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Structural Problems of the Capitalist State

Class Rule and the Political System. On the Selectiveness of Political Institutions

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BY DESCRIBING WITH ENGELS, the State apparatus in capitalist societies as the "ideal collective capitalist" one merely poses (rather than solves) the question of the relationship between state power and capital accumulation. The question refers to the mechanisms which guarantee, beyond the necessary "separation" or formal alienation,¹ the establishment of an objective complementary relationship between economic and political power and the concrete way in which it is employed.

It is not without good reason that Engels—by the way of qualification—calls the State the "ideal" collective capitalist; for the State as a "real" collective capitalist would clearly be a logical impossibility. There are two reasons for this: firstly because the State apparatus *is not itself a "capitalist"* since there would be no sense in terming the State's actions in their entirety a process of exploitative accumulation; and secondly because the concept of the collective capitalist is itself nonsensical in that *competition*, i.e. the splitting up of capital into competing accumulating units which are isolated from each other and work against each other, is essential for the movement of capital.

This article investigates a number of analytical and methodological problems associated with the attempt to set up a Marxist theory of the State. Our starting-point is the problem of the class-character of the State, or to be more precise: we shall try to clarify the at least apparent inconsistency that the State, although not itself a capitalist, nevertheless must be understood as a capitalist State—and not, for example, merely as a "State in capitalist society".²

LET US LOOK FIRST at two false, or at least inadequate, interpretations which have been employed in tackling this problem in recent writings on capitalism theory. The approaches can be divided into two large groups, namely "Influence Theories" and those theories which I shall refer to here as "Constraint Models".

Influence Theories.⁴ This position proceeds from the assumption that as the totality of the institutional "vehicles" of the process of exploitation the State apparatus—i.e. its legislative, executive and judicial as well as repressive competence and functions—is an *instrument* of the ruling class. This instrumentalist interpretation is based on a series of empirical arguments which are only to be sketched in brief here.

a. By means of the institutionalized opportunities granted them for exerting an influence it is possible for individual capital units or industries to influence in their favour decisions relating to domestic and foreign policy, taxation, decisions on subsidies and privileges, etc.; they do so in particular by working towards the promotion of their interests by means of threats and blackmail made possible by their strong market position. This can be illustrated by innumerable examples from the armaments, oil, mining, chemical, electronics, and other industries.

b. It is possible for individual accumulating units and industries to evade the controls and regulative interventions imposed on them for political reasons if the power of state agencies is in practice privatized, thus rendering the controllers and the controlled identical.⁵

c. the possibility of "investment strikes" enables individual bodies of capital to exert an "indirect influence":⁶ the threat (which exists as a fact and does not need to be expressly pointed out at all) that production could be cut back or transferred abroad forces the authorities of the State apparatus always to act in anticipation of such eventualities.⁷

d. Political opinions are formed under the direct control of commercial mass media (newspapers, publishing-houses, films, etc.) so that any articulation of anti-capitalist interests and the implementation of strategies hostile to capital can be to a large extent suppressed in this way, too.

e. Finally, there are also possibilities for exerting direct or indirect personal influence on the filling of positions in the political system if dependency relationships are created through well-aimed election financing, influence on the choice of candidates and personal contacts, so that a basic ideological affinity exists between the interests of capital and the political élites.

The second group of theories, which are to be referred to here as "*Constraint Theories*", emphasizes practically only the reverse side of the basic argument employed by the Influence Theories. They insist that there is factual evidence of a structural limitation to the possible courses of action, of the lack of sovereignty of political institutions and processes, and they point to the ineffectiveness of possible regulation and intervention measures. Whereas the Influence Theories stress the strict *instrumentalization* of the State apparatus in the service of accumulation interests, the Constraint Theories are based on the assumption that the institutions of the political system cannot effectively become the instrument of any *non-capitalist interest whatsoever*. The two complementary ways of viewing the problem differ in their assessment of the significance of the State's activity for the reproduction of the capitalist economy. Both, however, imply the assumption of the neutrality of the State

apparatus as an instrument which, according to its internal structure, could in principle also be used to implement other interests.

Neither line of argumentation can, however, be made use of to prove the *class-character* of the State; they both restrict themselves to investigating external determinants which make the *content* of the political processes class-bound.

There are a large number of studies to support the assumption that the series of hypotheses outlined above is empirically valid. It is, however, noticeable that the theories based on these hypotheses stick themselves to a pluralistic model of policy-analysis. They are able to state that within the plurality of political forces there is an enormous empirical preponderance of those which represent and implement interests oriented towards the process of accumulation, and they are also able to say why this is so. Nevertheless, they are unable to demonstrate the *structural necessity* of this state of affairs. Two objections can be brought forward to dispute the usefulness of this approach for demonstrating the class-character of the political system. The first objection refers to the confusion of *empirical interest-groups* and the concept of *class-interest*. The second objection refers to the *mechanical concept of power* which is employed in investigations of this kind.

1. If one wanted to conceptualize political governance as class rule and in so doing employ the same procedure as the representatives of the Influence Theories (or of their reverse image, the Constraint Theories), it would be necessary to agree to a weighty implication, namely the implication that the particular interests and political strategies whose implementation can be demonstrated so successfully by this approach really do have a *class-interest* quality, i.e. that they are more than simply the expression of particular and situation-bound *special interests*. In other words: before any analytically significant importance can be attached to proof that capital interests have privileged chances of being implemented, it must first be made clear how far what is implemented there and what becomes decisive for the content of policy can be termed class interest and not simply "false consciousness".⁸

The concept of *class interest* as contrasted with the mere *special interest* of individual enterprises or capital groups clearly presupposes that the definition of interests possesses a degree of "rationality" cleansed of situational and particular coincidences and divergencies. Because of the "anarchy" of competition-gearred capitalist production it is, however, extremely unlikely that such a standardized concept of capitalist class-interest would emerge. The fact that the individual accumulating unit is structurally limited in its scope of action and interest can be assumed to make it nearly impossible for this kind of rational expression of class interests to be developed by and within the unit. One reason for this lies in the competitive relationship which sets the individual enterprises against each other and impedes any community, i.e. any "solidary" conception of what their common interest is. This state of affairs is presumably aggravated by a development leading to a small number of large, monopolistically organized capital-blocks being set against a large

number of small and medium-sized enterprises.⁹ A second reason for the at all events restricted rationality of politically implemented capital interests lies in the *time dimension*: the pressure to survive under present market conditions which are exerted on the individual enterprise by national and international competition inhibits long-term strategic orientation and forces it into a series of what are also in this respect anarchical accommodation moves. Finally, there are likely to be a number of "political" matters which individual capital in each case sees as lying *beyond the scope of its interest and jurisdiction* so that an interest which becomes politically operative is never articulated. This fact of individual capital's structural narrow-mindedness in its social aspect, in time and subject-matter leads one to expect the degree of rationality of politically implemented strategies certainly to be restricted and marked by "false consciousness", so that we cannot take a coherent and consistent class consciousness of the ruling class as a starting-point for a reconstruction of the class-character of the State activity—even if we assume the Influence Theory argumentation to be correct empirically.

At all events this conclusion should be qualified by considering whether, even though no positive definition of a standardized class-interest can be established, a certain degree of uniformity is established at least *negatively*, in the resistance of incompatible interest positions opposed to the rule of the logic of accumulation.¹⁰

But this kind of unified resistance says nothing about its *long term* rationality, i.e. its permanent consistency with the interest of the ruling class.¹¹ The same is true of the politically organized attempts on the part of federations of industry and of capital-dependent interest groups to arrive at a uniform positive definition of concrete class-interests. In any case, here too they seem of necessity to be considerably far from establishing a criterion of class interest which is comprehensively defined as to content, social and time aspects, and which is thus "rational".

