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AMBIVALENT SOVEREIGNTY: INQUIRIES INTO THE DUAL FOUNDATION OF
POLITICAL REALISM'S SUBJECT

A Dissertation

Presented to

the Faculty of the Josef Korbel School of International Studies

University of Denver

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

Paul Timmermans

November 2011

Advisor: Jack Donnelly

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Author: Paul Timmermans
Title: AMBIVALENT SOVEREIGNTY: INQUIRIES INTO THE DUAL
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Advisor: Jack Donnelly
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Abstract

Ambivalent Sovereignty inquires into the subject of political realism. This subject, sovereign authority, appears to have a dual foundation. It appears divided against itself, but how can realism nonetheless observe legitimate modes of sovereignty emerge? Against the liberal idea that a “synthesis” of both material-coercive and ideal-persuasive powers should be accomplished, within the world of international relations, realism gives meaning to a structural type of state power that is also constitutionally emerging and legitimately dividing itself—against itself. Machiavelli but particularly also other realists such as Hannah Arendt, Max Weber, and Aristotle are being reinterpreted to demonstrate why each state’s ultimate authority may symbiotically emerge from its self-divisions, rather than from one synthetic unity. Whereas liberal theorists, from Montesquieu to John Rawls and Alexander Wendt, err too far in assuming the presence of the state’s monistic authority, the realist theorists further advance an answer to how sovereign states may begin to both recognize and include only the most-legitimate manifestations of their common dualist authority. *Ambivalent Sovereignty* is relevant in this sense as it transcends-and-yet-includes these common dualities: freedom/necessity; emergence/causation; self-organization/power structures.

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INTRODUCTION

What in all the republics ... has never been thought of [is that they could be] exhibiting within the same [body politick] ... and among the same citizens, liberty and tyranny, integrity and corruption, justice and injustice.

— Niccolò Machiavelli (1966: 8.6, 396).

States are the free constituents and not the captive clients of the bodies [politick] to which they belong.

—Alan James (1986: 167).

[F]or Rousseau, a proper resolution [of the paradox] would compromise neither the individuality of the individual nor the legitimate ends of the body politick.

—Peter J. Steinberger (1988: 30).

[T]he mighty current of the revolution, in the words of Robespierre, was constantly accelerated by “the crimes of tyranny”, on one side, by the “progress of liberty”, on the other, which inevitably provoked each other, so that movement and counter-movement neither balanced nor checked or arrested each other, but in a mysterious way seemed to add up to one stream of “progressing violence”, flowing in the same direction with an ever-increasing rapidity. This is “the majestic lava stream of the revolution which spares nothing and which nobody can arrest”; [it is].... “[t]he revolution devouring its own children.”

—Hannah Arendt (2006: 39).

It is necessary ... for men living associated together under ... regulations often to be brought back to themselves ... either by external or internal occurrences.

— Machiavelli (1996: 3.1).

New Introduction: Two Possible Responses to the State Authority Problem

No human being is not subject to the structure of modern states. Nearly every human being, born today, becomes subject to the will of one of the world's close-to-two-hundred states. From requesting a birth certificate to applying for a passport, and from filing for tax returns to casting a ballot, human beings are also identified as citizens. In everyone's life come moments of subordination to the state. Because populations have relative degrees of access to structures of state power, each state is unique. Power is never shared fairly and allocated equally, so that power differentials can in great part explain why some states become sovereign states—and others not. Beyond their uniqueness, states do share one universal attribute: all have been internationally recognized, usually by means of a peace agreement, and nearly all have also been recognized as United Nations members.

But UN recognition methods and standards are better believed to have remained ambivalent, however, because they are far from neutral instruments. The UN itself is a war-time alliance, originating in the first days of 1943, and with a long Cold War record. There would not have been a UN Security Council, for example, if the the United States (and Britain and France) had not used the Council to effectively 'balance' their power against those of the USSR (and China). Moreover, there would not have been a strong correlation between sovereign statehood and UN membership if it had not been for the decolonization resolutions. When the UN in 1960 began to adopt the language of self-determination and universal human rights, this was the result of American pressures on

European allies: by ‘granting’ international recognition to African and Asian states, the hope was, “reputational social power” would expand—more so among the American and West European allies than in Moscow (as Daniel Philpott has suggested). Decolonization was thus the outcome of both a normative and a self-interested consideration of sovereignty’s meaning.

What does it mean for a group of people to be recognized, internationally, and be declared the citizenry of a sovereign state? Apparently, the recognition criteria apply not only to a population in its territory, but especially also to the perceived moral standing of this population’s relationship to government officials at home and elsewhere. History can demonstrate that many more state-like entities have appealed for recognition, by the UN or by other Great Powers, than the number of entities that actually became sovereign. The thousands of nomadic or tribal societies that were ignored at the large Great Powers conventions—at San Francisco, The Hague, and Berlin—were not only ignored because they had little structural power, and no modern standing armies—but especially also because they had never been admitted as players to the game of high politics. Indeed, they were not regarded, at least not in the West, as capable of making a moral difference in the relations between sovereign states. The West had developed its own rules on how to recognize this highly-moralized difference between legitimate and illegitimate governments, so that far fewer entities actually received recognition than those that could historically have gained it. The number of potential UN member states is, or at least once was, far greater than it currently is—despite a brief post-Cold War uptick in the number of actual UN members.

What may it come to mean for one state, or one club of states (such as the UN or the World Trade Organization), to recognize another state as a member with its own rights and responsibilities? Do all sovereign states have particular or constitutional responsibilities towards other states? This question can be answered from a legal and formal perspective, or from an informal and theoretical perspective. Especially in the latter case, the answer has to admit a curious tension between the particular power of any sovereign state, first, and the diversely-legitimized modes of its governmental authority, second. This tension produces a modicum of order. From the tension between legitimacy-recognition processes and the structure of state powers, orderliness emerges. The people and their own legitimizations or their own authorizations of government, on one side, are forming a process. (For one theoretical illustration of how this process tends to manifest itself, through a coincidence of reason and will, see the in-2011-published work of Paulina Ochoa, *The Time of Popular Sovereignty*.) But the state and its timeless administrative apparatuses, on another side, are not often believed to be a process: they are a structure, rather, with tremendous forces and capable competencies. The problem in determining sovereignty recognitions, or criteria thereof, is that the process and the structure are in tension. The process of how people obey the will of the state, or legitimize it, also, is differing qualitatively from the state's structural competencies and functions—because of their mutually-maintained oppositions. The relation between the legitimization and the powers of government, briefly, is the tense relation between a process and a structure. The organizational process of legitimacy is not identical to, nor can it be completely integrated with, the structural powers of a state apparatus. This tense non-identity is historically-contingent, and open to chance, of course, so that there is

never one standard account of how order has emerged. The degree of tension and orderliness may on some occasions have given way to a sovereign state—but not on other occasions. The question is this, therefore: who suffers from and who manages this curious tension between the many (national, territorial) state powers, in the world, and the few (international) legitimatization processes that also organize these structural state powers—so that these powers will eventually also be, rather constantly, recognized as the powers of sovereign states? And, to mitigate the suffering, how should this apparently perpetual tension be revolutionized and reconstitutionalized—either by the UN, or by other powerful organs and popular processes?

Over the course of modern history, states have emerged as the supreme affiliation of a population. Affiliations, affects, and associational ideals have increasingly been experienced in relation to the nation-state. The interesting problem with this relation is that the members of the nation cannot be recognized, under most circumstances, unless they not also proclaim their citizenship: the national unit cannot be recognized without membership of a state or state-like entity. National identity and state have become almost identical, at least in the minds of a significant part of the world population, so why should the state not be confused with its own population, or with the nation? Scholars have for decades been telling stories about the origins of the modern state, or also about the ‘Westphalian’ characteristics of nation-state structures, but the purpose behind their stories must be doubted.¹ Theirs are stories that can only privilege the beginning, and when it involves an enemy often also the ending, of a singular nation-state. Stories about state origins are, necessarily, stories about only one state and its own lineage-of-successions: about those who held the offices of government, for how long, and how

these persons were succeeded. Nationalist saga cannot be understood without military victories, moreover, so that they are saga about an enforced peace rather than about an ongoing war. It is also important to note that civil wars, food riots and suffered insurgencies are usually written out of the nationalist saga—which then turn into moral justifications for the sheer existence of one only state and its own territorial drift, as opposed to the drift and expansion of an outsider state. Again, little in such a justification is conveyed with respect to the nation-state's subordination of its own citizens, of the poor and powerless, or of any civil wars. Rather, its justifications become part of a 'selective memory' phenomenon. They prevent specific events and actions from appearing in a genuinely public forum. It is as if the stories of national morality and national self-determination are not only justifying, now, but also legitimizing and authorizing the state's apparatuses. Nevertheless, together with Hannah Arendt, it must be much further evinced that moral justifications are not the same thing as political legitimizations of certain events. It is easy to justify events in which state officials pursue private interests. It is easy to say that private interests are derived from 'the' national interests: or that both types of interest are means towards the same end. It is not only much harder but it is also impossible to legitimize official corruption, or graft, however. What theorists of world order and sovereignty's self-organization should ask themselves, hence, is how the (popular) processes of legitimization and the (state) structures of power tend to coincide, without reverting into mere and easy moral justifications for each other's existence.

Narrated forms of the national interest, or of power politics (as the international competition for national interests has also been called), are now becoming more and more

constrained by the globalization of financial capital and Internet technologies. The national interest is being hedged in by a 'new' global public realm: by financial, economic, and digital spheres.² Contrary to Stephen Krasner's impression, the national interest of a power-pursuing territorial ('Westphalian') state has never existed: it has always been an abstract ideal, somewhat similar to the monetary value of an old gold coin. Possession of the coin (or: the power) is not enough to give meaning to it, or to the party claiming value for its own sovereignty: those who possess it cannot survive very long without legit valuation (social recognition) of that unit, by all other parties and their own interests. The preferences and the entire milieu of the owner of a coin (power) do have an influence on its value: on how it may be recognized in the field of numismatics (international sovereignty).³ Also not unlike a very old coin's origins, the national interest's inception remains so mysterious that it is often wiser to simply assume that each state has no such single interest.

Although David Baldwin (in his *Paradoxes of Power*) has convincingly shown that the primary relation of the state to its power (to its military capabilities, for example) is not to be confused with a secondary relation of the gold standard to purchasing power (money), Baldwin could have done more to account for the intensity in/of the relation between the sovereign state and the structures of power that it transcends. And although he also has shown that structures of power are relational, and that any given two powers relate to each other similar to how A has an effect on B, he might have been mistaken to not also show that power is extremely complex. The powers of modern nation-states are interdependent, and they are non-unitary. This means that aggregations, constellations, and formations of power cannot be identified, as belonging to one state rather than

another, unless they are fully believed part of an organizational web that somehow negates their own unitary and singular identities. Power is relational, as Nye rightly agrees with Baldwin, but this should not prevent theorists from showing that power is also increasingly complex. It is also not the case that power is becoming more and more diffuse, diffused, and confused (as Nye seems to argue, in his 2011 *The Future of Power*). Instead, the relations between powers are becoming more and more complex; they are forming a web-like organization, or; these relations are forming ‘networking-processes’ that are transcending the nodes of power they nevertheless must include. In other words, state rights and government responsibilities are creating and have been created by a complex web of patterned risks, sufferings, mores, and mutual expectations. It is this web that transcends, yet also includes the powers of the states. The web is, as it were, the organizational process through which partial power structures are being included: the web is the whole process of world organization that is greater than the sum of its parts.

This paragraph introduces sovereignty in terms of a complex system. Each sovereign state is best assumed to have been produced by a mysterious tension between a structural plurality of powers and needs, first, and by more-or-less-apparently self-regulating organizations that include this plurality, second. The problem to be worked out in the next chapters is how and why the process of self-regulation and self-organization can transcend and yet continue to emerge from its relation to diverse and even unique structural powers. Although couching the problem of sovereignty in the language of systems theory, of structures and organizations, may alienate some readers it is a language that is not unfamiliar to international public lawyers. It is the language of freely

expressing a tension between the effectively pursuing of powers and the optimizing of governmental interests, as Krasner has described it, first, and the self-organizational process through which these powers and interests can begin to take on historical forms, second, such as the forms of sovereign authority. There is a material need to pursue interests and to expand specific powers, but there is also the organizational potential to be doing all of this together with more general powers. That is, if there must be a problem of world orderliness then it must be the problem that each sovereign state appears divided against itself—somehow appearing to contain a strange tension between its processual appearing as a free actor, within complex external organizations, and its structural needs or the necessity of its internal power dynamics. The ever-possible social delegitimization of how structural needs and powers are pursued, then, is an organizational risk of sovereignty: (de)legitimization is an organizational, not a structural contingency.⁴

Representations and delegations of power are both structural as well as organizational, however, because it is power that is being represented through an organized process. It cannot be the case that the organizational process itself is being represented by power. Whereas the process is what becomes, power is that what is. Briefly, organizational process can create and can represent power—but power itself cannot create or represent or make visible organizational process. These are the parameters of the system of sovereigns.

Why have most people ambiguous feelings about the sovereignty of their own state? Is it perhaps because they are the subject to the power of the state, as a unified structure, or is it because they are both attracted and repelled by the manner in which their nation-state is being represented, processually? What is it about the state that

prompts people to have a sense of national pride and to call on statespersons to protect their competitive stakes, and yet at the same time to question their own loyalties towards the state? What is it about their mixed affections that helps legitimize, or that helps make the state into a state? May these affections reach a moment of order, equilibrium, or parity?

Statespersons usually pretend that they alone should represent the state: they alone would be its legitimate representatives. They alone would be authorized to declare war, to ‘freeze’ the bank accounts of those who have been financing terrorist groups as well as of those who exploit entire populations, or to distort news messages coming from a foreign press agency. Statespersons alone may claim they have been authorized to shut down, or deny service from, politically unfriendly Internet sites—especially in this age of Wikileaks.⁵ But the problem with this (quite pretentious) representational dynamic, especially in the case of cyberpower and Internet censorship, is that it tends to remain divided against the dynamic as a wholesome and integral organization. There remains a difference between cyberespionage and a substantive act of war, for instance. There also remains a clear difference between the idea of hostile intent, and an actual act of war. Just as that there is still a real difference between the actual killing of a group of border-crossing enemy soldiers and the intention (but mere threat) of shooting armed missiles in the direction of large urban areas, to give another contemporary example. It can likewise make a world of difference between whether one’s ambassador is publically disinvited from a foreign state banquet, or whether one’s diplomats are only verbally threatened to be expelled by a country’s government—but no action is ever taken. The tension between the actual action by a statesperson, and the more-or-less-justifiable idea or ideology

behind that actual action, then, is a tension that should be understood to indicate the more or less symbolic tension between a measurable balance of structural powers, and the immeasurable potential to one day have been or one day be alternatively organizing these powers. There is a qualitative difference between the actual use of state powers and the potentially applying of these powers in accordance to recognizably lawful, or legitimate, or perhaps also ethical methods. Prudent people can recognize this difference.

If liberal idealism is a method of analysis which recognizes the individual before the state, and individual liberties before the group's potential, then political realism is the method of inverting idealism's priority—without negating the critical need, in the world of politics, for both individual minds as well as for shared societal dynamics. But only political realism is the method of expressing caution or prudence, rather, in encounters with any of the constitutional tensions between the modern state and its individual citizens. As Thomas Hobbes teaches, prudence is critical in encountering the open-ended structures and perpetual tensions between state powers, between the powers of groups and individuals, regardless of the historical fact that some state powers will always appear to have been used with greater justice and with better justifications than others have.

Realism holds on to the virtue of prudence, over justice, as realism also holds that organizational processes and such patterns of prudent behavior should be considered 'only' natural. Still together with Hobbes, this does not mean that nationally egoistic or nation-state-wide anti-social behaviors cannot be natural. It only means that even in the generally abject (but hypothetical) conditions of a state of nature, specific laws of nature may contingently emerge—among which will have to be the 'law' that human beings

should use their speech faculties in order to recognize that prudent actions will somehow have to have (or have had) intrinsically-greater legitimacy (greater moral standing, greater political authority, greater reputational authority, and so on) than any observed imprudent actions. Arendt would have agreed with Hobbes, on this point, although she rejects his singularization of state sovereignty.⁶ Before turning to Hobbes, who argued in his *Leviathan* that speech is ambivalent and that its moral force comes into being through ‘the’ metaphor of a single sovereign Mortal God, the question of how realism differentiates itself from idealism must remain very much a matter of how human beings use their speech faculties. It is through public exchanges of analogical meanings that they newly recognize their own sources of power, as more or less good sources and applications of power—or, that they through public speech become again willing to recognize and self-organize their powerful states in accordance to good laws. This insight was prior to Hobbes being attained and elaborated on by Machiavelli, by his exemplars (Numa, Moses), and by countless Roman Law-scholars before him.

Besides liberal idealism, social constructivism leaves too little to chance. Both approaches to international affairs have too long ignored problems associated with chaos and uncertainty—as they mostly invested in models of positive structuration and in single measures of rationality.⁷ The result has been that their models can almost only help them account for the evolution of structures of power, and for identity representations, also, but only so to the degree that these structures/representations and powers/identities themselves seem to have been organized in a rational fashion. This means that the models in themselves cannot account for banal, irrational, underrepresented, and painful phenomena such as rising resource inequalities, water scarcity, statelessness, or

undisciplined warfare. When confronted with the moral ambiguity of war and other such unorganized uncertainties, they wrongly resort to defending their hypothesis that peacefulness is steadily progressing—for their “democratic peace” amounts to nothing more than a stopgap measure, if compared to all the rising inequalities negatively affecting the world’s population.

The counter-argument developed in these sections shall conclude, by calling on Althusserian theory, that political realism leaves it to chance whether power will be applied either ideologically and persuasively or more structurally and coercively. It thus also leaves to chance whether either rational-ideal or concrete and irrational outcomes should be expected from the political world. That is, realism is attentive to the coincidence of reason of will. It is attentive to the aleatory possibility that the rational structure and the non-rational process are coinciding within the real of sovereignty, however ambivalently. Even though political realism can be said to lack criteria, and to lack a stable model of how sovereign states (should) either cause or construct each other’s actions and identities, aleatory realism still provides the most meaningful answer to why states will remain deeply ambivalent entities. On that premise, aleatory realism can give much more meaning to the timeless story of how most people may either decide to justify or to not justify the actions of ‘their’ modern states. People constantly help legitimize or delegitimize the representational sort of authority that emerges from amidst a complex system of states and societies, and realists are in a better position than other theorists to think through why public authority may begin to emerge in its supreme and ultimate mode: sovereignty. As Jean-Jacques Rousseau knew, even the most legitimate state institutions will have to be subordinating and subjectifying the people. But he did

not know why this paradoxical problem cannot be solved, as he eventually suggested that he had found the problem's solution in opting for the people's Tribune—or, actually, for a semi-institutionalized democracy absent any state representation and absent any state-governing aristocracy (a modern state without the equivalent of the Roman Senate).⁸ In this, according to Arendt, he went too far.⁹

Rousseau was right to see that power is held in common, and not individually, yet he mistakenly rejected the legitimacy of representational structures altogether.¹⁰ Perhaps only Machiavelli could have corrected his error by opting for strict constitutional parity between the singularity of the state's representatives and the pluralism of the people.¹¹ Nevertheless, the problem of state authority seems even today completely irresolvable. Rousseau was thus merely realistic when he noticed that all groups of people are struggling—not unlike how each human being must struggle and cope with a tension between her physicality and mentality. Most individuals have had to cope with this tension and, if they are not stateless, most form therein the constituents of a sovereign state. They would have had to mitigate a tension between a physical body politic and its characteristic but invisible intentions and passions. More or less reasonable preferences had to have been transformed into physical movements, gestures, and traces of power. By coping with this tension, in brief, everyone will have learned to express trust in and even to love the state—but especially also to love the inter-state and international recognitions of that state's sovereign authority (even though most adults know very well that their love for the sovereign state remains more often than not unreturned). Their nationalism is therefore, in essence, a deeply conflicted emotion. In one dimension, nationalism is an expression of group survival. It is a self-sacrificial and loving attitude towards the nation-

state. In another dimension, it may be a civic affection for the ultimate source of authority: for the voice of the people as a whole.

This is all a very complicated, undecided affair. Although modern statespersons regularly claim that their state's actions have been legitimized by rational voters, or at least by their democratic persuasions, many questions remain about this state's degree of legitimacy and representativeness. Such questions are controversial because they arise from a curious tension, well identified by Jürgen Habermas, between people's two political functions: people are both authors and subjects of the sovereignty of states.¹² The authorship function is their civic function.

In actuality, people do authorize their representatives by publically legitimizing their authority. Yet, public authorization is a 'natural' process and therefore can never be perfectly rational: authorization rarely occurs through rational structures of power alone, as it occurs certainly as often through countless and immeasurable natural law dynamics. The representational ideality and the naturally desired characteristics of the statespersons remain part of an emotive and even archetypal matter, as well.¹³ Perhaps this is why the state's representational ideality is so political: there often remains such a deep void between both the people's (self-conscious) normatively appropriate civic functioning, first, and their ethnic and possibly their national (particularistic, archetypal, subconscious, and so on) experiences, second. This mysterious void is nearly the same "void" as that Althusser observed between a people's normative idealism, first, and their experiential (but aleatory) materialism, second.¹⁴ Aleatory realism and Althusserian materialism, then, are two theories with much in common. They are both theories of the intense relation between the rationalized ideals and sense-experiences, or between the organizational

processes and power structures, that most people have in common with one another when they speak of their diverse sovereignties.

Part Two/Two

The state, and its moral obligations, appears within a complex relationship with the people and their powers, needs, and special preferences. This relationship itself can perhaps best be understood, with Althusser, as a political void. Liberal theorists suggest that it is not a void, however, but the effective outcome of each individual's intentional acts of agreement. Their suggestion is that each state's particular modes of authority have been effectuated by means of an aggregate of intentions, volitions, and preferences. On this grounding grows the liberal ideal of (electoral) consensus and (contractual) agreement. To their contrary, Thomas Hobbes is among those realists who make the case that human beings are members of naturally-competing groupings, each having their own more or less subconscious prejudices and conflicted emotions—including love and fear and many other affects—towards the general structure of states as a whole. But these affective prejudices can be decided over, he adds, on condition that the whole transcends the sum of all intentional agreements. Once the state has begun to form a whole, by respecting the laws of nature, it will be greater than the sum of its individual constituent intentions. This is how the sovereign state must respect, at risk of its own instantaneous dissolution, the natural right to life and to longevity—of all subjects.

The following inquiry demonstrates that countless theoretical responses, to the undecided affair between natural-born peoples and their intentionally recognized states, have neglected the critical importance of how political expressions tend to mutate, and tend to divide against themselves. Again, it is not uncommon to see an individual or group expressing both a caring love for as well as a violent hate against the whole of sovereignty. In the same event that seemingly antagonistic states are being detested, friendly statespersons may be acquiring charisma. The state's command authority is then being symbolized by the intensity of a relation between friend and enemy. Indeed, Carl Schmitt reminds theorists that this intensity in itself constitutes "the political."¹⁵

But as how Hobbes's work has been claimed by advocates of individual rights as well as by those of the natural law of political groups, so has Schmitt been claimed by both pro-democratic and neo-conservative elements. It thus seems to be the case that there are only two classes of responses to the problem of political authority. But are there indeed only two responses to the problem of how and why people obey their own state's supreme, ultimate, and legitimate command authority? How do and how should these two classes themselves relate to each other? What is it that limits, and what distinguishes them as such? And, why should there be only two categorical responses?

In the first class, liberal theorists aim for an ideal form of agreement. This agreement has previously arrived in the 'Westphalian' sovereign state, the modern nation-state, or may even be said to soon appear in the form of a transnational world-state. G.W.F. Hegel should be mentioned here, as having suggested that any human grouping's yearning for freedom is very much a nationalistic kind of love: the limits of the nation-state are determined endogenously, by a nation, but these limits are still to be

recognized through transnational structures of power. This nation-limiting love is further and mainly expressed through reason, but reason itself is also freely being transcended by immaterial means: by means of one philosophically determinable series of historico-spiritual syntheses. In comparison to Hobbes and his materialism, Hegel is an idealist.

The name of Descartes should also not be forgotten—and especially not in trying to have anticipated the idealist or the Hegelian position, however. Most positions in the area of ‘Western’ and Cartesian philosophy have had an idealizing effect on the world. They have also had a monistic effect on how reason and reasoning relate to the world of the senses and sensing: they tend to unify reason, briefly said, while subordinating the senses and restricting them to the will. Cartesian philosophy preferences reasoning over willing, and thus restricts or subordinates the aleatory coincidence of these two practices. The ‘Western’ philosophical category often subordinates sensory, sensible, and popular experiences to the rationality of political models. The sense (material) expressions of love for these models are then, thereby, being subordinated to an agreement with the first and final source of (ideal) authority—or, among Protestant traditions, with monotheism. That is, the love of the model state—or the love for the states of the ideally monistic model—is then dominated by the mind, by ideology, and eventually also always by an individual rational concession to one of the many ‘ideological state apparatuses.’ But the disadvantage of this area of philosophy, overall, remains the fact Max Weber observed so well: those in this area will individualize and privatize the affects people may have in terms of their own complex relationships to their state and its sovereignty. Affect privatization is a form of confessionism: it disenchant exogenous or transmundane sources of authority, yet confesses to endogenous sources.

In the second class, political realists follow Weber. They argue it is impossible to deny that statespersons have ulterior motives or private aims—which may disenchant their world and deprive them of their own moral standing. Hence, realists have to try to understand the tension between both abstract affect privatizations (confessionalism) as well as the more or less representative public actions of concrete statespeople (their struggles, or their agonism). The realist's aim is to understand how authority emerges from within agonistic and qualitatively different dimensions of human life. How is state authority being recognized, and how does sovereignty actually emerge from within the dimensions of power—between as well as within states? Although much controversy remains about political realism's proper subject of inquiry, much about this subject can be clarified by taking sovereignty theory in great part out of the Cartesian (also: the positivist) fields of philosophy.

Much can also be clarified by pointing out that realists ask why people's actual love-hate-relationships, inside and outside their particular states, appear to be relationships perennially featured within a rich diversity of political (and not just state) organizations. Hannah Arendt, in *The Life of the Mind* (1978), has a lot to say in this context, perhaps not about people's love of statehood in itself—but certainly about their love of courage and prudence. For their love of political wisdom, briefly, she refers to Socratic philosophy as an alternative to Hegelian and Cartesian attempts to simply rationally close off the organization of politics. In this book, she then holds that the Cartesian field continues to be formed by its own grave misidentifications of 'the land of truth.' By calling on reason, Cartesian (liberal) idealists are still both identifying and yet misidentifying 'truth.' They disallow any alternative identifications of 'truth'—other than

rational identifications—as they at the same moment disallow any sharing of meaningful events and thus, really, are negating people’s common and public experiencing of their sense faculties (speech, gesturing, movement, and so forth).

In their stead, Arendt reminds her readers that Socrates is thoughtful, as opposed to being rational. In this sense, Socratic philosophy exemplifies the public speech acts and the actions of a plurality of freethinking men. It exemplifies the diversity of men who know that they may “always” have to stop listening, to interrupt others, and to step outside the regular order. Arendt’s conclusion sums up this distinction between, first, having learned how to be an obedient state subject and, second, knowing that one may “always” appear to disobey the state by thinking “out of order.” “The best illustration of this may still be—as the old story goes—Socrates’ habit of suddenly ‘turning his mind to himself,’ breaking off all company, and taking up his position wherever he happened to be, ‘deaf to all entreaties’ to continue with whatever he had been doing before.” The Socratic faculty of thought rests in the power of solitariness: it is the ‘enlarged’ sort of thinking that provides men with their common ‘capacity’ for public speech and political action. But this ‘enlarged’ capacity cannot be recognized by others unless it manifests itself as a common power—within a particular public realm. It is herein that the decision is to be made to break “the thinker’s solitude”—and that the people should somehow decide to recognize the “inner duality” of their faculties and, now, of their common powers. Arendt’s Socrates, in this respect, demonstrates not just his but the people’s capacity/power to oppose sense with reason, and to oppose reason with sense. More critically, that opposition itself is open to chance interruptions as well as to innovations. It may or it may not be manifested (as this manifestation occurs no longer merely

throughout the Socratic dialogues) “in the ease with which the opposition of thought and reality is reversed.”¹⁶

On the premise that “thought” and “reality” are reversible, and that reasoning does not have to subordinate and restrict sense experiencing, but that reason and sense are also reversible, it becomes possible for anti-Cartesian and Arendtian realists to demonstrate that rationalism and empiricism are coinciding as equals—without losing their distinctiveness. The Socratic opposition of rational ideas and empirical facts has manifested itself throughout the tradition of political philosophy. Here, the main companion for rational causality should be considered empiricism—but rationalist idealism’s companion, empiricist realism, is not its ‘true’ companion. Rather, realism is often idealism’s antagonist. Especially politically, realism not just accompanies or reverses idealism: it also cautions against it. Louis Althusser and Étienne Balibar, in *Reading Capital* (first published in 1968 as *Lire le capital*), discover several signs of empiricist realism while walking on Marxian grounds. But Althusser finds that empiricism cannot be understood without its opponent: they implicate each other, and Marx would have helped solve the problem of their mutual implication.¹⁷ Marx is known for resolutely opposing the societal and economic realities of human history (Marx opposes inequalities that were structured by the modes of production) while avoiding the various rationalist schemata that had been brought forth by the Western canon or by what Althusser calls “classical philosophy”. Not completely unlike Rousseau, it is Marx who is setting out to solve “a *dramatic* theoretical problem, ... in the absence of its concept [of reason], ... but without completely avoiding a relapse into earlier schemata”. Among classical philosophers, however responsible for having made these schemata, each

containing another concept of reason, the Cartesians had wrongly “reduced causality to a transitive ... effectivity”—whereas the Hegelians had “*presupposed*” that a rational whole could appear as, and could express itself in the total sum of its individual parts.¹⁸ Further, it can now be said that the Cartesians would have been essentialists and the Hegelians phenomenologists, at least with respect to how rationality expresses itself into the ‘real’ world.

Anyhow, Althusser begins moving Marx in a direction parallel to the direction in which Arendt would soon afterwards come to move Socrates. Indeed, both were beginning to index why the authority of economic scientific knowledge cannot be objectified, why it must remain private and ambiguous, and how economic knowledge is a social interest. It expresses itself within complex historical patterns and political meanings: it is inherently biased, or ideological. Perhaps not completely surprisingly, but particularly Althusser argues that beyond Marx only Machiavelli understood why the fine negatively-defined distinction between the ‘ideal’ (phenomenon) and the ‘real’ (essence) should be maintained, politically, as they implicate one another as much as that one ideal statesman and the real people are implicated by their dualism.¹⁹ Althusser can be applauded, hence, less for having first distinguished between a reason-focused idealism and a sense-experienced materialism than for having so clearly recognized how they mutually implicate and yet also mutually oppose one another.²⁰

This distinction is critical in the evolution of sovereignty theory, as will be shown, because it has for centuries been believed that sovereignty can consist of a complex relation between two mutually opposing dimensions. Friedrich Meinecke, one of the first self-declared political realists to have followed Machiavelli’s guidance, in particular,

clearly re-worked and re-identified the mentioned dimensions of materialism and idealism as respectively those of nationalism and cosmopolitanism.²¹

Political realists often feel perplexed by the ambivalent manners in which states recognize themselves as sovereign states. As a subject of political scientific inquiry, sovereignty has indeed perplexed self-declared realists such as Waltz, Mearsheimer, and Nye.²² These realists write stories about the Great Powers of the world, are mostly concerned about the coercive function of the United States, and yet they do not shun recommending limits to its coercive power. They are increasingly studying the persuasive, diplomatic, and institutional checks on power. Joseph Nye, for example, calls for “liberal realism”. He advocates for a “new synthesis” of both coercion and persuasion in the relations between a hegemonic U.S. and the ascending states of “China, India, and Brazil.”²³

Ambivalent Sovereignty respects the confluence of liberalism and realism, as advocated by Nye, but the next sections inquire into the subject of political realism in order to find out why a “synthesis” of both approaches would be insensible and would not even help solve Rousseau’s or Marx’s problem. For, the underlying problem is about how realists observe and anticipate various appearances and emergences of sovereign authority—in light of sovereignty’s own dualistic foundation. Against almost any (including Nye’s) idealistic “synthesis” of both material-coercive and ideal-persuasive powers, within the world of international relations, realists sustain a concept of power constantly and constitutionally divided against itself.²⁴ Max Weber and Hannah Arendt, but particularly also Aristotle and Machiavelli (and Althusser), are being reinterpreted to demonstrate why each state’s ultimate authority emerges from constitutional dualities and

self-divisions rather than from a synthetic unity. Whereas liberals such as Montesquieu erred too far in assuming a unifiable or monistic mode of authority, every one of these theorists helps advance a realistic answer to how sovereign states may begin to recognize and include their most legitimate organizations and commonsensical expressions of dualist authority. In this sense, *Ambivalent Sovereignty* transcends-and-yet-includes these dualities: emergent authorities/structural causations; self-organizational processes/open structures of power, and; freedom/necessity and political participation/national interest, as well.

Political realism's subject consists less of the balance of powers, among Great Powers, than it consists of how command authority emerges from within a modicum of order between opposing powers. This work argues that the world of power has usually remained structurally divided, against itself, and yet also sustained the balance within itself. Rather than to call for a "synthesis" of division and balance, however, the work concludes that sovereign authority emerges from within the deeply dualistic foundation of human nature. The question here to be asked is, therefore, how a more natural balance should be struck between both the rational-idealist but especially also the empirical-materialist dimensions of how human beings naturally recognize and legitimize their own authority.

In all matters of supreme authority, a combination persists of both regulatory and exceptional dimensions. It may also be said that there can be no state sovereignty, or at least no political theoretical recognition thereof, without understanding the meanings of the complex combinations of both legally free and politically necessary patterns of authoritative action. This work proceeds by respecting the answers, to the perennial

question of state authority, that were professed by Aristotle, Max Weber, Friedrich Meinecke, and Hannah Arendt but it will then amend them by returning—through the lessons of Carl Schmitt and Louis Althusser—to Niccolò Machiavelli.

By reading Machiavelli, it becomes possible to reappraise the dual sovereignty thesis, as well as the material thesis that legitimate popular freedoms tend to emerge in an open-ended or dialectical opposition against the oligarchical status quo-interests. Further, although neo-Montesquieuan idealists (including John Rawls) would end up distorting his legacy, Machiavelli still understands the sources of sovereignty to be far less united and monistic than they have done. Sovereignty is, to him, being engendered by a foundational duality such as the one consisting of the commoners and the great (the Tribunes and the Senate) from which all kinds of constitutional balances may symbiotically emerge. The relevance of this duality, for International Relations theorists, is that it can help them reorganize the complex tensions between open structures and a limited number of agents, between material substances and group formations, but particularly also between the state's political necessity and the people's revolutionary freedom: between the pursuit of some ideal-image of national heritage or of 'the' national interest and, as its contrary process, the freedom to participate in self-organizing structures of more-or-less-revolutionary power.

White and Red Dragons: Aristotle and Ambivalent (Sovereign) Authority

Some states are more respectful of their subjects' liberty than others are. As Arendt's epigraph implies, some "devour" liberties and some respect them. For as long as

that most people's rights are fairly equally protected, this incongruent level of respect is no problem. Most members of the international community are moderately protective of the rights of their citizen-subjects, so that at least for them no tipping point will have been reached. Constitutional equilibria are herein believed stable, and the peace will have been maintained. Organs of public order, such as the United Nations, can remain on the sidelines. But the UN's dominant member states do often use the treaty-organization as if it were one of their own state apparatuses: they can legitimately come together to decide when the threshold between war and peace, order and disorder, has been crossed. They can basically ask the Secretary-General to serve as their personal *ad hoc* crisis coordinator, rather than for the purpose of constituting or developing new broadly applicable rights-protecting policies.²⁵ Dominant UN member states, but specifically the permanent members of the Security Council and among them specifically the United States, are then only willing to take action against those violations threatening both the equality of human rights as well as the flow of corporate commerce.²⁶ It is as if human rights play a subordinate role to national interests. Should the manner in which UN states recognize each other's equal rights to sovereignty—to avoid an overbearing U.S. or EU—not be reconstituted and revolutionized?

In the current time, the Security Council acts only when population elements are massively beginning to migrate, are being extremely forcibly displaced, or are taking up arms against the rulers-that-be, while skirmishing both for their material advancement as well as for better self-protected rights. It is then too often and too conveniently forgotten, however, that insurgents and terrorists in Iraq, Congo, Nepal, and so many other militant factions elsewhere can justifiably claim to be protecting themselves from a corrupt or an

absent state.²⁷ The just cause of the militants cannot and should not be negated solely on the basis of Western preferences for UN's multilateralism, however. Even the UN itself should be understood to remain subject to political negation. At its core it is still a wartime alliance and, as such, it may reasonably be perceived to have taken sides in wars—with the American occupiers of Iraq, for example.²⁸ Moreover, the UN continues to be controlled through the “murky backroom diplomacy” of the permanent members of the Security Council (P-5), as one commentator writes, rather than by any belief in the “principles of democratic legitimacy.”²⁹

Still, beliefs in legitimacy are difficult to qualify. Not only UN-mandated intervention forces, but even the least-recognized armed factions in the world will have their own reasons to try to provide orderliness and to maintain legitimate levels of ‘global’ governance.³⁰ One of the greatest paradoxes in international politics consists of the notion that both the world’s militant elements as well as the Security Council can equally claim to be fighting under the banner of offering “human security.”³¹

The corridors of the UN are worlds apart from nearly all elementary school classrooms—including those in affluent nation-states. But there is one similarity: the UN is peopled by professional state diplomats; classrooms by natural-born diplomats. One main difference is plain to see: school-students have far fewer fears of secessionists and armed factions than that state representatives seem to have. While professional diplomats can rationalize cultural and political differences, young students would be visibly enthralled upon learning about the different rights and prerogatives children elsewhere may enjoy, rather.³² Teachers will have explained to them that the human population is divided into nation-states, each with its own legal and constitutional structure as well as

its own anthem and flag. These symbols may also have been said to express the equality of all peoples, and the equal dignity of their own national values.³³ Children might even have been given an assignment to search for ‘strange’ flags, or to simply have imagined a national emblem for their own wonderlands. Visitors to these schools will find far it less likely, however, that most children were also taught why flags are deeply *political* symbols—as opposed to merely different signs of national unity.

Flags and banners originate from shipping cultures and from the need to differentiate between naval and army troops: they are codes for formations, allegiances, and disciplines. For any group to follow the same flagging protocols means that it will have at once integrated and disciplined (as Foucault would have said) itself.³⁴

Flagging rituals are being followed to give a political performance. The flag can instantly appear as a symbol of cultural cohesion and national integrity. Of course, the integration process itself must not have passed some ‘point of no return’ as the recognizing group cannot have split apart—more or less violently—in order for the flag’s appearance to be believed legitimate. Unlike most heraldry emblems, a national flag signifies therefore not just a (dynastical) unification principle, but also always the union of a specific group’s various principles of elemental self-integration and self-regulation.

This inquiry will be about why groups have so long been believed to self-integrate, to maintain their political autonomy, and—as Machiavelli speaks about this phenomenon of either political or constitutional self-integration—how groups do or should *believe* their natural constitutions somehow necessitated their having brought themselves back to their own foundations, and to thus have been “born again”, either by

means of force or by law: “[by] extrinsic accident or ... intrinsic prudence”, and; “either by external or internal occurrences.”³⁵

Each flag symbolizes a moment of principally legitimate self-organization, but the flag is also a political symbol because no group can be recognized as an equal if that group were not also capable of maintaining its own moment of self-organization for some considerable period of time. In answering Machiavelli’s question of how this self-sustaining and self-organization capability should be recognized, as having caused either by accident or by legality, the case of Sudan comes to mind. The degree to which the country forms two self-organizing sovereign states, as of 2011, was determined both by third-party states (in the Security Council) and their interpretation of international law as well as by the internal usage of armed force. Sudan’s partition has been a consequence of the political fact of inequality. That is, only one of the two Sudanese states can be most financially dependent on a patron-state, and only one of them can rely more than the other on foreign trade and on consular offices and, especially, on revenues from “Chinese oil operations.”³⁶ Of course, there are many peoples who are not unlike those living in South Sudan, and still struggling to determine who among them is in the relatively most advantageous position to govern, to self-organize, and to be recognized as most politically autonomous. Besides the Sudanese, also, many groupings with a determinate ethnic or linguistic character have sought—but never received—diplomatic recognition and UN membership.³⁷ This book explores new opportunities, both practical and theoretical, to come to better understand the rights of self-organizing groupings—by passing by the anarchist Michael Bakunin’s call to dissolve any and all sovereign states and to instead ask the realist Niccolò Machiavelli to help contemporary states/peoples

better identify their own aspirations to become recognized as equally-constitutionalized sovereign persons.³⁸

Why are human groupings more often symbolically, than that they are also juridically recognizable as political societies—under international law? Both the Bhutanese and the Welsh, for example, have been politically recognized. Both of these *groupings* have political societies, therefore, but only the latter are not also being recognized as a sovereign *state* with juridical equality.³⁹ On the level of symbolism, however, the countries are more equal. Flags of Bhutan and Wales depict respectively a white and a red dragon, and precisely these symbolic sorts of depictions continue to raise critical controversies—which teachers should (more frequently) invoke in order to characterize the ambivalent relationship between any given population, on one side, and the complex combination of its political principles and its internationally legitimized juridical prerogatives, on another. To some Bhutanese people, the thunder-dragon represents a principle of independent monarchical authority whereas others may add that this mythological animal primarily refers to the country’s Buddhist foundations.⁴⁰ The Welsh Christian Party has called the flag’s dragon a mid-twentieth-century sign for the devil, further, whereas traditionalists maintain that (already for many centuries) “the red dragon gives impetus.”⁴¹

Flagging protocols are omnipresent in today’s world—but they are also part of those rules that continue to mirror yesterday’s beliefs and yesterday’s concepts of what it means to be recognized as a member of a political group: of a unified people. This conventional aspect explains why flags may be draped over the coffins of some citizens—but not over those of others, and definitely not over those of non-nationals.

That is, this conventional rule mirrors the in-group's self-selection process, and thus a political behavioral pattern, already known to Thucydides—who describes it as the proper honoring of all those who had fallen in battle, as he thought should be done upon the rifling of “the dead bodies of the enemy.”⁴²

Although flags and other emblems of *national* unity were first created during meetings of eighteenth-century university students, *political* groups would quickly after adopt such emblems to become better recognizable just as well. States thus used nationalism to advance their own appearance of societal integrity and cultural dignity.⁴³ But to be seeking recognition for an in-group's dignity, or to be honoring its autonomy, is an activity that has preconditioned politics at least since the first walled cities were build—usually in order to store and protect a quantifiable surplus of agricultural products. Nevertheless, at least since Greek antiquity, the walled city (*polis*) has been conditioned by much more than its measurable “power potential”—because the *polis* must also always have been recognized, as Arendt writes, as an entity “independent of material factors, either of numbers or means.”⁴⁴ The below-presented inquiries are all inquiries into the qualitative difference between the state's “power potential” and its “material factors” or, as well, between a more or less symbolic organization of powers and each state's territorial and physical factors and appearances.

Reconciliatory Comments on Recognizing (Sovereign) Statehood in Antiquity

Although pro-democracy liberals are correct to point to the ancients for their own anti-state philosophies, Plato and Aristotle were not unique in having analogized the

then-known cities to less-than-democratic constitutions. This meant the ancients felt themselves part of a generation that had identified both democratic and oligarchical elements within most constitutions, because they supposed that physically recognizable groupings organized themselves within their walled cities as if they could have their own unique symbols and even their own souls: mixed constitutions to call their own, in modern parlance.⁴⁵ The philosophers analogized each such group's general soul to an autonomous person's disposition.

Despite all sorts of problems with their analogies, the philosophers have remained uniquely important in that they understood why the political group should be *believed* to be analogous to an individual person. Both are struggling to make sense of contingent events, and both tend to do so by trying to maintain an appearance of coherency and integrity.⁴⁶ Plato's Socrates asks, for example, whether the "individual soul" indeed appears to contain all three elements of virtue: contemplative wisdom, courageous action, and self-moderation. What has been forgotten, too often, is that he then also asks how these elements might relate to one another: do they form "an undivided entity, or is [their soul] a set of disconnected components?"⁴⁷ But prior to claiming he would know how to recognize the missing fourth element, of justice, in *The Republic*, Socrates most clearly wanted to know how he should recognize the immeasurable elements of the *polis*, and thus also the character of its whole government. For, each known personal element and each city's general nature "ought to [be expected to all] perform different functions."⁴⁸ Despite the multiplicity of and within each state's elemental functions, therefore, Socrates proposes that the individual partial elements as well as those of the city as a

whole “will [have to] be united by a common interest: ... [t]his unity will cause them to share pleasure and pain in common.”⁴⁹

Before wanting to approximate any definition of justice, Socrates here recommends that the general functions of causing pleasure and pain, and of the government’s right and wrong actions as well, will have to be politically moderated—akin to how each individual may decide to cope more or less temperately with pairs of opposites such as “attraction and repulsion, desire and aversion, agreement and disagreement.”⁵⁰

Not entirely unlike Plato, Aristotle mentions that each government’s actions will somehow inscribe/constitute the character of that government’s powers. In this, government action itself may certainly be analogized to an individual sage’s actions, although Aristotle would have added the provision that any analogy by itself may nonetheless lead to unjust results: the sage may prove to be a tyrant. Yet, such unjust results can still be mitigated by following a simple “rule of proportion.” Aristotle designs that rule in order to help Greeks better recognize more or less justly acting multi-elemental governments. So, the government of Thrasybulus certainly had been accurate in drawing its analogy, in itself, but had probably been morally wrong to have “cut off [all] outstanding men” after having send “an envoy to ask ask for advice [from the tyrant] Periander, who [had given] no verbal answer; [Periander had] simply switched off the outstanding ears in the cornfield where he was standing.”⁵¹ Aristotle still much agrees, with Plato, that individuals and states have their own elemental functions to perform (their own “excellences”). But he additionally wants to warn that analogies could end up being manipulated and would then seem to justify tyrannical or broadly anti-egalitarian

acts. To prevent such justifications from gaining leeway, he proposes it is only natural for people to try to equally divide their functions of governing and obeying. That proportional form of equality should be believed applicable both among the elements within the government's constitution, as well as within each citizen's character: "the good citizen must possess the knowledge and the capacity requisite for ruling as well as for being ruled."⁵²

At least since Plato's symbolism, it has been common practice to use metaphor (or analogies to bodily organs, personal moods, and alchemical elements) in giving meaning to the goodness of a grouping's behavioral principles.⁵³ Political metaphor followed commonly from a popular belief, in a founding moment also known as the state's constitutional moment. In every contemporary state, it has been widely *believed* that in its beginning there were a few extraordinary individuals who reached a good decision—as they were instructing the people on how they are to be recognized, legally and symbolically, and how their rulers should respect their rights. That good decision usually pertained, as well, to the successions to offices of state and to how the state's future should be regulated in reference to its constitutional past.⁵⁴ Besides a more or less cohesive population, therefore, constitutional organizations and acts of state recognition (the recognition of "all sovereign rights," that is) could never really be separated from the physical realm of self-regulation and political power. The physical realm in which people were and still are gathering in order to witness acts of regulation is philosophically inseparable from the realm in which the same people will also reach their decisions on who should rule whom, and thus also inseparable from the realm in which this decision is literally being metaphysically legitimized—almost precisely as how Ernst H.

Kantorowicz describes the physical-yet-metaphysical realm of the crown.⁵⁵ The crown is recognized as a symbol of the successions to a sovereign office. It symbolizes both the physical movements of succession as well as a metaphysically-assumed responsibility or duty for the common good ('office' means 'duty'). The recognition of sovereignty is part of a systemic organizational process, inseparable from people's witnessing of (and popular beliefs in) some kind of symbolically self-regulating realm of political decision-making.

Even though various constructivist theorists have said that both old and new popular beliefs should be expected to have been constructed against a social and cultural background—and that culture should be the main “resource” for any intelligible argument about beliefs, as well as that it is such a “resource” for identity structures—a more ‘realistic’ thinker, Georg Simmel, helps warn that any such constructivist definitions of social background will be likely to “transmute” the beliefs themselves, and to be turning them back into “something almost like a physical need.” Social and cultural identities might well be experienced as if they create someone’s needs and interests, Simmel would admit, but there are beliefs in something good and in something metaphysical that will differ quite starkly from these social identities: they are certainly not being causally created by these identities. Simmel’s argument is that because people will rather believe that their “interaction” with God serves as their ultimately meaningful purpose, and as a sort of metaphysical constitution of their lives, they can by analogy begin to interact with God’s worldly mediators, and thus also again begin to believe in “[social] interaction as unity”—rather than only in their abstract ideas and symbolic ideals of unity (or rather than only in the ideal objects of their beliefs). For, unity-

respecting and religiously believing people tend to interact and act qualitatively differently than non-believing people, and yet their interactions remain somehow inseparable from the causal consequences of their own cultural ideas or national identities.⁵⁶

To return to the difference between (metaphysical) beliefs in a symbol of goodness and the (physical) needs to recognize a social or cultural identity, it may be recollected that the image on Bhutan's flag embodies this difference. The image of the thunder-dragon is not only a sign of cultural identity. The dragon rather also exemplifies qualitatively distinct beliefs in the good, foundational, constitutional decision from which all (Bhutanese) political action is believed to flow. Not only a mythological creature, thus, the dragon is believed to signify a hybrid creature spreading itself out evenly across two colored fields, representing an equal union of two traditions: civic and monastic. Though the Buddhist orders do not actually have the same level of power as Bhutan's head of state has, their joint flag nonetheless expresses a belief in equality and unity. For, the monastic orders and the monarchical state should be believed to continue to have a relation of unity: they have one co-constitutive source of ultimate authority.⁵⁷ It is not only in Bhutan that this co-constitutive aspect of sovereignty has been represented by mythical animals such as dragons, however, because in seventeenth-century England it would be Thomas Hobbes who believed in the perpetually-pending arrival of a sovereign he analogized to a leviathan: *this* sea-dragon should be believed to symbolize the state's dual *authority*.

All this means that authority cannot be, by contrast to what Bakunin would argue it can be, completely imposed by means of each individual's "own reason". Instead, all

authority should also always be believed to symbolize a shared or a common “faith” in a good constitutional decision (however “skeptical” that system of beliefs may be, to use Bakunin’s own word), which then again manifests itself in some legitimate relationship between rational as well as non-rational actors.⁵⁸ The authority of a leviathan-like state exemplifies, particularly according to Hobbes, furthermore, the co-constituency of “vainglorious and modest” elements, but also of external-physical (common) and internal-mental forums (rational), within the population—neither one forum of which should be believed to ever become any less morally good than the other.⁵⁹ The two forums cannot be actually integrated, or they cannot be synthesized into one radically moral and absolutely rational state: they remain to be seen as—at least by Hobbes, instead, but also by a turn-of-the-twentieth-century realist like Meinecke—contraries, in the sense that their contrariness should perform two functions. It should motivate a sovereign authority to serve the commons and treat its diverse subjects “with care” but it should also, in the same moment, prompt this “holder of state authority” to pursue his “own interest”: to pursue his *raison d’état*. Meinecke would come to understand this concept of rationality and utility to be contradicted, and yet also to have to remain unified, by a non-rational belief in the “care” expressed by a good sovereign authority.⁶⁰

Not completely unlike the double-headed eagle (familiar in the old Germanic-language statelets), the dragon represents a spiritual world force emerging from within the relationship between any sovereign state’s two opposite dimensions: the rational use of power and the power to care for a common realm, but also between both the external-civic and the internal-confessional dimensions of state power. These dimensions are two contraries because the rational, nevertheless, can rarely also be held and be cared for in

common with all other members of the state. Instead, the rational is usually being reformulated into a higher code of public service and in a higher interest (a sovereign duty, a high office), rather, in maintaining the *raison d'état*. And so, the dragon signals to the notion that both the public and metaphysical as well as the self-interested but rational dimensions of the state may newly appear as if they form one union, and yet continue to divide themselves against each other.⁶¹

Bhutan's and Hobbes's dragon-symbols are, both, compounding a duality. Each dragon-image is of course also compounding a serpent and a bird, so that the symbol as a whole indeed represents the dynamic union (or, the alchemic unification process) of the elements water and air—as Carl G. Jung points out. Through fire (breath, spirit), water and air would accomplish a union similar to how the contraries of external-body (matter) and internal-mind (idea) are just as oftentimes being united—through popular beliefs in a spiritual force. (Jung may refer to that force as the *anima mundi*.)⁶²

The important problem to be solved, in the next chapters, is the problem of why sovereignty would at least since antiquity have to have been believed to have two opposite dimensions or two contrary foundations. Why would sovereignty have to have been co-constituted by monasticism and civics, or by the various symbolic meanings and metaphysical principles as well as by the physically acquired domain of a select population? And why should the state's ultimate authority be believed to have been hybridized by—what Aristotle-scholars usually refer to as—both the social and the natural, or actually by both its ruling as well as its ruled elements?⁶³ Can every state be recognized as a sovereign state, just because its people can be trusted to represent both

organic constituent bodies as well as to share the same set of self-ruling principles and social-cohesion ideals?⁶⁴

Karl Marx learns from Aristotle that as societies are beginning to acquire and accumulate the means (including slaves), to accomplish their private ends, societies will also somehow have to separate themselves from their natural purpose of proportional equality. Social hierarchies will have to limit the possibility for any political entity to be transcending its own utilitarian acquisitions and interests.⁶⁵ This lesson would come to set a critical theoretical precedent. Marx did correctly infer, from Aristotle's *Politics*, that statespersons should not be separating—and should at minimum try to close the gap that tends to divide—the pursuit of their measurable and quantifiable social interests from their immeasurable and naturally-meaningful ethic of pro-egalitarian self-limitation. That is, statespersons (citizens committed to variously-recognized levels of political organization) should be confident they can help each other to transcend the void they created by means of their own individual interests, and that they can best do so by naturally obeying the kind of laws that prohibit, and that may authoritatively interpellate on, any given individual's or economic class's pursuits of pure self-interest. As how school-children will have a natural fear of weapons, rather than of a secessionist walking one day into their classroom, so may statespersons quite naturally and quite responsibly recognize other political actors but nonetheless fear the socially-constructed machines these other actors represent—because, in the end, as Schmitt agrees with Hobbes, every state is indeed a machine-like instrument of power.⁶⁶ The various statespersons may thus have greater fears of some UN member states than they do of human beings with more or less temperate ambitions. Statespersons may also quite spontaneously begin to obey those

laws that affirm the “connection” between all subpopulations, without having to use a social grammar that would confront them “in a thing-like manner.”⁶⁷ Subpopulations (slaves, migrants, separatists, insurgents, and so forth) are not to be reified as if they were things, constructs, products, nor as if they were the means to an end: statespersons should alternatively begin to obey those laws believed to be most symbolic of each subpopulation’s natural spirit and purpose—according to various realist, neo-Aristotelian Marxian theorists.⁶⁸

Contemporary political theorists are often heard to dispute each other on what the proper relationship between (social) self-limitation and a (natural) moment of self-transcendence should come to look like, of course, and this is why Aristotelian thought remains critical. Jürgen Habermas and Seyla Benhabib, among several theorists of global constitutionalism, opened disputations on the question of how functional self-regulation relates and should come to relate to the idea of legal and moral progress.⁶⁹ Generally, these theorists conclude that human rights and equal liberties are best warranted by progressive organizations such as the European Union and its post-national courts—but without a strong state. Populations shall best protect their own liberties through regional and functionalist institutions, but without having to believe in self-transcendent decisions marked by sovereign discretion. In a Habermasian world, they should not have to protect themselves by following a foundational decision on how to honor their fallen soldiers, in all likelihood, nor by following the decrees of any military commanders. Much rather, general (or, functionally institutionalized) multilateral treaty-organizations and other such post-national regional networks, with greatly decentralized powers, should suffice.⁷⁰

Bonnie Honig, a 'realistic' teacher of political constitutions, says that those defending liberty by means of functional power-decentralization are too optimistic. She points to the discretion state officials may very well be needing while they are spontaneously creating moments of transcendent freedom, which is really the natural law-freedom to moderate interest-centric competition. Officials should have the discretionary authority they need to continue to serve the law, and to do so in the ethical spirit of their state's natural and foundational decisions. It would be impossible to formally protect human rights and to maintain other legal norms without at least some number of discretionary interpellations by an adequate number of continuously recognized sovereign persons, that is.⁷¹

William E. Scheuerman seconds her probably inadvertently in his own attack on Habermasian theory. He suggests that clubs such as the EU, WTO, and IMF may certainly have served as the instruments that were designed to accomplish multilateral ends, but that their presence has simultaneously disqualified any prospective (world) state institutions from more naturally and from more legitimately coordinating policies "among regional blocs and/or the Great Powers." Rather than to want to speak for *post-national* networks and global legal norms, without any policies that can be enforced by a central military component, Scheuerman finds that realists should instead become (or remain, actually) advocates for "a *supra-national* political order" within which state discretion and sovereignty will continue to be experienced as "essential to law's generality."⁷²

The practical side of the question of self-regulation is informed by the fact of disproportionate social inequalities. As the world's populations hold on to their own

regulatory principles and ideal liberties, they often end up utilizing these same principles in exclusionary manners. Subpopulations become either supportive of separatist and even terrorist factions, or of formal and legalized networks that they hope can fulfill their security needs. Paradoxically, population support for either informal or formal, and for either intra-jurisdictional or extra-jurisdictional institutions, cuts two ways. If the EU helps maintain equalities between its member states, it also maintains great inequalities among non-EU states—as even the youngest schoolchildren may soon learn on their foreign travels, outside their affluent home-countries.

Inequality and unfairness are principal (natural, moral, and religious) offenses to human beings of all ages, in all places. Yet, most Western elementary and middle schools (and news outlets) provide hardly any instruction on how inequalities have been structured by the very close relationship between capitalist economies and their dependency on states, and their national interests—as well as by, especially, economically- and socially-exclusionary ideas about the origins of America's liberties.⁷³ The paradox is that national interests are very much like all social identities: they tend to have been constructed by means of signs and symbols connoting exclusive cultural or independent ethnic groupings, and yet they in the same moment help the system of states to create all sorts of market-inclusive financial dependencies (to create globalization).⁷⁴ When the U.S. had turned into a debtor state, in the 1980s, it became structurally dependent on a capitalist market system, for example, while nonetheless maintaining a frontier-culture that would only value the individual's absolute independence from society (by means of its rags-to-riches dreams and its various lone-warrior ideals) and even would value political solipsism above its own constitutional purpose—which, from

its foundation, had been believed to be the (possible world) union of naturally sociable and naturally federated states.⁷⁵

Contemporary theorists (and teachers of government and civics) have an obligation to demonstrate that global social inequalities are more likely to follow from a passive acceptance of socially-constructed concepts and signs (such as national flags), and from the exclusionary principles they connote, than from the naturally proper or proegalitarian meanings they might alternatively begin to have within the politically-founded realm. What is too often forgotten, even in schools, is that the concepts themselves cannot be discarded. Concepts are unavoidable—particularly in the political realm. But they should not be used lightly: the one thing Socrates knew for sure.⁷⁶

Their proper connotations and possibly-ethical meanings will constantly have to be restored to them—so that, hopefully, one day a more healthy relation may be developed between the concepts themselves, the regulatory principles they connote, and the structural inequalities these principles can purportedly newly transcend. As Aristotle and (particularly Arendt's reading of) Socrates can reveal, then, human beings are naturally capable of sensing their obligation (more so than other social animals) to develop a healthier relation between hearing others apply concepts (signs, names), or hearing others speak (not: write), first, and their wondering about the proper or the foundational meanings of their concepts, second.⁷⁷ The hearing of a concept is what invites even the youngest witnesses to ever-more carefully distinguish between what the concept might have been intended to mean, and what it should *alternatively* have been used for.⁷⁸ Children often reach adulthood, biologically, around the same age as they come to know (not unlike Socrates) why there may have remained a void between the

intentional use of a concept (the social construct) and that same concept's naturally-proper, non-ironic, or literal usage (the definition).⁷⁹

Moreover, from inside the invitation/obligation to obey the concept's natural meaning "arises"—as Hannah Arendt says—the one question to have most perplexed the Greeks: "Who becomes immortal; the doer or the teller? Or: who depends on whom?"⁸⁰ Their *polis* was founded, she adds, on its determining of the proper relation between seeming opposites: the man of "action," or the actor, and the man of "contemplation," who withdraws into an audience. The distinction between actively leading *and* thoughtfully following is a distinction to be experienced within the political relationship between an actor's subordination *and/or* the serving of others. McGowan has suggested that, for Arendt, the knowledge of when to switch roles is a deeply political type of knowledge: when offices should be rotated is typically a question of non-violence.⁸¹ The best answer to this question, of how political actors may act non-violently, thus, also somehow depends on a basic distinction between their natural and their social functions. For, there tends to be considerable tension between the at-times-opposite functions of speech: it may take on the natural function of a political (non-violent) sharing of contemplated intentions, but it may also lead towards a (possibly-violently) propagandized social conflict about the definitional meaning of any particular intentions. As speech may have these opposite effects, and as Arendt made her case, the entire paradox of politics all too often emerges from the underlying relationship between both the metaphors for "unity", that are humanly or intentionally being constructed (in monotheistic cultures), and that often are appearing as signs of national unity, and the many associational and pluralistically-cogitated definitions of "God-created nature."⁸²

This latter “nature” is the self-organizing, self-unifying purpose of the pluralist definitions. Or, this paradox emerges from the unity of, as well as from a relation of contrariness between “the diversity of human associations [and] ... their ultimate unity of purpose.”⁸³

The Greek art of politics is best practiced by wisely differentiating the manifold opinions of men, and their pluralistically competing interests, from those conceptual constructs and metaphorical signs that may connote unity, singularity, but even also universality.⁸⁴ Egalitarian justice is only one such a metaphorical sign (law, piety, and compassionate love are some of the other concepts Plato studied), because no city’s population has ever lived up to its natural purpose of full equality.⁸⁵ Further, Aristotle conceives of the political art as the judicious exchange of two political functions, mastery and service, or as the open-ended rotation of the city’s available positions of relational authority.⁸⁶ The political art is to be practiced by those who maintain a principled distinction-and-relation between the two conditions of ruling and of being ruled—because this one socially-constructed distinction that will inform public judgments of the many persons who are contending for honors, or who are to be rotating the state’s offices.⁸⁷ This is the one distinction that will help both officer-holders and office-seekers remain faithful towards a proportional relation, and a just union of “the naturally ruling element with the element which is naturally ruled.”⁸⁸

Nation-states artificially maintain divisions between populations, yet they almost naturally obey the behavioral laws that appear to govern all populations, not regardless but because of the divisions these laws help maintain—in the form of national and territorial jurisdictions.⁸⁹ Some laws are surprisingly similar, thus, whereas jurisdictions

are extremely diverse. Yet, most jurisdictions are minimally formed by protocols on how to honor (or demote, or even bury) high-ranking officials, by standardized principles on how to divide the means of production, as well as by posited rules on how to punish treason, murder, adultery, and so forth. The identification of behavioral rules, as compared to positivized rules, remains a complicated business, however, because the former are more likely to unite than to divide the population. Positivized rules are closer to socially constructed identities (which are usually expressed by means of anthems, honorific titles, and other signs of national folklore), and therefore a bit more selective towards than that they actually unify the peoples of the world. But the real complications begin whenever people forget to differentiate the positive rules that allow them to hold equally shares in their own artificially constructed identity (nationality), first, from those natural inequalities all human beings have, paradoxically, in common with each other, second.

Consistent with the Jungian interpretation of the concept of co-constituted authority, as well as with findings in the field of evolutionary biology, the problem of self-divisions and self-unifications within the world population—and within the system of states—is a complicated problem *because* it cannot be solved by simply redefining every nationally-constructed limit to people's jurisdictions. Why the problem resists such a solution is—in accordance to Arendtian, Jungian, and Aristotelian theory—not very easily explained and yet must have something to do with the tense relation between the two constitutive elements of human sovereignty. One element, the unified population, is evidently a social construct that can be used as a means to an end. It can be used to refer—culturally, ironically, or at least metaphorically—to a population's imagining itself

to be a unified nation or also, perhaps, a band of lone warriors or some formerly enslaved tribe—and thus to provide moral and religious (but especially monotheistic) justifications for international wars and revolutionary separatism or, perhaps, anti-colonialism and frontier settlements. As Marx and Engels so well understood, this element of justification (either for or against wars and colonialism) is to remain the element of social deliberation.⁹⁰ The other element consists of all the manifold official jurisdictions—as these will have to be believed to have been founded as naturally diverse, pluralistic, purposeful, and principled modes of law: these are always the formally authorized modes of self-organization. And, this second is an element of foundational decision-making. Because both elements imply each other, however, a “paradox of politics” is sustained which according to Honig “can be a generative force.” As she adds, in this “paradox” there is “neither deliberation nor decision as such”—yet both elements can be struggling for recognition of their mutually constituted legitimacy.⁹¹

Political theorists such as Honig, rightly, have been building their case against those global constitutionalists who, like Habermas, would rather prefer to construct some sort of regionally-situated deliberative element (like the Philadelphia Convention) which then should come to subvert the many discretionary or decisionist elements within the current world of states.⁹² This book carves out several cornerstones that can help realist theorists to continue to build their case against, and hopefully to lower the risks involved in, globalized constitutionalism. The list of risks includes a surplus of policies motivated by neoliberal and individualistic values—as well as an abundance of social values and constructs connoting solely the instrumental ends of unity or even of harmony. It also includes the chance of continued professional and (UN) administrative ignorance about

the struggles between the elements of deliberation and decision, and severe international miscommunications about how the system's naturally proportional-egalitarian spirit of purposefulness emerges from within such struggles.

Probably unfashionably, the book follows Georg Sørensen in premising that sovereignty is neither rising nor falling. Sovereign jurisdictions and state territories are certainly not soon-to-be obsolete unitary forms of power. Rather, this book reformulates the question about how statespersons can newly begin to organize forms and structures of power. How can they transcend the powers of the international structure while also preserving their own state's natural modes of self-organization?⁹³ How can they protect the health of a complex system that organizes, or that both transcends and includes, an aggregated structure of powers? Just as how the population's natural purpose is "homeostasis," so is the state's natural purpose to self-organize and sustain a web of equilibria. Its self-organizational jurisdictions will hereby be assumed to have been helping other structures and subsidiary societies in achieving (international) legal parity: a "regulatory principle" not unlike the dynamics that self-regulate diverse and complex organic systems.⁹⁴

Constitutional founders, designers of legal structures, and users of legal and moral concepts are remarkably consistent in that they strive to maintain at least a resemblance of harmony and balance. Like most human beings, they strive to "perpetually maintain a balance between opposing propensities."⁹⁵ From within apparently contrary tendencies, in other words, systemic possibilities for balance and even for growth are somehow believed to emerge—throughout the system of states. Traditional cultures have long referred to the group's social and economic expansions by using metaphors: they would

believe these expansions were legitimized by the gods that had created organic-homeostatic systems as well as to have protected the longevity of all life, as Jung would go on to demonstrate. The concept of life-expectancy refers in these cultures then also much less to an individual's than to the group's chances of survival—or, less to privately-experienced than to public moments of growth. For Jung, biological growth is analogous to group psychological individuation.

The analogy suggests that in order for any human grouping to attain some proper measure of cultural and historical longevity, as Aristotle would quite concur, it will have to begin to grow: for the group to survive, physically, it will have to believe it can individuate itself—and that it can demand respect for its own dignity.⁹⁶ Each grouping will have to grow into its own distinct social personality, although it should try to do so by maintaining divisions (*vis-à-vis* other political entities) legitimized from within itself. The externally recognized constitution, of every self-unifying grouping, will somehow have to be legitimized by the “balance” within the grouping's internally recognizable natural dispositions. In order to succeed as a positive jurisdictional system, the group will first have to have learned to respect the organically systemic principle of “self-regulation”—or, it must first have fulfilled certain “archetypal expectations” of fairness and parity, within itself.⁹⁷

To summarize the above introductory points, the first reason behind deliberations on global social justice is (and has very long been believed to be) a mysterious decision to naturally maintain homeostasis. Discussions and deliberations invoking legally- and socially-constructed ideals of balance have always tried to place premiums on natural ecosystems, and the ways in which these managed to regulate themselves: to sustain

naturally self-balancing constitutions. After all, the human species evolved through nomadic bands—each with its own shared and yet subconscious idea of what individuality, personhood, and maturity should mean. That idea would then, over the course of generations, have to have been shared by the members of the in-group—which again helps explain why human animals have remarkably little tolerance for social imbalances and rigid hierarchies. The political unity of the band, and its authority, emerges from a metaphysical belief that justice is ‘only natural’—and that law and order follow from those dispositions that individuate: that ‘make’ humans less human and thus less fallible, while these ‘first-nature’ dispositions are also making humans more attuned to their common senses or to their ‘second nature.’⁹⁸

This emergent belief in natural justice/balance could, however, have exclusionary effects—as the believers begin to create their own in-group, which then could also try to punish, ostracize, and ban (or rifle) all those they imagine to be ‘unnatural’ or ‘unjust’ and whom are declared enemies of the in-group.⁹⁹ This is one of the great paradoxes of politics. For, the natural emergence of justice could cause an imagined identification of injustice, and order could then cause disorder, similar to how deliberative politics may demand or have been demanded by some decision on which punitive treatment the enemies of the state deserve. Anyhow, the paradox itself may also be an underlying reason as to why the mythological dragon, not unlike a two-headed eagle, symbolizes emergent authority—and why this symbol of sovereignty only presents itself on the mysterious condition that opposite elements can well be sustainably compounded, or can well have been conditioned by popular beliefs in a systemic foundational moment of homeostasis.¹⁰⁰

Hobbes and Machiavelli on Political Autonomy or Supreme Power

Sovereignty: “one that is sovereign; especially an autonomous state.” Also: “one holding supreme power over a body politick.”¹⁰¹ The dictionary’s explicit message is that sovereignty is a noun, is singular (“one”), *and* that it has been formed by some conscious choice to exercise a supreme degree of power. Would this be the choice between either the measure of a person’s independence from, or the measure of that same person’s reign over others? Dictionaries use both of these two degrees, of supremacy and autonomy, to define sovereignty as a matter of power—rather than of authority. Yet, the difference between such two degrees of power—of being independent and of depending on a rulership—nonetheless implies a sort of conceptual equilibrium. It is this difference between supreme and autonomous types of power, in other terms, that raises the stakes on all those theorists who are now trying hard to award primacy to either one type—but who may be forgetting that Machiavelli’s study of equilibrium was still much premised on one (albeit dualistic) relationship between these types.¹⁰² The problem is that for many IR theorists is that their “monistic vision” prevents them from exploring the possibility that neither one type is the primary power—and that neither state supremacy nor international law-secured autonomy gives sufficient meaning to sovereignty, whenever it would be alternatively understood as the conceptual symbol of a homeostatic union, or as a similar complex *Gestalt*.¹⁰³

The concept of sovereign authority—either despite or because of its complexity and ambivalence—is probably far more dualistic than that has conventionally been presupposed, in the definitional literature.¹⁰⁴ This book’s research question—as it will be reinterpreted in its various sections, introducing thinkers such as Aristotle, Machiavelli, Hobbes, Rousseau, and Weber—is a question of who appears, and who should appear to occupy the nave of sovereignty’s apparent ambivalence. How will that human person’s authority have to be honored, and how can the relation between authority and obedience be honored just as well? Written in the form of more or less freestanding chapter sections, the book will present various answers to that question, as if the answers were the spokes of one dialogical wheel. Sovereign authority is in some sections discussed as a degree of autonomy and freedom. In other sections, it is said to consist of supremacy and omnipotence. As these sections start to spin around with the same wheel, nonetheless, they give readers a push in the back in terms of their ride through the academic fields of International Relations (IR), political theory, and historical sovereignty studies.

This introduction supports the case that Machiavelli’s conceiving of a free republic helps him to unite both meanings: republican sovereignty connotes supremacy as well as autonomy, without being reducible to either one of the constructs. Machiavelli’s discussions of civic religion, actually, demonstrate why sovereignty would somehow have to unite both deliberative autonomy as well as discretionary supremacy while retaining a qualitative difference between these two connotations. From the canonical dialogue that followed from Machiavelli’s introducing of his ambivalent concept of sovereignty, further, it may still be learned that this concept not only does but also should

tolerate a religious sort of supremacy over, together with the autonomy of, the people as a whole.

Numerous variations on the thematic concept of ambivalent sovereignty have been composed. The canon of political thinkers, as it ranges from Aristotle to Hobbes and from Montesquieu and Rousseau to Weber and Arendt, has responded to the paradoxical qualities of sovereign authority's more or less spontaneous emergences. But Machiavelli was the first among these thinkers to have tried to theoretically integrate sovereignty's two most ambivalent elements: law and force. He reiterated in *The Prince*, Chapter 12, that: "The chief foundations of all states—whether new, old, or mixed—are good laws and good arms."¹⁰⁵ More than a century would pass before Hobbes (*Leviathan*, Chapter 13) quite similarly tried to combine good laws, or the laws of nature, with the specter of armed conflicts and quarrels occurring in that dreadful but entirely fictional "state of nature."¹⁰⁶ In the absence of any laws of nature, generating "sovereign authority" such a "state" instantly dooms itself as it would have to consist of all-warring "particular men"—or, in other words, it would be doomed by absolutely isolated and therefore no longer sociable individuals.¹⁰⁷ Hobbes's attempt is to unify and pacify the state—by allowing this state's sovereignty to emerge both spontaneously and individually. He moderates his hopes on unification with his fears that the conditions for a civil war tend to be maintained by vainglorious and solipsistic individuals, all too inclined to disrespect the laws of that peaceful and naturally secured state.

Hobbes's *Leviathan* remains mostly known for having elucidated why not only the monarchy but that any sovereign person, who may even be a collective person, should equally incorporate both "the temporal and spiritual kingdoms." Indeed, *Leviathan* first

casted the temporal and mortal body of the Roman Church (effectively, the Pope) “in the role of Antichrist”—and then went on to cast the believers, or the *corpus Christianum*, in the role of the spiritual and trans-worldly monarchy (or, actually, in the role of a sovereign person consisting of a self-organizing, covenanting group of people).¹⁰⁸ Hobbes knew also the (‘medieval’) scholars had long argued that the Roman Church, or the *corpus mysticum*, had to own “two swords” (temporal and spiritual, indeed).¹⁰⁹ But he complemented their argument by pointing out that a viable *corpus mysticum* must rather possess two qualitatively different capabilities: the power of the sword as well as of the word. So, by pointing out that there is no empirical basis for the existence of the isolated “Man” (the multitude), with mere sword-power, Hobbes helped recast “Man” into the role of “men” who were additionally equipped with word-power: with the ‘added’ power they ‘naturally’ use to create Christian covenants.¹¹⁰ These particular pacts give scores of human beings a chance to reserve their sword-power, but also to realize that their particular covenanting power additionally helps them to cast themselves as the constituent members of a Christian commonwealth.¹¹¹ They serve in that role for as long as they whole-heartedly believed they are being governed by the laws of nature (by laws that had ultimately been created by God) as well as by their those laws of honor they may then again apply against, to dishonor, any violators of the laws of nature.¹¹²

Hobbes appears to have believed that the multitudes, of mortal beings, could form a union with their own immortal Christian spirit, and that a recognizably sovereign people would emerge from this mystical union. That is, he is likely to have thought that the domain of political theology provided him with the concepts that could also help other people to closer unite sovereignty’s two opposite elements, on condition that the

mortal and the immortal God should be believed to have become one, without losing these distinctly related characteristics (*Leviathan*, Chapter 17). *Leviathan* is best interpreted as a confession to the mortal/immortal Christ.¹¹³ Only such an interpretation can demonstrate why Hobbes must, further, have believed in the prospect of either some degree of integration or otherwise at least in the possibility of a fuller reconciliation of the power of arms, or the power of the multitudes, together with the power of covenanting, or the common power he thought to be the defining characteristic of groups of natural law-abiding (Christian) citizens—without ever awarding primacy either to autonomous arms or to covenanted supremacy.

Hobbes is notoriously known for having written this: “Covenants without the Sword are but words, and of no strength to secure a man at all.” The premise for his sentence is that there can be no stable peace and no common power—and, therefore, no power forcing men to obey their “laws of nature”—for as long as there will not also be some solemn relation to an overlying power of covenanting: “the laws of nature, which everyone keeps then when he has the will to keep them, [cannot be kept] ... if there [will] be no [covenanting] power erected”.¹¹⁴ The most intriguing facet of Hobbes’s argument is that it never assigns moral priority to either the *common power* (the temporal sword-power: force) or the *power of covenanting* (the spiritual word-power: law). Thus, neither force nor law are said to be sufficient, even though both are equally necessary conditions for (Christian) sovereignty’s self-constitution. Moreover, as the coming chapters will demonstrate, Machiavelli observes this facet in a highly similar argument, although he then described it by using less theological and more politico-historical references than Hobbes would do.

Nevertheless, the *thesis* to be defended here is that in their major works both Machiavelli and Hobbes discerned the apparently contrary effects, on the life of the republic, of force and law—as well as that they could have agreed that both force and law should remain closely related to each other through a republican religion (within Christianity), without losing their distinctively contrary powers.¹¹⁵ It is exciting and yet puzzling to hear, from notable realists, that those human beings who hold on to such a religion have neither been providentially graced with absolute powers nor do they have to have been civilized through a culturally and historically fortuitous process. As Karl Marx could have concurred, to Hobbes, a republican religion should be maintained neither by those who have been “infused with [the absolute state’s] ... unreal universality” nor by those who have to appear as “profane being[s]” in a civilized society.¹¹⁶ Rather, they may just want to believe that they can come to appear as prudent human beings.

The liberal conclusion that international institutional reforms will depend on morally wise actions does not follow from the often-encountered premise that such actions must have been exclusively committed by either greatly charismatic individuals (Moses, Bonaparte, Madison and Hamilton, and so on) or by events of extraordinary foundational goodness and absolute rationality—such as those played out at, as the classic examples hold, the Philadelphia Convention or Mount Sinai. Rather than to depend on such culturally contingent circumstances, realist reformers ask what it might at anytime mean to say and to hear that a politician, or a state party, is acting prudently. On their own premise, realists find that public recognition of an individual’s or an event’s moral and legal excellence has to have been culturally and historically (and, especially, linguistically) determined. Misjudgment and imprudence ensue from acts of recognition.

But they then add that these biases warrant a more conscionable, and yet also a more non-liberal conclusion about the nature of political reform than that many contemporary IR theorists would probably expect.

This book partially consists of sectional summaries of what realist thinkers, most notably Machiavelli and Hobbes, did in order to rank prudence, not justice, among the highest of virtues. To the realists, prudence is one of the foremost sources of genuine (sovereign) authority, precisely because it consists neither of virtue and strength nor only of moral goodness. Prudence is not a moral virtue but a source of two types of opinion, rather. The difference between these types may help explain why Hobbes argues that the meanings of prudence must be differentiated from those of “providence”—which is “the foresight of things to come”—and from those of presumption as well, which is a man’s invoking of his experience to claim that “the event [shall] answer [his] expectation”.¹¹⁷

Machiavelli, with his *Discourses on Livy’s Decalogue*, hopes to demonstrate that by diligently studying historical examples, statespersons can “readily [learn to] observe that all cities and all peoples are and ever have been animated by the same desires and the same passions, so that it is easy ... to foresee what is likely to happen in the future in any republic, and to apply those remedies that were used by the ancients, or, not finding any that were employed by them, to devise new ones from the similarity of events.”¹¹⁸

Machiavelli goes through great length to answer why prudence is not merely foresight. It emerges from a strange conjecture of both a person’s foresight as well as of that person’s assessment of cultural contingencies and historical precedents. But foresight cannot be reduced to having knowledge of precedents and possible contingencies. The faculty of analogical or historical reasoning is trained, rather, by expanding a different

kind of knowledge as well. This latter kind of knowledge is not just acquired as a matter of chance, or by having learned how to make historically warranted presumptions. Instead, it is the sense of faith that historical similarities will continue to occur. Hobbes agrees with Machiavelli when he then also explains why prudence consists of a presumption of metaphorical similarity and particularly also of “conjecture.” For, “prudence is a presumption of the future contracted [by means of conjectural reasoning], from the experience of time past.”¹¹⁹

International Relations Theory and More Humbly Interpreting Hobbes’s Answer

Sovereign authority has and continues to evolve. Its meanings have for some periods of time formed a relatively minor theme, at least within the field of political philosophy, although they now have advanced to the point that they form a major topic in one of political science’s subdisciplines, International Relations. In that sub-discipline, students frequently see Kant’s or Hobbes’s philosophies being cited—as a way of shoring up respectively the liberal or the realist subdisciplinary flanks.¹²⁰ But after rounds and rounds of debate, few IR students can say what it means to possess sovereignty—let alone who should possess sovereignty, or who can legitimately use this mode of authority to “intervene” militarily in the lives of others.¹²¹ Few can explain why one group of persons (and not any other group) should hold on to the highest available power within any territory or within any jurisdiction—unless they, perhaps, could truly convince their teachers that the state of nature is real and that anarchy is absolutely violent.¹²² To do so,

however, student-debaters within the IR field will have to profess their deepest ignorance about the fact that Hobbes himself never dared defending such a conviction: the state of nature is from his perspective merely a product of the imagination, and anyone invoking such a civil war-like state as if it were an *actual* threat should be summarily dismissed.¹²³ The reason for this dismissal is that the state of nature cannot be used as a rhetorical ploy; it cannot be used to threaten only some citizens, and not others: in times of war, all may and all should come to believe they have been equally and therefore illegitimately threatened in their existence. The state of civil war is a mobilizing, legitimate sovereignty-generating myth.¹²⁴

Throughout *Leviathan*, and specifically in several references that appear to have been penned to refine Machiavelli's position on sovereignty, Hobbes spells out that the state of nature can perhaps be socially constructed, but should not be believed to have ever existed. Those "men that have no civil government" (the indigenous populations of the Americas are not far from Hobbes's mind) are nonetheless "men" who will have to have come together to learn what they should and should not be doing. They will still have learned, from their internal forums—and from the court that resides "in [their] conscience only, [and] where not Man but God reigns"—what the difference between justice and injustice should be. For, it is God who authors the laws that all human beings can believe to be "natural", in all sorts of diverse places on planet Earth (although not universally so), so that the "law of nature" is the "same thing" as international law: or, so that the "law of nature" applies to some of the most disturbed relations between equally sovereign persons, and even to relations between nations as well (with the word nations, he probably refers to those groups that upon having landed in a foreign place will there be

recognized as such: they will everywhere become recognized for their spiritual heritage, as if by means of a natural law).¹²⁵

Stubborn students could now go on by reasoning that Hobbes must have been wrong, and that God's (conscience-centric) courts of justice have no worldly jurisdictions. They can thus attempt to separate people's internal conscience (natural justice) from their external court institutions (international law). Nevertheless, such an attempt would be in vain because it would additionally blind the students from Hobbes's original distinction between "Man" and "men", or between respectively the universal idea of individual solipsism and egotism, in the dimension of a beastly "Man" and the diversity of particular organizations, in the other dimension of historically-sociable and mutually-honoring "men". Any explicit threat that the relations between nations were once or are now becoming structurally anarchical, and that without a universal monopoly on the use of force there would be violent mobs (bend on ravaging, rather than on simply taking over, entire countries), is certainly not Hobbes's sort of threat. Indeed, Hobbes was rather active in building a pro-religious case against all those raising such a specter of an anarchical world, in which the Antichrist (dwelling in "Man") could have come to rule, without that these heretics were not at least also appealing to a God-created (international) law of nature. He must argue, therefore, that there can be no such thing as a single or a universal state and not even such an idea as "Man" in the singular form—because, instead, "particular men" (see, more specifically, *Leviathan* Chapters 13 and 30) have always decided they should have to spontaneously accept—by simply obeying the internal forum of their natural conscience—the supremacy of their common power, and thus also of their own external courts of justice.¹²⁶

By means of drawing a contrast to IR's intractable image of the singular state, governed by an allegedly necessarily singular monopoly on violence, Hobbesian realists dismiss that image as fictional. To them, there is no singularity in IR. Both internal laws and external institutions as well as both natural-law autonomy and socially constructed supremacy will somehow have to enlighten never one, always two dimensions of emergent authority. Yet, Hobbes's own co-presentation of these dimensions raises another question: what does it mean for a group's members to enjoy their autonomy and to use their covenanting power, to presumably freely regulate their own movements, while in the same moment having to belong to a body politick exercising its supreme power by restricting their movements by virtue of its own particular and limited physical nature?

Those taking a position on the seemingly Hobbesian flank, in the IR field, usually avoid the question. They will then begin their encounters with the sovereign state by asking what it is that each such single entity may *have* to do: under which violent conditions may states consider themselves to have been forced to combat their enemies? These IR students are also inclined to suggest that states reign supreme within their territories, and use their supremacy to limit any calls for autonomy from secessionists and seditionists. Some students imagine themselves to be realists because they anticipate under which conditions a statesperson may have to transgress the rights of such factions, and use the threat of civil war in order to justify his own use of armed force. But even fewer students actually answer the question of Hobbesian realism, which is where the limits of a statesperson's orders are, and under which dangerous conditions he may have to negate positive laws without also negating the laws naturally inscribed in his heart (his

conscience).¹²⁷ Hobbes himself said, after all, that even the most autonomous state (“commonwealth”) will perish if it cannot “foresee the necessities and dangers” before it.¹²⁸

While the aspiring realists on this first flank begin to think about prudence as perhaps the highest virtue in politics, those on the Kantian side of the IR spectrum will in their stead stress the importance of justice and liberty.¹²⁹ Both the Kantians and those who follow Grotius, who fathered the law of nations, ask then what just nation-states may *not* do.¹³⁰ These Kantian students generally assume that state agents have good, or have adequately rational intentions, and that they will avoid taking any course of action that could end up being sanctioned by moral laws. Thus, private intentions and public laws are assumed to be complementary as single state agents intend to publically obey all the laws that could categorically apply to their own actions as well as to the actions of others.¹³¹ They would nearly-universally fear the consequences of not doing so, and as these consequences should be expected to be enforced by international law—and eventually by the omnipresent risk of an armed intervention mandated by law as well—these agents are Kantian in their moral orientations.¹³² Briefly, second-flank IR students imagine that all states are autonomous agents, willing to regulate their own conduct, and to be positing laws that will prevent them from attaining full supremacy over each other.

