

Law & Critique: Bourdieu's Divine State

What can the French sociologist Pierre Bourdieu contribute to a critique of law? Throughout the last decades of his career, Bourdieu repeatedly returned to a quasi-theological reading of sociology. During his lectures at the Collège de France in the mid-1980s, Bourdieu would often quote Durkheim's famous observation that "society is God" – by which Durkheim simply meant, following Ludwig Feuerbach, that people tend to erect the godhead in their own image. Bourdieu, however, gave this phrase his own metaphysical, almost mystical, twist. In the closing pages of his last book, *Pascalian Meditations*, Bourdieu reiterated Durkheim's line, this time adding that the State — this omnipresent, all-potent political entity — is the "realization of God on earth." In other words, Bourdieu established a series of equivalences: society is God, the state is God's realization on earth; in short: society = God = state.

Now it is hardly groundbreaking that a sociologist who came of age in the mid-twentieth century, amidst the Trente Glorieuses of France's postwar economic boom and a European-wide construction of either social-democratic welfare states or authoritarian Stalinist states, should attribute a great deal of weight, power, and authority to the state. Before the neoliberalism of the 1980s and after the classical liberalism of the early 1900s, the state reigned supreme and was everywhere in evidence. But it is one thing to say that the state is powerful, that it "has its finger in every pie," so to speak; it is quite another to say that it is a sort of secular divinity. And this is exactly the position Bourdieu takes up, for the state is akin to God, a phrase he meant quite literally, in the sense that the state possesses a sort of original and ultimate existential authority over mere individuals — an organ that "guarantees, in the last resort, the infinite series of acts of authority certifying by delegation the validity of the certificates of legitimate existence." It hands out educational and professional diplomas and licenses, decides whether to subsidize renters or homeowners, large corporations or small businesses, build public

transit systems or car-centric highways, invest in swords or plowshares, spears or pruninghooks. The state lays out the fundamental coordinates of our existence.

What relevance does this insight of Bourdieu's have for critical scholarship on and political engagement with the law? Most importantly, it suggests that those seeking to effect critical change must do so by climbing up and inside the state and seizing hold of the reins of political power. If the state is the ultimate guarantor of legitimacy, granting symbolic validation through processes of consecration, distinguishing between elite insiders and outsider nobody — or, as Bourdieu say, “who is a normalien [i.e. student at the elite university, the *École normale supérieure*] and who is an idiot” — then those seeking to change the rules of the game, or the logic of social space, need to conquer and reorient the state. All social revolutions, from the American to the French and Russian, have been carried out using the instruments of the state taken into the hands of revolutionaries, which is why all revolutionaries try to overtake the state and none of them start off by hijacking or subverting corporations, factories, banks, or the media — or indeed, remain at the “grassroots” level: all revolutionaries know instinctively that to transform society, one must begin from the divine apex that is the state, for it is from the state that all authority in the first and last instance flows.

There is something faintly disreputable about this way of thinking today. Those who speak boldly about putting the state to work for their own ends are more likely than not to end up in the company of quasi-fascist or deeply authoritarian figures, from Putin to Duterte and Orban through to Erdogan and Trump, those uncouth brethren who constitute the Neoliberal Authoritarian Belt coiled around our planet currently. Trump is busily, and joyously, rigging the Supreme Court with his favored candidates, after Obama's one-time pick for Judge Antonin Scalia's replacement, Merrick B. Garland, was blocked by the U.S. Senate Republicans, a move the *New York Times* called an “unprecedented development”: the Republicans fought dirty, but they fought for the power to control the state in a way that should both chill and spur on the left with the realization that politics is a winner-takes-all game.

Returning to Bourdieu, we might say, more theologically, that if the

complaining about a malignant deity: one must seize the altar and smash the old idols. If we can learn anything from Bourdieu today, then, it is that we must “reclaim the state” — this is the argument of William Mitchell and Thomas Fazi in their recent book, *Reclaiming the State: A Progressive Vision of Sovereignty for a Post-Neoliberal World* — and we must do so primarily through patient work: community organizing, leafleting, canvassing, rallies, meetings, building a democratic groundswell, from the ground-up but with the aim of scaling Mount Sinai; in short, we must devote ourselves to all those unfashionably boring activities of high-modernist politics that remain our best shot at redemption.

The full article in Law and Critique on which this blog is based, [can be found here](#).

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