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(doi: 10.2383/32711)

Sociologica (ISSN 1971-8853)

Fascicolo 2, maggio-giugno 2010

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# Against the “Adjectival State”

## A Response to the Comments

*by* Paul du Gay *and* Alan Scott

doi: 10.2383/32711

Our remit was to initiate a discussion on the idea of the state in recent political sociology/state theory. We would first like to thank both the journal’s editors for their invitation and those who took the time and trouble to write a commentary: Mitchell Dean, Bob Jessop, and Grahame Thompson. These responses have been diverse and we shall briefly pick out the main points from each commentary before turning to our response.

Mitchell Dean, after offering a summary of the argument that is clearer than the original, raises two issues: a methodological one concerning the state as concept or as ideal type versus the state as a set of practices, and a political one concerning state-phobia and what he calls, following Foucault, “anti-state eschatology.” With respect to the former, by developing our arguments on the basis of the Cambridge School’s version of conceptual history and (via Poggi) a Weberian view of the state as ideal type, we fail to make clear the relationship between discourses of state (including academic and “scientific” discourses) and state practices; a relationship that is central in Foucault, and we fail “to capitalize on the full implications of the fundamental insight of the illocutionary character of *our* statements about the state.” With respect to the latter political issue, Dean is sympathetic to our critique of anti-statism, to the implication of our argument that there is an affinity between left and Ordoliberal

state-phobia,<sup>1</sup> and to what he calls our effort at a "de-dramatization of the analysis of the state," but he concludes with a warning: "Just as there are dangers in state-phobia, are there not ones of 'state fixation,' not the least of which might be the production of the very object by which state-phobia seeks its eschatological ends?"

Whereas Dean's criticisms emanate from a position which is broadly at one with ours, Bob Jessop takes issue with our basic position which he finds fundamentally flawed and deeply incoherent. His first objection echoes Dean's criticism, but in a stronger form: we confuse the state as concept with state institutions, the latter emerging earlier than the term which contingently came to characterize them. Like Minerva's owl, the concept "state" flew at dusk: only once state apparatus, territory, and state subjects were more-or-less in place. Had we started our argument from the distinctions drawn in the tradition of *Staatslehre* between *Staatsgebiet*, *Staatsapparat*, and *Staatsvolk* (but see footnote 3) rather than from a homogenizing conception of *the state*, then our concept of "statehood" (*Staatlichkeit*) would have been sufficiently broad to account for those things (such as regime) which we seek to place outside our "stripped down" (Dean) conception of the state. Secondly, we propose a periodization of the state which is no less problematic than that we criticize; one which conflates "the national territorial state and the nation-state." Finally, our Eurocentric use of the notion of "regime" focuses exclusively "on normal regimes to the detriment of sustained engagement with the wide range of non-democratic and/or exceptional regimes within and beyond Europe." Again, had we taken not Skinner, Weber, Aron, and Poggi as our starting point, but German *Begriffsgeschichte* our use of notions of state and regime would have been more pluralistic and open-ended; less inclined to take a one contingently state form (that which emerged in western Europe) as the norm.

Grahame Thompson's response is in marked contrast to Jessop's. He is in broad agreement with our aim to stop the further proliferation of prefixes and adjectives for supposedly new *forms* of state (with their epochal implications) and he seeks not to criticize our analysis but to make "further clarificatory moves designed to enhance the analytical drive embodied in the paper." Thompson's first concern is to further develop Gianfranco Poggi's notion of the "constitutional state," upon which we draw heavily, by emphasizing the role of liberalism in its formation and by introducing a distinction between the familiar notion of "Rule of Law" (RoL) and "rule by laws" (RbLs). Thompson views liberalism – whose central paradoxical characteristic was

<sup>1</sup> The point is well illustrated by the reception of James Scott's *Seeing Like a State*. Although Scott's critique of "high modern" rule via the cadastral map is leftist [or perhaps anarchist: see Lachmann 2010, 125] in its political inspiration, his critics have drawn parallels with Hayek's critique of the state. See, for example, Lukes [2006].

to criticize the condition of its own existence, namely the absolutist state – as the ideational underpinning of the constitutional state. Given that a “state with a constitution” is not necessarily a “constitutional state,” the institutional underpinning of the latter is not RbLs but RoL. Thompson’s second concern is with transnationalization and globalization. Here he argues, against attempts to moralize politics, that the territorially based, sovereign, and constitutional state remains a necessary condition for the “continued operation of Liberalism, viewed as a calculative governmental programme.” For Thompson, as for Paul Hirst [2005, 44 and 45], “it is borders that make extended international governance work” and “territory still matters.” Thompson adds: (liberal) constitutionalism still matters.

