

STATE SOVEREIGNTY AS A MACHINE OF  
DOMINATION AGAINST SOCIETY

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Pierre DARDOT and Christian LAVAL, *Dominer. Enquête sur la souveraineté de l'État en Occident* (Paris, La Découverte, 2020, 736 p.)

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The powerful thesis of Pierre Dardot and Christian Laval is based on a contemporary political observation: the ideology of sovereignty, *sovereignism*, is a false friend of the progressive-left and to the construction of structural alternatives to the financialized capitalist order. Moreover, the elevated idea and legal fiction of sovereignty, which presents itself as an emancipatory concept, acts to confer “sublime reasons” on the “infamous” (such as “inequalities” or the contemporary treatment reserved for migrants by nations, [589]). The “state machines” are “machines to dominate, to serve dominant interests, to close borders, to hold the class and the social order in check, to deprioritize the climate, to make it a secondary concern”. They are machines of fiscal, ecological and mineral extractivism, which perpetuate “ecocides on the Amazon rainforest” and “genocide” against the Amerindians.

State sovereignty has nothing to do with independence or autonomy, the authors argue. Rather, as constructed in the West, it signifies that the representatives of the State have the power to free themselves from any obligation towards citizens (*internal side*) or towards other states or international organizations (*external side*): they are “free with regard to laws” (*ex legibus solutus*). Dardot and Laval’s book is therefore a political manifesto, documented by a history of ideas, against the essence of state sovereignty defined as a “permanent”, “unpersonal”, “unlimited”, and “untied” institution fictitiously endowed with a supreme will—the fictitious person of the State that is superior to any other.

The idea that bringing back state sovereignty would help regain control of the global economy, climate change, and financial disorder is based on an erroneous observation that pits the State against Capital. According to the authors, sovereignty is not a solution. Rather it is part of the problem. State sovereignty is a regime of political irresponsibility and “democratic disconnection”. Moreover, the problematization of sovereignty as a recourse is only possible if we replicate an amnesia of its genesis, forgetting that, in the West, state sovereignty is primarily a specific mode of “domination”, “a power of command of the state”, inside a defined territory, “over the society and each of its members”.

Dardot and Laval address the worship of sovereignty, which is based on a misconception of the role played by this legal principle in the history of nation-states as a “*weapon against true democracy, that is to say society self-government and autonomy of the individuals*” [17]. The authors’ aim is to drop the progressive or subversive veil that covers the hardcore historical reality of sovereignty as an apparatus of domination.

Their encyclopedic work offers an impressive synthesis of the major works available in political philosophy, history of ideas, and anthropology. The method used consists in a genealogy that reconstructs “the events that have contributed to producing the legal fiction (*fictio juris*) of a subject called the State, a public person endowed with a sovereign will”.

The authors dissect the patient construction through the centuries of a “great political subject” they consider as a “political fetishism”, from Antiquity (where the sovereignty of the State was “untraceable”) to the present day configuration (which wrongly suggests a certain impermanence). The patient construction of the “Modern Sovereign State” as a permanent entity that goes beyond the existence of any natural person emerged at the end of the 16th century. That construction has collided and expanded over the centuries, according to the authors:

by slow transitions from one to the other, it was necessary to constitute an administration of justice that gave birth to a royal law, a tax system that was more regular, a royal currency that inspired confidence, a permanent army, the corps of “officers” and “intendants”, that is to say an administrative framework constituted away from the feudal hierarchy and that allowed to put little by little all the subjects “in the hand” of the king.

But this process was neither linear nor teleological, and the authors reconstruct the trials through which it was consolidated and naturalized to appear as it does today as impassable: “Far from being given in advance”, it “had to be conquered against resistances and obstacles that had to be dealt with”. But these resistances, and attempts to reroute the concept of sovereignty and to twist it towards popular voices and radical democratic devices and experiments have failed. Paradoxically, they have also contributed to strengthening and naturalizing state sovereignty so that it now includes criticism and demands for alternatives within its own perimeter.

The status of sovereign, both in its negative sense (absence of superior) and in its positive sense (superior to laws), means that the State has nothing above it, recognizes no superior, and at the same time is free of any obligation towards its members as well as towards the laws that its representatives promulgate in its name [22].