The application of Influence Models in practical research to explain political processes runs into two analogous difficulties. On the one hand State activities (such as budget-decisions and other laws, acts of administration, etc.), which in their *function* can plausibly be interpreted as being highly significant for the maintenance and development of collective capital's conditions of accumulation, frequently cannot be *genetically* traced back to the interest-orientated influence of groups or authorities advocating them.¹² In such cases the Influence Model is ineffectual: instead of the assumed external power influences, all that is found is the presence of influences which are *internally* generated in the State apparatus itself. On the other hand, the empirical analysis of political processes often confronts us with phenomena in which the successful exertion of "influence" is clearly provable but whose result can on no account be unambiguously ascribed to some capitalist "collective interest" but where the content of political decisions and processes is manifestly contrary to the definitions of capitalist interests encountered empirically. In the one case the interests of a class are implemented *without* an articulated influence being

exerted, in the other case attempts at exerting influence meet success which can be associated with the interests of the ruling class only very *indirectly*, namely via the roundabout way of *ex post* interpretations. Thus good empirical—and as is to be shown also theoretical—arguments can be put forward against the general hypothesis of an "instrumentalist" theory of the capitalist State. Considering these difficulties which appear both in relation to the concept of capitalist class interest and its transmission into the State apparatus, we will explore an alternative hypothesis, namely that the common interests of the ruling class are most accurately expressed in those legislative and administrative strategies of the State apparatus which are *not* initiated by articulated interests, that is "from outside", but which arise from the State organizations' own routines and formal structures;¹³ and conversely, a particularistic narrowing or even violation of ruling-class interests, at least a relative irrelevance of the matters discussed to capital as a whole, is most likely wherever pluralistic influence-policy prevails.

2. The second objection to be raised against Influence Theory argumentation, or its reverse image the "Constraint" theories, applies to the concept of *political power* that they employ. Even the repeated observation of an influence relationship does not allow an analytical concept to be derived regarding power relationships but at most makes it possible to generalize empirically. No proof of their necessity is gained in this way. The Influence Theories seem on occasion to succumb to the suggestion of physical analogies when they see political power as a mechanically operating force.

However, power can only be meaningful in social systems as a relationship-category and only as a complementary relationship between two elements. One can only have power over something which according to its own structure *allows power to be exercised on it* and responds to it, which for its part so to speak authorizes the exercise of power.¹⁴ The sole relationship which is not bound by this condition of being complementary is that of direct physical force.

In our context this means that a power relationship can exist between two social sub-systems only when their structures display a minimum of reciprocity or complementarity. Any proof of the "capitalist", class-bound character of a State governance organization therefore stands or falls by whether it can uncover structural analogies between the State and the capitalist economy. This task is at first made more difficult by the additional postulate introduced above that the State, which is supposed to be the "ideal collective capitalist", would not only have to be organized analogously to capital but at the same time would also have to be a structure which presents itself to the particular and narrow interests of individual capitalists and their political organizations as a supervisory, tutelary force—at all events one which is an alien and sovereign authority—since it is only through the State's becoming relatively autonomous in this way that the multiplicity of particular and situation-bound special interests can be integrated into a class-interest.

Against the background of this kind of clarification of the concept of power one must ask which *internal structures* within the political system guarantee

the implementability of initiatives and interests arising from the process of accumulation. Hence the Influence Theory line of argumentation has to be supplemented by theoretical notions of how the *success* of exerting influence is structurally guaranteed (or how the systematic exclusion of all opposing interests comes about). The class character of institutionalized forms of political governance cannot, then, be adequately determined by the influences which the exercise of this governance is subject to; on the contrary, the governance itself must display corresponding structural features by virtue of which a privileged consideration of particular interests and influences really does come about. One can speak of a "capitalist State" or an "ideal collective capitalist" only when it has been successfully proved that the *system of political institutions displays its own class-specific selectivity corresponding to the interests of the accumulation of capital.*

THE FOLLOWING DISCUSSION attempts (1) to conceptualize State-organized governance as a selective, event-generating system of rules, as a "*sorting process*"; (2) to deduce the kind of selectiveness which would give reasons for the class character of State governance: what *specific* selections must a State apparatus perform in order to function as a *capitalist State*?; (3) to investigate the methodological problems which arise in the course of an *empirical establishment* of selectivity: what empirical criteria serve to prove or disprove the presence and effectiveness of a specific selectiveness by virtue of which a structural complementarity between the State's activity and ruling-class interests is arrived at?

The concept of *selectivity*, which is of central importance in the following discussion, needs explanation. By proceeding from an image of an event-generating "*sorting process*" we indicate that we are dealing with a configuration of institutionalized *exclusion rules*. In order to be able to describe the way in which exclusion rules operate it is necessary to have an idea of *what* they exclude, that is, of relevant "*non-events*". How the latter can be ascertained is discussed below. However, it is already possible at this point to name three categories of "*non-events*" or excluded phenomena; we can call them social-structural, accidental, and "*systematic*" non-events and define them as follows:

a. *Social-structurally* excluded events: the fact that in the political systems of capitalist industrial societies we do not deal with events such as the burning of witches or Crusades is hardly the result of some specific selectiveness on the part of the political system but rather simply due to the fact that the preconditions for such events are absent in industrial social structures. This is, then, a category of non-events which are impossible not because of the system of political institutions (even though they may be legally codified) but rather because of structural features placed before the social system and the historical premises it is based on.

b. *Accidentally* excluded events: the preference of one legislative alternative to another which is also under discussion also represents a "*non-event*".

But there is obviously no point in calling every missed opportunity, every dropped alternative, every chance relationship of privilege or discrimination a significant non-event. The concept of selectivity would be overstretched if it were to be applied to such exclusions which occur "*accidentally*". Hence we can call those events which have become impossible "*accidental*" if they *could* have been realized without affecting the institutionalized structures and procedural rules of the political system.

c. *Systematic* refers to the selections performed in the intermediary domain between types a and b. In this category belong all those excluded phenomena whose non-realization can be ascribed neither to the higher-level historical and social premises of a society nor to the microstructure of contingent factors determining the political process. Those selections can be termed "*systematic*" which are generated directly by the organizational structures and processes of the political system and which cannot be explained without reference to them. Despite the impreciseness of this kind of categorization of the various spheres of selectiveness this definition may be adequate for the purposes of the following discussion.

The two points made above, namely the *narrowness* of empirical manifestation of capitalist interests on the one hand and the *necessary reciprocity* of power relationships on the other are adequately taken into account only by a theory of the state that is able to demonstrate that the class character of the State resides in the *internal structure*—or selectivity—of the State apparatus itself, and not primarily in the empirical circumstances prevailing in the social and economic "*environment*" in which political power is generated and used. Such a structural theory of the capitalist state would have to be able to demonstrate two types of systematic selectivity built into the system of political institutions.

a. On the one hand the State apparatus must display a selectivity aimed at distilling a "*class-interest*" out of narrow, short-term, conflicting, incompletely formulated interests of pluralistic influence-politics—i.e. at selecting and considering only those which coincide with the "*collective interest of capital*", which indeed help the latter to be articulated in the first place. The Marxian characterization of the bourgeois State as a managing committee of the ruling-class already indicates that this class is incapable of running its own affairs and hence *requires* a committee of this kind. Therefore the question is to decide what structural features put the State in a position to formulate and express class-interests more appropriately and circumspectly than can be done by the members of the class, namely the isolated and competing individual accumulating units. It is precisely when political power is to set itself up as class rule that its relationship to the manifest interests of empirical capital-units must be one of tutelage or authoritative supervision, i.e. must maintain a "*semi-distance*" from them; their influence must therefore be effective but at the same time so restricted that a strategic plan is set up for the exercise of political governance which is as far as possible free of superficial discrepancies, distortions and particularisms.¹¹ The first criterion for the class character of

the State thus consists in its developing a selectiveness which serves to standardize and reduce to its essence a "collective capitalist" interest—and to do so even in the face of empirical opposition on the part of isolated capital units and their political representatives.

b. In addition to its ability to integrate the empirical plurality of isolated interests into a class interest it needs a complementary selectiveness which consists in protecting collective capital against anti-capitalist interests and conflicts—i.e. a selectiveness which allows the State to assert practically in its policies the class-interest which it has itself gathered together and reduced to its rational essence in the first place and to create for it what is in principle a privileged chance of being implemented.

