

**THE MISPLACED WESTPHALIAN MOMENT: MAPPING MODERN  
STATEHOOD**

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Prepared for delivery at the 2008 Annual Meeting of the American Political  
Science Association  
August 28-31, 2008  
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**ABSTRACT**

Recent questioning of the natural or inevitable emergence of the territorial state has obscured the institutional innovations of the nation-state. The nation-state represents a substantial variation in unit design within the international system, one that is only remotely related to the early modern state. The institutional format of the nation-state, which emerged during the long century from 1750 to 1870, had four constituents. Two external dimensions, precise border delimitation and jurisdictional congruence, produced a novel territorial regime. Two internal innovations, administrative homogeneity and direct rule, represent a strengthening of state capabilities and a radically new bargain between ruler and ruled. The club of nation-states was initially one of restricted entry: polities outside the "civilized" states of Europe and the Americas found it more difficult to satisfy the expectations of statehood in the new era. Expanding colonial empires reflected the older institutions of the early modern state rather than the new institutional design. Two explanations are advanced for the nation-state: a demand for institutions of conflict avoidance among states and increasing mobility of populations within and between enlarged economic spaces. The role of nationalism, however, is demoted: the nation-state was more likely to create nationalism than to be created by it.

## **THE MISPLACED WESTPHALIAN MOMENT: MAPPING MODERN STATEHOOD\***

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Welcome questioning of the natural or inevitable emergence of the territorial state has had one unfortunate consequence: the contemporary nation-state has become identified too easily as a direct descendant of its early modern ancestor. The air of inevitability that once hung about the Westphalian system of territorial states now obscures the institutional innovations of the nation-state. Modern statehood has also suffered from its association with nationalism. Throughout an enormous scholarly literature, nationalism is too often portrayed as an irresistible social force, one that simply adapts (or adapts to) the Westphalian state and the state system that it produced. To obtain the contemporary nation-state, begin with one (European) territorial state and simply add nationalism. The nation-state as a unit in global politics in its own right becomes a minor theme in the march of democracy and nationalism, a thin political overlay to the main story line.

In contrast to its conventional treatment, the nation-state represents a substantial variation in unit design within the international system and an institutional template that now dominates both the normative and physical space

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\* The author thanks Benjamin Graham for his research assistance. The Center for Advanced Study in the Behavioral Sciences at Stanford University provided valuable support for this research.

of the global system. In the counter-argument presented here, the too-easy equation of the early modern state system with the contemporary nation-state system is challenged. The moment at which the modern (nation)-state emerged is misplaced; the portrayal of those political units is blurred. Examined more closely, the early modern state appears as a remote ancestor of contemporary nation-states, enjoying neither untrammelled sovereignty within and without nor a territorial space that matched modern practice.

After questioning the seamless history that links the early modern state with the nation-state, the institutional format of the nation-state is presented. Two external dimensions, precise border delimitation and jurisdictional congruence, constitute a novel territorial regime. Two internal innovations, administrative homogeneity and direct rule, represent a strengthening of state capabilities and a radically new bargain between rulers and ruled. At the same time, the nation-state club was initially one of restricted entry: polities outside the "civilized" states of Europe and the Americas found it more difficult to satisfy the expectations of statehood in the new era. Expanding colonial empires reflected the older institutions of the early modern state rather than the new institutional design.

Finally, a tentative effort is made to explain the appearance and spread of this new institutional form. The institutional bundle that defines the nation-state emerged incrementally over more than a century, beginning before the French Revolution; its spatial spread was uneven until the latter half of the

twentieth century. Two explanations are advanced for the nation-state. Both demand for institutions of conflict avoidance and increasing mobility of populations within and between enlarged economic spaces were implicated in the institutional design of the nation-state. The role of nationalism, however, is demoted: the nation-state was more likely to create nationalism than to be created by it.

### **The nation-state as a new unit in world politics**

Evolutionary accounts of the sovereign territorial state have emphasized its success in competition with city-states and city-leagues, alternative modes of organization in late medieval Europe.<sup>1</sup> Any remaining inevitability in the apparent success of the territorial state vis-à-vis its competitors has been usefully eliminated. At the same time, the extent of the early modern state's success has been exaggerated. Andreas Osiander notes that the supposed triumph of sovereign states against the hegemonic ambitions of the Habsburg (Holy Roman) Empire does not match the historical record of the Thirty Years War or the Westphalian peace that concluded it. Contemporary anti-Habsburg propaganda, filtered through the later preconceptions of a world dominated by nation-states, produced a Westphalian world that would not, in fact, exist until several centuries later.<sup>2</sup> Until its demise in 1806, the Holy Roman Empire, an early and distinctive international institution, continued to play a significant role in the politics of central Europe.

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<sup>1</sup> Tilly 1990, Spruyt 1994.

<sup>2</sup> Osiander 2001, 264.

In addition to empire, other competitors of the territorial state also persisted after its supposed Westphalian victory. Although, Italian city-states could not rival the military resources of the territorial state, some became mini-states themselves. In central Europe, only the Napoleonic Wars and subsequent peace treaties radically reduced the number of small polities.<sup>3</sup> As late as the nineteenth century, the German Confederation contained four members that were historic city-states.<sup>4</sup> Competition among units of different types persisted for centuries after the appearance of the modern territorial state in Western Europe.

More important for the arguments presented here, the early modern state was a barely recognizable ancestor of the contemporary nation-state. Borders were set by the extent of a ruler's jurisdiction over subordinate units and their inhabitants, a feature that was often contested and imprecise. Although sovereignty has often been taken to mean exclusive jurisdiction within the territorial boundaries of a state, the prerogatives and policies of the other states often infiltrated the domain of the early territorial state. Internally, a composite state contained entrenched constitutions and conventions that sharply circumscribed its rule, introducing a large measure of administrative heterogeneity. Finally, the reach of the state rarely extended directly to its subjects: local intermediaries and notables were the receptacles of delegated

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<sup>3</sup> From a membership of more than 300 in the Holy Roman Empire to 39 in the German Confederation.

<sup>4</sup> Bremen, Frankfurt, Lübeck, and Hamburg.

authority and often wielded that authority with little attention to the aims of the state. This fragmented, variegated unit with blurred boundaries and limited capacity (apart from its military capacity) would only assume more familiar contemporary outlines after its transformation into the nation-state.

The nation-state has seldom been viewed as a new unit in world politics, one whose dimensions set it apart from the early modern state. Anthony Giddens, for example, recognizes the distance between the absolutist state of early modern Europe and the nation-state, the "pre-eminent power container of the modern era."<sup>5</sup> The precise dimensions (the "set of institutional forms of governance") of the nation-state remain unclear, however. Although Giddens asks why the nation-state has come to dominate political and social space since the nineteenth century, he explains that dominance through underlying social changes, particularly industrialism and urbanism.<sup>6</sup> Michael Mann's magisterial account of the emergence of the modern state offers emerging classes and nations as the actors that influenced the institutions of the modern state. He documents no sharp break in institutional configuration with the appearance of the nation-state, emphasizing instead variation over time in the fiscal weight of the state, as it became more "civilian" during the nineteenth century.<sup>7</sup>

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<sup>5</sup> Giddens 1985, 120.

<sup>6</sup> *Ibid.*, 172. Later, Giddens seems to attribute in a tautologous manner the dominance of the nation-state as a bundle of institutions with the very attributes of the nation-state itself (255-256).

<sup>7</sup> Mann 1993, 394-395.

Despite their concentration on the state as central to our definition of modernity, these sociological accounts rely largely on other social forces to explain the emergence of the state. Tracing a single trajectory for the emergence of the nation-state lends an air of functional inevitability to its history. Paths not taken that might have produced a different institutional outcome are not investigated. Nor, despite the eventual universality of the nation-state template, do Giddens and Mann devote much attention to the world outside Europe and North America. The paradox of nation-states that deploy imperial forms of rule in their relations with the non-Western world is not explored. The timing of the nation-state's eventual adoption outside Europe is treated as a peripheral question in what is essentially a Western narrative.

In the following sections a four-part morphology of the nation-state emphasizes its unique status as a unit in global politics. In offering this guide to the architecture of the nation-state, its lack of fit with many self-designated nation-states is acknowledged. One aim of this investigation is an understanding of the later embrace of this bundle of institutions by elites who do not govern "a compact and sovereign nation-state animated by a distinct and singular populace."<sup>8</sup> Nevertheless, these features of a particular political unit that began to take shape in the late eighteenth century capture the novel characteristics of modern statehood. In contrast to other accounts of the nation-state, it is the

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<sup>8</sup> Geertz 2004, 584.

definition of this peculiar unit—its state-ness—that assumes the central position, not the nation that it contains, and often creates.

*The nation-state as territorial regime and institutional template*

The central features of the nation-state comprise both external and internal dimensions of unit variation, governing both relations among rulers and relations of rulers to their populations. The first, external features represent a new territorial regime, distinct from those that had preceded the nation-state. A territorial regime is the set of norms, institutions, and practices associated with a particular form of territorial governance.<sup>9</sup> It allows the investigation of variation over time in the forms of territorial rule, a central and under-researched dimension of unit variation.<sup>10</sup> Two principal dimensions of a territorial regime are *border delimitation* and *jurisdictional congruence*. The former encompasses the precision and permanence of the means by which political units separate themselves from other units. Jurisdictional congruence measures the degree to which exclusive political authority across policy domains coincides with those boundaries; in other words, does a ruler's jurisdiction (and only that ruler's jurisdiction) coincide with defined territorial limits?

The territorial regime of the nation-state differed from earlier territorial regimes on both dimensions. Unit boundaries became increasingly precise: for the first time, borders became lines, demarcated on the ground and delimited

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<sup>9</sup> The concept of territorial regime is developed in Kahler 2006.

<sup>10</sup> Kratochwil 1986

with considerable precision in international agreements. Particularly after 1945, those borders became increasingly permanent and resistant to change.

Boundaries often changed when larger polities, such as empires, disappeared. In those cases, internal administrative boundaries were increasingly accepted as new international boundaries, even though such boundaries were often less precise than the international limits that they replaced.

Even more striking, the nation-state asserted—and could enforce for the first time—jurisdictional congruence with those precise territorial boundaries. The extent of rule, at least among the club of nation-states in Europe and North America, extended to national boundaries and no further. Policy intrusions by other governments, whether circulation of another national currency or acceptance of dual nationality—declined in importance. Territoriality circumscribed legal jurisdiction and other aspects of rule. This tight association of territory and rule served to alleviate the risk of conflict and, over time, to reduce the exit options for citizens. Jurisdictional congruence served as the foundation for an implicit cartel among recognized nation-states, despite their frequent conflicts.

Closely linked with these two features of the new territorial regime were two revisions in the internal hierarchy that had characterized the early modern state. The nation-state marked the end of the composite state, heterogeneous administrative arrangements that awarded different legal systems

and political privileges to the components of a state.<sup>11</sup> Heterogeneity was usually based on the contracts of incorporation, whether by treaty, conquest, or marriage, by which states had expanded over time. This haphazard amalgamation was replaced in the nation-state by *administrative homogeneity*, a leveling and rationalization of internal administrative divisions often coupled with centralization in state functions at the national level.

Jurisdictional congruence and administrative homogeneity served to support the fourth innovation of the nation-state: *direct rule*, a new bargain between ruler and ruled, with the latter now transformed into citizens. Direct rule implied an end to the delegation of political authority to intermediaries who were not representatives of the state. It also constituted a new model for the contract between the state and its population. Despite the continuing power of localism (and local political authority), the state—through conscription, taxation, and education—reached much deeper into society. It was now able to influence the lives of its citizens in ways that presaged the far greater intrusions of the twentieth century.

