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THE DEVELOPMENT OF THE MODERN STATE

A Sociological Introduction

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Stanford University Press
stanford, California
1978

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© 1978 by the Board of Trustees of the
Leland Stanford Junior University
Printed in the United States of America
1SBN 0-8047-0959-9
LC 77-76148

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To Tom Burns, who deserves better

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Acknowledgments

I AM grateful to my colleagues Tom Burns, Tony Giddens, David Holloway, Michael Mann, Pierangelo Schiera, and Harrison White for their comments on and criticisms of previous versions of sections of this book. Special thanks are due to Professor Janos Bak of the Department of History at the University of British Columbia for attempting to save me from my worst mistakes in Chapters 2 and 3; if in my ignorance I have at some points frustrated that attempt, I apologize to him.

On the home front, I am once more much indebted to my wife Pat and our child Maria for the invaluable assistance they have lent to my work on this book.

Preface

Sociologists in Western countries have of late become more and more concerned with various problems relating centrally to the notion of the state. One such problem is to identify the state's basic structural features, and the range and significance of their variations over time or from country to country. Another is to understand causes, modalities, and effects of the state's apparently ever-increasing involvement in all manner of societal affairs. Still another is to assess the causes and effects of the state's policies, its relations to other institutional complexes and to various international forces and agencies.

Until very recently, such themes were mostly considered foreign, or at best peripheral, to sociology's domain. This was so for at least three reasons.¹ First, sociology had arisen in societies where an institutional distinction between the "political" and the properly "social" realm was widely taken for granted; by electing the latter as its area of concern, sociology in effect chose to ignore the political realm, which was of course centered around the state. Second, in societies like the United States and Britain, where the state and civil society were not as explicitly distinguished, sociologists had largely defined their mission as exploring the humbler, more spontaneous, down-to-earth—often hidden and unsavory aspects of social life. Their interest was in latent as against manifest forces and processes, informal as against formal arrangements, "natural" as against "planned" institutions, the underside as against the official and conspicuous side of society. Such concerns necessarily turned their attention away from an institutional complex as visible and official as the state. Finally, in most Western countries sociology had to contend for acceptance as an academic discipline against such established and respected disciplines as political philosophy, constitutional law, and political science. When it came to defining domains, the state, being central to these other disciplines, was "off limits" to sociology.

Given this background, sociology today cannot draw from its own tradition enough of what it needs to come to grips with the problem of the state. Of the greater sociologists, only Max Weber made political phenomena, and signally the state, a central theme of his work. Yet he did not live to write his "sociology of the state"; his writings on the subject are mostly essays or were left in draft form; and most sociologists, however mistakenly, consider the typology of legitimate domination his main contribution to the sociological study of politics.²

Another great sociologist with strong and weighty views on the state was of course Karl Marx; and we owe much of the current literature on the state (in sociology as well as in other social sciences) to students who appeal primarily to Marx for their inspiration.³ Though it draws at various points on Marxian insights, this book emphatically is not intended as a contribution to that literature. For one thing, the texts of Marx (and Engels) that directly address political phenomena, and the state in particular, are not that many and often deal with specific and highly contingent issues of policy; and I prefer to leave the collation of and commentary upon such texts to expert Marxologists.⁴ Furthermore, the current effort to bring the Marxian "critique of political economy" to bear on the policies of contemporary Western states, valuable as it is, is of limited help to sociologists seeking in the first place an understanding of the nature and origins of the state.

Marx and Engels took such problems largely for granted; and so did and do most of their followers. Their concern is not with the

state's institutional features or with political processes per se, but with how, if at all, state power affects the class struggle, capital accumulation and expansion, and the struggles over the world market. Such issues may well be weightier than those that concern us in this book. But the latter appear to me significant not only in view of the task of constructing a sociology of the state, but also in view of that of developing a radical, "debunking" critique of the uses to which state power is put today. After all, I submit, the first duty of an iconoclast is to know his icons.

