, entirely different processes go on, in which this apparent equality and liberty disappear.^[81]

These *non-exchanges* between capital and labour nonetheless provide the founding conditions for the generalization of commodity production and circulation, and its socio-legal assumptions. Marx's analysis of exploitation, that is, offers more than a purely 'economic' analysis, but involves a fundamental critical assault on the one-sidedness of liberal jurisprudence and politics. Liberalism's own values can never be adequately realized within the framework of the capitalism which itself produced them. Capitalist society rests upon, *at best*, a contradictory combination of freedom and unfreedom, democracy and despotism, equality and inequality of status, self-determination and totalitarian rule. The contradiction between them runs through the heart of this mode of production, and is intrinsic to its character.

If we could stop the analysis at the level of *commodity production and exchange*, then it would appear that the *motive* of production and exchange is, in however peculiar a form, the satisfaction of mutual material need, i.e. of consumption, via the indifferent pursuit by each participant of their own self-interest. But the continuation of the argument to *capitalism* transforms the character of the predominant 'need' that drives this form of social cooperation. Now it is the limitless hunger of capital for *surplus value* that is the ruling motive of production and exchange.

At the level of commodity production and exchange, we have a *multiplicity* (or '*plurality*') of *commodity-producers*, whose mutual need for each others' products draws them into relations of exchange. But the greater concreteness we attain once we deal with capitalism gives these abstract figures new definition: on the one hand, a class of capitalists, still interdependent as mutual exchangers, but now understood as engaged in a perpetual scramble to expand their capital, to accumulate, and on the other hand a class of workers hiring out their labour-power to capitals in return for wages which they spend on their material consumption necessities. The self-seeking and mutual indifference of commodity producers is translated into *competition* between capitals for surplus-value, along with competition among workers for opportunities to hire out their capacities.^[82]

Capital, as Marx remarked, can only exist as many capitals. Each part of 'capital' must struggle with its fellows for survival, and must seek to expand itself as a condition for its own survival. The capitalist class is thus an inherently divided class, a band of 'hostile brothers'.^[83] Each part of that class is compelled to struggle to accumulate, to produce and realize more surplus value which it must re-invest in producing and realizing still more.

Since the source of that surplus value is labour, each 'production capitalist' is thus also compelled to struggle with the section of the total labour-force of society that it hires, to maintain and raise the rate of exploitation. Every facet of the relations of capital with labour is a potential issue of practical confrontation between the opposed interests of either side: hours of work, intensity of work, organization of the workplace, managerial power, wages, provision for health and safety, numbers and make-up of the workforce, etc. The dynamic and restless competitive energy of capitalist production, its constant cycles of reshaping, expansion and crisis, mean that these relations can never 'settle down' into

a long-term pattern of 'customary activity' in which either capitals taken together in their mutual competition or capital and labour can achieve a settled *modus vivendi*. Social disturbance and class conflict - manifested, of course, in a thousand and one different patterns of activity and interaction - are inherent properties of this system of social relations.

It is also this which accounts, fundamentally, for the enormous leaps in human productivity which mark the capitalist era. The drive to innovation is not a property arising from the nature of factories, machines, or even technically educated personnel, but is a product of the competitive relations obtaining between capitals. Growth and innovation are not optional for those who direct rival capitals, they are a condition of survival in the struggle for markets. The drive to 'growth' is a *coerced* and *compulsive behaviour* characteristic of capitalism, a direct expression of its inner social nature. Where, when considering commodity production, Marx already recognized that this is a form of social production in which humanity's products rule them, this condition is at once transformed and magnified in a capitalist world where the development of humankind's productive forces takes on terrifying new aspects of a socially destructive character: over-work and threats to life and health in capital's work-places, convulsive economic crises, famine and starvation in the midst of plenty, war and destruction on a scale never before dreamed of, and a looming prospect of the most extraordinary devastation as the poisoning effects of capital's industry on the very climate are slowly dinning themselves into popular consciousness. [\[84\]](#)

In the *Communist Manifesto*, Marx and Engels recorded that the class struggle in previous modes of production had 'each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes'. In the era of global warming, which threatens the lives and livelihoods of millions upon millions of human beings, that 'either-or' question takes on a new kind of meaning and urgency. It is difficult to conceive how, within a capitalist framework, the necessary global reorganization of production, distribution and consumption required by today's threats can even be conceived. The 'general interest' of humanity demands that such a reorganization be undertaken. But in capitalism there is *no general interest*, only the antagonistic war of all against all.



Albrecht Dürer, *Knight, Death and the Devil* (1513).

Many states

Introduction

What, then, of force and states under capitalism? With respect to our earlier discussion, the first point to note is that under these circumstances, the pressure to transgress the property rights of others gains a new urgency and ferocity. If the development of capitalism involves the generalization of commodity production and exchange, it also involves the generalization of endless violent attempts to breach the legal limits of the commodity, to break down and remake the property fences and their associated 'rights'. It might have *seemed* in the 19th century that capitalism and violence were somehow opposed, that the spread of the world market and the principles of commodity production and exchange might somehow 'soften' and 'pacify' social interactions. Today, we know otherwise.

It's not clear, however, that this is adequately registered in a good deal of Marxist theorizing. There is, I suggest, a core reason for this, itself rooted in a problem in Marx's own thinking about 'states'. In earlier work, I drew attention to this problem in Marx [\[85\]](#), which has been too often replicated in later theorizing. [\[86\]](#) It has come to be known as the 'many states' question.

From the early 1970s, especially in Germany, various groups of Marxist theorists attempted to 'derive' a theory of the state from Marx's *Capital*. [\[87\]](#) Despite the considerable interest of much of this work, it suffered from a major weakness: the writers often did not even seem to *notice*, and mostly did not attempt to theorize, a fundamental feature of the modern state: its *multiplicity*. [\[88\]](#) Or, they added it on as an after-thought, untheorized in relation to their preceding arguments. They attempted to derive the characteristics of 'the state' as if it existed in the singular, and not as part of a *system* of inter-related states, whose external relations with each other were essential to their definition and their form. They focused on the state as a form of domination over society, a form of class rule, but not on the state's other face, its existence simultaneously as an agency of conflict and competition with other states.

Going beyond Marx

One problem was that the theorists never attempted to go *beyond* Marx by exploring the limits of Marx's own work. Consideration of two passages in Marx may help to elucidate the issue.

First, in the 'Preface' to *Capital*, volume I, Marx warned German readers thinking their country would be immune to the developments he identified in English capitalist production:

What I have to examine in this work is the capitalist mode of production, and the relations of production and forms of intercourse that correspond to it. Until now, their *locus classicus* has been England. This is the reason why England is used as the main illustration of the theoretical developments I make. If, however, the German reader pharisaically shrugs his shoulders at the condition of the English industrial and agricultural workers, or optimistically comforts himself with the thought that in Germany things are not nearly so bad, I must plainly tell him: *De te fabula narratur!*

Intrinsically, it is not a question of the higher or lower degree of development of the social antagonisms that spring from the natural laws of capitalist production. It is a question of these laws themselves, of these tendencies winning their way through and working themselves out with iron necessity. The country that is more developed industrially only shows, to the less developed, the image of its own future. [\[89\]](#)

Capitalist development since 1867 suggests the problematical character of these remarks. Of course, at one level, Marx is immensely insightful. Many of the processes he analyses in England can also be seen at work in a whole variety of other countries in the later nineteenth and in the twentieth and early twenty-first centuries, often in even more dramatic and fateful form: forcible destruction of peasantries and expansion of a proletariat through 'original accumulation'; subordination of more and more aspects of life to the necessities of competitive capital accumulation; centralization and concentration of capital; and so on. Likewise, the conceptual distinctions developed - for example, those between absolute and relative surplus-value production, or between the formal and the real subordination of labour - prove immensely fruitful in a whole variety of national and historical circumstances. Yet, that said, the implicit *unilinearity* of social development that can be read into what Marx says is gravely misleading. If England was the '*locus classicus*' of development, it certainly did not provide a 'model' for development elsewhere. Rather, the English pattern of capitalist development needs to be seen as particular and 'peculiar', shaped not least by the very fact that England was the 'first' to develop capitalist production. The *differences* with English development are quite as important as the *similarities* in understanding capitalist development in other parts of the world. [\[90\]](#) But this was often not grasped by Marx's followers. [\[91\]](#)

In the second passage, from Marx's *Critique of the Gotha Programme*, Marx comments on the merely national form of the modern state:

The 'present society' is capitalist society, which exists in all civilized countries, freed in varying degrees from the admixture of medievalism, modified in varying degrees by the particular historical development of each country, and developed to a varying degree. In contrast to this, the 'present state' changes with each country's border. It differs between the Prusso-German empire and Switzerland, between England and the United States. 'The present state' is thus a fiction.

Nevertheless, the various states of the various civilized countries, despite their motley diversity of form, do have this in common: they all stand on the ground of modern bourgeois society although the degree of capitalist development varies. They thus also share certain essential characteristics. In this sense one can speak of 'present states' in contrast to the future when their present root, bourgeois society, will have died off. [\[92\]](#)

What makes modern states similar, Marx suggests, is that all these different states stand on the ground of modern bourgeois society. But what he does not bring out is that they stand in some kind of *relations to each other* on that common ground. The differences between them appear as mere accidents of history, and not as aspects of their mutual connectedness.

In summary, Marx never seems to offer an account of the *system of states* in the modern period, and certainly not in any form that is adequately theorised. There are several reasons that might be adduced for this gap in his work.

First, and as already noted, his own theoretical project was massively unfinished. Had he developed a *theorization* of such matters as the State, International Trade or the World Market and Crises (the provisional titles for his projected continuations of *Capital*), he might well have been forced to deal with the question systematically. ^[93]

Second, perhaps Marx did not get beyond the limits of the questions asked about ‘the state’ within classical political economy. There was a political reason for this. Much of Marx’s political argumentation was focused on a specific question, namely the limits of pure *political* revolutions. It is that question which unites his early *Critique of Hegel’s Philosophy of Right*, *On the Jewish Question*, *The King of Prussia and Social Reform*, and the *Communist Manifesto* with the later *Civil War in France* and *Critique of the Gotha Programme*. Much less central to his thinking are questions about the limits of merely ‘national’ revolutions - questions which became a vital issue of twentieth century communism after the 1917 revolution. Both Marx and Engels certainly took a definite position on the issue: see *The German Ideology* of 1845-6 ^[94] and Engels’ *Principles of Communism* of 1847. But it was never central to their thinking, in the sense that they worried away at it time and again.

Third, the relative silence in Marx mirrored a silence among his forebears, the thinkers of the Enlightenment, which we shall explore in the following section.

Limits of Enlightenment theories of the state

Where should the boundaries of states lie? What size of territory and population do states cover, and why? Why should this group of people owe obedience to this particular state, and that group owe it to another? Many thinkers seem merely to have taken the established division of the world into states as a natural feature. Adam Smith, for example, lists as the first function of the state the organization of ‘defence’ against threats from other states, but never inquires why this should be necessary. Nor does he relate this question to his master-issue, ‘the wealth of nations’. He simply took the necessity of state military organization for granted.

By and large, the thinkers of the Enlightenment regarded warfare and conflict between nations and states with distaste. But they tended to treat the matter as a regrettable hangover from ‘feudalism’. When they considered the matter at all, they looked to two forces to produce a more peaceful world. One was what they saw as the growing power of Reason; the other was the development of world trade. Neither force, it must be noted, has done much to date to prevent mutual slaughter between peoples over the past two centuries, although contemporary proponents of Reason and Free Trade sometimes plead the same old cases.

Immanuel Kant, who expressed nothing but horror and dislike for war between states and nations, nonetheless also took the existence of separate (and antagonistic) nations and states for granted. ^[95] While he hoped that ‘Reason’ would gradually prevail, in the sense that people would come eventually to persuade their governments to submit their disputes to international arbitration rather than to the contest of arms, he did not inquire into the causes of the disputes between them, and he explicitly ruled out the possibility that the national-state form of government could ever be transcended.

Like Kant, Tom Paine - particularly in the Smithian-influenced second part of *The Rights of Man* - assumed that the cause of war was chiefly old governments, *anciens régimes*, irrational aristocratic forms of rule. Once political democracy developed, and with it the huge spread of international economic exchange, he supposed, there would be no further reason for war. Mankind, having secured its political rights against the old regimes, could look forward to a peaceful and plentiful future.

Hegel perhaps came closest to recognizing the problem:

... since the sovereignty of states is the principle governing their mutual relations, they exist to that extent in a state of nature in relation to one another, and their actual rights are *actualized* not in a universal will with constitutional powers over them, but in their own particular wills.

Consequently, the universal determination of international law remains only an *obligation*, and the

[normal] condition will be for relations governed by treaties to alternate with the suspension of such relations.

There is no praetor to adjudicate between states, but at most arbitrators and mediators, and even the presence of these will be contingent, i.e. determined by particular wills. ^[96]

Interestingly, Marx, in his 1843 Critique of Hegel, does not comment on this passage. Hegel resolves the problem he has posed mystically: 'The relations between states are unstable, and there is no praetor to settle disputes; the higher praetor is simply the universal spirit which has being in and for itself, i.e. the world spirit.' This universal spirit is 'the world's court of judgement'. ^[97]

Grotius and the International Relations tradition

Since the beginning of the 19th century, Science and Reason have multiplied their effects upon society and its production; the division of labour and economic exchange have indeed extended across the globe, and conquered for themselves a whole world economy. But their extension has not done away with war, nor made it less frequent or terrible. Modern, republican, democratic and constitutional states have not been notably less bellicose than 'traditional', 'aristocratic' and 'totalitarian' regimes.

The major tendency of classical political thought was to treat 'state' and 'nation' as unproblematic entities, natural givens. True, there was a set of conservative theorists – e.g. the German Romantic school who 'introduced into German political thought a note of irrationalism' and rejected Kant's political cosmopolitanism. ^[98] For them, the state and the nation coincided in an 'organic community'. ^[99] But these theorists represented, in reality, what we might term an 'irrationalist rationalization' of an already divided world.

