

# Introduction: The Dimensions of Transcultural Statehood\*

Christina Brauner / Antje Flüchter

## RESÜMEE

Zunächst führt die Einleitung kurz in die Problematik der Historisierung von Staat und Staatlichkeit ein und gibt einen Überblick über die Entwicklung der einschlägigen Historiographie. In einem zweiten Schritt werden die zentralen Analysekonzepte vorgestellt, namentlich jenes der „Transkulturalität“ und des „Staates“. Wie relevant die Frage nach transkulturellen Dimensionen von Staatlichkeit auch in theoretisch-methodischer Hinsicht ist, macht der Blick auf die Debatten um Staat/Staatlichkeit deutlich, der zugleich von der Persistenz des Mythos von der „europäischen Erfindung des Staats“ zeugt. Abschließend werden die nachfolgenden Fallstudien kurz eingeführt und einige übergreifende Linien und gemeinsame Befunde herausgestellt.

Once it went without saying: The state was the very subject of historiography. Leopold von Ranke, for example, famously equated states with the “thoughts of God” and clearly identified “great” or “noteworthy” events with “external relationships of the different states”.<sup>1</sup> Since the mid-20<sup>th</sup> century, however, the state has increasingly forfeited, if not

\* We would like to thank Rudolph Ng for assistance with editorial work and Bastian Lasse for helping with the corrections on short notice. Many thanks also to copy-editor Jan Ryder for reviewing all articles with regard to English orthography and style.

1 “... auch halte ich mich absichtlich an die großen Begebenheiten, an den Fortgang der auswärtigen Verhältnisse der verschiedenen Staaten [...]” L. von Ranke, *Die großen Mächte – Politisches Gespräch*, Göttingen 1955, p. 4; English translation in id., *The Theory and Practice of History*, ed. by G. G. Iggers and K. von Moltke, Indianapolis 1973, pp. 65-101, here: p. 66. “Statt jener flüchtigen Konglomerate, die sich dir aus der Lehre vom Vertrag erheben wie Wolkengebilde, sehe ich geistige Wesenheiten, originale Schöpfungen des Menschengesistes, – man darf sagen, Gedanken Gottes.” L. von Ranke, *Mächte*, p. 61, translation: id., *A Dialogue on Politics*, in: id., *Theory*, pp. 102-130, here: p. 119.

this leading position itself, then the way in which this position has been ascribed as a matter of course.

By the end of the 20<sup>th</sup> century, the state as object of academic investigation had taken a back seat. Culturalist and postcolonial approaches were focusing on individual agency, the ascription and negotiation of meaning and preferred microhistory to grand narratives. This intra-scientific trend was reinforced by the general *zeitgeist* of the day: The relevance and the power of nation-states seemed to have declined in favour of global networks, international enterprises and the flows of goods and ideas across national borders.<sup>2</sup> However, today the state is back, and has even made it onto the agenda of those historiographical approaches which formerly used to challenge its relevance. In Germany, for example, cultural historians have initiated a renewal of political history and tackled the phenomenon of statehood in innovative, theoretically embedded ways. It is no coincidence that such a new approach has been developed in Germany, where state, governance and rule have always played a central role in historiography.<sup>3</sup> Similar demands for a re-consideration of states and their making, however, are also coming from other parts of the scientific community as well. Important representatives of global history, for example, have emphasized the lasting relevance of states in a globalized world.<sup>4</sup>

Nevertheless, considerations about state and state formation are still centred on the modern European or Western state or at least modelled on the European ideal. Despite the

- 2 Cf., e.g., M. van Creveld, *The Rise and Decline of the State*, Cambridge 1999; M. Albrow, *The Global Age. State and Society Beyond Modernity*, Stanford 1996 and S. Strange, *The Retreat of the State. The Diffusion of Power in the World Economy*, Cambridge 1996. See, for an overview, the sceptical account of such "end of nation-state" theses" provided by H. Dittgen; H. Dittgen, *World without Borders? Reflections on the Future of the Nation-State*, in: *Government and Opposition*, 34 (1999) 2, pp. 161-179. A more historical view on such hypotheses is presented by A. Benz, *Der moderne Staat. Grundlagen der politologischen Analyse*, München 2008, pp. 259-266.
- 3 For early modern history: B. Stollberg-Rilinger, *Was heißt Kulturgeschichte des Politischen? Einleitung*, in: ead. (ed.), *Was heißt Kulturgeschichte des Politischen*, Berlin 2005, pp. 9-24; R. G. Asch/D. Freist (eds.), *Staatsbildung als kultureller Prozess. Strukturwandel und Legitimation von Herrschaft in der Frühen Neuzeit*, Köln [i.a.] 2005, cf. also the more general considerations about these approaches in the omnibus review by G. Schwerhoff, *Theoretische und methodische Fragen*. Rezension zu: R. G. Asch; D. Freist, *Staatsbildung als kultureller Prozess*. Köln 2005; B. Stollberg-Rilinger (ed.): *Was heißt Kulturgeschichte des Politischen?* Berlin 2005; S. Brakensiek/ H. Wunder (eds.): *Ergebene Diener ihrer Herren? Herrschaftsvermittlung im alten Europa*. Köln 2005, in: *H-Soz-u-Kult*, 07.10.2006, URL: <http://hsozkult.geschichte.hu-berlin.de/rezensionen/2006-4-021> [accessed 2 January 2015]; comparable discussions regarding modern history in: U. Frevert, *Neue Politikgeschichte: Perspektiven einer historischen Politikforschung*, Frankfurt/Main [i.a.] 2005; T. Mergel, *Kulturgeschichte der Politik*. Version 2.0, in: *Docupedia-Zeitgeschichte* (22.10.2012). URL: [http://docupedia.de/zg/Kulturgeschichte\\_der\\_Politik\\_Version\\_2.0\\_Thomas\\_Mergel?oldid=92884](http://docupedia.de/zg/Kulturgeschichte_der_Politik_Version_2.0_Thomas_Mergel?oldid=92884) [accessed 17 July 2014]. This strong and critical interest in states and statehood is specific to German and European historiography, whereas in the US-American historiography a critical and conceptionally reflected discussion about these terms and phenomena set in only recently; cf. S. Leibfried and M. Zürn, *Von der nationalen zur post-nationalen Konstellation*, in: S. Leibfried/M. Zürn (eds.), *Transformationen des Staates?*, Frankfurt/Main 2006, pp. 19-65, here: p. 22; C. A. Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons*, Malden [i.a.] 2009, pp. 249-252; J. Brewer and E. Hellmuth (eds.), *Rethinking Leviathan. The Eighteenth Century State in Britain and Germany*, New York/Oxford 1999.
- 4 Compare the discussions about the relevance of statehood in a globalized world: P. Vries, *State, Economy and the Great Divergence: Great Britain and China. 1680s to 1850s*, London 2015 [forthcoming]. Robinson argues that state theory "became a hot topic in the 1960s and 1970s" because globalization challenged the state; W. I. Robinson, *Social Theory and Globalization: The Rise of a Transnational State*, in: *Theory and Society*, 30 (2001), pp. 157-200, here: p. 190.

renewal the “New Political History” has brought about in many regards, it shares with its predecessors a Eurocentric focus and the belief in the singularity of the European state, either implicitly or explicitly.<sup>5</sup> Furthermore, the state is usually constructed as the very opposite of transnational, international or transcultural flows, institutions or social groups.<sup>6</sup> In other words, the concept of statehood is still firmly linked to notions of nationality and homogeneity. Thus, “the state” itself seems not to be a relevant object for transcultural approaches at all.

In the following we want to combine insights drawn from the New Political History with its strong theoretical backdrop with an explicit attempt to overcome its Eurocentric limitations. In order to provide the reader with demonstrative examples which may lead to more general methodological discussions, we have decided to focus on concrete encounters between Europeans and extra-Europeans within contact zones. Thus, we want not only to integrate extra-European politics into the framework of enquiry but furthermore to try to study processes of state-building and state institutions as entangled phenomena, developing in and by exchange.

Analyzing the transcultural dimensions of statehood, state institutions and procedures of governance in contact zones outside Europe will serve as a starting point. We examine, for example, diplomacy and its ceremonial, trading practices, transfer in the context of the military and its institutional and organizational relevance, and judicial institutions and procedures.<sup>7</sup> This introduction will provide the methodological and theoretical framework for the case studies that follow and thereby help to enhance the coherence of this special issue. Specifically, we outline our understanding of transculturality and shortly introduce the conceptual and methodological instruments for analyzing transcultural phenomena. Furthermore, an account of the debates on the concept of state/statehood

5 The neglect of extra-European events is, in our opinion, only partly due to mere lack of interest but more firmly rooted in time-honoured concepts of statehood and narratives of state-building.

