Tribes, Warlords and the Rational Bureaucracy – Societal Differentiation in Afghanistan

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If NATO sticks to its plan to withdraw its combat troops by 2014, it will have spent thirteen years on building a state in Afghanistan. During this period, hundreds thousands of troops have fought anti-government forces and billions have been spent on creating a capable Afghan administration, democracy and the rule of law. However, the current state of Afghanistan can best be described as an internationally funded neopatrimonial rule over certain parts of the country (Giustozzi and Orsini 2009; Hess 2010). Not only is the government still being challenged by the Taliban and their affiliates (such as Hezb-e Islami), but the local power often remains with tribes or warlords (Schetter, Glassner et al. 2006; Schmeidl and Karokhail 2009). In the face of ongoing failure, NATO lowered the bar and shifted its goals from establishing a modern state to ‘creating stability’ (Economist 2012). This raises the question why an ambitious and long-lasting intervention such as ISAF creates a neopatrimonial state. In particular, why does there seem to be a tradeoff between democracy on the one hand and ‘stability’ on the other?

Instead of looking for narrow causal mechanisms in order to explain this phenomenon, this paper will apply a broader social theory approach. In general, macro sociology has greatly contributed to the study of state formation and the emergence of modern societies. The works of Weber, Durkheim or Elias have revealed the defining characteristics or modernity and the modern state, and showed under which conditions the latter could evolve. Modern social theory has been largely neglected in the analysis of state-building interventions. However, many of these theories were developed to explain the process of modernization, i.e. the transitions from feudalism to a market-based economy, from farming to manufacturing, or from absolutism to democracy. These are processes that still occur in parts of the world, albeit in a very different global context. Therefore, social theory might offer useful analytical tools for the study of state-building.

This article will propose a societal differentiation framework based on the work of Niklas Luhmann. So far, his writings have been largely ignored by scholars of external state-building. However, as I am going to show in this article, much can be gained by applying Luhmann’s theory of societal differentiation to the study of state-building interventions. My argument is that societal differentiation theory can help to explain why the intervention in Afghanistan has created great societal instability instead of a functioning modern state. First, I will briefly introduce Luhmann’s conception of societal differentiation. In this framework, there are only three basic patterns in which a society can be ordered: Segmentation, stratification and functional differentiation. Second, I will argue that the modern state (as defined by Weber) can only exist in a functionally differentiated society. Weber defined states in general as organizations that successfully claim the legitimate monopoly on the use force in a given territory. However, he also argued that the modern state (as opposed to patrimonial states) is characterized by its legal-rational bureaucracy and meritocratic
principles. In a third step, I will show that in Afghanistan, the major forms of differentiation are segmentation and stratification. In many areas, warlords or the Taliban govern stratified social orders, while there are other areas in which small isolated tribes rule themselves. Thus, enforcing a modern state in a country which has not developed the necessary basic social structure will inevitably lead to instability. The article concludes that it would be more reasonable to strengthen a type of state that is compatible with societal stratification, although this might imply an active support of neopatrimonialism.

A Theory of Societal Differentiation

The concept of social differentiation has a long tradition in sociology. Perhaps the most important early theorist was Emile Durkheim who expanded the idea of the division of labor from economics to the broader societal sphere. For him, a major defining characteristic of modern societies was the high degree of specialization. In the sub-field of science, for example, scholars could not be polymaths anymore. “Not only has the scholar ceased to take up different sciences simultaneously, but he does not even cover a single science completely anymore. [...] At the same time, the scientific function, formerly always allied with something more lucrative, like that of physician, priest, magistrate, solder, has become more and more sufficient unto itself” (Durkheim 1893[1964]: 40-41). At the core of Durkheim’s analysis was the realization that the step into ‘modernity’ could not be reduced to an increase in wealth or a rationalization of state agencies. Instead, society as a whole appeared to be in a fundamental transformation. Arguably the most advanced theorization of this historical process can be found in the work of Niklas Luhmann. Luhmann analyzed the longue durée of societal evolution in Europe. He found that there are basically three forms of societal differentiation: Segmentation, stratification and functional differentiation (Luhmann 1977: 33-36). Human societies can become extremely complex and have developed a great number of unique constellations. However, on a high level of abstraction one can argue that the basic patterns of differentiation are the three forms mentioned above (Buzan and Albert 2010). Such a typology allows us to focus on fundamental structural forms of society.

