

CRÍTICA REVOLUCIONÁRIA

Revolutionary Criticism

Crit Revolucionária, 2023;3:e011

Ensaíos - Marxismos Latino-americanos

https://doi.org/10.14295/2764-4979-RC_CR.2023.v3.75

ON THE CONCEPTS OF “STATE-FORM” AND “EMPIRE-FORM” IN GERARDO ÁVALOS: NOTES FOR THINKING THE CAPITALIST STATE

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Received: 20 ago 2023

Reviewed: 02 jan 2024

Approved: 10 jan 2024

https://doi.org/10.14295/2764-49792RC_CR.v3.75

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Abstract: This paper analyzes the theoretical construction of the concepts “State-form” and “empire-form” in the thought of Mexican theorist, Gerardo Ávalos. We conceptually localize the capitalist State as a modern form of the existing political relations. In this author we find a theoretical analyzes of the State understood as a category of modern society, which synthesizes a relational process, founded on the contradiction of the political as a communitarian order and its institutionalized forma of power relations and social domination, which originates from value-form as capitalist society’s rational universe. This interpretation distinguishes itself from the main schools of thought in Marxism related to the political and the capitalist State.

Descriptors: Capitalist State; State-form and Empire-form; Political philosophy.

<p>SOBRE OS CONCEITOS DE “FORMA-ESTADO” E “FORMA-IMPÉRIO” NO PENSAMENTO DE GERARDO ÁVALOS: NOTAS PARA PENSAR O ESTADO CAPITALISTA</p> <p>Resumo: Este texto busca analisar a construção teórica dos conceitos “forma-Estado” e “forma-império” no pensamento do teórico mexicano, Gerardo Ávalos. Buscamos localizar o Estado capitalista conceitualmente como uma forma moderna de existência das relações políticas. Neste autor, encontramos uma teorização do Estado entendido como uma categoria da sociedade moderna, que sintetiza um processo relacional, fundamentado em uma contradição da política como ordem comunitária e sua forma institucionalizada de exercício do poder e dominação social que devém da forma valor como universo racional da sociedade capitalista. Essa interpretação rompe com a principais escolas de pensamento dentro do marxismo em relação ao tema do “político” e do Estado capitalista.</p> <p>Descritores Estado capitalista; Forma-Estado e forma-Império: Filosofia política.</p>	<p>SOBRE LOS CONCEPTOS DE “FORMA-ESTADO” Y “FORMA-IMPERIO” EN EL PENSAMIENTO DE GERARDO ÁVALOS: NOTAS PARA PENSAR EL ESTADO CAPITALISTA</p> <p>Resumen: En este texto se busca analizar la construcción teórica de los conceptos «forma-Estado» y «forma-imperio» presentes en el pensamiento del teórico mexicano, Gerardo Ávalos. Buscamos ubicar el Estado capitalista conceptualmente como una forma moderna de existencia de las relaciones políticas. En el autor, encontramos una teorización del Estado entendido como una categoría de la sociedad moderna, que sintetiza un proceso relacional, fundamentado en una contradicción de la política como orden comunitario y su forma institucionalizada de ejercicio de poder y dominación social que deviene de la forma valor como universo racional de la sociedad capitalista. Así las cosas, el Estado se presenta como la forma política de la división social del trabajo capitalista. Esa interpretación rompe con las principales escuelas de pensamiento dentro del marxismo con relación al tema de «lo político» y del Estado capitalista.</p> <p>Descriptoros: Estado capitalista; Forma-Estado y forma-Imperio; Filosofía política.</p>
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INTRODUCTION

The Mexican thinker Gerardo Ávalos has dedicated decades of work to analyzing the capitalist State, its transformations and its foundations. A critical theorist with a Marxist-Hegelian background, Ávalos uses Hegelian dialectics as the process of movement of Being and Marxian critique of human alienation by capital to analyze the State as the synthesis of the political moment of capitalist society, and its function in the organization and reproduction of the power relations that sustain this society.

In this paper we will analyze some primary notions about the theme of **the political** and its modern consolidation as a capitalist State that the Mexican author brings to us. We begin by locating the State as a historically specific category of modern society. From there, we will analyze some of the outlines of Ávalos' theoretical construction in relation to the foundations of **the political**, in an attempt to identify the fundamental contradictions of political logic as social relations between human beings, in order to think of the State as a relational process. Finally, we will attempt to reconstruct the concepts of State-form and empire-form, based on the elementary substance of capitalist society: the value-form, seeking to present a dialectical and material construction of the political forms that make up the modern capitalist era.

The notions of State-form and empire-form developed by Gerardo Ávalos can serve as conceptual tools for analyzing the political dynamics of social domination in our civilizing epoch. Understanding the logic of politics and its institutionalized forms is fundamental to understanding and situating the struggle for human emancipation beyond superficiality.

WHAT IS THE STATE?