How to respond? Since it is too late for retractions and too early for auto-critique, we have no option but to press on with the argument. At the same time, we are aware that much of our argument is not yet “*ausgereift*” (ripened) and we shall not pretend otherwise. Given that it is Bob Jessop who has made the most fundamental criticisms – the others being broadly sympathetic to the argument, though not necessarily satisfied with all its formulations – there is the obvious temptation to gear the response to a rebuttal of his criticisms, but we can balance this by drawing on what Mitchell Dean and Grahame Thompson have said in order to clarify the argument.

## The State Concept

As we indicated, one of Jessop’s key criticisms of our paper concerns the relationship between the state concept and statehood as practice. He suggests that some of the constitutive features or “core tasks” we attribute to the state “also characterise, albeit it in different ways, more ‘traditional’ state forms.” Much here rides on the words “albeit in different forms” for it may well be, we put the point no stronger, that these “different forms” offer precisely, in Skinner’s terms, the key to distinguishing the state from other frameworks within which politics takes place. It is certainly the case, for example, that when it comes to governing, the general distinction between an office and the person or persons occupying it at a given moment in time is a very old one indeed. However, historically the distinction between personal and “official powers” was often extremely elusive. Only in some Western European countries at a certain point in the early modern period can we see this distinction hardening and sharpening to the extent that there “arises a highly structured domain of offices, and associated with these offices a greatly accumulated set of powers, resources, instruments which were not really under the effective personal control of those who happened to occupy the offices at any given time” [Geuss 2001, 50]. This is a key

feature of the state in Weberian and Skinnerian terms, though, not necessarily of course, for Marx. The more the differences are highlighted, not least via detailed historical description, the more precise one can potentially be about deploying the term state without recourse to various forms of anachronism and prolepsis, and thus without making a fundamental category mistake.

Andreas Anter [2001, 132] notes that Weber postulated a narrow conception of the state (corresponding to our “stripped down” version) but also that “interestingly, such a narrow delineation can be found neither in the *Herrschaftssoziologie* nor anywhere else in his work.” He goes on to argue that not merely in Weber, but in the analysis of the state generally, a consistently historical conception of the state (*Staatsbegriff*) is hard to find, indeed not even seriously attempted because “in practice, one clearly does not wish to forego the established conception of the state” [*ibidem*, 133]. And yet, as we have suggested, alternatives do exist to describe organized systems of rule or domination which are not (in the narrow sense) states, indeed Weber supplied several: *Herrschaftsbetrieb*, *Herrschaftsverband*, *Patrimonialherrschaft*. In one sense the issues may be trivial. Skinner, for example, is fully aware that the word “state” (and its equivalents: *stato*, *état*, *Staat*, etc.) emerged by being applied in new ways to already existing institutions and practices; to an existing “apparatus of government” [Skinner 1989, 108] for the description of which alternative conceptions then “had to be reorganized or in some cases given up” [*ibidem*, 123]. Historical consistency would demand that we find a variety of terms to apply to diverse forms of organized rule. Some have sought to do just that,<sup>2</sup> most have followed the path described by Anter and simply found it too inconvenient to abandon the established term. Jessop’s suggestion that we apply terms such as *Staatsapparat* and *Staatsgebiet* to contexts in which there were, on a more precise definition, no states falls into the latter category.

But there is another important point to be made concerning the terms from *Staatslehre* that Jessop recommends: they were (among other things) themselves aspects of the liberal discourse that Thompson argues is so integral to the constitutional state. The third of the terminological trinity – *Staatsvolk* – illustrates the point most clearly.<sup>3</sup> Weber [1917] used this term as part of a contrasting pair: *Staatsvolk* and *Volksgenossen*. The latter refers to members of a “community of fate” (*Schicksalsgemeinschaft*), the former to political citizens within the modern state. The point is as

<sup>2</sup> Richard Lachmann [2010], for example, is careful not apply the term “state” in a historically cavalier manner and finds a range of alternatives (kinship groups/patrimonialism, empire, city-states) to apply to the period “before states.”