In IR, neither the Hobbist image of supremacy nor the image of moral and deliberative autonomy can suffice. Neither one image may be used as sole illustration of how states are being recognized, and neither one can define their sovereignty other than as it being a merely non-anarchical affair. Motivated to overcome this predicament of human sovereignty, Donnelly demonstrates that any such image must rather be viewed as

a tautological definition, because sovereignty cannot only be growing as a set of non-anarchical relations nor only as some singular, supreme, and hierarchical entities.¹³³ It is more likely that sovereignty emerges pluralistically and heterogeneously, although not completely contingently either.¹³⁴ Unfortunately for IR, this predicament of sovereignty seems for a very long time to have only been considered as if it were an anomaly. In sovereignty's having been understood as an anomaly, it has continued to inform several of the reasons why both (Kantian) justice-centric as well as (Hobbesian) prudence-centric IR theories have, in recent times, been translated into another idiom. They have been placed on another scale of comparison, consisting of positive norms (substituting for justice), on one end, and critical exceptions to these norms (replacements for prudence), on another end. The liberal IR flank so hopes to abandon exceptionalism, as being too reminiscent of unlawful (or, of United States) interferences in the affairs of other states, while the conventional (or, actually, non-Hobbesian) realist side remains skeptical of new international institutions and specifically of new courts of justice as well.¹³⁵ This more recent round of debate, nonetheless, still echoes an earlier theoretical-disciplinary dichotomy. But debaters who have been dealing with this dichotomy as if it were an antinomy, have also been repeating the typical mistake of not believing that this dichotomy opens itself up towards different contingencies and chances (as Max Weber says) or otherwise also to a potential for self-transcendent novelty (to what Hannah Arendt calls natality).¹³⁶ The IR debaters are failing to observe how human beings try to overcome their own predicament, and may transcend the fact that actions by moral deliberators as well as those by discrete deciders may begin to coincide: they may newly transcend themselves.¹³⁷

Many of those working in the IR field admit that sovereignty refers to a morally ambiguous category of actions, yet few recognize that these actions cannot be as neatly divided or dichotomized between justice-centric and prudence-centric poles as that is currently being done. The IR theorists who take the social constructivism approach, especially, have tried to demarcate a middle ground between the two poles.¹³⁸ Yet, how theoretically viable would their middle ground have to be? Which conceptions of authority should minimally grow from this social constructivist program—and can such a third program stay clear from that tarnished analytical separation, which has plagued the members of IR’s English School for so long, as they have been maintaining their dichotomy between merely forceful powers and a more common power, or between structural self-interests and the power of solidarity as well?¹³⁹

Social constructivism helps IR theorists to reformulate an old question. Why should people believe that their own sovereign state is acting in both a just as well as a wise manner? Daniel Philpott asks why Britain and France gave in to moral pressures and therefore ‘granted’ their colonies the right to self-determination: to a sufficiently moral, wise, and sovereign state. His answer (Chapter 8, of *Revolutions in Sovereignty*) is that they were pursuing “reputational social power” and that their “imperial abjuration” was mostly consequential to their normative concerns over reputation and standing, and hardly also to their material interests. Philpott does not ask whether Britain did not find the concentration camps it had created in Kenya and Burma too costly, rather than just too immoral. Also, Neta Crawford, for instance, asks why government officials came to the insight that perhaps not their own state but that at least their state’s involvement in colonialism had become unwise, and amounted to an “abhorrent practice”. By the 1960s,

officials in colonizer-states would thus have to have come to the realization that both the immorality of their supremacy over the colonized, as well as that their material interests abroad had to be reassessed. Rather than to continue to interpret these interests strictly “as economic or strategic, [they now gained] ... evidence that normative beliefs and ethical arguments on occasion trumped material interests.” Just as that the officials of the British Empire had put a stop to the global slave trade, so would they try to start up a decolonization process that would help end unethical international dependencies. Certainly, by weighing their self-interests against the common appeal of international solidarity, they would have to harm themselves “economically”—and yet Europe’s metropolitan officials proceeded by making “ethical and practical arguments ... against [colonialism and] neocolonialism”.¹⁴⁰

Sympathetic towards constructivism, Crawford suggests that by the end of the 1960s a different identity had been constructed for, and by, the (formerly) colonized states. The value of moral autonomy had by this time begun to trump any strategic interests in maintaining supremacy. This historical case, she claims, disproves the realist argument “that there are no ethics in international life: [that] morality is a fig-leaf for interests.”¹⁴¹ In referring to Habermas, Crawford elaborates her much more ‘critical’ argument. Her premise is not that ethics are absent, but that they are contingent. “[T]here is nothing objective or timeless about [moral convictions].” “[N]ormative beliefs are historically contingent”. Children will have “learned” that their convictions are morally good, but they can only learn this within their own culture.¹⁴² When adult statespersons decide to protect the goodness of their state, and when they are convinced that they should be doing this because the results will be morally superior to their imperial state’s

continuous accumulation of wealth, they will have learned to make such decisions because they have been socially conditioned to do so. Indeed, if the European statespersons had only sought material gains, they could easily have continued their colonial dominance. The post-colonial idea of a state's national identity, by inference, must have been reconstructed by means of moral persuasion rather than by economic necessity. The structure of material (objective) power itself, the loss of relational power, and the gain of high material costs for West Europeans, would have correlated only very weakly with the above-mentioned main normative-reputational and moral reasons why the decolonization process was being initiated—according to Philpott and Crawford.

The problem with her inference is that Crawford accepts the ethical (intersubjective) argument against colonial imperialism as if it were superior over the strategic (objective) argument. She accepts the idea that the laws of social morality tend to trump the laws of natural conscience. For, the inference precludes her admitting that Great Power statespersons might alternatively have believed that decolonization would give them additional leverage in their Cold War, against the Soviet bloc—by giving them additional seats in the UN General Assembly, and by thus shifting the balance of power—because the acquiring of this neo-imperialist form of leverage also seemed to them simply the more conscionable decision to make. The premise for this realist decision was, then, that if the former colonies would thankfully welcome their national autonomy, they would also be more supportive of their former colonizers and their anti-Soviet politics. Crawford says that contingency is important in interpreting historical events, but still uses this as an excuse to ignore how deeply the 1960s would be influenced by 1950s events. From Washington's 1950s-determined perspective, however,

the world was suffering from an unethical imbalance. Former colonies such as Egypt and Indonesia, and probably India as well, were slowly defecting towards Moscow.

Moreover, the suppression of independence movements throughout Asia and Africa was becoming increasingly costly (Kenya, Indo-China, and so forth). To prevent losing more funds as well as a mass defection of these pro-decolonization movements, towards the Communist bloc, Dulles did not so much nudge (according to constructivists) the governments in London and Paris as that he was part of a Western movement which was freely 'letting go' of its territorial colonial claims.¹⁴³

Constructivists conclude from this that the meaning of equality-recognition practices is less dependent on military ambition and economic competition than on moral ideas and social constructs, which would become progressively shared by foreign policy-makers. (Grotius, Henry IV, Richelieu, and John-Foster Dulles would have had similar moral ideas, as these expressed themselves along one and the same historical continuum.) Constructivists also teach it would have been individuals such as Dulles who believed that the idea of "using military force to protect colonial interests" amounted both to a folly and to an immorality.¹⁴⁴ The U.S. began to practice self-restraint, voluntarily, in the 1950s, as it rejected pro-colonialist ideas held by Dulles's French and British counterparts. This changing diplomatic culture suddenly jumpstarted the decolonization process—according to both Philpott and Crawford—because the Western colonizers had become independently and newly concerned about their moral appearance: they had become convinced there was a good ethical argument against their own earlier denials of "supervised independence processes" and "negotiated transfers of power".¹⁴⁵ In creating this impression that decolonization, when carefully negotiated, amounts solely to moral

and ideational progress, however, especially Philpott ignores the historical fact that Dulles himself was more likely to have advised against the use of military force in territories such as Egypt for another reason. America's foreign policy-maker was perhaps not simply sympathetic to the Egyptian right to equal independence on ethical grounds, thus.¹⁴⁶

Constructivists ignore the Cold War's symbolic modalities. In this sense, they also ignore the chances that the Cold War itself formed an organization of structural enmity. The Cold War symbolizes, however, very much a system of sovereignty that transcended its parts (the two main alliances) and yet simultaneously included them within a (bipolar) balance of powers. This complex system is what led successive U.S. administrations to have structurally-determined reasons to fear that nationalist leaders in places like Egypt (and elsewhere in the former colonies). The U.S. feared they would have begun to take economic offers and military packages from the Soviet Union. And, if Egypt had already fallen within the Soviet 'sphere of influence', however, then Dulles could certainly end up provoking a new sort of armed conflict (because of the atomic bomb). He was never prepared to risk doing that, however, so that his actions and especially those of the Kennedy administration were of special importance in sustaining the Cold War system by intentionally pretending to be enemies but by acting to the contrary of their own intended use of power. John F. Kennedy acted contrary to the intentional structure of war powers, precisely because he still followed the J.F. Dulles-track of actually acting for the cause of peace. The entire duel was intended to appear as if it were anarchical and excessively competitive, rather than self-regulating, but Cold War duelists were in fact constantly regulating themselves. They were prudently

organizing and deciding on how best to moderate the nuclear risks, as if by abiding to a transcendent natural law. Moreover, the non-violent pacification of Egypt's Suez Canal certainly created a great opportunity for Washington to guarantee its other allies, in the Middle East, that their independence would be secured for as long as they could help give the West access, via the Canal, to oil fields.¹⁴⁷ In the system, both postcolonial freedoms and the dominant national interests were clearly coinciding.

The state's autonomy-centric identity may have been determined by contingent ethical-religious deliberations such as Dulles's, yet this does not yet also exclude the possibility that the state's structural supremacy (even when assuming it is an imperialist form of supremacy) has equally been determined by such deliberations. It is very well possible for statespersons to morally justify their most prejudicial and most self-interested decisions, as political realists caution, by creating attractive forms of rhetoric or by ignoring their own conscience. This does not mean that, contrary to Crawford's and Philpott's impressions, the laws of conscience are completely culturally contingent (although they are, indeed, not universally-applicable either). Rather, it means ethical deliberations cannot be understood in isolation from geo-strategic interests, rhetoric, and ego-pleasing decisions. Mere references to a lineage of ethical deliberations cannot be used to justify Crawford's excluding of equally-relevant supremacy-centric interests—in explaining the historical decolonization process, therefore.¹⁴⁸ The more social constructivism excludes material interests, the more it will create possibilities to refer to national self-determination as if it were the dominant element in its own definition of statehood. Yet, this exclusion still closes off the possibility that acts of “identity politics”—that is, acts that decisively affirm the national independence of states—could

very well have simultaneously been motivated by structural interests and the necessity of a supreme common power (such as the anti-Soviet alliance).¹⁴⁹

Constructivists such as Crawford, Philpott, and Wendt find that agency and identity must be considered primary in explaining statehood, and that structurally competing interests and even the power-balance has historically remained of secondary importance.¹⁵⁰ Genuine Hobbesian realists beg to disagree with this rank-order. Advanced political realists rather argue that the concept of sovereignty should refer to a condition in which the elements of autonomous agency and of structural supremacy have been equally integrated. However, constructivist and other theorists with a liberal bias may have a point when they accuse Hobbes of pushing twentieth-century realists such as Morgenthau over the edge. Morgenthau would have repeated Hobbes's mistake by confusing the nature of the agent with the structure of politics, and of turning culturally contingent and non-enforceable forms of human agency into a matter of existential conflict. Due to Hobbes's intellectual influence, then, Morgenthau would have fallen into making the mistaken assumption that especially violent conflict is caused by human nature: by "the *animus dominandi*, the desire for power".¹⁵¹

(Constructivist) IR theorists may be right to fault Hobbist influences for having given realists those definitions of power that would have led them to confuse human action, in the absence of a police force, with a social evil. Human agency and structurally violent forms of competition, then, would wrongly have become viewed—again, by Hobbist authors such as Morgenthau—as one and the same cause of instability.¹⁵² The only counter-cause, or the only cause of order and stability, would for these authors have been a "social contract" and a binding promise of "complete subordination" to "an

absolute sovereign”. So, in Jack Donnelly’s words, realists such as Morgenthau made a serious mistake when they accepted the seemingly Hobbesian assumption that in all politics there is some “dichotomy of pure liberty or pure subordination”—and that they could just be “treating anarchy and hierarchy as a [dichotomy].”¹⁵³

To repeat, *Leviathan* actually describes how people may come to believe that their anarchically competing interests have to have been constitutionally integrated with their own covenanted supremacy. Both their physical desire for power and their metaphorical common power, in other words, have to have been trusted to have been integrated—as if ‘on faith.’ The notion of a fiduciary trust in the integration of two different powers has a bit of a mythological, or a mystical meaning, yet that meaning cannot be ignored. The constructivist and the liberal biases against realism, in the IR domain, are in part due to a reconstruction of Hobbes’s work although they lack a textual basis. In defense of *Leviathan*, hence, this book’s thesis holds that the self-respecting analyst of realism’s core texts (as *Leviathan* is one of them) should avoid dichotomizing the relation between dependent and independent states. The question of “who depends on whom” cannot be answered unless the integral relationship between subordinate and superordinate state parties is understood as a metaphor for a host of other such relationships of opposing parties, or of other such (mystical) unions of contrary elements.¹⁵⁴

Not unlike Plato, Hobbes consistently shows that ideological disciplines (rhetoric, sophistry) may not always cause but that they certainly will increase the risk of civil war events. Ideology, therefore, must constantly be censored. Moreover, ideological doctrine should thereby be said to have been defined by a dual sovereign person, just like how

first philosophy (the *philosophia prima*, or the Aristotelian School) has long been said to incorporate the duality of both natural and supernatural philosophies.¹⁵⁵

Leviathan (Chapter 31) reintroduces the argument that compounds both philosophies—or, in other words, both the physical sciences as well as civic religion—in four steps. First, all human action is conditioned by the precept of prudence, and specifically by the avoidance of war-like and other seemingly randomly committed violent events. “[T]he precepts by which men are guided to avoid that condition [of civil war] are [called] the laws of nature.” Second, if human beings would not believe in the existence of these foundational laws of nature, they would have to be pursuing only their own wealth, as individuals, and their contracts with others would then immediately be turning into words “without substance.” Third, because wealth and contracts are artifices of the mind, and because disembodied minds cannot concretely exist (unless these were the minds of angels, however understood), it is only natural to believe that it was God’s intention for such artifices to remain embodied and be constantly reincorporated—by a sovereign person. For, God laid out “*the foundations of the earth*” and yet human beings (as Biblical Jobs) so oftentimes ignore them. They try to vaingloriously depend on their legal contracts, ideological doctrines, and other mental artifices while not realizing that these artifices are a dishonor to the “*foundations*”—and to the natural proportions determined by Creation as well. Fourth, the sovereign person ought to therefore better represent God’s foundational precepts by externally promoting a culture of “worship.” The sovereign should at the same moment be calling on people to honor their internal forum, also, and to thus respect their own “opinion of power and goodness.” From this

conscionable opinion will then again “arise three passions: love, which [refers] to goodness; and hope and fear, [relating] to power.”¹⁵⁶

The next question of sovereignty is in which doses these three passions should be applied to the body politick. Before turning to that question, it can now be agreed that the sovereign person may become an artificial legal person, as a whole, yet is simultaneously obliged to represent and incorporate all those natural parts that constitute the whole. The sovereign person comes to people in two interlocking legal forms: both as a juridical covenant, as well as a living body politick; both as a covenant with the immortal author of Creation, as well as a living corporation of mortal bodies. In matters of authority, these two legal forms both co-constitute and co-represent each other. Even more fascinating is it, hence, that the three passions have already been announced (*Leviathan*, Chapter 6) to be humanly represented: by the human capacity for speech (word-power). It is in the spirit of speech that sovereign authority’s co-representations can come into being. Still, sovereign authority is doomed to remain ethically ambivalent, then, because speech acts are also said to never become identical to virtuous acts. All speech acts flow from one of these two different types of opinion: “one of the saying of the man; the other of his virtue.” Hobbes sharpens this distinction by suggesting that to believe in what is being said, must be an opinion of goodness. But to believe and to have faith in what is being done (more or less virtuously) is now only an opinion of power. Although what is said cannot be integrated with what is being done, quite miraculously, goodness and power can very well be integrated. By deliberating (or, by determining goodness) and by then deciding (by executing power) on what to believe and what not, human beings may reach an adequate level of integrating their words with their virtues. Deliberation and decision

are inseparable: deliberate speech is a human prerogative, so that the better humans are believed to apply their names and analogies, to Creation, the more closely the laws of nature can be honored. Hobbes concludes this: “[all] authority of men only (whether they [might have been] send from God or not) is faith in men only.”¹⁵⁷ All civic authority is “faith in men” which is ethical fidelity, and Hobbes here concurs—particularly with, among others Machiavelli—that fidelity may very well be called religious faith and, therefore, does not even have to be ‘the’ Christian faith.¹⁵⁸

Upon having demonstrated the possibility of integrating power with goodness, and deliberative authority with a foundational faith as well, Hobbes takes larger strides when he starts to challenge the conventional idea that sovereignty is singular or is otherwise held by one “Man.” To him, an assembly may be sovereign to the degree that the assembly remains representative of both the religious and scientific beliefs that are being shared by the members of the entire body politic. The sovereign assembly is thus neither instituted in opposition to, nor is it separated from the people’s living bodies. Also, it is *not* the case that human beings are caught up in violent conflicts *because* they would be living in some strangely anarchical sort of state of nature: “bees and ants” live in such a state, and they are not warring either. It is *because* they alone compete because of their ideological values: they additionally compete “for honor and dignity.” They alone (*Leviathan*, Chapter 17), also “think themselves wiser and abler ... than the rest.” This means they will compare themselves with other men on exclusively privately held ideational terms, rather than to be maintaining a stable and productive relation between their “private” and the naturally respected but politically-censored “common good.”¹⁵⁹

Leviathan (Chapter 11) explains that whenever human beings will pursue power for its own sake, they especially do this because they are competing for “praise.” Those who are most inclined to assert their “perpetual and restless desire of power after power” are those most likely to “contend with the living, not with the dead; to [the living] ascribing more than due, [so] that they may obscure the glory of the other.” Perhaps unsurprisingly, then, state executives (kings) likely desire: “fame from new conquest[s]; ... sensual pleasure; admiration, or; being flattered”.¹⁶⁰ Their not contending with the dead is, in part, causing their imprudence: they fail to remember that their world is organized by ‘timeless’ path dependencies rather than governed by their ‘fleeting’ famousness and sensualities.¹⁶¹

The above-presented Hobbesian (not: Hobbist) maneuver was undertaken to effectuate prudence, based on remembrance. In this cautionary sense, it brings (international) political theorists closer to Machiavelli than to a (post-modern) liberal and pro-democratic philosopher such as Habermas. For, *Leviathan* brings them closer to the realist dictum that it is wiser to vie with the dead than with the living. It is wiser to engage, however critically, the grand issues of historical, Scriptural, and religious interpretation (“God”) than to only try to battle other single individuals (“Man”). The latter type of conflict is about the natural causes of an individual’s passions and desires and cannot, as *Leviathan* professes, by contrast to the more individualistic philosophical type of interpretive engagements, help avert civil war. “[T]he most frequent pretext of sedition and civil war [proceeds] ... from a difficulty, not yet resolved, of obeying at once both God and Man then when their commandments are *contrary* to the other.”¹⁶² This is the human predicament: the contrariness between civic religion, or natural laws, first, and

individual obedience to natural needs, second.¹⁶³ But, as hinted above, the individual's desires and intentions (those of "Man") exist only as an idea, and only in a disembodied mind, so that "men" will instead have to be trusted to inhabit God's planet Earth. (This fiduciary trust informs an Arendtian theme in political theory, by the way.)

Leviathan proposes to create a conjecture of, as opposed to a separation between, both the state of nature ("Man") and a civil law-based government (a commonwealth). *Leviathan* simply does not *separate* a state of anarchy from the world of civil liberties, thus.¹⁶⁴ Instead, the text observes a mutually constituted relationship between natural power (the state of nature, indeed) as well as goodness—because of the paradoxical *contrariness* of power and goodness, or of body and conscience as well, for that matter. Hobbes further construes, after having committed this observation to writing, an argument in support of Machiavelli's notion of prudence: that notion is yet another combination of contrary elements, namely of both physical skills and of mental anticipation (see several of this book's sections). Machiavelli states that antiquity's Romans knew how to channel their private desires for glory, mainly by recognizing virtuous actions before trusting their opinions about contingent events. The glory of the Empire was not accomplished through *Fortuna's* hands, nor through any single person's outstanding virtue—and not even by the Empire's domination *over*, Machiavelli insists, but rather mostly by its "making partners" *with* the provinces and the conquered cities, with the established colonies, as well as with the many migrants who had come to Rome.¹⁶⁵ Clearly, Hobbes's argument is not un-Machiavellian in the sense that it is directed against those few individuals—and, definitely, not against the many faithful citizens of a world not far removed from the Holy Roman Empire—who have been acting

all too vaingloriously and who have placed too much trust in contingent social constructs.¹⁶⁶ These individuals would too often have “delight[ed] in supposing themselves gallant men” and then would fall prey to their own “credulity” and “superstition”, in particular, so that they failed to prepare themselves for the time that “danger or difficulty appears.”¹⁶⁷

Contents of the Book: Civic Religiosity in Relation to Sovereign Authority

In Machiavelli’s historical examples, religion and authority become nearly interchangeable notions. The relations between civic religion and constitutional authority, more precisely, are richly blanketed (both in contents and form) with stories about how statespersons would or would not have had the confidence they needed to be thinking through the possible consequences of their actions. Prudent statespersons are said to have care for the people, and to have considered why people themselves would have believed in the presence of some emergent type of authority. Moreover, these statespersons try to understand why people believe sovereign authority to refer to both goodness and power, and both to good laws and effectively utilized arms and soldiers. Machiavellian realists, therefore, will have to try to answer why goodness may be believed to transcend and yet include this mysteriously-effective balance of powers, within their own worlds.¹⁶⁸

Specifically Machiavelli’s *Florentine Histories* hypothesize that a good power and a corruptible power often tend to come together, within the notion of sovereign authority. Both honesty and utility, and both equal justice and social inequality all come

together without reducing sovereignty's complexity to either one of these seemingly mutually-exclusive meanings of power. Rather, the contraries tend to play themselves out within every constitutional state (as will shortly be demonstrated). For now, importantly, it may be observed that Machiavelli's notions of religious goodness and civic authority are not the only closely related in terms of their contrary meanings, but that such notions could exemplify the analogous relation between both the individual and the structural levels of constitutional organization. For, they do appear to have psychological-dispositional substance as well as a social-jurisdictional form. Although, the caveat is that especially Arendt would have to disagree with Machiavelli's idea that select individual agents can in special moments be said to have operated more-than-moderately independently from the other level of organization—as each agent also must serve, she warns, as an actor at the latter structural level, whose actions are here to be judged by an audience.¹⁶⁹

In the post-1945 era, state governments are widely opined to be structurally honest, but also to be pursuing their own best interests as if they were lone individuals.¹⁷⁰ This book works out the implications of Machiavelli's inversion of such opinion. From Machiavelli's angle, the idea that government structures are altruistic is mistaken. Even democratic and liberal governments must be self-serving. To him, most of the time, most structures appear to be corrupt—and only a few exemplary individuals will be honest and good. Of course, it would still have to be possible to adhere to both opinions, but the point is that within Machiavelli's political science it can never be the case that both structures and agents, both society and individuals, are completely corrupted. Either one of the two elements somehow always opposes the other's ethical value. More

importantly, perhaps, a later chapter shall explore the theoretical possibility—by rereading the secondary literature, but particularly Erika Benner’s book on ethics in Machiavelli—that Machiavelli believed both the idea of a single good agent as well as the dynamic construction of a pluralistic structure of corrupting powers to form the two equally-necessary elements in (and components of) sovereignty’s constitutional processes.¹⁷¹

Resistance movements arise from within corrupt régimes, and good leaders give way to tyrants. Even in a free republic, a tyrant may appear who will try to satisfy the needs of the multitudes. In a state such as the antiquity’s Republic of Rome, however, a stable balance emerges from within the relation between freedom and corruption—or, between the two elements of ultimate authority. Machiavellian realists can mark Rome’s history in building their case that the cycle can be broken by maintaining this emergent balance of elemental powers. The book at hand was written in an effort to pinpoint the location where this mysteriously self-stabilizing balance could have come from. The book consists in this respect of a map of the many possible variations on this *thematic theoretical question*: why should people have faith that a stable sort of balance of powers will emerge, somehow, from within the tension between equal and unequal, honest and corrupt, or also from in between licentious and just constitutional elements? Divided in four extended chapters, the book situates most variants of this *question* within a region named classicist realism, which is a method of interpreting political events in the context of civic beliefs, so that the book must regretfully but consciously exclude many of the more secular and more modernist (liberal) regions of political theory.¹⁷²

Apparently, each sovereign's office may only be succeeded to by one line of persons. There may be many reasons why the singularity of successions, to the monarchical office of the sovereign person, have for so long been defined as mirrors of the mystical office of the Christ: the king of kings. Yet, the line of successions remains of symbolic significance for a people, more or less unified. Which single succession principle unifies, organizes, and sustains the people, and why? In Judeo-Christian and Islamic cultures, God is a power believed to be singular. The monotheistic definition of God would continue to have a political purpose in such cultures, for as long as it did, because human beings were for centuries willing to believe that their own powers were qualitatively different from God's. Nonetheless, to them, it was not enough to say that only God's power is unified whereas popular powers have to be formulated in the plural. The qualitative difference between unicity and multiplicity cannot sufficiently emerge from within any possible numerical interpretation of the two terms or also not from the two cities alone. A third relation of difference or a third qualifier is needed. In this realization, until long after the Reformation, at least in Europe, scholars not unlike Hobbes would therefore additionally have preached the importance of prudence: because the third qualifier that maintains the relationship between a people and their deity cannot be defined on the basis of historical and empirical data—alone. Prudence reminds human beings that they and that their own powers are relatively fallible, temporal, and mundane—and that their commonwealths thus remain essentially distinct and different from those powers they trust to be responsible for a spiritual, transmundane process that transcends and yet includes their own world's beginning and ending.¹⁷³

By the first decades of the twentieth century, much had changed in human doctrines about how singular successions and plural authorizations (thereof), or about how monotheism and polytheism made their entries into the political world. Max Weber and Carl Schmitt had by this time started to teach that something went terribly wrong in the course of political authority's evolution.¹⁷⁴ Modern civilization would suddenly have "eliminated" God, and thus have banished its own "highest and most certain reality: [the reality] of traditional metaphysics".¹⁷⁵ Nation-states would soon prove to have formed a poor surrogate for this "most certain" reality, as particularly Schmitt found, *regardless* of how homogeneously each nation should have been constructed.¹⁷⁶

On that note, the first chapter proposes to redefine the dynamics of sovereignty in terms of a system that incorporates a metaphysical or, more literally, a supernatural dimension alongside its organic dimension. Hobbes's scientific system was evidently designed to define the literally supernatural as well as the natural movements of a sovereign person. By taking more cues from Hobbes's system, as Schmitt indeed did in the 1930s, IR theorists can hope to provide more accurate information to students of globalization and of global constitutional reforms as well—about the emergent nature of all subsystems of authority.¹⁷⁷ But before reading Schmitt's own cues, in this book's fourth chapter, Weber will be asked why sovereignty cannot be a singular and monistic affair—as such an affair would also have been completely alien to, specifically, Arendt but also to Hobbes himself. In formulating this question, to Weber, Chapter Two helps introduce the critical issue why not only Hobbes's but especially also Machiavelli's messages on fidelity and religion remain critical to understanding how the twenty-first-century system of states actually functions.

Chapter Two ends with a few remarks on why Weberian realism contains its own just war theory, and why this theory must be complemented by a natural systems theory. In the theoretical study of complex natural systems, justifications for enmity do not have to be provided by monotheistic religions; they may be replaced by the Gaia hypothesis. The notion that Earth (Gaia) is an autonomous organizational force, and the force for all life, does not sit well with a positivist scientific hypothesis. Rather, Gaia gives a symbolic expression to a scientific and yet intuitive belief in the wholeness and complex interdependence of all of the planet's ecosystems.¹⁷⁸

This belief in the presence of a complex open-ended system, and of its self-rejuvenating or self-balancing (although imbalanced) political powers, in particular, may have a dialectical and it may also have a spiritual source—but, because of this belief's intimate association with the perennial philosophy, it cannot be tied back to any specific denomination or tradition.¹⁷⁹ Rather evidently, the belief itself has been expressed in numerous works—by philosophers from Cicero and Augustine to Hobbes, and from medieval monks or mystics such as Nyssa, Bonaventure, and Cusa to twentieth-century political theorists such as Carl Schmitt and Hans Morgenthau.¹⁸⁰ For the sake of brevity, not all of their thorny political philosophical and theological lessons will be repeated here. The book's outline can appreciate only very few of the most colorful aspects of their lessons, instead—by now at least having mentioned that a certain kind of belief may have something to do with the way in which analogies between political conduct and dynamic, self-organizing, open-ended systems tend to come into being.¹⁸¹

For many centuries, such analogies were treated as if they expressed beliefs in the existence of such systems, and these beliefs would often be expressed inter-disciplinarily:

they reappear both in the physical sciences as well as in metaphysical disciplines, including in political theology and in elements of (international) constitutional law theory.¹⁸²

Chapter Two concludes thus with the proposition that it may not have been unnatural, for political theorists, to believe that constitutions of sovereignty mimic the biosphere in that both society and nature harbor their own self-restoring powers. Gaia has long been believed to be responsible for sustaining these powers, but believing does not have to mean that seeing such powers appear within political societies must be impossible. Gaia is after all the goddess who both physically animates planet Earth's movements *and* who acts in the more spiritual role of Earth's metaphysical goodness.¹⁸³ Gaia's dual function is likely to have been mirrored, in so many cultures and societies, by their particular modes of emergent authority. In studying Weber, it becomes possible to learn that political realism remains at heart a method of examining how accurate this process of mirroring and mimicking has been, or how exactly authority emerges from this functional duality. Realism is therein a basic method of taking sovereign states back to nature.

Conceptual sovereignty's ambivalence may, to an enormous extent, have been caused by inaccurately abstracted images of complex natural systems. Posited rules and abstract norms may help politicians to manage conflicts, but there is nothing inherently democratic or ethical about rules and norms themselves. The truth of the matter is that people will need to know to which other regularities these rules are being compared—and whether these other regularities are coherently natural and conscionable. Humans know, usually since childhood, what it means to act conscionably, and ethically, but they will be

conditioned and will be confusing themselves by means of their intangible idioms and abstract imageries, which is why it has become worthwhile to now ask whether political realism is adequately prepared to take states back to nature. Does realism have the confidence it takes to do so—against the odds of socially- and culturally-idiomatic abstraction?

To prepare ground for Chapter Two's propositions, a few preliminary remarks must now be made on how a sense of confidence emerges from dualities inherent in all modes of authority, such as the duality of concreteness and abstraction (physical movement and ideational imagery). For, the second Chapter shall contain several sections revolving around dual authority, ambivalent sovereignty, and thereby also around the issue of why dualities are realism's subjects—whereas IR constructivism's antithetical subjects should be expected to consist of state-power singularity and the oneness of national identity. The Chapter specifically argues that realism is better prepared to tell a meaningful story about the dualities, inherent to all social and economic transformations, than that global peace theorist David Held and social constructivist Alexander Wendt can hope to be. Held and Wendt, not unlike Habermas, have become the protagonists in a widely read story about multilateral institutionalism (exemplified by EU law) and how this creates cosmopolitan progress in international affairs.¹⁸⁴ Still, this story of progress itself lacks a good plot because of its naïveté, as realists such as Scheuerman argue. It perhaps over-simplifies its own trust in the (allegedly) legally positive and morally progressive consequences of multilateralism or of the international sharing of “customs, *mores*, [and] law” as well—as it makes it far too difficult for statespeople to concurrently believe in “the necessity of prudence, compromise, and tragic choices.”¹⁸⁵

Realists probably have certain advantages over social constructivists of a liberal or a cosmopolitan bend. Besides Chapters Two and Three, in which Machiavelli (and Arendt) help demonstrate that classicist realism's advantages consist of its ethical appreciation of Rome's constitutional duality, the last of the first chapter's sections conceives of a Heraclitean duality. According to Heraclitus, antiquity's process philosopher, 'the' god is or has a dual power. There is no goodness in the world, briefly, without dualities. By conceiving of dual sovereignty, therefore, classicist realists such as Machiavelli helped build the argument that all sovereignties are in flux, and ambivalent, yet also all continue to be believed to hold stable and self-perpetuating powers. To narrow the premise of this realist argument, a little; most people believe that the sovereign authorities of their world are under a transcendent (archetypal) obligation to judge all parties as if the parties were equals, first, and yet many of the same people would refuse to opine that sovereign states are equal, and that none are more equal than others, second.

Further, Chapter Two begins by making an inventory of Max Weber's best-known essay. Weber uses therein a dialectical method, albeit only between the lines. This method helps other realists to make sense of historical events and of how well these events can lend empirical support to their hypothesis that rational actors will have to understand why their own ethical authority has been divided against itself. Weber commences with a two-way, or even a three-way legitimization of political authority. Against legal positivism, which excludes legitimization processes from the legal norms of society, Weber does include different but interwoven kinds of legitimacy within his understanding of legality. *Via* Weber, the Chapter then arrives back at Arendt and

particularly also at her notes on Socrates. At the dawn of the dialectical method itself, Socrates applied this method to define spiritual charity or (what later became known as) neighborly love. Moreover, the first application of the Socratic method, although now in a heavily-Christianized version, reappears of course in Hobbes's call to closer distinguish "love" from the other passions, such as "hope and fear"—because only the former follows not from "power" but from "goodness".¹⁸⁶

Before gaining more familiarity with Socrates, also in Chapter Two, something must be said about *Symposium*. This is the Platonic dialogue in which Socrates never says that he knows who or what Love is, although he claims to have personally met a female demigod whom, despite her ambivalent appearances, taught him where the metaphysical source of Love should be found. He actually agrees with the other members of the audience that Love appears—like she often does in theatre plays—as a virtuous, good, and above all as a beautiful woman. But as men declare their love for other men, and in the absence of any final certainty about Love's qualities, and about her sex and gender also, Socrates decides to create a turning point in a dialogue which has been considered so fundamental that Leo Strauss would dedicate an entire book to it. This dialogue forms one of the few times that Plato allows Socrates to know something others do not profess to know: to have had access to a sacred mystery.¹⁸⁷ Anyway, Socrates now announces *he* has learned (from the goddess) how to identify Love. She must be Desire and Contrivance's offspring. Love has been born from a mother "always in need" and a father "eager for understanding and inventive."¹⁸⁸

Love cannot just be a child, Plato then implies. She should be mature, wholesome, and good. In order for her to attain her own sense of authority, therefore, Love should

never be reduced to either one of the two parental elements in the world. That conclusion may not have been spelled out by the dialogue, but evidently Love can neither have grown from the seed of Desire or Ingenuity alone, just as she cannot be reduced to her feminine side, of Poverty or Resourcefulness. Love's neither-nor identity leaves the impression she is a contradiction in terms: she was born from two contrary relations; one in the masculine-inventive and the other in the feminine-desirous dimension of nature.

The contradiction is not an absolute impression, however, because the relation between the two dimensions transcends and yet is constitutive of Love—and, presumably, this is including the paradoxical notion of love of the state (also understood as civic fidelity or “constitutional patriotism”, as Habermas refers to it).¹⁸⁹ But here, in Plato, there is no suggestion that the dimensions enjoy no relational parity. This idea of parity returns and is actually affirmed in the conclusion. *Symposium* ends with Socrates' failed attempt to convince his friends it is “possible for the same man to know how to write comedy and tragedy”—or, that both the comic and the tragic dimensions of the actor-audience relation can well be treated as if they were equal, by one emergent or by one third author/authority.¹⁹⁰ Socrates' failure forms a metaphor for the absence of a third “writer”—in the face of the two contrary constituents of the *polis*. Consistent with other Platonist philosophical tenets, *Symposium* identifies emergent love's co-constituents in political terms: ingenuity/capability; actor/audience; leaders/followers; mental ideas/bodily cycles; goodness/power.¹⁹¹

Although Plato's *Republic* is significant, and has long been regarded influential in international theory, *Symposium* is far more critical in understanding how realism's dialectical method should be expected to have been applied—within a series of works,

authored by Weber but also by Machiavelli. This is *the* Platonic dialogue in which duality is, however temporarily, being transcended. For, it is only in *Symposium* that an oracular goddess so prominently lends her authority to a metaphor. In sharp contrast, the philosophical enterprises which analogize piety and justice (and law), also by calling on Socrates (and the Athenian Stranger), can invoke no such deities.¹⁹² Moreover, the Socratic method takes on a rhetorical format. This is not the format of a contradiction in terms, but of a strange contradiction-within-analogy, and its rhetorical appeal cannot have been unintentional. It is not strictly coincidental that the rhetorical format will again be applied by Hobbes, Weber, Schmitt, and probably also by Morgenthau. The format is, therefore, inherent to realism's development as a twentieth-century method of interpreting inter-state politics. As the connection between Weber and Schmitt, and realism, has nonetheless remained under-appreciated in subdisciplinary IR, the second chapter must first of all plow through the secondary literature on Weber in order to find sufficient validation for advanced realism's overall defense of the dialectical method.

Still following Weber, Chapter Two reacquaints IR with the three terms in accordance to which authority emerges: social conventions, posited rules, and discretionary decisions. The two or three legitimization processes that are the necessary constituent elements in the emergence of sovereignty, thereby, consist of yesterday's conventions as well as of today's rules and decisions. The three terms are then compared to both the utilitarian and the deontological methods of identifying those who occupy positions of sovereign authority. Certain conventions serve positivist bureaucracies, others serve a recognized and a public mode of authority. Certain conventional rules may either be used as the means to accomplish just about any end, by bureaucratic institutions,

or these same rules may be affirmed by meaningful interpretations and ethical decisions. Rules may thus be used in the administration of needs, or to meet necessities, or they may as well be said to affirm freedoms. This contingent distinction between necessity and freedom could, of course, lead theorists back to a paradox of the political. But it could also help them better observe the first tension between economic necessities and the many political freedoms, in world affairs, as this tension is analogous to a second one between unequal needs (or interests) and the equal treatment of statespersons (or their legal parity). The tension itself, however, is extremely similar to one the ancients tried to moderate through the words of those “collegiate authorities” they believed to be practicing *isonomy*.¹⁹³ Arendt uses the word *isonomy* to refer to the only type of equal freedom she finds to be neither reducible to the equal satisfaction of needs, nor to mere legal parity.¹⁹⁴

Chapter Three proceeds by placing Machiavelli within a canonical dialogue on dual sovereignty, spanning at least ten centuries, and probably more, so that any dialogical conclusions will have to come in the form of notes and segments. It is impossible for any of the Chapters to fully comprehend the location Arendt, Weber, Hobbes, or Machiavelli has taken within the canon. Yet, the third Chapter forms the bridge between such notes and the argument of the other chapters, holding that classicist realism remains the most practical method of applying (sovereign) authority, regardless as to whether authority is predominantly applied by the UN and other formal state institutions or by civil society, citizen-diplomats, and non-governmental organizations (NGOs). Applying (sovereign) authority is an application of virtues, such as prudence and sometimes also of justice—and classicist realists have the most advanced

understanding of these virtues, as compared to constructivists and other idealists. That is, only realists can keep the lessons drawn by the English School in mind, and find that there is no knowledge of sovereignty without not also encountering a minimally tense relationship between pluralism and solidarity, supremacy and autonomy, necessity and freedom, or empirical experience and normative rationality. However, Arendt's work helps even the English School realists to refer more meaningfully to the relationship itself, and specifically to the relation between equal necessity and equal license, as *isonomy*. From the relational tension (some might stubbornly want to say "antinomy", of course) within the dualities, some sense of *isonomy* emerges.¹⁹⁵

If the isonomous or the third dimension fits anywhere in Weber's system of legitimization, it would have to be the dimension of charismatic authority. For charisma is according to Weber both a matter of necessity and freedom. It is necessarily personal and yet is also held by a free official. Charisma cannot be reduced to either one of these constituent dimensions, so that it should somehow encompass both the socio-economic and national needs of the statesperson as well as her or his discretion to limit them politically. Although the literature has hardly reached a decisive definition of charisma, there have been many examples and emergences of charismatic leaders who sustained their authority by means of an *isonomous* equilibrium between their roles as persons and officers, between the necessity and the freedom of their actions, or also between their self-interest and ethical discretion.¹⁹⁶

Why should meaningful and legitimate practices of authority be expressed not in one, but in two and possibly in three (when including charisma) dimensions? Weber's answer can still be taken more seriously, in IR, because it helps reformulate some of the

criteria used in today's international recognition practices. In modern democracies, criteria have become so intricate that they can now serve both good and evil recognitions of and interventions in sovereign states. Kaldor and Beebe argue then also that when China adheres to the criterion of both "non-interference" and "mutual non-aggression" or when Russia insists on its "political independence" and "territorial integrity", these countries tend to do so out of fear that other Great Powers (the United States and the EU) might sanction their complicity to 'interior' human rights violations.¹⁹⁷ Criteria of recognition cannot be ethically applied unless statespersons are taking a closer hold of the meanings and purposes of their own (sovereign) authority. What Weberian realism can do is to help them formulate what it means for any given political society to be recognized as enjoying an adequate level of *isonomy*, and as being respected for maintaining its own "human security" as well.¹⁹⁸

Despite Weber's wide-ranging intellectual offspring, Weberian realism remains more than a bit impractical because it cannot complete the turn back to nature. Weberian realism should thereto be applied to IR in ways that would be consistent with what is happening in the field of natural systems theory. Theoretically, then, it should become possible to speak of realism as a combination of Weberian ethics and natural systems theory. In effect, realism's cause can be advanced by formulating the tenets of a dual sovereignty-theory (DST). This possibility, of both reformulating the realist method and of treating it as a theory of complex systems of natural sovereignty, will be further surveyed in a third chapter.

Chapter Three maps the contours of an advanced realist method, consistent with DST tenets, separate from the liberal methods used by non-realists. Baron de

Montesquieu, primarily, designed such liberal tools. Montesquieu made a profoundly modern ripple: Hamilton and Madison would take his design so seriously that they copied its idea of liberal justice (that “independent substantive idea”), while they fundamentally ignored Hobbes’s more complex (and more dualistic) notion that human justice is to remain interdependent with and yet contrary to the laws of nature.¹⁹⁹ This whereas the under-secretary from Florence, Machiavelli, took his own theoretical work on dual sovereignty so seriously that he can still be considered as the first DST-author—only on a par with his foremost intellectual successor, Hobbes. Machiavelli dedicated his masterpiece *The Prince* (the booklet that has rightly been called “a nest of contradictions”) to a single ‘framer’, Lorenzo the Magnificent, but he definitely used his masterpiece in combination with his *Florentine Histories* to substantiate his conclusion that no individual should ever have to act like Lorenzo did—or, to have to come to depend on ingenuous diplomatic actions alone—and that everyone should also be able to depend on the people and on their structural resourcefulness and ‘naturally’ lawful potentiality (on ‘home-grown’ virtues).²⁰⁰ *Florentine Histories* suggest it was the Order of San Giorgio, supposedly, that had managed to act in both individualist and structural ways. It will later be argued that the Order exemplified the most systemic form of dual sovereignty Machiavelli could imagine. For, San Giorgio would both have depended on structural pluralism as well as on fallible individuals: both on “integrity and corruption, justice and injustice.”²⁰¹

Further, Chapter Three introduces Montesquieu as Machiavelli’s opponent. The Baron distilled his own notion of authority, solely, from the good judgments of specific individuals—as opposed to also of the people as a whole, and of *their* beliefs. He was

dismissive of civic religion, and rejected Machiavelli's examples of religion's importance in sustaining dual authority. For Montesquieu, law and order follow not from prudential reasoning but from judgments and verdicts. Interestingly, Montesquieu was less mistaken about the direction in which European nation-states were developing, and were modernizing themselves, than that he was about the nature of the people. *The Spirit of the Laws* spells the modern turn towards monism in how the subjects of sovereignty theory have been defined. Whereas Machiavelli had hoped to strengthen constitutional dualism (hence, Dual Sovereignty-Theory), by treating religious confidence and empirical experience as the main two co-constitutive sources of sovereign authority, Montesquieu comes rather close to excommunicating the religious authorities from 'his' sovereign civil society. At the most, he says, religion may herein be used as an instrument in maintaining the existing socio-economic disparities.

To clarify, Montesquieu does have some use for religion, but it should not be a religion of the people. Rather, it is the orderliness of a Church institution which prevents poor people from participating in politics—and, therefore, from defending their civic rights as well as from enjoying human standing in their spiritual worlds.²⁰² The Magistrate supposes that an enlightened, modernist religion should be a transmundane institution and not a worldly practice. His religion may offer the commoners a few images of both “hell” (“fear”) and “paradise” (“hope”), but it should also display more than sufficient of its own institutional wealth in the process of creating these images. For example, temples should not be austere places of refuge, nor be filled with “debtors” and “slaves”, but must appear “magnificent” so that “the very poverty of peoples is a motive attaching them to that [seemingly wealthy] religion.”²⁰³

Machiavelli's practice of civic religiosity stays far removed from Montesquieu's religious instrumentalism—mainly because it is grounded in both the common people and their state. It is a DST grounded in popular legitimizations of all sorts of ambivalent personal authority, including the religious sort. Authority is for Machiavelli a constitutional practice divided against itself, as it were. In Chapter 41 of the first book of Machiavelli's *Discourses*, for instance, it is described that Appius failed to comprehend authority's dual nature, which then led to his tyranny. Appius had failed to unite the extremes, within his own mode of authority, in having slipped “suddenly” from appearing as the people's “friend” to becoming their “enemy”—and in having sled “from being humane to [becoming] haughty”. He should instead have respected his own dispositional unity and his personal integrity, rather, by keeping his authority's opposite elements together (pious/distrusted, humane/vainglorious). This one individual's failure to create a combination of contrary moods echoes Machiavelli's earlier description (*Discourses*, Book 1, Chapter 4) of Rome's constitutional unity. The City of Rome was being corrupted and disunited by “agitations” that were taking place among the people's parties and that were directed against the Senate. Even so, all parties would also esteem the authority of the Senate, which they found “worthy” of binding them together.²⁰⁴ It may now already be gathered that Machiavelli's notion of authority might have emerged from a curious series of dualities or, more precisely, of unified opposites (People/Senate, discord/concord, distrust/fidelity).

The DST's applicability to contemporary practices of state recognition consists of the DST's kinship to studies of complex natural systems. Yet, too few IR scholars have been asking how and why Machiavelli's concept of emergent sovereignty mirrors the

movements within such systems: why is emergent sovereignty a cosmogonic (or, perhaps, mystical) union of opposite dimensions? This question will have to be answered by closing in on the tension between any authority's transmundane and mundane properties—because a language to describe this strange and agonistic tension would certainly help IR theorists to define the various other qualities and gradations of political conflict. Nonetheless, the Renaissance civic scientist's language should at least help IR theorists to appreciate some of the realist reasons why all public authority is naturally divided against itself, and yet must somehow remain united—possibly by a third criterion of *isonomy* (political parity). The subject matter of whether or not this criterion amounts to a paradox will have to be further investigated in Chapters Three and Four.

The sheer use of a concept of dual authority demands that more than a few glances are exchanged with Machiavelli. His argument that the constitutional state is constantly being divided against itself, by various popular 'tumults' (discords), as well as that these same divisions are ultimately unable to split any given grouping apart (they preserve concord as well), is the most intricately-illustrated argument available within the canon of political thinkers.²⁰⁵ After spending some time rethinking why IR theorists should take care to study Machiavelli's identifying of an ambivalent relation between contrary (concordant/discordant) dimensions of political conflict, hence, this ambivalent relation can be illustrated by a modern-day decision. In 2000, the U.S. Supreme Court decided that not the Congress but the Electoral College should be believed politically responsible for the task of assigning the proper person to the President's Office. This decision effectively broke the Congress apart from the Presidency, and thereby failed to preserve or restore a Machiavellian constitutional equilibrium. To put this in political

theory terms: the Supreme Court asserted itself not as an authority, but as a third power. As a power, the majority on the Court suddenly imagined itself to be a popular organization—perhaps best comparable to Rousseau’s Tribune—rather than to remain the spill around which both the legislative and executive powers should revolve.

Chapter Four moves away from Machiavelli’s dual sovereign (as, indeed, exemplified by the San Giorgio Order) as it starts to explain why Hobbes likewise persisted in demonstrating the parity of both person and office, or of execution and legislation as well. The conclusion of this Chapter is that it remains advisable to read Hobbes’s pages (in which he presented a political theological system), through lenses crafted by Schmitt.²⁰⁶ Hobbes will then appear to have conceptualized sovereignty two-dimensionally. The sovereign person appears both as representation and as an incorporation of something perplexingly dualistic. In terms of representation, the sovereign represents the Son of God (‘Christ-on-Earth’), being both a mortal and an immortal person. As corporation, the sovereign embodies the people as a whole (a ‘leviathan’), and is both a mythological and a machine-like animal. Hence, could it be the case that the Hobbesian sovereign holds both a metaphysical and a legal personality, both a natural-physical and an artificial-social power, and forms both a mythical animal and an industrious machine?²⁰⁷

If these indeed are the dualities laid out in *Leviathan*, then sovereignty would have to represent/incorporate a *religious* group of people, or their trust in god-like powers to unite them in their passions. Sovereignty would not represent their biological desires, their unique passions, nor their ethnicity, nor any other such geographically determinable criterion. To the contrary, the sovereign rather would have to “transpose” everyone’s

individual desires, passions, and confessions onto the plane of its own legal personality by means of a unified theological system.²⁰⁸ Inquiries must now still be made, however, into the validity of *Leviathan*'s persistent arguing that wars and acts of oppression are mostly being caused by 'theological hatreds'—and therefore not also by passionate, ethnic, national, or linguistic differences. Such inquiries may come to suggest that the idea of a state of nature is an idea about a state in which not the passions, then, but doctrinal intention should be said to form the real cause of violent action.

For example, the Biblical Cain, who committed fratricide, seems under this line of argument "more a fugitive from his own conscience than a fugitive on earth." For, *Leviathan*'s argument is that Cain could slay Abel *because* he feared no "common power." But which sort of common power could nevertheless have given men like Cain sufficient impetus to fear God's power as well as to cultivate their brotherly love? According to Helen Thornton, the conclusion must here be that "Cain did not [fear nor] recognize any power (even God) with the ability to punish him—and [that], in a sense, his punishment or rather the benefits he received, confirmed [to Hobbes that he had *dared* to kill Abel]." ²⁰⁹ Not a certain degree of fear or of hope, nor of any other such passions, henceforth, but much rather the doctrinally-constructed absence of compassionate love is what might cause a war of all against all. Hypothetically, the state of nature must be the anti-religious state, and thereby also the one state to be feared most by fallible/fallen humans.

Upon encountering Hobbes's and Machiavelli's many examples, the pro-civic religion (and pro-classicist) hypothesis will become ever-more robust. Conflicting doctrines and other confusing mental images, of moral goodness, can quite well be

thought to cause factionalism. The remedy is not anti-factionalism, by monopolizing the armed counter-forces, but appears to have been much more pacifistic. Hobbes's remedy is theological and ideological censorship: a standardized curriculum of to teach metaphysical philosophy. It thus seems awkward for Ronald Beiner to still want to read Hobbes's work as having, although perhaps inadvertently, prepared the way for "the Enlightenment's full [liberal] rebellion against religion." Beiner seems to be reading Hobbes by working against rather than alongside another Hobbes-reader, Schmitt, furthermore, because the latter political theologian did not just discover a "crack" in *Leviathan's* argumentation. Schmitt actually would also join Hobbes in defending, not an irreversible split but a dynamic void. In matters of political authority, such a void sustains the ever-possible union of both religious intent and civic action, but also of both public and private law.²¹⁰ For, Schmitt argues that not realists such as Hobbes but that the modern ('enlightened') liberals ended up newly creating a "rupture" in that mystical relation of both public and private or of both natural law and organized religion, as well: ('Cartesian') liberals ended up separating, in other terms, the internal (conscience) from the external forums (doctrine) of authority.²¹¹

In contradistinction to the conventional wisdom that Hobbes might have been an arch-liberal at worst or otherwise certainly a progressive secularist at best, Schmitt and Hobbes do not seek to defuse the tensions between civic religion and political science, as they well understand that their union is an agonistic process. The union is in tension. This paradox returns within the Schmittian myth of an 'intense relationship' between enemies. Synchronously, it appears within the intensity between the natural organs (forces), within the body politic, first, and the individual minds that each have own voice in (legal) cases

of doctrine or superstition, rather, second. This intensity persists because the minds seek honor, at the expense of others, as they will become so vainglorious that they no longer fear being dishonored by a deified common power. Intensity is caused by vainglorious individuals who are turning against the first members of the body politick, so that the union of all minds and bodies disintegrates.²¹² The mind has now grown too strong in proportion to the body: interior or doctrinal selfhood now trumps exterior social standing. In slowing down the dynamics of constitutional corruption, Hobbes generates a counter-process.

He restores the dynamical union of both sword-power (force) as well as of word-power (law), by explicitly *not* rupturing it. As sections on Machiavelli help demonstrate, his counter-process depends on people's spontaneously beginning to speak, as if with one voice. It is through the spirit of their speech acts that both their intentional minds and their bodily movements can become close-to-one, and yet maintain their contrariness. To put it a bit differently, and to redirect two of Oakeshott's concepts into the route he predicted they would take, the "individuality" of the mind is not to be compromised by and it yet remains part of a body of "association."²¹³ Yet, Oakeshott's conceptual route leads him to a paradox—which he fails to explore, but which would become much more palpable in Rousseau's misreading of Hobbes than in Oakeshott's own. For, as has often been found, Jean-Jacques Rousseau tried too hard to neither compromise the rationality "of the individual, nor the legitimate ends of the body politick," and thereby probably ended up manipulating and distorting both individual minds as well as bodies politick.²¹⁴

The field of International Relations has demarcated itself by canonizing several philosophers other than Machiavelli. IR's canonical shortcuts to Hobbes and Rousseau or

otherwise to Kant and Montesquieu remain rife. Hardly feeling obliged to compare the entire philosophical programs of the so-called Hobbesians (Hobbists would be the correct label) and Kantians (cosmopolitans is better) among them, however, IR theorists have used these four authors as mere ‘stand-ins’ for the ‘isms’—and especially for structural realism and liberal idealism—that partition their field. Usually to their own frustration, IR theorists are increasingly agreeing with each other that the ‘isms’ are fostering an anti-eclectic research climate which has remained needlessly paradigmatic and even sectarian, also. But at least one of them (Henry R. Nau) rightly finds that the natural sciences (“physics”) and civic beliefs (“politics”) are fundamentally in tension with each other. Only theorists of (international) politics inquire into the nature of objects that “have individual or collective minds of their own.” Theoretical knowledge of political objects is inherently less “exogenous” than it is an “endogenous” sort of knowledge: different minds will give different meanings to these objects.²¹⁵ This is not to deny, as both Weberian and Arendtian realists indeed never tried to deny, that these different meanings are therefore unscientifically subjective and completely culturally contingent. Rather, realists can very well affirm that all possible interpretations of politics are *ultimately* always either more or less meaningful (although not always more or less consistently logical).

The task at hand is not to explain how four philosophical logics are being utilized by either realists or liberals, to conclude this aperçu of what should be done, but to interpret and reinterpret those passages by Hobbes or Montesquieu in which they either aligned themselves or broke loose from Machiavelli’s civic science. Principally twentieth-century orientations (the ‘isms’), towards the system of states, are facing

incredible difficulties in that they are no longer, unlike the four mentioned philosophers, responding to Machiavelli. This book's task is to demonstrate why he was their intellectual predecessor, and how he—in Beiner's well-chosen words—invited all of them to their “implicit and explicit reciprocal dialogue.”²¹⁶ If Machiavelli's (not: Machiavellist) methods can help statespersons to judge the “ultimate meaning” of how political societies tend to contemplate their actions, or how they should deliberate on their decisions, then such methods should also be trusted to help people to meaningfully judge the ideas and intentions of their enemies.²¹⁷

Commencing with Arendt's Paradox of Permanent Political Change

To complete this introduction to the following inquiries, what might Machiavelli have meant when he argued it would be necessary—for “men living associated together under some kind of regulations”—to believe that they should occasionally “be brought back to themselves”?²¹⁸ Or, to rephrase the question by using Arendt's word, what might it mean to say that radical change, and that changing modes of civic authority can or cannot be “arrested”? Or, what does it mean for authoritative institutions to “interpellate” on the movements of ordinary citizens by means of formal norms, but which these same citizens are hardly free to challenge?²¹⁹ Before further introducing Niccolò Machiavelli's understanding of “arresting” change, and of bring changing “men” back to themselves, another question must be asked: how would his intellectual heirs have felt about the fact that he had opened up their dialogue by reporting on *revolutionary* movements as if these

were merely constitutional rotations, and as if these movements were merely necessary and foundational preconditions for the state's supremacy and its long-term strategic survival as well?²²⁰

Arendt, in particular, felt Machiavelli had been the first to teach that revolutions possibly effectuate not radical change, but much rather “a permanent, lasting, [and] enduring body politic.”²²¹ Upon having observed that even liberal institutions will “arrest” citizens, and will block their free movements, by means of anti-democratic modes, Hannah Arendt argues for a more permanent type of authority that would not have to be liberal, nor democratic, but that would have to emerge from a group of peers: from their *isonomy*.²²² Also, it would instead have to be a permanently changing, but not be turned into a permanently revolutionary type of (popular) sovereignty.²²³ This could mean that Arendtian (popular) sovereign persons should always be able to arrest other persons in positions of institutionalized authority, but their position of institutional authority itself should never be taken or stopped by strictly persuasive-deliberative, nor only by coercive-executive means.²²⁴

Arendt's inquiry into the ambivalent nature of authority assumes some familiarity with Arendt's studies of political power. In times of revolutionary change, the question to ask is what could happen to the state when it loses its power. As Plato had inquired, what could happen when the license of the multitudes no longer provokes a powerful reaction in the form of tyranny—and, *vice-versa*, when tyrannical power no longer negates the unlimited liberty of those multitudes?²²⁵ Who should, under such circumstances, be believed responsible for the powers of the state—and for slowing down those revolutionary changes that could be produced by this lack of mutual checks?²²⁶ Who

should then interpellate individual tyrants, and maintain the opposition in between both their state violence and the popular forces?

In one of this Introduction's epigraphs, Arendt points out that the most violent currents are likely to be produced in a political vacuum, in the absence of structural power balancing. Violence typically materializes whenever neither one of the two structural or political opposites is "arresting" the other opposite power. One such violent current did materialize immediately after, and because, the French Revolutionaries committed this fatal error: they failed to maintain the difference "between violence and power." As they resorted to force, they were swept away by their own impotence, as well as their imprudence. They would seal their own fate, having let it become identical to that of the "natural force of the multitude."²²⁷

On this point, Arendt joins Machiavelli. His description of unchecked liberty had also likened the multitude to an un-arrested force of nature.²²⁸ This force remains unopposed—for as long as no man of *gravity* appears. The force of the multitude should be balanced against, and be made to stand in opposition to exceptionally authoritative men, as he described in several passages. One such man had been a visitor to Florence: the Bishop of Volterra. The Bishop possesses ingenuity. He decides reveal his insignia, to over-awe the multitude, and to begin to use the power of "his words." He restores equilibrium in the Republic of Florence.²²⁹

Machiavelli does not mention which words the visiting Bishop actually used. This is done by choice. By intentionally not specifying which words the 'foreign' Bishop had spoken, to calm the crowds 'at home', Machiavelli lends additional support to the symbolic nature of constitutional gravity—while simultaneously applying an

enigmatically relational-and-yet-dualistic concept of authority.²³⁰ For, the concept refers to these dualities, well-known in IR theory: agent/structure; foreign/domestic; sign/action.²³¹

Further, Machiavelli might have developed the clearest eye, of all, for the distinction between violence and power. Arendt would train an eye almost just as keen, however, because she additionally understood why power presents itself through speech—and why speech never presents itself through violence.²³² Power may restore itself, in addition, but this happens only when speech organizes people. Force and strength may be applied by the individual, whereas power connotes a communicative potential: it is constitutional.²³³ Power is a group's capacity for social self-organization—which is a capacity neither solely persuasive nor entirely coercive.²³⁴

Organizational and institutional power somehow depends, particularly, on metaphor. Although metaphor is certainly “not the most solid basis” for an ideological “doctrine”, Arendt writes, once metaphor is used in conjunction with power it may transform relatively unchecked individuals into a stable group of people.²³⁵ Indeed, metaphor helps stabilize power. The conjunction itself, then, forms an analogy to history: to exemplary revolutionary (or: foundational) events.²³⁶

Constitutional transformations become possible by using metaphorical speech—or actually by using examples of apparently epic and transformative changes. “[T]hese examples [of epic changes] are adequate because ... concepts are drawn from appearances.” Thus, as Arendt adds, examples will prove their adequacy whenever they are used in order to provide individual minds (those caught up in their worlds of “imageless thought”) with one or another “intuition” of material bodies: of an “intuition

drawn from the world of appearances.”²³⁷ The power of metaphor, then, is really an apparent coincidence of minds and bodies, as well as of abstract essences and mundane appearances.²³⁸ In other words, analogy is most essential in matters of how the world of appearances should be organized, and of organizing power, rather than also in matters of imageless ideas and doctrinal logics.²³⁹

Yet, Machiavelli does not deny that individual men such as the Bishop were without authority. His rhetorical omissions are remarkable: when such a man (as the Bishop) of authority is by himself, indeed, he would have represented only one individual’s mind. He alone could not have formed a power, or at least not until many of his peers would have performed similar symbolic acts, and would thereby have appealed to the common sources of their authority. Their authority would only so have sprung up, as Arendt likes to say, from which their structurally-conflicted power resources. Only once such men would typically present themselves as directly as possible in conjunction with the multitudes, without pretending to be too representative of their wills, in particular, these few men would also become able to appeal to the human faculty of analogous reasoning: through symbols. This appeal formed then the tipping point at which the multitudes began to coalesce, and gained unity (however imperfectly). Lone individuals would not yet fully take part in the group’s power, but they would certainly have the chance to become cognizant of a qualitatively different mode of (sovereign) authority in their midst. Power transitions into authority, although maintaining itself within the world of authorizations, in the moment that the multitudes become less amorphous and take on the systemic features of a people.

This is how Machiavelli cites Virgil: “And when they saw a man of grave aspect/And full of virtue and of years/At once they all were hushed/And listening”.²⁴⁰ Machiavelli draws this lesson: the moment at which an audience begins to listen may follow even a speechless appearance. Whoever holds a public commission or high office, may occasionally have to speak well, but should always remain sufficiently confident to “[be presenting] himself before the multitude with all possible grace and dignity, and attired with all the insignia of his rank”.²⁴¹

Statespersons should not appear in the public realm unless they can confidently present the sources of their authority, according to both Arendt and Machiavelli, and to do so in an exemplary manner.²⁴² What does this norm mean, and how can it be applied? Authority appears in the form of speech, according to Arendt, and specifically also in analogies to exemplary events.²⁴³ Machiavelli adds that even without speech, authority may display itself symbolically. This could mean that both symbolic dignity and exemplary authority should emerge for a purpose, such as the purpose of restoring a balance of powers.

Political change may be arrested (interpellated) by different kinds of institutions—for as long as that their authority emerges in full view of the public. All modes of authority, including the ultimate mode of sovereignty, demand an audience. They thrive in an atmosphere of limited publicity, however, as Arendt suggests, precisely because those who practice these modes—and these authoritative actions—would not need to be questioned by their audience. Authority is by definition “unquestionable.” Whereas power rests in organizations, in groups, and in pluralities, authority may express a sense of singularity. It is “vested in persons, ... or it can be vested

in offices.”²⁴⁴ Because any government office is also as a constitutional form of personality, oftentimes endowed with various legal immunities, it is possible to argue that authority should be thought of as both an office and a person. Yet, because of this double meaning, especially sovereign authority remains an ambivalent concept.

What is ambivalent sovereignty? Arendt’s first answer is the most theoretical of the two: it is the sort of authority that emerges from among those constantly participating in political events; from among a kind of perpetually revolutionary cadre.²⁴⁵ Her second answer consists of a historical case: she refers to the different ideas of the people of the American Revolution and of the Parisian multitudes. Only the former people would have thought they did not need to revolt, but would actually have been free to do so. They enjoyed politics: they took pleasure in performing in public, that is. For, the Americans were enjoying “[binding] themselves through promises, covenants, and mutual pledges; only [this type of power] ... rested on reciprocity and mutuality”. By implication, a genuine mode of authority emerged. Its bearer takes pride in keeping her promises, or she takes care to be esteemed and remembered for her allegiances.²⁴⁶ More importantly, however, those in authority are not forced but voluntarily maintain their promises. Their bonds of mutual esteem would help them create power, much rather, especially when their so-created or their self-binding groups came to stand in opposition to the powerlessness of violence. This means that whereas authority may be born singularly, power grows both communicatively and pluralistically. Only power grows through promissory speech acts, as these tend to serve (but not always have to) a public purpose. It grows through “binding and promising, combining and covenanting”.²⁴⁷

Multitudes are disorganized and powerless: they can cause change, but it tends to be a violent type of change unworthy of public recognition. Also, this does not deny that individuals caught up in a multitude cannot have unchanging, stable ideological convictions. They can have the firm conviction that not every human being is worthy of being saved from evil or, to the other extreme, that every human being must have been born with inalienable and equal liberties. The latter conviction follows not only from the era of the French Revolution. As Arendt argues, it also follows from one of the most common misperceptions about what it is that sets freedom apart from violence.²⁴⁸

On Revolution is the text in which Arendt fires her opening salvo against this misperception: “The very idea of equality [as] ... birthright was utterly unknown prior to the modern age.”²⁴⁹ Egalitarianism, but liberalism and individualism as well, would after the French Revolution (indeed heralding a “modern age”) too often be invoked to convince the masses they had all an inalienable right to meet their needs. This ideology of equal liberty would also cause a permanent, but tragic change in the state of affairs. In warning against a reversal of this tragedy, Arendt proposes that the Revolutionary Era did the multitudes more harm than good.

The dogma of the revolutionary Parisians held that each had been born with an equal right and even with equal needs, and therein created many false hopes. The dogma was part of a modernist and inherently liberal ideology deprived of commonsense, and lacking much in terms of organizational or republican prudence just the same. This ideology thus failed the revolutionaries, deprived them of their own interpellate authority, and prevented them from blocking the “stream of ‘progressing violence’ [that would be] flowing in the same direction with an ever-increasing rapidity.”²⁵⁰ Arendt finds that if

they really would have wanted to retain their public authority, then the revolutionaries should not have considered equal liberty their ideal, but should have undertaken more prudent actions: they should have anticipated the emergence of those authorities that may or may not abide by their shared 'second nature' powers: by their common senses.²⁵¹

ENDNOTES TO INTRODUCTION

¹ Schmidt (2011), Carvalho, Leira, and Hobson (2010).

² Nye (2011).

³ Nye (2011: 16), refers to Arnold Wolfers, *Discord and Collaboration: Essays on International Politics* (Johns Hopkins University Press, 1962: 73-77, not further referenced in this book).

⁴ Compare, for example, Krasner (1999), (2009).

⁵ The Wikileaks scandal has received careful attention in the pages of *The New York Times*, but also of *The Guardian*. For a summary of the former pages, Alexander Star, ed. *Open Secrets: Wikileaks, War, and American Diplomacy* (Grove Press, 2011, not further referenced).

⁶ Both Waldron (2000) and Arato and Cohen (2009) are helpful in understanding Arendt's concept of sovereignty.

⁷ Both Berenskoetter (2011: 649-652) and Schmidt (2011: 617-618) mention that social constructivism reduces complexity and 'ignores' the historico-political fact of non-linearity and other such uncertainties.

⁸ Honig (2007).

⁹ Arendt (2006).

¹⁰ Rousseau (1968), (1990).

¹¹ Machiavelli (1966).

¹² For a superb discussion of Habermas (1999), see Markell (2000).

¹³ For instance, Urbinati (2007). On representational legitimacy, consider also H. F. Pitkin.

¹⁴ Althusser (2006b: 174-175).

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- ¹⁵ Schmitt (1976). Compare, also, Frye (1966) to Slomp (2006).
- ¹⁶ Arendt (1978, vol. 1: 197-199).
- ¹⁷ Slight hints of this later argument—that Marx actually solved the theoretical problem of mutual implication, within political affairs, even if he himself remained had unaware of it—can already be found in Althusser (1971), (1972).
- ¹⁸ Althusser, “Marx’s Immense Theoretical Revolution”, in Althusser and Balibar (2009: esp. 203-209).
- ¹⁹ Althusser (1999).
- ²⁰ Althusser (2006a), (2006b).
- ²¹ Sterling (1958).
- ²² Waltz (2000), Mearsheimer (2001).
- ²³ Nye (2011: 231).
- ²⁴ Nye (2011: 21; 42; 14) uses single-scale continuums of power, in his tables on the “aspects” of power, without giving sufficient further consideration to the possibility that he has himself hinted at: this would be the possibility that power is actually more akin to a *Gestalt* than to a single-scale cause, and that it may appear with up-to-three different and especially with two or three qualitatively-different “faces.” Power could also be understood as a human faculty, for example, and must therefore be much less synthetic than that Nye imagines it to be. On the *Gestalt* analogy, consider Cakir (2009).
- ²⁵ By contrast to Shue (1996) and especially to Bellamy (2009), Benhabib (2004), (2009) and Jackson-Preece (2003) pay relatively little attention to how the UN should factually protect the human rights of minority groupings.
- ²⁶ Weiss (2008) and Scheuerman (2011: 167-168) are correct on the need for UN reforms, but fail to mention the problem of the Security Council’s political bias in its acting against human rights violations, as the Council usually only applied its Chapter 7 powers *after* such events *also* posed serious threats to the geo-strategic commercial trade in—and global redistribution of—scarce resources. In the cases of Bosnia, Kosovo, East-Timor, and the sanctions against Iran, these were threats to petroleum oil-pipelines, and in Afghanistan to the strategic access to other minerals as well as to create a buffer zone to protect especially Iraqi oil against eventual Sino-Russian ventures, whereas no UN military powers have been applied to confront similar human rights violations in Africa’s seemingly lesser resource-rich areas (Somalia being the exception that affirms the rule). See, also, Kaldor and Beebe (2010: 48-49).
- ²⁷ Kaldor and Beebe (2010) ask whether the right to “self-determination” is on the side of “Kosovars, Ossetians, Tibetans, Uighurs, [and] Chechens.” The list of independence movements can of course be expanded, but not indefinitely, as Fabry (2010) and Bain (2003) help demonstrate. There will have to be a moment at which even the national self-

determination criterion begins to tip over into international or intra-national (but possibly still self-protective) forms of dependency.

- ²⁸ Joy Gordon (2010) and von Sponeck (2008) have argued that the Security Council was considerably delegitimized by the American conduct towards (and in) Iraq. For earlier efforts to ‘Americanize’ the UN, consider Mahbubani (2003), Gowan (2003), and Schlesinger (2003). For a prescient essay on the role of the U.S. towards the Middle East, consider Arendt (2000, orig. 1944).
- ²⁹ Hurrell (2005: 19).
- ³⁰ See, for example, Zürn (2009) and Cohen (1981) for some aspects of who may justifiably rule whom—even if states are not entirely absent. For two comparative studies of the self-legitimizing dynamics within armed militant factions, consider Weinstein (2007) and Cunningham (2011).
- ³¹ Kaldor and Beebe (2010) develop a rich concept of “human security” but develop virtually no meaningful concepts of equal sovereignty and UN reform.
- ³² School-children develop their own inferences and possible explanations why children in other countries might have different prerogatives. From experience, some seem most fascinated by the Lunar New Year (firecrackers), others by Germany’s *Autobahn* (no speed limits), and again others with Japan’s linguistic signs (more homework).
- ³³ The notion of equal dignity has gradually faded from international political theory, since around 1919. See, for a few prescient comments, Armstrong (1920).
- ³⁴ Gordon (2009: 329) summarizes Michel Foucault’s famous position on “disciplinary power” as to have held that any group with such “power” tends to pursue “a radical and nihilistic equality that eradicates all distinction—and [that eradicates] the very possibility of public spaces as potential sites of [political] action [and recognizable] appearance”. Yet, ‘eradication’ is too strong a phrase, as Aristotle (1958: bk. 3, ch. 13) would readily have pointed out, as he found instead that tyrants pursuing “nihilistic equality” (within the state) may emerge under *any* sort of self-disciplining constitution (regardless as to whether it is predominantly oligarchical or democratic). For Aristotelians, tyranny is thus never a simple matter of holding on to destructive or disciplinary powers but of a constitutional lack of homeostasis, as will be shown below.
- ³⁵ Machiavelli (1996: 3.1), *Discourses*, or (1950: D 3.1, 398-399).
- ³⁶ Douglas H. Johnson, “Sudan’s Peaceful Partition, at Risk,” *The New York Times*, 5/31/2011, A21.
- ³⁷ Consider, for example, Naticchia (2005) for a study of how sovereignty may alternatively be recognized.
- ³⁸ Bakunin (1971), Machiavelli (1975).

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- ³⁹ See, for instance, Oakeshott (1991: 281) on the paradoxical notion he observes in Thomas Hobbes, that it always will appear as if “the *people*” may only emerge “[n]either before nor after the establishment of [a] civil association [or a political society].”
- ⁴⁰ The thunder-dragon is called Druk, which is *also* the name used for the country (Bhutan).
- ⁴¹ Molly Watson, “Christian Group Wants ‘Evil’ Welsh Flag Changed,” *Western Mail*, 3/3/2007 (accessed online, 2011).
- ⁴² Thucydides (1989: bk. 4, sec. 44, p. 254).
- ⁴³ After the Napoléontic wars, university fraternities would increasingly be organized by well-traveled élites suddenly less interested in speaking French and Latin than in maintaining their regional vernaculars: this is how the *nationes* were created. Among others, Keitner (2001), Satz (1999), and Piel (1975) touch on some of nationalism’s facets. For critical introductions to the current but problematic practice of recognizing states *as if* they are all nation-states, see Biswas (2002) and Yack (2001).
- ⁴⁴ Arendt (1958: 200), cited by Gordon (2009: 327).
- ⁴⁵ For example, Maddox (1982).
- ⁴⁶ Compare, further, Arendt (1958: 220-221), as referenced in Gordon (2009: 337-338).
- ⁴⁷ Plato (1996: 435b-436c, pp. 130-131).
- ⁴⁸ Plato (1996: 454b, 145).
- ⁴⁹ Plato (1996: 464a, 155).
- ⁵⁰ Plato (1996: 437b, 131).
- ⁵¹ Aristotle (1958: bk. 3, ch. 13, 1284a, p. 135).
- ⁵² Aristotle (1958: bk. 3, ch. 4, 1277b, 105).
- ⁵³ Simmel (1997: 61) mentions that some organs (the ten human fingers, for instance) have long been used to meaningfully and metaphorically refer to a group’s systemic functioning (“the dean [was] ... spokesperson for a group of ten”). Metaphor would always signal to a relationship between parts and whole (fingers and hand), or to a relation of “inseparableness”, and thus also to each constituent part’s inner tension between its “relative freedom and independent movement.” By contrast, Campbell (1998: 59-60) suspects the use of precisely such organic metaphors, by theorists such as Hobbes (1994), because the latter would have applied them not just to differentiate bodies “from their opposites”—but especially also as justifications for a forced *separation* of each body politick from “anarchy and war” (and “the outside”).
- ⁵⁴ Honig (2009: 21) mentions Moses was long believed to have been the most excellent, extraordinary lawgiver.

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- ⁵⁵ Kantorowicz (1957: 381).
- ⁵⁶ Crawford (2002: 6), Simmel (1997: 110-111; 201-203; 61).
- ⁵⁷ For one remarkable study of authority (*auctoritas*), suggesting it emerges as if being conveyed through open structures of power (*potestas*), consider Agamben (2005: esp. 78).
- ⁵⁸ Bakunin (1972: 228-229), “God and the State”, extracted from Bakunin’s 1871 “The Knouto-Germanic Empire and the Social Revolution.” Compare, also, Friedrich Engels, “On Authority”, in Marx (1978: 730-733).
- ⁵⁹ Hobbes (1994), as discussed by Springborg (2010: 307) and specifically Thornton (2002: 621).
- ⁶⁰ Meinecke (1957: esp. 211-212).
- ⁶¹ For instance, Kantorowicz (1957: 341-342) uses the term dual sovereignty and argues that this term long indicated the co-presence of both the “political *metaphysis*” of the crown (of a formal constitution) and of its own opposite, consisting of “the pure *physis* of the kind and ... the pure *physis* of the territory” (of a functioning government).
- ⁶² *The Collected Works of C. G. Jung* (Princeton University Press, 1963, vol. 14).
- ⁶³ Nichols (1991: 120-121) further fleshes out Aristotle’s (1958: esp. bk. 6) discussion of how the polity’s ruling (or: initiating) elements are much less qualitatively than that they are quantitatively different from its ruled (or: latent) elements. The metaphor is as follows: the polity’s mind and body relate to each other (although they are mixed together) just as how respectively the ruling and the ruled, or the oligarchic and the democratic principles, should be mixed and yet preserve their distinctions.
- ⁶⁴ For Aristotelians, the social element consists of “deliberation”—meaning it is best formed by the polity’s ruling element, albeit with a critical reservation. Aristotle (1958: bk.1, ch. 2, 1252a, p. 3; bk 1, ch. 12, 1259b, p. 32) argues that the two functional elements of “ruling and being ruled” must remain *interchangeable* in order for the polity to survive (grow). In other words, because the polity’s growth (its natural purpose) installs the belief that its citizens should “differ in nothing”, offices will have to be rotated among (unequally-regarded) citizens. Any social hierarchies can so remain more a matter of “[natural] seniority” rather than of individual status (or, rather than of “modes of address and ... titles of respect [and honor]”). With his references to the Marxian concept of alienation, Gilbert (1990: 267; 261; 26) rightly suggests that any triumph of individual status (“isolation”) over the natural principle of “political association” thus amounts to a violation of the Aristotelian argument for the rotation of offices—and quite possibly even to a “denial of self-respect.”
- ⁶⁵ The political theory developed by Karl Marx did much to revitalize the Aristotelian lesson on why barter should remain preferable to monetary exchange trade. Marx (1977, vol. 1: 151-154; 253, n. 6) undoubtedly qualifies as an Aristotle-scholar in having conceived of economics as a natural art, of barter and retail trade—because “use-values predominate in it”—as Marx added that any socially-constructed form of trade, without such a bearing on natural necessity, was instead to be conceived as if aiming for the “preservation and

increase of money *ad infinitum*". (This social form of trade derives from Aristotle's *chrematics*, his "art of acquisition", or what Marxians call "vulgar economics".) Gilbert (1990: 264-271) extends this distinction by arguing that Marx's theory of "alienation" and "critique of utilitarianism", as well, flow directly from Aristotle's (eudaemonist) notion that a spirit of pleasure arises, somehow, from "the intrinsic merit and quality of an activity or relationship." The implication of this extended notion is then that if barter gives satisfaction to natural needs, and if it thereby also gives the kind of leisure that provides time for political participation, it will have to be considered a moral activity.

But if trade creates "surplus-value" (it enhances the utility of the means of production), then it may come to justify slavery. From Marx's theoretical perspective, hence, Aristotle (1958) had indeed been wrong to still try to justify (wage) slavery. However, also according to Gilbert (1990: 272-273; 41), it should further be noted that Marx would agree with Aristotle that each political animal should nevertheless endeavor to become a participatory actor: "individuality" presupposes relations of "solidarity"—or at minimum the forming of "genuine friendships."

In conclusion, and yet contrary to Gilbert's too forceful move of relegating of slavery to the "background" of Aristotelian thinking, some degree of "conflict" between political action (virtuous action, worthy of honor) and socially-constructed forms of slavery (and its counterparts, self-interest and tyranny) remains unavoidable. It hardly can be otherwise than that an agonistic void between (eudaemonist) political action and (chrematic) social slavery remains in place throughout the texts, but particularly throughout Book 1 of Aristotle's *Politics*. Or, it is difficult to imagine that Aristotle would herein have argued that all slavery and/or tyrannical submission is naturally or biologically justifiable. As Winthrop (2008: 197) helps wrap up this conclusion, Aristotle (bk. 1, ch. 13, 1259b, pp. 33-34) consistently holds that political action should both "transcend" and yet "circumscribe" biological needs. (She rightly refers to the chrematic satisfaction of such needs as "money-making".) Although Winthrop (2008) takes no easy way to reach this point, as she blurs the original distinction between *natural* economic austerity (virtue, honor) versus *social* trade acquisitiveness (self-interest), her outline of the Aristotelian argument remains praiseworthy for its straightforwardness. It nicely suggests that because even the category of "natural slaves" will have to consist of human beings, endowed with both a body and a mind, they cannot be enslaved otherwise than "because of their partial knowledge and [mental] competence." All human beings are equally hybrid beings, so that differences among them can only be partial: *social* differences must have been caused by varying levels of reasoning about, or of their mentally mastering of their polity's *natural* bodily needs. This additionally could mean that slavery and servitude are simply to be thought of as very low levels of *both* biological self-mastery *as well as* of social self-honoring. However, biological self-mastery remains for Aristotle mostly a matter of degree, whereas social honoring is some constructed idea: the honoring of virtue suggests mainly a qualitative difference in status. Belonging to the class of the enslaved and the ruled—versus being among the rulers—is therefore, at least naturally, not a difference of idea/form but primarily a matter of degree. In the natural world, inequalities vary by degree and not by status. To continue to illuminate Winthrop's (2008: 193; 195) outline, political action has the (eudaemonist) purpose of self-mastery, individuation, and personal growth. (As how a seed contains an oak, so has all life a natural purpose in its own freedom). "[F]or Aristotle, politics is to be the work of free human beings and yet is to have as its end the non-arbitrary, natural end

of human completion”. Thus, in the social world, in which political works may be performed (because this is where property and honor are allocated), free rulers are being honored more than others and are thereby again ending up being *separated* from those they rule and tyrannize. Also in this social world, this separation applies to all human beings, who now all become “slaves of sorts”—because this is where they will try to acquire property: the source of social inequality, which is tyranny. “Whether and to what extent it is fitting that such [social] slaves have property of their own depends on what nature or the gods require and permit. Knowing this much we can determine the [socially-constructed] degree of our enslavement to our [natural] bodies and to the gods. In Aristotle’s opinion, nature does require and permit property, but [nature also] does not require humans to acquire [too] many possessions for the sake of their economic wellbeing.”

⁶⁶ Springborg (2010: 299), oddly, leaves this theme of the “machine of state” in Schmitt (1996) untouched.

⁶⁷ As was argued by Young (2011: 154-161).

⁶⁸ See, especially, Gilbert (1990). Young (2011), Althusser (2006a), and Balibar (1994) also follow (and respond in some passages to) the Marxian theorist George Lukács.

⁶⁹ Particularly Habermas (2002), (2008), has in various texts been pleading for a supranational constitution, not only within the EU but also to legitimize the entire current international law-structure. This constitution hinges on “a drastically reformed UN”, through which “regional blocs and/or the Great Powers” can then begin to counteract the excesses of “globalizing capitalism”—as Scheuerman (2011: 117) helps sum up his plea.

⁷⁰ Particularly, Habermas (2001), (2008) and Benhabib (2004), (2006), (2009). For one political realist’s discussion (and rejection) of the works by these two global constitutionalist theorists see Scheuerman (2011: 117-119; 107; 103).

⁷¹ Honig (2009). See, also, Olson (2007).

⁷² Scheuerman (2011: 117-118, italics added).

⁷³ This point is an ingredient in the dose of criticism Scheuerman (2011: 136-143), (2010b), reserves for Deudney (2007), whose own image of American republicanism (and especially whose ideal of the Philadelphia Convention) includes liberal economic values while excluding several problematic consequences of these essentially capitalist values (the land-grab that harmed indigenous peoples, “chattel slavery”, and “consumerism”). For a very similar critique, but this time of Habermas’s (2001) rather than Deudney’s ideal, see Honig (2009: 34-35).

⁷⁴ See, for instance, Held et al. (1999) and Scheuerman (2011: 164-167). Also, Beebe and Kaldon (2010: 31) refer to globalization’s paradox when they describe Congo’s induction into the capitalist economy, which would allow global competitors to trade in the country’s resources (“diamonds, coltan, cassiterite, tin, copper, timber, and ... charcoal”) while in the same moment exaggerating its social inequalities. As Congo’s GDP is rising high,

“indicators such as life-expectancy, literacy, and access to water and ... sanitation have continued to fall.”

⁷⁵ Gibson (1994: 10-11).

⁷⁶ See, particularly, Plato (1984).

⁷⁷ Arendt (1978: vol. 1: 110-118; esp. 114) refers more often to Socrates than to Plato when she suggests that together with his entry into the polity, “Platonic wonder was no longer understood as a principle, but as a mere beginning.” She found that the dialogues are to be understood as examples of the dialectical method, which is not applying signs and names to capture a truth, but is giving birth to unspeakable truth, and to wonder, “itself ... beyond words.” Arendt (1990) had earlier also hinted that the Socratic dialogues are wonder-like beginnings, neither frozen in written signs nor captured by meaningless symbols.

⁷⁸ Villa (1998).

⁷⁹ According to, for instance, Plato (1990).

⁸⁰ Arendt (1978: vol. 1, 133).

⁸¹ In examining Arendt’s *leitmotif*, McGowan (1997) rightly titles his chapter “Must Politics be Violent?”

⁸² Gordon (2009: 335, n. 38).

⁸³ Compare this quote from Carozza (2003: 45) to Simmel (1997: 172-174).

⁸⁴ Other well-known metaphors, besides universality, are subsistence and subsidiarity. See, for instance, Shue (1996) and Carozza (2003).

⁸⁵ Especially, Plato (1996), (1988), (1984), (1984b), (1970). For comments on the singularity of each Platonic concept of virtue, consider Russell (2004).

⁸⁶ This concept of relational authority may seem very abstract, but it is only a relation between public and private; a relation Agamben (2005: 83) refers to—when it would be observed under the most ‘august’ conditions of life—as “a zone of absolute indistinction.”

For another application of the concept, consider Lake (2010).

⁸⁷ The nature and morality of Aristotle’s (1958) idea of political rotation have stirred up several scholarly debates, as further detailed in work by Coby (1986), Gilbert (1990), Korsgaard (1986), (1996), Nichols (1992), Skultety (2009), Wilson (2011), and Winthrop (2008).

⁸⁸ Aristotle (1958: bk. 1, ch. 2, 1352a, p. 3).

⁸⁹ On the idea of a ‘national’ jurisdiction, see Agnew (2009), Doty (1996), James (1986), and Kratochwil (1995).

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- ⁹⁰ Marx and Engels (1972), Marx (1977).
- ⁹¹ Selection of this quote gives a slight twist to its source: Honig (2009: 35; 37). But see, also, Gordon (2009: 333).
- ⁹² As Honig (2009: esp. 29-35) critiques Habermas (1999), (2001).
- ⁹³ By contrast to liberal-oriented defenders of world governance, such as Wendt (2003), (2005) and Held et al. (1999), this book builds an alternative and more realist case—with considerable support from diZerega (2000) and Morgenthau (1985). See, also, Scheurman (2008), (2010a), (2011: esp. 143-148), and Jütersonke (2010).
- ⁹⁴ Whitehead (2011: 295) finds that the fields of biology and systems theory would have newly identified “regulatory principles that generate change—rather than restore traditional stability [or rather than maintain homeostasis]—to explain the diversity, complexity, interconnectedness, and directional thrust of living organisms.” He proceeds to argue that democracy is not only analogous to a living organism, but also subject to the laws of “homeodynamics.” Whitehead’s argument thus neglects Aristotle’s and Hobbes’s own systems theories, however, in which democracy is only one of the state’s two organs—as shall be clarified in later sections of this book.
- ⁹⁵ Stevens (2001: 72-73).
- ⁹⁶ For example, Aristotle (1958: 1.2, 1253a, 5-6; 3.3, 1276b, 99) refers to this relation of primacy as his “criterion of the constitution.”
- ⁹⁷ For a summary of C. G. Jung’s “individuation” and “archetypal expectation”, see Stevens (2001: 72-75).
- ⁹⁸ Human beings tolerate some “gradients” of power inequality. But among primates they probably have the lowest tolerance for “hierarchical extremes”—due to their evolution as nomads. They also have very strong beliefs in “fairness and reciprocity”—as such values would typically increase the chances of nomadic band survival. Natalie Angier, “Thirst for Fairness May Have Helped Us Survive,” *The New York Times*, 07/05/2011, D2.
- ⁹⁹ Oakeshott (1991: 460-461) tells an illustrative story (Schopenhauer’s) about the unintentional or natural emergence of a “civil association” of porcupines, yet his story ignores the importance of natural associational interdependencies. Thus, it never considers the possibility that the porcupines (turtles, penguins, and so forth) could be protecting themselves against another natural enemy—and that they not only associate to stay warm, but also to protect themselves against predators. Oakeshott thus underestimates the importance of the paradox of political association: some older porcupines could intentionally *be* protecting themselves, including their offspring in the center, by situating themselves in the group’s periphery, and in this act yet again *not* be protecting themselves against a predator likely to appear at the periphery.
- ¹⁰⁰ In the occidental tradition, the dragon may still be more archetypal than the two-headed eagle because of two dragon-slayers: the archangel Michael and Saint George—both of whom are believed to be patron saints of, or at least to protect particular political actors. “Alice

in Wonderland”, by the way, is also about slaying the dragon (Jabberwocky serves neither the red nor the white queen).

¹⁰¹ Merriam Webster’s Collegiate Dictionary (10th edition).