First of all, it is important to start by saying that the State is not a thing. It is not a tangible object, nor is it limited to its empirical existence as a state apparatus occupied by a specific government at one time or another. Nor does the State have a transhistorical existence that existed, exists and will continue existing independently of the social dynamics of human beings, or representing the existence of any political community. So, before starting our analysis, we think it is appropriate to place this category historically and conceptually.

Historically speaking, the State is a **modern** phenomenon. Or, to put it another way, the modern civilizing epoch has developed a series of social contradictions in the collective existence of humanity, which are expressed politically as the State. In pre-modern times, Western

civilization understood political authority as the authority that held power and social cohesion. According to Quentin Skinner,¹ in his book “The Birth of the State”, the author identifies the origin of the term “**State**” as referring to the state of governance of a monarch, king, or political authority in general, and not as an institutional apparatus:

[...] in the cases in which we find the term *status* in political contexts, it is almost always evident that what is at issue is the state or position of a king or a kingdom, and by no means the idea of the state as the institution in whose name legitimate government is exercised.¹⁽²⁹⁾

As such, the emergence of the **State** is historically located in the framework of **manuals for magistrates** in which political thinkers were concerned with advising the ruler to uphold and preserve his inherited or conquered *state* of political authority. This theme reached its highest expression with Niccolò Machiavelli's “The Prince” in 1513:

Machiavelli's advice is almost entirely directed at new princes who want to *mantenere lo stato*, to hold on to the territories they may have inherited or acquired.¹⁽³¹⁾

Beyond dwelling on historical technicalities, what matters to us is to identify the birth of the State not only as a terminology, but the political, social and civilizing context that sustains its existence. This is what we mean when we say that the State is modern: the modernity of Western civilization has created its own political dynamic, based on its specific social contradictions, which distinguish it from other eras. In this sense, to speak of an **ancient State**, or a **Roman State**, or a **feudal State**, only has figurative meaning, as an empty reference that seeks to present the outdated equivalent of the political synthesis of a society and its political authority. In the words of Gerardo Ávalos², in his book “*La Política Transfigurada*”:

Only in a metaphorical sense or by making a structural analogy can one speak of the State as an ancient institution that arose as a result of the appropriation of economic surplus by a group that, as a result, became the ruling class. The State, on the other hand, is the modern political form and its peculiarity, as I have stated, lies in the fact that all human beings are included within it, regardless of their economic and social differences. However, it took a long time for the concept of the State to develop to this specific meaning.²⁽²⁴⁾

In pre-modern Western times, there was a direct identity between the political authority and the class that appropriated the social economic surplus. The Socratic notions of horizontal politics were present only as an abstract principle of the existence of republics. The issue of social power was embodied precisely in political authority. This relationship underwent serious changes

with the arrival of the modern era, immersed in a sociability that developed a complex notion of individual human freedoms and the generalization of the value-form.

A good starting point for addressing the immanent difficulty of analyzing the State seems to stem from its internal contradiction, in which, at the same time that the State presents itself as the horizontal political synthesis of the collective existence of human beings coexisting under a complex form of social division of labor, it also refers to a vertical coercive principle of sovereignty and power to govern that community life (Hobbes was one of the first theorists to clearly present this contradiction).

Underlying the idea that kings “belong” to a distinctive quality of majesty was the prevailing belief that sovereignty is intimately connected with display, that a majestic presence serves as a force for order. This would prove to be the most enduring of the various characteristic features of charismatic political leadership, later subverted by the emergence of the modern concept of an impersonal state.^{1(24, emphasis added)}

The modern State, then, is marked by the existence of a horizontal social cohesion that enables the collective existence of individuals articulated and structured by means of the social division of labor, while at the same time being ordered by an impersonal state of power that gives identity to this collective. It seems to us that the State is marked by a clear logical contradiction between the identity between several ones and one **One** that synthesizes the existence of the multiple ones, between the parts and the whole. This contradiction, whose logical foundations and movement have been dealt with by Hegel³ in “Science of Logic”, leads us to understand the State as a relationship, derived from the modern social division of labor, namely, the social division of capitalist labor, based on social association through the value-form.

With the emergence of the State, political authority loses its centrality as the **personified figure** of power. However, the existence of a dynamic of social power between human beings continues to exist, but in an impersonal way, mediated by the institutional apparatus that enables governability and social order: statehood. This gave rise to the liberal theory of the State, passing through contractualist principles:

The political theory of modernity saw in the rational contract, based on the isolated individual, the way to construct the State. By understanding the State as a large association of individuals who rationally unite to safeguard their particular interests, individualist theory leaves unexplained what happens to the universe of relationships that generate and sustain the contracting individual.⁴⁽²⁶⁶⁾

Here the State is understood from its material manifestation, which is formed by a territorial delimitation, with a permanent population and a government that administers the coexistence of this population that is under this territory. It is not our place here to develop the principle of statehood as the exercise of government by means of State monopolies, but rather we are interested in understanding what is the articulating principle of the social relations existent in capitalist sociability that allows us to understand the universal possibility of contradictory existence in political relations and why it manifests itself in a concrete form of State apparatus.