This explains why, regardless of their political affiliations, politicians are committed to perpetuating this domination by guaranteeing the

continuity of the state at all costs. In a first step, the absolute Prince put on the “slippers of the Roman pontiff” and his unlimited power (*omnia potest papa*), using the model of the Church to reign over the population. Then, after the French Revolution, the Nation took over the throne of the Monarch, realizing another “transfer of sacredness” and “deciding the meaning of political sovereignty in our world”.

*State sovereignty and the neoliberal “raison d’état”*

The common sense political conception of sovereignty is as a means of resisting global and financialized capitalism. From the very first pages and very largely in the last, the authors recall how much these political constructions are based on a diagnosis that is, at best, naïve, and, at worst, cynical. It is now largely admitted in the academic literature that neoliberalism requires a strong state, and that state sovereignty is today the vehicle of authoritarian neoliberalism and competition between states. Its aim is to create more and more investor- and transnational capital-friendly institutions. Given the tendency to confront sovereignty and economic rationality, or to oppose markets to states, the protection of global capital has become the new *raison d’état*. Dardot and Laval refuse the trap of state-capital opposition [12]. Relying on Wallerstein<sup>1</sup>, they consider a global system of domination that “comprises States, Private Corporations, International and Intergovernmental Organizations, Churches, Cities, Social Classes, Political Parties, etc.”. Since global capital cannot govern directly, it presupposes the maintenance and even reinforcement of the exercise of state sovereignty, placing all its instruments and apparatuses at the service of the absolute rights of the capital:

The State, which has become a “global strategic actor”, now has the essential function of bringing global constraints into the national arena while at the same time shaping the global arena to its advantage and to the extent of its means. Within the territory it administers, the State imposes private and/or supranational norms that are in force in the global economic space. These norms are, first of all, those of the free circulation of capital and the least taxation of the profits that their owners may derive from it [667].

Therefore, authoritarian neoliberalism can no longer be considered as an “accident of history” or a “momentary blunder by arrogant leaders”.

<sup>1</sup> Immanuel WALLERSTEIN, 1980, *Le Système du monde, du XV<sup>e</sup> siècle à nos jours*, t. I: *Capitalisme et économie-monde (1450-1640)* (Paris, Flammarion).

Rather it stems from a practical necessity: “integration into a global economic order that is very favorable to capital and generates increasingly obscene inequalities presupposes the repressive reaffirmation of state sovereignty, whose police and punitive face is increasingly evident”.

The second incorrect assessment that the authors deconstruct consists in assimilating the sovereignty of the State to the sovereignty of the people. They demonstrate that this confusion, or “deliberate blurring of meanings” [26], has a strategic aim of legitimization perpetuated over time by those in power, and refers to a “discourse of self-legitimization”. Above all, throughout history, sovereignty has been caught in a tension between these two aspirations—stateness or popularness—which they consider contradictory and the object of friction.

*State sovereignty as the secularization of theological powers*

Revisiting a classical historiography, the authors recall how royal absolutism and state sovereignty were constructed in reaction to the papal revolution from the 6th century onwards. Starting in 1075, the Church of Rome established itself as a sovereign power, exclusively entitled to appoint bishops and to make the clergy independent of secular powers, in a kind of self-allocation of powers that jurists then had to legitimize. Gregory VII seized power as the Head of the Church (the Papal States had a little more than three centuries in existence) and drafted the *Dictatus Papae*, a revolutionary juridical act, affirming the sovereignty of the Pope. The latter could depose emperors, was both above the law and against it, and, strengthened by the patrimony of Christ, had effective temporal powers: i.e. the right to kill, to legislate, to wage war, and to use force. It also had administrative authority, fiscal resources, and a specific treasury. Occasionally the Church even raised armies—all prerogatives that were already, in their own way, those of a modern state.

