Transcendentalizing the State

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Abstract: How can one radically resist the state, where material and ideological circumstances foreclose a non-statist horizon? To tackle this question, the paper will rely on points of view of communities that know no stateless world, but still reject contemporary state governmentality as such, rather than just this or that government. The paper opens by fleshing out the claim that there is no “world” outside the state. Then it looks into Zapatista resistance, among others, to see how resistance to the state works where there’s no independent world from which the state is to be resisted. Next, the work of Pierre Clastres and the Theology of Liberation is used to set up a model that I call “transcendentalization of the state” – a form of governmentality that retains the state as constitutive framework, but undermines its power to enforce its authority. The last two sections flesh out this model with case studies from Israel/Palestine and the Euromed civil forum.

1. Introduction

I believe that as we were saying in the assemblies of the Polytechnic, if the revolution doesn’t come now, if we don’t push this insurrection to a real revolution, it will not be because we don’t have the power but because we don’t have our world.1

The problem discussed in this paper is that of radically resisting the state, where material and ideological circumstances foreclose a non-statist horizon, or, as anarchist activists Pavlos and

1 Pavlos and Irina (anarchist participants in the Athens December 2008 protests) ‘This is the spirit of the revolt’, in A.G. Schwarz, Tasos Sagris and Void Network (eds), We Are an Image from the Future: The Greek Revolt of December 2008, Oakland, AK Press, 2010, p129. (Hereafter Spirit of the Revolt.)
Irina put it, where one has no world outside the state. To articulate a radical challenge to state authority from within a statist framework, this paper will rely on points of view of communities that know no stateless world, but still reject contemporary state governmentality as such (rather than just this or that government).

The next section will flesh out the claim that there is no “world” outside the state. Then I look into Zapatista resistance (among others) to see how resistance to the state works where there’s no independent world from which the state is to be resisted. In the following two sections I will use the work of Pierre Clastres and the Theology of Liberation to set up a model that I call “transcendentalization of the state” – a form of governmentality that retains the state as constitutive framework, but undermines its power to enforce its authority. The last two sections will flesh out this model with case studies.

2. Articulation of the Problem: No World Outside the State

Pavlos and Irina (of the motto above) realize that they have no “world” outside the state, that is, no array of power and discourse that can be considered as the state’s outside. The claim is not simply that there’s hardly any piece of land outside state sovereignty, but that the state’s biopolitics and control force themselves on what could be considered, until recently, as spaces outside state government. “The family, the school, the army, the factory are no longer the distinct analogical spaces that converge towards an owner – state or private power – but coded figures – deformable and transformable – of a single corporation that now has only stockholders”.2 The state is no longer an element of sovereignty with borders, frontiers, enemies and an outside; it has become a pervasive form of governmentality, an inescapable “state of affairs”.

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In this section I would like to explain why some of the sites that might be considered as sites of resistance outside the state are, in fact, intertwined with the state. The first site to explore as a potential outside-state would be zones where state jurisdiction does not apply. James Scott's *The Art of not Being Governed*³ studies such zones in the mountains of South East Asia before the mid 20th century.⁴ Scott distinguishes state zones from non-state zones, where “the state has particular difficulty in establishing and maintaining its authority”.⁵ In the relevant historic conditions, non-state zones are areas where natural or other circumstances prevent the binding of large populations to rice cultivation plots and systems of registration and taxation that enable state control.⁶

Scott’s most relevant claim for us here is that non-state zones do not precede the state, but are co-constructed with it:

The state and its resulting shatter zone are mutually constituted in the full sense of that much-abused term…. The valley state’s elites define their status as a civilization by reference to those outside their grasp, while at the same time depending on them for trade and to replenish (by capture or inducements) their subject population. The hill peoples, in turn, are dependent on the valley state for vital trade goods and may position themselves cheek by jowl with valley kingdoms to take full advantage of the opportunities for profit and plunder, while generally remaining outside direct political control.⁷

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⁴ Late 20th century technological changes allowed states to reach previously ungovernable areas in ways that render some of the analysis less relevant; see *Not Being Governed*, pxii.
⁵ *Not Being Governed*, p13.
⁶ *Not Being Governed*, p179.
⁷ *Not Being Governed*, pp326-327.
In fact, the borders between Scott’s states and non-state zones are so fluid, that the former are called “concertina states”. Only a society that exists in relation to a state can be considered a non-state zone (as opposed to pre-state zones that no longer survive). Scott’s non-state zones are not the opposite of states, but a way of living with states: living off them, by interacting with them. They are not grounds for resistance to states as such. Contemporary attempts to create autonomist communities face a similar problem.

If we can't reach outside the state, we might want to resist it from "that which is at the same time its other, its outside, its target, and its object, namely: civil society". But this statement is ironic. Foucault's purpose is precisely to show that both the state and society are contingent and co-constituted.

Foucault identifies several stages in the evolution of modern European politics:

- The pre-modern pastoral or opportunist sovereign, who leads individuals (rather than society, which is not yet there as an object of political discourse) to salvation, or exploits them for his own benefit.
- Early modern “raison d'état”, where “The state exists only for itself and in relation to itself”, so that “the individual exists insofar as what he does is able to introduce even a minimal change in the strength of the state”. Here society is a second nature analyzed in terms of physiocratic or liberal political economy, restricting the state’s ability to intervene.

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8 *Not Being Governed*, pp164-165.
11 *Birth of Biopolitics*, p5.
• 20th century ordo- or neo-liberalism, where the state must shape society to optimize economy, which takes society’s place as second nature. “The problem of liberal policy was precisely to develop in fact the concrete and real space in which the formal structure of competition could function”.13

I bring the gist of this narrative to insist that society and states are dynamic discursive co-determined objects. “Civil society is not an historical-natural given …[, a] foundation and source of opposition to the state or political institutions. … it is something which forms part of modern governmental technology”.14 The society we live in today is the society of the state; it is imbued with state induced logics, structures and practices; and the same can be said of the state with respect to society.

