

**Michael Heinrich**

**State and Capital**

*Capitalism touches every moment of our lives, and always for the worse. That's why capitalism must be replaced with a new and better society. The state is everywhere too. But how do the two relate? What is the role of the state in maintaining capitalism? And what is the role of the state in creating a new society? Like many people, those of us who edit Recomposition want capitalism to end. We want a society where all people get what they want and need: everything for everyone. We believe that the state will not help us create this new society, and that the new society won't have a state. Criticism of the state has been a thread in the Industrial Workers of the World for a long time. Since the beginning of the organization in 1905, IWW members have debated over how to understand the state and how to relate to the state practically, including the rejection of the political use of elections and the state system of mediating class conflict. The organization today is culturally anti-state and most members hold these kinds of views. In my view as an IWW member, we should discuss these views more explicitly in the organization today. We should add to our Preamble that we do not see the state as a means for working class revolution nor do we see the state as having a role in the good society created by revolution.*

*With that in mind, this post is about the relationship between the state and capitalism, excerpted from Michael Heinrich's excellent recent book, An Introduction to the Three Volumes of Karl Marx's Capital with the permission of the publishers. The core points of this excerpt are that the state is central to the life of capitalism, and that the state is not simply a tool which can be picked up and used politically. The state is not an object; it is a social relationship. These points are particularly relevant today. Today there is debate about what the state should do and how we should relate to the state among the labor movement and the left as well as both the capitalists and their governments. Among those of us seeking a better society, these debates should be informed by analysis of the relationship between the state and capitalism.*

*– Nate Hawthorne*

# State and Capital

## by Michael Heinrich

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When Marx took up a comprehensive critique of political economy at the end of the 1850s, he also intended to write a book on the state. Marx planned a total of six books: on capital, landed property, wage-labor, the state, foreign trade, and the world market. In terms of range of content, the three volumes of *Capital* approximately comprise the first three books. The planned book on the state was never written; in *Capital* there are only isolated references to the state. A few general elements of a theory of the state can be found in the later works of Engels, the *Anti-Dühring* (1878) and above all *The Origins of the Family, Private Property, and the State* (1884). In the twentieth century, there was a broad debate among Marxists concerning state theory, but it did not lead to a common understanding of the state.<sup>(1)</sup> In this chapter, we will not attempt to offer a compact “Marxist theory of the state.” Rather, we will attempt to emphasize, on the basis of a few fundamental topics, that against the background of the critique of political economy an alternative to bourgeois theories of the state is not the only point—the point is a critique of politics. By that we mean not a critique of certain policies, but rather a

critique of the state and politics as social forms, that is, as particular modes of mediating social cohesion.

## **11.1 The State—An Instrument of the Ruling Class?**

Above all, two points addressed by Marx and Engels considerably shaped subsequent theoretical discussions concerning the state: first, the phrases “base” and “superstructure,” and second, the conception of the state as an instrument of the ruling class. In the 1859 Preface to *A Contribution to the Critique of Political Economy*, Marx summarizes his general view of society on about one and a half pages. Marx identifies the economic structure of society as “the real foundation, on which rises a legal and political superstructure” and emphasizes that “neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary they originate in the material conditions of life” (MECW,29:263, 262). Thus were the phrases “base” and “superstructure”—frequently used by Marxists though rarely by Marx—introduced into the debate. In traditional Marxism and Marxism-Leninism, the terse statements of this Preface are regarded as one of the foundational documents of “historical materialism.” The conclusion was often drawn

that the economic “base” essentially determines the political “superstructure” (state, law, ideology) and every phenomenon of the “superstructure” must have a corresponding cause in the “base.” This simple reduction of things to economic causes is called economism.

Many discussions among Marxists revolved around the question as to what extent the “base” actually determines the “superstructure.” In the attempts to extrapolate definitive scholarly results from this Preface, it was often overlooked that Marx was initially only concerned with distancing himself from the discussions of the state predominant in his time, which regarded the state as independent from all economic relations. In contrast, Marx emphasizes that the state and law cannot be grasped by themselves, but must always be examined against the background of economic relations. With this contour it is not even foreshadowed how the analysis of the state should actually look.

