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Deep and shallow state

In the run-up to national elections in 2012, two US House Representatives publicly announced their skepticism about a number of scientific issues. Rep. Paul Broun told an audience of constituents that evolution, the Big Bang theory, and embryology are “lies straight from the pit of hell.”¹ He also explained that he had reviewed scientific evidence showing that the earth is only around 9,000 years old. Two months before, his colleague Rep. Todd Akin said in a television interview that he favored more regulations on abortion since women’s bodies will naturally abort a pregnancy caused by what he called “legitimate rape.”² These statements were especially interesting given that both congressmen are members of the US House Committee on Science, Space, and Technology.

These two incidents illustrate an increasingly common pattern in US politics. While an array of conservative politicians deny the existence of evolution to appease the religious right, the US federal budget still quietly contains millions of dollars in research support to critical areas of biomedical research. Investment in areas of science, which some elected officials claim to reject or doubt, is seen as necessary to maintain the competitive edge of the United States in the worldwide race for new cures and breakthroughs. Thus, we see politicians in the United States attacking the science being done in the “private sector” and often threatening to cut off public funding for grants that support such science. Yet, these threatened cutoffs and new regulations never occur except at the margins of overall research and development. This puzzling political behavior is a small example of the postmodern state’s larger ideological dynamics. The dominant ideology of postmodern states is to conceal their agency.

What motivates this ideological reaction? In his analysis of the emerging “risk society,” Beck argues that increasingly what matters to all of society are decisions made in areas that were traditionally considered nonpolitical.³ This traditionally nonpolitical area includes private-sector industrial and technological development. However, as Beck stresses, the risks attached to these decisions are now much more universal. Beck claims that

The promotion and protection of “scientific progress” and of “the freedom of science” become the greasy pole on which the primary responsibility for political arrangements slips from the democratic political system into the context of economic and techno-scientific politics, which is not democratically legitimated. A revolution under the cloak of normality occurs, which escapes from possibilities of intervention but must all the same be justified and enforced against a public that is becoming critical.⁴

The state needs these continued developments in technology and science to maintain its competitiveness and thus its sovereignty. Yet, the pursuit of scientific breakthroughs, such as bioengineering new organisms, genetically modified crops, or research into mind-altering pharmaceuticals, raises the risk of a technologically fueled catastrophe.⁵

The tensions and contradictions of this position call forth an ideological response. In the case of scientific risks, the state claims that these innovations occur in a global marketplace that is difficult for the state to regulate. In this manner, the state avoids a larger debate and public pressure to weigh the risks of research into creating new life-forms and mind-controlling pharmaceuticals. However, this response is not limited to concerns about risky science, but has become the postmodern state’s default response when challenged in many policy areas that it deems too important for politics. The claim that the state’s hands are tied is increasingly heard whenever citizens voice complaints. This ideological response is especially useful for the state in the broad realm of economic policy.

We see in many developed states a rising populist backlash to the forces of globalized capitalism. This growing tide of popular outrage ranges from worries about local jobs moving abroad to the insecurities triggered by immigration. Across the EU, the new cross-border labor market has triggered grievances about employment. But the most telling example of this backlash can be seen in the reaction to austerity imposed in EU countries like Greece following the great recession of 2008. In Greece, the government has had to make substantial concessions to other EU states and creditors to stave off a financial meltdown. The crowds in the streets of Athens and the defection of parliamentarians from establishment parties attest to the broad, popular hostility to the arrangements that have been made. Yet, the Greek government has patiently explained again and again that there is no alternative to Greece making such concessions while remaining part of the global economic system. The alternative, reintroducing the drachma and exiting the euro, is presented as the worst option for the country. However, many Greeks disagree and have begun to ask about the cost to the population of the remaining part of the “system.”

Arguably, the state’s denial of being able to act only inflames the pent-up demands of this backlash to globalization. As the Greek parliament continued to vote for austerity, the crowds on the streets became more

frustrated and violent. We have also seen more extremist reactions to continued globalization across the developing world. For example, in the United States populist militias have offered to police the country's border with Mexico. The United States has also seen an explosion of local initiatives to make English the official language in municipalities. Areas in northern Europe like Denmark and the Netherlands, long famous for their progressive social attitudes, have seen the rise of anti-immigration parties. Perhaps even more worrying has been the growth of links between various groups, such as elements of the American Tea Party and the English Defence League, which claim to be part of an international, "anti-Islamification" front.⁶ In these more extreme cases, the attempt to find scapegoats for the complicated problems of globalization smacks of desperation. If the state insists that global economic integration is out of its hands, then this political acquiescence risks inviting more desperate, confused, and extreme responses.

We can see the ideological reaction of hiding the state's agency most clearly in the complete denial anti-globalization protests face. The groups protesting at meetings of the G20, WTO, or the Davos forum represent a broad range of complaints linked to global capitalism. Yet, because they are attempting to voice the complaints of the multitude, it is easy for supporters of global capitalism to characterize the protests as inchoate. The continued integration of the world's economies is presented as a given, only resisted by the deluded or confused. The fact that it is necessary for the world's states to meet at the highest "summit" level to coordinate and advance this integration is blithely ignored. If this integration is so natural and unstoppable, then why must sovereign states agree to it by treaty?

The concealment of the state's agency works well in this case because it is indeed difficult for anti-globalization forces to point to one agent responsible for the many ills they seek to address. If the broad movement attempts to assert the local against the global, then it falls into the trap of denying international solidarity with other wronged groups. The other political advantage concealment enjoys is the gulf between the two groups mentioned here. On the one hand, we see anti-immigration populist movements voicing their discontent, and on the other we have a leftist anti-global capitalism movement. The obvious ideological distance between these two strands of resistance makes it easy for the state to dismiss both camps as impractical or extremist. Instead, we are told that the trends of "globalization" are irresistible.

In this sense, the concealment of the state benefits from leaving globalization as an amorphous description of our contemporary situation. Attempts to deconstruct globalization into positive and negative elements are drowned out by the overarching claim that it is a process beyond the control of nation states. Even our humanitarian concerns with providing freedom of movement are folded into the larger ideological claim that this can only be accomplished with unfettered global capitalism. As a result,

the political message of the anti-global capitalism movement is inevitably too nuanced in the ideological contest against “globalization’s” narrative. Instead, the received idea of our time becomes that we must accept the good and bad of globalization.

In all of these cases, the state is faced with a populist revolt over the outcomes of continued global economic integration. This same system that provides many rewards to economic elites also punishes those workers, students, small business owners, and the growing number of unemployed who lag behind. However, can any state, by the logic of state competition and the maintenance of sovereignty, afford to disengage from this process? In the case of Greece, many economic institutions (including large banks) claimed that the country’s economy would immediately contract by 30 percent or more if it left the euro, leading to economic chaos.⁷ From this perspective, the concealment of the state satisfies an immediate ideological need. By hiding the agency of the state, politicians can argue that their hands are tied and the demands of the citizenry are simply impossible to meet. Thus, their state’s continued participation in global capitalism is stated as unchangeable fact regardless of what the population may want.

The relative success of this ideological sleight of hand rests upon the compartmentalization of the state into a shallow and deep component. If we look at the state from this dualistic perspective, then the mechanism for concealing the state’s power is easier to see. The public sees a shallow state interacting with an autonomous market. This shallow state insists that it has little control over this autonomous, global market. What the public does not see is a deeper state that maintains this market and even decides *what the market is*.

