

2 The coevolution of society and evolutionary theory through four Axial Ages

As part of the longer route mentioned earlier, the following reconstruction of some of the significant stages in the evolution of the theory of evolution also reflects the differentiation between social evolutionary theory and the broader evolution of society. The evolution of evolutionary theory is closely related to major societal transformations. In order to account for both interrelated processes we will be resorting in subsequent sections to the notion of Axial Ages, arguing that fundamental societal transformations in human history, as discussed in Axial Age theory, can be read simultaneously as evolutionary changes in society as well as in the ways that evolution has been theorized in successive eras. In these different eras we also witness the differentiation between cognitive and social evolution and, within the latter, between normative and functional evolution. While we focus here on the European tradition, recourse to Axial Age theory embeds this within a broader Afroeurasian paradigm. Likewise, although the sources we draw from come mainly from the Western tradition, this should not obscure the fact that there exist many similarities in the Eastern traditions (China, Islam), both regarding changes in societal structure and the ways of theorizing societal evolution in each era (see, for example, Jung 2022). The core argument is that social evolutionary theory and social structure co-evolve, which also means that looking at the latter is a prerequisite for understanding the former, in particular for understanding theories of evolution *avant la lettre*. Evolutionary theory, so our argument runs here, did not start in modernity but, looking at the core philo-

sophical and political theories of each era, had many predecessors in all but name. Explicit theories of social evolution, though, remain a product of what we propose to call the ‘Fourth Axial Age of Global Constitutionalism’, starting roughly in the middle of the eighteenth century and shaped by functional differentiation of (world) society.

2.1 Pre-Axial segmentary societies and the First Axial Age: Learning and institutionalizing equality and liberty, ca. 100,000–3500 BCE

The starting point of social evolutionary theory, historically speaking, was the emergence, or evolution, of a consciousness of freedom (Hegel) among the human species and how this affected the way humans in this epoch ‘theorized’ their social surroundings, in the sense that they drew upon new folk models of it. In that sense, social evolutionary theory began as a ‘science of the concrete’ in the age of segmentary societies of nomadic hunter-gatherers (100,000–5000 BCE) (Lévi-Strauss 1968: 11–50). Rather than providing (written) theories, this era, which predated the invention of script, saw the invention of myths – as expressed, for example, in cave paintings/rock art or figurines – that can, retrospectively, be read as the evolution of an understanding of the freedom of human action and, therefore, the general possibility of change of social structure. While segmentary societies are often seen as static, the central point here is that this stasis must be seen as a deliberate choice, which only makes sense when viewed against the backdrop of a general human awareness in this era that societies could change (Godelier 1973: 316; Habermas 2020: 178; Hegel 1986: 12; Lévi-Strauss 1972). Social structures were established that were meant to prevent this change from taking place, in particular the erection of permanent hierarchies of (political) domination. While this was still speculation in the works of Freud and Marcuse, some evidence has been provided in more recent advanced research on chimpanzees as well as in social anthropology research to suggest that the quest for institutionalized hierarchies has accompanied *homo sapiens* forever. Thus, research indicates, insurgencies by male chimps, sometimes by female chimps

too, could be followed by egalitarian cooperation among groups of males or females to dominate the rest of the herd, sometimes for a decade or longer. However, the big apes were neither able to institutionalize their advance, nor interested in institutionalizing it and passing it to their offspring. The reason for this discontinuity appears to be the (nearly) total lack of the capacity for an informative, conversational use of language (Boehm 2001: 182, 187; de Waal 1982: 237f, 252f; Jablonka and Lamb 2005: 202; Muller and Mitani 2005: 276; Wilson 2012: 366). Apes learn to a considerable extent instrumentally (strategically), and to some extent emotionally, and they can observe themselves. However, because they have not acquired language and cannot converse, they cannot take an impartial position reciprocally. Therefore, in Habermasian terms, they cannot make impartial truth claims and construct a theory or a societal institution or teach their kids how to maintain the cultural advances made by their parents.

Quite differently, humans – at least since the invention of language – always come into the world already socialized and imitate language from birth onwards as babies do in their first proto-speech acts (Greenwood 2015). Whereas chimps learn alone, human learning – cognitive as well as emotional or normative – is from the very beginning social learning, and that is why the evolution of society and personal-cognitive learning must be understood as coevolutionary. Social anthropologists assume that, at the earliest stage of human societies (*homo sapiens sapiens*), alpha males tended to dominate groups of hunter-gatherers, but this early period was soon followed – most likely as a result of the emergence of complex language systems – by a seemingly very long period of widely implemented egalitarian and cooperative societies often, but not always, with flat hierarchies, that remained unstable and limited to special functions (hunting, war) and a rather mild form of patriarchy (Knauff 1991, 1994; Boehm 2001). In other words, egalitarianism was not a precivilizational, almost animal-like precursor of ‘real’ (viz. hierarchical) society, but a conscious choice by which humans dissociated themselves from hierarchical alternatives. Contemporary social anthropology has quite a lot of evidence that the ‘anti-domination’ normative system of these societies represented a con-

scious political choice in contradistinction to preceding relations of domination – that is, what we see here is an early form of social evolutionary theory in the sense that the conscious establishment of anti-hierarchical institutions suggests that early humans were aware of social evolution, and tried to prevent change once egalitarian societies had been successfully established (Sigrist 1979: 110–112, 159, 185–200; Graber and Wengrow 2021). This new normative system of the pre-Axial epoch and the First Axial Age was based on a ‘reverse dominance hierarchy’ (Boehm 1993) and secured by a comprehensive, yet comparatively moderate system of surveillance and punishment (Boehm 1993: 240–254; Woodburn 1982; Knauff 1991; Gardner 1991; Gardner 2014; Cashdan 1980; Almeida 2014). Being rooted in an overarching ‘law of equality’ (Clastres 1974: 159), segmentary societies thus have an enlightened, explicit and distinct knowledge of the anti-hierarchical structure of their community, an articulated interest in its maintenance and reproduction, and they pass on their knowledge to their children through teaching and moral education in the form of myths (Boehm 2001: 187, 193 f.).