6 Cf., e.g., J. Delbruck, *Exercising Public Authority Beyond the State: Transnational Democracy and/or Alternative Legitimation Strategies?*, in: *Indiana Journal of Global Legal Studies*, 10 (2003), pp. 29-43 about transnational democracy beyond the state; E. C. Nisbet/T. A. Myers, *Challenging the State: Transnational TV and Political Identity in the Middle East*, in: *Political Communication*, 27 (2010), pp. 347-366 about transnational media challenging national, state-based identities; P. Lupsha, *Transnational Organized Crime Versus the Nation-State*, in: *Transnational Organized Crime*, 2 (1996), pp. 21-48 about the danger of transnational crime threatening the nation-state. Recent political or jurisprudential considerations about the future state also take the challenge by globalization and transnational structures as a starting point, e.g. S. Leibfried/M. Zürn (eds.), *Transformationen des Staates?* (3), esp. pp. 34-40; R. Voigt, *Zwischen Leviathan und Res Publica. Der Staat des 21. Jahrhunderts*, in: *Zeitschrift für Politik*, 54 (2007), pp. 259-271.

7 This special issue is based on the papers and discussions of a conference hosted by the Cluster of Excellence *Asia and Europe* and held in Heidelberg May 10-12, 2012. For different reasons, not all the papers could be included in this volume. Some participants, however, have published their findings otherwise: see e.g. U. Theobald, *The Use of Artillery in Eighteenth Century Chinese Warfare and the Need for Metals*, in: id./G. B. Souza (eds.), *Representations of Money: International Trade, Monetary Metals, and Money in Religion in China and East Asia*, Leiden 2014 [forthcoming]; B. Noordam, *Military Intelligence and Early Modern Warfare: The Dutch East India Company and China 1622–1624*, in: A. Flüchter/J. Schöttli (eds.), *The Dynamics of Transculturality. Concepts and Institutions in Motion*, Cham [i.a.] 2014, pp. 113-136; and R. Ng, *The Chinese Commission to Cuba (1874): Reexamining International Relations in the Nineteenth Century from a Transcultural Perspective*, in: *Transcultural Studies*, 2 (2014), pp. 39-62.

is provided; this will serve not least to underline the usefulness of asking about the transcultural dimensions of statehood not only from the perspective of transcultural history but also from that of “state history”.

## 1. The transcultural approach

Before we turn to the problems around the concept of state/statehood and the empirical phenomena of transcultural state structures, a few words about our understanding of “transcultural” are necessary. For some decades now, a closed or static concept of culture or nation or society, along with other labels for social groupings, has been challenged.<sup>8</sup> Recent research is keen on discovering the mixtures and mingling within these groupings as well as their hybrid structures, procedures and institutions. There are several concepts and terms discussed in this context. We have developed our own concept of transculturality in the conceptual and theoretical discussions at the Cluster *Asia and Europe in a Global Context* in Heidelberg (Germany).<sup>9</sup> It has been influenced and inspired by Homi Bhabha’s concept of hybridity and postcolonial theory in general.<sup>10</sup> However, the concept of transculturality differs from the notion of hybridity: Whereas hybridity, at least in Bhabha’s understanding, is ultimately connected to the colonial situation and its aftermath, the notion of “transculturality” is conceptualized to be independent of a specific historical situation and thus can be applied to various settings of power relations. Especially for the contact zones of the early modern period this is important as to avoid anachronistic projections of European dominance into situations where the dawn of modern colonialism was still far away. The second major difference lies in the character of our approach, which aims less at ontological assumptions about culture(s) in general and more at heuristic tools for analysis. With the understanding that human history results from processes of exchange and interaction, one may claim that everything is

8 In a global context, postcolonial criticism is of course crucial. Moreover, it is – though often unacknowledged – accompanied by comparable theoretical conceptions in “normal” or Western history. The turn from traditional social to culturalist and, most of all, constructivist approaches questioned all kinds of fixed structures and entities; cf. A. Flüchter, Einleitung: Der transkulturelle Vergleich zwischen Komparatistik und Transkulturalität, in: ead./W. Drews (eds.), *Eliten – Sakralität – Memoria. Ein transkultureller Vergleich monarchischer Herrschaftsformen*, Berlin 2015 [forthcoming].

9 This concept of transculturality is outlined by Monica Juneja; Understanding Transculturalism. Monica Juneja and Christian Kravagna in Conversation, in: F. Amir et al. (eds.), *Transcultural Modernisms*, Berlin 2013, pp. 22–33; M. Herren/M. Rüesch/C. Sibille, *Transcultural History: Theories, Methods, Sources*, Heidelberg 2012; R. G. Wagner, China “Asleep” and “Awakening.” A Study in Conceptualizing Asymmetry and Coping with It, in: *Transcultural Studies*, 2 (2011) 1, online available: <<http://archiv.ub.uni-heidelberg.de/ojs/index.php/transcultural/article/view/7315>> [accessed 28 March 2012]; A. Flüchter and J. Schöttli, The Dynamics of Transculturality. Concepts and Institutions in Motion, in: A. Flüchter/J. Schöttli (eds.), *Dynamics* (7), pp. 1–23.

10 H. K. Bhabha, *The Location of Culture*, London [i.a.] 1994 (reprint London 2010); id., *Nation and Narration*, London [i.a.] 2009. In addition, we build on other influential concepts like F. Ortiz, *Cuban Counterpoint. Tobacco and Sugar*, transl. by H. de Onís, Durham/London 1995; A. Appadurai, Disjuncture and Difference in the Global Cultural Economy, in: *Public Culture*, 1 (1990), pp. 1–24; id., How History Makes Geographies: Circulation and Context in a Global Perspective, in: *Transcultural Studies*, 1 (2010), pp. 4–13.

hybrid (Said) or transcultural (Welsch).<sup>11</sup> For us, however, this statement is just where the enquiry begins. Because even if we understand everything as transcultural in the way of Said or Welsch, what remains unexplained is how ideas and practices actually mingle and mix, as well as the processes that instigate and constitute the transcultural phenomena. In other words, if everything is labelled as transcultural, the term loses its analytical edge.<sup>12</sup>

For conceptual accuracy, it is helpful to use the complementary terms “intercultural” as well as “transcultural”. In a contact zone where different groups meet and interact, we can label this situation as intercultural. Yet not every intercultural contact results in something tangibly transcultural. Some intercultural contacts have even resulted in something like the extinction of one or the other group. In other cases, the intercultural interaction may simply result in the addition of different cultural elements. For the process of transculturalization, however, it is essential that cultural boundaries are crossed.<sup>13</sup> Thus, we use “transcultural” in a narrow sense, that is, “transcultural” designates only those outcomes of an intercultural contact that bring about something new, something that is different from the institutions, procedures and concepts of all interacting groups. This implies that transculturality is not just a further object of research but a category in itself. And thus it structures our research, which focuses on interacting groups and cultures.

In contrast to Welsch’s position, we understand transculturality not as a phenomenon merely to be found in the modern age and caused by increasing globalization, but as something fundamental and constitutive for all historical periods.<sup>14</sup> In this issue, we therefore bring together case studies both before and after 1800.

11 E. W. Said, *Kultur und Identität – Europas Selbstfindung aus der Einverleibung der Welt*, in: *Lettre International*, 34 (1996), pp. 21–25, here: p. 24; W. Welsch, *Transkulturalität. Zwischen Globalisierung und Partikularisierung*, in: *Zeitschrift für Kulturaustausch*, 45 (1995) 1, pp. 39–44, here: p. 39.

12 If the usage of this concept becomes too frequent and too unspecific, it may lead to a “transification-trap” (“Transifizierungsfall”) as pointed out by M. Hühn, D. Lerp, K. Petzold and M. Stock, *In neuen Dimensionen denken? Einführende Überlegungen zu Transkulturalität, Transnationalität, Transstaatlichkeit und Translokalität*, in: M. Hühn/D. Lerp/K. Petzold/M. Stock (eds.), *Transkulturalität, Transnationalität, Transstaatlichkeit, Translokalität: theoretische und empirische Begriffsbestimmungen*, Berlin/Münster 2010, pp. 11–46.

13 Cf. the concept of cultural boundaries: J. Osterhammel, *Kulturelle Grenzen in der Expansion Europas*, in: *Saeculum*, 46 (1995), pp. 101–138.

14 A transcultural approach is not only applied to analyse modern phenomena but is used even in prehistorical and Egyptological studies: J. Maran, *One World Is Not Enough: The Transformative Potential of Intercultural Exchange in Prehistoric Societies*, in: P. W. Stockhammer (ed.), *Conceptualizing Cultural Hybridization. A Transdisciplinary Approach*, Berlin [i.a.] 2012, pp. 59–66; P. W. Stockhammer, *Conceptualizing Cultural Hybridization in Archaeology*, in: *ibid.*, pp. 43–58; J. F. Quack, *Importing and Exporting Gods? On the Flow of Deities between Egypt and Its Neighbouring Countries*, in: A. Flüchter/J. Schöttli (eds.), *Dynamics* (7), pp. 255–277. At this point, it seems necessary to explain that we understand transnationality as a special case of transculturality, similar to the understanding of the nation-state as a special case in history. Whereas “transnational” wants to challenge national entities, “transcultural” can be applied to different social formations. Cf. A. Höfert, *Geschlecht und transkulturelle Perspektiven*, in: A. Rathmann-Lutz/A. K. Liesch/S. Wenger/M. Ineichen (eds.), *Gender in Trans-it. Transkulturelle und transnationale Perspektiven. Beiträge zur 12. Schweizerischen Tagung für Geschlechtergeschichte*, Zürich 2009, pp. 17–29. Besides this more general understanding of transculturality, it is the more apt term for state systems before the implementation of “nation” as a primordial category.