<sup>3</sup> The trinity of concepts is *Staatsgebiet*, *Staatsgewalt* (rather than *Staatsapparat* as Jessop has it) and *Staatsvolk*. “State apparatus” (*l’appareil d’état*) has, of course, a quite different lineage.

much normative as it is analytical: Weber is seeking to keep the two separate and avoid the conflation of *demos* with *ethnos* [see Mann 2005] that every liberal fears.

The above illustrates the issue of the relationship between concepts, institutions, and practices raised by both Dean and Jessop. This is a knotty problem which has gone unresolved in the literature (as Dean notes, Skinner is ambiguous here too). We can only make a few loose observations. The first is that the issue is not resolved by substituting or supplementing the speech act theory informed position of the Cambridge School with *Begriffsgeschichte*. Here Jessop exaggerates the differences between the two perspectives at the level of substantive historical analysis. The *locus classicus* of the latter tradition is Reinhart Koselleck's *Critique and Crisis*, first published in 1959 and translated (into English) in 1988. Koselleck's starting point for his analysis of the pathogenesis of the "bourgeois world" (*die bürgerliche Welt*)<sup>4</sup> is an argument repeated by Skinner and Geuss: it is Absolutism that resolves (or represses) religious strife and makes way for that institution we call the modern state. Thompson thus comes close to Koselleck when he argues that liberalism is critical of the conditions of its own emergence, namely Absolutism. Koselleck may indeed have gone further by arguing that liberalism tends to *deny* the conditions of its emergence, and is thus partially blind to its own anti-democratic, or at least non-democratic, Hobbesian foundation:<sup>5</sup> securing social order against internal as well as external treat: "a man in fear of death will flee to the State, and protection is therefore the State's highest moral obligation" [Koselleck 1988, 31]. If we were to continue to look to the history of ideas for support for our arguments, then perhaps it is in *Begriffsgeschichte* that we might find the richest source. Like Hobbes, Koselleck is concerned not about the "structure of particular states" but about "what makes a State a State, about its statehood" [*ibidem*, 35]. Likewise, his criticisms of the Enlightenment focus upon its tendency to moralize (or, alternatively, to demonize) the state; to fail to see that order and security are its primary aims and violence its necessary means; a point that our paper also seeks to make with respect to more recent debates.

But the issue of concept and practice goes deeper than this. Dean challenges us to deepen our analysis here by taking into account the role of social science discourse in shaping governmental practices. Our aim at least was to avoid a position which divorces "the reality of the state on the one side and our beliefs, or discourses, about it, on the other" (Dean). The issue can perhaps be best addressed, though not here, through specific cases. Dean alludes to governance discourse with its rhetoric of

<sup>4</sup> These connotations are lost in the English translation of the subtitle as "the pathogenesis of modern society."

<sup>5</sup> See also, Hindess [2001].

"governance without government." This is indeed a fruitful area in which to look for the proximity of academic analysis, policy discourse, political practice, and, not least, spin. Some of more interesting analyses of governance, particularly in the context of the EU, already contain useful pointers in this direction [e.g. Jessop 2004; Offe and Preuss 2006]. For example, in defining governance as "ruling without an opposition," by which they mean a neo-corporatist style of rule in which those who can hinder policy objectives are incorporated, Offe and Preuss uncover the relationship between academic and policy analysis, on the one hand, and a discourse and a particular practice of rule on the other in a way that Dean should commend:

In this world, the activity of "ruling" loses much of its vertical dimension of bindingness and "giving orders"; it transforms itself into horizontal acts of winning support through partnership and a highly inclusive participation of all pluralist collective actors to the extent that they muster any capacities at all for vetoing or obstructing policy results or for contributing to desired outcomes [Offe and Preuss 2006, 182]

This depolitization of politics is a theme to which we shall return in the final section.

## States and Regimes

It is time to turn to the core argument of our paper. Our central aim was to question the tendency to speak loosely about, and to seek to periodize, transformations of the state. In order to argue that case we proposed: *i*) a narrowing of definition of the state; *ii*) returning to the notion of "regime" in the sense that Aron (building on Montesquieu and on Weber) used it.