Although this differentiation approach is originally embedded in Modern System Theory (Luhmann 1997) and based on a radical constructivist epistemology, the typology of societal

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1 One qualification needs to be made: Luhmann argues that society is defined by communicative reachability, and therefore a world society exists. While I do not want to categorically reject his argument, I deem it necessary to speak of regional societies (such as an Afghan or Pashtun society) in order to deal with the fact that the dominant form of differentiation varies across different areas of the world.
differentiation can be usefully applied within other frameworks, too. Basically, a typology (just like a model) is an object that is meant to represent parts of reality and thereby increase our understanding of social phenomena (Clarke and Primo 2012: 52-60). Thus, typologies are neither true nor false, but simply represent certain aspects of reality. The societal differentiation approach helps to make sense of large societal structures and long term developments. Luhmann emphasizes that there is no theoretical reason for limiting the types to three. Rather, this limitation is empirical and seems to reflect what kind of societal structures are sustainable (Luhmann 1977: 32-33). Based on these considerations, the forms of differentiation are defined as:

- **Segmentation** differentiates the society into *equal* subsystems.” (Luhmann 1977: 33). The segments do not depend on each other to fulfill their social function. This type of differentiation is marked by the personal interaction between members of society. There is little internal differentiation and a very low degree of formal ‘offices’. (Luhmann 1997: 639-643). Typical examples of this type of society are tribes or clans, whose coherence is often based on kinship (Earle 1997: 4-6).

- **Stratification** is characterized by the inequality of its sub-systems (Luhmann 1977: 33-35). These orders institutionalize the hierarchical inequality of their populations by elevating certain groups into elite positions. They are typically much larger than segmented societies and do not depend on personal interaction anymore. Thus, they often emerged simultaneously with the ascent of written language (Luhmann 1997: 678-681). Power, law, wealth and religion are hardly separable. Usually, the integration of this type of order is based on a unifying morality in form of religion or philosophy (Luhmann 1997: 688-691). Historical examples include early high civilizations as well as medieval Europe.

- **Functional differentiation** is the defining characteristic of modern society (Luhmann 1997: 743-744). It means that society is differentiated into functional systems such as politics, law or economy. These systems are unequal in their function, but equal in terms of accessibility and importance for society (Luhmann 1977: 35-36). Each system is operationally closed in the sense that the political system only communicates through power and produces collectively-binding decision, while the legal system operates through positive law. Society,
then, is held together by the interdependence of functional systems rather than by any shared normative vision.

These three forms of differentiation are not mutually exclusive. Although there is always one dominant form, less complex forms do not fully disappear when a society switches to a more complex form. For example, in functionally differentiated societies, segmentation (e.g. families) and stratification (e.g. class structure) are still present. However, they are only a by-product of the major form of differentiation (Luhmann 1997: 611-612).

A functional system is a system that consists of communication concerned with specific aspects of the social realm. The term ‘political system’ therefore does not describe the political institutions of a country, but it also includes all kinds of actors and interactions. Every communication that is related to political power thus is an operation of the political system. Therefore, the state is only one organization within the political system, albeit the most important one. Through its capability to enforce decisions, the state allows the political system to produce collectively-binding decisions, i.e. to fulfill its societal function (Luhmann 2000: 84-87). This clear separation between organization and functional system does not exist in stratified orders, where “[..] political domination itself appears to be the order of society. The alternative would be chaos” (Luhmann 1997: 714).

If these are the major forms of societal differentiation, how do societies transition from one stage to another? Change in societal differentiation reflects a change in society’s complexity. Stratified societies are more complex than segmented ones because they allow for a wide variety of roles and classes. Functional differentiation is the most complex form and the level of interdependence in such societies is extremely high. Certainly, the shortcomings of less complex societies make evolution towards other forms more likely (Luhmann 1997: 655-657). In addition, Albert and Buzan argue for a Durkheimian approach in which the driving force behind an increase in complexity (and, consequently, a change in differentiation) is ‘dynamic density’3. “This is a materialist theory claiming that as the numbers of people in a society increases, contact and interaction also increase, and the social structure moves from simple and segmentary to a more complex division of labour” (Buzan and Albert 2010: 319). There are many possible reasons for an increase in interaction. Technological progress or environmental factors can be as important as the domination of smaller tribes by a larger one (Luhmann 1997: 657-661). A higher population density can increase social

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2 “In der älteren Ordnung erscheint politische Herrschaft als die Ordnung der Gesellschaft selbst. Die Alternative zu ihr wäre Chaos.”
3 “The division of labor develops, therefore, as there are more individuals sufficiently in contact to be able to act and react upon one another” (Durkheim 1893[1964]: 257).
interactions in the same way as a reduction in transaction costs (through inventions such as the wheel, ships or smart phones) can. Hence, one could argue that historically, functional differentiation is the result of random processes, but ‘dynamic density’ is a key mechanism to increase differentiation.

