

**Charlotte Epstein**, *Birth of the State: The Place of the Body in Crafting Modern Politics*,  
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The modern state has many genealogies. In *The Birth of the State*, Charlotte Epstein delineates a specific genealogy of the English state in the 17<sup>th</sup> century. Through readings of original sources like Hobbes, Locke, Bacon, Coke, and many more, she argues that the English state has been built on a particular nexus between state and subject inscribed unto the human body. In pre-modern Britain, the signifier “body” referred primarily to the collective “body politic” of an organic community. The latter was understood as a microcosm reflecting the macrocosmic divinely inspired order of creation. Just like God ruled over the world as a harmonious natural order, the king ruled over the populace as an organic whole sanctioned by natural law embedded in human nature. However, two events broke this continuum between politics and theological cosmology. On the one hand, modern science disenchanting the cosmos. Human purpose and natural order were no longer inscribed in the material world itself. The latter was re-envisioned as mere extended matter floating in the infinite empty space unresponsive to the human call for meaning. Nature could no longer provide the basis for the good life. On the other hand, violent religious wars had been waged on the British Isles in the wake of the Reformation. The conflict between Catholics and Protestants showed how dangerous a political order based on divine inspiration could be. Once God’s absolute command speaks directly to the human inner conscience, there is no exterior political authority left to restrain people’s zealous fanaticism. Procedures of pacification had to be built into the social order to avoid an endless war of faiths.

The discourse of modern science and the dangers of religious politics set the stage for a novel form of political authority. According to Epstein, this new form was built on three legal devices: [i] security; [ii] personal liberty; and [iii] private property. First, instead of basing political authority on God or Nature, materialist thinkers like Hobbes took the findings of modern science to heart and constructed a purely scientific basis for political theory.

Hobbes found this foundation in natural instincts like the need for bodily self-preservation. From then on, the state was expected to guarantee the security of subjects' bare survival rather than a good life in conformity with the will of God. For Hobbes, the state was not a divinely ordained institution, but an artificial construct invented by subjects fearful of a life solitary, poor, nasty, brutish, and short in the state of nature. Second, whereas in medieval England "liberties" were mainly assigned to collective bodies like towns or the Church, legal developments in the 17<sup>th</sup> century reconstructed "liberty" as a subjective right. Individual subjects could *have* rights rather than merely getting their due on the basis of their membership to a socially recognized group. Legal milestones like the Habeas Corpus Act of 1679 gradually linked legal liberties to embodied individuals rather than organized collectives. By existing as a material body, subjects were expected to benefit from rights granted to them by the state. Third, to the medieval mind, God held supreme dominion over everything, so private property was a minor legal paradigm at best. It held no privileged position in legal thought. Only with the conquest of the New World, the enclosure of the commons, and the emergence of subjective rights did private property become a foundation of modern legal systems. This trend culminates in Locke's labour theory of value that links private property to human embodied labour. By performing labour on their surroundings and adding to their value, Locke believed people acquired a title of property over things. He called in the state to protect and enforce this intimate legal conjunction of embodied work and things. The state guaranteed that only those who have earned their share of the world can actually enjoy it.

Each of these three building blocks reveal a crucial role for the body as mediator between subjects and the state. The moderns replaced the taken-for-granted naturalness of the cosmos with the obstinate givenness of the material body as a point of anchorage for political authority. The link between life and the law was established by binding the applicability of the law to the human body. Thanks to one's embodied existence as a piece of extended matter could one be entitled to a legal status. Epstein, however, emphasizes that this is not an innocent operation: not all bodies matter equally, so elaborate discourses are built around the

question of what rights each body merits. The subject-state nexus relies on implicit boundary-drawing to know who counts as a subject and to what extent. The formation of the English state was subsequently riven with the exclusions of indigenous peoples, women, the poor, and criminals. Though Locke, for example, founded private property on human labour, he subtly amended his theory to discount workers whose labour the English state did not consider as entitling to private property. He argued, among others, that slaves had been subjugated in war and had thereby lost the ownership over their own labour. The fruits of their work could subsequently be assigned to their masters instead. Examples like this attest to how the modern state has relied on differential regimes of rights and subjugations that locate some unfortunate bodies on the lower ends of a spectrum where they are subjected to the law without enjoying any of its benefits.