Moreover, the very attempt to articulate civil society as an antagonist to the state participates in this co-constitutive logic. In a world where the state demands (as in the case of the various Occupy movements) that society articulate claims and make sense,

All the movements which only bet on liberation, emancipation, the resurrection of the subject of history, of the group, of speech as a raising of consciousness … do not see that they are acting in accordance with the system, whose imperative today is the overproduction and regeneration of meaning and speech.15

One cannot presume to be independent of the order of state politics from within a state discourse that demands political subjects and enunciations, which, by their very annexation into that discourse, remain subject to state enforced political logics.

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13 Birth of Biopolitics, p160.
14 Birth of Biopolitics, p297.
This last claim is clear when society is analyzed as a construction of “the people” of a hegemonic project relating to state power as in the work of Laclau. But it becomes more objectionable when considered from the point of view of some autonomist/operaist projects relating to notions of “tumult” and “multitude”. Yet, even when engaged in such projects, the task of the multitude “alternates between negotiation and total rejection [of the state], between an intransigence that excludes all mediation and the compromises necessary for carrying out free zones and neutral environments”. Therefore, statist subjectivity and demands are not abandoned even while engaging in such non-statist projects. So these projects do not open a horizon of resistance to states or empire from an outside (beyond Baudrillard's silence of the masses who continually shrug political representation and demands), unless they call for an exodus not of society, but from society understood as a position co-constructed with the state:

Something similar happened in the late 1970s in Italy, when a youthful workforce ... decided that it preferred temporary and part-time jobs to regular jobs in big factories. Albeit only for a brief period, occupational mobility functioned as a political resource, bringing about the eclipse of industrial discipline and permitting a certain degree of self-determination. ... [P]reestablished roles were deserted and a “territory” unknown to the official maps was colonized.

But the very volume that includes this quote actually discusses the very failure of this exodus, leaving the conditions of possibility of such an exodus an open problem. Since an exodus

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18 *Grammar of Multitude*, p206.
from society is vague and out of reach, since we have no “world” from which to oppose the state, I will try to trace a concept of statehood by drawing on those who resist the very notion of state authority from within state articulated logics.

3. Some case studies of an ambiguous relation to the state

I'd like to start with a concrete example: the Zapatista uprising in Mexico. Following a long local history of more and less formal expressions of popular resistance, on January 1, 1994, a group called the EZLN (Zapatistas) declared an armed uprising against Mexican authorities. The trigger was the NAFTA accords, neo-liberal policies, and an ongoing deterioration of indigenous welfare. After 11 days of fighting a ceasefire was declared. The Zapatistas have since suffered intermittent repression by military and paramilitary groups. In parallel, they negotiated with the government, implemented a de facto autonomous rule, and organized outside the political party system.

The Zapatista struggle has gained much renown among autonomist leftists throughout the world, and is considered a successful model of engaging international solidarity. Zapatista symbols are flaunted by many anarchists worldwide. But despite their anarchist following, the Zapatistas frame their demands within a statist discourse. They demand government reform, amendments to the constitution and representative democracy. They mention the Catalan and Belgian autonomies as possible models for indigenous self government in Mexico. Their statements are anchored in the Mexican constitution, the Geneva Convention, the ILO
Convention and international law – so much so that, arguably, “if these are ‘rebels’ they are addicted to the law”.20

In all six Lacandon Jungle Declarations published by the Zapatistas,21 the frame of reference is Mexico (some declarations include calls for international action against neoliberalism, but these are not their core concern). This cannot be taken for granted, as Mexico is an ethnically diverse state with arbitrary borders, and the Zapatistas stem from indigenous groups divided artificially between Mexico and Guatemala. And yet, the first Zapatista Declaration from 1993 is based on article 39 of the Mexican constitution, declaring that the people is the source of national sovereignty. In the second declaration the Zapatistas emphasized their integration within the Mexican people:

We denounce all the manipulations and the attempts to dissociate our just demands from those of the people of Mexico. We are Mexicans and we will not lay aside our demands nor our arms until Democracy, Liberty and Justice are achieved by everyone.22

In the third statement, they insist that “Autonomy is not separation, it is integration” and that “OUR STRUGGLE IS NATIONAL”.23 In the fourth declaration, they flirt with national chauvinism when they state that “Our fight is for the homeland, and the bad government dreams with the flag and language of foreigners”.24

But relations between Zapatistas and the state are complex. The Zapatistas did negotiate with government representatives (leading to the San Andrés accords, which were never actually

24 Lacandon Jungle Declarations, no.4, 1996.
implemented), and demanded support and resources. Nevertheless, where the state neglects to provide services (health, education, justice), the Zapatistas maintain their own autonomous system, practice civil disobedience (refusal to pay taxes and utility bills) and restrict access of state officials to public buildings. However, instead of taking over local government through elections (even in those areas where Zapatistas could win), they prefer to maintain their de facto autonomy in parallel to the de jure local government.

As the Zapatista struggle went on, ambivalent attitudes toward the state became more explicit. The third Lacandon Jungle Declaration stated that:

In the National Democratic Convention the EZLN sought a civic and peaceful force. One which, without opposing the electoral process, would also not be consumed by it, and that would seek new forms of struggle which would include more democratic sectors in Mexico as well as linking itself with democratic movements in other parts of the world.

The fourth Declaration defined the Zapatistas as a national political force that “does not aspire to take power. A force which is not a political party”. The sixth Declaration, initiated the “Other Campaign”, which sought to advance a leftist civil debate inclusive of all groups of the Mexican people without supporting any political party in the upcoming election.

The Zapatista strategy, then, consists of a double motion: on the one hand, acknowledge the democratic state as a constitutive unity; on the other hand, distance Zapatistas from state

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29 Lacandon Jungle Declarations, no.4, 1996.
30 Lacandon Jungle Declarations, no.6, 2005.
mechanisms. The Zapatista techniques for keeping state authority at bay fit well those described by James Scott: moving to less accessible areas (mountains for Scott, jungle for Zapatistas); diverse, low maintenance agriculture (as well as outside donations in the Zapatista case); shifting ethnic and national identification\(^{31}\) (for the Zapatistas the shift between identities is expressed, for example, by projecting a local myth onto the national hero Emiliano Zapata to form Votan Zapapta); localized horizontal decision making\(^{32}\) (Zapatistas coined the principle of “leading by obeying”, subjecting leaders to popular assemblies;\(^{33}\) and a political facade that hides the actual leadership\(^{34}\) (the Zapatista’s most visible leader, Subcomandante Marcos, served under indigenous leaders).