Finally, this four-part architecture of the nation-state—precise border delimitation, jurisdictional congruence, administrative homogeneity, and direct rule—was accompanied by a redefinition of the state system that narrowed the boundaries of recognized statehood. As the nation-state template began to harden, Europeans and North Americans were less willing to accept non-

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<sup>11</sup> Elliott 1992.

European polities as their equals or even their like. A new society of “civilized” states, one that excluded nearly all non-Western societies from full membership, paralleled the emergent boundaries of the nation-state.

In the following sections, a more detailed discussion is provided for each constituent of the nation-state’s morphology. The break that the nation-state represented with its immediate ancestor, the sovereign territorial state of early modern Europe, is emphasized: a new unit in international politics was emerging during the decades from 1750 to 1870. If human history had been dominated by empires before 1000 A. D. and had witnessed a proliferation of institutional forms after 1200 A. D., its most recent century would be dominated by the nation-state.

### **Boundaries and the construction of a new territorial regime**

Territorial delimitation of political rule long preceded the modern territorial state.<sup>12</sup> In contrast to modern understandings of territoriality, however, in which precise boundaries set the limits of rule, political domains were separated by frontiers, ill-defined zones in which one ruler’s domain faded into that of another.<sup>13</sup> The territorial order in Southeast Asia, composed of “mandala” states, exemplified one traditional system of territorial delimitation.<sup>14</sup> Before European imperial intrusion forced change in the territorial regime, Siam

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<sup>12</sup> Kratochwil 1986.

<sup>13</sup> Edmund Leach (1960) labeled these “zones of mutual interest.”

<sup>14</sup> Wolters 1982.

(Thailand), like most Southeast Asian polities, was a kingdom “composed of political-territorial patches with a lot of blank space in between.”<sup>15</sup> The domain of the king extended only so far as his power could be exercised. In similar fashion, traditional African kingdoms simply faded away as political power diminished with distance from the center. More remote subjects (and their polities) exercised greater autonomy.<sup>16</sup> In the absence of maps and clear demarcation, medieval Europe presented a similar picture of indeterminate rule and frontier zones.<sup>17</sup>

The early modern state in Europe has been portrayed as a sharp break with earlier territorial regimes and with the territoriality of its major competitors.<sup>18</sup> Although the sovereign territorial state did recognize territorial bounds, in contrast to the universalist claims of papacy or empire, the practices of territorial rule in early modern Europe resembled those of feudal predecessors more than the territorial regime of the nation-state. A key technological innovation offered a basis for new conceptions of territoriality: cartography, which was based on improved methods of surveying. In the two centuries before 1600, maps were more widely circulated and were increasingly employed in state administration.<sup>19</sup> Even with the assistance of these admittedly crude

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<sup>15</sup> Winichakul 1994, 75

<sup>16</sup> Prescott 1987, 51-54; Herbst 2000

<sup>17</sup> Pounds 1990, 119

<sup>18</sup> Spruyt 1994.

<sup>19</sup> Buisseret 1992a, 1. The deployment of cartography moved broadly from west to east (and south) in Europe. Under the Austrian Habsburgs, for example, cartography enabled for the first time a conception of the realm as a “unified, centrally administered

maps, however, early modern European monarchies represented a variant of territoriality distant from the modern nation-state. Sovereignty was defined by *jurisdictions*, a cumulation of diverse domains subject to different forms of hierarchy that were joined with (and sometimes overlapped with) other jurisdictions created directly by the monarchy. (This administrative variety created the composite state described below.) As a result, even in France under the pre-Revolutionary monarchy, “the kingdom was not a coherent territorial entity consistently ‘bounded’ in a linear sense.”<sup>20</sup>

In such a cognitive and political universe, borders between states were “at once fluid and firm.”<sup>21</sup> They could be described more readily in words than displayed on maps, and they were seldom demarcated on the ground.<sup>22</sup> Treaties in the seventeenth century rarely indicated territorial boundaries in their principal clauses and made no provision for demarcation of new or altered borders as part of the territorial settlement.<sup>23</sup> The early modern state was bounded, but those boundaries remained vague and based on the accumulated limits of jurisdictions that were themselves defined in words (or local usages) that, by later standards, were imprecise.

*The new territorial dispensation of the nation-state: institutions and delimitation*

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territorial configuration” (Vann 1992, 153). This shift occurred later than it had in Western Europe.

<sup>20</sup> Sahlins 1990, 1427.

<sup>21</sup> Evans 1992, 481.

<sup>22</sup> Konvitz 1987, 32.

<sup>23</sup> Sahlins 1989, 28-29; Curzon 1908.

The new regime of border delimitation was defined by an outcome and by the institutions, domestic and international, that produced that outcome. For the first time, boundaries between political units could be defined precisely as a line. Rather than being determined by pre-existing, and often vague, inherited jurisdictions, boundaries between states were delimited and then demarcated (traced physically on the ground).<sup>24</sup> One consequence was a gradual end to frontiers as zones of sovereign ambiguity: there was no longer space between the limits of one domain and another, as had often been the case in other territorial regimes. Borders became limits on “the domain of absolute sovereignty” over populations and territory. (Jones 1945, 12) The process of rendering increasingly precise territorial limits began in Europe and spread, through processes of international competition and colonial expansion, to the rest of the world. Delimitation reached an endpoint in the Paris Convention (signed 13 October 1919, entered into force 11 July 1922), which granted each power “complete and exclusive sovereignty over the airspace above its territory.”<sup>25</sup>

The outlines of a new territorial regime appeared well before the French Revolution, during the era of enlightened absolutism in Europe; the

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<sup>24</sup> Jones (1945, 5) proposed four stages in boundary formation that could overlap and could be separated by years: a political decision on allocation, agreed delimitation of the new boundary in a treaty, demarcation of the boundary on the territory in question (for example, through the placement of boundary stones), and administration of the boundary over time.

<sup>25</sup> Prescott 1987. This award of sovereignty was confirmed in the 1944 Chicago Convention on Civil Aviation, which also established an airspace upper bound that became the starting point for outer space.

association of the new territoriality with nationalism and national identity was at first tenuous. *Ancien régime* France led the way in promoting new precision in its territorial boundaries. During the eighteenth century, France was a leader in advancing the techniques of cartography and in creating new national institutions that could map the monarchy's limits. The crowning achievement of this era was the National Map Survey, directed by the Cassini family from 1681 until the French Revolution. France also developed national institutions, military in origin, which trained skilled cartographers.<sup>26</sup> Although Britain lagged behind temporarily, British cartography made significant advances in the late eighteenth century, and a similar range of supportive national institutions were created.<sup>27</sup> Sophisticated cartography also became an important tool for absolutist states in central and eastern Europe. The Habsburgs, facing territorial loss at the hands of Prussia and territorial gain from the Ottoman Empire, determined to create a bordered territorial domain from their realm, which had been the paragon of jurisdictionally defined boundaries. Their ambitious mapping of the empire, commissioned in 1764, furthered its transformation from "a collection of dynastic possessions" into a territorially delimited state.<sup>28</sup> Mapmaking became good

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<sup>26</sup> The first was the *École d'Artillerie* (founded in 1720). The other institutions that promoted these skills were the *École des Ponts et Chaussées* (created in 1747), *École Royale Militaire* (founded in 1751), and, for surveying, *Ponts et Chaussées* (1747) and the *École du Génie* (1748). (Konvitz 1987, 21; Pedley 2005)

<sup>27</sup> Royal Military Academy (1741) and the Ordnance Survey (1791). (Woodward 1978, 192)

<sup>28</sup> Vann 1992, 162-3.

business for private entrepreneurs.<sup>29</sup> The enterprise was even more critical for the modernizing state, a source of power and prestige that drove competition in the improvement of surveying and cartographic techniques.

The internal and external extension of mapping by absolutist monarchies paralleled new interstate practices and institutions for territorial agreement and conflict prevention. Under the older model of vaguely defined boundaries and extensive frontier zones, states could unilaterally set their boundaries, if military power permitted it. Under the new regime, increasing precision pointed to growing conflict between states if boundaries were not agreed and codified. Pre-Revolutionary France, once again, led the way in a series of bilateral treaties to delimit and demarcate its boundaries with neighboring states, a process that extended into the nineteenth century. Precision infiltrated wider state practice: Before 1715, the use of maps in treaty preparation was unusual; by 1789, the use of maps in diplomacy was routine.<sup>30</sup> The French program of treaty-making also established the practice of creating border commissions as instruments of boundary demarcation. Those institutions, which had become commonplace by the mid-nineteenth-century, are often delegated authority to vary the negotiated boundary line in order to ease administration and identification of the boundary.<sup>31</sup>

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<sup>29</sup> On the private market in maps, stimulated in part by demand for surveys of private land, see Pedley 2005, 5; Petto 2007.

<sup>30</sup> Konvitz 1987, 33.

<sup>31</sup> The degree of delegated authority varied from commission to commission. In some cases, "complete definition" was given in the boundary treaty and surveyors simply

Bilateral treaties to resolve territorial disputes and delimit boundaries were soon supplemented by multilateral instruments and congresses that also mandated greater territorial precision. Demand for the new practices increased following the French Revolutionary and Napoleonic Wars. The treaties of Paris in 1814 and 1815 formally mandated that France and neighboring countries delimit and demarcate their national territories. Later in the century, the Congress of Berlin (1878) prescribed a major division of the territories of the Ottoman Empire in Europe, delegating precise delimitation to three commissions whose membership was drawn from the European powers.<sup>32</sup> Another international institution for settling borders, the plebiscite, was introduced in the nineteenth century, one that reflected both the attachment of nationhood to territory and the spread of democratic legitimacy. A plebiscite for Schleswig-Holstein was incorporated in the Austrian-Prussian Treaty of 1866 (although it was not held until decades later).<sup>33</sup>

International law soon reflected the new state practices regarding territoriality, setting new normative standards that encouraged negotiation of precise boundaries. In their treatises on international law, Christian von Wolff and Emerich de Vattel emphasized the importance of settled and clear borders as measures to prevent conflict. An international legal consensus on the maritime

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reproduced that line; in others, surveyors were granted the power to vary the line, often by a set distance. (Prescott 1987, 73, Jones 1945 58). For an account of the binational boundary commission that demarcated the U.S.-Mexican border, see Rebert 2001.

<sup>32</sup> Sahlins 1989, 238; Prescott 1987, 179.

<sup>33</sup> Prescott 189

limits of territorial rule illustrated the progress of norms of delimitation and demarcation. In 1760, coincident with cartographic and boundary-setting innovations, an older, contested limit to territorial waters (a cannon-shot) was replaced with the more precise three-mile limit.<sup>34</sup> Acceptance of the new norm was widespread: an American diplomat could claim in 1864 that “no other rule than the three miles rule was known or recognized as a principle of international law.”<sup>35</sup>

From Europe, the new practices, norms, and institutions of border delimitation spread through processes of diffusion, emulation, and competition. Ex-colonies, such as Mexico, retained cartographic institutions that were deployed to map and survey new nations.<sup>36</sup> Societies defending their autonomy against colonial encroachment quickly imitated European territorial practices as in order to preserve their national domains. Thailand faced British pressure on its borders in the west and French demands from Indochina in the east. British prodding to delimit a border with Upper Burma produced a dialogue of the deaf: “border” simply had a different meaning for the two parties. For the Thai monarchy, boundaries signified “areas, districts, or frontiers, not boundary

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<sup>34</sup> Ken 1954.

<sup>35</sup> Prescott 1987, 137.