In the selections given under a. the State fulfils its function of helping to formulate a positive class-interest, while in the selectiveness given under b. it acts negatively, i.e. as an organ of repression against the articulation of opposing interests. It is the two together, the positive formulation and the implementation of a class interest by the exercise of power, which constitute the class character of the State; in the absence of these two kinds of selectivity, the State could at most be a State pledged to class interests as a result of external pressures but it could not be a "class State". The selections given under a. have the effect of protecting capital as far as possible "from itself", i.e. from the results of a short-sighted, narrow and incomplete articulation and pursuit of its interests. The selectiveness shown under b., on the other hand, has the function of safeguarding capital against anti-capitalist interests becoming effective. Hence we can say that State governance has itself a class character when, and only when, it is so constructed as to succeed in protecting capital both against its own false consciousness as well as against an anti-capitalist consciousness and struggles of the masses.

It is only possible to overcome the ambiguities and inadequacies of the Influence Theory type of argumentation if the class nature of the capitalist State can be reconstructed as a kind of selectiveness which is peculiar to the State itself—and is not the result of empirical dimensions exerting an influence on it. An approach such as this proceeding from the internal selectiveness of political institutions can admittedly only claim to be theoretically superior if it is able to identify what is, at the present point of our discussion, merely a postulated class-bound selectiveness (in both its forms) on the part of the State.

THE CHOICE OF THIS CRITERION for determining the class character of political governance consequently entails the methodological question of how the "selectivity" of political governance (in its two versions) can be conceptually and empirically clarified. Formally, the term "selectivity" means that a configuration of selection-rules is in operation which, firstly, always actualizes only one section of an area of possible results and, secondly, produces a uniformity or consistency of actualized events. We can state by way of simplification that selectiveness is the non-accidental (i.e. systematic) restriction of a

scope of possibility. This concept of selectiveness has been utilized for the analysis of political governance above all in the work of Schattschneider¹⁴ and of Bachrach/Baratz¹⁵ and has gradually, in a discussion which has been going on since the early sixties, become the successor of the "elitist" point of view of the Mills school.¹⁶ Analytic descriptions and empirical investigations¹⁷ of systems of governance are making increasing use of the idea of a filter system which gives political-administrative processes a specific interest- and class-bound bias—an objective strategic interest-rationality which is guaranteed by the internal structure of the system of political institutions—i.e. not guaranteed by the latter's being externally instrumentalized. For this reason we want to examine whether the set of concepts available in this type of analysis of political processes are a suitable instrument for solving the problems which arise in attempting to reconstruct political governance as class rule.

Selection mechanisms anchored in the institutions can be analytically identified in the political system on at least four levels—structure, ideology, process, and repression. They represent a system of filters operated in series the results of which, namely concrete actions on the part of authorities and political processes, are determined by the cumulative selections performed by this system.

The structural level—Every system of political institutions possesses a definite radius of action—established *de jure* and *de facto*—which determines what matters and states of affairs can be dealt with by State policies and action at all. Civil Liberties, in particular the guarantee of private property, are the simplest example of structural selectiveness. Other, *de facto* limits on possible policies are marked by the restricted availability of material resources and information. A further factor in determining that only a certain section of social matters is "open to political treatment" lies in the existence and the effectiveness of bureaucratic organizations; where they are absent or break down this marks the beginning of a domain which lies structurally outside the scope of possible action of a given political system. The structure of each system of political institutions can thus be interpreted as an institutionalized exclusiveness, as a selection-program which establishes action-premises and action-barriers and itself sets up a more or less narrow scope of possible policies. Thus, for example, the selectiveness of the Civil Rights catalogues in liberal-democratic constitutions consists in a negative program referring to matters which a political system does not deal with.

Ideology—"There is something like an inarticulate ideology in political institutions, even in those that appear to be most open-minded, flexible, and disjointed—an ideology in the sense that it promotes the selective perception and articulation of social problems and conflicts".¹⁸ Just as the "scope of possibility" of political events is limited by the structure of political institutions, the latter is in turn restricted by the system of ideological-cultural norms; under current normative restrictions only a part of the structurally possible policies can be actualized; the repressiveness of a system of norms gives rise to a greater or lesser difference between what is objectively open to State action and what is actually made the object of State action.

Process—There is a further selection mechanism in the institutionalized process of policy-formulation and its implementation. Formal rule-structures determining the processes of parliamentary consultation, "collective bargaining", bureaucratic planning and administration, policy-discussion by academic experts, election campaigns, and political mass-communication are never *mere* procedural formalisms but they predetermine as such the possible content and possible outcome of the process. They do so by investing certain policy-contents with increased chances of being implemented, by providing certain interests with a head start, and by granting them chronological priority, relatively more favourable coalition chances or the opportunity to employ specific power resources. Every procedural rule creates conditions of being favoured, or conversely being excluded, for certain issues, groups or interests. This is what is meant by the concept of "non-decision": "Non-decision making is a means by which demands for change in the existing allocation of benefits and privileges in the community can be suffocated before they are even voiced; or kept covert; or killed before they gain access to the relevant decision-making arena; or failing all these things, maimed or destroyed in the decision implementing stage of the policy process."¹

Repression—The last stage in the restriction of the scope of possible political events consists in the application or threat of acts of repression by the State apparatus through the organs of police, the armed forces, and the judiciary.

This sequence of structural, ideological, procedural and repressive selections performed by the political system, is intended here simply to serve as a conceptual framework for identifying selection rules in the political system. It is undoubtedly inadequate for a number of reasons; firstly because although it can identify analytically a general selectiveness in political institutions, it cannot prove a systematic correspondence between this and class interests. If, as was seen in the preceding discussion, the *class character* of the State only results from a twofold and specific selectiveness which guarantees both the formulation and the implementation of a collective capitalist interest, then proving a *general* selectiveness in the system of political institutions is undoubtedly not enough to establish a correspondence between State policies and actions on one side and the class interest of a specific class on the other.

At this point a further problem arises from the question of how it is possible to prove the concrete interest-relatedness of an organization of political governance conceived of as a system of selections or filters. Any attempt to employ this model in practical research gives rise to an empirical-methodological dilemma: in order to gain an idea of the exclusion mechanisms and their affinity to class interests it is necessary to have at one's disposal a concept of what possibilities are negated by these mechanisms. It is only with the aid of such *negative concepts*, which can convey an idea of systematically blocked out "non-reality", that the presence and class-content of structural selectivity can be demonstrated. But how can evidence of what is non-existent, the very thing that is excluded, be established sociologically?

If we want to employ the concept of selectiveness, we must be in a position to point to phenomena and events lying outside the sphere covered by the exclusion rules, i.e. those which make the latter recognizable as such. To achieve this there is a choice of two methods within liberal political science. On the one hand one can refer to the totality of abstract possibilities and use this to measure the selectiveness of a system of institutions. This strategy is followed by the version of sociological systems-theory developed by Luhmann,²² in which the stabilization of a boundary, differentiating between what is internal and what is external, is regarded as the central achievement of social systems: Social organization is the protection against a chaotic multiplicity of potential events, that is to say, a "reduction of complexity". A theory of this kind can at best resort to biological-anthropological criteria to designate what exactly it is that a social system manages to keep outside of its boundaries. Its negative concepts become so multifarious and non-committal that the result is the equally apt and trivial statement that every conceivable form of social organization is based on exclusion rules (or "reduction of complexity"). It then becomes impossible, however, to assess various historical forms of social organization comparatively according to their degree of repressiveness.

It is at this conceptual imprecision that the polemical and the empiristic rigorous response of the behaviouralists is directed: "It has been pointed out to me that sometimes decisions that are *not* made are every bit as significant in determining policy outcomes as decisions that are made. . . . It has been suggested that non-events make more significant policy than do policy-making events." But: "*Which* non-events are to be regarded as most significant . . . the community? Surely not *all* of them. For every event . . . there must be an infinity of alternatives. Then which non-events are to be regarded as significant?"²³

It is only consequent, from the standpoint of the political-science behaviouralists, to declare negative concepts in general—and thus also the attempt to analyze power-relationships according to the criterion of what they forbid—to be methodologically illegitimate. They maintain that structures and processes of political power should be analyzed solely on the basis of observable behaviour data.²⁴ Thus any way of measuring the structural restrictedness of possibilities of action is lost. The methodological dictates of political-science behaviourism block the way to seeing that political systems are determined by the exclusion of certain events (i.e. by "non-events") or by systematically distorted perception of possibilities of action ("mobilization of bias"—Schattschneider). There can at best be a perception of the negativity of a political system insofar as the failure of an impulse to act *which has already become visible within the system itself* is concerned.