The opposite motion characteristic of the Zapatista strategy – holding on to a statist frame of reference – is not unique either. In a Bolivian indigenous struggle, which bore many similarities to that of the Zapatistas, the meaning of the term “state” ranged from the Western ideal to a semantic loan describing local communal political structures.\(^{35}\) Indeed, although the ayllu [local social unit] affirms its autonomy in its daily life, self-organization and self-government, clientele relationships, and submission to the state or its leaders characterize the same everyday life, in order to cover the needs or expectations that the ayllu is unable or unwilling to lose sight of. For that reason, Indian reality cannot

\(^{31}\) *Not Being Governed*, pp211,243,255.

\(^{32}\) *Not Being Governed*, pp209.


\(^{34}\) *Not Being Governed*, pp213.

be understood as pure opposition to the state, but rather as a creation of autonomous spaces or powers within the state, including incumbent desires to become the state.36

In the west, too, one can find the tension between distancing state authority while recognizing it as constitutive. The same Greek Anarchists who described the Athenian neighborhood of Eexarchea during the uprising as a “stateless zone” and reported that “For one week there was no state there”,37 are those who confessed (in the motto above) that the uprising could not become a revolution due to the lack of a revolutionary “world”. The Italian struggle of the mid seventies is described as finding itself in a “dilemma between confinement to a social ghetto and direct confrontation with the state”.38 Similarly, in the context of alter-globalization struggles in north America:

While most of those engaged with the politics of direct action think of themselves as, in some sense, revolutionaries, few, at this point are operating within the classical revolutionary framework where revolutionary organizing is designed to build towards a violent, apocalyptic confrontation with the state. Even fewer see revolution as a matter of seizing state power and transforming it through its mechanisms. On the other hand, neither are they simply interested in a strategy of “engaged withdrawal” (as in Virno’s “revolutionary exodus”), and the founding of new, autonomous communities …. In a way one might say that the politics of direct action, by trying to create alternative forms of


37 *Spirit of the Revolt*, p118.

organization in the very teeth of state power, means to explore a middle ground precisely between these two alternatives.\textsuperscript{39}

4. Clastres’ Model of chieftainship and the Transcendentalization of the State

The above ambivalence could be described as the confused dealings of those who try to resist without a sound political analysis. But it could also be read as a political structure of resistance to state governmentality from within a statist framework. Such a reading can find a frame of reference in Pierre Clastres’ “Exchange and power: philosophy of Indian chieftainship”.\textsuperscript{40}

Clastres analyzes the status of the chief in South American indigenous societies. He finds that the chief usually lacks the authority to coerce the group to follow his orders, except perhaps during violent conflict. The chief’s role is to conduct ceremony and maintain peace, but even when he rules in local disputes, his rulings are not binding. The chief has power, but it is not an authoritarian power to enforce. This is the paradox that Clastres tries to explain.

The chief has certain unique prerogatives and duties.

- First, he is usually the only person allowed many wives. In the framework of the group’s exchange economy, he violates the balance between taking and giving wives.
- Second, the chief must bestow gifts. He and his wives are required to produce and procure more for the group than anyone else. This may render the chief’s household one of the poorest and hardest working in the group, violating the balance of giving and receiving gifts.
- Third, the chief is the official spokesman of the group, having a monopoly over ceremonial and representative speech. But the chief’s speech is not answered. The group needn’t even


\textsuperscript{40} Pierre Clastres, \textit{Society Against the State}, Oxford, Basil Blackwell, 1977. (Hereafter \textit{Society Against the State}.)
bother to listen to the chief’s speech. They may go on with their daily business while the chief is making his ceremonial speeches, violating the balance in the exchange of words.

All and all, the chieftainship violates the three essential components of the group’s exchange cycles: women, gifts and speech.

According to Clastres, breaking these exchange cycles places the chief outside the social order of exchange, thereby preventing him from acquiring authoritarian power.

these three types of “signs” [words, gifts and women] … no longer appear as exchange values, reciprocity ceases to regulate their circulation, and each of them falls, therefore, outside the province of communication. … [The chief] enjoys a privileged relationship toward those elements whose reciprocal movement founds the very structure of society. But this relationship, by denying these elements an exchange value at the group level, institutes the political sphere not only as external to the structure of the group, but further still, as negating that structure: [chieftainship] is contrary to the group, and the rejection of reciprocity … is the rejection of society itself.⁴¹

Since the chief is outside the cycles of exchange, he marks an absolute value with respect to which speech, property and women are measured. In Deleuzian terms, the chief is the mobile singular point with respect to which value is measured; in Clastres’ terms, the chief is an image of the embodied myth or transcendental horizon with respect to which society imagines itself.

“Indian cultures are cultures that are anxious to reject the power that fascinates them… it is clearly for the purpose of expressing both the culture’s concern for itself and the dream it has of transcending itself, that power, paradoxical by its nature, is venerated in its impotence”.⁴²

⁴¹ Society Against the State, p32.
⁴² Society Against the State, p37.
If we prefer more pragmatic terminology, we could say that the symbolic capital given to the chief (such as official speech) allows him to act as an arbitrator, but not to enforce his rulings. The human capital (women) allows him to produce gifts for members, but gifting prevents him from accumulating surplus value that would render him sovereign. The chief’s position with respect to society frames society symbolically, without exercising authoritarian power over it.

Clastres’ structural analysis suffers from several flaws. First, it may have nothing to do with the discussion of resistance in contemporary societies. Indeed, society for Clastres is a structure of exchange rather than a historical development of discourse and power. Clastres’ notion of "state" derives from the states on the pre-Colombian Andes rather than modern Europe. Chieftainship acted to contrast the former kind of state, not the latter, which was yet to appear on the American horizon. As in Scott’s notion of non-state zone, Clastres’ Indians do not form a pre-state culture, but one that exists in relation to a given (and now outdated) historical form of statehood.