The Modern State and Interventions

All societies face a fundamental problem: How to regulate violence? Different types of societies develop different models of how to stabilize social order. Scholars writing on state-building or weak states like to refer to Max Weber’s definition of a state that emphasizes the legitimate monopoly on the use of force (Weber 1922[1972]: 29-30). However, this is only part of Weber’s conception, because it can also apply to patrimonial states. One needs to further distinguish between Weber’s definition of a state on the one hand, and his notion of the modern state on the other. A major defining feature of the modern state is a legal-rational administration. Civil servants have to be selected according to meritocratic principles. They have to execute laws in an impersonal manner, they do not personally own the means of governance and their own action needs to be guided by legal rules (Weber 1922[1972]: 821-824). Therefore, in its modern form the state depends on a functionally differentiated society. Only when there is at least a rudimentary differentiation between law and politics, a Rechtsstaat can come into existence (Neves 2007: 190-192).

This is one reason why democracy and the modern state seem to fit ‘naturally’: Once power is regulated by law, it becomes difficult to uphold an authoritarian rule. Democracy requires functional differentiation (Luhmann 2000: 101). Whereas scholars of democratization still debate whether wealth leads to democracy or whether it stabilizes democracy by making re-distribution more acceptable (Przeworski 2000; Epstein, Bates et al. 2006), from a differentiation perspective wealth is only one indicator of the much broader societal transition that is behind these figures. A higher GDP points to other social structures such as a higher degree of division of labor, innovation from scientific research and an independent judiciary. Without legal protection, elections can be rigged and business has to rely on personal trust.

Furthermore, the fine grained application of violence that is necessary to enforce the rule of law in the modern state is much more costly than the rather unrestricted use of force in pre-modern states (Giustozzi 2011: 11-12). Thus, the modern state apparatus needs vast resources even before the development of a welfare system. Such a mobilization of resources can only succeed if an autonomous economic sphere has developed. Historically, the slow evolution from a subsistence economy and feudalism to a money-based economy (i.e. the emergence of an autonomous economic
Due to their small size and lack of a complex division of labor, segmented differentiation precludes centralization of political power in an organization such as the state (Luhmann 2000: 70-71). In contrast, stratified differentiation offers a foundation for statehood, although “[in] pre-modern states, social, economic, patriarchal and political powers were largely undifferentiated” (Pierson 2011: 15). Thus, these societies have a lower degree of specialization and lack the fundamentals of the modern state. How, then, are these societies ruled? Since stratification implies hierarchical inequality of social groups, it allows certain groups to become ruling elites. As North et al. (2009: 32-39) argue, the political stability of these orders depends on the distribution of rents among a ruling elite. Such elites are usually not subject to the same legal constraints as the rest of the population (Luhmann 2000: 84-87). They will have great incentives to accumulate resources, expand their power and eventually monopolize the collective use of force in order to keep rivals from conquering the top position of society (Luhmann 1997: 681-682). This is all the more important as these orders are highly conflict-prone. Leaders have little interest in demands from the bottom, so open conflict is often the only way of communication for ‘lower strata’ (Luhmann 1977: 34-35). Due to these inequalities, a strong ideology often makes it easier to legitimize social order, for example through religion. Governing a stratified society thus means to distribute rents, to form alliances among powerful actors and to defend ones place at the top of the social pyramid. Historically, the stratified order of medieval Europe started out with little centralization of power. Nonetheless, it offered the foundation for the long process of state formation by providing central governments with the resources to expand their security forces, increase tax revenues and slowly incorporate local strongmen into the larger state apparatus (Elias 1939[2000]: 268-271).

