

# The Modern State in Comparative Inquiry

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## Abstract

Norwegian macro-oriented Social Scientist Stein Rokkan often argued for the relevance of comparative historical inquiry. What can comparative longitudinal analyses of the state teach? The term “state” is core in politics. When do states appear on the real stage? My assessment is that F. Fukuyama’s *The Origins of Political Order* (Fukuyama, 2014) attempts to demolish the established perspective. I believe that he is incorrect.

## Keywords

Political Authority, Modern State, Tribalism, Fukuyama, Max Weber, Myths and Tales, Law, Hayek

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## 1. Introduction

Confronted with massive historical research, the social sciences may look for patterns, similarities and differences.

The book by F. Fukuyama on the origins of political order (Fukuyama, 2012, 2014) is fascinating. Neither the functionalists nor the system theorists could introduce a tenable theory of political development. The conceptual difficulties as well as the early political events in mankind’s trajectory were too hard to grasp. Development theories tend to give rise to philosophical issues about trends and causes.

Politics tend to change fast. Is there one direction to be distilled? Does development over time move toward some fundamental outcomes, like the modern state?

## 2. Religion and Tribalism

The modern state is secular, a set of structures and functions we call government and administration. The separation between state and church has not been implemented in all countries.

Fukuyama writes that prophet Mohammed laid the ground or foundation for

an *Arab* state. But who was this Mohammed and the 4 right guided caliphs? Perhaps this traditional view is not more than a fairytale like the biblical tales? The traditional story about the rise of Islam is not secured by either objective evidence or historical method.

Fukuyama repeats the theory that religion banded Arab tribes together in the huge conquests from Spain to India. Yet, Fukuyama bypasses the lethal tribal conflict at the core of Islam: between Sunnis and Shias. And the Koran is the constitution of several Moslem countries.

### 2.1. Qin State First?

A modern state existed already in the Qin dynasty 221-207 before Christ, Fukuyama argues. Was it really a state and not merely a dominant dynasty? To Fukuyama the opposite to the state is tribal chiefdom, and political development is the state replacing tribalism. Yet, the empires in Euphrates and the Nile were neither states nor tribal chiefdoms. Nevertheless, these dynasties accomplished much, as the Han dynasty (Gize, Luxor, Babylon and Nineve).

### 2.2. Hinduism

If China created the first modern state in human history, then India was first Government with rule of law. To Fukuyama, the Mughal emperors were constrained by the tribalism of the caste system. Yet, the religions of India delivered *virtuosi*, who were experts on *inner-worldly asceticism*, which has nothing to do with rule of *Right Reason*.

### 2.3. Pali Myths

Buddhism favoured empires or better emperors, but hardly states. It replaced Hinduism in many places only to be radically pursued by Islam, destroying many Hindu temples and Buddhist shrines and monasteries—oriental despotism. The myths about the Buddha were created several hundred years after he achieved *Nirvana*.

### 2.4. Veda Texts

Reading the Veda Tales, one is certainly in an imaginary world of Weber 1—political fighting—and not in a real world of Weber 2.

Buddhism was linked to dynastic empires, being favoured by India's Northern rulers. When spreading out to East Asia and Southeast Asia, it became oriental despotism. Islam wiped it out of India almost entirely. I have no doubt that France after 1815, Germany after 1870 and Great Britain after 1707 all fulfill the Weber concept 2. Perhaps one could also mention Sweden after 1721, but state formation was late in the rest of the world.

Of course, there was political organisation elsewhere, in Africa and the Americas—type Weber 1. They had other cultures including customs, gods, and myths to bolster the regime.

### 3. Philosophical Approaches

#### 3.1. Ex Ante Modern State

The human condition *ex ante* the state is analysed by Fukuyama as either stateless anarchy or tribalism. They are, however, not the same. We do not know how people lived before the first great civilisations emerged in Mesopotamia and Indus Valley. The periods up to the first town *Uruk* are hidden, despite lots of new findings in archaeology and genetics. The humans who went from hunter-gatherers to farming were probably organised in tribes (the *Yamnaya* people for instance), but it was hardly what Hobbes, Locke and Rousseau imagined as the state of nature *ex ante* state.