The economistic interpretation of the terms “base” and “superstructure” was well suited to a characterization of the state originating primarily with Engels. At the end of the *Origin of the Family* (1884), Engels makes a few general observations concerning the state. He emphasizes that the state did not exist in all human societies. Not until the emergence of social classes with

antagonistic interests, when these antagonistic interests threaten to tear society apart, is “a power seemingly standing above society” necessary. This power that emerges from society but which increasingly takes on a life of its own is the state (MECW, 26:269). However, the state apparently stands only above classes; in fact, it is “the state of the most powerful, economically dominant class, which through the medium of the state, becomes also the politically dominant class” (MECW, 26:271). Engels initially understands the state as a power opposed to society. This overlaps with the general, colloquial understanding of the state as an institution possessing a monopoly on the legitimate use of force in a particular society: except in cases of self-defense, nobody may employ violence outside of appointed state organs such as the police or the military. Engels also emphasizes that this institution is at the same time an instrument of the ruling class—even in a democratic republic with universal suffrage, which according to Engels rests upon various indirect mechanisms of rule: the “direct corruption of officials” but also on the “alliance between government and stock exchange” (as a result of the national debt, the state is increasingly dependent upon the financial markets). Even universal suffrage does not stand in the way of an instrumentalization of the state, as long as the proletariat “is not yet ripe to emancipate itself” and

regards the established social order as the only possible one (MECW, 26:271–72).

When the proletariat ultimately liberates itself and establishes a socialist/communist society, then, according to Engels, social classes will also disappear—not in one fell swoop, but gradually. Since the state only emerged as a force standing above society as a result of the class divide, the state will disappear along with social classes: the state “dies out” according to the famous formulation in the *Anti-Dühring* (MECW, 25:268).

The conception that the state is primarily an instrument in the hands of the economic ruling class was not only dominant in the various Marxist debates; radical-democratic bourgeois critics regarded at least the existing state as an instrument of direct class rule. According to the claims made by modern states, the state is neutral with regard to social classes: imperative is the equality of citizens before the law and the obligation of the state to serve the common welfare. Whoever conceives of the state primarily as an instrument of class rule therefore usually attempts to prove that the actual activity of the government and the mode of functioning of state organs run counter to this claim of neutrality.



Such a conception has a certain empirical plausibility: one can always find examples of laws that primarily benefit the well-off or capitalist lobby groups exercising legal (or even illegal) influence on the legislative process and the political activity of the government. It is indisputable that particular fractions of capital attempt to use the state as an instrument, and sometimes succeed in doing so. The question is whether awareness of this state of affairs implies that one has already grasped the fundamental characteristics of the modern bourgeois state.

Usually state measures exist that benefit the poorer strata of the population. Exponents of an instrumentalist conception of the state interpret such measures as mere concessions, a means of pacifying the oppressed and exploited.

*Critique of the state* is understood by exponents of this conception primarily as exposure: the intent is to prove that the neutrality of the state is merely illusory. This critique of the state applies primarily to the particular application of the state, but not to the state and politics as social forms.(2)

In political practice, the instrumentalist conception of the state usually leads to the demand for an alternative use

of the state: the claim of common welfare should finally be taken seriously and the interests of other classes more strongly taken into consideration. The question of how this can be achieved is subject to varying appraisals. “Revolutionary” tendencies emphasize that state policies in the “real” interest of the majority are only possible after a revolution. Therefore, exactly how revolutionary politics in non-revolutionary periods should look remains unclear. “Reformist” tendencies, on the other hand, believe that under capitalist relations a different politics, a compromise between classes, is possible.

Correspondingly, “better” policies are expected from the participation of leftist parties in government. The frequently resulting disappointments are then justified by some reformists as an unfortunately necessary cost of compromise, whereas the more radical reformists criticize the disappointing policies in question and attribute them to the accommodation or “betrayal” of the leaders of leftist parties. Not uncommonly, the next party is founded in order to “really” do things differently. The idea that there could be structural reasons for the criticized accommodation is disregarded.