Mostly, the relations between states were not treated as a theoretical problem. There were, however, theories of how they ought to be handled. Grotius, for example, offered a doctrine in which, internally, states could do as they liked - within very broad limits determined by 'natural law'; they were indisputably sovereign bodies. Their relations between themselves were such that they could do much as they wished, so long as they did not infringe the sovereignty of other states. In the field of international relations, states were the only relevant and legitimate actors. A state may launch a 'just war' when it is defending its own sovereignty and property against assault, and when it does this with 'right intentions' (i.e. when it is not pretending self-defence and in practice invading the property and sovereignty rights of another state). ^[100] Grotius treats the state as an individual property-owner defending its rights in a basically anarchic world rather akin to Hobbes' state of nature. In the early seventeenth century, when he was writing, the state could fairly easily be treated as a 'person', for the state was, in important senses, still encompassed by the notion of 'The Prince'. But this was also the period when a new notion was coming to dominance in political theory, and reflecting a shifting reality: a doctrine of 'The King's Two Bodies' that both proposed and foreshadowed the development of the state as a corporate body which was much more than a single royal individual. ^[101]

Grotius' theory assumed that the state (or prince) had property rights in territory and in population, and thus also legitimized the division of total territory and people into discrete blocks of 'state property'. How, then, did it legitimize this division? In the case of individual private property, we have efforts like that of Locke to provide a general philosophical underpinning for it - in terms of the individual gaining 'rights' by 'mixing his labour' with nature. But what of states? Their 'right' can hardly be founded in this way.

There is a rational kernel in Grotius: in the world emerging in his period, states were becoming exclusive property owners, with the boundaries of their estates being demarcated more clearly, and with each being compelled - by the force of the relations among themselves - to respect others' boundaries (more or less, of course). As a general justification of a situation, Grotius is hopeless; as an empirical description of an emerging operative set of rules and procedures, he has it about right.

However, the interest of ‘political theory’ in these questions tended to be rather limited. ^[102] Liberalism has sometimes protested at war, but it has not provided any adequate or interesting explanation. One reason is that it has never, really, critically assessed the nature of the states-system or the very existence of ‘nations’ and their conflicts. There is a long line of conservative national thinkers who have certainly taken serious note of the existence of the modern system of states, and of the conflicts between them. Their heritage is the modern academic theory of ‘Realism’ in the study of international relations. States have their interests, and those interests collide: indeed, they insist on the profundity of that truth. ‘Realism’ in politics begins with the recognition of that elementary wisdom. But as to *why* states populate a special inter-state world akin to Hobbes’ state of nature, they have either no answers or (at best) historically unsatisfactory ones. They are prone to take the existence of states in conflict for granted, on the principle that ‘that is just how it is’. Since their ‘political science’ has usually been developed under the aegis of a particular one of these states, they have commonly concerned themselves with practical doctrines, often of a Machiavellian kind, for advancing the taken-for-granted interests of ‘their’ state in its confrontations with others. Not uncommonly, they have taken the existence of ‘nations’ as some naturally given phenomenon, with two corollaries: first, that ‘states’ somehow represent these ‘nations’ and, second, that these ‘nations’ are for some reason naturally prone to closure and to conflict with other such ‘nations’.

Thus, if political philosophy might try to prescribe broad rules of moral behaviour as between states, it seems to have been much less successful in developing any adequate theory of the primary existence of these states and their ‘property’ and ‘sovereignty’, and of the lines of division between them. Indeed, this is not surprising: in practice it would be difficult to find a rational justification for any particular state. The boundaries between states are historically contingent and accidental, the creation of contests of force. Here, certainly, the basic doctrine has indeed been ‘Might Is Right’, or Marx’s ‘club-law’.

No theory that attributes the existence of states to the prior existence of ‘nations’ can satisfy us: for it was precisely the business of states to *construct* ‘nations’ beneath themselves, as a basis for winning support and legitimacy from their own citizen-subjects. Nations were made, not born, and they were made, not least, in an antagonism with each other that reflected the antagonism of their makers and organizers, the ‘nation-states’.

Marxist state theory since the 1960s

Our review of state theory the centuries preceding Marx shows a common theoretical weakness, in a failure to theorise the division of the world into a system of nation-states. This is a weakness that has affected Marxism as much as liberalism, conservatism or disciplines such as International Relations.

The revival of Marxist writing from the later 1960s never really grappled with the ‘many states’ question. Thus, solutions to a basic question – *‘what makes the modern state capitalist?’* – tended to be unsatisfactory, so far as they were limited to the *domestic-national* relations between particular states and (capitalist) classes. In some cases, the form of theorizing left the question of the ‘capitalist’ character of the state essentially *contingent*: in Miliband’s best-selling *The State in Capitalist Society*, for example, most of the argumentation concerns social linkages between business and state elites via education, shared culture and wealth-holding, leaving the way open for essentially ‘reformist’ conclusions to be drawn. More generally, Marxism came to be associated, in a variety of settings, with a ‘statist’ vision of socialism that could not be squared with the profound *anti-state* impulse in Marx and Engels.

It was in part this particular theoretical lapse in the Marxist debates of the 1960s and 1970s which opened the door to a revival of neo-Weberian arguments. These, at least, had the merit of discussing and theorizing the existence of the modern *states* system, although – because they saw that system as theoretically ‘autonomous’ – the implications of their case were also ‘reformist’. First, in their accounts, there was nothing especially ‘capitalist’ about the modern state system, and, second, conflicts over state policy (especially with respect to matters of war and militarism) were seen as distinct from those over capitalism. Thus their theorizing led to a loss of the sense of ‘totality’ which Lukačs, for example, saw as absolutely central to Marxism. ^[103]

To sum up, with reference to part of my earlier argument, the weaknesses in Marxist writing can be seen as having several roots. First, the foundations of exclusion and force within commodity production were insufficiently explored. Second, the closely connected issue of *competition* appears to have attracted little attention. Third, the ‘many states’ problem was never properly addressed. Fourth, as noted above, Marxist theorists have insufficiently explored the implications of the systematically *unfinished* character of Marx’s own critique of political economy. [\[104\]](#) The result was a ‘one-sidedness’ in the development of the Marxist critique of capitalism, with more theoretical attention given to matters of class struggle, domination and division, and less to the other - and - simultaneous central fault-line within capitalism, the division of society into competing and estranged individual and collective subjects. [\[105\]](#) Marx’s followers stayed too close to his actual texts and to the problems explored therein, and did not go on to ask with sufficient firmness what questions remain to be addressed within the same overarching system of concepts - nor, therefore, how such further explorations might feed back into an enriched understanding of what Marx did achieve. [\[106\]](#)

Re-thinking the multiplicity of states

In the light of all this sense of lack, where might we begin again?

Let me come at the issue a little crab-wise, by considering a *presentational* question: how should the matter of ‘many states’ be introduced into a systematic account of capitalism? What is clear is that the multiplicity of states cannot be ‘derived’ from the concept of capital. By processes of ‘derivation’ it is perfectly possible to ‘derive’ an empirical absurdity: namely, a capitalism with a single state. [\[107\]](#) Marx’s aim for theory was to represent the world adequately in theoretical concepts. His presentational method was not, actually, one in which he derived concept from concept - even if he sometimes, in the name of *art*, made it look as if he did. Rather, his method of presentation involved struggling to find a way of ordering observations about the real world, by introducing each of them at an appropriate point in the overall elaboration of his conceptual system. Marx, in practice, moves between different levels of abstraction in the course of his exposition, from more general to more specific concepts. As he does so, he changes the angle of focus, gradually enriching what has gone before and filling it with additional content.

Thus, in the first two volumes of *Capital* Marx explores the concept of ‘capital in general’ in order to discover what it is that distinguishes capitalist production from other modes of exploitation, and indeed to show both that capitalist production is founded on exploitation and that the production and circulation of capital form a unity. In volume 3 he shifts to a different level of abstraction. Up to now, for the purposes of exposition, he has assumed that capital is a unity, differentiated only by ‘Departments’; now he introduces the fact that, actually, capital is *multiple*, and that between capitals competition reigns – both within ‘branches’ and across the whole economy. There are several effects on the theoretical presentation.

First, concepts which were developed at the more abstract level of ‘capital in general’ now have to be *translated* to more concrete concepts, closer to the everyday world. Where, in the first two volumes, Marx spoke of ‘value’ and ‘surplus value’, now he must shift register to the language of ‘price’ and ‘profit’. The earlier concepts are not simply abandoned, but ‘transformed’. The new concepts are ‘surface’ versions of the earlier ones, and rooted in their assumptions.

Second, the introduction of competition between capitals involves not only a progress forward ‘from the abstract to the concrete’, but also a *return* to the most abstract starting point, the discussion of commodity production, the division of social production into *many* producers all entangled with each other in a single system of value-regulated social production. Only now that starting point itself has a new concreteness, as ‘social necessity’ now appears in the form of all-round competition among capitals and the formation of a general rate of profit among them.

Third, if initially capital appears as a unified interest, now its bearers, the capitalist class, appear as unified vis-à-vis labour but divided internally among its various parts and members: it is a band of ‘hostile brothers’.

As Marx then progresses through volume 3, he elucidates the nature of capital further, by turning to the fact that capitals are not simply ‘many’ (and equivalent) but also *heterogeneous* in size and in form. First, their organic compositions are quantitatively different. But, second, they are also qualitatively distinguished into industrial and commercial capitals, into profit-receiving and interest-receiving (finance) capitals, into profit-and-interest receiving capitals and rent-receiving landed property, itself a form of capital. Each of these different forms has its own particularities, and each its own place in the overall reproduction of capitalist production as a whole. On the one hand, the inner complexity and diversity of capitalist property is shown; on the other, all the different forms are shown as rooted in the same essential process: the production and distribution of surplus value.

The forms of capital which Marx discusses, once he has left the initial, and relatively simple ground of ‘production capital’, have historical origins and forms which long predate the dominance of capitalist production relations: mercantile capital receiving ‘commercial profit’, banking capital receiving ‘interest’ and of course landed property receiving ‘rent’. Within modern capitalism, these apparently ancient forms are now transfigured by the new roles that they play within the total process of capitalist production, once their movements are shown as dominated by and subordinated to the essential movements of ‘production capital’. They have been incorporated and transformed in their functioning by the growing dominance of capitalist production. Together with production capital proper, they represent different forms in which surplus value is distributed, and contribute to the apparent complexity of the social differentiation of the capitalist class. [\[108\]](#)

Marx’s manuscript breaks off at this point, as he is about to begin a formal discussion of ‘classes’ - to the disappointment of modern sociology! However, in terms of the *logic* of Marx’s presentation, a further step must surely have followed. Some approach to the question of *the state* would seem to be the apparent next step. For, as noted earlier, Marx has not yet discussed one final, and crucial, form in which surplus value is distributed: *taxation*, collected by states from the ongoing capitalist production and circulation process. [\[109\]](#)

How Marx himself might have developed his account of the state we can only guess. My own interpretation (above) is that its examination would, among other things, have driven Marx back to consider the legal and political aspects of commodity production, the ‘exclusionist’ nature of modern property, and questions of ‘property defence’. However, the proper introduction of the question of the state in relation to capitalism [\[110\]](#) necessarily must involve a further shift in the level of abstraction. If, in the first two volumes of *Capital* Marx discussed ‘capital in general’, and then in volume 3 he differentiated that concept, he still remained throughout on the ground of what we might term ‘capitalist society in general’. However, in order to give an adequately theorized account of the modern state, a further move towards the concrete is required.

Towards the concrete

To be clear what that move is, consider a well-known passage from *Capital* volume 3, which Engels edited into Marx’s discussion of landed property. Marx is discussing in general terms how to differentiate modes of production:

The specific economic form, in which unpaid surplus-labour is pumped out of direct producers, determines the relationship of rulers and ruled, as it grows directly out of production itself and, in turn, reacts upon it as a determining element. Upon this, however, is founded the entire formation of the economic community which grows up out of the production relations themselves, thereby simultaneously its specific political form. It is always the direct relationship of the owners of the conditions of production to the direct producers - a relation always naturally corresponding to a definite stage in the development of the methods of labour and thereby its social productivity - which reveals the innermost secret, the hidden basis of the entire social structure, and with it the political form of the relation of sovereignty and dependence, in short, the corresponding form of the state. [\[111\]](#)

Let us ask: what is ‘the entire formation of the economic community’ which grows out of the production

relations of capitalism, and what is ‘simultaneously its specific political form’? The ‘economic community’ is, surely, the *modern world economy*, that is, the entire developed and inter-related system of global production and exchange, of international investment, trade and movements of people, of financial transactions and so forth. And what is the corresponding political form? That must be *modern system of nation-states*, that is, the modern condition of ‘many states’ and their ‘international relations’.

That is, rather than arriving, almost as an embarrassed after-thought, at a recognition of the multiplicity of states in the modern world, once the serious business of discussing the nature of ‘the state’ is completed, a possible theoretical procedure would be to *begin* with that multiplicity, or at least to introduce it at a suitably early stage in any theoretical development. Once this vital move has been made, it is then possible to make some essential points about ‘modern states’ and their significance as ‘the specific political form’ of the world economy.

Once we shift our angle of vision to the *world*, it becomes apparent that a whole series of variously theorized claims and justifications for the state are bankrupt and empty. In particular, the notion that the state represents the ‘common interest’ as against the ‘private interests’ of civil society, the idea on which in their different ways thinkers from Hobbes to Hegel actually agreed, collapses. Each state is only *local*, merely ‘national’, is *limited*. All idolatry of ‘the state’, whether from Right or Left, turns out to be worship of a merely partial, petty thing with no sustainable claims to *generality* or *universality*. Each state is merely a ‘part’ of a larger totality, one element among many, dominated in its very definition by its relation to other such parts and by its relation to the whole. In the same way that the very nature of a *commodity* can only be defined by its relation to other commodities, so too with a state.