Intercultural and transcultural approaches as well as comparative ones always entail a certain danger of essentializing the entities of analysis. Especially important as well as precarious in this regard is the underlying concept of culture. In the discussions on cultural or culturalist history, it is often held to be self-evident that the name-giving “culture” mostly refers to constructivist and interactionist concepts of culture. Standard references in this regard, the “canon” of quotation so to speak, include Clifford Geertz, Peter Berger and Thomas Luckmann, Max Weber, and Erving Goffman (amongst others).<sup>15</sup> Thus, it seems clear that “culture” is always a constructed and not a given entity, that it is not just a certain part of social super-structure dealing with the fine arts but is basically defined as the encompassing, self-spun “webs of meaning” in which the human animal is suspended.<sup>16</sup> However, as self-evident as this concept of culture seems to be in the discussions among cultural historians, it becomes just as problematic if one applies it in a transcultural context. Is the “culture” in “trans-culturality” and “inter-cultural” the one that Geertz means? How can these terms be related to the standard theoretical references mentioned above? These theories, including Geertz, are of rather little help because they mostly argue “intraculturally”, that is, they serve above all as an instrument to understand the actors, institutions and phenomena in *one* cultural context; thus, the question of cultural differences and cultural boundaries (apart from the question of identity perhaps) is not central to them.<sup>17</sup> If we speak, however, about intercultural interactions in a contact zone, a definition different from, or rather in addition to, Geertz’ semiotic one is needed. Whereas Geertz et al. use “culture” exclusively as an analytical notion, our understanding aims at including the actors’ perspective, too. The case studies collected in this volume use the notion of “culture” to designate social, ethnic or national groups whose members have some sort of shared identity, the sense of being different from others and regarded as something different by others. Of course, these social formations, again, are not homogenous or self-contained.<sup>18</sup> They can be defined as the results of different ascribing practices. Firstly, the historical actors can understand themselves as a group or culture, and they can be defined as a group by other contemporaries.<sup>19</sup>

15 This concept relies above all on the work of Clifford Geertz: C. Geertz, *The Interpretation of Cultures. Selected Essays*, London 1993. This and similar culturalist theories were very influential in German historiography in the last 30 years; however, they are not totally congruent with cultural studies in the Anglo-American world; cf. for the German context: U. Daniel, *Kompendium Kulturgeschichte. Theorien, Praxis, Schlüsselwörter*, Frankfurt/Main 2001; A. Landwehr, *Kulturgeschichte*, Stuttgart 2009; S. S. Tschopp, *Die Neue Kulturgeschichte. Eine (Zwischen-) Bilanz*, in: *Historische Zeitschrift*, 289 (2009), pp. 573-605; for different approaches in Europe: J. Rogge, *Cultural History in Europe: Institutions – Themes – Perspectives*, Bielefeld 2011.

16 See C. Geertz, *Interpretation* (15), p. 5 (“Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs [...]”). As often as this wording is quoted, as often it is neglected that Geertz himself borrows this image from Max Weber.

17 Cf. C. Brauner, *Kompanien, Könige und caboceers. Europäisch-afrikanische Beziehungen und interkulturelle Diplomatie an Gold- und Sklavenküste, 17.-18. Jahrhundert*, Köln [i.a.] 2015 [forthcoming], pp. 19-20.

18 For a more detailed account of these two entangled concepts of culture, cf. A. Flüchter, *Der transkulturelle Vergleich* (8).

19 Identity is understood, of course, not in the sense of an essentialized collective identity but rather interpreted as social construction; cf. J. Assmann, *Kollektives Gedächtnis und kulturelle Identität*, in: id./T. Hölscher (eds.), *Kultur und Gedächtnis*, Frankfurt/Main 1988, pp. 9-19; A. Flüchter, „Deutsche“ in der Vereinigten Ost-Indische Compa-

Secondly, the identification of the number of people as belonging to the same culture or group can also result from an ascription by the researcher. The most important point to note here is that, in our analytical perspective, these cultures are never a given but are always constructed, despite the contemporaries' belief that they are given and natural. The edge of a transcultural perspective thus consists in analysing this very ambivalence: how transfers and constructions of homogeneity can go together, why adaptations happen there and not here and why they are forgotten in the end, how universalism can be exclusive and inclusive at the same time, what leeways can grow from cultural variety despite all attempts to order it, and so on.

## 2. Difficulties conceptualizing the state from a transcultural perspective

The transcultural approach opens up new horizons for many objects of investigation.<sup>20</sup> Why is it still so difficult to ask for the transcultural dimensions of statehood, at least as compared to other topics? This is a problem encountered most of all regarding the historiography of the European or Western past and with the scholars working about it. One important reason seems to be the relevance of the Westernness or Europeanness of the modern state as a central element for constructing European or Western identity as well as for the powerful master narrative of the rise of the West.<sup>21</sup> The modern state is seen as a cornerstone for European dominance in the nineteenth century, and consequently it became the European export hit. In all world regions, political institutions

gnie oder: Welche Identität konstruiert man in einer „transnationalen“ Gemeinschaft, in: C. Dartmann/C. Meyer (eds.), *Identität und Krise? Zur Deutung vormoderner Selbst-, Welt und Fremderfahrungen*, Münster 2007, pp. 155-186; C. Dartmann/C. Meyer, *Einleitung*, in: *ibid.*, pp. 9-22; M. Pyka, *Geschichtswissenschaft und Identität. Zur Relevanz eines umstrittenen Themas*, in: *Historische Zeitschrift*, 280 (2005), pp. 381-392. Here, concepts such as Anderson's notion of "imagined community" (B. R. O. G. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London 1990) or Rahden's "situated construction of identity" can be helpful (T. von Rahden, *Weder Milieu noch Konfession. Die situative Ethnizität der deutschen Juden im Kaiserreich in vergleichender Perspektive*, in: O. Blaschke/F.-M. Kuhlemann (eds.), *Religion im Kaiserreich. Milieus – Mentalitäten – Krisen*, Gütersloh 1996, pp. 409-434; T. von Rahden, *Jews and the Ambivalences of Civil Society in Germany, 1800–1933. Assessment and Reassessment*, in: *Journal of Modern History*, 77 (2005), pp. 1024-1047).

20 Transcultural approaches can be found in many disciplines, and they are applied to many different fields and subjects of research. Cf., for instance, the numerous projects in the Cluster *Asia and Europe* in Heidelberg, encompassing a broad timeframe, from prehistoric to modern times, and bringing several disciplines together.

21 Similar considerations might be found in P. Eich/S. Schmidt-Hoffner/C. Wieland, *Der wiederkehrende Leviathan: Zur Geschichte und Methode des Vergleichs spätantiker und frühneuzeitlicher Staatlichkeit*, in: P. Eich/S. Schmidt-Hoffner/C. Wieland (eds.), *Der wiederkehrende Leviathan. Staatlichkeit und Staatswerdung in Spätantike und Früher Neuzeit*, Heidelberg 2011, pp. 11-40, esp. pp. 15-16; a detailed account of this master narrative is provided by W. Reinhard, *Geschichte der Staatsgewalt. Eine vergleichende Verfassungsgeschichte Europas von den Anfängen bis zur Gegenwart*, München 2002, pp. 15-29. Cf. master narratives: M. Middell, *Europäische Geschichte oder global history – master narratives oder Fragmentierung. Fragen an die Leittexte der Zukunft*, in: K. H. Jarausch/M. Sabrow (eds.), *Die historische Meistererzählung. Deutungslinien der deutschen Nationalgeschichte nach 1945*, Göttingen 2002, pp. 214-252; K. H. Jarausch, *Die Krise der nationalen Meistererzählungen*, in: *ibid.*, pp. 140-162; F. Rexroth, *Meistererzählungen und die Praxis der Geschichtsschreibung. Eine Skizze zur Einführung*, in: *id.* (ed.), *Meistererzählungen vom Mittelalter. Epochenimaginationen und Verlaufsmuster in der Praxis mediävistischer Disziplinen*, München 2007, pp. 1-22.

and structures were modelled on the example of the European nation-state in modern times.<sup>22</sup> Central contributions to the study of the development of Western statehood as an evolution – from medieval feudalism to modern statehood via a formation phase in the early modern period – have been made by Charles Tilly and Wolfgang Reinhard.<sup>23</sup> These scholars did not understand their results as a fixed schema or even a teleological direction;<sup>24</sup> nevertheless, in the reception they were often simplified and merged with normative assumptions. Since statehood, state institutions and the very idea of the Europeaness of the modern state are very important for the construction of Western identity, one can presume that historiography has deliberately or unconsciously concealed external influence in these areas. Michael G. Müller and Cornelius Torp claim that Western historians have understood the nation-state as “the obvious and ‘natural’ object of historical research [...] and proved to be both unwilling and incapable of putting national phenomenon into a broader perspective”.<sup>25</sup> In most of the literature about state and statehood in a Western or European context, the belief in the specifically European origin of modern statehood seems unbroken.<sup>26</sup>

However, global history approaches or those studies dealing with regions outside Europe describe the situation quite differently. In this context, the importance of Asian empires and territories is generally acknowledged in the discussions about the “great divergence”. More specifically, studies about rule and governance in Asia claim that these institutions can be understood as states – not as modern nation-states, but as states.<sup>27</sup> John Darwin,

22 On the one hand, Wolfgang Reinhard depicts this idea of the state as a European export hit. On the other hand, however, he stresses that this transfer took quite different shapes in different world regions which varied not least according to the respective European involvement. He concludes that the exported states are hybrid states; cf. W. Reinhard, *Staatsgewalt* (21), p. 482, and id., *Geschichte der Staatsgewalt und europäische Expansion*, in: id./E. Müller-Lückner (eds.), *Verstaatlichung der Welt? Europäische Staatsmodelle und außereuropäische Machtprozesse*, München 1999, pp. 316–356, esp. pp. 321–328.