This explains why the myth of liberation is an important part of the science of the concrete. Combined with the sanctioned reverse dominance hierarchy, internalized through socialization, the science of the concrete represents in the Kantian sense the practical and performative side of humanity’s evolutionary ‘exit from self-inflicted immaturity’. While pre-Axial societies, to the best of our knowledge, developed an objectifying knowledge of the *structure* of their own societies (through language), they had not yet systematically developed an objectifying history of social development. For that we have to turn to the First Axial Age with its lists of kings and Pharaohs, and the Second Axial Age when – in opposition to a rise in hierarchical societal structures – the memory of egalitarianism and a right to liberty became deeply engrained in myths (e.g. that of Ulysses) and religious belief systems (e.g. God’s compact with the people of Israel on Mount Sinai). What we, in a revision of Jaspers’ original scheme, refer to as the First Axial Age may be dated from around 3500 BCE, when city-states emerged in Egypt and Mesopotamia, and eventually in the Asian subcontinent (the Harappa culture), Africa (Punt, Kush) and today’s Syria, to the

Bronze-Age collapse around 1200 BCE. This period saw the emergence of city-states and the world's first state (Egypt from around 3200 BCE) and eventually the first empires, writing and written law, institutionalized factional politics and institutionalized pantheons (Van de Mieroop 2016).

2.2 The Second Axial Age or the age of counter-present theorizing of stratified/imperial class societies and the memory of universalism, ca. 800–200 BCE

Relatively small, nomadic or seminomadic societies with at best flat hierarchies still existed after the differentiation of centre and periphery. Amid the anarchic peripheries of urban-centred, imperial class societies, geographically vast and subject to very little central control, societies now became increasingly exposed to military aggression, annihilation, plundering and enslavement from imperial (city) centres. Early ancient Israel was one of these peripheral societies, already partly agrarian, with a cattle-based economy, as described in the biblical Book of Judges, these judges being the 'big men' of the Hebrew tribes (Ryan 2015; Bohannan 1978).¹ It is easy to imagine that in these societies the memory of a past, transitory age of egalitarianism radicalized into a counternarrative, or, more precisely, a counterpresent memory of an egalitarian past. This happened in the context of the emerging monotheism of the (Second) Axial Age (800–200). Arguably for the first time (Pharaoh Akhenaten's experiment with monotheism only lasted for a couple of decades), the universal equality and dignity of all human beings was systematically and durably interpreted (and stored in written texts; Jaspers 1949, 2021; Assmann 1990, 1995, 2015, 2018; Breuer 1994).²

1 The three cities mentioned in Judges are referenced only negatively: alien and unjust, they oppress and exploit the weak, rob and murder strangers, and God is silent.

2 In contrast to Jaspers' 'Eurasia' we use the term 'Afroeurasia' for reasons of very reasonable political correctness, but also because the (imaginary and intellectual) histories of Old Egypt and Old Israel are too closely entangled,

This combination of universalization and storage in texts permitted this counter-present memory to be referred back to throughout the times between the days of Isaiah and those of, say, Rousseau and Marx. The core idea underpinning this counternarrative was to see the present in a non-essentialized way, that is, to theorize about society as open to change, with a normative striving to realize an unprecedented but historically remembered age of 'political and social utopia' (Assmann 2013: 79f; Weinfeld 1987: 242–247, 254f; Uffenheimer 1987: 211, 229).³ In that way, the biblical story of the Book of Exodus became a kind of paradigm for what can be understood as an evolutionist representation of history as progress, rooted in a consciousness of freedom that is at least prospectively universal and astonishingly modern. That is why Exodus – being part of a larger Afroeurasian tradition of religiously based world images (Eisenstadt 1987: 21) was rightly defined by Assmann as the revolution of the ancient world, deeply embedding a sense of liberty and (possible) evolutionary change – based on the 'poetic memory' of prophetic writers (Buber 2014: 8f.).

The Exodus story sets out a general and novel normative model of universal history, the evolution of emancipation from self-inflicted immaturity. The structurally similar Axial-Age belief systems centring on God (Israel), Nirvana (Buddhism) or ideas (Greece) are different from the particularistic liberation myth of segmentary, egalitarian societies insofar as they are now based on a largely monotheistic structure governed by one universal principle and an overarching notion of a covenant between God (Nirvana, the idea) and each

so that one must suppose that Israelian monotheism developed by a (probably reciprocal) process of copy and paste, pick and mix, analyse and recombine from Old-Egyptian religion, which with its strict differentiation of transcendence and immanence belongs to the Axial Age anyway (even if the entire story of Exodus is mere fiction as it probably is). See also Graness's interesting thesis (2017). Again, the monotheism of Akhenaten the rebel Pharaoh (ruled ca. 1353–1336 BCE) is a key point here.

- 3 All translations in this text are our own. For a sound critique of the basic distinction in modern state theory between stateless barbarism and statist civilization see Eberl 2021.

human, thus inscribing the notion of freedom into this covenant. In that sense the quasi-constitutional covenant turned into a lasting scheme of revolutionary counter-memory based on the notion that under no circumstances must reciprocity, equality and justice be forgotten in the future – and the age-old egalitarian spirit and sense of liberty, as well as means to prevent stasis and unshakable hierarchies, must be remembered. On this basis, revolutions and constitutions can be ‘repeated’ over and over again.⁴ This was already the case in the biblical narrative where, after the suppression of the counter-revolution led by Moses’ brother Aron, the covenant was renewed by reference to this scheme, as later on by Paul in early Christianity (see below), by Weitling with respect to the Covenant of the Righteous in 1836 and by Marx, Engels and Wolff in the Covenant of the Communists, all building on the aforementioned scheme. This is not to deny that, in contrast to this scheme (particularly prevalent in Exodus and the Prophets) many religious texts (in Judaism, Christianity, and others) ‘have considerable moral ambiguities because of their otherworldliness’ (Rorty 1998: 25). More precisely, they justify this-worldly oppression in the name of post-mortem, otherworldly justice. In this respect, the religious and philosophical revolutions of the Second Axial Age suffer from ‘unlearning’, which happens by repressing the critical power of the counter-memory scheme of egalitarianism and societal transformation by projecting and postponing it to a transcendent future. This, paradoxically, turns the originally subversive counter-present memory of egalitarian structures into an affirmation of the existing, hierarchical world.