## **11.2 Form-Determinations of the Bourgeois State: Rule of Law, Welfare State, Democracy**

A fundamental problem is tied up with the “instrumentalist” conception of the state: it obscures the qualitative differences between pre-bourgeois and bourgeois social relations and only emphasizes the division of society into different social classes. An analysis of the state must be concerned with the specific form by means of which these classes relate to one another and reproduce their class relation.(3)

Economic and political rule were not yet separate in pre-bourgeois societies: the relation of domination of slaveholders or feudal lords was that of a relation of personal rule over “their” slaves or serfs, which (from our contemporary perspective) simultaneously constituted a relationship of political power as well as a relationship of economic exploitation.

In bourgeois-capitalist society, economic exploitation and political rule diverge. The owner of land or means of production does not have a judiciary, police, or military function connected to the property granting him political power. Economic domination therefore no longer has a personal character; the individual wage-laborer is not personally bound to a particular capitalist. Members of

bourgeois society encounter each other on the market as legally “equal” and “free” owners of private property, even if some only own labor-power and others own the means of production. Marx remarks sarcastically in *Capital*:

*The sphere of circulation or commodity exchange, within whose boundaries the sale and purchase of labour-power goes on, is in fact a very Eden of the innate rights of man. It is the exclusive realm of Freedom, Equality, Property and Bentham. (4) 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 exchange 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. (Capital, 1:280)*

The economic relationship of exploitation and domination is constituted by the agreement between free and equal contractual partners and can be dissolved

at any time. The exploited consent to their own exploitation because in a society of private property they have no other possibility for securing their livelihood. The wage-laborer is not personally dependent upon a particular capitalist, but he must sell his labor-power to a capitalist in order to survive.

The relation of domination between the classes growing out of production in bourgeois society is completely different from all pre-bourgeois societies. For that reason, the political form of bourgeois society, the bourgeois state, exhibits its own particular characteristics.

In pre-bourgeois societies, people confronted one another at the outset as legally unequal. Rights and obligations were defined by their respective state or social status; economic and political relations of domination were directly intertwined. Under capitalist social relations, direct political force is not necessary for the maintenance of economic exploitation: it is sufficient for the state as a force standing above society to guarantee that all members of society behave like owners of private property. However, the state must be a discrete, independent force, since it has to compel all members of society to recognize one another as private owners.

As the rule of law, the bourgeois state treats its citizens as free and equal owners of private property. All citizens are subordinated to the same laws and have the same rights and obligations.(5) The state defends the private property of every citizen, regardless of that person's importance. This defense consists primarily in the fact that the citizens are obligated to recognize one another as private owners: the appropriation of property is only allowed by mutual agreement; as a rule, one only acquires property by endowment, inheritance, exchange, or purchase.

The state does in fact conduct itself as a neutral instance with regard to its citizens; this neutrality is in no way merely an illusion. Rather, it is precisely by means of this neutrality that the state secures the foundations of capitalist relations of domination and exploitation. The defense of property implies that those who possess no relevant property beyond their own labor-power must sell their labor-power. To be able to appropriate their means of subsistence, they must submit to capital. This makes the capitalist process of production possible and reproduces in turn the class relations that are its precondition. The individual laborer emerges from the process of production exactly as he entered it. The laborer's wage is essentially sufficient for his (or his

family's) reproduction. In order to reproduce himself anew, he must sell his labor-power again. The capitalist also emerges from the production process again as a capitalist: his advanced capital returns to him together with a profit, so that he can even advance it again in a greater quantity. Thus the capitalist production process does not just produce commodities; it also reproduces the capital relation itself (see *Capital*, 1: chapter 23).