<sup>36</sup> The Mexican Society of Geography and Statistics (founded 1833) organized one nation-defining project, a mapping of the national territory that resembled the Cassini surveys of France in the previous century. (Rebert 2001, 17-18)

lines"; they were "an extremity without a clear-cut edge and without the sense of division between two powers."<sup>37</sup>

Recurrent threats from France eventually spurred the acceptance of new institutions and practices by Thailand, however. A Royal Survey Department was founded in 1885; modern cartography became part of the Thai state's portfolio, just as it had in Europe. Mapping of the national territory occurred in tandem with an extension of the national administration into border regions disputed by France, a move that imitated the administrative homogenization of European states.<sup>38</sup> In similar fashion, Russian expansion into northeast Asia forced Japan to delimit its northern border for the first time.<sup>39</sup> The rapid drawing of international boundaries between colonial empires in the late 19th century, as well as the final settlement of many boundaries in North and South America, meant that the new territorial regime had become widely accepted. Even remote corners of empire saw surveying teams whose handiwork continues to influence the territorial identities of post-colonial states.<sup>40</sup>

The new territorial regime had won acceptance (or been imposed) throughout the world by the early twentieth century. Boundaries, lines that delimited sovereignties, were increasingly demarcated physically and served to organize both economic exchange and national political life. Nationalism filled, but did not create, the delimited space of the nation-state, however. Just as

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<sup>37</sup> Winichakul 1994, 75.

<sup>38</sup> *Ibid.*, 119-120.

<sup>39</sup> Batten 1999.

<sup>40</sup> Burnett 2000.

pre-revolutionary France had led in the negotiated settlement of its boundaries, revolutionary and Napoleonic France created a national territory, filling its new territorial regime with the content of a particular identity. The new territoriality, however, had preceded nationality; the possible disjunction between the two would become evident in the following century.

***Jurisdictional congruence: building state monopolies in an era of liberalism***

A second feature of the nation-state reinforced precise territorial delimitation: an assertion of exclusive rule over populations within the newly bordered space. National policy domains increasingly excluded any trace of other sovereigns, whether competing claims over nationals or circulation of foreign currencies. Among the dominant states of North America and Europe, borders matched the policy domains of sovereigns. Jurisdictional congruence also strengthened a domestic feature of the new state model: direct rule, which established a new model of relations between ruler and ruled. Jurisdictional congruence, like other features of the nation-state template, was initially restricted to the sphere of coequal sovereigns in Europe and North America. Outside that space, assertions of extraterritoriality persisted, embodied in such formal agreements as the unequal treaties between East Asian states and Western powers. Within the European or Atlantic state system, however, an acceptance of bounded territorial rule and the right of other sovereigns to

exclude conflicting jurisdictional claims was accepted as a foundation for peaceful relations among states.

### *The fading of dual nationality*

Precise border delimitation took place over decades; establishing congruence of national policy domains with newly delimited borders also occurred gradually. As had been the case for border delimitation, change in practice was reflected initially in national policies and bilateral agreements rather than multilateral consensus. A central domain of sovereignty, often in uneasy association with territorial rule, is nationality, the link (in the eyes of international law) between a state and the individuals who reside in it. One legal criterion of statehood is a permanent population (its nationals); nationality in turn can only be granted by states.<sup>41</sup> Although nationality and citizenship are near-equivalents in contemporary liberal democracies, the two did not always coincide, and their definitions are distinct: nationality describes the relationship between an individual and a state, a relationship recognized by international law; citizenship concerns rights (particularly political rights) that an individual possesses under municipal (domestic) law.<sup>42</sup>

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<sup>41</sup> The Montevideo Convention on the Rights and Duties of States (1933, entered into force 1934) includes, among the legal criteria for statehood, "permanent population" and "defined territory." The template for statehood in this convention reflects a historical moment when the nation-state model had hardened.

<sup>42</sup> Boll 2007, 2, 58-59. In other words, all citizens are nationals of a state, but not all nationals are citizens. (Agrawala and Rao 1990, 66; Boll 2007, 71) Notably, slaves in the United States and elsewhere before emancipation were nationals, but not citizens.

Although the fact of nationality is central to international law, no international regime governs its assignment: each state is permitted to establish its own rules of nationality.<sup>43</sup> That reserved power on the part of states can produce conflicting claims of nationality. Such conflicts were unusual in early modern Europe, where the roots of nationality lay, not in modern conceptions of national identity, but in feudal ties that linked individuals to territories.<sup>44</sup> Subjects were regarded as resources in this mercantilist view; where their sentiments might lie were “of an import equivalent to the sentiments of allegiance on the part of, say, cannonballs.”<sup>45</sup> Relative immobility among largely agrarian populations was a second curb on conflict over nationality claims. As cross-border (and particularly trans-Atlantic) migration accelerated in the late eighteenth century, different principles for awarding and claiming nationality were more likely to clash. In particular, Britain’s retention of the older view of its subjects, as (military) resources that could not expatriate, conflicted with the aim of its ex-colony, the United States, to naturalize its new nationals. The British doctrine of “perpetual allegiance” and its practice of impressing American (in U.S. eyes) sailors into naval service was one precipitant of the War of 1812.<sup>46</sup>

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In the contemporary United Kingdom, certain categories of nationality are separated from rights of citizenship and rights of residence. (Boll 2007, 77)

<sup>43</sup> Spiro 1997.

<sup>44</sup> Boll 2007, 66-67.

<sup>45</sup> Spiro 1997, 1422.

<sup>46</sup> Spain imitated the British position on expatriation toward its own ex-colonies in Latin America, until it recognized their independence in 1836. (Boll 2007, 187)

A resolution of these conflicting claims of nationality only occurred in the mid-nineteenth century, through bilateral means (much like border delimitation) and in response to the growing power of the United States. Persistent disputes between the United States and European powers—with Britain over Fenians who pursued Irish nationalist ends through violent means, with Prussia over conscription of United States nationals—produced a political response in the United States. Through the Expatriation Act (1868), Congress conferred on all naturalized citizens of the United States the right to receive diplomatic protection.<sup>47</sup> Facing the possibility of persistent and deepening international conflict, the United States and those great powers with conflicting nationality practices negotiated the Bancroft treaties, which established common rules for recognition of expatriation by nationals.<sup>48</sup> Great Britain also recognized the right of its nationals to expatriate in the Naturalization Act of 1870.<sup>49</sup>

Dual nationality also declined as a source of interstate conflict because of the growing coincidence of citizenship and nationality in the late nineteenth century. Sahlins, for example, argues that a “citizenship revolution” in France culminated with the Nationality Law of 1889 and the adoption of *jus soli* (a territorial principle) for granting French citizenship.<sup>50</sup> The Fourteenth

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<sup>47</sup> Bar-Yaacov 1961, 146-149, Boll 2007 184-185

<sup>48</sup> The treaties were concluded with German states (1868), Scandinavian states (1868), Austria-Hungary (1870), and Great Britain (1870). Those with the German states, for example, recognized the expatriation of nationals who had become naturalized citizens of the other party and resided uninterruptedly within its territory for five years. (Bar-Yaacov 1961, 164-67)

<sup>49</sup> Bar-Yaacov 1961, 164-165.

<sup>50</sup> Sahlins 2004, 314.

Amendment to the Constitution of the United States, granting citizenship to all (including ex-slaves) on the same basis marked a similar passage in another nineteenth-century democracy.<sup>51</sup> The tightening bonds of citizenship, part of the new contract that direct rule created between governments and their subjects, made dual nationality appear to ardent nationalists as a “self-evident absurdity” (in the words of Theodore Roosevelt).

At the same time, many national governments moved unilaterally, through administrative rules and legislation, to force an end to dual nationality. Bilateral treaties and domestic legislation succeeded in reducing, if not eliminating, conflict in this central domain of national jurisdiction. Imitation of European practice also spread to non-Western regimes, such as the Qing dynasty in China.<sup>52</sup> The degree to which this clear trend against dual nationality hardened into an international consensus remains controversial.<sup>53</sup> The Hague Convention (1930) appeared to provide multilateral support for the abolition of multiple nationality and statelessness. Despite the Convention’s claim that every person should have “one nationality only”, however, its confirmation that each state could determine its own nationals in effect guaranteed that dual nationals

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<sup>51</sup> The principle of *jus soli* was tested in successive Supreme Court decisions. Key was *United States v. Wong Kim Ark*, which established, with few exceptions, the principle of *jus soli* as the basis for United States citizenship.

<sup>52</sup> As colonial powers asserted their nationality claims over the Chinese diaspora and Chinese sought foreign nationality in extraterritorial enclaves, the Chinese empire was moved to enact domestic legislation (1909) that confirmed Chinese nationality and diplomatic protection over its subjects. (Chiu 1990)

<sup>53</sup> Compare, for example, Bar-Yaacov 1961, p. 4, who claims a “widely held opinion” that dual nationality is “undesirable phenomenon” detrimental to interstate comity and individual well-being with Boll 2007, p. 21, who argues, even in this era, for “a nuanced spectrum of attitudes toward multiple nationality.” See also Spiro 1997, 1432-1434.

were likely to persist.<sup>54</sup> A hardening of the congruence between nationality and territory was promoted by a new definition of nationality. Bar-Yaacov, echoing the prevailing view in international law and state practice at the midpoint of the last century, claims that nationality requires an active relationship with the nation-state, implying “not only strictly defined legal obligations, such as the performance of military service, but also the loyalty and devotion of the individual.”<sup>55</sup> The era of the passive subject, a national whose sovereign asked and granted little, was clearly past.

#### *The rise of exclusive national currencies*

The creation of exclusive national currencies was a second indicator of growing jurisdictional congruence in the late nineteenth and twentieth centuries. Although territorial currencies, produced by sovereigns, were a characteristic of state building in early modern Europe, those currencies faced important competition from local currencies that were not official (but were used in economic transactions by rural and poor populations), and from foreign currencies, which circulated freely beside domestic currencies. In France, coins and currencies from the pre-Revolutionary era continued to circulate, competing with the franc (created in 1803) “almost to the time of its first devaluation in the 1920s.”<sup>56</sup> Circulation of unofficial currencies continued despite repeated official

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<sup>54</sup> Boll 2007, 194-195; Spiro 1997, 1449-1450

<sup>55</sup> Bar-Yaacov 1961, 263.

<sup>56</sup> Weber 1976, 33.

efforts to prohibit their use. Official national currencies, which were seldom standardized, were squeezed between these competitors well into the nineteenth century, even among the industrializing states of Europe and North America.<sup>57</sup>

As Eric Helleiner describes, national governments developed both the means and the motives to impose jurisdictional congruence on territorial currencies in the late nineteenth century. Technological advances, like earlier innovations in surveying and cartography, permitted manufacture of credible, standardized national currencies for the first time in large quantities. Governments were also able for the first time to sanction and reward their citizens in ways that encouraged exclusive adoption of the national currency. Because of greater policing capacity, related to the new technologies of direct rule, legal tender laws and prohibitions on counterfeiting could be enforced.<sup>58</sup> Just as governments standardized and enforced the use of a single national language, nation-states also made national currencies, and only national currencies, acceptable for public transactions. As the reach of the state and the obligations of its citizens grew, that ban on alternative currencies grew in importance.

New competitors to exclusive national currencies, such as regional monetary unions (supranational) and free banking (private), faded as the nation-state assumed a greater role in national economic management during the first

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<sup>57</sup> Helleiner 2003, 21-31.

<sup>58</sup> *Ibid.*, 43-46, Gilbert and Helleiner 1999, 5

decades of the twentieth century.<sup>59</sup> By 1914, the same states that led in border delimitation and establishing exclusive nationalities-- Western Europe, the United States, and Japan--had also created currencies that enjoyed national territorial monopolies. For other states, the project of constructing jurisdictional congruence in this policy domain extended into the middle decades of the twentieth century.