In his early writings, Marx doubted the pretensions of the state, by revealing its connections with private property. Shifting our angle of attention to the world, and thus recognizing the merely local nature of every separate state among other states, suggests that Marx was right, but only in a one-sided fashion. His insistence that the state could not provide the key to the solution of major social problems, and that the greatest contribution it could make to human welfare was ‘suicide’, takes on a whole new meaning once we recognize its mere localism.

The world of capitalism is characterized, not by the superimposition of ‘a state’ but rather by a condition of political ‘anarchy’. Only *anarchy* is not here linked with a condition of statelessness, but by a condition of having many states. To that old question - *Quis custodiet ipsos custodes?* (*Who will guard the guards themselves?*)- the answer is: *Nobody*. There is no universal sovereign, making law impartially for all, enjoying a Weberian ‘monopoly of the means of the legitimate violence’. States acknowledge no supreme ruler, no magistrate of magistrates, no supreme court. Earlier, I identified two potential solutions to the problem of the organization of force in society – ‘club law’ and ‘state’. In the modern world, ‘the state’ turns out to offer only a partial solution to that problem, and one that is itself dominated by the other possibility. Between states, nothing but club law, or the principle that Might is Right, holds sway. Each state’s relations with other states are mediated by armed force, by war and diplomacy, by power and wealth.

The ‘modern state’, as merely one state among many, is ‘Janus-faced’ - it faces simultaneously outwards at the world of other states, and inwards and downwards at its own subjects. In this sense, the system of states mirrors the political relations that Marx decoded within the essential structures of capitalist production relations: states stand in a hierarchical and despotic relation to those they rule, while between their many units there is anarchy. The rivalry between states, and the formal equality between them that is involved in their mutual recognition, is matched by their exploitative relations with their subjects.

States and property

One of the claims made for states in a variety of political theories is that they transcend the limits of private property, standing above the separate and selfish interests constituted within civil society. Not only that, but ‘state property’ is presented as the *negation*, the very opposite of ‘private property’ and - in ‘leftist’ versions - the solution to its problems. This idea unites the ‘socialism’ of classical social

democracy and of Stalinist communism alike. But in a *world* perspective, such a notion appears thin and ridiculous. Rather, we should see the state and its property, not as a negation of private property, but as merely one of its contemporary forms.

The property of the modern state consists, first, in the exclusive claim it lays to *territory*, [\[112\]](#) and everything thereon - people, means of production, natural resources in the shape of minerals and other raw materials, and so on. Outside the iced wastes of Antarctica - and there only because of inter-state treaties - there is no part of the whole land-area of the globe that is not the property of a state. Indeed, the seas too on every coastline are jealously divided. In the same way that the boundaries of private property are marked about by fences, actual and symbolic, so too with the territory of the modern state, whose borders are carefully delimited and guarded. The political and economic geography of the whole world system is marked by frontiers and borders, whose maintenance by force and the threat of force is a permanent and necessary cost of the operations of that system. Like all boundaries around private property, these borders have nothing 'natural' about them, but are the product of war and diplomacy. They are marked with a host of symbols and delimiters, celebrated with songs and flags and rituals, and legitimized with 'invented traditions'. [\[113\]](#)

Within their bounds, fictitious communities - 'nations' or 'imagined communities' [\[114\]](#) - are formed, each marked by its distinction and separation from others. The 'nation' is, alongside territory, a second form of property of the modern state, itself consisting of a population - another distinctive category of the modern world - itself made up of the subjects of the particular state. Those constituting the population enjoy whatever equal or unequal political rights the local state permits them, and are the immediate sources of its collection both of tax-tribute and of the personnel for its military and civil apparatuses. It is their productive activity which constitutes the 'wealth of nations', and of the relative power of each state to others. Their quantitative and qualitative characteristics are vital properties of every state, and their statistical numbering and classification become an essential branch of state activity. [\[115\]](#)

Every state, I suggested earlier, must 'manage' its property in territory, population and productive power. It does so, however, as a merely local power, its managerial activities shaped by its relations of interdependence and antagonism to other local powers, within the context of a *world* society and economy whose movements it can no more control than King Cnut could rule the tides. The transactions between states - their mutual recognition as subjects with powers and rights, their exchanges, alliances and so forth - are as much governed by a 'social necessity' external to them as are the values of commodities. The maintenance of their physical and symbolic borders against transgression, too, demands the regular application of *forceful* assertion of 'right'. Social necessity, the product of their mutual interdependence, imposes tasks upon each of them which are inherently 'unproductive', but which are inherent necessities of the protection of their 'national interests'. Justin Rosenberg rightly notes that the 'balance of power' in inter-state relations is the political correlate of the 'invisible hand' in the market. [\[116\]](#)

In a world economy and society which is *capitalist*, the system of states, their mutual inter-relations and their separate existence, the different local structures and their distinct particular policies, cannot but be shaped by their own *capitalist* form too. The capitalistic nature of the modern state is not, first and foremost, a function of the biases in social relations and attachments between its personnel and those of capitalist business, as a certain kind of 'radical sociology' proposes; it is, rather a function of the fact that the system of states is itself the 'specific political form' of the global capitalist economic community. The imperatives of capital accumulation impose themselves upon each state as social necessity.

Historically, those imperatives were perhaps first felt most powerfully in the field of the *military* relations between states. Here the same logic which compels capitals to innovate endlessly, in order to survive in competition, also appears: in the shape of *arms races*. Here, given the restless inventiveness and expanded productivity of modern capitalist industry, arms races no longer take the form of mere quantitative piling up of soldiers and means of war. Rather, they involve endless technological development, the work of massive military-industrial research and development complexes which

absorb an economically significant element of total surplus-value. Just as the Ford Motor Company must match the styling innovations of Volkswagen in the peaceful competition of the world marketplace, so rival states and coalitions of states must match the firepower innovations of their competitors. The law of value, as I noted earlier, operates with equal power in the 'unproductive' world of 'defence'. The very core of modern state business, the defence of the artificial integrity of the nation-state, is in the modern world indissolubly tied to the assumptions and procedures of capitalist production.

But the growth of a world market as an intrinsic element of capitalist development also imposes tasks on each state which are equally competitive and accumulation-driven. The most obvious field in which this is true is the management of the national *money-currency*, itself dependent on such other factors as 'balance of trade', 'balance of investment', 'relative growth', 'share of total production', etc. The relative value of the national currency to 'world money' - a physically non-existent yet powerful moderator of all economic transactions, sometimes partially represented by the currency of one of other especially powerful state (English sterling in the nineteenth century, the American dollar in the twentieth) - sets moving targets and limits for every state, each with its own National Bank. ^[117] Every state, in its manifold forms of rivalry with other states, must involve itself with the matter of the productivity of its labour, the effectiveness of local capital investment, and so on. All significant indicators of state performance are inherently relational measures of the relative and shifting power of states with respect to each other.

The 'laws of motion' of capital shape the behaviour of states quite as much as they shape the behaviour of the directors of companies, even if the field of their influence and operation is shaped by their distinct institutional structures. The very content of the laws which modern states promulgate and adjudicate, and of the immense administrative interventions which they make into the everyday functioning of the local fragments of world 'civil society' which fall under their command, are permeated with the assumptions of capitalist production, accumulation, competition.

In short, and in contra-position to the neo-Weberian case that the system of states is 'autonomous' from the system of world economy, the two are but different faces of the same reality, the modern capitalist system. The modern state has become as much subordinated to the imperatives of the underlying drives of modern society, the competitive accumulation of capital, as any trader, factory owner or proletarian.

Specificities of the capitalist state

There has been a recent, and very welcome, revival of interest within 'Marxist political economy' in the 'many states' question. ^[118] One question posed by that debate concerns whether the 'many states system' is an inherent part of capitalist world economy, or whether it is merely 'historically contingent' and thus open to being replaced, by some means or another, by a single world state. The latter position has been proffered by Benno Teschke and Hannes Lacher; ^[119] a stronger version, affirming the 'autonomy' of the inter-state system from capitalist world economy, is argued by several 'neo-Weberian' theorists including Anthony Giddens, Michael Mann, and Theda Skocpol. ^[120] Part of their argument is that the birth of the 'many states' system pre-dates the emergence of capitalism, being in essence a feudal heritage.

However, this supposes more *continuity* between late European 'feudal' politics and modern 'capitalist' politics than can be easily sustained. At the end of the 15th century - a conventional starting date - Europe's political system was certainly characterized by a multiplicity of partly autonomous, partly overlapping political units. Charles Tilly suggests that in 1492 there were 200-odd 'state-like units', many overlapping in territory and comprising patchworks of semi-autonomous governments. By 1992, despite the disintegration of USSR, there were only 35, with only a few (Andorra, Liechtenstein, Monaco, San Marino, Vatican) recalling the enclave micro-states so common in the 1490s. ^[121] In the earlier period, the boundaries between 'states' were fluid and overlapping. By the latter period, they were carefully mapped, defined, and policed. In the earlier period, 'states' were largely personalized systems of rule with little capacity for direct intervention into the lives of subjects; much 'administration' (if that is not a misnomer), taxation and judicial control was undertaken through

extensively autonomous intermediaries. By the latter time, states had become largely disconnected from the persons of their immediate rulers, they had developed extensive bureaucratic machines of intervention and surveillance into the everyday lives of a carefully enumerated, classified and delimited 'citizenry'. That system of state control relied less and less on 'local' and above all autonomous intermediaries, and more and more a direct and centrally coordinated machineries of state rule and exploitation.

Much of this work of 'state building' was undertaken in Europe in the 19th century, sometimes through or in response to revolution (France, Prussia), sometimes not (England). Especially in the 20th century, although foreshadowed earlier, they took on roles in the direction of capital investment and production, and of course in the construction of 'welfare' apparatuses for the management of wage-labour. As for the 'states system', it is argued that this was given a first formal recognition in the Treaty of Westphalia in 1648. The question of dates is less important. What matters is that there is a profound *discontinuity* between the nature of 'the state' in the period before the rise of capitalism, and the nature of 'the state' in developed capitalist society; there is likewise a profound discontinuity, in terms of organization, form, and significance, between the 'feudal order' of (late) medieval Europe and the modern system of rival sovereign states. True, the 'parcellated' and 'tesselated' feudal order [\[122\]](#) provided a historical launching pad for the development of the modern system of states (and likewise for the development of capitalist relations of production) which 'world empires' like China did not and perhaps could not. But the only element in common between medieval Europe and the modern world is a formal negative: neither is an all-embracing empire. Between the late 15th century and today what needs to be stressed are the profound processes of *transformation* of the political structure.

Two questions then suggest themselves. First, can any general pattern be discovered in these transformations, which might be rooted in the underlying character of capitalist production and circulation? Second, are there reasons, internal to the capitalist mode of production, that suggest why the many-states *system* might be maintained?

Combined and uneven development

One of capitalism's achievements is its unification of the whole globe into a single interactive productive system, under the dominance of capital. Capitalist industry creates a world economy. Expanding productivity creates a rapidly growing flow of commodities whose value must be urgently realized, pressing capital to seek markets beyond any national limits. In its money form, capital seeks profitable investment outlets across the globe. Its cheapened commodities 'batter down Chinese walls', undermining pre-capitalist production systems and dislocating national economies. Mutual competition between capitals within a single 'domestic' market translates and scales up into 'international' pressure on the nations and industries of the entire world.

Pre-capitalist 'uneven development' between different regions of the world became universally 'combined development', complexly integrated by historically new mechanisms, a core topic of Marx's *Capital*. No part of the world was now exempt from their increasingly direct influence. The 'combined' character of capitalist development consists in a form of social interchange that imposes itself on producers who are formally autonomous, yet necessarily interdependent, bound together, through the movement of their products, in competitive antagonism.

If one single 'law' expresses the capitalist form of combined and uneven development in summary manner, it is 'the law of value'. That law has two main clauses: 'competition forces all producers to produce with the minimum input of concrete labour time, and forces a tendency toward a normal rate of profit in all industries'. [\[123\]](#) Existing levels of development of the productive forces shape the *validation* of products via socially necessary labour time, a measure given by the whole level of societal development. Producers are *compelled* to try to match the latest technique, under a definite threat of punishment for non-compliance – in the form of non-validation of their productive activity and thus economic failure. The law of value is, to repeat, not merely a 'description of regularities' but a *prescriptive command*, more generally powerful in its real effects on behaviour than any edict or fatwa. It subordinates not only workers and employers, but the mightiest governments. Yet its forces derive,

not from any powerful deliberative agency, but from the impersonal workings of the capitalist form of social cooperation.

The law of value expresses and engenders a developmental pattern within capitalism for which I know no better term than ‘combined and uneven development’. [\[124\]](#) That governs not only the movement of capitals, but also the development of nations and states, through the force of ‘coercive comparison’.

We have already seen Marx noting the political differences between nation-states among the advanced capitalist powers of the nineteenth century, and - in the conceptual development within *Capital* - introducing the quantitative and qualitative distinctions among forms of capital. Of course, difference, unevenness and inequality goes much further than this. No account of twentieth century capitalism can fail to observe the vast differences in levels of productive capacity between, say, the United States and Afghanistan, Sweden and Burundi. The capitalist world is marked by widening inequalities and deepening unevenness as between its nations, peoples, regions, parts as well as classes. In different parts of the world, capitalism and its states system take on very varied aspects and colours.