However, the fact that the reproduction of the capital relation to a large extent occurs—at least in the developed capitalist countries—without direct state coercion (the force of the state is always present indirectly as a threat) is a recent historical development. When the “primitive accumulation” and the “worker free in a double sense” (see section 4.3) still needed to be “produced,” things were different. As Marx shows in detail using the example of England, the state had to continuously and directly intervene to encourage and enable capitalist production. Initially the state did this by supporting landlords expelling peasants from the land that the latter had cultivated for a long time (sheep raising was more profitable for the landlords), and then by forcing uprooted and vagabond people into the strict discipline of capitalist workplaces. This is not to say that various governments followed a general plan to

introduce capitalism, since such measures had completely different causes. However, modern capitalism was only able to establish itself as a result of these violent measures. It took a while for a working class to develop “which by education, tradition and habit looks upon the requirements of that mode of production as self-evident natural laws.”(6) Only then is the “silent compulsion of economic relations” sufficient for the “domination of the capitalist over the worker”—so that coercive state force is only necessary in exceptional cases (*Capital*, 1:899). Under developed capitalist relations, the maintenance of the class relation is assured precisely because the state, as the rule of law treats its citizens as free and equal owners of property regardless of their social class, defending their property and their dealings as property owners.(7)

Moreover, the bourgeois state is not just the rule of law, merely establishing a formal framework and securing adherence to this framework by means of its monopoly on the use of force. It also guarantees the general material conditions for the accumulation of capital, insofar as these conditions cannot be established by individual capitals in a capitalist way, since doing so would not yield a sufficient profit. Among these conditions, which vary or are of varying importance in



different historical periods, are the provision of a corresponding infrastructure (primarily transportation and communication), research and educational facilities, as well as a stable currency through the central bank.

(8)The state thus acts as an “ideal personification of the total national capital” (ideeller Gesamtkapitalist), as Engels called it (MECW, 25:266). Through its policies, the state follows the capitalist general interest of the most profitable accumulation possible. This general interest is not always identical with the particular interests of individual fractions of capital or an individual capitalist, which is why the state sometimes acts in opposition to these particular interests—for that very reason, there must be a self-contained instance independent of specific capitals. Of course, there are always examples of governments favoring individual capitals, but that is not an essential aspect of the state. For that very reason, such acts of favoritism are also denounced as a “scandal” in bourgeois circles that are in no way critical of the state and capital.

The essential precondition of capitalist accumulation is the existence of wage-laborers. Their reproduction is made possible by the wage paid by capital. For an individual capital, the wage (just like occupational health and safety measures) constitutes a cost factor that must

be minimized in order to obtain the highest possible profit under the pressure of competition. If capital does not encounter resistance in the form of strong trade unions or similar associations, then excessively long working time, unhealthy and dangerous working conditions, and starvation wages will be imposed that prevent the reproduction of labor-power: a tendency toward the destruction of labor-power is thus intrinsic to capital's drive (imposed by competition) for an increasingly greater valorization. The individual capitalist might recognize this and even regret it, but he can't do much to change things if he wishes to avoid bankruptcy. So that capital does not destroy its object of exploitation, this object must be protected by compulsory state laws. A legal workday (see *Capital*, 1: chapter 10), regulations concerning occupational health and safety, as well as a legal minimum wage (or state welfare measures that function as a minimum wage level)—all of which were first imposed through workers' struggles—limit capital's possibilities for valorization, but secure them in the long term.

The state does not only prevent the destruction of labor-power; in the form of the welfare state, it also guarantees its reproduction insofar as this is not possible solely as a result of the wage compensation negotiated

by workers and capitalists. Through various social insurance policies, the state secures labor-power against the fundamental risks it is exposed to in a capitalist economy: the permanent inability to sell labor-power as a result of an accident or old age (accident insurance and old-age pensions, respectively); and the temporary inability to sell labor-power as a result of illness or unemployment (health insurance and unemployment insurance, as well as welfare).

The means for state social welfare measures originate in the capital accumulation process, regardless of whether these measures are financed by social insurance contributions or taxes. A portion of the total social value is used, so that the mass of surplus value is reduced. For the individual capitalist, this deduction constitutes a restriction, just like the protective regulations mentioned above. To that extent, the state as welfare state violates the direct interest of each individual capital in maximum valorization and therefore encounters corresponding resistance. It is thus frequently the case that state social welfare measures come about as a result of struggles by the labor movement. The welfare state is therefore frequently understood as an “achievement” of the labor movement, a concession to the working class (in order to pacify it). It is in fact the case that the lives of wage-