This is what Gerardo Ávalos' theoretical analysis is about,² identifying the relational contradiction between the human beings that make up capitalist sociability, the political logic existing in this sociability and the **form** in which this contradiction materializes:²

The world has ostensibly transformed. However, the magnitude, depth and outcome of the changes are still hazy; on the other hand, there is already clarity about their nature: we are witnessing a civilizational crisis of colossal proportions. It is not, then, just a series of economic crises that are occurring with increasing speed and virulence, but rather a decoupling between the system of life proper to modernity and the mode of material production that serves as its basis. Capital is shedding its status as a way of organizing human life and its alienating, reifying and fetishizing aspect is becoming hypertrophied, resulting in a dangerous dehumanization that is already evident and expressed in an increase in violence of all kinds. The public space of the state, which from its origins was conceived as a sphere of conciliation and mediation to channel the conflict that exceeds the mechanisms of social harmonization proper to the market, is being devastated or colonized by the logic of private interest and the accumulation of capital at all costs. [...]

Investigating the epochal changes of the state becomes a common thread for understanding our era. This is all the more necessary given that there is widespread confusion about the State. It is true: the State is a very complex phenomenon and social analyses are often impoverished because they take as their starting point a unilateral aspect of the State, for example, that which assimilates it to the idea of an apparatus of coercion, control and repression, or an administrative instance of collective organization. Without doubt, these are constituent elements of the State, but what is necessary to understand is the *logic of* how a supreme authority has been established, operating in a given territory and, managed by real men and women, arrogating to itself tasks that should be the responsibility of all the associated individuals, who are necessarily affected by governmental decisions. This is the *mystery of* the State. How can we explain that a handful of flesh and blood men have the power to determine the guidelines and the destiny of the lives of millions of inhabitants of a territory delimited by national borders? How is it that a society submits to the will of a small group of

ordinary people, as mortal and finite as everyone else, but *vested with* all the power of the State?^{2(19-20, emphasis author's emphasis)}

In fact, it was Marx⁵ who was the first thinker to expose the relational core of capitalist sociability, arguing that bourgeois relations of equality through exchange between equals are in-and-for-themselves a relation of fetishized social domination. This notion presents a breaking point with contractualist theories, specifically with the tradition of liberalism, which, to this day, seeks to reduce the State to its operative and bureaucratic materiality, free of internal contradictions and representing the highest level of freedom achieved by civil society through laws and the market. As such, the Marxist tradition has developed its understanding of the capitalist State in different ways, but always based on the contradiction between the apparent equality of human beings and the power relations that are embodied and reproduced in the accumulation of money. Let's look at this more clearly:⁶

Generally speaking, the Marxist debate on the State was classified into three main currents: a) the instrumentalist vision of the State, expounded by Paul A. Baran and Paul M. Sweezy, condensed in the idea of “state monopoly capitalism” (1985); the classic text by Ralph Miliband, *The State in Capitalist Society* (1983), followed the same line of empirical analysis; b) the structuralist view of the state, expounded in the extensive work of Nicos Poulantzas, for whom the state is a condensation of social forces and a factor of social cohesion; c) the “logical” derivation of the state with respect to the logic of capital: the state is not a thing but a moment in the process of expanded accumulation of capital, and it has various forms of existence.⁶⁽²⁷³⁾

Without dwelling on the difficulties and reductionism involved in classifications, for organizational purposes of the contributions it seems useful to us to locate these different Marxist currents that have attempted to analyze the State and to expose some of their premises and methodology when addressing the subject.

The first current, which originated with Paul Baran and Paul Sweezy with their theory of State Monopoly Capitalism and became widespread with the writings of Ralph Miliband, is known as the “instrumentalist vision” of the State. Miliband makes explicit the role of the capitalist State in the process of capital accumulation. Although it is very difficult to disagree with the existence of this relationship, the process of analysis presented by the instrumentalist vision is problematic. Miliband's notions about the State are strongly limited to an empirical analysis of identifying the active participation of institutional policy in the generalization and reproduction of worldwide capitalism. Along with this, nourished by a political reading based on the “Communist Manifesto”,⁷ the instrumentalist interpretation sees the State as a useful **instrument** of big capital,

which mechanically carries out policies that are in direct sync with the individual interests of the representatives of capitalist monopolies. This vision has been constantly criticized, accused of **reductionism** or **economic determinism**, seeking to reduce the State to its bureaucratic apparatus of a *petit comité of the bourgeoisie*, without presenting any conceptualization of capitalist political relations or the intrinsic relationship between State and market.