Thanks to this bifurcation of the state, politicians in the shallows can adopt extreme ideological positions in public, knowing that the deep state will quietly maintain critical policy areas regardless of popular opinion. Indeed, we increasingly witness politicians making contradictory or outright irrational statements as they grandstand on the ideological, populist, and cultural issues left to the shallow state. This explains how a state and economy like that of the United States, constantly developing new technology and advancing science, can also have national politicians who publicly reject rational science. Public policy has been increasingly shifted to the deep state, leaving elected officials free to grandstand on increasingly symbolic, rather than substantive, issues.

Thinking about a deeper state is not an entirely new form of political analysis by any means. Some policy areas have historically been concealed such as intelligence and defense. Both are of obvious importance to maintaining the sovereignty of the state in the international arena. For clear functional reasons, we expect states to conceal much of their defense preparations and clandestine intelligence activities. Thus, the institutions of “national security” have often been thought of as a “deeper” state. But

contemporary states have pushed more policy areas into the deep state than in the past. The deep state now includes very mundane policies and regulations.

There is no better place to start with policy examples of this dynamic than the current ecological crisis. In the United States, we see a number of politicians arguing that there is no such thing as climate change. Indeed, one elected state attorney general attempted to file fraud charges in the state of Virginia against an academic researching this area with state funding.⁸ Yet, we find, at the same time, the US Department of Defense describing the need to prepare for the ramifications of climate change in its Quadrennial Defense Review. Similarly, the US Securities and Exchange Commission has advised corporations that best practice should now include disclosure to investors about the company's exposure to risks from climate change.⁹

Aside from global threats, many politicians in the United States continue to debate the merits of any environmental regulations. This includes some presidential candidates in the Republican primaries saying that they would close down the US Environmental Protection Agency (EPA). Yet, we see the deep state stepping up its efforts at enforcement in this area. This includes the fact that the EPA now posts a most wanted list similar to the FBI. The existence of this list came to wider public attention following the extradition of a wanted individual who had fled abroad.¹⁰ Thus, we see the dynamic of the deep state providing the regulations, policies, and legal infrastructure that public officials in the shallows argue is unnecessary.

Such examples are not limited to the United States. In Canada, a conservative government, whose members have at times displayed skepticism about global warming, has provided additional funding to patrol the arctic (as it melts and opens new sea lanes). Indeed, a host of very different states has joined in on this arctic rush: Russia, the United States, Canada, Denmark, and Norway, despite their varying levels of acceptance or denial on climate change.¹¹ In the UK, we find various committees advising the government on the need to move railways infrastructure away from the eroding coastline.¹² Thus, while politicians in the shallow state debate the reality of "global warming" or the more neutral "climate change," the deep state in many countries is quietly preparing for it.

Examples of the state concealing its agency in the areas of scientific, environmental, and broad economic policy are initially suggestive. However, there is further evidence to support these observations from two main areas that I describe below. First, there is the sheer number of policy examples that illustrate the political dynamic operating between the deep and shallow state. As we examine the breadth of these examples, the pattern of the deep state taking on more and more responsibility for public policy becomes clear. Second, although it is easier to observe these characteristics in some states compared to others, the recurrence of this behavior in a range of nation states, supposedly governed by very different political regimes,

further proves the existence and potency of this ideological turn. To better understand this political dynamic, we should begin by examining the part of the postmodern state that is the most visible, the shallows.

The shallow state

The shallow state consists of the state's visible institutions, agencies, and practices that interact with the population. Obviously, this interaction includes elections or whatever forms of politics the state permits. For many, this visible, front end of the state is what they think of as "government." This popular conception of the state is not surprising since visible institutions of government give the larger intangible aspects of the state a concrete form. In this sense, we can say that the shallows represent the state to most citizens.

At its most extreme, this representation of the state can be vested in one individual. In authoritarian political systems, the focus of "politics" in the shallows usually becomes one strongman (though in our contemporary world they typically style themselves "presidents"). In more transparent democratic systems, the individual officeholder (a president or a prime minister) can embody the state but is seen competing with others in the politics of the shallows. Democratic political systems also include visible institutions of government like legislatures and provincial or local functionaries that are driven into the background under authoritarian rule. Finally, democratic systems also stage the largest spectacle to be found in the shallows, elections, on a regular cycle too.

Beyond this representation of the state by officeholders and institutions, the citizenry experiences the shallow state primarily as a source of resource extraction, regulation, and public benefits. Individuals may think they have little connection to the state, until tax season. Then, they are confronted with the fact that they are paying into the state for the services and benefits it renders. This creates a difficult dynamic in the most developed countries where the citizenry is becoming less aware of the infrastructure that it uses every day, but is painfully aware that they are taxed. On the other hand, benefits awarded to some individuals may be highly visible, such as social welfare provisions. Much of the daily turbulence of politics centers on the citizenry's perceptions of who is contributing to the upkeep of the state, how much they are contributing, and who is reaping the benefits.

This area can also be the sharp end of the state for individuals.¹³ In the United States and other federal systems, individual citizens are often ignorant of their local government structures, and how to participate within them, until they are confronted with an unpleasant reality: perhaps the zoning of their neighborhood is being changed to allow high rises, the authorities plan on opening a prison nearby, or there is a sudden change in property taxes

and values. The sudden shock of these very concrete policy outcomes renews the citizen's awareness of the power and role of local government.

Beyond these concrete manifestations of the state, most citizens lack a broader comprehension of the state's totality. Instead, elected officials who appear on television and everyday news reporting are the point of contact for many citizens' political consciousness.¹⁴ Other ideas of the state are primarily ideological, including feelings of patriotism or nationalism.¹⁵ This tendency is a continuation of a long-observed trend in modern societies. Studies of political psychology have noted the tendency for citizens to think of their state concretely as tax and spending policies or as specific institutions and politicians. When asked about the state more broadly, citizens tend to discuss vague conceptions of the nation.

Recent political science research conducted in many of the world's democracies underlines the weak connections individuals have to the state in the shallows. For example, in the United States, citizens show a great deal of ignorance about the basic structure and function of their government when surveyed by social scientists.¹⁶ This general level of ignorance appears to be fertile ground for questionable campaign practices like push polling or outrageously misleading campaign advertising by direct mail and less visible media outlets. Political science research shows that the better informed citizens are, the more difficult it is to manipulate them.¹⁷ On a deeper level, research in political psychology indicates that lower levels of political knowledge correlate with individuals having incoherent worldviews.¹⁸ The concern for more practical politics is that these confused, larger understandings of the world transfer over into weak understandings of public policy choices.

The overall trend that emerges in the shallows is a growing lack of accountability. There are multiple reasons for this decline, aside from the decline in the public's political knowledge. For example, contemporary political science research has attempted to untangle the complicated relationship between modern media and the public's understanding of policy issues. This recent research includes concerns with the increasing consumption of entertainment rather than news.¹⁹ Another important factor in declining accountability seems to be the dominance of cultural issues in contemporary politics. Many of the intense issues associated with political polarization in the United States focus on symbolic and "values" topics rather than more substantive policy challenges. These trends combine to form a public that seems less informed on many complicated topics, but is often energized about broad social issues. In the United States, recent examples have included same-sex marriage, the role of religion in public schools, and the use of English as an "official" language. In Great Britain and the Netherlands, we find highly charged debates about immigration and national identity. In Japan, there have been highly controversial arguments about national identity and coming to terms with the nation's past.

These are important issues in many ways; however, they are also far removed from the nuts and bolts of economic, environmental, educational, and science policy. Politicians engaging with citizens in these broad, hot-button topic areas do not have to reveal much about their support for more substantive policy actions. In many ways, the behavior of politicians in the shallows increasingly resembles that of an irresponsible minority. This phenomenon is familiar to observers of parliamentary systems. After a parliamentary election that is quite decisive (and leaves a smaller party locked out of policy making by a majority), the minority group has little incentive to assist with policy formation. Instead, the minority group, denied policy portfolios and whose votes are not needed to pass legislation, logically focuses on attacking the majority government. There is little constraint on these attacks, since their only purpose is short-term political gains as opposed to actual policy formation.