¹⁰² Machiavelli (1966), according to Negri (1999: 83; 87), still maintained the balance between the supremacy of “historical materialism” and the autonomy of “constitutional becoming”.

¹⁰³ Compare, also, Ninčić (1970: 9).

¹⁰⁴ For select entries into the ‘conventional’ literature, consider Ashley (1988), Bartelson (1995), D’Amato (2001), Donnelly (2006), Jackson (2007), Jennings (2002), Kelsen (1960), Onuf (1991), Schmitt (1985), and Werner and De Wilde (2001).

¹⁰⁵ Machiavelli (1950: ch. 12, 44), *The Prince* (P).

¹⁰⁶ For a helpful but nonetheless misdirected discussion (especially misguided on the point of the subordination to rather than, also, of the authorization of a common power) by Hobbes (1994: ch. 13), see Campbell (1998: 53-60).

¹⁰⁷ As Hobbes (1994: ch. 13, 90) clarifies: there has never been a civil war of “particular men” against all other “particular men”, nor any other such a state of nature, which should therefore be considered imaginary. Rather, “persons of sovereign authority” have “in all times” mirrored the laws of nature in such ways that this would help them “uphold the industry of their subjects”, and to thus uphold their “common power” as well, while maintaining only a “posture of war” (by sending spies to) their neighboring states.

¹⁰⁸ Freely appropriating words first used by Springborg (2010: 306).

¹⁰⁹ The ‘medieval’ scholars would have followed the bull *Unam Sanctam* (Pope Boniface VIII), at least on this “two swords” doctrine. Pecknold (2010: esp. 83) helpfully indicates that both Ernst H. Kantorowicz and Sheldon Wolin (two famous political theorists) developed their own arguments—mostly with respect to the relation between liberal power and covenanted sovereignty—in a manner not just inspired by these scholars, but especially also by Henri Cardinal de Lubac, author of *Corpus Mysticum: L’Eucharistie et l’Eglise au moyen* (Paris, Aubrie: 1949, not further referenced in the book currently at hand).

¹¹⁰ Also helpful, on political word-power, is Pettit (2008).

¹¹¹ Notoriously ignored by the so-called ‘social contract’ theorists, and by John Rawls, is the notion of a covenant (constitution?) that the people are enacting by physically mirroring God’s two or three dimensions. Compare, however, Levinas (1989). For a few comments on Rawls’s idea of an international social (or: legal?) contract, compare Gudridge (2001) to Levy (2009).

¹¹² Hobbes (1994: ch. 17, 118; ch. 28, 216-218).

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- ¹¹³ Particularly, Hobbes (1994: chs. 17-18; ch. 21; ch. 26). For the political theological implications of Hobbes's argument, in its relation to the laws of nature, consider also Bobbio (1993), Paganini (2003), Springborg (1996), and Stanton (2008).
- ¹¹⁴ Hobbes (1994: ch. 17, 117).
- ¹¹⁵ Hobbes (1994), (1991), Machiavelli (1950: P, D), (1975), (1996), (1966), (2003).
- ¹¹⁶ Marx (1978c: 34).
- ¹¹⁷ Hobbes (1994: ch. 3, 22).
- ¹¹⁸ Machiavelli (1950: D 1.39, 216), also cited in Benner (2009: 185).
- ¹¹⁹ Hobbes (1994, ch. 3, 23). See, further, Oakeshott (1991: 241).
- ¹²⁰ For a few examples of how these flanks continue to be developed, it would be interesting to contrast, for two images of Kant's political philosophy, Franceschet (2000) to Carter (1993). For Hobbes's juridical philosophy, contrast especially Holland (2010) to Zagorin (2009).
- ¹²¹ One of the rounds of debate was started by Kratochwil (1995) and concerns the notion that state sovereignty and the right to intervene militarily, even if only on humanitarian grounds, are mutually exclusive categories. Another round of debate has been summarized by Little (2007), and involves the notion of a balance of powers.
- ¹²² A rather similar but more elaborate point about IR's willful ignorance, about students who link anarchy (or, the state of nature) to violently-unregulated wars, has been made by Ashley (1988), (1995).
- ¹²³ Although not speaking specifically to Hobbes and his concept of the state of nature, Navari (1978) is giving meaning to the political ambivalence of the state of nature in itself.
- ¹²⁴ For a few of the classic references to both Hobbes and Grotius, on the idea of a total civil war, see Tuck (2009). For the here-used definition of legitimacy, see Hurrell (2005: 16).
- ¹²⁵ For these phrases, which can best be read as forming a response to Machiavelli's classic question whether it is better for a military commander (versus a sovereign person) to be loved or feared by his soldiers (versus his subjects), see at minimum Hobbes (1994: ch. 30, 243-244).
- ¹²⁶ Continue to compare Springborg (2010: esp. 307-308).
- ¹²⁷ Donnelly (2000: esp. 100-103), Onuf (1989: 163-168). Additionally, for a radically 'Hobbist' or a structuralist notion of IR, see Mearsheimer (2001) and Chertoff (2009). For introductions to a much less structuralist realist position, see Morgenthau (1985), Molloy (2003), and Schuessler (2010). Consider, further, besides Springborg (2010), Bendersky (1996) and Weiler (1994) on how Carl Schmitt was reading Thomas Hobbes in the mid-1930s.

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- ¹²⁸ One source of inspiration for the ‘Hobbist’ structural realists remains Hobbes (1994: chs. 13 and 29, esp. 227-228). Even though he does not give a ‘Hobbist’ account, Beiner (2011: 52, n. 30; 53; 149) does still refer to Chapter 29 of *Leviathan* (and to similar passages) in order to eventually conclude Hobbes herein would have favored “a *single* community of civic authority”—or a single state capable of *subverting* all ecclesiastic authority to its own royalist, as well as to its own civic authority. But Beiner combs too selectively through Hobbes’s texts, ignoring their theme of human nature’s dualism and even the theme of Christian mysticism as well. Yet, if these themes had been taken more seriously, then Hobbes would appear to have combined both monarchical and ecclesiastic authority into a third and perennial (that is, neither mortal nor immortal) body politic. Actually, Hobbes clearly announces he will recombine the monarchist with the populist, as well as the rationalist and the revealed components, within his original definition of this body’s dual sovereign authority. He did not necessarily *subvert* ecclesiastic power, therefore, but simply *included* it in the authority of the body politic as a whole (also known as the sovereign people). Spinoza accomplished a similar inclusion, Walther (2003) suggests. Anyhow, Hobbes’s defense, rather than subversion, of public religiosity invites further study.
- ¹²⁹ Kantians argue that, as Bruner (2009: 343-344) puts it, a global cosmopolitan constitution is gradually being formed through “an inevitable process”—because human beings not only can but also will “create their own circumstances.” Yet, as many realists would later point out, Kant had been so preoccupied with “political liberty” that he could not foresee the possibility that even a global constitution could be subverted by “economic liberty.”
- ¹³⁰ Tuck (1999). Baumgold (2010) makes more than a few excellent comparisons between Grotius and Hobbes.
- ¹³¹ For clarification, see especially Varden (2010).
- ¹³² Consider, for instance, Bellamy (2009), the IDRC (2001), and Williams (2001). For a much more (strongly American) neo-Kantian argument, consider Ikenberry (2009).
- ¹³³ Donnelly (2006).
- ¹³⁴ Donnelly (2009).
- ¹³⁵ For a discussion of how the idea of (American) exceptionalism has fared, within the field of IR theory, see Mitchell (2006) and Louis and Robinson (2004).
- ¹³⁶ For Weber’s understanding of political mutations and chances, as well as for his rejection of any structural antinomy between power and law, consider Palonen (1999: esp. 530-540) and Runciman (2004). For Arendt’s “political faculty” of natality, compare Birmingham (2006) to Burks (2002).
- ¹³⁷ Aspects of IR’s concern with the analytical dichotomy between (negative, particular) exceptions and (positive, universal) norms can be found in, among others, Roach (2005), Sukanami (2007), and Walker (1993), (1996). Consider also Cohen’s (2008) argument in light of the titles reviewed by Kelly Kate S. Pease (2010), “Who Says What The Law Is?” *International Studies Review*, 12 (4), 628-636 (not further referenced in the book). There

are of course many other works on this dichotomy, usually expressing the need for further separation of the legal norm from the political exception, which is basically the constitutional separation between (international) law and (prosecutorial) dictatorship. A simple starter selection may include, however, Onuf (1994), Rossiter (1948), Sarat and Clarke (2008), or Barros (2003). Lastly, Ungureanu (2007) again closes much of the distance between decisionism (as possibly being a more fluid expression of dictatorship) and discursivism (which would then equate to lawfulness).

¹³⁸ Wendt (1999).

¹³⁹ As known to students within the discipline, the English School of IR has also tried to develop an ethic of the middle way, in between realist interests and liberal institutions or, more accurately, between pluralism and solidarity. Beyond Bull (1995) and Little (2000), see especially Cochran (2009), Jackson (2008), and Scheuerman (2011: 131-136).

¹⁴⁰ Crawford (2002: 357; 397-398).

¹⁴¹ Crawford (2002: 403).

¹⁴² Crawford (2002: 404; 408).

¹⁴³ Strangely, Crawford (2002) does not index any entries for Dulles, yet he was largely responsible for America's pro-decolonization diplomatic program after (and initiated by) the Suez Crisis. She could at least have mentioned, however, that the U.S. had strategic material interests in Egypt's as much as in Saudi Arabia's, Indonesia's, or Panama's *autonomy* because the national independence of such countries could help Washington prevent the Communist countries of the world from gaining influence over (oil) shipping routes.

¹⁴⁴ Philpott (2001: 183).

¹⁴⁵ Crawford (2002: 320).

¹⁴⁶ Philpott (2001: 183).

¹⁴⁷ See, for instance, Latham (2011: 77-81).

¹⁴⁸ Latham (2011) describes the Cold War as to have given Washington its moral definition of self-interest: the Cold War spurred America's large-scale investments in the economic development of the decolonized 'swing'-states, often under the ethical banners of helping them to secure their modern and national forms of autonomy. For additional discussions of the idea that the decolonization process might have amounted to moral progress, consider Eckert (2004) and Jackson (2007).

¹⁴⁹ A similar point is observed by Campbell (1998: 218-219).

¹⁵⁰ Crawford (2002), Philpott (2001), (2002), (2009), and Wendt (1994), (1999), (2004).

¹⁵¹ Morgenthau (1946: 192), as cited by Donnelly (2000: 47).

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- ¹⁵² But Morgenthau (1946: 168), referenced by Scheuerman (2011: 23), *actually* affirms the ambivalence of the human being: both “a moralist” and a “political animal by nature”.
- ¹⁵³ Donnelly (2000: 102).
- ¹⁵⁴ Arendt (1978: vol. 1, 133).
- ¹⁵⁵ Hobbes (1994: ch. 46, 463; ch. 9, 60-61) appears to equate “supernatural” to “civil” philosophy.
- ¹⁵⁶ Hobbes (1994: ch. 31, 245; 247-248).
- ¹⁵⁷ Particularly, Hobbes (1994: ch. 7, 48-49).
- ¹⁵⁸ The issue of ideational speech censorship receives attention, from Hobbes (1994: esp. ch. 31), on several occasions. Williams (2005: 32) reads Hobbes to be saying “the Sovereign ultimately must control language (definitions of what is).” Hobbes’s contemporaries responded by painting his concept of Christendom, as a civic religion subject to the sovereign’s interpretation, off as a Machiavellian ploy. Fleisher (1972: 134-135) mentions that for Machiavelli himself, this much had been evident: “Political power is a function of what people believe, whether true or not.” As Hobbes would follow in his footsteps, then, because “Machiavelli indicts ideality”.
- ¹⁵⁹ Hobbes (1994: ch. 17, 119).
- ¹⁶⁰ Hobbes (1994: ch. 11, 70).
- ¹⁶¹ Olson (2007) stresses the importance of path dependencies, but in a similar context.
- ¹⁶² Hobbes (1994: ch. 43, 402, italics added).
- ¹⁶³ Kari Palonen (1999: 523; 525-529) has demonstrated that Max Weber, most likely in following Benjamin Constant (“*De la liberté chez les Anciens*”) had been much “aware” of this sense of contrariness between republican beliefs in free political action, first, and the pleasure of fulfilling individual needs and individual liberties, second. His awareness forms a key to Chapter Two, of this book.
- ¹⁶⁴ Donnelly (2000: 102).
- ¹⁶⁵ Benner (2009: 465), referencing Machiavelli (1950: D 3.49, 540).
- ¹⁶⁶ For example, Hobbes (1994: ch. 27, 205) defines “vainglory” as excessive self-worth: it is the illusion that a difference in social worthiness has somehow been caused by “wit, or riches, or blood, or some other natural quality not depending on the will of those that have the sovereign authority.” Machiavelli (1966: 2.8, 90-92) describes one particularly vainglorious individual, the Duke of Athens, as highly imprudent for the latter had asked the Florentine people to paint “his arms” on their houses, thus apparently being under the illusion that “name alone was all he needed to be absolutely prince.” See, also, Benner (2009: 221-226).

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- ¹⁶⁷ Hobbes (1994: ch. 12, 72, 74-75).
- ¹⁶⁸ Machiavellian realism was, of course, first explored by late-nineteenth-century German political historians. Friedrich Meinecke towers among them, but Max Weber should also not be forgotten.
- ¹⁶⁹ According to Arendt (2006: 99-101), once individuals act only as mere individuals, and once individuals obey only “the force of elemental necessity” that moves the multitudes, and once they thus no longer recognize their own “legal personality” or no longer wear the “mask” that gives them their own social stature, it becomes very difficult for them “to believe in the goodness of unmasked human nature”.
- ¹⁷⁰ One of the few to argue the converse case is Mearsheimer (2011). As a so-called structural realist, Mearsheimer suggests that governments are generally dishonest, for utilitarian reasons, but that this throws up no immoral barriers against the peaceful co-existence of their individual politicians.
- ¹⁷¹ Besides Benner (2009), essential texts in the scholarly literature (alphabetically) such as Bock (1990), Colish (1978), Del Lucchese (2009), Freyer (1938), Guarini (1990), Lock (2003), McCormick (2003), Peterman (1957), Sullivan (2006), Wood (1968), and Yoran (2010) will be consulted.
- ¹⁷² Very useful is Gillespie (2008).
- ¹⁷³ According to Paganini (2003), Hobbes responded on these topics to the theologians: Boethius and Valla.
- ¹⁷⁴ For a few brief comments on how serious Schmitt was in following Weber, see Kennedy (2011: 536-537).
- ¹⁷⁵ Schmitt (1986: 58), as cited by Gordon (2009: 332). See, also Schmitt (1996b).
- ¹⁷⁶ This point has often been misunderstood, even by Schmitt’s (1976), (1985), more attentive students, because in the relation between enemies it hardly matters how internally homogenous they each would be. What really matters is whether they (faithfully) believe they can kill each other.
- ¹⁷⁷ Schmitt (1996).
- ¹⁷⁸ Compare, especially, Liftin (2003).
- ¹⁷⁹ For the perennial philosophy, see Huxley (1970). For notes on (beliefs in) the dialectical open-endedness of the system, consider Brincat (2009) in response to Roach (2007).
- ¹⁸⁰ Carl Schmitt (in *Politische Theologie II*) refers only once to the mystic Gregory of Nyssa, yet is reputed to also have said that Nyssa served him as one of his greatest examples. For a study of Saint Bonaventure, consider Cousins (1978). Also, Hobbes (1994) is perhaps not on a par, but at least familiar with political theologians such as these (Augustine, Boethius).

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- ¹⁸¹ Compare, for example, Olson (2007: 335).
- ¹⁸² For a small selection of critical work in the field of constitutional law theory, see Levinson (2006) and Michelman (1997) but also Schmitt (2008), Sellers (1994), and Bellamy (1996).
- ¹⁸³ Lovelock (1988). Also relevant, for IR theorists, may be Liftin (2003) and Cudworth and Hobden (2010).
- ¹⁸⁴ Compare Wendt (2003) to Habermas (2002), for this instance.
- ¹⁸⁵ Specifically, Scheuerman (2011: 102; 101; 106-108; 146).
- ¹⁸⁶ Hobbes (1994: ch. 31, 245; 247-248).
- ¹⁸⁷ Plato usually sets statesmen off against poets, and legislators against “ambitious gods.” Strauss (2001: 229; 189; 158) interprets Plato (1970) as additionally having played *Symposium* off against dialogues such as *The Laws*, in the sense that only the former dialogue “deals with a god”—whereas *The Laws* deals with human legislation. It is not Plato but Strauss, however, who first ranks legal and political philosophy higher than even any beliefs in the god of love: he alone argues that Eros that is being demoted, and is being deprived of divinity—by Socrates. Eros would thus have to have been transmuted from sacralty into profanity, without ever having been able to contain the opposition between her two qualities. Thus, in his obscure denial of the co-existence of both of the loving soul’s contrary qualities, Strauss (2001: 134) adds this: “Eros is striving for something unattainable, and this is also implied in procreation. This unity can never be achieved. It is essentially unsatisfactory. It is, therefore, man’s present nature—man as we know him—to be unhappy, to be sick. (...) The misery of man is traced to hubris.” This addition appears, of course, awkwardly idealistic. Advanced realists have far more ground to, rather, find Eros to be as attainable as unattainable, or otherwise also as much the outcome of ingenuous as well as of deficient political relations.
- ¹⁸⁸ Plato (1970: 203cd, 81).
- ¹⁸⁹ See, further, Markell (2000).
- ¹⁹⁰ Plato (1970: 223d, 109).
- ¹⁹¹ For additional references on *Symposium*, see Dorter (1992) and Planinc (2004).
- ¹⁹² Plato (1984b), (1996), (1988).
- ¹⁹³ Weber (1946: 237) suggests that none of antiquity’s “collegiate authorities” would have practiced their public authority in isolation of the world of power and private interest. His suggestion seems consistent with the elaborate work on authority to have been done by Arendt (1970), (2006).
- ¹⁹⁴ *Isonomy* is not to be confused with “equality of condition”, according to Arendt (2006: 20). It refers not just to an intuitive practice of equal treatment, thus, but especially also to the

“equality of those who form a body of peers”—which is “the condition for all political activity”. *Isonomy* is anything but a contingent or cultural construction, in other words.

¹⁹⁵ Ninčić (1970: 8; 78-79).

¹⁹⁶ For a Weberian study of the *Subcomandante* Marcos’s charisma, see Di Piramo (2010).

¹⁹⁷ Kaldor and Beebe (2010: 145), citing respectively the 1955 Bandung Declaration (for China) and the Helsinki Final Act (Russia).

¹⁹⁸ Kaldor and Beebe (2010: 7-9) claim “human security” results from the implementation of six policy-principles. These principles seem too tapered because they place the idea of human rights above the necessity of any candidate (world) state’s obligation to actually protect these rights.

¹⁹⁹ D. L. Williams (2010: 531; 526) mentions that “[Montesquieu] is cited in the *Federalist [Papers]* more than any other modern source, and indeed more than ... Plato, Aristotle, Cicero, and Plutarch combined.” Madison et al. (1961).

²⁰⁰ Negri (1999: esp. 51).

²⁰¹ Machiavelli (1966: 8.6, 396).

²⁰² For one comparable conclusion, holding that the poor are being deprived of their rights (as poor human beings) by institutions of false consciousness, consider Gledhill (2003).

²⁰³ Montesquieu (2000: 25.2-25.3, 480-482; 25.5, 484) argues religion should only *appear* to be wealthy (obstinate, even) to prevent the creation of zealots, not that religious people (clerics) should actually *be* rich. (“The clergy is a family which should not increase.”) Religion is thus a tool: it *keeps* the commoners in poverty.

²⁰⁴ Machiavelli (1996: 1.41; 1.4).

²⁰⁵ Lucchese (2009).

²⁰⁶ Schmitt (1996), Rumpf (1972).

²⁰⁷ Compare, also, Rumpf (1972: 64-67).

²⁰⁸ Abizadeh (2011: 314).

²⁰⁹ Thornton (2002: 628; 630) reserves time to further explain Hobbes’s (1994: ch. 13) “common power to fear”.

²¹⁰ Agamben (2005; 86) stresses the most paradoxical aspects of this dynamic void, as he seems refer to it as “essentially an empty space” in which no distinctions are possible. It should be asked, however, whether the void is indeed somewhat reminiscent of an anomaly and of an “empty” antinomy—rather than of a direct relationship between two well-distinguishable contraries.

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- ²¹¹ Beiner (2011: 364-367), citing Schmitt (1996: 55; 57).
- ²¹² When Hobbes (1994) rejects the idea of a disembodied mind (phantoms, apparitions, and so on), he also rejects the separation of body and mind. Note that this is how Unamuno (1977: 260-261) asks himself whether consciousness (mind) and extension (body) can bifurcate: “Are consciousness and its extended support two separate powers in contraposition, the one growing at the expense of the other?” If the powers could bifurcate, by implication, then the “fateful outcome” must be that they will have lost their organic relation: one power become parasitical and may harm the other, and their web tears.
- ²¹³ In his “Introduction to *Leviathan*,” Oakeshott (1991: 280-281) distinguishes not between the powers of the people’s natural body and those of their ideological artifices, but between natural universalism and individual atomism. Anyhow, Hobbes had given primacy to neither one kind of power. Instead, his sovereign person is the only person, Oakeshott rightly adds, capable of representing both natural associations and individual members. The “one sovereign representative ... is the only sort of association that does not compromise the individuality of its components.”
- ²¹⁴ See, by means of contrast, Steinberger (1988: 30) and Honig (2007). Judith Shklar and Louis Althusser are among the many political theorists to have written about facets of Rousseau’s paradox as well.
- ²¹⁵ Nau (2011: 488) does not mention, but supports here (and is probably familiar with) the academic disciplinary distinction between the *Natur- and Geistes-wissenschaften*.
- ²¹⁶ Beiner (2011: xii-xiii).
- ²¹⁷ Max Weber points IR into this interpretive direction, according to Nau (2011).
- ²¹⁸ Machiavelli (1950: D 3.1, 399).
- ²¹⁹ Honig (2009: 15).
- ²²⁰ Negri (1999: 15-20; 97) speaks about Machiavelli as if he would have sustained a “void” (within his concept of *revolutionary* or constituent sovereignty) which had also been observed, although only partially, by Arendt (2006).
- ²²¹ Arendt (2006: 26).
- ²²² On *isonomy*, see Waldron (2000: 210).
- ²²³ Arendt (2006: 40-41), (1951) dismisses the idea of a permanent revolution (or, the idea of an infinitely-functional constituent power). She finds that the idea might have gathered most force in early 1789, in 1830, 1832, 1848, 1851, 1871, and in other years as well, but it never did and should never be doing so infinitely, indefinitely, or without any time-limits. The exceptions that proved this rule would be made by Robespierre, Hitler, and Stalin.

²²⁴ Arendt (1970: 45).

²²⁵ Plato (1996: 494a, 183; 562de, 254) can be read as to define the multitudes as groups of individuals who are censoring “those who philosophize”—as well as that he defines their licentiousness as the kind of “liberty [that] should exceed all limits.” Hence, Platonists would say, the multitudes respect no (philosophical) limits between those who command and those who obey. Kohn (2000: 120-123) mentions that Arendt (1958) took a different, or a more anti-Platonist point of view, yet she certainly would have agreed that the philosophical limit between the rulers and the ruled is more than a justifiable limit: it is the Athenian source of all politics. Yet, not Athens but Rome came to understand why the relation between rulers and ruled should also appear legitimate and well-balanced.

²²⁶ Arendt (2006: 39).

²²⁷ Arendt (2006: 173).

²²⁸ Machiavelli (1950: D 1.58, 260-266), (1996: ch. 1.58), distinguishes between an unbridled and inconstant multitude and the wisdom of the people. For important variations on Machiavelli’s theme of the multitude’s natural force, or its forming a natural element such as a river, compare Masters (1996) and Parel (1992) to Pitkin (1984).

²²⁹ There has been tremendous speculation as to which man would have formed Machiavelli’s example of holding the most virtuous kind of authority. Most readers insinuate this example could never have been a religious and certainly no ecclesiastic man. Yet, Machiavelli (1950: D 1.54, 251-252), (1996: 1.54), himself most clearly discerns between the multitude and the Bishop, between violence and power, with only the latter appearing capable of re-establishing concord in Machiavelli’s beloved Republic of Florence. But the Bishop does not ‘perform’ power, at least not as an individual. Rather, it is his symbolic relationship with the group that transforms them; his clerical insignia are a metaphor for the group’s spiritual, and then as its political unity as a people.

²³⁰ Compare, further, Hochner (2009). Yoran (2010: 281) also, rightly, refutes some common misperceptions about Machiavelli when he, for instance, points out that the latter had well-understood why “desire for glory and for power [tend to] become interchangeable; that those who achieve security begin desiring *onori* [honors]; that power and riches are desired at the same time; and so forth.”

²³¹ For an IR theoretical study of additional such dualities, consider Wilson (2010).

²³² Arendt (2006: 9) mentions that: “[V]iolence itself is incapable of speech.”

²³³ Compare, for instance, Waldron (2000: 212-213).

²³⁴ Arendt (1970: 43-45).

²³⁵ Arendt (1970: 26).

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- ²³⁶ Arendt (2006: 189) notes that exemplary analogies have perpetually served “the men of revolutions”: these men mostly created “models and precedents” based not on tradition, but on “the Roman Republic and the grandeur of its history.”
- ²³⁷ Arendt (1978, vol. 1: 103).
- ²³⁸ This is Arendt’s (1978, vol. 1: 19) resonating salvo: “*Being and Appearance coincide.*”
- ²³⁹ For additional notes on analogical reasoning, see Crawford (2002: 19-23). Levy (1994: 282) must disagree with these notes.
- ²⁴⁰ Machiavelli (1950: D 1.54, 251), (1996: 1.54), refers with this quote, undoubtedly, to Virgil’s (1956: 31-32) introductory, metaphorical description of a first emergence of authority: “It had been like a sudden riot in some great assembly, when, as they will, the meaner folk forget themselves and grow violent.... But then they may chance to see some man whose character and record command their respect. If so, they will wait in silence, listening keenly. He will speak to them, calming their passions and guiding their energies.”
- ²⁴¹ Machiavelli (1950: D 1.54, 251).
- ²⁴² The theme of appearing publically was worked out in Arendt (1958), (1951).
- ²⁴³ On the meaning of metaphorical narrative, but also of tragedy, in Arendt’s works, consider Benhabib (1990), Malpas (2010), Speicht (2002), and Villa (2001).
- ²⁴⁴ Arendt (1970: 45).
- ²⁴⁵ Waldron (2000: 210) points out that perpetual change should not be effectuated by an “undifferentiated welling-up of mass opinion”, at least not in accordance to Arendt’s theory, but by the mysterious phenomenon that whenever groups meet to “constitute a public gathering, ... there are procedures to be followed, chairs elected, motions moved, amendments considered”. These procedures so affirm people’s sense of *isonomy*, which in itself is again “as much part of [their] political being as the faculty of speech itself.”
- ²⁴⁶ See also, for instance, Waldron (2000: 205-212).
- ²⁴⁷ Arendt (2006: 173; 166).
- ²⁴⁸ Arendt (1951: 297-302), as referenced by Waldron (2000: 205, n. 29), warns that the idea of equal rights poses a dangerous verdict: it condemns, not liberates human nature.
- ²⁴⁹ Arendt (2006: 30).
- ²⁵⁰ Arendt (2006: 39).
- ²⁵¹ Passerin d’Entrèves (2000: 256).

CHAPTER ONE

[O]ne of the most effectual seeds of the death of any state [is] that the conquerors [of this state] require not only a submission of men's actions to them in the future, but also an approbation of all their actions past.

—Thomas Hobbes (1994: 486).

If their king is their god, he is or should be also their preserver; and if he will not preserve them, he must make room for another who will.

—Cited by Sigmund Freud, *Totem and Taboo*.

Is a man ever of two minds about the same thing? When it comes to action, is he divided against himself? Does he experience internal strife?

—Plato (1996: 603cd, 294).

There are people and things, persons and objects. There are also forces and powers, thrones and dominations.

—Carl Schmitt (1996c: 17).

[T]hey that have no science are in a better and nobler condition with their natural prudence than men that, by misreasoning, or by trusting them that reason that [then] fall upon false and absurd general rules. For ignorance of causes, and of rules, does not set men so far out of their way as [their] relying on false rules.

—Thomas Hobbes (1996: ch. 6, 36).

First Contemplation: The Symbolically Significant Succession Principle

In January 2006, the eleventh prime minister of Israel suffered a debilitating stroke that left him comatose. A few months earlier, Ariel Sharon had completed the withdrawal of all Jewish settlers from Gaza. The withdrawal had been massively contested, and an economic blockade would remain in place, yet Sharon evidently helped liberate many Palestinians from their occupiers. But as a minister of defense, in 1982, he had also been politically responsible for the Israeli Army's massacring of unarmed Palestinian refugees in the Shabra and Shatila camps, so that his legacy may be believed to remain morally ambiguous. After Sharon had been in coma for more than four and a half years, and with few chances of regaining consciousness, the artist Noam Braslavsky unveiled a life-size sculpture of the statesman.

The sculptured Sharon can be seen “in a hospital bed—with his eyes open and his chest rising up and down, as the work appears to breathe.” Braslavsky was instantly accused of voyeurism, but responded by suggesting no person better embodies the Israeli Entity's impassive face to the world than the former prime minister. *The New York Times* quoted the artist as saying he had chosen Sharon because he represents “an open nerve in Israeli society” and thus forms an allegory for the “inertia of Israeli politics.”¹

Why is it that Sharon's personal state of limbo—in between life and death, between vital nerve and inert state—should symbolize this specific political society: Israel? To find a meaningful answer, and to better understand Sharon's symbolism, it

must be remembered that ‘statesmen’ have long represented their own political entities, into perpetuity. The remains of one American president have been buried under an eternally-burning flame. Most U.S. presidents left or intend to leave libraries to posterity. For other heads of state, mausoleums may be erected: V.I. Lenin’s body was embalmed for this goal, whereas the pharaohs would be both embalmed and hidden in pyramids. It would also be advisable, as realists such as Morgenthau and Niebuhr found, to remember that very few monarchs were not believed to have represented their state, and that the distinction between their legitimacy and illegitimacy would traditionally depend on an honoring and a public judgment of their immortality.² The next sentence expresses that judgment well.

“The king is dead,” someone announced; “long live the King!” the people acclaimed.

Why wish the king a long life upon learning of his death? Why are the king’s life and death presented within the same sentence? Should the people’s hurrahs not have *preceded* their king’s death, as opposed to have followed it? The sentence seems to have been emptied of pure logic: it unseemingly presents itself outside a world of commonsense.³ On second thought, and with Hobbes’s dictum in mind, it may have to be read conjecturally and not so logically. If the legendary King Arthur is said to be among the living, for example, then this statement amounts to a conjecture because it is impossible to invalidate the statement with certainty—and yet it may be believed possible.⁴ Not a sequential, but a conjectural and yet also a more commonsensical reading of these sorts of statements is demanded—because they could be referring to acts of

political remembrance, and perhaps to how these acts are believed to give meaning to their own prudence.

Commonsense, as Hannah Arendt defines it, is itself already a conjecture. It is a conjecture of both sharing examples and experiences as well as of individual sense experiences. Commonsense neither has a straightforward logical cause within the individual's sense organs—nor is it expressed by the physical togetherness of a group of individuals alone. It depends on the conjecture of both logics of sense. Commonsense thus emerges from a physically/metaphysically sensing of others, so that it is about a static physically-sensible togetherness as well as that it is about dynamic belief in “community sense” (*sensus communis*).⁵

In reference to the issue of the continual representation of the state, and beliefs therein, Arendt's definition of common/sense would itself form a transcendent conjecture, akin to the king's mortal/immortal life. Both definitions express the notion that there is something that emerges from, but cannot be reduced to the sum of the two components. Common/sense combines a set of physically-sensory experiences with a shared judgment about these experiences, and this judgment cannot have been anticipated by merely adding sense experiences to the realm in which they are being shared. The sum total of ‘common’ and of ‘sense’ will not add up to a sharing of sensibility and judiciousness, in other words, just as that a newly-begun form of ‘popular acclaim’ and a king's ‘physical death’ do not have to add up to an act of public authorization for the monarchical state. Instead, judiciousness and authorization are here acquiring meaning

because they are emergent properties of these respective conjunctions: common/sense and metaphysical beginning/physical ending.

Arendt imparts the notion that commonsensical judgments are not in-born but become 'second nature.' They can be cultivated, that is, but they will hardly emerge from within people's 'first nature.' These are conditioned judgments, specifically in respect to general questions such as when to empathize with others, and how to care for one's milieu and one's world. They direct people to an 'enlarged mentality.'⁶ The sphere of pure logics—or of bare reasoning, as Kant would say—is therefore unlikely to apply to a common/sensical person's experiences of empathy, although applications of bare reasoning may of course remain one of the preconditions for the sharing such experiences.⁷

"Long live the King!" by itself is only a celebratory speech act. It is not so much a declaration as it is a positive appraisal of the many years the king will live. But by repeating the preceding sentence ("the king is death"), before appraising the king's future, people are also mourning their futureless king. What are they celebrating and what are they mourning, then? They are celebrating a common convention: the monarchy. The people mourn the natural king, not the monarchy. They indeed legitimize the process through which select persons appear to be succeeding to the throne. In 'sensing' the king's bodily death, then, they are indirectly celebrating their authorization of his royal office.⁸

Thomas Hobbes knew that monarchical successions depend on the popular will, on popular acclaim for the ruler's maintaining the peace.⁹ He also knew that not all

monarchies are hereditary. Monarchies are defined by the fact that only one person may take the seat of government, even though that person may not take part in, and may also not otherwise define the constitution. As Hobbes would have agreed with Aristotle, what all monarchical offices have in common is not that they must have been inherited, but that they enjoy the singularity of their self-legitimizing succession principle.¹⁰ From Aristotle, he learns that such executive offices are not a necessary constitutional component, yet they do somehow allow constitutional states to individuate (or: to grow and flourish) in accordance to their own natural predispositions.¹¹

In order to come to better understand Machiavelli, later onwards, it is quite indicative that Hobbes's oeuvre seems to have been breathing an atmosphere of faith: it breathes in the reasons that allow people to trust in their unitary state's natural self-growth, its self-legitimization, or even in its self-succession rather than in its self-prolongation at any costs.¹² The Hobbesian hypothesis is that, against Aristotelian philosophy, the singularity (oneness) of each head of state performs a public role: it as if it gave each official a mysterious sense of relational legitimacy: it would somehow have legitimized the uniquely conjectured relationship between both the singular authority of the crown, first, and one moment of popular self-authorization, second.

From a perspective of Hobbesian realism, the royal office appears to have been symbolized by the crown, but also by the twin powers of the sword and the scepter: the powers of force and volition; of safety and liberty. Somewhat mysteriously, popular authorizations of the royal office emerge from not just from within a complex combination of two powers, but also from within a correlative combination of two types

of law: from the law on “acquisition” (a law of nature) and from the law of “institution” (of honor).¹³

From this perspective, further, it appears that Baron de Montesquieu was wrong to have relinquished the people as the source of authorization for the monarchical state. Chapter Two provides additional details why Montesquieu wrongly invalidated the people’s relation of contrariness towards their own laws of nature. For now, it suffices to see that whereas Hobbes sketches an elaborate opposition between people’s seeking of honor and glory, first, and the laws of nature that all people fear to disobey, Hobbes would never have erased the singularity of succession principle. After all, Hobbes thinks it is only natural and commonsensical for any sovereign state to have been authorized by a covenant of all natural-born persons with all persons: by the highest-imaginable natural law.

In considerable dissimilarity, Montesquieu’s implicit invalidation—of the people’s ensuring of their safety by authorizing the state to maintain the peace—causes this monarchical state’s natural oneness principle to be replaced with an honor principle, which the Baron deemed better applicable to the relation between monarchy and aristocracy than to the relation between the state and the people in their entirety.¹⁴ (As Chapter Three will show, his supposition is hereby that the king will bestow court officials and noble magistrates with honors and monetary rewards.) Monarchy’s principled intention, or its spring, consists more of the sort of titles and honors it bestows than it consists of its natural or even supernatural oneness.¹⁵ As Montesquieu argues, only the honor principle makes the various intermediate (aristocratic) orders more “dependent

on the constitution, [and] the [monarchical] state more fixed, ... and the persons of those who govern more assured.”¹⁶

The immortal monarch remains at a certain disadvantage, in comparison to rule by mortals, not so much because of the king’s principle of honor but because of his oneness: his “public business is [to be] led by one alone”—which, as Montesquieu warns, could invite excessive “slowness” on the part of the magistrates, because they so often will have to wait for him. Nonetheless, “their slowness, their complaints, and their prayers” will at least perform an important check on the king’s tendency towards solipsism (despotism).¹⁷

Singularity is not always a good principle: the French Magistrate suggests it could oftentimes run contrary to the people’s desire to expedite their business affairs. It is perhaps even a bad principle, thus, because it could very well leave the king’s relation with the people in a state of flux. In order for the state to become “more fixed”, however, Montesquieu takes the side of the magistrates against the monarch. He takes sides with, as Andreas Kinneging sums up a longer discussion, the nobility of the robe: “it is the robe that has to contain the [king’s] sword.”¹⁸ More importantly, in terms of his implicit invalidation of *Leviathan*’s key, the Magistrate proposes that the monarchical source of honor is to be held hereditarily—“not in order [for honor] to be the boundary dividing the [strength] of the prince from the weakness of the people, but to be the bond between them.”¹⁹

Montesquieu abandons the Hobbesian and seemingly self-contradictory notion that a sovereign prince may be a complex person, incorporating the multitudes, and yet

having been authorized by a distinct group of people. Rather than to maintain Malmesbury's functional difference between legal incorporation and popular representation, he thereby rejects all notions of constitutional duality (this thesis's third chapter). As an Enlightenment philosopher, also, Montesquieu leaves behind him any sense that kings might be acting as single-will persons with a natural-born sense of conscience, as he rather expects their wills to have been conditioned by artificial institutions such as regional courts and networks of ranking nobles (the robe).²⁰

Montesquieu moves closer towards the modern notion that the king's actions have been legitimized exactly because his personal honor has been *inherited*—so that it will *not* always have to have been *authorized* by many people.²¹ Henceforth, the centralization of honor is a tool that may be used to assure the nobles (the “people of wisdom”), who will be holding the intermediary offices of government, that they serve the same interests. They serve not an emergent monarchical authority, but those interests that will best help them invigorate the constitutional laws of the state.²² So, why does not Montesquieu and why does Hobbes, in his stead, still take Machiavelli's reminder to heart, that any constitutional state (“republic”) must on occasion be trusted to return to its own natural foundations (“principles”), similar to how Rome's “renovation, or [her] new birth” followed from her rape by the Gauls?²³ This is, dialectically, *the* ‘reminder paradoxical.’ This is Rome's freedom, symbiotically related to the necessity of barbarians plundering Rome; both should be trusted. Both freedom and necessity are believed to be self-organizing principles.

Whose Prudent Actions Qualify as the Sovereign Person's Autonomous Actions?

Charismatic agents and foundational events (Philadelphia) do not turn a state into a sovereign state. Statespersons will also have to have been recognized as conscionable, judicious, and sufficiently prudent human beings. Machiavelli and Hobbes rank prudence, not justice, among the highest of virtues. To these realists, prudence is one of the foremost sources of genuine (sovereign) authority, most likely because it neither consists of mental strength alone—nor only of moral goodness. Prudence is not really a virtue, even, whereas justice and charity are inescapably moral virtues. The difference between prudence and the other virtues can now help theorists to answer the question of why Hobbes would have argued that some of the connotations to have been attached to prudence are unhelpful. For, he concluded that prudence must be differentiated from providence—which is “the foresight of things to come”—and from presumption as well, which is a man’s invoking of his experience in order to support his claim that “the event [shall] answer [his] expectation.”²⁴

Preceding Hobbes, the *Discourses on Livy's Decalogue* demonstrate that by diligently studying historical examples, statespersons can “readily [learn to] observe that all cities and all peoples are and ever have been animated by the same desires and the same passions, so that it is easy ... to foresee what is likely to happen in the future in any republic, and to apply those remedies that were used by the ancients, or, not finding any that were employed by them, to devise new ones from the similarity of events.”²⁵ In his

Discourses, Machiavelli goes through great length to answer why prudence is not merely foresight. To him, it rather emerges from a strange conjecture of both a person's foresight as well as of that person's assessment of cultural contingencies and historical precedents. Foresight cannot be reduced to having knowledge of both precedents and possible contingencies. The human faculty of analogical or historical reasoning should also have been trained, so that factual knowledge can be appreciated by drawing analogies. This latter kind of training is not just acquired as a matter of chance, or by having learned how to make historically warranted presumptions. Instead, this training is to be conducted purposefully, and ultimately also faithfully. Historical analogizing expresses a sense of faith: historical similarities will continue to occur; the future is not radically different from the past; human passions will be of all times. Hobbes agrees with Machiavelli when he explains why prudence consists of certain confidence in the method of presuming a similarity, and analogy, and of "conjecture." For, "prudence is a presumption of the future contracted [by means of conjectural reasoning], from the experience of time past."²⁶

Arendt, Hobbes, and Machiavelli are building a gateway towards a refutation of liberal philosophies—to the extent these remain centered in ideals such as equal justice, not in conjectural and historical reasoning. International liberalism is usually presented as the total opposite of a Machiavellist *Realpolitik*, but this thesis finds no fault with Machiavelli's demonstration of why an official's utmost political and ethical quality should consist of her prudence. From within the conjecture of historical experience and a reasonable presumption, and from empirical necessity and rational freedom, as well,

prudent decisions emerge. In *Machiavelli's Ethics*, likewise, Erica Benner finds little wrong with Machiavelli's argument that a method of historical analogizing, or that "conjecture is often needed to show people the intrinsic goodness and badness of things, especially when bad habits ... corrupted their judgment."²⁷ But this is not all there is to say about prudential authority: it is not all about analogizing, providing historical examples, and conjectural speeches. It demands a judgment about the future as well. Critically, any judgment in itself again demands non-empirical methods of recognizing what Benner describes as every human being's "capacities for free will and *virtu*."²⁸

To amend Benner's human-oriented interpretation, it may be remembered why Hobbes argued that prudence cannot be considered a typically human capacity. "[I]t is not prudence that distinguishes man from beast: there are beasts that at a year old observe more, and pursue that which is for their good, more prudently, than a child can do at ten."²⁹ Hobbes's argument is that humans may occasionally be acting more prudently than beasts, but not generally so, because their speech is not always to their advantage. The more intrinsic their speech advantage becomes, over non-social animals, the less likely they will *remember* the empirical experiences from their own past.³⁰ As both Arendt and Machiavelli find, also, the power of speech may give human beings a sense of common purpose—but the same power can still be used to distort individual interests, and present them in a better light than ethically warranted.³¹ Against the wide impression that the latter political theorists would have defended a utilitarian (consequentialist) position about a power of speech, in international politics, any advanced form of political

realism will have to respect this power's moral ambiguity. Speech serves deliberation as well as decision, and both common and individual interests.

Prudent speech acts may not be as easily equated to acts of shrewdness, or to a realization of private ends, as that some philosophers have supposed. The arch-realists rather understood prudential speech to help people restore a balance of powers. As Machiavelli writes, a restoration of the constitutional balance may be due to “extrinsic accident or ... intrinsic prudence”—but the act itself will, either way, be a return to “original principles”.³² Machiavelli's position houses the classic premise of the Platonists, and of *dialectics*: external necessities and internal forums are on a par, because both must be trusted to form equally critical elements in terms of the state's self-organizing principles. Good forms of change should of course be made to take place, but this ethical imperative will still result from the dual relation between the external and the internal: from a relation exemplified by elements of empirical as well as of rational experience. This relation is still a conjecture, rather than that it is either a fact or a logic. Gyroscopically balancing the constitution of powers is an activity that requires training in conjectural reasoning, hence.

As an aside, the realist proposition holds that change may be motivated either by freedom or by corruption, but also that good change (freedom) can only be distinguished from historical necessity (corruption) because it will have to have evolved in its own *conjectural* and *cyclical* opposition to evil change: these two dimensions are in perpetual flux.³³ This side-injunction formed Machiavelli's invitation to write both *Discourses* and *The Prince* in the style of mirrors: the books would mirror historical events created by

either unfortunate or imprudent men (corruption), mostly, but which also have to belong in a curriculum for those aspiring to be *relatively* more prudent and fortunate than they had been (more free). For, as Louis Althusser reads these texts, they form a curriculum in negative dialectics, positing far more examples of evil change than of good change.³⁴ Still, prudent statespersons will at some point naturally and spontaneously begin to mirror their own actions in *opposition* to the former, or against the harmful and evil type of examples. Whence Machiavellian realism's faith in their goodness?

To now reread Benner's cue: realist statespersons will neither be thrown off their thrones by evil nor by good change—and neither by consequentialist, nor by deontological philosophies alone.³⁵ Much rather, as Weber and Morgenthau could have agreed with Machiavelli, good change transcends the utilitarian aspect of *Realpolitik*—without excluding it from conjectural considerations.³⁶ There are only two dimensions to such considerations, however. First, to sustain a good system, or to save a free constitution, statespersons may very well find it politically necessary to “arrest” violent currents, and to do so in an expedient and utilitarian manner. If the end justifies the means, then this end may perhaps not legitimize the statesperson's authority, but it should also not preclude this statesperson from acting judiciously in pursuing this end. For, judiciousness is a matter of moderation (immanent proportionality). Thus, second, when utilitarian actions are intended to succeed, they should not preclude deontological purposes from the considerations. To have training in creating historical conjectures is to be able to infuse utilitarian decisions with a sufficiently large dosage of deontological (ethically transcendent) purposes.

Machiavelli's reasoning process is simple, yet sophisticated. The simple part is to show that this process amends liberalism. This is the part that helps political realists make their case that if the conviction of equal liberty, especially held by liberal idealists, would be left unchecked by a transcendent purpose, then this conviction risks becoming too moralistic. It becomes doctrinally overbearing, as it were. Because no person was ever born as free as any other person, in terms of natural aptitudes and genetic heritage, the conviction of equal liberty should be moderated by this empirical fact. This means that doctrine must be empirically moderated. Realists do not agree with liberals that liberty would only be a matter of how rational a doctrine is. If liberty could be defined by analogy to a rational but nevertheless inherently doctrinal idea, then tyrannical strongmen, such as Josef Stalin and Pol Pot—or, briefly put, such as Periander's followers—should be allowed to refine this idea of equality, even if this means they thereto have to be killing anyone their doctrine deems insufficiently equal.³⁷ Any moral value, including equal liberty, can become too utilitarian for its own good. Tyrants differ not all that much from liberals, in this, because both seem to share an appetite for their 'own children'—which is exactly why Arendt warned against the 'cannibalistic' undercurrents of liberal philosophy.³⁸

The sophisticated part of realism's warning consists of a perplexing story about human nature. The species is capable of more acts of speech, and of memory, than the other social animals are capable of. Before turning back to Hobbes's views on human nature, it may already be agreed, with Machiavelli, that realist statespersons should not just think of themselves as natural leaders. Statespersons do not just owe their power to

naturally consequentialist factors such as their genes or social deterministic events.

Indeed, particularly Hobbes detests explanations based on such factors because they reek of solipsism. In contrast to Oakeshott's view of of him, Hobbes is clearly not pointing to human nature as an explanation for non-sociable and selfish actions. He thinks highly of human nature, but has less esteem for social sanctions (molestations) and prosecutorial justice (utilitarian justice).

For instance, the Master from Malmesbury has nothing positive to say about the death penalty and summary executions. Rather, he holds hope that one day he may see a world in which each man enjoys his own equal sovereignty, or applies his equal promissory capacities, so that “no man ... can [anymore be] justly be put to death”. Every man should be acting *as if* he had given meaning to social justice, which is one of the first preconditions for his faith in his own legal personality. His faith in justice develops in him *as* a citizen (deontologically) because (as Arendt could have complemented Hobbes), citizens are simply men with their own “legal personality”—and who are believed to be acting truthfully as they are seen playing their own part “on the public scene.”³⁹ Of course, no man will ever *be* equal to any other man—which is sufficient reason for any citizen to try to *play* as an equal of any other citizen. Yet, not so much by pretending, but by mostly and by *prudentially* trusting that every citizen-subject is nonetheless capable of acting *as if* she were an equal to every other citizen-subject, in other words, “every subject [can be becoming the] author of the actions of his sovereign”.⁴⁰

Hobbes's argument is much simpler than it has often been imagined to be. The premise is that whenever a citizen-subject has punished or killed another such citizen-

author, her natural conscience will let her know she should have known that both citizens were throughout it all the fiduciary authors of their own citizenship rights (they both enjoyed legal personalities, as sovereign authorizers), then she would be harming not only the other but herself as well. Hence, it is only a natural law that all men have to author their own civil rights and that, thereby, each man warrants his own legal personality (citizenship). The principle is that civil rights are not defined by citizenship, because that would be a tautology, but that they were cognitively formed by a natural law principle that helps prevent any unregulated use of armed force

Although Hobbes refers to one instance of excommunication as a “crime” he seems to prefer banishment to physical punishment (toleration of torture would be entirely unimaginable, of course, because it would be similar to a body politick’s self-inflicted wound).⁴¹ He must hereby also prefer a prudential judgment to positive justice. For, the common power of the state should judge it wiser to ban anyone committing a violent act, than to try to artificially and positively justify an equally violent punishment. Whereas the Church excommunicates a sinner (a banishment from the Eucharist, and thus from joining a ‘common table’) by applying only its word-power, further, the sovereign state should be authorized to apply both sword-power as well as its word-power.⁴² As *Leviathan* (Chapter 18) elucidates: this dual sovereign person’s ultimate purpose consists of “the peace and defense of ... all.” Not even her “most sudden and rough bustling in of a new truth ... [can break] the peace, [and should] only sometimes awake the war.”

The imprudent use of word-power may be an act hostile to peace—because word-power is inseparable from, yet transcends sword-power. “[T]he actions of men proceed

from their opinions; and in the well governing of opinions consist the well governing of men's actions, in order to their peace and concord." The sovereign person, singularly and pluralistically, must be a prudent judge "of what opinions and doctrines are averse and what conducive to peace."⁴³ Sovereigns are those who lend significance, purposefulness, and peacefulness to "doctrines." They are responsible for the process through which "doctrine" (Hobbes is herein preoccupied with state religion) helps maintain the balance of powers. The word-power is far more responsible than the sword-power, which is why both will have to remain integrated.

Specifically in the IR field, it is usually suggested that Hobbes's dual (word/sword) person has a violent disposition, that the sword is dominant, and that all sovereign persons have been "designed [to accomplish the] destruction of the individual." Oakeshott reverses his earlier rationalism-centric interpretation, however, when he adds that a sovereign person's "reason, not [her] authority, ... is destructive of individuality." Far more elegantly than his earlier solution, in which reason was concluded to be the final dominating power, Oakeshott's second solution suggests that the (good) sovereign person applies her natural law-authority before resorting to rational ideas alone. That is, the good person applies not the force of reason, but the law of reason. Of course, this again means that the law may be ambivalent, and that the law can speak with force or with reason: coercively or persuasively. "[W]hen the law does not speak [persuasively], the individual is sovereign over [her own reasoning]."⁴⁴ The law must speak coercively, therefore. Without any human sword-power, the law would be only a law of nature, and each

individual could resort to her own private doctrines—or fall prey to the ambiguities of word-power.

The relation between word and sword cannot be understood otherwise than as a paradox, similar to Rousseau's. His paradox was that “those who get together to constitute a government are themselves unconstitutional.”⁴⁵ Anyhow, for Hobbes the puzzle is instead that in order for people to authorize—or to author the constitution of—their own sovereign personalities, they will need to apply word-power. But in order to apply word-power persuasively, they may have to threaten to act coercively, and to show others why they would want to resort to using their sword-power. To sum it all up, the puzzle can only be completed if neither word nor sword informs the predominant power. Sovereign authority should ‘somehow’ emerge from their co-constitutionality, rather. Dual sovereignty emerges, but it does not happen as the result of a simple case of the chicken and the egg, as it would have done for Rousseau, to the contrary—and as Honig clearly hears only Rousseau, not Hobbes, say.⁴⁶

Dual emergent sovereignty depends on a definition of statehood which, with *Leviathan*, is ultimately a definition of war and peace, and of life and death. But any such definition cannot be divorced from its own ethics. The definition has a certain moral authority—particularly because it refers to matters both spiritual and temporal, mundane and transmundane. For instance, both Machiavelli's Bishop and Arendt's Jefferson (she practically dedicates *On Revolution* to Thomas Jefferson) were exemplary men, but they were no absolute rulers. The Bishop of Volterra's “words” may have over-awed the multitude, but this happened only because they were believed to inform a relationship of

emergent authority. The Bishop was a guest in Florence, not a ruler, so that his relationship to the Florentine crowd must have been one of instantly-recognized ('natural') authority (no other reasons were given why it could have been otherwise, after all). For, upon hearing "words", the Florentine multitude morphed into a people.⁴⁷ (Individuals *moved* from their own plurality *into* their individuality, as the constituents of a people.)⁴⁸

Machiavelli's emergent authority, however, remained grounded in the principles of partisanship as well as of prudence. Machiavelli's men's purpose is to help prudentially restore *the state* to its past glory, for the sake of the future, by siding with one party rather than another.⁴⁹ The art of emergent authority, rather than of absolute power, thus, is always an arcane art of maintaining the balance between parties—and of the state's self-restoration. Arendt describes various actors who were practicing this art as well. They would have to have maintained a Jeffersonian practice of covenanting with, and of caring to appear among the people as a whole. It is critical to realize, however, that she further thought that each of these actors expressed a certain confidence. In being confident that their authority could transform the multitude into a people, and then bind that people to their own state's foundation, such actors must have had tremendous faith in the people.⁵⁰ Their impetus must have been a kind of "civic religion"—which could *not* have been given to them by some super-rational, absolute, transcendental Creator.⁵¹ Their faith in the people themselves, rather than in a Creator, must at some moment have led them to decide they could no longer remain inert and neutral: they had to be moving, in order for them to come together as an independent polity.⁵²

Emergence of a sovereign person depends on, in all likelihood, to conclude the above points, the complexity of as well as of the tension between the two faculties all social animals appear to enjoy. These are the faculties of speech and of physical movement. Speech may be used to persuade, movement to coerce, but both never function necessarily so. Further, the hypothesis makes it possible to argue that a complex person should firstly have been recognized, as an actor, by an audience legitimizing the play she performs, and secondly should have been taking sides on the world-stage, so that she will inspire confidence rather than public inertia. The next chapters must specify how confidence, faith, but also fate and fortune, are the all-defining concepts of Machiavellian (or, classicist) realism.

What it Means to Advocate for an Approbation of the State's Past Actions

States usually lose their sovereignty, or their popular unity, because the “seed” of such a loss will have been sown. That “seed” consists of forms of historicist and futurist utopianism. Hobbes’s basic argument holds that when visions of both future and past actions are growing increasingly contentious, these visions could bring to a close the state’s constitutional process. Those who will have conquered a state, therefore, should always first have tried to maintain its constitutional or its emergent authority by requiring “not only a submission of men’s actions to them in the future, but also an approbation of all their actions past.”⁵³

Hobbes's argument perfectly coheres with Machiavelli's dictum that any "prudent man" (he lists as his examples "Moses, Cyrus, Romulus, Theseus, and their like") were usually timely to have realized that in order to save a conquered state, it was necessary for him to destroy their enemies within that state. With their enemies, the latter's past actions will live on into the future of the state. But, he also warns, even to such extraordinarily prudent individuals it was always evident that their own practices, of emergent sovereignty, were among the most "doubtful of success" and the most "dangerous to handle". Their enemies could always benefit from the old laws, old customs, and the reactionary tendencies all human beings share—because nobody will "believe in anything new until [having] ... had actual experience of it."⁵⁴ This section takes realism's advice to heart: individual, rational ideas about the future should cohere with people's empirical and sensory experiences. Most individuals are unable to recreate the state, therefore, because they misunderstand the importance of self-coherent constitutional process, which are never completely inert. Rather, individual rulers must take into account that "actions past" may continue to be honored, and that this happens in such a hostile manner that their newer rules will be delegitimized.

George Orwell's thoughts have never been plain to summarize. Throughout Orwell's oeuvre, nevertheless, a red and nearly-anarchist thread leads readers to some of the realist reasons why it would not make much "difference" when an individual remains indifferent, inert, and willing to accept both past and future as her fate (providence).⁵⁵ By leading readers to the reasons why their own inertia may have a depoliticizing effect, on any notion of a common future, however, Orwell implies that diverse citizens should be

coming together on behalf of history's approbation (prudentially). For, their history is not just their past, but also a process of constitutive decisions and deliberations on what it means (for them altogether) to entertain their ideas about a common past.

Yet, the entire process still will also require a certain civic faith, of these citizens, in the sense that they will have to believe that their taking sides allows their past to cohere with a common future as well. Orwell's "Looking Back on the Spanish War" well-captured the meaning of this moment, of taking sides—as well as of the sort of confidence that can intimate prudence, rather than fate. Orwell's essay first describes what goes on within anyone's mind when confronted with violence, with war, and with its "cruelty [and] squalor and futility". Orwell then adds it would be too easy to think that in time of war both the progressive and the autocratic or, rather, that both the Communist and the Fascist forces are evil. It would just be too simple to think "[o]ne side is as bad as the other; I am neutral."⁵⁶

About Gandhi, Orwell writes this: "Even after he had completely abjured violence he was honest enough to see that in war it is usually necessary to take sides. He did not—indeed, since his whole political life centered round a struggle for national independence, he could not—take the sterile and dishonest line of pretending that in every war both sides are exactly the same and it makes no difference who wins."⁵⁷ Principled non-violence does not and should not require neutrality, and perhaps not even justice. It requires popular movements and civic mobilizations. Agency may be prior to structure, and mind may even trump over matter, thus, but this still does not mean that speech acts with respect to the past and movements shaping the future are not equally conjecturally-

related and inseparable.⁵⁸ Speech and action come conjecturally together before they can and should begin to count as a people's emergent properties, much rather.

Rather than to reject warring ideological extremes outright, but also against the image of neutrality as a separate third way, Orwell joins (with his above observations) both Arendt and Machiavelli, but Hobbes also. To all these realists, there is no authority in being neutral. Taking the middle way would prevent the actors from being recognized by both sides. Actors who care for the life of the republic should, instead, be heard to have taken sides. This is the only way that their covenant can be performed otherwise than as an empty promise. For, it does not matter how rational a promise-maker really is. What matters is that this person cares to stand by her words. Sovereign republican authority emerges not from remaining neutral (inert, insolent, dispassionate), but from a public recognition of some strangely conjectural and oddly-dualist relationship that binds actors and audience, speakers and actors, rulers and ruled, state and people.⁵⁹ Yet, who should be the judge of whether this relationship is actually binding? Arendt agrees openly with Machiavelli (but could herein equally have agreed with Hobbes) that this judgment, of the conjectural political relation, again should be made by experienced, prudent persons.⁶⁰ Who are they?

Arendt's concept of freedom helps identify prudent persons. It is a concept with an agenda. Freedom actively situates moments of agony and struggle into a historical discourse. Freedom is not volition, nor cause, but spontaneity. Arendt's freedom comprises people who are struggling to appear in public, and yet spontaneously and newly may begin to take part in the political life—as opposed to be conducting mental, or

imageless, cause-and-effect calculations.⁶¹ These so-appearing people are acquiring states, as Hobbes or Machiavelli would have said, not as solipsistic individuals but as new sovereign persons. These are persons living (for) ‘the’ political life, in brief. “The greatest threat to political life ... is the reduction of politics to the pursuit of ends”—as James D. Ingram correctly concludes, as well. For, in solely pursuing an end, persons would have to step outside the political group and even degrade themselves to mere individuals. If the end justifies the use of any of the means, available to each individual, then the freedom to discuss possible alternatives within diverse groups would become meaningless. Those who would accept their own usage of any means, or those who justify “mere means” in order to fulfill their needs, invariably, will then “reject as useless anything that does not serve them.”⁶²

In her “Introduction *into* Politics”, where she further developed this argument, Arendt establishes that the purpose (*Sinn*) of political activity must be distinguished, although it cannot be separated from consequential logics. This purpose should spontaneously well up from among, and be intuited by, those who appear within the *res publica*.⁶³ Intuitive spontaneity lends a certain degree of self-coherence and organizational integrity to acts of freedom: it turns acts of freedom into acts worth to remember, and; it augments the republic’s historical exemplariness.⁶⁴

Arendtian realism adds a lot of nuance to the paradox of the political realm. First, Arendt herself acknowledges that Rousseau had too clearly suggested that only good people should legislate for, and should maintain a good state. The good state should indeed have been created or acquired by naturally uncorrupted individuals. But in

beginning to assemble that good group of people, it will have to become corrupted by social norms, which again necessitates their having to have had a good constitution. Contrary to Rousseau's chicken-egg suggestion, Arendt (and Honig) refuses to consider state constitutionalism in terms of any such closed circle.⁶⁵ "[T]hose who get together to constitute a new government are themselves unconstitutional"—Arendt wrote not to defend Rousseau, but to attack him.⁶⁶ She implied with these words it is simply wrong for persons to presuppose they alone are 'the' good people: they should know better than to pretend that only their actions will become actions of great historical and extraordinary constitutional legitimacy.

Second, the political realm may appear to be an ambivalent and paradoxical realm not because it is political, but because politics itself ends up being misunderstood. According to Arendtian realism, however, politics is about how orderliness emerges from "power, passion, and reason." Politics is the (Aristotelian) restoration of a power within which "obedience and support are the same." Political obedience would be non-existent, thus, without many obedient persons—which can only mean that they will have grown mutually dependent. Their relationship of constitutional inter-dependence and inter-reliance, of ruling and of being ruled, however, are sustained on this condition: the faculties of "reason" must as much have appeared to lead the "passions" within government institutions, as well as that they can lead among individual dispositions. The government becomes only well-ordered and well lasting after sufficiently many actors will have appeared confident and convinced that their individual faculties (their internal forums) are thus indeed mimicking those of the world (an external court), and its natural

rationality (proportionality). Whereas the power of the one (over all) amounts to an impossibility, and whereas the power of the all (against the one) amounts to a “pre-political” violence, the power of promising is genuinely political. It was only “in colonial America, prior to the Revolution, [that this] ... power was kept in existence by the then-newly discovered means of promise and covenant.”⁶⁷

Third, Arendt understands that politics is power and that power is politics because she also understands that their relationship is grounded in speech, and that no speech-act can be left to chance. There is no single “God-Man” whose power would be so great that it creates either random speech or random events closed off to speech.⁶⁸ Leo Strauss developed a very different idea of power, suggesting that power *does* mimic fate.⁶⁹ A Straussian power or civilization is being guided by a higher-order: a “hidden hand.” Arendt’s refutation of such an image is distinct from Machiavelli’s refutation (she claims in *On Revolution*), because only she would be asking this: “how to conduct human affairs without the help of a transcendent God”—and how to begin “something new” without presupposing that its first and final cause will have to be such a God. Not the Aristotelian “chain of causality” but the “coincidence” of both “freedom and necessity” animates politics. New things might certainly be imagined to have happened either “at random” or to have been presented “in the guise of necessity”—but these imagined/imaginary events themselves can still not also be believed to have been their own final cause. Together with Duns Scotus, Arendtian realism warns against any invocation of beliefs in political history’s transcendent causation, because any such an image of a “causative element in human affairs ... condemns them to contingency and unpredictability.”⁷⁰

The paradox of the political, as many realists can agree, is not much more than a paradox that gives expression to a constitutionally contingent tension between freedom and necessity. But Arendt took (with the above words) another position: both necessity (the historical past) as well as freedom (the common future) are contingent to human action. The paradox is thus not just that there is tension between the two dimensions of action, but that necessity would certainly also make it impossible to negate the past, while freedom would again make it just as impossible to negate the future. From within the tension between necessity and freedom, then, contingencies emerge.

Government can sometimes act retroactively, but they can never be allowed to act arbitrarily, and to somehow turn “actions past” into meaningless events unworthy of remembrance. The affairs of government are no self-fulfilling prophecies, in other words, unless government would have dissolved into totalitarianism, perhaps. Yet, as particularly Weber persists, seconded by Arendt, no government may randomly decide on its future course of action—regardless how free government is. Each government’s futures should thus never be randomly-chosen, because such (seemingly) ‘free’ choices would not just violate all reason; they would also violate the precept that human beings believe that their chance encounters with the world (might) not to be completely random.⁷¹ Moreover, limits on randomness (rather than on contingency) can help reintroduce government to its own belief in the systemic possibility that an originally legitimized, and possibly non-rational, entity may mysteriously have transcended itself: that a transcendent constitution exists, even if it has never taken on a basic law-structure. For Arendt, hence, the question of self-government (*isonomy*) can neither result from a

meaningless past nor from an entirely random but rational God—*and* neither from prophecy nor from providence either. With Hobbes in the background, rather, Arendtian realism holds that the only alternative to both such results must be prudence: the power to care for chance inter-dependencies within the relationship between both reason and passion or, rather, between both the laws of the intellect and ‘free’ will as well.

This nuanced approach to politics shares very little with the mid-twentieth-century’s legal positivist and other liberal philosophical approaches. Some legal philosophers, including Jürgen Habermas and John Rawls, have claimed that at least the idea of a basic constitutional law can ‘grace’ the people with their equal rights.⁷² From an Arendtian realist perspective, to the contrary, either these philosophers must have been prophesying or they were lying whenever they said they had no personal presumptions about the ultimate meaning of that basic law. Whenever philosophers claim that a state’s basic law has been ‘graced’ by the deliberations of some collective Immortal Legislator (even including the ‘Framers’ and ‘Fathers’ who convened in Philadelphia), they are still presuming that such a collective Legislator had to have held the final responsibility for creating that basic law. However, Arendt insists, it simply should not be tolerated for anyone to presume the absolute or even not the causal existence of such a collective First Legislator, “[who] would give sanction to positive, posited laws.”⁷³ This presumption is only modern: it follows from the eighteenth-century ideal that “the Legislator must be outside of and above his own laws; but, in antiquity it was not the sign of a god but the characteristic of a tyrant to impose on the people laws by which he himself would not be bound.”⁷⁴

In the seventeenth century, philosophers were (unbeknown to themselves) paving the way for modernism and liberalism. They were observing the state as a machine: as if its functions had been designed and had been caused by a First Legislator. Thinkers at that time would thus too often have believed, as Arendt summarizes her longer discussion, of the paradox of the political, that some absolutely immortal entity had ‘graced’ the prince in such a way “that divine power, being by definition the power of [o]ne, could appear on Earth only as superhuman strength, that is, strength multiplied and made irresistible by the means of violence.”⁷⁵

Arendt’s nuanced interpretation of the paradox makes it possible to understand why the power of one is no power, but sheer violence. The prince whose power derives from some single chain of causes is a prince whose moral claims should be dismissed as mere prophecies. Such claims cannot be allowed to legitimize the use of violence. In sharp contrast to liberal philosophy, further, Arendt argues that whoever believes that “the means of violence” are to be justified by their own singularity, or by the state’s irresistible unicity, is performing a bad magic trick. The trick creates an illusion: violence only seems to have been justified by the end of liberating “the life process” from its own necessity and its own scarcity, whereas violence is in fact only being justified by a providential type of prediction. Thus, whoever claims to be liberating life itself from the iron shackles of “historical necessity” is cheating. Any modernist prince would be cheating when he prophesizes, like the neo-Hegelian and Leninist philosophers came to do as well, the coming moment of “liberation from the curse of poverty”—and “from the fetters of scarcity” as well. His princely prophecy may end up cheating even himself, by

thus invoking “historical necessity”, because its own rationality forms a barrier against any discussants who perhaps had wanted to present him with conjectural alternatives and other empirical examples.⁷⁶ Together with the prince’s first historical cause, as well as with tyranny, neo-Hegelianism forms both an imprudent and unethical basis for legal philosophy and IR theory as well.⁷⁷

One sample of neo-Hegelianism can be found in the conclusion to *On the Jewish Question*, where Marx promises that history will irreversibly reach a synthesis of both human rights and civil rights, of the political state and of civil society, as well as of each state’s “practical need” (“species-existence”) and of its own “ideal representation” (its “supersession of law”).⁷⁸ As Hegel had done, so would the young Marx promise that the “existent state” is becoming historically and factually identical to the “rational state.”⁷⁹ In contrast to neo-Hegelianism, advanced practices in realism cannot help theorists to prophesize a coming synthesis and identity of contrary terms. Realism maintains the paradox of the political, instead. Friedrich Meinecke helps (realist) IR theorists to respect the deeply ambivalent, deeply contingent, and yet also the well-constitutionalized modes of political authority. As Meinecke writes, Hegel would erroneously have promised the coming of a full and factual identity of—and, thereby, also a final ceasing of the classical dualism—“between the individual or actual state and the best or [the] rational state.”⁸⁰ By contrast to Hegel’s promise, realists argue that the authority of the state is neither actual nor rational alone: it is neither constitutionally nor rationally good. Instead, the state’s ambivalent authority emerges from the kind of contrariness that is inherent to each politically constitutional (contingent) organizational process. State authority is, thus,

never final and “ever-lasting” but it is also never straightforwardly logical, nor is it absolutely random. Rather, authority has to have remained grounded in a perpetual constitutional process, “birthless as well as deathless”, so that authority continues to hold out its own human potential to be ungrounded—and to thus become perpetually imbalanced—at its own hands: a mystery, perhaps, but not a chicken-egg paradox.⁸¹ In sum, realists such as Arendt and Hobbes can help IR theorists in making the case that the state’s emergent authority simply cannot cohere with any appeals to the final, synthetic, and infinite aspects of state power. Any such appeals would, rather, have to have a chilling effect on political virtues, which should instead be believed to have remained essential in efforts to conceptually and ingenuously sustain the state’s legal personality (which is, really, to be believed in as if it were a *homo artificialis*). To use Meinecke’s words, but as Hobbes could also himself have said, these sorts of appeals have to have a stifling effect on both “human ingenuity” and “tranquility.”⁸²

In the emergence of sovereignty, to conclude the above sections, multitude and people coincide. The multitude is “deathless” in the sense of it being comprised of individuals and their passions (or it comprises the “willing”, as Arendt calls this element). But the people are “birthless” in that they multiply not just their physical strength, as an unordered multitude, but are also embedding reasoning processes (“thinking”) without any first causes. The tragedy of politics is that modernist or positivist philosophers at some point were assigning a “power ever-lasting” or a “power transcendent” to the people and their actions—in the form of a synthetic nation-state. This modern power lacked any meaningful purpose, however, and because power without a purpose is no

genuinely political power, the nation-state can also not be believed to ever finally transcend individual ends. The nation-state may be a means to an end, but it does not have the common power that Arendt (together with her unlikely ally, Hobbes) believed any state's government should instead be holding indefinitely. Revolutions should be believed to have remained a contingent feature of the constitutional state, instead.

Hegelians express a certain fear that without a transcendent common purpose, and without acts of promising, there would be no civil society and even no people. There would only be the impoverished and illiberal multitudes, they fear. But Hobbes alternatively imagined such multitudes of individuals *not* to be living in a state of nature, and yet also *not* in a state without society. Rather, Hobbes was a realist in the sense that he said that individuals in the state of nature will have to be living without any meaningful language and without any binding laws—even though they will more than likely be trying to retain their common purpose, which is their existential security.⁸³ For Hobbes, the paradox is framed by the notion that without any laws of nature there also can be no state of nature. Together with both Arendt and Hobbes, and other realists, henceforth, it can be believed impossible for human beings to liberate themselves from their own interests and their own needs—by means of a violent current—because such a form of liberation will form nothing but a direct reference to the ends all individuals have as individuals, but not to any meaningful purpose they will nonetheless be sharing as a society. The instruments and the means that would be required to accomplish such individual ends, now, belong to the type of means that cannot but be applied in violation of the notion of a people, of social animals, and therefore also not in rejection of “the

authority of the body politick”.⁸⁴ This type of means is never completely transcended, but is also somehow included by sovereign authority.

The issue may now come to the table, as an afterthought, that Arendt never answered the question of which meanings should be bestowed on (sovereign) authority. Indeed, she calls authority “the most elusive” of concepts (she does this as part of her discussion of the qualitative difference between power and violence). With Orwell, however, Arendt could have argued that authority refers any action that is not neutral but politically interdependent. Authority could then refer to a spontaneous and free recognition of the need for political partisanship. She could even have so referenced authority in support of her own thought that “[authority’s] hallmark is unquestioning recognition: ... neither coercion nor persuasion is needed.”⁸⁵ Certainly, the meaning of authority is ambivalent. As Arendt’s critics may point out, her concept of authority seems to refer to something outside the flux of time: to something unchanging and yet infinite. In defense of Arendt, now, she would certainly not have wanted to reduce authority to things infinite. For instance, authority is not a thing subject to persuasion (deliberation), nor to coercion (decision), because that would imply that authority had become subject to power: it would no longer be spontaneous. This further means that authority cannot emerge from a quantifiable scale: only power can be quantified. It should, rather, be believed to emerge from within a qualitatively different dimension of politics. It emerges from within a dimension in which actions appear to be remembered and to be anticipated by an audience: actions are herein being believed, however heterogeneously they might

be appearing, to still exemplify a particular body politick's immeasurably common purposes.

Hobbes on the Monarchy and Cognitions of the Two Spheres of Political Action

It is worth looking a bit longer at definitions of monarchy, and how these have made contact with the ambivalent emergence of public authority. Especially in *Leviathan*, Hobbes refines and alters Aristotle's definition, which simply had held that monarchy is one supreme office among many: its organizing principle would have to be unicity *within* multiplicity. Also, Aristotle had still used this analogy: as how the father of all the gods relates to them, so is the king related (as a father) to all the state's citizens. "A king ought to be naturally superior to his subjects, and yet of the same stock as they are".⁸⁶ Or, a king should act as if he were a peer of his subjects, even though he is certainly not equal in age nor in strength. Aristotle added to this that the monarch's superiority could be the source of his own equality. His prerogative is thus to be legitimized by its own self-limitation: "The less the area of his prerogative, the longer will the authority of a king last unimpaired."⁸⁷ The question is how royal supremacy and popular autonomy, ruler and ruled, are coming together in this one relationship of self-limitation.

This section is an inquiry into why Hobbes agrees, and sometimes disagrees, with Aristotelian scholasticism on the significance of this relationship, and why Oakeshott's gaze at the same relationship has to result in a painful divorce or in a philosophical

dichotomy, rather than in a union of opposites (as Hobbes originally intended for it to do, instead).

Hobbes agrees with Aristotle, so far, on the definition of monarchy. But he disagrees with the latter's creating the possibility for a monarchical person not being believed to transcend all his peers. Hobbes argues that monarchy should instead be treated as one of three significant names (the other names being democracy and aristocracy), each of which refers exclusively to one of three possible types of power, and their corresponding sovereign states—as opposed to the powers within one constitutional mixture.⁸⁸

The three names may never be used to refer to the constitutional components of one and the same state, however, so that they should also not be lending moral justifications to mixtures of monarchy and aristocracy, for example.⁸⁹ Rather, the name monarchy must apply only to those states where “one man” is not just a mortal individual but also “the person [legally] representative of all and everyone of the multitude”. As this person will here be considered wholesome, and be believed to be immortal, some of the states with merely mortal kings would therefore perhaps be better off to rename themselves and be called either an aristocracy or a democracy, because herein respectively “either ... more [than one] or all must have the sovereign power ... indivisible [and] entire.”⁹⁰

Still, Hobbes can well agree with Aristotle that even though the monarch holds the highest office, this does not mean that the monarch also holds unlimited or absolute authority. In most states, it would seem, the king is limited in his executive power by his

peers. This limitation, created by either an aristocratic council or a democratic assembly, then helps bestow legitimacy on the actions of the mortal king or the temporary dictator, as well. But the limitation itself cannot confer legitimacy onto the constitution as a whole. By its very presence, the act of limitation is what divides the state into separate elements.

Against (neo)Aristotelian scholars and theologians, Hobbes argues that the sovereign power of the state itself is “indivisible”—regardless as to whether the sovereign person consists of one or of more than one nobles, or even of all the commoners. The sovereign person can therefore not be a numerical person, but has to be a qualitative person, as Hobbes had learned from Valla.⁹¹ Yet, this qualitatively complex and presumably immortal person, somehow, will also have to have incorporated a number of mortal bodies. Some such bodies may be those of mortal kings, who have indeed been limited in their quantitative power, by others. The Spartan kings (in Sparta, “the sovereignty was in the Ephorate”, as Hobbes adds) as well as the Roman dictators (and various sorts of high court-officials and presidents) were not sovereign persons, for example, as they had clearly been believed to have been incorporated by such transcendent persons (the Spartans had of course been known, to Hobbes, *via* Aristotle, as *absolute* egalitarians).⁹² The most intriguing premise in Hobbes’s argument holds, now, that despite their obvious (executive) supremacy, any such limited kings would not have been considered “superior to him or them that have the [legislative] power to limit it; and he that is not superior, is not supreme.”⁹³

Wherever a queen will have been legislatively prevented from appointing her own successor, her authority is no longer that of a sovereign monarchy. That country’s state

will instantly have to be renamed: it must either be named an aristocracy or a democracy. This may sound odd, but Hobbes uses this oddity to help explain that because not all kings and queens have been self-appointed, and because not even all monarchies are hereditary (physically), either one of the two other régime-types can take over its authority-forming principle of singularity.⁹⁴ The singular-succession principle, in other words, can be adopted by an assembly in which both the few and the many or, otherwise, either the few or the many begin to meet each other—into perpetuity—in order for either the few or the many to be recognized (qualitatively and metaphysically), *as if* they formed only one sovereign person.⁹⁵

Successions are emblematic of two inter-locking dimensions, both of which show what it is that makes the state into a sovereign state. In the first dimension, both Aristotle's one-man rule and Hobbes's singularity-of-succession appear. Political theorists borrow even today from this first succession principle when, for instance, they refer to a dynastical line of sovereigns or to a single lineage of persons, perpetually holding the same presidential office. However, in the second dimension, this one-person lineage begins to couple itself to an organizational principle of equal treatment or to a sense of equality. The "unimpaired" (Aristotle) and the "unlimited" (Hobbes) authority of the one-person is here and now being coupled to this person's office. Although the person may not be naturally equal to other persons, her office somehow has to have become equal to the offices of many other subjects and assemblypersons.

If the coupling of person to office, or if sovereignty's two-dimensionality is to be taken seriously, then sovereignty already can no longer be said to refer solely to the unity

of a group of natural-born persons. It refers not only to a population. Rather, two-dimensional sovereignty consists from now onwards both of the natural persons as well as of their legal personalities. It consists also of their equal representation as office-holders or, say, of their roles as citizens with an equal right to serve in office. With Arendt, it is probably possible to find that sovereignty means simply that groups of social animals come together within a physical and sensory dimension, while these groups also have to meet in a shared dimension wherein they will perform as citizen-officials and as assemblypersons who may either approve or disapprove of their own successions to power.⁹⁶

The sovereign state is comprised both by the principle that the succession of persons is a natural and singular principle (as it would be in a patriarchy), as well as by the popular acts and the citizen decisions that then legitimize this succession principle. But *should* a sovereign person not be born from *either* the singularity of the government *or* the unity of the people, and should this person not *only* be derived either from government supremacy or from popular autonomy? In other words, why may sovereign authority not emerge from either a supreme power or from a good people—but, perhaps, rather only from both constituent parts?

Hobbes comes up with a creative answer. He certainly accepts that sovereignty comprises, or at least should include, the unity of many people. At this point, Hobbes seems to have begun to defend the unicity *of* multiplicity, indeed, because some qualitatively unique sort of monarchical unit may be believed to transcend, and yet to also incorporate all sorts of quantitative pluralities. He must have read parts of Lorenzo

Valla, to search for support for this defense, however, because the latter theologian had broken with Aristotelian metaphysics at a quite similar point. Valla had, to put it very briefly, reduced various of the known metaphysical predicaments to only two or three types or qualities, so that all predicaments could be classified as one of these three: “substance, quality, action.” Also, these three concrete qualities would somehow have to be trusted to form (faithful) mirrors of God’s far more abstract and ‘accidental’ qualities: “eternity, wisdom, goodness.” As a defender of realism, and as a follower of Valla, among others, thus, Hobbes must have seen it as his task to use a dialectical method which will be pairing temporal substances to their own eternal spirituality: which will pair substantive powers to their spiritual goodness, and the passions to compassion as well. Paganini elaborates: Hobbes thinks this method is best used to pair “the name of a [concrete] body (that is a substance) to the name of an ‘accident’ or ‘phantasm’, that is to an abstract name.”⁹⁷

The plurality of all citizens, and their legislative assemblies, should be believed to have the quality of singularity. This requires is a leap of faith, however, because no human being can know for sure whether all citizens have indeed the same beliefs and doctrines in common. Yet, in a Christian commonwealth it may be possible to couple, dialectically, the wealth of self-interested individuals to their own functioning as self-regulating citizens. The difference between a mere commonwealth and a Christian commonwealth is of the essence, however, because Hobbes suggests that the dialectical method is also a theological method. The many hereditary lines of all natural-born persons, for example, may be said to form one multitudinous grouping and yet if these

persons will not believe they have been represented by one personal Church, or will not have confessed to the Resurrection (as analogy for their own self-rejuvenation), then they also will not trust they have been equally incorporated by the sovereign “Mortal God”—who mirrors that one “Immortal God.”⁹⁸ “For the good of the sovereign and people cannot be separated.”⁹⁹ That is, unless they agree to be incorporated by one sovereign person, the people will not believe that their own common power represents God’s goodness.

Most twenty-first century political theorists know that Hobbes’s state emerges from a contract or from a covenant, more precisely. Natural-born human beings have promised to obey the state’s office-holders, for as long as that the latter guard and protect them from physical harm. Each citizen will have to have chosen to be represented by, and thus to have authorized one guardian who may control all state officials in order to best protect them and their properties. What is less well known, perhaps, is that when human beings authorize their guardian to protect and defend them, either legally or in war, they also must recognize this sovereign person for two reasons. They must be following neither the laws of honor, nor the laws of nature. The issue is, rather, that they should somehow be obeying both laws. The laws of honor prevent human beings from breaking their promises, but the laws of nature demand their trust that cheats and free-riders will be punished and fined.¹⁰⁰

The issue is that although the “sign” of sovereignty lends its significance, *symbolically*, to a covenant, this does not always mean that the symbol will be meaningful and that it will also be recognized as such.¹⁰¹ Natural-born beings do not have

be represented by ‘legal guardians’ or other such symbolic persons of authority. They may very well choose to continue to belong to the unrepresented and unincorporated multitudes. Because it would be every citizen’s free will to either follow only the laws of honor or only the laws of nature, Hobbes would have been stuck, according to several theorists. He never demonstrated why both types of law will be obeyed.

Nonetheless, in light of the above remarks, Hobbes thought of the sovereign person as a complex person, following both the principles of singularity as well as of plurality. If he premised that singularity is also a principle of honor, and plurality of natural law, then perhaps it can be concluded that the sovereign person is obeyed because of this complex person’s duality. How may this conclusion be validated?

Although more will have to be said, on the issue, in later sections—and specifically in those of Chapter Four—about Hobbes’s strange division of the realm of ultimate authority into the twin principles of unicity and multiplicity, and into the twin dimensions of the artificial citizen and of natural men, Hobbes-scholar Michael Oakeshott observes that these dimensions cannot compromise each other’s integrity—and even exclude each other. To appropriate Arendt’s notion of commonsense, then, Oakeshott’s observation suggests that physical sense experiences, which can be felt in common (and that are intuitive or, literally, supernatural), cannot do any harm to the empirical sense experiences, and how these latter experiences are being communicated, narrated, and corroborated by all human beings (by virtue of their own nature).¹⁰² Essentially, the issue is whether and how natural sense experiences can be validated by a single supernatural reasoning process—which is the issue of how according to

Oakeshott's interpretation of Hobbes, there is no supernatural rationality in the universe. What is supernatural and absolutely common is something that cannot be rationally known, says Oakeshott. The Master from Malmesbury, on this interpretation, would have to have assumed that reasoning processes consensually follow from the many laws of nature that are not metaphysical: reasoning citizens will ultimately follow their sense experiences, and act sensibly, and thus also common-sensically because there is only one reason to do so. Rationality is the cause of their movements and their actions, not non-rationality.

To elaborate, Oakeshott seems to have presupposed that a Hobbesian individual ("Man") *suffers* from passionate desires for power, and especially from surplus metaphysical passions. Suffering is the idea that everyone does have at least some "illusion about power" (pride and diffidence), or an "opinion about power" (honor and glory), but that nobody is necessarily reasonable about the proper/proportionate functions of power. Hobbes would therefore have chosen to derive his social and political philosophy not from naturally proportionate, but from reasonably good things (his philosophy is directed against, indeed, the Aristotelian proper mean). Oakeshott further explains that all these good things must have been rational things, for Hobbes, so that they could not have been derived from "observation" and would only have to have come from "the rational world."¹⁰³ He then considerably downplays the significance of Hobbes's own analogy, however, because he does not explain why this "rational world" would still very much have been metaphor for, and a mirror-image of the non-rational world over which God alone may preside.

Hobbes did, admittedly, write that all individuals tend to opine about power as if it were the effect of their ambitions. Power is caused by individuals who use it as the means to satisfy their ends “of riches, of knowledge, and of honor”—so that power must logically become something very divisive. There is never sufficient power to go ‘around.’ But he *also* found that select individuals (most notably Moses, with the aid of the High Priest) in the Old Testament, had understood power in transmundane terms: they had served as God’s vicars on Earth. This is ultimately why “the Kingdom of God is a civil kingdom.”¹⁰⁴ In reminding theorists of God’s Kingdom on Earth, it becomes possible to demonstrate that Oakeshott’s own explanation is too modern and possibly too liberal as well. Mistakenly, it holds that Hobbes would nearly-only have wanted to exclude anything non-rational—and thus would have excluded even “God’s government” within the human world—from political philosophy.

Oakeshott says in fact that Hobbes would have excluded even “things infinite, things eternal, [and] ... theology and faith.” Such things could well be believed to exist, in another period of time (in the time of Moses, probably), but the “rational world” itself can in the modern era only be said to remain analogous to a machine-like thing. Hobbes could not have argued otherwise than that progress functions like a machine in which political powers obey not the laws of eternal Creation, hence, but or only except the laws of logic. For Oakeshott’s secular Hobbes, then, all empiricism goes out the window. In alleviating suffering, individuals should instead depend on their rationally-correct use of power—by analogy to how an “immediate effect” depends on its “immediate cause.”¹⁰⁵ The issue with this point in Oakeshott’s interpretation is now, apparently, that it has far

too cleanly separated the rational from the non-rational, and thereby has isolated bare logic from any transmundane beliefs that could otherwise have been transcending even the barest form of logic itself. For, although transmundane beliefs may not be empirically observable, this does not mean they cannot be more or less reasonably communicated. God communicates through mysteries or, in Hobbes's own words, God speaks to people through their "lots", "visions", and "angels."¹⁰⁶ To simply say that Hobbes excludes these non-rational mysteries from his philosophical system is to needlessly downgrade its political theological caliber.

By contrast, realist interpreters argue that Hobbes actually found that rational knowledge is *not* always compatible with laws of nature, or commonsensical laws, yet should continue to form a mystical union with these latter laws. William E. Connolly would probably concur, on realist grounds, that all the various cultural expressions and all the logical validations of the use of power cannot be understood by means of bare, objective reasoning.¹⁰⁷ Knowledge of cultural expressions, of particular symbols and rich representations, is instead a bit like Arendt's notion of commonsense: it is a conjunction far more subjective, open to judgment, and intuitive than is usually being presupposed by bare rationalists.

Commonsensical knowledge emerges as if it were 'second nature' rather than as if it were an objective logic. Chapter Four more elaborately demonstrates why Hobbes argues that human knowledge, including the human passions, is subject to commonsense. Human knowledge is a sensible social convention. As a political realist, he also knew these conventions themselves not to be contingent on deliberations alone. Rather,

conventions and *mores* hide the implicit ends of power (individual wealth, reputational honor) to which they are often quite decisively being subjected. Not all cognition may be empirical, but empirical experiences of power are certainly open to cognition.