A major advantage of the analytical frame of societal differentiation is that it allows for a new perspective on the issue of corruption, which combines all the aspects mentioned above. In a functionally differentiated society, corruption describes actions that blur the boundaries of societal systems, for example by ‘buying political decisions’ (Luhmann 1997: 716-717). These actions undermine the basic order of society. Modern societies have developed complex institutional arrangements (and also civil society organizations) to prevent corruption. Accordingly, corruption is a

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4 North, Wallis and Weingast (2009) make a similar argument as Luhmann does, but focus mainly on the relation between politics and the economy. They also find that there are three basic forms of social order, and their concept of “Order with restricted access” or “Natural state” is very similar to Luhmann’s stratified society.
deviation (and mostly an exception). However, the term corruption is also frequently used to describe a major cause of state failure in countries where interventions take place. In these cases, reports point to ‘endemic corruption’ that seems to be part of the local culture (TransparencyInternational 2011). Applying the concept of corruption in such a way makes little sense in the differentiation perspective. As I have argued, the entanglement of different social functions in stratified societies is not an undermining but creating social order (Luhmann 1997: 716-717). That the globe is partitioned into formally modern nation states disguises the fact that in many regions of the world, stratification is the dominant form of societal differentiation. Thus, in these countries ‘the state’ plays a very different role in creating social order (Migdal and Schlichte 2005: 34-36). This combination of formally modern institutions and pre-modern types of domination has been dubbed ‘neopatrimonialism’.

State-building interventions aim at installing a formally modern state organization in a society. Sometimes they formally existed before (e.g. Iraq), sometimes they were almost completely absent (e.g. Afghanistan). However, interventions do not only transfer these institutions, but they also apply a host of strategies in order to make these institutions work as they do in Western states. They punish corruption and fight non-state actors that provide public goods. External actors put pressure on political actors, the administration and security forces to conform to formal institutions. However, by fostering these modern state institutions in societies with a lack of functional differentiation, external actors undermine the creation of patrimonial networks. As I pointed out, the modern state will not work in a stratified society and thus fails to deliver public goods. At the same time, the road to neopatrimonialism is blocked. Thereby, the government is unable to create an elite coalition with armed non-state actors such as ‘warlords’ and, eventually, a monopolization of the use of (collective) force. As North et al. (2009: 265), argue:

“Indeed, to the extent that these institutions are forced onto societies by international or domestic pressure but do not conform to existing beliefs about economic, political, social, and cultural systems, the new institutions are likely to work less well than the ones they replaced. Worse, if these institutions undermine the political arrangements maintaining political stability, these institutions may unleash disorder, making the society significantly well off.”

To sum up, the modern state as defined by Weber can only work in functionally differentiated societies. In contrast, governments in stratified societies rely on a neopatrimonial rule. The question, then, is what type of differentiation is the dominant one in Afghanistan and which consequences does this have for the intervention?
Societal Differentiation in Afghanistan and the NATO intervention

As of 2012, the Afghan government has not succeeded in establishing a monopoly on the collective use of force. Even ten years into the intervention, NATO and Afghan National Army (ANA) forces still conquer areas in which Taliban government has been unchallenged so far (NewYorkTimes 2011). While the Taliban and their allies are the main focus of Western newspaper reports, there are also small tribes which practically govern themselves without any government interference (Schetter, Glassner et al. 2006: 9). The first years of ISAF were marked by a light foot print approach. It was reckoned that it would be sufficient to train elites in each societal sector, which then would have further trained policemen, judges or bureaucrats. However, instead of creating a snow ball effect, NATO placed a snowball into the desert. Whole police units simply disintegrated because they were too few in too large an area, they were poorly trained, poorly paid and could not rely on other sectors such as the judiciary (Waltemate 2011). Over the years, these experiences led the international community to change their approach. Instead of a light foot print intervention, a strategy was adopted that can best be described as a ‘big push approach’: Everything would be built at once and with massive external aid, from the government to schools and local police. This was complemented by a large counterinsurgency operation. As Andrew Bacevich (2010) observed, NATO’s approach “[..] aimed at dragging Afghans kicking and screaming into modernity [..]”. The results were still poor. Afghanistan is currently ranked in the TI’s Corruption Perception Index as the second most corrupt country in the world (TransparencyInternational 2011), the Economist Intelligence Unit’s Democracy Index ranks it 152nd out of 167 countries (EIU 2011: 3-8) and it comes in 172nd in the UN’s Human Development Index (UNDP 2011: 127-130). How is it possible that these are the results of a decade of military intervention (ISAF) which was conducted in order to bring good governance and the rule of law to the Afghan people, by investing billions of dollars of aid and committing about a hundred thousand troops for several years in order to create a stable security situation? Why do ambition and outcome differ so starkly? To answer the question, one needs to have a look at the forms of societal differentiation of Afghanistan’s society.