For example, during the primary season of the US presidential campaign of 2012, one candidate announced that she would bring back “\$2 gasoline” for all Americans. As commentator Thomas Friedman noted in response the next day, such a statement ignores not only the environmental challenges such an outcome would hold, but also the very practical market constraints on oil as countries like China and India industrialize.²⁰ In some ways, this behavior seems like the very traditional one of unfulfilled campaign promises. However, the exploitation of weaknesses in public knowledge also appears to be undergoing a fundamental change.

If we think about the behavior of politicians in the shallow state, then we see the opportunity these low levels of public knowledge enable. Inflammatory statements and misleading characterizations thrive within such an environment. The more complex the policy question, the greater the ability of politicians to exploit this gap. Thus, in the United States recent debates on the most complicated topics, such as health care reform, the debt ceiling, structural deficits, and fiscal stimulus efforts, have produced the most heated rhetoric. It is very surprising to see presidential candidates using campaign rallies to denounce the “treasonous” behavior of a Federal Reserve chairman (in regard to the fiscal stimulus effort of quantitative easing).²¹ On the other hand, more traditional hot-button topics for American politics, such as continuing the wars in Afghanistan and Iraq or the provision of welfare services, seem to have disappeared into the deep state. What many politicians appear to prefer are simple, inflated pronouncements over very complicated and subtle policies that few in the public understand.

There is an understandable political logic to this behavior, given the evidence of various political science studies. For example, in a study of natural disaster preparedness in the United States, political scientists found that voters overwhelmingly gave credit for post-disaster assistance to the incumbent presidential political party, but absolutely none to politicians engaged in pre-disaster planning and preparedness.²² Thus, the policy authors

of disaster assistance received no credit, but the president who happened to distribute aid afterward did. In some cases, US presidents received credit for distributing assistance even though they had earlier opposed creating the programs that became so essential in the aftermath of disaster. With examples such as this, few politicians in the shallows have an incentive to work on the complex problems that come due in the future.

The modern political phenomena of the twenty-four-hour media cycle and instant polling appear to have only intensified this tendency.²³ Individual politicians can obtain almost instant feedback on their recent actions, provided the public sees it. Thus, the time frame of elected officials has shortened much like the overall cycle of information in today's world. What is easily measured is short-term feedback over highly visible public pronouncements. On the other hand, credit for hard work on complicated, long-term policy problems is unlikely to register with voters.

Thus, the shallows serve as the "front end" of the state. The shallow state provides an interface between the population and the larger collective entity of the state. This interface includes both signals from the population, which can range from voting to demonstrations, and signals from the state. The signals from the state can include rewards, incentives, and punishments. These activities are important for the state's day-to-day existence. In this sense, they are important for the survival of the state and its maintenance of sovereignty. Even symbolic actions can in the long run contribute to the maintenance of a polity. For example, Anderson in his classic study emphasizes the importance of creating a psychological context or imagined link across a community for it to function as a polity.²⁴

However, the connection between sovereignty and these daily interactions or symbolic references is at a distance compared to the activities of the deep state. For example, the mundane task of tax collection has a larger impact on state capabilities. Individual citizens encounter this routine activity often on a daily or at least weekly basis. Does the citizen pay VAT or sales tax on every transaction? Is there a weekly income tax deduction from the citizen's paycheck? Or, is doing one's taxes an annual ritual? While not very dramatic, this microlevel activity eventually adds up to empowering the state with financial resources.

The key difference in the bifurcation of the postmodern state is the visibility of the shallows compared to its deep counterpart. In a long-studied tension between the need to maintain accountability versus the ability of the state to maintain its long-term sovereignty, the bureaucracy is a necessary source of institutional knowledge, experience, and continuity. In this less visible part of government we find the deep state. Increasingly, politicians in the shallow state are passing the difficult work of deciding and implementing policy to this less visible area. In democratic systems, the advantage of this behavior for elected politicians is the escape from the responsibility of making difficult choices. As Michael M. Ting demonstrates in a detailed study, there is often

a logical, political advantage for legislatures to abdicate spending authority to the bureaucracy.²⁵ Doing so saves professional politicians the difficulty of putting together the necessary votes if they suspect the bureaucracy is likely to make decisions similar enough to the legislator's own preferences.

Another advantage for politicians in democratic systems is the better fit of short term and symbolic policy with electoral politics. In a study of policy responsiveness by state governments in the United States, Lax and Phillips found that "states effectively translate majority opinion into policy about half the time," even when those majorities are quite large.²⁶ In addition, the policy that is made by state governments tends to be more ideologically conservative or liberal (in the American sense) than the opinion of median voters. This implies a sort of overcorrection by state politicians where they are relying more on ideological cues than on finer-grain public opinion. In this sense, it is much easier for politicians to rely on such thumbnail sketches of their electorate's policy preferences than to invest the time and effort necessary to gauge their constituents' opinions on specific policy choices. Nonetheless, this is not a bad strategy for politicians in the shallows. There is growing evidence that voters tend to prioritize their ideological or symbolic preferences over more practical concerns.²⁷ This tendency only serves to reinforce the behavior of politicians in the shallows. Like the older example of the irresponsible minority in parliamentary politics, contemporary politicians in the shallow state can pander to popular prejudice with fewer and fewer repercussions.

However, drawing on so many examples from the United States points to another complication with studying this ideology. The bifurcation of the state is more visible in some political systems, less so in others. For example, in his recent analysis of contemporary China, Richard McGregor explains that despite popular perceptions of wholesale reform, the Chinese Communist Party still directs large segments of the economy from behind the scenes. Thus,

The Party's removal of itself from the many areas of life and work of its citizens into which it once crudely and cruelly intruded has been as strategic as it has been enlightened. As intoxicating as these changes have been for the Chinese people, the retreat has also paradoxically empowered the authorities. The Party has been able to maintain its own secret political life, directing the state from behind the scenes, while capturing the benefits and the kudos delivered by a liberalized economy and a richer society at the same time.²⁸

Thus, in an authoritarian system like contemporary China, the presence of a deeper state, setting policy from behind the facade of a free market, is much easier to grasp. As McGregor explains in meticulous detail, many companies in China are still "state enterprises" despite being listed on overseas stock exchanges. In these cases, the CEO of the firm is still a Communist party

member, with a notional civil service rank in the formal government bureaucracy.

In a democratic political system with a robust civil society and a longer history of capitalism, the presence of a deep and shallow state is much harder to conceptualize. However, we can consider another interesting example from the United States. An investigative series from the *New York Times* revealed that the large American corporation General Electric paid no taxes in 2010. In fact, the company received over \$3 billion from the government to add to its profits that year of 14.2 billion.²⁹ In essence, the United States, supposedly a system with a very free, autonomous market, subsidizes some of its largest corporations through its tax policies. Although a step removed from the subsidies or money injected into a state company in China, in both cases we find the deep state quietly subsidizing large corporations that compete in the global “free market.” Yet, in which case is the state’s concealment deeper?

The fact that similar political behavior is increasingly common to both democratic and authoritarian regimes suggests its importance within the context of contemporary politics. Indeed, the political science subfield of comparative politics argues that when we find a similar institution (or in this case, similar state behaviors) cutting across differences of culture, place, and regime, this commonality is serving an important purpose. If we consider the two examples of corporate governance mentioned earlier, then we can begin to see how this bifurcation of the state enables concealment in both democratic and authoritarian regimes.

