



The Artifices of Government. On the appropriation, the use and the formation of states.
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The aim of this international conference has been to go beyond the failed state discourse addressing the question of how state rule actually functions, namely how the social practices of state- and non-state actors influence the state's rule and what are the intended and unintended implications that these social practices have on power/domination structure. Attempting to circumvent dominant paradigms of political science, it was suggested to look at the state authority as a complex process of social practices. Facing the difficulty to talk about the process of state-building theoretically, the idea of the organizers was that concepts such as - power/domination (Weber), interdependencies (Elias), field theory and habitus (Bourdieu), governmentality (Foucault), strategies and tactics (de Certeau) might provide some useful tools for the analysis of state's rule. The contributors have looked at three dimensions: administration, state's funding and law practices in different contexts.

Comparing the functioning of public sector in Uganda and Tanzania Ole Therkildsen (Danish Institute for International Studies, Copenhagen) was seeking to problematize the general discourse on the African states, which suggests that the state just represents a decoration and that the state's rule is the mere exercise of neo-patrimonialism. Based on more than 200 interviews with officeholders in the two countries, Therkildsen argued that in fact there is a mixture of two types of domination: patrimonial and legal rational forms. The two forms co-exist and vary in organizational performance across the public sector. The neo-patrimonial practices generally serve to mobilize political support and to provide economic security. These informal practices could be understood as a way of dealing with uncertainty, but they also generate uncertainty, given the difficulty to operate within such a setting. It is, however, remarkable that all officeholders are seemingly aware of the differences between legal-rational and patrimonial practices, and that many of them successfully apply legal-rational standards.

Abdulhamit Kirmizi (Bogazci University, Istanbul) also looked at the working of bureaucracy taking as the case study the late Ottoman Empire. The particular interest of this research has been the practices of appointment of local governors by Sultan Abdulhamit II, whose way of ruling has been generally characterized by centralism and an informal system of favouritism and patronage. Kirmizi addressed the question of how the appointment practices functioned in law and in practice. His argument

is that according to the law Sultan had the authority to make appointments, in practice however, the powers of the Sultan were limited by the growing bureaucratic apparatus and the decisions of Sultan could be manipulated by his ministers and entourage, escaping the political responsibility.

The contributors to the second section of the conference looked at the practices of funding the state. Michael Roll (German Development Institute, Bonn) analysed formal and informal practices of the public financial management comparing the cases of Malawi and Berlin. The budget making process of Malawi could be viewed as mere *âtheatreâ* with a big gap between formal rules and informal practices, dominated by political connections and patronage. But corruption seems to be a too simplistic way as an explanation. The use of informal practices could be understood instead as a pragmatic solution to deal with uncertainty in budget planning, given the lack of resources, difficulties in coordination between the donors, and between the donors and the government. The mixture of formal and informal practices can be also observed in budget formation in Berlin administration (the practice of double-budgeting). Although both cases are different in relation to context and social embeddedness, little difference exists with regard to the use of informal practices when dealing with uncertainty.

The focus of the paper of Barbara Harriss-White (University of Oxford) was the analyses of tax culture in Tamil Nadu, India, namely the complex interplay between tax law and procedure, the practices of tax bureaucrats and tax payersâ behaviour, the role played by political and business actors, but also the role of social structure and norms. According to Harriss-White the phenomenon of tax avoidance could be explained by the contradiction in the dynamics of stateâs rule. On the one hand the state is the institution that should be enforcing tax compliance for revenue generation; on the other hand, however, it contributes to the emergence of formal institutions, which facilitate tax avoidance and tax evasion. The tax policy is not neutral, but is shaped by local political constellations.

Berit Bliesemann-de Guevara (Helmut-Schmidt-University, Hamburg) examined an alternative way to taxation of financing the state. Her analysis concentrates on the interdependences between the role of international financial institutions in funding the government and the practices of state domination in Bosnia and Herzegovina. According to Bliesemann-de Guevara the diverse strategies of international financial institutions

and the effects of international intervention are often contradictory in character, leading to the strengthening of the state, but in some cases to its weakening.