From a historical perspective, the weakness of central governments does long pre-date the beginning of the Civil War at the end of the 1970s. During the last centuries, many attempts have

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5 One clarification needs to be made when talking about ‘tribes’ in Afghanistan: I do not refer to the large Pashtun tribes such as the Durrani and Ghilzai of Kandahar with their hundreds of thousands of members and their complex hierarchical structures. Instead, ‘tribe’ in this paper describes small social units that are local, rely on personal interaction and are highly autonomous, such as the tribes of Kunar (cf. Schetter, Glassner et al. 2006).

6 For the sake of completeness: It shares the second worst place with Myanmar.
been made by Afghan leaders to create a strong central state. However, none of them has succeeded. Periods of stability were rather characterized by a weak central government (Rubin 1995: 19-21). Even the short Taliban rule failed to expand state control over the whole population. Indicators for this assessment are manifold, but first among them is certainly that the government has not succeeded in monopolizing the use of (collective) violence. The current regime under President Hamid Karzai tries to consolidate its rule so that it will be able to stay the most powerful actor in a post-intervention Afghanistan. However, this consolidation does rarely happen by strengthening modern state institutions. Instead of encouraging reforms that would create more legal-rational bureaucracies, Karzai allocates the control of certain areas to warlords and demands in return that these warlords stay loyal to his regime (Giustozzi and Orsini 2009: 13-14). On the local level, administrative offices are also used as income sources. Bureaucrats do not simply execute political programs, but they ‘sell’ governmental services (Sun Wyler and Katzman 2010: 5-7). This strategy contrasts sharply with official international demands. From the very beginning, ISAF’s goal was to create a modern state that works according to the principles of democracy and the rule of law. Thus, the Bonn Agreement which set out the plan for state-building in Afghanistan in 2001 was already ordered along the lines of modern societies: It sets out political, legal, economic or educational reforms. However, in Afghanistan these spheres were still very much non-differentiated (Koehler 2010: 222-223).

The social and political map of Afghanistan is highly heterogeneous and dynamic. The degree of functional differentiation in Afghanistan is low. In functionally differentiated societies, politics and law interact but are separated. Political decisions create positive law, but they are limited by basic laws of the constitution. Courts have to apply positive laws and cannot refer to some higher natural (religious) law when judging a case. In Afghanistan, the separation of law and politics is weak at most. Although the country gave itself a modern constitution in 2004, religious considerations still seem to dominate Afghan court’s rulings. More important, however, is certainly the fact that most legal disputes are not solved by official state institutions but by traditional local shuras or jirgas (USAID 2011: 12). Examples such as that of Hamid Wali Karzai (who was killed in 2011), the president’s brother and a key figure of drug trafficking in Kandahar, show that powerful actors are exempt from the rule of law. Thus, political decisions are not collectively binding because politicians are not bound by the same rules as many citizens are.

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7 This is reflected in particular by cases of blasphemy in which the freedom of speech or the freedom of religion do not play any role and which lead to harsh punishments.
Afghanistan’s economy is still far from reaching a level of division of labor that could free up resources that allow a stronger functional differentiation. Although precise figures are hard to find, the World Bank reckons that up to 70% of Afghans work in the agricultural sector. This is a much higher value than both in developed countries and developing countries such as Iraq. Additionally, large investments into mining projects are hampered by the lack of basic infrastructure and the absence of adequate supply chain services (WorldBank 2011: 13-15). This low level of economic complexity is also reflected by the fact that about 75% of the Afghan population still lives in rural areas (USAID 2011: 12). Cities are based on the division of labor and a high degree of urbanization is a useful indicator for assessing the level of functional differentiation. Since the 19th century, there have been signs of a beginning functional differentiation, for example the rise of a money-based economy in the bazaars, or the emergence of university-educated elites. However, these developments led to conflicts with rural groups, which could block important trade routes in this land-locked country (Giustozzi 2009: 39-40). Eventually, these fragile steps towards a functionally differentiated society were destroyed during the long civil war and only slowly re-appear in post-Taliban Afghanistan. The dominant forms of differentiation are segmentation and, in particular, stratification.