With respect to the issue of periodization and definition, in appealing to Poggi's analysis of the constitutional state it was not our intention to introduce a rival periodization. Rather, as we said, the aim was to run a thought experiment in order to relativize, and thus undermine, more recent attempts at periodizing, and at relabeling, the state as "the network state," the "post-Keynesian," etc. What might be called "the adjectival state" is a trope "for meaning systems, for kinds of subjective knowledge, that epitomize or stereotype the experience involve" [Rudolph and Jacobsen 2006, 346]. That is the attraction of such "modifying adjectives." They "invoke a dominant framework" [*ibidem*, 346] but they do not have the kind of general validity that is often claimed for them.<sup>6</sup>

<sup>6</sup> This does not particularly bother Rudolph and Jacobsen who adopt a different strategy to ours. Rather than seek to define the state (a project they consider "objectivist") they focus upon state effects; upon how the state is experienced. Given this nominalism, they view these "modifying adjectives"

The issue of the definition of the state is more complex. In agreement with classical *Staatslehre* – which distinguishes sharply between *state* and *government* [see Loughlin 2009], – the Cambridge School, and Poggi, we have closely linked the state to law; to what Skinner calls the “juridical state” (another adjective). How much beyond law should a *sociological* definition of the state go? The point of reintroducing the notion of “regime” is to suggest: not too far. Here Thompson’s distinction between RoL and RbLs is useful. Whereas, as he argues, it is RoL that is specific to *constitutional* states, one might build on his distinction to suggest that it is RbLs that “makes a State a State,” to use Kosellneck’s words. But do we really want to confine the definition of state to legalistic one? The governmentality literature, on which Dean draws from his profound knowledge of it, talks about government as a *technology*. In a very different literature, Christopher Hood and others talk about policy *instruments*.<sup>7</sup> If we want to avoid a purely legalistic understanding of the state, then these kinds of extensions of the notion of state seem both legitimate and necessary. However, like law and like coercion, technology and instruments refer largely to *means* rather than *ends*. They are not accompanied by the same baggage as are more substantive extensions or periodizations of the state. Part of the baggage we what to drop is teleological assumptions of much state talk. Sheldon Wolin [1987, 467], for example, notes the teleology implicit in reading the welfare state as the “completion of liberalism.” Welfare, he asserts, “is a graft upon the modern state, it is not constitutive of it” [*ibidem*, 473]. We agree. The, no less problematic, converse side of this teleology is to read the reversal of the expected effect as a symptom of the absolute decline of the state. This is teleology’s reverse gear. Against such a view, Wolin offers a cunning observation: “irrespective of whether a programmatic change produces an increase or a reduction in the welfare functions of the state, state power is increased” [*ibidem*, 477]. Again, we agree.

Thus, the state/regime distinction plays a similar role in our argument to the state/government distinction in classical *Staatslehre*: it divides the instruments of state from political and social struggle allowing us to more precisely identify those phenomena that have been misdescribed as transformations of *the state*. Contra Jessop, there is nothing in the notion of regime that is *necessarily* Eurocentric, nor which confines the concept, in its Weber-Aron guise, to “normal regimes.” Although our usage of the notion of “regime” draws on a Weberian view of politics as “contingent struggle” and as “selection” (*Auslese*) [see Palonen 2007; Breiner 2004], and

not as objective periodizations of *the state* but simply as a means of capturing the variety of ways in which the state can be experienced.

<sup>7</sup> For a useful discussion, see LeGalés and Lascoumes [2007].



on Aron's (yes, liberal conservative) development of this into an analysis of parties and regimes, our usage is close to the Gramscian notion of hegemony. The common concern here is with collective struggles for the instruments of power between social groups, the institutionalization of these struggles, and the (temporary) dispensations that issues from them. Here, however, we can do no more than issue a promissory note: our next task must be to clarify the notion of regime.

## Value-relevance

"The State must always be rediscovered."

John Dewey from *The Public and its Problems* [quoted in Latour 2007, 2].

"Ours is a society that promises to liberate itself from the very laws that have made it possible."