Jurisdictional congruence demonstrates clear linkage among the four institutional constituents of the nation-state. Without precise border delimitation, policy domains could not be clearly specified. Administrative homogeneity and direct rule provided essential means for enforcing congruence, by extending sovereign power within the nation-state and creating new instruments for influencing the behavior of nationals. Jurisdictional congruence in the domain of nationality offered in turn a clear-cut definition of the subjects of state power and insured that another sovereign could not legally lay claim to their loyalties or impose its own dictates on their behavior.

***Administrative homogeneity: the end of the composite state***

The new territorial regime of the nation-state and its dimensions of border delimitation and jurisdictional congruence were accompanied by two domestic innovations that reinforced these features of interstate relations. The first of these, administrative homogeneity, imposed a new uniformity on internal

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<sup>59</sup> Helleiner 2003, 140-162

territorial demarcation and institutions of rule. In place of the confusing conglomeration of jurisdictions characteristic of the composite state in early modern Europe, the nation-state reordered its administrative apparatus to award the same constitutional and political status to each jurisdiction. The second innovation, direct rule, accompanied this reordering and was strengthened by it: equality of status on the part of citizens depended on the legal equality of subnational jurisdictions in which those citizens resided.

*The composite state as sovereign*

The Westphalian image of the early modern state emphasizes a unitary sovereign, unique governor of a territorial domain. The divergence between the early modern state and the nation-state in their external dimensions has been documented: the more precise delimitation and demarcation of borders by the nation-state and its assertion (and enforcement) of exclusive jurisdictional congruence. Internally as well, the early modern state exercised a peculiar form of sovereignty, one that was hedged by the constitutional heterogeneity of its domain. These states were "constitutional composites," consisting of "more than one country under the sovereignty of one ruler."<sup>60</sup> Territorial expansion, whether by warfare or marriage, had brought with it an accretion of territories with distinctive political and legal regimes that were often fiercely defended.<sup>61</sup>

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<sup>60</sup> Elliott 1992, 51; Koenigsberger 1986a.

<sup>61</sup> Elliott (1992, 52-53) notes the categories of that era, which outlined two distinct paths to union, "accessory" union, in which the new unit was treated juridically in the same

Dynastic loyalty was regarded as more important than enforcing a common juridical frame on a constitutional patchwork.

Military competition induced moves toward internal centralization and administrative uniformity in the late 17th and early 18th century. Despite these modest innovations, the composite character of the early modern state remained. The Catalans in Spain retained most of their distinctive legislation. Great Britain, often presented as the model of the modernizing warfare state, permitted Scotland to retain its distinctive religious, legal, and educational institutions after the Act of Union in 1707. Although parliamentary sovereignty was nominally absolute throughout the British domains (including its overseas colonies in North America), that sovereignty confronted “a consortium of realms and provinces, many of which maintained a substantial measure of local autonomy.”<sup>62</sup> Despite repeated efforts at reform, fiscal fragmentation persisted in absolutist France: because of past bargains struck with individual provinces, the tax burden was not uniform across French territory.<sup>63</sup> Survival of the medieval estates in some provinces (*pays d'états*) forced a negotiated fiscal outcome on the monarchy. Richard Bonney calculates that, had this fiscal regime been extended to all of France, the country's military campaigns in the

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manner as other parts of the sovereign's domain and *aeque principaliter* in which new territories would be “treated as distinct entities, preserving their own laws, *fueros*, and privileges.”

<sup>62</sup> Gould 1999, 481-482.

<sup>63</sup> For example, when Brittany was incorporated into France in the late fifteenth century, Charles VIII reduced its fiscal burden in a concession to its nobility. Under the Peace of the Pyrenees (1659), Roussillon was guaranteed its ancient privileges (with fiscal implications). (Bonney 1999, 156)

sixteenth and seventeenth centuries could not have been sustained.<sup>64</sup>

Predictably, institutional fragmentation reached its extreme in central Europe, where localism created significant barriers to economic exchange: Bavaria in the eighteenth century had nearly 500 toll stations; Baden had 65 dry measures and 112 standards of length as late as 1810.<sup>65</sup>

### *Administrative homogeneity and the nation-state*

Administrative reconstruction and rationalization began in the decades before the French Revolution, in parallel with changes in the territorial regime. Composite states presented an obstacle to absolutist extension of intervention in national economies. They also exacerbated the fiscal consequences of persistent warfare. Cartographic advances could serve fiscal rationalization through cadastral surveys that permitted a more equitable distribution of direct taxes on land.<sup>66</sup> Cartographic innovations also pointed toward a future in which internal territorial space was uniform, no longer reflecting the unevenness of history. In 1780 Robert de Hesselin, a geographer at the *École militaire*, proposed that France be divided into nine regions, each in the shape of a square, with further subdivisions of similar proportions within those (and even smaller ones within those). This radical plan influenced the outlines of the new administrative

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<sup>64</sup> Bonney 1999, 157.

<sup>65</sup> Evans 1992, 483.

<sup>66</sup> Before the Revolution, cadastral surveys were pursued piecemeal in individual provinces; a national cadastral survey was ruled out because of its cost. (Bonney 1999, 158)

system designed by Abbé Sieyès in 1790, which aimed to create “uniform application of law and administration throughout the nation” and to prevent regional separatism.<sup>67</sup> The National Assembly finally adopted new *départements* of less rigidly geometric (and equal) proportions, overturning longstanding provincial and regional boundaries. Jurisdictional congruence within national boundaries was matched by internal administrative homogeneity: each *département* served all of the dimensions of state sovereignty in the same way.<sup>68</sup>

In other parts of Europe, such rationalization took longer, if it occurred at all. Central and eastern Europe after the Napoleonic Wars presents a challenge to claims that the nation-state and its homogenous internal space were inevitable outcomes of political modernization and industrialization. Older jurisdictions survived within the consolidated territorial states that emerged from the Napoleonic Wars.<sup>69</sup> New forms of composite states were created. As Robert C. Binkley describes in his classic account, experiments in “federative polities” flourished in central Europe in the mid-nineteenth century. As rulers of older composite states grappled with democratic and nationalist demands, they created new forms of association, whether the Tsarist experiments with regimes of autonomy in Poland and Finland or the attempted federal reorganization of the Habsburg domains in 1860.<sup>70</sup> These efforts suggest institutional paths not

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<sup>67</sup> Konvitz 1990, 4-6.

<sup>68</sup> Sahlins 1989, 168-169.

<sup>69</sup> Evans 1992, 493. For example, eight Thuringian duchies survived until 1920.

<sup>70</sup> Binkley 1935, 181-261.

taken, alternative institutional formats that were later overtaken by the nation-state template.

Perhaps the most ambitious and long-lived experiment was the German Confederation (*Deutsche Bund*), successor to the Holy Roman Empire and Napoleon's Confederation of the Rhine. The Confederation grouped 39 states in a loose association, in line with the preferences of Habsburg Austria. Its central institution, the Diet was designed as "a permanent congress of diplomatic representatives," rather than a federal assembly.<sup>71</sup> The Confederation provided an alternative to the nation-state for creating a common economic space, particularly when rapidly industrializing Prussia moved to build a unified customs zone.

Prussia itself, despite its popular image as a streamlined and efficient administration, remained a composite state in the first half of the nineteenth century. It lacked a unified legal system and uniform institutions of local government. Because of its territorial gains after Napoleon's defeat, the state was "less juridically homogeneous in 1840 than it had been in 1813."<sup>72</sup> Even the "unification" of Germany under the imperial constitution of 1871 extended the composite nature of this, one of the most powerful states of Europe. As Clark notes, the constitution of the German Reich "was not so much a constitution in the traditional sense as a *treaty* among the sovereign territories that had agreed

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<sup>71</sup> Clark 2006, 389.

<sup>72</sup> *Ibid.*, 427.

to form the German Empire."<sup>73</sup> The composite state persisted, not only in Germany and Prussia, often taken as the exemplars of the new nation-state, but also in other continental empires--Austria-Hungary, Russia, the Ottoman Empire—that found it difficult to create an administratively homogeneous realm.

Outside Europe, the pressures of war and threats from imperial powers induced administrative homogenization that sometimes exceeded the pace of European states. The United States was in one respect a pioneer, like France, in such homogeneity: every state was created as constitutionally equivalent. New territories in the empire of settlement entered the union according to the same template. At the same time, the center exercised relatively little sway over its constituent units. The Philadelphian system of the early American republic "had a government but was not a state."<sup>74</sup> In this respect, the United States was a new model of composite state, one founded, not on diverse, inherited jurisdictions united by dynastic loyalties, but rather created by design. Civil war produced moves toward a more centralized federation, one whose internal homogeneity would be guaranteed by constitutional amendment and military victory. As had been the case in Europe, however, the establishment of administrative homogeneity stalled. The end of Reconstruction recognized a weaker national state apparatus (and continuing heterogeneity in Southern sectionalism). State building was limited to building a common national

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<sup>73</sup> *Ibid.*, 557. Only member states had the right to levy direct taxes; member states operated under their own constitutions and legislative institutions, and the larger states continued to receive foreign ambassadors.

<sup>74</sup> Deudney 1995, 207.

economic space, a program that required less internal uniformity so long as barriers to commerce were disallowed.<sup>75</sup>

Elsewhere, imperial encroachment produced rapid administrative modernization. The Thai monarchy moved to reform provincial administration in the 1880s and 1890s as a counter to territorial demands made by France. Reforms in the border regions, where establishing clear, Western-style lines of administrative authority was most urgent, were followed by a national regime of centralization and direct supervision by residents. Local autonomy was eroded, and the traditional political patchwork in Siam gave way to the homogeneous template of the nation-state. Local lords became salaried officials of the Siamese state, down to the level of village chiefs. The new subnational units were territorial, and central administration associated populations with territory for the first time through their clear identification as "Siamese" and by registration of households throughout the kingdom.<sup>76</sup> Registration by territorial location turned enabled direct rule, since it served as an instrument for tax collection and conscription.<sup>77</sup> The speed with which the Thai monarchy implemented these administrative changes suggests the power of the emerging nation-state template, the incentives for emulation (as a criterion for international recognition and an aid to national defense), and the differential ease with which pre-existing

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<sup>75</sup> Bensel 1990.

<sup>76</sup> Winichakul 1994, 102-103, 164-165.

<sup>77</sup> Vandergeest and Peluso 1995, 398-400.

political structures could be converted into administratively homogeneous territorial units.

### **Direct rule: intermediaries and public goods**

Direct rule incorporated two breaks with past systems of rule. On the one hand, direct rule affected the *modality* of rule: a gradual end to delegated rule by intermediaries who were not part of the state apparatus. Although delegation of authority was still required for a functioning state, the norm shifted toward delegation to salaried state employees. Those outside the state apparatus, particularly local notables in rural locales, and private actors, such as mercenaries, who contracted to provide services for the state, became less important in the core domains of nation-states. (Their role in colonial empires was less impaired.)

Direct rule also affected the *content* of rule: a different contract between ruler and ruled. The sovereign demanded more of the population that she governed, including a heavier tax burden, military service, and linguistic conformity. That population, in return, demanded more of the state: a minimal level of security, but also, beginning in the nineteenth century, a much wider menu of political goods, from education and infrastructure to pensions. This new bargain, which might be termed the citizenship contract, was related to an expansion of the franchise (democratization). It implied a much closer bond between rulers and ruled.