23 The schema outlined by Charles Tilly consists of five steps: 1. “the formation of a few early national states amid a great variety of other political structures in Europe”, 2. “the mapping of most of Europe into distinct national states through wars, alliances, and a great variety of other maneuvers”, 3. “the extension of political and economic domination from that European base to much of the rest of the world, notably through the creation of client states and colonies”, 4. “the formation – though [sic] rebellion and through international agreement – of formally autonomous states corresponding approximately to the clients and colonies”, 5. “the extension of this state system to the entire world”, C. Tilly, *Western State-Making and Theories of Political Transformation*, in: id. (ed.), *The Formation of National States in Western Europe*, Princeton 1975, pp. 601–638, here: p. 636. W. Reinhard, *Staatsgewalt* (21); id., *Einführung: Moderne Staatsbildung – eine ansteckende Krankheit*, in: id./E. Müller-Lückner (eds.), *Verstaatlichung der Welt?* (22), pp. VII–XIV.

24 Cf. the critical analysis of development theories by Charles Tilly at the beginning of this article, C. Tilly, *Western State-Making* (23), pp. 611–621. Reinhard also includes in a comparative manner the development in other world regions; cf. footnote 22.

25 M. G. Müller/C. Torp, *Conceptualising Transnational Spaces in History*, in: *European Review of History*, 16 (2009), pp. 609–617, here: p. 609.

26 This is especially true with regard to the introductory literature; see e.g. A. Benz, *Staat* (2), esp. chap. 1, who mainly clings to a simplified version of the narrative provided by M. van Creveld, *Rise* (2).

27 Generally speaking and in comparison to other extra-European states, the findings about Chinese statehood seem to be best known in a broader scientific community, not least because of the debate on the “great divergence”; cf. for example: P. C. Perdue, *China Marches West. The Qing Conquest of Central Eurasia*, Cambridge 2005; further references: P. Vries, *State* (4). Comparable statements are advanced about Indian history, most of all the history of the Mughal empire: Already in 1985, Lloyd I. Rudolph and Susanne Hoeber Rudolph compared

for example, concludes in his comparative study of empires that “state-building and cultural innovation were striking features of Eurasian, not just European, history in the early modern era”.<sup>28</sup> More than other topics, studies about state and state formation demonstrate the lack of exchange among historians of European and non-European history. Asian and other non-European institutions have been neglected in terms of empirical studies; conceptually, they are often treated “as a residual or irrelevant category”.<sup>29</sup> This is, of course, most obvious in the case of historiographical bestsellers like N. Ferguson, *Civilization: The West and the Rest* (2011) or D. S. Landes, *The Wealth and Poverty of Nations* (2007). But even in more recent works, non-European governance is mainly dealt with in terms of a history of deficiency.<sup>30</sup> In contrast, Peter Coclanis states explicitly that “it is no longer possible for any serious student of pre-modern history to overlook – or even understate – the size, sophistication and wealth of the major economic centres in Asia”.<sup>31</sup>

There are several reasons for this lack of exchange between the disciplines. Firstly, the perception of Asian rulership and governance was influenced, or rather obstructed, by the more than powerful narrative of Oriental despotism. Lloyd I. Rudolph and Susanne Hoeber Rudolph, who study statehood in the Mughal empire, have complained that the knowledge of Indian statehood in the Western discourse is nearly exclusively limited

European and Western statehood and state-building with Indian phenomena and complained that knowledge about Indian statehood in Western discourse was very limited, L. I. Rudolph/S. Hoeber Rudolph, *The Subcontinental Empire and the Regional Kingdom in Indian State Formation*, in: L. I. Rudolph/S. Hoeber Rudolph (eds.), *The Realm of Institutions. State Formation and Institutional Change*, New Delhi 2008, pp. 5–25, here: p. 1. A very important contribution to a new evaluation of Mughal statehood has been made by M. Alam/S. Subrahman-yam, *The Mughal State, 1526–1750*, Delhi 1998. The study by Farhat Hasan, who highlights the coercive and consensual character of the Mughal empire, is also of interest in a comparative perspective; cf. F. Hasan, *State and Locality in Mughal India. Power Relations in Western India, c. 1572–1730*, Cambridge 2004, pp. 2–7 and pp. 32–34. Evaluations like this should be linked to the concepts of consensual rule in medieval Europe; cf., e.g., B. Schneidmüller, *Rule by Consensus Forms and Concepts of Political Order in the European Middle Ages*, in: *The Medieval History Journal*, 16 (2013), pp. 449–471. With regard to the Ottoman Empire, Rifa’at Ali Abou-El-Haj, amongst others, complains that this Empire served only as an antipode to Europe in historiography. The emphasis he puts “on the incomparability and incommensurability of Ottoman history”, though, leads to his sceptical attitude towards an empirical comparison of governmental institutions and practices; cf. R. A. Abou-El-Haj, *Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries*, New York 2005, pp. 2–3.

28 J. Darwin, *After Tamerlane: The Rise and Fall of Global Empires 1400–2000*, 2010, p. 104.

29 L. I. Rudolph/S. Hoeber Rudolph, *Empire* (27), p. 5. Cf. the statement by Peer Vries: “There indeed existed far fewer checks and balances for rulers in the big Asian empires than in Western European states, but terms like ‘totalitarian’, ‘despotic’ and ‘absolute’ clearly exaggerate the level of un-freedom and constraint in Asia, while exaggerating that of freedom and liberty in the West”; P. Vries, *Escaping Poverty: The Origins of Modern Economic Growth*, Wien/Göttingen 2013, p. 60. Cf. also the comparative study of elite formation in Western and Eastern monarchies: C. Dartmann/A. Flüchter/J. R. Oesterle, *Eliten im transkulturellen Monarchienvergleich*, in: W. Drews/A. Flüchter (eds.), *Eliten* (8).

30 N. Ferguson, *Civilization. The West and the Rest*, London [i.a.] 2011; D. S. Landes, *The Wealth and Poverty of Nations. Why Some Are so Rich and Some so Poor*, London 2007. See for more recent examples: W. Demel, *Reichs- und Staatsbildungen*, in: id. (ed.), *WBG Welt-Geschichte*, vol. IV: *Entdeckungen und neue Ordnungen 1200–1800*, Darmstadt 2010, pp. 162–212. Perry Anderson may serve as another example; he mentions the Ottoman empire in his comparative study of absolutism but only as an inferior counterpart; P. Anderson, *Lineages of the Absolutist State*, London 1974 [reprint 2013], cf. the critique by: R. A. Abou-El-Haj, *Formation* (27), pp. 2–3.

31 P. A. Coclanis, *Ten Years After: Reflections on Kenneth Pomeranz’s The Great Divergence*, in: *Historically Speaking*, 12 (2011) 4, pp. 10–12, here: p. 11; cf. also P. Vries, *Poverty* (29), p. 60.

to the narrative of oriental despotism.<sup>32</sup> This is because the master narrative of the rise of European statehood with its rational rule, its intermediary powers and elites, and its coercive power needed, according to the Rudolphs' pointed statement, the counterpart of a weak, lascivious and arbitrary oriental despot. This narrative twin or dichotomy was thus central for the construction of the exclusively European character of the modern nation-state and has obstructed the perspective of the state as a result of exchange and entanglement, or at least the governmental sphere as a third space.<sup>33</sup>

A second, more implicit but also more persistent, obstacle is the specific definition of state, shared in most historical work about Western statehood – a definition that in some respects is built upon the mentioned narrative twin of Western state/Oriental despotism. The definition of the modern state is based fundamentally on the writings of Max Weber as well as those of Georg Jellinek. For Weber's definition of state, rule over a defined territory and the monopoly of the legitimate use of coercive force is central.<sup>34</sup> Jellinek developed a congruence model ("Drei-Elemente-Lehre") of the modern state which is especially influential in German historiography. In this model, three elements constitute a state: the fixed borders that surround the territory (*Staatsgebiet*), a single and homogenous population (*Staatsvolk*) and the governmental power that rules over this territory (*Staatsgewalt*).<sup>35</sup> Both models, Weber's as well as Jellinek's, are still crucial if we look at up-to-date concepts about the state.<sup>36</sup>

32 L. I. Rudolph/S. Hoeber Rudolph, *Empire* (27), p. 1; also: "Much of theory about state formation in Europe depends on misconceived or historically false contrasts with Asia", *ibid.* (footnote 11).