This “pontifical sovereignty served as a direct model for the construction of state sovereignty” [83]. Jean Bodin (1529-1596) is one of those who theorized this analogy between Pope and Prince, and between public law and canon law, in order to explain the “absolute power” or *plenitudo potestatis*: “And just as the Pope never binds his hands, as the canonists say, so the sovereign Prince cannot bind his hands when he wants to” [80]. Between the 14th and the 16th centuries, the rivalry between the Church and this State in gestation increased to the point of taking on the proportions of a power-to-power conflict in which each of the

protagonists fought for the same prerogatives. The Church was the great model of the State, which envied it for its apparatus and pomp, for its ceremonials and rites. An entire religious mythology developed, revealing the religious essence of the sovereignty principle. This dimension of the sacred, this “state mysticism”, allowed the king to “raise himself to another level than that of *primus inter pares*—the first among his peers”.

Monarchist propaganda during the Middle Ages divinized the King and drew the statue of the “Ideal Prince”, pious, humble, generous, courageous, good, and just. If the Kingdom was a mystical body, the King was at its head. The King, like the Pope, had unlimited and “supernatural” authority: he was a healer and a miracle worker (*thaumaturge*). To quote Bossuet, “the royal throne is not the throne of a man but the throne of God himself”.

Progressively the heroization of the King and the demonstration of his moral superiority, in the name of which he was able to exercise his sacred function and impose respect on his subjects, contributed to the secularization of King and Kingdom.

When years later, in March 1766, in his so-called *Flagellation speech*, Louis XV needed to reaffirm the absolute character of his power, it was precisely because it had been largely eroded by the rise of the “old conservative parliaments of the Ancient Regime”. In the meantime, these parliaments had become centers of counter-power, contributing to the dislocation of the monism of monarchical sovereignty by affirming that if the King was the “soul” or the “head”, then parliament constituted the true body of the Nation.

This new self-representation of society gradually nibbled away at all the symbols and rituals of the ostentatious dignity of royal sovereignty. The Majesty became national. Dardot and Laval show that from the Enlightenment to the French Revolution, the concept of sovereignty was caught in tension between the affirmation of a direct sovereignty exercised by the people (in the line of Jean-Jacques Rousseau) and the affirmation of a representative democracy through political philosophy and the regime of the National Assembly (specific to Abbé Sieyès). The authors show these revolutionary times as so many potentially subversive experiences with regard to the concrete consistency of sovereignty. They show how the Montagnards and Jacobites presented themselves as a compromise, promising to respect the will of popular and *sans-culottes* movements that aspired to the exercise of direct democracy. They would also respond to their radical economic demands while maintaining the principle of representation and strengthening the political center: that of the Convention.

*Popular sovereignty against state sovereignty*

Acknowledging that they cannot be exhaustive, which is understandable in view of their historical journey in the book, the authors account for unborrowed junctions, attempts to reformulate sovereignty outside the State. In this way, they restore the many doctrines of socialism that have proposed alternatives to state sovereignty, or even explicitly constructed themselves against this model. They focus mainly on popular sovereignty, which they define “not as a type of political regime” but as “a matter of experiences” and “practices of control over those who govern, in other words, practices of self-government that imply the decided refusal of any political representation”. These social experiments in popular sovereignty are embodied in the *sans-culottes* movement—expressing the people’s attachment to the imperative mandate and “from the beginning of the revolution, rejecting the principle of delegation of sovereignty”—and the Paris Commune.

But such aborted potential sovereignties are mainly described through their theorization, for example in the long and precise development of Socialist doctrines. Socialism is a weapon against the sovereignty of the State because it seeks to break down the belief and fiction of a supreme body, of an absolute center. The legitimacy of the political regime must no longer be located in “heaven” or in a metaphysical political center, but in society itself, precisely in the relationships that producers have within society. From Saint-Simon to Proudhon, the authors reconstruct all failed attempts to horizontalize political power.

The analysis culminates in an examination of Marx who, in line with Saint-Simon, shared with the first anti-state socialists the idea that society contains the principles and forces of its self-organization. Marx prophesied the “disappearance of political power”—“which is precisely the official summary of the antagonism in civil society”—since the “working class will, in the course of its development, replace the old civil society with an association that will exclude the classes and their antagonism<sup>2</sup>”. Contrary to the Hegelian idealization of the concept of sovereignty—which is autonomized vis-à-vis the subjects who embody it—Marx considered that sovereignty “exists from the outset and cannot exist outside a subject: sovereignty is the quality of a subject and not the subject or a subject in itself” [559].