*The composite state and indirect rule*

Although the shift to direct rule was typically a gradual process, the outcome was starkly different from the relationship between ruler and ruled in the early modern state. The small size and limited capacity of those states is illustrated by that paragon of early modern statehood, Prussia. The centralization and extension of state authority in Prussia before the nineteenth century was both gradual and reversible. Although the Great Elector forged a modern administration independent of the nobility in the mid-seventeenth century, the nobility remained the dominant political force in rural areas, controlling taxation and electing the district governors.<sup>78</sup> His successors in the eighteenth century--Frederick William and Frederick the Great--transformed the nobility into servants of the state, but the state remained small, with a central administration of a few hundred individuals. The relationship between state and rural elites remained one of "cohabitation" rather than domination throughout the eighteenth century.<sup>79</sup> The early modern state was far from a "well-oiled machine capable of translating the monarch's will into action at every tier of social organization."<sup>80</sup>

The Prussian pattern of indirect rule for limited ends was replicated across Europe before the nation-state's appearance. The early modern state was, above all, a warfare state. The military revolution that accompanied the

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<sup>78</sup> Clark 2006, 62-63.

<sup>79</sup> *Ibid.*, 164, 114.

<sup>80</sup> *Ibid.*, 112-113.

emergence of the territorial state permitted logistical support for armies on an unprecedented scale. Military competition meant that the growing fiscal capacity of the state was devoted in large measure to military ends (75% of the French budget during the final wars of Louis XIV). Revenue shortfalls were supplemented with foreign loans, the sale of state assets, and simple confiscation.<sup>81</sup> These mighty military machines only began to resemble the disciplined armies and navies of contemporary nation-states in the eighteenth century, and then only in certain countries. Although the depredations of militaries on civilian populations declined as discipline improved, inadequate logistical support produced looting and exactions as late as the Seven Years' War.<sup>82</sup>

The warfare state of early modern Europe was also dependent on private agents who were delegated authority to use violence on behalf of the state.<sup>83</sup> Widespread use of mercenaries and privateers (private agents authorized to conduct naval warfare) as well as mercantile companies that spearheaded European expansion in Asia, Africa, and North America, demonstrated both an absence of jurisdictional congruence (foreign individuals and military units operated under the command of the sovereign) and the importance of indirect rule (private agents contracted with the state). These instruments of delegated authority confirmed a mismatch between the military

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<sup>81</sup> Parker 1988, 62.

<sup>82</sup> Clark 2006, 209; on the costs of warfare for the civilian population in early modern Europe, Ruff 2001, 52-66.

<sup>83</sup> Thomson 1994.

ambitions of European rulers, their growing fiscal capacity, and limited state capacity.

Mercenaries could be drawn from both private armies and contractors, such as the enormous enterprise built by Albrecht von Wallenstein during the Thirty Years' War, and from the armies of other states, such as those perennial suppliers of mercenaries, Switzerland and the smaller German states. The relationship of mercenaries with states was contractual and monetary, whether at the individual or collective level. Their importance in even powerful militaries of the early modern era was significant. During the era of Frederick the Great, Prussia devoted a large share of its resources to the military (like many of its competitors). Prussian manpower commitments did not match the scale of its military forces, however, since the largest share of Prussian forces were foreign mercenaries.<sup>84</sup> As a result, the actual weight of the military burden on the Prussian economy and society—apart from taxes—was less than Prussian military capabilities suggested.

The early modern state was certainly able to wage war, even if the instruments of war were often hired rather than owned. In other key sectors for provision of the public good of security, the limited capacity of the early modern state was manifest. Despite the decline in domestic violence in many European societies and efforts to extend the rule of law, the "justice sector" (police, courts,

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<sup>84</sup> 110,000 of the 195,000 troops in the Prussian military forces were foreign when Frederick the Great died. The 1.42% of the Prussian population that served in the military was close to the share found in European states in the last decades of the twentieth century. (Clark 2006, 306, 215)

and prisons) was decidedly underdeveloped until the late eighteenth century. Only France attempted to construct a national rural police, the *Maréchaussée*, and that force, on the eve of the French Revolution, numbered only 4,114 for the entire country.<sup>85</sup> In rural areas, where most of the population lived, local personnel untrained in the law typically staffed court systems. The legal system could punish (and it did, severely), but the state had little capacity, until the eighteenth century, to imprison.

Finally, the limited, indirect reach of the early modern state reflected aims were also limited, compared to the nation-state that succeeded it. *Ancien régime* monarchies seldom attempted to forge bonds of identity with their subjects. In amalgamating new acquisitions into their composite states, rulers aimed at elite consolidation in order to guarantee dynastic loyalty; rarely did they attempt more ambitious programs of nation building. At the Catalonian border between France and Spain, the French state imposed French as the language of law and administration, but it did not pursue a more intensive program of elite assimilation. As Sahlins notes, uniformity of administration was the main goal, not uniformity of culture, language, law, and religious practice."<sup>86</sup> Even less effort at assimilation was made on the Spanish side of the border. The British monarchy pursued a similar program of elite consolidation following the repression of the Jacobite rebellion in Scotland in 1745. The state administration and the military were opened to the Scottish, Welsh, and Irish aristocracy and

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<sup>85</sup> Ruff 2001, 88.

<sup>86</sup>Sahlins1989, 127.

gentry. Here, as in France, programs of amalgamation and assimilation in the interests of state building were largely limited to a narrow, landowning elite.<sup>87</sup>

*Direct rule, war making, and the nation-state*

Precise border delimitation, jurisdictional congruence, and administrative homogeneity, trends which began before the French Revolution, often pointed toward direct rule—the gradual replacement of private intermediaries by representatives of the state and the acceptance of a new contract for public goods provision and resource extraction on the part of ruler and ruled. More than two decades of protracted and intensive warfare after the French Revolution also spurred direct rule, even among suspicious counter-revolutionary elites. Although the early modern state was also a warfare state, the unprecedented scale and length of these wars prompted an initial wave of innovation in the technology of rule. Their longer run impact on direct rule should not be exaggerated, however; changes initiated during wartime emergency often took far longer to consolidate.

The wars of the French Revolution and their Napoleonic sequels forced governments to establish new means of extracting resources from their societies. Mobilized armies, far larger than the largest militaries of the *ancien régime*, are portrayed as the birthplace of two innovations of direct rule: mass armies that mobilized citizens with the appeal of nationalism and an end to the widespread

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<sup>87</sup>Colley 1992, 119-212.

use of mercenaries in European warfare. According to this view, the new French regime (and its imperial successor) increased the manpower extracted for military purposes through the *levée en masse*; military competition forced other states to follow suit.<sup>88</sup> The motivation and performance of mercenaries were simply no match for the patriotic commitment of the new national armies.<sup>89</sup> Even for states on the European periphery, such as Britain, the unprecedented demands of these wars produced change in the relationship between ruler and ruled. Expansion of the British Army (from 40,000 in 1789 to 250,000 in 1814) and Navy meant that the old system of manpower extraction--a mix of mercenaries, enlistees, and the victims of press gangs--no longer fulfilled the needs of competition with France. Despite elite fears of an armed population, innovations, such as those in civil defense, increased levels of popular mobilization and, at the same time, increased the government's capacity to influence its own population.<sup>90</sup>

Although this account of increasing military demands and movement toward direct rule captures certain changes that occurred during these decades of intense warfare, it oversimplifies the choices that governments confronted and attributes changes that occurred over a much longer period of time to the immediate demands of warfare. Mercenaries recruited from other European powers fit the new nation-state template poorly for several reasons: they were

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<sup>88</sup> Posen 1993.

<sup>89</sup> Avant 2000.

<sup>90</sup> Colley 1992, 286-87.

foreign (a violation of jurisdictional congruence); they were motivated by financial rather than ideological incentives; and they were often, though not always, private contractors with the state (which undermined direct rule).

Thomson emphasizes the last characteristic of mercenaries, claiming that sovereigns came to regard them as unreliable agents who could embroil the state in unwanted conflict with other states. Preventing enlistment in foreign armies, in such legislation as the Neutrality Acts of 1794 and 1818 (United States) and the Foreign Enlistment Act of 1819 (Britain), became an aim of municipal legislation during the first half of the nineteenth century. Many states did not pass such prohibitions until late in the nineteenth century or early in the twentieth, however, suggesting that the norm against mercenarism (defined in this fashion) was slow to emerge.<sup>91</sup> Privateers, who were nearly always nationals, did pose an issue of delegated authority but not jurisdictional congruence (they were more similar to deputized members of a posse than to mercenaries from another country). Nevertheless, the disappearance of privateers following the Declaration of Paris in 1856 owed more to Britain's efforts to curb a military instrument that could challenge its naval supremacy at low cost, particularly when deployed by a country with a large merchant navy, such as the United States.<sup>92</sup> Many mercenaries were not private individuals contracting to provide military service, however; they were entire units hired

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<sup>91</sup> Thomson 1994, 80-81

<sup>92</sup> Thomson 1994 notes that privateering was a "weapon of the weak," a feature that was clear in the rapidly changing United States position when the Confederacy began to deploy privateers during the Civil War. (73-76)

from the armies of other sovereigns. As described in the next section, mercenaries who were subject to state authority did not disappear: colonial armies assumed their functional position in the militaries of nation-states.

The other dimension of direct rule in war making—the use of nationalist ideology to forge military power on a new scale—has also been overdrawn. Volunteer forces, motivated by nationalist ideology, were often viewed as politically and militarily unreliable. Throughout the first half of the nineteenth century, nationalist mobilization, rather than serving as a model for other states, was just as often viewed as a threat. Even when facing enormous pressure from Napoleon, the Prussian elite (officer corps and monarchy) was decidedly hostile toward the idea of a war of national mobilization against the French. National militias, such as the French National Guard, were viewed as foci of resistance to authoritarian regimes during the nineteenth century.<sup>93</sup>

Conscription, the principal means for creating a mass army, represented a radical extension of the reach of the state and a new imposition of obligations on its citizens, another stage in the institution of direct rule's new bargain between state and citizens. However, even in France, the "early adopter" of conscription as a means of creating a mass army, conscription was at first seen "not as a duty owed to some larger community or nation, but as a heavy tribute exacted by an oppressive and alien state."<sup>94</sup> Such collective

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<sup>93</sup> In France the National Guard participated in every revolutionary uprising until its disbandment after the Paris Commune.

<sup>94</sup> Weber 1976, 295.

attitudes were documented by widespread draft evasion and desertion. The turning point in France seemed to come with the Franco-Prussian War (1870-71), when the war and later national educational reforms brought a greater sense of citizen ownership of the military—nearly a century after the nation’s first conscription.<sup>95</sup> Conscription was viewed with even more suspicion and political hostility in the Anglo-American world. Britain and its colonies only instituted conscription when the unprecedented demands of World War I rendered volunteer forces inadequate; in most of the colonies, its implementation was politically divisive.<sup>96</sup> Both the United States and the Confederacy implemented conscription during the Civil War, the only episode of conscription in North America before World War I.<sup>97</sup>

The uneven adoption of conscription before World War I suggests that military competition and war making contributed less to the formation of the nation-state, and particularly direct rule, than claimed by the familiar narrative of revolutionary nationalism. As a state practice, its eventual adoption by all major combatants in World War I could be attributed to the construction of the nation-state over the preceding century. It signaled both expanded administrative capacity on the part of the state (and its ability to sanction those who attempted to evade conscription) as well as a bond of loyalty between ruler and ruled that was relatively recent.

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<sup>95</sup> *Ibid.*

<sup>96</sup> Levi 1997.

<sup>97</sup> Bensel 1990, 135-39.

*Direct rule and the individual citizen*

Despite growing state capacity during the decades of nation-state formation, citizens at first enjoyed an increase in mobility, as the construction of a larger, national economic space stripped away older mercantilist restrictions on movement. Greater mobility, in turn, implied a need to document membership in the community, since residence no longer provided that determination. In the first half of the nineteenth century, however, documentation of such membership was often delegated to sub-national units, whether cities (in Germany) or states (in the United States).<sup>98</sup> Greater fiscal requirements (an income tax) and conscription also created a need for greater state knowledge of its citizens. An assessment of military manpower motivated the first modern British census in 1800; other European states had instituted a census for economic purposes in the eighteenth century.<sup>99</sup>

The modern regime of national membership and documentation began to emerge in the mid-nineteenth century, when the United States government asserted its exclusive right to issue passports (only to U. S. citizens) and the North German Confederation created a regime that shifted from documentary controls on movement to documentary substantiation of identity, although

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<sup>98</sup> Torpey 2000.