The issue Oakeshott creates, mostly for himself, is that he has read Hobbes's civil scientific system as if it dominates Hobbes's theological system. This leads Oakeshott to conclude no cognitions of power should be empirical, because rational cognitions are more objective and therefore less erroneous. This conclusion still spreads itself, needlessly, throughout the disciplinary field, however, because Oakeshott's conception of rational knowledge is that it is either true or false. Herein, it cannot be otherwise than that power is subject to a binary logic.

Contrary to Oakeshott's interpretation, as Machiavelli will help demonstrate, Hobbes's own conception must have been less binary, less dichotomous, and more non-dualistic. It quite apparently involves a rational relationship between right and wrong applications of power. In this sense, Hobbes did not fully break free from scholasticism, for he still accepted the notion that there will be some sort of proper ratio, or some rational proportion within the relation between two qualitatively-different powers. One of these powers has been passionately desired, by fallible beings, whereas the other is a common power, which is the outcome of their rational decisions. If *Leviathan* were to be read in its entirety, then this common power, or this covenanted sovereign, in the end somehow still proportionally mirrors yet other kind of power: the power of compassion and goodness. This mirror-effect then further implies that the sovereign as a whole (the common/wealth, or the dragon/machine) cannot be understood without Hobbes's

metaphor of Christ's mystical non-duality (Son of God/Son of Man). This metaphor will have to be re-appreciated elsewhere (Chapter Four), as it is of greater urgency to locate Oakeshott's mistake—and its potentially damaging effects on IR concepts of sovereignty.

For, Oakeshott further suggests that Hobbes considered merely a series of theorems and dicta: he would never have developed a general theory, nor an integrated system. Hobbes would never have *wanted* to create systems theory, even. He simply aimed to separate cognitions derived from rational communications from those cognitions that are influenced by empirical, sensory data: he would have aimed to exclude the sensing bodies from their rational minds, in other words. Oakeshott admits that Hobbes was closer affiliated with Pascal and Augustine rather than with Descartes, but he here nevertheless suggests Hobbes's cognitions solely derived from a solitary Cartesian mind.¹⁰⁸ This puzzle can be completed, certainly, but only on condition that Hobbes further informs his readers about the analogical relation between the spheres of minds and of bodies, between word-power and sword-power, or between the criteria of metaphysical proportionality and physical movement as well.

On condition that Hobbes appropriated Valla's dialectical method, he would not have wanted to reconcile law and force, nor the two spheres of political action. He would much rather have wanted to rejuvenate their foundational relation, perhaps, as he also must have realized the spheres were ultimately irreconcilable. In the dimension of the sword, politics is what binds persons to a common power, whereas in the dimension of word-power, politics tends to result from the speech acts of solipsistic, proud, egoistic individuals. Indicative of Oakeshott's work on Hobbes is this sentence, however, as it all

too clearly separates the two above-developed dimensions. Individual “man” is in the sentence being separated from the artificially-created power that “springs” from this “man” in his capacity as a religious believer. For, only in this latter capacity is he holding his power in common with others: “The seed of religion, like that of reasoning, is in the nature of man, though what springs from that seed, a specific set of religious beliefs and practices, is an artifact.”¹⁰⁹

Admittedly, Hobbes himself would not have said it much differently: both religion and reason do indeed express themselves in a wide variety of social artifacts and communicative institutions. The issue is, Oakeshott continues as follows, against *Leviathan*’s original grain: the natural-born man becomes now rational man. Natural man’s reasoning process would allow him to become completely “individualized”—or a Cartesian (completely disembodied) mind, perhaps? Oakeshott finds apparently that Hobbesian individualization has nothing to do with individuation or personal growth, for mental reasoning must here be the predominant cause of the individual’s self-interest, making him, “by nature, the victim of solipsism: he is an *individua substantia* distinguished by incommunicability.”¹¹⁰

As a point of criticism, directed at conservative and modernist Oakeshott-followers alike, Hobbes is much more a scholastic dialectician than they might have imagined. He actually discourages any analytical separations of the natural man from the artificial person, or of the word-power from the common power as well. Instead, Hobbes trusts natural man to grow as a person precisely because all persons will have to suffer from a dialectical sense, or a conjectured sense of open-endedness: from an all-too-

human (dispositional) crack in between their rational (speech) acts, which are self-interested, and their non-rational (faithful) obedience to laws of nature, which again give them impetus to design and institutionalize associations serving a joint cause—for ‘the’ common good. *Leviathan*: men who have “natural prudence” will still have the power to distrust “reason”—because natural men are less likely than social men to “fall upon false and absurd general rules.” And although natural men may be ignorant about the legal rules and social institutions of the world, this ignorance “does not set [them] so far out of their way as [their] relying on false rules.”¹¹¹ There is very little “incommunicable”, then, about these natural men. Hobbes turns against the social man, much rather, who will become confused by his own use of word-power, and by his communicative socialization, and who might therefore start to prepare for his solipsistic withdrawal from ‘the’ common power-associations.

To now revisit the well-known issue of why Montesquieu differs so clearly from Hobbes: in Montesquieu’s opinion there is nothing wrong with social man. It may be a familiar refrain to sing but Montesquieu moves away from Machiavelli on grounds such as that the Florentine Secretary’s republic would have remained too close to natural men, and that he himself had even been too much of a dialectician, allowing too many tumultuous events to be necessary for associational freedom. (To the French Baron’s horror, in Machiavelli’s republics anyone may accuse anyone.)¹¹² With this in mind, Oakeshott is moving away from Hobbes on the same grounds. He, like the Baron, abhors that perplexing distinction between men who remain so obedient to laws of nature that they must be called immature, first, and those men who have been raised in a civil

society, second. For, Oakeshott presupposes, the first kind of laws are to be included by those of the second, so that a civil society can develop independently of any laws of nature. Montesquieuan conceptions of civil society are even today being admired, especially within the IR field. There are too many IR scholars to name who still praise Montesquieu's arguing that commercial trade and international socialization (and, thereby, the proliferation of civil *mores*) are preconditions for the national creation of democratic institutions.¹¹³

What is Montesquieu doing, for the canon and for IR? Some find him running back and forth "between Cartesian rationalism and Newtonian empiricism", for instance, while others say he only ended up with a "potpourri" of ill-combined topics.¹¹⁴ But if some are right, and if Montesquieu's conception of what it means to live in a free state would indeed be a conception that blends both empirical data about so many societies with the Cartesian analysis that presupposes a separation between social and natural men, then perhaps Oakeshott has been reading Hobbes through Montesquieuan lenses.

According to Hobbes, to switch lenses, natural and social men are caught up in an ambivalent relationship: as natural-born men they all have mortal bodies (and which render their empirical data), yet they also vest powers in these bodies which they then begin to honor *as if* they belong to immortal persons (to which they attribute great levels of rationalism).¹¹⁵ In other words, Hobbes finds it is the relation of both empirical-external and internal-rational cogitations, or also between natural passion and social reasoning, that is suffering from its own ambivalence. Hobbes probably never tried to dichotomize external passion and internal reason, nor to exclude one from the other,

because the sovereign never incorporates the passions of a power-hungry multitudes, yet Hobbes (evidently not unlike Machiavelli) puts almost all his trust in a spontaneous “mutation” of these same multitudes into a well-ordered and unified people.¹¹⁶ “A multitude of men are [so] made one person: ... they are [represented] by one man or one person.” He adds: “For it is the unity of the representer, not the unity of the represented, that makes the person one.”¹¹⁷ That is, while the monarchical principle was identical to the unicity *of* multiplicity, the sovereign person holds on to a more elaborate self-organizing principle. The sovereign person’s internal unicity actively represents the external unicity *of* this person’s own multiplicity, because it is impossible for any multiplicity to represent its own external unicity.

To first conclude the above points, Hobbes’s sovereignty concept remains ambivalent—in comparison to both Oakeshott’s logic-centric reading, as well as compared to Montesquieu’s seemingly Cartesian bend. In all probability, Hobbesian realism continues to divide and perplex the political theory field because of ambivalent sovereignty. Did Hobbes perhaps indeed intend for it to be that way?

Before answering this follow-up question, and before making another turn towards a Hobbesian systems theory, more must be said about the relevancy of the question itself. As hinted above, first, the monarchy is not the only type of principality to concentrate its power at the top. The common power may just as well have been singularized, at least nominally, by aristocracies and empires, or by armies and business companies. The common power is also not a numerical power, second, but a representation and a personification of the multitudes. In this sense, the “representer” is

the first source of a group's political independence, and the multitudes the second source. Both sources should somehow manage to remain co-constitutive, as there can be no emergent authority without a mysterious relation between these elemental sources. In other words, the source of rational autonomy (unicity) is equally a part of dual sovereignty as that the source of physical supremacy (multiplicity) will be. All other things the same, autonomy's representational character (unicity) still somehow precedes the role performed by supremacy (multiplicity).

Aristotle observes that human beings are only partially autonomous. They are partially natural and partially social animals, so that their political societies should be founded on their natural individual needs.¹¹⁸ How well the human species grows (not: expands) is how well it can integrate individual dependencies with societal interdependencies. Hobbes could have agreed with Aristotle, then, that even absolute monarchies cannot just decide to reign supreme.¹¹⁹ Every king's reign has to develop a relational dependency on the autonomy of the estate-holders, or court officers, or councilors—so that his internal unicity will represent their multiplicity, rather than the other way around. (The horror!)

To now also conclude this entire section, there can be no conscionable recognitions of any given sovereign state unless both its supreme and its autonomous powers will have co-emerged. Today's predicament is essentially yesterday's predicament, also, because few statespersons can agree on the proportion in which supreme-decisive and autonomous-deliberative sources of power should appear into their world. Yet, this sort of agreement is long overdue. State officials continue to ignore the

deeper connection between their disagreements on the functions of two qualitatively different powers, on one side, and their agenda items such as climate crises, diseases, weapons arsenal reductions, sporadic governance, and the transnationalization of corporate capital, on another.

It would be theoretically impossible to conclude that the qualitative difference between sovereignty's two powers is no longer an applicable, meaningful difference, in the modern era. Sure, things change. Fewer state officials are being selected and appointed by kings and queens. Other things stay the same. None of these officials may serve two sovereigns simultaneously. And, no official or diplomat would think it normal and legit if anyone of them summarily decides "to stop the public business". Machiavelli mentions the example of Venice's aberrations: "disorders" had been caused by her sovereign Grand Council's utterly illegitimate decision not to "appoint successors to the magistrates of ... the provinces."¹²⁰ Or, in Hobbes's words, the laws of the provinces are not to be trusted to be maintained "by virtue of the prescription of time" but because those institutions functioning as if they are one sovereign person will also be believed responsible for the "civil laws." Moreover, the civil laws and the laws of nature form constituent parts of each other: it would always be both uncivil and unnatural not to be able to trust the sovereign to appoint judges—or, not to make their verdicts and ordinances "binding."¹²¹

Relations of Superiority and Revolution from Aristotle to Arendt

Who should serve the *polis* as a sovereign person? No answer to this question of authority will ever be found: all (sovereign) authority is a dual relationship. It has an ambivalent meaning, as the relationship of sovereignty cannot be situated in ‘the’ one individual agent and yet is so often believed to be singularly good.¹²² This section reinterprets this relationship’s ambivalence by making note of how the Greeks would have felt about this relationship, between superior and subordinate elements, as compared to how Arendt suggests it is also always a relationship of mutual respect for autonomy. The revolutionary rotations between superior and subordinate parts of every constitutional state are expressions of respect for autonomy, so that through the law on rotation and from within the tension between supremacy and autonomy, or between decision and deliberation, a sense of emergent/sovereign authority may appear.

Aristotle already tried answering the question, of who should govern the *polis*, but his references to a poignant sort of bodies enacting authority over other bodies may nowadays seem awkward. His are references to masters governing slaves, simply because the former would have relatively more prudent “souls.”¹²³ Aristotle’s unbecoming moral justification for slavery, nonetheless, follows from his definition of natural instincts rather than from his type of moral or doctrinal reasoning. Slavery is to be defined by the relative rather than by the absolute absence of a “soul” and is thus the comparative presence of non-rationality. Only in its purest form must slavery be understood as—what has elsewhere in the literature been described (by Alan Gilbert) as—Aristotle’s

“teleological biology.”¹²⁴ For, paradoxically, slaves cannot survive very long or, at least, not in their purely biological form. If they could survive without any access to rationality, then slavery would have to be considered an institutionalized evil: it would presuppose that those who serve as slaves were biologically predetermined to do so. However, creation only determines that some humans are better work-animals than others, but it cannot also determine that humans must be work-animals because they are non-human.

The idea of slavery is ultimately perverse—both from Aristotle’s and particularly also from Plato’s angles—not because either each person “is superior to himself, or interior to himself”, as the Athenian Stranger opens a dialogue on political subordination, but because it appears that each person can be in both positions. Hence, the *polis* should reserve its positions of superiority for “the part that is most persuasive ... because of its age, and also its prudence, ... so as to effect the most good things”. The younger and less experienced part does not cause evil things, however, but should be prevented from becoming socially conditioned to do such things. The younger, rasher part of the *polis* ought to be kept “in a flock [and] like a bunch of colts grazing in a herd.” By denying the “flock” access to the market and by censoring the “grooming” effects comical poetry could have on them, then, it may become possible to prepare the youngsters for the day that they too will have to serve as superiors.¹²⁵ Socialization may damage young minds, once again, but animal-like prudence will be counteractive.

Ever since Aristotle asked which kind of authority must have been uniquely determined, not just by social animals but also by their *polis*, different answers have been given to the same archetypal question: whence and whose sovereignty?¹²⁶ But most such

answers are really dependent on their own references to supremacy, or otherwise to a biological or a sexual hierarchy, so that these answers are as in/applicable in world politics today as they were two thousand years ago—because the recognition of sovereign states follows not just from their hierarchical supremacy, but particularly also always from their autonomous belief systems. Nevertheless, Crawford argues that novel norms and new treaty obligations (among sovereign states) did at some point in time reduce the state's supremacy. They ended much of the nineteenth-century African slave trade.¹²⁷ The treaties were also—supposedly for the first time—being closed because racial, racist, and biologically justified hierarchies were no longer thought morally acceptable: the meaning of hierarchy had been reinterpreted. But Crawford thus says that slave traders ended their business because they had been confronted with innovative moral reasons for abolition. Just as how enslavers could no longer find any justifications for their trade, so would colonizers later be persuaded to give up their territories, and this is how they would all have to have made moral progress.¹²⁸ Still, if moral progress is also anti-hierarchical progress, then Crawford must neglect the brutal denial of autonomy to workers across the world as well as the persistent facts of sex trafficking, child labor, and child slavery.¹²⁹ Why should the latter forms of hierarchy and oppression not have been eradicated by means of moral reasoning?

This issue cannot be not solved by referencing sovereignty's moral, legal, or procedural dimension alone. Thus, even though an instance of child prostitution would be believed to be a violation of the laws of nature, in any country, according to those who operate within this legal-procedural dimension this type of belief cannot explain why this

particular form of child slavery (and forms of child pornography, as well) can continue to exist despite having been criminalized. Their reason is that child slavery is a more persistent form of superiority than that liberal constructivism can help account for. Liberal operators usually hope that all slavery can be outlawed, concretely, without a complementary popular trust and a religious belief in the abstract idea that slavery violates ‘the’ laws of nature. Not unlike Montesquieu, by the way, Crawford expresses this same sense of hope when she attempts to scientifically construct a reason for slavery to be outlawed, by means of a moral consensus that causes treaty organizations to be formed, and that thus causes a positivization of (international) legality, without that she asks whether people not also have to be observantly believing in their own idea of an amoral law of nature (such as a law of compassionate love) against slavery.¹³⁰

Crawford’s attempt amounts to an embellishment of Habermas’s “discourse ethics”—to the extent that it expands the importance of consensus. It expands “communicative action” while limiting “strategic action”—and it expands, therefore, the space reserved for short-term, intentional, and especially consensual actions while reserving less room for popular beliefs in the goodness of (Creation’s) long-term, purposeful actions. In coping with slavery, Crawford proposes consensual and deliberative speech in the form of “a person-to-person or case-by-case response.” It remains questionable, however, of course, whether all involved persons will indeed have a strategic interest in her proposal—especially if they were not yet believing, theologically, in those laws that recommend their engaging in “communicative action” because doing so would be in their self-interests. So, why should persons not believe that

deliberative communications *are* their strategic interests?¹³¹ To Crawford, this is a matter of taking ‘beliefs’ out of the equation. But to Aristotle, Arendt, and especially to Hobbes it is a matter of making (natural law) ‘beliefs’ compatible but never identical to the tension between claims of both deliberation and decision, togetherness and purposefulness, or of both personal communication and strategic interests.

Communications need to infringe on interests, according to progressive and liberal constructivists. Realists could very well make the alternative case: people should not only be deliberatively or consensually or morally opposed to the supremacy of enslavers, sexists, and rapists. People should rather also ask themselves whether they believe that such social supremacists are committing evils, by disproportionately violating their own interest in and their natural law on self-preservation. Each victim of supremacy is violated, not just because this victim will have been subordinated to the strategic interest of an abuser, but also because the victim’s autonomy-dimension betrays its own natural tendency to remain contrary to the abuser’s representation of that strategic supremacy-dimension, as well. From this sense of contrariness and opposition between these two dimensions, of both supremacy and autonomy, hierarchy and interdependence, then, it is possible to observe a far less pure and simple distinction between immoral subordination and involuntary dependency or between immoral and amoral, between legally and formally illegitimate and possibly unnaturally illegitimate, behaviors. Yet, that distinction itself is far from contingent and subjective. It is not contingent on moral progress as much as on those laws widely believed to supernaturally maintain social interdependencies and systemic proportionalities. Hence, the distinction is alternatively

(more realistically) to be understood as part of a conscionable, wise, authoritative judgment—and it will be recognizable as such regardless of cultural bias, although not always objectively so. No judiciously asserted mode of emergent authority is entirely contingent on cultural preference, however.

Emergent authority may be an archetypical myth, but it cannot be either objectively hierarchical or subjectively liberal and fair. It cannot be either supreme or autonomous. Alternatively, emergent authority is better understood as a matter of isonomy, in which there are no true-or-false myths. The big issue is how any emergent authority myth conveys an ultimately meaningful *morale*, much rather.

Akin to Aristotle's *Politics*, Arendt's work on authority embraces authority's ultimate ambivalence.¹³² The authority of each state will always be uniquely ambivalent. It is contingent on two major political contradictions. First, state authority may be drawn from those powers that create a political exception, to the rules of the law, as well as from these rules themselves: this exception is according to Schmitt an *Ausnahme* (abduction, or out-take).¹³³ In other words, the exception is the moral/immoral contradiction of positive legality, but which has been taken from a political or a transcendent order of legality. Second, like all other sources of authority, every state both creates, and yet is subject to flux. This is the amoral or historical contradiction of the interdependencies of states. State forms of authority may for example be realized, or altered by enemy states. Thus, authority remains always subject to the beliefs of different persons, of how they communicate their fluctuating opinions, and to their ever-varying images of ideally proportioned bodies politick. But these varying opinions and images, however biased

they could be, may also be used to subject these same different persons (the citizen-subjects) to one particular sovereign state rather than to another.

The presence of the two mentioned contradictions strongly suggests that despite the fact that various persons are bringing their moral and legal authority to contingently-differing realities, the one person in the position of sovereign authority has perpetually been believed to have a certain tact or sense of diplomacy—which legitimizes that person’s decisions, especially those regarding an enemy, even if the decisions themselves were to be believed to have been legitimized by some amoral and extra-legal contradiction.

Traditionally, authority was exercised by advisors to the monarchy: by a central organ of government. They were counselors who could be asked to help guide the executive, prosecutorial, and usually also the adjudicative powers of their state.¹³⁴ For a very long time, as Max Weber knew so well, authority (*auctoritas*) would not have been understood as a power potential—and certainly not as a power of execution—but much more as the source of foresight, tact, discretion, good manners (*mores*), and thus as source of all the types of virtuous advise from which the structural powers of the state could benefit.¹³⁵ Today, authority still refers to this classic function of advisory judiciousness: it remains a manner of consultation.¹³⁶ Yet, much has changed since the seventeenth century revolutions within the structure of statehood. Hannah Arendt mentions that authority—specifically in the American juridical tradition—only after the Revolution came to involve the “legal” interpretation of rules, whereas authority would at

its core have retained that classic “political” function—or that extra-juridical mode of advisory discretion.¹³⁷

There are many possible levels of contrariness between sovereignty’s legal and political functions, yet these levels are interconnected and interdependent. In times of peace and plenty, there are few contradictions, and levels of contrariness may be low. In revolutionary times, contrariness becomes more intense. Not the so-called Democratic Peace theorists, it shall here be demonstrated, but advanced realists (Hobbes, Weber, Schmitt) hold that, across the span of many centuries, these intensity and contrariness levels would generally have been determined by a mysterious union of two types of institutions: the monarchical office with its war prerogatives, first, and the representatives of the people with their right to resist unjustifiable war duties, second.¹³⁸ If a king or queen was being advised as a mortal person, it would typically become a matter of the powers he or she could apply and how these powers should be effectively executed.¹³⁹ But if the monarch would be advised as an office-holder, it would become a matter of whether these powers were also both legitimate and legal. Had the monarchical office also been authorized to use its power under the circumstances, and to act on behalf of the public realm?¹⁴⁰

The powers of natural-born persons as well as those of the office, held by the head of state, are the two main parts out of which sovereignty emerges. Although medieval Commentators already finely distinguished between the monarchy’s natural body and its perpetual office, the distinction has in the current era become increasingly difficult to maintain.¹⁴¹ The long tradition holds that the one source from which authoritative

judgments may emerge, legitimately, is both the distinction between as well as the combination of mortality and immortality, man and office, and of body and mind. But throughout the ages, such authoritative judgments have become corrupted: it is becoming more difficult for states to make the distinctions they need to solve problems as various as international enmity, separatism, sedition, and conflicts of interest. With Schmitt, these problems cannot easily be regulated by law—because, both internationally and constitutionally, there are never enough laws being posited to make sense of problems requiring a popular faith in political solutions.¹⁴²

The historical fact that monarchical offices have benefited from their access to *discretionary* authority is indisputable. Even during the most intense revolutionary years in modern history—such as experienced in 1848, 1871, in the 1905 *soviets* and Germany's 1919 republic of the councils, in Budapest 1956 and Cairo 2011—popular assemblies succeeded in organizing power but failed to replace every remnant of the monarchical state's discretion.¹⁴³ Monarchical or, later onwards, presidential power was certainly ending up being limited by the revolutionary and legislative assemblies. But the authority of the state was never limited: particularly sovereign authority remained accessible to the assemblies and to their post-revolutionary constitutions as well. Perhaps revolutionary assemblies never intended to, or never could have eliminated all authority? Nevertheless, why should the authority of so many popular republics and assemblies have been any less, or any different than the kind of authority that serves either a president or a tyrant?

Arendt reformulated this question, most notably in her *On Revolution*.¹⁴⁴ But even without reading the text, it is perhaps already possible to infer that any serious answer has to have three components. It will have to be a partially conceptual, partially theoretical, and partially historical answer. Conceptually, constitutional states may either allocate most of their powers to the presidential and prosecutorial institutions (or, in prior times, monarchical court officials) or they may allocate more powers to legislative and representative institutions (elected parliaments). But this choice cannot prevent power from being applied by either illegitimate tyrants or corrupt legislators, or by both of them. The constitutional distribution of powers in itself has no consequences for the possible disappearance and re-emergence of public authority.

Authority is not necessarily being held by structures and institutions as it—by virtue of its own definition—must additionally somehow have to have been infused with organized experiences of prudence, legitimacy, and even of solidarity and loyalty.¹⁴⁵ Thus, all states hold the structural power to administer law, but they may not always be performing this power sufficiently well organized, discretely, or also not authoritatively. In such instances, state authority declines: it no longer conveys the same sense of sovereign perpetuity. Arendt was not the first realist theorist to maintain that now the state's performance is likely to end up being challenged by the people, or by other states.¹⁴⁶ Aristotle's concept of authority, which would for many years remain the most influential concept in the occidental world, readily demonstrates why political authority may only emerge, meaningfully, from a balanced mixture of two different institutions of

power: from both the democratic and the oligarchical powers (see, also, the following section).¹⁴⁷

Theoretically, it may be hypothesized that no state has ever been governed solely by its monarchical executive. Historical practices may show that all states have had mixed constitutions, instead, which would explain why Aristotle could not help but noticing that not a permanent kingship, but a military commission (or a temporary dictator, perhaps) forms the necessary yet also insufficient component of constitutional statehood.¹⁴⁸

Although Arendt would have agreed with Aristotle that the temporarily commissioned executive power alone does not ‘make’ the state, and that another component remains necessary, she nevertheless came to disagree with almost all other political theorists she had been reading. She unconventionally insisted that no power should be separated from the popular assemblies that authorize the application of power: the assembly is both a legislative and an executive institution. Local constituent assemblies, preferably federated with their neighbors, are both necessary and sufficient for the emergence of their own sovereignty.¹⁴⁹ Each constituent assembly would have to have procedurally agreed to exercise all available powers, without that the whole assembly may ever be reduced to only one of its partial powers. Rather, its powers remain both the parts and the functional principles of its republican autonomy. These mixed assemblies must thereby be understood, she wrote, as “the only political organs for people who [belong] to no party”—and as “the first beginnings of a true republic.”¹⁵⁰ Tragically, the wells of “authority”—as the mixed assemblies once held them—dried up

over the years. Nationally-elected parties, and factions of legislators, now derive their political authority not from a balanced mix of their powers but from merely seemingly homogenous voter segments as well as from “pressure groups, lobbies, and other [self-interested] devices.”¹⁵¹

From the historical perspective, authority cannot be seen without not also researching how institutionalized powers have been represented—and by means of which conventions, including the convention of equal sovereignty, authority has been symbolized. Even though it may be theoretically comforting to know that no sovereign state can exist without both an executive as well as a legislative power, or without what Aristotle actually refers to as the oligarchical and democratic powers, it is unlikely statespersons have historically been recognized because they would be representing only one of these two powers. Instead, they would usually display a modicum of respect for both powers, and their mixed applications.¹⁵² Although they may not necessarily always have respected the third or the adjudicative power, they would typically assess a proportional tension between execution and legislation, or between discretion and regulation.

Arendt warns that in the totalitarian nation-states, which were being created in the twentieth century, this respect for proportion (and even for the tension between execution and legislation itself) disappeared from the public realm. Governmental respect for administrative decisions (for exemplary verdicts) would be turned into a mere pretense for murder.¹⁵³ Appeals to the legislative power became of course unconvincing, even though they would still be part of these states’ attempts to justify their abuse of power. As

is known, the totalitarian states had thus enacted some pieces of legislation, or some legally-created competences, *as if* these pieces were the means that could legitimize their unspeakable horrors. (The sardonic invention of the show trials formed thus only one of the latest installments in a series of failed attempts, by the totalitarian state, to respect its own legislative power, just as that the various nuclear weapons test-ban treaties have internationally remained an example of such failed attempts.)¹⁵⁴

What does it mean for a state to be recognized, particularly for its emergent authority? Twentieth-century history suggests that whenever basic laws and legal procedures had been suspended, human beings still began to believe it was within their authority (their ‘second nature’) to follow certain conventions or *mores*.¹⁵⁵ Regardless as to whether a secret or tyrannical institution had legality on its side, somehow humans would believe that the powers of the tyrant or the arbitrarily-acting police agent had been naturally limited by a transcendent mode of authority: that there were matters of convention, of natural tact, and of discretion that remained always present outside the posited laws. (In the United States, for instance, framers of the Fourth Amendment found authoritative precedents in pre-revolutionary and extra-legal *mores*.) Most contemporary states exercise their executive power by means of privy councils and cabinets, prosecutors and police forces—or, internationally, also with the aid of the UN Security Council—and yet their power is widely thought to remain checked and limited by a prior constitutional kind of power, which is generally classified as the legislative power. But what is legislative power if it does not solely exist in the form of posited and positive law? Does it also encompass and derive from society’s *mores* and, if so, how?¹⁵⁶ How

authoritative are the *mores*, the precedents, and exemplary actions—and which sort of interpretive discretion in this matter will appear to be adequately legitimate?

Which modicum of respect will suffice in recognizing the proper relation between executive and legislative government action? Disrespect and excess cannot be condemned unless there is some measure of power's limits. There needs to be some political criterion, thus, to determine when power corrupts. Or, there needs to be a display of political authority in matters involving both power's natural limitations and at which point these limitations have been humanly transgressed. When Aristotle found that legislative power is, like all systems of "orderliness", naturally limited by the number of people that can apply it, he well-grasped the importance of how both positive legislation and popular power tend to place limits on each other. Like any other living system, the state's system of laws tends to remain in line with "a definite measure of size."¹⁵⁷ In the essential Book 5 of *Politics*, he added this about why the partial powers of the state should be analogized to bodily organs: "The body is composed of parts, and it must grow proportionally if symmetry [among the constituent parts] is to be maintained."¹⁵⁸

Although authority has stable characteristics (such as legitimacy and publicality), it is also ever-changing. Conventionally, it has been *attributed* to different persons and their different beliefs about the natural limits of power—rather than that it was believed to be an attribute of power itself. Thomas Hobbes is resolute on maintaining this distinction: each public person should be considered a social construct—to the degree that powers have been assigned to that person. But the authority of the person, to the contrary, he thinks is drawn from the laws of nature. By following the tradition of Roman

Law, Hobbes deepened his insight that if a constituent part will have begun to act on behalf of any body of people as a whole, or that once one of the constituent organs has moved on behalf of the institutional powers of all government organs combined, that then this one part must have acted with its own sense of personhood (it must have a personality).¹⁵⁹ Personal authority now performs a necessary but nonetheless insufficient function, however symbolically, in sustaining the body politick's innate survival instinct.

Attribution of sovereign personhood, to the whole body politick, is not Hobbes's idea. It is an idea that derives from Roman Law and from the Commentators—of whom Baldus de Ubaldis should be mentioned. Baldus listed many provisions through which fiefs and offices could legitimately be granted to persons who were acting on behalf of the people, or of the Roman Empire as well. Within the medieval world order, emperors could grant vicariates to all sorts of persons, actually—who would thus both acquire certain powers but who would also had to have instituted and obeyed certain imperial laws. The vicariates were thus not unlimited. The vicarious persons were rather partial and yet functionally necessary—or, both *de facto* as well as *de jure*—representatives of the sovereign whole.¹⁶⁰

Hobbes's list of vicarious imperial persons, or his list of offices that may be legally attributed to one of the popular body's constituents, simply put, includes “a lieutenant, a vicar, an attorney, a deputy, a procurator, a rector, a master, an overseer, a guardian, [and] a curator”.¹⁶¹ In *Leviathan*, Chapter 16, Hobbes repeats the medieval idea that every person is like an actor, potentially performing a service for the whole body (the Empire). The person's performance is to be publically honored, and it is the continual

process of honoring that bestows authority to the (vicarious) agents—rather than that it must be awarded to the (imperial) structures they now actively represent.¹⁶² For, “to *personate* is to *act*.” This further means that, in matters of vicarious representation and institution, there have to be two kinds of artificially created actors (two imperial persons). The first kind represents “man in their natural capacity”. They are persons who perform acts authorized by natural, or living constituents: “some have their words and actions owned by those whom they represent, and then the person is [named] the actor; and he that owns his words and actions is [named] the author [who authorized them].” These persons are the attorneys, deputies, or the lieutenants of the body politick. The second kind of group represents the body not by means of such a fiduciary trust (“fiction”) as is being created by and for the first group, but it represents the body as a consequence of a previously created “state of civil government.” This second group represents, for example, a church or a school or a hospital: it generally consists of rectors, masters, and overseers. These actors represent “things inanimate [which] cannot be authors, nor ... give authority”.¹⁶³

Actors who are publically being recognized, for their authority, can be said to be acting on behalf either of the animate or of the inanimate parts of the whole. The animate parts of the biosphere can also be divided into two categories, Hobbes finds: there are the beasts that live in a state of nature as well as those “living creatures [that] live, as bees and ants, sociably one with another”. Human beings belong to the sociable category of “creatures”, however, because they have much greater faculties of speech than that the absolutely lonely beasts do. Yet, their speech faculties (their “art[s] of words”) form a

mixed blessing. Words can be used to trouble “their peace”; they too often end up being used to confuse a sense of the proper distinction and the rational proportion between the movements of the representing actors, on one side, and the instruction or the authorization they might have received from the natural body as a whole, on another side. For example, some constituent actors will misrepresent their own authorizers when they announce only their own “desires and other [such] affections”. They will then be using words to “represent to others that which is good in the likeness of evil, and evil in the likeness of good; and [to] augment or diminish the apparent greatness of good and evil”.¹⁶⁴

Functional representation, of the people as a whole, is a double-edged sword. Whenever a monarch is called upon to represent the people, within the public realm, this supreme official may use speech to misrepresent those who principally authorized him or her. Misrepresentation results from a confusion between private affection and common good—which then causes the constitutional state to default on its obligations to protect the people as a whole. The problem is that contemporary utopian (postmodernist) theorists such as Hardt and Negri, authors of *Empire*, argue that private affections and material interests are like the fertile soil from which the commons can be enjoyed, whereas Hobbesian realists politically oppose precisely such desires for (and such strategic interests in) inanimate objects.¹⁶⁵ Such desires should not be the sole objects of political power. That is, political realists rather argue that animate desires can, and should be represented by methods of reasoning. Authority emerges from both passion and reason

and yet cannot be reduced to either—since *only* interdependent living objects, and *only* relations between living powers, form a really fruitful source of emergent authority.¹⁶⁶

The speech of the sovereign person may also be confused by others, of course, and so end up appearing too friendly towards oligarchs pursuing *their* private interests—as opposed to the public good. Not unlike Aristotle, by the way, Hobbes holds that supreme official persons should therefore *never* be authorized to act on behalf of one professional trade-group or another, but only should serve the common good.¹⁶⁷ If they represent “a trade” they become increasingly more likely to be going “against the law of nature,” he warns. History evinces that the more profit any legal persons are making (Hobbes usually refers both to heads of state as well as to corporate officers), from trade, the less interested they become in “[abstaining] from cruelty, [and in] leaving to men their lives and instruments of husbandry.” Or, they then became increasingly unlikely to have continued to observe “laws of nature [such] as *justice, equity, modesty, mercy*”—as they instead mostly followed the laws of honor: they so came to expect, however mistakenly, that “the greater [the] spoils they gained, the greater ... their honor”.¹⁶⁸

Revisiting Machiavelli: Ambivalent Institutions and Conventions of Sovereignty

The realist method helps discern a balance of powers from a separation of powers. In matters of sovereignty, both balance and imbalance are premised to remain grounded within a world-system, filled with living powers. These powers are complex and

interdependent—and should nonetheless strive to remain partisan in relation to one another, as Orwell believes, so that the powers antagonize one another while no separation of powers is condoned. Political realists also find that sovereign states should have a common purpose, which is to pursue peace and justice. The purpose is not to violate territorial supremacy, nor popular autonomy, but to understand why the autonomy-parameter may transcend without separating itself from the supremacy-parameter. Thus, in accomplishing this dual purpose, the means to attain supremacy should also never justify the ends of sustaining autonomy. Rather, states must refrain from ‘separating’ both their supreme and autonomous powers from each other: no power should be used as a mere means, because all power is interdependent and human.

Arendtian realists, in particular, find that sovereign states cannot be nation-states deriving their legitimacy solely from quantifiable powers, such as geographical territories or national populations.¹⁶⁹ States should instead be considered as sovereign persons with interdependent relations and political roles to perform, within a complex system of powers. Yet, the actions and movements of the many statespersons (“actors”) will, within that system, somehow have to have been believed to have been spontaneously authorized. Statespersons have to have been freely authorized and freely recognized, as sovereign persons, by others: freedom and necessity thus coincide in methods of mutual recognition. Moreover, these persons will have to have been authorized to the extent that their actions remain adequately representative of neither only the animate nor only the inanimate objects, and of neither only social animals nor of only their material properties, but of both types of objects.

This book will represent animate objects as common goods, and possibly as reasonably-honored persons, while inanimate domains will be represented as part of individual interests (examples of interests: legally-owned properties such as armaments and buildings, spoils of war, and trade profits). Hobbes distinguishes between honors and profits, as contrary sources of power, yet his distinction remains a mere variation on a larger thematic turn. Hobbes would turn these objects of political power, or the sources of representational power, thereby, into a sovereign authority transcending these objects and sources altogether. This book's research question, to avoid any such absolute and final transcendence within the relation between objects of power and their emergent authority, will have to be posed in such ways that it may help realists make the next turn: how can realists move beyond Hobbes's seemingly too-abrupt dismissal of power resources?

The question should help the IR field advance, and gain a broader view of the systemic nature of the differences between power and authority—as well as of those between goods and interests. Moreover, Machiavelli can at this point help realists to observe how systems of power may function, however contingently. For, a systemic balance of powers could further be premised to be a balance between only two qualitatively different dimensions (powers/authority; objects/legitimacy), and Machiavelli might have known why each system of powers should be observed to have only two dimensions.

Mid-twentieth century realists have written a lot about the ambivalent convention, as well as about the mystifying ideal, of a balance of powers. As William Scheuerman reads and agrees with their work, however, most of them could not help but adding an

“unduly nostalgic gloss on the role of the balance of power in international politics [as these realists clearly admitted to] ... its limitations as a method for preserving peace.”¹⁷⁰

In sharp contrast to nostalgic realists, Hedley Bull finds that the balance of power performed a shining political function: it long augmented the laws of war. Balance continues to prevent the “conquest” and “absorption” of independent societies.¹⁷¹

Historically, also, had it not been for the adversarial but self-organizing relations between Europe’s Great Powers, they would not have felt a need “to outlaw war”, and particularly not to banish “private wars.”¹⁷²

The idea of a balance of powers remains notoriously difficult to pin down, but if it were to have to refer to an object of power then it cannot also refer to a degree of balance. The objects of power are animate and inanimate but, as Arendtian realism holds, cannot be used as the means that justify any ends. The powers themselves should rather be recognized within a legitimately authorized and self-perpetuating relationship that then also transcends the utilitarian usage of powers. Without this relationship, there may be objects of power but there can be no politics. With Bull, furthermore, the intra-relational degree of balance/imbalance undeniably refers less to private and civil wars than it does to a formally-recognizable form of warfare: a war between sovereign parties. The degree of balance depends on a degree of public safety, in a time of inter-state war.

The message conveyed in the above sections was that different objects of power should be qualitatively different, in order for their constitutional relationship to remain adequately stable and cross-temporal. Realists can create an addendum by arguing that objects of power differ qualitatively from the dialectics of emergent authority. For, both

the animate and the inanimate objects of power would be necessary, and yet insufficient elements—in accounting for the emergence of (sovereign) authority. The total sum of all the state’s objects and all its sources of power is insufficient in explaining sovereignty, in other words. For, the question of sovereignty is how proportional the relationship between powers and partisans really is. The more proportional the constitutional relation, for example, the less likely the relationship becomes corrupted by private warfare (mercenaries, buccaneers). The objects of honor and property, and potentially the objects of glory and profit also, could serve as the mere means to various ends while they could alternatively be serving to accomplish a common purpose transcending the various means-ends functions. The best way to account for this moment of transcendence-and-inclusion of powers is to introduce a third element. The concept of sovereignty should be understood to refer to a third element which maintains the equilibrium among powers. The equilibrium itself is less to be thought of as a substantive source or a material part of power, however, than as a compatibility-function shared by all powers.

Aristotle advises realists to think of the first two objects of power as the first two elements of politics. These objects should have “symmetry” before they can become politically recognized as such. But because the objects are also the two parts of a political *system*, they should be growing “proportionally” if the system—now to be understood as a constitutionally-integrated whole—is to survive.¹⁷³ This third element, of survival, is of course the equilibrium itself. Before turning to (in)equilibrium’s own purpose—as political systems theorist diZerega rather understands this transcendent purpose—it should be noted that Scheuerman concurs with a class of IR scholars, whom he refers to

as twentieth-century Progressive Realists (Morgenthau is a preeminent class-member), that the balance of powers would be an ambiguous, even hackneyed phrase. The balance is a tool with very limited applicability, as so many powers can so rarely be found to have remained in a state of equilibrium. Yet, Progressive Realism's dismissive attitude (including Scheuerman's) might have led other realists to overlook the theoretical possibility that the balance of powers may not be a reference to full equilibrium between many states, but to a relative degree of (im)balance between two qualitatively different powers.¹⁷⁴ Indeed, (im)balance may be a matter of the (dis)proportionality between only two altogether-different constituent parts.

Aristotle observed *poleis* in analogy to living systems, capable of maintaining their own conditions of non-linear equilibrium. He also appears to already have analogized each *polis* to an open system, which would again suggest that Aristotle's state was a self-organizing structure. This state's organizational form is a collective body of relationships, with structurally open-ended and homeostatic properties. "In homeostasis, the pattern of relationships is maintained even though its [structural and] physical components can change."¹⁷⁵ In any homeostatic system, thereby, organizational relations are seen to be sustaining themselves through stable sorts of "autopoietic networks"—even though the material, structural forms of each "network" or of each "pattern" will remain open to change. As Capra sums up this basic tenet of systems theory, "the system's organization is [not separate but relatively] independent of the properties of its components, so that a given organization can be [structurally] embodied in many different manners by different kinds of components."¹⁷⁶

Aristotle's political systems theory may now seem rather undeveloped, certainly in comparison to the various cybernetic and Gaia models developed during the 1980s, but for centuries certainly Aristotle's was *the* intellectually dominant theory of balance.¹⁷⁷ To put this in other terms, it is well possible for the relations between interdependent powers to be maintained (the balance of powers, hence), as if these powers would belong to a homeostatic system, while the various material sources of these same powers are being observed to remain in perpetual flux. Political realists suggest now that the overarching natural purpose of these material sources, to the extent that this purpose is legitimate and non-violent, is to be called a balance of powers. The state's purpose ("longevity") is also a natural stimulant, to maintain a constitutionally homeostatic balance, both externally as well as internally (and, thus, not necessarily only within "the physical city" itself).

Aristotle found it impossible for any group of persons to be recognized as "both rich and poor."¹⁷⁸ From this impossibility, as experienced both in foreign and constitutional affairs, as Gus diZerega continues to read Aristotle's *Politics*, it appears that "neither the rich nor the poor [should] ... triumph at the expense of the other." The state will rather have to recognize some third element, or a third purpose, however understood, in order to reach a balance between the politically-represented interests of both rich and poor. This third balance can best be called natural happiness. It is the one purpose that may potentially be enjoyed by all persons, equally, or as Arendt says: it is the potential satisfaction of enjoying *isonomy*: "equality of condition".¹⁷⁹

Thus, Aristotle's own principal premise already holds that everyone can "be happy with the existing constitution, [as] [t]his is true not only for the rich and the

poor, ... but for all other divisions that existed within the *polis*.” A life of happiness, further, should appear within the life of political homeostasis. Sparta, however, had violated this prescriptive insight when its *polis* had legislatively ordered everyone to live *as if* being poor. By contrast to the Spartans, (Aristotle’s) people, in living a politically homeostatic life, would not want to use legislation in order to heap the objects of their power onto a loose pile: they alternatively treat their laws as a mirror of their own natural-constitutional development.¹⁸⁰ Their laws would represent a politically proportional but structurally open equilibrium of both rich (oligarchy) and poor (democracy). As diZerega further notes, this equilibrium itself “typifies a mean, free from either overweening ambition or servility, neither destitute nor entirely free from economic concerns.”

To reiterate, next to Aristotle, Hobbes quite likewise and quite apparently understood there must always be some sort of difference of quality, rather than just of quantity and extension, between the state’s two constituent parts: between representations of both rich and poor. Although Hobbes’s understanding of this difference was at some points more rudimentary than Aristotle’s, Hobbes’s system of powers far more clearly represents the two qualities of representational power. Rather than to resort to “a mean,” Hobbes’s system defines the first quality as a representation of animate objects, each having the quality of physicality. The class of these physical objects includes the multitudes and their dispersed opinions, as well as their passionate but selfish interests in their own survival. The second quality consists of several consequences of human speech: it comprises all sorts of names and ideals involving inanimate possessions, or

profits and properties, but also the rules that have been constructed by the faculties of the mind themselves: by faculties such as calculative reasoning and also by judgments of pure hope: these “superstitiously” informed judgments involve “invisible agents” rather than deliberate metaphors for “invisible spirits”.¹⁸¹ This second quality may well again begin to appear under the light of public reason, yet it should be feared more than the first quality because of its capacity for doctrinal confusion.

For Hobbes, the constructions as well as the speech-faculties of the mind are to be feared. For, they tend to create (false) hope, and thereby always un-root themselves from bodily sense experiences. Fear is the one amidst “all passions” (*Leviathan* Chapter 27), however, which can balance *itself* against such constructions. Fear is one of the political life’s most autopoietic qualities: “it is the only [quality or] thing—when there is appearance of profit or [private] pleasure by breaking the laws—that makes men keep them.”¹⁸² The appearance of the multitudes and their great hopes, and then *also* of their own functioning as a people, fearful of breaking laws, are not to be understood as two separate moments in the political life. But these moments can also not be measured along one and the same scale. This means that there is no numerical but rather an intra-systemic, self-transformative difference between multitude and people. The difference between excessively pursued interests and opinions (a multitude), first, and passions moderated by reasonable fears (a people), is an autopoietic difference. Authoritative actions, as Arendt also found, must somehow respect neither one, and yet both of the two qualities of power, simultaneously.

Before finally turning to Machiavelli, one instance must be mentioned in which Hobbes explores another basic qualitative difference: this is the one between the public-animate and private-inanimate objects of power. In *The Citizen*, he stridently reconstructs the precept that the institutionalization process, of these two different types of objects of power, should respect a sense of proportion. To be accurate, he indeed seems to want to reconstruct the scholastic notion that the most-disquieting institutions of sovereignty, being both the multitudes (“*democracy*”) and the kings (“*monarchy*”), should “be equal.” If either the disorganized pro-democracy forces or the executive monarchical powers were to become dominant, and if either one of these two parts were to intrude “into public councils”, he adds, then they would here be giving rise to “infelicities”. But if both elemental estates have an equal interest in their “safety and welfare” then they will also be naturally able to experience, Hobbes quite strongly suggests, that “the *power* in all [their] kinds of government is [proportionally] equal.”

Hobbes follows through with a comment to the effect that without equal power in government, everyone’s “preservation” can be put at risk. But with preservation he means not to say possession. Instead, he says mental as well as bodily longevity. The implication is that the multitudes—or the inanimate, physical, material bodies of power—cannot be the *only* objects that are to be represented in the public domain. A domain that concerns itself with the survival of the body politick should also always represent the people—and *their* animate, free, reasonable, or mindful powers. If assumed otherwise, animate faculties and inanimate interests would be separated from each other. Hobbes concurs with Bodin that any such separation would too much upset the natural balance,

and that the prince could then basically start to acquire more material sources and bodies of power than those to naturally belong to the pro-democratic multitudes.¹⁸³ To prevent this sort of tyranny, however, any well-balanced state will constantly verify that “the lands and monies of the subjects are not the prince’s treasure, but [that] their bodies and wily minds [certainly are].”¹⁸⁴

The above-defended pro-Hobbesian thesis holds that anyone’s acquiring of inanimate/material interests must be considered an act of word-power. But it is also an application of words and names (social constructs) that will somehow have been designed to satisfy a mere end (profit, honor). The Arendtian corollary to the thesis holds that word-power cannot be balanced by sword-power just as that the multitudes cannot be transformed into a sovereign person, unless a qualitative mismatch has been observed in the interdependent relations between both word-powers and sword-powers, in the first dimension, and sovereign authority/authorization, in the second. Arendt argues, moreover, that this two-dimensional mismatch has historically best been understood and yet also been transcended by constituent assemblies. Herein, both the powers and authority, and thus those with private interests and those whose public speech-acts were believed to be legitimate acts, would both have been believed to have become close-to interchangeable.

From this point onwards, authority is regarded as a practice of consultation that is attached but never identical to the realm of power. As Arendt knew, authority helps executive powers to differentiate more judiciously between substantive material interests (the parties that seek “conservation” of these interests), however, as well as ideological

public powers (the parties that seek to “improve” government by means of their social deliberations), while excluding neither material interests nor public powers from systemically-emergent bodies/minds politick.¹⁸⁵

Another hypothesis holds that sovereign authority can be universally recognized. Liberal philosophers may treat it then as a general type of authority: it has to represent and it has to have been legitimized by the general population. This non-realist hypothesis further holds that the population is the source of its own word-power. Absent a single body of people, it is impossible to identify its sources of power and autonomy, so that no state can exist without these sources. Indeed, every state’s dignity must derive from its own population, as the final author of a recognizable civil government. As Immanuel Kant teaches, “the sovereignty of states is recognized only in so far as they recognize and respect the dignity of [natural-born] persons.”¹⁸⁶ Before Kant, however, Hobbes had indicated that dignity and honor are constructions of word-power that should be checked by a sword-power—in order for both types of power to even begin to give way to sovereign persons. Sovereigns will thus in part have to have been artificially created: they are created by means of a covenant. Each sovereign person is in part an artificial entity, with a legally-constructed personality, charged with the conservation of material and territorial properties, as well as that it is in another part responsible for deciding on all matters of public doctrine and civic religion. Sovereignty expresses, hence, both a population’s supremacy over its own land (acquisition), in particular, as well as a sense of popular autonomy and recognition of dignity (honor). It is both material as well as

ideological, in short, and both determined (by natural conditions) as well as free (to honor and dishonor certain actions).

Centuries before both Hobbes and Kant, Aristotle's constitutional state had remained internally conflicted. This state is like a large animal, suffering from two afflictions or from two springs of discord. In every *polis*, persons of authority will try to represent either mostly the profits they acquired from, or the honors that were attributed to them, by others—which is why societies should try to proportionally (and: constitutionally) represent both their acquisitions as well as their honors.¹⁸⁷ Yet, regardless of how hard they may try to be egalitarian in distributing the sources of power, not all persons can have equal authority. All persons are social animals, as well, contending for standing and for honor. It is therefore impossible to expect that they will equally represent any disparate material interests, as Hobbes insists, although in an ideal world of full representation “the public and private interest [would indeed remain] ... most-closely united”.¹⁸⁸ In practice, of course, the union of public and private is never complete. Sources of moral ambiguity and private discord are the staple of constitutional emergent authority—as Kant could have agreed with Hobbes, and Hobbes himself on several occasions seems to have agreed with Machiavelli.

Specifically the latter had argued that in order to maintain the state, both commoners and nobles should be seen to *participate* in civic associations and to herein contend for “supreme honors.”¹⁸⁹ By contrast to antiquity's Romans, therefore, the people of early-sixteenth-century Florence had been wrong “to exclude the nobility from all participation”.¹⁹⁰ Because Florence had banished this critical element of leadership—and

had thus disallowed almost all contention between oligarchs and democrats, rich and poor, and between commerce and virtue as well—Machiavelli’s beloved statelet risks to disintegrate its sources of powers, and subsequently lose its dual authority as well.¹⁹¹ As Aristotle could have added, Florence risks repeating Sparta’s legislative mistakes.¹⁹²

Contrary to Arendt’s, Machiavelli’s compositions hold on to a religious undertone.¹⁹³ They can be heard to convey a religious fidelity to a republican constitution, or actually to the union of opposite groupings and of their respective ‘qualities’ as well (this follows the medieval notion that the ‘humors’ of the rich stand opposite to those of the poor, just as how excessive corruption is opposed by common virtues). A later chapter section shall work out the proposition that Machiavelli’s beliefs are far more Christian and thus far simpler than that some secular cynics are suggesting. For now, it is worthwhile hearing that in Machiavelli’s composition each state’s constitution presents itself as a homeostatic complex of opposites. Each particular state’s constitution herein mirrors Creation. Anyway, the proposition shall be holding that this mirroring effect can best be considered as an open and direct effect, in organizational and qualitative terms—while the same effect is also structurally indirect, and only more or less accurate, because it still depends on quantifiable relations and on partial sources of power.

Some of the next sections are inquiries into this mirror-effect: can it account for Machiavelli’s mysterious clue that in the relations between any community and its citizens, both “integrity and corruption, justice and injustice [will appear?]”¹⁹⁴ This complex relation presents itself within a particular constitution and yet, in all likelihood,

is to be understood as a general mirror image of yet another relation, between heavens and earth as well of what can be known about relations between God and social creatures.¹⁹⁵

To wind up the above propositional remarks, when Strauss alleges that principally Machiavelli devised a sophisticated but radically secularized form of sovereignty, he is underestimating the positive importance Machiavelli himself attached to a civic religion. Anyhow, Strauss writes that a secular form of authority would have helped Machiavelli to nearly-fully replace various medieval political imitations of “the God-Man Christ by [means of] the imitation of the Beast-Man Chiron.” Strauss adds to this allegation that whenever Machiavelli spoke of God, he would have referred “in truth [to] nothing but chance.”¹⁹⁶

In contradistinction to Strauss, who would go on to argue that the founder of an entirely new state may act beastly, or may well do evil, indeed, Machiavelli’s *The Prince* never conceived of only one such an “innovator.” *The Prince* had instead been written out of dissatisfaction with the *status quo*, under which there had been “as many *stati* as there [were] princes”—as Peter Breiner puts it nicely.¹⁹⁷ But this dissatisfaction with pure pluralism never meant that *The Prince* also newly called on one individual to serve as a founder-ruler, separate from both God as well as from the complex (legal) personality of the people. Instead, Machiavelli was rather alarmed by the unstable relationship between noble princes and the common people, within most of the Italian statelets (*stati*): this great imbalance was depriving all groupings of both the constitutional fidelity as well as the political longevity the Republic of Rome had once enjoyed. In Rome, after all, the

constitutional republic had always been generated by a tumultuous although stable relationship.¹⁹⁸ Contrary to Straussian impressions, however, it seems highly unlikely that Machiavellian realism should refer to the republic's self-stabilizing potential as if it were the creation of a "neutral hidden hand".¹⁹⁹ This homeostatic potential is not created by chance, by the goddess *Fortuna*, nor by any other such neutral or indiscriminate third element. The Secretary from Florence argues, much rather, and not unlike Socrates, that it is a potential emerging from within the constitutionally-dualistic nature of any system—and from the dialectical agony of trying to foresee how this system will be functioning, also.²⁰⁰

Sovereign Authorizations of Urgent Matters: Rebalancing the World of Power

In accordance to which methods may the balance, within the contemporary world of powers, be restored? How should people recognize, authorize, and represent themselves and their many sources of power? In recognizing the self-stabilizing and homeostatic characteristics of their self-representational systems, which characteristics may people legitimately ascribe and attribute to that system? On the premise that it has remained possible to augment today's system, of state representation and power, as well as that public action does have a meaningful role to perform in any such augmentation, it may be concluded that the urgency of the questions is indisputable.

Statespersons are increasingly believed responsible for all sorts of decisions concerning the fair and proper distribution of the world's resources—but also for all sorts of misrepresentations and illegitimate decisions concerning this distribution.

Statespersons are widely believed to have a higher responsibility to help protect the biosphere, for instance, than that most common people do. In spite of surging popular beliefs in the existence of this higher responsibility, and however fictive the responsibility might be, the harsh reality remains that the biosphere is suffering. The activities of agents—such as neo-imperial states, transnational corporations, and their joint scramble for energy resources—are adding up to a dangerous surplus of carbon particles in the atmosphere and to a depletion of biodiverse life-forms as well. However, these dangerously destabilizing activities are not being caused because the destabilizing agents are new or modern or neo-imperial types of agents, as Antonio Negri prefers to argue to the contrary, for example.²⁰¹ These activities are quite clearly being caused by the eternal fact that constitutional powers are constantly being thrown off balance by unreasonable desires for and acquisitions of the inanimate sources of power: by profit and glory (Arendt, Marx, Hobbes, and Aristotle all saw greed as an eternal threat to the public order).

Earth's diminished biodiversity as well as its diminished resilience against human activity, are reminders of the brute fact that the biosphere has been surrendering its (previously believed to be perennial) power to restore life.²⁰² Earth has been losing its potential to animate itself—mainly due to boundless human activities that include fossil fuel exploitation, rare mineral exploration, and agricultural homogenization. Although

humanly created states have more distributive and more industrious functions to perform than ever before, planet Earth is also more rapidly losing its potential to provide humans with ever-more goods than previously. It can be said, henceforth, that state officials now hold a greater kind of *imperium* than all of their predecessors combined, in material terms, while they hold a far lesser kind of authority to bring the many exploitative and too-homogenizing processes of environmental destruction to a halt. On balance, it appears as if the system of states is losing its authority because statespersons are dishonoring, or disrespecting, and misrepresenting the ultimate author of their own *imperium*: planet Earth's diversity.²⁰³

Not a few statespersons reckon that unchanging factors, including human greed, are to blame for the ecological crises of the world—as opposed to factors that pertain to the exclusion of possible alternatives. The system of states is closing itself off against alternative decisions, such as decisions that would help answer questions of how people may begin to better honor their treaties and their covenants with other state actors, or of how they can select conscionable public representatives. The state of nature-answer is that all animals abide by laws of nature: non-human animals do act in respect of a bio-diverse, ecologically rich planet—if not only because these animals are structurally unable to create systems that emit polluting atmospheric particles, that accelerate the global rise of seasonal temperatures, or that can decrease global humidity levels.²⁰⁴

Hobbes believes that human animals are most able of disobeying the laws of nature, by misrepresenting their promises (by breaking their word, they break these laws). Human animals are able to create a “condition of war”—which is a condition in which

they all compete with all others, to gain ever-more access to a (common) wealth of planetary resources. Yet, they cannot compete without not also be violating “the laws of nature [including the law holding] that a commonwealth, without sovereign, ... is but a word without substance—and cannot stand.”²⁰⁵

Hobbes knew that resource scarcities and environmental degradations were consequences of natural law violations, the first of which is the violation of the law on equal sovereignty. Those who obey this law, however, are authorizing a sovereign—or an artificially created and legally incorporated person, to be more precise—to represent their body politick as if it were one natural whole. This does not mean that all people are part of the same whole, but that all people have been naturally endowed with the ability to authorize their own sovereign persons, to represent them. Authorization then helps these persons to maintain peace, and to perform other constitutional responsibilities as well, because their own constituent parts are in fear of disobeying the laws of nature. The whole person and its parts cannot be divorced from each other, at risk of encountering fearless and recklessly-uncaring individuals. Such individuals are not the norm, because nearly everyone lives under some “civil government” or another. Yet, if there are too many fearless and solipsistic individuals, then they could nonetheless poison their “commonwealth” with their “seditious doctrines, whereof [the primary] one is that every private man is judge of [his own] good and evil actions.”²⁰⁶

Hobbesian realism’s concept of political sovereignty sharply contradicts any Earth-destroying economic logics. In political realism, broadly understood and inclusive of Arendt’s theory, there is no place for individual consumers and other such solipsistic

agents—and thus also not for corporate agents with a single end—who remain bent on breaking apart the naturally-contrary relation between public esteem and their own private desires. Politically-authoritative persons have to have chosen a state of solitariness, rather, but never of solipsism, in which they will have to have been “thinking”—and to thereby have asked themselves how their actions would be judged (as either good or evil), and how they (as speaking persons) would ultimately want to be honored by others as well as by themselves.²⁰⁷

Realism is urgently needed because, as the next-following paragraphs evince, it helps statespersons to deny the appeal of economic logics pure and simple. Institutions such as the World Trade Organization, World Bank Group, and the International Monetary Fund are now working hard to improve their image and their brand—but they remain structurally intolerant of any responsibilities other than to accommodate liberal market logics.²⁰⁸ Their purpose is not to study the relationship between rich and poor, at least not in just and proportional terms, for instance. Their end is usually, instead, to increase the profits of the ‘man’ whom they define as an individual business corporation, perhaps, or otherwise at least as an aggregate of (such) individual producers: as a deregulated economic sector.

Advanced (Hobbesian) realists propose that international governmental institutions should be reformed, so that they will stop brandishing their logics of individualism and solipsism, and so that they may newly begin to counter these artificial logics by introducing more naturally qualitative methods of public recognition.²⁰⁹ The power of economic markets, private interests, and their (neo)liberal logics is very much a

type of power unlikely to limit itself. It is a type of power that can be defined in measurable terms, but its effects are likely to remain immeasurably harmful for the biosphere. People should therefore renew their fears of this power, and of its “selfish liberalism”, because if they do not fear this power then it will not only continue to violate their social conscience: it will also, even more dangerously, separate itself from the other source of power; from politics itself.²¹⁰ Hence, economic power should constantly be checked by a politically-animate and qualitatively-different power.

Twenty-first-century institutions of sovereign authority remain ambivalent. Armies are outsourcing many of their capabilities to legally incorporated enterprises, for example, and this development blurs the lines between political action and economic profitability.²¹¹ Conventions of sovereignty are growing increasingly tolerant of the model of private corporate ownership over exceptionally powerful communicative media technologies, as well. Even though armed for-profit institutions as well as the private telecommunications and Internet conventions were initially authorized by the representatives of the people, they can no longer be said to be governed by the peoples of the world. Rather, these institutions and conventions cater to non-representative businesses. They flourish at the hands of liberal, rather than as much at those of democratically selected statespersons.

Conventional liberalism ranks the wills of all above the ideal of a general will. Tenets of neoliberalism, especially, suggest that the wills of all are the same as the interests of all: the economic preferences of all are directly resulting, without any processual or qualitatively-different transmutations, into the structures of (market) power.

How these structures may have been organized and regulated, or not, is of little concern to most neoliberal scholars. But advanced realism warns that there can be no direct economic equation of aggregate wills, of all, to a political and organizational modality of authority. For, the market assumes that the democratic representations of any number of wills is effective and efficient. Realists, however, object that because democracy implies rule by the poor people, rather than by a certain number of people, the issue in equating low economic status to a mode of political authority is that the equation becomes a hypothesis. The authority of the people is thus not to be confused with rule by as many as possible, and not with majority-rule either.²¹² Authority remains qualitatively different from the structures of individual preference and citizen voting. According to Schmitt, Rousseau, Aristotle, and others, majoritarian doctrines of representation can only have tyrannical effects.²¹³ In contradistinction to such conventional liberal doctrines, hence, particularly Arendt would propose that local assemblies and regional councils should take over the role that is now being placed by majoritarian liberal democracies, because such assemblies thrive much better on the basis of equal participation.

The realist method provides aid to those who need to rebalance complex relations between qualitatively different sources of power. The method aids, as well, those responsible for the state's distributive and stewardship decisions. In contrast, the liberal method mostly aids those invested in distribution of resources. It is a method that stimulates the creation of democratic states, within which electoral majorities and minorities may formally acquire slices of the economic growth-pie—and, more dangerously, in which they may do so without regard of the qualitative differences

between the sources of their power. In this way, liberal democratic states can very well pretend to have identified the will of the many or of the majority, and yet only try to represent a total number of individual citizens rather than also their actual or their relative differences.

Business corporations, for example, are entities that are currently being represented by liberal states. Statespersons may receive non-national business lobbyists, trade missions, consulate officers, and so on. But it is not illogical to suppose that these liberal statespersons will try to represent the interests of these corporations by paying close attention to their profitability. In this sense, most transnational corporations (TNCs but more common is MNC, for multinational corporation) actually form only one aggregate interest: they have the same incentive, which is to grow in terms of their market value—without any greater responsibilities towards actual polities.²¹⁴ TNCs have only an incentive to acquire those means of production that are most likely to be valued as strategic investments. Yet, statespersons representing the TNCs are, by definition, helping capital-owners to accumulate a greater surplus of capital. On the same note, liberalism caters to the rich and democracy to the poor, politically, so that this just means that anyone who is instrumental in pursuing the structural aggregate of most interests, within any society, however, will necessarily have to shirk her own public responsibilities—and will have to become more, rather than less, irresponsible and more unconscionable in the process.

Young followed Arendt before she arrived at her conclusion that the two major bearers of political responsibility are the person, and the structure of the social relations

between this person and diverse others. One of the most urgent matters to have troubled capitalist societies is that political responsibility is herein easily, almost too easily, confused with “responsibility as fault, blameworthiness, or individual liability.” Iris Marion Young adds that political responsibility has to be immeasurable and indivisible, although the members of a responsible class (individual persons, corporations) may of course very well be quantified. In this sense, the political responsibility for the actions of corporate agents transcends each of these agents individually, and yet it includes them. Therefore, an assignment of political responsibility can form a check on the power of individual economic agents. As global economic markets now consist of a more “complex chain” of consumption and production than in previous eras, such an assignment should not have to limit its scope to “relations among persons who dwell together within the same nation-state”. Their nationality, and their formal citizenship, “is relevant only instrumentally, [as it is only] ... providing [the] efficient means of discharging obligations and distributing particular tasks.” But their political responsibility is a transnational affair: it transcends borders. Contrary to economic or financial accountabilities, political responsibilities are primarily a matter of whether ‘nationals’ (as individual members of a class) might in some indirect way be maintaining “active relationships” with each other—because they can reasonably be believed to be taking part in the same socio-economic, financially-interdependent structures.²¹⁵

Today’s problem is that nation-states continue to represent themselves by means of multilateral treaty-organizations (the UN), supranational financial institutions (IMF, World Bank), and the arbiters of a globalizing market-economy (WTO, OECD). Many

state members of these treaty-organizations and institutions have acted politically irresponsibly, as they fail to learn from their own failure to regulate TNCs and to reign in their business lobbies, in particular.²¹⁶ As the wealthiest corporations, and several other individual entities with their own legal personalities, profit tremendously from the legal protections they all enjoy, it can be said that maintaining these legal protections are really identical to their economic interests. The individual interests run against the direction of the general will, which alternatively holds that individual corporations should serve the common good rather than only their larger stockholders. The individual members of a liberal market economy, in other words, politically, tend to effectuate anti-democratic forms of irresponsibility. Any market has been constructed to consist of the total of all individual interests, but must therein again oppose an immeasurable general will.

The attack on the wills of all, and on how everybody's immeasurably competitive private interests tend to add up to a structural form of irresponsibility, is not only a political attack. As even Jean-Jacques Rousseau knew, almost despite his own stag-hunt dilemma, this attack can only be validated by an empirically non-existent religion: by an idealist theodicy.²¹⁷ Rousseau seems to agree that in the abstract condition that all private men had somehow become able to judge what it means to commit "good and evil actions", for themselves, as Hobbes had said, evil must have become a banality. Each man would only be committing banal and ordinary violations of the natural law—because nobody would be believing in, and nobody would be fearing a sovereign person to condemn the actual extraordinariness of evils committed.²¹⁸ Further, these individual men would then not be sharing, however vicariously, any political responsibility for their evil

deeds. But as they can still newly begin to serve as the constituents of a complex sovereign, each individual or each private man nonetheless may come to accept that he also bears an ultimate responsibility for evil—on behalf of this single, complex, and wholesome sovereign. As both political systems theorists and proto-realists such as Friedrich Meinecke have reiterated, the individual's common responsibility, which may only be experienced through the sovereign realm as a whole, is not just independent from but is also to be (religiously) believed to be greater than the total sum of all individual rights and all constituent liberties.²¹⁹ In this respect, the lines of both Rousseau's post-Hobbesian realism and of Young's Arendtian method appear to form parallels—to the extent that these lines also form the contours of a political systems theory, inclusive of a moment of (religious) faith, or at least of a systems theory not entirely incoherent with some of the above-made Aristotelian points.

One additional point must still be worked out: the parallel between Arendt and Hobbes can, perhaps, best be seen from a realist perspective first offered by Machiavelli. This additional interpretive point has often and readily been touched upon by prototypical realists as diverse as Max Weber, Carl Schmitt, and more recently by William Scheuerman. But he himself denies that Hobbes and Machiavelli could have belonged to any of the realist schools that were founded just prior to and during the Cold War.²²⁰ In his "The Realist Case for Global Reform", Scheuerman shows that mid-twentieth-century realists such as Hans Morgenthau (who had studied both Weber and Schmitt) encountered various inequities in the world's distribution of powers. Their encounters with various forms of colonial exploitation and inequitable constitutional degradation,

were leading these realists to both defend equal sovereignty norms as well as to propose radical reform of the international treaty-system.²²¹

Reformist realists usually led themselves to propose a better-functioning UN, a more universal mode of constitutionalism, and more functional modes of representation for all peoples as well. Morgenthau, Niebuhr, and other well-known realists were soon after 1945 starting to take ways that were thus leading them towards “a systemic break with the international *status quo*.” State representation and equal sovereignty, for all, would not need to be hollow phrases: rather than that sovereignty had to take on the form of a single monopoly, on the means of violence, as some positivist liberals believed it should do, however, equal sovereignty could just as well remain compatible with its complex history and with its “rich diversity of institutional forms”. Usually by reading Weber, these realists further learned and then demonstrated that any group’s moral virtues and legal representations can well be institutionally integrated with that group’s authorization of a particular sovereign person. Against liberal idealists, they thereby tried to demonstrate that moral universality and sovereign particularity did not always have to exclude each other at the structural institutional level.²²²

This chapter section has so far made a case against the outsourcing of political powers and responsibilities to non-political organizations, including to economic markets. Economic needs and economic powers could turn into dangerous and certainly also into unsustainable violations of a complex public law system—and, thereby, of republican laws on sovereign authority as well.²²³ The case for a restoration of the balance between economic gains and political recognition, between these two objects of

power, is a case against neoliberal dogma (privatization, deregulation, the outsourcing of common goods). In addition, it is a case against the ongoing neutralization and constant delegitimizing of responsible and complex sovereign persons. In line with the Aristotelian realist tradition, the case endorses neither pro-democratic nor anti-oligarchical conventions. Much rather, the depletion of natural resources is to be condemned because it has upset a mutually-constitutive relation between poor and rich, between democracy and oligarchy, and because it has thereby also disturbed the balance of qualitative powers. The scramble for scarce resources shifts the legal titles, to inanimate sources of power (capital), into the hands of a globalized oligarchy, while misrepresenting or ignoring this oligarchy's ethical obligations to better protect the various forms of democracy.

Sovereign persons ought to be believed to transcend, yet include the balance between the various political representatives of incompatible economic interests. Earth's resources are not infinite, so that all economic interests are structurally competitive. Any problems of scarcity, however, ought to be believed subject to those exercising their responsibilities in common with any of the other persons or involved parties. According to most advanced realists, to put it in Young's words, individuals avoiding these political responsibilities are indirectly committing "structural injustices." These injustices are principally no less evil than if they were committed more directly, so that the underlying problem is a problem of evil's banality as much as of perceived scarcities.

Classical liberal and especially neoliberal philosophers have little qualms with the state's delegation of its own executive functions to economic operators. However,

advanced or republican realists can undercut liberal delegations by generating an open structure of micro-political recognition processes, which they then again can believe to have macro-political and other constitutionally restorative organizational effects. Both structural institutions such as TNCs and organizational conventions (*mores*) at the local level, will be necessary elements in sustaining this belief that human beings can again become respectful of Earth's diversity.²²⁴ To counter Mearsheimer's impression that all realists have to be acting like 'Hobbist' hypocrites, in order to be preserving their power resources or to accomplish other such structural strategic ends, advanced realists are additionally under an ethical obligation to help create institutions and conventions of greater transcendent authority than that Mearsheimer can anticipate.²²⁵

The final but most important theoretical advantage of political realism over economic liberalism is that it dares to recognize the ethical ambivalence of sovereign authority. On the one side, most forms of sovereignty have been instituted by modern nation-states which support locally headquartered TNCs and other capitalist operators. On the other side, sovereignty is also sustained through a complex web of public laws and diplomatic relationships. This web was mostly spun by only two parties. One of these parties was formed by a few nineteenth-century sovereign states, mostly survivors of the World Wars and mostly situated in the global North. The other party can be said to have been formed by many last-generation sovereigns (states that were only born in or after the 1940s, and that experienced the historical convulsions of 1960, 1991, or 2011) in the South. The tension between these two parties is becoming increasingly visible within the web of currently globalizing relationships.²²⁶ Due to rising disparities in the global

distribution of military and communicative technologies, this political tension is not growing smaller but much greater than it was during any of the previous centuries.

A first reason why the web's politicization is so urgent is numerical. There are more states, and more states have more constitutional offices. They also have more societal functions, such as secret surveillance and the maintaining of weapons arsenals. This means that there is a measurably greater potential for (civil) war in the world. But as Weber can help remind political theorists (see Chapter Two), the aggregate power of all these functions and offices combined, whenever these have thus been represented in absolute terms, has hardly increased as fast as that the qualitative sources of legitimate authority—including the qualitative beliefs in charismatic authority, or in naturally-prestigious laws as well—have been decreasing in significance.²²⁷ By looking at the ambivalent tension between aggregate functions, interests, and identities, in one dimension of sovereignty, and various qualitative beliefs, in another dimension, it becomes possible to put on realism's lenses. For, with these lenses, it becomes possible to dim and to weaken constructivist idealism's assumption that the total of structurally-aggregated functions tends to form a positive contributor to democratic politics.

Realist or Liberal: Self-Organizational Covenanting or Contractual Structures

International law and diplomacy are first among sovereignty's vital, self-organizing processes.²²⁸ Law and diplomacy have generally been utilized in order to

maintain each sovereign state's virtues, identities, and interests. But the more inert, and the less intense both law and diplomacy tend to become, the less likely it becomes that they can sustain "equilibrium". They are less likely to organizationally transcend particular states, their identities, as well as the structural interests the states represent.²²⁹ To be asking why states are sovereign is therefore quite similar to asking why the international law-domain can sustain and transcend particular states, as well as their internally-structured regulatory hierarchies. For, equal sovereignty partially consists of the one type of law that all states may appeal to—in order to, for instance, effectively sustain their diplomatic missions.

Sovereignty sustains the law of nations as much as that the law itself again sustains diplomacy: these are all relatively closed but self-balancing, and vitally unifying organizational processes. The list of other such organizational processes, all together forming a closed world-system, of sovereigns, includes the balance of the Great Powers, diplomatic protocols, common law, declarations of war, and recognition of insignia. Without spelling out how each of these processes helps symbolize popular beliefs in emergent sovereign authority, they can be read to help sustain a natural web of interdependent state structures. Each of the processes takes part in the organizational web of sovereignty, yet not one of them can be reduced to any specific state's identity, interests, or institutions (and not to this state's military units, foreign policies, or flags either).²³⁰

The hierarchical structure of internationally applicable rules forms a capstone study-subject for legal positivists, and for some constructivists. This whereas various

organizational processes such as the balance of powers are mostly being studied by political realists (at least, within the International Relations domain).²³¹ In this sense, international law can be said to have been examined as if breathing a sort of sovereign authority that divides the field against itself. For, the theoretical study of the law of nation's self-division can be traced back to the implicit and sometimes more explicit debates between the liberal-tendency-betraying Hugo Grotius and the 'realistic' Thomas Hobbes, between Hans Kelsen and Carl Schmitt (who ended up siding with Hobbes), but also more recently between Alexander Wendt and the mid-twentieth-century realists (Hedley Bull, Hans Morgenthau, and several others who refused to dismiss Hobbesian lines of thought altogether).²³²

On one hand, legal positivist and liberal-institutional theorists are rather trustful of international law's capacity to be applied to each state and its regulatory structure. International law helps states maintain their internal hierarchies, of legal norms, so that a majority of states always obeys its own norms: law seals the states off against any exceptional political changes. On the other, advanced realists are more likely to lay out the reasons why international law cannot close itself off to change—as well as why it would be irresponsible to imagine that any positive law or multilateral institution is just a social construct. The realists are less willing to recognize states as if they were each having their own unified regulatory hierarchy, because they fear that the image of such a hierarchy could be used to justify the social construction of a unified state. Realists have thus not as strong a tendency to presuppose that international law applies to one and the same structural pattern of inter-unit relations. For, they warn, international legal

positivism is not a method that can be validly applied to the irregular relations between enemy-states, nor does it apply well to relations between states and non-states.

Instead, realists take the position that the law of nations governs an open structure. Some states may, and others may not obey the law. Some states may even, sometimes only temporarily but oftentimes forever, disappear (Poland is the classic example). Every sovereign person's decision to obey the law of nations remains somehow contingent on an exogenous criterion: can that statesperson, existentially, continue to appear in the political realm? Can the statesperson's faith, in the unitary and pure state's existence, thus not be redefined as if it were an expression of constitutional fidelity? Schmitt demonstrates that the decision to obey is also a decision to have faith, and to believe in the state. It is a decision about its "existence and meaning" and how both may ultimately be affirmed "as the ground of all non-arbitrary relation."²³³

Bull and Wight have taken a similar realist position, albeit by coming from a less radical and non-theological (especially in Bull's case) direction.²³⁴ To them, realism is taking a position of skepticism: whenever someone would claim that international law is making progress, and that more and more states are obeying the will of the "world community", that claimant is probably protesting "the facts of international politics."²³⁵ Emerson knew this too: societal *flux* (as opposed to progression) is a fact of life.²³⁶

Moreover, besides conjuring an image of moral legal progress, the claimant may hereby be reformulating Kelsen's analytical dichotomy. Kelsen had dichotomized and separates his positivist position from diverse realist positions, mainly by holding that international law is an extension of national law: the hierarchy of legal

norms is according to him a singularly enforced hierarchy.²³⁷ To Kelsen's contrary, advanced realists, including Bull, hold alternatively that international law might as well be believed to be one of the many non-national kinds of order (such as "religious orders based on supernatural sanctions [or] ... moral orders based on voluntary obedience"), and that international law is thus not unlike a law of nature in the sense that the sanctions for a "delict" do not have to have be physically-enforced.²³⁸ Even Cain heard his conscience speak to him, in God's voice, and yet he was not forced to obey it. Some lawful sanctions are actually matters of a belief rather than of a norm: they are perhaps an extra-legal (but not necessarily unlawful) matter of confession, conscience, or voluntary exile.²³⁹

No decisions, taken by a sovereign person, can be endogenously engendered by one specific type or set of legal norms. No single hierarchy of legal rules can produce the decisions that must everyday be made by politically responsible persons, as Schmitt invariably helps point out.²⁴⁰ Advanced realists, additionally, help argue that sovereign decisions will have to be thought to transcend, yet to also include the tension between the structured set of legal norms and an organizational process through which either these same or very different norms may come to be believed to have been the valid norms. Hobbesian realists, in particular, argue that sovereign decisions are only valid in terms of their securing the physical well-being of the state's components and the structure of state agents: sovereignty does not need to be based in a prior moral order in order for it to set in motion an organizationally self-securing process that transcends all the individual states and all of their structural components as well. This self-securing and self-

organizing process is a mysteriously ‘birthless’ process, usually believed in analogy to the natural process through which religious beliefs emerge.²⁴¹

Grotius fathered a method of analyzing the law of nations, not the law itself. This method may today best be described as international liberalism, mainly because it is less consistent with methods of legal realism than with those of international positivism (which essentially suppose that whenever legal norms are being posited, they contribute to progress). Grotius designed his method by directing international lawyers into the direction of norms that could historically have preceded the formation of state agents and state institutions. Sovereignty would have to have been derived from legal norms, thus, because these norms have to seal the structures off against extra-legal anomalies: against non-state piracy and other radical evils. Or, each state has to have been socially constructed on the basis of a prior-existing normative and regulatory hierarchy.²⁴² The then-rising State of Holland, for example, should be recognized for its sovereignty because it would have been constructed on the basis of its normative right to govern itself: this right, according to Grotius, was older than that of some of its own neighbors. The problem is that these imperial neighbors were refusing to recognize Holland’s national lineage for political reasons: this was a concrete, existential decision on their part, which Grotius fails to take into account when argues Holland had been constructed much earlier than had previously been imagined, because it could date its national legal norms back to the downfall of Rome’s Roman Empire—rather than to the Christian Emperor and rather than to the Empire’s political reasons.²⁴³

National lineages prove themselves very difficult to trace: Grotius conveniently ignored this difficulty by never mentioning the great migrations, for example. It may therefore be safer to say, however, that the State of Holland only became recognized as a sovereign state because its government had centralized its capacity to physical protect its own borders—as Max Weber might say, quite a bit more accurately than contemporary Grotian liberals.²⁴⁴ Henry Kamen indeed reports to the effect that Holland’s independent government could only have been recognized, as if having its own sovereign personality, after 1572 (the year in which the Duke of Alba began to lose a series of towns to the pro-independence rebel forces).²⁴⁵ But by 1648 the peoples of the Netherlands would still not have been recognized as an independent power.²⁴⁶ Formally, Holland continued to be one of the many imperial provinces, and at least remained so until into the last decades of the eighteenth century. But, then again, few IR theorists have agreed on what it really means for any particular state to be protective of its own structural representations and even to be willing to—like Grotius in his own attempt to help incorporate some of the wealthiest provinces (but especially Holland) into a Batavian Republic—construct its own political identity.

Constructivist IR theorists, not unlike Grotius, indeed, have taken comfort in the myth that relations between unitary states were first formed during the the demise of an empire that preceded them: these were clear-cut ‘bangs’ within the structure of power. States were, assumedly, formed by means of the often-prolonged negotiations at Westphalia (1648), their rights to independence were affirmed in 1815 (Vienna) and 1919 (Versailles), and were concluded in the 1960s (by the UN). Because this is only a myth,

holding that IR structures would have been formed by a one-directional series of ‘big bangs’, and because this myth has remained so pervasive, however, it must be asked whether neo-Grotian constructivists are not entirely incorrect to so long have implied that each state only exists if it only has to have nationally inherited, socially constructed, and have legally posited its own (self-representational) structures.²⁴⁷ Or are constructivists nonetheless correct that legal norms and other such social constructs can truly *represent* (and thereby, it is believed, can preserve) a people’s intellectual construction of their own state’s heritage—and, therefore, also its own political identity?²⁴⁸ Yet, as realists of various eras have contradicted this question’s assumption, it may simply be impossible for human beings to ignore the apparently self-perpetuating void in between the abstract norms and constructs, in one dimension of state sovereignty, and the concrete popular beliefs in its other and more natural dimension (ambivalent sovereignty is not entirely mythological, thus).

The question of how realists differ from constructivists shines a bright light on the concept of equal sovereignty: the source of international law and the object of diplomacy. The question not only sharpens the contours of what constructivism’s idea of international law is. It also shows what realists believe that this idea is not. For, advanced realism always defines the law of equal sovereignty, in contrast to social constructs of sovereign identity, as if it has been organized around popular discontent with the idea that abstract norms and positive laws alone can be believed to suffice—as legitimizations of sovereign authority. Realist concepts of equal sovereign authority are to be organized in

terms of a law of nature, instead of only in terms of social and national identities, as well.²⁴⁹

Hobbes teaches that the law of nature—which he believes to be present in “the consciences of sovereign princes”—will include the law of nations (he writes that the two types of law are the “same thing”), because even within those international relations that there would be “no court of natural justice” there are still those laws of natural conscience that “oblige all mankind”. These sentences (*Leviathan* 30) are preceded by his remark, further demonstrating that the enjoyment of an equal right to sovereign power is: “so popular a quality as he that has it, needs no more [of this equal power] ... to turn the hearts of his subjects to him, but that they see him able absolutely to govern his own family: nor, on the part of his enemies, but a disbanding of their armies. For the greatest and most active part of mankind has never hitherto been well contended with the present.”²⁵⁰

Equal sovereignty is not only a positive legal norm, according to Hobbesian realism, because it is also an organizationally emergent quality: it is also a natural quality of authority. Armies will spontaneously begin to disband, and subordinates will grow sympathetic towards their superiors, for example, once such groupings will have heard that sovereign authority is emerging from among themselves. After all, it is very unlikely that they will then continue to believe more in “the present” than in the alternative futures that are being decided on by their own sovereigns. There are many other possible practical applications of emergent sovereign authority, moreover, so that it cannot be dismissed as an utopian ideal. The first application should be the representation of the

body politick, not universally but through the particular relations between its living members.

Authoritatively legitimate representations of particular bodies and of particular nation-states, then, are representations of beliefs in the ultimate unity of groups of (but never of all) human beings. These are also representations of the law of nature, thereby, for each law of nature transcends the law on the relations between relatively unified but equal sovereign states. However, the law of nature does not exclude, as Hobbes also taught to be a law of political conscience, but it rather limits human competitions for profits and glory. Few individuals (including very few kings) are naturally content with “moderate power”—so that many of them must be anticipated to want to compete for “riches, honor, command or [any] other [such object] of power [making them] inclined to contention, enmity, and war.” “[I]n the nature of [each individual] man, we find three principal causes of quarrel: [f]irst, competition; second, diffidence; third, glory. The first makes men [want to] invade for gain; the second for safety [from these invaders]; and the third for reputation.”²⁵¹

Yet, note that each of these immoderate desires (for the objects of power) could very well be considered as a natural cause of war even though none of them is said to be an actual cause of war. Even the natural causes themselves have ultimately been (believed to be) transcended by natural laws—the first of which can be called the law of equal (that is, authoritative) sovereign representation. This law always remains a natural law, moreover, because it is a “precept” that prohibits each individual to act in a manner that could be “destructive of life or [that] takes away the means of preserving [it]”.

Hobbes: “[T]he first and fundamental [or the transcendent] law of nature ... is to seek peace and follow it. The second [is only] the sum of the [individual] right[s] of nature, which is [everyone’s right to self-defense].”²⁵²

The tension between a fundamentally wholesome law of nature, first, and the total sum of all causes and of all individual rights of nature, second, is the tension between a state of peace and a war of all against all. Hobbes does not argue that these two dimensions are mutually exclusive, but that they can newly begin to form an integrated system. In this, his argument shifts the blame for civil wars on a logic of acquisitiveness. Hobbes faults economic logics (the formal acquisition of the material objects of power) for a *relative* absence of equal sovereignty in the world. Economic logics help private individuals and individual states (kings) to meet the material preconditions for another sort of competition, however, which is the public recognition of a person’s integrity (dignity, stature, esteem, and so on, and so forth). The problem for Hobbesian realists is, henceforth, is that the relational tension between economic logics and public integrity has dissipated. Too often are bodies politic no longer capable of maintaining this complex tension within themselves, so that some of their constituent parts become much more equal than the others. Some individual parts have been waxing slowly, in terms of their power, and some much more rapidly. Disproportionate growth severs the natural relation (even though this natural relation is one of contrariness) between the whole and the parts. Consequentially, the transcendent qualities of the laws of nature are being substituted and are seemingly being replaced by a quantitative sum of state rights (by the profit, glory, and command of each of the individual states). As can be witnessed in the twenty-first-

century system of sovereigns, some individual states were able to grow faster than others as well as to better consolidate their material growth than most of the other body's members. Against the wishes of (Hobbesian) systems theorists, equal integral sovereignty disappeared as a result of this substitutive totalizing effect.

Uneven patterns of wealth accumulation create, and have been created by the political actions of statespersons. Djura Ninčić describes the complex tension that ensues from their actions as a tension between the nominal equality of states, first, and phenomenal inequality of states, second. She calls this tension an “antinomy”. On one side of a longer-standing debate on the meaning of international law, she sees that several legal theorists often pretended to have solved the “antinomy” by applying “a monistic conceptual framework”. By looking in this “monistic” frame, these theorists would try to grant states “supremacy over international law”. Some such legal positivists, including Kelsen, went thus in the direction of solving “the problem of primacy between international and domestic law in favor of the former.”²⁵³ But, either way, it were the positivist theorists who tried to erase the tension between nominal equality (all states have equal primacy) and concrete inequalities (some states are relatively supreme).

Conversely, Schmitt sides with Hobbes in arguing that both unequal and equal, concrete and abstract, and both the phenomenological and the nominal dimensions of sovereignty must be understood the form a vital union. In a juridical sense, this union is self-organizing. It is a covenanted organization which is perpetually transcending “the sum total of [its] individual subjects [and parts]”. In other words, the ‘social contract’ that binds the sum of all the individuals and individual states is a sort of ‘legal contract’

because it has to be perpetually included, and yet also be transcended by its own opposite: a ‘state contract’ to have been closed with “the sole guarantor of peace”, which is also a ‘state contract’ best believed to be an emergent covenant.²⁵⁴

The following sections revolve around the theoretical possibility of an emergent covenant—as well as of a revival of an ambivalent tension between integral and transcendent sovereignty, first, and individualist and totalizing sovereignty, second. Rather than to have to dismiss the tension’s antinomy and complexity altogether, as Kelsen ended up doing, it is premised that it has remained possible to revive Hobbes’s mysterious sensing of a union of contraries: of a unified relationship between both the natural and juridical laws of conscience, first, and the particular interests and needs of concrete (legally unequal) persons, second. The idea of the legal parity of all states cannot be used as a valid premise in drawing conclusions about the foundations of international law, moreover, because legal parity cannot be guaranteed in the absence of a neutral and politically independent arbiter. Positivist theories have remained too monistic, too idealistic, and too infelicitous (as Hobbes could have said) in nonetheless premising that international law’s internal structure has to have been guaranteed by means of arbitration. In situating law in a degree of neutrality, these positivist theories become idealistic: they usefully help quantify international law structures but they offer too little insight into the complex but also persistently paradoxical relationship—between equally sovereign persons and unequal bodies politic—that then again includes these international law components.