In the wider Mediterranean culture of late Antiquity, cognitive and normative learning processes set in that picked up and transformed the counter-present scheme. Between 350 and 450 CE, and after centuries of cultural hegemony in this region of the pagan Greek and Roman political master image (Brown 2002) of city and citizens, the cultural revolutionary fire of an alternative master image was kindled and spread within the entire Roman Empire, mainly by Christian bishops, priests and monks from Asia Minor,

4 On the repeatability of the unforgettable event of the revolution see Kant 1977: 361.

the Near East and North Africa, leading to the establishment of the first two Christian states in the Empire's periphery – Armenia and Georgia in 313 and 318 respectively. This was the biblical, egalitarian master image of the poor (*modèle économique*), that contrasted itself with unjust and discriminating city-based class-societies of rich and poor (*modèle urbain*) (Brown 2002: 46, 80; Caner 2021; Duby 1981: 509; Kuhn 1962; Patlagean 1977: 156f.). From this perspective, when pagan Romans looked at 'their society, they saw, above all, cities and citizens, while Jews and Christians had come to see, rather, rich and poor' (Brown 2002: 9). Peter Brown describes the turn from the pagan to the biblical master image as the emergence of a first kind of universal class that the monks formed together with the anonymous poor and that no longer knew any attachment to town and country, but only the universal difference between rich and poor in town and country (Brown 1989: 279; Marx 1972: 390). This was a tremendous cultural revolution. The partisan perspective of the poor that finally prevailed led to a moderate and tolerant Christianization of the Empire (including the adoption of Christianity as state religion by Constantine in 353) not only due to structural causes (economic crises, demographic changes, growing migration, effectiveness of Christian propaganda and networks and the legitimizing potential of Christianity for autocratic rulers; Brown 2002: 8, 10, 47; Garnsey and Humfress 2001: 3; Horden and Purcell 2000: 89–112, 377–383) but also because the *modèle économique* had better arguments on its side than the militarized *modèle urbain*. Thus, the biblical representation of Roman society as the totality of a deeply divided class-society that included an agrarian basic structure described the social reality of Late Antiquity much more appropriately than the *modèle urbain*. Moreover, the New Testament's sentimental longing for an 'unconditional solidarity of open-hearted' individuals unleashed strong emotional powers (Brown 1989: 233–239, 246).⁵ Finally, the universalistic concept of justice from both testaments was normatively superior to the exclusive civic master image because it addressed *all* inhabitants of the empire as equals, at least as a normative scheme.

5 On the 'pathos of distance', see Nietzsche 1980: 258–260.

The leading philosopher and one of the most brilliant preachers of this time, St. Augustine (354–430), Bishop of Hippo in North Africa, wrote on that basis in *De Civitate Dei*, the up to then most comprehensive theory of evolution (in all but name). However, Augustine does not reach the cognitive and normative level of modernity of Exodus outlined above, at least as regards the social and political terms he uses, which remain much more hierarchical (bishop, ruler, clerics) than those of their historical antecedent, thereby highlighting the non-linearity of social evolution. However, one strong evolutionary advance in terms of (implicit) theories of evolution is clearly apparent in his writings, namely in his evolutionary theory of performative knowledge and the human subject. Without going into theological detail, Augustine's interpretation of the Holy Trinity and in particular the simultaneity of past (Father), present (the contra-present Son) and future (Holy Spirit, age of solidarity) not only resembles the performative, practical-critical and revolutionary concepts of human will (*voluntas*) by Young Hegelians and pragmatists such as Kierkegaard, Marx and Dewey (Kierkegaard 1941: 162; Kierkegaard 2013: 466; Flasch 2006: 51–53; Habermas 2020: 462–466). It also overcomes the objectifying ontological perspective of philosophical metaphysics favouring tradition (or rather hierarchy) over subjective and 'performatively present experience' (Habermas 2020: 466). In other words, Augustine ascribes to the subject the *possibility* of understanding history in a performative way, as the subject's own *universal* emancipation from self-inflicted immaturity. This emancipation then mirrors the notion of Trinity inner-worldly as the unity of a normatively future-oriented (classless), contra-present (class society) memory (egalitarian past). With this already modern, temporal-historical and performative understanding of the subject, Augustine connects to the older prophetic notion of understanding the expectation of a better future not as prognosis or utopia, but performatively as the result of human interventions (Koch 1995: 256). The change of paradigm from the exclusive and hierarchical master image of the citizen (Rome) to the inclusive and, at least in theory, equality-based master image of the poor can be understood, in evolutionary terms, as an exemplary learning process in relation to the three dimensions of cognitive (sociological)

knowledge, normative insight and emotional empathy, striving for a progress in societal solidarity (Brunkhorst 2005).

2.3 The Third Axial Age: Early functional differentiation and the turn to immanence-theorizing societal change, ca. 1000–1750

The turn to immanence during the Second Axial Age which emphasized the possibility of change – understood as a ‘human-made’ God – made the return to a once existing egalitarian order (largely on a transcendental level) central to social and theological theorizing in the wider Mediterranean cultural realm, and was followed by a second cultural revolutionary turn in monotheism around the year 1000, also referred to as the age of the Papal Revolution. Particularly significant here is the theological interpretation of an immanence of the transcendent, which allowed the Western Church in this period (1075–1122) to anchor key notions of the Second Axial Age in what in retrospect can be understood as the evolutionary shift to modern law, a key foundation of the functional differentiation of society. Somewhat anticipating Hegel’s theory of the objective spirit, Roman church intellectuals redefined both Roman and canon law as the incarnation of God, identifying the *Corpus Christi* with the *Corpus Iuris*. In this way law – understood as an instrument of God, in a similar way as in Islam during the same period – became a heavenly-turned-earthly instrument for changing this world for the better (Berman 1991; Brunkhorst 2014). One element of this turn towards immanence was that educated elites and philosophers started to debate around the year 1100 whether (or not – per heretical implication) God exists, making the existence of God dependent on inferential consequences of their own earthly, human reasoning (Berman 1991: 290f; Flasch 1994: 50–61, 94–96). Yet the most important result, in evolutionary terms, of this legal turn to immanence in the Roman church was the invention of modern, professionalized law that was based most fundamentally on a principle of law as universal freedom. In that way universal freedom became the basic category of law, due to a novel mix of Roman civil law (simply a law of coordination and im-