Every modern theory recognizes ‘difference’ and ‘uneven development’. However, this simple observation is, by itself, insufficient. The unevenness of development within capitalism is not a set of simple differences among parallel, disconnected and distinct systems, as one might say that shirts are different in their size and colour. For unevenness in world capitalism exists between elements of a single system of interacting parts. Difference is ‘difference within a unity’; unevenness is *combined*. Unevenness in development as between different human societies across the globe has a very ancient lineage, but ‘combined and uneven development’ is peculiarly an antagonistic property of the modern world. For where, in the past, uneven development reflected the separation of social worlds, seen at its most extreme in the total social isolation for whole millennia of Eurasia and the Americas and Australasia, in the modern epoch all areas of the world are linked together in a single complex of cultural, economic and political interchanges. Differences between the different elements making up the modern world system are significant, both because they affect the behaviour and internal organization of each part and because they are the product of the mutual interactions between the parts, which are all defined by their particular locations within the overall world system. With their singular differences and particularities, each nation-state forms an element in a totality comprised by its internal interdependencies. There is thus a form of ‘unity in difference’ marking the global system of capitalism. The idea of ‘combined and uneven development’ is a necessary element in any theory of capitalism as an organic whole.

Trotsky’s theory of ‘combined development’ was first formulated to account for the particular pattern of revolutionary possibilities appearing in Russia in 1905, and more decisively in 1917, and forms an integral element of his theory of *permanent revolution*. As a theory about backward countries, it is immediately generalizable. Backwardness is, of course, a comparative, relational measure. Backwardness appears as a practical *problem* only in a world in which coercive comparisons are made between countries, and where backwardness imposes direct costs and pains on those who experience it. These may be felt in military, economic or other competitive struggles. As I argued elsewhere:

Only from the angle of world economy, of the *combined development* of the different countries within it, do words like ‘advanced’ and ‘archaic’ have any meaning, as measures of *coercive comparison* within a larger system of competitive interactions. Nothing *intrinsic* makes a thing ‘backward’. We can turn a horse-drawn gun carriage every way up, subject it to all manner of chemical and other tests, and nothing ‘backward’ will appear in its make-up. But set it against a motorized tank, and its backwardness soon appears. Trotsky’s specific usage of ‘combined development’ *assumes* a wider field of combined and uneven development, in the ‘extended’ sense. [\[125\]](#)

The impact of uneven development is felt, in the shape of unequal power in direct contests and in resistance to domination, as ‘traumatic’ shock in backward countries. [\[126\]](#) It compels them to adopt new forms and conditions of production; it undermines existing hierarchies and transforms the situation of ruling elites; it initiates new patterns of thought and sets up new standards of evaluation, not least those drawn from the external arena; it induces a *consciousness of backwardness*. The way a collision

between the advanced and the backward is experienced is differentiated by various circumstances, of which one of the most significant concerns the 'independence' of the backward country's state. In an *imperial-colonial* encounter, the terms of the backward area's responses are determined in the metropolis, externally. But the *independent* state has the opportunity, if it can so organize its forces and muster its resources, to adopt new methods, within a setting where older social forms, assumptions and standards of evaluation are challenged.

In some circumstances, therefore, the experience of backwardness can itself be a propellant of change. Here, external needs are 'internalized'. New standards of evaluation imported along with the coercive shocks of encounter contribute to the formation, within particular groups, of new aspirations, new goals, new grievances. Such internalization, however, depends on the inter-relation between external pressures and internal conditions, on the capacity of social forces within the backward country to so re-shape the mobilization of internal and external resources that a competitive response is organized. This depends on the nature of existing internal structures, and on struggles among classes and groups in the backward country. Not infrequently, a more or less revolutionary transformation of internal relations is a precondition of deploying the 'privilege of backwardness'. In the 1860s, for example, the pattern of the countries which would join Britain in dominating world political and economic struggles during most of the 20th century was set through a series of 'revolutions from above', in each case taking a particular form: the deployment of state power in France under Louis Bonaparte to promote industrial development, the unification through internal wars of Germany, Italy and the USA, the serf-emancipation in Russia, the Meiji Restoration in Japan. The disadvantage faced by *colonies*, both formal and informal, was that political forces within them had first to establish their 'national independence' before ever they could begin to re-shape their relation to the world economy - and the major wave of de-colonization would not begin for another eighty years, when the 'privilege of backwardness' had become decidedly less apparent.

Backward countries which are in this position can, as Trotsky noted, append or add on elements of advanced development learned elsewhere, mixing them into their existing socio-political and economic domestic structures without having to go through the long travail of actually developing them for the first time. It is not necessary to re-invent the wheel to use it. [\[127\]](#)

In the process, such states do not repeat the forms of organization, nor the tempos of development, of those they emulate and compete with. Rather, development out of backwardness regularly involves both emulation and *innovation* in political and economic forms. One common pattern, apparent from the later nineteenth century onwards, involved greater reliance on more *centralized* modes of economic and political coordination, whether through banking systems which were more directly involved in industrial investment (as for example in the USA, Germany and Japan) or through the direct use of the central state to mobilize and shape the pattern of industrial investment (as for example in Japan and Tsarist Russia).

Here the very need to mobilize resources in a *different* way for the *forcibly shared* project of competitive capital accumulation induces a change in the nature of the directing agents of capitalist development. Where in England small capitalist tenant-farmers and manufacturers, including former artisans, played a fundamental role in setting English political economy on the road to industrial capitalism, now other kinds of social figures adapt their positions to play a similar functional part. Bankers, state bureaucrats, military personnel, former 'feudal' samurai, Saint-Simonian socialists, nationalists, fascists, communists, Islamic ideologues and others were all, over the later nineteenth century and the twentieth century, to play the role of 'capitalist' in different local circumstances. [\[128\]](#) That role involves, at its heart, subordinating their national societies and economies to the imperatives of world competition, organizing the exploitation of local labour forces and directing the fruits of that exploitation into industrial and military investment.

What becomes apparent is that different relationships between states and capital develop in different national and regional settings. There is no single formula which can catch these varying inter-relations, considered by themselves, in isolation from the onward development of the world economy as a whole. The very existence of 'national peculiarities', as this appears within the framework of expanding and developing capitalism across the globe, is not simply a function of inherited differences in starting

points, but, is a product of the workings of the world system itself, as these are inflected within each separate national state. These peculiarities include not simply varying structural relations among local states, local capitals and local labour forces, but also the whole political and cultural webs of social relations in which these are implicated and the corresponding local forms of 'civil society'.

These national differences cannot be understood adequately by the simple methods of a 'comparative sociology' which lays its units for comparison side by side, each on its own, without attention to the inter-relations between them. Nor can it be understood by beginning with some 'norm' of development, based on the experience of one or a few countries, and then finding other patterns to be somehow 'deviations' or demonstrations' of 'incompleteness' or backwardness. ^[129] For each country is part of a larger whole, standing in a particular, and shifting, nexus of relations with the other parts and with the whole, shaped simultaneously both by the development of social relations within its borders and by the multiple forms of economic, political, military and cultural traffic across those same borders. Indeed, as suggested above, the very borders themselves are the historic products of forceful interactions with other states, requiring the deployment of external force to maintain the very 'integrity' of the country itself as a distinct unit. 'National economy' is itself something fashioned by division of the world, an achievement as well as a starting point. 'Unevenness' is not merely an inherited problem, which further development will tend to smooth out and homogenize (as in the projective ideologies of 'modernization' theory), but, is itself a dynamically produced effect of the very interactions and interdependencies that drive the whole capitalist world development process.

Differentiation thus begins with inherited differences, including variable 'natural advantage', and with the variable location and timing of the incorporation of different parts of the globe into the modern world system, but the very inheritance is itself subject to further transformations and the natural advantage pattern shifts with additional development. If at one stage the sectoral map of world capitalism appears relatively simple, with some regions playing the part of 'agricultural outposts' of the industrial metropolitan centres, so that inequalities correlate quite simply with sectoral economic roles, further development complicates this pattern. (The history of Australia, or more recently of the 'Asian Tigers', will suffice by way of example.) If there is learning, copying and emulating among the backward in their dealing with the advanced, the outcome is not a mechanical process of repetition of 'stages' of development in each separate country, but the elaboration of differences in modes of being a 'capitalist state'.

If the idea of combined and uneven development was first developed to account for the peculiarities of development in backward countries, and to explain the systematic nature of national differences, a shift of angle of perception suggests that it also offers a way of conceptualizing world capitalist development as a totality. The very accumulation of differences, and the self-transformation of the parts of the world system in their mutual competition with each other, reveal themselves in larger, overall patterns of development at the level of the world as a whole.

One 'sub-clause' of the law of value deals with the law of the 'tendency of the rate of profit to decline, and its counteracting tendencies'. The interaction of capitals, through the circuit of production and circulation, involves unevenly advantaged capitals which differentially invest in new means of production, thus tending to cheapen commodities at the point of sale. They act this way because of competition between them, and because, in any case, technical change does not occur evenly. Those capitalists who advance their productive technique and thereby reduce the value of the relevant commodities deliver a nasty shock to those who stick with old methods of production. For now, these find, when they come to market, that the general price has fallen and their output of commodities (and thus their capital) has been devalued. The antagonistic process of combined development that defines the relations between the 'enemy brothers' (Marx) who constitute the capitalist class not only assumes a starting point of unevenness but, more to the point, *generates* uneven development among them, in the shape of what Weeks terms a 'stratification of capitals' within the industry, and a redistribution of capital among participating capitalists. As Weeks comments, 'The law as such and the counteracting tendencies... come into play as a result of a dynamic process of uneven development... the process of accumulation has within it the devaluation of existing capitals'. ^[130]

Here is a neat dialectic indeed, where one process, accumulation, engenders through its very logic its

opposite, devaluation. In its combined capitalistic form, uneven development generates new forms out of itself.

There are other directly contradictory tendencies arising from the form of combined and uneven development we find within capitalism. Let me draw attention to just two. First, there is the contradiction noted vividly by Trotsky, between a tendency to ‘equalization’ and a counter-acting tendency to ‘differentiation’ within the very expansiveness of capitalism:

By drawing the countries economically closer to one another and levelling out their stages of development, capitalism... operates by methods of *its own*, that is to say, by anarchistic methods which constantly undermine its own work, set one country against another, and one branch of industry against another, developing some parts of world economy, while hampering and throwing back the development of others. Only the correlation of these two fundamental tendencies - both of which arise from the nature of capitalism - explains to us the living texture of the historical process. [\[131\]](#)

And, Trotsky continues, imperialism – itself, of course, the outgrowth of the workings of capitalism’s inner tendencies to expansion and centralization – ‘lends vigour to *both these tendencies*’. In linking the world together, it both makes its methods and forms more identical and, simultaneously,

...it attains this ‘goal’ by such antagonistic methods, such tiger-leaps, and such raids upon backward countries and areas that the unification and levelling of the world economy which it has effected, is upset by it even more violently and convulsively than in the preceding epochs. [\[132\]](#)

Second, Bukharin is the author who, most sharply, records a second contradictory tendency in world economy and imperialism. [\[133\]](#) First, capital tends to spill over national borders and to ‘internationalize’ its circuits of production and circulation. But, second, that very tendency generates a counter-tendency to ‘nationalization’ of capital and the formation of ‘state capitals’. Actual historical development consists in the continual contradictory interplay of these two tendencies; in no sense does one of them render the other ineffectual.

In all of this, of course, *force* plays an intrinsic part. It was not only through cheapening of commodities that Britain in the 1840s ‘battered down Chinese walls’. Japan was forcibly ‘opened’ to the world by the simple American naval expedient of threatening to bombard Edo (modern Tokyo) in the 1850s. Wars for and against ‘expansion’ of markets, borders, territories, populations have marked and continue to mark the onward development of capitalism. The exercise and threat of state force is quite as intrinsic to capitalism as market competition; it is its other face.

In turn, military competition reacts back on the internal organization of states and their national economies, compelling the same constant revolutionization of the means of destruction that is apparent as an effect of capitalist market competition. As Bukharin recorded: ‘Every improvement in military technique entails a reorganization and reconstruction of the military mechanism; every innovation, every expansion of the military power of one state, stimulates all the others’. [\[134\]](#) Here, too, as noted above, the law of value exercises its effects through threat of and defence against ‘crime’. To repeat my earlier quotation from Marx’s economic manuscripts: ‘if one leaves the sphere of private crime: would the world-market ever have come into being but for national crime? Indeed, would even the nations have arisen?’

War played a major role in shrinking the number of states in Europe, but also in re-shaping them internally. Until the later 19th century, military spending constituted the largest part of states’ budgets. The political shape of the world system was thus formed by the exercise of ‘club-law’, by crystallized violence.

Consideration of ‘the system as a whole’ poses various methodological difficulties, not least because - as noted - the relevant data are collected not for the world but separately, country by country, as *national statistics*. World society, as an object of study, remains elusive. [\[135\]](#) It is, however, possible to argue that, if each country does not separately go through the same set of ‘stages of development’ as those

found in the first nations to industrialize, there are still ‘stages of development’ - only these are stages or broad periods of *global development* which are marked by the predominance of particular forms of capital and of state and of competitive strategies. ^[136] Equally, there are phases and conditions of world society, which include variations between periods when peaceful development and warfare dominate, or between periods of overall boom and overall slump. These *world* conditions, of course, set the parameters of possibility for each separate national and local unit. The notion of combined and uneven development thus offers a potential perspective, not simply on the elaboration of differences across the globe, but also on the inner dynamics of the whole of capitalist civilization, on modern world history considered as a complex unity. The change in angle of vision permits us to see that development within any one element of the system cannot be treated in isolation, and not simply under the impulse of its own inner tendencies and forces, but occurs under the influence, indeed the vital pressure, of the external milieu, which itself has its own overall shape and pattern of movement. The movements of parts and wholes are inextricably interconnected. In this sense, the idea of combined and uneven development represents an elaboration on and a concretization of Marx’s ‘law of value’. At the same time, consideration of combined and uneven development involves a methodological step beyond the bounds of Marx’s extant critique of political economy. It brings us to a new level of concreteness in the study of capitalism, its classes and its states. Where, in *Capital*, the actors on Marx’s stage are still wearing ‘character masks’, lacking subjectivity except in the most formal sense, we have now taken a step closer to the actual historical process, where classes and states and their representatives face concrete and complex opportunities and barriers to their action, and where their responses and decisions begin to make their mark in theory. Here the mechanisms of transmission in competition and exploitation involve learning, emulating, copying, showing initiative, seizing the time - and succeeding and failing. Here the balance between the elements of the classic analytical problem of ‘structure and agency’ begins to change, as it becomes possible to consider the actual history and geography of capitalist development, and the responsible actions and ideas of real human beings in actual settings.