Distinct from political idealists and legal positivists (a group that includes Grotius, who had, after all, been among the first of a generation of lawyers to have defined the Batavian State as an equal and sovereign state, purely because of its constitutional law-pedigree and thus simply because its history could be retroactively nationalized), most political realists define the state in reference to something beyond its historical pedigree or its national legacies. For, they define statehood by asking what conscionable people *believe* to be a meaningful and just state—worthy of a political existence. Realists ask therein also if there is a difference between privately- and publically-expressed beliefs in the existence of equal sovereignty—or how persons may opine and deliberate in private, and how may they then proceed to decide on their opinions and their passions in public.²⁵⁵ For instance, do they privately express their trust in officials and do they freely respect the latter’s transmundane, transcendent authority? Or are citizens rather distrustful of all those officials claiming they acted politically (as they broke off diplomatic relations or waged war, maybe) because necessity demanded it from them?

Hobbes thinks any “rationale” for the structural or for the social construction of the constitutional state to be morally unjustifiable. In this respect, he responds to Grotius by, finely but severely, doubting the latter’s “rationale for a ... contractarian focus on investigating constitutional histories.”²⁵⁶ Although Hobbes is more than willing to defend the notion of an organizational covenanting process, he cannot agree that a contractarian lens helps theorists to view state sovereignty’s preconditions. Hobbes’s own notion of a covenant is a notion of a mutual, but rather non-intentional (a religious, or an archetypal)

agreement.²⁵⁷ But the Grotian state's contract must always be an intentional agreement. From Hobbes's perspective, every such contract has to be a social construct because it involves a mutually willed transference of rights. It is certainly possible for an individual to contract with another willing individual, thus, but it would be impossible to retroactively and cross-generationally begin to close any state-contracts. Hobbes adds to his critique that such contracts should properly be called covenants—to the degree that only a covenant will have been mediated by either one of God's lieutenants or by "revelation supernatural."²⁵⁸

By implication, Hobbesian realists can accept the idea that contracts (between individuals living within, or between components of the state) are legally binding. They cannot accept the Grotian idea that contracts between states (treaty laws) or between several generations (civil laws) are to be believed constituent parts of the state. Realists demonstrate that these are not laws of nature (sovereign constitutions): these types of normative contracts are, rather, "artificial chains".²⁵⁹ They were intentionally posited in the form of legal hierarchies. Hence, they cannot also be organizational covenants or other such constitutions—which, according to Hobbes, are both metaphorically and institutionally being *mediated* by Christ's vicars and other such sovereign persons.²⁶⁰

Socially constructed state identities belong to states more likely to die than to live: these states are intentional artifices and their rules are, as such, subject to random approbations. If a state was born by means of a contract, a treaty, or on any other such artificial exchange of legal rights, then this state is more likely to be believed to have been born illegitimately than not. Its beginnings will be likely to be questioned,

politically. The political community's birth and death, as Finnis puts it, are "open-ended".²⁶¹ No original peace-treaty can forever be believed to remain a just treaty. Hobbes: "there is scarce a commonwealth in the world whose beginnings can in conscience be justified."²⁶² And, the sheer diversity of organizational legitimization/delegitimization dynamics is all the more reason for sovereign statespersons to demand "an approbation of [an acquired state's] ... actions past". To legitimize their rule over a new state, neo-Grotian statespersons ultimately have to believe that their own sovereignty derives from a covenant only legitimized and mediated by God—and not by other sovereign communities with their own concrete reasons.

Arendt casts doubt on that neo-Grotian idea of history's 'gift' of statehood, given to human beings, as well as that Hobbes does. But she refrains from alternatively legitimizing this 'gift' in reference to a single and omnipotent entity.²⁶³ Arendt goes along with the realist notion that constitutional beginnings should not be thought to be intentional and artificial. But she takes an extra step by also blaming liberalism for having tried to find moral and economic justifications for radical beginnings or for final endings, as well. By pretending to have found such justifications, nevertheless, liberalism lends assistance to the modern state's creators and it, thus, leaves it up to chance whether the modern state should be constitutional or totalitarian—as opposed to taking pleasure in its own "natality".²⁶⁴ Or, (Grotian) liberalism is not just complicit to the contractual cover-up of each sovereign state's illegitimate birth (as Hobbes hinted), but also to its own indifference towards the sovereign's potential for self-organization and rebirth. The

social contract is not to be confused with a covenanting potential Arendt refers to as natality.²⁶⁵

Twentieth-century states became totalitarian once they started dispersing the power of their administrative apparatuses and ‘gave’ virtually unlimited powers to secret police agents. These states had to a considerable extent been able to codify, or to legalize, the human rights-violations that were being committed by their police forces—without having to have called these killings lawful or legit.²⁶⁶ Continental totalitarianism, as well as the Thermydorian Terror, would form uncharacteristically violent moments in human history for two reasons. First, the people became inert. They failed to secure their own potential of permanent revolutionary actions: for natality. And, they would no longer be making use of their ‘second nature’ or of their common senses, and thus be losing their taste for politics. Second, they condoned state agents who—and they justified the creation of institutional structures that—applied their rules randomly. Legal arbitrariness became the hallmark of totalitarianism. The people took refuge not in the laws of the heart, but in an ideational and abstract world. That world would be governed by legal and moral justifications, by abstract structures, but its inhabitants would distrust concrete sense experiences. Their world was suddenly no longer an experience-grounded world. Arendt’s realist undertone becomes a bit better audible when she takes her readership back towards these concrete experiences and sensory observations: actions and words are now heard to be the substance of politics, not ideas and machines.²⁶⁷

Arendt credits worker councils and town-hall meetings for having breathed a sensible/sensory spirit of law. Judgment and commonsense are in such meetings the

atmospheric elements of social justice: not positive legality. The act of commonsensical judging is not a scientific deduction, and not even an artistic induction, but it is rather a process of making sure to avoid that societal structures become corrupted by the illegitimate or irresponsible effects they help create (the greatest trespass of the Nazi government had been that it failed to judge itself politically responsible for these societal structures).²⁶⁸

Arendt's concept of natality expresses the *relative* and *mediated* novelty of authority's self-regulatory spirit, and even though the concept remains pluralistic in orientation, and thus cannot be squared with Hobbes's dual authority concept, the next-below section argues that Arendt's concept makes it possible to see why political theology can no longer be excluded from the current range of IR methodologies. Natality is a spiritual as much as temporal experience. Thus, IR theorists can no longer (at least, not in 'good' conscience) deny that the act of judging things spiritually as well as commonsensically is an act nearly-identical to activist expressions of constitutional fidelity. These expressions are acts of organizational self-legitimization because they are not limited to the temporal sphere: they enthuse a 'birthless' organizational process with its own capacity for perpetual rebirth. Arendt and Hobbes certainly differ from each other, but not too much, in this respect. They differ because the latter argues that exactly these sorts of acts of processual self-legitimization can be (because they have been) mediated by God (or, actually, by the Christ), while the former finds the idea of only one such a source of absolute goodness meaningless. But, they differ not on the notion that, more specifically, political realists are to some degree also political theologians. For

instance, Machiavelli is deeply cognizant of the Almighty—as he repeatedly returns to the complex relationship between the ultimate source of law (good laws, he says), and the unjustifiable and unfair manner in which human beings are treating the structure of the law. But, rather than that Machiavelli is being classified as a political theologian who was discovering the void between the law’s organizational source and its open structures, the IR field continues to label him as a “forerunner” both of (Bismarck’s) *Realpolitik* and of (twentieth-century) “amoral power politics.”²⁶⁹ It is likely that both Arendt and Hobbes would have taken offense to such a classification.

Neither Hobbes nor Machiavelli may have labeled themselves theologians, but they certainly were no philosophers either. No passage can be retrieved in which they were celebrating philosophical contemplation before political action. Their discoveries were thought to be civic scientific, rather, in the sense that Hobbes and Machiavelli always said they had studied general patterns of human behavior, or laws and constitutions, and that in order for others do so as well, they should have to engage in empirical research into the exemplarily ultimate origins of these laws of (human) nature. Hence, it should not come as a shock or a surprise that Hobbes and Arendt (and, of course, Augustine) were studying the political significance of the Doctrine of the Trinity.²⁷⁰ These realists must have understood that the constitutional state is a metaphor for the Trinity, and if not so then perhaps at least for a creational myth. In any event, it is not a surprise that political realists refuse to consent to the modernist idea that the constitutional state has, or that contemporary sovereignty is, merely yet another “secularist” mode of authority.²⁷¹

Realists may very well agree with each other, however, that both justice and balance coexist with their own opposites (non-justice, imbalance), that certain beliefs will emerge from within these opposites, and that many such beliefs are identical to beliefs in the ultimately good origins of sovereign authority. More importantly, realists have sufficient reason to propose that these certain beliefs are best understood as a leap of faith, similar to Pascal's wager, rather than to derive from the Cartesian dichotomy that has separated the organizational balance from legal justice, by analogy to how the same dichotomy also separates a self-balancing body from a legally just distribution of powers.²⁷²

Social Constructivism's Attack on Realism's Respect for Structural Beliefs

The Introduction hinted that the International Relations sub-discipline has been held together, both in North-America and in political science-departments around the globe, by theories such as structuralism and neo-realism (Hobbism), liberal institutionalism (neo-Kantianism), and social constructivism.²⁷³ Each of these three basic strands of theorizing is dominant in IR, indeed, but especially social constructivism has become the latest and seemingly most-comprehensively-woven strand.²⁷⁴ Yet, constructivism's disadvantage is not that it is too comprehensive but that it remains too exclusive. It professes a liberal bias against advanced realism.²⁷⁵ More specifically, it

excludes from consideration both the domains of political theology as well as of Hobbesian realism.

The thesis is that constructivism has, comparatively, failed to establish a meaningful concept of self-organizational processes such as natality. Also, constructivism has failed to ask how these processes legitimize states through non-tautological definitions of conscientious actions and conscionable decisions—and particularly through concepts of supreme, transmundane, and metaphorically-metaphysical modes of authority. Although a handful of scholars in various political-scientific subdisciplines has drawn out very useful maps—of the connection between metaphysically-legitimized authority and the system of states, as well as of connections between sovereign (including charismatic) authority and political orthodoxies—more work remains to be done to better include a structure of spirited and animate as well as of the temporal and inanimate objects of power into these connections.²⁷⁶

Perhaps one of the first maps to have been made specifically for the IR field, comes from the pencils of Carolyn M. Warner and Stephen G. Walker. Their map can be cited to show that in IR the main three or four “general theories” have remained too constricted. Their theoretical definitions of political power have prevented them from including alternative definitions and issues, such as those involving civic religiosity. Or, too often were the conventional IR theories used in order to classify religious matters under the labels of “geopolitical position” (realism), “parties” and other such “institutions” (liberalism), and “heritage and culture” (constructivism).²⁷⁷

More and more IR theorists have come to realize that phenomena such as religious legitimization and spiritual authority are immeasurable, and that they resist quantifiable classification. So, whereas social constructivists classify these phenomena into one or another form of “agency, process, and social structure”—as Wendt says the IR discipline is to be doing—it now appears to many theorists that not all phenomena of faith would fit as neatly into either one of these three forms as that the constructivists might have expected.²⁷⁸ In particular, constructivists (like Wendt) do not expect they will need to account for systemic contingencies that invite religious responses. Of course, they know people tend to respond religiously to contingencies. But constructivists explain such responses by classifying them as either becoming progressively secular, or as becoming increasingly socially conditioned by “concrete situation[s].”²⁷⁹ Religion is thus either the cause of its own secularization, and disappearance, or it is contingent on cultural conditioning and specifically on national heritages.²⁸⁰ This may mean that constructivists find, for instance, that it should be entirely contingent whether individual agents may or may not respect notions of grace and absolution. Yet, they will then still try to argue that these agents anticipate a (divine) final judgment because their individual actions were socially conditioned by structurally aggregate outcomes.

These sections will show that Wendt, as IR’s leading constructivist, has been mistaken to have limited his own theoretical interests to the establishing of primacy of individual conditioning processes over and above any given social structure. For, he thereby has reduced the world of politics (world politics) to a few intersubjective links between “interaction and learning” (identities) and any sort of “distribution of power”

(anarchy).²⁸¹ Wendt knew of course that the power-distribution has long been taken to form an independent, and that conditioned identities were long taken to form the dependent variable, and yet he nearly ended up replacing the model of positive causation with a theoretical form of randomness. For instance, Wendt introduced the notion that identity-conditioning processes are not causally dependent on “self-help and power politics.” Rather, identity conditioning would be the one social process that ‘makes’ the aggregate distribution of political power: even anarchy is what state-identities are ‘making’ of it.²⁸²

Advanced realism warns that Wendtian constructivism makes the various meanings of any (and not just of the anarchical) structures subject to randomization. From constructivism’s perspective, then, it must seem as if there are no non-random ultimate meanings: all meanings are shared collectively and yet remain subject to chance. Realists such as Schmitt and Weber, to the contrary, find that the difference between meaningless and meaningful actions is less determined by social interactions and identity-formation processes than that such a difference sustains itself into perpetuity, both politically and structurally. There is no such idea as a final synthesis, at least not in any common political realm, so that the ultimate difference between meaningful (commonsensical) actions and meaningless (senseless, absurd, banal) decisions must still be respected as a political difference—and so that it will have to be believed to remain such a difference.²⁸³

Distinct from the neorealist variant developed by Kenneth Waltz, constructivism holds that the structures of political power are not ‘made’ by other such structures

(anarchy, nature), but by the “collective meanings” that variously-identifiable state agents are continuously in the process of seemingly randomly attaching to these structures of power. Individual agents and their “collective cognitions” are attaching themselves, through social interactions, to states and their institutions: the agents and their “ideas” herein precede the structural institutionalization of power. Also, the “ideas” of the agents cannot be strictly prudential, as Wendt rebuffs Waltz, because if they were, then the statespersons would have no need for any social norms: they would only be deciding the issues of the day “on the basis of worst-case possibilities.” Henceforth, constructivism amends structural neorealism by pointing out that agents cannot be assumed to decide on issues by attributing evils either to anarchically organized competitions or to human nature alone. They must primarily be said to decide, rather, in acknowledgment of their sharing of “intersubjective understandings and expectations.” Complex sovereign persons, particularly, cannot decide and cannot even exist if they were to constantly assume that they all are equally self-interested—and that they are all equal contributors to banal evils. Sovereign persons have for a long time, as the constructivist empirical record will show, initiated collective norms of “mutual recognition” which preceded all other normative processes concerning their own coming-into-existence: “If states stopped acting on those norms, their identity as ‘sovereigns’ ... would disappear.”²⁸⁴

In applauding constructivism’s correction to structural realism (neorealism), it must be admitted that structuralist theorists (Waltz and Mearsheimer) were indeed mistaken to have held that each sovereign state either pursues its own rational interests or fail to survive anarchy.²⁸⁵ Wendt corrects these theorists: states are not only acting

rationality because this would be ‘the prudent thing’ for them to do—even when their pursued self-interests may have immoral consequences at the aggregate and systemically-organized levels. States also do act cooperatively, by creating legitimate multilateral institutions, as neoliberals have argued. Yet, constructivists such as Wendt are themselves taking their own wrong exit when they are steering into the direction of a neoliberal program, holding that if a majority of sovereign persons is not acting by defending rational interests this majority is then at least very likely to recognize the national identities of the individual agents. The sphere of both interests and identities could thus, in a subsequent neoliberal constructivist plan, include the institutionalized execution of more or less normative, legal, and economic programs by means of a few socially well-adjusted and well-socialized ‘experts’ working with or for the IMF, WTO, and capital-intensive TNCs.²⁸⁶ The effective enforcement of legal and economic programmatic policies (international business law, international financial investments) depends then almost entirely on each state’s decision to participate in a structure of expertise-based socialization and social learning—and nothing needs to be said about the organizational effects of this structure on the socially-adaptive powers of poor people and other non-experts. IR constructivism steers herein not so much towards structuralism, however, as that it more definitely comes closer towards neoliberal state commitments to partake in technically-detailed multilateral trade-agreements, in the ‘expert’ privatization of national government services, or the liberalization of consumer markets—rather than that constructivism also becomes capable of making an inventory, of how the total of each state’s commitments can very well continue to have a negative effect on aggregate IR

systemic-levels of balance and health: on all people, regardless of their own state's commitments.²⁸⁷

Constructivists take an exit towards an independent model of assessing state action, but the exit does not lead them towards the organizationally-closed process through which human animals tend to recognize sovereign persons among or alongside themselves—even if these remain symbolical recognitions—but also very much beyond international trade or very much outside of consumer markets, self-interested agents, and their socio-economic structures. For, beyond the functioning of states within markets and other such economic structures, a significantly altruistic part of human nature may often much better explain why sovereigns compete for organizational reasons, other than only for maintaining their reasonable identities or their structural self-interests—and why states do not constantly think of themselves as solipsistic producers of power, nor as singular creditor- or debtor-states. Sovereigns may instead be playing their possibly violent games because they are more willing to cooperate with their allies than to compete with their enemies. Sovereigns may also compete for status, or defend their interests at inexplicably-high costs to themselves, because of reasons that could have everything to do with the organizational complexity of their political nature rather than simply with how their interests and identities were—at some point in time or another—being socially constructed.²⁸⁸

Advanced realism, in sharp contrast to constructivism, holds that the identity of a sovereign person cannot be recognized without taking into account the chance that (possibly violent) oppositions start to emerge between two or more sovereign parties.

This chance can of course be reduced, politically, but the presence of the chance itself makes it possible to argue that sovereigns are parties to a conflict. They may be acting rationally (in the interest of their own security) while in the same moment be deciding to take the highly irrational course of action of defending their honor or alienating their allies (to feed into the conflict by creating insecurity). Sovereigns are sovereigns because they may have been divided against themselves, in terms of their authority, which ultimately originates in a moment of self-alienation (a moment sometimes referred to as anarchy, skepticism, and sometimes as partisanship). Anyhow, not their rational private interests nor their political powers are intrinsically competitive, but the chance that these interests and these powers become detached from one another is what is likely to create competition and conflict. This does not mean the sovereign parties cannot become violently competitive, or cannot be marking the absence of mutual relations of legitimate authority. Instead, it only means that sovereign parties are both able to mitigate the chances of violence, as well as to engage in legitimate and relatively non-violent relations. A sovereign's partisanship performs a divisive function: sovereign authority emerges from all sorts of turbulent relations between competitive interests or between qualitatively different powers—and not only from between nation-states or their identities. Sovereignities have in fact for a long time been co-constituted by interests and powers as well as by identities and heritages. It is therefore simply not true that each nation-state's cultural identity and historical heritage can as radically be erased as that the "recognition" for each state's sovereignty can be withdrawn (rather than *vice-versa*).

As the members of the diplomatic community, and as so many of the TNCs of the world, pursue their own interests in diverse places—possibly as diverse as the former states of East-Germany and apartheid South-Africa, but also such as Namibia, Sudan and Eritrea, or in South-Vietnam, Burma/Myanmar, Palestine, Kosovo, and Chechnya—the diplomats and entrepreneurs will be quite conscious of the fact that these contested countries oftentimes are unlikely to be recognized as equally sovereign, without that their “identity” should be considered close to disappearing.

Further, a potential surrender of sovereignty is in itself no reason for UN member-states or for TNCs to stop obeying norms within a state that is about to lose or that already may have lost its sovereignty. Sovereignty-recognition practices are historically contingent and morally ambiguous—and cannot be explained by means of if-then deductions.

Constructivists often presuppose that sovereign persons completely owe their identities to social, and not to natural, sources of power: to inter-dependent identities rather than to independent movements, and to word-power rather than to sword-power. The problem with this presupposition is that constructivists may end up using it in affirmation of their own analytical dichotomies. They end up dichotomizing the IR domain, so that social constructivism and structuralist rationalism will have to exclude each other; they have to look at each other as paradigms. Because of any inter-paradigm debates, then, the IR field turns itself into a too-inclusive discipline. Michel Foucault’s work may well be invoked to counter IR’s self-disciplinary tendencies, and to win new respect for IR’s phenomenal complexity. But the disciplinary problem has not been

solved, despite a flurry of Foucault-citations.²⁸⁹ Issues are too often being redefined so that they seem to fit into either one of the paradigms, rather, which then again affirms a disciplinary need for positivism. The problem persists: potentially creative inquiries and potentially meaningful interpretations are being over-determined by positivism, and its own need for logical deductions.

Political theology grows parallel to realist IR inquiries into sovereign authority's ambivalence. Theology arrives together with realist inquiries into how sovereign persons may use methods of cognitive induction and of spiritual abduction, also, rather than that these persons will logically deduce the meanings of one action or another.²⁹⁰ To mention only one example of cognitive abduction, soldiers usually believe that their armaments are not the sole preconditions for their supremacy on the battlefield. They may indeed less often believe that their life depends on either the identity of their military institutions (constructivism) or on their being equipped with sufficient operational machine-guns and ammunition (neorealism), than that that it could just as well depend on a talisman. Most soldiers collect trophies, further, not just because these items help them construct their own identities or because they would give them any tactical advantages, but because they believe that their trophies can morally and normatively abduct them from the amoral, or the strictly deductive logics of warfare. Weber would have argued, as an arch-realist, that precisely such beliefs thus have to be lending at least some additional "prestige" to a command chain—and to persons of authority as well. Weber writes indeed that military, civil, and juridical modes of authority all find a basis in these sorts of "belief[s] in the 'legality' of patterns of normative rules".²⁹¹

Hobbesian realists respect objects that have been lend political theological significance. Whether the objects are animate or inanimate, people may lend authority to them. Authority may thus also emerge without that the objects themselves have to have a recognizable identity or have to be of help in applying physical force. Emergences of authority, moreover, depend on beliefs in the normativity of the rules. That is, sovereign authority may emerge from within a positively cogitated realm of written rules, formal rules, powers, parties, heritages, identities, and so on. But this still does not mean that it will emerge from such a realm, because the actual emergence should coincide with norms: there can be no sovereign authority without a belief in the ultimate presence of normative patterns and ethical reoccurrences (in natural laws, perhaps).

The currently used map of the routes that could lead from the positivist disciplinary IR realm towards earlier political theological inquiries is a faded map. Elizabeth Shakman Hurd has been among the first IR theorists, however, to have plotted a route that led her away from the predominantly positivist, as well as from this secularist field. According to Hurd's thesis, the IR discipline has too long fixated itself on the idea that modern statehood is only achieved when religious denominations have been subordinated by—and have been kept out of—a secular form of state power.²⁹²

Hurd was among the first to demonstrate why the the system of states is an idea that maintains its own degree of “false secularity.” Secularism still contributes to (IR's) orthodoxy, in other words, in the sense that it maintains the *status quo* view of modern statehood as having to have been historically formed by “the Protestant Reformation” or as having to be a “morally superior” form of public authority.²⁹³ Historical and political

subordinations and exclusions of religion may certainly have taken place, in other terms, but this should not also be allowed to warrant the conventional wisdom that these events were part of history's hidden hand or of its own secularist plan. Not history's self-secularizing plan, but statespersons should be understood to intentionally maintain an illusion of political secularization. Once Protestants (WASPs), both within the U.S. and elsewhere, for example, had occupied bountiful positions in high office, it became very convenient for them to appeal to a modern separation-of-state-and-church doctrine *in order to* maintain their positions—and in thus excluding Roman Catholics or other religious minorities from state office.

IR's secularism bias gives theorists a cheap excuse to not have to study beliefs in the ultimate presence of patterned norms. Yet, public policies have long been believed to be part of a transcendent normative pattern, as it is only natural to believe that administrators are ultimately responsible for the contents of the policies—and not the contents for the administrators. Moreover, policy-administrators cannot be neutral: even atheists can be religiously motivated or may otherwise quite intentionally be disrespecting the pluralism of religious practices—simply because most public policies tend to affirm the *status quo* privileges of a dominant religious culture. To avoid that they end up internalizing IR's secularism bias, theorists and practitioners should begin to ask how their own positivist types of knowledge about “causes and effects”—within a world of plural (civic) religious traditions—could in fact be types that promote the uneven and inequitable access to public office. To avoid secularism bias, IR theorists should also ask which emergences of sovereignty have morally justified religious discrimination.

Prolonged religious divisions between states, and between the religious beliefs within states, as well, cannot be reduced to independent variables or other causal factors. These divisions are not created by either human nature or social identity, nor by either geostrategic positions or cultural interests, but far more commonly result from cognitive abductions.

The significance of any divisions that may have historically followed on periods during which people were physically killing each other, as Schmitt suggests, cannot be understood by asking which rational objectives these people must have had. Killings were never rationally or morally justified, and yet their political and theological divisions are constantly being legitimized in reference to past killings.²⁹⁴ Human beings can supernaturally (intuitively) understand that killing should never be considered a justifiable objective: all the world's religious traditions rightly condemn killers. Yet, many killings are religiously believed to have had great metaphysical significance: they might have legitimized, but they hardly could have morally justified the concentrated use of authority. Cain's slaying of Abel was ultimately and metaphysically meaningful, for instance, not only in having defined a religious tradition but also politically: Cain's exile is Cain's impetus to become the founder of the first city-state. The belief that Cain's authority was divided against itself, by being metaphysically irresponsible but physically foundational, can therefore be called a structural belief. It is characterized by fidelity towards a social structure (a city of men, who were forced into exile). However, it also remains part of a transcendent or archetypal process, breathing beliefs in Cain's metaphysically self-organizing conscience: in the laws of nature.²⁹⁵

Religion's normative patterns differ from rationalist and idealist patterns of moral justification: they differ in that they hold on to metaphysical sources of legitimacy that transcend any moral justification. This difference between religion's and any of the other moral patterns is a qualitative difference, moreover, as religious beliefs cannot be accounted for by moral values: only the latter values can be used to normatively substantiate either rational structuralism or constructivist idealism. This qualitative difference between religious belief (political theology), in one dimension, and rational interest and social identity (power politics), in another dimension, has been inadequately acknowledged by IR theorists (other than Schmittian and Hobbesian realists) for one simple reason.²⁹⁶ They have not thought of this difference as a precondition for emergent authority—even though it has clearly been (*believed* to be) a difference that conditions all sorts of emergences and recognitions of dual sovereign persons.

How should religious divisions, as well as the emergences of autonomous sovereigns, be recognized within the system of states? Warner and Walker help answer the question by mentioning that—following their own “search for [the] emergent properties or ‘system effects’ associated with the kinds of local causal processes within each [religious tradition]”—mainstream theories are failing to make sense of the issue of what it is that ‘gives’ religious authority its “emergent properties”. Structural realism, liberal institutionalism, and social constructivism can thus only do very little in authenticating the “correspondence between the religious label [of a subsystem] and a policy choice”.²⁹⁷

Warner and Walker establish an itinerary to get closer to issues such as whether “a leader’s religion [forms] a reason (cause) of his or her foreign policy decision, or a rhetorical rationalization used to persuade others”. Rather than to ask how religion fits into conventional IR theories, as if it were merely a “variable”, thus, they prefer to ask which systemic and sub-systemic relations give meaning to actual policy decisions. Which instituted and organizationally emerging relations either allow or disallow “religion’s effects on foreign policy”—and which “methodologies” will have to be developed to study religion’s function in the creation of systemic bifurcations?²⁹⁸

By contrast to Wendt’s idealist proposition that progressive expansions of individual rights, as well as of rational institutions (neutral courts of justice, or elected political parties, for instance) tend to have a positive causal effect on state legitimacy, the reverse trend may also play itself out. Rational institutions, contrary to Wendt’s idealist expectation, may also have negative effects on sovereign states and delegitimize their actions and decisions. Submarines containing nuclear missiles are part of highly-rational military institutions, yet if they sink or if they fire a missile they instantaneously will have been delegitimized: their own institutional authority will have become morally divided against itself. State institutions thus cannot, and even should not under all conditions be rationalized, liberalized and modernized (vainglorious American attempts to liberalize the Middle-East have evinced, for example, that a rational interest can have seriously delegitimizing and gravely unethical effects on issues of ultimate authority).²⁹⁹ Nevertheless, the question has been raised. Which effects might religion have on divisions of and within matters of sovereign authority?

Both liberalism and neoliberalism (inclusive of American neo-conservatism) promulgate policy-tenets such as the rule of law and democratic elections, certainly, but they too often do so because the implementation of these tenets would somehow amount to moral progress.³⁰⁰ Social constructivism can rightly administer an antidote to (neo)liberalism's prophetic claims of socio-economic and moral progress, yet Wendt wrongly breaks away from all potentially regressive structures: he assigns analytical priority to structures consisting of social human beings rather than to archetypal organizational processes among human beings. In this sense, Wendt reiterates liberalism's claim that each agent can be a free social agent. Every state agent can acquire certain social and moral ends, especially to the extent that each state will eventually be able to respect each individual and each individual's civil rights. Between and within states, each agent is thus to be equally restricted in her freedom, so that both individual agent and social structure can eventually be *reconciled* with one another through a moral process of social learning and identity-formation.³⁰¹

Contrary to political realism's world, a coming historical *synthesis* in the form of a world-state has to be expected.³⁰² Wendt's world (or world-state) is herein moving towards a synthesis of all three elements: of "agency, process, and social structure". Contrary to Wendt's prophetic claim that statespersons continue to work towards a future reconciliation of their functioning as sovereign states ("agency") and their social learning ("structure"), and of both their agent freedoms and any structural necessities as well, however, advanced political realists maintain that Wendt has ignored the qualitative

differences between the elements. Structure cannot be reconciled with, and differs qualitatively from organizational processes.³⁰³

Structure cannot be closed off from the organizational processes of emergent sovereignty. But rather than that structure is in some way to be made subject to a morally progressive process of reconciliation and synthesis, realists find that structure will perpetually remain open-ended—as only the organization of its physical components (the *bodies politick*) may be changing from time to time. Organizational processes can close themselves off to change, as they are usually believed to sustain a state of equilibrium, but structural conditions cannot be unchanging and they certainly cannot be synthesized into radically new conditions. The parts of the IR structure as a whole may be replaced, further, yet this cannot mean that they will be replaced by new constituent parts.

States prolong life not by keeping religious diversity completely out of politics, but by respecting religious traditions *as if* these are the constituent parts of a structure of statehood. Hobbes argues that states can live if they distribute rights, including the right to worship, equally among their constituents. By contrast to liberal theorists, political realists such as Hobbes ask not how government should restrict individual rights, or how it should most fairly protect citizens and their rights, but how social animals tend to participate equally in their own rights-protection plan. This plan must be administered more or less meaningfully, and more or less judiciously, as citizens will have to be participating within their own government. As Machiavelli would certainly have agreed with Hobbes: freedom is the meaningful and equal participation of all rights, and not a fair or adequate level of rights-protection.³⁰⁴

That difference between liberal fairness and realist prudence may seem minuscule, yet it can have a large impact on the social connections between states and churches, and how this impact should be perceived. Whereas fairness and equity are widely perceived as measures of what two or more individuals may ‘receive’ *from* the state, for instance, the virtues of judiciousness and prudence are criteria of what humans may legitimately do *for*, or even to, the state. This instantaneous comparison helps clarify that whereas liberal values tend to be much more dependent on a separate state, or on a dichotomy between state and church entities, it is probably (in following with Max Weber) also the case that realist virtues give much better expression to the symbiotic qualities of a civic and yet resilient relationship between human beings and their beliefs in the ultimate meaning of their state (and its legitimate authority).³⁰⁵

Besides Hurd’s caution against the threat of a secularist disciplinary bias, there is another reason why IR should diminish the room it has held reserved for constructivist idealism. The additional reason why constructivism ill-applies to complex relations between (civic) religions and (state) policies is that it, inherently, presupposes that the rational competition between states tends to produce rational results. As states compete, peacefully, the ‘price’ of their obedience to international institutions should be expected to somehow lower itself. For a constructivist theory, briefly, it is still possible to support a liberalization of power: economic market competition may still be said to enhance political fairness, even if there is little empirical evidence of this liberal expectation.

Constructivist IR theory maintains several biases. The more secularized a state is, the more liberalized it must be. Or, the more liberalized a state economy is, the more this

economy will help consumers to protect their rights. Some constructivist theorists argue then also that when states began to be decolonized, and before they were being declared independent (before the 1960s), states had undergone few or perhaps no qualitative changes. As Daniel Philpott argues, especially, it was only the decolonization episode that finally injected adequate dosages of moral progress into statehood's overall history. The decolonization process, thus, progressively rejected the morally ambiguous *separation* of powers between various (colonizing and colonized) nations: it was a process of moral rather than only of mutual recognition.³⁰⁶ Michael Doyle holds, likewise, that moral progress in the evolution of modern statehood is being caused by states increasingly sharing their liberal values.³⁰⁷

Disciplinarily, Doyle holds on to a classic neo-Kantian argument: recognition of authority is more about moral dignity and social identity than it is about the political distributions and shifts of power.³⁰⁸ However, Doyle and other neo-Kantians, but especially the Democratic Peace-theorists among them, have remained unable to account for capitalism's persistence: they have not accounted for immoral banalities and other regressive mutations and how these tend to proliferate throughout economic structures, almost regardless of the social construction of identities and interests.³⁰⁹

Philpott explains the changes of the 1960s as if they were morally progressive. The national decolonization movements followed the Protestant Reformation, yet he misses the boat on the possible reasons why the IR system cannot be progressively moral, nor increasingly liberal. The French Revolution and the tumultuous events of 1848, as well, would then have to have contributed to moral progress—while the Terror of

Thermidor and other reactionary strategies (not to mention totalitarianism) have to have been immoral aberrations in the process of state identity-formation.³¹⁰ This selective historical method is constructivism's greatest disadvantage: it suffers both from a secular neo-Kantian bias as well as from moral historicism (progressivism). Political realism also has biases, it must be admitted, in that it gives an advantage to theoretical parsimony. But such a bias does not prevent realism from applying to both spiritual-animate as well as temporal-inanimate objects of power. Nor does it prevent realism from observing that it is believed to be a wrong, anywhere, to try to reduce theological complexity to either the definition of material needs and instituted rights, or to states competing to satisfy these needs and protect these rights. Rather, political realism's observance of tensions between ever-present natural needs and mundane passions, on the one side, and the state authorities whom are believed to channel-and-yet-transcend these passions, on the other, should be taken more seriously.

Contrary to Wendtian constructivists, Hobbes recognizes a qualitative difference between structure and agency, as well as between "the public" and all the various "private fortune[s]".³¹¹ Hobbesian realists have as their first order of business, therefore, not to reconcile the public and the private affairs of "particular men" but to ask how they can meaningfully restore a sense of balance in the relationship between these two unique and yet interdependent kinds of affairs. Can restorations of the systemic equilibrium between time spend on satisfying private needs (structure), first, and the time dedicated to public affairs (agency), second, be believed to be ethically-meaningful restorations—or should they be believed to have banal, and even amoral consequences?

To reiterate the above, political realism is a method uniquely capable of theorizing the “correspondence” between states and religions: it is a method capable of recognizing the qualitative difference between state rights and transcendent responsibilities, but also between mere distributions of power and various more or less meaningful criteria of supremacy and autonomy. Sovereign statehood never results either from social formations or from a theological principle, realists additionally argue, because the principle should somehow remain analogous to the formation of identities. The social construction of the state’s singularity and supremacy, in politics, is *analogous* to theological principles of public legitimacy—such as monotheism and transcendental goodness.

In order for sovereignty to emerge, people should be sharing some sort of theological principles, Schmitt agrees with Hobbes (and, as still has to be shown, with Machiavelli as well).³¹² People should thus be having some religious beliefs in the adequacy, and in the legitimacy of their own social constructions and identity-formations. Without such an exogenous belief, any of the state’s endogenous institutions and national foundations would only be morally justifiable. These institutions of the state would then only be randomly justifiable, however, rather than to be meeting the intrinsically amoral and organizational criterion such as political intensity or systemic balance/imbalance. Also, probably even more dangerously, historicist justifications for each state’s structural foundations would then too soon be accepted on blind trust—or randomly. Grotius accepted, as mentioned, Holland’s foundations on trust. He simply suggested this State’s single lineage of successions had to be trusted to be morally justifiable—not because the

distinct successions had appeared to be principally or singularly legitimate, but because they would already have been socially constructed as soon as the Roman Empire collapsed: the construction of a state's national origins is a valid source of its sovereignty.³¹³

Constructivists have a Grotian bias towards state-originating movements. They thus tend to accept the idea that each state's foundations resulted from movements capable of social learning. To Wendtian constructivists, these foundations are the total sum of social identities and national interests (from a structure, rather than a closed process). Each nation-state may then even imagine itself, or may be imagined, morally superior in the sense that it will have been better acculturated (socially conditioned) than the other possibly-recognized states. Unfortunately, as realists point out, these states will have little need for a common/commonsensical criterion to assess their failures to have learned, from apparent mistakes, nor do they need any concept such as natality (political rebirth) in order to make sense of their ultimately self-rejuvenating and yet self-closing organizational world, which is really—in Arendt's words—"a world which is not in constant movement, but whose durability and relative permanence makes appearance and disappearance possible."³¹⁴

The neo-Grotian constructivist theorists are likely to accept the *status quo* of existing states by presenting it as if it had been agreed upon by means of a moral convention: by means of a single and definitive, closed structure of social identities and endogenous nations. Political realists refrain from assigning any such closed-off and absolute moral purposes to the self-conditioning structure of statehood, to the contrary.

Realists instead argue that the structure of, and the convention regarding, the state's origins are not just some social constructs with an inherently conditioned, morally progressive aim. Ultimately, rather, realists say that each state is also a part of an open-ended structure, and states may well lose their place within that structure due to changing beliefs about the meanings of their transcendent political responsibilities. Each state's responsibilities and each state's international public affairs are ultimately, as Hobbes argued, both structurally and morally or economically unjustifiable.

Although the structural parts of the IR system, or the constituent states, may very well all have been legitimized by exogenous and religious references to an ultimate source of goodness, this still does not have to mean that each state's actual public affairs are also being well conducted or are otherwise opined to be morally acceptable. More importantly, advanced realists are additionally willing to make the case that religion (as a faith in the sources of goodness) may actually be used to either legitimize or to delegitimize the world's *status quo* of spatial boundaries and territorial divisions.³¹⁵ That is, realists take an interest in recognizing the contingent potential for a spiritual *delegitimization* of the temporal power and the objects of power, as the latter will be managed by statespersons—while retaining the religious principle that the same statespersons serve (right or wrong) analogously to beliefs in *legitimacy-generating* sovereign authorities.³¹⁶ Both the spiritual delegitimization of organizational processes, then, and the authoritative legitimization of the temporal components of the structure, are vital in the recognition of sovereignty. Yet, they can well perform functions with politically-contrary and with apparently incompatible outcomes.

It has here been argued that—contrary to Grotian, liberal, and constructivist (historicist) biases in IR—it is quite advisable to believe that a sovereign person is a legitimate actor even though each sovereign state’s origins will have been amoral. Each state owes its political independence to more or less intense and more or less violent relations, so that each state’s foundations would have to be considered as ethically less-than-good and far-from-just. And, yet, people will also believe that *their* state enjoys its sovereignty legitimately. The tension between the seemingly (morally) unjustifiable and the political (amoral) legitimacy of the sovereign person is a tension which, according to Weber, cannot be resolved. Every political action may be believed, on principle, rather, to sustain an antinomy and a systemic intensity—mysteriously allowing a coincidence of political necessity and moral freedom. It takes a leap of faith to sustain the coincidence through which both political (legitimate/illegitimate) as well as non-political categories of evaluation (moral/immoral; legal/illegal; profitable/unprofitable) are somehow believed to be forming one political society. Hence, Rune Slagstad writes that “the interesting thing about [Max] Weber and his theory of politics is precisely the unresolved tension ... between two competing elements: ... power politics and democracy; decisionism and constitutionalism; Caesarism and parliamentarianism.”³¹⁷

How Political Realists Could Counter-Attack Cartesian Constructivists

Social constructivism is correct: most International Relations practitioners are aware that other state agents can be trusted. Not all agents are more than likely to only behave selfishly, or to try to survive at any expense. States are not isolated atoms unable of learning social (sociable) behavior.³¹⁸ State agents are incomparable to the nuclei of a structure for, as Arne Naess responds to such atomist images, all human beings share a willingness to act as recognized and dignifiable members of a society. Statespersons act less analogously to single spiders, each in their own web, than to a herd of animals which has developed itself “through interaction with a broad manifold, organic and inorganic.”³¹⁹ Statespersons are human beings who move around as if they are the members of a single organism: the more they may want to isolate themselves within that organism, the more they will close their development off from their capacity for self-organization through common institutions such as treaty-law, diplomacy, and warfare. But the same persons will still also feel an obligation to give form to an open structure within which some states die, and others are born. In other words, evidently, the entire herd of state agents enjoys access to a web of relationships between themselves and the other agents, and thus also to a moderately-open organizational space. But, structurally, all these agents remain also constantly constrained by natural dependencies on both the inorganic and organic forms of these relations: on the physical substance of their flocks or of their webs.

Arguably, social constructivists have been incorrect about the political relation between organizational homeostasis and structural change. They have too often failed to recognize that the relationship between organizational agency (social institutions) and physical structures (human nature) is an unavoidably *ambivalent* relationship. Political realists do recognize, however, that the web of inter-sovereign relations is ambivalent because sovereign agency is in itself still very much an atemporal process with a few politically-transcendent features, whereas sovereign structures are subject to moral or legal changes and are thus open to immanent beginnings and endings as well. This realist notion of an ambivalent web, structurally open but organizationally closed, shall shortly be shown to be strikingly consistent with natural systems theory. For now, however, the same realist notion must be highlighted in order to supply a counter-attack on constructivism. A first supply-basis has to be build on the classic realist example, hence, of how people express their beliefs in the symbolic meaning of inter-sovereign diplomatic engagements.³²⁰

Hedley Bull argues that IR practitioners *believe* in the symbolic functions of a “diplomatic corps”. Their beliefs then find symbolic expression in a “remarkable willingness” to be following flagging protocols or to apply various other “strange and archaic” procedures. Protocols, procedures, and rituals are being followed not just because they are symbolic expressions of the physical existence of “foreign states”, in structural terms, but because they give a perpetual expression to the abstract idea that all states take equally part in, and are the constituents of “organized international society as a whole.”³²¹

The organizational process of diplomatic recognition, as a patterned whole, is a closed process. It can nowhere be denied that the members of any given diplomatic community are human beings (as forming only one of Bull's examples of who sovereign persons are). They respect one another, as human actors with unique roles to perform, because it is 'in their nature' to also respect the symbols and insignia that give expression to, say, free passage rights. Human beings have a basic faith in this symbolic notion that the behavioral pattern of mutual recognition should include a legal right to free passage (not the other way around). Of course, as Bull observes, passage protocols and other diplomatic immunities have been becoming increasingly less archaic and less complicated as well. Over the course of the last centuries, the norms have been standardized and codified. After the Second World War (in Geneva), recognition of sovereignty came to be referred to as a precondition to diplomatic immunity (again, rather than the other way around). The legal positivization of the ageless norms of diplomacy, from that moment onwards, altered the fact that these norms not only symbolize the closed-off organizations and organized processes of sovereignty, however. Legal positivization of naturally-diplomatic norms also posited and expanded the existing IR structures (immunities became territorial, prerogatives became subject to court jurisdiction). Of course, the physical structure of diplomacy has much been altered, in thousands of ways—together with the formal introduction of special protocols with regard to secret telecommunications, for example—but the recognition of sovereign immunity's self-organizational principle has remained both a 'deathless' and 'birthless' phenomenon.

Symbolic but self-organized processes of mutual recognition, in IR, including diplomatic etiquettes, are generally believed to be ‘second nature.’ This type of belief in the naturalness of organizational recognition processes can be exemplified by the idea that the successful conduct of diplomatic relations is preconditioned by naturally necessary, yet structurally-insufficient qualities and powers. The recognition processes transcend, yet include the structure of qualities, powers, and other diplomatic capabilities. The list of such structural qualities encompasses social intelligence, organizational tact, and political prudence or, briefly, commonsense. This idea that certain commonsense-qualities will be needed, yet may remain insufficient, in creating successful diplomatic structures is an idea to have evolved for more than two thousand years.³²² But, to now take up Bull’s cue of a “remarkable willingness” to believe in the validity of this idea, why should he, and other advanced realists, have thought that beliefs in commonsensical diplomatic practices are willed to be valid or are willed to be organizationally- legitimate beliefs?³²³

Bull’s notes on inter-sovereign diplomacy differ to an astonishing extent from Wendt’s notes about the social identity of sovereign agents. Wendt’s notes inform a research program. They help students limit the number of sovereign agents by limiting the number of “attributions of corporate agency”.³²⁴ The problem with Wendt’s program is that it has not (yet) been set up to facilitate research into the possibility that people will judge non-state actors as if they were qualitatively different sovereign persons.³²⁵ This possibility must not be confused with the program of popular sovereignty, but rather must be seen to sustain an alternative web of interdependent relations between states and all

those statespersons who are finding stable organizations through which they legitimately attribute corporate personhood and legal personality to non-states or, specifically, to the owners of TNCs, to unethical industrialists, to possibly poorly-conditioned mercenaries—and quite possibly to any ‘heretics’ who would rather put their own faith in legal, artificial, mythical persons as well.

By comparison, Georg Simmel speaks confidently about pious attributions of personhood to others. In memory of Simmel’s theological stature, it may well have remained possible to argue that statespersons must be doing many other things than to just unify themselves (their nations) by means of their own type of personhood and their own type of social learning. Sovereign (faithful) statespersons would for example additionally be able to extend their realms so that each of their political realms will both come to transcend and include those ‘heretics’ who failed to learn and/or all those who might have learned different things than they did themselves.³²⁶ Simmel’s point of order is that it should be possible to believe that any other person, regardless of cultural identity and social interest, might be a religious person: religious belief transcends thereby any other form of affiliation or any other “ideational form”—in the sense that religion belongs to a qualitatively-different relationship with the world’s unicity. Or, religion is not a *need* for but a *belief* in the ultimately unitary, self-organizing, and pure realm “from which ... relative, imperfect, and impure lives gain their meaning”.³²⁷

Constructivists can agree with structural realists that attributions and identifications of agency tend to ‘idealize’ the state. Both types of theorists would indeed admit that forms of nationalism and colonialism ‘idealize’ the structural differences

between culturally-monistic states. Formal state authorities are then subsequentially defined by reference to their identities and their interests, rather than by how they believe in the qualitatively-transcendent diplomatic relations. That is, conventional IR theorists make no references to something ‘archetypal’ that somehow makes it possible for all human beings to believe in the validity, as well as in the legitimacy of diplomatic *mores*.³²⁸

Whatever it is named, this something will be unitary and stable, and yet will have to differ qualitatively from the inherited cultures or the socially-constructed identities of each individual diplomat. It is something orderly and stable, yet it cannot normatively and not even legally prohibit the diplomat’s wrongdoings: diplomats may be spies, yet they are to be welcomed as guests. It is the organized belief in their exceptional guest-status that cannot have been socially-constructed: it cannot be caused by shared ideas alone. It follows, rather, with Simmel, from a strange leap of faith in the relational unity of any diplomatic corps. From an advanced realist perspective, Simmel’s leap should be observed to be adding to and yet should not be defining the entire world of diplomatic authority. It will here be argued that this leap sustains sovereign authority’s ambivalence, rather, because all genuine authority respects the integration as much as the qualitative difference between abstract ideas (including laws of conscience) and concrete needs and interests (natural rights).³²⁹

It the aftermath of various American armed interventions, but especially those situated strategically in regions richest of petroleum oil and natural gas, it appears that social constructivists (Wendt, Crawford, and Philpott), erroneously, have tried to

showcase a theory in which ideas, or that ideational powers, tend to become the exclusive cause of historical change and of sovereignty's historical emergences as well. For, constructivists have tried too hard to show that states' structural identities, normative ideas, and ideational interests may very well remain closed off from any organizational disorder and enmity. Realism stands on more solid ground, however, in that it helps write out a long list of examples of contingent but not improbably modes of organizational disorder, and particularly also of how these examples can alternatively prove that equally sovereign states are not only not the causal effects of sudden revolutions in how ideas are being shared. Recognitions of sovereignty are not just being caused by structural shocks in the distribution of ideas and identities, that is, and they also cannot just survive in the form of abstract ideals and democratic ideologies. As Schmitt argues, indeed, organizations and recognitions of sovereignty simply cannot be abstracted from only the structure of powers. The organization creates and oftentimes represents, but cannot be abstracted or derived from a few powers or a few structural events: there is no final end (*telos*) to the organizational process of recognitions. Rather, there are many possible examples of some "concrete political antagonism" in which sovereignty's meaning would never have been abstracted ideationally, from prior ideas, but became only apparent through what it did *not* signify: through only a contingent relation towards an enemy of the state, probably, or through any other chance encounter with such a "concrete antithesis."³³⁰ But, realism holds that both Weber as well as Schmitt can help expand the list of such *chance encounters*, so that it may come to include concrete tensions probably resulting from a prospective withdrawal of ambassadors, from novel educational and

language policies, from changing interpretations of state religion, breaches of recognition protocols, unintended extensions of military occupations, and so on.³³¹

Philpott's *Revolutions in Sovereignty* construes an idealist argument about the ways in which states identify themselves. *Revolutions* focuses attention on how nations acquired their rights to self-determination, within a broader social order, by means of a few grand shifts in their shared ideas. The text describes two such grand transformations in, or shocks to, the IR system. In the last transformation, the British Empire began to fall apart as colonies declared their autonomy. This was the event during which nearly a majority of today's United Nations members would acquire sovereignty. Unfortunately, while trying to show why decolonization movements created this structural transformation, Philpott fails to elaborate on the issue of how post-colonial autonomy has remained an abstract ideal. For, concretely, social and economic structures continue to negate a merely-ideational constitution of "colonial independence" as they are often stopping the "spread of anti-colonial ideas".³³²

During the first shock, of the Reformation, states would have begun to participate in the IR system as if they were sovereign states. They would first have formulated and fought for this equal right, Philpott argues, in their resistance to a European Empire based on older ideas and, especially, on outdated religious beliefs. States such as England and the Province of Holland would thus even have been the first to abolish "religion as a source of contention in politics". But in France, in particular, people of various social ranks had suddenly "no longer thought it imperative for the crown to enforce religious uniformity; they no longer thought that a legitimate public order had to be confessionally

unified.”³³³ Creation of France, as a modern state, rather had to have been historically “preceded” by a secularization of shared ideas and political ideologies, just as that recognition of the United Provinces (in the 1590s) would have been “preceded” by their own 1581 Edict of Abjuration—and therefore, also, by their earlier ideas about their natural right to enjoy a secular form of sovereignty.³³⁴

Further, Philpott argues that King Henry IV committed himself to a moral form of foreign policy when he signed the Edict of Nantes, in 1598. He was following Holland in specific and the Reformation in general by starting to conduct a “foreign policy” that would be respectful of confessional diversity. He even paved the way for Richelieu by having practiced religious toleration—and by thus, however unintentionally, making it possible for the latter to sign a truce with the Protestants rather than to have entirely ‘dismantled’ or ‘eradicated’ their power.³³⁵ Before the seventeenth century had started, formal authority was already being shaped by a moral toleration-principle. Recognition of statehood depended for a long time previously on socially-constructed principles and norms, derived from concrete events such as the signing of the Edicts. But this does not mean that political realists (Aristotle, Hobbes, Arendt) would ever have agreed with the form such derivations would take: to them (as Finnis elaborates), rather, no normative right “can be deduced or otherwise inferred from a fact or set of facts.”³³⁶

Contrary to most realists, constructivists conclude that the meaning of equality-recognition practices is less dependent on military ambition and economic competition than on moral ideas and social constructs. These constructs and these norms would, progressively, be shared by foreign policy-makers (Grotius, Henry IV, Richelieu, and

John-Foster Dulles would thus have to have had similar moral ideas). Most exemplarily, it would have been Dulles who first believed that the idea of “using military force to protect colonial interests” amounted both to a folly and to an immorality.³³⁷ The U.S. began to practice self-restraint, in the 1950s, as it rejected pro-colonialist ideas held by Dulles’s French and British counterparts. This changing diplomatic culture would have jumpstarted the decolonization process—according to both Philpott and Crawford—because European colonizers had primarily become newly concerned about their moral appearance: they had become convinced there was a good ethical argument against their own earlier denials of “supervised independence processes” and “negotiated transfers of power”.³³⁸ In creating this impression that decolonization, when carefully negotiated, amounts solely to moral and ideational progress, however, especially Philpott ignores the historical fact that Dulles himself is more likely to have advised against the use of military force in Egypt for another reason. America’s foreign policy-maker was perhaps not simply sympathetic to the Egyptian right to equal independence on ethical grounds, thus.³³⁹

The U.S. had reason to fear that nationalist leaders in Egypt had begun to take economic offers and military packages from the Soviet Union. And, if Egypt had already fallen within the Soviet ‘sphere of influence’, however, then Dulles could certainly end up provoking a new sort of armed conflict (because of the atomic bomb). He was never prepared to risk doing that. Moreover, the non-violent pacification of Egypt’s Suez Canal certainly created a great opportunity for Washington to guarantee its other allies, in the

Middle East, that their independence would be secured for as long as they could help give the West access, via the Canal, to oil-fields.³⁴⁰

But especially the Wendtian program makes it difficult to understand why social groupings are becoming either more or less culturally amorphous—or even whether this has politically positive or negative consequences. The program has simplified the idea that every state is a corporate person, so that constructivists tend to have too little patience for the complex IR realm within which many states and non-states remain incapable of acquiring personhood (because these states have never been recognized or are being boycotted), were poorly incorporated (such as the former colonies), or that are being represented illegitimately (by tyrants). Constructivist ideas form the reason, however, why constructivists erroneously assume that social groupings exist on the basis of their “shared ideas” and that as they will continue to share these ideas until they have become culturally more homogenous—so that, eventually, the majority of these groupings will also have made sufficient progress to create a world state in which all can find a home.³⁴¹

By comparison, political realists remind IR students of the fact that host-states may freely violate diplomatic immunities, may decide to close themselves off from foreign TNCs and, to a certain legitimate degree, may militarily attack other states. Sovereign persons may legitimately declare visiting diplomats *personae non grata*—as each host-state can not only expell them, but could even decide to assassinate them as spies or convict them as enemies.³⁴² This is not to say that randomly declaring someone *non grata* would be morally justifiable, however. It is simply to say that the safe passage-

principle is better understood by analogy to a politically-legitimized responsibility. This unique responsibility transcends and yet includes the formal rights and duties of IR's physical components. In principle, this is a responsibility of all of the states and all of the political societies. Diplomatic relations are relations between politically-responsible entities, therefore: these relations can probably best be defined by what they are not.³⁴³ Diplomatic relations are not violent, for example, even though they are not particularly concordant either. In more practical terms, not all visiting diplomats can be killed, or even not be declared *personae non grata* by the same host-state, nor may any diplomats themselves harm their own state by acting irresponsibly and imprudently. As Bull adds, they will somehow have placed themselves under a transcendent obligation to minimize friction (by displaying their 'genial' or 'tranquil' and 'patient' dispositions).³⁴⁴

In contrast to constructivist idealist images of diplomacy, in which the social identities of moral agents have been emphasized, realists focus on an image in which actors appear to be both amoral and legitimate. Ambassadors and plenipotentiaries may be acting amorally, and even completely sociopathically, for as long as they also appear within a self-stabilizing organizational process through which they have to have been politically recognized as the ('achetypally legitimate') representatives of their own sovereign states—as Bull also, correctly, mentions.³⁴⁵

In short, political realists can agree with each other that sovereignty-recognition practices do organizationally transcend each state's structural components (consular and military staffs). But realists cannot agree with constructivists to this same effect. Wendt's program generally disallows a vigorous agreement on how diplomats, like other state

agents, may very well find that their sovereign authority has been divided against itself. For, only realists acknowledge that any given diplomat's act of sovereign authority may be organizationally legitimate in the same moment as that it will be observed to have remained structurally amoral and possibly illegal as well.³⁴⁶ Therefore, specifically Schmittian realists make an important point when they argue that sovereign persons tend to behave ambivalently—and that they may at any moment begin to appear as enemies to one another.³⁴⁷ As a complex system, diplomacy is structurally agonistic and discordant (in terms of morality, or legality), but it is also always organizationally conducive towards concord (in terms of legitimacy and balance). Sovereign diplomats, therefore, may find that both the structural and the organizational elements of their authority, now understood as a duality, form an ambivalent system: these two elements are co-constitutive and yet they display considerable qualitative contrariness.

International Social Theory's False Hope on the Creation of Monistic Authority

In International Relations (IR), both idealist and constructivist theories are deficient of skepticism and lean too heavily on a structuralist conception of economics, politics, power, and interests. First, many of these these theories take it as a given (structural) fact that “foreign policy decisions” are best represented—in deeds or in words—by democracies, supposedly because democracies would be both majoritarian and deliberativist.³⁴⁸ But enactments of foreign policy are rarely as majoritarian, as

deliberate, and as rational as that they were intended to be. Yet, constructivists plainly continue to try to fit the sphere of foreign policy—which includes both formal diplomacy and economic warfare—into a model of structural or democratic deliberation, rather than of decision and contingent modes of persuasion. Unintended ‘feedback loops’ are thus often being ignored, simply because they would not fit into the model of how deliberative powers and democratic interests seem to be spreading themselves out across the globe. Constructivists pay hereby far too little critical attention to the unintended consequences of deliberately-designed policy-structures, and how these structures may either appear or disappear due to unobserved and unintendedly-sustained organizational dynamics.

The standard example of a false democratization-hope remains 911, and next-following Chapter Two illuminates further how terrorizing events (such as 911) may generally be counted part of the set of unintended consequences of structural shifts in how power is being distributed, and also of the ongoing government rationalization of and justification for the arbitrary use of power, which—in Max Weber’s words—somehow all will add up to “the separation of public and private, fully and in principle.”³⁴⁹

After having been attacked on September 11th, 2001, Washington relied on a few neo-conservative idealists in order to find moral justifications for turning their long-existing ideas about America’s geo-strategic private interests as well as their plans to ‘democratize’ oil-rich nations in Saudi-Arabia’s vicinity, into a reality. The United States consequentially made it its policy to try to melt away “the Iraqi army and the Republican Guard”—all the while also forcing “transnational terrorists” out of Afghanistan.³⁵⁰ In

these geopolitical ‘restructuring’ attempts, the number of unintended consequences became so great it also became impossible not to accuse Washington of opportunism and imprudence. Global IR structures were thus witnessed to be undergoing qualitative transmutations, the most important of which took place within “the modern jurisprudence of war.” The U.S. government created a juridical anomaly in the form of secretive prisons, for detainees suspected of terrorism, and would transfer its domestic imprisonment culture to the Middle East, for instance, which again led to a general breakdown at the organizational level and specifically also to irresponsible human rights violations such as torture and indiscriminate bombings.³⁵¹ But Richard Tuck points out that these IR systemic transmutations, which were only seemingly caused by the September 11th and later terror attacks, were always duplications of the essence of democracy itself: they were recreating the liberal-democratic principle that “all citizens [are] combatants of a kind” and that attacks on citizens had, at least since the the American Civil War and the end of the Great War, also duplicated “the conjunction of democracy and total war—which Hobbes and Rousseau had foreseen”.³⁵²

After 2001, also, the U.S. government became increasingly severely indebted to countries such as Saudi-Arabia and China while executing its military policies. It had felt compelled to combat numerous armed factions by deploying high-tech weapons, and had paid off local militias throughout Iraq and Afghanistan, while becoming deeper embroiled in neighboring countries like Pakistan—where the U.S. had already subsidized and equipped an over-sized military-corporate apparatus. The overall costs of these structuralist policies to the global economy were staggering, yet they would mostly be

paid for by the lower and middle social strata in the U.S. and elsewhere; democracy and war were fused into one effort, and this political effort found it increasingly difficult to extract itself from the sphere of high finance and corporate capitalism—as this sphere now itself, almost as well as the political war effort, became a source of much ‘domestic’ terror, fear, and frustration.³⁵³ However, eventually, all these structural shifts in the distribution of economic and military powers would still be transcended politically, by self-organizing revolutionary forces throughout the region (especially in Egypt and oil-rich Libya, but also in Syria). It can be argued that the 2011 Arab Spring was an effort by autonomous peoples to counter-balance America’s belligerent overburdening of a capitalist economic structure. In other words, the shifts that after 2001 began to open up the then-current IR structure had been causing unintended political ‘feedback’—which in itself soon appeared as a closed spiral, or within an organizational form described elsewhere as a “security vacuum” and a “vortex of violence.”³⁵⁴

Neta Crawford’s constructivist approach leads to a viewpoint from which the world of power, interest, and identity has been formed by a substantive structure—which is constantly opening itself up towards greater moral rationality and democracy. From this viewpoint, it seems as if fewer statespeople than before are holding on to ideas to ‘liberate’ others on the basis of their own self-interest. It is no longer morally acceptable to use state power to occupy and exploit others: “colonialism is over.” The IR system has grown, at least in the decades before 2001, structurally intolerant of and immune against any sorts of occupations and denials of autonomy. By the 1970s, more particularly, it had already been “no longer acceptable for states to take territory against the wishes of the

inhabitants.” Following Crawford, the post-911 American government must have been uniquely out of sync with other progressive structures—as even China had previously recognized the need for “greater autonomy” in Tibet and as Indonesia recognized East-Timor’s independence.³⁵⁵ Iraq must seem to have been the exception that affirms the decolonization rule. That is, from this constructivist structuralist viewpoint.

The disadvantage to taking Crawford’s approach is that it circumvents the difference between deliberative, intentional policy-making and imprudent executions of policy. “Decision-making” in international affairs seems to be of less importance, when viewed from her constructivist approach, than the shared ideas and the collective structures of rational deliberation (which should somehow outweigh the actual or the executive decisions, according to Crawford). If “[d]ecision-making” is an organizational process through which interests are being maximized (even if “not-rational”), then deliberation nonetheless outweighs all (both “rational” and “not-rational”) forms of “dispassionate utility maximizing.”³⁵⁶ Statespersons and policy-makers may openly claim to be defending their rational interests, thus, but Crawford and Wendt will respond to such claims by pointing out various “legitimacy gaps”. Power may be claimed and power may be defended, but it should not be a hyper-utilitarian, illegitimate type of power.³⁵⁷ For, if ever-higher degrees of utility, rationality, and power can be freely attained by the state, then why are there fewer and fewer people trusting the state to be acting effectively, objectively, and politically necessarily?³⁵⁸

In asking and in answering this question, constructivists continue to follow Wendt’s influential *Social Theory of International Politics*, which places a premium on

the socialization of interests, identities, and powers in IR. In defining the realms of political power and foreign policy, Wendtian constructivists suppose that most policies will have been motivated by a subjective formation and a social construction of the many state identities in the world. Foreign policies are being motivated, influenced, and even defined by identities. They thus suppose that foreign policies consist of what state agents intentionally ‘make’ of them.³⁵⁹

Further, Wendt’s *Social Theory* leaves the distinct impression that Hobbesian realists are at fault for not having mentioned the importance of identities. Realists would have made the mistake of imagining decision-makers as having been locked into a self-perpetuating state of anarchy, within which each of them, or within which each individual state must “engage in no-holds-barred power politics.” The system of states must not be painted off as an anarchical system, of states acting only rationally or only violently. Rather, constructivists argue, the system is not best served by states pursuing only their own rational interests. Remarkably, this is not what realists argue either. Realists argue, instead, that rational interests cannot be separated from moral ideals and other such shared ideas about how social structures should be functioning.

The big question is how the separation between interests and morals, between concrete practices and abstract ideals, as well, should be tackled. Apparently, IR theorists can agree the separation should not somehow allow states to use only their “material forces ... (biological or technological)” in order to survive a world of incessant power politics.³⁶⁰ But not even Hobbesian realists favor this separation. Yet, Wendt promulgates the common constructivist error that Hobbesian *Realpolitik* is progressively being

absorbed by a neo-Kantian form of idealism. A synthesis is being developed, in between both of IR's subdisciplinary flanks, which would somehow evince that a third synthetic way leads the world towards a progressively-regulated structure of cultural identities and political ideals, and possibly to one world state.³⁶¹

The question is also how abstract ideas and subjective cultural identities cannot just be derived from, but must be believed to remain opposed to a concrete balance of powers. Crawford focuses on how states adapt their foreign policies, and how they adjust their political decisions to international cultures: policies have been shaped by “beliefs, practices, and identities.” She thinks states are willing to adapt to an internationalist culture, further, so they can even better start to meet “shared expectations about behavior”—as well as so that structures of “behavioral norms and normative beliefs may [better decrease their] ... uncertainty about what actors are likely to do in certain circumstances”.³⁶²

Constructivist progressivism holds as its basic tenet that states interact (‘socialize’) more or less cooperatively because they will have learned that their “the role relationship[s]” are determined by the “meaning” of their individual roles—as opposed to having been determined only by each state unit’s material interests. In a nudge towards classical realism, Wendt holds that states derive “meaning”—in this socialization role-playing game—“neither from their [each role’s] intrinsic properties, nor from anarchy as such”.³⁶³ Structural roles have no completely endogenous “properties”, thus, and they can not take part in concrete organizationally-antagonistic processes either. For instance, the recognition procedures that are being applied by the UN Security Council may form an

organizational process—but the process itself will not become anarchical, nor does it allow each UN member-state to script its own role. Wendtian constructivism moves hereby hardly beyond neoliberal institutionalism, however, as it reaches a similar conclusion: international forums such as the UN allow state agents to share “norms” they derive from within shared cultures, and from their national as well as international identities. UN member-states are evolving, morally, also, as they acculturate (‘socialize’) themselves. International society is growing in a global direction, and this means that it is increasingly likely that state interests will be effectuated by evolving moral norms and by increasingly cosmopolitan identities as well.³⁶⁴ Cosmopolitan norms are in essence an ideational *effect* on diplomatic role-performers—and this effect does *not* need to have been *caused* by the concretely-political and also not by the qualitative differences between (blocs of) the UN members.

Political realists argue that in looking for a cosmopolitan world-state, constructivists are blinding themselves towards the ‘real’ divergences between the political and the sociable (‘socialized’) behaviors that occur in all states. They will fail to see the gap (the antinomy) that could at any time begin to differentiate the politically-concrete from the socially-abstract spheres of life. Linearly opposed to constructivism, then, proto-realists such as Schmitt point out that the idea of a single world-state is inconcrete. This single state is only a figment of the imagination: all political singularities are specious.³⁶⁵

For two reasons, Wendt’s *Social Theory* remains more idealistic than is often acknowledged in the discipline. First, the text knits strands of structuralism and

neoliberal idealism into a positivist-scientific cloth. The remainder strands of realism can give little color to this cloth because scientific positivism protects abstract ideas against material interests or, in brief, it shields ‘minds’ against ‘bodies.’ Therefore, *Social Theory* offers protection to reasonable ‘minds’ against interferences by ‘matter’ (mental abstractions against physical concreteness, in again other words), rather than that it respects subjective confessional beliefs in the interactive relationship between these twin sources of sovereign authority. Wendt agrees—with structuralists and neorealists—that state authority must consist of monopolistic (or monistic) ideas about when the means of violence may be utilized, within a single territory, also. Perhaps inadvertently, however, he thereby locks himself out of any alternative definitions of sovereign authority—including the authority of pluralistic councils or theoretical definitions of systemically-self-balancing constitutional authority.³⁶⁶ Moreover, his own lock-out leads Wendt to mistakenly equate authority to a single ideational capability—and less so to concrete interactive relations. Authority may on his account never emerge, then, from the concrete or the existential relation between two enemies.

Second, Wendt discerns sociable from autistic states.³⁶⁷ These two classes suggest that he understands state authority to have been posited along a continuum: state authorities are much better than non-state entities in *adapting* their foreign policies to the needs of other agents and entities, *within* the international structure they all share.³⁶⁸ Problems of war and peace are resolved better by better-acculturated state agents, by implication. But Wendt’s account leaves almost no space for the possibility that a reverse trend will set in, and that better-socialized agents become instead only better at disturbing

the peace and at misrepresenting their hostile activities. On the account, wars cannot be waged in the form of humanitarian interventions, for example, and neo-colonialist military occupations cannot appear in the form of armed democratization missions. Just as that other such political (either/or) enmities and indeterminate grey zones have to be excluded from the constructivist account, buffer states situated in between Great Powers are to be reclassified before being entered onto the account. For, they cannot be classified as an effective surplus of socialization, on behalf of those neighboring Powers responsible for having created them, as buffers, nor can they be part of an organizational self-balancing but anarchical process. Twentieth-century buffer-zones such as Poland, Syria, North-Korea, and even Cuba must instead be classified as failed states, or rather as non-states—because their authorities would have failed to *adapt*.³⁶⁹ Did they?

Social Theory's thesis—that role adaptation is a progressive form of structural 'social learning'—cannot be read in the reverse, because the text never suggests that states went too far and could also have over-adapted their roles to structural demands. Nothing is said (at least not in *Social Theory*) about the IMF's structural adjustment policies which, for example, forced sovereign states to 'learn' how to adjust themselves to a liberal capitalist structure by privatizing their economies, usually to their own detriment. Yet, in many similar economic and political scenarios, state agents too eagerly adapted themselves to the morally-regressive wishes of their neo-colonialist exploiters (pre-1959 Cuba, pre-1979 Iran, pre-2011 Tunisia, and so on). In other such cases, agents chose to depend on secret protection-agreements with an imperialist neighbor or with a greater regional Power (North-Korea, Burma/Myanmar, Panama, Nicaragua, Chile, and

so forth). In other words, tyrants may try to ‘over-socialize’ in order to maintain a single state: they do not need to be politically ‘autistic’ in order to gradually lose their control to a progressive world order.³⁷⁰

State authority is constituted by a dualistic self-organizational process. The actions of states have clearly not been constituted by a structure of progressively-evolving norms, nor by legal positivist recognition protocols alone. Equal state authority depends much rather on the extent to which its bearers have been recognized as such: as sovereign persons, by other sovereign persons. Or, the authority that makes the state into a state is, actually, an abstract relationship of interdependence which nonetheless may remain contingent on existential relations of political enmity as well (as is usually the case in diplomatic relations). In regard to sovereignty’s ambivalence, then, IR research programs should focus less on how much state agents will have assimilated their actions to international expectations, cultural norms, and societal institutions. For, their actions cannot be logically derived from norms and institutions, of course, just as that it is simply untrue that abstract norms are being caused by a sum of concrete actions.

To reiterate the above-said, constructivism assumes that social structures have been created or even caused by a collectively-meaningful and ethically-tendential history of one world. This assumption is mistaken, not because several social structures (especially interests defined by identities) may in part have been constituted by individual state behaviors. It is also not mistaken because one world is unimaginable, abstractly. Rather, it is a misleading assumption because constructivism concludes (from this assumption) that structures have to have been created by ideas and by epistemologies that

they are nearly-only therefore to be differentiated from actual behaviors and other concrete actions. But from a (Schmittian) realist perspective, constructivism moves here onto very soft ground. It cannot find any solid reasons to caution against the use of power for the sake of over-moralization, nor against excessive moral learning.³⁷¹

(Constructivism now appears to stand powerless against morally superior, or narcissistic and vainglorious, behavioral patterns.)

Nevertheless, Patrick Thaddeus Jackson suggests that constructivism remains too ‘realistic’ in the sense that it still tolerates a contradiction between morality and anarchy, between cognitive socialization and structural imbalance—or, in his own words, it condones the “contradiction between epistemology and ontology.”³⁷² Jackson moves on by reconceptualizing constructivism, and by thus distancing it from those realists who would have turned structural power into an object that seems “irreducibly theoretical”.³⁷³ In contradistinction to Jackson, realists fear not that the structure of powers itself ends up being over-theorized, but that the sum of its parts may begin to become more important than the organizational processes that infuse the structure of powers itself. The threat they foresee is that the sum of individual agents could end up disadvantaging and destabilizing the process that transcends and yet organizes the structure of powers. If all agents were licensed to use their own moral theories and their own biased epistemologies, thus, they would too soon disturb the structure to such an extent that no integrated balance could emerge from within this totalizing structure. The structural components and the organizational balance, in that case, would all too soon lose their mutually-constitutive relationship.

Jackson seems to prefer a monistic conception of how knowledge about statehood accumulates. Contrary to Jackson's optimistically-formulated preference, realists can predict that epistemological IR questions will have to remain unanswerable in the absence of ontological legitimacy.³⁷⁴ Jackson's attempt to subsume ontology to epistemology, then, forms a serious accusation against political realists, who would rather 'condone' a duality consisting of both types of cognition. That is, IR monists such as Jackson seem to have too little tolerance for any antinomy, or for any theoretical divergence, between epistemological knowledge of (moral/immoral) state identities and the ontological (amoral/political) notion of state power.³⁷⁵ Monists are instead trying to gain acceptance, it now also appears, for their idea that state self-rule (autonomy) is a measurable degree of inter-subjectivity rather than any existentially-independent relational experience (possibly of supremacy, possibly of enmity).³⁷⁶

Neither Jackson nor Wendt have asked if and why power can be defined by what it is not. But Arendt argues that political power is not defined by violence, for instance, and Schmitt believes that the concept of the political is antithetical: every power is defined by its own political opposite; by a really-different power.³⁷⁷ Instead of becoming more willing to examine these negative (possibly 'dualistic') definitions of political power, constructivists remain fixated by the monopolization of one essential type of power. As Wendt acknowledges, "[p]ower may be everywhere [but] ... the power to engage in organized violence is the most basic".³⁷⁸ Schmitt and even Weber, however, rejected any such definitional positivization of either a *basic* or a *monopolistic* power.³⁷⁹ They, together with Arendt, would never have agreed with Wendt that the link between

power and violence is “basic”—because if it were, then this truism could hold true: the more armed force is acquired (or is used) by the state, the more powerful it becomes.³⁸⁰

Evidently, this is a far too *monistic* account because power often invites a counterbalancing power—or power may well deteriorate soon after it monopolizes all available means of violence.³⁸¹

Unlike (neo)liberal and constructivist monism, Schmittian/Arendtian realism respects a qualitative difference between violence and power, and thereby between ontic *Realpolitik* (experiences) and epistemological power (ideas) as well. Power and force may negate one another, but they undoubtedly may not give each other meaning.³⁸² Because IR monism misses this point, unfortunately, it can be said to have fallen prey to Cartesian philosophizing. Wendt’s assumption that experiences are less crucial than ideas, within the IR field, is symptomatic of his Cartesian dichotomy of mind over matter. Whenever religious beliefs and cultural identities are assumed to be stronger independent variables than group biological and other sense experiences are, a separation between such variables must be made.

In a 2006 response to his critics, Wendt reiterated that “[biological or] material factors [always] turn out to be constituted largely by ideas”. “[M]ind and matter are ... complementary aspects of an underlying reality that is [often] neither”, he gladly admitted.³⁸³ But he also continued to insist that matter can only be compatible with ideas to the extent that these ideas ‘realize’ its functions. Without ideas, matter cannot be counted as one of the world’s two “aspects”: matter cannot be analytically separated from the minds that construct it.

Social Theory of International Politics imagines state agents to stand on one side of the Cartesian isle. The agent's role appears thus in the shape of physical movements, and yet each role must have been mentally constructed as ideas were shared. In the 2006 chapter, Wendt finds that by using an 'interpretivist method' it is possible to learn how agents' ideas were shared, or how their role-identities were recognized, but the effects of these ideas/identities may still also have to be seen through the lenses of 'scientific positivism.' Both the scientific exploration and the interpretation of ideas will thus remain necessary, analogously to how it is necessary for physicists to assume that one of their study-objects, light, consists both of (substantive) waves as well as of (ideational) particles.³⁸⁴ Wendt adds that IR consists of *correspondences* between *both* idealism (the ideational mind) *and* materialism (substantive bodies). But he is unwilling to say that these correspondences must be believed to remain ambivalent, instead arguing that only physicists (rather than, say, painters) are the best students of light. More exactly, rather than to call on IR theorists to study how structures of power may be perceived by the naked eye, Wendt's Cartesian program circumvents the problem of how dual authority may emerge from power structures. By evading the dual sovereignty-question, Wendt indeed affirms his own idealism. He ends up at the anthropomorphic location in which the natural world, and its experiential complexity, has been singularized by means of a social world of ideas/identities.

The constructivist program does not concentrate on any oppositions *between* the two dimensions of sovereignty, but locates itself in a place where a materialist (ontological) dimension will have been epistemically constituted *by* the idealist/ideational

dimension.³⁸⁵ Following Giddens, Wendt makes the point that “neither agency nor structure can be reduced to the other.”³⁸⁶ Yet, he also suggests that state agents are more likely to create social practices than that these practices can help determine how state agent identities will appear within these practices—or, within these organizational dynamics of power (within a balance of powers). Stefano Guzzini and Anna Leander argue that this prioritization made it possible, at least for Wendt, to “start from agents [in order] to define their practices.” IR practices and recognitions of power-objects are whatever state agents ‘make’ of them, within their social minds, but hardly ever are state agents said to have been ‘made’ the other way around: by the practical organization of their power-objects. The point of critique is here that the structure that includes but cannot be reduced its state agent components is a structure that seems internally very active, while the self-organization of political power is condemned to remain a very passive process; Wendt “does not touch on questions of the redefinition of polities [by power’s self-organization]”.³⁸⁷

Lars-Erik Cederman and Christopher Daase help realists to take this critique a bit further: if constructivism does not touch on political power’s self-organizational dynamics, then who can sensibly determine whether these dynamics are structural, anarchical, and violent or not? Without sense of how political dynamics tend to close themselves off, whose conjunctions may be used to to determine whether IR’s objects are *structurally* either warring or peaceful, and either mundane or transmundane entities?

Even if all individual states were identity-creating agents, why should the total structure of state identities be trusted not to remain open-ended, but to develop into the

closed identity and structure of a world-state? Why should the organizational process through which political powers tend to balance against one another—and which, as realism argues, is a transcendent process perpetually including and yet closing itself from the structure—suddenly have to become an immanent feature of structural agency as both Wendt and Negri, contrary to realism, argue?³⁸⁸

To put these questions differently, why did Wendt take an incalculable risk by proposing that his Cartesian program could lead constructivism along a one-way street? For, this street is taking constructivism from structure of state identities towards one state's corporate agency, and thus also from the societal structure—within which corporate agents give meaning to their own identities—towards these agents themselves. This street must either be a dead end, because any world-state would have to form a terminal in which the state agents will have shed themselves of their individual identities, or Wendt's street simply does not allow for a U-turn. Indeed, the street leads IR theorists from the either societal or anarchical structures towards the issue of state identity—but it cannot lead them back from this corporate identity (which has all the early shapes of a world-state identity) back towards how the structures are being organized. There is a simple reason, however, why Wendt took the risk of not being able to see if there might be any traffic on the other side of the median. From his point on the street, after all, there seems to be no social interactivity emerging from within the structure itself—and thus also no “interaction (*Wechselwirkung*), [when understood as] ... the coming together and apart of both social [structures] and corporate identities.”³⁸⁹

The reason why constructivism's street was never modeled to be a two-way street is that the builder, Wendt, had too little faith in the ultimate unity of structures and identities: he trusted it would be better if there were no social interactions initiated by the structures. Hence, he utilized social interactions only if they served the structural needs (or: the corporate and physical forms) of the agents. Georg Simmel, on the other hand, has warned that beliefs in the unity of social interactions should not be made to mutate into "something almost like a physical need." Social and interactive identities differ qualitatively from physically-determined identities, he thus also would have cautioned. Because, however mysteriously, it may very well be exactly this qualitative difference that allows people to believe that their interactivity with God also forms the archetype of all of their socially-mediated interactions. As Jung could have agreed with Simmel, popular beliefs in "interaction as unity" are both socially as well as psychologically archetypal forms of beliefs.³⁹⁰

Cederman and Daase refer to Simmel's realism in order to improve the chances that constructivism's idealist (ideational) biases may eventually be removed. They admit that constructivist idealists have managed to be "freezing"—rather than to be opening up—the structures of IR. For constructivists, indeed, state identities may still "merely [change] in terms of their cultural content."³⁹¹ State identities may thus not change in terms of open structures, or of structures opening themselves up towards non-culturally-specific organizational dynamics and politically-transcendent equilibriums.

In making it possible to also see change coming from within open structures, Simmel should be consulted by all those constructivists who try to more 'realistically'

recognize that ontological structures (matter) will eventually have to be integrated within any ideational advances (mind). To assume that ideational agents (mind) must typically be superior to and must be solely responsible for constructing, and therefore will remain resilient to, structural change is amounting to stubbornness. By contrast, Simmel understands that any two-way relationship organizes its own “intensity”.³⁹² Structures may well change endogenously, as structures are open. In concrete terms, this means that identities may be won or lost just as that political powers may become more or less intense. Political powers can effectuate balance, rotations of office, and powers can be exchanged—and any such organizations of power may take effect because the structures, not their components and agents, have been changing endogenously.

To conclude, political change is far more dualistic and far more complex than constructivism has been willing to admit. The boundaries of states, jurisdictions, and national identities are much more frequently being modified by exogenous structures and dynamic processes than has been previously admitted by IR constructivism—due to its own idealist bias. However, these unacknowledged modifications are often performed because material interests have been redefined less by the sum of the agents than by the whole constellation of “mass media, education, language policy, and deliberate campaigns of violence.”³⁹³

Why Global Transformations and Democratizations Wrongly Depend on Monism

David Held's theory of statehood aims at comprehensiveness, but at times also displays a dangerous disregard for the structural possibility of political enmity.³⁹⁴ Rather than to find war's monstrosities inseparable from how states are being acquired and constituted, Held's theory disregards the possibility that war is oftentimes as structurally-constitutive of social relations, between various forms of government, as that peace may be. This theory instead predicts that neo-Kantian ripple-effects will occur as either territorially-congruent or intensively-connected state entities are democratizing their relations as well as themselves. Endogenously-changing structures (shifts in language education, civil wars, and so on) seem to be of less importance, to this theory, unfortunately, than the idea that liberal state agents are causing these structures to change and to thus become progressively more democratic as well.

For Held, globalization means that the identity of state agents is increasingly being constructed by other such state agents: their identities are being shaped by their democratic ideas, not by existential intensities.³⁹⁵ A false dilemma has been hidden in this idea of globalization: the idea presupposes that agents must either democratize individually, or retain their monopolistic control over the power of violence, structurally. If they were to want to do both, they would have to form a single democratic state, as Wendt proposed they could circumvent the dilemma. Held helped inform Wendt's proposition, however, because Held belongs to a school of IR theorists who equate globalization to democratization. Even more problematically, Held rather than Wendt

recommends for democratization programs to be based on the idea of a marketplace. The marketplace incites freedom. It informs the “social forces” of the future. The “plethora of social forces” that can be created by and within economic markets is enormous: it is intrinsic to a “global project, whether through the slogans of the global market or spaceship earth.”³⁹⁶

“[T]hrough a process of progressive [and] incremental change, geopolitical forces will come to be socialized into democratic agencies and practices.”³⁹⁷ In the same book, Held and his co-authors predict that a “global project” will be pushing states into a democratic direction.³⁹⁸ This comprehensive project is not just democratic, however, but also a global cosmopolitan project. Each state’s territorial authority is gradually diminished, as new cultures and “new social movements [will be] ... playing a crucial role in global democratization, similar to the role of the (old) social movements, such as organized in labor, in the struggle for national democracy.”³⁹⁹

Democratic Peace theorists assume that the globalization of liberal values somehow decreases the frequency, as well as that it decelerates the pace at which armed conflicts take place in the world.⁴⁰⁰ Democracy and the globalization of liberal values both go hand in hand, as Bruce Russett argues, with a reduced risk of war. As market-trade is picking up speed, and as economic interests are informing foreign policies, states become more likely to identify themselves as liberal democracies.⁴⁰¹

Both Held and Russett commit a historicist fallacy: they take earlier periods, in which the chance on strategic warfare was being diminished, as the standard along which this chance within later periods should be measured. Positive historical experiences such

as the American prosperity boom of the 1950s and 1960s (and the parallel rise of organized labor), but also the transnational corporate creation of a consumer culture in the 1980s and 1990s (and Washington's hegemonic ambitions), therein seem to be the main experiences to have informed their ideas about democracy's progress. However, realists argue that precisely such ideas are idealistic. They take the concrete effects of liberal capitalism to be part of an invariable process, so that an abstract ideal of democratization can be set as the only variable to explain even more democratization. Thus, the Democratic Peace is a dangerously self-fulfilling prophecy.⁴⁰² Realists warn furthermore that idealists (Held, Russett, Wendt) may be disappointed by capitalism: global markets are abstractions, and have never totally washed away any of the concretely political, existential oppositions.

Political realists make few illusions about the possibility of historical progress, even if it were to come in the form of democratization. For, however much the people of the world will be sharing their liberal ideas or their socialist economic motives, it is highly unlikely that any act of sharing these ideas also mutates them into democratic ideas and identities. Liberal and other economic ideas are principally abstractions (interests, values, and brands are social constructs), whereas democratic identities are concrete representations. Democratic institutions, for instance, consist of plebiscites and assemblies organized by the least-oligarchical elements in the state. Democratic elements have the least means of production in their possession. To pretend that all democracies are liberal is, therefore, to fall in a trap: it is to commit historicist and determinist fallacies, as it helps liberals to justify democracy's subordination to oligarchy. Against

this type of pretension, particularly Schmitt familiarizes himself with the neo-Hegelian (Marxist) orthodoxies of his time, which again made him wary both of market capitalism in general as well as of materialist determinism in specific. For, if liberal capitalism had made democracy possible, then why would existential conflicts have needed to be fought at the American frontier or in the British and French colonies that were at the forefront of the spread of capitalism, as well?⁴⁰³ After Bismarck's retreat from the world-stage, near the end of the nineteenth century, the European international law tradition and its strong notion of balance started to give way to liberal standards of competitiveness. Economic values and technological capabilities became the main standards of liberalism. The scramble for the colonies was being consolidated, and colonial imperialism was being justified by means of these liberal criteria, applications of which would have 'proved' the West's ideational superiority, while the classical standards of juridical thinking about concretely-balanced political actions were gradually being dismissed from this world.⁴⁰⁴ Against that tide of ideational liberalism, then, Schmitt helps proto-realists in building up their case that the classical European juridical tradition should be preserved.⁴⁰⁵ Natural laws—and their political theological interpretations—should form the main directions on Europe's juridical compass, as opposed to the routes towards more materialist values and abstract ideas.⁴⁰⁶

Like Arendt, who dismisses the materialist ideology of the French Revolutionaries, Schmitt believes that materialist values and economic ideas, and competing national interests as well, cannot be authoritatively constrained unless their political antithesis has become known.⁴⁰⁷ Politics transcends both materialism and the

marketplace: it is the only concrete and existential realm of life, and not just a socially-constructed form of possession or preference.⁴⁰⁸ Admittedly, Schmitt himself takes a Germany-centric (or, perhaps, European-centric) approach which then led him to mythologize a Catholic law tradition of existentialism which had probably long before lost its glory.⁴⁰⁹

But the gist of his argument was as simple as that it would be directed against an approach not unlike those now known as structural neorealism and neoliberal institutionalism. Rather, the gist is that sovereign states should not be stepping up their competition over scarce resources because they should not think of their political power as the sum total, nor as the effect of their material possessions. The supremacy of their authority cannot be as directly derived from the *status quo* economic choices and preferences as that statespersons might oftentimes expect.⁴¹⁰ Whenever statespersons are trying to find moral justifications for their own state's supremacy, these justifications are likely to be based on abstract ideas about their own superior moral values—including their imperial or racial values.⁴¹¹ The problem with such values is that they “neutralize” the political realm within which they should be assessed. The subsequent neutralizations of liberal, economic, and imperialist values are centered in dangerous abstractions, however, because these neutralized values may be even more likely to produce aggression than that properly politicized goods will do—as Schmitt readily agreed with Marx.⁴¹²

The idea that a political front can only be expanded structurally (economically, technologically) is offensive to realism. Marx's own dialectical theory had foreseen that

each political realm remains open to structural change: politics is structurally open, albeit not random and arbitrary.⁴¹³ The end of the Great War is the standard-example of why politics should be an open-ended process, rather than to be closed off by the structural inequalities between states, state identities, and their economic interests. Paris was the victor of the War. In conjunction with her allies, France would in 1918 begin to demand the payment of war reparations from Germany. The Weimar Republic would thus have become heavily indebted, even before it had been conceived (its reparations were not paid off, in full, until at some point during the 2000s). Schmitt worked in an intellectual climate in which it was common to hear, not only from the Nazi Party, that Germany's foreign debt, that Germany's loss of its colonies, and that French and British capitalist forms of competitive colonialism were exogenous 'feedback loops' determining how and whether the Weimar Constitution could survive endogenously.⁴¹⁴ By the 1940s (or probably in the period after 1936), Schmitt begins to understand that very little had been learned from how the Weimar Constitution's 1930s debacle (after 1933, the Nazis had silenced but they never threw out the Constitution) had been caused by a political failure to solve the international debt problem (a failure which in part culminated in the Great Depression). He also understands that the Great Powers had continued to use economic sanctions and financial competition as the means towards meeting their own goals. This economic model of competition had been brought into the world by the Soviet Union and especially also by the United States, so that it would not have come as a surprise to Schmitt if he could have learned that the U.S. (only seemingly under the juridical and political auspices of the UN) went on to enforce harsh economic sanctions against Iraq,

during the 1990s—which were in many respects as damaging as those the allies had designed, at Versailles, to bring down the Weimar Republic.⁴¹⁵

Political realism holds that world problems do not need to be solved economically, or technologically, if it is possible to observe more meaningful organizational processes. Most of the time, in fact, structural issues such as the relations between debtor- and creditor-states are still issues which linger on until agents finally take it upon themselves to tinker around the edges of the global financial structures. But the point at which state agents thus end up ‘remaking’ and ‘messing with’ financial or economic structures, is also a point at which structures themselves are believed to positively respond to state action. The structures are believed to be in a relation of unity with the agents—and it is this kind of belief that (Schmittian) realists understand to be a political belief. It is political because it recognizes an existential intensity within the IR system’s self-restorative, self-organizational potential.