provement of domination of the ruling classes of empire) and canon law (designed as a law of salvation and emancipation from the misery of this world) (Fried 2007: 172; Köhn 1991; Szabó-Bechstein 1991). This shift to a paradoxical 'law that is freedom' (Luhmann) interlinked with the inner-worldly concept of the 'existence of free will' (Hegel) was the foundation of the Third Axial Age during which the functional differentiation of law took off (Hegel 1976: §29; Luhmann 1981: 62). One side effect, as with many evolutionary changes, was that the impact on societal structures was more profound than contemporaries could have anticipated. Due to the complexity of the new law of universal freedom, a process of legal professionalization immediately set in, aiming in other words to reduce this complexity by structurally coupling law and (legal) science as the first two autonomous functional systems of (early) modern society (Bauer 2018). That was, in other words, the onset of functional differentiation as the prime form of differentiation in (modern) society (not precluding that the occurrence, as in other Axial Ages, of similar developments more or less simultaneously in other world regions, e.g. the Muslim world).

To be sure, the at once normative (law of *freedom*) and functional (law of freedom) evolutionary innovation stabilized and augmented the existing strata-based power-structure. Yet, at the same time the political claim to universal freedom and emancipation through law (triggered by legal reforms and revolutions) became a real, imaginable and normatively justifiable possibility, a dynamic largely unknown in the pagan Greek and Roman-dominated cultures of the northern Afroeurasian hemisphere during Antiquity. The Third Axial Age was thus characterized by the somewhat paradoxical interrelationship between a largely unintended functional learning process of societal subsystems, on the one hand, and an intentional cognitive and normative learning process of specific social groups and classes (even the masses of people, as early Protestant movements in the Roman Church realm indicated), on the other. It was the social learning process during Late Antiquity (200–1000 CE) that led to the promotion of the poor from the merely economic category of beggar to the judicial category of plaintiff entitled to appear before the bishop's courts (which were, however, conservative being based on Roman civil law). Even so, the masses were legally and politically

perceived as a passive and 'lonely crowd' (Riesman et al. 2020; see also Brown 2002: 69). By contrast, the social learning process affecting the status of the masses in the age of the Papal Revolution activated and organized these masses based on the notion of the *pauperes*. Non-elite groups even started to organize themselves, often with the (by no means disinterested) help of Church elites. This happened, for example, in the Peace and Truce of God Movement, later on in protective associations and local peace militias set up mainly by craftsmen, such as the *Caputiati*, the capuchin men (Köhn 1991; Arnold 2009). The value attributed in this period to labour promoted the status of peasants and other working people (still under the hegemony and rule of clerics and political-military leaders) into a potentially active, self-organized, sometimes social-revolutionary, and sometimes even legislative power. No longer were these masses a 'lonely crowd' as they had been during most of Antiquity (Duby 1981). It was, not least, the significant contribution of the poor in Roman Church realms to the first crusades that fundamentally strengthened the collective agency of the lower social classes. They were no longer mere recipients of plundering, burning and murdering by warriors but became themselves warriors who on their long journeys plundered, burned and murdered first the Jews, then the Arabs, then their Byzantine Christian brethren in Constantinople. They committed these acts – which would today constitute crimes against humanity – in the name of the law and the turn to immanence (of establishing God's kingdom on Earth through human action), as expressed, for example, in the establishment of new states throughout the conquered region (e.g. the Kingdom of Jerusalem), most of them short-lived.

Unintentionally, though, the intolerant and brutal reign of the crusades had a paradoxical effect. The Pope's twelfth-century crusaders disseminated the (written) message of Christian universal freedom, just as modern-day conquerors, from Napoleon to the US and the Soviet Union, spread universal concepts alongside their power-political and military projection, for instance, universal freedom (now based on popular sovereignty) and global constitutional provisions (either democratic or communist, with the US and the Soviet Union both aiming to be champions of anti-imperialism).

Turning back to the Third Axial Age, the lower classes and the Roman church elites of the eleventh and twelfth centuries witnessed a gradual societal transformation. This change in societal structures was based on the underlying ‘general concept of freedom’, sometimes evolving into ‘communal associations with a highly developed political autonomy’ of free and equal male individuals (Köhn 1991: 349; Fried 2007). Legal scholars in that period also redefined the doctrine of inheritance in Roman civil law, which basically revolved around the notion that what concerns everyone requires the consent of everyone (*quod omnes similiter tangit, ab omnibus comprobetur*). They then universalized and socialized this doctrine, meant to address only the ruling classes, into a constitutional principle that governed any corporative body and potentially all the people living under it (Berman 1991: 366; Tierney 1982: 21, 24–25; Brundage and Eichbauer 2022). Through this creative reinterpretation of the *quod omnes tangit* principle, even laymen were now able to be represented at general councils of the Roman Church (Tierney 1982: 21). In political theory, these Church Councils were meant to represent the entire People of the Church, including all generations, alive or dead, as a kind of Christian, eschatological popular sovereign (see Möller 2021). Over time, and taking off during the thirteenth century, mendicant orders (like the Franciscans) as well as lay poverty movements mushroomed, the latter organized – as were the many free and republican cities that consolidated in that period too – on the basis of the proto-liberal new law of corporations. This finally culminated in the manifold Protestant uprisings, revolutions and revolutionary wars of the sixteenth and seventeenth centuries. In the course of these complex Protestant revolutions, the idea of the equal freedom of every Christian (legally construed during the Papal revolution) was then combined with the humanistic (secular) concept of self-empowerment of all individuals, whether Christian or not (Cassirer 1994, 2013; Habermas 2020: 724f). While the Papal Revolution thus brought the dualism of transcendence and immanence into the historical (and immanent) realm of an emerging legal sphere, the Protestant Revolution freed immanence almost totally from this dualism by transferring the ultimate decision about the border between immanence and transcendence to the conscience of the in-

dividual believer. Transcendence, in other words, no longer affected the social world from the outside, but became part – normatively as well as in terms of social structure (e.g. in Protestant collectives) – of the subjective world of the individual. Starting from there, it hardly comes as a surprise that Zwinglian jurists and intellectuals drew the consequences of this and proclaimed, probably for the first time in modern legal language, universal human rights (see Art. 3 of the Twelve Articles of Memmingen, and comparable later proclamations by English Diggers; Blickle 2003, 2004).