Abolishing the many states?

Is it likely, or even possible, that within the framework of capitalism the present ‘many- states’ system might be done away with in favour of a single *world state*? Karl Kautsky, of course, argued in the run-up to the First World War that ‘ultra-imperialism’ could involve peaceful organization of the world under the slogan *Capitalists of all lands, unite!* More recently, similar ideas have been floated with respect to the possible effects of ‘globalization’. The dissolution and transcendence of the ‘nation-state’, however, seems unimaginable, at least without a process of world war compared with which the traumas of 1914-18 and 1939-45 would appear mere ‘cabinet wars’. In any case, as Chris Harman has argued most powerfully, to suppose that modern *nation-states* could be simply done away with is to argue that the inner differentiations between forms of capital are of little significance. ^[137] Capital can only be understood as a process of endless transformations, as it moves between three constantly altering forms, through the circuits of money, commodities and production. As *money*, to be sure, capital is immensely mobile. Billions can be transferred across the globe at the touch of a button. If capital were only money, we could easily argue that it has no country. But *commodities* possess a physical form, as material *use-values*. Although their mobility – their capacity to be transferred from hand to hand – is a condition of their existence, it takes more than a computer message to transport them around the world. Their actual material transfers form part of the chains of social production, and not simply of exchange. They require ships, lorries, planes, trains – and the roads and railway lines, the ports and marshalling yards and warehouses, etc., between which they circulate. And when we turn to *production*, it has the most territorial requirements of all: fixed capital, land, a readily available workforce, etc. Capitalist production can never leave the earth or leave people behind.

In practice, capitals do not only compete with each other, but form what Claudia von Braunmühl terms ‘bounded complexes of production and circulation’. ^[138] These involve supply chains of material and financial inputs and outputs, tied to specific territorial locations and physical environments, to specific labour forces, and to shared language and culture, all dependent on the development of ongoing social relations among themselves and with local state personnel. Capitals in one environment grow up differently from those in another. As between one state and another, and with ongoing changes over

time, there are different degrees of monopolization of industry, commercial and finance capital, different degrees of state ownership and control over investment, differently organized sources of finance, different roles for states and private sectors in training labour and providing 'welfare', etc. For particular capitals, securing *credit*, the essential lubricant of capitalist reproduction, depends on the development of local patterns of 'contacts, 'trust' and 'reputation', developed within ongoing social networks involving companies, banks and states. ^[139]

Nowhere is this more apparent than in *crises*, when capitals turn predominantly to *national* banks and states for aid and sustenance as a condition of their very survival. 'National economies' and nation-states, formed around such bounded complexes, are the other face of world economy as a differentiated totality.

References

Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991).

Perry Anderson, *Lineages of the Absolutist State* (London: New Left Books, 1979).

Schlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: CUP, 1972).

Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power* (London: Constable, 2004).

Jairus Banaji, 'From the commodity to capital: Hegel's dialectic in Marx's Capital', in: Diane Elson (ed.), *Value: The Representation of Labour in Capitalism*, (London: CSE Books, 1979), pp. 14-45.

Colin Barker, 'Muscular reformism', *International Socialism*, First Series, 102 (1977).

— 'A note on the theory of capitalist states', *Capital and Class* 4 (1978): 118-126; reprinted in: Simon Clarke, (ed.) *The State Debate* (London: Macmillan, 1991), pp. 204-13; available at <http://www.marxists.de/theory/barker/capstates.htm>.

— 'The state as capital', *International Socialism*, Second series, 1 (1978): 16-42; available at <http://www.marxists.de/theory/barker/stateascap.htm>.

— 'A "New" Reformism?—A critique of the political theory of Nicos Poulantzas', *International Socialism*, Second series, 4 (1979): 88-108 (also at http://www.isj.org.uk/?id=294#extrabarker_21).

— 'Some reflections on two books by Ellen Wood', *Historical Materialism*, 1 (Autumn 1997) :22-65.

— 'Industrialism, capitalism, value, force and states: some theoretical remarks', *Anglo-Bulgarian Comparative History Seminar*, Wolverhampton University (1997).

— 'Beyond Trotsky: extending combined and uneven development', in: Bill Dunn and Hugo Radice (eds.), *100 Years of Permanent Revolution: Results and Prospects* (London: Pluto, 2006), pp. 72-87.

— 'Industrialism, capitalism, force and states: some theoretical and historical issues', *International Journal of Management Concepts and Philosophy*, 3.4 (2009): 313-31.

Martin Barker, 'Kant as a problem for Marxism', *Radical Philosophy*, 19 (1978): 24-9.

— *The New Racism: Conservatives and the Ideology of the Tribe* (London: Junction Books, 1978).

Daniel Bensaïd, *Marx for our Times: Adventures and Misadventures of a Critique* (London: Verso, 2002).

David Blackbourn and Geoff Eley *The Peculiarities of German History: Bourgeois Society and Politics*

in *Nineteenth-Century Germany* (Oxford: OUP, 1984).

Tom Bottomore, *Elites and Society* (Harmondsworth: Pelican, 1966).

Claudia von Braunmühl, 'On the analysis of the bourgeois nation state within the world market context' in: John Holloway and Sol Picciotto (eds.), *State and Capital. A Marxist Debate* (London: Arnold, 1978).

Nikolai Bukharin, *Economics of the Transformation Period, with Lenin's Critical Remarks* (New York: Bergman, 1971).

— *Imperialism and World Economy* (London: Merlin, 1972).

J.H. Burns and Mark Goldie (eds.), *Cambridge History of Political Thought 1450-1700* (Cambridge: CUP, 1991).

Alex Callinicos, *Imperialism and Global Political Economy* (Cambridge: Polity, 2009).

Duncan Campbell, 'Security firms find the recession is a safe bet', *The Guardian* (14 January 1993).

Terrell Carver, *Karl Marx: Texts on Method* (Oxford: Blackwell, 1975).

Simon Clarke (ed.), *The State Debate* (London: Macmillan, 1991).

Lucio Colletti, *From Rousseau to Lenin: Studies in Ideology and Society* (London: New Left Books, 1976).

John Commons, *The Legal Foundations of Capitalism* (Madison: University of Wisconsin Press, 1968).

Neil Davidson, 'From uneven to combined development', in: Bill Dunn and Hugo Radice (eds.), *100 Years of Permanent Revolution* (London: Pluto, 2006), pp. 10-26.

— 'Many capitals, many states: contingency, logic or mediation?' in: Alex Anievas (ed.), *Marxism and World Politics: Contesting Global Capitalism* (London: Routledge, 2009).

Michael Eldred, *Critique of Competitive Freedom and the Bourgeois-Democratic State: Outline of a Form-Analytic Extension of Marx's Uncompleted System* (København: KURASJE, 1984).

Friedrich Engels, *The Origin of the Family, Private Property and the State*, in: Karl Marx and Frederick Engels, *Selected Works in Two Volumes*, vol. 2 (Moscow: Foreign Languages Publishing House, 1958).

— *Anti-Dühring. Herr Eugen Dühring's Revolution in Science* (Moscow: Foreign Languages Publishing House, 1959).

Bob Fine, *Democracy and the Rule of Law: Liberal Ideas and Marxist Critiques* (London: Pluto, 1984).

Alexander Gerschenkron, *Economic Backwardness in Comparative Perspective* (Cambridge, Mass.: HUP, 1972).

Lucien Goldmann, *The Hidden God* (London: Routledge & Kegan Paul, 1964).

Peter Gowan, 'The Gulf War, Iraq and western liberalism', *New Left Review*, 187 (1991).

Antonio Gramsci, *Selections from the Prison Notebooks*, trans. Quintin Hoare and Geoffrey Nowell-Smith (London: Lawrence and Wishart, 1971).

Peter Green, 'Review essay: *The Culmination of Capital: Essays on Volume III of Marx's 'Capital'*, edited by Martha Campbell and Geert Reuten (London: Palgrave Macmillan, 2001)', *Historical Materialism* 12.2 (2004): 249-67.

- Jürgen Habermas, *Legitimation Crisis* (London: Heinemann, 1976).
- Chris Harman, 'The state and capitalism today', *International Socialism*, second series, 51 (1991): 3-54.
- 'Analysing imperialism', *International Socialism*, Second series, 99 (2003):3-81.
- *Zombie Capitalism. Global Crisis and the Relevance of Marx* (London: Bookmarks, 2009).
- Nigel Harris, *Of Bread and Guns. The World Economy in Crisis* (Harmondsworth: Pelican, 1983).
- David Harvey, *The Limits to Capital* (Oxford: Blackwell, 1984).
- *The New Imperialism* (Oxford: OUP, 2003).
- Michael Haynes, *Nikolai Bukharin and the Transition from Capitalism to Socialism* (London: Croom Helm, 1985).
- G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. Allen W. Wood (Cambridge: CUP, 1991).
- Michael Heinrich, 'Ambivalences of Marx's critique of political economy as obstacles for the analysis of contemporary capitalism', Paper delivered at Historical Materialism Conference, London, October 2004.
- Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: CUP, 1992).
- John Holloway and Sol Picciotto (eds.), *State and Capital: A Marxist Debate* (London: Hodder & Stoughton, 1978).
- Bob Jessop, 'Statism', *Historical Materialism: Research in Critical Marxist Theory*, 15.2 (2007): 233-42.
- Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: PUP, 1957).
- Geoffrey Kay, 'Right and force: a Marxist critique of contract and the state', in: Michael Williams (ed.), *Value, Social Form and the State* (London: Macmillan, 1988), pp. 115-33.
- Geoffrey Kay and James Mott, *Political Order and the Law of Labour* (Houndmills: Macmillan, 1982).
- Baruch Knei-Paz, *The Social and Political Thought of Leon Trotsky* (Oxford: OUP, 1978).
- Joel Kovel, *The Enemy of Nature: The End of Capitalism or the End of the World?* (London: Zed, 2007).
- John Lambert, 'Europe: the nation dies hard', *Capital & Class*, 43 (1991).
- Costas Lapavistas, 'Relations of power and trust in contemporary finance', *Historical Materialism: Research in Critical Marxist Theory*, 14.1 (2006): 129-54.
- Jorge Larrain, *Marxism and Ideology* (Houndmills: Macmillan, 1983).
- Michael Lebowitz, *Beyond Capital: Marx's Political Economy of the Working Class* (London: Macmillan, 1992).
- György Lukács, *A Defence of History and Class Consciousness* [1924], trans. Esther Leslie (London: Verso, 2000).
- C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: OUP, 1962).

- Michael Mann, *States, War, Capitalism: Studies in Political Sociology* (Oxford: Blackwell, 1988).
- Karl Marx, *A Contribution to the Critique of Political Economy* [1859], trans. Nahum Isaac Stone (Chicago: Charles H. Kerr, 1904).
- *Theories of Surplus Value. Part Two* [1863], ed. Salomea Ryazanskaya; trans. Renate Simpson (London: Lawrence & Wishart, 1969).
- *Pre-Capitalist Economic Formations*, ed. Eric Hobsbawm; trans. J. Cohen (London: Lawrence & Wishart, 1964).
- *The Ethnological Notebooks of Karl Marx*, ed. Lawrence Krader (Assen: Van Gorcum, 1972).
- *Grundrisse* [1861], trans. Martin Nicolaus (Harmondsworth: Penguin, 1973).
- ‘Critique of the Gotha Programme’ [1875], in: Karl Marx, *The First International and After. Political Writings*, ed. David Fernbach, vol. 3 (Harmondsworth: Penguin, 1974), pp. 339-59.
- ‘Critique of Hegel’s doctrine of the state’ [1843-4], in: Karl Marx, *Early Writings*, trans. Rodney Livingstone and Gregor Benton (Harmondsworth: Penguin, 1975), pp. 57-198.
- ‘Excerpts from James Mill’s Elements of Political Economy’ [1844], in: Karl Marx, *Early Writings*, trans. Rodney Livingstone and Gregor Benton (Harmondsworth: Penguin, 1975), pp. 259-78.
- *Capital. A Critique of Political Economy* [1867], vol. 1, trans. David Fernbach (Harmondsworth: Penguin, 1976).
- *Capital. A Critique of Political Economy* [1863-83], vol. 3, ed. Friedrich Engels, trans. David Fernbach (Harmondsworth: Penguin, 1981).
- ‘Economic Manuscripts of 1861-3’, in: Karl Marx and Frederick Engels, *Collected Works*, vol. 30 (London: Lawrence & Wishart, 1988).
- Karl Marx, and Friedrich Engels, *The German Ideology* [1846], trans. Salomea Ryazanskaya (London: Lawrence & Wishart, 1965).
- David McNally, *Against the Market: Political Economy, Market Socialism and the Marxist Critique* (London: Verso, 1993).
- China Miéville, *Between Equal Rights. A Marxist Theory of International Law* (Chicago: Haymarket, 2006).
- Ralph Miliband, *The State in Capitalist Society* (London: Weidenfeld & Nicolson, 1969).
- Oliver Nachtwey and Tobias ten Brink, ‘Lost in translation: the German world-market debate in the 1970s’, *Historical Materialism: Research in Critical Marxist Theory*, 16.1 (2008): 37-70.
- Jonathan Neale, *Stop Global Warming, Change the World* (London: Bookmarks, 2008).
- Claus Offe, *Contradictions of the Welfare State* (London: Hutchinson, 1984).
- Evygeny Pashukanis, *Law and Marxism. A General Theory*, trans. Barbara Einhorn (London: Ink Links, 1978).
- Hans Reiss (ed.), *Kant’s Political Writings* (Cambridge: CUP, 1970).
- Geert Reuten and Michael Williams, *Value-form and the State: The Tendencies of Accumulation and the Determination of Economic Policy in Capitalist Society* (London: Routledge, 1989).

Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations* (London: Verso, 1994).

Marshall Sahlins, *Islands of History* (Chicago: UCP, 1985).

Derek Sayer, *The Violence of Abstraction: The Analytical Foundations of Historic Materialism* (Oxford: Blackwell, 1987).

Teodor Shanin, 'Late Marx and the Russian "periphery of capitalism"', *Monthly Review* 35.2 (1983).

— *Late Marx and the Russian Road: Marx and 'The Peripheries of Capitalism'* (London: Routledge & Kegan Paul, 1983).

Martin Shaw (ed.), *War, State and Society* (London: Macmillan, 1984).

Felton Shortall, *The Incomplete Marx* (Aldershot: Avebury, 1994).

Benno Teschke, *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations* (London: Verso, 2003).

Benno Teschke and Hannes Lacher 'The changing "logics" of capitalist competition', *Cambridge Review of International Affairs*, 20.4 (2007): 565-80.

E.P. Thompson, 'The moral economy of the English crowd in the 18th century', *Past and Present*, 50 (1971).

Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (New York: Russell Sage Foundation, 1984).

— 'War making and state making as organized crime', in: Peter Evans, Dietrich Rueschmeyer, and Theda Skocpol (eds.), *Bringing the State Back In* (Cambridge: CUP, 1985), pp. 169-91

— *Coercion, Capital and European States AD 990-1990* (Oxford: Blackwell, 1990).

— *European Revolutions 1492-1992* (Oxford: Blackwell, 1993).

Leon Trotsky, *The Third International after Lenin*, trans. John G. Wright (New York: Pioneer, 1957).

— 'The draft program of the Communist International - a criticism of fundamentals', in: *The Third International after Lenin*, pp. 3-230.

— *A History of the Russian Revolution* [1930], trans. Max Eastman (London: Gollancz, 1965).

John Weeks, *Capital and Exploitation* (Princeton: PUP, 1981).

— 'The law of value and the analysis of underdevelopment', *Historical Materialism: Research in Critical Marxist Theory*, 1 (1997): 91-112.

Ellen Meiksins Wood, *The Empire of Capital* (London: Verso, 2005).

Footnotes

^[1] Bob Jessop sees fit to treat Marx's views on the Commune as evidence of a lapse into 'anarchism': a necessary step perhaps for any attempt to fit Marx into the Procrustean bed of social democracy: Bob Jessop, 'Statism', *Historical Materialism: Research in Critical Marxist Theory*, 15.2 (2007): 233-42.

^[2] Here Michael Lebowitz's contribution is important: Michael Lebowitz, *Beyond Capital: Marx's Political Economy of the Working Class* (London: Macmillan, 1992).

[3] We could also note that Marx and Engels said very little about the limits of ‘national’ revolutions. That they believed in the necessity of world revolution is clear, but they were never faced with the need to argue this against proponents of ‘socialism in one country’.

[4] Here we could put the basic figures on growth of state spending as a proportion of GNPs, from e.g. Haynes or Budd. Note also how it has changed its composition, with arms spending – except during world wars – falling as a proportion of the whole.

[5] John Weeks, *Capital and Exploitation* (Princeton: PUP, 1981), p. 43.

[6] Jairus Banaji, ‘From the commodity to capital: Hegel’s dialectic in Marx’s *Capital*’, in: Diane Elson (ed.), *Value: The Representation of Labour in Capitalism*, (London: CSE Books, 1979), pp. 27-8.

[7] Karl Marx, *Capital. A Critique of Political Economy* [1867], vol. 1, trans. David Fernbach (Harmondsworth: Penguin, 1976), p. 131 – passage added by Engels: see footnote.

[8] Marx, *Capital*, vol. 1, p. 132.

[9] Marx, *Capital*, vol. 1, p. 150.

[10] Marx, *Capital*, vol. 1, p. 165.

[11] Karl Marx, *Grundrisse* [1861], trans. Martin Noctus (Harmondsworth: Penguin, 1973), pp. 156-7.

[12] Karl Marx, *Capital*, vol. 1, pp. 167-8.

[13] In the final paragraphs of his early ‘Excerpts from James Mill’ (1844), Marx draws out beautifully the contrast between these social relations and those that would obtain if ‘we produced as human beings’: Karl Marx, *Early Writings*, trans. Rodney Livingstone and Gregor Benton (Harmondsworth: Penguin, 1975), pp. 277-8.

[14] Karl Marx, *Capital*, vol. 1, p. 169.

[15] Elsewhere, as we’ve seen, he notes that these exchange relations do not obtain *within* the capitalist factory.

[16] Marx, *Grundrisse*, p. 156.

[17] Marx, *Grundrisse*, pp. 156-7.

[18] Marx, *Grundrisse*, pp. 157-8.

[19] Marx, *Grundrisse*, pp. 241, 246.

[20] Marx, *Grundrisse*, p. 243.

[21] Karl Marx, *A Contribution to the Critique of Political Economy* [1859], trans. Nahum Isaac Stone (Chicago: Charles H. Kerr, 1904), p. 68. As Michael Heinrich comments: ‘... abstract labour is a violent abstraction from the differences of labour, an abstraction which is only present in exchange, in the relation of commodity to commodity’: Michael Heinrich, ‘Ambivalences of Marx’s critique of political economy as obstacles for the analysis of contemporary capitalism’, Paper delivered at Historical Materialism Conference, London, October 2004, p. 3.

[22] ‘Just as man is governed, in religion, by the products of his own brain, so, in capitalist production, he is governed by the products of his own hand’: Marx, *Capital*, vol. 1, p. 772.

[23] Friedrich Engels, *Anti-Dühring. Herr Eugen Dühring's Revolution in Science* (Moscow: Foreign Languages Publishing House, 1959), p. 374.

[24] Marx, *Grundrisse*, p. 651.

[25] Marx, *Capital*, vol. 1, pp. 169-71.

[26] For a developed version of the argument, and its sharp application against theories of 'market socialism', David McNally's work is fundamental: David McNally, *Against the Market: Political Economy, Market Socialism and the Marxist Critique* (London: Verso, 1993).

[27] 'It must never be forgotten, that in capitalist production what matters is not the immediate use-value but the exchange-value and, in particular, the expansion of surplus value. This is the driving motive of capitalist production, and it is a pretty conception that... abstracts from its very basis and depicts it as a production aiming at the direct satisfaction of the consumption of the producers': Karl Marx, 'Economic Manuscripts of 1861-3', in: Karl Marx and Frederick Engels, *Collected Works*, vol. 30 (London: Lawrence & Wishart, 1988), p. 495.

[28] Marx's discussion of this under the heading of 'commodity fetishism' is matched by his exploratory discussion of 'pre-capitalist economic formations' in the *Grundrisse*, pp. 471-514. The relevant passages are brought together, with a useful introduction by Eric Hobsbawm: *Pre-Capitalist Economic Formations*, ed. Eric Hobsbawm; trans. J. Cohen (London: Lawrence & Wishart, 1964). The nature of pre-capitalist societies continued to exercise Marx and Engels during the 1870s and 1880s: *The Ethnological Notebooks of Karl Marx*, ed. Lawrence Krader (Assen: Van Gorcum, 1972), which Engels drew on when writing *The Origin of the Family, Private Property and the State*, in: Karl Marx and Frederick Engels, *Selected Works in Two Volumes*, vol. 2 (Moscow: Foreign Languages Publishing House, 1958).

[29] Using the useful expression of E P Thompson: 'The moral economy of the English crowd in the 18th century', *Past and Present*, 50 (1971).

[30] Marx, *Capital*, vol. 1, pp. 915-16.

[31] David Harvey, *The Limits to Capital* (Oxford: Blackwell, 1984), p. 2.

[32] Karl Marx, *Capital. A Critique of Political Economy* [1863-83], vol. 3, ed. Friedrich Engels, trans. David Fernbach (Harmondsworth: Penguin, 1981), p. 755.

[33] Derek Sayer, *The Violence of Abstraction: The Analytical Foundations of Historic Materialism* (Oxford: Blackwell, 1987), citing Maurice Bloch, *Feudal Society*.

[34] Thanks to Keith Gibbard for this. The website http://en.allexperts.com/e/t/th/this_land_is_your_land.htm (accessed 16 August 2009) lists and classifies other versions:

'Anti-imperialist': 'This land is my land, and only my land / And I just take land if I can't buy land / And if I spy land, well, then it's my land / This land was made for only me.'

'Native American': 'This land is your land, it once was my land / Before I sold you Manhattan Island / You banished my nation, to the reservation / This land was stolen by you from me.'

'Anarchist': 'This land is their land, it isn't our land / From the Wall Street office, to the Cadillac car-land / From the plush apartments, to the Hollywood starland / This land is not for you and me / If this is our land, You'd never know it / So take your bullshit, and kindly stow it / Let's get together, and overthrow it / Then this land will be for you and me.'

[35] Marx, *Capital*, vol. 1, p. 178-9, 182.

[36] Marx, *Capital*, vol. 1, p. 180.

[37] Marx, *Capital*, vol. 1, p. 182. ‘Money’s ability to buy rests on the “foreign-ness” of commodity owners from each other, that is, on the weak influence on commodity owners of kinship, hierarchy, religion, and so on. Money is the social bond of “foreigners”, the *nexus rerum* holding commodity owners together in the market and beyond.’: Costas Lapavistas, ‘Relations of power and trust in contemporary finance’, *Historical Materialism: Research in Critical Marxist Theory*, 14.1 (2006), p. 144.

[38] Evygeny Pashukanis, *Law and Marxism. A General Theory*, trans. Barbara Einhorn (London: Ink Links, 1978), p. 99.

[39] Pashukanis, *Law and Marxism*, p. 80. In a footnote the editor notes that the *Vindicta* meant originally the liberating rod with which a slave was touched in manumission ceremony; it came to mean a means of asserting or defending – a protection or defence. The term’s most common derived use in English is ‘vindication’.

[40] Pashukanis, *Law and Marxism*, pp. 109, 112-13.

[41] Pashukanis, *Law and Marxism*, p. 152.

[42] There is a passage in Marx’s preparatory materials for *Capital*, in which Marx, in rather satirical tone, briefly considers the contributions of crime to capitalist development. I draw on this passage here.

[43] Pashukanis, *Law and Marxism*, pp. 134, 144.

[44] C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: OUP, 1962).

[45] My thanks to Adrian Budd for pressing me to develop this point.

[46] But see, for example, as well as Pashukanis, work by Bob Fine and Geoffrey Kay: Bob Fine, *Democracy and the Rule of Law: Liberal Ideas and Marxist Critiques* (London: Pluto, 1984); Geoffrey Kay, ‘Right and force: a Marxist critique of contract and the state’, in: Michael Williams (ed.), *Value, Social Form and the State* (London: Macmillan, 1988), pp. 115-33. Note also Daniel Bensaïd’s remark: ‘It is indeed the case that right, while it is not reducible to force, is never wholly foreign to it, even in the initial establishment of its legitimacy’: Daniel Bensaïd, *Marx for our Times: Adventures and Misadventures of a Critique* (London: Verso, 2002), p. 134.

[47] Of the classical political philosophers, it was Rousseau, in his *Discourse on Inequality*, who stressed this most strongly. The point is made very clearly in an old Glaswegian joke. A shipyard worker is ordered off land owned by a Scottish laird:

‘What makes it yours, Jimmy?’

‘I inherited it from my father, my good man.’

‘And where did he get it?’

‘He inherited it from his father, and so on back eleven generations.’

‘And where did he get it?’

‘He fought for it.’

‘Right, Jimmy, I’ll fight you for it...’

[48] Evgeny Pashukanis, *Law and Marxism: A General Theory*, tr. Barbara Einhorn (London: Ink Links, 1978), p. 134. On the Bolshevik legal scholar Evgeny Pashukanis, see part one.

[49] See also: China Miéville, *Between Equal Rights. A Marxist Theory of International Law* (Chicago: Haymarket, 2006).

[50] Duncan Campbell, ‘Security firms find the recession is a safe bet’, *The Guardian* (14 January 1993). Former Commissioner of the Metropolitan Police, Sir Ian Blair (interviewed in *The Guardian* 2 November 2009) expressed the view that the police cannot handle everything, and that private security companies will tend to take up still more of the slack....

[51] Editor’s note – an alternative translation of *Faustrecht* would be ‘law of the jungle’ or ‘law of the street’, its literal translation is ‘fist justice’, which has no English counterpart.

[52] Karl Marx, *A Contribution to the Critique of Political Economy* [1859], trans. Nahum Isaac Stone (Chicago: Charles H. Kerr, 1904), pp. 273-4. In the Penguin edition of Marx’s *Grundrisse* [1861], trans. Martin Noctus (Harmondsworth: Penguin, 1973), p. 88, the same passage appears as follows:

... every form of production creates its own legal relations, form of government, etc. In bringing things which are organically related into an accidental relation, not a merely reflective connection, they (the bourgeois economists, CB) display their crudity and lack of conceptual understanding. All the bourgeois economists are aware of is that production can be carried on better under the modern police than, e.g. on the principle that might makes right. They forget only that this principle is also a legal relation, and that the right of the stronger prevails in their ‘constitutional republics’ as well, only in another form.

The Marx/ Engels *Collected Works* translation (volume 28, p 26) returns to the more felicitous ‘club-law’ phrasing.

[53] Karl Marx, *Capital. A Critique of Political Economy* [1863-83], vol. 3, ed. Friedrich Engels, trans. David Fernbach (Harmondsworth: Penguin, 1981), pp. 309-10.