Epstein's detailed genealogies of security, liberty, and property in the English 17<sup>th</sup> century are impressive. She guides the reader through the classics of modern political philosophy, judiciary cases, the history of modern science, and even art history with ease and scholarly acumen. She weaves together a comprehensive narrative for how the English state emerged without sacrificing the complexity and multifariousness of this history to the speed or accessibility of an "easy publication". Her work attests to a laudable practice of slow reading difficult to maintain in the academia of real-time output and impact measurements. Apart from merely describing a tipping point in British history, however, Epstein's book also aims at presenting a history of the present for the contemporary security state. Epstein identifies the materialist reduction of "the body" from collective communities to bare biological existence as the precondition for today's biometric technologies, drone strikes, and ubiquitous surveillance. By establishing the bond between subject and state through the human body, the latter becomes the direct object of the state's interventions. So even before the rise of biopower that Foucault described, there was the legal revolution of the 17<sup>th</sup> century to render the body a target of political surveillance.

This analysis is familiar from the likes of Agamben, Esposito, and Mbembe, but one wonders whether Epstein is not selling us short with this conclusion. She argues to be merely

adding a small piece of the puzzle in the larger origin story of modern biopolitics already familiar to scholars of biopolitical theory. The emphasis shifts to law and the 17<sup>th</sup> century compared to Foucault, but her story allegedly merely complements Foucault's incomplete research project. I suspect that Epstein hereby resembles a scholarly Columbus, who, when discovering America, could not but think he had set foot in India. Columbus was so enmeshed in premodern geography that he could not fathom having discovered an entirely new continent. Likewise, Epstein inscribes her genealogy in the same narrative as her predecessors, but the real tectonic shift might lie elsewhere. Maybe the security problematic centered around drone strikes, surveillance, or global pandemics is not the best point of view to bring to light the relevance of her findings. If one looks closely at the three building blocks of the modern state-subject nexus she has outlined – security, liberty, and property – one notices that the rise of digital capitalism today has profoundly dislodged all three. Allow me to briefly evaluate the confrontation with digitalization separately for [i] security, [ii] personal liberty, and [iii] private property.

### *Security*

The modern state guaranteed peace and security by banishing matters of conscience and religion to the private sphere. Hobbes even infamously defended censoring opinions unfit for social peace. Not only have post-secular developments foregrounded religious sentiments in politics, but social media have given a new impetus to similar intensities of zeal in non-religious politics as well. The fanaticism usually reserved for religious eccentrics has become commonplace in social media storms. Just like modern Protestants imagined to have direct access to the divine truth via their private conscience, contemporary social media users tend to think of their own opinions as the standard of judgment and disregard anyone who disagrees as ignorant and morally depraved. Commenting on the religious wars, Hobbes wrote:

Men [*sic*] vehemently in love with their own opinions, though never so absurd, and obstinately bent to maintain them, gave those their opinions also that revered name

of conscience, as if they would have it seem unlawful to change or speak against them, and so pretend to know they are true, when they know at most but that they think so. (cited in Epstein 2020: 49-50)

This description is surprisingly apt for the online culture wars between alt-right trolls and woke social justice warriors: people in love with their own opinions call them the unquestionable truth and deem everyone unlawful who dares to speak against them. The repressed zealous violence of the religious wars has, in other words, returned by circumventing the government-curated public sphere (see Davies 2018; Gerbaudo 2019; Nagle 2017). By allowing political debate to move to the internet, the state has lost its grip over the civility of democratic dissensus. This task of curating online discussion is rather conducted by social media platforms themselves. The public sphere is increasingly thus owned by private corporations that adjudicate over what can be said according to the profit motive rather than concerns for social peace. Online hate speech might put people on a path toward the Hobbesian state of nature, but it also provides for lots of profitable clicks and online engagement. Though social media companies censor some political opinions, they only do so within the parameters of their business model, which explains, for instance, why Twitter waited until after Trump's presidency to block him from the platform. For years he had been among Twitter's best assets and only when he lost his prime value after losing the presidency, did Twitter decide that Trump's online rants were unfit for civilized debate. Choices like these show that social media companies might not have social peace in mind when they coordinate today's public sphere. If one agrees with Hobbes' pessimistic views on human beings' propensity toward violent divisiveness, this practice should be of concern to democrats today.