In this theoretical context, the critique of Nicos Poulantzas⁸ arises, who in the 1960s and 1970s will use the thought of Louis Althusser to develop a direct critique of this conceptualization of the capitalist State. Poulantzas' interpretation, known as the **structuralist view**, is based on the premise that the political and the economic are two distinct and relatively autonomous spheres (structures). Thus, the author seeks to develop a vision that is limited to identifying the State as an object of analysis in itself, which complements the capitalist economic structure based on the class contradictions that make up the society of capital, which, according to the author, is the basis of political relations. Strongly influenced by a structuralist and sociological notion, the author proposes a definition of the State that is very different from Miliband's instrumentalist definition, in which the State appears as a “factor of cohesion of the unity of a formation, it is also the structure in which the contradictions of the various levels of formation are **condensed**”.⁸⁽⁴⁴⁾

Poulantzas' understanding of the State as a structure that condenses the contradictions of capitalist social classes has been criticized by John Holloway⁹ (and other derivative authors) as a **politicianist** interpretation of the State, in which there is an analysis that autonomizes the social political movement without grounding it in the movement of accumulation and reproduction of capital.

Without delving into the **instrumentalist** and **structuralist** interpretations with the theoretical complexity they deserve, we come to a third interpretation, which emerged in the 1970s as a critique of the **economism x politicism** dichotomy of the debate that arose from the two previously presented views, called the **derivationist** theory. This theory seeks to derive, or logically deduce, the category of the State from the category of capital. This involves understanding that there is an organic relationship between the political and economic aspects of capitalist society, identifying the contradictions of the state with the contradictions of capital. The basis of this organic relationship involves a notion of **totality**, in which both the economic and the political are presented as two aspects of the same effective reality that arises from the social division of labour of the capitalist era.

From among the various authors who contributed to developing this notion, we find Gerardo Ávalos in the contemporary debate. The Mexican thinker's notion of the State is marked by a fundamental principle that we will seek to develop in the following sections. Namely, to vindicate the Hegelian dialectic logic used by Marx, to reconstruct **the political**, as a constitutive moment of human totality, in which we find the capitalist forms of State and empire. In Ávalos,⁴ we are confronted with the following incipient definition of the state:

In this way, the expression 'State' synthesizes more than one thing, a relationship, and more than a relationship, a continuous, daily relational process that simultaneously expresses and conceals relations of domination. The State process is not immediately a relation of domination, but precisely a process of apparent overcoming of domination. Through the State process, relations of domination are transmuted into relations of apparent reciprocity, building spaces of inclusive harmony and equitable homogeneity. And this makes the State the one that closes the circle of domination. [...]

We can say, then, that the State process is the daily and permanent, subjective and objective reconstitution of the communal unity of human beings that is really torn apart by relations of domination.⁴⁽²⁶⁷⁾

From this initial definition, we can highlight two central elements: the first is that the State is understood here as a **relational process**. This understanding derives from a Hegelian notion (from the “Philosophy of Law”)¹⁰, in which a **being** is the contradictory process of becoming a self. The second element, based on a Marxian notion of the concept of form-value, tries to understand the State as a fetishized form of the relationship of social domination. We will analyze these two points.

THE “POLITICAL”: RELATIONAL LOGIC

Based on what has been discussed above, it seems clear to us that the State is located as an unfolding from the political moment. This does not mean to say, as Poulantzas thinks, that the State is a structural expression solely of the political dynamics of capitalist society. Rather, we understand that the State is the form that synthesizes the political relations that result from a dynamic of material reproduction of human life in the form of the capitalist social division of labor. That being the case, it seems appropriate to analyze the relationship that **politics** has, in terms of the practical sense of organization of community life that the social being carries out, in contrast with **the political**, as a universal rationality that enables and structures this organization.

In his early texts, Ávalos⁴ seeks to explore this relationship. In his book “*El monarca, el ciudadano y el excluido*” (The monarch, the citizen and the excluded),¹¹ the Mexican thinker seeks to analyze different authors from different schools of Western thought in order to offer a critique of the political. This critique involves identifying key concepts of the logical structure that underlies political activity and its theoretical analysis in classical political authors such as Plato, Aristotle, Machiavelli, Hobbes, Kant, Hegel, Arendt, Schmitt and Žižek. Identifying these key concepts involves analyzing the difference between **politics** as a form and **the political** as a rational symbolic universe. Let's take a closer look:¹¹

[...] we distinguish between politics as the practical activity oriented towards the government of a human community, and the political, as the conceptual universe that configures the form that acts as the common denominator of any policy. [...] In this way, politics is a form, which means that it is only accessible to thought, or, to be more precise, that it is a construction of thought, but not of the isolated genius philosopher or the individual man in the street, but of human beings in relation to all that this implies in terms of the forms of power and hegemony through which a certain symbolic order is imposed and validated. In this case, it is not just any symbolic order but one that has as its apex an abstract place of sovereignty and that has validity for the totality of an association, community or people. It is, in effect, a question of the political order understood as a symbolic order but synthesized in the existence of the sovereign authority that has often been characterized as the one that possesses the institutionalized monopoly of physical violence, of punishment or of the formation of law.¹¹⁽¹⁴⁻¹⁵⁾

It seems to us, then, that the exercise of politics, as the daily practical activity of a community to organize its interests and collective existence, is circumscribed by certain operational principles, or **abstract figures**, that function as universal symbolic referents of human activity. It is essential to situate ourselves, noting that here we are trying to analyze the epistemological and rational tradition that Western civilization has historically developed, which has resulted in the global generalization of capitalist sociability since the modern era. This is not, then, dissociated from the foundation of politics in terms of, on the one hand, horizontal community relations and, on the other hand, vertical relations of sovereignty in which the community has a unified identity.