[54] My thanks to Emma Bircham for forcing me, in 2002, to clarify my thinking on this matter.

[55] Pashukanis, *Law and Marxism*, pp. 134, 162.

[56] There has been some dispute among Marxist economists about whether ‘military competition’ can be placed alongside ‘economic competition’ as two forms of the same relation. On one side, John Weeks treats the two forms as merely different *means*:

Over no other issue is the difference between neo-classical and materialist theory more unmistakable than for competition. The former theorists laud it as the mechanism for harmony and social welfare gains; in the analysis of the latter competition is the source of instability and uneven development, which can provoke armed conflict among capitalist states. In materialist theory, warfare is the continuation of market competition by other means.

(John Weeks, ‘The law of value and the analysis of underdevelopment’, *Historical Materialism: Research in Critical Marxist Theory*, 1 (1997), 99).

On the other hand, Geert Reuten and Michael Williams think it’s a category mistake to equate rivalry between states for power and influence (or even for economic hegemony) with competition among ‘competition subjects’, especially capitalists: Geert Reuten and Michael Williams, *Value-form and the State: The Tendencies of Accumulation and the Determination of Economic Policy in Capitalist Society* (London: Routledge, 1989). I am inclined to agree with Weeks, but at the same time to insist that the mechanism that links the two forms is not the same: competition through the price mechanism is

different from that through property defence, although the one presupposes the other – and both express the same underlying form of social relations.

[57] In the production and exchange of commodities, what is to count as socially necessary labour-time is determined ‘post factum’, in the unity of production and circulation. Only after commodities have actually been exchanged do producers discover whether they met the demands of social necessity. Of course, they have to produce in *anticipation* of what they expect to receive for their commodities. Getting this wrong is very painful in its consequences. The same principle applies also in relation to the production and deployment of means of ‘defence’. Householders barricade their property against thieves - at whatever ‘socially necessary’ cost - in anticipation of the possibility of being burgled. They find out, after the fact, whether they did enough. Military commanders and managers of defence budgets develop their armed power in anticipation of what they may need to do. They discover *in battle* if their anticipations were accurate. Hitler *thought* (anticipated) that he could conquer Stalin’s Russia, with what he thought would prove to be a satisfactory mixture of good tactics, military morale and superior productive-cum-military strength. He proved wrong.

[58] One writer who stresses the predatory, Mafia-like characteristics of the state form is Charles Tilly: ‘War making and state making as organized crime’, in: Peter Evans, Dietrich Rueschmeyer, and Theda Skocpol (eds.), *Bringing the State Back In* (Cambridge: CUP, 1985), pp. 169-91.

[59] On the ‘tragic’ element at the apex of bourgeois thought, see: Lucien Goldmann, *The Hidden God* (London: Routledge & Kegan Paul, 1964); also, respectively on Rousseau, Kant and Hegel: Lucio Colletti, *From Rousseau to Lenin: Studies in Ideology and Society* (London: New Left Books, 1976); Martin Barker, ‘Kant as a problem for Marxism’, *Radical Philosophy*, 19 (1978): 24-9; Schlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: CUP, 1972).

[60] The duality of meaning in the term ‘subject’ is a notable case of the dialectical unity of opposites. In grammar and epistemology, the ‘subject’ is the active agent in action. In politics, the ‘subject’ is first true to its etymological origin (Latin: *subjectus* = cast beneath) and appears as the object of state property and policy, but then in the hands of liberal and later liberal-democratic theory strives, not with full success, to overcome its *subjection* and to become again *subjective*.

[61] Marshall Sahlins notes the mythic awareness among Hawaiians that kings and chiefs *eat* people, that ‘a chief is a shark that travels on land’: *Islands of History* (Chicago: UCP, 1985), p. 27.

[62] Not through ignorance, of course. At various points in his preparatory materials Marx *mentions* ‘tax’. But the matter clearly could not be properly discussed unless Marx proceeded to a systematic discussion of *The State*, a matter which he had reserved to ‘a continuation of the work’ - which continuation, of course, he never seems to have begun drafting out, even in outline. (The early ‘outlines’ for a work on the state from the 1840s are quite insufficient for the purpose that would be required of a ‘Book on the State’ which would form an integral part of *Capital*.)

[63] The eighteenth-century term was ‘police’ (German *Polizei*). Charles Tilly describes the effect of the growth of the food market on European states through the 16th to 19th centuries:

...the managers of states were balancing the demands of farmers, food merchants, municipal officials, their own dependents, and the urban poor - all of whom caused the state trouble when it harmed their particular interests. State and national officials developed the theory and practice of Police, in which the detection and apprehension of criminals played a minor part. Before the nineteenth century proliferation of professional police forces as we know them, the word Police referred to public management, especially at the local level; regulation of the food supply was its largest single component.

(Charles Tilly, *Coercion, Capital and European States AD 990-1990* (Oxford: Blackwell, 1990)).

[64] Gramsci reminds us that ‘*laissez faire*... is a form of state “regulation”, introduced and maintained

by legislative and coercive means. It is a deliberate policy, conscious of its own ends, and not the spontaneous, automatic expression of economic facts. Consequently, *laissez-faire* liberalism is a political programme, designed to change - in so far as it is victorious - a State's leading personnel, and to change the economic programme of the State itself....': Antonio Gramsci, *Selections from the Prison Notebooks*, trans. Quintin Hoare and Geoffrey Nowell-Smith (London: Lawrence and Wishart, 1971), p. 160.

[65] Marx's emphasis on the state's *dependence* on civil society cannot be separated from his insistence on the incapacity of the state, however reformed, to resolve the contradictions of modern society: this stress in Marx was essential, given the battle that he was conducting both against Hegelian state theory and against the remnants of the Jacobin tradition in the European revolutionary movement of his own day. In the 20th century, the dominance in the international working-class movement of *reformist* ideas - regularly associated with illusions in national states - also requires a continual de-bunking of the pretensions of state-centred activity, and the specification of the decided limits of state power. At the same time, the Marxist tradition has always insisted on the necessity of the revolutionary *overthrow* of the existing state; it is rather necessary that the character of the object to be overthrown be identified!

[66] In the late 1960s and early 1970s, Marxist debate around the state was dominated by the argument between Ralph Miliband and Nicos Poulantzas. It turned out that both their 'instrumentalist' and 'structuralist' theories were equally capable of assimilation to reformist theory and practice. In the end, for all the heat of the argument between them, their political prescriptions were remarkably similar: Colin Barker, 'The state as capital', *International Socialism*, Second Series, 1 (1978): 16-42; available at <http://www.marxists.de/theory/barker/stateascap.htm>); id., 'A "New" Reformism?—A critique of the political theory of Nicos Poulantzas', *International Socialism*, Second Series, 4 (1979): 88-108 (also at http://www.isj.org.uk/?id=294#extrabarker_21).

[67] In American jurisprudence, the law of 'eminent domain' allows the state to compulsorily obtain such land as it thinks necessary.

[68] For some modern writers, there has been a *recent* tendency to 'de-commodification' of socio-economic transactions in conditions of monopoly capitalism, as seen in phenomena like the development of 'welfare states': Jürgen Habermas, *Legitimation Crisis* (London: Heinemann, 1976); Claus Offe, *Contradictions of the Welfare State* (London: Hutchinson, 1984). But there is nothing 'recent' about the tendency to 'de-commodification' associated with the capitalist state: it is inscribed, *ab initio*, in the state's very character.

[69] Karl Marx, *Capital. A Critique of Political Economy* [1867], vol. 1, trans. David Fernbach (Harmondsworth: Penguin, 1976), p. 773.

[70] Jorge Larrain, *Marxism and Ideology* (Houndmills: Macmillan, 1983), p. 155.

[71] This is but one reason why it is a mistake to speak of 'simple commodity production' as if it were a *historical* stage preceding capitalism.

[72] For each and every individual producer, this possibility exists all the time. They may fail to meet the standard of 'social necessity' in their production, and thus be unable to obtain the means to keep producing and reproducing. The dark side of the 'independence' of the producers is the risk of economic collapse if their productive and self-defensive activity fails to respond to the (always unclear) signals coming out of the process of social interchange. The complexity of that process is such that its 'demands' can never be fully known or predicted. But 'crises of reproduction' are also possible at the level of the whole system. Since reproduction requires the continuous circulation of goods and money through an endless sequence of sales and purchases mediated by money, it is always possible that the chain of exchanges could be broken or could get into some kind of 'disequilibrium'. Those who sell may not purchase, but rather hold on to their money.

[73] Geoffrey Kay and James Mott, *Political Order and the Law of Labour* (Houndmills: Macmillan,

1982).

[74] In the US, by what Joel Bakan terms ‘a bizarre legal alchemy’, the notion of ‘personhood’ had by the late 19th century been practically extended to corporations, which were endowed with the same kind of ‘rights’ as the ‘persons’ whose protection had been guaranteed, within the United States, by the 14th Amendment to the Constitution. Anti-slavery legislation came to benefit private capital: business interest invoked the 14th Amendment before the courts 288 times between 1890 and 1910, compared with 19 such invocations by African-Americans: Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power* (London: Constable, 2004), pp. 172-3.

[75] Marx recognized such a category already in the second volume of *Capital* (p 97), in his ‘Notes on Adolf Wagner’: Terrell Carver, *Karl Marx: Texts on Method* (Oxford: Blackwell, 1975), p. 200; as did Engels: *Anti-Dühring. Herr Eugen Dühring’s Revolution in Science* (Moscow: Foreign Languages Publishing House, 1959).

[76] Karl Marx, ‘Critique of Hegel’s doctrine of the state’ [1843-4], in: Karl Marx, *Early Writings*, trans. Rodney Livingstone and Gregor Benton (Harmondsworth: Penguin, 1975), p. 175. Recall Marx’s observation that the capitalist is also alienated, even if he is ‘happy in his alienation’.

[77] Marx, *Capital*, vol. 1, p. 280.

[78] Marx, *Capital*, vol. 1, p. 280.

[79] John Commons, the American legal theorist, correctly defined the real basis of the labour contract as ‘the sale of a promise to obey’: *The Legal Foundations of Capitalism* (Madison: University of Wisconsin Press, 1968), p. 284.

[80] Marx, *Capital*, vol. 1, pp. 729-30.

[81] Marx, *Grundrisse*, p. 247; see also pp. 509-10.

[82] This competition among the ranks of those who are compelled to hire out their capacities in wage-labour is politically significant, not least for any Marxist theory of ‘class struggle’ and ‘social movements’. But this poses questions beyond the scope of this article.

[83] In a good deal of ‘radical sociology’ this is often forgotten, and the capitalist class is presented as if it conformed to the prescriptions of ‘elite theory’. That is, it appears to be a unified, coherent actor with a common consciousness and interests. On elite theory generally, see, e.g.: Tom Bottomore, *Elites and Society* (Harmondsworth: Pelican, 1966). On the basis of that kind of account, it is then not difficult to draw a picture of the politics of capitalist society as something akin to a ‘conspiracy’ - a breathing together - of a set of economic and political actors, capitalists and state personnel. The real problems of forming a common interest among the members and sections of a class that is inherently divided against itself by competition thereby disappear. For an example of this kind of ‘elite theory’ which has often been misrepresented as ‘Marxist’, see, e.g.: Ralph Miliband, *The State in Capitalist Society* (London: Weidenfeld & Nicolson, 1969).

[84] Joel Kovel, *The Enemy of Nature: The End of Capitalism or the End of the World?* (London: Zed, 2007); Jonathan Neale, *Stop Global Warming, Change the World* (London: Bookmarks, 2008).

[85] Colin Barker, ‘Industrialism, capitalism, value, force and states: some theoretical remarks’, *Anglo-Bulgarian Comparative History Seminar*, Wolverhampton University (1997); Colin Barker, ‘Industrialism, capitalism, force and states: some theoretical and historical issues’, *International Journal of Management Concepts and Philosophy*, 3.4 (2009): 313-31.

[86] Colin Barker, ‘A note on the theory of capitalist states’, *Capital and Class* 4 (1978): 118-126;

reprinted in: Simon Clarke, (ed.) *The State Debate* (London: Macmillan, 1991), pp. 204-13; available at <http://www.marxists.de/theory/barker/capstates.htm>; Colin Barker, 'The state as capital', *International Socialism*, Second Series, 1 (1978): 16-42; available at <http://www.marxists.de/theory/barker/stateascap.htm>).

[87] Some of the best of that work was published in English in two collections: John Holloway and Sol Picciotto (eds.), *State and Capital: A Marxist Debate* (London: Hodder & Stoughton, 1978); Simon Clarke (ed.), *The State Debate* (London: Macmillan, 1991). Other notable contributions include: Geoffrey Kay and James Mott, *Political Order and the Law of Labour* (Houndmills: Macmillan, 1982); Geert Reuten and Michael Williams, *Value-form and the State: The Tendencies of Accumulation and the Determination of Economic Policy in Capitalist Society* (London: Routledge, 1989).

[88] The major exception was Claudia von Braunmühl: Claudia von Braunmühl, 'On the analysis of the bourgeois nation state within the world market context' in: John Holloway and Sol Picciotto (eds.), *State and Capital. A Marxist Debate* (London: Arnold, 1978).

[89] Karl Marx, *Capital. A Critique of Political Economy* [1867], vol. 1, trans. David Fernbach (Harmondsworth: Penguin, 1976), pp. 90-1.

[90] Marx himself did not treat this as his last word on the subject. In a letter to Mikhailovsky, he protested against any attempt to turn an analysis of the historical development of Western Europe into a unilinear philosophy of history which set out a uniform sequence that all countries must follow. He thought that the development of India might result from the impact of British capital, but as likely from the efforts of the 'Hindoos' to expel the British (see references to Shanin below). In the preface to the 1882 edition of the *Manifesto*, he alluded to the possibility (which he was considering urgently) that Russia might leap across capitalism directly to communism, if world conditions were favourable. Various discussions of Ireland reveal a concern with the question of uneven development and its impact on working-class consciousness and politics.