Sovereign authority reveals itself in political relationships, which are ultimately always existential oppositions (relations of enmity). To be able to recognize sovereignty, then, is to be able to recognize why profitable and unprofitable investments, or why moral and immoral values, as well, have to be transcended by those *existential oppositions* that have so long formed a pattern that this pattern itself would again be recognized as the public law (in Europe).⁴¹⁶ Moral doctrines as well as material interests should be believed to be hedged by the public law tradition, and thus be prevented from transgressing each state’s proper juridical boundaries (*Grenzen*).⁴¹⁷ Borders between states should be believed to be juridical boundaries, at least to the extent that they—as

Gabriella Slomp summarizes Schmitt's take on the problem—are self-organizing boundaries. Jurisdictions are neither morally nor immorally justifiable, as Hobbes also knew, as they are instead to be believed to ultimately consist of laws present in a state of nature: they are existential (political) laws.⁴¹⁸ On these solidly existential grounds, it becomes possible to see why the purpose of restoring (Europe's) endogenous jurisdictional limits is a more meaningful purpose than the conjuring of any novel types of moral justifications for causes of war (*justum bellum*). Moral doctrines tend to escalate the opposition between two enemies—rather than that they legitimize their relational, or their mutually-respected political authority. Hobbes probably warned Schmitt about the likelihood that moral doctrine depoliticizes and neutralizes the self-organizing political process, because he had written that states could easily be causing their own “dissolutions” once they come to rely on moral or ideological justification for a “war by which their power was at first gotten, and whereon (they erroneously imagine) their right [to rule should] depend”.⁴¹⁹

In great dissimilarity to political realism, the often-in-IR-prescribed text *Global Transformations: Politics, Economics, and Culture* suggests that sovereignty is not recognized through an ultimate relationship—but forms a measurable form of power. Sovereign power is in retreat.⁴²⁰ The textbook's lead author, David Held, argues that liberal consumer cultures have grown increasingly capable of determining how the sovereign state should eventually surrender its territorial powers to the structures of globalization. Held et al. expect that the “global capital market” will continue to expand, for example, and that “network[s] of trading relations” will reinforce the market's self-

expansive pressures on the state. Sovereign power is giving way to these pressures, as novel cross-territorial and economically-oriented powers take its place. Sovereign states are losing their power to a “trend towards free-er trade—as the evolution of the WTO indicates.”⁴²¹

The WTO is a global regulatory institution. It manages capitalism. It helps supervise the spread of trade networks and TNC-based forms of capitalism. There is no room for ambiguity among the authors of *Global Transformations* on this point: the WTO is useful in creating political change because “capitalism, in its many forms, has an expansionary logic”. But they themselves add an idealist tendency to this logic. Capitalism should be expected to continue to expand, globally, because this expansion has had politically-positive effects: it has helped spread democracy around the world. Capitalism’s logic will not “narrow the scope for political action, [but is much more likely to] ... dramatically expand it.”⁴²²

As Held et al. add, “the emergence of a global trading system and the development of global production networks ... [turn capitalist] competitiveness [into] a new standard of national and corporate economic efficiency; [this turn causes a] ... reorganization of the state ... to maximize [its] national competitive advantage”. Capitalism gives incentives to states: they are incentivized to democratize, in order to then again maximize their comparative economic values and interests. Capitalism facilitates also a tendency among national cultures to share information, especially about issues such as the environment. These incentives cause states to recalibrate the tension between “the regional commons and international economic externalities.” “[M]ilitary

power” will eventually prove itself “useless” in this effort, as “national sovereignty” is gradually being replaced. Pressures on sovereign power are caused by constant renegotiations of the world’s “environmental interdependency”, especially. Once these pressures have been build up, a novel structural constellation will be created of “power centers and overlapping spheres of authority: a post-Westphalian order”.⁴²³

Idealists such as Robert Dahl assume that economic logics can cause democratization.⁴²⁴ Additionally, Doyle and Russett claim to have found sufficient historical evidence in favor of this idealist proposition.⁴²⁵ The latter finds that intensified trading patterns have historically correlated, positively, with the international ascend of democratic states. This correlation is part of one variant of the so-called Democratic Peace (DP) hypothesis: democratic states are less likely to wage war on each other, as compared to other régime types, especially when they continue to engage in commercial relationships. “[F]ull-scale war between pairs (dyads) of [such] established democracies is somewhere between extremely rare and completely absent,” as Russett explains. The DP hypothesis further holds that most states “fall in the middle” of a scale, ranging from full autocracy to full democracy.⁴²⁶ The less autocratic states are, thereby, the more accustomed they will have become to maintaining the peace among themselves. But the less democratic they are, the more likely they will be to find some moral justification to wage war.

The big problem with the DP hypothesis is that it must assume that there is a middle ground between war and peace. That is, DP defenders take it for granted that there will be a middle on the democratization scale, situated exactly between the two poles of

autocracy and democracy—so that they do not have to provide separate definitions of these extremes. The extremes are then merely gradations, measured along one and the same scale. Democracy is simply a standardized mean, in other words, from which all the non-democratic states would somehow have to be deviating. The DP hypothesis is particularly problematic, however, because its proponents mistake democracy with a low level or with a limited extent of state power—and certainly not with a qualitatively-distinct power or a unique form of state government.⁴²⁷

The DP thesis is not only unreliable in the sense that it cannot be isolated from capitalist logics.⁴²⁸ It is also invalid because it is conceptually meaningless to define peacefulness as democratic, and warring behavior as a strictly autocratic symptom. Indeed, such definitions give again in to a monistic conception of state authority: the more authority, the less democratic. This means there is no room for a dualist relation between democratic institutions and discretionary officials, or at least not within the DP's conception of sovereignty.

By diverging from conventional IR analyses, as well as from the DP assumption that the world's middle ground is moderately democratic, political realism finds no such middle ground at all. There is no continuum of legitimate statehood, because every sovereign state should be believed to have been legitimately authorized. If it had not been authorized, it would not be a sovereign state. Yet, this does not mean that individual statespersons cannot appear in an illegitimate manner. Indeed, statespersons necessarily act in more or less unjustifiably. But the DP hypothesis creates the problem that statespersons act only as direct representatives of their own sovereign power. As such

power is assumed to be gradational, each statesperson's power may be compared to that of every other such person. There is a single scale to facilitate power-comparisons and power-rankings, after all. But by singularizing their scale, DP theorists *either* make a self-fulfilling prophecy or they are, probably inadvertently, claiming a monistic form of authority as their ideal—which realists argue is actually not a viable ideal, but a falsifiable hypothesis.⁴²⁹

Several Marxian realists, but specifically Alan Gilbert, introduce dossiers about democratic statespersons who supported not large-scale territorial wars, perhaps, but who certainly orchestrated economic sanctions, military coups, or assassination attempts against foreign governmental leaders—including many democratically-elected leaders.⁴³⁰ During the Cold War, and after, the U.S. and its democratic allies perpetrated illegitimate violence against states they suspected of forming a threat to liberal capitalism. This American-dominated alliance often took sides in civil wars, as well as in armed conflicts between poor states, in order to tip the balance in its own favor.

At least since the eighteenth century, the global West has been successful in maintaining *status quo* inequities throughout the IR system. Western democracies have posed their own interests *vis-à-vis* those of poorer elected governments. For instance, by deploying the WTO and the IMF, modern democracies were able to strangle several of their former colonies—even if the latter were endogenously democratic—by keeping them in financial debt and maintaining their economic dependency. Defenders of the DP hypothesis define wars, usually, only as cross-border high-intensity military conflicts. But in an age in which only a few Great Powers can possibly win such conflicts (because

of their industrial capacity and technological sophistication, as well as their ability to threaten to use nuclear weapons), it is more than just awkward that DP defenders remain unwilling to allow global economic warfare and all sorts of economic sanctions and debt crises into their definitions. The ability to meet creditor obligations, economic productivity, and industrial output can very well be measured: these are distributions of power that can easily be placed on a scale of being more or less egalitarian and more or less just. By contrast, political conflicts between powers may not as comfortably be measured in terms of how they end up limiting the abuse of power. The structural distribution of powers, therefore, cannot be measured in terms of the use or abuse of powers as well as in terms of power has been distributed among peoples: is the distribution sufficiently egalitarian and is it rationally balanced, or not? If power could be dichotomized, and if power is either limited democratically or it must be undemocratic, then it would soon become meaningless to talk about how international economic policies skew structures in favor of the *status quo* distribution of powers. Against DP idealism, in brief, IR theorists have no good reason to not accept the fact that economic violences and structural disparities intrude on the political realm.⁴³¹ In this, they are as anti-democratic (anti-egalitarian) as that large-scale armed conflicts are.

Naomi Klein, Alexander de Waal, Walden Bello, and Dani Rodrik argue, by each taking their own angle, that neoliberal (and DP) idealism forms a dangerous machine. Neoliberalism has serious defects, however. When statespersons insist that states in the global South should engage in economic competition, or should open up national borders to international trade, they are more likely to be defending their own national business

interests than the cause of liberal *democracy*.⁴³² And when the IMF and the World Bank ask poor countries to continue to privatize their economies, they are first and foremost trying to create a viable consumer culture within the richer as well as in these target countries—so that TNCs may anywhere start to outcompete, or to buy out local businesses. But this neoliberal machine, fueled by Western consumerism, has been falling apart.⁴³³ And, its replacement parts are increasingly being used to maintain illegitimate economic sanctions (and foreign debt) régimes.⁴³⁴

The global South is not simply a creation of the Bretton Woods institutions and the WTO. But the IMF's structural adjustment programs, which measure success in terms of aggregate economic outputs (GDPs), have been politically misguided. They have facilitated ethically unacceptable and politically imprudent 'loops' throughout the IR system. Tragically, most policy-makers at both the IMF and the WTO will continue to prophesize that privatized corporate trade can cause democratic development. These institutions hardly dare to look back at their own record, however and unfortunately, because their trade doctrine is anything but rational. Throughout the 1990s and into the 2000s, the Bretton Woods institutions licensed thousands of businesses, headquartered in rich states, and thus allowed these TNCs to extract valuable minerals and agricultural produce from indebted states. Yet, business profits were rarely being locally reinvested. Global inequalities exploded.⁴³⁵ An entire class of nations grew sixty to seventy times poorer than the few richest states.⁴³⁶

One of neoliberalism's most subtle critics, Rodrik, suggests the WTO was deliberately allowed to move beyond its classic economic mandate. Leading WTO

members ventured into the writing of unprecedented exploitative trade-policies, which created little to no concrete forms of development. It has been this institution's mistake, Rodrik writes, to turn the intensification of global trade into "the lens through which development is perceived, rather than the other way around."⁴³⁷

It is erroneous to perceive development and peace as the outcomes of economic or financial policies. David P. Houghton mentions that the DP theorem's positive correlation "between economic interdependence and ... the spread of peace" may be statistically reliable, but that it is hardly a valid correlation. The DP theorem allows policy-makers to take growing "interdependence" as their independent, and political stability as their dependent variable. But setting this priority also helps them manufacture a lens through which only the light of economic trade may travel while political light-beams are thus dispersed, and fade out. On the one hand (as Houghton further points out), "if believing that interdependence *produces* peace is what actually causes peace, or is one among other causes, then the effects [of economic interdependence] may be largely benign. On the other hand, a widespread belief in the [DP theorem may induce political] ... complacency".⁴³⁸

Realists dismiss (Held's) idealistic conclusions to the effect that the satisfaction of economic needs will alleviate political oppression. They turn to Max Weber for support in doing so. For him, political freedom depends as much on a non-consequentialist ethic as it does on the satisfaction of instrumentally meeting economic needs and necessities. The capitalist logics of the early twentieth century have their roots in a Puritan ethos, however, which valued the mundane satisfaction of economic needs above any

metaphysical beliefs in the non-consequentialist process that had previously been believed to politically transcend such needs.⁴³⁹

Weber teaches realists (as Chapter Two elaborates) that consequentialist choices and non-consequentialist decisions or that, rather, both the economic interests and the political ethics of most relationships, implicate each other within the practices of civic religion.⁴⁴⁰ Hence, religious beliefs may somehow strengthen the realist argument that the responsible and the ethical exercise of political freedom—within a *system* of states—cannot be understood in separation from the private interests and functional ambitions of these states and their governments, and yet transcends them.⁴⁴¹ Weber might have agreed with Simmel, in this respect, then, when the latter wrote that the significance of religious beliefs emerges from within a relation of unity: a relation which cannot be understood as “a temporal sequence” nor as a “historical development from the more imperfect to the perfect”—but which is very much a relation respectful of both the unity as well as the qualitative difference between “two spheres.” Hence, archetypal religious relations emerge at a systemic “*threshold*”—rather than from a temporal transformation.⁴⁴² This emergence is relevant for IR theory, now, in examining political realism’s theological caliber.

In Support of Hobbesian Realism, Dual Sovereignty, and Systems Theory

“In an era of democratization, nation building, and ‘democratic transitions’, it is all the more pressing to ask how a people can best constitute itself”—as Habermas helps point out, according to Olson.⁴⁴³ The problem with this point is that Habermas’s idea of democratization has been derived, in its essence, from Kelsen’s idea that political institutions and constitutions are to be valued as if they all share the same basic normative cause: to spread equal liberties, or to at least increase the value individuals attach to their freedoms.⁴⁴⁴ Still, a less liberal and a more republican realist perspective lays bare the counter-notion that when citizens freely participate in the organization of power, they cannot derive value from and they cannot literally make sense of self-organizational power’s concrete existence.⁴⁴⁵ Therefore, the problem has become that the field of International Relations theory—in which this question of transition, constitution, and constitutional self-organization has been repeatedly asked—has not yet been irrigated by the notion that a mysterious ditch or a void remains in place in between the concrete existence of free power, first, and the abstract value of individual liberty, second. The field remains instead permeated by numerous biases, but especially also by Habermas’s idealistic preconception that democratic constitutions must be serving and yet be derived from the best cause of all: equal liberty.⁴⁴⁶

Kelsen has been unveiled as perhaps the very first twentieth-century philosopher to have positivized the value of liberal democracy. Both his and Habermas’s assumption would always be that democratization is a liberal value in itself. It is possible to trust that

the democratization process will legitimize itself, because of all the legal values that function as if they form its own basic and final cause.⁴⁴⁷ Or, democratization will be a self-propelling force for good, for liberty, and it needs no constitutional antagonist (there is no counter-element: it is as if it is being its own basic norm).⁴⁴⁸ Democratization consists also of a generally ideational activity, and this activity will be fearlessly valued—to the extent that it is hoped to trace itself back to the final cause of equal freedom, both institutionally as well as how individuals will be valuing and making sense of their constitutional institutions. “[A]s long as democracy and its institutions can be [hoped] ... to serve the general goals of freedom and equality and as long as institutional behavior can be made sense of as serving these [final] goals, democratic institutions are legitimate, at least as long as the values of freedom and equality are still upheld by the majority of the body politicick.”⁴⁴⁹

The current chapter concludes that democratization should not be valued in terms of liberal idealism, but is to be examined through lenses crafted in the style of Hobbesian realism; through the most comprehensive and most comprehensible view of constitutional legitimacy—as well as towards the ambivalence experienced in recognizing new states and new forms of both sovereign and constitutional (although not necessarily democratic) statehood. The main reason that (Hobbesian) realism holds an advantage over (Habermasian) idealism, however, is that it respects the fact that a void will remain in between democracy’s ideally self-organizing processes and the world’s concrete institutional structures. This means that all self-organizing structures are paradoxical entities: no constitutionally-just state can escape the paradox of having been founded

unjustly, in particular.⁴⁵⁰ To this effect, of creating more respect for the paradox of politics, IR realism can introduce a third element—which must itself include a dual concept of authority. For, the third element will then have to include structural (Habermasian) idealism’s own hopes on an egalitarian world constitution, certainly, as it balances such *hopes* by additionally including the dystopian possibility that the authority of a common world state would one day no longer be *feared*.⁴⁵¹

Political action is either more or less authoritative, which means it is being feared, more or less. Political speech may resonate in either legitimate or illegitimate terms, which means that it raises good or false hopes—according to Hobbes. Realists caution that the difference between good and false depends on good third judgments. These judgments do not need to be neutral, further, as they should not differ quantitatively from the sphere of competing hopes and fears, or of competing ideals and interests. Judgments should generate qualitatively-distinct constitutions, rather, that can somehow help transcend this sphere of competition while containing it.

Arendt demonstrates that the political judgments differ qualitatively from the socially- or economically- constructed sphere, simply because they should instead be expected to express themselves in a commonsensical manner. As such, political judgments may have to take on the form of metaphorical speech, describing the moral properness of manners and ideals. But they may also have to be recognized as conjectures: judgments are still to be assumed and believed to be supremely commonsensical (authoritative) in the sense that they can only be believed to be helping people to decide how they should transcend the totality of their quantitatively-measurable

competing manners, needs, and interests. Tension remains between ideational-transcendent qualities and sensory-competitive interests, yet the tension itself should be understood strictly metaphorically—rather than as fearlessly as that (Kelsenian) liberal idealists do, when they try to alleviate the tension.⁴⁵² Moreover, in accounting for the critical distinction between commonsensical modalities of authority, and how these modalities are (revolutionarily) transcending structural interests and ideals, political realism can help IR theorists to draw a sophisticated and judicious distinction between ontological and epistemological IR research.

IR theoretical propensities to subsume ontology to epistemology have resulted into a monistic conception of state authority.⁴⁵³ It has been of great importance for liberal idealist theorists, in specific, to determine how monistic and monopolistic states should be less burdened with their self-defining task of concentrating power, so that state power can be further limited by non-state institutional power: by cosmopolitan institutions, separating themselves from a future past era of these monistic sovereigns. However, this task has mostly been imagined to be an epistemological task: how can agents and institutions ‘learn’ to democratize, modernize, and grow to a point that they become finally known as the legit representatives of one sovereign?⁴⁵⁴

Because this image is restricted to an issue of how to structure the open-ended institutional dynamic of representation, realist theorists will rather argue that that sovereignty is a ‘deathless’ process which has always been able to simultaneously concentrate and yet limit numerous (quantifiable) powers—because sovereignty itself is not a power. It differs, as a mode of authority, because it may both be exercised

supremely and yet be respectful of equal autonomy. Arendt's practice of *isonomy* is the practice of this mode of authority, however: it is both ultimately politically responsible as well that it respects equally free capabilities.⁴⁵⁵

Realists also are familiar with the notion that IR research efforts into the concept of sovereignty must divide themselves into two contradictory fields: positive (including cosmopolitan, or utopian) international law, first, and a long public law tradition rooting both in natural law as well as in a (for humans dystopian) state of nature, second.⁴⁵⁶

Together with some constructivist idealists, political realists can very well acknowledge that these fields, taken together, give an ambivalent meaning to the world of sovereign authority. But realists are not troubled by the notion that this sense of ambivalence should be sustained, whereas constructivist and neoliberal idealists do not want to take ambivalent and dual sovereignty into account.

Idealist epistemologies of sovereignty may remain useful in that they help understand how international law should function: in affirmation of the formal equality of all states (even if legal parity is an utopian idea). However, these epistemologies should only be used within the context of abstract ideas, of idealistic ideologies, as advanced realists will be certain to express caution about any alternative usages. Thus, ideational epistemologies of authority cannot be derived from the concrete, existential, nor from those religious experiences so commonly believed to unify people—as Schmitt so resolutely argued. Much depends, of course, on what is meant when it is said that idealists look for epistemic cognitive bases, or even on what it means to say that realists believe in a more inclusive ontology. For now, however, it must first be reiterated that

only (Hobbesian) realism considers prudence to resist its own epistemic, ideational over-determinations.

Prudence is a quality unlike justice, because justice can be achieved by means of a retroactive redistribution of various interests and powers. Such a distribution is essentially quantifiable, and may become standardized, so that it must be considered an open structure: the idea of distributive justice can be socially inflated or deflated. This open structure is vulnerable to being over-determined, unfortunately, by neoliberal institutions and their own ideas about the meaning of distributive or social or material justice. Prudence, to the contrary, depends in part on proactive as well as in part on state-centric judgments. Prudential authority is dualistic in that it emerges both from empirical experience as well as in part from so-called deontological, ethical virtues. Political prudence has neither been determined by empirical and epistemic experiences, nor can it be reduced by a deontological ethos—as it somehow integrates both experience and ethos, without erasing their difference. Because political realism is anti-doctrinal, in sharper contrast with liberal and constructivist idealism, prudent realists will try to understand why this integrative process remains closed—while it may simultaneously be invoking and opening up the prospect of (revolutionary) structural change.

Idealists have said that twenty-first century structures of international politics both will and should be constructed on the cornerstones of democratic representativeness. By aiming for a higher and more global level of democratic representation, a cosmopolitan state can be created, representative of all nations. Political realists argue that this aim is self-contradictory, meaningless, or could simply be dismissed as banal. Next to Hannah

Arendt, Hans Morgenthau argues that international politics is not, and should never become a mere representation of a democratic majority of national interests and socio-economic needs. Because all human beings have their own needs and interests, it is imprudent to pretend that democracy universally represents a sense of popular pluralism. Rather, world politics is an affair of *adequately* giving voice to particular representations of the human condition—or, rather, of the commonsense judgments that can be reached by members of the diplomatic community, and by the statespersons active within the (UN) system—because it is definitely not about taking an instrumentally-representative route towards allegedly universally-applicable standards of democratic authority.⁴⁵⁷

Because there is not one sound criterion of adequacy, in the worlds of politics, the flaw in the argument made by liberal idealists is that it presumes that powers, interests, identities, and customs can be adequately represented by means of a democratization process. A variety of idealists (Habermas, Wendt, Held) persistently argues that a more cosmopolitan and more democratic world order will eventually have to be sufficiently as well as sufficiently democratically representative of the totality of power-structures of which it consists.⁴⁵⁸ In the IR field, this presumption has often been repeated in connection to another fallacy, most commonly referred to as the domestic analogy. The reason that idealism's democratization process is especially vulnerable to repeating the analogy, then, is that states would domestically be able to represent the total sum of citizenry needs and national interests. And, if states can do so at home then they should also be able to do so abroad—as all neo-Kantian idealists assume.⁴⁵⁹ The orderly relationship between citizens and their own nation-state's democratic government is their

model of a relationship between local or regional governments and the central authority of a European Union or a global-level state.

Contrary to what Nye, who is a liberal (or a pseudo-) realist, as well as what structuralist realists, might be holding: powers applied in IR consist not of those powers subject to the scientific laws governing a game of billiards. IR is not subject to causal factors, alone, but always also to non-rational and non-linear organizational dynamics that transcend even the most causal aspects of “smart power.”⁴⁶⁰ In this, IR consists not of ideally-unified states moving around as anonymous competitors, motivated only by their homogenous powers and only by their vector-like causes and effects. Rather, the structure of power is a cause in itself. It is one of the many potential causes of openly-competitive as well as of potentially-representative behavior, and yet if these causes are regarded only as structuralist and as consequentialist causes, then realists forget the lesson of uncertainty. They forget that even consequentialist causes may at any time be transcended and negated by non-causal and even by non-rationally-represented organizational transmutations.

Predominantly, nevertheless, it have been constructivist idealists who argued that the paradigm shift to be accomplished, for states to recognize the time of organizational transcendence, is to ‘learn’ how to compete not only in accordance to causal logics of power, for economic interests, but to also use this structural form of competition in order to ‘share’ and to ‘develop’ their moral and democratic values.⁴⁶¹ But, realists interject, who decides that the organizationally-transcendent dynamics of IR and sovereignty should be subject to democratic values?

For example, idealists first ask states to attribute anarchical violence to a past structure. They then ask state agents to leave that structure behind: their own domestic form of moral progress also contributes to historical progress elsewhere; this is how agents become accustomed to Democratic Peace. Each state's foreign policies are thus assumed to become increasingly representative of their intrinsic moral growth. States engage in 'social learning' to attain moral as well as physical maturity, but nonetheless a moral type of maturity that remains unmediated by archetypal spiritual beliefs.

While taking a divergent path, realists go beyond the examining of relations between agents and structures. They so arrive at the point that they begin to ask how these agents and structures have managed to organize themselves into a system they believe to have evolved from with a mysterious tension between free corporate agents, first, and necessarily open structures, second. Agent representations and identities are (epistemologically) inseparable from the structures they must end up creating, and yet these structures remain distinct from organizational (ontological and deontological) processes. These closed processes are lending significance and transcendent legitimacy to, and yet also include the structures they somehow remain distinct from. *This* double movement—of organizational inclusion *and* self-transcendence—is the beginning of all meaningful, ultimate, and even spiritual modes of authority.

The research question no longer fits in a nutshell: the question of how and why statespersons recognize each other as sovereign persons, with more or less equal legitimacy, is now turning into a question of any of the possible rules that govern meaningful, legitimate appearances of sovereign authority. Are these spiritual rules or

material patterns, or both, or neither type of rules? By which structural rules should sovereign persons be willing to play? Why? Or, which patterns of rules are they willing to 'learn' to obey, and to condition themselves to?

Hobbes expresses a realist dictum when he argues that it will always be better to remain ignorant of the existing rules than it is to become dependent on "false rules."⁴⁶² The dictum begs, indeed, the above question. And, who should legitimately differentiate the good from the false rules, especially if this is to be done in ignorance of at least some of the rules? Or, as William Connolly reformulates and updates Hobbes's question, who should take responsibility for the differentiation between absurdities being spawned by "accusatory voices" and "righteous assertions of objectivism" (on cable television and talk-radio, especially), first, and the regulatory uncertainties that are being created by hesitant policy-responses towards immanent ecological and political imbalances in the world, second?⁴⁶³ This is also a question of which kind of general responsibilities and which kind of political theories can best assist human beings by recognizing their impetus to restore balance, and to again respect that one "better and nobler condition [of] ... natural prudence". As Hobbes puts it, the question is about what human beings should believe to return to a condition governed by good rules, and supported by "natural prudence", and how these beliefs may help them 'unlearn' their own obeying of "false and absurd general rules".⁴⁶⁴

Hobbes is mostly known as the one political theorist who would have devised a social contract, because he would have been alarmed by a civil war and the general lack of good rules. Readers who skip most chapters of Hobbes's *Leviathan*, but who place

most of their emphasis on pronouncing Chapter 13's definition of structural anarchy, indeed may infer that it greatly matters whether they should obey good rules. For, without such rules, they fear that their lives would be beastly and could be cut short by violences. These readers must be called Hobbists, however, because they can be derided for their giving in to their worst fears as well as for their hopelessly utilitarian definition of rules. Their only issue in obeying rules is that they be effective: that they can take away existential fears, and thus fully guarantee their self-preservation.⁴⁶⁵ But one of Hobbes's most-learned interpreters, Skinner, demonstrates that these critiques hold little water. The Hobbist readers, especially, have too often glossed over *Leviathan's* dualistic concept of state rule—and its “underlying duality between nature and artifice.”⁴⁶⁶

For Hobbes, natural law and artificial law are contraries—similar to the fact that divine and positive law may seem mutually exclusive, and yet do not have to be believed to forever remain disintegrated. Politically, it would be highly imprudent to assume that both the natural and the artificial types of law may be divorced from each other.⁴⁶⁷ The contraries form not so much an antinomy, as that they should (nearly mystically) imply each other's existence. So, it is “impossible” for the subjects of a common power to both obey the “temporal” (civil) as well as the “ghostly” (demonic) laws—because if they were to give preference to their “ghostly” ideas or their superstitions, above their “temporal” rules, then they would soon find themselves obeying only the power of words, which means they would be living in a state of civil war. In response, the members of the “body politick” should busy themselves integrating both the “temporal” with the “spiritual” (not: “ghostly”) types of rules—as if the two rule-types were to

personify respectively their corporate “nerves” and “soul”. Hence, Hobbes writes, “when the [truly] spiritual power moves the members [in the body politick] ... by the terror of punishments and hope of rewards (which are the nerves of it) otherwise than by [means of] the civil power (which is the soul of the commonwealth), they ought to be moved. [But if a ghostly spirit] ... by strange and hard words suffocates their understanding, it must ... distract the people and either overwhelm the commonwealth with oppression or cast it into the fire of a civil war.”⁴⁶⁸

The three elements of political integration are fear, hope, and spiritual love. Hobbesian ontology holds that the first two elements are the structural elements of the body politick—that is, they are souls/nerves, hopes/fears, and the word-power/sword-power too—but they also cannot be separated from an ambivalent third element: spiritual compassion. Whenever people come to imagine that their spiritual ideas can somehow objectify ghostly apparitions and other such invisible doctrinal ideals, they will be casting themselves “into the fire”. But when they believe that their own spirituality is really “the name of the Spirit of God”—as opposed to the, former, type of “demonology in which the poets, as [the] principal priests of the heathen religion[s], were [still] ... employed”—they may rather be said, however metaphorically, to be obeying a “command of God” in the sense that “[they] shall rise [as] spiritual bodies.”⁴⁶⁹

The author of *Leviathan* traces Saint Paul (or, at minimum, his concept of “spiritual bodies”) in order to more prudently and more judiciously think about what it might mean to recognize the emergence of a Christian commonwealth: of ‘the’ spiritual body politick. *Leviathan* presents its readers with a paradox, however, because the body

politick has been divided against itself: the nerves are fearful; the soul is hopeful. To better mediate the two structurally emotive states, the body should somehow begin to integrate itself spiritually. It may now become possible to begin to understand why Hobbes could not have intended ‘spirit’ to be an independent third element, however, because if it were then that would lend public authority to apparitions and demons. The paradox of politics is that sovereign authority should now continue to emerge from a dualistic body, and from both structural fears and hopes, and thus continue to remain internally conflicted, and yet sovereignty should also be vested in a state of peace and justice. This paradox is not a puzzle, realists say. It is impossible for it to be eventually completed; contrary to what some idealists (Habermas) might want to argue.

The reason why sovereignty is bound to be paradoxical is that there are two types of law. The first type is artificially created, and it best expresses the hopes of the democratic idealists or especially the legal positivists within any given political society. This type is the most contemplated type of the two, yet it is also a natural right. The individual is free to make a rational decision to disobey such artificial laws, if they fail to secure or violate her human rights—and to, thus, decide to return to a state of nature. The second type consists of ‘second nature’ patterns (also known as natural laws). These patterns are not merely a matter of identifying people’s good appearances, but rather also emerge from the actions and memories of conscionable persons. Such persons have a natural fear of their own diffidence and shame—and, to overcome such fears, will have to animate themselves within a civil society. They will now participate in the process of obeying the civil law, in other words, because their conscience/consciousness (and God)

commands them to do so. Skinner puts it more succinctly: “the freedom of the state of nature is undoubtedly abridged by our obligation to obey the civil laws.”⁴⁷⁰

Hobbes-scholars are well-acquainted with law’s two-typological and two-dimensional authority. But they have too often forced themselves to try to solve the paradox of dual authority—as the paradox was intended to be sustained, not to be solved, by *Leviathan*’s author. In a first of the paradox’s dimensions, people are obedient to the civil laws and to the commonwealth presupposed by these laws as well—for as long as people exercise their right to demand physical protection from this commonwealth. But, as Skinner explains, there is not one but there are “two separate routes” along which citizen-subjects may obey both the civil laws as well as that they will exercise their natural rights: “one is that all rational persons will, *ex hypothesi*, recognize that obedience is in their interests.” To protect their lives is in their best interest. A rational person will obey the state, hence, by trusting and hoping that its civil laws will be adequately obeyed by all other rational persons as well as by herself. The other route is that rational persons participate in the legislative and the juridical formulation of the civil laws. They are fearful that other persons may otherwise punish them for disobeying those laws they will have been equally free to positivize. “Even if the cause of their having this will is fear, the action they perform out of fear ... remain[s] [thus] a free action”—Skinner adds.⁴⁷¹

Republican theorists led by Skinner usually understand political actions to express a freedom to participate in the state. As Hobbes first suggested, people participate out of fear of becoming involved in structural injustices. Liberal philosophers think instead of freedom in terms of their natural liberty to either obey or disobey the state. Hobbes

indeed also suggested that people hope that their state will remain just, and that they may give up this hope when the state proves itself to be acting unjustly. In the field divided by republican and idealist players, both fears of not being able to participate as well as hopes that participations will remain representative of one's own definition of good laws, have been intermixed.⁴⁷² Political realists are more inclined to agree with republican theorists, however, because they are much more convinced that some hopes may have been falsely raised and that these unstable emotions should therefore be moderated, by healthy fears.

Believing in the Sovereign Authority of States by Taking Them Back to Nature

Why should sovereign persons be *believed*, spiritually, rather than to only be seen or be heard to exist?⁴⁷³ Hobbes and Arendt responded each in their own way to this question. But they could have agreed, with each other and with other realists, that beliefs in a sovereign authority should not be said to be socially constructed. These beliefs are not just shared ideas, shared expectations, or shared hopes. If they were, they could be classified as the causal effects of a "learning process", which is how Habermas describes them nonetheless.⁴⁷⁴

Jürgen Habermas indeed serves as a stand-in for those constructivist idealists who have been arguing that democratic constitutional states must be expected inherently capable of learning.⁴⁷⁵ The idealists conclude that all states can increasingly-well learn how rules are to be interpreted, and how their own policies should be implemented "as

time goes by.” Bonnie Honig and Kevin Olson, in distinction, stand for a group of political theorists who warn that this (Habermasian) argument threatens to become too idealistic. Social learning cannot be understood in separation from fallibility—which itself cannot be understood by only taking a “future-oriented” and “forward-looking” approach. The idea that democratic states can learn from their own mistakes, thus, cannot have been formulated in reference to democracy. Constructivists who would want to take this approach, however stubbornly, must end up not with a meaningful concept (of constitutional democratic legitimacy) but with mere probabilistic data, or with only possibly self-fulfilling prophecies, rather than to arrive at a location marked by prudence. For, it would be an act of prudence for them to recognize that the system of sovereign authority contains a “path-dependent dynamic”—and that this dynamic itself is a closed organizational process. But realists do argue that this dynamic is closed, and that it therefore cannot have been caused and also cannot totally consist of one structure of prospectively-democratized states—because any such structure remains constantly vulnerable, in the present, “to its own open-endedness”.⁴⁷⁶

Historical change does have an effect on how constitutional states are being maintained. But change should not mostly be understood as an open structure or as a social artifice consisting entirely of positive rules, legal norms, and social identities. Change can also remain nested within a system, and to be believed to be resulting from this system’s dynamics of self-organization and path-dependency. The meaning of political speech, in reference to this organizational-change-embedding system, takes on new dimensions because speech can now be assessed as an analogical (rather than as a

majoritarian) representation of the system of states. The meaning of diplomatic and other political speech acts, more specifically, may best be judged in reference to the belief that a natural system (of sovereign states) exists, that it can and will continue to serve as a source of organizational orderliness in politics—as well as that this system is including, rather than that is being dominated by socially-constructed structures.

Anyhow, a realist judge of political speech utterances is naturally capable of appreciating why all such utterances play a role in—the continuous exclusions from, expansions, and in augmentations of—ultimate public authority worlds. The realist judge would not want to appreciate the closed continual dynamics of speech acts because their truth-value has been prophesized or because the speech acts bring a distant future closer by. Realists can religiously believe, rather, that these closed dynamics of political speech have an extraordinary role to perform within matters of ultimate authority—as these dynamics can organizationally transcend the world's many structures of social identities and legal norms, and of both word-power and of sword-power as well.

If only one point of contention between realists and idealists must be selected, it will be the point that only the latter, erroneously, separate the structures of the world's statistically-correlated powers from the self-organizing qualities of sovereign constitutional authority.

Hannah Arendt says as much as that René Descartes analytically separated the powers of the body from the organizational potential of the mind. The Cartesian, philosophical separation of bodies from minds (politick), should not be believed to have been a legitimate maneuver, further, because it would have objectified minds and their

alleged superiority.⁴⁷⁷ The issue Arendt raises is that the Cartesian or the cognitive dichotomy of body (sensory data) and abstract probabilities (mental constructs, social identities), which is a dichotomy that would so every often be rehearsed by (neo-Hegelian) idealists, ended up being politically abused. In the political realm, the philosophical dichotomizations could be abused to justify exclusionary tactics—with disastrous consequences (social identity turns into national exclusivity, for instance). Yet, the dichotomy itself was actually made possible by an ambition to reconcile these two spheres of cognition: by a longer ambition to arrive at a more objective, more modern, and more monistic conception of authority.

In the second volume of her last book, *The Life of the Mind*, Arendt then also accuses Descartes for having expected that he could both rationally and willingly create a synthesis of the two spheres, just as that he had expected he could somehow reconcile “God’s foresight and omnipotence with human freedom”. Schopenhauer would likewise have assumed that it was possible (outside of philosophy) to reconcile mortals’ thinking with the immortality of their freedom. Or, he would have pretended that he could not only philosophically but also in actuality escape “the dilemma inherent in the fact that man is at the same time a thinking and a willing being: a coincidence, [Schopenhauer and Descartes pretended not to know], fraught with the most serious consequences”.⁴⁷⁸

In relation to dual sovereignty, apparently, Arendt’s notion of “coincidence” comprises several sub-coincidences or sub-dualities; thinking/willing, contemplation/action, endogenous/exogenous, closed/open, and structure/organization. Before concluding this section with this notion of the political realm, or with this

coincidental dualism, it should be asked why it is a relevant notion to begin with. That is, why has it remained worthwhile, particularly for political realists, to believe (perhaps even religiously) in a coincidence and a duality, coming together in sovereignty's ultimate meaningfulness? And, why should dual sovereignty's self-integrative powers, as opposed to democratization's self-organizational potential, also continue to cohere with ambivalent speech acts?

A valid answer to such questions cannot be reduced to the answer that self-integration is akin to democratization. It would be both imprudent and empirically untenable to assume that sovereign statespersons will over the course of due time have learned how reduce the ambivalence of their own speech, their own diplomatic protocols, and their own symbolism. For, statespersons may only learn how to be limiting their powers. They will not be progressively learning how they can be democratically positing ever-improved laws (This DP assumption has already been belied by the underlying variable of capital accumulation: democracies are not 'friendlier' towards other democracies, at least not politically, because capitalist economies may actually be 'hostile' towards other such modern economies regardless as to whether they happen to be democratic.)⁴⁷⁹ Realist answerers acknowledge, with Hobbes, that states are akin to actors who perform ambivalent speech acts. Normatively there is no disagreement with democratic idealists: these speech acts should, somehow, remain analogical to their natural meanings, or to the conscionable intentions behind them. But practically, there is considerable disagreement. *Leviathan* demonstrates (quite adequately) that speech acts and trains of words should be *believed* to have politically self-binding, self-balancing,

and self-regenerating effects on scores of people—even when they are not, and without also automatically committing them all individually to one and the same (neo-Grotian) social or democratic contract.⁴⁸⁰

Sovereign persons should be *believed* to be legitimately-appearing persons, not on trust nor because these persons can command others to do so. This political belief is rather, according to Hobbes, a spiritual belief transcending self-contradictory structures of fear and hope. The Hobbesian theory is a theory of organizational longevity and systemic stability. There are many natural phenomena that can prolong their own life-spans, but there are nearly none that can stabilize relations between all groupings of human beings. There is one exception. Human beings can begin to believe that the stabilization of their relations, networks, and social webs is a matter of guaranteeing their peace. These guarantees themselves must be thought to remain prone to absurdity and banality, yet these guarantees should also be thought to be sanctioned by a natural law-covenant of all, and by all. Groupings attain adequate stability, security, and peacefulness when they are willing to decide on the meanings of their own laws. Some laws have to be recognized as open to change: they are positive, artificial, and amendable. Groupings will also have to be willing to recognize that amendable laws differ from, yet may be analogous to, the laws of *self-regulation* and *isonomy*—because only the latter laws are systemic and path-dependent organizational dynamics.⁴⁸¹

From this point onwards, the book's premise holds that Hobbes's skepticism towards analogies between states and spoken contracts, towards prophetic speech acts, and towards the raising of false hopes is a sort of skepticism that testifies to and is

theoretically compatible with the domain of natural systems theory. To borrow Connolly's words, natural systems theory is best practiced by asking and by studying why specific forces, entities, and parties within the IR system—which itself is to be understood in analogy to a “weather system, ecological balance, or [a] political formation”—may spontaneously come to “trigger novel patterns of *self-organization*”. Connolly argues that systems theoretical studies cannot be conducted in a cultural atmosphere of “resentment and cynicism”. In such a culture, each speech act would too often be imagined to be only either true or false—so that speech ends up being used to build a “model of simple objectivity”. Political systems theory is instead to be studied, therefore, in order to allow an adequate degree of complex but nonetheless subjective beliefs. Subjectively spiritual beliefs, more specifically, should be allowed into the political (IR) system: their subjectivity cannot be held against them. For, human beings behave in a manner that is often neither objective nor subjective, and yet will be able to experience “those feelings of abundance and joy that emerge periodically”—but that especially often “emerge” when they begin to “sense the surplus of [their spiritual] life”.⁴⁸²

Connolly premises that feelings of joy may emerge from a spiritual life—to the degree that such a life respects the system's self-restorative powers and organizational processes. This is not a doctrinal life, therefore, but a life lived conscious of authority's systemic legitimatizations: not from authority's utility or its mechanical applications. Connolly's conclusion opposes objectified identities (product brands) and economic markets (media markets), as it premises that the social objectification of things too often

‘outstrips’ their natural inter-subjectivity and inter-dependence. Nature is being ‘outstripped’ by the social and economic sphere, Connolly warns, and this again suggests that the system of states is becoming too anthropocentric; that the (IR) system’s purpose is too often cogitated as the outcome of people simply adapting their behavior to objectivist, positivist, structural norms. Idealists assume only that such adaptations would somehow negate, however fictitiously, the notion that all people learn to bring closer not the periodic but the final emergences of “abundances” and “surpluses of life”.⁴⁸³

As alluded to earlier, and as is the constant variable within the philosophy field, modernity commenced with Descartes. He first ‘separated’ mind from body: his doctrine has sometimes been summed up as ‘mind over matter’, to stress that accomplishment. Arendt suggests that Cartesian minds are doomed, however, because they have been forced to imagine themselves as incapable of sharing their worlds with others: they are fixated on mundane, private affairs and see no need to discover an alternative or a transmundane world.⁴⁸⁴ The Cartesian doctrine made an impact on images of political bodies, and of statespersons, in that it ranked rational persons above sensible persons. This rank-order greatly offended Arendt as well as her unlikely ally, Hobbes, which is why she resoundingly demonstrates that mind and body are, and should be trusted to remain inseparable: “mind and body, [or] thinking and sense experience, [are]... ‘made’ for each other, as it were.”⁴⁸⁵

Modern philosophy regrettably decoupled the “bodily senses” from the manner in which the world can be explained by means of “mental activities”, and Arendt attacks precisely that modern maneuver by introducing a third element into the political world.

This element reunites, or is to be conceived as a third coincidence of both thinking and willing: of both commonsense (communal thoughtfulness) as well as of its precondition of natality (the willingness to begin anew).⁴⁸⁶ In this respect, she also explicitly accuses Cartesian constructivism of “no longer [having] ascribed the gratifications of [the great scientific discoveries] ... to the objects of thinking”. It only would ascribe “self-sufficiency” and even “worldlessness” to the notion of scientific and theoretical knowledge.⁴⁸⁷ Yet, neo-Hegelian (IR) theorists such as Wendt are ignoring Arendt’s warning. To her there can be no such thing as, while to them there can very well be such a thing as a Cartesian (IR) political theory.⁴⁸⁸ Yet, with Arendt, not even political scientific theory can be practiced outside its own world: it would have no notable audience; like any Cartesian thing, its norms would have to be self-objectifying and thus derived totally solipsistically.⁴⁸⁹

It is hardly a trite thing that twentieth-century administrators of genocide routinely presupposed that their mental activities should take place *solipsistically*—and that they themselves could somehow appear, in their totalitarian worlds, as non-thinking or as private individuals. Realists have sufficiently objected to their presupposition, calling it “banal” (Arendt) and certain to cause “civil war” (Hobbes).⁴⁹⁰ The “objects of thinking” are structurally incapable of gratifying the senses, on their own behalf. No social animal can experience abundant joy in constructing an object of thought, or an object of power. For such an abundance to be experienced, to the contrary, speech acts and social interactions will have to be heard, sensed, and especially also be believed to have been and continue to be naturally tasteful.⁴⁹¹

The Roman Republic and Constitutional Organizations of Treaty Law

What do realists mean when they refer to a relation of unity, or to an integrative organizational process that they mysteriously trust to somehow unify both structure and agents, and both their necessity and freedoms? Or, what should advanced realists mean whenever they refer to contingent combinations of the need to control a territory and the presence of a free government, in recognizing the sovereignty of other states?⁴⁹² Aristotle demonstrates that “the territory of the state and the inhabitants of that territory” should never be identified as the only “factors” necessary in the formation of states.⁴⁹³ It will, henceforth, have to remain impossible to deduce any general (political-scientific) laws about the nature of statehood from these material structural factors alone.

Aristotle’s *Politics* defines the city-state (*polis*) as a (hylomorphic) compound of two causes: structural and formative. Contrary to Plato’s *The Laws*, the definition holds that the structural groundings (population and landmass) are necessary, but insufficient in order to recognize a *polis* as such. City-states display namely also zoological preferences, or animal passions—which are their uniquely-formative groundings. City-states have a unique sense of political agency and identity, in other words, and Plato would have failed to understand that their self-formative (or, self-organizational) identity cannot be derived from their “territory” and “inhabitants” alone. Plato thus made the mistake of having presented the life *of* the city as a life *in* the city. He had merely represented the structure

(life in city-states) as if it could be analytically separated from their corporate agency and formal identity (the life of these states). Thus, he could not have known what it meant “to live a political life, and not a life of isolation”.⁴⁹⁴

The tension between Plato’s and Aristotle’s conceptions of statehood reflects itself in the tension between each polity’s structural singularity and its disposition to be acting politically and responsibly. It may be safely assumed that, besides Hobbes, Arendt takes her cue from Aristotle when she moves beyond his (and especially Plato’s) geophysical impressions of singularity—as she turns her own gaze towards the plurality of all polities and of all political activity, as well, referring to plurality as the first rule of that “great game of the world”.⁴⁹⁵

The greatest game is a self-regulatory but intersubjective process. It is the game of recognizing what it is that makes appearances into politically legitimate appearances. Recognizing the state, then, as a legitimate sovereign state should be a process sustained by politically pluralistic relationships—as opposed to by a single structural entity (population, nation). She agrees with the Philosopher, however, that pluralistic relationships are those in which political animals make appearances before one another—either through action or speech.⁴⁹⁶ Plato’s state lends itself only to the utilitarian standard of awarding recognition, whereas the Aristotelian state coheres better with her own concept of a political life that both is instrumentally sensible, in terms of physical action, and yet is recognized supra-sensibly or pluralistically.⁴⁹⁷

But, who knows whether the single and the plural, both the sensible and the super-sensible will begin to coincide legitimately? Peg Birmingham, a careful interpreter of

Arendt's writings, suggests these writings affirm this coincidence's non-violence. There can be no structural inclination towards violence, thus, nor towards evil deeds. Such deeds are, instead, to be understood as "a capacity of human beings, not an inherent trait."⁴⁹⁸ In the instances in which Arendt reports that statespersons had been using armed force, these were instances effectuated by their own sense of agency—not by intrinsically violent structures, and even not by hierarchies. Force is not being effectuated because statespersons thought that their relationships had somehow committed them to do so. As noted, Arendt rejects that (neo-Platonist) idea: political relationships have not been structurally, geo-physically, or even not anarchically and violently predetermined.⁴⁹⁹ All structural violence is irresponsible—and it is in many ways the opposite of political relations, as only the latter can be believed to be responsible and practical expressions of freedom (*isonomy*).⁵⁰⁰ Structural predetermination is a scapegoat conception of the world, especially because it can serve the perpetrators of violence (such as the German Nazis) as a normative justification for their actions.⁵⁰¹

The problem with the use of force, by state agents, is that any such instance remains vulnerable to normative ideals. Not all ideals are defined by indoctrination and propaganda, which can make them all the more dangerously irresponsible. The instance of force *thereby* (in its thoughtless irresponsibility) opens itself up to "fanaticism and madness".⁵⁰² Philosophically, the Arendtian problem is to see how it can be possible for statespersons to *neither* consider physical force as an agent's absolutely immoral act (radical evil), *nor* think of it as normatively justifiable because it would have to have been motivated by an ideal form of structural necessity (such as: forms of anarchical

competition). Rather, the use of physical force will, even in the most extreme cases, still somehow have to have remained a recognizably solipsistic, banal, thoughtless routine.⁵⁰³ Routine irresponsibility and violent negligence, then, are neither an individual agent's absolute fault nor can they entirely be dismissed as structural causes.⁵⁰⁴ In brief, Arendt agrees with realist authors such as Aristotle and particularly Weber, further, that the political responsibility sustained in pluralism is a paradoxical responsibility: it is neither reducible to the ideals of agency (singularly moral/immoral) nor to the factors of structure (territory, inhabitants).⁵⁰⁵

Binding, mutual, responsible appearances must never be confused with norms, values, and social ideals—because doing so would undercut their two-dimensional and perhaps even their inherently paradoxical ‘neither-nor’ type of organization. Fanatics and seditionists are all too often agents with ideals that are too great: their normative condition is too normative. Also, their condition cannot be modified on progressively democratic grounds, either, as even such (Habermasian) grounds consist themselves of normative doctrines; additional fanatics stepping onto them could create ‘feedback loops’ of violence.⁵⁰⁶ Responsible (Arendtian) appearances are made by animals that are not believed to be sociable, and capable of keeping their promises, because they have such strong values or such noble ideals. Rather, they are believed to be sociable because they share a responsibility to intervene, politically, against the banality of evils. That is, to be exercising a shared political responsibility is to interpellate all those who might try to act solipsistically.⁵⁰⁷ This intervening and this responsive engagement with the banality of loneliness and individualism, in other words, should be made possible by and yet cannot

be derived from the humanity of the interveners and the intervened, the arresters and the arrested. Humanity is an ideal, not unlike national citizenship rights or the comity of nations.⁵⁰⁸

Theoretically, it is a paradoxical route to be premising that the shared responsibility of the public authorities cannot be concretely or directly deduced from the human beings, nor from the inhabitants, of their own state. For, it is a theoretical problem that no one can say who should decide whether an appearance is made possible by one-dimensional factors (the nation, the population, and so on) or whether it has also been organized by two-dimensional organizations of authority (the public realm, the republic). In this respect, political realism's but specifically Arendt's problem consists of the paradox that neither one of the two Aristotelian causes can be reduced to the political realm, and yet both are necessary for its practices of authority and for its sharing of responsibilities. Arendt herself might have called on the people (who belong neither to the population, nor to its republic) to constitute themselves. In being a self-constituent grouping, or in being a sovereign people (as Birmingham helps solve the problem), the people emerge from a complex combination of desires, which cannot be reduced to their hopes or their fears. The people are people who may begin to institute a "different form of time—the time of immortality—rooted not in [doctrinal] religion or [eschatological] fear of death, but in the desire for an enduring image and mode of appearance. This is a desire met only in a public space, with an irreducible plurality of others".⁵⁰⁹

From the twin notions of publicality and population emerges, now, what seems to be a third desire for plurality. Republican *legitimacy* and popular *authority* coexist within

the realm of appearances, which is a realm of otherness. It is a generally-unknown realm but it is also emerging from in between the various authorizations of future actions, and thus between power, in one dimension, and the many legitimizations of memorable past actions in another dimension.⁵¹⁰ These two political dimensions, quite noticeably, do coexist in Arendt's work on the recognition of authority: publicity (appearance) remains herein somewhat closer to the Aristotelian tendency to recognize the universality of a human capacity for politics, while plurality (being) is not entirely unlike the Platonic tendency to particularize the (appearance of the) ideal polity. Arendt must have understood why, Birmingham explains, that strands of universality and particularity tend to coincide within each statesperson's actions, or appearances. But the tension between these two strands of authoritatively-legitimized appearances is a tension that itself quite possibly may have to be compared to a third criterion, nested in the binding aspect of promising: in promises such as treaties or covenants.⁵¹¹

This is the premise of realism: the first rule of the "great game" is that the appearances of persons and statespersons are appearances that somehow combine authority's two strands or two dimensions into recognizable patterns; these are the appearances of a prolonged series of inter-subjectively binding, mutually-responsive (but, not contractual) acts of promising. The combinations of the two dimensions hold out the prospect of an alternative moment in time, in which the plurality of promise-making social animals is being respected. Third third moment in time is really the object of a desire, but it resists its own objectification. Rather, desire has to be a desire to be beginning anew. It is a definitive willingness to experience natality, on condition that

natality means that an alternative is a concrete possibility and not a social abstraction (as Heidegger's abstract concept of mortality would be, rather).⁵¹²

On this premise, can Arendtian realists conclude that emergent authority amounts to dual sovereignty? To reach such a conclusion, also applicable to IR, realists have to read Arendt as if she realized she would ultimately have to sustain the void within the relation between public and private dimensions, or between both plural and singular modes of authority. This void exists in the absence of any "images" of its own appearance, however, because it could be timeless and therefore also without appearance of its own. The void has an unknown capability to be making no appearances of its own. Arendt gestures that from within the void, nonetheless, "new relationship[s]" and "perpetual alliance[s]" may begin to emerge, fostered by newly-appearing political actors with their own particular identities (these actors are 'natals').⁵¹³ This post-Aristotelian gesture is Arendt's call on the people to continue to judge the appearances of, and their relations with others. The third factor comprises the prolongation or the added temporality of people's judgments: of their political self-identifications. The striking facet of these three factors, finally, is that they tend to close the organizational process through which "perpetual alliances" emerge from the structural self-identifications these "alliances" themselves are including. Arendt is a systems theorist.

Further, her third factor or criterion of identifying the political realm is an entirely relational desire. It is a third factor only to the extent that it has no visible, tangible substance of its own. Instead, it compromises a statesperson's loving desire to be part of and to be participating in the world (in that great game, basically). Everyone can love

appearing in public, in the world, and yet one's private sort of desire for public recognition is best understood as one's care for what others might think: it one's *amor mundi*. Breen suggests that Arendt invokes the *amor mundi* criterion to identify the known and unknown tensions in between the first-mentioned criteria, or between the two dimensions of political society. Keith Breen argues, actually, that her *amor mundi* notion orientates itself towards the Roman Republic. For, this third notion helped her distinguish “between two historically antithetical conceptions of both war and law; [w]hereas the Greeks understood war as entailing the annihilation of [their foes] and law as being inherently coercive, ... the Romans viewed the end of war as the making of treaties between erstwhile [enemies], ... [as the Romans thereby viewed] law not as coercive but rather relational, as the very means of such treaty-making.”⁵¹⁴

In her own words, particularly the Romans (and anyone raised in the Roman Law tradition) are able to apply a “concept of warfare [through which] ... peace is predetermined not by victory or defeat, but by an alliance of the warring parties, who now become partners, *socii*, or allies, by virtue of the new relationship”. The Roman Law tradition is conditioned by the presence of a temporal relationship which breathes its own authority—by virtue of how the two partners in this relationship also decide to treat their relationship as a self-renewing alliance. Arendt perceives the origins of the Roman alliances as the origins of political societies (*socii*). Treaty law implies a constitutional transformation. Antagonistic strife, over mere material and more structural necessities, may be constitutionally transformed for the purpose of treaty-making and by means of promising. The Romans had to have discovered the secret of how they could transform

promises into alliances, and their key must have been that one “perpetual alliance” which could sustain the void, or the political tension “between patricians and plebeians”.⁵¹⁵

Arendt’s point is clear: the Roman concept of treaty law derives from an exemplary constitution: a republic divided against itself. This concept would not remain beholden to the Roman Republic alone, however, because its effects continued to resonate throughout history. Aristotle earlier observed a constitutional tension between rich and poor, oligarchs and democrats, but Arendt uses the Romans to illustrate that their concept of a perpetual alliance would be mimicked in many places, traditions, and eras.⁵¹⁶ The notion of a perpetual treaty-based relationship is enshrined in the U.S. Constitution, for instance: “all treaties made, or which shall be made ... shall be the supreme law of the land”.⁵¹⁷ Treaties affirm the sovereignty of others: they are an unmediated relational promise, and in principle it is also the case that no treaties should require additional mediation and ratification. Principally and simply, treaties can become binding because they are being observed by other sovereign parties: they are so transforming themselves into an unwritten constitutional law.

Hobbes could have agreed: Rome and her provinces, or Rome and her colonies had been governed by only one constitutional law. He finds that Rome had formed a single “commonwealth”—so that none of the statelets she had incorporated could have enjoyed absolute sovereignty. Rather, their sovereignty was evinced by the notion that they had all been treating each other as equal partners (*socii*).⁵¹⁸ Roman antiquity, from Arendt’s perspective as well as from Hobbes’s, therefore, forms an important case-study because of the manner in which recognitions and engagements would herein have led all

(‘erstwhile enemy’) states to treat one another as if they were equal members of Rome’s imperial as well as of her republican domain. But the abstract value of equal membership itself would also have to have depended on non-partisan acts, inspired by *amor mundi*. The plurality of equally sovereign parties should still have desired to participate in a shared realm: in a realm of appearances and judgments. In comparison to Greek antiquity as well as to the post-French Revolution Continent, only the Romans could provide Arendt with her paradigmatic concept of responsible political freedom—based on a perennial constitutional partnership.⁵¹⁹

Roman antiquity stands as a model for later republican activities. Cicero had recognized the importance of “conserving political communities”. While reading Cicero, as Arendt does in her *The Life of the Mind*, she further observes that particularly his sense of self-conserving publicality was a sense of those actions that were “most closely resembling those of the gods”. Cicero served the Roman Republic because this is where he believed citizens could experience immortality. Arendt writes then, quite admiringly, that Rome’s immortality and honor were understood as “the potential property of [all] human communities”. Romans were perceiving public appearances, in their communities, as evidence of their capacity to begin anew: to begin to be born anew, as it were. After all, they had found “death ... neither necessary nor ever desirable; [for them] it comes only as a punishment.”⁵²⁰

Arendt discerns rather sharply between Rome’s exemplary constitutional society, first, and individual members of this society, second. This exemplary society is a public affair. It is publicality that makes Rome’s society into a characteristic, integrated, closed

organization. But, as Machiavelli argued, membership in Rome's society is open: this and any other societies survive if they can adapt to change, rotate officials, and allow immigrants. Membership is thus a potential, but not an actual status. The number of individuals who may *potentially* become members of a society is indeterminate, because the structure (not the organization) is open-ended. What matters most, at least to Arendt, is that the members' public appearances will be the only sort of appearances to qualify them, as such members. Their appearances and their actions will have to have been judged publically, and their particular promises will have to have been regarded binding. But, if promises are broken, they are also capable of forgiveness.⁵²¹ They publically seek companionship, in open pluralities.

For realists such as Arendt, it cannot be disputed that the Roman constitutionalist tradition is founded on a systems theory through which organizational processes are being closed off while simultaneously including and opening up the structure of diplomatic companionships and pluralities and alliances that these processes then again may begin to transcend. But compared to Arendt, Habermas is less respectful of systems theory. He is less strict, and perhaps less harsh in his determination of the difference between political organizational processes and the structure it includes—or, that is, the difference between a self-organizing or self-closing political society and its structure of societal members and citizens. He thinks that the European Union acts as if it is a political society, for instance, so implying that its members are actual (not: potential) equals before the law. Their membership status is to be treated as if it is identical to the legal status of the EU as a whole: they are equally the national members of a

supranational state, so that their sense of publicity or of “publicity” (*Öffentlichkeit*), more precisely, is to be considered an actual condition of their equal liberties within this EU state. The problem with this condition is that it turns publicity into a continuum measured in reference to itself, even though realists warn about such a self-referential notion of ‘the’ public. This notion does not have to become greater whenever the number of EU members becomes greater: the condition of publicity, companionship, and solidarity cannot be considered as absolute as that idealists might hope it should.⁵²²

Political realists, rather, argue why the case of the EU entity (*is* ‘it’ a state?) illuminates the historical fact that the EU’s regulatory society (its universality) has remained distinct from, and is often opposed by, the member states (their particularity). The plurality of European communities and of EU member states, in brief, has been said to form one exemplary constitutional society, by Habermas, but realists find that an underlying organizational-constitutional problem remains: this society is neither uniform and unitary in its rules, nor is it constitutionally republican. This entity is at the most a potential political society, if not only because the EU institutions were never designed to close treaties with any external sovereign parties. The EU simply does not yet have all the features of a sovereign society. Particularly, considering the low turn-out numbers in EU elections, there is just not one constitutional process that is publically believed to both authorize EU foreign policy in general as well as to legitimize EU appearances in the external forums of diplomacy and warfare in specific. Therefore, the EU continues to lack all the powers of care that it would need in order to be able to act akin to a sovereign

person: it cannot (yet) apply these powers in order to unitarily bind itself to a plurality of others.⁵²³

ENDNOTES TO CHAPTER ONE

¹ “Ariel Sharon, in Coma, Is Subject of Sculpture.” *The New York Times*, 10/20/2010, C3.

² It is surprising that Scheuerman (2011: 50-51) suggestively quotes both Morgenthau and Niebuhr to the effect that they warned against the vanity of all those who want to refer to the nation-state as their “Mortal God”, without that Scheuerman mentions the two realists were herein supporting Hobbes (1994: ch. 17, 120; ch. 30, 244), who actually said he was using this analogy “reverently” because it applies only to “that great *Leviathan* ... to which we owe, under the Immortal God, our peace and defense.” The *Leviathan* is a mythological animal inspiring a common “awe”—which is therefore a very different animal, indeed, than a nationalistically-constructed and therefore ideational collective. Such a collective inspires not “awe” because it maintains peace: nationalism inspires “terror”, instead, because it inherently excludes all other nationalisms. God is nation-blind and would not exclude anyone, however.

³ For one possible example of an application of *pure logic* to the world of commonsense, consider the work of Ray Kurzweil—who asks how computers ‘think.’ Kurzweil challenges the conventional idea that computers would never be capable of ‘communicative thinking’ as human beings can. (Computers are intrinsically able to pass the Turing test, he argues.) Humans use ‘common senses’, of course, whereas computers must apply logics to get to a similar and (he argues) indistinguishable result. For a few recent examples of the reconciliation of computer logic and human sense, moreover, consider robotics experiments. The experimenters apply computer models in such a way that these logics are beginning to generate common and physically-sensory, spatially-ordered organizations that the programmers never could have predicted. The results were never written into the models themselves. The robots are programmed for a simple task, following a simple computer model, rather, but because several individual robots will then perform the same tasks in the same timeframe, a non-programmed and even chaotic sense of order emerges (such as a sense of swarming, of flocking, and so forth). Guillot and Meyer (2010) describe a few such experiments.

⁴ “A popular traditional belief was long entertained among the Britons that [King] Arthur was not dead, but had been carried off to be healed of his wounds in Fairy-land, and that he would re-appear to avenge his countrymen and reinstate them in sovereignty”. *Bulfinch’s Mythology: The Age of Chivalry* (GuildAmerica, p. 33, not further referenced).

⁵ Passerin d’Entrèves (2000: 249-252) elaborates on Arendt’s definition of *sensus communis*: it stands in full agreement with Kant’s indication that *sensus communis* may not simply be

the faculty “we expect everybody to have, but [should also be] a special sense that fits us into a human community; ... communication and speech depend on it.” Further, it is the ‘sixth sense’ Arendt associates with the possibility of experiencing a common life-world.

⁶ Passerin d'Entrèves (2000: 256).

⁷ Pure logics may be considered thought processes with a certain artificial quality. Because of their artificiality, these pure logics demand an account of human ingenuity or creativity. But whenever such purely logical theorems are being applied in practice, they risk retaining their solipsistic identities. They can still be identified as computer models, for example. To be precise, solipsism creates not thoughts but logics. Solipsism increases the chances that logics result in non-commonsensual, disingenuous, banal processes—as Hannah Arendt warned throughout her oeuvre (later sections shall highlight this warning). To prevent this from happening, however, she also proposed to recouple Kant’s two notions of pure reason and commonsense—by way of recoupling his *First* to his *Third Critique*. Compare Kant (1965), (1951), to Allison’s (1995), Beiner’s (2001), and Bernstein’s (2000) reflections on how Arendt reads these *Critiques*. For only two out of many and much-more detailed investigations into the Kantian possibility that a *symbolical* coupling of logic to sense, and of pure reason to commonsense might take effect, consider Bielefeldt (2003) or, perhaps, Raschke (1977).

⁸ The king’s *dual significance* is of special importance to Hobbes (1994: especially chapter 4, page 30). As a later section explains, he must have thought of the (constitutional) monarchy’s two components in terms of positive signs, rather than as negatively used names (or, worse, as “insignificant sounds”).

⁹ Note, for instance, Hobbes’s (1991: ch. 9.12, 218) definition of what *hereditary* and *institutive* kingdoms hold in common: “every monarch may by his will make a successor”. Hobbes proceeds to condition this will towards monarchical succession, or this principle of succession, rather, on the monarch’s “performance of all things necessarily conducing to the preservation of peace”. Any breach of this natural law, Hobbes also argues in Chapter 9 of *The Citizen*, returns the right of resistance back to the monarchy’s subjects. This means the right is directly tied to the king’s or the queen’s duties to neither give any reason for popular resistance movements, nor for the threat of civil war.

¹⁰ See, once over, Hobbes (1991: 9.12, 218), as well as Hobbes (1994: ch. 19, 131; 134). (“[N]o king can be rich, nor glorious, nor secure, whose subjects are either poor, or contemptible, or too weak through want or dissension”.) *This* political condition both warrants and legitimizes kingship, which in itself would have to remain *hereditary* or *institutive* and *elective*. In any case, Hobbes means to say monarchy appears into the world through its own organizational, legitimizing principle, rather than as a birth-right or as any other such right to rule.

¹¹ Oakeshott (1991: 352), “Logos and Telos”, mentions that Hobbes does not fully agree with Aristotle: the latter sees each constitution return to its own “final cause” and Hobbes only to its cause “continuous [and] incidental.”

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- ¹² This book refers only to Hobbes (1994), *Leviathan*, and: Hobbes (1991), *On Man (De Homine)*, *The Citizen (De Cive)*. Also of interest (but not additionally referenced) are the ‘early’ texts by Hobbes (1969), *The Elements of Law: Natural and Politic*, and: (1971), *A Dialogue Between a Philosopher and a Student of the Common Laws of England*, and; (1995), *Three Discourses*.
- ¹³ Hobbes (1994: ch. 17, 118), Aristotle (1958).
- ¹⁴ Radasanu (2010), Althusser (1972).
- ¹⁵ Kinneking (1997: 288) concurs: Montesquieu’s monarchical state uses honors as if they form a “substitute” for the virtues, which alternatively govern life in popular republics.
- ¹⁶ Montesquieu (2000: 5.11, 57).
- ¹⁷ Montesquieu (2000: 5.9-5.11, 55-58).
- ¹⁸ Kinneking (1997: 290).
- ¹⁹ Montesquieu (2000: 5.9-5.11, 55-58).
- ²⁰ Also, for instance, Carrithers (1991). Although, see, Samuel (2009) for a more positive appreciation of ‘free’ will.
- ²¹ Compare, further, Kinneking (1997: 289-291).
- ²² Montesquieu (2000: 5.9-5.11, 55-58).
- ²³ Machiavelli (1950: D 3.1, 398).
- ²⁴ Hobbes (1994: ch. 3, 22).
- ²⁵ Machiavelli (1950: D 1.39, 216), also cited in Benner (2009: 185).
- ²⁶ Hobbes (1994, ch. 3, 23). See, further, Oakeshott (1991: 241).
- ²⁷ Benner (2009: 186-187). Machiavelli’s notion of goodness is close to antiquity’s notion, which refers not to the essences but to (good) appearances of power. Compare, for example, Plato (1996: 509b, 199).
- ²⁸ Benner (2009: 186-187).
- ²⁹ Hobbes (1994: ch. 3, 23).
- ³⁰ Hobbes (1994: ch. 4, 24).
- ³¹ For instance, Arendt (1958). Also very informative, on the issue of public speech, is Villa (1998), (2001).

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- ³² Machiavelli (1950: D 3.1).
- ³³ Negri (1999: 65-68; 123) aids advanced realism in its case that, in the *Discourses on Livy*, Machiavelli (1950 or 1996: esp. 1.27) preserves the flux of Nature, not through Polybian cycles (and, thus, also not through a cyclical mixture of powers) but through a series of dualities such as freedom/corruption, fury/order, and power/will.
- ³⁴ Althusser (1999).
- ³⁵ Particularly, Benner (2009: 342).
- ³⁶ Compare, for instance, Scheuerman (2011: 19-21).
- ³⁷ Aristotle (1958: bk. 3, ch. 13, 1284a, p. 135).
- ³⁸ Arendt (2006: 39).
- ³⁹ For these words, Arendt (2006: 97).
- ⁴⁰ Hobbes (1994: ch. 18, 124).
- ⁴¹ Hobbes (1994: ch. 42, 402).
- ⁴² Hobbes (1994: ch. 42, 349-354).
- ⁴³ Hobbes (1994: ch. 18, 124-125).
- ⁴⁴ Oakeshott (1991: 282).
- ⁴⁵ Arendt (2006: 175-176).
- ⁴⁶ Honig (2007: 2-3), (2009: xvi, 3) prefers to speak not of a “vicious circle” but, rightly, of “the chicken and egg circle in which we are law’s authors and law’s subjects, always both creatures and authors of law.” She raises the question, rightly therefore, what law is and what it might be that either constitutes or legitimizes its authority. For, apparently, this must mean that a paradoxical gap persists between law’s positivity (legality) and law’s authority (legitimacy).
- ⁴⁷ Machiavelli (1950: D 1.54, 251).
- ⁴⁸ The agonism (agony), involved in a similar *move*, has been considered by McManus (2008).
- ⁴⁹ For Machiavelli’s definition of the state, consider Dowdall (1923) and Mansfield (1983).
- ⁵⁰ For example, Arendt (2006: 63-67) seems very derisive of Rousseau’s role in the modern separation of a republican belief, or of a faith in the people, from the idea that the people can exist in themselves.

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- ⁵¹ Arendt (2006: 177) is dismissive of any such “transcendent sanction of the [public] realm.” Also, her strange “civic religion” expresses a lot of concern with publicality. Religiosity cannot be identical to publicality, thus, but it certainly enthuses it. The object of “civic religion” should not be confused with any conceptions of a Supreme Being, and even not with those of a so-called rational theocracy—which were conceptions that instead had sprung up during the French Revolution, and had been promoted by Robespierre. Micklethwait and Wooldridge (2009: 34-37).
- ⁵² In her review of a controversial play, Arendt (2003) points out that the Vatican’s neutrality, during the Second World War, remains an aporetic phenomenon. Neutrality was being *feigned*, she suggests. Not only did the Pope not resist the deportations of (Italian) Jews, he also did not speak out against the massacres of (Catholic) Slavic peoples. Although Arendt lets her readers reach their own conclusions, to some extent, she also does not share the play-director’s view the Pope would have been aligned with the Nazi government. Instead, he must have pretended to be neutral by not condemning every instance of violence and by probably only letting the Vatican do what it could do (hiding refugees in safe-houses and churches, including those in Rome).
- ⁵³ Hobbes (1994: 486).
- ⁵⁴ Especially, Machiavelli (1950: P ch. 6, 19-23; D 3.4, 406-407).
- ⁵⁵ Not unlike George Orwell, already in 1842, in his so-called pre-anarchist period, Michael Bakunin (1972: 56) reiterates his resistance—against all those still seeking a third way-compromise—as follows: ‘The Left says, two times two are four; the Right, two times two are six; and the middle-of-the-road compromisers say two times two are five.’ This un-self-compromising affiliation, between Orwell and the Left, has been woefully ignored by Carr (2010), (2006), particularly in his ascriptions—of the capability to make intermediate concessions—to both liberal associations and civil societies as well as, although mistakenly, hence, to Orwell’s realist dystopias.
- ⁵⁶ George Orwell’s full passage (2008b) reads: “When one thinks of the cruelty, squalor, and futility of war—and [specifically of the Spanish Civil War’s] ... intrigues, the persecutions, the lies and the misunderstandings—there is always the temptation to say: ‘One side is as bad as the other. I am neutral.’ In practice, however, one cannot be neutral, and there is hardly such a thing as a war in which it makes no difference who wins.”
- ⁵⁷ Orwell (2008b: 359).
- ⁵⁸ Carr (2010) consistently treats George Orwell (pseud. Eric A. Blair) as a liberal who used dystopian images to help create moral progress. Such treatment seems ill-advised because Orwell (2008), (2008b), is more deeply a realist than he is a liberal—in respect to the relation between both political action or its meaning and the interpretation of language and history, in particular. Orwell’s focus is never on individual liberty or limits on power alone.

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- ⁵⁹ Ankersmit (2002), for instance, concludes his paragraphs on Machiavelli by mentioning the latter's appreciation of the need for compromise. Lenin (1989), who supposedly slept with Machiavelli's book under his pillow, likewise, insists that revolution demands negotiation and compromise.
- ⁶⁰ Arendt (2006) says almost as much as that the key to a stable and binding law is to be found in prudence. Machiavelli (1996: 1.58) decodes a similar notion of a binding law when he writes that prudent people, for instance, shall "neither obey with servility, nor command with insolence."
- ⁶¹ See, by contrast, Žižek (2008: 185).
- ⁶² Ingram (2008: 409), citing Arendt (2005: 199).
- ⁶³ Arendt (2005: 108), as cited by Ingram (2008: 409).
- ⁶⁴ Arendt (2006). Compare, also, Rigsby (2002) and Pocock (1975).
- ⁶⁵ Honig (2007: 2-3), (2009).
- ⁶⁶ Arendt (2006: 175).
- ⁶⁷ Arendt (2006: 220; 167; 173).
- ⁶⁸ Probably by supporting Machiavelli's disposal of the idea that *Fortuna* would be causing or would have to be trusted to cause random events in the world, Arendt (2006: 181-183) goes on to respond quite agreeably to an implicit challenger, Carl Schmitt, when she writes that no "non-personal superhuman force"—or, no "nation" and no God-Man either—could ever have become so widely believed responsible for chance events if it had not been for the evolution of a Protestant eschatology. Compare, however, Strauss (1958: 74-78).
- ⁶⁹ See, for example, Strauss (1958).
- ⁷⁰ Arendt (1978, vol. 2: 211; 195; 137-138).
- ⁷¹ Palonen (1999: 535-536).
- ⁷² Although neither Rawls (1999) nor Habermas (1999) resorts to the metaphor of 'grace', both philosophers do nonetheless resort to general analogies such as the 'veil of innocence' and the common cause of 'openness' (publicity). Consider further, specifically for additional references, Vatter (2008), Olson (2003), and Wolin (1996).
- ⁷³ Arendt (2006: 174).
- ⁷⁴ Arendt (2006: 178).
- ⁷⁵ Arendt (2006: 185).

⁷⁶ Particularly, Arendt (2006: 53-54).

⁷⁷ This conclusion follows not only from Arendt's thought, but also from Weber's, as the latter would not have wanted "anything to do with the Hegelian dialectic"—as Palonen (1999: 539) puts it. Despite several critical differences between Bakunin (1971: 133) and Weber, the former held not dissimilar grounds for throwing out the dialectic (this time in its Marxist variant), as he thought that any dialectical negation of civil society to also cause a "*negation of humanity*". When Bakunin tries to counter-negate "*absolute [state] sovereignty*", however, he retains its element of human authority. Arendt (2006), (1951), finally, according to Wellmer (2000: 220), discarded all types of the dialectic (both Marxist as well as liberal) as she feared and warned that it would be used to set a historical end-stage sometime "*beyond politics*"—as well as that this would justify a neutralization of the public realm (she, thus, threw out end-stages such as "a classless society" or a realized model of "social justice").

⁷⁸ Marx (1978c: 51-52).

⁷⁹ Meinecke (1957: 349; 375) refers to Hegel's promise as "sinister".

⁸⁰ Meinecke (1957: 363-364).

⁸¹ Arendt (1978: vol. 2, 17).

⁸² Meinecke (1957: 213-214).

⁸³ Hobbes (1994), Meinecke (1957: 211-212).

⁸⁴ Arendt (2006: 146).

⁸⁵ Arendt (1970: 45).

⁸⁶ Aristotle (1958: 1.12, 1259b, 33).

⁸⁷ Aristotle (1958: 5.11, 1313a, 243).

⁸⁸ Hobbes remembers that the monarchical state had, even into the seventeenth century, been believed to form a mirror image of the papacy. The constitutional state (*civitas*) had long been imagined as a reflection of the Roman Church, to put it more broadly. For Aristotelian scholars, the Church itself would again, as Burns (1992: 35) clarifies, have to have held either a fully mixed or a mixed monarchical constitution: "For some it was the classical *politia mixta*, combining the virtues of monarchy, aristocracy, and ... democracy. For others (...) it was a *politia regalis*; but this 'regal polity' had to be understood in such a way as to enshrine and safeguard the authority of the community as a whole." Hobbes (1994) will clearly defend a form of *politia regalis*.

⁸⁹ *De Cive*, Chapters 6 and 7, would be the best place to start for a study of Hobbes's (1991: ch. 7, 195) anti-Aristotelian defense of monarchical (non-mixed) constitutionalism.

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- ⁹⁰ Hobbes (1994: ch. 19, 129).
- ⁹¹ Paganini (2003: 202).
- ⁹² Specifically, Aristotle (1958: 2.9-2.10, 73-83).
- ⁹³ Hobbes (1994: ch. 19, 134).
- ⁹⁴ Hobbes (1994: ch. 18, 122-123).
- ⁹⁵ Correctly, *Merriam Webster's Collegiate* (10th edition) defines the monarch as: “a person who reigns over a kingdom or empire” and also as “one that holds preeminent position or power”—but *not* as a hereditary king.
- ⁹⁶ Compare, for instance, Bobbio (1993).
- ⁹⁷ Paganini (2003: 211; 213).
- ⁹⁸ Particularly, Hobbes (1994: chs. 17; 18; 30), (1991: ch 16.17, 327-328 ; ch. 17.20-21, 351-353).
- ⁹⁹ Hobbes (1994: ch. 30, 240).
- ¹⁰⁰ Hobbes (1994: ch. 17, 117-121).
- ¹⁰¹ Compare, for example, Hobbes's (1991: 17.27, 366) effort to define sovereignty in terms of its own transfer—by means of “some proper sign” (or of a significant, commonsensical principle of succession, in other words).
- ¹⁰² Oakeshott (1991: 221-294), “Introduction to *Leviathan*.”
- ¹⁰³ Oakeshott (1991: 237-238).
- ¹⁰⁴ Hobbes (1994: ch. 8, 53-55; ch. 35, 284).
- ¹⁰⁵ Oakeshott (1991: 237-238).
- ¹⁰⁶ For example, Hobbes (1994: ch. 36, 297).
- ¹⁰⁷ Connolly (2010).
- ¹⁰⁸ Oakeshott (1991: 237).
- ¹⁰⁹ Oakeshott (1991: 251).
- ¹¹⁰ Oakeshott (1991: 281).
- ¹¹¹ Hobbes (1996: ch. 6, 36).

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- ¹¹² The merits of this complaint have been assessed by Sullivan (2006).
- ¹¹³ Although their praise of a self-organizing but peaceful democratization process may either consist of a misplaced metaphor, or a self-fulfilling prophecy. Compare, further, Houghton (2009), Oren (1995), and Whitehead (2011). For, Dafoe (2011: 260) concludes that the hypothesis that peaceful democratization, in state A, is caused by the democratization of neighboring states, B and N, rests on the presumption that ABN will be holding on to the same economic market model: to capitalism. As Dafoe puts it, the descriptive hypothesis, of a self-proliferating democratic peace in ABN, “does not rule out the possibility that it may be capitalism, development, or other processes that are the direct, and/or indirect, cause of the liberal peace. Nor, importantly, would a robust statistical finding that an economic covariate absorbs the association between joint democracy and peace be sufficient evidence that democracy is not a direct, let alone indirect, cause of peace.”
- ¹¹⁴ Kinneging (1997: 279-280).
- ¹¹⁵ For instance, Hobbes (1994: ch. 17, 117-121).
- ¹¹⁶ For Machiavelli’s concept of the “mutation” (from multitude into people, actually), compare also Negri (1999: 37-50; esp. 40).
- ¹¹⁷ Hobbes (1994: ch. 16, 114).
- ¹¹⁸ Aristotle (1998).
- ¹¹⁹ The standard reference is to Norbert Elias, *The Court Society* (New York: Pantheon, 1983, not further referenced in this book).
- ¹²⁰ Machiavelli (1950: D 1.50, 242).
- ¹²¹ Hobbes (1994: ch. 26, 18-186).
- ¹²² Also, Lake (2010) touches on the phenomenon of *relational* authority, in IR.
- ¹²³ Nichols (1992: 20; 6, n. 21) points to Aristotle as having suggested that the difference between master and slave must be “a difference of degree.” Aristotle (1958: bk. 1, ch. 2, 1352a, p. 3) used his concept of prudence for masterly qualities, because prudence is a combination of both “soul” and the practice of “virtue.” Those masters who can make this combination possible have “forethought”: they are by nature capable of ruling, whereas all those who fail to sufficiently unite their natural character with this “ruling element” (“soul”) must be said to be living in “a state of slavery.” Further, Aristotle (1999: bk. 1, ch. 13, 1102b-1103a, pp. 17-18) treats “body” as the cause of, and as possibly being caused by “nutrition and growth”—whereas he defines “soul” as the partially active or as the non-sleeping mind (Aristotle does not create a separate category for mind, however). To be having an element of “soul” is what it means to be fully sharing in “reason”. The suggestion is thus that “soul” is always a part of “reason” but that it is not always a part of what would be called mind (a person may be in a state of sleep, for example, and thus

still have what is now known as a mind). Anyhow, the gist of Aristotle's argument is that because "soul" naturally and actively obeys "reason" it is also capable of virtue—and the more obedient "soul" becomes, the more chance that "wisdom, comprehension, and prudence" will develop (these are the virtues of "thought"). Of course, as it is also implied, whenever "soul" remains in obedience to and in combination with "body" it can likewise activate "generosity and temperance" (virtues of proportion). This means that slaves (and women) are capable of the latter virtues. Most importantly, Aristotle concludes that "there must necessarily be a union of the naturally ruling element [soul] with the element which is naturally ruled [body], for the preservation of both.

¹²⁴ Winthrop (2008: 191-193), Gilbert (1990: 21-38).

¹²⁵ Particularly, Plato (1980: 626e, 5; 665d, 46; 666e, 48).

¹²⁶ Aristotle (1958), (1999).

¹²⁷ African slaves were commonly referred to as 'black gold'—at least until into the late nineteenth century. It was also only in the 1880s that Brazil's treaty obligations, as a sovereign state, made it possible for the Emperor of Brazil to abolish slavery domestically as well as to seriously halt the (already illegal) slave trade.

¹²⁸ Crawford (2001).

¹²⁹ "An estimated 100,000 to 300,000 American-born children are sold for sex each year", reports Patricia Leigh Brown. "In Oakland, Redefining Sex Trade Workers as Abuse Victims", *The New York Times*, 5/24/2011, A14, A20.

¹³⁰ On Montesquieu's scientific (or, at least, *not* civic religious) laws of nature-account, see Williams (2010).

¹³¹ Crawford (2002: 412-413; 417).

¹³² Primarily, Arendt (1970), (2006), (1961), (2003).

¹³³ At this point, in which the exception (*Ausnahme*) is made possible by a sovereign constituency, Negri (1999: 20) finds the work of Arendt (2006) to remain very similar to that of Schmitt (1985).

¹³⁴ On this point of counseling those holding power, Agamben (2005: 74-78), additionally, refers both to Arendt's essay "What is Authority?" (which was published in two versions, neither of which has been referenced here) and to one of Arendt's sources: Th. Mommsen, *Römisches Staatsrecht* (orig. 1871).

¹³⁵ Weber (1946: 237), for example, reminds his readers that authority would have been exercised by "the Roman Senate, the Venetian Council, as well as the Athenian *Areopag*"—even though such "collegiate authorities" could usually not avoid usurping at least some "actual power."

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- ¹³⁶ As a commentary to the entry for authority in *Merriam Webster's Collegiate*, and with Arendt (1970) in mind, authority should not be confused with seeming 'synonyms' such as power and influence. It is not, therefore, the "power to influence or command thought, opinion, or behavior." Power reveals itself in organized (physical) movements and the visual changes they cause. Authority, much rather, is the intangible (non-physical) source from which a decision has been drawn. Testimony, example, precedence, and jurisprudence are all subcategories of authority—even though the subcategories do not necessarily need to be open to juridical interpretation. The point at which these categories connect is that they form the sources of guidance for all those who do have to execute, or to administer power.
- ¹³⁷ For example, Arendt (2006: p. 192) mentions that the Founding Fathers, of the United States, 'assigned' authority to—or asked for the *authority* of—the judiciary branch but then had to take it away from the Senate, which they had to have endowed with *power* instead. Afterwards, hence, it was possible to say that "the true seat of authority in the American Republic is the Supreme Court." Yet, Arendt would not have denied (and would actually also have favored) that authority must consist of acts of counseling and advising the executive officers—as it had done within the Roman Senate. "In Rome, the function of authority was political, while in the American [R]epublic the function of authority is legal, and consists [only] in interpretation." Arendt suggests this shift towards interpretation is a loss.
- ¹³⁸ For one formulation of the Democratic Peace-theorem, see Babst (1996). For the hidden similarity between both Weber and Schmitt, consider Kalyvas (2008) and Pichler (1998) but possibly also Shilliam (2007) and Kennedy (2011).
- ¹³⁹ For instance, Scheuerman (2005).
- ¹⁴⁰ Kantorowicz (1957) helps to further remind political theorists of the critical distinction between a mortal king (the executive power) and the monarchical office (that is, the authority conferred onto the king or queen by the people).
- ¹⁴¹ For instance, Canning (1987: 189-192).
- ¹⁴² Schmitt (1957), (transl. 2008). Mehring (1989: 123-129) further discusses Schmitt's consideration of whether the constitutional laws form the sovereign state, or the state forms the laws.
- ¹⁴³ Arendt (2006: 247-257). Wellmer (2000: 223-224) apparently describes the autonomy of the revolutionary republics as if it were the source of their authority.
- ¹⁴⁴ Arendt (2006).
- ¹⁴⁵ Arendt (2006: 108) argues that, in the modern era, authority could increasingly be lost with "incredible ease"—as Montesquieu had so clearly predicted when he first observed "the breakdown of the old Roman trinity of religion, tradition, and authority." See, further, Wellmer (2000: 225).