As in many revolutions, not all the potential fruits were harvested. For example, human rights were, if at all, codified in subjective rights of property, but not as political or broader social rights (this has only happened, globally, since the late eighteenth and early nineteenth centuries; Duby 1981, 2020; Flasch 1994: 120). As in the previous epochs discussed here, these evolutionary changes in society also witnessed a transformation of proto-theories of social evolution, that is, the social theories reflecting on how this change came about. One example here would be what can be conceived of as the first functionalist theory of society in that context, written about 1159 by John of Salisbury in his *Politicratus*.⁶ However, despite these noteworthy theoretical innovations, the overall impact of the Third Axial Age on the theory of social evolution was relatively meagre. During the sixteenth and seventeenth centuries, social contract theories and political utopias (e.g. Thomas More's) were almost completely decoupled from the hitherto dominant religious salvation-narrative, while an empiricist tradition of (in particular military) historiography that had existed since Greek and Roman times – going back as far as Thucydides – allowed for at least some theorizing on social change as well. However, it was not until the eighteenth century that social contract theories and political utopias

6 Again as far as the West is concerned, since, for example, Ibn Khaldun's theory of the state exhibits a similar outlook. John understands society as a progressively rational entity that can improve itself and is oriented towards the monotheistic programme of justice and enabling the rise of individual subjectivities, as a theological, political and legal fight 'against oppression and obstruction' (Duby 2020: 201; see also Szabó-Bechstein 1991: 161f).

were, finally, combined with the newly emerging concept of biological theories of evolution and evolutionist philosophies of history – laying the ground for the emergence of social evolution theories explicitly defining themselves as such.

2.4 The Fourth Axial Age: The planetary age of global constitutionalism and explicit social evolutionary theorizing, ca. 1750–present

Modern social evolutionary theory emerged together with structural changes related to the globalization of core constitutional and legal principles outlined in the previous section, that is, in the context of the mushrooming political-revolutionary and constitutional-reformist changes on a global scale that took place between about 1750 and 1850. The (hierarchical and imperial) outreach of mainly European powers shaped centre–periphery relations between European and non-European world regions reaching out first across the Atlantic (USA, Haiti) and then to other world regions. This de-centring of the underlying basic structure of (world) society was, consequently, accompanied by ‘the entire immense superstructure’ of a major transformation of constitutional theory and in its wake core societal dynamics (Marx 1904: 12). It is important to point out in this context that the dynamic of (global) constitutionalization must not be read as the ‘binding together’ of functionally differentiated, global systems of politics, that had somehow previously emerged independently of one another, or ‘grown apart’ from one another. Rather, this process of constitutionalization represented the core of a tight coevolution of the political *and* legal systems of world society, which included the ongoing differentiation that was the condition for their mutual linkage.⁷

As far as the evolution towards global constitutionalization was concerned, the first written and printed constitution of this plane-

7 For an elaborate account in the long historical perspective, see Brunkhorst 2014; for one focused on the modern systems of world politics and global law, see Albert 2002.

tary age was the *costituzione* of Pasquale Paoli in Corsica. Notably, it appeared on the European periphery, not in its powerful heartlands, and was published in the same year as Rousseau's *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* – the latter thus not being the first, but the most advanced and most influential draft of a theory of social evolution at the time (Colley 2021: 17–25). Rousseau was in close contact with leaders in Corsica and even wrote a draft constitution for Paoli, modelled on Swiss cantonal constitutions (Rousseau 2010). The second constitutional draft was the *Nakaz* (the Grand Instruction) of Catherine II of Russia, emphasizing the equality of all men before the law, disapproving of the death penalty and torture. The *Nakaz* was drafted by a commission composed not only of Russians from the propertied classes, but also of non-European, non-Christian people, as well as dispossessed people, women, workers and peasants. It was approved in 1767 and remained in force for four years until it was set aside by Catherine in favour of imperial expansion and the consolidation of her power (Colley 2021: 57–92, 408f). Nevertheless, the *Nakaz* was influential as it made its way not only into French, but also Polish and North American constitutional discourse, especially after Diderot's meeting with Catherine II in 1773 (Butler and Tomsinov 2009).

Both constitutional documents, the Corsican *costituzione* and the Russian *Nakaz*, not only aroused interest throughout Europe and overseas, they ultimately changed the public discourse of European, and increasingly non-European, intellectuals who came to view (global) law as completely immanent by sublating the Protestant dualism God/consciousness. This global (increasingly post-European and post-Christian) Fourth Axial Age of global constitutionalism was therefore characterized by a complete and full worldly-making of transcendence, 'transcendence from within, and transcendence in this world' (Habermas 1991b). This also affected the way in which social change was theorized, and it therefore comes as no surprise that Rousseau's Second Discourse is an empirically grounded (speculative) theory of social evolution that already contains core ideas of the most advanced evolutionary theories of the twentieth century (those of Gould, Lewontin, Kuhn etc.). That is, the fundamental idea of a permanent gradual change through (a) natural selection inter-