laborers are considerably easier and more secure with state social welfare measures than without them. However, it is not the case that such measures are one-sided benefits for the forces of labor that—as is occasionally asserted—already constitute the first step in transcending capitalism. Rather, they safeguard the existence of workers in a manner consistent with capitalism, namely as wage-laborers. On the one hand, it is in the interest of capital that those workers whose labor cannot be profitably used for a temporary period of time—as the result of illness, accident, or the lack of demand—are still maintained in an “orderly” condition amenable to capital. On the other hand, state social welfare measures are usually contingent upon the sale of labor-power (or the willingness to sell one’s labor-power): benefits such as unemployment insurance or old-age pensions depend upon the previous wage, a correlation that already functions as a means of disciplining workers. In the case of people physically and mentally able to work, the payment of unemployment insurance or welfare is also contingent upon their active effort to sell their labor-power. If this is not the case, the reduction or suspension of benefits is used as a means of discipline by state agencies. The benefits of the welfare state, therefore, do not free one from the compulsion to sell one’s labor-power.

A decisive shortcoming of the conception of the bourgeois state as an instrument in the hands of the capitalist class is that it presupposes a “ruling” class that is both unified and capable of acting, as well as a clearly defined class interest that simply needs an instrument for its implementation. Neither assumption is self-evident. The “economic ruling class” in capitalism consists of capitalists with widely varying, even opposing interests. There is a common interest in the maintenance of the capitalist mode of production, but if the system is not threatened by a revolutionary movement, then this interest is far too general to serve as a guideline for “normal” state action. The interests that determine the state’s activity are not just sitting around waiting to be implemented, as is assumed by the instrumentalist conception. Rather, these interests must first be constituted.

All of the state’s measures are contested, whether the issue is the concrete organization of the legal system, the securing of the material conditions of accumulation, or the type and extent of welfare state benefits. As a rule, every measure brings disadvantages for some capitalists (sometimes even for all capitalists) and advantages for others (or fewer disadvantages than for the rest). Advantages expected—but not certain—over the long

term are pitted against immediate disadvantages. The issue of what the general capitalist interest consists in, which challenges the state should react to and how—all that has to constantly be ascertained. State policies presuppose a constant ascertainment of the general interest and the measures for its implementation.

Not uncommonly, there are different possibilities for implementing the capitalist general interest. Alternative strategies are possible, so that state policies cannot be reduced to the simple implementation of necessities of the capitalist economy. The reference to the economic purpose behind a state measure, popular in Marxist circles, is insufficient as an explanation. The relations of power between individual fractions of capital, cunning alliances, influence within the state apparatus and in the public media and similar factors are of decisive importance for the implementation or prevention of individual measures or even entire strategies. Sometimes results that are even harmful for the general capitalist interest are brought about. Lobbying, competing for influence, and so on is not a violation of the rules, but precisely the way in which the search for consensus occurs.

State policies do not only presuppose a consensus concerning the capitalist general interest within the most

important fractions of capital. Such policies have to be legitimized in relation to the lower classes; a certain level of consent is also required from them. Only then is it guaranteed that the lower classes do not disturb the reproduction of capitalist relations through their social practice (and such disturbances do not first emerge with politically motivated resistance). In particular, the lower classes must consent to the sacrifices demanded of them or at least passively accept them. For the establishment of legitimacy and the maintenance of the “disciplined” mode of behavior of the worker and citizen, it is not sufficient to simply “sell” such policies “well”; the interests of the lower classes—their interests within capitalism, meaning their interests in a better existence as wage-laborers—must at least be taken into consideration to the extent that they do not “excessively” interfere with the capitalist general interest in successful accumulation. The extent to which these interests are strongly and skillfully advocated thus plays a role in how much influence their advocates have in political parties, the state apparatuses, and the media.

The debate concerning the various political measures and different strategies, the constitution of consensus and legitimacy, the integration of interests in a manner consistent with capitalism—all of this involves not only

the “ruling” class but also the “ruled” class. It occurs within as well as outside of state institutions: in the media of the bourgeois public sphere (television, the press) as well as in the institutions of democratic decision making (the parties, parliaments, committees). Of course, the policies of the state can also be imposed with dictatorial means against the majority of the population, but a long-term suppression of democratic institutions and the curtailment of freedom of the press and of opinion bring considerable material costs (the apparatus of repression must be all the more extensive if legitimacy is slight) and disturbs the ascertainment of the capitalist general interest. Military dictatorships and similar regimes are therefore rather the exception in developed capitalist countries.