In this sense, we want to emphasize that representations, or abstract figures, have a material foundation. They are not arbitrary moments in which we must insert the people who make up a political community; rather, as Ávalos presents to us, at different moments in the history of Western civilization, various authors have noticed these two moments of its existence in political

relations: vertical and horizontal relations. The existence of collective association and the unified institutionalization that gives order to this association are two fundamental moments of social existence that make up the political sphere of any community. Once again we are confronted with a contradiction. In essence, this contradiction is the same as the one we analyzed previously: it deals with the subject-object identity issue; the contradiction between the parts and the whole, in which, when related, they set into a dialectic motion that leads us to unity.

Unity is not a self-contained being. Rather, it is the result of contradiction set into dialectic motion. For there to be a community, there must be individuals. But not isolated individuals, but individuals in relation. As such, a community is not limited to the sum of its population, but starts from all the individuals that make it up, placed in relation with each other, thus forming a whole, which has a unified form, which is no longer any of the individuals, but a new entity, which synthesizes the dynamics of collective existence. In this sense, we use the logical tool of abstract figures, or symbolic referents: to analyze the logical moments that shape the thought of this social evolution.

Returning to the words of Gerardo Ávalos¹¹ on the subject, we will seek to deduce these figures and their logic:

Now, the constituent moments of this form are represented in the abstract figures (in the Hegelian sense) of the monarch and the citizen. The monarch is the supreme place in the symbolic order that constitutes the political, the finishing point that seals the ordering of a human community. On the other hand, the citizen constitutes the other constitutive moment of the political. But it should be noted that a relationship is woven between the monarch and the citizen that, perhaps like no other, can claim the privilege of dialectics. I hasten to clarify that it is with full awareness and not a slip that I propose the relationship between the monarch and the citizen as the authentic bond that forms the political, going against the view that proposes schematically that the monarch corresponds to the subject, and to the citizen, on the other hand, the abstract representative regime of the rule of law. I maintain that the abstract figure of the monarch has not disappeared even when there are no longer subjects but citizens. This leads us to the need to propose that the subject still subsists in the figure of the citizen.¹¹⁽¹⁵⁾

Thus appears the figures of the **monarch**, as the sovereign synthesis of this unified collective identity, and the figure of the **citizen** as the abstract representation of all those who make up the community in a position of equality and give it its possibility and legitimacy as a unit. It is important to clarify that we are not dealing with the monarch and the citizen, as Ávalos warns us, in the historical sense of kings and subjects of the feudal era, for example. We emphasize once

again that we are dealing with **universal figures or abstract representations** of a political relationship based on the dialectical contradiction between the whole and the parts.

The monarch is the symbolic place that synthesizes community existence; the citizen is the symbolic place that represents the existence of individuals in the process of social relations. The monarch represents the institutionalized sovereign order of collective existence; the citizen represents the need for this order. Nor is it a one-dimensional relationship. The power relationship that emanates from this dialectical separation is neither clear nor direct to us, but it is located precisely in the **relationship** between the two moments. The monarch is not a transcendent divinity who creates order, nor is he necessarily a single person, as we will try to demonstrate later. He is the negative representation of the existence of a group of individuals in a relationship of collective existence. At the same time, citizens are not just any people, they are individuals who necessarily coexist under a social order. Thus, it seems that these two figures do not refer to one or another specific social order, but constitute the relational nucleus of community existence in its political moment.¹¹

Between the monarch and the citizen, as abstract figures, there is a dialectical relationship not only because they cannot exist without each other but, above all, because there is a *transition from one to the other*, that is to say, a becoming of one into the other. The secret of the figure of the monarch lies in the way in which citizens constitute themselves as such and, even more, how they themselves construct a unitary space of power or authority so that from it someone concrete, or some specific ones, organize collective life. Reciprocally, citizens only become what they are in a state that is considered a system of rights and duties that obliges them to act in a certain way, but which is also an expression of themselves as beings of conscience and unconsciousness, of will and reason, of power (in the sense of Spinoza) and of drive. In such a way that the secret of the citizen lies in his being a monarch, not in an immediate way of course, but in the mediated forms of the social fabric.^{11 (16)}

Following our argument, based on the previous quote, we can better understand the foundations of the existence of the figures of the monarch and the citizen. **One exists in function of the other.** The monarch, as the representation of the sovereign order of the political community, only has material meaning with the existence of citizens. Citizens, as the representation of social association relations, only have meaning under a unitary order that gives them identity. Thus, the two moments of social existence come to have meaning as a form of political institutionality of social life; in modern terms: as the **State**.