Second, the articulation of the model depends on a highly restricted point of view. The model reduces women to objects. I’m not referring only to their status in exchange, but also to articulations that claim that the chief, rather than his wives, provides gifts. To use Clastres’ framework we must impose a certain point of view on such notions as “words”, “gifts” and “women” that suppresses the experience of many people who live in these systems.

Therefore, to make Clastres’ model relevant to contemporary contexts and render it expressible from more diverse positions, we’ll have to make some substantial adjustments. Here is how I intend to re-appropriate Clastres’ terms.

- “Gifts” are to be replaced by material exchange of goods.
- “Words” are to be replaced by institutional and legal code.
• “Women” are to be replaced by human and symbolic capital, which, like the chief’s wives, enables the production of “gifts”, and distinguishes the chief as the official “speaker”.

• Exchange cycles are to be viewed as “closed” or “open”. In a “closed” exchange the exchanged elements (material goods, statements, symbolic and human capital) are meant to balance out in giving and receiving. In an “open” exchange one side gives without reciprocation (gifts given but not received, words uttered but not responded to nor necessarily obeyed, symbolic and human capital offered to someone who monopolizes them).

Still, this reappropriation of terms is not enough to turn Clastres’ model into a resource for an adequate descriptive account of modern societies and states. Therefore, I will not use this model descriptively, but as a tool for rethinking some forms of resistance in terms of opening exchange cycles between citizens and state. This structural tool does not constitute the forms of resistance to be described below (how could it? It clearly postdates them), nor does it grasp their common denominator (it is not in them, but is rather a post-hoc projection on them). Moreover, it does not presume to be universal, as the notion of state itself is not an a-historic, a-local universal one. This structural model is a tool for quilting those patches that it manages to sew together, as well as those that may be sewn onto them as the quilt is extended. What I offer here is, therefore, a way of thinking about resistance to state power that may be made relevant to the specific political situations discussed below, and, more generally, to attempts to resist the state where there is no world outside it. As with any structural model, its value cannot be guaranteed in advance. It might, despite all its good intentions, lead to hell.

As a first step, let’s try to sew together this reappropriation of Clastres’ model and Zapatista resistance. Using the above terms, we can say that the Zapatistas do not presume to do away with the state, but distance state authority by opening cycles of exchange with the government.
• At the level of “gifts” (material goods), the Zapatistas expect resources and services, but refuse to reciprocate with taxes. They provide themselves with those “gifts” (education, health, etc.) that the state fails to provide.

• At the level of “words” (institutional and legal code) the Zapatistas accept the national legal framework, but their obedience is voluntary. They also make clear that the cycle of words is open by refusing to participate in elections, and by invoking the state’s refusal to accept the accords reached when a pretended “closed” exchange (the San Andrés negotiations) took place between the state and Zapatistas.

• At the level of “women” (human capital), Zapatistas dedicate activists to the public service of mobilizing an extra-parliamentary national leftist movement (the Other Campaign).

There is some compatibility between the Zapatista case study and the model derived from Clastres. But this attempt at projecting the model on Zapatista political reality also highlights the tension between the structural model and Zapatista resistance. In Clastres’ model, exchange cycles are part of a static political order. The Zapatistas, on the other hand, act in a dynamic tension between two state orders: the really existing state, which they distance by opening the cycles of “gifts” and “words” (refusal to pay taxes, refusal to obey and participate in elections), and an alternative state, to which they aspire, and which they actualize by a new open exchange in the form of their Other Campaign. Instead of devoting human capital (soldiers and civil servants) to the actual Mexican state, they invest their human and symbolic capital in the Mexican state to come, initiated by the dedication of people to this extra parliamentary national political campaign.

Still, as in the model, the Zapatistas do institute three open cycles of exchange. Their system maintains the state’s constitutive symbolic role, but makes it difficult for the state to act as a
sovereign power over the Zapatistas. Zapatista action aspires to retain from the state only a system of absolute values by opening the constitutive social cycles of exchange. I propose that this strategy of attempting to retain the constitutive role of the state while curtailing its power to enforce be named “transcendentalization of the state”.

**Definition:** "Transcendentalization of the state" is a political maneuver in which, instead of doing away with the exchange cycles constitutive of society and the state, these cycles are opened as indicated above. The state is thus elevated from an immanent authoritarian existence to the status of a transcendental principle. This principle, like Clastres’ chief, is at once set apart from closed social cycles of exchange, and still has a formative transcendental role.

I appropriate my terminology from the Kantian jargon, but use it idiosyncratically.

- “Immanence” refers to the social-economic world of closed systems of exchange.
- “Transcendental” refers to the unreachable object of political imagination: state unity.
- “Transcendental” refers to the very act of political imagination, the constellation of signs and conditions of possibility that point to the transcendent object of political imagination.

Transcendentalization (and not transcendentization) of the state seeks to render the state transcendental by opening cycles of exchange between government and those who are to be governed. Unlike the transcendent, the transcendental is thoroughly anchored in the material institutions of the state (the chief is not an abstract idea, nor are the Mexican government or the Other Campaign). Transcendentalization does not seek to render them abstract or ideal, but to break open the cycles of exchange with respect to these institutions. This opening is meant to
prevent state institutions from applying authoritarian power, while maintaining their chief-like position as conditions of possibility and constitutive signs of an imagined polity.43

Another case study for transcendentalization comes from David Graeber's description of the relationship between the state of Madagascar and its rural communities during the 90s.44 According to Graeber, following a forced neoliberal turn, the state failed to provide most essential services. In fact, the main public service provided by the state was the education required to maintain its production of new civil servants.

