

# LAW, MYTH, AND SOCIAL ORDER

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## *Abstract*

This paper explores the intricate relationship between law, myth, and social order, inspired by Yuval Noah Harari's reflections in *Sapiens*. Drawing on Harari's concept of the "imagined order," the paper examines how foundational myths have historically sustained societal cooperation—from the Code of Hammurabi to the U.S. Declaration of Independence. It revisits the transformative impact of the agricultural revolution on space and time, as well as the role of myth in legitimizing social hierarchies and legal norms. Turning to the present, the paper analyzes how accelerated social change, globalization, and "liquid modernity" (Bauman) challenge the law's coherence and its capacity to provide stability. Contemporary law, marked by "motorized legislation" and normative overload, struggles to maintain authority in an increasingly individualistic and pluralistic world. The study questions whether current constitutions and human rights can serve as modern myths capable of generating collective adherence. It concludes by suggesting that while human rights may offer a shared imaginary rooted in both equality and diversity, it remains uncertain whether they can sustain the necessary foundations for a stable social order in the 21st century.

## *Keywords*

Myth. Social orders. Communities. Cooperation. Rule of Law.

## *Summary*

Introduction. 1. What is a Myth? 2. Is Twenty-First-Century law an imagined order? References.

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## INTRODUCTION

In this paper, I seek to explore and critically reassess the connection between three fundamental concepts: law, myth, and social order. As the starting point for my analysis, I draw upon the thought-provoking historical journey presented by the Israeli historian Yuval Noah Harari in his book *Sapiens*<sup>2</sup>. In this work, Harari invites us to trace back to Hammurabi's Code and subsequently to modern constitutions, where he identifies the presence of what he terms "the myth."

In the brief scope of this discussion, I aim to engage in a dialogue with Harari's thesis by examining a snapshot of our contemporary reality. Harari, focusing on the significance of the Agricultural Revolution, identifies two essential dimensions of the transformation it engendered: spatial and temporal. In terms of space, the Agricultural Revolution led to the abandonment of vast natural landscapes in favour of confined agricultural settlements. This transition, in turn, fostered individualism, as people became increasingly preoccupied with safeguarding themselves and their families. Regarding the temporal dimension, Harari underscores how agriculture necessitated a heightened concern for the future, as farming required careful planning and foresight.

Harari attributes the development of early agrarian societies to the necessity of cooperation, which, in his view, presupposes the establishment

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<sup>2</sup> HARARI, 2025. The book became a great success and celebrated its tenth anniversary this year. The historian is a regular presence in the media and has undeniable communicational qualities that make his vision of history appealing to the general public. That is why we have chosen to analyze the dimensions of his historical analysis that intersect with law. Obviously, his work does not have the scope of making, even in a secondary way, a history of law. However, there are analyses with clear legal implications, which are the basis of our work.

of what he terms an "imagined order"<sup>3</sup>. He elaborates on this concept by asserting that "the social norms that sustained [these societies] were not rooted in deep-seated instincts or personal knowledge but were based on the shared belief in myths."

## 1. WHAT IS MYTH?

Harari does not explicitly define the concept of myth, but we may draw upon the two meanings provided by the dictionary of the Royal Spanish Academy. The first definition describes myth as "a marvellous narrative situated outside historical time and featuring divine or heroic characters." The second meaning defines myth as "a fictional story or a literary or artistic character embodying some universal aspect of the human condition, such as the myth of Don Juan".<sup>4</sup>

From Harari's perspective, history offers two illustrative examples—both legal instruments—of the interplay between the imagined order and myth. The first is the *Code of Hammurabi*, a legal text that established the social order of the peoples of ancient Mesopotamia and purportedly enshrined the eternal and universal principles of justice dictated by the gods. The second example is the *Declaration of Independence of the United States of America* (1776), which affirmed the existence of a social order inspired by universal principles of justice of divine origin. Harari contends that the hierarchical vision embedded in the former and the egalitarian ideals

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<sup>3</sup> Ainda que HARARI não nos remeta para a obra de Benedict ANDERSON *Imagined Communities*, parece-nos inevitável invocar aqui um paralelismo possível entre o conceito de imagined order e o de imagined communities. ANDERSON, 1991.

<sup>4</sup> We are quoting here the Spanish dictionary, however different dictionaries in other languages (French, English or Portuguese) offer similar definitions. For instance, the OXFORD Advanced Learners dictionary, 1997, defines myth as a "story from ancient times, especially one that was told to explain natural events or to describe the early history of a people" or a narrative "that many people believe but does not exist or is false".

espoused by the latter do not correspond to empirical reality, as both notions—hierarchical difference and equality—are ultimately artificial constructs.

According to Harari, the recurring reliance on myth throughout human history as the foundation of the imagined order is necessitated by the social imperative to ensure spontaneous adherence to the requirements of cooperation inherent in any given social order.

The efficacy of myth as the foundation of various imagined orders is explained by two principal factors. Firstly, myth presents social order as a divine or natural imposition, lending it an aura of inevitability. Secondly, its transmission is facilitated by cultural narratives, including children's stories, theatre, music, poetry, and art in general, ensuring its pervasiveness across all social strata and its integration into the collective imagination.