However, in this way, only those processes of repression are seen which have already become conscious and recognizable as such, that is whose rigidity has already been broken. With this methodological procedure for critically examining political power only those events and problems become visible

which could so to speak at any moment be the subject of reformist policies but not those which on principle remain outside the scope of such policies."

In the liberal-social science attempts to identify the negativity of a political system, the following methodological dilemma appears: either, on the one hand—as for example in Luhmann's systems theory—selectiveness is claimed to be a constitutive feature of each and every social system as a means of maintaining boundaries as opposed to an overly complex and hence threatening environment; consequently the social system consists in an *infinite* variety of exclusions. Or, on the other hand, behaviourist methodology restricts itself to identifying only those "non-events" acknowledged within and by the system itself, which are thus on principle *contingent* and revokable at any time, consequently it dispenses with the concept of a selectiveness inherent in the structure of a political system.

Luhmann, logically enough, cannot make anything of the concept of political domination" since he has no criterion at his disposal to refer to what the functions of political organizations for maintaining order, boundaries and stability are directed *against* and instead speaks, in a most apologetic manner, of the "reduction of complexity". The behaviourists, on the other hand, operate with a concept of governance which is restricted solely to conflicts licensed within the system and ones which are empirically observable. Whether seen from the bird's-eye view of the system-theoreticians or the worm's-eye view of the behaviourists, the historically specific and systematic negations, or excluded non-events, inherent in a political system cannot be identified.

The dilemma of political science and political sociology—namely that they are unable to identify the class character of a system of political governance because they are methodologically incapable of ascertaining the *historically concrete* selectiveness of the exercise of political power—appears at first glance to be a purely methodological problem. In fact it does seem that attempts to solve it inevitably boil down to normativist or empiricist expedients. We shall demonstrate this by means of a short systematizing survey of the methodological procedures chosen by critical political scientists in view of this situation. It is possible to distinguish a number of attempts to establish a critical yardstick for determining the selectiveness of the political system and at the same time to avoid the difficulties of the systems-theory and the behaviourist procedures.

a. One approach starts with a normative definition of human needs which are derived from a theory of human nature. The totality of unsatisfied needs then appears as a non-fact, as an indicator of the selectiveness, the greater or lesser repressiveness of a political system." The procedure may well prove useful in the attempt to throw light—at least descriptively—on the repressiveness of a political system. But since the underlying need-projections, which have been raised to a critical yardstick themselves, always remain bound to a context of concrete chances of satisfaction and aspirations, they cannot ascertain their own appropriateness: this approach could easily postulate needs that are merely "imagined"; it could fail to take into account "real" ones; and

tends to be arbitrary in assessing the relative weight of conflicting needs. These methodological shortcomings of normative thinking tend to render any assertion regarding the negativity of a political system controversial and analytically inconclusive. The critical impulse is used up ineffectually in utopian thinking which at all events seems unsuited to an analytic ascertaining of the limits and the selectiveness of a system of political institutions.

b. An expressly subjective option by the investigator for certain desirable policies can be *normatively* defined and made the starting-point for the analysis. The inevitable and conscious violation of the methodological imperative of so-called "value-free" science remains problematic not because this imperative as such should deserve observance but because, even when it is violated by the choice of a critically-normative standpoint, this is hardly sufficient to clarify completely and unambiguously the objective restrictiveness of an organization of political governance. However important and fruitful a type of criticism proceeding from normative options may be, its analytic limitations nevertheless lie in the fact that it is unable to differentiate between the *systematic* selectiveness of a system of institutions on the one hand and the purely accidental non-fulfilment of certain norms (which certainly *could* be fulfilled while retaining the selective structures) on the other.

c. Objections such as these are in part taken into account by the critical model which proceeds *advocatorially*. Here the critical yardsticks are not drawn from the investigator's conscience but from the articulated interests of empirical conflict groups. This empirical feedback in the process of criticism may very well end in—what is for the analysis of selectiveness—a premature partisanship; for the research strategy which proceeds *advocatorially* does not have a criterion at its disposal to help in deciding whether an empirical conflict is accidental or systematic. Furthermore, those selection processes which push down potential conflicts under the threshold of their empirical actualization or push them aside into privatized deviation lie outside the scope of perception of this critical method altogether.

d. The converse difficulty of a no longer empirically obtainable but *objectivistic* definition is encountered by a position which bases its critique on a deductively obtained concept of the revolutionary class and its "objective" interests. This type of procedure, which only supposedly follows Marxist "orthodoxy", runs the risk of raising the still-to-be-proved class character of the State to a theoretical premise and at the same time of degrading to triviality the historical peculiarities of the selectiveness of a concrete system of institutions—whether it can be brought into line with the dogmatically pre-conceived class concept or not. In its dispensing with a methodological examination of the appropriateness of the yardstick of critique, this position involves itself in difficulties not unlike those encountered by a normativist criticism (see above). Furthermore, the point of reference of an "objective" class interest set up as a constant could unwittingly lead to a playing-down of institutionalized selection rules which cannot be comprehended from the standpoint of an objectivistic class- and revolution-theory.

e. A *comparative* (inter-time and inter-system) approach can also be adopted employing a "*ceteris-paribus*" clause to identify the exclusion rules which distinguish one system from another (otherwise regarded as analogous). Thus it would be possible to investigate, for example, the degree of internal democratization of political parties, the selectiveness of their respective procedures for financing their activities, for nominating candidates, for their election-campaign strategy and their program making, by measuring one party against the standard of comparison of another (or the same party at an earlier point in time). Crenson²² takes the example of a specific policy issue, conservation of the environment, to compare various political systems of local government with respect to their "problem-acknowledging capacity" or their receptiveness to certain issues and interests. There are two obvious objections to this relatively handy procedure as far as practical research is concerned. On the one hand, those types of selectivity *common* to the systems under comparison do not come to light, and on the other, conditions which would justify a rigorous application of the "*ceteris-paribus*" clause are presumably hardly ever to be met—that is, the systems being compared always differ in more than just one variable so that there is always the possibility that observable differences in *one* "dimension" of selectiveness (e.g. a different chance of implementation for certain interests, a different budget allocation for one department, different access to schools, etc.) are cancelled out by differences in the effectiveness of *other, functionally equivalent* selection rules (in the case of schools, for example, differences in curriculum). The selection rules of the political system which can be identified by the comparative procedure are thus limited to those which are *not common* to the systems under investigation and in which possible functional equivalences are not taken into account. Within these narrow limits the comparative approach should, however, be suitable for an empirical identification of selectivity.

f. An immanent approach can be used by playing off "claim" and "reality" against each other. This method is current in critical works on Constitutional Law ("promise" of the constitution versus constitutional reality) but it has to prove that the claim which is not met in reality and which the critique appeals to is violated not only accidentally but systematically. Furthermore, this approach would have to establish to what extent it can proceed from the assumption that the system forming the framework for the "claim" (e.g., a constitutional right) and the system in which the violation of this norm is observed can be regarded as identical; otherwise the critique degenerates into an analytically unproductive appeal to days gone by and the normative declarations stemming from them. Finally the question arises of how to arrive at an interpretation of "claims" which is non-controversial and not based simply on subjective interpretations and wishful projections. These objections and doubts allow the conclusion that information about the selectiveness of organizations of political governance which is gained from a confrontation of "claim" and "reality" is bound to remain not only incomplete but also inconclusive.

g. It is possible to identify *exclusion rules* which a political system has codified—for example, in the form of procedural rules set down in Administrative Law, civil and penal laws. This kind of approach is inadequate for analyzing structural selectiveness inasmuch as it can hardly be supposed that a political system will itself set down *all* the restrictions operating in it in a codified form (and, conversely, keep to those which are named).

h. A further possibility, for which, to my knowledge, there is no model or example, would lie in comparing political-administrative processes not to their own pretensions or those set down in Constitutional Law (see above) but rather to the "misunderstandings" and *over-interpretations* they produce which are *not intended* but *appear systematically*. It is well-known from investigations on the problem of "co-determination in industry" that workers in every day language associate the slogan "participation in the management of the firm" as a matter of course with material power positions, which it is naturally not the intention of the laws and statutes concerned to create; the contrary is rather the case.²³ The way in which the semantics of concepts depicting political-administrative activity (certainly with a view to make up its legitimation deficit) are getting out of hand is likely to be a mechanism which other examples also serve to throw some light on: the actualization of "more far-reaching" demands is a latent function of the very measures which are intended to serve to appease them. It can be supposed that parallel situations are to be found on the *cognitive* level: the forced production of sociological information and its dissemination through the mass-media with the aim of increasing manipulation-capacity are likely to put the political system under pressure to remain consistent with itself.²⁴ It involuntarily exposes itself to problem situations which, significantly enough, are commonly referred to as a "credibility gap"—a term borrowed from the vocabulary of military strategy.