Afghanistan features a great regional variation of social arrangements that deliver a modicum of public goods. The smallest unit is often referred to as qawm and can be a family, a village or some tribal community (Rubin 1995: 25). Some of these communities are still not integrated into a larger hierarchy. They are based on the personal interaction between its members. This is illustrated by the fact that the rules that govern their social life are not written down, but passed on orally (Schmeidl and Karokhail 2009: 320-322). Whereas in many parts of Afghanistan these segments have been incorporated into stratified orders ruled by warlords or tribal federations, in areas such as the mountainous Southeast segmentation is still the dominant form of differentiation. As Giustozzi (2009: 32) argues: “The role of geography seems instead to have been that large warlord polities formed only where geography did not impede their control of the military class. In areas difficult to access, local military leaders felt sufficiently protected and had little incentive to surrender any of their autonomy to a larger polity”. This underlines the importance of ‘dynamic density’ in societal differentiation. In such an environment, institutions like the Jirga or a the Pashtunwali should not be seen as standing ‘above’ small social units, but rather as inter-qawm mechanisms that regulate conflicts between segments of society (Schetter, Glassner et al. 2006: 9-10).

However, the dominant form of societal differentiation is stratification. Major examples are the two large Pashtun tribes of Southern Afghanistan, Durrani and Ghilzai. While they originally
served the purpose of managing inter-tribal affairs, over time they evolved into stratified orders. “Already during the 18th century a small landowning aristocracy emerged within each tribe which managed to seize the economic resources and had a say in local decision-making processes, while ordinary tribesmen often ended up as their clients (Hamsayagan)” (Schetter, Glassner et al. 2006: 4). Additionally, there is a host of regional militia commanders or warlords, for example in Northern and Western Afghanistan. Although scholars of Afghan society are right to point to the many different varieties of these military leaders (Mac Ginty 2010: 583-586), these actors share a common feature: They succeed to a certain extent to monopolize the use of force in certain areas, and they can decide whether to ally with the central government, or whether to seek other allies. Unlike what one could expect, ‘warlordism’ mostly appears in areas where the state does play a role (Schetter, Glassner et al. 2006: 11-12). Consequently, the Karzai administration builds on this stratification by ‘granting control’ over a certain area to warlords, who then regulate political and economic activities. They build their own security apparatuses and might even slowly develop institutions that could outlast their charismatic leadership (Giustozzi 2009: 297-300). Thus, the government in Kabul and the warlords emerge as a ruling coalition which controls quasi-feudal structures. Despite its illiberal character, such an order can be met by popular support if it produces stability and security (Lake 2010: 38-43).

Where warlords share Karzai’s interests or are too weak to challenge the government, Kabul could establish a network that guarantees a degree of stability. This was the case in Northern and Western Afghanistan. Karzai not only integrated certain warlords (such as Dostum or Fahim) into the central government (Mac Ginty 2010: 588-589), but also tried to place loyalists into local strongmen positions. These actors were not only meant to secure the area, but also to organize Karzai’s re-election (Giustozzi and Orsini 2009: 10-13). It is apparent that these complex power politics cannot be conciliated with liberal democracy or a modern bureaucracy, but it was also not sufficient for monopolizing the use of force. Although the Afghan security forces, and in particular the Afghan National Army, might not be ready to dominate the whole country (i.e. defeat the Taliban), they are able to deter less powerful warlords. The degree to which the central government tries to take power from the warlords does not only depend on the strength of its security forces, but also on the dynamics of the Taliban insurgency (Mac Ginty 2010: 589-591). The more threatened the central government is, the greater is the warlords’ bargaining power. In the long run, the central government might be able to increase its tax revenues, expand its control over local security forces and, thus, take over control from local strongmen. NATO’s shift from ‘democracy’ to ‘stability’ has been interpreted as a sign of weakness or resignation. However, the re-orientation to mainly weaken the Taliban and expand Afghan security forces while accepting patrimonial politics might reflect an important learning process. Although neopatrimonialism has a negative connotation in contemporary political
science, recent research shows that ‘regulated’ neopatrimonial rule can increase social cohesion and lay the foundation for a stepwise rationalization of state institutions (Bach 2011: 277-279).