33 A vivid example of this phenomenon is provided by M. van Creveld, *Rise* (2); not only does he group most Asian polities under the heading of "empires", that is, as non-states, without any further reflection, but his descriptions also rely on elements of classical "despotism" concepts (esp. pp. 35-52). In the section "Frustration in Asia and Africa" (pp. 315-332), Creveld admits that there was a "bewildering variety of political systems ranging all the way from the loosest tribes without rulers to strongly governed, relatively stable chiefdoms, emirates and sultanates [...]". Yet it cannot be emphasized too often that government, even strong government, does not in itself a state make" (p. 315). This is everything Creveld has to say about Asian political structures. The remaining part of the section is dedicated to the first (quite un-statelike) ventures of Europeans in Asia and Africa during early modern times and the era of colonialization.

34 M. Weber, *The Theory of Social and Economic Organization*, transl. by A. M. Henderson and T. Parsons, New York 2009, pp. 154-157 [German original 1921/22]. James Sheptycky labelled these components as the "standard Weberian terms" for the state, J. Sheptycky, Introduction, in: *id.* (ed.), *Issues in Transnational Policing*, New York 2002, pp. 1-42, here: p. 3.

35 Cf. the discussion of this state concept in German historiography in detail: A. Flüchter, *Structures on the Move. Appropriating Technologies of Governance in a Transcultural Encounter*, in: ead./S. Richter (eds.), *Structures on the Move: Technologies of Governance in Transcultural Encounter*, Berlin/Heidelberg 2012, pp. 1-27, esp. pp. 4-7.

36 D. Nagl/M. Stange, *Staatlichkeit und Governance im Zeitalter der europäischen Expansion*, in: SFB 700: SFB-Governance Working Paper Series, Nr. 15, Februar 2009, p. 6; Leibfried and Zürn, *Konstellation* (3), esp. pp. 19-22. In some respects the renewed interest in the state can be understood as a revival of Weberian theorizing; see for example: T. Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China*, Cambridge 1979. Weber's model is still of crucial importance even in the latest conceptual debates. For example, the respective definition by Michael Mann is founded on Weber's writings and is frequently referred to in the Anglo-American discussion. For Mann, a "state" requires a differentiated set of institutions, together with a personal embodiment (1) a territory over which it rules, and (2) a centre from which the power relations reach to the borders; M. Mann, *States, War and Capitalism: Studies in Political Sociology*, Oxford [i.a.] 1992, p. 4. About Jellinek cf. D. Kelly, *Revisiting the Rights of Man: Georg Jellinek on Rights and the State*, in: *Law and History Review*, 22 (2004), pp. 493-529, and J. Kersten, *Georg Jellinek und die klassische Staatslehre*, Tübingen 2000.

Such a conceptualization of the state causes several problems. It is bound up with an evolutionary development from the medieval feudal state to the modern state, which is part of the mentioned master narrative. Too stringent evolutionary models are always a problem because the contingencies of historical development are neglected.<sup>37</sup> Moreover, this definition, based on the writings of Weber or Jellinek, may be very useful for studying the modern state, but it is built on a post-French Revolution phenomenon and definitions. Basically, it is a definition of the nation-state. It is shaped according to the ideal of the nation-state in 19<sup>th</sup>-century Europe but is nonetheless held to be of universal validity.<sup>38</sup> Therefore, it is not astonishing, but rather self-explanatory, that only modern European states (or those modelled closely on their example) meet the acquired criteria.<sup>39</sup> We deal here, to put it bluntly, with circular reasoning. Though most scholars would agree that state and nation-state are not the same and, furthermore, that the nation-state can be considered as a special case of state and statehood, the nation-state continues to serve implicitly as the model for all kinds of states and the yardstick which they have to live up to.

### Alternative ways of conceptualizing the state

There are several possibilities for how to tackle this problem. Firstly, we can completely abdicate the term “state/Staat” if we are talking about premodern or non-European forms of governance and ruling. This position is above all founded on the argument that the term “state” is an anachronism if applied to these objects of research. Instead, the usage of other, more adequate terms is suggested, for example “polity”, “government” or “*Obrigkeit*”. However, this “anachronism” argument is a tricky one: Although it seems methodologically correct on first glance, it implicitly stabilizes the master narrative of European/Western hegemony because it claims that the modern state is both: a European specificity and the most powerful institution which ever developed in the political

37 Shmuel N. Eisenstadt's work about multiple modernities is one of the most influential concepts challenging the narrative of a nearly teleological evolution of the modern state; S. N. Eisenstadt, *Multiple Modernities*, in: *Daedalus*, 129 (2000), pp. 1-29.

38 Rüdiger Voigt, for example, maintains that the modern state is a European invention and that its conception was shaped by (continental) European lawyers: “Der moderne okzidentale Staat, wie wir ihn kennen, ist eine europäische Erfindung. Es waren vor allem kontinentaleuropäische, römisch-rechtlich geschulte Juristen, welche die moderne Staatsauffassung entwickelt haben.” R. Voigt, *Leviathan* (6), p. 260. Voigt is not alone with this observation; cf. for example W. Wallace, *Rescue or Retreat? The Nation State in Western Europe, 1945-93*, in: *Political Studies*, 42 (1994), pp. 52-76, here: p. 61: “The nation state’ is an artificial contract, an ideal type heavily dependent upon the historical experience of only two of Western Europe’s states: Britain and France”. However, it is interesting that such a constraint is forgotten if Western Europe is compared with non-European polities. Charles Tilly also stressed this point and argued for a reconsideration of the applicability of such a Eurocentric model to other world regions; C. Tilly, *Western State-Making* (23), p. 1: “most of the theories which are now available for application to the present and future build, implicitly or explicitly, on ideas of what happened in Europe”.

39 Besides, these definitions always describe an ideal type and not a “real” institution. Even in modern Europe, the order-obedience scheme central for the modern state à la Weber is rather a myth than reality; cf. C. A. Bayly, *Die Geburt der modernen Welt. Eine Globalgeschichte, 1780-1914*, Frankfurt/Main [i.a.] 2006, pp. 309-321.

field.<sup>40</sup> The claim of incommensurability inhibits all comparative approaches, leads to an essentialization of the Western modern state and obstructs any research about external, probably even non-European influences. Therefore, we have deliberately decided to use the term “state” in this special issue but in a broader sense that is not limited to the modern national or centralized unitary state.

There are, generally speaking, various definitions of the term “state/Staat” at hand. The classical definitions, referred to so far, mostly draw on one or several closely circumscribed characteristics, as mentioned above. However, there are other definitions that make it easier to apply a comparative or even a transcultural perspective. Tamar Herzog defines, for example, “states” as “entities that act in the name of public authority and political community”,<sup>41</sup> a definition that enables her to look for exchange and negotiation of state-building in colonial South America. The German medievalist Hans-Werner Goetz suggests that, instead of referring to one single characteristic, one could understand “state/Staat” as a historical and therefore always changing phenomenon.<sup>42</sup> It is interesting to see that the more inclusive definitions are mostly advanced by scholars working either on non-European or non-modern history.<sup>43</sup> To question narrow definitions focussed on the modern, unitary state by using concepts from beyond the modern timeframe appears promising in a twofold way. Firstly, the historical perspective gives the discussion of statehood some depth of focus. In the historical perspective, the nation-state with its homogeneity and seclusiveness appears as a special case in the history of statehood, one that is possibly dissolving in its national characteristics under the impact of globalization.<sup>44</sup> Thus, it is useful to study open-state structures that were characteristic of the early modern period in Western Europe. Secondly, the broader historical perspective may also enhance our understanding and evaluation of changing state structures both nowadays and in the future.<sup>45</sup>

At the same time, transnational approaches have been quite successful in challenging national historiography or at least putting it in a more global perspective. However, the homogeneity of the modern Western nation-state has seemed so successfully constructed that transnational approaches have tackled mostly the (apparent) antagonists of

40 Cf. some more recent discussions about the usefulness of anachronisms in challenging master narratives: C. Arni, “Moi seule”, 1833: Feminist Subjectivity, Temporality, and Historical Interpretation, in: *History of the Present: A Journal of Critical History*, 2 (2012) 2, pp. 107-121; J. Rancière, Le concept d’anachronisme et la vérité de l’histoire, in: *L’inactuel*, 6 (1996), pp. 53-68.

41 T. Herzog, Upholding Justice: Society, State, and the Penal System in Quito (1650–1750), *Ann Arbor* 2004, p. 1.

42 H.-W. Goetz, “Staat” und Staatlichkeit im frühen Mittelalter, in: id. (ed.), *Moderne Mediävistik. Stand und Perspektiven der Mittelalterforschung*, Darmstadt 1999, pp. 180-185.

43 Cf. the definitions by Ernst Pitz or Susan Reynolds referred to in T. Horstmann / J. Peltzer, Die Wissensbasierung des Staates in historischer Perspektive, in: G. F. Schuppert / A. Voßkuhle (eds.), *Governance von und durch Wissen*, Baden-Baden 2008, pp. 33-48, here: p. 34.