Still, despite widespread lack of enforcement, people were strict about registering births, deaths and property transfer with the authorities and about asking state permission for agricultural and ceremonial activities such as uprooting trees or exhuming dead bodies. Why did citizens bother to cooperate, if the state could not enforce its laws? According to Graeber, holding on to state-registration was a continuation of the local sacrifice system, based on “fobbing off the Divine Powers with a portion of what is rightfully theirs, so as to win the rest for living people”.45 These were “little ritualized actions of appropriation by which one wins the autonomy to continue with one’s life”. Behind this logic stood the fact that

in Madagascar, the most common way to achieve autonomy is by creating a false image of domination. The logic seems to be: a community of equals can only be created by common subordination to some overarching force. Typically, it is conceived as arbitrary and potentially violent in much the same way as the traditional Malagasy God. … one manages to create a space for free action, in which to live one’s life out of the grip of

43 My use of “transcendental” may fit better Cassirer's system, where it refers to an autonomous and contingent symbolic system (such as myth, religion, language, science) that constitutes a possible form of immanent existence.
44 Possibilities, Ch. 5.
45 Possibilities, p168.
power, only by creating the image of absolute domination – but one which is ultimately only that, an image, a phantasm ….46

In terms of the model suggested here, the state owns “words” (law, permits), bestows “gifts” (education) and receives symbolic capital (registration) and human capital (national service) – but none of these exchange cycles is closed. The law is not backed by enforcement, so the law needn’t be obeyed. The informal economy renders tax collection, which is supposed to balance the gift of state services, ineffective. The state registration and permit system does not actually control development. All this clears up a space for local communal justice and decision making.

Graeber’s analysis can be read as fitting the model of transcendentalizing the state. Exchange cycles are opened and the state lacks actual authoritative power; but in the political imagination of civilians, the state has a constitutive role that enables solidarity and communitarian autonomy. In a state enslaved by debt, such fragile autonomy might be a nonnegligible feat.47

5. Liberation Theology and the Transcendentalization of the State

In order to thicken the symbolic model I'm trying to construct, I'll bring up another relevant movement. I'm referring to the Theology of Liberation, whose formative statements were drafted in the second Episcopalian Conference of South America in Medellín, Colombia,48 and in the book *A Theology of Liberation* by the Peruvian priest Gustavo Gutiérrez.49

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46 *Possibilities*, p169.
47 *Possibilities*, pp172-173.
Theology of liberation is a catholic movement that is organized around the interaction of church institutions with autonomous “Christian Base Communities” that read and interpret the scriptures in the light of social justice. It is committed to an essential link between mutual aid and solidarity on the one hand and on the other religious salvation and communion with God (the link between this movement and the Zapatista struggle goes through the late Bishop Samuel Ruíz, a liberation theologian and active mediator between the Zapatistas and the Mexican government).

To link Theology of Liberation and resistance to state authority, note that Gutiérrez distinguishes three levels of liberation: the first is the concrete level of liberating a given community from material oppression; the second is the historical-existential level where people take conscious responsibility of their fate; the third level is liberation from sin, namely that which hinders communion among people or with God, leading to wrongdoing and oppression. This threefold view prevents reducing salvation to either an ideal-spiritual level or to a historical-economical level; the three levels are not parallel or convergent, but intertwined, without the first two levels subsuming the third.

How does the church fit into this compound, where the immanent is entangled with the transcendent? Gutiérrez answers this question by radicalizing the message of the 2nd Vatican Council of 1965 – a message that promotes (albeit reservedly and incompletely) a transition from ecclesiocentric to a wider communitarian view. The Council’s documents refer to the church as “sacrament”. For Gutiérrez this means an “efficacious sign of grace” created by the

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50 CELAM II, 8.II.4, 15.III.11
52 Theology of Liberation, pp37-38,243-244,59fn.
53 Theology of Liberation, p177.
54 Theology of Liberation, p259.
interaction of man and God, a sign that “transmits a reality from beyond itself”.55 The church is a sign of the third level of liberation that exceeds the social-economic and historical-existential levels, a sign that every such liberation is part of salvation, but an “incomplete and provisional” part.56 To be a clear and distinct sacrament or sign, the church must itself be a site of liberation.57 This can only be accomplished if the church gives up its association with the ruling classes: “the Church should divest itself of every vestige of political power”.58

If we compare this conception to Clastres’ chieftainship, we see that, like the chief, the church is the bearer of “words” (the divine sign), the bestower of “gifts” (mediating divine revelation and grace), and is uniquely entitled to "polygeny" (the nuns, Christ’s brides, but also the priests, who are bound to celibacy and are thereby set apart from mundane exchange). Moreover, in the Theology of Liberation, none of these elements should form a closed cycle of exchange. Where the church does not only give, but also receives gifts, and becomes an authoritarian institution, Gutiérrez requires that the cycle be opened: the church is demanded to break with its sources of material affluence (ruling classes), and stand with the oppressed, depending on the voluntary cooperation of Christian Base Communities. This would allow the church to represent to the community the transcendental horizon of communion among humans through communion with God.

If communion with God has a transcendent, extra historical dimension, then the ecclesiastic sign mediating between the transcendent and the social-historical levels holds a transcendental position: it is the material condition of forming an immanent life in the image of divine

55 Theology of Liberation, p260.
56 Theology of Liberation, p272.
57 Theology of Liberation, p261.
58 Theology of Liberation, p266.
salvation. Gutiérrez’ maneuver, then, which is usually read as rendering the church *immanent* to concrete social struggles, can also be read as rendering it *transcendental* – a material sign or a condition of possibility for a salvific world. Theology of Liberation renders the church transcendental in order to promote an analogous political maneuver, where state authority is stripped of its power to enforce and becomes a sign enabling true communion among humans.

Patching Theology of Liberation to Calstres’ model as reconstructed above, “transcendentalizing the state” turns into a political-theological strategy whereby, like the church in Theology of Liberation and like Clastres’ chief, the state is to become a constitutive transcendental principle – a material entity involved in open cycles of exchange so as to express a transcendent horizon.

The relation between salvific movements and the transcendentalization of the state is not restricted to 20th century Latin America. In a closing chapter of *Society Against the State*, Clastres presents a salvific movement among the Tupi-Guarani just prior to European colonization. It repudiated the "one", identified with evil, and led masses on a pilgrimage to the land of divine bliss. For Clastres, this was an attempt against the sedimentation of indigenous sovereign state-like powers.

Scott too describes the use of salvific practices to break away from the state:

In settings that range from Buddhist to Christian to Muslim to animist, messianic holy-man rebellions seem prevalent. … such movements are the characteristic form of resistance among small, divided, acephalous societies that have no central institutions that might help coordinate joint action. … the only cosmological grid, the only ideational

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59 We should not, however, stretch the God:church :: transcendent:transcendental analogy too far. While Kantian transcendental principles (conditions of possibility for thought) are inferred from empirical observation and analytic principles, the theological transcendental (condition of possibility for communion with God) derives from revelation.
architecture, as it were, for such ad hoc cooperation came from the idea of a universal monarchy appropriated, generally, from lowland salvation religion.\textsuperscript{60}

Scott goes as far as terming this kind of cosmology “as if state”\textsuperscript{61}.