Fundamental procedures for the establishment of legitimacy as well as a consensus conforming to capitalist norms are universal free elections occurring by secret ballot. This allows a majority of the population to vote out unpopular politicians and parties and elect new ones. The new government, regardless of whether its policies are different from that of the old one, can maintain against critics that it has been “elected” and therefore “wanted” by the majority of the population. This “legitimacy by procedure” comes to the fore in the way



political science deals with democracy—neglecting the capitalist context to a large extent. The dissatisfaction of the population concerning the impositions of politics is not just offered a timely safety vent by the possibility of regular elections; it is also channeled, in that it is directed against individual politicians and parties and not the political and economic system behind their policies. Correspondingly, in the bourgeois public sphere, a political system counts as democratic when it offers the effective possibility for voting out a government.

The idealization of democracy one encounters in parts of the left, which measures really existing democratic institutions against the ideal of a citizen who should decide by vote about the greatest possible number of issues, also disregards the social and economic context of democracy, just like the mainstream of political science mentioned above. Alongside the different variants of democratic systems (with strong presidents, strong parliaments, etc.) there is no “real” democracy that must finally be introduced; under capitalist relations, the existing democratic system is already the “real” democracy (whoever sees “real” democracy in multiple, easily initiated plebiscites should take a look, for example, at Switzerland, and see if that leads to great changes).

The state and the public sphere constitute, as is often emphasized, an arena for different interests; in a democratic system, this can be seen rather clearly. However, this arena is not a neutral playing field. Rather, this playing field structurally affects debates and the political practice resulting from them. State policies are in no way completely determined by the economic situation, but they are also not an open process in which anything is possible. On the one hand, conflicts within and between classes as well as the relative strength and ability of individual groups to handle conflict, etc., play an important role, so that different developments are constantly possible. On the other hand, politics must always accommodate the general capitalist interest in successful accumulation. Parties and politicians might be quite different in terms of their backgrounds and value systems; in their policies, particularly when they are in government, they generally orient toward this general interest. This is not because they are “bribed” by capital or are otherwise somehow dependent (although that can also be the case), but rather because of the way parties assert themselves and the working conditions of government—processes and conditions that even leftist parties who aim to govern cannot elude.

In order to be elected president or obtain a majority as a party, various interests and value systems have to be addressed. In order to be taken seriously in the media (an essential precondition for becoming well known), “realistic,” “realizable” proposals must be made. Before a party can even come close to governing, it usually goes through a process of political education over the course of many years, in which it increasingly adjusts to “necessities,” that is, to the pursuit of the capitalist general interest in order to have greater electoral success. If a party finally gets into government, it has to take care to obtain the necessary consent. It is now of particular importance that the political “room for maneuver” is decisively dependent upon financial possibilities: these are determined on the one hand by the level of tax revenue, and on the other by the level of expenditures, of which social welfare benefits are among the larger items. In the case of a successful accumulation of capital, tax revenues are high and welfare expenditures for the unemployed and the poor relatively low. In periods of crisis, tax revenues decline and social expenditures increase. The material foundation of the state is thus directly connected to the accumulation of capital; no government can get past this dependency. A government can increase its financial room for maneuvering by borrowing, but this increases the future

financial burden. Additionally, a state can only obtain credit without problems as long as future tax receipts, from which the credit should be paid back, are certain, which in turn presupposes again a successful accumulation of capital.

The promotion of accumulation is not just the self-evident aim of politicians; it is also a truism among broad sectors of the population that “our” economy needs to perform well, so that “we” can benefit from it.

“Sacrifices” that initially benefit only the capitalists are willingly borne in the expectation of better times to come. The former Social Democratic chancellor of Germany, Helmut Schmidt, formulated this memorably in the 1970s: “The profits of today are the investments of tomorrow and the jobs of the day after tomorrow.”