Barbara Christophe (Viadrina University, Frankfurt/O.) analysed the dynamics of public administration in Georgia, which could be viewed as greatly corrupted. For Christophe, however, the wide spread corruption is not necessarily identifiable with state failure, but corruption, in fact, represents institution in itself which often complements formal structures. Compliance is produced by the compulsory integration into the institution of corruption, given the pressure or the risk of being exposed to the punishment at any moment. Looking at corruption as institutionalised structure of informal network Barbara Christophe argued that it does not only provide material recourses, but it, although generating insecurity, actually brings stability to the system.

The third section has been devoted to the question of how state rule works from the perspective of legal practices, as well as the relation between state and its subjects. Examining the legal system of Benin, Thomas Bierschenk (Johannes Gutenberg University of Mainz) argued that in the process of Beninese conflict resolution strategies one can observe two processes: informalization and privatization of legal practices. Furthermore, the two processes are necessary for the survival of the legal system, but at the same time they also deprive the system of the resources.

Wolfgang Gabbert (University of Hannover) analysed the relationship between state and its subjects in the Post-Revolutionary State in Chiapas, Mexico, focusing on land reform and diverse legal practices. Gabbert pointed out to the important role played by the cultural brokers in the relationship between governmentâs dominant political party and the indigenous communities. The governmentâs policy towards indigenous people did not lead to integration, but resulted instead at *âre-traditionalizationâ* of local domination structures.

Examining the land-right patterns in the Amazon, where due to the lack of political criteria for distribution of public land one can observe violent practices in the appropriation of land, Regine SchÃ¶neberg (Free University, Berlin) suggested that the missing legal framework for land distribution could be explained by unwillingness of dominant social actors, which seem to be profiting from juridical insecurity. Moreover, the relations between different actors can be characterized by clientelist networks.

The contribution of Angela Santamaria (University Externado de Colombia) concentrated on the production of International Law regarding the rights of indigenous people in Columbia and its influence on the state's rule. According to her analysis the fact that indigenous communities are considered as legitimate subjects of International Law is a result of social practices, involving a variety of actors with different interests and expectations.

Joel Migdal (University of Washington, Seattle) analysing the construction of graduated citizenship in Israel suggested that the permanent division between exclusion and inclusion within a given society has been generally overemphasized. Migdal argues that the exclusion/inclusion boundaries are, in fact, dynamic and do change over time. This can be observed in the changes of citizenship and rules of exclusion/inclusion in the history of Israel, but also in many other states. "The other" can be incorporated, but this process is not a voluntary one, it is constructed as the leaders attempt to mobilize legitimacy and resources. In other words, the nation-state discourse often obscures the complex relationships of the excluded and the included groups within a society.

Summarizing briefly the results of the conference,

most of the contributions underlined the dynamic character of the state's rule and the importance of social practices which shape and are shaped by domination structures. Moreover, there seems to be a certain degree of internationalisation of rule, whereby external actors might play a significant role in the bureaucratization process. One could observe that in many cases there is, indeed, a big gap between formal rules and concrete decision-making situations, and that the use of informal practices seems to be a practical solution in dealing with uncertainty. Analysing the informal practices a methodological problem of the usage of ideal types and binary codes (formal/informal, patrimonial/legal-rational, social practices/rulers) has been raised. The difficulty lies in the possible danger of falling into a normative misunderstanding of ideal type-methodology. Concerning the question of how to talk about the state, if at all, one faces almost inevitably a conceptual problem, namely analysing the state and the practices within and around the state means participating in the reproduction of the state ideology. A conceptual language seems to be highly needed if one is to talk about the tensions between "state in the mind" and actual experiences, and if one attempts to deconstruct the question of how the myth of unitary state is being actually produced.

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