### *Personal Liberty*

The modern state allotted subjective rights to individual bodies on the basis of the latter's bare existence. Though these rights still exist, they are gradually dismantled by Big Tech companies like Google, Facebook, and Amazon. The individual right to privacy, association,

or freedom of speech becomes meaningless when they are subjected to the opaque terms and conditions of internet applications. On an everyday basis, people unknowingly consent to substantial violations of their individual rights to access necessary social goods. It has become virtually impossible to lead one's life without a smartphone, yet many of its apps require profound sacrifices in terms of subjective rights. Though states have certainly been complicit in the dismantling of individual freedoms, as became obvious in the 2013 Edward Snowden scandal, digital private companies themselves are the main culprits (see Couldry and Mejias 2019; Zuboff 2019). As a matter of fact, the NSA was only able to access such large quantities of personal data by collaborating with companies like Google. To generate revenue, digital companies frequently rely on the extraction and analysis of personal data. But, while any single piece of data is without value, databases exponentially increase in value when they become bigger. Digital companies thus have an incentive to acquire as much data as possible in the hope of afterwards discovering correlations in the database that lead to profitable ventures. Google had, for instance, already amassed years of users' search data before it decided to leverage this asset as a means to sell targeted advertisement space. Though this practice of data extraction does not explicitly annul the proclamation of subjective rights, it surreptitiously dismantles some rights until they are nothing but incomprehensible ciphers on a piece of paper.

### *Private Property*

Whereas the outcome of English state-building was the foundation of private property in embodied labour, the regime of accumulation in digital capitalism has decoupled labour from ownership (see Christophers 2020; Moulier Boutang 2011; Srnicek 2017). Even in Marx's days, it still made sense to argue that labour was the basis of property. Though workers themselves were deprived of ownership over the products of their labour, capitalists coordinated the labour of the working class to increase their own private property. It was by producing commodities with human embodied labour-power and selling these commodities for profit that entrepreneurs acquired ownership over capital. Physical work had to be done in

order to sustain the regime of private property. In the age of digital platforms, on the contrary, capital does not originate in the labour of the working class, but in owning the platforms on which non-commodified social activities take place. Facebook, for instance, does not “hire” users to create online content on its behalf to subsequently sell this content as commodities. It rather invites people to conduct their everyday social affairs on the platform to subsequently extract data from these interactions and using this data to rent out advertisement space to other companies. Even labour platforms like Uber or Deliveroo do not regard their workers as employees but rather as users who generate data these companies can privatize. Private property is hence no longer based in human labour, but in the legal regimes that underlie the private extraction of data. Privately owned digital platforms repeat the colonial gesture of declaring a piece of the social realm their private property and they subsequently lobby the government to legalize their proverbial landgrab.

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Given these profound changes to today’s political economy, one can read Epstein’s *The Birth of the State* as a testament to the twilight of the modern state. She describes the emergence of a government apparatus that is now slowly reaching its point of exhaustion. The modern political order founded on the embodied relation between subjects and the state is now steadily morphing into something different. This does not mean the state or the subject have vanished, but they are being rearticulated in a tripartite order joined by digital corporations. The latter are not mere media through which the state can control embodied subjects. They frequently have the resources to overpower states and impose their own objectives on the subject-state relation. When governments cannot afford public healthcare but business owners can travel to space, when government intelligence services need Google to provide intelligence data in exchange for the deregulation of the technology sector, when proxy wars are conducted by trolling elections online, one can no longer afford to approach politics in an exclusively analog manner. Relations of power, knowledge, and capital accumulation flexibly

move between digital and non-digital spaces. Epstein's book provides a valuable contribution to the understanding of where the starting point of this new state regime came from. Where this development is going is still hidden in the fog of war.

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*Tim Christiaens*  
*Department of Philosophy*  
*Tilburg University*  
*t.christiaens@tilburguniversity.edu*

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