Criticism usually arises in the population not as a result of the impositions of policies and the promotion of policies, but due to the absence of the expected results.

Here again we see the relevance of the fetishism that structures the spontaneous perceptions of the actors in capitalist production. In the trinity formula, the capitalist mode of production appears to be a “natural form” of the social process of production (see chapter 10).

Capitalism appears to be an endeavor without alternative, in which capital and labor play their “natural”

roles. The experience of inequality, exploitation, and oppression therefore does not inevitably lead to a critique of capitalism but to a criticism of conditions within capitalism: “exaggerated” demands or an “unjust” distribution of wealth are criticized, but not the capitalist foundation of this distribution. Labor and capital appear to be the equally necessary and therefore equally respected bearers of the production of social wealth. Against the background of the trinity formula it is understandable why the conception of the state as a neutral third instance that concerns itself with “the whole”—and to which appeals for social justice are addressed—is so plausible and widespread.

This “whole” of capital and labor encompassed by the state is, then, to a varying extent in the individual countries, invoked as the nation, as an imaginary community of fate of a “people” that is constructed through an alleged “common” history and culture. This national unity is usually first achieved through the act of dissociation from “internal” and “external” enemies. The state appears as the political manifestation of the nation: the “well-being” of the nation must be realized by the state domestically as well as through the representation of the “national interest” abroad. This is exactly what the state does when it pursues the capitalist general interest,

since this is the only common welfare possible under capitalist social relations.

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- 1. From the cornucopia of contributions, we shall name only a few: Lenin's *State and Revolution*, Evgeny Pashukanis's *The General Theory of Law and Marxism*, Gramsci's *Prison Notebooks*, Althusser's *Ideology and Ideological State Apparatuses*, Johannes Agnoli's *Der Staat des Kapitals*, Nicos Poulantzas's *State, Power, Socialism*, and Heide Gerstenberger's *Impersonal Power*.
- 2. In the writings of the young Marx from the early 1840s, one also encounters a critique of the state that contrasts norm and reality. As a result of the inadequacy of such a critique of the state, Marx began his engagement with the critique of political economy. These early works are thus hardly fruitful for a critique of the state on the basis of the critique of political economy
- 3. Marx emphasizes this point in *Capital*: "The specific economic form, in which unpaid surplus-labour is pumped out of the direct producers, determines the relationship of domination and servitude, as it grows directly out of production itself and reacts back on it in turn as a determinant. On this is based the entire

configuration of the economic community arising from the actual relations of production, and hence also its specific political form” (*Capital*, 3:927).

- 4. Jeremy Bentham (1748–1832) was an English philosopher who advocated an ethical system based upon utilitarian principles.
- 5. Following Marx’s well-known formulation, one could say that this and subsequent statements only apply to the bourgeois state “in its ideal average.” Just as the depiction of the capitalist mode of production “in its ideal average” (*Capital*, 3:970) does not yield a complete analysis of capitalist society, the same applies to the state. The implementation of the complete legal and political equality of citizens (and especially of female citizens) was a process that lasted into the second half of the twentieth century in some states, and is still going on to some extent. Furthermore, as a result of global processes of migration, there live in the majority of states today not only legally equal citizens, but also a growing number of citizens of other states who enjoy considerably fewer, or as is the case with illegal immigrants, almost no rights.
- 6. This state of affairs, mentioned by Marx in passing, is one of the central themes of Michel Foucault’s *Discipline and Punish*. In this context, Foucault criticizes the traditional conception of power

as being an asset that various social classes can simply appropriate. Against this, Foucault advances a “microphysics of power” that pervades every individual in his or her internalized attitudes and behavior.

- 7. Since capital must constantly conquer new territories, private property relations must constantly be reestablished under new conditions, such as with the Internet, to take a contemporary example (see Nuss, 2002).
- 8. The existence of money is not based upon state actions; rather it is the commodity that necessitates money (see chapter 3). However, under normal capitalist conditions the state guarantees the value of the particular concrete manifestation of money through state institutions (in developed capitalism, usually a central bank, see chapter 8).