44 Leibfried and Zürn ask, for example, if a total re-conceptualization of state is necessary after being challenged by globalization; cf. Leibfried / Zürn, *Konstellation* (3), p. 37.

45 Such relevance for today’s world is also mentioned by Charles Tilly; cf. C. Tilly, *Western State-Making* (23), p. 2. Cf. also M. Albrow, *Global Age* (2), pp. 168ff.

the modern state (e.g. transnational movements or institutions) and not the state itself.<sup>46</sup> But there are also some concepts that question the national and homogenous character at least of the future state. For example, William Robinson has questioned the dichotomy of the global and the national and the conflation of state and nation-state.<sup>47</sup> Arguing from a Marxist point of view, he consequently criticizes the Weberian state concept, or rather its underlying dualism of nation-states and the economic sphere, most of all the markets.<sup>48</sup> While we do not want to follow Robinson's return to historical materialism,<sup>49</sup> his plea may serve as a thought-provoking reminder that the generally shared concept of state is not set in stone but that different ways of conceptualizing statehood – also nowadays – are possible.<sup>50</sup>

Robinson, as well as other authors looking for alternative state models or an alternative vocabulary to describe state structures,<sup>51</sup> is interested in an evolving transnational state, forming just now and with multi-centred and multi-layered structures. This transnational state often appears as another stage in the continuous evolutionary process of state-building. Trapped – and maybe even unconsciously – in the evolutionary model of modern statehood, the perspective on early modern states is often too simplifying. Theories developed by political science or other social sciences define modern homogeneity and centrality as a central characteristic of the nation-state and, through their attempt to project this model into the past, present an image of premodern rule which is homogenizing. Whereas these theories define homogeneity as the central characteristic of modern statehood, other approaches on the contrary present the very opposite quality, that is, the flexibility and permeability of boundaries, as the specifically modern trait of statehood. Globalization, in this argument, has brought separate units, political or economic, together and has enabled or forced interaction. Consequently, their early modern predecessors are imagined as thoroughly separate and self-contained.<sup>52</sup>

As discussed above, the work of Charles Tilly is an important point of reference for the classic model of state formation. Tilly also highlighted the fact that the early modern state came in many varieties, and that it was less homogenous than either the feudal or the modern state.<sup>53</sup> After the recent debate on medieval feudalism initiated by Susan

46 See H. Thompson, *The Modern State and its Adversaries*, in: *Government and Opposition*, 41 (2006) 1, pp. 23–42. Cf. also footnote 2.

47 W. I. Robinson, *Social Theory* (4).

48 *Ibid.*, pp. 161–163.

49 Last but not least, the Marxist concept is a problem for contact zones because Marx also modelled it on the Western or even the British example. Coming from a critical point of view, he nevertheless wrote another Eurocentric master narrative. This is one of the reasons that postcolonial thinkers, even those starting from a Marxist point of view, came to criticize its teleological direction. This is most obvious in the debate about Indian feudalism; cf. for example: H. Mukhia (ed.), *The Feudalism Debate*, New Delhi 1999.

50 He argues that the state has to be understood “as a specific social relation inserted into larger social structures that may take different, and historically determined, institutional forms, only one of which is the nation state”, W. I. Robinson, *Social Theory* (4), p. 165.

51 Another author who sketches alternative ways and a new vocabulary for state and statehood is James Sheptycki; cf. J. Sheptycki, *Introduction* (34).

52 Cf., for example, M. G. Müller/C. Torp, *Conceptualising* (25), p. 610.

53 C. Tilly, *Coercion, Capital, and European States, AD 990–1990*, Oxford 1990; *id.*, *Western State-Making* (23), p. 636.

Reynolds,<sup>54</sup> it can be doubted whether the feudal state was really that homogenous; however, that is not the topic of this issue. The variety of political types in early modern times is in any case considered by several scholars as “one of the most historically pregnant [sic!] aspects of pre-modern Europe”.<sup>55</sup> This pronounced and rich variety of early modern statehood is an aspect that is generally rather neglected in the historiography about state-building. However, it has been the starting point for some considerations relevant in our context. There are, amongst others, the concepts of the composite monarchy (Elliott) or the conglomerate state (Gustafsson), which have had a lasting impact on discussions on early modern political culture.<sup>56</sup> Whereas Elliott rather carefully terms this form of governance a monarchy, Gustafsson deliberately uses the notion of “state” and defines the conglomerate state as “a state area consisting of several territories, usually brought together by a ruling house but kept together by a few other factors”.<sup>57</sup> In the conceptual framing of the composite monarchy or conglomerate state, there were cases where the territories came together in an “accessory” union; in these cases, the new provinces were “regarded juridically as part and parcel” of the “main” kingdom or territory.<sup>58</sup> For the objective of this volume, the other possibility, a union *aeque principaliter*, is more interesting, because here the units were “treated as distinct entities”.<sup>59</sup> Whereas

54 S. Reynolds, *Fiefs and Vassals. The Medieval Evidence Reinterpreted*, Oxford [i.a.] 1994; a good introduction into this debate is provided by S. Patzold, *Das Lehnswesen*, München 2012.

55 S. R. Epstein, *The Rise of the West*, in: J. A. Hall / R. Schroeder (eds.), *An Anatomy of Power: The Social Theory of Michael Mann*, Cambridge 2006, pp. 233–262, here: p. 252.

56 J. H. Elliott, *A Europe of Composite Monarchies*, in: *Past & Present*, 137 (1992), pp. 48–71; id., *Spain, Europe and the Wider World, 1500–1800*, New Haven [i.a.] 2009, Chapter 1: *A Europe of Composite Monarchies*, pp. 3–24; H. Gustafsson, *The Conglomerate State: A Perspective on State Formation in Early Modern Europe*, in: *Scandinavian Journal of History*, 23 (1998), pp. 189–213. As a starting point the inaugural lecture by Koenigsberger has to be named; cf. H. G. Koenigsberger, *Dominium Regale or Dominium Politicum et Regale: Monarchies and Parliaments in Early Modern Europe: Inaugural Lecture in the Chair of History at University of London King’s College* 25<sup>th</sup> February 1975, London 1975.

57 H. Gustafsson, *Conglomerate State* (56), p. 194. Gustafsson’s choice of terminology is deliberate; in fact he embedded his concept of state into the historiographical framework and refers to Otto Hintze, Max Weber, Anthony Giddens, Perry Anderson and Charles Tilly, cf. *ibid.* (footnote 189–193). We, however, decided to use the term “state” as an umbrella term, encompassing empires as well as monarchies. A terminological distinction between state and monarchy might be made; compare, for example, the definition of state by Tilly: C. Tilly, *Western State-Making* (23), p. 638 “as an organization, controlling the principal means of coercion within a given territory, which is differentiated from other organizations operating in the same territory, autonomous, centralized and formally coordinated”, with the definition of monarchy by T. Herzog, *Upholding Justice* (41), p. 5: “made of several political entities each independent of the other and each subjected to the king”. However, in studies about French “Absolutism” or the Prussian or even Habsburg monarchies, the term “state” is mostly used without any reflection on the problems that come up when applying it to non-European rule; see for example the essays in J. R. Maddicott / D. M. Palliser (eds.), *The Medieval State. Essays presented to James Campbell*, London [i.a.] 2000, where only one contributor reflects on the definition of state but quickly dismisses the question with a short reference to S. Reynolds (A. Thacker, *Peculiaris Patronus Noster. The Saint as Patron of the State in the Early Middle Ages*, pp. 1–24, here: pp. 1f.). Regarding the relation between the terms “empire” and “state”, see the more extensive discussion in A. Flüchter, *Structure* (35), pp. 7–9.

58 J. H. Elliott, *Europe* (56), p. 52.

59 *Ibid.*, p. 52. Elliott explains that these monarchies consisted of several territories which could be geographically contiguous (like Poland and Lithuania, England and Wales) but might also be separated even by oceans (like the Spanish Habsburg or Hohenzollern monarchies).

these territories had a ruling dynasty in common, they kept their independent status and had separate estate assemblies or legal systems.

According to Elliott, the majority of early modern forms of governance can be described as composite monarchies.<sup>60</sup> Such a union had advantages for the ruler as well as for the ruled, since “by ensuring the survival of their customary laws and institutions it made more palatable to the inhabitants the kind of transfer of territory that was inherent in the international dynastic game”.<sup>61</sup> According to Elliott, the creation of such a composite monarchy was the “natural and easy” strategy to embark on when an early modern monarch wanted to enlarge his territory.<sup>62</sup> Therefore this type of rule seems to be a more appropriate and adequate model for an assessment of early modern rule than the modern unitary nation-state.<sup>63</sup> Gustafsson carries this argument even further: “I claim that this was not only an alternative state form, coexisting with emerging ‘national’ more unitary states, but that it was *the* state of early modern Europe.”<sup>64</sup>

Elliott limits his concept to European cases.<sup>65</sup> Furthermore, he states explicitly that “imperialism and composite monarchy made uncomfortable bedfellows”, because the overseas territories of some parts of a composite monarchy would disturb the internal equivalence.<sup>66</sup> Thus, he not only restricts the usage of his own concept to European history, but implicitly argues as well for an essential difference between rule inside and outside Europe.<sup>67</sup> However, the empirical success of such transfers has proved Elliott wrong: Several studies about European forms of governance outside of Europe have already applied these concepts in a very fruitful way.<sup>68</sup> Their findings point to numerous structural parallels between early European rule outside of Europe and the conglomerate state, above all with regard to the coexistence of different judicial and political systems.<sup>69</sup> Compare, for

60 Ibid., p. 51; Gustafsson describes this structure as a “political, judicial and administrative mosaic”; H. Gustafsson, *Conglomerate State* (56), p. 189.