In the case of Chinese companies, it is difficult for overseas investors, or even many local Chinese businessmen, to associate large telecommunications firms with the government. Although many are aware of the party membership held by directors of state companies, it remains conceptually difficult for many of us to associate these organizations with what we think of as the state. Similarly, despite receiving government subsidies, it is difficult for citizens in the United States to associate a firm like General Electric with concrete institutions of government like the US Congress or the presidency.

For this reason, we need to think about what constitutes the broader state. There is more to the state than the highly visible institutions and officeholders of the shallows. On the other hand, this other part of the state seems to be more than just the less visible bureaucracy. As opposed to the shallow front end of the state, there is a deeper state. As we shall see, defining what constitutes the deep state is very challenging.

The deep state

Unfortunately, a quick Internet search reveals that discussion of the deep state is most commonly found in two domains. First, it has been a perennially popular idea in Turkish politics. There, the deep state is thought

of as an informal establishment, centered on the military, which dominates politics from behind the scenes.³⁰ Over time, this idea has spread to the popular analysis of other political systems across the Middle East, Russia, and beyond. In the case of Turkey, the deep state (supposedly consisting of the country's military leadership and fellow traveling elites) is often assigned responsibility for policy outcomes with little supporting evidence. Nonetheless, the supposed existence of this behind-the-scenes cabal is convenient for politicians across the country's political spectrum.

For secular-leaning liberal politicians in Turkey, it remains a source of comfort. In this version, the potential of intervention by the deep state acts to confine the cultural politics of religious conservatives within "responsible limits." On the other hand, from the conservative side of politics, the threat of the deep state has been used to justify the reforms pushed through in recent years by Prime Minister Erdogan's AK (Justice and Development) Party.³¹ These reforms are democratic in that they roll back some of the mechanisms used in the past by the secular military leadership to constrain the actions of the country's politicians. On the other hand, those reforms appear to secularists as the first step toward more conservative social policies. From either perspective in contemporary Turkish politics, it is difficult to discern how much of a factor the deep state really is as opposed to a useful fiction. Similarly, the application of this idea to other political systems is of questionable utility.

Even worse, the idea of a deep state also thrives on the Internet among the conspiracy minded.³² As with all conspiracy theories, these observations attempt to simplify the complexity of the world by projecting responsibility for events onto a concrete agent. For example, a common conspiracy explanation for globalization is an all-powerful UN (despite all the contrary evidence of that organization's decline). Or, we often see conspiracies claim that there is actually a double game going on with cataclysmic events rather than facing the reality of a state's failure. In the United States, the classic example is the conspiracy theory claiming that the government allowed the attack on Pearl Harbor in 1941 to provide a pretext for entering the war. Apparently, many find this idea easier to believe than accepting the simpler explanation that the United States could fail to defend itself. This phenomenon seems to have repeated itself in recent years with the vast growth of conspiracy theories surrounding the 9/11 attacks.³³ Again, for many individuals, it is easier to accept the idea that their government allowed this to happen, rather than the simpler explanation of the US failure to defend itself and the vulnerability that comes with this truth. Instead, grossly elaborate scenarios are suggested to link events with a particular agent, whether that is a secretive government agency or an unbelievably effective United Nations.

Thus, there is a risk of turning to the deep state as an answer to everything, rather than as an aid to careful political analysis. Once it is asserted that a

layer of the state is concealed, it can become a projection of our fears and anger about politics. This difficulty is compounded by the simple fact that the deep state's activity is opaque. In the Turkish political system, the deep state reference appears to have worn out its utility as it can now be used and abused by all sides in the country's politics. For the conspiracy-minded lurking online, the idea of a deep state becomes a convenient site of agency responsible for all of the complications of politics. To avoid the errors of logic found in either of these examples, a clearer definition of the deep state and its political role is needed. We need to look at specific policy examples to gauge the utility of this idea for explaining the behavior of contemporary nation states.

In the area of policy study, the idea of a deep state is routinely used to try and understand the national security establishment of the most developed countries, especially the United States. For example, in Peter Gill's attempt to "develop a systemic framework for the comparative analysis of security intelligence agencies," he discusses the utility of a dual or multilayer state perspective.³⁴ As Gill points out, this perspective is important to avoid the pitfalls of imagining the state as a unified, rational actor. In the case of intelligence and security concerns, it is particularly obvious that some parts of the state do not know what is happening elsewhere.

From the perspective of such security studies, we can ask, how deep is the deep state? Consider that in November 2010, President Obama, in an attempt to reduce confusion and improve transparency, issued an executive order on the proper classification of sensitive material. A new designation, "Controlled Unclassified Information (CUI)," was introduced to replace more than 120 designations that the bureaucracy had invented.³⁵ These designations illustrate two points. First, that information is power, especially in the policy process of a modern nation state, and thus there is a need to control it. Second, claiming that all of this empowering information is classified or top secret, because of its importance to national security, is simply implausible. Thus, new gradations of information must be invented. The classification of information also provides an idea of the scope of the deep state. In the midst of the WikiLeaks scandal, it emerged that the employee who passed on classified information to the site possessed a clearance of "secret." In turn, apparently more than 900,000 individuals currently hold that same level of clearance across the US government.³⁶

Thus, in policy studies, the one area of the deep state that does draw attention is intelligence and security. Various warnings over the years of the rise of the "national security" state were common during the Cold War.³⁷ Further iterations of this concern then emerged under the threat of global terrorism. Since sovereignty is closely linked to the state's coercive capabilities, defense, intelligence, and the ever-expanding "security" have traditionally been in the shadows. The instrumental ends of warfare and intelligence gathering require secrecy. Thus, as long as there are nation states

dedicated to maintaining their sovereignty, we can expect the deep state to always have this coercive core.

However, the remarkable change in the post–Cold War environment has been the scope of state activity that has followed clandestine intelligence into the shadows. For example, in an attempt to explain both recent political successes and setbacks in reforming US social policy, Suzanne Mettler has turned to the idea of a “submerged state.”³⁸ Mettler describes the submerged state as:

a conglomeration of federal social policies that incentivize and subsidize activities engaged in by private actors and individuals. These feature a variety of tools, including social benefits in the form of tax breaks for individuals and families; the regulation and tax-free nature of benefits provided by private employers, including health care benefits in the form of insurance; and the government-sponsored enterprises and third-party organizations that receive federal subsidies in exchange for carrying out public policy goals, such as the banks and lending associations that have administered student loans.³⁹

Mettler’s analysis draws on earlier conceptions of welfare provisions in the United States constituting a shadow state.⁴⁰ According to Mettler, the fact that social policy in the United States is administered by this elusive, submerged state has two important consequences.

First, its complexity and scattered connections make reforming it extremely challenging for both the executive branch and Congress. Tinkering with policy changes in one area often produces unexpected consequences elsewhere and at times engenders political resistance from unexpected quarters. For politicians worried about popularity and their next election, there is little incentive to take on such a task. Second, the complicated arrangements surrounding the implementation of social policy obscures its impact from average citizens. In a study of public opinion about social welfare policies in the United States, political scientists found that the public was not only uninformed, but misinformed.⁴¹ The difference means that they often believed with great certainty erroneous facts about this area of public policy. These false beliefs included extremely inaccurate assumptions of how much the US government spends on such policies and how many citizens receive benefits.

This potent combination of complicated policy and poor public knowledge about it discourages involvement by political actors in the shallow state. In turn, this lack of visibility creates a growing unaccountability in the policy area of social welfare. The deep (or in Mettler’s analysis, “submerged”) state is increasingly relied on by frustrated or unmotivated officials to make and maintain social policy. Given its inaccessibility, the public is ill informed on the subject. This feeds into the deep state having a free hand to make policy

since there is little call for accountability. In addition, given the complex obscurity of this policy area, elected officials can hope to win few votes by engaging with it. Thus, in a policy area far removed from intelligence gathering or defense, we find policy determined by the less visible, deep state.