Michel Foucault, *History of Sexuality*, vol. 1

As both Dean and Thompson note, our paper has a normative as well as a substantive concern. This "value-relevance" is particularly manifest in our criticisms of "state-phobia," whether of left or right. The histories of early modern European state formation on which we draw point to the crucial role of Absolutism, theoretically and practically, in advancing the cause of social peace and worldly security, and, in so doing, to its role in the emergence of what we take to be liberal rights and freedoms. The latter, then, are not fundamental and inalienable, inherent in humanity, but are rather historical entitlements to legal action, contingent upon the state's establishment of sovereignty whose perimeters it polices. In this sense, the absolutist or security state is therefore "the default setting of the liberal state" [Hunter 2005], a setting that liberal states find themselves retracting to under emergency conditions, when their core purposes are in some way threatened. This suggests, as Grahame Thompson indicates, that liberalism and Absolutism have conjoined histories and that attempts by liberals of various stripes to disappear the absolutist aspects of state sovereignty by, for instance, abrogating its room for manoeuvre by opposing its discretionary powers, are deeply misguided, not least because they can in certain circumstances, as Koselleck argues, undermine the very conditions that made liberalism possible in the first place.

As Mitchell Dean correctly anticipates, this line of reasoning which seeks to somehow evacuate, water down, or occlude the continuing and crucial practical importance of sovereignty and its "absolutist" pedigree, also extends to contemporary theoretical discussions of the state in the social and human sciences. Here, the effects

of the ongoing “moment of theory” [Hunter 2006] and, in particular, its “constructionist” and “constructivist” variants, are evident. Much important work in the latter vein has sought to puncture reifications of the state as a free-standing entity of some sort, indicating instead how “state effects” are produced in, and are a result of the relations established between, a diverse range of mundane practices and devices [Rose and Miller 1992; Mitchell 1999]. However, while ostensibly signalling an adherence to empirical history and positive description, work of this sort has tended to be highly theoreticist and epochalist in orientation. A number of consequences have flowed from this, not the least of which has been the effective disappearance of the object of analysis: the state. As Mitchell Dean suggests, exemplary and influential analyses of the state inspired by the work of Michel Foucault, such as Rose and Miller’s “Political power beyond the state” (with its focus on “governmentality”) and Timothy Mitchell’s “Society, economy, and the state effect” (with its focus on “disciplinary society”), end up effecting just such a disappearance [Rose and Miller 1992; Mitchell 1999]. They do so, we argue, precisely because they are more epochal theoretical positions than historical descriptions. In following a certain Foucauldian line, one which programmatically distinguished between a “before” and an “after,” instituting an epochal break between singular power exercised via Absolutist sovereignty and plural powers exercised via normalizing disciplines and techniques of conduct, these and other such analyses are simply trading on ahistorical theoretical distinction contrasting perfectly antithetical ways of exercising power. As such they have little or nothing of interest to say about the historical emergence of the state and its instituted purposes, and thus how and why the manner of the state’s historical existence makes it unamenable to being reduced to theoretical abstractions such as the “juridico-discursive,” or subsumed under “governmentality.” Most importantly, perhaps, for the present discussion, their epochalist theoretical orientation and consequent lack of historical contextualisation effectively renders them incapable of seeing how the (Absolutist) security state was constitutive of and remains the default setting of the contemporary liberal (democratic) state [Hunter 2005]. As Foucault [1980, 102] famously remarked, “[w]e must eschew the model of *Leviathan* in the study of power. We must escape from the limited field of juridical sovereignty and State institutions, and instead base our analysis of power on the study of techniques and tactics of domination.”

Clearly, not everything one might conceivably wish to understand about contemporary practices of governing can be equated with the state, but likewise, it is difficult to understand or appreciate certain, crucially significant aspects of contemporary conducts of governing without recourse to something approximating to “the model of *Leviathan*,” by which we mean the office of sovereignty. So, while there are

many contradictory impulses that can be culled from Foucault's *oeuvre*, as Mitchell Dean suggests, nonetheless it remains a moot point whether Foucault's work is the best place to look when seeking to combat the routine blurring of the offices of government and sovereignty that pervade contemporary analyses of the state, or, indeed, the epochalist mentality that sees everywhere extraordinary transformations in or the effective supersession of the state and the office of sovereignty.

Our recourse to histories of early modern political thought was designed in part, as Dean notes, to de-dramatize the effects of such modes of intellectual conduct (as Koselleck was also keen to do via a similar route), and to highlight the continuing practical importance of distinctions between sovereignty, government and regime, and the costs of blurring such distinctions, both conceptually and politically. Further, as we argued at some length in our paper, and as Koselleck reminds us, a focus on early modern debates about the purposes and conducts of state brings into sharp relief what is at stake in ongoing attempts – intellectual and political – to test the state's legal and administrative forms of conduct against other-worldly visions, whether religious or moral.