The State, then, presents itself to us as a relational principle. More than a relationship between isolated individuals, or a specific institutional apparatus, the State can be conceptualized as a political order that gives unity to a community that coexists under relations of social division of labor, composed of a contradiction between the individual existence and the collective existence of the social being. It is a **continuous relational process** that brings with it an alienated form of social domination based on the very dynamics of unresolved community existence. So “the authority or power of the monarch does not lie in himself but in the relationship of recognition he establishes with citizens and subjects”.¹¹⁽⁴⁰⁾

That said, we still lack an essential element to better develop the foundation of this relational principle:

However, monarch and citizen form an organic unity only if there is an external moment as a condition of transcendental possibility. I am referring to the figure of the “other” or “the other” as *an excluded* one. This is the central element of politics as form. It is worth specifying here the two senses and levels in which the excluded other constitutes the fundamental factor in the constitution of the political.^{11(16, emphasis added)}

Here we come to a third figure: the figure of the **excluded**. The figure of the excluded, more than an entity, is the logical element that sustains the dialectical relation. We had commented that monarch and citizen are co-dependent existences. The reason for the existence of the monarch is his non-equal relationship with the citizen; at the same time, the reason for the existence of the citizen is his non-equal relationship with the monarch. We return to Hegel³ and the principle of identity. It was Hobbes who first identified the logic of the modern State based on the sovereign's need to make laws without being subject to them. If the sovereign is subjected to the laws that give order to the collective, a contradiction arises in relation to the ability to make and enforce laws. If the monarch, as the abstract representation of social order, has the responsibility of creating laws, distinguishing him from the citizens, who have the responsibility of following the laws, he cannot be subjected to the laws he creates, precisely because that would lead to an identity with the figure of the citizen and here the foundation of sovereignty would be lost and, therefore, also would the community identity and the institutionalized order that organizes it.

The monarch only makes sense as an **other** to the citizen. And the citizen only makes sense as an **other** to the monarch. The Hegelian principle of identity based on negativity is thus established, and that is why we affirm the State as the political synthesis of a dialectical relationship based on these two moments unified by the **negativity** that makes them a whole. So

[...] the excluded is not a specific empirical man: he is a negative condition of existence, that is to say, a non-existence that generates all symbolic order, and whose experience can be lived by anyone at different moments.¹¹⁽⁴⁸⁾

Negativity is the logical-rational element that sustains the identity of the moments that make up the whole, that places these moments in dialectical contradiction, giving them movement and making possible the unity of the diverse. And that is why the excluded is a central element in the constitution of the political, as the structuring rationality of the relationship.

This has been a first step in our argument that the State is a relational process. The State synthesizes a universal contradiction between the multiple that becomes One; but also, as we have argued that the State is a modern concept, we must take into account the historical specificities of the capitalist mode of production that shape this contradictory process. A logic of its own that politically unifies a social division of labor based on the separation between the means of production and the capacity for labor that needs these means to be effective. This is what we will dedicate ourselves to in the following section: to analyze the value-form as a political unfolding into State-form and empire-form.

THE STATE-FORM AND THE EMPIRE-FORM

So far we have argued that the State is modern and also that it is a relational process. That said, in this session we will try to develop some outlines of the historically specific form of the modern social relation in order to analyze the State from its material foundations. In this way, we will seek to identify the relationship between capital and the State.

We begin by understanding that “capital is a form of civilization.”²⁽³⁰⁾ This has important implications. The first is to deny the interpretation that **capital** is a strictly economic form. This understanding of capital as an economic category is at the basis of the ideas of classical Marxist thinkers, including state theorists such as Miliband and Poulantzas, and for this reason, in our understanding, these authors have not been able to analyze the State as a moment of capital's existence. This leads us to a second implication: that capital is a totality, which includes immediate economic forms, but also mediated political forms. This totality is based on the association of modern society becoming capitalist through the generalization of the value-form as a form that unifies the social division of labor.

Thus,¹²

The hypothesis is that the value-form is installed as the universe of meaning of the psychic and political constitution of subjects in modern life and this allows us to account for various highly significant phenomena: the split between population and society, the establishment of society as a symbolic and imaginary order with its own power, the self-positioning of the State as a peculiar political community and, finally, politics as a praxis split not only in terms of the separation between representative institutions and citizens, but also in terms of the relationship between rulers and ruled together with the devices of social control, on the one hand, and the irruption of the event (or of the event of the event) on the other. To the separation between representative institutions and citizens, but also in terms of the relationship between rulers and ruled, together with the mechanisms of social control, on the one hand, and the irruption of the event (or the new) against institutional inertia.¹²⁽⁴⁰⁾