<sup>99</sup> For example, Sweden, Spain, and Denmark-Norway. The United States also held its first census in 1790.

without any privileged status for nationals.<sup>100</sup> Despite occasional efforts to restrict the entry of specific groups of foreigners during this era (Britain in 1836; Germany in 1879; the United States in 1882), the expanding capacity of the nation-state, paradoxically, produced a transnational regime of individual freedom of movement that has never been equaled. The nation-state accepted mobility and an easy exit option for its citizens. Expansion of public goods provision by European governments led to documentation requirements for “social citizenship,” in order to exclude non-citizens from social benefits.<sup>101</sup> Nevertheless, the new institutions of direct rule did not produce widespread restrictions on individual movement until World War I produced an array of perceived threats to security. After the war, restrictions on foreign entry were maintained in the service of immigration control. The modern regime of documenting individual nationality and using such documentation to restrict entry to the national territory had begun.

*Direct rule, taxation, and public goods provision*

The uneven and relatively late appearance of other aspects of direct rule—conscription, documentation of citizenship—was matched in the slow and incremental introduction of new fiscal relations between the state and its citizens. The shock of revolution and war led to the institution of Britain’s first

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<sup>100</sup> Torpey 2000, 82-83.

<sup>101</sup> *Ibid.*, 106.

income tax in 1799, but its lasted only as long as the wartime emergency.<sup>102</sup>

The temporary success of the tax "owed less to the law and to Treasury supervision over local administration than to a widespread and increased willingness of the propertied classes frightened by the French Revolution to comply with the demands of their government."<sup>103</sup> The British state was increasingly dependent on an array of indirect taxes until the income tax was reintroduced in the 1840s.

In France as well, revolutionary commitment to fiscal equity did not suspend the fiscal crisis of the French state that had been apparent in the final decades of the pre-Revolutionary monarchy. Napoleon managed to support a vastly expanded military through reliance on indirect taxation and, most important, wartime indemnities and levies on territories outside France.<sup>104</sup> Revolutionary pledges in favor of tax equity were not realized until an accurate cadastral mapping of landholdings in the mid-19th century. Indirect taxation provided the largest share of French government revenue into the twentieth century.

The model of the fiscal state, with more efficient means of taxation (although much remained indirect) and broader access to capital markets, spread from Britain, its pioneer, to other industrializing nation-states. Greater fiscal resources were available to provide new political goods, the other half of the new

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<sup>102</sup> Levi 1997, 142-43.

<sup>103</sup> O'Brien and Hunt 1999, 89.

<sup>104</sup> Bonney 1999, 151.

bargain of direct rule. As in the case of taxation, however, those new public goods—apart from the traditional military role of the state—were relatively slow to appear. Peter Lindert has provided comprehensive documentation of the expansion of social spending under the emergent nation-state. Education is a particularly useful indicator, because of its role in economic development and nation building. The rise of mass public education before World War I presents a complex cross-national pattern, one in which the national governments assumed a dominant role relatively late in the expansion of mass primary education. As late as the mid-nineteenth century, no country collected as much as .5% of national income in taxes for education.<sup>105</sup>

Although Lindert dismisses nation building as an important motivation for national investment in education, a more educated population, when combined with new technology, did provide military benefits.<sup>106</sup> After France's shocking defeat in the Franco-Prussian War, the Third Republic introduced educational reforms during the 1880s that both extended and implemented the promises of earlier regimes, as well as furthering the project of national linguistic unification. The state could also increase demand for literacy by introducing requirements that official transactions be conducted in the national language. State employment, even at lower levels of the bureaucracy, also required

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<sup>105</sup> Lindert 2004, 8; also Table 1.1, p. 8.

<sup>106</sup> For example, the breech-loading rifle, which required a more skilled infantry, provided Prussia, with one of the highest levels of public education in the world, an advantage in its war with Austria-Hungary in 1866. (Clark 2006, 538-539; Weiner 1991, 131)

education.<sup>107</sup> For Japan, confronting threats from Western imperialism, state support for compulsory education was perceived as central to the goals of national security and modernization.<sup>108</sup>

In nearly every national case, however, a demand-driven model appears to explain much of the variation in timing and extent of universal mass education: democratization and economic integration heightened demand for literacy; political decentralization permitted high-demand regions (Prussia, New England in the United States) to move ahead without support from national governments.<sup>109</sup> In other cases, such as Britain, demand could be met by private and religious organizations, often paid for by parents.<sup>110</sup> The nation-state's role in the expansion of other social spending (transfers) was even later to appear: none of the leaders in such spending before World War I were major powers, and most of the spending was limited to traditional poor relief and health services (particularly public hospitals).<sup>111</sup>

Direct rule, and the new bargain between citizens and governments that it implied, did not expand in a linear fashion from the eighteenth century to the twentieth. As Michael Mann describes, on most economic measures, national states played a *less* important role during the relative peace of the nineteenth century than they had during the eighteenth century or the century of total war

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<sup>107</sup> Weber 1976, 75-77, 85-86.

<sup>108</sup> Weiner 1991, 151.

<sup>109</sup> Lindert 2004, 87-127.

<sup>110</sup> Weiner, 136.

<sup>111</sup> Lindert 2004, 273-275.

and welfare states that would follow.<sup>112</sup> At the same time, professionalization of peacetime armies and a decline in war-related debt servicing meant that the civilian share of state expenditures grew. By the late nineteenth and early twentieth centuries, the state had slowly penetrated into the lives of its citizens—and even greater intrusion was recognized as possible. A sharp increase in the scale of state employment confirmed the transition. On the eve of World War I, the Prussian state, for example, had more than one million employees; it claimed a ministry of public works that was “the largest employer in the world.”<sup>113</sup> The new bargain of direct rule—rule by state representatives at every level, greater demands on citizens in exchange for enhanced provision of public goods—had been established.

### **The spread and limits of the nation-state: empires and “civilized states”**

The nation-state template and its constituents—border delimitation, jurisdictional congruence, administrative homogeneity, and direct rule—spread beyond the limits of Europe and North America during the nineteenth century. Latin America, Siam (Thailand), and Japan demonstrated that rapid emulation of the new institutional model was possible in diverse historical and cultural settings. After 1945, the embrace of the nation-state as a juridical model would be universal. That universalism was blocked initially, however. The dominant

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<sup>112</sup> Mann 1993, 370.

<sup>113</sup> Clark 2006, 618.

nation-states limited the territorial scope of the template in two ways: through imperial expansion, using the older institutions of the early modern state, and through construction of a new normative bar for recognized statehood, one that excluded most of the polities in Asia, Africa, and the Pacific.

*Empire as anachronism in the era of the nation-state*

Many have remarked on the contradictions between nationhood and imperial aspirations; others have described the process of building the nation-state in imperial terms.<sup>114</sup> As institutions, the nineteenth-century European and American empires can also be seen as anachronisms: institutions of the early modern state persisted on the periphery as the nation-state came to dominate the center. This disjuncture between nation-state and empire can be explained in the same way as the early modern state: the ambitions of rulers exceeded their capacities. Although new technologies of rule permitted consolidation of the nation-state in the core, the capabilities of the imperial powers did not permit an immediate transfer of those techniques to the periphery. Instead, one finds in empire a replication of older institutions: borders are delimited, but their meaning on the ground is often minimal; jurisdictional congruence is violated in the interests of extraterritorial claims; administrative homogeneity is absent; and direct rule is found to be both too costly and politically explosive.

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<sup>114</sup> For the former, Anderson 1991, 193; on the latter, Hechter 1975, Weber 1976, 485-86.

Throughout the period of imperial expansion, border delimitation between colonial possessions became more precise. Demarcation and enforcement of jurisdictional division lagged considerably behind map-making, however. In the case of Dutch and British possessions in Southeast Asia, for example, the initial boundary agreement (1824) was little more than an apportionment of spheres of influence.<sup>115</sup> A more precise colonial border was drawn by treaty in 1871, but the border remained a European cartographic artifact until exploration and mapping, driven by the search for natural resources, filled in the “patchwork quilt” of sovereignty during the last decades of the 19th century.<sup>116</sup> Even after border delimitation had been realized on the ground, populations on either side routinely attempted to violate a boundary that had little historical credibility or economic rationality.

Jurisdictional congruence imposed a new understanding of sovereignty among the dominant states of Europe and North America. Intrusions by other sovereigns were reduced; exclusive rule within a territorial domain became the norm. In their dealings with other parts of the world, however, such congruence was routinely ignored. Western governments sought to protect their nationals and advance their interests through intrusive violations of sovereignty. Western advisers were inserted into governments in order to oversee customs regimes, advise armies, or impose financial rectitude. Regimes of extraterritoriality were imposed that either created physical enclaves (as in China) or effectively

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<sup>115</sup> Trocki 2000.

<sup>116</sup> Tagliacozzo 2005, 29, 35-38.

surrounded citizens and their possessions with the protections of an alien legal system. In contrast to the new template of the nation-state, jurisdictions were far from congruent in the asymmetric relations between the dominant powers and much of the rest of the world.

The administrative shape of the new empires was also a reversion to the composite states of early modern Europe. Sovereignty was extended, not in an administratively homogeneous way, but through different shades of rule. Nation-states could now implement direct rule at the center; their ability to do so on the periphery, particularly in governing large, non-European populations, was limited. In earlier decades of empire, during the 1600s and 1700s, the line between "state" and "empire" had been thin.<sup>117</sup> The state apparatus in the North American colonies, for example, was simply a weaker version of the indirect rule that could be found in many domains of Great Britain.

With the advent of the nation-state, the line between national core, administratively homogeneous and characterized by direct rule, and imperial periphery was drawn more clearly. Juridical status on the periphery, however, remained diverse, from self-governing colonies to lightly supervised protectorates. Within the pattern of indirect rule, colonial powers expanded and rendered more precise their local relations, shifting the terms of the contract

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<sup>117</sup> Armitage (1999, 428) notes that conventional accounts of the first British empire have obscured the continuity between consolidation of the early modern state and the expansion of those states beyond Europe.

over time.<sup>118</sup> Before 1898, only the United States deviated from this pattern of imperial expansion, applying the same template of territorial rule and then statehood to its new territories. After the Spanish-American War, however, the extension of its rule to territories with culturally and linguistically distinct populations the United States was forced to retrofit the same formulas of composite statehood that the European imperial powers had long deployed.<sup>119</sup>

Indirect rule meant both contracting with local rulers for imperial purposes, but also continuing to employ mechanisms of delegation that had disappeared in nation-states. Large-scale use of European mercenaries may have disappeared in the nineteenth century, victims of both jurisdictional congruence (a reluctance to incorporate subjects of another sovereign in military forces) and the efficiency of direct rule (the effectiveness of professional armies that could be expanded with conscripts according to military need). Non-European mercenaries did not disappear, however; they simply reappeared on the periphery, to be employed later in twentieth-century European conflicts. France prohibited enlistment in the French Army by foreigners in 1830; in the following year, the French Foreign Legion, designated for colonial conflict and composed of foreign volunteers, was created. Perhaps the most prominent

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<sup>118</sup> Tagliacozzo (2005, 45) notes in the Dutch East Indies (later Indonesia) that between the mid-1860s and 1915, vassals of the Dutch East India Company were renamed "self-governing regions." Relationships with local chiefs were standardized in formal contracts: "Local lords were expected to adhere to a rigid code of rules and conduct, the outlines of which had been drawn by Batavia [the Dutch colonial capital] with painstaking detail."