Since a government within a stratified order depends on the distribution of rents, one of the major tools to stabilize neopatrimonial rule is the massive inflow of aid and drug money. As the example of the Najibullah regime shows, stability can be guaranteed as long as the central government has enough funds to pay its clients (Hess 2010: 177-181). This is certainly one of the reasons why Karzai opposed several attempts of external actors to create local militias which are decoupled from the overall state institutions. It is not in the interest of the central government to letting ISAF circumvent the Karzai administration and channel money directly to local actors. Ironically, the access to world markets may have created an even stronger base for stratification. As a land-locked country with harsh climate and a rough terrain, Afghanistan’s economy always struggled to create the surplus that is needed to reach more complex forms of societal differentiation. However, the high margins of drug trade create a large surplus that allows warlords to ‘tax’ peasants and pay a patrimonial network. It also enables warlords to professionalize their armed forces, which is the seed of (pre-modern) state formation.

Summing up the argument, Afghanistan is a stratified (and partially segmented) society. Therefore, it does not fulfill the basic structural requirements for a modern state as defined by Max Weber. Although the state is formally modern, governance is delivered through neopatrimonial networks. Attempts by the external actors to enforce a rational state apparatus destabilize the society but do not succeed in making the state more democratic or accountable.

**Conclusion**

As I showed in this article, an application of macro sociological theory can greatly contribute to the study of state-building interventions and, in particular, the case of Afghanistan. I argued that Luhmann’s concept of societal differentiation is a useful analytical tool to explain why the export of modern state institutions to Afghanistan produces instability. Modern states rely on functional differentiation as the major form of societal differentiation. In contrast, Afghanistan is still dominated by segmentation and stratification. Therefore, forcing political actors to build a legal-rational bureaucracy instead of neopatrimonial networks weakens governance structures vis-à-vis the Taliban insurgency.

There are, obviously, clear limits to the approach taken in this paper. Luhmann’s taxonomy of societal differentiation is highly abstract. No taxonomy can ever incorporate the enormously complex
social reality of a country such as Afghanistan. The transition from a segmented into a part stratified order is fluid. It is difficult to determine when an institution such as a Jirga turns from a purely coordinating mechanism into a hierarchical order. Another important limitation is the global context. Macro sociological theories such as Luhmann’s are based on European history, and it was the first regional society to develop into functional differentiation. In contrast, states like Afghanistan are embedded into a world society that is already characterized by economic globalization, transnational law and a world political system. How this affects Afghanistan, however, is not clearly determined. Although intuitively it seems to benefit a development towards functional differentiation, so far the embeddedness into the global political system rather led to a fragmentation of Afghanistan’s society (Rubin 1995).

Nevertheless, the discipline can gain new insights by applying Luhmann’s framework to state-building interventions. The broader lesson that can be drawn from the study is that a theoretical macro perspective can help researchers to step back and view the bigger picture. Early social theorists from Marx to Weber tried to explain the transition from feudalism to modern society. Luhmann, as one of the last sociologists who embraced Grand Theory, built on these classical scholars. By dividing historical societies into three major types, it becomes easier to grasp what distinguishes modern institutions from pre-modern ones without getting lost in the details and complexities of reality. Thereby, one can show that the application of modern concepts to non-modern societies is logically incoherent. This is the case with corruption, a concept that is treated by social scientists as universal and consequently applied to the whole ‘population’ of states.

This has strong implications for state-building interventions. If the modern state requires functional differentiation, the enforcement of modern statehood in countries such as Afghanistan will lead greatly increase the probability of instability and conflict. When the insistence on modern state institutions leads to civil war in countries such as Iraq and Afghanistan, it seems more reasonable to accept a patrimonial state which is more capable of creating (illiberal) peace as long as society is not functionally differentiated. While many practitioners and researchers might see this conclusion as undesirable, the practice of ISAF and others seems to indicate a certain implicit acceptance of the persistence of these structures. They dropped many demands to the Afghan government (e.g. by accepting Karzai’s election rigging) and let it operate in a way it deems appropriate for the local context. After all, those who ridicule Hamid Karzai as the ‘mayor of Kabul’ should keep in mind that in the 12th century, the French King Louis VI was nothing more than the ‘mayor of Paris’ (Elias 1939[2000]: 257-261). Monopolizing the use of force in a fragile stratified society such as Afghanistan is an extremely difficult task that takes time, and forcing the government to directly establish a modern state seems to undermine the effort of state-building.
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