The value-form as a universe of universal meaning of the social forms of modern society could not fail to determine the political logic on which capitalist society is founded. The relational structure between monarch and citizen in capitalist society is redefined within the determinations of value, and the political relations involving the capitalist social being are institutionalized in the form of the State, based on a contradiction between vertical and horizontal political relations. The monarch continues as the sovereign position and the citizen continues as an ordered community; but now this relationship is concretized as an institutionalized relationship of power, which is fetishized by the value-form in its political moment to ensure the dynamic of expanded reproduction of capital based on the appropriation of the surplus value generated by the labor of others. This is the *ethos* of the value-form, or, in other words, its teleological objectivity made political moment:¹²

It is part of the unfolding of the value form as a relational process of power, the fact that a political universe is constituted, fragmented into two large spaces with their respective logics: institutional politics, on the one hand, and community politics, on the other. The latter is permanently denied by the operation of mercantiled and monetary politics. For this reason, the State, from being a community unit, a legal being linked to freedom, becomes an objectified entity and is placed as an oppressive power above “civil society”. [...] But more than an appearance, this phenomenon of the presentation of the State is an emergence or manifestation of the social bond itself, which contains a coercive backbone in its very structure. [...] The incessant movement of this accumulation sets the pattern for social reproduction, but it does so in a contradictory way because capital itself is contradictory: on the one hand it is the modern form of reproduction of human life, but on the other hand it is also a mode of negation of life in its human quality (alienation, fetishism, reification) from the point of view of the way it has been historically defined, as a life of liberty, equality, fraternity and property.¹²⁽⁴⁷⁾

The State manifests itself here as the relationship of institutionalized capitalist domination based on the fragmentation of the political universe. Communitarian political relations come to find their existence alienated by the mercantile principles synthesized by the capitalist State. As described by Marx in chapter II of *Capital*,⁵ the circulation of commodities in the process of exchange is a fundamental aspect of the reproduction of capitalist social dynamics. For the process of exchange to become effective in the market space, the existence of commodity owners is a necessary condition. The status of a person as a commodity owner is based on the status of value that the commodity itself brings with it. Thus, the relationship between commodities through the form of value is the basis of social relations between individuals in this society. In this sense, to ensure the reproduction of this material relationship, legal conditions are necessary to mediate human relationships. The first is the condition of property. The second is the condition of equality, in which all possessors are legally equal, the only difference being in the goods they possess. Finally, there is the legal condition of freedom, a direct consequence of the condition of equality, which underlies the universal condition of the possibility of exchange.

Only by means of these legal and political conditions does the exchange of goods become effective in capitalist society. We also know that these conditions that underpin exchange bring with them, in their internal logical unfolding, a relationship of labor exploitation and social domination. The contradiction appears again: How can a society founded on the equality and freedom of individuals reproduce a context of domination?

Ávalos¹³ answers the question:

The equality and freedom of human beings achieve universality, but only as a condition of possibility for the exchange of goods and, with it, for the reproduction of domination. Thus, in the modern world, which is the world of capital, freedom and equality can coexist on the one hand, with power, inequality, exclusion and exploitation on the other. Under these conditions, politics and the State do not directly and immediately express the relations of domination between human beings. If domination itself is to be mediated by exchange value, politics and the State are not only developed forms of exchange value but become essential mediations of relations of domination.¹³⁽¹⁶⁾

The political relations of capitalist sociability constitute an indirect moment of domination. While community existence is reproduced under the value-form, the power relation is institutionalized in the State-form, which manifests itself as a form external to the dynamics of domination. Equality and freedom are fundamental principles developed by market society, yet

these principles have not been able to assume a universal form, but rather a strictly formal one: as a possibility that ensures relations between commodities by means of equivalent exchange values.

The capitalist process of social reproduction was made possible by the position of men as legal subjects, and as such, free and equal in a universal way. Only in this way could the commercial exchange take place through which the sale of labor power and, consequently, the appropriation of surplus labor could take place. [...] Consequently, a concealment of the domination implied by capital is generated.^{13 (37)}

In a similar way to the economic relationship between classes, which hides a relation of exploitation mediated by the production and appropriation of surplus value, political forms hide the possibility of this relation of exploitation beneath an ideological veil of the falsity of the negative moment on which the concepts of equality and freedom of social beings are based. This ideological veil that founds the State as a synthesis of the political form can still manifest itself in a fairly concrete way, be it through its administrative, tax, judicial, penal, or, at its limit, military apparatus, with the monopoly of the use of force in its process of direct physical coercion. These forms of concrete manifestations of the State, materialized in the State apparatus and executed by its real and phenomonic forms of government, present themselves as the finished, fetishized and contradictory form of this moment of political manifestation of the sociability of capital.

In this sense, the political exercise is capable of manifesting itself frequently as alien to the social classes, as a metaphysical superstructure organizing the daily life of civil society. Yet, this appearance, as mentioned, is the manifestation of a contradictory essence, which conceals the universal possibility of class oppression in the process of capitalist accumulation.