61 J. H. Elliott, *Europe* (56), p. 53. Above all, the alliances with the local and regional elites were crucial; cf. *ibid.*, p. 55; a very convincing account of the regional elites under the so-called Danish absolutism and the French elite under Louis XIV is provided by Gustafsson: H. Gustafsson, *Conglomerate State* (56), pp. 200–202 and p. 205.

62 J. H. Elliott, *Europe* (56), p. 52; other possibilities like conquest are estimated as “too risky for most sixteenth century rulers”, *ibid.*, p. 54.

63 *Ibid.*, p. 51.

64 H. Gustafsson, *Conglomerate State* (56), p. 194.

65 Elliott considers the few contact zones or early colonial territories he mentions as an accessory union at the utmost and interprets Spanish India, for example, as a typical example for an accessory union: J. H. Elliott, *Europe* (56), p. 52.

66 *Ibid.*, pp. 59–60.

67 Thus, it seems significant that Armitage criticizes the equation of Ireland’s position in the United Kingdom with that of non-European colonies “rather than making it comparable to the outlying territories of other European composite monarchies such as Naples or Bohemia”; D. Armitage, *Greater Britain: A Useful Category of Historical Analysis?*, in: *American Historical Review*, 104 (1999), pp. 427–445, here: p. 433. By such an equation Ireland is excluded from Europe and set in the area of the not comparable.

68 Cf. *ibid.*, pp. 440–441, about the transatlantic world; T. Herzog, *Upholding Justice* (41), p. 5 for Spanish America. In a more general way but in the same framework, several scholars have examined the colonial state as a consensual model; see for example the work of J. L. Phelan, H. G. Koenigsberger, S. N. Eisenstadt or Magali Sarfatti Larson; cf. also J. P. Greene, *Negotiated Authorities: Essays in Colonial Political and Constitutional History*, Charlottesville [i.a.] 1994.

69 Most of all in Asia, European rule mostly had to integrate into the ruling system.

example, different instances of French rule in the world. The statement of Gustafsson, that “what makes the states conglomerates *as states* is the fact that the different sectors had different administrative, judicial and political positions”, is here very apt.<sup>70</sup> At the beginning of European rule beyond Europe, Europeans were often dependent on alliances with the local elites, and that was easier if they did not meddle too much in local affairs and, for example, allowed a coexisting local legal system.<sup>71</sup> Against the backdrop of the “normality” of a conglomerate state in Europe, it is not astonishing that Europeans who started ruling in other parts of the world accepted the independency of local or regional structures and institutions.<sup>72</sup> According to Elliott and Gustafsson, this could even be the regular course of action for integrating another territory into a larger union. With the development of a mature colonialism or imperialism, the independence of the local areas and their elites was reduced or even discarded. The concept of a unitary nation-state obviously provides no adequate instrument to analyse this process of independency and change – and it is also much more difficult to grasp the agency of the ruled people.<sup>73</sup>

One could, however, argue against the feasibility of the concept of the composite monarchy in describing the early colonial encounter by alluding to Elliott’s statement that this form of governance lost its attractiveness in the course of the seventeenth century.<sup>74</sup> He admits that some enlightened monarchies maintained their composite character but concludes that the overall trend led to the unitary nation-state.<sup>75</sup> However, Gustafsson is much more critical regarding this trend of unification and homogenization. He argues not only with the Scandinavian cases but also with France under Louis XIV – that is, the standard example of fully-fledged absolutism that has come under attack only during

70 H. Gustafsson, *Conglomerate State* (56), p. 196.

71 Of course, one has to distinguish between different instances of European rule beyond Europe, not least because the local political systems varied enormously in set-up and degree of organizational institutionalization. There is not *the* one situation of *the* typical contact zone but rather the conditions and power relations were quite different in 17<sup>th</sup>-century China and contemporary North America. Moreover, even under the condition of fully-fledged colonialism or imperialism, rule can never be totally imposed but always has to find some acceptance by the ruled actors. See T. von Trotha, *Koloniale Herrschaft. Zur soziologischen Theorie der Staatsentstehung am Beispiel des “Schutzgebietes Togo”*, Tübingen 1994; B. N. Lawrance / E. L. Osborn / R. L. Roberts (eds.), *Intermediaries, Interpreters, and Clerks. African Employees in the Making of Colonial Africa*, Madison 2006.

72 See, i.a., P. J. Stern, *The Company-State. Corporate Sovereignty and the Early Modern Foundations of the British Empire in India*, Oxford [i.a.] 2011; id., “A Politie of Civill & Military Power”: Political Thought and the Late Seventeenth-Century Foundations of the East India Company-State, in: *Journal of British Studies*, 47 (2008) 2, pp. 253–283.

73 Whereas Elliott and Gustafsson highlight, above all, the relevance of the regional elites, there are also some studies that combine a focus on rule in a contact zone with concepts of state-building from below; see for example: T. Herzog, *Upholding Justice* (41) and G. Parasher, *State-Building in a Transcultural Context: The Case of the French in India during the Early Eighteenth Century*, in: A. Flüchter / S. Richter (eds.), *Structures* (35), pp. 243–249.

74 “Forms of union which in the sixteenth century seemed adequate enough were beginning by the early seventeenth to seem inadequate.” J. H. Elliott, *Europe* (56), p. 70.

75 *Ibid.*, pp. 67–68.

the course of the last decades.<sup>76</sup> For him, the real caesura regarding this conglomerate governance is brought about by the French Revolution.<sup>77</sup>

To look for and to analyse the transcultural dimensions of statehood, a more flexible concept of state, like the notion of a conglomerate state, is much more promising than the traditional, static concepts whose implicit influence still lingers on even in the latest publications in the field. Our concept of state in this transcultural endeavour is therefore neither the traditional one, as used and discussed in German historiography, nor does it aim at a fixed model at all. Rather, we conceive of the “state” as a space for interaction and a result of interactive processes. Thus, we define “state” as an organized socio-political system, above the family level, with one government that structures everyday life and the distribution of power and resources; however, it can work and function in different parts in different ways.<sup>78</sup>

### Governmental fields of transculturalization in contact zones

We do not want to write histories of influence but rather ask why cultural transfers and processes of transculturation happened and what meaning they had in their respective historical context, and especially for the actors involved. We are interested in the changes brought in the objects, concepts or actors during and by the process of transfer. We are even more interested in the agency of the involved persons and cultures and the process of appropriation (in the understanding of de Certeau)<sup>79</sup> that accompanies it. To study phenomena that evolve in contact zones, notions of “flows” or “processes of transfer” are important but not enough to describe and explain them. That is why we need concepts that allow us to study interactions. What does that mean for our focus on statehood? For rule and governance to be established in a functional manner in a contact zone, the different cultural (in this case mostly governmental) routines have to be made compatible. This can be accomplished in different ways, such as by force or by negotiation. However, even the cruellest despot needs some cooperation from those he rules over; rule based entirely on force is impossible. Negotiation (in a broad sense), on the other hand, can take place in the context of different power constellations, from more or less balanced relations to situations of striking power asymmetries.

76 Whereas Gustafsson observed some attempts to integrate the area around Nantes, such policy came to an end after the War of the Spanish Succession; cf. H. Gustafsson, *Conglomerate State* (56), pp. 199–200.

77 Ibid., p. 196. This evaluation is shared by several historians.

78 Cf. the discussions of state as a concept: A. Flüchter, *Structure* (35), pp. 4–14; concerning the definition of state: pp. 13–14.

79 Cf. M. de Certeau, *The Practice of Everyday Life*, Berkeley [i.a.] 2003; R. Chartier, *Culture as Appropriation. Popular Culture Uses in Early Modern France*, in: S. L. Kaplan (ed.), *Understanding Popular Culture. Europe from the Middle Ages to the 19<sup>th</sup> Century*, Berlin [i.a.] 1984, pp. 229–253; M. Füssel, *Die Kunst der Schwachen. Zum Begriff der ‘Aneignung’ in der Geschichtswissenschaft*, in: *Sozial.Geschichte. Zeitschrift für historische Analyse des 20. und 21. Jahrhunderts*, 21 (2006) 3, pp. 7–28. In this conceptual framing, appropriation is close to the concept of agency and subaltern studies.

For example, the rather comprehensive concept of empowering interaction or state building from below<sup>80</sup> is utilized to examine the implementation of new laws<sup>81</sup> and the instrumentalization of the legal system from below.<sup>82</sup> These concepts, developed mainly for a European context in the first place, will be combined with the approach of legal pluralism.<sup>83</sup>

The traditional, state-based approaches to diplomatic studies also deserve another look.<sup>84</sup> For a long time, the modern system of international diplomacy has been understood as typically and exclusively European. Diplomacy has long been taken for a “state affair” only, that is, it has been viewed exclusively as the result of state-directed policies among sovereign nations. Along this line, some historians have claimed that diplomats could not adapt too much to the customs of a foreign court because they had to represent their ruler and their own culture.<sup>85</sup> The articles in this special issue, however, suggest that there was much more leeway in international diplomacy than formerly assumed and argue for a re-examination of diplomatic history from a transcultural perspective.