This politico-theological tradition should be contrasted with European political theology. Rationalist theological modernity (e.g. Leibniz) has turned divine sovereignty from an immanent force to a system of rules and a-priori conditions of possibility, constituting the world without intervening in it. This did not "kill" God, but distilled God into a system of knowable principles. God remained an inseparable part of life, but was confined to a constitutive, transcendental position.

This theological move seems to be reflected in the emergence of raison d’état, the logic according to which the state "would be ... a principle of intelligibility and strategic schema … for a whole set of already established institutions...".\textsuperscript{62} But in fact, European raison d’état never restricted the state to that transcendental level. The state remained a mechanism of enforcing authoritative power, and never sought to break open the cycles of exchange.

Indeed, at the level of “words”, European states engage in a dialogue with their subjects (parliament, elections) and impose obedience; at the level of “gifts” services are to be balanced against taxation; and at the level of “women”, human capital (soldiers and civil servants) is balanced by the services, enforcement and security that this human capital is \textit{bound} to provide to citizens. The symbolic and human capital that the European state is given allows it not only to be a chief (giving a law without enforcing it, providing unreciprocated gifts), but also to accumulate surplus value that enables authoritative power.

\textsuperscript{60} Not Being Governed, pp 318-319.
\textsuperscript{61} Foucault too considers practical links between theological counter movements and revolutionaries in Security, Territory, Population, p316fn.
\textsuperscript{62} Security, Territory, Population, p286; cf. the parallel theological description on p235.
Transcendentalization of the state, on the other hand, positions the state as a transcendental condition of possibility of society by breaking open exchange cycles: a transcendentalized state will be the sole bearer of “words” (law); it will monopolize symbolic and human capital (signs of authority and the labor of devotees); and it will distribute unreciprocated gifts (the fruit of its human and symbolic capital). State institutions will retain their materiality, but due to the openness of cycles of exchange, will not be able to accumulate the power required to enforce authority.

6 Transcendentalizing a “state to come”: The Euro-Mediterranean Forum

The discussion above might suggest that transcendentalizing the state is irrelevant for dealing with modern Western states. So the next example concerns the relationship between Europe and the southern and eastern Mediterranean under the Euro-Mediterranean partnership (Euromed).

The Euromed was a multilateral framework established in 1995 (a.k.a. the Barcelona process). It was meant to serve as a sphere of regional cooperation between the European Union and its neighbors, parallel to bilateral association agreements. In line with state reason, its inter-governmental and inter-parliamentary fora required a society to govern.

Indeed, the Euromed was “the first multilateral framework between states in which civil society is recognized as an ‘essential contribution’ to the development of relations and ‘as an essential factor for greater understanding and closeness between peoples’”.63 In fact, the Euromed is a proto- or para-statist creature, whose (failed) construction allows a rare glimpse into a process of political takeover not based on robber-barons or classical colonization.

The Euromed’s need for a civil society has several motivations. First, European attempts to directly support a large number of small projects in the southern Mediterranean failed due to structural factors that conflicted with European management standards.\textsuperscript{64} Second, the failed attempt to promote European economic and security interests in southern and eastern Mediterranean states led to an attempt to anchor civil society interests (especially migration) to security and economic cooperation. The interdependency of civil and security interests became more explicit after 9/11.\textsuperscript{65}

The Euromed proto- or para-state, then, needed a society. But, as emerges from Foucault’s analysis above, state and society do not exist as given universals. The European model of “civil society” (independent private or semi-public economic associations, labor unions, research institutes and NGOs) did not fit the institutional structure of the global south.\textsuperscript{66} According to researchers writing from the point of view of state reason, the partnership sought “to enmesh the countries of the region in a cobweb of economic interdependencies”.\textsuperscript{67} But this goal faced an obstacle:

Drawing on the European experience, the initiators understood that any rapprochement between countries (be it political, economic, or both) could not function on the basis of elite preferences and without the support of the southern Mediterranean societies. … [The partnership] has not yet utilized the necessary mechanisms to operationalize and, in time, regularize civil society cooperation.\textsuperscript{68}

\textsuperscript{64} Civil Society Co-operation, p8.
\textsuperscript{66} Civil Society Co-operation, p6.
\textsuperscript{68} Parliaments and Civil Society, p79.
This obstacle cannot be removed as long as there’s no civil society in the southern states. But here emerges a vicious circle: “The absence of democracy … has in turn stifled the emergence of a strong civil society, which is one of the prerequisites for the construction of a democratic order”.69 The solution suggested is European encouragement of legal and structural reforms in southern states to enable the formation of a suitable society.70

But Mediterranean society failed to form according to the European mold. The inaugural Euromed conference included both a civil forum supported by the partnership and an alternative oppositional forum.71 The former body was gradually institutionalized (although in 2000 a critical forum gathered once more),72 but the relationship between the institutional civil forum and the Euromed states remained problematic. The forum was criticized for depending on the host state for funding. It included state organizations masquerading as NGOs. There was no mechanism for guaranteeing a decent representation of civil society. Moreover, the forum consistently chose to be very critical of European states and their priorities. As such, it got a cold shoulder from partner states.73

Sari Hanafi’s analysis74 helps link this case study to the transcendentalization of state. First, at the level of “words”, there was no balanced exchange between the Euromed states and the civil forum. The state partnership created the legal framework, which the civil forum never

69 Parliaments and Civil Society, p78.
70 Parliaments and Civil Society, p82.
72 Sari Hanafi, ‘Civil society in North-South Relations. The Case of the Euro-Mediterranean Partnership. A View from the South’, Orient, 46, 3 (2005), p427. (Hereafter Civil Society in North-South Relations.)
74 Civil Society in North-South Relations, pp421-426.
questioned. But the civil forum refused to respond as expected. Instead of a means to implement programs in areas of culture, migration, economy and security, the forum was appropriated by southern NGOs to issue statements against the Israeli occupation (the Israeli organizations invited were critical of the occupation). The state forum mostly ignored the civil forum’s recommendations, and sometimes even expressed its reservations from the civil forum.