It seems, then, that the political system itself contributes to rejected claims and suppressed truths becoming evident—evident, however, directly as a concrete experience of conflict. The methods for analyzing the selectiveness of a system of institutions suggested in the liberal and critical social sciences all—with the possible exception of the last one presented—display the weakness that in their attempt to achieve an analytically-critical standpoint they do not go far enough empirically or they fail to establish their own normative criteria conclusively. Their methodological equipment consists of expedients: they are unsuited to tackle conclusively the argumentation necessary one way or another to decide the question of the class character of the State (in the sense discussed above of a "twofold selectivity").

If this is correct, then the further conclusion is inevitable that the historically concrete limits of a system of political power can only be perceived in *political practice* and can only be identified in the class conflict engaged in through actions and organizations in which collective *normative* options turn into empirical force. The class character of the State becomes evident analytically only in an *ex post* perspective, namely when the limitation of its functions becomes apparent in class conflict.

This means, however, that political practice and class conflict, which are the ultimate source of evidence of the class character of the State, cannot themselves be informed and directed entirely by a postulated analytical insight. If no insight into the class character of the State can be gained until its class-bound "selectiveness" has been discovered and exposed in practice, the logical status of "theories" which claim to go ahead of this practical step and show it the way becomes dubious. Revolutionary "theory" which claims to demonstrate the class character of an existing system of governance can therefore always be construed as the self-explanation of a practical movement which is already in progress—and not as the factor which triggers it off and predetermines its course.

The problem of a theory of the State which aims at establishing the class character of political governance, its structural complicity with an interest of capital as a whole, lies in the fact that it is completely impractical as a theory, as an objectifying presentation of the State's functions and their reference to interests; its analytical claim can only be fulfilled by class conflicts in practice. In this respect theoretical attributes such as those that the State is a "managing committee" or an "ideal collective capitalist" rely on a kind of evidence which can only be gained in practice.

THESE LIMITATIONS of theoretical understanding, however, are not caused by the inadequacy of the methods it employs but by the structure of the matter itself. The subject of analysis, the capitalist State, defies its clarification by the means of class-theory. In a simplified form, we can say, that State power in capitalist industrial societies is the method of class rule which *does not disclose its identity as such*. The reasons for this seemingly paradoxical but in fact logically consistent diagnosis are clear. Supposing the institutions of political governance exercised a class-bound selectiveness in the sense that they protected collective capital both against the risks of its own anarchic dynamics and against the opposition of the labour force subsumed under it by—as is shown above—producing "coordinative" and "repressive" directing functions, they could only do so permanently if they succeeded at the same time in *permanently denying* the specificity of the selections performed, that is, precisely their class character. Why? Because it is only under this condition, namely that the fact that the State's functions are objectively functionalized for the process of accumulation remains concealed, that the basis of official power on which the execution of this function depends remains intact and can be maintained. That is, unlike the silent force of economic exploitation operating in an exchange of equivalents, the official power embodied in political institutions finds itself forced to declare and justify itself as *power*. After the absolutist self-justification of State power came to an end in the bourgeois revolutions, the exercise of power by the State has been tied to *social* interests and processes: sovereignty has been functionalized. Therefore Miliband, for example, is quite right in pointing out the historical correspondence between the capitalist mode of production and bourgeois democracy¹¹—a correspondence which

has only been temporarily interrupted in situations of extreme crisis such as those at the beginning of the Fascist period. This emancipation of the system of political governance from feudal or absolutist bonds sooner or later became the pre-condition for the development of capitalist industrialization, which only permitted sovereignty in the form of that of the bourgeois society. The fact that sovereignty is functionalized obliges the State apparatus to execute its *class-bound functions under the pretext of class-neutrality* and to provide its particular exercise of power with the alibi of the general interest.¹² This permanent obligation does not result solely, or not primarily, from the increasing historical weight behind already codified republican constitutional norms; rather, it arises functionally from the need to have to implement, in the name of the general interest, the social living conditions required by capital *against* the empirical opposition of individual units of capital, and conversely it arises from the danger that an openly practised class character of political governance which is apparent as such, involves the risk of class-polarization and a politicization of the class struggle.

The structural problem of the capitalist State that results from this is that the State *must at the same time practise its class character and keep it concealed*. The *coordinative* and *repressive* selections and acts of direction which make up the content of its class character must be denied by a *third* category of counteractive, disguising selections. Only by keeping up the appearance of class-neutrality can political governance be exercised as class rule.

The model of the counter-running selectiveness of the political system has been taken up from various theoretical starting-points in social-scientific writings. Following M. Edelmann, Parenti developed a dualistic interpretation of the political system: "One might think of ours as a dual political system: first, there is the *symbolic* input-output system centering around electoral and representative activities including party conflicts, voter turnout, political personalities, public pronouncements, official role playing and certain ambiguous presentations of some of the public issues which bestir presidents, governors, mayors and their respective legislatures. Then there is the *substantive* input-output system, involving multi-billion dollar contracts, tax write-offs, protections, rebates, grants, loss compensations, subsidies, graces, giveaways, and the whole vast process of budgeting, legislating, allocating, "regulating", protecting and servicing major producer interests, now bending or ignoring the law on behalf of the powerful, now applying it with full punitive rigor against heretics and 'troublemakers'. The symbolic system is highly visible (. . .). The substantive system is seldom heard of or accounted for."¹³

Luhmann¹⁴ describes the institution of the political election as a device which separates the function of procuring legitimation from that of determining the political system's premises regarding the substance of its activities. "The political election offers an opportunity to express dissatisfaction without endangering the structure, that is, for expressive action which has a relieving effect" (171). Since "the election is no more suitable for the expression of concrete interests than for the deciding of concrete conflicts (164/65), a

theory of political election which sees it as the concrete determination of the substance of State activity must be dismissed as naive: "the function of the process of political election does not entirely lie . . . in the direction of the official statement of objectives, which is to select the best representatives of the people for political office" (173). This statement of objectives is only the—albeit indispensable—pretext for a process whose actual functions consist in ensuring that the motives for conflict which enter into it add up to nil or "can be remoulded or diverted" by the political parties "into channels which are politically irrelevant" (163); it further serves for "letting off steam" (171) or for the "absorption of protests" (173)—with the result "that those elected are no longer pledged to specific interests" (165) and that "an unusually high degree of operational autonomy" is established "for the political system" (173).

At this point we have to discuss briefly the systems-theory argument that every social system must practise an "opportunist" selectiveness which takes its orientation simultaneously from several inconsistent relevance criteria. Therefore, the objection would run, the conclusion that a system which is discovered to have counter-running selection processes displays a class character is illegitimate and the discovery of these processes is itself trivial since every system must establish a balance between various functions, for example, between the "instrumental" and the "adaptive" ones. But clearly more is meant by Luhmann's own description of the function of the institution of the election than the proposition familiar from sociology of organization textbooks "that organized social systems do not preserve themselves merely by fulfilling their official programs".²¹ Merely the great variety of relevance criteria with which every social organization is confronted is not the same as the organized *disguising* of one criterion by another contradictory one, a *disguising* which characterizes the relationship between the instrumental and the expressive functions of the capitalist State. The difference lies in the fact that the *multi-dimensionality* of organizations can very well be something their members are aware of and still continues to be practised, whereas *contradictory* imperatives of the fulfilling of capitalist class interests and of democratic legitimation can only co-exist as long as they successfully avoid their being understood and pretend to be something other than what they are. Applied to the institution of the political election investigated by Luhmann: it can fulfil its function of global legitimation and the freeing of the political-administrative sphere from material controls only as long as it is *not seen* to be fulfilling this function but is rather thought to be the *opposite* of what it is.