The movements of people over Eurasia wouldn't have been possible unless there was some *order* in the tribes or among them—tribal federation. A stateless society is not necessarily an anarchy: *omnium bellum contra omnes*. The Huns challenged Rome and the Goths conquered lots of territory, sacking Rome like the Vandals—no doubt confederations of tribes in cooperation.

#### 3.2. Autocracy

Hobbes did not invent the concept of the state, as he is the secular theorist of absolute monarchy. He places all competences with one person—*absolutism*.

Fukuyama claims that Hobbes and Locke are not so different. This is the opposite of the truth. Their concepts of law are wide apart in basic legal theory: merely the *command* of the sovereign (Hobbes) against *Right Reason* (Locke).

#### 3.3. Weber's Approach

Fukuyama goes on to claim the existence of a state in the Chinese dynasties as well as in the various Caliphates and the Ottoman empire. They would fulfill the Weber properties of a modern state. Really?

Let us quote from Weber directly:

The “ruling organization” will be called “political” insofar as its existence and order is continuously safeguarded within a given territorial area by the threat and application of physical force on the part of the administrative staff (Weber, 1978). A compulsory political organization with continuous operations (politischer Anstaltshetrieb) will be called a “state” insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order (Weber, 1978: p. 54).

The emphasis here is upon:

- Continuity;
- Organisation of administration;
- Delineated territory;
- Control of *legitimate* employment of physical force

The Caliphates fought each other until the caliph lost all power, to be replaced by *Sultanism*. The Ottoman Empire was characterized by *palace* politics, also to found in China, where uproars and invasions destabilized the polity (Finer, 1997).

### 3.4. Hayek's Neoliberal State

When analysing rule of law, Fukuyama unfortunately employs F. Hayek's model of law against legislation.

For Hayek "*law*" means custom or convention, whereas "legislation" stands for enactments. Often customs originated with tribes, which is what Fukuyama wants to overcome (Hayek, 1960)!

The Hayek distinction has little relevance. Constitutional law may result from legislation—e.g. The 1949 Basic Law in Germany—or legislation added to the constitution as amendments (the USA). Legislation is a *sine qua non* in post-modern societies (Hayek, 1973).

### 3.5. Swedish Constitution

Hayek's distinction is to be found in the debate about the Swedish constitution, lasting 150 years. On the one hand, it was seen as a copy of the French 1791 constitution. On the other hand, this was rejected with a theory that it was *Law*, or the summary of Swedish customs and tribal laws (Lagerroth, 1915).

There were lots of *law* in Western Europe, but only through codification did they have constitutional consequences. Law and legislation goes together, sometimes supporting codification sometimes changing customs and habits (Roberts, 1966).

## 4. Sociological Institutionalism

Fukuyama wants to overcome Marx and Weber by moving the analysis of the state back into the dissolution of the tribal society. The insights of other German scholars about the fuzziness of the modern state are neglected, showing that there once were other political organisations than the state (Meinecke, 1924; Brunner et al., 1992; Hintze, 1975; Kantorovicz, 1961).

Weber's taxonomy of regimes is still useful. It is his famous analysis of the origins of capitalism that needs revision and not his regime theory. The legacy of the Presbyterians is *rule of law*, not the market economy. The key person is *soci-nian* John Locke.

The rise of capitalism is now pushed back in time and includes oriental endeavors like Arab, Indian and Malay merchants. Porcelain was an *industry* in China.

Orientalism is not absent with Weber—see his writing about Islam as a religion of *warriors*. But the Occident harbours the ideal stereotypes: feudal society, state and rule of law.

The concept of political development is value-loaded. But anarchists like Noam Chomsky would not cherish the state. Rule of law is praiseworthy as in Occidental constitutional democracy—the End of political development?