At the same time, the complex interactions of the public policy process discredit a simple description of the deep state. We can view a human invention that is as vast and complicated as the state in many ways. In some cases, there is greater utility in imagining even more elaborate models of the state, depending on the level of analysis pursued. Close analysis of particular policy areas reveals the involvement of many actors including elected officials, bureaucrats, and individuals in the “private sector.” This complex interaction has spawned a new “paradigm” in policy studies and public administration. The shorthand for this new approach is “governance rather than government.”⁴² In other words, public policy is formed in part by actors outside of government institutions. To many observers this shift is a positive development. Rather than traditional government regulation, the idea of contemporary governance is to allow society more access to policy making so that it is driven from below.

However, a number of studies have pointed out that despite the promise of opening up policy “beyond the state,” to actors in the private sector and at the community level, the messy chaos of governance rather than government can also undermine democratic accountability.⁴³ This outcome is due to the often bewildering array of government institutions, nongovernmental organizations, private-sector leaders, and professional lobbyists, engaged with highly specific policy issues. Paradoxically, this expansive inclusion of focused participants only serves to obscure the ultimate agency of the state. Once the consultations, open forums, feedback sessions, and so forth end, it is still the state acting and implementing policy. But following this link to the state through all of the noise becomes extremely difficult.

Thus, the deep state should not be thought of as a list of secretive organizations hidden away by government. Instead, the deep and shallow state dynamic is very fluid within contemporary states. We can argue that, in a perverse way, the addition of nongovernmental actors to the policy process can transform such organizations into part of the deep state. Given this challenge, what criteria can we use to identify the “deep” state? If the contemporary state often includes so many nongovernmental actors in the policy process, then is it even possible to identify such a category of the state?

It is if we focus on the concept of sovereignty. It is here, at the bedrock of the state, its *raison d'être* that the state's active efforts become visible. How? First, the state must continue to be the human organization that regulates all others. In this sense, the deep state must maintain the oversight

functions that subordinate all other human organization to it. Aside from our traditional understanding of “security” agencies and functions, this oversight includes a vast array of legal infrastructure. The maintenance of sovereignty can involve other agencies concerned with planning, health care, or even education. Given that states are increasingly competitive in their efforts at socioeconomic development, even the health of the population can be seen as important to the continued sovereignty of a state. Similarly, education that makes the workforce competitive in global capitalism can begin to acquire a national security complexion.⁴⁴

The second aspect of sovereignty that the deep state must support is perpetuity. Why can a state like the UK offer bonds with a maturity of thirty years? How can states guarantee leases of land for 100 years or pledge in treaties to maintain a position forever? Or consider that on October 3, 2010, the Federal Republic of Germany made the last reparations payment set by the Versailles treaty of 1919.⁴⁵ Why? Because the FRG is the successor to the other German states before it. Because the state will exist forever, it can make promises and provide assurances that no other human organization can. Even powerful market corporations cannot assert this level of guarantee since they are ultimately regulated by the state, but also because the free-market ideology they draw upon assumes many companies will, and must, fail.

Due to these imperatives, the deep state possesses a logic that is more objective than the political fashions we see in the shallows. This also explains the attempt at times by various politicians to link their policy concerns to national security. To secure itself, the state must rely on the resources of the deep end both to scrutinize its contemporary position and to maintain or improve that position into the future. These twin needs are absolute since nothing from within the state’s infrastructure can trump the importance of preserving the state. Thus, we should think of the deep state less as a set of concrete institutions and more as a functional logic that pervades the state.

How then should we define the deep state? The deep state is best understood as the parts of the state most vital to the *praxis* of maintaining sovereignty. “Praxis” is a broad and perhaps overused philosophical term. Nonetheless, it is useful in this context. At its simplest, praxis is the process of turning an idea into reality. But attached to this idea of process, praxis also refers to the embodiment of this idea in the world. The praxis of maintaining state sovereignty requires the concrete creation of many institutions, bureaucracies, and officeholders. In turn, these institutions create legislation and policies to maintain state sovereignty.

However, a list of all state institutions does not identify the deep state. Instead, the deep state is a shifting set of institutions and officeholders that are most closely connected to the core objective of maintaining the sovereignty of the state. The preservation of the state overrules other imperatives within the state, including, when necessary, the political rules of the shallow state.

This dynamic means that even with a simple, dualistic separation of the state into two categories, there are many areas of the state that are difficult to classify. For example, what about a state's legal system? In the developed democracies, court activities are exceedingly well documented and by law accessible through public records. Even in more authoritarian regimes, courts make some pretense of following published rules and allowing access to their decisions. At the same time, courts are important for the state's maintenance of sovereignty since they provide oversight for agreements and contracts through all levels of society. Should an institution like the judiciary be considered part of the deep state?

In a recent study, Richard Hasen found that the US Supreme Court has gained power at the expense of Congress over the last two decades.⁴⁶ This power stems from the fact that Congress has been polarized into inactivity. It rarely takes action to override the Court's findings. Instead, increasingly partisan, ideological debates in Congress have led to a vacuum in not only interpreting but also adjusting and fine-tuning the complex federal laws and regulations that do manage to pass the legislature. The downside to this outcome is that important decisions on policy implementation are shifting to a less accountable, and by comparison, less visible branch of government. In the United States, it is not plausible to categorize the Supreme Court as an institution of the deep state. However, given the current political divisions in the United States, we do see this less accountable branch of government filling the vacuum from a gridlocked legislature. In this sense, the logic of the deep state is present in recent Supreme Court behavior.

Thus, the other important question with defining the deep state is visibility. Typically, the deep state is made up of institutions and agencies that are usually headed by an unelected official, and thus only indirectly accountable to the electorate. Here, we can think of all of the directors and heads of agencies appointed throughout the state bureaucracy. Obviously, some of these positions are much more important for the deep state's mission of maintaining sovereignty than others. In addition, the activity of the agency is either not a matter of public record or if it is then it is very difficult to access. But at the same time, the failures of the shallow state can also push more visible branches of government, like the judiciary in the United States, into the functional role of the deep state.

The battle over accountability and implementation of public policy is an old topic in the study of state bureaucracies. In the literature studying the American political system, there has long been concern about "iron triangles" or "issue networks" made up of the bureaucracy, members of Congress, and lobbyists who capture control of policy making, to the exclusion of the public.⁴⁷ In studies of British politics, there has long been a worry about the "mandarins" of Whitehall determining public policy with little oversight from parliament. In these older policy studies, the key difference between state institutions like the legislature, the courts, and the

bureaucracy is their relative visibility. Legal decisions are generally intended to be public knowledge, because this is part of their function, to lay down rules that guide private and public activities. Similarly, the legislative acts of a parliament by their function are intended for larger public consumption. In contrast, the bureaucracy performs its functions with little or no visibility. Thus, a more traditional policy studies approach would suggest that defining the deep state is an issue of transparency in government.

However, these older studies are predicated on the idea of identifying various interests present in the policy process. For example, classic studies of iron triangles attempted to expose the monopoly that interest groups could acquire in specific policy areas, with little public oversight. Similarly, classic studies of bureaucratic influence worried that the agenda of an unelected bureaucracy could reign unchecked by elected officials. The interests conceived of in these studies tend to be very concrete ones: for example, interest groups concerned with making more money in the marketplace through changes to regulations, and bureaucrats influencing policy so that their department receives a larger budget allocation or avoids tasks the bureaucrats do not want to pursue.