At the level of “gifts”, the civil forum was strictly a recipient of resources (for funding conferences and projects), but did not owe any kind of “taxes”. It even managed, to an extent, to avoid the expected clientelist relationship with the European hosts. But the symbols of authority were not contested: the civil forum was the civil forum of the Euromed and acted within the space designated by the Barcelona declaration.

Instead of mediator, the Euromed civil forum became a buffer. It acknowledged the statist framework, but kept open the exchange cycles that would enmesh it into the economic and security "cobweb" cast by European states. Thus, instead of channeling sovereign power downwards, the forum blocked the European post-colonial maneuver without questioning its formative authority. This is why I consider the Euromed civil forum as relevant for the notion of transcendentalizing this state-to-be. The Euromed was a framework that failed to close its cycles of exchange with civil society, but maintained its sovereign status.

In 2007-2008, French president Sarkozy tried to promote a Mediterranean Union imitating the EU model. He failed, and a more modest framework emerged, "The Union for the Mediterranean". This failure depended much more on state interests than on civil society resistance, but civil society interaction with the new framework was shaped in part by the Euromed’s failure to form a civil society that would close its exchange cycles. The new union
gave up its presumption to govern civil society, and its civil activities focus on limited projects in the areas of ecology, transportation, safety, education and micro-economics.75

7. How not to transcendentalize the state
To prevent the term “transcendentalization of the state” from running too wild, this section will draw lines to distinguish it from other political maneuvers that might be confused with this form of resistance. The context will be that of Israel/Palestine.

7.1 Illegal settler outposts
The first example is Israeli settler outposts in the West Bank which are illegal even under Israeli law (as opposed to West Bank settlements which are illegal under international law, but legal under Israeli law). Such outposts indeed have something to do with transcendentalizing the state. The state that many radical settlers aspire for combines the actual state of Israel (whose authority they resist) and a religious-messianic salvation under the heir of King David. The authority of this hybrid state (which is transcendental in the sense of being a condition of possibility for the political existence of many settler outposts) is nowhere in doubt. The immanent manifestations of this state combine existing rabbinical and political institutions.

Let’s review the cycles of exchange that define transcendentalization in this context. The first cycle, that of “words”, is open. The state sets the law, but obedience is voluntary. The many conflicting rabbinical authorities lead settlers to effectively choose which rulings to obey. The second cycle, of “gifts”, is also open. The state provides security and services (illegality means that outposts might be removed, but until then they are protected and supported by state infrastructure), and religious institutions provide material support, but, due to the settlers’ frontier status, they are highly subsidized and their informal economy is not taxed. The third cycle, of

75 http://www.ufmsecretariat.org/en/
human and symbolic capital, is open as well. The transcendentalized state monopolizes symbols of sovereignty (such as flags), and religious schools devote their men to the political-rabbinical state project.

And yet, this form of transcendentalization, even if it is experienced by settlers as resistance to the current “Jewish-democratic” state, which sometimes restricts their freedom to settle the West Bank, actually strengthens this very state. Outposts are spearheads that allow the state to expand its control over Palestinian territories. Instead of being evicted, outposts that begin as illegal centers of resistance often eventually become legalized settlements appropriated by the state. With this appropriation the relationship with the state is regularized, and settlers are enmeshed in standard closed exchange cycles with the immanent state. This trajectory shows that transcendentalizing the state, even if it begins as resistance, can eventually expand and strengthen the immanent state.

7.2 West Bank Palestinians living under Israeli civil rule

This section concerns Palestinians in area C of the West Bank, living under Israeli civil rule (unlike areas A and B, where the Palestinian authority is in charge of civil administration). These Palestinians are often considered as suffering from state abandonment, but I want to emphasize that this abandonment is not a transcendentalization of the state.76

Indeed, the cycle of “words” (law) in area C is open, but not as in our model. The state not only sets, but also effectively enforces laws; the law, however, is circumvented by state agents (army, settlers), who force on Palestinians restrictions that exceed the draconian state law. The cycle of “gifts” is also open, but, again, not as in our model: Palestinians do not receive services,

but must give up resources (land and water). The third cycle, of symbolic and human capital, is entirely dysfunctional. Palestinians are exploited as cheap labor, not drafted as devotees.

The lesson to be drawn from this example is that we mustn’t confuse abandonment of citizens by the state and transcendentalization of the state by its citizens. Transcendentalization means keeping state enforcement at bay by opening exchange cycles as in our model, whereas abandonment is a state strategy that forces extreme violence on subjects so as to enable their exploitation, stifling their autonomy and development.

To find transcendentalization of the state in the Palestinian society, we may consider the initiative to renew the Palestinian National Council, which is to represent all Palestinian in and outside Palestine, and overrule the elected Palestinian authority. This initiative envisions a national institution without a geographical space where it can enforce its decisions, and without means to effectively implement the elections that are supposed to constitute it, as its constituency includes a huge diaspora of refugees.

7.3 Neoliberal transcendentalization of the state?

One final movement to be read in the context of state transcendentalization is neoliberalism. Neoliberal ideology supposedly seeks to reduce the public sector to a minimal regulatory authority so as to enable a “free” market. Education, health and even law enforcement are privatized and submitted to profit considerations. This withdrawal of government might be read as transcendentalization, but the differences between the two are significant.

Let’s start with the cycle of “words”. In a democratic society, election and polls allow citizens to communicate with the government and form the law. This kind of closed exchange

appears to be inconsistent with transcendentalization. But the actual state of affairs is less clear cut. Constitutional principles (“Jewish democracy” in the Israeli case) allow Israel's Supreme Court to shape a “law beyond the law”.\(^\text{78}\) This law has no enforcement mechanism, and, indeed, Israeli governments do not always bother to obey Supreme Court rulings. It is possible that as the state privatizes its enforcement mechanisms and reduces regulation, this kind of purely declarative law of a transcendentalized state will become increasingly the norm.

