



A CRITIQUE OF FUKUYAMA'S THEORY OF THE STATE

Jan-Erik Lane

Professor Emeritus with University of Geneva, Switzerland

janeklane@gmail.com

Abstract

The aim of this paper is to argue that the F. Fukuyama's revision of Weber's "Herrschaft" model is erroneous. His book 'The Origins of Political Order' attempts in vain to demolish the established perspective on the state. The concern of the paper is these findings: opaque separation between state and political domination, lack of historical evidence about oriental political structures and superficial use of the political economy of Hobbes, Locke and Hayek.

Keywords: Political authority, state, tribalism, Fukuyama, Max Weber, myths and tales, law and Hayek, Axial Age myth

INTRODUCTION

The book by F. Fukuyama on the origins of political order is fascinating. Neither the functionalists nor the system theorists could introduce a tenable theory of political development. The underlying difficulties of the concept as well as early political events in mankind's trajectory were too hard to grasp. Development theories tend to give rise to philosophical issues, whereas politics tend to change fast. Is there one direction to be distilled: i.e. development over time toward some fundamental outcomes?

From Tribalism

Fukuyama writes that prophet Mohammed lay 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 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.

Ex Ante

Human Records

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 the 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.

Autocracy

Hobbes does 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, once again clearly incorrect. Their concepts of law are wide apart in basic legal theory : merely the command of the sovereign (Hobbes) against Right Reason (Locke).

Qin State?

A 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 first replacing the second. Yet, the empires in Euphrates and the Nile were neither states nor tribal chiefdoms, although they accomplished much, or even more, like the Han dynasty (Gize, Luxor, Babylon and Nineve).

Hinduism

If China created the first state in human history, then India was first with rule of law. To Fukuyama, the Mughal invaders 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.

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. The myths about the Buddha were created several hundred years after he “went” to Nirvana.

Fukuyama goes on to find 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 state, is this accurate?

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 (Weber1). 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 (Weber2). (Weber, 1978: 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).

Veda

Reading the Veda Tales, one is certainly in an imaginary world of Weber1 – political fighting - and not in a real world of Weber2.

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. Only in Burma is Buddhism today a source of democracy.

I have no doubt that France after 1815, Germany after 1970 and Great Britain after 1707 fulfill the Weber concept, perhaps one could also mention Sweden after 1721. But state formation was late in the rest of the world.

Tribes And Empires

Of course, there was political organisation elsewhere, in Africa and the Americas – type Weber1. They had other cultures: customs and gods, myths to bolster the regime.

Hayek's 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!

The Hayek distinction has little relevance. Constitutional law may result from legislation – the 1949 Basic Law in Germany - or legislation may add to the constitution as amendments – the USA. Legislation is a sine qua non in post-modern societies.

1809 Swedish Constitution

Hayek' 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, and 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 first with codification did they have constitutional consequences. Law and legislation goes together, sometimes supporting codification sometimes changing customs and habits.

Fuzziness Of State

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 state are neglected, showing that there once were other political organisations than the state (Meinecke, Brunner, Hintze).

DISCUSSION

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 consensus for government of the Caliphate and Canon Law – religious institutions. One may compare with the so called axial theory that draws enormous implications of religion or ethics. Professor B. Wittrock 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 re-think 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 European 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 more clear: Axial Age (also Axis Age,[1] from German: Achsenzeit) is a term coined by German philosopher Karl Jaspers in the sense of a "pivotal age", characterizing the period of ancient history from about the 8th to the 3rd century BCE.

During this period, according to Jaspers' concept, new ways of thinking appeared in Persia, India, China and the Greco-Roman world in religion and philosophy, in a striking parallel development, without any obvious direct cultural contact between all of the participating Eurasian cultures. Jaspers identified key thinkers from this age who had a profound influence on

future philosophies and religions, and identified characteristics common to each area from which those thinkers emerged.

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

The following speaks against any axial age:

1. The existence and teachings are not secured by objective evidence or reliable historical sources for Laozi, Confucius, Zarathustra, the Buddha, Socrates and 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, 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). The notion of an axial age is a figment of imagination.

CONCLUSION

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 socinian 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-TYPES: feudal society, state and rule of law.

The concept of political development is value-loaded. But anarchists like N. Chomsky would not cherish the state. Rule of law is praiseworthy like 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. Unfortunately Myanmar still has no State.

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