The same type of argument contending that class-bound functions of political processes can only be fulfilled when they are dressed up in formal procedure which deny their real function is discussed by Selznick using the example of co-optation. Co-optation can mean on the one hand a real *shifting* of power and on the other merely a symbolic *disguising* of power and generalizing of responsibilities. Selznick discusses the hypothesis that the second alternative is all the more likely the more co-optation is carried out by way of formally democratic procedures and is exposed to the public eye.²²

In his epilogue to *The Active Society*, under the heading "inauthenticity",²³ A. Etzioni deals with the structure of governance relationships which are only maintained by constantly denying themselves: "inauthentic structures devote a higher ratio of their efforts than alienating ones to concealing their contours and to generating appearance of responsiveness" (619/20). It should be possible to make use of this concept of "inauthenticity", or the "false consciousness" that political institutions project about themselves, in empirical analysis. One could take as an indicator the difference between the "denying" functions of the State apparatus on the one hand, which aim at suggesting, by means of democratic and participatory procedures, the possibility of effective democratic control over economic and social living-conditions, and their *lack of material consequences* on the other. In what follows three stages of a possible empirical design will be outlined which aims at identifying the implementation and simultaneous denial of political class rule.

Firstly, we have to prove that the *scope* of the functions of the State which serve to safeguard the conditions for the continuity of capital accumulation and that of the legitimating category of functions which amount to making the specific, class-bound character of these functions non-transparent both *develop in the same direction*. No attempt can be made here to deal with the corresponding hypothesis operationally or even to check it on a few examples. It would have to refer to a parallelism existing between the development of the instruments for administrative direction of the process of accumulation on the one hand and the formal broadening of the political basis of consensus on the other. The co-occurrence *in time* of the economic policy of the *New Deal* and the *Wagner Act* (1935), of the adoption of procedures of economic regulation and the Grand Coalition or Concerted Action in the Federal Republic of Germany (1966) could provide profitable case-studies for this general hypothesis. The concurrence of economic and structural policies for safeguarding the process of accumulation by employing flanking strategies of procuring a broader (even though administratively controlled) consensus²⁴ seems to be plausible as a hypothesis.

Secondly, what is more important than this parallel is the criterion of the *non-identity in content* of perceived *functional requirements* of the capitalist economy and of the *motives* which are mobilized to *implement* these functions. The legitimating motive and the intended function of the state's activity diverge: "Prosperity for all" is the slogan of an economic policy which causes the distribution of wealth to become more and more unequal; "Education as a Civil Right" is proclaimed when bottlenecks are noticed in the labour market; capital's concern about the investment of the defence industry lying fallow corresponds to the appeal to the population's fear of Communist aggression; the development of means of destruction is rationalized as a means of developing the forces of production; the nurturing of concern for countries of the Third World provides the legitimation background for a far-sighted tapping of capital—and selling—markets; under these circumstances it almost ranks as a white lie when Social Democratic candidates appear before

their electorate "to tell the citizen the *truth*: that conservation of the environment costs money, too" (SPD election poster). Here we have only picked out a few points to give a hint of the systematic non-congruence between the *motives* which are politically mobilized for the purpose of creating a consensus and the *functions*, or the functional requirements triggering them off, whose fulfilment is served by policies safeguarded in such a way: the points made, however, provide a second reason to suspect that counter-running selections are performed by a political system which exercises class-bound functions and at the same time denies them to be such.

Thirdly, a further criterion can be developed from the combination of those given previously: what happens when both developments go on simultaneously, that is, when on the one hand the scope of both the symbolic and the strategic functions of the State apparatus are *expanding* while on the other hand the non-identity of the functional and the legitimizing aspects also continues to exist? Here we are proceeding hypothetically from the assumption that the continuous and irreversible extension of both economic-classbound and loyalty-binding functions of the State apparatus are by no means bound inevitably (as Luhmann considers) to have the stability promoting effect of "differentiating out" or of providing operational autonomy for the political system, but must instead generate interference and political crisis-phenomena. Any parallel extension of systems of profit-oriented state-intervention and legitimation of political power, which must however deny each other's existence, is heading for a point of collision which is analytically determined by a constellation in which the State is no longer in a position to legitimize its visible functions or to provide for its need for legitimation while at the same time stabilizing capitalist accumulation. The "credibility gap" opening up signifies the hour of truth. The class-bound content of the exercise of political power and the bourgeois-democratic forms of self-justification which deny this content and which are associated in some way (however corrupted) with the idea of popular sovereignty turn into "handicaps" for each other.

A suitable case to illustrate this situation may be found in the proclamation and practice of "full-employment policy". At least in the form of a declaration of the aims of economic policy, a State policy of job-security has since the Second World War been part of the stock-in-trade of almost all the parties in every developed industrial state in the capitalist world. Without the political assurance of corresponding laws and programmes related to business, educational and structural policies it would never have been possible to secure the degree of social peace and integration of the trade-unions which, above all in West Germany, was a prerequisite for a successful capitalist restoration. Independently of the failure or (except in the USA) relative success of this programme its mere adoption alone has an important effect which modifies reality: the actual fact of unemployment changes its social definition wherever it appears; it is no longer perceived as a periodic event in a blindly operating economic cycle but as a "culpable" and therefore "actionable" failure on the part of political-administrative direction.

"Today ... the conviction is widespread among the workers that full employment can be created by political means, that there exists a legitimate and realizable claim to a secure and suitable job. This reflects the experience both of full-employment in the post-war period and the 1966/67 recession and its being quickly overcome. The consequence of this is, however, that every recession and every endangering of a person's own job is blamed on the inactivity or inefficiency of the State's economic policy. This explains why the threshold of politically tolerable unemployment is a great deal lower today than it was in the twenties. ... The political system ... immediately runs into a legitimation problem when the right to a job no longer seems to be safeguarded."⁴³ As a result of this "re-definition" of unemployment a situation arises in which it is not that "social peace" is more reliably safeguarded but that the conditions for its continuance have become more severe. The loyalty-binding returns of full employment (like—we can suppose—those of rising real-income and welfare-state social security) have been used up; they remain on the books merely as a general raising of the level of the demands and expectations made of the State's economic policy. However, if the economic conditions are such that the legitimation basis, once drawn on, can no longer exercise any manifestly loyalty-binding functions but on the other hand cannot just be withdrawn from service *although* current considerations of "stability policy" would suggest "intentional" unemployment, i.e. of the kind which is dosed out for a limited period, then the incompatibility (even though restricted to one area) of the two functions of the State—the guarantee of profit and the denial of this guarantee—becomes clearly visible.

Political crises and conflicts which fit into this pattern of interpretation and follow the course it predicts can be made use of as concrete proof of the class character of State power. Here, too, it is evident that this kind of proof is not to be drawn from the simple concrete state of political institutions or the day-to-day routines of the political system but only from crisis situations and manifest class-conflicts which suspend the mechanisms of objective self-disguise and which *only then and only for this reason* make it possible to perceive them as such.⁴⁴

That does not, however, mean that otherwise the analytical effort directed at the class character of State governance is inevitably doomed to failure. If it is true that State governance in capitalism is characterized by "counter-running selectiveness" and if it is correct that in the course of increasing organization and direction performed by the State for the economic system there is a parallel expansion of the mechanisms for procuring consensus, and if finally it is true that this two-sided process of expansion—*because of the non-coincidence of its motives and objective functions*—leads to contradictions of a critical nature, to legitimation and direction impeding each other's performance and thus producing in tendency a breach of legitimation, if all this is true, then a further link can be added to the chain of deduction which refers to strategies and structural changes which operate in anticipation of such collisions with the aim of averting them in advance.