<sup>2</sup> Page 36, in Karl MARX, [1847] 1963, *Misère de la philosophie. Réponse à la philosophie de la misère de M. Proudhon*, in K. Marx, *Œuvres*, I (Paris, Gallimard, “Bibliothèque de la Pléiade”).

The authors show that these possible bifurcations were not borrowed. The French Revolution, while making demands for popular sovereignty, at the same time perfected the state machine. Finally, throughout the 19th century, the development of the educational state was accompanied by a form of “pastoralization”, which “moralized the people”. The State becoming the new Church. Salvation was found in the school, and national education was elevated to an eminent symbolic rank. This “gave the State the full legitimacy to socialize childhood, to form minds, to channel social mobilities and thus to consolidate the ‘enlightened sovereignty’ of a State that transcends individual interests and economic needs and ensures the perpetuation of the nation” [609].

In the same way, the authors restore an unimpeded path through the thesis of Léon Duguit, who argued that public service had to replace the concept of sovereignty as the foundation of public law. Duguit sought to think of state goods according to their purpose. That is, as if the ownership of these same means had been placed under the control of citizen-users and as if, consequently, they no longer constituted the material basis of state sovereignty. The authors show that the hegemonic socialism that would later impose itself—by espousing dirigisme, planning, or the nationalization of industry or banking as the guiding principles of economic policies—would, on the contrary, reinforce the model of state sovereignty. While they show how certain social benefits and the social security system overall have paradoxically reinforced the sense of belonging to a national community and statehood, it is surprising that the authors ignore the work of Bernard Friot<sup>3</sup>, who revisited the victories of workers and trade union in the areas of social security, public pension systems, and the tenure of civil servants (a “*wage for life*”) as subversive social tools for extending this partial utopia that already existed in our institutions.

### *A history of sovereignty doctrines rather than practices*

It is also surprising that the authors do not devote a few lines to the way they treat their material—mainly texts, historiography—and, above all, do not invite reflection on the status of the works and authors that make up the 723 pages of their volume. If the authors are contextualized, there is no question about their status: should these philosophers and

<sup>3</sup> Bernard FRIOT et Judith BERNARD, 2020, *demain* (Paris, Éditions Textuel). *Un désir de communisme, Conversations pour*

legal theorists be considered as “plotters” of an era, expressions of a conflict or a trend of the moment, or key actors? When Dardot and Laval oppose pairs of authors, descriptor-prescribers of the Prince, one understands that they crystallize a conflict on a notion at a given moment in time. Do they consider that these theories were performative, and that they structured the political reality? There are many elements of response when these back-and-forth motions are made between government practices and events and government thinking (*sciences de gouvernement*)—but this kind of analysis remains to be systematized. Despite the announced non-linear history, the very long fresco that is proposed to the reader, (made up of potential bifurcations), nevertheless produces an undesirable effect of fatality and inevitability. The authors do not have the space nor the time to reconstitute the contingency, struggles and uncertainties of each context explored, which flattens and weakens the configurations of sovereignty. All this gives the unintended impression that the sovereign state was condemned from the outset.

*The refusal to seize state sovereignty as a field of social struggles*

The key to this writing (and reading) slope also lies in what amounts to a refusal to sociologize the State. In the name of a legitimate rejection of a state, which would be considered as an “empty shell”, ready to host oligarchy or democracy, Dardot and Laval “reject Poulantzas’ idea that the state should be considered a “strategic field” or the “material condensation” of a balance of power between classes”<sup>4</sup>. Because, according to them, “this amounts to leaving out the essential in order to give the impression that this field could be directly invested by the dominated for their own benefit. [The authors] consider the belief in the State as the infrastructure and not some superstructure that is solely ideological”. They insist on the fact that this “point is crucial”<sup>5</sup>.

Although the authors seem to be aware of the latest academic trends (combining philosophy and history<sup>6</sup>), it is unfortunate that an entire

<sup>4</sup> Authors interviewed by Alain Lhomme, at Cité Philo, Lille Hauts de France, 24<sup>e</sup> *Semaines Européennes de la philosophie*, « Transmettre », édition 2020.