Concluding this review of Harari's analysis, I note that, in his view, imagined orders can only persist if three conditions are met. Firstly, they must be materially reflected in society's living conditions. Secondly, they must align with human desires and ambitions. Finally, they can only be supplanted when a significant shift occurs in the collective consciousness of a substantial portion of society. In other words, one founding myth can only be replaced by another.

In light of the foregoing discussion, I pose the question: can the law of the twenty-first century be understood as an imagined order in Harari's sense?

My goal here is not to try to discuss if his historical explanation on the role of myths are correct, or at least plausible, but rather to use it as a way of addressing the issue of what are the grounds of cooperation in today's societies. In other words, I want to understand if myths can still be regarded as a feature of XXI st century nations. Moreover, I want to understand to what extent myths can be related to their current legal framework, establishing a parallelism to Hamurabi Code and the American declaration of independence.

## 2. IS TWENTY-FIRST-CENTURY LAW AN IMAGINED ORDER?

The transformations that humanity has undergone since the nineteenth century have been so profound that an individual who had experienced a prolonged period of dormancy—akin to the long sleep of the princess in fairy tales—would scarcely recognise the world upon awakening. The sheer magnitude and velocity of change over the past two centuries surpass the transformations witnessed between the Babylonian Empire (1792 BCE) and the United States' Declaration of Independence (1776 CE), despite the latter period. My goal here is not to try to discuss if his historical explanation on the role of myths are correct, or at least plausible, but rather to use it as a way of addressing the issue of what are the grounds of cooperation in today's societies. In other words, I want to understand if myths can still be regarded as a feature of XXI st century nations. Moreover, I want to understand to what extent myths can be related to their current legal framework, establishing a parallelism to Hamurabi Code and the American declaration of independence being far longer in duration.

The rapid and extensive social changes of recent centuries have significantly impacted the social order, and law, as a fundamental component of that order, has undergone notable transformations. For the sake of brevity, I highlight two key developments:

1. Temporal Dimension: The accelerated pace of social change has necessitated a corresponding expansion and renewal of legal frameworks. This phenomenon has led to what Carl Schmitt termed "motorised legislation"<sup>5</sup>—a concept later identified by Professor

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<sup>5</sup> On the troubling effect a ever growing legislation has on the rule of law see ENTERRÍA, 1999, *passim*. The author underlines the sharp contrast between the *sage lenteur* (HAURIOU, 1929) of the XIXth century legislative branch of government and the overwhelming growth and rapidity of legal statutes.

Pérez Luño<sup>6</sup> as a threat to the traditional legal system, resulting in "normative chaos" and "legislative hypertrophy."

2. Spatial Dimension: The process of globalisation, initiated centuries ago by Portuguese and Spanish explorers, has intensified exponentially due to recent technological advancements. This acceleration presents law with the dual challenge of harmonising different legal systems while simultaneously addressing the complexities of multi-level regulation, as exemplified by the European Union's legal framework.

These challenges cannot be divorced from the broader characteristics of contemporary society. The fragility of interpersonal connections, a phenomenon that led Zygmunt Bauman to coin the term "liquid modernity,"<sup>7</sup> underscores a world in which relationships—economic, professional, and emotional—appear increasingly ephemeral and superficial. From the perspective of individuals and their expectations of the law, it is evident that law no longer offers (if indeed it ever did) the ambitious predictability upon which legal certainty is premised. Instead, law itself has become a source of instability and uncertainty.

If we accept the premise that social orders facilitate the necessary cooperation between individuals and that such orders depend on widespread, spontaneous adherence, how can this be achieved in contemporary multicultural, individualistic societies characterised by liquid interpersonal relationships?

I do not purport to provide a definitive answer to this question. The prevailing crises of justice and law illustrate the profound fragility of the social order in our time. However, it is evident that some foundational basis is required to ensure spontaneous compliance with legal dictates.

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<sup>6</sup> PEREZ LUÑO, 2017.

<sup>7</sup> BAUMAN, 2004.

In recent decades, constitutions have emerged as the ultimate pillars of social order and stability, serving as the primary vehicles through which fundamental rights and human rights establish a vital connection with the collective imagination. Returning to Pérez Luño's insights, it is worth recalling the recognition of the utopian nature of human rights. Perhaps, in contemporary society, human rights constitute the closest approximation to a prevailing founding myth—one that inherits the legacy of modern equality while simultaneously embracing, paradoxically, the seminal ideals of difference, diversity, and plurality.

Will this provide a sufficiently robust foundation to sustain the social order?

This remains the pressing question for which an answer must be sought.

## REFERENCES

ANDERSON, Benedict, *Imagined Communities. Reflections on the origin and spread of nationalism*, London/New York: Verso, 1991.

BAUMAN, Zygmunt, *Liquid modernity*. Cambridge: Polity Press, 2004.

ENTERRÍA, Eduardo Garcia, *Justicia y seguridad jurídica en un mundo de leyes desbocadas*, Madrid: Cuadernos Civitas, 1999

HARARI, Yuval Noah. *Sapiens* [Tenth Anniversary Ed]: *A Brief History of Humankind*. United States: Harper Collins, 2025.

HAURIOU, Maurice, *Précis de Droit Constitutionnel*, 1929

OXFORD Advanced Learners dictionary, 8th edition, Oxford: Oxford University Press, 1997

PEREZ LUÑO, La filosofía del derecho como vocación, tarea y circunstancia: lección jubilar, Sevilla: editorial universidad de sevilla, 2017.