Such strategies for a preventive checking of conflicts can be of two kinds: they can attempt to reduce either the *likelihood of the appearance* of conflicts or the *violence of their manifestation*. A plausible hypothesis would run to the effect that under the pressure of the discrepancy which appears between its two functions the capitalist State develops a combination of strategies which can be interpreted as variations of these two forms of conflict avoidance. There are on the one hand political-administrative strategies whose aim is to relieve the State apparatus of expectations and *responsibilities* which, if retained, could reduce its ability to respond to the functional needs of the economy and would thus generate conflicts. This hypothesis can be specified to the effect that tendencies to an even more extensive direction and regulation of social living conditions—such as are seen in particular in social-democratic administrations—are thwarted by *counter-tendencies*: the latter are demonstrated in demands for the “reprivatization” of State economic and social policies, a corporatist “backlash” in economic-policy doctrines, a tendency to push off demands from the central State level of decision on to international or state or local governments, etc. The need felt by the government to withdraw from growing obligations and their conflict potential is visible above all in the demand which is also put forward by the Liberals and the Conservatives for a reduction of the State’s quota of the gross national product on the one hand and for a rationalization (and that means a stricter coupling to criteria of economic growth) of the State’s spending policy on the other hand.⁴³

Tendencies of this kind have a common denominator in the endeavour to put a stop to the extension of welfare state and interventionist policies and responsibilities branded as “creeping socialism” and to prevent the political system from dealing with its legitimation problems all too generously at the expense of economic “stability”. While endeavours of this kind to de-politicize potential conflicts are characteristic more of liberal and conservative political strategies, social-democratic positions and administrations possibly tend more to *reduce by means of prevention in advance the intensity of subsequent conflicts* which appear as a result of a reform strategy conceived of as being irreversible. The paradoxical situation that the expressed willingness to assume distributive responsibilities and the reform programmes aimed at improving the “quality of life” fail to achieve their declared aim, that of securing social peace, precisely because either they founder on the superior imperatives of capitalist “stability” or they develop their *own radicalizing impetus* as soon as these imperatives begin to appear—this paradoxical situation makes it necessary precisely for Social Democratic progressive positions to intensify their instruments of *political repression and disciplining* with the aim of weakening the intensity of the political conflicts which will inevitably arise and to direct them into institutional channels. De-politicization of conflict-potentials and intensification of political repression therefore seem to be the two polar points of a spectrum of alternatives for describing the possible strategies of the capitalist State in advanced industrial societies.⁴⁴

THE ELEMENTS of the capitalist State which produce instability, conflicts and crises and which for their part make an empirical-analytic demonstration of its class character possible, can admittedly only be regarded as *tendencies* established in the structure under one condition: that the capitalist State does *not* reduce its critical “complexity”, its contradictory over-taxing by the imperatives of accumulation and legitimation, simply by switching over to an organization of State power which generally and *expressly* annuls the basic norms of liberal-democratic constitutions. In Fascist regimes the problem of accumulation versus consensus-procuring is different, presumably “simpler”. The question is then—if we do not want to operate with a naive trust in the irreversibility of established constitutional norms—what the grounds could be for expecting that anti-democratic reversions to, for example, stages such as that marked by European Fascism between the World Wars, will not appear in developed capitalist societies.

This expectation is based on two sets of arguments. It must be shown on the one hand that in spite of the destabilizing and contradictory elements which characterize the relationship between the capitalist mode of production and bourgeois democracy a *programmatic* abolition of democratic constitutional rules (i.e. an *overt* switching over to authoritarian-Fascist forms of organization of political power) may indeed exist as a tendency and a threat but would nevertheless in the last analysis bring with it more problems than it would solve and hence will not be realized. And it must be shown on the other hand that the contradictory *co-existence* of capitalist economy and liberal democracy, especially in the stage of monopoly capitalism, in which the *privateness* of the process of exploitation can only be maintained if it is *politically* guaranteed, organized and directed, fulfils functions which are important for the continued existence of the overall system.

There is no practical alternative to the constitutional *programme* of liberal and welfare state democracy: the authoritarian and Fascist forms of governance which could constitute such an alternative cannot be put into practice. They would be bound to give rise either to the danger of a complete subjection of the State to the hegemony of *individual-capitalist* (and therefore narrow, short-term and too restricted) exploitation interests or to the opposite danger of an exercise of governance by the State which had become *autonomous* and could no longer be re-linked to the interests of collective capital. In both cases the *relative autonomy* which the State requires to formulate and implement a capitalist *class-interest* would be destroyed. Either the autonomy would become absolute⁴⁵ (if, for example, the State’s activity came under the control of unleashed Fascist myths and acts of aggression) or it would be annulled (if, for example, the control of the State fell into the hands of a single corporation or industry—which is the political class-relationship in banana republics).

A further element of risk implied in the overt violation of bourgeois constitutional norms consists in the concomitant necessity to suspend the individual-

izing and de-politicizing forms of creating political will which are guaranteed by democratic organization norms: Fascist consensus building is carried out by mobilizing the masses. The relationship between the repressive *myths* and symbols which form the basis of organizing this mobilization and the *form* of the mobilization is always precarious and contradictory: it is not without reason that the initial phases of Fascist movements have also incorporated anti-capitalist motives—what would seem to be a necessary concession to the emancipatory form of mobilization of the masses, which (whatever its normative content) already represents a threat to private accumulation. Furthermore, in the post-Fascist epoch it seems extremely doubtful that the fund of pre-universalist norms and symbols which Fascist "ideology" appealed to, and which is now thoroughly discredited as a result of the Fascist period, is still available and could be turned into a crystallization point for mobilization; if, however, every conceivable content of Fascist "ideology" has been historically used up, this makes it even more likely that any revocation of bourgeois-democratic constitutional rules would be obliged to fill the form of its mobilization of the masses with anti-capitalist content.

The formal structures of bourgeois democracy, however, not only *lack alternatives*—which would be realizable within the framework of capitalist production conditions—they are also, on account of their functional significance, *indispensable* for these production conditions. Their functions are of two kinds: they constitute the medium of direction of political power in a manner which—albeit at the cost of creating new contradictions—allows the State apparatus, within specific bounds in each case, to bridge the contradiction between social production and private appropriation and to establish a capitalist class interest or capitalist "systemic interest" which the confined rationality of each individual-capitalist interest would in any case be bound to fall short of. And at the same time they establish an ideological mechanism which still is most likely, through the effectiveness of "counter-running selectiveness", to make it possible to deny the objective complicity of collective-capitalist accumulation interests and the functions of the State. If, accordingly, the capitalist system is *not* able to survive *without* bourgeois-democratic forms of organizations of political power, the contradiction between the economic and the legitimation functions of the capitalist State points on the other hand to an irreversible politicization of class-conflicts, that is, to the fact that it cannot live *with* them either.

NOTES

1. Cf. E. Altvater, *Zu einigen Problemen des Staatsinterventionismus—Probleme des Klassenkampfes* (Nürnberg-Erlangen: 1972), 3.

2. Cf. N. Poulantzas, who in his article 'The Problem of the Capitalist State' *NLR*, no. 38 (1969) comes to the pointed conclusion that "it can be said that the capitalist State best serves the interests of the capital class only when the members of this class do not participate directly in the State apparatus, that is to say when the *ruling class* is not the *politically governing class*", 73.

3. Thus in the significantly watered down title of the book by R. Miliband, which evades the problems which form the subject matter of the present article.

4. Systematizing surveys of the mechanisms for exerting influence and the concomitant transformation of economic into political power which are given in the following pages can be found in among others G. McConnell, *Private Power and American Democracy* (New York: 1966); W. Domhoff, *Who Rules America?* and *Fat Cats and Democrats* (New York: 1971); and 'Some Friendly Answers to Radical Critics,' *The Insurgent Sociologist* (Spring 1972); R. Miliband, *The State in Capitalist Society*; J. Hirsch, 'Zur politischen Ökonomie des Politischen Systems,' Kress and Senghaas (eds.), *Politikwissenschaft* (Frankfurt: 1972).

5. T. J. Lowi, *The End of Liberalism* (New York: 1969), especially 146 ff., and also M. Bernstein, *Regulating Business by Independent Commissions* (Princeton, N.J.: 1955).