I would connect a Chinese state with communist monopoly control of legitimate use of force, in accordance with Socialist Law. And in India, with monopoly over Common Law rules of physical violence including e.g. *Habeas corpus*,

with time after partition disregarding the Sikh slaughter when Indira Gandhi was killed. Unfortunately a country like Myanmar still has no state. As a matter of fact following international law one would date the modern state to 1648 with the Treaty of Westphalia.

## 5. Belief and Fact: “Axial” Misnomer

The idea of a state is obliquely specified when Fukuyama speaks of an Arab state and the catholic church around 1200 as a state. Presumably what is at stake is the governance of the Caliphate and Canon Law—religious institutions.

One must distinguish between ideals and facts. The Catholic Church never fully implement Canon Law, neither yesterday nor today. That scholastic teaching could result in the “*Entzauberung der Welt*” is one of Fukuyama’s fallacies about *modern state* genesis.

One may compare with the so called *axial* theory that draws enormous implications of religion or ethics. Professor B. Wittrock (2012) writes:

“The Axial Age denotes a series of profound cultural transformations that occurred in some of the major civilizations of the Eastern Mediterranean, the Near East, and South and East Asia in the centuries around the middle of the first millennium bce. The term was coined by Karl Jaspers in a small book, *Vom Ursprung und Ziel der Geschichte*, which appeared in 1949. Jaspers, who at the time had played an important role, together with Alfred Weber and others, in trying to reconstitute the University of Heidelberg after the end of Nazi rule, erroneously believed he was using a term from Hegel’s lectures on the philosophy of history. His objective, however, was not to reenact a version of Hegelian historicism. Instead the book, like Friedrich Meinecke’s *Die deutsche Katastrophe* (1946), was an effort to rethink the intellectual legacy of Europe against the background of the complete human and cultural catastrophe of totalitarian rule, war, and the Holocaust. It was not an effort to abandon historical reasoning but rather to search for an understanding of history that did not take the Europe an experience as the self-evident vantage point or the Christian idea of the birth of Jesus Christ as the only important turning point in history. Perhaps one might read Jaspers’ book as one of the first efforts by a leading Europe an philosopher and intellectual to decenter our understanding of history and to prepare the stage for a view of history as a set of analogous quests within different civilizations that had hitherto been regarded in isolation from each other or as involved in conflict-ridden contestation. When historians today write about cultural encounters and entangled histories, they seem to owe a debt of gratitude to Jaspers’ early contribution”.

As a matter of fact, I do not know what events around 500 BC are referred to here. When we consult the Wikipedia entry on “axial age” it becomes much clearer:

“Is a term coined by German philosopher Karl Jaspers in the sense of a “pi-

votal age”, characterizing the period of ancient history from about the 8<sup>th</sup> to the 3<sup>rd</sup> century BCE” (Wikipedia).

Yet, the axial age theory is hardly science, especially when developed into a theory of the genesis of world religiosity by K. Armstrong (2007).

The following speaks against any axial age:

1) The existence and teachings are not secured by objective evidence or reliable historical sources from Laoze, Confucius, Zarathustra, the Buddha, Socrates or Jesus.

2) The most important idea in political philosophy falls outside of the axial age, namely the rule of law. It separates open and closed countries. And the originator was none other than Cicero (2009), the most underestimated thinker in the Western world.

3) Religion handles variously the human question of salvation, invoking magic buttressed by stories about charismatic personalities like Moses and Muhammed, resulting in legends and myths, if one extends the arbitrary time span of the “axial age” (800 - 200 BC).

## 6. Conclusion

The Chinese dynasties should be compared with dynasties on the Nile or the Tigris. It could arguably be relevant to include the sultanates and Mogul or Mughal emperors, or those of Moscow.

Astonishingly, Fukuyama has little to say about the longest lasting political order: Rome: SPQR.

## Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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