<sup>119</sup> On American constitutional design and the pattern of territorial expansion, Lawson and Seidman 2004.

example of the importance of colonial militaries was the Indian Army, staffed with a small cadre of British officers. It served imperial aims around the Indian Ocean, and its units later served in the Middle East and Europe in both World Wars. Its role was a precise analogue of earlier mercenary forces that had sustained European armies during the era of the early modern state. Other states imitated the British in constructing military forces drawn from disparate locales. The Dutch Indies Army (KNIL) was recruited from Africa, Europe, and parts of Southeast Asia; its “medley of ethnicities and languages” made communication difficult within the ranks.<sup>120</sup>

Mercantile companies, which had been delegated to rule on the periphery, did not disappear in the nineteenth century, as Thomson claims.<sup>121</sup> Some relics of the mercantilist era, such as the British East India Company and the Hudson’s Bay Company, failed to survive into the new period of imperial expansion. Other private enterprises continued to play a prominent role in colonial expansion and rule, however. The British South Africa Company, founded in 1889, governed the territory of what are now Zimbabwe, Zambia, and Malawi, until 1923. King Leopold II of Belgium controlled the vast territory of the Congo Free State as his personal fief through a corporate entity, the *Association Internationale Africaine*, from 1885 to 1908. In these and other cases, indirect rule by non-state actors remained a preferred option for states that wished to avoid the costs and diplomatic entanglements of governance on the periphery.

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<sup>120</sup> Tagliacozzo 2005, 55.

<sup>121</sup> Thomson 1994.

These private receptacles of delegated political authority were both new and old: a dichotomy that describes the “new” imperialism and its adoption of institutional practices that had disappeared in Europe and the United States.

*The club of “civilized nations” and the criteria of recognition*

Before the mid-twentieth century, the nation-state co-existed with empires that resembled an earlier “species” of state more closely than its descendant. At the same time, non-Western polities, recognized as contracting partners during the early modern era, were gradually excluded from the club of sovereign, “civilized” states. This transformation accompanied the rise of the nation-state, although its causal connection to that rise is unclear.

Just as the early modern state accommodated itself to a composite administrative and juridical identity, it also was willing to engage with a wide variety of polities in non-European parts of the world. By the mid-nineteenth century, however, statehood was frequently limited to a restricted club of “civilized nations” that satisfied certain legal criteria and were recognized by their peers.<sup>122</sup> As the imperial reach of European powers expanded, “international law shrank to regional dimensions though it still carried the label of universality.”<sup>123</sup> The timing of this shift to a new, restrictive hierarchy in world politics is difficult to explain. Edward Keene traces the process through British treaty-making to curb the slave trade. He notes that Britain came to treat European powers, the

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<sup>122</sup> Brownlie 1984, 362.

<sup>123</sup> Alexandrowicz 1967, 2

United States, and the new Latin American states differently from the polities of the Middle East and North Africa.<sup>124</sup>

This shift toward a more restrictive, positivist formula for recognition that favored Western criteria of civilization was not absolute. Non-Western states were able, deploying the instruments of international law and political reform, to win recognition and at least probationary status in the new circle.<sup>125</sup> Given the importance of international recognition for state survival, ascertaining and implementing the new criteria of statehood became a key strategy of reforming states such as Thailand and Japan.<sup>126</sup> Throughout the nineteenth century, pragmatic considerations also permitted the recognition of polities that might have been excluded by the new standards.<sup>127</sup>

Nevertheless, a normative and behavioral shift did occur at roughly the same time (mid-nineteenth century) that the dimensions of the nation-state institutional template began to cohere. Several of the new criteria for recognition, such as precise border delimitation and rule over a bounded territory and population, closely resembled the emerging practices of the European nation-states. Those states that aimed at recognition, such as Thailand, indicated by their rapid change in practice that they understood continued recognition and possibly survival would depend on mimicking the nation-states of

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<sup>124</sup> Keene 2007.

<sup>125</sup> Gong 1984.

<sup>126</sup> On the relationship between international recognition and state survival, see Strang 1991 and Fazal 2007.

<sup>127</sup> For a view that practice was much less restrictive than doctrine throughout the nineteenth century, see Crawford 2006, 260-263.

Europe and North America. For those incapable of such institutional innovation, incorporation within the new colonial empires was likely. Only polities that could imitate the nation-state—and not all of those—would survive the latest era of imperial expansion.

### **The misplaced Westphalian moment: explaining the institutions of the nation-state**

This heterodox interpretation of the nation-state has presented a cluster of institutions as key constituents of a new way of organizing political space. Two are external, and, with their recognition by an increasing number of states, represented a new territorial regime: precise border delimitation and jurisdictional congruence. Two are internal and represent a new reading of sovereign power: administrative homogeneity, which erased many traces of the composite state, and direct rule, which eliminated many of those who had exercised delegated state authority.

This reinterpretation of the nation-state also places the Westphalian moment at a point in time much later than the early modern state described by many of the theorists of modern state sovereignty and territoriality. The species “nation-state” in the genus “state” bears only a distant family resemblance to the species “early modern.” When James Scott describes “seeing like a state,” he is describing the vision of the modern nation-state, which exercises much more

surveillance and control over its citizens than earlier units.<sup>128</sup> The nation-state emerged incrementally over the “long century” from 1750 to 1870.

Although that century was bisected by international and domestic crises that began with the French Revolution and continued for nearly three decades, the new variant of statehood did not emerge quickly as a result of those disruptions. Its constituents reinforced one another, but they did not appear simultaneously. Outlines of the territorial regime began to coalesce under the reforming, absolutist monarchies of the *ancien régime* in Europe. Administrative homogeneity and direct rule moved from west to east in Europe, and were not fully consolidated until the early twentieth century.

Just as the early modern state’s blurred boundaries were replaced by the precisions of national borders, so the nation-state system drew sharp limits around itself. Only a small number of polities outside Europe and the Americas were recognized as nation-states, and they (China, Japan, Thailand) remained subject to imperial impositions, such as regimes of extraterritoriality, until well into the twentieth century. The growing imperial domains of the late nineteenth century resembled the earlier state template, rather than the nation-state. The persistence of this older version of rule suggests that the nation-state, like its predecessor, faced institutional rivals, paths not taken on the road to centralized and compartmentalized rule. Central Europe, in particular, continued to produce alternative models of federative polities that recalled early systems of rule, such

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<sup>128</sup> Scott 1998.

as the Holy Roman Empire, and later, post-national and supranational institutions.<sup>129</sup>

Only after 1945, with the demise of empire as a competing political template, did the nation-state assume its current, unchallenged dominance of political space. Its life span as a fully realized set of institutions is relatively short. The puzzle remains: Why this set of institutions at this time? Why did the nation-state supersede both the early modern state, tested by warfare and sponsor of the first wave of European expansion, and the empires that had dominated world politics in the early twentieth century?

*Explanations for the nation-state: selection and warfare*

Given the incremental assemblage of nation-state institutions and the timing of their appearance—first in Europe and the Americas and, much later, in the rest of the world—a general explanation for the emergence of the nation-state and its later success may not be possible. The timing of its appearance, however, does permit the elimination of several candidate explanations. One popular explanation for the success of the early modern state in post-medieval Europe is warfare: a change in the scale of warfare, driven in part by technological developments, favored political units that could combine high levels of population and capital. From this perspective, the early modern state was selected in a neo-Darwinian struggle against other institutional models,

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<sup>129</sup> Federative polities recalls the classification of Binkley (1935).

particularly the city-state and the city-league.<sup>130</sup> Similar arguments have been advanced as an explanation for state fragility in recent decades.<sup>131</sup>

A similar argument might be made for the nation-state: it was simply a more efficient institutional combine when changes in technology intensified warfare and increased its duration. The emergence of the nation-state does not match this explanation, however. Even though the wars of the French Revolution and Napoleon elevated the demands placed on states and their populations, the preceding century of nearly constant warfare had already produced a highly successful war-making state. The innovations of the French revolutionary state were not immediately transferred to its competitors in Europe; in central and eastern Europe in particular, federative polities and composite monarchies persisted in the wake of territorial consolidation. Some nation-state institutions only became widespread during the nineteenth century, a more peaceful century than its predecessor.

Despite a later association of the nation-state and nationalism with total war, the institutions of the nation-state initially provided an institutional means for conflict *avoidance*. Precise boundary delimitation offered a means for avoiding many territorial disputes, the disputes likeliest to escalate to military conflict. Beth Simmons has argued that delimited boundaries serve as important international institutions, reducing the probability of conflict and providing

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<sup>130</sup> Tilly 1990; Spruyt 1994.

<sup>131</sup> Herbst 1990,

important economic benefits as well.<sup>132</sup> Many border delimitation treaties in the eighteenth and nineteenth century were negotiated precisely to end local quarrels that could embroil sovereigns in unwanted conflicts.<sup>133</sup>

Jurisdictional congruence, particularly among militarily powerful states, also serves to limit conflict. The example of conflicting claims of nationality, which produced persistent and occasionally militarized conflict between the United States and European powers in the early nineteenth century, disappeared as a source of conflict when the principles of a sole nationality were recognized. Kal Raustiala notes other examples of this peculiar form of legal spatiality—confining legal regimes within national borders—that also served to limit the risks of international conflict.<sup>134</sup> Complicated constitutional regimes and dynastic rights in composite states could provoke conflict. Such conflict would be eliminated by administrative homogeneity, in which sovereign authority was applied uniformly across a territorial domain. As late as 1864, war over Schleswig-Holstein (whose sources Lord Palmerston could famously not recall) originated in the peculiar feudal rights of the Danish monarchy in the Duchies of Schleswig, Holstein, and Lauenberg.

The centralized nation-state was well equipped for military conflict, and, as the history of the twentieth century demonstrated, its capabilities in waging war far exceeded any previous political formation in history. Warfare and

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<sup>132</sup> Simmons 2006.

<sup>133</sup> Sahlins 1990, 1440.

<sup>134</sup> Raustiala 2006.

military threat were central to its creation and adoption, however, only on the periphery, where European imperialism provoked a scramble to adopt national institutions that would win recognition and stave off further encroachment. Elsewhere, the nation-state served to reduce conflict by separating sovereignties, precisely and completely.

*Explanations for the nation-state: economic space and individual mobility*

Industrialization has been associated with the appearance of nationalism by Ernest Gellner and others.<sup>135</sup> The social and economic consequences of industrialization also created strong incentives for the construction of nation-states. State elites, often from landed classes, faced conflicting demands during industrialization. A common and enlarged political and economic space matched the preferences of both state and economic elites. An increase in the scale of polities was matched, however, by increasing heterogeneity of preferences over the provision of public goods and the likelihood of territorial conflict. Finally, the demands of economic elites for individual mobility had to be squared with the needs of public order. The institutions of the nation-state uniquely satisfied these demands.

Border delimitation, jurisdictional congruence, and administrative homogeneity supported a single economic space that matched the growing scale of economic enterprise and was more effectively administered. Establishing clearly defined political spaces, with the assistance of new survey and mapping

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<sup>135</sup> Gellner 1983.

technologies, enabled state elites to suppress smuggling, desertion from the military, and tax evasion.<sup>136</sup> Restrictions on internal trade were also eliminated as the lingering economic outlines of the composite state disappeared. Administrative rationalization and direct rule undermined localism and its impediments to economic exchange.

At the same time, an increase in economies of scale in the provision of public goods encouraged political units on a larger scale, a feature of the nineteenth century.<sup>137</sup> Larger scale confronted the problem of heterogeneity of preferences over those same public goods, which raised the risk of internal conflict and possibly secession.<sup>138</sup> The institutions of the nation-state, particularly administrative homogeneity and direct rule, were able to counter this threat, by undermining localism and older administrative boundaries that coincided with distinct collective preferences over public goods, by instituting transfers at the national level, and, through direct rule, obtaining an ability to shape the preferences of its citizens for the first time.