In contrast, the functional logic of the deep state is a more elusive motivation. Consider, for example, the question of whether the actions of the state are a conscious attempt at concealment. Clearly, this is the case in some circumstances. In intelligence gathering and other areas connected to the state's security, secrecy is a functional requirement. Thus, conscious efforts to conceal the state's activities are expected here. Another sort of functional logic can be found where the state attempts to publicly tie its own hands. The best example of this conscious restraint is by granting "independence" to a central bank. This independence from politics makes promises of the central bank, and the setting of interest rates, more credible to the market. Thus, the fiction that this administrative arrangement places a central bank outside of state control (despite the influence the state retains over it) is a very conscious decision to conceal the state's agency.

On the other hand, if the concealment of the state has emerged as an ideological norm, then arguably many policy decisions that enable this concealment are not, strictly speaking, conscious ones. For example, attempts at privatization or outsourcing motivated by the state's budget concerns may very well have consequences for government transparency and accountability that state actors failed to consider. Also, given how complicated the state is in many places, concealment can be a by-product of otherwise innocuous rule changes in the bureaucracy. The objective of decision makers within different state agencies and institutions is never unitary. Various actors within the state have differing agendas, sometimes very modest ones. Therefore, we must look closely at policy decisions before we can conclude that they represent a conscious attempt at concealing the state.

Nor is activity by the deep state necessarily secretive by design. The complexity of modern policy across integrated, developed societies is obviously complex in ways unforeseen even two decades ago. With globalized capitalism outside its borders and complex, diverse societies within, contemporary developed states must act on a range of problems beyond the scope of legislative oversight. Thus, the bureaucracy often acts within extremely broad boundaries set by elected officials. In a study from the United States, the relatively innocuous Food and Drug Administration was found to act autonomously in the absence of congressional scrutiny. When prodded by legislators, the agency did respond to congressional concerns.⁴⁸ Yet the sheer complexity of the day-to-day decisions made by this agency ensures that it is often left alone by the shallow state.

However, the deep state's most important role in concealing the postmodern state is arguably its oversight of a theoretically autonomous, free market. The deep state's maintenance of the market enables the more public shallow state to claim that this area is beyond its control. In this sense, the deep state is a paradox. Many observers worry about the hidden activities of intelligence and defense agencies. Yet, the dynamic of the deep and shallow state has its most corrosive effects on accountability and transparency here. Although classification and state secrets have been part of the state since the early modern period, the ideology of the free market has created new possibilities for concealing the postmodern state's agency. What is deeper than the classified and secret parts of the state? The answer is the part of the state hidden in plain sight.

Hiding behind the market

When a firm merges with another or buys out a rival in the marketplace, the description is often of a "takeover." Yet, when the state privatizes services by awarding a contract to a firm, the assumption is that the firm continues to be independent in the free market. Describing a firm as taken over by the state would imply an unusual level of interference. Nonetheless, the distinctions are a matter of degree. A number of private firms depend on taxpayer money from the state for their existence. Why are they not considered part of the state?

Arguably, the key difference with privatization is that a change in ownership alters incentives. In turn, these new incentives push the organization to strive for greater efficiency to maximize profit. However, an exhaustive study of privatization in the UK by Vickers and Yarrow concluded that

The efficiency implications of these changes in incentives depend very much on the competitive and regulatory environment in which a given firm operates. Indeed, it can be argued that the degree of market product

competition and the effectiveness of regulatory policy typically have rather larger effects on performance than ownership *per se*.⁴⁹

This is an important point given that the public is often assured that privatized services will match rigid guidelines set by the state. Such regulations obviously place some limits on what a private firm can do differently from a public one.

If this is the case, then again the question becomes, why these private firms are not part of the state? Their employees provide a good or service to the public or in the public's interest. The contracts the firms receive are awarded by the state with guidelines or performance targets set by the state. Often the public is required to use the firm's service because the state has designated only one firm or a small number of them as acceptable providers. To ensure their good performance, the state theoretically holds a great incentive over these firms; their contracts could be awarded to a competitor. However, it is often the case that these "private" firms become monopolies once this connection to public funds is established.

Firms that survive primarily through receiving taxpayer money cover a large area of the economy. In the United States, a number of firms specialize in providing garbage collection to municipalities and local governments. Other firms in the United States have specialized in setting up and running "charter" schools. These are essentially nonofficial public schools that the state allows to function free of the interference and costs of teachers organized within the national teachers' unions. Other companies manage and provide basic utilities. In all cases, the contracts awarded to such firms are decided by the state, with specific rules and targets. The employees are receiving taxpayer funds and often have a local monopoly for the service they provide.

Why are they not part of the state? Theoretically, the state could decide not to renew their contract and find a new provider in the competitive marketplace. This is plausible in some cases such as the new, hot field of companies providing education services. It is much less plausible when we consider a "private" electric utility. If it loses a contract, will it then be withdrawing its generating stations from the local grid? Is it still the case that the mere difference of notional ownership can transform the internal incentives and efficiencies of these firms?

Nor is this pattern confined to routine matters such as garbage collection and utilities. In a startling case from the UK, we find the state outsourcing or privatizing a core function of the state: policing. As the UK prepared to host the 2012 Summer Olympics in London, details emerged about the role of private security services, such as the firm G4S, in providing security for the games.⁵⁰ One of the political controversies surrounding the Olympics is always the cost to the host city. The government argued that security costs would be reduced by outsourcing security to firms that could quickly

gear up for the large event as opposed to regular police and security forces attempting to do so.

Nonetheless, this private firm is using taxpayer money to pay security guards to provide policing in all but name at the event. The distinction between “security” and “policing” seemed very thin in the context of the Olympic Games. The government assured critics that these “private security” forces were completely integrated into the larger protection effort, including military backup in the event of the worst. Again, what distinction remains then between these contractors and all of the other forces they are integrated with? In the end, the private firm was unable to hire enough security guards for the many venues of the London games. This led to the British government deploying 18,000 soldiers to supplement the “private” contractor. Why were publicly funded security guards working side by side with British soldiers still considered a private force?

Arguably, the most dramatic example of the state using the market is with the privatization of prisons. Here, the hollowness of claiming that state action taking place in the market is somehow not of the state is most apparent. Individuals are incarcerated in buildings and conditions that are supposed to match explicit government criteria.⁵¹ Land for the prison is often obtained for the firm through government assistance. Guards and staff at private prisons are supposed to abide by the same standards as “official” guards and wardens. The application of discipline and coercion to prisoners is supposed to match state rules on the use of force. These operations are paid for with taxpayer money. The prisoners are sentenced to these facilities by state courts. Yet, through the magic of the market, these are private rather than state prisons. What is the difference? Private prisons are supposedly more cost-efficient, though scholarship indicates “that other institutional characteristics—such as the facility’s economy of scale, age, and security level—were the strongest predictors of a prison’s daily per diem cost.”⁵² Perhaps the wages of private guards are lower than “official” state-employed guards. The legacy costs of pensions and health service are perhaps less because private guards are not unionized. But most importantly, the state can claim that rather than expanding itself with yet another prison, it is instead somehow cutting back the state by outsourcing this need to the cheaper, more efficient, and nimble market. Otherwise, the state must admit that it is expanding.