¹⁴⁶ Arendt (2006: 173-174) suggests that whenever authority declines, new *powers* try to claim its “perpetuity.”

¹⁴⁷ Aristotle (4.14, 1298b, 191-193), Nichols (1992: 121).

¹⁴⁸ Aristotle (3.16, 1287a, 145).

¹⁴⁹ Against the executive power of “centralized government”, Arendt (2006: 238) speaks favorably about a “communal council system” that would depend (and had once before depended) on the principle of federation in order for it to be spreading throughout (French) society. Birmingham (2006: 136-137) adds that Arendt consistently saw sovereignty as a combination of “liberty and federation” or, also, as an equal right to federate—throughout diverse societies.

¹⁵⁰ Arendt (2006: 255; 237).

¹⁵¹ Arendt (2006: 257; 261).

¹⁵² Hansen (2010).

¹⁵³ Arendt (1965), (1951), Canovan (2000).

¹⁵⁴ Jones (2008: 247) mentions that whenever Adolf Hitler summoned Roland Freisler so he could preside over any of the Nazi show trials—but, specifically also over the trial of the men involved in the 1944 assassination attempt on Hitler’s life—Hitler would attempt to justify his choice by comparing him to Andrei Vyshinsky: Josef Stalin’s preferred ‘judge.’ This act of comparison remains significant because it suggests that even Hitler had understood (in the months before his suicide and his government’s downfall) that the German state’s executive-adjudicative powers were still being curtailed by a need to publically broadcast justifications for their cold-hearted application. The point to consider is that nuclear test-ban treaties differ little from the Nazi show trials. In their utilitarian essence, they form merely a public justification for, and certainly not a legitimization of, the mad possibility that a state leader may indiscriminately annihilate all life (and contaminate Earth for tens of thousands of years to come).

Prados (2011: 64-67; 71-72) reports that when Michael Gorbachev proposed to dismantle nuclear arsenals, he did not aim to justify their continued existence by means of another technology-oriented testing-and-oversight treaty. Upon having learned about the disaster at the Chernobyl nuclear reactor of April 26, 1986, he much rather blamed “departmentalism” and the “desire to avoid responsibilities” than that he thought of the disaster as a technological failure. What remains less known is that he also faulted the Soviet military in its entirety (next to its poor oversight at Chernobyl) for having become a “state within a state”—after having build so many nuclear warheads. Chernobyl cannot be separated, therefore, from Gorbachev’s offer at Reykjavik of “a formula for the total elimination of nuclear weapons.” Ronald Reagan accepted the offer, but would soon be forced to walk away from “the deal” by his domestic advisors.

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- ¹⁵⁵ Todorov (2001) clarifies why J.-J. Rousseau’s research was directed towards the emergence of public authority outside the positive laws. For Arendt, likewise, as Villa (2001) details, there is great authority within experiences of theatrical publicality—outside of the posited rules.
- ¹⁵⁶ Famously, Montesquieu (2000: bk. 24, ch. 8, p. 465) argues that legislation must be posited so that it remains in agreement with *mores* (regional customs, temperaments, and conventions), for even in those far-away regions where the law of religion might not have been “given by God, it is always necessary for it to be in agreement with morality [and *mores*]”.
- ¹⁵⁷ Aristotle (1958: 7.4, 1326a, 291).
- ¹⁵⁸ Aristotle (1958: 5.3, 1302b, 209).
- ¹⁵⁹ See, particularly, Hobbes (1994: chs. 16; 18; 30) and Holland (2010).
- ¹⁶⁰ Compare, particularly, Canning (1987: 221-227).
- ¹⁶¹ Skinner (2002: vol. 3, 190).
- ¹⁶² Public honoring is an ambivalent process, Hobbes (1994: ch. 17, 119; ch. 28, 217-218) realizes, because even though human actors will compete “for honor and dignity” they also tend to act shamelessly. Their ignominy is difficult to sanction because it has both natural and civil elements, although of course only the civil marks of their honor and authority—such as “badges, titles, [and] offices”—can very well be “taken away by law.”
- ¹⁶³ Hobbes (1994: ch. 16, 112-113).
- ¹⁶⁴ Hobbes (1994: ch. 17, 119-120).
- ¹⁶⁵ See, especially, Hardt and Negri (2000: 305-350), as discussed by Bruner (2009: 335-340).
- ¹⁶⁶ Hobbes (1994: ch. 16, 112-113).
- ¹⁶⁷ That Aristotle (1958) expresses aversion to commerce, although not whenever (port) trade serves the purpose of peace, has been well documented. See also, for instance, Nichols (1992: 141-142).
- ¹⁶⁸ Hobbes (1994: ch. 17, 117-120), Aristotle (1958).
- ¹⁶⁹ Arendt (1943), (1949), (1965), is angered by nation-states pretending they are and had been uniquely capable in maintaining their ‘comity’ and to thereby have protected ‘human rights’—when they were actually judging civil rights to be highly exclusive and quantifiable properties. Or, they had in fact used people’s ‘rights’ instrumentally, and at will, during the Second World War, as only their nationalism was represented as their transcendent first cause.

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- ¹⁷⁰ Scheuerman (2011: 33) refers specifically to Morgenthau (1985). See, also, Wight (1966).
- ¹⁷¹ Bull (1995: 102-103;111-112).
- ¹⁷² Further, Bull (1995), Little (2007: 153-155).
- ¹⁷³ Aristotle (1958: 5.3, 1302b, 209).
- ¹⁷⁴ Scheuerman (2011: 31; 33) cites these of Niebuhr's phrases: "social check," "conflict of interest," and "disproportion of power." One of the passages he cites evinces Niebuhr was well-aware of the qualitative difference, however, between economic and social powers: although these powers should check each other as equals, they are also intrinsically unequally meaningful and purposeful in the life of the state. (As a materialist and somewhat pessimist realist, Niebuhr suggested that economic power had already become "most significant".)
- ¹⁷⁵ diZerega (2000: 7).
- ¹⁷⁶ Capra (1996: 98; 210).
- ¹⁷⁷ Specifically, Capra (1996: 85).
- ¹⁷⁸ Aristotle (1958: 4.4, 1291b, 166).
- ¹⁷⁹ Arendt (2006: 12), diZerega (2000: 31-32).
- ¹⁸⁰ diZerega (2000: 31; 42; 44).
- ¹⁸¹ See, further, Hobbes (1994: ch. 6, 45-46; ch. 12, 76-78; ch. 27, 207; ch. 34, 269-279).
- ¹⁸² Hobbes (1994: ch. 27, 206).
- ¹⁸³ For not a few solid references to Bodin scholarship, consider Wilson (2008).
- ¹⁸⁴ This paragraph gives a spin to Hobbes (1991: 10.16-10.18, 233-234) consistent with *Leviathan's* message.
- ¹⁸⁵ As Waldron (2000: 213) adds, "Arendt associated authority as much with improvement ... as with conservation."
- ¹⁸⁶ Ivison (2002: 227), referencing Kant (1991: 99-102), or his "First Definitive Article of a Perpetual Peace."
- ¹⁸⁷ Specifically, Aristotle (5.2, 1302a, 207).
- ¹⁸⁸ Hobbes (1994: ch. 19, 131).

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- ¹⁸⁹ O’Neill (2000: 49) describes how, at least for Kant, this need for public participation is vital: “Ethics and politics are not spectator sports.”
- ¹⁹⁰ Machiavelli (1966: 3.1, 108), Guarini (1990: 32).
- ¹⁹¹ Particularly, Benner (2009: 153).
- ¹⁹² Aristotle (1958: 2.5, 1263a, 49; 2.9, 1270a-1271b, 76-80). Continue to see, also, diZerega (2000: 44).
- ¹⁹³ As Arendt (2006: 29) herself observes: despite his significance in the secularization of politics, Machiavelli relies on a God “absolute.”
- ¹⁹⁴ Machiavelli (1966: 8.6, 396).
- ¹⁹⁵ By contrast to Beiner (2011), see Parel (1992), Nederman (1999), and Sullivan (1993).
- ¹⁹⁶ Strauss (1958: 78; 74), Machiavelli (1975: ch. 25).
- ¹⁹⁷ Breiner (2008: 66-67) follows in large part Pocock (1975), who not entirely unlike Strauss (1958), argues that without some unprecedented and innovative ruler, there can be no stable state. But both Wood (1972) and Althusser (1999) have been reading Machiavelli more carefully and they found instead that the virtues of a balanced constitutional state are to be understood as common virtues: they are *not* being held by only a single ruler-founder.
- ¹⁹⁸ For a superb discussion of Machiavelli’s Rome, consider Benner (2009: 153; 251-253).
- ¹⁹⁹ Hardt and Negri (2000: 3), referencing Schuman (1974).
- ²⁰⁰ Compare, further, Althusser (1999), (2006b).
- ²⁰¹ Hart and Negri (2000: 164-167) demonstrate that neo-imperial states differ considerably from the nineteenth-century colonialist-imperialist states in the sense that only the latter extend themselves by excluding others. Neo-imperialism, then, would instead allow an immanently sovereign state to expand itself without also having to physically “annex or destroy the other powers it faces”. Yet, neo-imperialism is not so new as Hardt and Negri might think. Even ancient Roman imperialists would not have destroyed “other powers” as they strove to accomplish their juridical and cultural incorporation. Caesar reports occasionally on the taking of hostages; their (legal) education would have been part of the Roman Empire’s expansion, for example.
- ²⁰² Jonathan Granoff, “Truth, Illumination, and Nuclear Weapons”, *Tikkun*, Spring 2011, 26 (2): p. 42.
- ²⁰³ *Imperium* is actually, in sharp contrast to *dominium*, spatially unbounded. As Virgil (1956: 36) suggests, Jupiter would have given the Roman Republic its *imperium*: “To Romans, I [promise to] set no boundary in space or time.” Consider, further, Bobbio (2003).

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- ²⁰⁴ Alex Prud'Homme ("Draught: A Creeping Disaster", *The New York Times*, 7/17/2007, sr3) reports that climatologists are tinkering with natural weather cycles, or are otherwise involved in geo-engineering, and yet desiccation, desertification, and aridification have become increasingly "progressive"—if not only because carbon emissions decrease humidity levels as well as because potable water resources are being exploited by bottling corporations, as Barlow (2007) has shown.
- ²⁰⁵ Hobbes (1994: ch. 31, 245).
- ²⁰⁶ Hobbes (1994: ch. 29, 223).
- ²⁰⁷ Arendt (1965), (2003), (1978, esp. vol. 2). See, for a comparably realist reflection on solitariness, William Deresiewicz, "Solitude and Leadership", *Utne Reader*, Sept. 2010, 48-53.
- ²⁰⁸ Bruner (2009: 289) helps describe how multilateral trade- and debt-policies ended up being rewritten to accommodate "investor rights over investor responsibilities." "While multilateral treaty-based structures of representation"—such as those within the EU, IMF, WTO, and World Bank—differ significantly from one another, none of these structures tolerates any political responsibility-promoting "republican principles [if not only because] ... their primary constituencies are ... trade, central bank, treasury, and state officials".
- ²⁰⁹ Goldman (2006) indicates that the World Bank, in particular, has over the course of the last decade introduced several criteria to measure political power as opposed to only economic power. Yet, most such criteria remain subservient to its own institutional logics, which measure a state's aggregate economic 'growth' and thereby again ignore political issues such as the absent balance between rich and poor—as, alternatively, reported on by the International Labor Office (2008).
- ²¹⁰ Duverger (1974). Additionally, Bruner (2009: 175, n. 3) remembers that Pocock (1975: 519-526) already argued that the (Montesquieuan) doctrine of a separation of powers would have "marked a shift away from classical republicanism, ... and toward selfish liberalism."
- ²¹¹ Abrahamsen and Williams (2009).
- ²¹² Contrary to Lummis (1996).
- ²¹³ Rousseau (1968), Aristotle (1958), diZerega (2000: 41). Further, Schmitt (2008), (2004), (1988).
- ²¹⁴ Nineteenth-century IR structures, of colonial imperialism, did set the stage for a later termination of "transnational corporate responsibilities." Against these neo-colonialist legacies and trade disparities, that mostly continue to advantage the largest (the Western) corporations, Bruner (2009: 320) enters a plea for "global policies based on fair trade and fair debt relations backed by strong systems of transnational political representation."

²¹⁵ Young (2010: 123-124; 129; 135-137).

²¹⁶ Lobbyists attached to various treaty-organizations continue to work hard—on behalf of corporate finance, media conglomerates, armaments industries, and ‘big oil’, among other businesses—in order to deregulate the market economies of the world. Consequentially, the EU has hardly and the UN has never managed to create tighter regulations that would have reigned in the power of transnational corporate structures. See, further, Vagts (2003) and Coleman (2003). Strangely, Weiss (2009b), Kratochwil (2006b), and Risse-Kappen (1994) see little problems with the subsequent ‘economization’ and ‘hollowing out’ of especially the UN’s *political* responsibilities.

²¹⁷ Rousseau (1968: 4.8, 182-184) seems to want to plea for, but then denies the existence of a “Christian republic.” That is, a religion of Christian men would have to be the religion of a people at once spiritual as well as temporal, yet Rousseau challenges anyone to prove that such a good religion exists.

²¹⁸ Hobbes (1994: ch. 29, 223).

²¹⁹ Sterling (1958: 45), Naess (1989).

²²⁰ Scheuerman (2011: 99; 96; 24; 21) calls the theories of Machiavelli and Hobbes too “pessimistic.”

²²¹ Scheuerman (2011: 16-18) demonstrates that mid-twentieth-century realists, such as Hans Morgenthau, were deeply conscious of those comparative advantages enjoyed by Great Powers—or, rather, of the Marxist notion that even though “[international] law appeared to treat all [state] parties equally, *de facto* power inequalities meant that it favored those possessing superior power resources.” Yet, not Marx but Aristotle (1958: 5.1, 1301a, 203) had premised the earliest known variant of this classic realist insight: “[T]he reason why there is a variety of different constitutions is the fact ... that while men are all agreed in doing homage to justice, and to the principle of proportionate equality (in which it issues), they fail to achieve it in practice.”

²²² Scheuerman (2011: 68; 115; 147). See also, specifically, Morgenthau (1964), (1985). For additional theoretical commentaries on Hans Morgenthau’s and Reinhold Niebuhr’s proposals for reform, consider Tjalve (2008). See Pin-Fat (2005) for Morgenthau’s understanding of the (dialectical) tension between universal virtues and particular states.

²²³ Bruner (2009: 326-328) finds that republican realists would typically have asked statespersons to take their joint political responsibility seriously—by regularly performing “checks on economic power”.

²²⁴ Dahl (1993) stands among all those liberal theorists who would prefer economic privatization over political publicality. For some of the high risks inherent in their liberal stance, as estimated by one systems theorist, continue to see Hardin (1968).

²²⁵ As an aside, in an important book on international political hypocrisy, Mearsheimer (2011: 85-86) confuses those lies that undercut formal and *institutional* (utilitarian) norms with

those lies that may offend natural conscience-based (deontological) *conventions*. That is, he conflates lying on behalf of formal institutions (this would be ‘his’ utilitarian type of lying: it makes “good strategic sense”) with another, far more informal and discretionary kind of lying (such as: the breaking of promises, or; the refusing to give equal treatment to people in need). On his own recommendation, state officials should follow the utilitarian and rational logic. Only when the risk and discomfiture of getting caught has become greater than the risk of not accomplishing the aim of the lie, the lie should no longer be promoted. For states, that is, “the *potential for backfiring* and doing a state more harm than good is the paramount criterion”. Yet, consider also Mearsheimer’s own example of Governor Ryan of Illinois, “who initially favored capital punishment, [but who then] felt that he had to suspend all executions in his state because there was convincing evidence that many of the inmates on death row were convicted on the basis of lies and other improprieties.” This example does not make the case for utilitarian lying.

If the state prosecutors had been lying in so many cases, then they had for years accomplished their ambition to lock up many suspects, on death row. They were acting as good utilitarians. More importantly, they themselves would always remain legally immune, despite having wrongly executed (and, of course, having threatened to execute) many innocent people. Under Mearsheimer’s own utilitarian logic, these prosecutors continue to have good reason to have lied so often: they could not be punished, and had reason to expect they would not be caught. When Ryan, years later, decided to undo their work, however, he invoked a different kind of reason to do so. He said not that he would try to punish the prosecutors. He said, instead, he would not have been able to live with himself knowing he was responsible and guilty (in a non-formal, non-legal, non-instrumental sense of the word) for the deaths of innocent State prisoners. Hence, he invoked his conscience in his decision to grant the Illinois prisoners both a pardon as well as an amnesty. Soon afterwards, Ryan’s decision backfired with respect to the institution of the governorship. As Governor, he would be prosecuted on trumped-up corruption charges, and was sent to prison by political opponents generally in favor of the death penalty. Ryan’s decision, therefore, was not so much informed by any utilitarian benefit or also not by his weighing off the risks, as that his pardon must have been informed by a deontological consideration and out of respect for a non-institutional convention. Barry James, “Clearing of Illinois Death Row Is Greeted with Global Cheers,” *The New York Times*, 01/14/2003. Further, Mearsheimer’s failure to differentiate between lying against or for institutions, first, and lying against informal conventions, second, should be contrasted to Cook (2000: 29; 27, italics added), who mentions that: “Informal norms can be either far less demanding than formal norms or on the contrary far more so.” When states are conforming to norms, he adds, it “is not always with knowledge for all constrained by them: a *convention* requires the knowledge of the population in order to survive; an *institution* ... need not rely on the fully conscious complicity of its participants.”

²²⁶ Arendt’s phrase of “a web of relationships”, although in a different context, was cited by Waldron (2000: 208).

²²⁷ For instance, Slagstad (1988: 128-129).

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- ²²⁸ For definitions of the process of “self-organization” see Capra (1996: 24-27) and Connolly (2010: 64).
- ²²⁹ In essence, Pocock (1975: 79-80) helped develop this systems-theoretical argument: a sovereign organization cannot be reduced to the sum of its own components. The totality of its structural components (interests, wealth, the orders, and specific virtues) is certainly transcended, organizationally, by the sovereign but they still cannot be separated. In his words: “the richer ... a [sovereign] commonwealth became, the harder it would be to maintain the orders and virtues composing it in their proper equilibrium”. Cited in Bruner (2009: 165).
- ²³⁰ For a contrasting view, see Wendt (1995).
- ²³¹ For instance, Paulson (1998).
- ²³² Bull (1995: 253), Morgenthau (1985). For the secondary literature on and a few critical insights into Wendt’s non-realist form of constructivism, see especially Guzzini and Leander (2006). For some of the main points in the Grotius-Hobbes debate, Baumgold (2010) and Tuck (1999). For Schmitt’s siding with Hobbes, consider starting with Rumpf (1972) or Springborg (2010). For the difference between Schmitt and his positivist counterpart, Kelsen, consider also Suganami (2007) and Dyzenhaus (1997) and Hebeisen (1995).
- ²³³ Pourciau (2005: 1071).
- ²³⁴ Bull (1995: 122-155), Wight (1995).
- ²³⁵ Bull (1995: 145).
- ²³⁶ “Society never advances. It recedes as fast on one side as it gains on the other. It undergoes continual changes; it is barbarous, it is civilized”. R. W. Emerson, *Self-Reliance*, “The Over-Soul” (par. 4, not further referenced).
- ²³⁷ Kelsen (1960), (1967b). For one realist’s skepticism about this positivist idea of a singularly-enforce legal hierarchy, see Morgenthau (1964).
- ²³⁸ Bull (1995: 124-125).
- ²³⁹ Wight (1936), for example, respects the sanctity of extra-legal decisions.
- ²⁴⁰ For secondary notes on Schmitt’s non-positivist concept of (international) law, see Burchard (2006), Hebeisen (1995), Kalyvas (2008), and specifically Zarmanian (2006).
- ²⁴¹ Compare Kelsen (2000) to, for instance, Schmitt, (1986), (1985).
- ²⁴² Bull (1995: 25) defines “the Grotian or internationalist tradition” as a tradition prescribing a type of state-conduct which will have been both preconditioned by and bound to the many “rules and institutions of the [international] society they form.” This definition

ignores the importance Hugo Grotius himself attached to the rules of the type of national society each state will have to form, prior to thus also helping to form an international society. Grotius (1995: 7.7, 81) is very clear about the precondition of a national regulatory structure, however, when he writes that the face of (Batavian) sovereignty has been passed on, across the generations, for seventeen centuries, because the national rights of the estates were passed on through their suffrage as well as because the more or less limited forms of monarchical authority must have been passed on hereditarily.

- ²⁴³ Grotius (1995: 1.3-1.5, 13) sees the Batavian people as providing a legit, exemplary, constitutional aristocratic model (because of their pedigree) to the “Estates of Holland and West-Friesland.” See also the translation by Jan Waszink, of: Hugo Grotius, *The Antiquity of the Batavian Republic* (Assen: Van Gorcum, 2000, not further referenced), the critical importance of which, for understanding Hobbes’s doubts towards this early Grotian constitutional model, is being ignored by Baumgold (2010: 29).
- ²⁴⁴ Compare, also, Weber (1946: 78). *Politics as a Vocation*.
- ²⁴⁵ Kamen (2004).
- ²⁴⁶ On the general significance of 1648, for the system of states, consider Straumann (2008) and Osiander (2001).
- ²⁴⁷ De Cavalho, Leira, and Hobson (2011: 757) write that “the myths of 1648 and 1919 ... are myths in [two] ... ways; [w]hile they are stories held to be true which turn out to be false, they have also served as a matrix for further thinking in IR.”
- ²⁴⁸ This question forms a starting point for the inquiries in Van Kersbergen, Lieshout, and Lock (1999). Manin (1997) and Ankersmit (2002) also investigate how various social groupings are generally being *represented*, politically.
- ²⁴⁹ Hobbes (1994: ch. 26, 197-199). In Hobbes-citations, original italics have been omitted more than occasionally.
- ²⁵⁰ Hobbes (1994: ch. 30, 244).
- ²⁵¹ Hobbes (1994: ch. 11, 70; ch. 13, 88).
- ²⁵² Hobbes (1994: ch. 14, 91-92).
- ²⁵³ Ninčić (1970: 8-9; 39) adds that Vattel would have been among the first legal theorists to have formulated the “antinomy” by presenting it in the form of a choice: *either* legal equality is to be endowed with “real substance” and thus transformed into “political equality” (which would create the *isonomy* of states, of course), *or* the equality of states must be turned into “little more than a [nominal] fiction devoid of any real substance”.
- ²⁵⁴ Schmitt (1996), as cited and translated by Slagstad (1993: 109).

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- ²⁵⁵ For instance, Zagorin (2009: 33) wisely remarks that “Hobbes thought it necessary to use [the passions] ... in achieving [a] ... civil society.” Rather than to exclude the passions from politics, realists such as Hobbes believe they are to be studied in terms of how they can best be represented to help achieve a civil political society.
- ²⁵⁶ This is a brief appropriation of Baumgold’s (2010: 82) description of this early Grotian project, or constitutional model.
- ²⁵⁷ Hobbes (1994: 9-10), “The Introduction.”
- ²⁵⁸ Hobbes (1994: ch. 14, 94-99).
- ²⁵⁹ Hobbes (1994: ch. 21, 147).
- ²⁶⁰ Hobbes (1994: esp. chs. 35-37) argues that constitutional states as sovereign persons are, in actuality, God’s lieutenants or vicars.
- ²⁶¹ Finnis (1980: 223).
- ²⁶² Hobbes (1994: 486), “A Review and Conclusion”.
- ²⁶³ However, because Hobbes (1994) never goes so far as to argue that sovereign statehood is a ‘gift’ or an act of ‘grace’ either from a single lineage or from a monotheistic entity, and that every sovereign is rather a mediation of such singularity-principles, it should be investigated whether Arendt indeed would have completely negated Hobbes’s sovereignty. Compare, further, Arato and Cohen (2009).
- ²⁶⁴ Curiously, Birmingham (2006: 57; 76-79) at first tries to expel, from Arendt’s concept of natality, any possible “metaphysical understanding of the human being as having a nature”. Birmingham later wants to inject Arendt’s Augustinian coincidence of both God the Father and the Son of Man into what seems to be the same concept. To elaborate, Augustine’s “trinity of cognition” (“memory [or Creation], understanding [or thinking], and the will”) would of course have been observed, by Arendt herself, as a derivative of the Trinity of respectively the Father, the Son, and the Holy Spirit. The act of derivation itself is perhaps not a metaphysical act, but its political theological implications were certainly also not being disregarded by Arendt (1978, vols. 1 and 2). Anyhow, the metaphysical caliber of Arendt’s natality deserves further attention.
- ²⁶⁵ Specifically for the natality principle, Birmingham (2006: 7-72), Kohn (2000: 126).
- ²⁶⁶ Arendt (1951). Also relevant are Canovan (2000) and Buckler (2001).
- ²⁶⁷ For greater detail, see Arendt (1958).
- ²⁶⁸ Arendt (2006), (1996). On her concept of this spirit of judgment, and specifically on Arendt’s neo-Kantian finding that it is neither deductive nor inductive, as well, consider Passerin d’Entrèves (2000) and Marshall (2010).

²⁶⁹ Scheuerman (2011: 26).

²⁷⁰ See, for instance, Arendt (1996), Augustine (1984), Birmingham (2006: 76-79) and Hobbes (1994) and Paganini (2003).

²⁷¹ In accordance to Connolly (2008), Hurd (2008: 106) would be mistaken to think that American culture is influenced by (and influences) a meaningful concept of “secularist authority”.

²⁷² Pascal (1995).

²⁷³ Nau (2011) suggests IR teachers cannot avoid using ‘isms.’ Students may want to start with, however, Colin Elman and Miriam Fendius Elman, (eds.), *Progress in International Relations Theory: Appraising the Field* (The MIT Press, 2003, not further referenced in this book). For brevity’s sake, the mainstream (North-American) IR theories mentioned in this book are positivist theories, and the advantages and disadvantages of theoretical positivism have been elaborately discussed elsewhere. One notable assessment of the tension between progress and positivism, from inside the field of constitutionalist theory, however, was made by Ernst-Wolfgang Böckenförde, *Gesetz und Gesetzgebende Gewalt: Von den Anfängen der Deutschen Staatsrechtslehre bis zur Höhe des Staatsrechtlichen Positivismus* (Berlin, Duncker & Humblot, 1981, not further referenced).

²⁷⁴ Stinchcombe (1968) has had much influence on how IR would come to introduce itself to social constructivism, by means of Wendt (1994), (1999), (2004). See, further, Weber (1995), Weber (1999), Murphy (1996), Ruggie (1998), and Sterling-Folker (2004), among others.

²⁷⁵ Onuf (1989) and Wendt (1995: 131) could agree with advanced realists that statespersons are rarely committed to an “individualist ontology”—but this still does not have to mean that no ontology would never be structurally promoting the actions of selfish agents. What appears to matter much more, therefore, is how epistemic beliefs about the nature of ontology come into being contrary to ontological chains.

²⁷⁶ Jackson (2008), Kubáľková (2000). Also, Hayden (2007) and Birmingham (2007) focus on Arendt’s theodicy, without calling it a theodicy or even without identifying Arendt’s conceptions of evil as a political theological issue. On Schmitt’s theological concept of sovereignty, at least in the IR field, compare Zarmanian (2006), Pichler (1998) and Chandler (2008). For two (excellent) studies of religiosity and (ultimate) authority—from within the Comparative Politics field—see Di Piramo (2010) and Warner (2000). Di Piramo studies authority as if it is the charismatic personification of certain (Mexican, Catholic, mysticist) oppositions, while Warner rather identifies authority as if it appears through parliamentary oppositions between political parties supported by the Vatican, on one side, and Europe’s socialist or liberal parties, on another side.

²⁷⁷ Warner and Walker (2011: 116).

²⁷⁸ Wendt (1995: 161).

²⁷⁹ See, by contrast, Slagstad (1993: 111).

²⁸⁰ In important respects, Wendt (1999) was followed, in focusing on culturally constructed identities and socialization in IR, by theorists such as Flockhart (2006), Hobson (2007), and Philpott (2001).

²⁸¹ Wendt (1995: 129).

²⁸² Wendt (1995: 132).

²⁸³ For instance, Slagstad (1993: 115; 124-125).

²⁸⁴ Wendt (1995: 135-137; 141; 150), Waltz (2001).

²⁸⁵ Waltz (2001), (2000), Mearsheimer (2011), (2001).

²⁸⁶ Flockhart (2006), who is sympathetic to constructivism, does not omit the possibility that social learning only takes place among the ‘experts’ of a neoliberal élite—but she does omit, more dangerously, the risk that ‘experts’ maintain ethically unacceptable social differentiations and pro-*status-quo* functional specializations.

²⁸⁷ Andreatta and Koenig-Archibugi (2010) highlight some empirical difficulties with any neoliberal IR research program.

²⁸⁸ Grieco (1988). Compare further, for instance, Axelrod and Cohen (1999).

²⁸⁹ Consider, in this context, Chandler (2009), (2010) and Hindess (2005) on the relevancy of Michel Foucault’s work in sensing IR phenomena. Also relevant could be Ashley (1995), (1988), Devetak (2008), Lebow (2006), Rosenberg (1994), and Williams (2001), among many other articles.

²⁹⁰ Kubáľková (2000).

²⁹¹ Weber (1968), or as Slagstad (1993: 129) cites from *Wirtschaft und Gesellschaft*.

²⁹² Hurd (2008), (2004).

²⁹³ As summed up in Warner and Walker (2011: 121).

²⁹⁴ Schmitt (1985), Slagstad (1993: 116).

²⁹⁵ Genesis 4. Compare, further, Thornton (2002).

²⁹⁶ Schmittian realism is generally being practiced by scholars who understand that the political realm is contingent on beliefs about legitimate authority. In this sense, the realm may be both moral and amoral. Political actions both can and cannot be morally justified, so that specifically the sorts of actions that cannot be purely morally justified must alternatively be legitimized by reference to an amoral transcendent relationship, which is *politically*

the relationship of enmity—and which is *religiously* the relation between Christ and Anti-Christ. For Schmitt (1932: 27; 39), as Slagstad (1993: 114) summarizes, then, “politics is autonomous only in the sense that the validity of political categories is [believed to be] independent of moral, economic, [aesthetic], or other [relations].” This again suggests that the political categories are independent structures as well as dependent processes: they are the categorical relations between different enemies, of course, but the enemies themselves are not “purely” structural religious categories.

²⁹⁷ Warner and Walker (2011: 127; 114), particularly, make a reference to Axelrod and Cohen (1999).

²⁹⁸ Warner and Walker (2011: 114-115).

²⁹⁹ International democracy promotion is mostly a liberal, not a realist, (U.S. foreign policy) agenda point. See, for what should be anti-liberal positions, Robinson (1996), Lovell (2007), the NED (2006), and Young (2002).

³⁰⁰ For a critical take on both neoliberalism and neo-conservatism, consider Brown (2006). Van den Brink (2005) seems to propose that (neo)liberalism’s shortcomings must be found in its failure to recognize political agonism (struggle). Also relevant (specifically for Carl Schmitt’s realist rejection of liberalism, as well as of positivism) are McCormick (1997) and Cristi (1993).

³⁰¹ Wendt (2003), (2005).

³⁰² Compare, for instance, Scheuerman (2011: 113-121; 143-148). By applying his ideal of a neo-Hegelian synthesis to historical action, Wendt (2003) essentially professes to have designed a world-state. Yet, problematically, his world-state cannot respect a right to secession—even though (threats of) separatism and defection are common in actual political practice. For instance, states may *only* symbolically defect from or join a military alliance (similar to how the Soviet Union declared war on Japan after the fact, as it were) against other parties. Some states have at least once staged ‘a walk-out’ so that they could, however temporarily, disobey the perceived intentions of an antagonist within an international forum or convention. The UN Charter (Chapter 2, Articles 5-6) makes it possible for states to freely surrender their membership. (Switzerland refused, until recently, to even join the UN and South Africa long remained suspended by the UN, but this was in great part by its own choice).

³⁰³ Wendt (1995: 161).

³⁰⁴ For additional work on (Machiavellian) political realism, which in this passage is being held to be a specific form of civic republicanism, start with Pocock (1975), Skinner (2002), (1998), or with Guarini (1990) and Benner (2009) as well. J. G. A. Pocock, *Barbarism and Religion* (Cambridge University Press, 2003, not further referenced) at times seems to err too far in the anti-liberal direction, however.

³⁰⁵ Kalberg (2009) provides more notes on Weber’s theory’s symbiotic qualities.

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- ³⁰⁶ Philpott (2001).
- ³⁰⁷ Doyle (1986).
- ³⁰⁸ Williams (2001) and Doyle (1986) and Russett (1993), (2009).
- ³⁰⁹ Dafoe (2011).
- ³¹⁰ Weyland (2009), Keitner (2001).
- ³¹¹ Hobbes (1994: ch. 19, 131), Zagorin (2010: 33).
- ³¹² For a few notes on Hobbes's political theological principles, consider Greenleaf (1974) and Springborg (1996). For Schmitt's principles, start with Bendersky (1996), Chen (2006) and Fatovic (2008) and Žižek (1999).
- ³¹³ Grotius (1995).
- ³¹⁴ Arendt (1958: 97), cited in Birmingham (2006: 90).
- ³¹⁵ Carl Schmitt's body of work should be considered exemplary of political realism, at least in this first respect, as it consistently connects the state's constitutional authority *within*, to its sovereign authority *across* boundaries.
- ³¹⁶ The issue of the *legitimization* of the system of states (as well as of state and post-state entities) has drawn attention from, next to Habermas (2008), Mulligan (2005), Føllesdal (2006), (2007), and Buchanan (2006).
- ³¹⁷ Slagstad (1993: 125).
- ³¹⁸ For variations on this theme of constructivist idealism (which makes it audible that few agents will be putting themselves in danger if they are not rationally pursuing their best material 'interests'), see Campbell (1998: esp. 73-75; 203), Crawford (2002: 117-124), and Philpott (2001: 47-51).
- ³¹⁹ Naess (164-165) adds: "[Human beings] are a part of the ecosphere just as intimately as [they] are a part of ... society. But the expression '[isolatable] drops in the stream of life' may be misleading if it implies that individuality of the drops is lost in the stream. Here is a difficult ridge to walk: To the left we have the ocean of organic and mystic views, to the right the abyss of atomic individualism."
- ³²⁰ Bull (1995: 157) rightly notes that not all diplomacy takes place in relations between sovereign states.
- ³²¹ Bull (1995: 176-177).
- ³²² Thucydides (1989).

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- ³²³ Bull (1995: 176).
- ³²⁴ Wendt (1999: 10), as cited by Luoma-Aho (2009: 305).
- ³²⁵ Wendt (2006), (2004), (1999), (1995), (1994). For a theoretically possible, but seemingly empirically invalid divergence from the program, consider Wendt and Duvall (2008).
- ³²⁶ Particularly, Simmel (1997: 200-214).
- ³²⁷ Simmel (1997: 61).
- ³²⁸ Particularly continue to contrast Wendt (1995), (1999), (2004), to Wendt and Duvall (2008).
- ³²⁹ Simmel (1997).
- ³³⁰ As Slagstad (1993: 111) cites Schmitt, “Hugo Preuss: Sein Staatsbegriff und seine Stellung in der deutschen Staatslehre.”
- ³³¹ Palonen (1999: 535-538; 543, n. 94) mentions that Max Weber saw his own theory of political freedom as an inquiry into how human beings may more or less spontaneously and prudently begin to transcend consequentialism— “without rejecting it.” Political freedom would then have to be believed to emerge from a series of *chance encounters*: although these encounters are not to be understood as “a hazard or randomness”, and “some side-effects are always to be expected”, they are also not totally reducible to a “choice of some definite ends.” Hence, freedom is less a consequential (means-to-ends) choice than that it is a power over, and a having a sense of, the world’s systemic chaos (it is a refusal to accept a world of arbitrary and incalculable risks, also, and thus again becomes a type of belief).
- ³³² Philpott (2001: 102-110; 159).
- ³³³ Philpott (2001: 118).
- ³³⁴ Philpott (2001: 140).
- ³³⁵ Philpott (2001: 116-117).
- ³³⁶ Finnis (1980: 66).
- ³³⁷ Philpott (2001: 183).
- ³³⁸ Crawford (2002: 320).
- ³³⁹ Philpott (2001: 183).
- ³⁴⁰ See, for instance, Latham (2011: 77-81).
- ³⁴¹ Wendt (2003), Scheuerman (2011: 143).

³⁴² See, especially, Article 23 of the 1963 *Vienna Convention on Consular Relations*. The realist-versus-liberal constructivist opposition is herein illuminated by principles such as safe passage: an ancient customary law. Constructivist theorists opine then that these principles have been learned: they are the result of an open socialization process. Cross-border passage rites help to inscribe national identities, for instance. Constructivists also suggest that each generation of diplomats will have to be newly conditioned, and newly accustomed to the social construction of their national identities. Realists object to such a notion: they find the constructivist link between socialization and nationalism specious. They are then also much more likely to caution, for example, that exceptional circumstances may motivate a host-country to declare any diplomat *non grata*.

³⁴³ As illustration of negative definitions of political actors/relations, consider Pankakoski (2010).

³⁴⁴ Bull (1995: 175-176).

³⁴⁵ Bull (1995: 168) suggests, for instance, that ambassadors *can* have legitimate incentives to create structures of “collaboration” (to protect their common interests) but at the same time may have *no* moral obligations to work towards a “conciliation” of each state’s national interests.

³⁴⁶ For constructivists, the state cannot be said to be acting as an unidentified sociopath (it cannot act within the rules, while still acting in unethical ways). Realists would argue, however, on one hand, that international agents may have to walk out during conferences, refuse to negotiate with hostage-takers, or ignore pleas to deliver food aid if this aid can be expected to fall in the hands of violent secessionists—and these agents may thereby have to disobey international law without being dismissed as immoral sociopaths. On the other hand, some states may have to turn a blind eye to secessionists involved in, say, ‘ethnic cleansing’—precisely because they are obeying the law, and because they are following the rules of the supranational organizations they are members of. Social constructivists, however, have no ethical yardstick to condemn the difference between the first type of evil, and the second type of banality and inertia. Rather, from a constructivist stance, there is little difference because in both cases would state agents have displayed a highly immoral, abnormal, anti-social performance.

³⁴⁷ Ermakoff (2009). Yannis Evrigenis (whose work is discussed by Ivan Ermakoff) has performed extensive theoretical research on this negative definition of identity, but he seems to have underestimated the importance of Carl Schmitt’s own theological system—in the sense of the latter’s political theological notion of identity may emerge from a mutually negative/negating relation (from relational enmity, similar to the complexities of how Christ and Anti-Christ relate to each other). Another author to consider, besides Schmitt, and more relevant to the notion of a psychologically self-negating relation, is Laing (1960).

³⁴⁸ Crawford (2002: 14).

³⁴⁹ Weber (1946: 239).

³⁵⁰ Beebe and Kaldor (2010: 53-56).

³⁵¹ Kerness (2001).

³⁵² Tuck (2009: 326-332).

³⁵³ One poignant expression of these sentiments of frustration—particularly with the injustice of how irresponsibly-incurred government costs were being deferred to the (American) middle class—has been offered by an engineer from Austin, Texas, in a manifesto he completed before tragically flying his plane into the local Internal Revenue Service office on February 18th, 2010 (thus killing himself and an IRS employee, and injuring at least a dozen people): “The communist creed: From each according to his ability, to each according to his need. The capitalist creed: From each according to his gullibility, to each according to his greed.” Marx (1978b: 531).

³⁵⁴ Beebe and Kaldor (2010: 73).

³⁵⁵ Crawford (2002: 340-341).

³⁵⁶ Crawford (2002: 14).

³⁵⁷ For a few brief re-representations of such legitimacy gaps, consider, Føllesdal (2006) and Manin (1987).

³⁵⁸ Wendt (1992), (1994), (1999), (2003), (2006).

³⁵⁹ For instance, Wendt (1999), (1994). Compare, also, Ruggie (1998). For a moderately-less constructivism-oriented perspective, see Risse-Kappen (1994).

³⁶⁰ Wendt (1999: 262-263).

³⁶¹ Wendt (2005).

³⁶² Crawford (2002: 64; 87). See, further, Eckert (2004).

³⁶³ Wendt (1999: 262). Several IR theorists have looked into turning back from structural constructivism towards classical realism, including Sterling-Folker (2004).

³⁶⁴ Wendt (2003), (2005).

³⁶⁵ See, for instance, Schmitt (1932) for a brief defense of his Catholic theorem that the phrase ‘political singularity’ would be a contradiction in terms. In the realm of the political, there are no singularities. Each singular entity or each individual state must be believed to have been contained by whatever it might be that this entity or this state holds in common with its enemies. In this sense, contradiction or political enmity, rather, is the commonality that binds all states.

³⁶⁶ This author does not recollect whether Wendt (1999) cites Machiavelli or Arendt. Yet, it seems unlikely, if he has done so, that he as sharply discerned as that they would do

between form and function, or essence and appearance, abstraction and concreteness (??).

³⁶⁷ Wendt (1999: 2).

³⁶⁸ For instance, Wendt (1999: 9).

³⁶⁹ For an empirical study of buffer-states, consider Fazal (2007). The example of Cuba's Fidel Castro, the longest-serving head of state, further, shows that many state agents like him *did not fail to adapt* to political circumstances while resisting a wide variety of pressures to give up their roles (including American assassination attempts). Rather, they became only better 'social learners' (less 'autistic') as they faced such pressures. There is no positive correlation between moral progress and 'social learning' in this respect.

³⁷⁰ Wendt (2005), (2003), (1999).

³⁷¹ Compare, for instance, Guzzini (2004), (1993), and Legro (2009).

³⁷² Jackson (2008: 151).

³⁷³ Jackson (2008: 138-142).

³⁷⁴ Jackson (2008).

³⁷⁵ Jackson (2008), (2009). Kelly (2002) helps demonstrate that even Kant could never have endorsed monism—not in IR, and not in any other theoretical endeavors. For, there still remains the antinomy that unites, but that simultaneously differentiates the epistemological from the ontological cognitive dimensions.

³⁷⁶ Realists want to retain the two-dimensionality of ultimate power, sovereignty. Their question is hardly why there should be more monism or why there should be less dualism in understandings of state power, but how to live with ambivalence. They are drumming a different drum than the one of the constructivists, in their stead often hearing that sovereignty neither entirely stems from one register nor completely from another. From their view, Patrick Jackson is incorrect to think people are better off if the 'two-ness' of sovereignty were to be further reduced to 'one-ness.'

³⁷⁷ Especially, Arendt (2006). For Schmitt (esp. 1926) and the meaning of negatively-defined (political) concepts, continue with Pankakoski (2010) and Pourciau (2005).

³⁷⁸ Wendt (1999: 8).

³⁷⁹ See, particularly, Slagstad (1993).

³⁸⁰ For a remarkable comparison of Weber and Schmitt to Arendt, see Kalyvas (2008).

³⁸¹ Begin with Morgenthau (1985), Schattschneider (1960), and Little (2007). But compare, also, Barnett and Duvall (2005).

³⁸² Arendt (1970).

³⁸³ Wendt (2006: 214).

³⁸⁴ Wendt (2006: 219).

³⁸⁵ Wendt (2006: 216; 218) is correct that that the “materialist ontology” of the classical physicists “cannot take seriously that which is most uniquely social, namely consciousness and meaning.” Yet, he nonetheless wants to draw a distinction between these classical and the quantum physicists, taking his cues only from the latter. For, he also says: “In quantum [physics] theory it would be absurd for the ‘particle guys’ to fight with the ‘wave guys’ about who has the truth, since the knowledge each offers is understood to be inherently partial.” However, even as he uses this analogy to quantum physics, he seems aware it remains insufficiently meaningful because neither particle- nor wave-centric theorists are disputing that their own general framework is composed by partial hypotheses, by falsifiable theories, and so forth. What they are fighting about, however, is to which degree light consists of neither particles but waves, or of neither waves but particles, so that it definitely does matter to them on which grounds they can refute their scholarly opponent. Contrary to Wendt’s analogy, the issue is therefore not whether a false dichotomy is being accepted by the two poles within the field of IR (between materialists and idealists, or between positivists and interpretivists), but whether he assigns any negative intensity to the relationship between these poles. His counter-argument may certainly hold that his analogy continues to hold because bodies of knowledge about particles and about waves are bodies merely *correlating* to one another. Additionally, he may certainly argue that positivists and interpretivists are caught up in a false-dichotomy-argument. Contrary to Wendt, however, the false dichotomy precludes his correlation-argument, if not only because his notion of correlation derives from the entirely meaningless test of how two variable theories of IR ‘hang’ together. He believes there is correspondence between materialism and idealism, allowing these two theories perhaps not to be fully comparable, but at least to correspond in a valid manner. If one beam of light is being studied by both particle-centric as well as wave-centric physicists, their data sets may indeed be said to correspond. But if one state’s relations to another’s are being studied by both materialists and idealists, then there is no way of telling that the results of their observations correspond in a valid and reliable manner. The materialists may claim that a decision was made out of self-interest or relative advantages, the idealist may still claim that changing ideas about interests led to such a new decision. Of course, Wendt does somehow accept a third criterion in order to compare the tension between diverse material and ideal facets of sovereignty. He fails to show, unfortunately, that this third criterion consists of enmity—as Carl Schmitt understands the enemy. Schmittian understandings of sovereignty, thus, could very well help demonstrate that the third criterion is no actual criterion after all, but merely a spontaneous judgment that simply respects the validity and therein also the legitimacy of IR—precisely because it seeks to negate both the materialist as well as the idealist positions without transforming each of them into a new, synthetic, ‘both-and’ position of the kind Wendt pursues. The political problem Wendt is avoiding is not the partiality of correspondences between each of the two core positions, but the concrete partisanship (and self-consciousness) that gives meaning to the relations between the two.

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- ³⁸⁶ Guzzini and Leander (2006: 83). As an afterthought, or perhaps as a moment of speculation: Anthony Giddens, by contrast to Ernest Gellner, got stuck inside his own studies of the universalist and the ideational dimensions of the leading political cultures. Were Wendt to have better familiarized himself with Gellner's (posthumously published) readings of Ludwig Wittgenstein's *Tractatus*, however, then he could have seen that perhaps there is nothing like a third possibility in the complex dual relation between the cultures of nationalism, on the one hand, and those of liberal universalism, on the other. That is, Giddens failed to break the lock that kept him at the side of all those who represent the nation-state as an ideational and therefore universalistic form of political organization. For a start, however, consider Gellner (1994).
- ³⁸⁷ Guzzini and Leander (2006: 91).
- ³⁸⁸ Apparently contrary to realism, but certainly not alien to Wendt, see Hardt and Negri (2000), (2004), but also Negri (1991), (2008) and Casarino and Negri (2008b).
- ³⁸⁹ Cederman and Daase (2006: 126).
- ³⁹⁰ Simmel (1997).
- ³⁹¹ Especially, Cederman and Daase (2006: 136-138).
- ³⁹² Cederman and Daase (2006: 129), citing Georg Simmel's 1908 essay "Conflict" (in *Conflict and the Web of Group-Affiliations*, New York: Free Press, not further referenced).
- ³⁹³ Cederman and Daase (2006: 136; 138) rightly choose to use the case of the Former Yugoslavian Republic, and of this Republic's powers as having formed one structure. The Republic's ethnically-defined subpopulations understood the aggression of the 1990s to have been endogenously motivated (by Serbs, by Bosnians, and so forth). But, when taking the crucial overall collapse of this and other Soviet satellite states into account, then Kosovo's national identity boundaries become far more likely to also have begun to change exogenously (structurally). The cascade of armed conflicts was, nonetheless, the result of an organizational failure: the Cold War balancing-process had not yet been replaced by the EU's self-organizational nor by its homeostatic potential, so that Serbs often continued to depend on moral and military support from Moscow and the Bosnians for such support from Washington.
- ³⁹⁴ Held et al. (1999) still gives readers a comprehensive introduction to Held's own theoretical work.
- ³⁹⁵ Held et al. (1999) end up defining globalization in terms of abstract movements, and their perceived ideational accelerations, rather than mostly in terms of concrete (bodily) movements.
- ³⁹⁶ Held et al. (1999: 437).
- ³⁹⁷ Held et al. (1999: 450).

³⁹⁸ Held et al. (1999: 437).

³⁹⁹ Held et al. (1999: 449).

⁴⁰⁰ Doyle (1986).

⁴⁰¹ This author draws, mostly, from Russett (1993), (2009), Oren (1995), Dahl (1993), and Williams (2001), although various other IR scholars have examined their own versions of the Democratic Peace hypothesis.

⁴⁰² Houghton (2009).

⁴⁰³ In the secondary literature, this facet of Carl Schmitt's anti-liberal as well as his anti-communist thinking (Schmitt's objection to "economism") remains often unclear, yet it is fundamental to understanding Schmitt's disagreement with Bakunin's quite orthodox form of materialism.

⁴⁰⁴ For Schmitt's anti-liberal stance, consider Christi (1998), (1993), and Slagstad (1993).

⁴⁰⁵ Consider, specifically, Schmitt, (1995), (1997).

⁴⁰⁶ Schmitt (1985). Also commendable are McCormick (2003), Hooker (2010) and Chen (2006).

⁴⁰⁷ Particularly, Schmitt (1976), (orig. 1932). Compare, furthermore, Willms (1991) to McCormick (1994).

⁴⁰⁸ Schmitt (1976).

⁴⁰⁹ Schmitt's Euro-centrist definition of boundaries led Arendt to sarcastically suggest (in comments she jotted in the sidelines of Schmitt's work) that he only had had an eye for territorial boundaries, which indeed had long been respected by European states, not for the blood they also had caused to be spilled. She hereby directed attention to the National Socialist's own all-too-selective appropriation of the *Blut und Boden* ("blood-and-land") slogan.

⁴¹⁰ Especially compare Schmitt (1997), (1996c), to Waltz (2001).

⁴¹¹ Gong (1984). But compare, as well, Klein (1999).

⁴¹² Marx (1977). For additional reflections on this argument, consider Althusser (2006a) and Balibar (1994).

⁴¹³ See, for instance, the open-ended and yet anticipatory dialectical conclusions Marx (1978), (1978c), reaches in "The Eighteenth Brumaire of Louis Bonaparte" (which differ sharply from his earlier conclusions, such as those of "On the Jewish Question").

⁴¹⁴ Schmitt (1995). See, also, Schmitt's correspondence with Kojève (2001).

⁴¹⁵ Joy Gordon (2010) creates the conclusion that the (American) sanctions against Iraq were, in great part, ‘feedback loops’ within a partisan Security Council-dominated international law-system. Consider also, for the intellectual climate in the Weimar Republic, Weitz (2007) and Sontheimer (1994).

⁴¹⁶ For a few relevant commentaries on Schmitt (1976), consider Frye (1966) and Auerbach (1994).

⁴¹⁷ As Schmitt’s *Nomos der Erde* (1997: 141) holds: “Woran erkennen wir diesen fürchtbaren Feind, dem gegenüber unser Recht keine Grenzen hat?” See, also, Palaver (1996). As an aside, the enemy (*Feind*) is of course never a foe, which would instead have to be a person with moral ideas. Instead, the enemy poses an amoral or existential threat to the state—rather than to a person with moral and legal standing, or rather than a citizen. Only this enemy can be a threat to any, and all human beings. Whereas a foe remains a moral or an immoral person, the political enemy threatens life itself—and, therefore, cannot be hedged or limited by legal means alone. As no enemy has a legal personality, yet may nonetheless be believed to be hedged politically, it may be wiser to speak in this context of enmity rather than of the enemy, as it is in a *relation of enmity* that the law holds no borders. Schmitt asks here *why* this is the case. Note, further, that Hobbes (1994) would have agreed with Schmitt: in the condition of *relational enmity*, people live in a state of nature governed by law. Thus, even in the state of nature there will be a juridical definition of the attributes by which the enemy of this state should be respected and recognized. These attributes will become, then, part of the laws of nature, including the law of self-preservation. Since there has never been a state of nature without laws of nature, at least not according to *Leviathan*, the best way of recognizing the enemy is not give him demonic or monstrous names, as such an enemy would know no boundaries (*Grenzen*), and his names would again be abused by moralistic ideologies or ecclesiastical rhetoric.

⁴¹⁸ Slomp (2006).

⁴¹⁹ Hobbes (1994: 486).

⁴²⁰ Held et al. (1999) is not the only text laying out its lead-author’s overall argument, but certainly one of the first and most detailed ones.

⁴²¹ Held et al. (1999: 220: 187).

⁴²² Held et al. (1999: 437).

⁴²³ Held et al. (440; 412; 441).

⁴²⁴ Dahl (1993).

⁴²⁵ For example, Doyle (1986) and Russett (1993), (2009).

⁴²⁶ Russett (2009: 11-12).

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- ⁴²⁷ Compare, for this point, Russett and Oneal (2001).
- ⁴²⁸ As has been argued by Dafoe (2011).
- ⁴²⁹ Houghton (2009: 556-558).
- ⁴³⁰ Gilbert (1999: 33).
- ⁴³¹ Duverger (1974) was remarkably clairvoyant about this intrusion of private economic interests into the political realm. Continue to see Bruner (2009), Pocock (1975), and Rigsby (2002) as well.
- ⁴³² This line of critique is further laid out in Klein (2008), (1999), Bello (2009), and De Waal (1997), or in parts of the theoretical work by Young (2006) and Gilbert (1999) as well.
- ⁴³³ Calleo (2009).
- ⁴³⁴ On economic sanctions, see Gordon (2010), Crawford (1999), and Askari et al. (2003).
- ⁴³⁵ Eduardo Porter, "Study Finds Wealth Inequality is Widening Worldwide." *The New York Times*, 12/06/06, C3. See, also, International Labor Office (2008).
- ⁴³⁶ This figure, and additional statistical figures, were cited in the documentary film "The End of Poverty?". The New Economics Foundation's website can also be consulted for some such figures.
- ⁴³⁷ Dani Rodrik, "The Global Governance of Trade as if Development Really Mattered", *United Nations Development Program* (Oct. 2001, available online).
- ⁴³⁸ Houghton (2009: 558-560). For the sake of the general argument, the DP thesis will here include the commercial peace hypothesis as well, as both equally appear to be (from Houghton's article) either self-fulfilling or self-negating prophecies.
- ⁴³⁹ Weber (1958: chs. 4 and 5).
- ⁴⁴⁰ Weber (1946: 120).
- ⁴⁴¹ This author consulted, mostly, Weber (1946), (1958), (1993), (1968).
- ⁴⁴² Simmel (1997: 211-212).
- ⁴⁴³ Olson (2007: 330).
- ⁴⁴⁴ Habermas (2008) hardly hides his affinity for Kelsen.
- ⁴⁴⁵ Some entry-points to republican realism can be found in Schmitt (1986), (1985), (1976) and Slagstad (1988).

⁴⁴⁶ For further comparison, Habermas (1999), Rasmussen (1990), Olson (2003).

⁴⁴⁷ Start with, perhaps, Kelsen (1967b) and De Angelis (2009).

⁴⁴⁸ De Angelis (2009: 533) specifically helps understand why Kelsen would have presented the basic norm as the highest, or most final, among all legal fictions. These fictions had to be ideologically designed, he would have argued, in order to ‘bridge’ or to ‘cover’ the void that might otherwise have continued to exist “[in] between institutions and ideals, and between institutions and social reality: they work as ‘counter-factual’ assumptions that maintain their validity, although actors know very well that institutional and social reality diverges from the fictitious assumptions. [Reconciliation and bridging of] [t]he gap between ideals and institutions serves a twofold goal: it brings into motion our reflection on the institutions’ aptness to satisfy our needs and, at the same time, it tames our ‘natural’ aspirations, imposing on us a revision of how we understand our needs, including our basic longing for [equal liberty]”. Also of interest on the theoretical issues that were created by Kelsen’s neo-Kantian reconciliation of institution and ideal, or by his deriving of legal ideals from political institutions, as well, consider the concise presentations by Dyzenhaus (1997) and George (2004).

⁴⁴⁹ De Angelis (2009: 544).

⁴⁵⁰ Habermas (2001), Olson (2007: esp. 331).

⁴⁵¹ Particularly, Hobbes (1994: chs. 13; 26; 29; 45).

⁴⁵² For instance, De Angelis (2009: 541) can help realists speculate why Kelsen might have attacked metaphysical fears in the name of (his own) ideational hopes.

⁴⁵³ See, for instance, Jackson (2008).

⁴⁵⁴ De Angelis (2009: 528) mentions, furthermore, that Kelsen’s idea of ‘learning’ is to promote ‘adaptation’ by means of social ideals (which include legal fictions): “institutional mechanisms [are hoped to will] ... be shaped in such a way that they best adapt to the [social] ideals that they seek to realize.” Realists argue of course that Kelsen cannot only ask himself who should be doing the shaping—other than other institutional idealists (like, himself).

⁴⁵⁵ Arendt (2006: 21; 23), (1970: 40-42), writes that *isonomy* is a “concept of power and law” which can be used and be experienced not by “private persons”, but within the “specifically political realm”—and, thereby, also only within the realm “where freedom can unfold its charms and become a visible, tangible reality.” Birmingham (2006: 61) clearly hints that *isonomy* would thus not just have to be an apparent unfolding of freedom-as-capability but is also always an intangible political responsibility. It is this responsibility-dimension of *isonomy* which, however, has been overlooked in work by Sen (1984).

⁴⁵⁶ Wight, (1994), (1995), Morgenthau (1995), Bull (1995). Consider, further, Jütersonke (2010).

⁴⁵⁷ Morgenthau (1985), Pin-Fat (2005).

⁴⁵⁸ Especially, Habermas (2002) and Wendt (2003).

⁴⁵⁹ Bottici (2003), for example, defends a neo-Kantian variant of the domestic analogy.

⁴⁶⁰ See, especially, Nye (2011: 239, n. 11).

⁴⁶¹ Held et al. (1999).

⁴⁶² Hobbes (1996: ch. 6, 36).

⁴⁶³ Connolly (2010: 79).

⁴⁶⁴ Hobbes (1996: ch. 6, 36).

⁴⁶⁵ Skinner (2002: vol. 3, 284) mentions that in 1683, the University of Oxford condemned Hobbes (on grounds of his alleged Hobbism).

⁴⁶⁶ Skinner (2002: vol. 3, 219).

⁴⁶⁷ Hobbes (1994: ch. 26).

⁴⁶⁸ Hobbes (1994: ch. 29, 227-228).

⁴⁶⁹ Hobbes (1994: ch. 45, 440-442).

⁴⁷⁰ Skinner (2002: vol. 3, 221).

⁴⁷¹ Skinner (2002: vol. 3, 220-223).

⁴⁷² See, for an introduction of the republican players, Pettit (1997), Pocock (1975), and Skinner (1998).

⁴⁷³ In part because of IR's fascination with modernistic and positivist *ideas* about sovereign state power, religious *beliefs* in sovereignty have been strangely ignored by (international) political theorists—even though these primary beliefs are likely to have *constituted* the IR field's subject matter, as was shown by Luoma-Aho (2009) and at some points by Heyking (2005) also.

⁴⁷⁴ As cited in Olson (2007: 332).

⁴⁷⁵ Consider, for instance, Olson (2003) and Munro (2007) and Ungureanu (2007).

⁴⁷⁶ Olson (2007: 332-333; 340).

⁴⁷⁷ Arendt (1978, vol. 1: 109).

⁴⁷⁸ Arendt (1978, vol. 2: 27).

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- ⁴⁷⁹ The Democratic Peace hypothesis can be invalidated by looking closer at capitalism as an extremely probable cause of intra-state as well as of inter-state violences. For this probability's accuracy, consider Dafoe (2011).
- ⁴⁸⁰ Hobbes (1994).
- ⁴⁸¹ Capra (1996).
- ⁴⁸² Connolly (2010: 64-65; 75-76; 81).
- ⁴⁸³ Connolly (2010), (2008), (2004).
- ⁴⁸⁴ Compare, further, Descartes (1979). Traces of her anti-Cartesian argument may be found scattered throughout Arendt's (1958), (1961), (1970) work, and less obliquely also throughout her (1978) *The Life of the Mind*.
- ⁴⁸⁵ Arendt (1978, vol. 1: 109).
- ⁴⁸⁶ Arendt (1978, vol. 1: 109; 70).
- ⁴⁸⁷ Arendt (1978, vol. 1: 47-49).
- ⁴⁸⁸ Wendt (2006) seems willing to create a Cartesian social theory, of IR.
- ⁴⁸⁹ The political scientific theorist/actor cannot derive his own norms for another reason (than that he would end up alone, without *another* audience to ground them), which is the reason that his abstract norms will so be covering up *their own* existential groundings. Theorists such as Max Weber and Jean-Paul Sartre much rather understood freedom to be an existential curse, hiding in a normative disguise, however, as Palonen (1999: 538-540) points out.
- ⁴⁹⁰ Arendt (1965).
- ⁴⁹¹ Arendt (1978, vol. 1: 47-49).
- ⁴⁹² On July 27th, 2011, London announced that Libya's diplomats would no longer be recognized as the legitimate representatives of their country—and that they should be replaced by an ambassador of the newly-recognized Transitional Council of Libya. This constituted a reversal of the earlier British position, which had held that London could only recognize territorial states and not any of their (self-proclaimed) government councils.
- ⁴⁹³ Aristotle (1958: 1265a, 57).
- ⁴⁹⁴ Aristotle (1958: 1265a, 57).
- ⁴⁹⁵ Arendt (1970: 97, n. 62; 40-41). See, also, Birmingham (2006: 23-27) for the dual birth of political pluralism.

⁴⁹⁶ Arendt (1958).

⁴⁹⁷ For Arendt's intersubjective understanding of plurality-in-recognition, consider her work (1996) on Augustine and the latter's understanding of the dualism implied by the tension between plural appearances and singular recognition processes.

⁴⁹⁸ Birmingham (2006: 122).

⁴⁹⁹ For instance, Arendt (1970: 51).

⁵⁰⁰ Young (2010), (2006).

⁵⁰¹ Arendt's considerations of how to avoid 'scape-goating' while answering the (German) 'war guilt'-questions have received already some, but possibly inadequate, attention. See, for instance, Striblen (2007) and Schaap (2001). For additional historical context to her problem, consider Buckler (2001).

⁵⁰² Birmingham (2006: 125-126).

⁵⁰³ Arendt (1965), Arendt (1970).

⁵⁰⁴ Read also, for more examples, Arendt (2003).

⁵⁰⁵ On Arendt's 'hidden dialogue' with Weber, consider Palonen (2008) and Kalyvas (2008). Palonen (1999: 533) calls Weber a "fierce critic of apolitism"; a label just as applicable to Arendt, of course.

⁵⁰⁶ McGowan (1997).

⁵⁰⁷ Young (2002), Ingram (2008).

⁵⁰⁸ Arendt (1943).

⁵⁰⁹ Birmingham (2006: 126).

⁵¹⁰ See, particularly, Arendt (1961).

⁵¹¹ Arendt (1958) gives the most detailed account of promising. Interestingly, Biden (2007) defines human dignity in relation to the capacity to keep promises.

⁵¹² Consult, by illustration, Burnell (1999).

⁵¹³ Arendt (2006: 202; 180).

⁵¹⁴ Breen (2009: 134).

⁵¹⁵ Arendt (2006: 202; 180).

⁵¹⁶ Aristotle (1958). Also helpful can be Arato and Cohen (2009).

⁵¹⁷ *The Constitution of the United States*, 6.2; 1.3. It must be noted that treaties with “Indians not taxed”, as well as any possible future treaties with those former slaves who may previously have been counted as “three-fifths of all other persons”, should, under the U.S. Constitution, have been the law. That an estimated 408 treaties with American Indians and indigenous peoples were either never respected or were later broken by the U.S. Congress, therefore, is an insult to at minimum the framers of the Constitution and at maximum any sovereign party interested in upholding international treaty law. For, as Roman Law could teach in this case, treaty law *is* civil law: it is most fundamentally about legal parity.

⁵¹⁸ See, specifically, Hobbes (1994: ch. 26, 175-176).

⁵¹⁹ Arendt (2006) repeatedly refers to Rome. Hammer (2002), (2008), provides a remarkably learned interpretation of most of Arendt’s references to this paradigmatic political society.

⁵²⁰ Arendt (1978, vol. 1: 158).

⁵²¹ Arendt (2006: 202), (1993), has regularly suggested that the Roman Law concept of a society is a functional treaty-alliance (she followed Th. Mommsen, *Römisches Staatsrecht*, in this respect). Treaties with Rome’s war-time opponents would have turned them into her “partners, *socii*, or allies”—whom through an authoritative judgment, embodied in the treaties, it must be believed, were being forgiven of their belligerent actions. Schmitt (1997) writes not all too differently, albeit admittedly in reference to a different era, about the *jus publicum europaeum*: a curious body of public protocols that hedged societies off against one another, through the laws of war.

⁵²² Continue to see Habermas (2002), (2008) as well as Lacroix (2009).

⁵²³ Habermas (2002) embraces European conceptions of the state (and, by extension, of the EU) as being representative of a unitary whole, in a constitutional-evaluative sense of the word ‘whole’, while Kayaoglu (2010b) finds several reasons to reject these conceptions. Lacroix (2009) also criticizes Habermas, mostly on the basis of his own method, furthermore, whereas Schmitt (1996c) may be read as having attacked any and all such references to unitary constitutional values.

CHAPTER TWO

[T]he political realm [has been] overwhelmed by the cares and worries which actually [should have] belonged in the sphere of the household—and which, [once] ... they were permitted to enter the public realm, could not be solved by political means, since they were matters of administration ... rather than issues which could be settled by the twofold process of decision and persuasion.

—Hannah Arendt (2006: 81)

Every increase of rationalism in empirical science increasingly pushes religion from the rational into the irrational realm; but only today does religion become the [sole] irrational or anti-rational supra-human power.

—Max Weber (1948: 351)

No man can serve two masters.

—Thomas Hobbes (1991: 179)

The meaning of what Socrates was doing lay in the activity itself. Or to put it differently; To think and to be fully alive are the same, and this implies that thinking must always begin afresh; it is an activity that accompanies living and is concerned with such concepts as justice, happiness, virtue, offered ... by language itself as expressing the meaning of whatever happens in life.

—Hannah Arendt (1978, vol. 1: 178).

[F]or fish drinkable and healthy; for men undrinkable and harmful.

—Heraclitus

First Prelude: Two Foundational Causes of/Effects on Sovereignty

There is no beginning and there is no ending to the story of the state and its sovereignty—despite the many conventional norms to the contrary. For, there are too many nationalist and even transnationalist conventions on the original or the terminal attributes of statehood. Or, there are too many possible and alternative reasons why a particular state, as a particularly autonomous polity, may or may not have been recognized as such a state—with its own ultimate authority. The most common reason, however, is that this particular state survived a war-like attack on its people and in response must have decided to defend its government structures through a transcendent system of sovereignty. It is within this complex system, after all, that structures of government are constantly being subjected to the organizational processes of “power transition and power diffusion”.¹

Becoming recognized as a member of a society of states, with a unique mode of authority, is somewhat equivalent to becoming recognized as an honorary professor at the university. Much will depend on a complex combination of both personal merit as well as on symbols of goodwill, created by the honoring faculty’s logistical capacities. In the case of states, the qualifying or the aspiring sovereign must demonstrate both merit as well as be received into the existing membership-base. Also, each of the current members may have many possible reasons, indeed, why a proposed new member should (not) be

admitted—as can still be evinced by the instances of and by the complicated discussions over the admittance of twentieth- and twenty-first-century peoples as diverse as the indigenous Americans, the Kurds, Georgians, Macedonians, Puerto Ricans, and the Palestinians and therefore really any grouping with self-organizing political aspirations as sovereigns (and, thus, not as observers) to the United Nations.²

The conventional wisdom, in International Relations theory, holds there has to have been a definitive beginning to this system of recognition: it would have been after the Thirty Years' War in Europe and before the end of the seventeenth century that “the principles of sovereignty and territoriality became supreme.”³ Against this conventional norm, that the sovereignty-principle should have made its first historical appearance as late as three or four centuries ago, however, it is quite a bit more sensible to hold that territorial states with institutions of supreme authority have been emerging, together with the earliest city-states, for the duration of at least three millennia and possibly as early as during the Bronze Age.⁴

Although it is impossible to pinpoint the first and final cause behind the existence of states—let alone the identity of who should be believed to have founded them—it is certainly not impossible to recognize states as if they are equally sovereign states. It is of critical importance, however, to note that sovereignty is partially a fiction: it is ‘as if’ the state would have to have been recognized by its equals, as one of them. In concrete terms, the qualifying state may not even be the only supreme authority within its own realm, as many institutions of supremacy will often be contending with each other in order to perform different functions of authority (such as the military or the religious functions),

and yet in abstract terms it will still have to appear as if most people are bound to only one sovereign state's founder and.⁵

To put the problematic tension between concrete contestations among individual persons and parties, first, and a single but abstract constitutional foundation, second, in the form of a question: for example, should Israel be trusted to have been founded by Moses? And the United States by George Washington? Should East-Germany even be counted to have existed as a concretely-independent state, or was this state merely an abstract experiment by its founders in simulating their sovereignty?⁶ And, if the GDR only simulated its political independence from West-Germany and (above all) from the Soviet Union, then why are so many similar satellites and 'like' post-colonial entities nonetheless believed to have legitimately or ultimately become sovereign states?⁷ The key to these questions is in the verbs: to trust; count (on); simulate, and; believe. Each verb expresses a fiduciary relationship between a set of concrete actors and some abstract entity (indifferent as to whether that entity is in its essence also imagined as a reliable guardianship, an absolute number, or a potent god).

The plethora of possible answers—and, thus, the great variety of sovereignty's possible causes—cannot form a denial, however, of the fact that especially Aristotle's catalog of causes was long exceedingly inclusive. That is, it cannot be denied that Aristotle has long been thought to have achieved great theoretical parsimony, as he argued that every particular city-state somehow has to have acquired its sovereignty-identity through the effects of only two basic types of causes—in order for that polity, thereby, to have become both recognizably and constitutionally autonomous.

This prelude consists of a series of notes on the significance of the Aristotelian, or of the qualitative difference between the substantive and the formative causes of political relations—as well as how these two types of causes even in the current era continue to inform a dual structure, itself somehow again preconditioning sovereign authority’s organizational emergence.

Politics consists of Aristotle’s guidelines on how to observe the organizational process from which political authority emerges. This organizational process takes on the material shape of a constitutional compound: this is a closed process because it is like the process of life itself. It constitutionally transcends, and yet incorporates various physical movements and other structural tensions.⁸ Aristotle practices hereby a variant of hylozoism: a teaching captured by the phrase ‘all matter is (as) living matter (is).’ One encyclopedia holds he teaches thereby, also, that each polity should be seen as “a hylomorphic ... compound of [both] a particular population ... in a given territory (material cause) and a constitution (formal cause).”⁹ Hence, there should be a difference between each organized polity’s materially-living foundation (*physis*) and its constitutionally-living foundation (*nomos*). According to Ernest Barker, these two foundations may respectively be referred to as those of “nature and convention”—and this would mean that the two “are not in their essence opposites, but rather complements.”¹⁰ With these words, Barker responds to a passage containing this famous sentence (in *Politics*): “Man, when perfected, is the best of animals; but if he be isolated from law and justice he is the worst of all. Injustice is all the graver when it is armed injustice; and man is furnished from birth with arms [such as language], which are

intended to serve the purposes of moral prudence and virtue, but which may be used in preference for opposite ends.”¹¹

The twin causes of the polity, or of the causes of political constitutions and habits, are really the two causes behind the substantive and the formative foundations of all societal life, and according to Barker, these two foundations are to be believed to remain mutually complementary. But the above-presented sentence further holds that the polity of men also has to be seen as the effect of non-artificial “arms” such as language—and especially of the opposite effects of language. “Man” is quite apparently capable of using his “faculty of language” to accomplish two opposite effects: “language” may be wielded to satisfy either his natural intentions, or some “opposite end.” That is, he may either apply language to cultivate a more natural, more perfect, and more just life—or he may apply his faculties in order to adhere to principally-unjust, self-corrupting, or at least to mostly self-isolating conventions.

In this world, there is a permanent tension between language applied on behalf of natural causes and (deontological) intentions, first, and language for the sake of conventional (consequentialist) effects, second. In the literature on political habituation, the tension itself has been indexed as the tension between rationalism and empiricism. For, there remains what Max Weber calls an “abysmal” tension between naturally trans-mundane ideals, such as public service and such as a general inclination to appear to be acting out of a rational conviction (*Gesinnungsethik*), first, and the objectivist type of knowledge that embodies the empirically-possible effects of each specific action (*Verantwortungsethik*), second.¹²

For now, it may be said that the ultimate causes behind the polity's creation are constantly being believed to remain complementary to each other (as every population and its own constitution should coincide), whereas the actual effects and the empirical actions that can account for the polity's sustenance must also stand in a contingent opposition towards each other (as the use of language may both have just and unjust consequences). In reference to Weber, moreover, it may now already be said that the ultimate causes of a transmundane sense of confidence (natural rationalism, conviction, *Gesinnung*) as well as those of the mundane knowledge of possible consequences (proactive empiricism, responsibility, *Verantwortung*) are two kinds of causes that should complement each other—even though the two causes tend to have opposite effects on the world, and especially so on the world of political power.

Hannah Arendt stands among the last of the canonized authors, within the domain of political thought, to have repeated that the Weberian tension is almost the same as the one between a formally responsibly-lived life (which can be lived by administrators who follow rules and procedures, for example) and a meaningfully-lived life (which may be lived by expressing prudence and commonsense).¹³ This latter kind of life is lived by serving and creating the public law, of (rationally) participating in political actions, and of making public appearances. This whereas the former and more formal life seems to be an incomplete life, lived in isolation—or, lived by withdrawing into the household, by engaging in contemplation, and by possibly remaining tormented about possible consequential (empirical) violations of private law.¹⁴ Weber went so far, however, as to suggest that as public government structures became more and more open to private law

and other democratic conventions, the two causal foundations—of “public and private”—were also being separated, further and further, from each other.¹⁵ Not only the effects of power could remain contraries, but even the causes of political power could also be ripped apart in a manner conducive to, and possibly strengthening the ongoing separation between public (rational) appearance and private (empirical) responsibilities.

Arendt’s repetition has been alleged to have over-simplified the complicated problem that realists such as Aristotle, Machiavelli, and Hobbes were facing. The problem, for them, would still very much have been that even though each sovereign state is indeed a state which integrates its self-substantiating population with its self-forming constitution, this same state will also disintegrate itself: its causal foundations will also separate themselves from one another (as Weber noticed, as well). Of course, all these advanced realists could have agreed with one another that human beings, capable of speech acts, may use speech so that it will have disintegrative effects on the constitutional state. But the paradox is that this language-capability is intangible (ethereal, some would say), and yet this same faculty may or may not substantively divide the population against its own constitution. For, every individual human being within the population may potentially end up speaking against a just constitution (against publicality).

Prior to asking Hobbes for his infamously-confusing position on language, it will have to be demonstrated why meticulous political theorists should ask Machiavelli whether he, in particular and likewise, would have felt that the sovereign state is bound to remain divided against itself by its own human faculties. Should the state consist of more elements than just the two foundational causes, and of more than its two potentially

foundation-tarrying effects (of speech) as well? Should each state be believed to be transcending both its self-integrative organization as well as its open-ended, contingent, and potentially disintegrative structure (of human speech) by means of a tangible or by means of a third capability?

Machiavelli will be invited, in Chapter Three, to lay out why both integrative organizations and disintegrative structures coincide, why they become inseparable, and yet maintain their own foundational characteristics. For now, this Chapter Two starts by presenting a series of notes on the complications that have (all too often) resulted from misunderstandings of the countless emergences of dual sovereignty. These notes on the problem of sovereignty are then followed by a reintroduction to Max Weber's political theory, and why his theory is deeply reminiscent of natural systems theory—as both theories could be said to be observant of a symbiotic relationship between mutually-opposing elements as well as between co-constitutive components.¹⁶

Introductory Notes on Recognizing the Sovereigns of the Twenty-First Century

Whenever students of International Relations (IR) are being examined on the definition of sovereignty, they will want to include three components in their replies; each sovereign state should be said capable of maintaining a population, a territory, and a government. For extra credits, however, IR students may want to add that this so-called definition was formulated during the 1933 Montevideo Convention. But whether or not

the state's government should also have been recognized by other states, and whether or not this somehow has to have happened by means of a peace-treaty (possibly with a constitutional effect on how statespersons should organize their relations), is too often dismissed as moot or as demanding too much scrutiny.

Wars tend to give birth to states, and many wars have caused the deaths of other states. It can be argued that no state's foundations have been completely non-violent: illegitimate actions are part and parcel of each state's substantive, structural foundations. Nearly all armed political conflicts in human history were concluded by means of a treaty or an agreement, however, which would have to have been respected as a closed form of organization. Treaty-organizations and other political agreements are not substantive structures: they are self-organizing formations. In this sense, these sorts of agreements would have to have been 'sealed' by means of some ratification ritual, in which the conditions were laid out for the future mutual recognition of 'surviving' states and their statespersons. Many armed conflicts, but especially civil wars, have ended in conjunction with the emergence of one or more new constitutions, which would further specify how statespersons and government officials within the conflict-surviving states should be recognized. Within the majority of contemporary (twenty-first-century) constitutions, in addition to their being negotiated political agreements, the line between civil and religious authority will have been calibrated by means of juridical interpretations—to minimize the chances of an outbreak of conflict between denominations, or between the national orthodoxy and its heretics as well.

In the field of International Relations, the issue that has never been resolved is how any sort of political agreement, regardless as to whether it has taken on the organizational form of a body of treaty law or of a constitutional law, should be understood to be functioning in the future. What are the prospects of such an agreement's survival? Particularly idealist IR theorists, or the liberal framers of such constitutions, have always expressed high hopes that the chances of future conflicts could indeed be minimized; they have hoped that each nation's own line between politics and religion would be drawn into perpetuity. Realists, of whom both Machiavelli and Jefferson should be mentioned, have said that any such line should regularly be renegotiated. No constitution is forever. The line between the future of each constitutional state's power politics and its *status quo*-distribution of powers, at least when seen from the Jeffersonian stance, is in flux: it is structurally open-ended, and bound to remain open towards contingent historical processes.

Mid-twentieth-century political realists such as E. H. Carr are known to have pointed out that no treaty and no constitutional law can be fine-tuned to such an extent that armed conflict, or the threat thereof, can be made to disappear from the world. There simply are no such "universal" nor such "absolute" laws within this world.¹⁷ Yet, especially during the decade after the Great War had ended, Carr found, statespersons were nonetheless quite daringly living within their illusionary world. They held on to the dangerous illusion that eventually all more-or-less-fluid linguistic groupings could be turned into territorially-fixed populations—and that these fluid ethnic and linguistic communities, at least within Europe, could eventually all start to enjoy their own rights to

nationhood, in the form of their rights to political independence.¹⁸ Europe's political realm would no longer be grounded in relations of enmity, it was said by the idealists, but in a mutual respect for national autonomy: for the comity of nations.¹⁹ Consequentially, they added, as migrations would come to a standstill, chances of war would decrease.²⁰ Certainly, this form of hope was somewhat instrumental in putting an end to the First World War (at Versailles), as this same form became also more and more engrained within some of the peace-rituals of the years to come (at Locarno, or in the Brest-Litovsk treaty). Hence, national independence had not only been first used as a sovereignty-criterion but it also had become a formal part of the reason why various Great Powers could have agreed with the President of the United States, Woodrow Wilson, "that nationalism would be the [world's] most stable and just fundamental organizing principle", as Bruce Cronin puts it.²¹

Jean Piel writes that as nationalism expands into matters of sovereignty, "the nation-state [is] ... no longer merely a 'Western' concept. It [would] ... now [become] universal: a phenomenon in expansion."²² Daniel Philpott speaks in this context of the modern nation-state's "replication across the globe." As sovereign statehood had become an equation between "independence" and national unity, it was "extended globally". It is generally thought (but, especially, by Philpott) that sovereignty's universalization, during the 1960s, originated in the Treaties of Westphalia, signed in 1648.²³ Sovereignty begins in the seventeenth-century demands for national independence, in Europe, and it ends in its universal form somewhere before the twenty-first century. Contrary to authors such as Cronin, Philpott, and Held, political realists argue that sovereignty's story has not and

will never be written—since it has no beginning in any specific century, and as it has always been a mode of fiduciary authority which cannot be reduced to its own components: sovereignty is neither only “autonomy” (national independence) nor is it only “territoriality” (territorial supremacy); it is a complex relationship through which such components have been organized, rather.²⁴

Political realists express caution when they argue that the twentieth century’s proliferation of modern nation-states, across the span of the entire globe, does not imply that each one of these states will also have to have reached its natural limits—nor that it will have to be refraining from waging territorial wars.²⁵ After all, wars may also be fought for non-territorial reasons. Because territorially-definable reasons seem to form such a poor justification for the legalized re-distribution of land (a process that clearly took shape in Africa, but also throughout the Americas, at the hands of European colonizers), however, several constructivist idealists have previously zoomed in on the ideological motivations and reasons for the decreased chances of armed inter-state conflicts (the U.S. ‘red scares’ in the Cold War, but also the crises in Palestine must come to mind in discussing constructivism’s favoured examples of allegedly non-territorial warfare).

Realists argue that national autonomy should not be believed to be the only valid, and certainly not to be the only applicable criterion of sovereignty. Because autonomy has a self-universalizing tendency, it cannot be said to apply to the conditions of particular states and also not to how each state relates to its own enemies. Autonomy is therefore not just the outcome of a structurally-endogenous willingness to remain

independent: it is not necessarily being informed by the will of a unified population (a nation). Or, it cannot have been constructed by nationalist agents alone, as it remains—at least theoretically—possible to take the position that nationalism undercuts autonomy, as it would certainly have to do in an international conflict in which all sides are losing their independence. Instead of divorcing national autonomy from the politics of conflict and the existential questions of warfare, therefore, autonomy must always be presented in relation to a military victory or a matter of political supremacy.

Autonomy depends on supremacy, just as that supremacy itself again depends on a complex relation with autonomy: a relation which, in matters of sovereignty, will have been expressed and symbolized by relatively-low degrees of disorderliness and enmity. Sovereignty emerges once the degree of enmity will have been mitigated by a lawful agreement, such as a transcendent treaty or a constitution in which the autonomy of two or more parties has been recognized. Neither one of the main criteria (autonomy; supremacy) is absolute, however, because they both recognize and both relate to a shared capability of prolonging peace and justice by means of specific treaty-agreements, or by means of covenants (as Hobbes taught) that must in themselves again either have been validated by the dynamical, recognizably-living (diplomatic) relations between state government actors—or have been invalidated by the relative absence of such relations (this absence would be characteristic of a time of war, in which the state's ultimate authority itself is being contested).

Newly vested in the Versailles Treaties, the principle of national self-determination (the autonomous government-criterion, in other words) seems to have

gradually replaced the supremacy-criterion in military and diplomatic relations. Until into the early twentieth century, however, cultures and nations were still trusting and obeying their own governmental authorities to the extent the latter should not so much be independent but that they should be fair and just authorities. But as cultures were, especially during the nineteenth century, less and less likely to be assumed equally capable of (national) self-determination, they were having even less chances of being recognized as capable of political supremacy.²⁶ Even when the Montevideo Declaration of 1933 finally reaffirmed every signatory-state's right to be governed by its own government (self-determination), nothing was said about every state's right to govern itself supremely—rather than in relative subordination to the will of a foreign state (which was, in this case, the United States).

Philpott indicates that by the end of the 1970s there were no longer any Great Powers (Britain, France, Portugal) that could legitimately have possessed their own “imperial constitutional prerogatives”.²⁷ It is his indication that by now a global decolonization process had been completed. Yet, decolonization would only be a shift in sovereignty's structural elements. It would also remain part of process that left its organizational formations intact. Britain continued to hold a ‘special relationship’ with the U.S. or with first-decolonized societies, as well as that it continued to exercise much influence on its former colonies through its diplomatic pillars.

London maintained a strong official presence within the Commonwealth states, influencing their defense policies and decisions on (language) education as well. London went even so far as to wage war over the Falkland Islands, and it long resisted the

surrender of its remaining Crown-colony, Hong Kong. Further, Paris would be aided by the U.S. in maintaining its controls in South-East Asia and clearly continued to hold a degree of supremacy over Tunisia long after its formal independence, through informal business-to-government transactions, so that the latter country could only first be liberated from a neo-imperialist tyrant by the first months of 2011. Tibet's colonization by China and Chechnya's suppression by Russia are two additional examples of why "imperial prerogatives" are still part of the question of what it is that makes the state a state—rather than that these examples can demonstrate why imperialism may or may not have been delegitimized. Each of these diplomatic relations forms an example of neo-imperial (political) supremacy, and certainly not of post-colonial (national) autonomy alone. This could very well mean that neo-colonial dependencies persist at least informally, both inside and outside formally-independent states, although perhaps not by means of territorially-defined structures.

The above argument was partially made possible by Andreas Osiander, and particularly by Hendrik Spruyt. Their contributions help conclude that the sovereign state was never so much a model of structured Westphalian independence as that it was an organizational model that would end up being imitated because of the novel dependencies which it helped to expand.²⁸ The idea that dependencies would less often be defined by structures of territorial colonization, from the 1950s onwards, does not negate the fact that states tend to replicate each other's strongest features; states learn to adapt to a system, in which not all states need to possess overseas colonies in order for them survive within the system. Most modern states would *not* have survived, even, if they had been

territorially united or *because* they had solely maintained supremacy over their populations. The structural factors, rather, also always had to have been balanced against the factor of an autonomous will or, in other words, against a will to self-regulate and self-organize. The system of states expanded itself across territories not just because individual states had the means to do so, or also not because European statespersons could colonize the world, but because territories were traditionally being used as a currency: they helped measure the value of state powers.²⁹ The problem remains, now, that the value of power cannot be counted on the same multiplication tables as the meaning of legitimate/illegitimate authority. Power is open-ended and structural; legitimate authority tends to be organizational, to the contrary, or systemically self-closing as well.

The substantive structures, material interests, and causal powers of the state must be distinguished from the webs of relations within which every state has been enmeshed. As structures, states can very well represent themselves as autonomous entities with their own national or even their own timeless identities (this was part of Grotius's effort, after all). But all such states emerged from wars, and all states emerged thus also from amidst other structures or from amidst less-effective structures and less-balanced distributions of power—such as the various lesser-supreme and lesser-efficient city-states and leagues of cities. But it has too often been forgotten that states also emerged from imperial and jurisdictional organizations, which included these city-states and their alliances. Structural statehood should, thus, always be compared to all the other organizational and jurisdictional modalities from which it historically and politically emerges. For, state

supremacy is not unlike state autonomy. These are only formally-necessary principles: they are only the required components to build a structure of power now known as statehood. Throughout history, however, precisely these (formal) principles have found very few actual (informal) applications. The principles of equal liberty and of just war are quite similar, in this respect. These are abstract moral principles, prone to be misrepresented, warns Schmitt, and these principles must not be directly derived or induced from concrete conflicts and other particular existential relations between states (and certainly not from their relations of enmity).³⁰ To think otherwise is to unduly positivize the structures of independence and, thereby, to fall in a positivist (Kelsenian) trap.