In this respect, the criticism made by Bob Jessop concerning our privileging of what he terms the "historical semantics of the state," or early modern histories of political thought, in contrast to (or, as he puts it, in ignorance of) other constitutive aspects of statehood that emerged before the modern concept of the state, somewhat misses the point. One of the main themes of our paper, one derived from early modern histories of political thought, is to indicate the statist or authoritarian character of early modern liberalism. Despite this, to the extent that it remains committed to a politics founded upon rational moral self-governance, much contemporary liberalism remains uncomprehending of its own statist character. Seen through a Kantian lens (and Koselleck reminds of just how powerful an optic this has and continues to be, philosophically and politically), the central reality of historical liberalism – that personal security and religious toleration depended upon the pacification of rival moral communities dedicated to mutual destruction – passed into the metaphysical looking glass. "On the other side of this inverting mirror [...] security and toleration appeared as rights against the state, achieved by self-governing moral communities" [Hunter 2001, 368]. From the end of the Eighteenth century, the state's "liberal" withdrawal from the moral domain would thus be subject to a profound and systematic re-interpretation. It would appear in post-Kantian histories not as the means by which the state achieved (and continues to achieve) the religious neutrality required to govern rival (religious) moral communities – not that is, as the exclusion of the church from the exercise of civil power – but as an expression of the moral community's transcendent resistance to the state [*ibidem*, 367-68]. As Mitchell Dean argues, we can see

this inversion alive and well in the present, not only in intellectual circles, where its standing is still remarkably prestigious (Exhibit 1: Jürgen Habermas), but in political rhetorics concerning “network governance,” and the ethics of transnationalism and cosmopolitanism, for example. In this respect, it is salutary to turn to early modern histories of political thought, as Koselleck does, because they indicate in such a stark and convincing fashion why it is essential or highly advisable to have a central locus of power and authority – the “State” – what the “core tasks” of such an entity are, and how contemporary forms of anti-statism are by no means novel (the tropes they deploy – conscience, universal morality, personal liberty – would come as no surprise to Hobbes or Pufendorf).

To be reminded of why and how the State emerged when it did, and what its historical core tasks were (and remain, if often invisibly under conditions of relative peace) is not without its uses, particularly when, as we have indicated, our political culture remains so hostage to various forms of anti-statism, explicit or implicit. After all, one might think that

in a world populated by *other* states, many of them predatory, it is essential for the minimal self-defence of a certain population that it be organized as a state, or one might think that it was necessary [as recent events indicate all too clearly] that it was necessary to have an independent power that could intervene in the economy to prevent it from self-destruction. [Geuss 2001, 129]

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## Against the "Adjectival State"

### A Response to the Comments

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**Abstract:** Much recent sociological debate about the state, whether neo-Marxist or neo-Weberian, has been concerned with its supposed transformation or its decline in the face of globalization and neo-liberalization. This paper argues that conceptual confusion underlies such claims, and to speak of a *transformation* of the state in short historical runs, of around thirty years, is inappropriate. We offer a narrower understanding of the state in terms of the means it deploys (cf. Weber) and its "core tasks" – i.e. those concerned with internal and external security. In doing so, we also seek to counter aspects of contemporary anti-statism, not least by highlighting their historical genealogies. To make our case, we appeal to the analysis of the state by the so-called "Cambridge School" of historians of political thought (§1). We then take Gianfranco Poggi's account of the *constitutional state* as an ideal type characterization of the state in a certain developed form (§2) and draw out the implications for recent sociological analysis of the state (§3). Finally, we make one suggestion as to how that debate can be conceptually recast in the light of the historically less compressed picture that emerges when we bring the arguments of the historical school together with Poggi's Weberian account, namely we seek to revive the notion of "regime" as it was used by Raymond Aron who builds on Weber's account of politics in terms of eternal struggle and selection (§4). The changes that have been misdesignated as transformations of *the state* are better understood as changes in regimes.

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**Keywords:** *anti-statism, Aron, Cambridge School, Poggi, regimes, state transformation.*

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