The demands of the new economy for mobility on the part of individuals, confirmed in the rapid elimination of internal passports and restrictions on emigration, meant that the state had lost its earlier means of social control. Those methods, based on a largely immobile rural population that had been effectively policed by local elites (with delegated authority from the

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<sup>136</sup> Sahlins 1990, 1438; Sahlins 1989, 241-242.

<sup>137</sup> The scale of political units grew during the nineteenth century and then declined over the course of the twentieth century. See Lake and O'Mahony 2004.

<sup>138</sup> Alesina and Spolaore 2003, 31-52.

state), were no longer effective in controlling an urbanized, industrial workforce. Direct rule provided new techniques for exercising control in an era of open national political spaces and freedom to emigrate. Although nation-states would develop new and effective means of “caging” their populations in the next century, the origins of the nation-state represented a less repressive means of combining the individual mobility required by the new economy with the demands of social control and political order.

### *Nationalism and the nation-state*

This account of the nation-state may appear as Hamlet without the Prince of Denmark: nationalism has played no substantial role in explaining the development of the nation-state. The nation-state template presented here is emptied of nationality. In this regard, it follows recent scholarship that awards states and state elites a key role in the construction of nations. Nationalism is primarily an ideology of particular states, rather than a social force or movement that reshapes state institutions (contrary to the sociological view previously described).<sup>139</sup> Of the many prospective nationalities that might lay claim to states, relatively few are politically mobilized and, of those, even fewer are successful in their efforts to lay claim to independence and sovereign statehood. To the degree that they are successful, their control of state institutions is far

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<sup>139</sup> See, for example, Comisso 2006.

more important than the content of their ideology or their historical legitimacy.<sup>140</sup>

The nation-state is presented here as a vessel that is filled by nationalism, not one that is created by that ideology. The mythology of the French Revolution and its aftermath have obscured both the continuity of the nation-state's development across the revolutionary decades and its delayed appearance in many parts of Europe. Following Rogers Brubaker, we ask, not "what is a nation?" "but rather: 'how is nationhood as a political and cultural form institutionalized within and among states?'"<sup>141</sup> By sweeping away both the inevitability and the sequencing of the fit between nationalism and the modern nation-state, we may see the nation-state's unique outlines, its "state-ness" for the first time. The particular institutions of the nation-state and their affinity for nationalism are historical regularities to be explained.

The timing of nationalist movements and policies confirm that nationalism was neither necessary nor sufficient for the emergence of the nation-state. In Europe, by the time of the French Revolution, outlines of the nation-state, particularly border delimitation and administrative homogeneity, were already on the political and foreign policy agenda. One could discern proto-national sentiments in early modern Europe, but much of that nationalism was

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<sup>140</sup> Philip Roeder (2007) argues that successful (i.e., recognized, independent) nation-states in the twentieth century are typically associated with a prehistory as "segment states" within larger polities. Roeder's investigation is aimed at explaining the reasons for the success of some national projects and not others, rather than the reasons for the nation-state as an institutional form.

<sup>141</sup> Brubaker 1996, 16.

xenophobic or restricted to a small literate class; its deployment by state elites was necessarily constrained by the multicultural nature of composite states.<sup>142</sup>

The emergence of a British identity illustrates the limits of such proto-nationalist patriotism. Nearly constant conflict between Britain and France in the eighteenth century provided the basis for an identity based on Protestantism among the inhabitants of the newly united British Isles. That identity, focused on unifying national symbols, such as the monarch, did not homogenize pre-existing identities (English, Scottish, or Welsh); it provided a new overlay for a coherent state elite. It also, as any incipient national identity must, excluded large sections of the population, notably the Catholic Irish.<sup>143</sup> In Prussia at the same time (the late eighteenth century), patriotism was focused on Frederick the Great rather than a national (or Prussian) homeland.<sup>144</sup> Early modern monarchs did not undertake "nation-building," apart from modest measures to ensure elite loyalties on the periphery.<sup>145</sup> As the institutions of the nation-state formed, their population still lived in "state-nations": political formations based on bureaucratic practices, not cultural nations "based on a sense of belonging to a common heritage and history."<sup>146</sup>

The insertion of nationalizing programs into the emergent nation-states of Europe took place at different times, but the mid-nineteenth century

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<sup>142</sup> On the Spanish case, Koenigsberger 1986b.

<sup>143</sup> Colley 1992, 6-8.

<sup>144</sup> Clark 2006, 220-225.

<sup>145</sup> Sahlins 1989, 126-127

<sup>146</sup> This distinction is drawn by Paasi (1996, 87), for Finland, and can be applied to many other cases in the absolutist regimes of early modern Europe.

appears to have marked a moment when such programs became more widespread. The Republican political elite in France extended the reach of the state and confirmed its nationalist program in its educational reforms. In Prussia, what had been a "linguistic and cultural patchwork" in the first half of the century became, after 1870, a prototypical nationalizing state. Programs of "Germanization," directed at the large Polish minority and other ethnic groups, restricted the use of languages other than German in schools, established German as the only language for conducting official business, and promoted German colonization in formerly Polish areas. By the first decade of the twentieth century, Polish place names were erased from maps and discriminatory employment practices were common in local administration.<sup>147</sup>

In Europe and elsewhere, nationalizing programs began within the delimited boundaries of the existing nation-state. In central Europe, nationalizers attempted to capture "an existing geopolitical entity, state or province for [their] own purposes."<sup>148</sup> As Sahlins claims, the creation and expression of national identities depended less on language than on the affirmation of local and national boundaries."<sup>149</sup> Precision in constructing borders implied an equal precision in defining identities. Jurisdictional congruence deepened and gave additional meaning to national boundaries, as the realm of national currencies and symbols became an exclusive one.

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<sup>147</sup> Clark 2006, 428, 579-582.

<sup>148</sup> Evans 1992, 495-496. As Evans describes, the Magyars, imitating the Prussians, attempted to extend their ethnic frontier to match their territorial boundaries.

<sup>149</sup> Sahlins 1989, 265, 286.

Administrative homogeneity and direct rule were also instruments for consolidating the national domain, with public goods, such as defense (military service) and primary education serving the dual role of increasing the stakes in the contract between ruler and ruled and shaping the new territorial identity.

Three possible explanation for this eventual affinity between nation-state and nationalism can be proposed; none is entirely satisfying. First, when combined with the institutions of the nation-state, nationalizing programs “supercharged” the institutions and provided a selective advantage to “nationalized” nation-states. Military conflicts in the mid-nineteenth century provide only uncertain evidence of such a competitive advantage.

“Nationalization” seemed produce both military victory and defeat: the French defeat of Austria-Hungary in 1859 was followed by the Prussian defeat of France in 1870. World War I is often offered as clear evidence of the military benefits of the nationalist project, since the war ended with the defeat and disintegration of three multinational empires (Ottoman, Russian, and Austro-Hungarian).

Whether these outcomes were owed to the failure to nationalize states, an incomplete effort at such nationalization, or a failure to fully develop the institutions of the nation-state (with or without nationalism), is difficult to determine. The other benefits of the nation-state, particularly the creation of a single economic space and the provision of a wider array of public goods through direct rule were not prevented by the absence of a nationalizing project.

The advantages of combining a nationalizing project with the institutions of the nation-state must be compared to a second, and often costly, link between the nation-state and nationalism. Just as those institutions create greater opportunities for what Brubaker labels nation-shaping or nation-promoting, they also produce the conditions for polity-seeking nationalism on the part of groups that do not control their own state institutions. Delimiting borders meant the separation of suddenly recognized fellow-nationals (and the birth of irredentism); jurisdictional congruence produced separation from a homeland that was now excluded from the public life of the state. Administrative homogeneity consciously sought to eliminate political bases for group identity that were not those of the dominant nationality. Above all, direct rule, with its intrusive demands, stimulated a backlash against the new contract promoted by the state elite. As Michael Hechter describes, direct rule threatened local elites that had governed with delegated authority and opened up political space for those who could mobilize an ethnically distinct, but previously politically inert population.<sup>150</sup> Just as the institutions of the nation-state sharpen political distinctions to the benefit of nationalizing elites, they may also elicit resistance that increases the costs of governance and lowers the benefits of those institutions. In certain respects, integrating a nationalizing project with these institutions is a gamble on the part of the elites: can they overcome the centrifugal political forces that the project unleashes before those forces

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<sup>150</sup> Hechter 2000, 70-83.

overcome the state-building project itself? The history of the last two centuries suggests that such a gamble is often lost.

A third and final possibility must be advanced: the apparent association between nationalism and the nation-state is not inevitable but spurious. The development of nationalizing projects is more closely associated with the pressures of democratization than it is with a particular state-building project. Nationalism, from its subversive and radical role early in the nineteenth century, migrated to the right over the course of the century. The nationalizing project became an elite project that could be deployed effectively to counter demands made on behalf of newly mobilized political forces. Nationalism was less a strategy of institution-building than a political strategy on behalf of a particular coalition, an effort to retain power by threatened political and economic elites.

### **Mapping modern statehood: the nation-state and its competitors**

The nation-state represents a distinct bundle of institutions that create a unique form of territorial rule. Its form could not be predicted from the early modern state, and its relationship to nationalism should be investigated rather than assumed. This unconventional account of the nation-state provides both paradoxes and puzzles for future consideration. Although war has been closely associated with the post-medieval rise of the territorial state, the outlines of the nation-state may owe more to strategies of conflict avoidance. Despite an

association of the nation-state with economic closure in the last century, its early consolidation took place during an era of economic openness and unprecedented individual mobility. If these explanations are correct, the current coexistence of the nation-state with an open international economy and a decline in the frequency of interstate war is less surprising than it would have seemed a half-century ago.

A final puzzle concerns the second half of the life history of the nation-state: not its emergence, but its eventual, near-universal acceptance. The nation-state faced two rivals during its slow march to become the dominant form of territorial rule. The first, empire, represented a modified form of the early modern, composite state, a conservation of institutional form that was remarkably resilient. Why empire ultimately failed (and whether it could revive) remain contested questions, but the availability of the nation-state and its formula of territoriality and direct rule was clearly appealing to anti-colonial elites. At the same time, an extension of direct rule by rulers who could be portrayed as alien was usually an unsuccessful strategy. The end of formal empires does not mean that other forms of hierarchical international organization have disappeared, however.<sup>151</sup>

More significant for the future was the second competitor, the federative polities that arose in central Europe, beginning with the Holy Roman Empire. These models of political organization, although overshadowed by the

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<sup>151</sup> Kahler and Lake forthcoming.

nation-state, can be seen as precursors of modern regional and international institutions, such as the European Union.<sup>152</sup> They represented original attempts to deal with political heterogeneity and economic openness. Although none survived the era of the nation-state, their legacy of loose political association and conflict management now appears more benign than the often disastrous efforts to encapsulate societies within nation-states.

The nation-state template remains dominant in contemporary world politics, although the application of that template is often nominal rather than real. Territorial rule through the nation-state covers the entire globe, yet that template has failed many who inhabit nation-states in name only, fragile or failing polities that are wracked by conflict and beset by economic stagnation. Whether the particular constituents of the nation-state template are a source of state failure is another issue raised by this examination of modern statehood. If the institutions of the nation-state could be unbundled or if other models of political organization could be revived, would that a needed element of flexibility be introduced into this resilient formula for the territorial organization of political life? The monotony of the map of modern statehood might again be transformed to the benefit of those who have failed to flourish in a world of nation-states.

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<sup>152</sup> For this parallel with the Holy Roman Empire, see Osiander 2001, 283.

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