<sup>5</sup> *Ibid.*

<sup>6</sup> Bruno KARSENTI and Dominique

LINHARDT, 2018, “État et société politique”, *Raisons pratiques* (Paris, Éditions de l’EHESS); Dominique LINHARDT, “L’État de société, considérations sur la méthode”, *Raisons pratiques* (Paris, Éditions de l’EHESS).



sociology of the state concerned with the instruments of government, as well as the socio-technical mechanisms of calculation and financing (they quote Latour very widely at the end) does not hold their attention. Thus the focus on this belief in the state (which strangely neglects Bourdieu's work here<sup>7</sup>) overlooks a sociology of the state and of the senior civil service that could indeed document tensions within state sovereignty over the representation of this or that social class in this or that fraction of the state. In other words, the one-dimensionality and condemnation of the sovereign state that the authors conclude upon may well derive from the method they use, focusing on the legal fiction of sovereign unity and its rootedness in social beliefs. Thinking of institutions as a field of struggle where this class conflict is replayed would allow us to grasp the historical transformations of the hegemonic bureaucratic fraction (Finance and the Budget)—corresponding to the “boa constrictor stifling society”, according to Marx—and the way that this technocratic aristocracy has been structured in turn and over time by societal trends.

As such, it is regrettable and symptomatic that the authors spend no more than ten lines on the experience of non-market government in the post-war economy where social (the integration of civil society) and political plurality (the integration of civil society) was played out within the state apparatus. To political sociologists, their analysis may seem to convey a naïve and monolithic conception of state agency. Missing in this book, for instance, is Bourdieu's conception of the struggles between the left and right hand of the State bureaucracy. Moreover, and paradoxically, they would seem to plead for the return, not of a philosophy of “beliefs” in the State and Sovereign-State “mystical foundations”, but of the material devices of state-apparatus government, and Foucauldian approaches such as those developed by Timothy Mitchell<sup>8</sup>. Finally, sovereignty, far from being only a theoretical machine, is also an empirical notion that is grasped, mobilized, circumscribed (in lawsuits and dispute settlements between investors and states). It is also an object of financial speculation and calculation. In sum, sovereignty is embedded in global finance, which is not “an anonymous power”<sup>9</sup> but is composed of precise actors and organizations empowered at the junction of fractions of

<sup>7</sup> Pierre BOURDIEU, 2012, *Sur l'État. Cours au collège de France (1989-1992)* (Paris, Seuil). This is all the more surprising given that Christian Laval devotes an entire book to it. Cf. Christian LAVAL, 2018, *Foucault, Bourdieu et la question néolibérale* (Paris, La Découverte).

<sup>8</sup> Timothy MITCHELL, 1999, *Society, Economy, and the State Effect*, in George

Steinmetz, ed., *State/Culture: State-Formation after the Cultural Turn* (Ithaca, NY, Cornell University Press).

<sup>9</sup> The authors assert: “In the case of global capital flows, we are dealing with an anonymous power, and it is difficult to see how it could proceed from the will of a public person”.

public technocracy and the private financial sector<sup>10</sup>. During interviews, the authors champion an approach to state sovereignty that is close to that of Marcel Mauss<sup>11</sup>, where the state is overwhelmed and limited from above (by supranational institutions) and built from below (through the “commons”). However, the book seems to claim for an urgent throwing out of the baby of the state sovereignty with the nationalist and neo-liberal bathwater.

BENJAMIN LEMOINE

<sup>10</sup> Benjamin BRAUN, 2020, “Central banking and the infrastructural power of finance: The case of ECB support for repo and securitization markets,” *Socio-Economic Review*, 18 (2): 395-418; Benjamin LEMOINE, 2018, “Dettes et devoirs d’État. Les obligations d’État entre crédit financier, ordre social et morale politique”, in B. Karsenti et

D. Linhardt, *État et société politique*, Approches sociologiques et philosophiques (Paris, Éditions de l’EHESS “Raisons pratiques”).

<sup>11</sup> Marcel MAUSS, 2018, *La Nation ou le sens du social* [édition et présentation de Jean Terrier et Marcel Fournier] (Paris, Puf, “Quadrige”).