The Marxists' tendency to discuss political structures only from the perspective (however enlightening in itself) of the "critique of political economy" has had some unfortunate pragmatic consequences for political movements appealing to Marx as their chief inspiration. But even leaving these aside, sociologists intending to remedy their discipline's traditional lack of concern with the state should not seek help exclusively or in the first place within the Marxian tradition. Where, then, are they to turn?

There are various alternatives, of which this book explores only one. I have chosen to discuss the main phases in the development of the modern state up to the nineteenth century, after which I have summarily considered some later changes in the relation of the state to society. My focus is exclusively on the evolution of the state's internal institutional arrangements—not on the policies of states, how those policies affect other social structures, or how they have contributed to the emergence of separate national societies. I have drawn chiefly on two bodies of literature: the history of Western political institutions and, to a lesser extent, constitutional law.

Further, I have relied almost exclusively on Continental works, and in particular on publications in German. I have favored German (and Austrian and Swiss) writers for several reasons. One is that they more frequently write in general terms and from a comparative perspective, instead of dealing exclusively with this or that individual variant of a given institutional development. Another and related reason is that German works contribute more

often and more explicitly to the kind of conceptual argument that I am interested in conducting. A third reason is that in German works the history of political institutions and their juridical analysis are more often seen as interrelated.

A limitation of my approach is that it does not consider the developments in political theory and ideology that accompanied the formation of the modern state.⁵ It has no room for Marsilius of Padua, Locke, or Hegel, or for the interaction between their thought and the politics of their time. That interaction is itself of the greatest historical interest, and I regret having no room for it in the conception of this book.⁶

Finally, the organization of my argument as a sequence of typological constructs puts it at variance with a properly historical account. From the continuity and diversity of the historical process are extracted a few highly abstract models, each treated as a closer approximation of the nineteenth-century constitutional state, which I consider the most mature embodiment of the "the modern state." I have chosen this approach, with its obvious liabilities, as a compromise between a full-fledged historical analysis, in which a welter of individual variants and transitional conditions would obscure the distinctiveness and unity of inspiration of each successive model, and the kind of overly generalized treatment (to be discussed briefly at the end of the first chapter) that would view the last thousand years in Western political history as the inevitable unfolding of a universal evolutionary model. Naturally, the ideal types I employ should not be treated as explanatory devices in their own right. Rather, they conceptualize changing patterns of accommodation between the contrasting interests of groups that themselves change and that constitute the ultimate protagonists of the historical process. Thus the model states I describe are introduced to make the process more intelligible; they do not themselves account for it.

My choices of theme, approach, and sources could easily be contrasted with alternatives I have forgone. I have no doubt that sociologists concerned with the state could benefit, in particular, from exploring the contributions of other disciplines, such as anthropology, economics (including the Marxian critique of political economy), and political science. But I myself have made no effort to draw on any of these disciplines. I find anthropology boring. I do not understand economics. As for political science, over the last thirty years or so it seems to me to have gone to incredible lengths in order to *forget* the state; and among those political scientists of whom this is not true, a majority are probably committed to the Marxist approach(es) that I have chosen not to adopt.

As against these alternatives, I find the history of political institutions congenial, indeed at times outright fascinating, especially the best German writings in the field. As for constitutional law, which can be quite as boring as anthropology and nearly as difficult as economics, I have learned to avoid the less rewarding writers and concentrate on those who are themselves sociologically or historically informed, and whose concern with juridical analysis aids rather than impedes their grasp of larger political structures.

Whatever this combination of emphases and aversions may in the end be worth, it should at least fill serious gaps in the interests and information of many sociologists, and at best provide a handy framework for a coherent account of the secular process by which, from beginnings in the ninth century, rule over vast Western territories came to be exercised within and by the institutional complex we call the modern state. The big question for sociologists is of course that of gaining a clearer understanding of the workings of the state in contemporary societies. This small exercise is intended only as a prolegomenon to that large and difficult task.

G.P.