Beyond these examples taking place on planet Earth, the state has increasingly “outsourced” more spectacular services. In the United States, NASA has awarded a contract for cargo missions to the International Space Station to a private firm. The argument was that this market-based firm could provide an alternative to the retired shuttle program more quickly and efficiently than NASA’s traditional pipeline for such projects. And indeed, the firm Space X has delivered on its contract sending a cargo flight to the ISS in June 2012. However, why is this an example of an autonomous

market doing something better than the state? The firm was created and worked very hard on one goal, to win the contract NASA offered. The firm's payment comes from public money. NASA set the targets and rules for the contract. In this sense, our example seems to be less about the state getting smaller, rather than it acquiring a new firm. The US Congress could have approved a program to shut down the unsafe American space shuttle program and create a whole new, safer delivery system to resupply the ISS from scratch. However, the announcement to retire the old, costly NASA program, and then contract out to entrepreneurs for a new, cheaper, and more efficient system sounds better politically.

Occasionally, the paradoxes of this situation undermine its ideological camouflage. In a startling example from the United States, a court case is looming over the privatization of collecting legal fines in several states. In an effort to cut costs, a number of local and state governments contracted collection agencies to collect fines ranging from parking tickets to those levied by the criminal courts. The legal conundrum that had arisen is that these supposedly private agencies have been given the power to increase these fines with late penalties and other fees beyond what the courts established. In some cases, they have also requested that delinquent payers be incarcerated for not paying. In the United States, these actions raise a number of complicated constitutional questions about jurisdiction and legal authority since it is giving power to a private agency to order someone arrested. One judge in the US state of Alabama commented that the drive for this privatization was supported by state legislators, some of whom suggested that state courts should be "self-financing" through collecting such fees rather than depend on the state budget!⁵³

In this sense, the state can be interchangeable with the market in the other direction. For example, in the United States, a minor scandal emerged around the issue of prisons bidding for government contracts against the private sector.⁵⁴ In the UK, it emerged that individuals were being forced to participate in a work-training scheme that the government arranged with a number of private employers. Thus, employees at large retailers in Britain and a few other firms find themselves working next to people who are receiving only welfare support rather than the minimum wage. So, the state can order people to work within the supposedly autonomous marketplace. Of course, in the UK case, the government could only do so with the cooperation of the private firms choosing to participate in the program.⁵⁵

The state is capable of even more dramatic incursions into the market. During the global financial crisis of 2008, a number of states took over or nationalized banks that were "too big to fail." Other banks were ordered to merge or to sell off some of their units. A number of central banks intervened in the markets with measures to ease the availability of credit or in some cases, to prop up government debt.

Such takeovers, interventions, and nationalizations are presented as a response to crisis. Political rhetoric justifies such emergency measures

and assures citizens that they are temporary. The state claims that it will quickly get itself out of the car business (in the case of the United States taking over General Motors) or the banking business (in the case of the UK National Rock). The blatant and visible action of the state in these cases is incompatible with the ideology of concealment unless it emphasizes the idea that the state is temporarily intervening in the autonomous market.

The state itself decides what entities are market- or state-controlled. The state also sets the parameters for market activity. So, just as the state can claim that it has privatized operations or outsourced services to the market, it can also reclaim parts of the market or change its rules of engagement. So what is the market? It is what the state says it is. What is the distinction between a private firm and state agencies? Does it depend on the quantity of business devoted to government contracts? What about the “official” oversight of the firm or agency’s activities? Are the employees officially working for the state (typically with more rules, salary, benefits, and protections) or not? These weak distinctions between what is private and public mean that the state sets the boundaries of the market.

Thus, the idea of an autonomous market allows the state to further conceal its agency in plain sight. Despite the ideological rhetoric of privatization “downsizing” or “rolling back” the state, the actual outcome is the expansion of the state. Rather than engaging in a political fight to expand the government workforce, or increase public services, the state acquires outside firms (with employees, equipment, etc.) while simultaneously claiming to cut costs. And indeed costs are often lowered through this maneuver as these new employees are paid less than official government workers (though the offset is that the managers of these firms seem to be better paid than official government supervisors). This shell game of having official government employees and agencies versus off-the-books contractors allows the state to claim it is following the indisputable logic of the market and trimming the size of the state. The state can then quietly expand or shift resources to new projects.

On the other hand, the state can also choose not to act by insisting on the inviolability of the market. Recurring examples of this state behavior are seen in cases that involve the maintenance of the commons. For example, in a case from the United States, residents in Michigan became embroiled in legal action against the Nestle Corporation over water. In this case, Nestle is accused by residents of pumping out so much water for a bottling plant that it has reduced the flow through local aquifers. In essence, various local citizen groups claim that this corporation, after buying a small parcel of land, is extracting local water from broader regional sources, bottling it, and selling it for a profit. This action is pulling water from a much larger area, but legal efforts against the company have floundered over the corporation’s assertion of its property rights. The state initially indicated to residents that there was little it could do, given the free market and rights of property

owners. Yet, it was the state that enabled the corporation's actions by providing tax incentives and assistance in obtaining the land it built on.⁵⁶

In his recent study of water policies from around the world, Christopher Fishman points to a similar example in Fiji. The free market has created a profitable business there. Local water is bottled and shipped all over the world. Yet, half of Fiji's population lacks access to a reliable water supply.⁵⁷ Is the state of Fiji truly powerless to harness this same know-how for the sake of its citizenry? Or, does such a paradox illustrate the priorities of the state? The government of Fiji can argue that it lacks the resources to provide potable water to the population, while licensing and taxing a global bottled water brand that is operating within the boundaries of an autonomous, free market.

In these examples, the state fails to act on the concerns of the public to protect public resources or the common use of resources. The private interests of the market are asserted and the state indicates its hands are tied. With a bit of digging and careful research, we find the state has enabled the behavior via tax incentives, land acquisition assistance, and other policies that it now says it is impotent to stop.

We can consider another interesting case from the United States. In congressional hearings in 2010 about the failures of for-profit colleges, a key point that emerged was the institutions' reliance on guaranteed government loans to students. Their supporters attempted to argue that these institutions represented a more nimble form of higher education that could quickly adapt to student needs and market demands. Nonetheless, the congressional hearings showed that the profits of these institutions were completely reliant on the student loans and financial aid the state provided to students. So, in the case of for-profit, market competitive education in the United States, the federal government provides students the grants and loans for tuition.

A parallel development emerged in America's K-12 education policies. In 2010 and 2011, an increasing number of primary and high schools began offering their students the option of online classes. Previously, online courses were the domain of higher education but they have become increasingly attractive to school districts facing budget cuts. However, a few states began to require students to take a set number of their high school classes online. This latter decision is especially interesting given the extensive lobbying for such provisions by private companies that provide online content to public schools.⁵⁸ In effect, such measures have taxpayer money going to private companies and conceal the state shifting toward support for cheaper instruction.

We can also find state concealment in the very mundane policy area of pensions. In many countries, but especially in the United States, UK, and some EU states, parts of the pension system have shifted to the open market. The argument is that better returns could be had from investing parts of pension funds in the market. This shift was framed as utilizing the

greater efficiency of the marketplace. However, closer analysis reveals that these pension funds are primarily purchasers of government debt. As *the Economist* pointed out in a recent article,

An example of this tangled relationship can be seen in the efforts of individual American states to deal with budget shortfalls. Some states are launching special bond issues to get the funds needed to finance their pension contributions. And who are likely to be significant buyers of those bonds? State pension funds.⁵⁹

Once again the move toward privatization simply obscures the source of funding for this area of social policy. Across the United States, many public employees are no longer provided with pension programs. Instead, they are required to invest part of their salary in stocks, bonds, and other assets through management companies such as TIAA-CREF or banks like Wells Fargo, in lieu of a pension. In some programs the local, state, or federal government matches these contributions. Yet, what is the significant difference between the old-style pension system and mandatory investments by workers (deducted from their paychecks by the state) into heavily regulated retirement funds?