In the cycle of human and symbolic capital, contemporary neoliberalism is inclined to give up dedicated human capital (army or national service) as it privatizes security. But the state continues to claim its privileged symbolic status, even where enforcement is privatized. Neoliberalism does not do away with governments and parliaments, but grants them a monopoly over symbols of sovereignty. Moreover, where, as in Israel, neoliberalism is combined with a perpetual state of emergency that demands mandatory, poorly paid military or national service, the one-sidedness of the cycle is closer to that which characterizes a transcendentalized state.

But the main difference lies, of course, in the cycle of “gifts”. Neoliberalism does demand payment for state services, and as taxes shrink so do "gifted" services. Unlike in Clastres’ model, there is no unreciprocated bestowal of gifts. And as the cycle of material exchange between state and citizens dwindles, another closed system of exchange takes its place: the market.

The neoliberal horizon is not one where the law giving state, monopolizing symbolic and human capital, bestows unreciprocated gifts. In the neoliberal horizon, the state withdraws from material exchange with its citizens. The transcendentalized political dimension of neoliberal states sets laws and uses human and symbolic capital to bind its citizens to the violent closed

\(^{78}\) Supreme Justice Levy's discussion of the declaration of the Israeli independence and the principles above the law, for instance, demonstrate the legal approach to this juridical tension. See Edmund Levy, Minority opinion in Israeli High Court of Justice ruling 1661/05, Regional Council Coast of Gaza v. Knesset of Israel, 2005, §10; Edmund Levy, Miority opinion in Israeli High Court of Justice ruling 2605/05, Academic Center of Law and Business, Human Rights Division and others v. The Minister of Finance and others, 2009, §§18-19.
exchange of “the free market”. Instead of preventing the state's accumulation of surplus value by breaking open cycles of exchange, neoliberal policies facilitate capitalist accumulation of surplus value and authoritarian power.

The lesson is that the material existence of state institutions that distribute gifts produced by devoted human capital is crucial for our model of “transcendentalizing the state”. A state that charges taxes for “gifts” and demands devoted human capital is a state that can accumulate surplus value and authoritative power. A state that does not provide "gifts", on the other hand, has not enough immanent presence to serve as an efficacious sign of the transcendent idea of state, leaving capital to assume power. A transcendentalized state must provide gifts produced by the human capital devoted to it, but cannot collect surplus value by exacting payment for its gifts.

In Clastres’ model, among Zapatistas and in rural Madagascar neither the state nor market agents can accumulate enough surplus value to rule. In liberation theology the church must give up its partnership with the ruling classes and struggle for social justice. The Euromed civil forum resisted the entanglement of civil society “in a cobweb of economic interdependencies”, which is nothing but a euphemism for transferring surplus value from the south to the north. In all these examples transcendentalizing the state does not remove state institutions, but operates an open exchange that turns them into efficacious signs of an order that sets laws and provides gifts by means of its dedicated symbolic and human capital, so as to keep citizens from being forced into a closed exchange with authoritative powers.

Transcendentalization of the state as defined here is a strategy meant to prevent the direct enforcement of authoritative power by both the state and capital. But the partial transcendentalization implemented by neoliberalism is a mechanism that splits the state into a constitutive transcendental principle and an immanent, powerful plutocracy ruling over those whose existence as “society” is put in question.
Note the neo-liberal situation can be analyzed not only from the point of view of society vs. the state, but also from the point of view of powerful international corporations vs. the state (I will allow myself to push the analysis to the threshold of a caricature here, in order to explore how far the transcendentalization model can be pushed). Here, the “words” are the law of the state, but the most powerful corporations are strong enough to avoid enforcement, leaving the exchange cycle open. Next, instead of a closed tax-services “gifts” cycle, we have state investment in (or bail out of) tax evading corporations that may suck the economy dry (civil servants and elected officials often receive benefits for their support of corporations, but not the state as such). However, diverging from the transcendentalization model, there is no cycle of human and symbolic capital. Corporations see themselves as belonging to no state in particular, and need not provide human or symbolic capital to the states where they do business. If we wish to find corporations that do invest in state symbolic and human capital, we might look into strictly national corporations or local organized crime, which are often patriotic. So from the point of view of this kind of corporations, we might approach a transcendentalization of the state. But here, the transcendentalizing agent is the corporation, not society. In this form of transcendentalization, society is the natural resource against which corporation-state relations take place. Since it is not the agent of transcendentalization, society is left behind to be ransacked.

8. Conclusion
The last few examples show that transcending the state is not a utopian recipe. It is a strategy that might distance authoritarian power from subjects within a statist framework, but could also serve as a bridgehead for expanding and strengthening the immanent state (as in the example of settler outposts) or for the subjection of the governed to other immanent forms of
power (military, capital) that have nothing to do with the constitutive status and imagined unity of the transcendentalized state.

All my examples for transcendentalizing states would probably be considered failures by mainstream political theory. They do not sustain a stable political entity that can impose its laws. Like the demonstrators against international summits in the early 2000s, like the rioters in Athens and Paris toward the end of the previous decade, like the various Occupy movements that followed the Arab spring, they do not form sustainable political subjects. But, like those movements, they may promote state transcendentalization by getting in the way of closing exchange cycles that bind citizens to the enforcement of authoritative power.

In a transcendentalized state, the dedication of exclusive human and symbolic capital allows the state to set laws (that are not violently enforced) and provide services (that are not reciprocated) so as to allow subjects to manage themselves without authoritative coercion. The “vertical” motion of expanding the gap between rulers and ruled is not necessarily antagonistic to the “horizontal” enclosure of the state in terms of an inside and an outside constitutive of unity. This vertical motion of transcendentalization is a complementary motion that tries to turn the state from a mechanism of authoritative rule into a common ground.

The motion of transcendentalization is not the project of coherent political subjects, but of those who undermine the means of their very subjectification by challenging political discourses that identify the state with an effective implementation of authoritative power. The transcendentalization of the state does not necessarily undo the boundary setting practices of the state, and does not break state unity into a multiplicity. Rather, it is an act that opens a gap within this unity; a gap that may synthesize the state as transcendental; a gap that if sufficiently expanded without fragmenting the state into a multiplicity, may one day open for the state the horizon of being less than one.