[91] Some of Marx's followers also drew political conclusions from what they read Marx to be saying, among them the Austro-Marxists and the Russian Mensheviks, and later the Stalinist Communist Parties. They argued that, since development must go through the stages Marx identified in England, and since capitalism was as yet under-developed in backward countries, the role of Marxists there must be to aid the future development of capitalism before ever thinking about socialism. A 'revolutionary bourgeoisie' must be identified, and supported in its efforts to carry through a progressive bourgeois-democratic revolution. Socialists should act as second-string cheerleaders for progressive bourgeoisies in backward countries, leaving until 'later' any independent role for the working class. This led them to ignore and contradict the very different lessons which Marx drew as the result of his experiences in the 1848 revolutions. See, e.g.: Trotsky's sharp critical remarks about the Mensheviks' reading of Marx: *A History of the Russian Revolution* [1930], trans. Max Eastman (London: Gollancz, 1965).

[92] Karl Marx, 'Critique of the Gotha Programme' [1875], in: Karl Marx, *The First International and After. Political Writings*, ed. David Fernbach, vol. 3 (Harmondsworth: Penguin, 1974), pp. 354-5.

[93] Teodor Shanin points to evidence that in his last years Marx was moving well beyond the schematics of the 'Preface'. Through his reflections on the Russian peasant commune, Marx appears to have been moving towards a more complex assessment of the problem of 'uneven development' and simultaneously of the role of the world market in the shaping of national paths of development as described at work in the English case. Thus, he refers, in discussion of late Tsarist Russia, to a specific 'type of capitalism generated by the state on the account of the peasants'. Marx, comments Shanin, 'had come to assume a multiplicity of roads of social transformation not only for precapitalist societies, as in the *Grundrisse*, but also for the capitalist epoch': 'Late Marx and the Russian "periphery of capitalism"', *Monthly Review* 35.2 (1983); *Late Marx and the Russian Road: Marx and "The Peripheries of Capitalism"* (London: Routledge & Kegan Paul, 1983).

[94] In the first full English translation of this work, the following sentence appears: 'Empirically,

communism is only possible as the act of the dominant peoples “all at once” and simultaneously, which presupposes the universal development of productive forces and the world intercourse bound up with communism’: (Marx and Engels 1846 (1965): 46- Karl Marx, and Friedrich Engels, *The German Ideology* [1846], trans. Salomea Ryazanskaya (London: Lawrence & Wishart, 1965), pp. 46-7. The normally reverential Moscow editors here felt impelled - given their state’s founding doctrine of ‘socialism in one country’ - to add a note (pp. 671-2). A better documented source for Lenin’s views can be found in: Trotsky, *History of the Russian Revolution*, Appendix II: pp. 1219-57.

[95] Hans Reiss (ed.), *Kant’s Political Writings* (Cambridge: CUP, 1970).

[96] G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. Allen W. Wood (Cambridge: CUP, 1991), p. 368.

[97] Hegel, *Elements of the Philosophy of Right*, p. 371, p. 339-40.

[98] Reiss (ed.), *Kant’s Political Writings*, p. 13.

[99] There are elements of continuity and complementarity between these ideas and what Martin Barker has termed ‘the new racism’: Martin Barker, *The New Racism: Conservatives and the Ideology of the Tribe* (London: Junction Books, 1978).

[100] See Peter Gowan’s account of Grotius and Kant in his useful critique of liberal approaches to the 1991 Gulf War: ‘The Gulf War, Iraq and western liberalism’, *New Left Review*, 187 (1991).

[101] Ernst Kantorowicz, *The King’s Two Bodies: A Study in Medieval Political Theology* (Princeton: PUP, 1957).

[102] It is interesting to note that these matters occupy almost no space or attention in: J.H. Burns and Mark Goldie (eds.), *Cambridge History of Political Thought 1450-1700* (Cambridge: CUP, 1991). The chapter on Grotius, for instance, has hardly anything to say about his theory of the conduct of international relations. Here, it seems, the classic academic division between mainstream Political Theory, which focuses on the relations between states and their subjects, and International Relations, specializing in relations between states, is still very much maintained.

[103] György Lukács, *A Defence of History and Class Consciousness* [1924], trans. Esther Leslie (London: Verso, 2000), ch. 1.

[104] Though some work in the 1990s did begin addressing these questions: Michael Lebowitz, *Beyond Capital: Marx’s Political Economy of the Working Class* (London: Macmillan, 1992); Felton Shortall, *The Incomplete Marx* (Aldershot: Avebury, 1994).

[105] This one-sidedness in materialist critique, among other things, facilitated the slide among former socialists in the later 1980s and the 1990s towards an uncritical adulation of ‘the market and its principles, and thus back towards mere liberalism. But for a corrective see e.g.: David McNally, *Against the Market: Political Economy, Market Socialism and the Marxist Critique* (London: Verso, 1993).

[106] For reasons of space, I have not directly considered the work of the generation of Marxists who did begin to address at least part of these tasks, in the period around the First World War and the Russian Revolution. In particular, the work of Luxemburg, Lenin, Bukharin and Trotsky requires its own critical examination, along with those who have extended their analytical principles in the post-war years - notably Cliff, Harman and others. The revolutionary Marxists of the early decades of the 20th century were very *bold* theorists, although they were characteristically less interested, on the whole, in the implications of their own theorizing for the fundamentals of Marxist thought. For useful critical evaluation, as these theorists touched on problems of the state system, war and imperialism, see work by Callinicos, Harman, Haynes and Shaw: Alex Callinicos, *Imperialism and Global Political Economy* (Cambridge: Polity, 2009); Chris Harman, *Zombie Capitalism. Global Crisis and the Relevance of Marx*

(London: Bookmarks, 2009); Michael Haynes, *Nikolai Bukharin and the Transition from Capitalism to Socialism* (London: Croom Helm, 1985); Martin Shaw (ed.), *War, State and Society* (London: Macmillan, 1984). Neil Davidson suggests that one source of weakness in the theorists of that period was their tendency to treat inter-state relations – not, as we’ve seen a problem that occupied Marx in the 19th century – as if it were a specific problem of a recent ‘stage’ in capitalist development, rather than a problem concerning capitalism *per se*: ‘Many capitals, many states: contingency, logic or mediation?’ in: Alex Anievas (ed.), *Marxism and World Politics: Contesting Global Capitalism* (London: Routledge, 2009).

[107] Another strategy, termed ‘form-analytic’, is followed by Eldred and by Reuten and Williams. The difficulty with their work is that, while they can arrive, to their own satisfaction, at an account of the ‘bourgeois state’ and the ‘bourgeois-democratic state’, they offer no means of theorizing forms of state that undermine private property and citizenship rights while still providing a framework in which capital accumulation occurs: fascism, authoritarian and ‘communist’ states lie beyond their theoretical horizons: Michael Eldred, *Critique of Competitive Freedom and the Bourgeois-Democratic State: Outline of a Form-Analytic Extension of Marx’s Uncompleted System* (København: KURASJE, 1984); Reuten and Williams, *Value-form and the State*.

[108] Indeed, that complexity contributes to the promotion of illusions as to the nature of the class relations of capitalist society, in particular the ‘Trinity formula’ within classical political economy which placed landed property, production and merchant capital, and labour all on the same theoretical level, as ‘sources of revenue’, thereby obscuring the key process which both unifies and divides them, the generation of surplus value.

[109] Ricardo, whose writings Marx very carefully dissected in the notebooks published as *Theories of Surplus Value*, entitled his major theoretical work *Principles of Political Economy and Taxation*.

[110] This question, it might be noted, Marx thought was the major theoretical difficulty which still needed to be surmounted.

[111] Karl Marx, *Capital. A Critique of Political Economy* [1863-83], vol. 3, ed. Friedrich Engels, trans. David Fernbach (Harmondsworth: Penguin, 1981), p. 927.

[112] Michael Mann, *States, War, Capitalism: Studies in Political Sociology* (Oxford: Blackwell, 1988).

[113] Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: CUP, 1992).

[114] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991)

[115] Geoffrey Kay and James Mott, *Political Order and the Law of Labour* (Houndmills: Macmillan, 1982).

[116] Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations* (London: Verso, 1994), p. 139.

[117] John Lambert suggests that every nation-state, as those who unified Germany and Italy in the 19th century knew well, needs at minimum a National Bank and an Army: John Lambert, ‘Europe: the nation dies hard’, *Capital & Class*, 43 (1991).

[118] Notably in the pages of the *Cambridge Review of International Affairs*, and also in some significant books (Harman 2009; Harvey, *The New Imperialism*, 2003; Wood, *Empire of Capital*, 2005).

[119] Benno Teschke, *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations* (London: Verso, 2003); Benno Teschke and Hannes Lacher ‘The changing “logics” of capitalist competition’, *Cambridge Review of International Affairs*, 20.4 (2007): 565-80.

- [120] They have been latterly joined by Nigel Harris.
- [121] Charles Tilly, *European Revolutions 1492-1992* (Oxford: Blackwell, 1993), p. 26.
- [122] Perry Anderson, *Lineages of the Absolutist State* (London: New Left Books, 1979).
- [123] John Weeks, *Capital and Exploitation* (Princeton: PUP, 1981), p. 40.
- [124] I am aware that this is not precisely the same usage as that introduced by Leon Trotsky (Trotsky, *History of the Russian Revolution*), who used it to refer to the ways that uneven development in world economy generates the conditions for combined development *within various nations*, as an essential element in the theory of permanent revolution: Neil Davidson, 'From uneven to combined development', in: Bill Dunn and Hugo Radice (eds.), *100 Years of Permanent Revolution* (London: Pluto, 2006), pp. 10-26. My 'extended' usage is, I believe, implicit in Trotsky's own position, and deserves further development: Colin Barker, 'Beyond Trotsky: extending combined and uneven development', in: Dunn and Radice (eds.), *100 Years*, pp. 72-87.
- [125] Barker, 'Beyond Trotsky', p. 78. Perhaps it is possible to substitute the term subaltern, as a way of avoiding any lingering evolutionist assumptions in 'backwardness', but the relation holds.
- [126] Baruch Knei-Paz, *The Social and Political Thought of Leon Trotsky* (Oxford: OUP, 1978), p. 95.
- [127] The example of the young Meiji bureaucrats who seized power from the Tokugawa clan in 1868 is instructive: they sent embassies to the major European powers to cherry-pick suitable elements of legal and constitutional practice and technique for their new state.
- [128] Gerschenkron is correct to draw attention to the changing ideologies under which national economic development is pursued: Alexander Gerschenkron, *Economic Backwardness in Comparative Perspective* (Cambridge, Mass.: HUP, 1972),
- [129] David Blackbourn and Geoff Eley offers some very pertinent observations with regard to this flawed method in relation to the understanding of German history: David Blackbourn and Geoff Eley *The Peculiarities of German History: Bourgeois Society and Politics in Nineteenth-Century Germany* (Oxford: OUP, 1984). More generally, see: Colin Barker, 'Muscular reformism', *International Socialism*, First Series, 102 (1977).
- [130] Weeks, *Capital and Exploitation*, pp. 204-5. As Pete Green remarks, 'In practice, capitalism simultaneously sets in play tendencies towards the equalization of profit and tendencies towards their differentiation, between and across sectors': Peter Green, 'Review essay: *The Culmination of Capital: Essays on Volume III of Marx's 'Capital'*', edited by Martha Campbell and Geert Reuten (London: Palgrave Macmillan, 2001)', *Historical Materialism* 12.2 (2004), 256.
- [131] Leon Trotsky, *The Third International after Lenin*, trans. John G. Wright (New York: Pioneer, 1957), p. 19.
- [132] Leon Trotsky, 'The draft program of the Communist International - a criticism of fundamentals', in: *The Third International after Lenin*, pp. 19-20.
- [133] Nikolai Bukharin, *Economics of the Transformation Period, with Lenin's Critical Remarks* (New York: Bergman, 1971); Nikolai Bukharin, *Imperialism and World Economy* (London: Merlin, 1972).
- [134] Bukharin, *Imperialism and World Economy*, p. 127.
- [135] On some of the methodological difficulties, see: Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (New York: Russell Sage Foundation, 1984).

[136] Thus, for various purposes, distinctions may be made, for example, between periods in which mercantile rather than industrial capital was dominant, in which 'imperialism' and 'state capitalism' seemed to represent 'the highest stage of capitalism' (Lenin), and in which 'trans-national capitalism' and 'finance' appeared to be gaining a new dominance.

[137] Chris Harman, 'The state and capitalism today', *International Socialism*, second series, 51 (1991): 3-54; Harman, *Zombie Capitalism*, ch. 4.

[138] von Braunmühl, 'On the analysis'.

[139] Costas Lapavistas, 'Relations of power and trust in contemporary finance', *Historical Materialism: Research in Critical Marxist Theory*, 14.1 (2006): 129-54.

Created with [Calibre](#)

Contents

Value, force, many states and other problems	2
On commodities, force and the law of value	2
By way of introduction	2
Force and commodity production – the social form of commodity production and exchange	4
Force and commodity production – coercion and the law of value	8
Further elaboration of force in the reproduction of capitalist social relations	10
Economic and juridical relations	11
Commodities and crime	13
Need and force	14
Violence and commodity producing societies	16
Club-law (Faustrecht)	16
States and force	18
Some key state functions	21
Against the state	22
Capital and commodity production	22
Capitalism: subjects and objects	25
Limits to liberalism	26
Many states	30
Introduction	30
Going beyond Marx	30
Limits of Enlightenment theories of the state	32
Grotius and the International Relations tradition	33
Marxist state theory since the 1960s	34
Re-thinking the multiplicity of states	35
Towards the concrete	36
States and property	37
Specificities of the capitalist state	39
Combined and uneven development	40
Abolishing the many states?	45
References	46
Footnotes	50