Trade has also been studied in strongly nation-based categories. History has been written as if the state was the predominant, if not the only, factor in the development and direction of trade. Therefore, the history of trade from a micro-perspective – focusing on the local cooperation among merchants of various nationalities, non-compliance with state-sanctioned commercial policies, and the biographies of cosmopolitan traders, to name just a few possibilities – is often neglected, and even more so when it comes to inter-regional trade of global dimensions.

80 Cf. A. Holenstein, *Empowering Interactions. Looking at Statebuilding from Below*, in: id./W. Blockmans/J. Mathieu/D. Schläppi (eds.), *Empowering Interactions. Political Cultures and the Emergence of the State in Europe, 1300–1900*, Farnham 2009, pp. 1–31 – as well as the critical comment by W. Reinhard, *No Statebuilding from Below! A Critical Commentary*, in: *ibid.*, pp. 300–304; S. Brakensiek, *Lokale Amtsträger in deutschen Territorien der frühen Neuzeit. Institutionelle Grundlagen, akzeptanzorientierte Herrschaftspraxis und obrigkeitliche Identität*, in: R. A. Asch/D. Freist (eds.), *Staatsbildung als kultureller Prozess* (3), pp. 49–67.

81 For example: A. Landwehr, *Policey im Alltag. Die Implementation frühneuzeitlicher Polizeyordnungen in Leonberg, Frankfurt/Main* 2000.

82 M. Dinges, *Justiznutzung als soziale Kontrolle in der Frühen Neuzeit*, in: A. Blauert/G. Schwerhoff (eds.), *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne*, Konstanz 2000, pp. 503–544.

83 S. E. Merry, *Legal Pluralism*, in: *Law and Society Review*, 22 (1988) 5, pp. 869–896; L. Benton, *Law and Colonial Cultures. Legal Regimes in World History (1400–1900)*, New York/Cambridge 2002. On the concept in general see J. Griffiths, *What Is Legal Pluralism?*, in: *Journal of Legal Pluralism and Unofficial Law*, 24 (1986), pp. 1–55 and the more recent account by Tamanaha, who tries to sketch a history of legal pluralism; B. Z. Tamanaha, *Understanding Legal Pluralism: Past to Present, Local to Global*, in: *Sydney Law Review*, 30 (2008), pp. 375–411.

84 Historians of the Islamic world and Asia have studied such diplomatic practices for quite some time; however, historians of Europe have only recently started to broaden their focus beyond their own backyard: J.-P. Niederkorn/R. Kautz/G. Rota (eds.), *Diplomatisches Zeremoniell in Europa und im mittleren Osten in der Frühen Neuzeit*, Wien 2009; C. Windler, *La diplomatie comme expérience de l'Autre. Consuls français au Maghreb (1700–1840)*, Genf 2002; id., *Diplomatic History as a Field for Cultural Analysis. Muslim-Christian Relations in Tunis, 1700–1840*, in: *Historical Journal*, 44 (2001), pp. 79–106; id., *Tribut und Gabe. Mediterrane Diplomatie als interkulturelle Kommunikation*, in: *Saeculum. Jahrbuch für Universalgeschichte*, 50 (1999), pp. 24–56; P. Burschel/C. Vogel (eds.), *Die Audienz. Ritualisierter Kulturkontakt in der Frühen Neuzeit*, Köln [i.a.] 2014; A. Flüchter, *Den Herrscher grüßen? Grußpraktiken bei Audienzen am Mogulhof im europäischen Diskurs der Frühen Neuzeit*, in: *ibid.*, pp. 125–164; C. Brauner, *Kompanien* (17).

85 C. Wieland, *The Consequences of Early Modern Diplomacy: Entanglement, Discrimination, Mutual Ignorance – and State Building*, in: A. Flüchter/S. Richter (eds.), *Structures* (35), pp. 271–285.

In the military field, transfer from Europe to Asia is an important topic. On the one hand, weapons and military technology were some of the few European goods Asian rulers were interested in;<sup>86</sup> on the other hand, the history of military technology is still very much overshadowed by the master narrative of the military revolution.<sup>87</sup> However, in the context of transcultural statehood, our interest is not only directed to the “simple” transfer of technologies, but also tries to understand how such transfers are embedded in military organization and social structures within the respective contact zone.

### 3. Case studies: Overview and some shared findings

Chronologically speaking, the case studies presented here range from the early 18<sup>th</sup> to the second half of the 19<sup>th</sup> century, thereby bridging a period of time that is still too often set apart by the caesura of 1800. Though they have pursued their respective aims of analysis, the case studies, taken together, narrate an overarching story of transcultural statehood and the way it has been dealt with. This is most obvious if one compares the two studies focusing on the realm of diplomacy and war: Ines von Racknitz’s detailed analysis of the China War of 1860 and the interactions between Westerners and Chinese leading up to it, and Christina Brauner’s paper on Afro-European diplomacy in 18<sup>th</sup>-century Dahomey and the discourse of despotism. Despite their different geographical focuses, the papers trace a similar development: Although in the mid-19<sup>th</sup> century there was still a need for Europeans to take local concepts of politics and diplomatic protocols into account, the general attitude Europeans bore towards foreign diplomacy and extra-European states had changed. Whereas in earlier encounters at the West African court of Dahomey, as Brauner shows, an inclusive idea of court diplomacy could open up spaces for transculturation, it was an exclusive and excluding notion of civilization that increasingly dominated the worldview and the behaviour of European diplomats all over the world. Both papers, however, also demonstrate that it is important not to interpret intercultural encounters too quickly in terms of colonialism and thus to view events as necessarily developing in one specific direction. Even at the very dawn of fully-fledged colonialism, Racknitz argues, an intercultural appropriation of Western institutions and concepts was possible. In West Africa, there was a huge and meaningful divide between the imaginations and discursive representations Europeans nurtured and the practices on the spot they submitted to and engaged in. To grasp this divide, however, it is necessary to scrutinize the sources in detail and – especially if there is no other material available – not to

86 S. Trakulhun, *Kanonen auf Reisen. Portugal und die Kunst des Krieges auf dem südostasiatischen Festland. 1500–1600*, in: id./T. Fuchs (eds.), *Das eine Europa und die Vielfalt der Kulturen. Beiträge zur Kulturtransferforschung in Europa 1500–1850*, Berlin 2003, pp. 307–327.

87 Cf. B. Noordam, *Ming Military Organization through the Lens of Contemporary European Observers: A Study in the History of Perception*, in: S. Meurer/S. Richter/N. Schillinger (eds.), *Migrating Ideas of Administration and Governance between Asia and Europe since the Early Modern Period*, Leiden [i.a.] [forthcoming].

take European representations for granted. Such a detailed source criticism seems to be a necessary precondition for any analysis of transculturation.

The two other case studies deal with legal order and the practice of jurisdiction in India. Gauri Parasher analyses trials in the small French entrepôt of Pondicherry during the 18<sup>th</sup> century, while Verena Steller focuses on a specific group of go-betweens in the British crown colony of India, namely the first generation of London-educated Indian attorneys. Both papers share the focus on individual agency in the contact zone and the insight that law was an important field of cultural encounters and processes of transculturation. They show, however, different forms of such encounters and processes of transculturation. Parasher describes how inhabitants of Pondicherry strategically used the different legal codes and traditions available in the cosmopolitan town and how judges and other officials responded by equally flexible decisions. The situations she describes are ones of formally ordered, that is, “strong” legal pluralism<sup>88</sup> which, in practice, turn out to be less ordered and more open to self-fashioning in the court than might appear on first glance. The space of transculturation she analyses opened up between the courts, which were partly mixed tribunals of local specialists and French officials, and the quarrelling parties in question who tried their best to fight for their interests. Steller, in contrast, locates the space of transculturation within the legal institutions themselves. After a short introduction into the ambivalences and contradictions of the “Rule of Law”, a core element of British identity as well as the empire’s legitimation, she traces how Indian attorneys use these very British concepts in their own way to reinforce Indians’ political or juridical rights or to prove the illegitimacy of measures taken by colonial officials. Taken together, these two papers remind us about longstanding traditions of dealing with variety and difference, and about the leeways for individual actors that these phenomena could open up.

88 See L. Benton, *Law* (83), pp. 11f. Benton distinguishes between “strong” and “weak pluralism”, the major difference being the existence of a formal order as an attempt to govern the different legal orders and mutual relations. Ross and Stern build on a similar distinction; they define it, though, the other way around with “weak pluralism” indicating an ordered variety of legal orders; R. J. Ross / P. J. Stern, *Reconstructing Early Modern Notions of Legal Pluralism*, in: L. Benton / R. J. Ross (eds.), *Legal Pluralism and Empires, 1500–1850*, New York / London 2013, pp. 109–141. See also above, n. 83.