6. Cf. on this concept R. Dahl, *Who Governs?* and M. A. Crenson, *The Un-Politics of Air Pollution* (Baltimore: 1971).

7. The concept of "indirect influence" which has no need at all of a formal expression of opinion or an intentional activity on the part of those exerting the influence also underlies a comment by F. Naschold: "... the political system can only make offers to external, autonomous bodies responsible for decisions; either these offers are not accepted, thus making the attempts at direction in vain, or the offers are so attractive in order to be accepted that the political direction for its part loses its autonomy because it has to internalize the aims of the system to be directed".

8. On the application of the concept of "false consciousness" to the ruling class cf. K. Marx, *Die heilige Familie* (Berlin: 1953), 137 f.; a political-sociological approach which takes up this idea can be found in A. M. Rose, loc. cit., 89 ff.

9. An objective "uniformity" of capital, of its exploitation conditions and strategies, can least be assumed precisely in developed capitalist economies; the differences in size, technological standards, export dependency, region, labour intensity, etc. bring a large number of special interests into play which work against the creation of any uniformity of "the" exploitation interest of "collective capital".

10. The effectiveness of a mechanism of this kind is assumed by, for example, Baran and Sweezy. Its asymmetry lies in the fact that although an exploitation interest of collective capital can never be *positively* formulated in a way which is equally binding for all individual units of capital, there is however a kind of *defensive* solidarity as soon as the exploitation conditions of even a few capital groups are affected politically. Cf. Baran and Sweezy, *Monopoly Capital*, 163 ff.

11. An example of this is provided by the history of the institutionalization and final sanctioning by Constitutional Law of the trade-unions: they were put through *against* the united opposition of the political influence of the employers although there can be little doubt that the trade-unions have a stabilizing effect, that they are a functional necessity for the relatively conflict-free maintaining of capitalist production relationship. Even the unanimity (restricted to the defensive) of ruling-class interest does not therefore guarantee its "rationality". Similar examples can be found in the field of educational policy and educational expansion. On the problem of the trade-unions cf. Müller and Neuss, 'Die Sozialstaatsillusion und der Widerspruch von Lohnarbeit und Kapital,' *Sozialistische Politik*, 2 (1970), no. 6/7, 43-53.

12. Cf. with a similar result J. P. Crechin, *Governmental Problem Solving* (Chicago: 1969), especially 191 ff.

13. Cf. N. Poulantzas, op. cit.

14. Cf. also N. Luhmann, *Klassische Theorie der Macht, Kritik ihrer Prämissen* (manuscript).

15. In this connection a hypothesis could probably be made plausible to the effect that the pluralistic structure of both the legislative and the executive aspects of the State apparatus is merely the other side of the fact that the individual units of capital are too divided, restricted and isolated against each other to arrive at a unified definition of a class interest which is *common to them all* and no longer pluralistically fragmented—pluralism as the virtue which in times of need corresponds to an extremely limited chance of creating a consensus of collective capital.

- 16 Cf. E. Schattschneider, *The Semi-Sovereign People* (New York: 1960).
17. Bachrach and Baratz, *Power and Poverty* (1970).
18. Cf. C. W. Mills, *The Power Elite* (New York: 1965), and W. Domhoff, *Who Rules America?* (1967), as the representative works of the older elitist approach.
19. Bachrach and Baratz, op. cit., and also the recent excellent case-study by M. A. Crenson, *The Un-Politics of Air Pollution. A Study of Non-Decisionmaking in the Cities* (Baltimore: 1971).
20. Crenson, op. cit., 23; the following classification of the levels on which selectivity operates is modelled on a suggestion by M. Merelman, 'On the Neo-Elitist Critique of Community Power,' *APSR* 62 (1968), 451-460.
21. Bachrach and Baratz, op. cit., 44.
22. Cf. N. Luhmann, 'Soziologie als Theorie Sozialer Systeme,' *Soziologische Aufklärung* (Cologne-Opladen: 1970).
23. N. W. Polsby, *Community Power and Political Theory* (Yale University Press: 1963), 96-97.
24. For a critique cf. K. W. Kim, 'The Limits of Behavioural Explanation in Politics,' McCoy and Playford (eds), *Apolitical Politics* (New York: 1967), 38-54, especially 47-50.
25. How helpless even authors like P. Bachrach and M. Baratz are in the face of the Behaviourists' dictum that no light can be thrown on the "dark side" of the world of events by any kind of methodically sound analysis, can be seen exemplarily in the concluding reflections with which they take the sting out of their weighty article on *Decisions and Non-Decisions*. They concede that there is a selectivity of political structures and processes only where it can be demonstrated in the empirical conflict behaviour of social groups. "Suppose there appears to be universal acquiescence in the status quo. Is it possible, in such circumstances, to determine empirically whether the consensus is genuine or instead has been enforced through non-decision making? The answer must be negative. Analysis of this problem is beyond the reach of a political analyst and perhaps can only be fruitfully analyzed by a philosopher." Bachrach and Baratz, op. cit., 49. This partial capitulation at the same time sets the seal on the theoretical failure of negative concepts in the face of a "status quo" whose freedom from empirical conflicts could just as well be interpreted as the result of extremely rigid "non-decisions". For a critique cf. also G. Parry, 'All Power to the Communities?' *Arch. Eur. Soc.* 13 (1972), no. 1, 131 ff.
26. Cf. N. Luhmann, 'Systemtheoretische Argumentationen,' Habermas and Luhmann, *Theorie der Gesellschaft oder Systemtheorie?* (Frankfurt: 1971), 291 ff., especially 327 f. and 380 ff.
27. Examples of political and macro-sociological analyses which make use of a critical yardstick of this kind are the works of A. Etzioni, *The Active Society*, especially 622 ff.; G. Lenski, *Power and Privilege* (New York: 1966), chaps. 1 and 2; C. Bay, *The Structure of Freedom* (1965).
28. M. A. Crenson, op. cit.
29. Cf. further R. Dahrendorf, *Das Mitbestimmungsproblem in der deutschen Sozialforschung* (Munich: 1965).
30. A few points of view on this are to be found in R. Lane, 'The Decline of Politics and Ideology in a Knowledgeable Society,' *Am. Pol. Sc. Rev.* 31 (1966), 649-662.
31. Miliband, op. cit., 68 ff.
32. Following on this idea is what seems to be an equally paradoxical observation that the class character of the State can only be empirically deciphered in situations in which the State apparatus fails in one of the three functions which make up its class character (namely the "co-ordination" of a "capitalist collective interest", repression and control of revolutionary class-conflicts, and *disguising of these functions*) and "distorts itself to recognizability" by this failure.
33. M. Parenti, 'The Possibilities for Political Change,' *Politics and Society*, I (1970), 84; cf. also M. Edelman, *The Symbolic Uses of Politics* (1964), and *Politics as Symbolic Action* (Chicago: 1971).
34. N. Luhmann, *Legitimation durch Verfahren* (Neuwied-Berlin: 1969); the page numbers in brackets in the following refer to this book.

35. N. Luhmann, *Politische Planung* (Opladen: 1971), 167.
36. P. Selznick, *TVA and the Grass Roots* (New York: 1966), 259 ff.
37. A. Etzioni, *The Active Society* (New York: 1966), 610 ff.
38. Cf. C. Offe, 'Das Politische Dilemma der Technokratie,' *Strukturprobleme des kapitalistischen Staates* (Frankfurt: 1972).
39. As approaches to the investigation and explanation of the symbolic legitimacy functions cf. Edelman, op. cit., Miliband, op. cit., Poulantzas, op. cit.
40. J. Bergmann, manuscript (Frankfurt: 1971), 11.
41. The privileged methodological position of the "state of emergency" and the value of crisis and class conflict as opportunities for the perception of an otherwise disguised reality are pointed out by S. Mallet in a different context. *La nouvelle classe ouvrière* (Paris: 1963), 14.
42. A summary of these tendencies and an attempt to give theoretical reasons for them can be found in K. Biedenkopf, 'Private vor Staatliche Initiative,' *Die Politische Meinung*, 16 (1971), 139, 11-21.
43. A political-economic interpretation of Two-Party Systems and their dynamics could presumably start from the duality of the relevance-criteria which the capitalist State has to take into account.
44. Cf. Miliband, op. cit., 93, and the important article by T. W. Mason, 'The Primacy of Politics, Politics and Economics in National Socialist Germany,' S. J. Woolf (ed.), *The Nature of Fascism* (New York: 1969).