The real manifestation of the political form is presented through the fetishized distortion of capitalist sociability itself in its political moment, deduced from the process of alienation of labor that is imposed on social beings under the capitalist form of social division of labor and social existence. The being of capital can only be understood as a relation of class exploitation in its moment as a concept when the foundations of its contradictory self-movement are present in the analysis of its finished form. This contradictory self-movement, we emphasize, is also manifested through a political character apparently detached from the very relation of exploitation that it itself creates.

When realized as government, the political moment of capital presents itself ideologically masked, formalized (imposed) under some constitutional order of a more or less democratic nature (according to jurists), as a space alien to the other social contradictions of dispute of a

“metaphysically” public power. The concept of politics that emerged in Ancient Greece as the form of conciliation of social coexistence between individuals, under the capitalist form, takes on an entirely new meaning, determined by the fundamental contradictions of the very form of capitalist sociability and division of labor, where the form of value in relation to itself subordinates this political moment, giving it its teleological objectivity of reproduction of the needs of the generalization and naturalization of the alienation of human labor under a form of historically specific sociability. Capital and the needs of the accumulation process are revealed as the true driving force in all areas of the development of society through their manifestation in the form of market and are set up as the Subject of the process of human reproduction. The course of history and the realization of everyday life are not determined by subjective will or by the social needs of specific individuals who create social existence. Supposedly public decisions of a political nature, which are made effective by means of the State apparatus, political institutions, the democratic principle (which is always accompanied by some adjective so that its real meaning can be distorted), are all forms that preserve and reproduce the contradictions of the uninterrupted realization of the value form. In this sense, the existence of various spheres of political life, namely citizen participation in public life, elections, the democratic rule of law, etc., are presented as real and completely possible phenomena, but only as fetishized mediations of the universal needs of capitalist sociability determined teleologically by capital in its economic moment.

That said, the State form¹⁴,

Is not a capitalist but precisely a negative capital that fulfills the Hegelian syllogism of being-in-itself, being-for-itself, and being-in-itself-and-for-itself, that is, the intertwining of the One (the capital that Marx analyzed, in general and in the abstract, as if it were One), the multiple (the circulation of capital One, but now in the realm of being many individual capitals, even fragmented into shares, and in perennial competition) and, as a third moment, once again the One as a global capital, a systemic autopoietic totality, capable of intervening by any means to maintain total unity.¹⁴⁽⁹⁰⁻⁹¹⁾

Having reached this point, we touch on a final point of our argument: the existence of capital as a universal One. When we consider capital as a universal One, a power that dominates everything, this principle naturally also manifests itself in its political form. We analyze the State form as the political form that capitalist sociability assumes on the basis of its contradiction. This contradiction, elevated to the concrete dynamic of world domination, is understood by Ávalos² as the **empire-form**.

What is characteristic of the empire-form of capital is not that some States dominate others, but that capital dominates all, even if on the material, military and symbolic cultural level, one State dominates the system as a whole. [...] 'Empire-form' is not imperialism: it is an expression that designates a relationship between human beings that is characterized by being mediated by a hierarchy between groups constituted as territorially delimited political units.²⁽³⁰⁾

The empire-form synthesizes the global capitalist dynamic in which the sovereign position is not located in one or another nation-State with geopolitical limits. It refers to the global organization of capital that institutes a relation of power based on monetary accumulation. This category serves to locate the centrality of capitalist domination in an objective foundation, namely the value-form. Different from the hegemonic understanding within Marxist thought that understands the imperial phase of capital as a relationship of domination based on nation-States that concentrate capital dominating other nation-States, Gerardo Ávalos' perspective on the empire-form tries to understand the concept of the State beyond its concrete existence as a nation-State, but places capital in the position of sovereignty that goes beyond the geographical limits of governments.

The empire form manifests itself as the *ethos* that sustains relations of domination through the concentration of capital at a global level. It is the sovereign position that has reached its highest social expression, being capable of articulating and determining the dynamics of collective existence at a global level.

In this sense, the process of global accumulation of capital has no geopolitical boundaries. Its development is based on a process of concentration and expansion: “This is the empire of capital that organizes the entire planet in terms of territories of raw materials and markets, and not primarily in terms of nation states”.²⁽⁶²⁾

FINAL CONSIDERATIONS

We have analyzed here some elementary categories of Gerardo Ávalos' thinking in relation to the capitalist State. The Mexican author presents us with an analytical horizon in relation to the political form of our era that can be described, at the very least, as provocative. His understanding of “the political” and of the State as a relational process is strongly based on a dialectical argument that seeks to logically reconstruct the dynamics of social domination and oppression of the civilization of capital and its fetishized institutional form.

Our author, by basing the political forms of modernity on the value-form, presents us with a critique of the existential substance of capitalism. The empire-form is the capitalist power that dominates everything. Political, economic and social transformations pass through the objectivity of appropriating the surplus value of the labor of others on a global level. Their theoretical considerations can help us to situate the struggle for emancipation beyond the institutional forms of government. The possibility of real social transformation then depends on rethinking the organization of the social division of labor and its economic and political unfoldings.

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