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CHAPTER I

Introduction: The Business of Rule

THE MODERN STATE is perhaps best seen as a complex set of institutional arrangements for rule operating through the continuous and regulated activities of individuals acting as occupants of offices. The state, as the sum total of such offices, reserves to itself the business of rule over a territorially bounded society; it monopolizes, in law and as far as possible in fact, all faculties and facilities pertaining to that business. And in principle it attends exclusively to that same business, as perceived in the light of its own particular interests and rules of conduct.

But what is the business of rule? The modern state is a set of institutional arrangements for doing what? Those questions are the concern of this chapter. In its title I have used the expression "rule," as I shall do throughout the book (if rarely in this chapter), because it suitably conveys the asymmetrical nature of the social relations to which it refers, and because it points to the giving and obeying of commands as the everyday substance of those relations. An alternative and more frequent formulation of our questions employs the expressions "politics" or "political." Thus we might ask what is the nature of politics? Or, perhaps, what is political business all about?

In this chapter we shall consider two significant, and significantly different, definitions of the nature of politics. One derives from a discussion of the problem put forward in the 1950's by the Ameri-

can political scientist David Easton. The other was formulated in the 1920's by the redoubtable German legal theorist and right-wing political ideologist Carl Schmitt.¹

Politics as Allocation

The two formulations differ, to begin with, in the imagery of social life that serves them as backdrop. Easton's discussion² projects a view of the social process as a continuous flow of diverse activities by which a limited number of valuable objects are transferred to and from interacting individuals whose primary interest is in appropriating and enjoying such objects. The objects may range from physical goods to abstractions like power and the right to deference. Further, the allocation process is not a random one. If social life is to have any pattern and continuity, the process must be to a considerable extent institutionalized. It must produce or validate the assignment to certain individuals of certain objects, disvalued as well as valued.

Let us consider three basic ways of structuring this allocation process, of making it relatively predictable and stable. One is *custom*: a universally or widely shared understanding according to which valued or disvalued things rightfully pertain to certain people or positions. ("A title on the door rates a Bigelow on the floor.") Another is *exchange*: a transaction whereby one party relinquishes a valued object to another party in return for some other valued object. ("You pays your money and you takes your choice.") A third is *command*: a mechanism by which valued objects are allocated on somebody's say-so. ("I'm the boss here.")

Easton construes the whole realm of politics as related to this last modality: allocation by command. In his view, within a given interaction context you have "politics" insofar as at least some value allocations take place otherwise than by custom or exchange. Typically, customary allocations reflect consensus among all participants, not submission to someone's individual will. Typically also, parties to an exchange are equal; they agree with rather than

submit to one another. Political allocations, by contrast, necessarily involve the submission of one party to another's will.

Yet since the objects in question are valued and scarce, political allocations cannot rest exclusively on someone's will. Effective allocations can take place only when commands are binding: that is, when my submission to a command does not depend on my spontaneous goodwill or indifference but is enforceable against my opposition. The giver of the command must be able to back up his say-so with sanctions, typically punishment for noncompliance rather than reward for compliance.

Politics, then, deals with the allocation and handling of a resource (the ability to issue enforceable, sanctioned commands) that in turn can be used for making further allocations of other valued objects. If politics be so understood, it follows that it is an unglamorous, mundane business, working out its allocations in bits and pieces everywhere. Yet we feel intuitively that politics is instead a significant, momentous order of social business, involving major actors and taking place at the very center of society. Easton undertakes to reconcile these views by stipulating that not just any command-based allocation can be considered political-only those that take place within relatively broad and durable social contexts with broadly defined constituencies. A father's commands, the rulings of a club's chairman, or even the decisions of a corporation's executive are not properly political. Memberships in local groupings are very often voluntary; and voluntary or not, they can often be surrendered by a disaffected member without serious loss to himself. But such groupings in turn form part of a much wider one, one in which membership cannot be easily surrendered or dispensed with.

Let us call this comprehensive grouping, which typically is territorially bounded, "society." Then Easton would apply the term "political" only to those command-based allocations whose effects are directly or indirectly valid for society as a whole. So understood, political business involves particularly visible, multifaceted,