dispersed with sudden, quickly accelerating periods of revolutionary change (such as punctuational bursts, legal, scientific revolutions etc.), and (b) epigenetic processes (such as allopatric speciation, when populations of the same species become spatially separated). Moreover, anticipating Marx, Dewey and Peirce, Rousseau stressed that all evolution (in human society) contains significant and intentional learning processes that shape humans' imagination and the striving for experimentalism and comparison that forms the normative basis for the central evolutionary role of solidarity and egalitarianism that we witness from the inception of language. This is the social understanding of change that allows us to transcend (if only counter-factually) every existing reality that restricts individual diversity and universality and to strive for social and egalitarian freedom. It is not, however, a linear theory. For one thing, Rousseau makes the 'decisive step into a post-metaphysical thinking' (Geyer 2007: 163, 203) by highlighting that the content of future changes cannot reasonably be foreseen. As Rousseau puts it, 'no philosopher who would be so bold as to say: Here is a limit to which man can reach and which he cannot cross. We do not know what nature allows us to be' (Rousseau 1971: 38; Emerson 1983: 406).⁸ Secondly, then, and antedating complex evolution theories that refrain from imagining stability, Rousseau understands the concept of revolutionary change 'no longer as a cyclical upheaval from one stable state to another, but as a permanent, crisis-like structural change that became the guiding historical concept of modernity' (Geyer 2007: 252). Almost 100 years later, in 1848 the *Communist Manifesto* similarly defined revolutionary change as a permanent process: '[t]he bourgeoisie cannot exist without continually revolutionizing the instruments of production', that is, the relations of production, that is, all social relations (Marx and Engels 1974: 465). Rousseau's theory of evolution thus, on the one hand, expresses a Hegelian idea of emancipatory

8 Iring Fetscher (in a continuation of Cassirer's groundbreaking interpretation from the 1920s) stated in 1960 that Rousseau had thus 'introduced the new idea of the radical structural change of man into the discussion ... in opposition to all the theories of natural law that were available to him.' (Fetscher 1960: 683).

progress (expressed as fundamental freedom), deeply embedded in the social (proto-)theorizing of evolution since the dawn of human civilization. Yet, on the other hand, it suggests that progress does not proceed in a straight line, but rather follows an unpredictable zigzag course in which progression and regression, learning and unlearning are dialectically intertwined.

Novel, revolutionary technologies of dissemination accelerated this process. In the world revolutions and revolutionary world wars during the long turn from the eighteenth to the nineteenth century the spread of the global constitutional 'fever' was underpinned by the rapid development and improvement of ever cheaper media of dissemination: the printing press, (steam) shipping, denser networks of postal services, railroads, photography, intercontinental cables, telegrams, radios, moving pictures, and so on. As Marx and Engels already observed, 'steam-navigation, railways, electric telegraphs' made the 'world market' as well as 'world literature', and 'the unification, for which the citizens of the Middle Ages needed centuries with their miserable highways, the modern proletarians bring about with the railroads in a few years' (Marx and Engels 1974: 471). Constitutional texts and revolutionary manifestos were fed into these communications networks, quickly, at relatively low cost, and in large numbers, thus multiplying and fortifying globalized, interregional and reciprocal interaction (Colley 2021: 136f, 416). From the middle of the eighteenth century, it was not only this constitutional 'fever' that spread, but also the theorizing of these (and other) societal changes, which increasingly took the form of explicit theories of biological and social evolution. In fact, neither of these two sides could claim to have been first. Contrary to the view that biological evolutionary theory was there first, evolutionary theory as a whole in this era developed out of a close interaction and mutual learning between biologists, world travellers and world warriors, travel writers and newspaper men, world revolutionaries, counter-revolutionaries and philosophers and proto social scientists. In that context, the idea of a complete immanence of social evolution – its being triggered by developments in society and not from the outside (God/transcendence, nature, etc.) – took root and simultaneously

led to the globalization of the underlying notions of solidarity and egalitarianism.

In his 1795 paper *On Perpetual Peace*, Immanuel Kant could thus assert that the ‘most cruel and devised slavery’ on the ‘sugar islands’ (Haiti that is) is a ‘violation of rights in one place on earth’ that is ‘felt by all’ (Kant 1986: 216). However, this generalization of subjective rights into an early notion of human rights is only possible because the globalized world of the time became real not just in theory but in practice. As Kant explains, ‘the idea of a world citizen right’ is only ‘now no longer a fantastic and extravagant conception of law’ (ibid.). This is because absolute principles (idea, necessity, human rights, eternal peace) need to be linked to the existence of dissemination media. In Kant’s time, global ship and postal traffic made a world-wide spread of knowledge possible. In 1787 it took only a few weeks for the text of the new American Constitution to spread around the world, and for constitutional ‘fever’ to rise in many places (Colley 2021: 108). Between 1760 and 1775, the number of newspapers doubled, which was very much in line with the great impact of the most productive period of Rousseau’s life; and it doubled again between 1775 and 1790, which, in turn, massively amplified the impact of Kant in his most productive period. Kant, like all the enthusiastic partisans of the revolution, was perfectly aware of this and how ideas that might only be read by a small elite might ignite a fire of revolution on a much wider societal scale, because the underlying ideas of freedom, solidarity and egalitarianism resonate and make everyone speak in the vocabulary of the coming revolution of citizens of the world, voicing their claim to ‘unrestricted’ freedom of speech in order to enable the self-legislation of the public (Israel 2014: 45–48). In the late 1780s, a few years after Kant’s essay on Enlightenment, the avantgarde of the Paris Revolution demanded this freedom as the ‘first human right’ (Israel 2014: 51). Grave violations (from despotism to genocide) continued, but could now be repudiated on the basis of an immanent principle clearly codified and distributed in texts. Such violations could now be communicated globally as contradicting constitutional principles that had been printed and therefore could be read everywhere (Colley 2021: 108). Decolonization from the early nineteenth century would not have

been possible on that scale without this evolutionary background condition: the learning of novel ideas and evolutionary change in technologies. The accompanying notion of world citizenship, however imperfectly implemented, thus constituted a 'global public sphere' shaped by 'communicative density and empathy', in which human rights violations could be named as such, communicated, publicized and stigmatized (see our section on global peacebuilding below, Eberl and Niesen 2022: 257, 262). As the speed and density of global shipping and the number of postal stations increased, so did not only the lust for colonial and imperial domination, but arguably even more the width and depth with which human rights' violations and (world) war atrocities were communicated and condemned across the globe (Colley 2021: 112–115, 122–154, 257).