In another policy area that seems mundane or even arcane, we find state action creating new economic realities. Consider the insurance market in the United States. In an attempt to improve their local economies, several US states have made fundamental changes to laws regulating the insurance industry. As a result, states such as Vermont now allow insurance companies to create shell holdings in which they deposit steep company losses, making the parent company's ledger much healthier.⁶⁰ Thanks to this state intervention, private corporations are suddenly able to pay dividends again and hire more employees. Once again, despite the myths of an autonomous market, the state has changed the so-called "realities" and disciplinary "constraints" of the market.

In all of these examples, we see that the deep state is buttressing a theoretically autonomous market. However, even a modest effort reveals that these "free market" areas are parasitic upon the legal infrastructure of the state and often receive their funding from the state. We see for-profit companies in education paid by students and school districts, whose funding originates with the federal government. Stock markets receive large inflows of capital from institutional investors managing 401(k) programs, mandated for government employees.

Occasionally, the neat ideological division of free market and the state is ruptured by scandal. These moments can be useful for highlighting the inconsistencies and contradictions that are papered over by the ideological claim that the market is a freestanding entity. In the UK, the recent and ongoing scandal over phone hacking by subsidiaries of the News Corporation

revealed the tight networks between the media and elements of the state. Despite the ideology of a self-regulating market, this scandal revealed the illegality that can occur when the state and free-market institutions collaborate behind the scenes. In this instance, the British government has launched an exhaustive investigation into allegations of police being bribed by reporters for information and breaches of privacy by reporters. The fact that some accused members of the press had close access to elected officials further complicated the issue. How can the press remain a watchdog for government accountability if it is so dependent on access to the state? If the market truly provides a bulwark against the state, then why is there such a need for clear rules about contact between members of the shallow and deep state with the media?

The recent trial of Iceland's former prime minister Geir Haarde is another prime example. The Icelandic state resorted to criminal charges against the former prime minister following the banking collapse there. In essence, the state attempted to charge its former head of government with a form of criminal negligence in failing to maintain and oversee the market.⁶¹ In moments such as this, the bifurcation of the state and the ideal of a free market are suddenly thrust back into the public's consciousness. If markets are self-regulating and autonomous, and the state is increasingly losing sovereignty over them, then how can a former head of government face criminal charges for regulation of his country's financial system?

Concealment of our dependency

Another, almost universal motive drives the ideology of concealment. In contemporary societies, we have become highly dependent on the state. In the developed world, the state maintains the socioeconomic system that provides us with much day-to-day comfort. In the developing world, the state has become the force that promises to deliver a quality of life similar to the most developed states. However, within our current culture of global capitalism, this stark dependence on the state raises troublesome misgivings.

If the state is a driving force for the development and maintenance of the economy, then how do we define the private sector? In the policy examples discussed earlier, privatization merely turns into a distancing of implementation from the state, but nonetheless, an implementation reliant upon taxpayer support. In addition, debates in the shallow state often conceal a consensus and quiet policy development and implementation by the deep state. What links these two forms of state behavior together?

The parallel thread between these examples is the need to reconcile our absolute dependency on the modern state with our myths about freedom, equality, and the independence of the individual. If we recognize that the outcomes of our socioeconomic system are not the result of an

impartial, invisible hand of the marketplace, then we are forced to confront the unpleasant truth. The state structures the rewards, incentives, and punishments of our present system. Yet, many of us prefer to consider ourselves as largely autonomous agents standing or falling on our talents and effort. Instead, in the developed world, our comfortable lives depend on state policies. Conversely, this also means that the inequalities in our societies are due largely to state policies. For those of us living in the developing world, the progress, or lack of progress, in our lives can be traced to state policies.

The other unpleasant truth connected to the deep state's increasing co-optation of policy is that our survival depends on the state. While debates on the coming ecological crisis play out in the shallows, the deep state attempts to take the actions necessary for the survival of our societies. In the past, existential threats to our social order came from the threat of war by other states. Today, we face profound risks from environmental damage, industrial accidents, and weapons of mass destruction. These dangers drive us even more into the arms of the state. What human institution besides the state is powerful enough to protect us from these dangers? Concealing the state shields us from recognizing this dependency.

This dependency on the state for continued survival strikes at the core of much conventional wisdom about economic development and the role of the individual. Much of the world has worked out some sort of accommodation with the status quo of global capitalism. However, this ideological concordance is tied to several underlying assumptions. One is that the private market is somehow autonomous from politics and thus allows individuals to succeed on the merit of their talents and industriousness. Another is that the present model of economic development faces no real limitations on growth. Thus, each generation hopes to be more successful than the previous one and all remain confident that their standard of living will improve indefinitely.

The worldview embodied in this understanding is currently under siege. The looming ecological crisis undercuts the assumption that growth based on our inherited model of capitalism is unlimited. Instead, the realities of shortages in nonrenewable resources and the risks to sustaining a vast global population are impinging on the consciousness of many. Catastrophic risks, such as climate change and the degradation of our food supplies, are irresolvable through the mantra of more competition and freer markets. For example, more competition seems unlikely to stop overfishing. Similarly, less regulation seems unlikely to control experiments with genetically modified crops. Rather, there is an increased need for the state to protect common resources, regulate growth, and to coordinate these policies with other sovereign states.

To acknowledge this need, and the fact that our survival now hinges on political actions, undermines a lot of comfortable assumptions. Individuals

are not free to rise as far as they can in the economy, unless their activity is compatible with state policies on manageable growth. The invisible hand of the market will not lead to fair, equal outcomes, but, if unrestrained, will cause pernicious results. Many of us will face a future of, at least, a more modest standard of living as resources are depleted. Our fate, now more than ever, rests in the hands of our governments. The individual has less control over his own destiny, and must accept this to survive in a depleted, overcrowded world.

This reality is troubling and fits poorly with the theories of political legitimacy we have inherited. In the most developed countries, our various constitutional theories begin with core assumptions about individual freedom. By extension, it is this individual freedom that enables us to place limits on authority from an autonomous vantage point outside of state control. To recognize instead our dependency on the state means that we must also confront the weakness of constitutional constraints on the postmodern state.

If we turn to examine theories about the state, then we find that the ideology of concealing the state avoids confronting two difficulties. First, the history of state formation demystifies the origin of contemporary governments. Contemporary nation states evolved to meet the specific social and political problems of their time. Concealing the state avoids an obvious question: if nation states had to evolve in the past when confronted with broad challenges, then isn't our contemporary situation a good candidate for another period of rethinking the state? By denying its current role in global capitalism, the postmodern state avoids the question of whether or not contemporary failures show it is time to replace it.

Second, if we examine theories of political legitimacy that have evolved alongside state institutions, then we find an unresolved, recurrent problem. As the anarchist tradition shows, state sovereignty is closely linked to coercion. Justifying the state's use of coercion has long been a challenge to theories of political legitimacy. For contemporary states, the challenge of justifying their coercive powers is even more problematic, given the almost invincible technologies of coercion and surveillance that are available to the most developed nations. Given this unresolved tension from the past, it is simply easier for the state to conceal its ability in this area.

This last point raises another question, though. Nation states have existed for quite some time and have weathered earlier crises. If contemporary states are turning to a newer ideology to resolve their political contradictions, then surely this recent turn is displacing a previous ideological consensus? If the current response to crisis is a shift in ideology, then surely history can provide us with previous examples of this dynamic? For this reason, we should look at past theories of the state. These theories have evolved alongside the state's institutions in an attempt to legitimize the state's claims to sovereignty. As we shall see, the greatest challenge for these theories has

always been to legitimate the state's use of coercion against its subjects and, more recently, its citizens. The overwhelming power of contemporary states is easier to conceal than justify.

Notes

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