Such a broadly informed and enlightened public – transcending the distinction between alleged centres and peripheries – could not exist in ancient Rome and Greece or during the Third Axial Age because neither the ideational underpinning (complete immanence of equality anchored in the idea of positive law) nor the media of dissemination needed for the rapid cross-regional spread that ensured permanent and structured interrelations had by then evolved (Israel 2014: 35, 50, 54). Central too in this context is the observation that this process was in no way one-sided. The revolution in Haiti was the epitome of a modern global revolution (as only the Eurocentric intellectual discourse in Europe has been slow to recognize); likewise, revolutionary plans and constitutional designs from today's Global South made their way into the West, a dynamic that both Linda Colley and Sujit Sivasundaram highlight and give countless examples of (Colley 2021; Sivasundaram 2020).

It was at the apex of *la Terreur* during the French Revolution that Kant, in 1793, developed the final version of his theory of social evolution as real progression for the better (Kant 1977: 351–368). He argued that, even though it was facing a backlash from revolutionary fervour and counter-revolutionary oppression, the affective moral enthusiasm of revolutionaries and their intellectual supporters working under censorship was a sufficient empirical indicator (a *Geschichtszeichen* as Kant called it with explicit evolutionary undertones) of a 'great event' (viz. punctuational burst) in history, that

is a real progression of mankind for the better (*viz.* social learning and cognitive evolution) (Kant 1977: 357–359). Such an event, Kant argues – thereby anticipating the centrality of variation and (negative) selection – ‘cannot be forgotten’, and therefore can and should be ‘repeated’ even in the event of its ‘failure in misery and cruelty’ (Kant 1977: 358, 360f). According to Kant, this ‘repetition of ever new attempts’ at revolution only ends when a constitution based on truly universal democratic freedom has been consolidated and includes all the people of the world in a cosmopolitan society (Kant 1977: 361f, 365). Kant, in sum, thus constructs the world revolution of 1789 as an evolutionary turning point, a new Axial Age. It is axial because it is not a historical event like many others, but a new reference point in world history ‘around which everything revolves and which divides its course into a before and after’ (Assmann 2018: 14). Moreover, as in the classical philosophical Axial Age concept of Karl Jaspers, and as entailed in the concept of negative selection, the core point is not the full realization of revolutionary goals, but the fact that these goals have become unforgettable and have hence become part and parcel of the cultural memory of world society to be communicated whenever needed. Furthermore, Kant (like Marx a little later) linked his theory of evolutionary learning to social structures, that is, he combined his evolutionary theory with a theory of the evolution of social structure over different world historical stages often driven by violent contestations and countercontestations (*i.e.*, from segmentary societies to capitalist/popular sovereignty societies).

By drawing on Rousseau’s idea of constitutional self-legislation, Kant also rephrased the concept of the autonomy of the subject as the core principle of every philosophical discourse. He thereby took up the thread of performative knowledge, which had hardly developed any further since St. Augustine, and provided an evolutionary theory of subjective reason, grounded in the reflexive and practical, and therefore performative, relation of the subject to itself. In other words, Kant developed an evolution-based theory of (a) intersubjectively binding practical reason (morality), understood as the exit from self-incurred immaturity and combined this with (b) an evolutionary social theory of constitutional change based on the real moral and legal progress of mankind. Subsequent philosoph-

ical theories of evolution built on that. Schelling gave this theory of the autonomous subject a more materialist flavour, anticipating the praxis-philosophical turn to the existential and historical materialism of Young Hegelian and American pragmatists – and arguably also underpinning Adler's (2019) theory of cognitive evolution. Kant's concept of the autonomy of the subject as the driving force (and destiny) of social evolution has remained central to social evolutionary theory ever since, which, during the twentieth century, turned into communication-based evolutionary theory.

The first core characteristic in that regard is a growing functionalist focus on the autonomy of systems as evolving social structures. This began, at the level of theories of society, with Marx's focus on the functional autonomy of the economic system of world society, was followed by Durkheim's organic solidarity – a solidarity that must not be mistaken for unity but thought of as a bracket linking and integrating the fundamental functional diversity of society – led to Weber and his focus on divergent and contradictory value spheres, ending up, via Parsons and organizational theory, in complex models of differentiated communication and Luhmann's notion of system autonomy. On the level of theories of cognitive evolution and learning it was most clearly reflected in the post-structural turn to subject autonomy (subjectivation) leading from Rousseau's and Kant's idea of the self-reflexive autonomy of the subject, via Nietzsche, Mead and Heidegger, to the contemporary reconstruction of subject-autonomy, self-determination and self-consciousness in the Foucauldian post-structuralist notion of the discursive empowerment of subject-autonomy. It was also, finally, apparent in the rise of critical theories tracking societal emancipatory autonomy, which proceeded from Kant, Schelling, Hegel and Marx, via Weber, Durkheim, Peirce, Gadamer and Adorno to Bühler and Habermas's theory of societal emancipatory autonomy.

This evolution of evolution theories, which now resort, increasingly explicitly, to the concept of 'evolution', runs in parallel to societal transformations that we have already highlighted, first and foremost the globalization of constitutions and the reflection of this process in evolutionary theory. Note that Kant's concept of subject autonomy was preceded by, and enabled in interaction with, a global

practical turn to constitutional revolutions (USA, France, Haiti, rest of the world) and permanent global interaction (visible, e.g., in the emergence of global cities such as London in the early nineteenth century that developed as the hubs of intellectual reflection on social evolution at the time). This Fourth Axial Age of global constitutionalism was thus accompanied by an emergent world society of global communication. To be sure, the progress of dissemination technologies in that period also enabled an unprecedented evolution of destructive forces: hybrid warfare combining land and sea operations and wars becoming *world wars* penetrating (almost) all zones of the globe and producing huge numbers of military and civilian casualties. The arms trade and terror flourished too on global scales. In sum, wars triggered revolutions and revolutions triggered wars, and in both cases there were progressive and retrograde variants, and sometimes one turned into the other, as when liberation movements quickly became despotic (Colley 2021: 25–41, 79f, 115–154, 161–168, 245, 270, 289–295, 304, 321–324, 387, 415–424; Osterhammel 2010). Again, this was a global affair far from having the West necessarily as its centre. The first universal female suffrage was introduced in the Democratic Republic of Pitcairn, a small island in the middle of the Pacific Ocean. This republic lasted from 1838 until 1930 and attracted some Europeans who cherished the citizen rights established there (Colley 2021: 253–260). All this was actually well known to contemporaries, but nationalism and imperialism have almost eradicated it from memory.

The ideas of (egalitarian, solidarist) self-legislation and self-representation have evolved since the second half of the eighteenth century in theory and practice. They permeate philosophical, juridical and political discourses, and affect (world) society's power–knowledge complexes. The process is contradictory (ultimately about positive and negative selections). From a structural perspective, and contrary to many realist and post-colonial theories, this evolution is not only, and even not primarily, about power, self-preservation, colonialism and imperialism. It always did include, and normatively privilege, the seductive, disturbing, disruptive power of disseminated constitutional texts and their commentaries that highlighted equality and justice, allowing, even under the harshest circum-

stances, despotism, colonial rule, slavery, exploitation, autocracy and other institutions of exclusion to be discursively challenged. Where there is power, there is resistance, and this resistance in evolutionary terms is enabled and normatively supported by the axial changes highlighted above, while leaving space for different cultural expressions of generalized and universalized principles in processes of decolonization (Colley 2021: 357–424). This is what Thomas Jefferson meant by putting faith in the repeatability of constitutional revolutions and linking this to the possibility of comprehensive progress: ‘Tho’ written constitutions may be violated in moments of passion and delusion, yet they furnish a text to which those who are watchful may again rally and recall the people’ (Thomas Jefferson; quoted from Colley 2021: 342f) – somewhat ironically, since this was meant to get rid of slaveholders (of whom Jefferson himself was one).

After Kant’s blueprint for a cosmopolitan constitution it became ever more evident that the ‘unity of a society encompassing all functions’ can only be conceived of at world societal levels (Luhmann 1975: 51–71).⁹ The idea of a national collective consciousness proved to be as illusory as the idea of a future unity in the collective consciousness of the proletariat. With globally ‘prevailing functional differentiation’ and – in addition, transcending Luhmann – with growing democratization based on normative learning underpinning the idea of universal freedom (human rights and the idea of full inclusion being the normative underpinning of functional differentiation), the notion of society itself has been globalized.

That is why it is no surprise that the insight that the nation-state is not the solution but the problem as far as world society is

9 In 1912 an observer quoted by Luhmann could only state: ‘For the first time all five continents serve as the theatre at the same time’ (Luhmann 1975: 53). Even then it was realized that ‘worldwide interaction is possible if and when partners can be chosen among all human beings ... without boundaries of society preventing it. An Argentinian might marry an Abyssinian, a Zeelander take a loan in New Zealand ..., a Russian trusts technical constructions tested in Japan, a French writer seek homosexual relations in Egypt, a Berliner sunbathe in the Bahamas’ (Luhmann 1975: 53).

concerned had already emerged during the early nineteenth century, with certain people seeing a solution on the international level (which is what would later emerge as the home turf of IR). Kant wrote his essay on a future League of Nations in 1795. Towards the end of the Philosophy of Right, Hegel resorts to the misty notion of world history, placing all hope in an impersonal world judgment by the world spirit, which his student Marx then transforms, still linking it to the concept of objective spirit, into the evolution of world society read as a history of class struggles. What, however, unites all these theories of society is their assertion that (world) society can no longer be produced by establishing egalitarian relations of freedom within regional boundaries; it can only be fully achieved within a truly global context (Hegel 1976; Marx and Engels 2010). From the observation of this reality of world society Marx drew an important conclusion for the theory of social evolution, namely that, at least since the (in our terminology, not Marx's) Fourth Axial Age, the only science is the science of history (understood as world history). This is why everything social is evolution, while the theory of evolution can only, as Marx wrote – even before the appearance of Darwin's groundbreaking work – explain retrospectively. Feudalism can only be seen (in evolutionary terms) from the perspective of bourgeois capitalist society – but not vice versa (Marx 1967; Marx and Engels 2010). Two courses of action stand out: either to trust in the accidental course of evolution and to adapt normative expectations to this (Luhmann), or to actively engage through 'living forward' (Kierkegaard) or being critically-practical and practically-revolutionary, which is what the American, progressivist pragmatist tradition from Dewey to Rorty takes from the theory of evolution as it consolidated in the Fourth Axial Age (Rorty 1998).

Since the Second World War, and much studied by mainstream IR and international law scholarship, global constitutional integration and (rudimentary) global political integration in international organizations and bureaucracies has taken off (a process that started in the nineteenth century – the Congress of Vienna being often mentioned as the inaugural moment). A democratically organized and participatory inclusive world society is far off. Yet, the idea and often the practice of the political, cultural, social and legal inclusion

of everybody (full inclusion in Luhmannian terminology), regardless of social, gender, national, religious, ethnic, sexual and 'racial' background, permeates international public law and 'world public opinion', and shapes the self-understanding of 'international public authority' (Thornhill 2020; von Bogdandy et al. 2017: 115–145; von Bogdandy 2022).¹⁰ Moreover, relations between states can hardly be seen as rooted in mere coexistence but contain strong elements of being bound by law that supports the peaceful co-operation of political units (notwithstanding constant breaches of that principle by the West and non-West; Fassbender 2009).

The post-World War II era saw a consolidation of the idea of global constitutionalism, and the sociology of universal communication (paradigmatically in the three dimensions of autonomy: Luhmann, Foucault, Habermas) is its product and part and parcel of it, in a way its active and activating superstructure. The latter is both reflected and shaped by the communicative turn of subject autonomy which, in Foucault's case, was due to the indistinguishable discursive entwinement of power and knowledge with respect to the autonomy of the subject, whereas Luhmann and Habermas both assume that system autonomy as well as societal emancipatory autonomy can both differentiate reflexively between power and knowledge as well as between validity and facticity. Luhmann and Habermas carry out the communicative turn in sociology almost simultaneously (although independently of each other and on the basis of different motives). Habermas spells it out normatively, Luhmann cognitively (Apel 2011: 92–137, 2016).

10 Full inclusion is already articulated in the *Charter* that prescribes 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion' (Art. 1 [3] UN; Art. 76 UN), and to 'promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation' (Art. 55 UN).