Sovereign authority, henceforth, emerges from more than one structural element: it cannot solely emerge from a population and the territory it inhabits (if it could, then the sheer possession of land would have to be recognized as legitimate regardless of whom has lived on the land and how the land was used, or not). The other element, or the other substantive cause, should therefore be the structure of government. The right to live amidst a moderately-unified population and its territory cannot be divorced from a government's obligation to protect this population and its possessions: both right and obligation are constituent components of a structure of sovereignty. Yet, of course, sovereignty cannot only be legitimized by this right and this obligation because the right-holder and the obligated person must also stand in agreement to one another. They will have to have made a binding promise, by means of some organizational process or in some sort of balanced manner, before their relational sovereignty can become effective—

realists conclude. Still, idealists may certainly try to erect historical milestones alongside the road of trustworthy promises, such as at the 1919 League of Nations or at the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. But idealists will thereby risk missing an alternative route as it could have led them into (studying, with Hobbesian realists) the political negations of these promises.³¹

Sovereignty is a concept best used to designate a status, or a rank (not unlike, indeed, an honorary professorate). But the designation itself is not a gift. It is a reward based on merit and it comes at a price that can only be determined in cooperation with the designators: the Great Powers that serve in a capacity that lend sovereignty its fiduciary status: these Powers operate, in that respect, not unlike rating agencies evaluating the credit-worthiness of bank clients. Today, a centuries-old adagio (repeated by Thomas Hobbes) remains applicable to such recognition-relations: “the sovereign is [as] the public soul [because it is] giving life”.³² Or, the state does not receive its sovereign life gratis, just as that a corporeal body does not receive its soul from a trade exchange. Rather, as this adagio means to convey, negotiations and contestations in matters of sovereignty-recognition are preconditioned by living organizations: the recognition of sovereignty is preconditioned by statespersons who are believed to be, literally, soulful, or who are to be, more metaphorically, animated and virtuous.

One of the pressing problems for IR theorists today is that, historically, not all contenders can have won all negotiations and contestations. Not all contenders can be recognized as equally supreme states. There have to be major and minor parties. Most wars, but also most aspects of trade, have to have winners as well as losers. This division

especially disconcerted the twentieth-century system of states, however, because in this system it became at some point meaningless to continue to contest land-claims.

Territorial disputes were, after 1945, increasingly being settled by states agreeing to hide under a so-called nuclear umbrella or to abide by the (mostly advisory) verdicts of the International Court of Justice (ICJ).

The risk of territorial war, as compared to the risk of civil war, also diminished in terms of its significance because the disparities in military power had already become so large that it was no longer thought worthwhile, by major states, to continue to attack minor states solely in order to occupy them. After the 1950s and after having acquired nuclear weapons technologies, the major states could just threaten to—but hardly actually have to force themselves to—apply their military power, or their economic and industrial capabilities, as well, against the wills of the states with much-less advanced capabilities.

In the context of global military and economic disparities, sovereignty is a poorly-applicable concept. After all, sovereignty demands in theory a relatively-equal degree of supremacy. There should be a fairly even number of winners and losers, in other words, in order to be able to speak of equal sovereignty—and to do so in the sense of every political grouping's equal right to be governed autonomously. But when sovereignty is to be interpreted in the context of day-to-day practices, the meaning of the concept becomes instantly much more ambivalent.³³ The research question is why any current-day state has to have been formally recognized, as a sovereign state, because both its rights (its degree of informal autonomy) and its obligations (its degree of supremacy) are being respected by other such sovereign states.³⁴ Why is any target-state, or any state candidate for

sovereignty-recognition, to be believed willing to maintain its promises and treaty-obligations towards other such states? Particularly the neighboring states and influential Great Powers (or, currently, the permanent members of the UN Security Council) somehow have to have agreed to exchange ambassadors and to thereby respect at least one incontestable quality of the target state: its quality of serving as a party to certain treaties (such as the conventions on diplomatic protocol, and of being admitted to the UN treaty-organization as a member). Nevertheless, not all sovereign states have equal capabilities in terms of how effectively they can participate in creating, and can help each other to create, global institutions—including, especially, the Security Council, the ICJ, the ICC (International Criminal Court), and (previously) the League of Nations. Henceforth, their formally equal sovereignty is contingent on their informally unequal sovereignty.³⁵

Liberal idealists have argued that as new UN legal norms were being implemented, and that since UN Charter norms were first introduced as the new currency of the system of states, there has been increasingly less reason to fear war—and, especially, to fear territorial or inter-state forms of warfare. Jack Donnelly writes that, compared to the states of “[a] century ago”, fewer and fewer sovereign states now “have a real fear for their survival.”³⁶ But is this really an effect of the introduction of UN norms, or is it not also an effect of the Cold War? For, during the Cold War it became common practice for the Security Council to ignore issues that divided the members of the General Assembly. The Security Council, typically, remained locked in a stand-off between the five permanent members—with Russia and China on the one side, and the

U.S. and Britain and France on the other. As neither one side ever opted to use all military means available to them, and as both sides chose espionage and even diplomacy as their preferred spheres of political contestation (the Cold War was actually never a war because it was not an armed extension of a political contest either), it became increasingly possible for the non-permanent members to mimic the actions of the Russian and the American blocs. The blocs fought their armed conflicts by proxy, by posturing and by shadow-boxing in front of a mirror they had hung up in between themselves—but which hardly allowed the opposite blocs to see and respect any non-sovereign states and possible states-within-states.³⁷

One result of the Cold War was that the minor states came to understand they should be modeling their own governmental-behavioral patterns after those of the major, or of the modernized states within their own bloc.³⁸ Indeed, the minor states would in exchange not have to fear a loss of territory. Yet, they *would* have to fear any seditions or any ‘domestic’ changes in their government ideology: they generally dreaded the day that a defection from among themselves could be announced (as Allende had done, in Chile, for example). Just as that Russian tanks had cracked down on the Hungarian Revolution of 1956, further, so would in 1965 the U.S. decide to send up to twenty-one thousand troops into the Dominican Republic, in order to here ‘help’ accomplish the election of an anti-communist ally to the presidency. Even after the carpet-bombings of Vietnam, quite likewise, Nicaragua would be infiltrated by American ‘military advisors’ throughout the 1980s. Countries such as Hungary and the Dominican Republic (following Cuba) were thus being punished for—as it was openly alleged by the interveners—threatening to

defect from their own blocs.³⁹ In this, these sorts of armed ‘interventions’ posed terrifying warnings respectively to East-European satellites and especially also to the Spanish-speaking peoples of the Southern Hemisphere. Minor states were clearly being blackmailed, by either Moscow or Washington, in order for them to remain loyal to their own military alliance: this was the only way in which the states could ‘earn’ (rather than ‘be given’) at least some economic and financial credit for their helping to maintain buffer zones as well as for their own efforts at international political posturing.

Several states resisted the Cold War game of blackmail and its norm of absolute bipolarity, as is well known. The Shah of Iran and Mubarak of Egypt were being paid in the form of ‘modernization’ programs that consisted of selectively-distributed economic aid and military equipment—and both men ended up being unseated by resistance movements, thus ending their obedience to the dominant international (Cold War) norm. Yet, some of the early resisters themselves also ended up simulating their sovereignty. They created structures of ‘neutrality’ but soon thereafter often saw themselves forced to help squash any political dissent, and to thus prevent factions from creating ‘blowback’ against either Moscow or Washington.⁴⁰ But the essence of ‘blowback’ is that it has to have been a type of ‘feedback’ initiated by the Great Powers themselves: when the peoples of Afghanistan, Vietnam, and Iraq (the list continues, of course) all refused to let their land to be exploited and to be used as neo-imperial buffer zones, these peoples had already resisted being occupied—by either British, French, Russian, and/or by American military forces. It was the earlier violence committed by these military occupiers that then

later, in terms of the IR system's chronology, sowed the seed for the demise of their own geostrategic power.⁴¹

The idea that fewer and fewer states have remained fearful of not being able to guarantee their own "survival" must be qualified.⁴² This idea does not pertain to the survival of their government, or their autonomy. It pertains at the most to the continuation of certain territorial borders: to degrees of supremacy. Certainly, many more states may have less fears than they had in the past. They will be less likely to fear that one day they are no longer be able to maintain their territorial supremacy, in substantive terms, but this still gives them very little reason to believe that they should no longer fear the Great Powers of the world, in systemically-formative terms. Hence, it is difficult to maintain that minor states have not have become increasingly fearful of political (either armed or unarmed) interventions in matters that concern their governmental autonomy. Anyhow, especially the case of Iraq illuminates that internationally-enforced 'régime change' should be feared by the governments of minor states: this fear forms thus one of the first causes behind the intransient powers of countries such as Belarus and Venezuela, but also behind those of Cuba and North-Korea.

While idealist readings of books on the history of the twentieth century are downplaying the persistence of political fears, some pessimist realists pay much attention to rising fears of global terrorism or of biochemical and nuclear warfare. Contrary to both the optimists and the pessimists, political realists argue that fear is a human emotion on a par with hope. Fear may paralyze political activists, but it cannot eliminate their political ideals. Fear and hope are the two perennial features of the human condition—although

they, usually, have opposite effects on the criteria of political success and constitutional stability. What has changed over time, realists can add, is the sophistication of and the justification for a modernized state. During the last dozen decades, states have been imagining themselves to have become ‘modern’ and thereby ‘respectable’ and ‘civilized’ political societies. They have also been positioning themselves towards abstract legal norms. Consequentially, and tragically, many states turned themselves into the cogs within a global power-redistributing surveillance machine. The globalization of juristic and surveillance apparatuses, in part made possible by the Security Council and in part by satellite-cameras in outer space and other electronic spying-technologies, has resulted in an increasingly uncanny relation between states and the manufacturers of their surveillance technologies. States remain distrustful of many types of criminals and suspected terrorists—because of their self-exaggerated fears of systemic chaos.⁴³

Second Prelude: Republican Realism against the Conventional Liberal Norm

Life in pre-modern societies was regulated by norms of cooperation that emerged from within these societies, from the polities, themselves as well as from their relations with outsiders. Aristotle was not the first to have observed that these norms typically consisted of patterns of cooperative behavior in either the matters of public safety (including warfare) or those of commerce (and the security of trading routes).⁴⁴ In many ancient societies, most such norms would also have been believed to be protective of

pluralities. Quite unquestionably, indeed, the cooperative norms were hardly if ever considered protective of majorities. The latter were thought to be, instead, too conducive to manipulation and corruption. The multitudes were vulnerable to democratic and especially to ochlocratic structures which could threaten to—or which actually did—oppose the *isonomy* of the government of all people and, therein, people's sense of pluralism as well (as Arendt has shown).⁴⁵

Life in modern liberal-democratic states, in sharp contrast, is regulated by the norms of an electorate: by a majority of voters, by voter segments, and by political parties representing these segments. Yet, from the perspective of the ancients, these democratic majority-centered norms had to have seemed particularly corruptible. Majority-norms stimulate a general culture of individualism and market interests.⁴⁶ The latter norms are prone to corruption: they may be overwhelmed by those needs that are being created within “the sphere of the household” (to use Arendt's translation).⁴⁷ To this day, political realists ranging from Machiavelli and Hobbes to Weber and Arendt can be read to have concurred with the ancients on this tenet: political virtue emerges from the distinction between the private and the public spheres. Had they all lived to see the horrors of the last century (as only Arendt did), these realists would be likely to have argued that the liberal and democratic states have been failing to protect their populations from violence. Although there are more liberal nation-states and more market economies than ever before, few of them are succeeding in rejuvenating the kind of balanced constitution Machiavelli would still have celebrated.

From the earliest of recorded times, and still from around the time of the Renaissance, as well, political actors would take it for granted that the most-exemplary constitution had to be the most-original, the oldest-known constitution. This constitution was long believed to have been created with the assistance of the gods, by charismatic ancestors, exemplifying the human good. Cicero, Plato, and Aristotle advise their readers that the constitutional laws are to be respected akin to how the ancestors and the gods are being revered.⁴⁸ As time progressed, however, the constitution was also believed to degrade itself: its corruption was inevitable, as people would lose their civic faith/constitutional fidelity. The task political actors were setting for themselves, to stem the tide of corruption, was to try to maintain the near-mythical balance between their original constitution's powers. These powers were said to be mirrored in the human faculties, or in the cognitive experiences. Within each constitution, the powers were assigned certain relative weights, or qualities, or virtues. More importantly, the powers were believed to be applications of a method to get closer to the truly balanced constitutions. Powers were thus understood to be applications of a dialectical, although not a Hegelian-progressive method of understanding how constitutional change occurs.

To the ancients and (by implication) to many realists, it long appeared that constitutionalism was a methodology in the sense that it allows actors to be weighing “two kinds” of political power against each other. But power is, to the realists, not only a structural capability: it is not only a tool or a means to an end. Rather, power also has cognitive, explicatory features.⁴⁹ Power thus performs a vital role in organizing and balancing the constitution—not just because it may serve capable people as a tool and a

cause of change, but also because power represents what people know to form a meaningful constitutional-organizational process. To say it more briefly, political realists can agree with ancient Romans that the exemplarily-balanced constitution would have to consist of a treaty between two parties—as such a treaty both represents the causal power of each of the parties as well as that it gives expression to the functionally-organized relationship between them. Nevertheless, specifically Machiavelli was among those to have understood that exemplary constitutions are complex systems, demanding considerable methodological coherency. These systems can be studied by human beings engaging the world of power through a dual methodology: through both *rationalism* and *empiricism*. Humans have reason to believe that ‘their’ constitutions can help them analytically differentiate between rational-legal norms and empirical-personal decisions.⁵⁰

In sharp contrast to the classic realists, modern liberals create two images of politics—neither one of which is actually political because neither one appreciates the depth of realism’s cognitive-methodological concept of the human constitution. The first liberal image of politics is an image in which voters are consumers of power: these actors abide by the rules of an economic market.⁵¹ They have less trust in the dialectical differentiations and the dual methodologies than that they have in the rules of the market, and some liberals will even go so far as to trust the unwritten rules of *laissez-faire* capitalism. In opposition to Marxism, especially, liberalism puts thus much of its trust in the ‘hidden hand’ that moves the consumer to satisfy her basic needs and that, likewise, moves the producer to accumulate capital. In broader terms, however, the combined

effect of these market movements is the widening of a material gap between the proletarian (need-satisfying) consumers and the capitalist (profit-hungry) producers. But what liberals fail to include in their first image is how this widened gap also must break apart the ancient constitution: this economic gap somehow disturbs and then neutralizes the political balance of powers.⁵²

The second liberal image is an image in which government officials have been deprived of their ultimate authority. Governments could even be deprived of their right to command, so that they can be said to have been subordinated to the wills of the greater majority of citizens. Statespersons are honoring the wills and the rights of individual persons, of corporate persons, and of self-interested citizens—because this is what statespersons ought to be doing. Liberal philosophers will thus be treating these statespersons as if they are to be acting in accordance to more or less basic rights: statespersons are respected as statespersons because they are adhering to the basic norm of society, not because of their personal or their discretionary authority. It is implied, consequentially, that all other possible interests and norms should be posited and should be ranked below this basic norm. The state consists of its own supremacy over these other interests and norms. The implication is thus that the state can be reduced to a hierarchy of documentable legal norms, as Hans Kelsen described it, as his idea of constitutionalism was so evidently informed by such a hierarchy (*Stufenbau*).⁵³ Constitutions are informed by finite hierarchies, each grounded in one basic norm (*Grundnorm*) which in itself, however, should not account for possible discretionary exceptions to any of the hierarchically-derived norms.⁵⁴

Kelsen's liberal philosophy has one goal: to protect individuals from the state by means of their legal rights, or by means of statutory laws. In lieu of sovereign authorities, courts of law should be determining the validity of individual rights and other derived norms.⁵⁵ Popular self-determination is to be reformulated, so that it fits within the hierarchy of norms. Popular or political autonomy will have to be judged as a discretionary and as an irrational norm once its meaning can no longer be determined in a court of law. Yet, particularly Carl Schmitt attacked liberalism's tendency to exclude both autonomy and authority from Kelsen's normatively self-transcendent constitution. From Schmitt's position, it appeared that liberalism's distrust of autonomy—and of the natural or of the existential authority of the people—would prove to be its greatest weakness. In alliance with Schmitt, political realists do not try to validate their criterion of state recognition on the basis of a basic norm, nor on a court-approved normative identity. Realists are lured towards the notion that states recognize each other by asking who is ultimately autonomous or, in other words, who is holding the constituent power within each state.

Some liberal philosophers and some IR specialists have made the case that the realist criterion of state-recognition over-estimates the need for a degree of constitutional autonomy. Because the supremacy of more-basic norms can always be objectively deduced, and because autonomy would instead have to remain in the eye of the beholder, the power of autonomy may form a cause of irrational violence or anarchist insurgencies. (However, as realists point out, the fact that violence can be irrational does not warrant the idea that the subjectivity of autonomy should be leading to violence.) Realists are

much more inclined than liberals to conclude, hereby, that constitutional autonomy is the ultimate criterion of whether or not a state should be recognized (as a sovereign state).⁵⁶

Political realists have long objected to philosophical dependencies on liberal-democratic norms, as these norms are generally only being obeyed by those who love to hate the state.⁵⁷ To add moral force to their objection, realists take active care of the various tensions within the state and its body politick. They are more willing, than liberals, to reject the idea that individuals need to be protected against the state, for instance, because they are far less likely to agree that this would be the only structurally-immoderate tension between the individual agent and the totality of the state. Realists are more republican in their thinking, it can also be said, because they agree with Machiavelli that human beings will want to participate within the public formation of their own state (regardless of whether they belong to a minority or a majority); they will be believing that their natural will towards public participation can moderate and mediate artificially-induced tensions.⁵⁸

Realists argue that the political tensions between individuals and 'the' state are often much less severe than those between some participatory groupings and some other parties within the entire system of states. With Aristotle and Hobbes, additionally, realists find that human beings should be considered highly-sociable animals, searching for public recognition: they are members of complex natural and social systems, rather than the isolated individuals of a state of nature. These naturally-social animals are constantly willing to recognize the public authority of some statespersons, but also to express concerns that many other persons may be illegitimate actors. Statespersons are thus never

thought capable of constructing their own, their individual superiority: they are developing their authority in relationship with their inferiors. Because this relationship is not to be confused with a “division”, then, the relationship’s inherently-functional purpose is to guard the participatory autonomy (the political freedom) of both the superiors as well as of the inferiors (or, of both the rulers as well as of the ruled, as Arendt refers to the same groupings).⁵⁹

Realists do not ask how much money these statespersons should spend to be elected, but what they should actually be doing to continue to be recognized as such sovereign persons—by their subordinates. The tradition of Roman Law scholarship would have held more in common with realism than with liberalism, in this respect, as it asked which persons should be observed as active participants in their state, and how are their sense of duty, and their virtues, are herein to be honored.⁶⁰

This Chapter shall not rehearse the question of how modernists and classicists ended up with their own recipes on how to mix the state’s defining ingredients. The above notes were presented only to suggest that the liberal recipe recommends bountiful usage of territorial and nationalistic, rather than of republican and pluralistic ingredients. The liberal recipe recommends states to recognize other states on the basis of abstract norms such as territorial integrity and jurisdictional supremacy, rather than of their actual participatory autonomy. It was also suggested, more critically, that the liberal recipe has been distasteful: it depends on too many ingredients such as individual and national interests. Liberal-democratic nation-states, in part consequentially, have too often ended up in undeclared armed conflicts and civil wars that were fought to defend private

interests and exclusionary motives. Sadly enough, the specter of a global civil war continues to project itself along lines determined by such private and material interests, held by majorities and minorities alike, and often promoted by means of their ethnic identities or their consumer needs—rather than along lines alternatively opening up a domain of greater political equality and of their concrete sense of public autonomy.⁶¹

Modernistic, nationalistic, territorial conceptions of statehood are most favorable towards norms such as homogeneity and singularity. The issue is that these conceptions react unfavorably towards practices of political autonomy, constitutional heterogeneity, and organizational pluralism. This is the thesis that shall have to be defended in this Chapter, mainly because the norms of the twenty-first-century society of states tend to remain norms infused by modernist conceptions. The last decades have ascribed a less definite meaning to the modernist conceptions of sovereign statehood, as nationalism appeared increasingly illegitimate, it should be added, but this was less often the result of the economy of newly-constructed identities and national norms than it was of a natural affirmation of perennial norms and ethical laws.

To wind up, classicist (or: republican) realists see no reason to deny that the idea of human rights may enhance the juridical importance of each individual citizen, in relation to the state. But human rights are a norm, as realists will have to add, because these rights can best be used as a normative justification. Human rights are essentially a type of justifications for or against the use of public authority. In the many instances that human rights-violations did occur, therefore, condemnations based solely on human rights would still be normative and moral abstractions: they would be samples of word-

power without also having to be supported by sword-power or, that is, by concrete applications of sovereign authority.

With the exception of the right of assembly and the right to organize politically, few specific other rights are necessarily grounded in a concrete practice, in one legitimate type of public action, or in one authoritative form of political activism. Human rights are instead norms of freedom, but they are not necessarily also resulting from free (self-organized, self-authorized) constitutional practices. Of course, human rights are now a significant piece in the puzzle of recognizing states and statespersons, and of recognizing them as equal sovereigns, as Mikulas Fabry has elucidated. It also has indeed become increasingly difficult, at least for realist puzzle-solvers, to differentiate between states and non-states solely on the basis of their capacity for and their own rights to “self-determination”. For, until into the nineteenth century this hitherto-rarely-invoked right would rarely have been needed to be invoked as one of the standard criteria of sovereignty: it was often believed to be a rather self-evident criterion of the complex self-authorizing relationship between autonomy and supremacy. The right to “self-determination” would still be invoked in ‘awarding’ diplomatic recognition to those provinces that were allowed to organize popular plebiscites before they could decide to be incorporated by the Napoléonic Empire. Nevertheless, this presumed right began to lose its earlier connotation of popular autonomy, particularly after Bismarck succeeded to incorporate a few principalities in a manner that would make plebiscites redundant.⁶² It was thus not long after the Revolutionary Era, in fact, that the right to national autonomy began to gain its late-modern connotation of “territorial integrity”. But, as Fabry asks,

“should territorial integrity ... continue to have decisive normative superiority over self-determination—either for the sake of stability or multi-ethnic democracy, or human rights, or some other externally identified goal?”⁶³

Together with Machiavelli and Arendt—but also with Aristotle, Cicero and Polybius—republican realists hold that rights to autonomy cannot be divorced from other civil, or human rights. Yet, these two types of rights differ qualitatively because human rights are without any political essence: they are legal ideals, and abstract norms. Yet, these rights-norms do somehow represent themselves in relation to concrete processes: in relation to the state’s constitutional, self-organizational processes.⁶⁴ Even if progress is made in formally and jurisdictionally expanding the normative sphere of human rights, thus, every state’s constitutional degeneration remains a systemic organizational process that nonetheless must include such progress. The cycle of degeneration is not inevitable, however, as it can undoubtedly be slowed down by revolutionary and freely-participating people: by autonomous republics. Machiavelli’s *Fortuna*-metaphor suggests, therefore, that the cycle may at least be ‘mastered’ or be ‘arrested’—however temporarily.⁶⁵ Still, this puzzle has been created by only two parameters. One, all states undergo similarly-necessary processes of corruption. They may contribute to the destruction of living species, to cycles of violence, and to wars (there is plenty of empirical evidence for such a structuralist view on what states do). Two, all states may also reach free and rational decisions on how to reorganize their relations of ultimate authority, how they should value their own republican autonomy, and how they should restore their least-corrupted constitutional powers (there are many opportunities for rational statespersons to decide to

diminish the prospect that they themselves end up contributing to structural violence and injustice).⁶⁶

To conclude, the research question is how and why statespersons choose to plea either for or against the protection of human rights-norms—and thereby how and why today’s (predominantly secularist) liberal-democratic ideologies so often fail to serve statespersons in their task of protecting such norms, both empirically as well as rationally. These ideologies have indeed too long been *appearing* to help states overcome a condition of anarchical “violence”—*and* as if they have been bringing “licentious and mutinous people ... back to good conduct”—when *in fact* these same ideologies have also been instrumental in the prevention of any “greater remedy”. However, in using these words, Machiavelli remains optimistic about the possibility of an alternative or of a “greater” solution to the problem of constitutional degeneration. But he also expresses his pessimism with regard to the prospect that any individual government leader would one day have become capable of remedying that problematic process of structural corruption. Hence, he adds, “if words [can] suffice to correct [the excesses] of the people, whilst those of the prince can only be remedied by violence, no one can fail to see that where the greater remedy is required, there also the defects must be greater.”⁶⁷ This means that wherever corruption has become most excessive, the most decisive remedy is likely to will be applied. Further, the remedy itself can take on two inter-dependent systemic forms, or appear in two dimensions; the ruler may apply word-power, in the first dimension, and the ruled may apply sword-power, in the second. And, as Arendtian realists can complement Machiavelli, both dimensions should be understood to help

states maintain the relational (*isonomous*) authority that is shared by both rulers and ruled.

Each and every norm is an adjustable norm. Human rights-norms are especially difficult to adjust, however, because they are *status quo*-centric norms. A right to “territorial integrity” would be a clear example of a rights-norm that is intrinsically protective of the present-day distribution of territorial powers: it is a right most likely to be defended by those making their pleas in favor of the *status quo*-structures. The problem for political realists is not how such a rights-norm can be more democratically defended, therefore, but how to learn from an author such as Machiavelli what it is that human beings have long believed to be informing the complex relationship between rights-norms and potential remedies to the existing rights-norms. In terms of finding remedies, Machiavelli is known for opening up opportunities and for creating chances. But can he also account for the question of how possible alternatives and of how remedies should help heal the relationship between, or even should help avert a divorce of popular self-legislation (autonomy) and governmental administration (supremacy)?

Political realists may have a strong ally in Machiavelli as they can agree that the longevity of the complex relation between individual rights-holders and supreme rights-protectors is contingent on how their joint participation is to be honored: it is contingent on a republic’s “degree of reputation”. Once statespersons will have acquired a wider reputation for having “the greatest valor and prudence”, their authority will soon be sealed with so much popular legitimacy, and their people will begin to enjoy their freedom so much, that it may become nearly impossible for their enemies to attack

them—“except under the force of necessity”.⁶⁸ With Machiavelli’s recommendation in mind, then, this Chapter Two starts to interpret Weber’s work on how free, self-legitimizing, and prudent relationships between statespersons may be believed to take shape. Although abstract norms have conventionally been used to describe these relations, or to justify recognitions of statehood, Machiavellian (and Weberian) realists would rather point at the contingency of these norms—by calling on (republican) people to not grow too dependent on their rights-norms and to continue to be acting decisively, spurning “irresolution”, and to be avoiding the “middle way” as well.⁶⁹

Ambivalent Sovereignty as Relationship between Structures and Organizations

Ambivalence: (1) simultaneous and contradictory (as attraction and repulsion); (2) continual fluctuation (as between one thing and its opposite).⁷⁰ In following with this dictionary-definition, ambivalent sovereign authority can be said to be a mode of authority that is publically contradicting itself, but without having to undergo any historical progression or regression. Per the dictionary, also, sovereign authority’s contradictoriness is “simultaneous.” Authority’s contraries either simply present themselves separately but simultaneously or they have a functioning relationship like the one between attracting and repulsing. In case they have a relationship they would have to be in flux. The notion of “fluctuation” indeed implies that any contradictory affairs, in the relations between states, would ultimately be inherent to their authority. It is inherent to

their sovereignty that certain functional opposites are in a self-perpetuating relation with one another. But why should political theorists trust that this relation of opposites is infinitively coeval and perfectly simultaneous? Should the correlative opposites/opponents not come to achieve a perfect balance, an ideal equilibrium, or a final synthesis? Or, would such an achievement have to be believed to become oppressive and licentious—as Weber already cautioned theorists about?

As a theorist of constitutionalism, which puzzle did Weber try to solve? He must have known that Hobbes had recognized that the discovery of ambivalence—within relationships between sovereign authorities—opened the gates towards another mystery, which is the apparent absence of any idealist, abstract, artificial, or positive equilibrium within these same relationships.⁷¹ The Master from Malmesbury suggested that covenant and government are continually at odds with one another—even though they are related to each other within his concept of sovereignty. Each sovereign state harbors a mystery, then, because it remains bounded both by a covenant—which, in contemporary parlance, is called a constitutional or a civil law tradition—as well as by an executive government. He could at this point have agreed with Alan James: a constitution is “the essential foundation for [any] government, at any level.”⁷² But Hobbes would not be as likely to have argued that the constitution is “essential” *because* of its contradictory relation with the state’s government: their complex relationship is not a causal relationship.

Hobbes’s puzzle contains pieces on which a constituted state (government) can be seen to both bind and unbind, repulse and attract their own constituents (their constitutional laws), and to be doing this simultaneously. Hobbes tries putting the pieces

together so that it seems as if the combination of the state and its constituents is well-integrated, wholesome, and univocally just. Yet, Leviathan never completely negates that combination's two-dimensionality. The combination of both all constituent power (*potesta sin popula*) as well as of government authority (*summam potestam*) is a complex combination which is neither fully self-binding, nor can it completely unbind itself.⁷³ This means that there is no such thing as either governmental or constituent sovereignty: the combination of the two contraries of government and constitutionalism, rather, should be considered the first precondition for sovereignty's emergence. It suffices to say, for now, that Hobbes respected the notion of mysterious fluctuations emerging from within this internally-contradictory combination.

Weber's sociological theorems and his signature views on human nature are relevant to why Hobbes's dual sovereignty-puzzle should be said to necessarily remain incomplete. To recapitulate what this could mean, political-theoretically, Chapter One has shown that IR constructivists may have been trying but also have failed to complete a U-turn that could have led them back to Nature.⁷⁴ One leading constructivist IR theorist was mentioned to have started this turn, but to have left it unfinished. Wendt's social constructivism was thereby shown, moreover, to have kept the discipline's attention away from natural systems theories.⁷⁵ Rather than to study how systemic, dynamic equilibriums are recurrently emerging in Nature, structuralists and constructivists still hold sway over the IR discipline by classifying almost all such emergent and systemic equilibriums as if these would form the signs of regress or progress: they would be signs of a historical surge in human rights and other such progressive norms and identities.

Habermas displays his bias as a structuralist idealist when he concludes that states are moral agents. States are similar to rationally-motivated agents who must, over time, have been choosing to assert their norms—by overruling any sort of dynamically-emergent authority other than their own norms and identities. This means that the agents would increasingly have been overruling and outstripping their own organizationally-embedded status as the members of past constitutional balances or past military alliances—possibly including the NATO alliance, for instance—or that these agents could even have been replacing this embedded status with their delegation of power to transnational governmental apparatuses such as the EU.⁷⁶ In sharp contrast to Habermas, advanced political realists argue that almost regardless of such transnational delegations, peoples may also hold habits, customs, and beliefs in common and that all these habits can equally as well begin to outstrip and modify the various state delegates and state agents—even if these habits would have to be dismissed as irrational or amoral.⁷⁷

Advanced realists further argue that there is no historical progress, unless it would be thought to be some abstract ideal. Any signs of progress are, therefore, far too abstract and far too one-dimensional to be believed meaningful. The structural process through which rights, norms, and rights-norms may or may not emerge is therefore a process that cannot be understood without observing them within their complex relationship towards concrete government organizations and other systems-organizational dynamics. Realists insist, apparently, on the two-dimensionality of the relation between structural identities and norms as well as their joint organizational form.⁷⁸ With few exceptions, nonetheless, most IR theorists hold either an idealist or a liberal or a structuralist bias: they hold that

structures consisting of individual agents and their identities must always be structures capable of choosing to create progressive change. But ecological and socio-biological dynamics as well as any naturally-systemic or closed organizational forms remain often under-theorized by these theorists.⁷⁹ Realists object to their bias, however, alternatively concluding that social agents cannot be ranked above the dynamic systems within which their own structure of all individual agents remains embedded. For, the systemic organizational changes, in Nature, may be believed to be of more-than-equal significance.⁸⁰

Especially the variant of IR theorizing known as “managed liberalism” is, as Ernst Haas refers to it, strongly biased. It tends to account for any changes by classifying them as having been caused by state agents, or by a rise or a fall in any specific state structure. Only states can either grow in power, or wither away. Yet, the disadvantage of “managed liberalism” is that it cannot be used to theorize occurrences of “turbulent non-growth”, at the level of international organization. It also cannot be used to theorize the state’s positive effect on the non-growth and growth of other states—whether growth is understood in terms of competition or not.⁸¹ Liberal constructivism creates its own blind-spot, then, when it no longer classifies signs as being nested, organizationally, within long-standing international institutions (diplomacy, arbitration, war) and their general constitutional authority. By simply classifying such signs as signs of progress, managed constructivism cannot see the difference between normative structural progress, in all kinds of matters of government, and the organizational dynamics that transcend these same matters constitutionally.⁸²

Changes to matters of state agent identity are usually regarded as outcomes of a socialization process: these changes are regarded as forms of structural learning. The notion that both agents and structures have nested themselves within a closed organizational formation, however, is rarely as often considered as subject to change—either regressively or progressively.

An entire class of so-called IR structuralists (almost regardless as to whether their class consists predominantly of constructivists, neoliberals, or neorealists) has never admitted that the system of states is ambivalent: the relations between states are embedded within an unchanging formation, which is also sustaining itself in flux. Lars Skålnes suggests that this is the paradox of structuralism: it is a “neorealist quandary”. Specifically the neorealist and neoliberal structuralists, further, deny that systems may be evolving ambivalently. They see no reason to argue that systems may be taking both irrational as well as rational routes, towards ultimately indeterminable stations. But the IR system comprises not only structures: it also comprises the dynamic organization of alliances, balances of power, and dual authorities. Structuralists tend to downplay the complex relation between qualitatively-different structures and organizations: they would find it difficult to accept the theoretical notion that this relation remains in flux. That is, few IR structuralists will accept the notion that dual sovereignty is a relation, specifically, which is in continual transmutation—and that the mutations of the complex relation are contingent and aleatory.⁸³ But the case of the NATO alliance, and its interferences in the Balkans, proves otherwise—as Skålnes demonstrates.

“[A]lliances [do] shape state interests and thus the ... behavior [of member-states].”⁸⁴ Skålnes implies that the surge in the number of NATO (North-Atlantic Treaty Organization) member-states, after the Cold War ended, cannot be explained by categorizing NATO as a new, unprecedented type of international treaty-organization. NATO symbolizes instead a higher level of systemic complexity. Member-states have been nested within the organization, which attained its constitutional integrity because it proved itself capable of excluding the political enemies of its members. NATO’s bombing of Sarajevo, in particular, was not only a demonstration of the West’s supreme government capabilities: it was also a concrete case of political enmity.⁸⁵ During NATO’s military operations in the Former Republic of Yugoslavia, then, this relation of enmity affirmed the constitutional behavior and thereby the autonomy of NATO’s members. This implication seems coherent with natural systems theories, because the rise in the number of member-states can now be said to have followed a nonlinear pattern of nesting behavior. Nonlinearity, tipping points, and bifurcations within all sorts of Eurasian and Balkans relations of authority were being expected following the NATO attacks. Following the NATO air raids, thus, the system adapted itself organizationally by giving shape to behavioral mutations and patterned contingencies.

Contrary to the case of the European Union, the case of NATO much more clearly demonstrates that the structure of government agents and their interests is subject to a constitutionally-transcendent organizational dynamic. Whereas the EU consists mostly of an abstract government structure, replete with bureaucratic departments and administrative protocols, this structure does not comprise the same sort of constitutional

authority as the more concrete sort that instead allows NATO members to attack non-members. Not the EU, but NATO is a treaty-organization which does depend—for its ultimate authority—on its own politically excluding of non-members. The loyalty of the NATO members can simply be tested whenever a common enemy has been identified. They obey NATO's transcendent right to command them. NATO holds constitutional authority: its sheer presence modifies and transmutes the formation of behavioral patterns among members as well as among non-members, in other words. NATO does not only comprise a substantive structure of agents and their interests.

Neorealist structuralists, like Kenneth Waltz, refer to military organizations such as NATO as if they are state tools: they can help state agents to exercise force on other agents. Waltz seems correct to have argued that treaty-organizations continue to exist simply because there is no external forum in which they can, reasonably, exchange their preferences. Their “force” more often than not prevails over “reason”. Against liberal idealists, he then also points out that “[d]isputes between individuals are settled not because an elaborate court system has been established, but because people can, when necessary, be forced to use it.”⁸⁶ Henry Kissinger, likewise, argued that foreign policy-making is informed by an economy of force, by substantive power differentials, but certainly not always by rational behavior. *Realpolitik*-advocates such as Kissinger argue that existential oppositions between state agents allow these agents to use force, thus, but that these oppositions do not allow agents to accept the notion that they themselves have been embedded within authoritative treaty-organizations.⁸⁷

Structuralists additionally argue that statespersons can make *rational* predictions about each other, and how they will act, because of the threat of anarchical violence. But they have hardly developed an argument that statespeople also *empirically* believe they should be responding to their own rational, as well as to their non-rational expectations. Or, structuralists have failed to make the case that what people believe, or which constitutional organizations and religious traditions they abide to, does “shape” their behavior.⁸⁸ To the extent that the IR discipline remains biased, in the structuralist direction, the discipline is tightly holding on to an anthropomorphic conception of how empirical, concrete, commonsensical behavioral patterns (traditions) transcend the entire structure of agents and their interests. Anthropomorphic conceptions tend to privilege a structure consisting of government agents, but not of the constitutionally- and ecologically-irreversible dynamic organizations of the IR system as a whole.⁸⁹

IR’s disciplinary privileging of a realm of structures and agents, as opposed to a realm of contingent constitutions and commonsensical authority, is to some degree due to a neo-Cartesian separation of these two realms from one another. This analytical separation, reminiscent of an inverse Cartesian mind-over-matter dichotomy, is also a separation endangering the above-mentioned and rather mysterious union of correlative contraries.⁹⁰ Haas must have seen, however, that this threat is in great part being created by the notoriously-misleading expectation that international customs will only make rational choices that can “*constrain*” rather than that they also, simultaneously, “*facilitate* learning.” Haas never suggested that social learning outstrips structural constraints. Instead, he plainly helps reminds IR theorists that the two processes of organizational

facilitation and structural constraint occur simultaneously. Moreover, the two processes of controlled habituation and transcendent facilitation often oppose one another. “To be able to learn means taking advantage of the most permissive, the sloppiest, side of habit.” That is, the learning process implied by the open structures of “rational choice” both opposes, normatively, and yet is also a process entirely made possible by its own “social embeddedness” (or: by its own public participation) in the “permissive” realm of organizational habits and autonomous customs.⁹¹

Weber’s Constitutionalist Theory: Ambiguating Political Sects

Ambivalent sovereignty emerges from within interactive and interdependent societal relationships. In the canon of political thinkers, these relationships have been believed to allow sovereign persons to be recognized. These are not only relationships of individual agents towards their government leaders, therefore, but particularly also relationships between groupings and how their constitutions were being recognized by other such groupings—because the latter type of relationships are then thought to be analogous to those between the group’s interior or substantive logics, whereas constitutional organizations are thought to be closed off by an exterior world of formative appearances. Moreover, these complex relationships cause structures to be formed, and agents to learn to adjust their behaviors towards one another, as these are web-like relations that actively embed both structures and agents within a transcendent or a cross-

structural sort of organizational dynamics. In other words, a sovereign actor's legitimacy is neither entirely structural nor entirely organizational and yet may emerge from a somewhat-mysterious and complex relation between the two dimensions of international politics.

Advanced realists like Weber have gathered that this complex relation could very well be a dialectical relation: as how Socrates once understood the dialectical method to give birth to cognitive reorganizations, so can Weberian political realists come to understand this method to help them cogitate and recognize sovereign persons. Besides, it may also hold that this method falls in line with methods used by systems theorists, who can propose that complex relation is really a relation between constituent parts, or between partial dimensions, first, and the transcendent whole that is believed to include and yet also to appear from among these parts, second.

Sovereign persons are a kind of corporate leaders. As fiduciary corporate persons, they have the skill and the virtue to include and yet transcend their members. If the proposition were to hold that sovereign persons apply dialectical methods, then most sovereigns will have to have experienced a minimal degree of solitariness. But as leaders, they will also have to have appeared in a world of solidarity and honor. The sovereign leader's mastery of the relationship between an interior forum of solitary thought, first, and an exterior forum of pluralism and solidarity, second, can then somehow allow this leader to be recognized as an equal among others. Political-theoretical and specifically Weber's understandings of this complex relationship, as the next sections propose, should help affirm how the equal sovereignty-principle should or should not be applied—within

the IR world. Weber, as can and will now be argued, joins both Socrates (through Arendt) and Machiavelli in arguing that the sovereign's *virtù* is dualistic: it itself is a symbolic expression of a complex and of a possibly-productive relationship between private thinking and public appearance.⁹² However, the problem for (international) political theorists is how not corrupted by virtuous authority can in fact emerge from within (rather than that it should be assumed identical to) that strange relationship.

Max Weber, according to Peter Baehr's reading of his work, often insisted that "absence of self-mastery at home is related to a chaotic global presence."⁹³ In his study of sect-societies, Weber was resolute on this point, as well. The interior life, of each sect-like grouping, remains somehow related to its exterior dynamics. He argued that particular instances of self-mastery, and of expressions of piety, remain interdependent on how associations and societies will generally behave. In studying societies consisting of sects, then, he basically went so far as to argue that interior self-disciplining tends to coincide with the exteriorization of public authority—without that both self-discipline and authority will ever achieve a full union.⁹⁴ The internal and the external forums will not collapse into those of one sect, grouping, or society. How did he observe the two dimensions to be resisting their own unification?

Weber's concept of civil society coheres with how Socrates cared for the Athenian constitution. This seems to make sense, because Weber's love for the German constitutional republic (Weber had been instrumental in composing the text for the Weimar Constitution) may have been inspired by social organizations not much more sophisticated than those of the ancients. Like their concept of society, which was so often

used to reference not the marketplace but the assembly, for instance, Weber's own concept refers to the "sphere of struggle, competition, [and] contestation"—in the words of one of his most able interpreters, Sung Ho Kim. It must be added that, in *Max Weber's Politics of Civil Society*, Kim detects several reasons why Weber's "well-known tripartite ideal-type of traditional, legal, and charismatic authorities ... pertains not only to political power and its legitimacy, but also to the typology of social organizations in general." "[S]ocial associations are hardly conceivable", in external forums, however, because Weber's typology contains a remarkable tension between the "social associations" themselves and their empirical external conduct, or: between associational abstraction and societal concreteness, but also; between both abstract legal reasoning and the traditional social conventions.⁹⁵

"Not all civil society is normatively desirable [because] ... some forms of associational life [may facilitate] ... 'passive democratization' by the bureaucracy."⁹⁶ Weber indeed fears, together with the ancients (Aristotle, Plato), a democratization of government structures. Wherever merit became the main qualification for holding office, more officials from more social strata would be admitted to the bureaucracy or to the public service (a more accurate description). Thus, democratization would correlate stronger with an intrusion of the private sphere into the public sphere because, by admitting the 'lower' classes to government entry-exams, these classes gained opportunities to monopolize "socially and economically advantageous positions." Their remuneration soon thereafter would no longer express their living in adherence to 'codes of honor' but much more that they alone knew how to work on behalf of their own class,

or their own party—in, for example, securing high offices for the party barons. “Thus, [passive] democracy seeks to replace the arbitrary disposition of the hierarchically-superordinate ‘master’ by the equally arbitrary disposition of the governed and the party chiefs dominating them.” But Weber adds that ‘active democracy’, to the contrary, has the advantage of preventing the ‘master’ (regardless as to whether this corporate person is a monarchy or an aristocracy) from determining the criteria of bureaucratic merit. Even though ‘passive’ intrusions may be dangerously self-interested, ‘active’ involvement of the ‘lower’ classes can prevent the government departments from turning into a “privileged caste”, thriving on excessive “secrecy” (as opposed to congresses and their “ostensible publicity”).⁹⁷

Civil society seems to be a two-edged sword. For, if this word refers to democracy, it certainly may cut both ways. It may then determine how the government functions (in that it promotes the rise of self-interested partisans), as well as that it may create a constitutional balance (in that it prevents a total monopolization of privileges and prerogatives by one ‘caste’). Not unlike civil society, democracy appears to have ambivalent consequences. Democracy has both governmental-structural as well as constitutional-organizational effects on the complex relationship—between, indeed, those who hold governmental power and those who might be exercising their constitutional authority. Even more interesting, according to realists, is that another similar two-dimensional form of ambivalence shines through from within the case of Calvinism. Weber establishes that Calvinist sects were redefining, or modernizing the meaning of democracy. They had been among the first to have rejected the Roman Catholic notion

that “[any] church member is *eo ipso* a member of the parish of his local community”.

They refused to any longer apply that Roman organizational principle, of the church covenant, and replaced it with a baptism-centered principle which allowed them to more arbitrarily open and close their local structures.

Protestant congregations were structured by the individual’s “confession of faith, and profession of good will”.⁹⁸ Confessions allowed the Calvinist sects to interiorize their moral ends, as well as to thus avoid the opposition between interior assessments of moral goodness and external forums in which ‘the’ good common would be established by all. As a consequence, this interiorized idea of sect-morality began to diminish the chances that sect-members would obey the exteriorized, public modes of associational authority. Calvinist ideals were not sectarian, yet they did end up constraining the moral ends of the state to a sectarian and later onwards also to a national type of territory.⁹⁹ The historical processes of rationalization and democratization that followed the Protestant Reformation were always processes most beneficial to interior structures of statehood, in the sense that they became based on a quantifiable level of “homogeneity” as well as on such a “degree of bureaucratization.”¹⁰⁰ But, Weber warns, a quantifiably rationalized bureaucracy had much earlier been one among several preconditions for “[t]he disintegration of the Roman Empire”.¹⁰¹ Thus, the level of bureaucratization can (under certain conditions) be raised until the point has been reached at which the emergence of a qualitatively-different organizational form of state may be detected.

Arendt joins Weber: both issue warnings against social rationality’s (or: civil society’s) double-sidedness. To be acting more energetically and more democratically, on

the ‘inside’ of things, may well cohere with more passive and more bureaucratic actions on the ‘outside’ of things. Once democracy had been delivered to the German people, after the Second World War, Arendt wrote in similar cautionary terms about democratic associations as that Weber after the First World War had done about the rise of Protestant congregations.

Arendt’s *Origins of Totalitarianism* helps IR theorists understand why the immeasurable bloodbaths of the 1940s were sequels to the breaking up of a treaty-relationship. The Molotov-Ribbentrop Pact, despite its secret clauses, had at least moderated the tension between the Soviet Union and Nazi Germany. It had regulated their access to a sphere of influence, and thereby maintained the balance between them. Germany’s 1939 invasion of Poland tore up the Pact, and eradicated its relational authority. The absence of ultimate authority most-heavily contributed to the massive killings. Arendt’s point is not that Moscow and Berlin were acting selfishly, but that their diplomats now started to act in isolation from one another. Self-righteousness and solipsism made it thus inconceivable for statespersons to apply their imagination, and to newly make sense of concrete political relationships. Solipsistic thoughtlessness, or the absence of a sensible community, forms one of the main factors in explaining the displacements and the random killings—as Arendt went on to argue throughout the 1940s and 1950s.¹⁰² The European Jews—as well as many Russians, Poles, Germans, and their Slavic (suspected) collaborators—were massacred not because it would have to have been in anyone’s best rational interest to do so. They were massacred because the rationalization and bureaucratization processes had made it possible for states to

decriminalize their own arbitrariness.¹⁰³ One of the unintended consequences of the processes, as it were, had been that people had begun to place too much trust in the supremacy of their state—as they had lost their belief in their constitution-authorizing autonomy.

Totalitarianism is not to be confused with sheer state supremacy, however. Instead, it consists of a normalization of, and a justification for actions that commonsensical persons would otherwise have found reason to condemn as abnormally licentious, *arbitrary* conduct. The twentieth century remains the most controversial century, but this is not because totalitarian states managed to stay in power, for so long, during the Cold War. Rather, it is controversial because the ideology that seems to have ‘won’ both World Wars as well as the Cold War is an ideology that paints totalitarian enemies off as having been illiberal. The ‘winning’ liberal ideologues fear supremacy more than they assert their autonomy. Liberal philosophers serve as advocates for anyone who attacks the state’s ultimate authority, in their mistaken joint expectation that such charges could someday lead up to a world liberated from the idea of state supremacy. Neo-Kantian philosophers, in particular, are battling the state by means of their Democratic Peace hypotheses.¹⁰⁴

But what the liberal neo-Kantians have been unable to observe is that they are only charging against one of the two dimensions of sovereign authority. In doing so, they are dichotomizing the relation between supremacy and autonomy. They are often separating private citizens who have reason to fear the state, in one dimension, from the foundational onus for autonomous constitutional practices, in another dimension. Two-

dimensional sovereign authority has rapidly been losing its ambivalence—in that it is now far less being used to give meaning to beliefs in the state’s supremacy (it is used to condemn these beliefs) without additionally respecting the meaning of the public’s autonomy and self-regulative powers *in relation to* the functional powers of governmental supremacy.

Arendt’s oeuvre demonstrates that international public law cannot be used as a trump-card against states suspected of totalitarianism.¹⁰⁵ Public law and state supremacy are two principles deeply related to each other, although they are also being enlivened by two qualitatively different modes of authority. Separating public law from the state and its private interests would be equivalent to trying to split apart the two different modes of sovereign authority. Public law-norms may help prevent state failure, but they should not be applied to override the system of state sovereignty if this could again come to threaten the public’s sense of autonomy (and of commonsense, as well). The UN Security Council, in particular, should not invoke international law in order to make decisions to the effect that it could cut an existing sovereign state up into a set of functional powers without any transcendently-autonomous constitution to call its own.¹⁰⁶

To return for a moment to the Molotov-Ribbentrop Pact: Hitler’s breaking the Pact not only drew Stalin’s ire. This event also helped Churchill to start a “foggy war”—which consisted of a few small skirmishes and raids during the last months of 1939. The goal behind his “war” was to prevent Hitler from opening a Western front. England’s goal was thus quite certainly not (yet) to also liberate Poland, Austria, Slovakia, nor to somehow come to the aid of the Russians, the Balkans, or the (formally British)

Ottomans.¹⁰⁷ This would suggest that during the months before the Netherlands and France were being invaded by Nazi Germany, a significant attempt had been made to restore the Balance of Powers—on one side of Europe. But on the other side of the Continent, both the charismatic Nazi as well as the Soviet violators of the Pact claimed to be holding Lady Justice's formidable sword in their own hands.¹⁰⁸

In the absence of any effort at balancing, in the East, it became possible for two governments to apply their sword-power indiscriminately. In other words, whereas the Churchill-Hitler relationship was certainly a relationship of enmity, it was at least a sufficiently-tense relationship in order for it to be believed potentially productive. For example, when Rudolf Hess finally arrived in England, he had not so much fled from Nazi Germany as that he had come to revive the relationship and restore the balance—albeit years too late. By contrast, the Hitler-Stalin relationship was not an actual relationship: the Eastern front was anomalous in that both of the parties here lost their supreme authority. Yet, they simultaneously strengthened their (secret) police functions and their managerial capabilities.¹⁰⁹ Military organizations were left to their own devices, usually with little more 'instructions' than to never retreat or to always fight to the death, so that the supremacy-dimension of the military hierarchy would either fade away or would usually have lacked its sense of legitimate authority. Add to this the Nazi government's secret directives and how these managed to increase the arbitrary and the licentious killings, and a more complete picture shines through of a war in which the two European fronts were having opposite effects on the meaning of justifiable conduct. Not Churchill's forces but, of course, Stalin's armies 'won' the Second World War. But

Churchill, in alliance with Roosevelt, nevertheless ‘won’ the peace. For, although he was the least charismatic of the war leaders, his strategic successes can still mostly be attributed to England’s extraordinarily “economic conduct” of the War.¹¹⁰ And as Weber remarks, “charisma rejects all rational economic conduct.”¹¹¹

Weber *did* argue that sovereignty is ambivalent. Sovereign states give citizens the means they need. States levy taxes on goods and services; they regulate markets. They provide in an orderly, or in an economic distribution of goods. But statespersons also legitimize their conduct in less rational and even in non-rational manners, such as through their charisma. Weber is relevant to IR theorists because he conceptualizes the self-organizing and yet agonistic relation between the legal-rational and the traditional-charismatic modes of sovereign authority. Both modes emerge from within the relation between society and bureaucracy, or between constitutional autonomy and government supremacy, as well. Yet, neither one of the two modes adequately defines the relation and concept of sovereignty.

Weber’s concept of dual authority refers to dialectical oscillations between two overlapping groupings, both of which serve as the components of a transcendent political relation. These groupings cannot be separated. In other words, it would be impossible to decouple sects from states, clergy from clerkship, and “charismatic” from “bureaucratic domination” as well as that it will be impossible to try to separate “training” from “office”.¹¹²

To wind up, the manner in which legitimate authority rests on a self-energizing or a self-producing dual foundation is very much a method of combining persuasion with

decision—and constitution with administration. For Arendt, however, this dual foundation would only have been made possible because the former component (persuasive constituent powers) were sporadically causing revolutionary events (such as the events of 1905, 1918, 1956, and 2011).

Weber seems less convinced that the former component only expresses itself occasionally. Rather, he would argue that precisely these revolutionary events can neither be reduced to “one of the [universalist] ... elements of political modernity, democracy,” nor to a democratic people’s resistance to a bureaucracy’s “aristocratic-particularistic nature”. Democracy and oligarchy, or democratic constitutionalism and bureaucratic administration, are two elements which have to maintain an agonistic relationship with each other, rather. This relationship, quite mysteriously, however, can adequately integrate its own two foundations. Democratic universality and aristocratic particularity are believed to remain integrated, in order to productively (dialectically) overcome sufficient of their mutual differences, and to thereby prevent civil society’s associational life (“sectarianism”) from becoming fractionalized by professionalized political strata (“bureaucracy”). As Kim finds, in order “to prevent sectarianism from escalating into the overall disintegration of political society, ... sect-like associations can [and should be trusted to] actively promote the integration.” Especially the Calvinist sects are in the business of opening up access to the administrative apparatuses, furthermore, so that these apparatuses will generally come to have less incentive to cause friction, fragmentation, and conflict among the sects of a civil society. But in order for this self-stabilizing and self-integrating movement to succeed, both of the two components

(sectarian society *and* political society) have to be able to maintain a symbiotic relation. This notion of symbiosis introduces one of the most remarkable, among Weber's, conclusions, which holds that "Puritan sectarianism should not be suspected as being a disintegrating force [within the state]: Weber [instead] asserts that it may provide [it with] ... important nuclei for a stronger kind of political integration."¹³

Recognizing the Three Terms of Authority in Accordance to Weberian Realism

The conventional wisdom among International Relations scientists has held that structures are causal factors: they cause agents to recognize each other, as states. The self-help structures of IR are the most substantive reason why nation-states tend to compete for the goal of constructing their own political identity. Geopolitically-determined strategic advantages can thus help explain how states proliferate, and how they differentiate themselves. The close-to-two-hundred states in today's world have all been capable of constructing their own national identity, or at least their own fiduciary corporation and legal personality, precisely because their natural borders or the linguistic affinities among their populations were comparatively most advantageous to them alone. Modern states would successfully construct their own (national) identity or their legal personality (jurisdiction), then, for a reason: they had been capable of surviving wars, and of competing against other claimants of political authority.

This is the viewpoint of IR structuralism, but it is easily confused with rationalism. First, structuralism (both in its constructivist and neo-realist forms) holds on to the idea that states are survivors of international warfare, in the absence of third parties and other external forums such as the League of Nations and the ICJ. States were created as states because their structural capabilities and institutional conditions, in one way or another, allowed them to defend their interests and identities against a number of other states—or against non-states, as well.¹¹⁴ States can thereby have been defending themselves more or less rationally, but the point is that they will continue to try to do this because they are relatively most-capable: they function most effectively, compared to any of their potential contenders. In contradistinction to structuralism, rationalism is defined as a free application of reason—which means that reason is either applied as “basis for establishment of religious truth” or as “source of knowledge superior to and independent of sense perceptions.”¹¹⁵ After all, only either gods or minds are nearly-absolutely free.

Arendt found that ultimate authority cannot only have emerged from day-to-day structures consisting of identities, interests, wants, and other necessities. Ultimate authority does not even have to emerge from a rational need, nor from a causal choice. Rather, it may neither be seen to help establish a non-rational “religious truth” nor to separate itself from people’s “sense perceptions.” As most modes of authority tend to do, the ultimate authority of the state emerges from political freedom. Realism’s question is how this freedom can be experienced (as outlined in, especially, Arendt’s *On Revolution*).¹¹⁶ Structures are certainly a sort of preconditions to freedom-experiences, but they are not the causes behind free and common perceptions. The latter free and

sensible perceptions are actually better understood as judicious interactions: they are to be analogized to commonsensical experiences. This means that structures are probably necessary but certainly not the only preconditions in understanding how authority is freely being organized by natural-born persons. For, free political participants tend to be persons who, like the Romans (Arendt takes Augustine as her example, but Polybius would have worked too), will refuse to separate their more rational constitutions from the merely memorable and thus also from the possibly non-rational realms.¹¹⁷ The ancient Romans would have lived in a public culture which reserved adequate specific moments for rational thought, for the contemplation of memories, and for leisurely dialogue in general. In this culture, people did not understand these reserved moments as part of their “left-over spare time”—into which leisure would only be transformed during the late-modern era, however unfortunately—but as deliberately-created moments “of holding oneself back (*schein*) from the ordinary activities [of satisfying] ... daily wants”.¹¹⁸

But, years before Arendt accused the totalitarian state of no longer have held itself back from structures of wants and needs, and of having artificially separated its rational cogitations (ontological objectivism) from the people’s free and commonsensical perceptions (epistemological inter-subjectivity), also, Weber made the case that “the march of bureaucracy” had become unstoppable after it had managed to transpose (*Römertum*’s) sources of “patriarchal authority.” “Bureaucracy has a ‘rational’ character: rules, means, ends, and matter-of-factness dominate its bearing.”¹¹⁹ By rationalizing government, and by thus opening up their bureaucratic government structures to ‘rational’ experts from all social classes, most (Eurasian) cultures began to separate

reason from sense. In other words, they began to separate mind from matter and might even have ended up placing mind over matter. These Cartesian governmental cultures, in the process, lost much of their constitutional authority—which had been, for so many centuries, grounded in the patriarchal and the personal realms of life. Moreover, rationalized government departments gained capabilities that allowed them to contain “personal authority” by dispersing it throughout, and by anonymously helping to construct, unit-like nation-states. Although these unit-like states form important structural parts, in most conventional IR models and theories, Weber is disappointed about each state’s loss of another part: of personal charisma.¹²⁰

Weber’s realism may not be as advanced as Arendt’s, which alternatively distinguishes governmental arbitrariness from political irresponsibility, but it at least understands the responsible, charismatic person to serve as one of the three elements of authority. Beyond both sense (body) and reason (mind), Arendt refers to a *sensus communis* but Weber underscores the vitality of a third element of *charisma* (spirit). The scientific laws after which the system of states has been modeled, thereby, should not tacitly supposed to obey reason: they are not strictly rationalist laws. Also, they should not be expected to appear solely in the necessitous structuralism-dimension, but always in a second and freer dimension as well. As Arendt indicates, theorists should rather try to come to understand “what relates two things”.¹²¹

The conventional IR model provides incentives, to states, to be recognizing their own equal sovereignty by only applying a structuralist criterion: population and territory. The problem with this criterion is that it objectifies *status quo*-geopolitical interests. It

presents itself as an independent and even rational measure of sovereignty, while the criterion would actually have to be declared invalid in cases in which sovereign states are recognizing each other as if they are equals. In other words, it may seem easy for IR theorists to argue that states became states because they held territorial supremacy, or because they can control localities, but their argument is only valid in the presence of states that function as if they were units. If territory and population would be all it took for a state to become a recognizably sovereign state, then each state would be sovereign to the quantifiable degree that it would also have to have a single population and a measurably-unified or a congruent set of territorial domains. If anything would appear otherwise, then this state's government could decide to either arbitrarily occupy and colonize other domains, exploit peoples in other states, or it could be unjustly disrespectful towards the grand plurality of how all the "two things", of both territories and peoples, relate to one another. Or, this state could cause a divorce in, by analogy, the world's body-mind relationships. The question to be asked, now, is which third element is (to be) relating the structural-physical expressions to the rational-metaphysical worlds of legitimate sovereignty.

Sophisticated political realists admit ambivalent relations and complex interdependencies into their thinking about their dual sovereignty-thesis. It must now be argued that Weberian realists can come to see the relations between civil society (associations, sects, civil law-courts, and so on) and state actors (diplomats, soldiers, transnational arbitrators, and so forth) from a non-rationalist angle without having to be irrational. The relations themselves could consist, for example, of neither rational nor

irrational but of rather mysticist relations instead.¹²² Also, Weberian realists can argue that these relations were never developed in accordance to quantifiable and linear models, so that other IR theorists may have to be advised to begin their inquiries (into the dual foundations of their subject) by rediscovering the tensions between two modes of political authority.

In his lecture *Politics as a Vocation*, Weber concludes as much as that political authority cannot be recognized unless human beings will have agreed on the criteria they want to be using—to, also, recognize a complex relation between those who authorize and those who hold authority. Thus, the lecture suggests that sovereign authority cannot be recognized by solely describing where the borders of “a given territory” lie. Another determination is to be made. Are government institutions also capable of resorting to “physical force”—in case they would need to protect their domain?¹²³ Territoriality cannot be separated from control over the means of violence (their monopolization). But, what has often been forgotten by IR structuralists, Weber then points to a third criterion. Do citizens also have faith in the persons who are *deciding* to resort to “physical force”, on their behalf? Are these persons also *legitimate* statespersons? This is the third standard of sovereign authority: who should decide? Should either charismatic patriarchs (‘masters’) or bureaucratic officials (‘experts’) be recognized as legitimate actors, trusted and believed to be serving the people’s domain?

Yesterday's Norms, Today's Rational Rules, and the Exceptional Decision Authority

In concurrence with the original words of *Politics as a Vocation*, sovereign authority is best defined by a three-fold process. For, like all other possible modes of authority, it is only legitimate to the extent that it encompasses these functional domains of politics: (1) traditional rules and customary laws, or “the authority of the eternal yesterday”; (2) statutory laws and administrative competencies, or the authority of the “legal statute, and [of] functional ‘competence’ based on rationally created *rules*”; (3) the decision-authority of those persons who may make exceptions to traditional rules as well as to legal statutes. The latter, and somewhat-mysterious, kind of decision-authority is to be considered as “the authority of the extraordinary [person’s] ... *charisma*”.¹²⁴

In recognizing the sovereignty of other states, none of the above ‘domains’ may be divorced from the other two. They are to be seen as interdependent criteria, coexisting not only among states, but also in the countless relations between states and civil societies and their own associative lives. Without a conjunction of all these three criteria of authority, “social associations are hardly conceivable”. As Kim adds, Weber’s “tripartite ideal-type of traditional, legal, and charismatic authorities ... pertains not only to [the sovereign state] ... and its legitimacy, but also to ... social organizations [inside and outside that state]”.¹²⁵ Problematically, the interdependence of these three ideal-typical ‘domains’ has proven itself extraordinarily resilient to generalization and theorization: who knows when should one ideal-type be expected to apply, and when another? Three brief comments, about each of the ideal-typical legitimizations of

authority, and thereby about the three standardized domains of sovereignty theory, should now be made in order to facilitate prospective IR-theoretical readings of *Politics as a Vocation*.

First, the ‘domain’ augmented by the eternal yesterday will, from here onwards, also be known as Term (1). It apparently refers to the first foundations or to the broader legislative traditions within which states tend to embed their authority. Typically, statespersons represent their decisions and policies as falling in line with these traditions, including their jurisprudential and common law practices. People of antiquity referred to these broader traditions as the *mos maiorum*, as their ancestral customs, or as their civic faith (it is all about what people will believe to be the law of the land).¹²⁶ It is literally possible to have faith in parliamentary procedures or in representation principles. For example, both delegation by district and proportional representation are principles of political legitimization. These principles are normatively inseparable from jurisprudence, customs, or even from a certain fidelity towards constitutional laws.¹²⁷

Weber understands the legislative (parliamentary) principles of authority to have collegiate and conciliar sources. The Roman Catholic variant of conciliarism gives only one example of how the natural law is usually believed to inspire a religion’s self-organizing principles.¹²⁸ Schmitt may have concurred with Weber in finding that Term (1) authority stems from the tradition of Roman Law as well as from the the councils of the clergy. Parliamentary representation roots in both natural as well as in canon law.¹²⁹ The eternal yesterday is a criterion of Term (1) authority. It may be the most creedal and

least rational of the three terms of legitimization, as it does not seem to be applicable to more than one tradition at a time.

Second, authority can have been augmented by functional competence and rationally-applied rules. This type is generally understood as the administration of law, or the authority to interpret the present-time meaning of rules. This mode of authority is mainly legitimized by the executive powers of government. Term (2) authority can be recognized by using a standard of evaluation applicable to those who are more or less sufficiently competent to administer policies and statutory laws. Bureaucratic apparatuses exemplify this rationalized type of authority. They apply positive laws to specific cases, and will in the process either be strengthening or weakening the general applicability of legislative customs.

Politics as a Vocation suggests, furthermore, that Term (1) customs may be contended, and may even be negated, by those who are responsible for administering Term (2) rules. But Weber did not have a penchant for separating Term (1) from Term (2) authority modalities: legislative authority and executive powers are treated as inseparable.¹³⁰ As Mogens Hansen finds, it is unlikely that the idea of a ‘separation of powers’ has anywhere seen the light of day: in practice, constitutional Terms (1) and (2) have everywhere remained highly interdependent.¹³¹

Natural law-theorist John Finnis demonstrates the absurdity of any attempt to separate the more “speculative” from the more “practical” dimensions of authority.¹³² Term (1) “customary rules” have long emerged as “a substitute for unanimity”, precisely because they appeared to have remained so authoritative, while Term (2) responsibilities

have nearly-everywhere been believed to form a practical application of these “substitute” rules and, thus, of these customs. In the absence of full unanimity, compromises will have to be brokered with the existing powers. During the application of Term (2) responsibilities, it may be believed necessary for Term (1) functions to “in fact [help to] effectively settle coordination problems”.¹³³

Compromise and coordination help integrate political communities: they should be practical and concrete in the decisive part while they in another part ought to remain speculative, memorable, and abstract. Finnis does suggest, furthermore, that two-part and two-dimensional authority is a kind of dialogical, dialectical authority.¹³⁴ Although he does not specifically invoke the Socratic dialogues, his overall suggestion remains coherent with the notion that Socrates did exercise the sort of dual authority that paralyzes others, thus causing the dialogue-participants to hold themselves back, as well as that it provokes and persuades them to take part in (revolutionary) changes. Dual authority is taught to consist, in the dialogues, both of contemplation and of action. Yet, paradoxically, “Socrates had nothing to teach.”¹³⁵

Before revisiting the paradox of Socratic dialectics, it can already be noted that neither contemplation nor action—and neither Term (1) authoritative paralyzes nor Term (2) persuasive arousals—should become dominant, however, within the political community. Neither one of these two functions of politics must be allowed to dominate the other. As Weber lays out his case, in order to attain a self-balancing modality, of authority, the contrariness of the first two Terms should be respected. The natural law-tradition (as Finnis summarizes its contents) helps defend his case: in matters of political

action and coordination, and of contemplating “the common purpose or common good of any group, [t]here must be either [abstract] unanimity or [practical] authority.” This ‘either-or’ proposition is to be believed to remain “an underived principle.”¹³⁶

Third, a comment should be made about Term (3), or about charismatic authority. Charisma has a function, in politics, but it is certainly not “underived”. Weber observes that the authority of charisma can best be negatively defined. It is a practice which cannot be understood without its conceptual opposite—which is the opposite of “rational economic conduct”, “expert training”, and “an ordered procedure of appointment or dismissal.”¹³⁷ In late modernity, charisma was trumped by its opposite: by procedures and routines. In the part he simply entitled “Religion”, Weber mentions that the authority of both “revelation and [of] the sword [has] succumbed to routinization”. Even though both “the oracles of prophets [and] ... the edicts of charismatic war lords could [long] integrate ‘new’ laws into the circle of what was upheld by tradition”, both prophets and commanders nonetheless had to surrender themselves to the administration of “*rules*”.¹³⁸

Weber’s observation appears to have pitted Term (3) charismatic authorities against the modern rise in Term (2) rules, or “codes and statutes” (legal positivism), as well as against Term (1) traditions. After all, Term (3) lost its power to integrate itself with Term (1) traditions, due to their mutual tendency to surrender their legitimization-functions to Term (2) statutes and procedures. Yet, Weber also sees that “the charismatic hero does not ... deduce his authority from traditional custom or feudal vows of faith”.¹³⁹ Heroic charisma may not be deduced or otherwise be derived from Term (1)

customs, which makes it apparent that it is neither reducible to customary nor to statutory rules.

For the sake of brevity, Weber assigns no positivity to charisma-legitimizations. This is why these sections must premise Term (3) authority to neither only consist of Term (1) contemplative-legislative traditions nor only of Term (2) bureaucratic expertise and administrative action. Charisma emerges from its own opposition towards both contemplative as well as active powers—and, thus, towards both traditional customs as well as statutory administrative apparatuses. In again other words, charismatic persons emerge because then are taking exception to both the legislative norms of the past as well as against the executive decisions of the present; they somehow legitimize exceptions to abstract norms and concrete decisions alike.

Schmitt, a Weber-scholar in his own right, clarifies why personal charisma carries a non-dualist mask. He demonstrates that the personal exception should always be understood as an exception to two types of rules; to the “norm as well as the decision, [and yet it should] remain within the framework of the juristic.”¹⁴⁰ Personal charisma illuminates itself through its potential of making a double exception to two types of rule, but which cannot escape from a third or a juristic type of rule. With Schmitt, realism holds that charismatic authority is a juridical modality of authority: it may only go *beyond* non-juridical rules while opposing them to—but, also, while possibly transcending—both the decision-rules as well as the norm-rules.¹⁴¹

Within the parameters of Weberian realism, Terms (1) and (2) refer to the two best-quantifiable sources of a legitimate government. In recognizing a state as a

legitimate sovereign state, both of these two criteria can be used to measure the depth and the scope of its constitutional lineages. This may be done by examining the numbers: by counting the generations to have shared the same customs, by counting the soldiers and administrators who chose to be employed for the same common purpose, or by counting the funds they have been spending for certain causes. The nominal nature of (il)legitimate authority is equivalent to the nature of especially Term (2) decision-powers, but also to a considerable extent of Term (1) normative powers. IR analysts can simply try to count how many decisions (but specifically decisions involving the administration of funds and officers) actually cohered with the norms that were said to govern the individuals responsible for these decisions.

What conventional IR analysts have rarely been able to do, or at least have not done well-enough, is to also study the qualitative differences within the relationship between customary legal norms and routine administrative decisions, between customs and statutes, or also between the political functions performed by respectively Terms (1) and (2). Yet, states do not become recognized as sovereign states because of their quantitative advantages alone. If that were possible, then thousands of miniature states (ranging from Holstein and Estonia to Palau) would never have existed for as long or as short as that they actually did—and non-territorial sovereign orders (the Order of Malta, the Holy See) should then have been expected to always have held significant bases of membership, which they do not (membership can be determined by examining the number of passports issued, which typically is very low).¹⁴² It also seems unlikely that all sovereign states would have to have less military personnel killed in action, or at least

relatively less than their non-sovereign contenders (France did not become any less sovereign because it suffered more military personnel losses than Germany did, during the First World War, for example). Likewise, it is unlikely that the government leaders of sovereign states had access to more tax revenues, per capita, than their non-sovereign opponents. Because these are all measures of a state's nominal supremacy (government), such hypothetical measures can say very little about a state's potential to authorize and legitimize its own actions (constitution).

Weberian realism holds that dual sovereignty is a compounded relation between contrary political functions. These functions may be reformulated so that they form a series of dualities: autonomy/supremacy; norm/decision; legislation/execution, and; tradition/bureaucracy. The components of each of these dualities have, respectively, been conceptualized as the Term (1) and Term (2) modes of dual or of emergent authority. The presence of a sovereign state, as an instantiation of emergent authority, is indicated by the relation between the two modes or the two components. This relation itself is made possible by a group of people, including and yet also transcending and making an exception to both Term (1) as well as to Term (2) modes. The question of who should belong to that group of persons, or to that political community, now, is a question about how sovereign states tend to be governed neither by Term (1) conventionalism nor by Term (2) nihilism. Because these two excessive mutations of the two components—of, again respectively, legislative traditions into conventional or thoughtless routines as well as of administrative procedures into nihilistic actions—are mutations inconsistent with the nature of dual authority. They are illegitimate.

Personal charismatic, or Term (3), exceptionalism is the most ambivalent of all three modes of legitimization because it consists neither of a state of imprudent thoughtlessness nor of untraditional acts committed for their own sake. But, in attaining a sense of the charisma-mode, why should neither one of the first two component-criteria of public authority be considered adequate in recognizing the state's sovereignty—and why should its political dependency on participatory freedom be believed to transcend both of these first criteria?¹⁴³ One of the soon-to-follow sections offers some remarks on the deeper meaning of political charisma, while continuing to validate the dialectical premise that this meaning may *neither* be remembered in the form of conventional norms (particularity), *nor* be deduced from positivist decisions (universality) alone.

Taking Neither the Utilitarian Nor the Deontological Approach to Sovereign Authority

Weber's lecture brings into play two cases of statespersons, having to make an exception to the rules. As exceptionalism is studied both inside and outside the International Relations discipline, the cases should be highlighted in order to discover an ontological criterion of distinction. How to distinguish between the illegitimate and legitimate qualities of sovereign *exceptions* to the *norms*, and to the *decisions* of any given community? *Politics as a Vocation* is a highly instructive text, in this, because its two cases involve both decisive and normative modes of authority, the meaning of which depends on the notion of an exception. The below-offered interpretation renders it

meaningless to be obstinately trying to define only one of the three modes of authority (normative, decisive, exceptional) in isolation from the other two. Moreover, the interpretation suggests that none of these modes of authority may be deduced from a natural-born person's character, nor from a group's concrete constitution—without not at least having taken into account the context in which the other two modes are being legitimized.

Juristic institutions of sovereignty tend to integrate, at minimum, the two most-nominal modes of authority: normative rules and decisive behaviors. Stephen Krasner writes that sovereignty is an institution which can be strengthened, quantifiably, because action can be made to cohere with and conform to a nominal set of “principles, norms, and rules”. “The greater the conformity between behavior and institutional rules, the higher the level of institutionalization.”¹⁴⁴ But realists would have to object, because even if the SS troops had perfectly conformed their behavior to Hitler's rules and directives, their actual actions would not have heightened the “levels” of Nazi Germany's institutional integrity. (As Berlin's normative principles grew more muscular, paradoxically, the SS became increasingly less a perceptibly-Christian and certainly also increasingly less a German military institution: several SS divisions had been recruited in occupied Europe.)¹⁴⁵ Rule-conformity is not causally-related to institutionalized behaviors. It oftentimes forms one of the factors which contingently contributes to an institution's disintegration. Also, state institutions do not always have to grow stronger (the SS grew institutionally much weaker as the World War advanced, for instance), but they *can* very well grow stronger despite the fact that their rules are believed to be

illegitimate—or despite the fact that people may simply yearn for more discretion, and for less norm-rules.

Weberian realism centers in the question of how politics ‘integrates’ or ‘crowns’ or ‘completes’ the contingent relationship between the norm and the decision. Both the legislative norm and levels of executive decisiveness are needed in recognizing the fundamental dimensions of political authority. But both these two dimensions, both the Term (1) norm and Term (2) decisions, cannot be understood without noticing a counter-concept that transcends yet also includes them: the concept of a spirited Term (3) exception.

The above-presented subsection introduced Weberian realism by holding that spiritual and charismatic authority is in some respects an extraordinary mode. It alone emerges from its opposition towards two ordinary modes of legitimate rule, but has no positive contents. It emerges from a “zone of non-knowledge”, as it were, which would be the strange buffer-zone between these first two ordinary modes (as Agamben could have described that zone). Because the extraordinary mode of authority is made possible by an exception, further, it opposes norms and decisions without itself becoming a ‘new’ decision-rule (directive, decree, statute) or without itself turning into a normative rule (custom, routine, habit).¹⁴⁶ Critically, this third mode is made possible by an exception to both these two rules—without becoming identifiable as either one of them. This strangely-exceptional condition or this unique zone of authority can perhaps best be compared to a commissural coincidence. For, it is not unlike the coincidental response of

the nervous system to the one moment in which body and mind are believed to be acting in unity.

The comparison to the unity of body and mind becomes also apparent in Weber's writings on the national body and its sense of fairness and moral justice. "A nation forgives if its [private] interests have been damaged, but no nation forgives if its honor has been offended, especially by [those displaying] a bigoted self-righteousness." Those who publically offend and violate the national body's integrity, in other words, will be difficult to forgive: they will remain unlikely to encounter a charismatic statesperson willing to excuse their actions. But those who offend only the nation's doctrine of justice should be far more likely to be forgiven. In the politics of justice, there are no moral (*absolute*) commandments. Herein, there are no "unconditional and unambiguous" moral precepts which must be "carried out everywhere"—as Weber cautions against Term (2) universality.¹⁴⁷

Political authority is a relational (*relative*) mode of authority, so that it should remain impossible for any statesperson to either rely only on ethical rules or only on practical exemptions thereto. Rather, realist statespersons will find that—with the juristic realm—both rules and exemptions coincide. They are related to each other, despite their contrariness. Weber felt that a negation of this coincidence occurs neither in an abstract-ethical nor in a concrete-practical dimension. Much rather, sovereign persons who seek to defend their state's honorability will have to come to terms with the fact that they cannot forgive the self-righteous actors among themselves. Instead, their extraordinary authority will have to integrate both dimensions, in the sense that it should come to transcend and

include this curious coincidence of both concreteness (normative decisions) as well as of abstraction (decisive norms), or of both bodily (decisive) movements as well as of anti-bigoted (normative) mental thoughts.

Weber's warning to never ignore ambivalent authority consists of two cases, as was announced, each of which comprising a person who may make an exception to the precept of non-retaliation. The saint who turned the other cheek to his enemies did not decide to make an exception, obviously, yet when the saint's self-preservation would have become a greater concern, he had to make the exception legitimate. Self-defense could be necessary, and yet would violate the moral non-retaliation rule. This self-defense exception should nonetheless be made on non-consequentialist, ethical grounds, Weber finds:

This [first exceptional] command is unconditional and does not question the source of the other's authority to strike. Except for a saint, it is an ethic of indignity. This is it: one must be saintly in everything; at least in intention... [For only] [t]hen [does] this ethic make sense and expresses [it] a kind of dignity; otherwise it does not. For, [as] ... it is said: ... 'Resist not him that is evil with force.'¹⁴⁸

This first case is about the intention to not respond to aggression, but to suffer it, and under which conditions this intention remains moral. The case is a study in the wisdom, or in the practical reasoning, of the non-violent protester or the conscientious objector.

The second case of exceptionalism, as presented in Weber's lecture, is a case study in the justice of certain actions. Again, a decision must be made on the exception.

This time it is about an exception to the rule that the statesperson must uphold the structure of “taxation, confiscatory taxation, outright confiscation; [and of] ... compulsion and regulation for all.” Taking property away from the citizens is, under ordinary conditions, theft. But the state may tax citizens by claiming it has exceptional justifications. In legitimizing this state claim, statespersons should accept the rule to be that citizens must pay their taxes. Yet, once the state is over-taxing, over-burdening, or wrongly confiscating their properties, an exception will have to be made to this rule—and these wrongs will have to be amended. Without the will to make amends, and without the intention to enforce that exception, injustices will occur. As the state’s “[utilitarian] proposition [should] hold: ‘Thou shalt resist evil by force,’ or else you are responsible for the evil winning out.”¹⁴⁹ This exception should be made on consequentialist and on utilitarian grounds.

Weber’s presentation of the two case studies in prudence and justice is ambivalent, however, because the two cases rely on qualitatively different norms. In the first, the norm is to not resist evil by applying counter-force. In the second, the norm is to resist an evil by force. The difference between the two cases is so small it remains difficult to perceive. Nonetheless, the difference becomes obvious once it is understood that the first precept has been formulated negatively: “Resist not! Unless life could be lost.” The second rule has been positivized: “Resist! Unless property can be kept from being confiscated.” The first precept is existential: either self-defense is necessary to prevent loss of a life, or it is not. Moreover, it is deontological. In contrast, the second

rule is a much more utilitarian rule: property is part of an instrumental relation between citizen and state.

Weber was well-aware of the qualitative difference between a loss of life and the deontic norm directed against it, first, and a loss of property and the consequentialist norm which allows such as loss under circumstances regulated by the state, second. The two cases cannot easily be measured along the same scale, therefore. First, the nonconsequentialist rule prescribes an intention which remains good for as long as an attacked citizen intends to act only in defense of human dignity and physical integrity. Second, the utilitarian rule involves a course of action rather than an intention. It is a different type of rule because it does not depend on the citizen's intention-action assessment. It depends on the extent to which confiscations of property, or state actions, are also relatively normative actions—rather than whether they display either the state's injustice or its justice.

Deontic justice principles may certainly be used to support utilitarian decision-guidelines, and, inversely, utilitarian rules may also be used in making a non-consequentialist decision on an exception to the rule. The possibility of such fluctuations, through which qualitatively different types of rule become mutually dependent, is key to reading Weber. His lecture's gist holds that it takes experience to understand how some decisions on the exception will remain free from both deontic negativization (violences follow from absolute evil) as well as from utilitarian positivization (goodness follows from pursuing good ends). In other words, the lecture raises the question of how experience may be gained, how it can be learned to remain free from deontic as well as

from utilitarian doctrinal extremism, as well as how it may become possible to better recognize the different legitimizations of a rule, and of their relations to the exception to that same rule. Or, how can realists train themselves neither to err on the side of nihilistically applying consequentialist regulations (strict justice), nor to err on the side of blindly obeying deontic traditions (pure grace)?¹⁵⁰ The answer apparently hinges on their reaching some level of *maturity*.¹⁵¹ It hinges on those matured, prudent people who have come to realize why “it is *not* true that good can follow only from good, and evil only from evil, but that often the opposite is true.”¹⁵²

The argument, as here developed by reinterpreting Arendt and Weber, concludes that in politics neither utilitarian decisions nor nonconsequentialist norms should be allowed to exist by themselves—and that these decisions and norms are always to be opposed by their own exceptions. Utility and honesty, or prudence and justice as well, form two pairs of inseparable basic norms—but they cannot be understood in any meaningful way without understanding exceptions to their own normativity, or; without appraising their counter-concepts (dishonesty, imprudence, and so on).¹⁵³

This far, Weber has helped realists to connect the absolutely good (deontological) intentions behind a non-violent movement, in the first case, to the utilitarian or necessarily evil act of levying taxes, in the second. He also connected these good intentions to the evil consequences they may have, as well as the necessary evil of taxation to the benefits the tax revenues may bring along.¹⁵⁴ More importantly, he never denied that Term (1) legislative and Term (2) executive powers are inter-connected in a similar manner: legislation tends to be more deontic, while execution tends to be more

utilitarian. Yet, these two constitutional Terms may not be separated from one another, for that would increase the risk that they switch in value from good to evil.

With these cases in hand, Weberian realists can defend a systemic recombination and integration of two kinds of rule and the possible exceptions thereto. But besides the integrated zones there is also a non-integrated zone, which can be analogized to a commissural coincidence, and which somehow creates the politico-historical flow, appearing to move back and forward between: (1) norms; (2) decisions; (3) exceptions to (1+2). To better understand what sort of authority emerges from this non-integrated zone, or from this strange coincidence, it may not be unwise to now ask how Arendtian realists are to be reading the Platonic dialogues.

Weber on Legitimacy and Arendt on the Emergence of Socratic Love

The implicit conversation between Arendt and Weber flows from an explicitly-shared grand-dialogical question: how may political authority best be legitimized? While Weber indexes three causes of legitimate authority (traditional, bureaucratic, and charismatic), Arendt shall complete a turn towards Socrates—whom she consults for additional guidance on the dual nature of emergent authority (on dialectics). She will thus learn from Socrates, but also from the ancient Romans, that authority somehow has to have emerged from and has to have been legitimized by an ultimate non-result. Particularly sovereign authority should be thought to have emerged from a dialectical

system; each sovereign human being may so be believed to follow a never-ending path, indeed, along which new beginnings can always be made.

Arendtian realism holds that each sovereign is an archetype—neither of “a god nor an animal”.¹⁵⁵ Those mental artifices which are often being called gods, then, are to be combined with but can never be united with those bodily senses human animals share with all other animals. By the same token, concepts of goodness and other mentally-conjured private intentions, or all the personal values and intentions hidden behind only-seemingly the morally-best actions, are still also somehow to be recombined with actual publically-assessed actions—as well as with meaningful, honor-worthy, and public appearances. In matters of politics, in again other terms, it will usually matter a lot that each sovereign person’s private intentions should express a sense of responsibility (*Verantwortung*), and a certain knowledge of the possible effects of one’s personal actions as well. But no such body of private intentional knowledge should automatically also be judged to be a meaningful body. Each privately-held cause should rather also relate to a public, a commonsensical, or at minimum also to a rationally-coherent assessment of how that specific cause should appear confidently respectful of the ultimate meanings of life (life’s *Gesinnung*).¹⁵⁶

How should sovereign authority be legitimized? It can be demonstrated, here, that Arendt was well-aware of a tension between legitimization-effects derived from statutory law and from general rights, on one side, and effects derived from traditional customs and the eternal conventions, on another. But even without demonstrating how her awareness of the tension ended up being put into print, she may be said to politicize the concept of

right itself. She constantly politicizes general (positive) rights, by comparing these rights to the specifically- transmundane sort of right: the right to have general rights in the very first place.¹⁵⁷ Her comparison bears all the resonances of Weber's comparison between Term (1) conventional habits and Term (2) positive values. And, in order to understand how beliefs in Term (3) charismatic authority are being formed, it would be wise to restart this inquiry with the complex relation between the world's Term (1) transmundane conventions and meaningful habits as well as its Term (2) generally-positivized rights and laws.

Weberian realism holds on to a concept of legitimate authority which cannot be fully appreciated unless this concept is not also being compared to Arendt's theory of rights-respecting modes of authority and, especially of how these modes symbiotically emerge from within a complex relation between qualitatively different rights. All rights are ambivalent. They have an organizational dimension: they function as social conventions and common law traditions. But rights also take on the form of positive rules and other legal norms, some of which may structurally contradict the existing conventions and traditions. Rights should not only be imagined to be the traditionally-transmundane organizations, but also always sensed to be concretely-legitimized structures. The contrariness of these two dimensions, of rights, serves as a foundation for extraordinary and charismatic modes of rights-protective action. Of course, Weber's liberal critics have a field-day pointing out that charismatic sources of right are potentially totalitarian: charisma could help create oppressive government structures. Before defending Weber against his critics—as he much rather maintained that

charismatic authority is intrinsically ambivalent, and that it may assert itself by protecting both irresponsible as well as meaningful kinds of rights, it must be noted that Arendt came to study fairly-similar ambivalences in Socratic thought—in order to build on both her earlier *The Origins of Totalitarianism* as well as on her *Eichmann in Jerusalem: A Report on the Banality of Evil*.¹⁵⁸

Arendt intimates that the post-nineteenth century statutory positivization of moral values, as well as of legal rights, had coincided with a demise of self-organizational public processes and with an overall decline in political autonomy as well. Western states, including Soviet Russia and Israel, had certainly managed to integrate their imperialist needs with their ideological nationalisms.¹⁵⁹ During the Interbellum, particularly in Russia and Germany, brands of nationalism were being designed to accomplish only one effect: to satisfy the basic needs of entire populations. Each state's officialdom would increasingly be governed by national parties, rather than through the people's participatory rights (as would, alternatively, had been the case in 1905 Russia and 1918 Germany). National rights, statutory laws, and legal positivism were so becoming the interconnected tools of state bureaucracies: they became the weapons in their administrative arsenals. This meant that two contrary processes were being united: the bureaucracy's positing of the rules, and the democratic administration of the laws of the land, became structurally subservient to an all-or-nothing nationalist ideology. The rules were consequentially defined by what they were not: by their own *not* being nationalistic; by their being hostile to national unity. In Arendt's words on the matter,

(particularly the German and Russian) states were fusing together “their own [un]seeming contraries: regulatory negativization and nihilism”. As a result,

the basic commandments of Western morality were reversed: in one case, “Thou shalt not kill”; in the other, “Thou shalt not bear false witness against thy neighbor.” And the sequel—the reversal of the reversal, the fact that it was so surprisingly easy “to re-educate” the Germans after the collapse of the Third Reich, so easy indeed that it was as though re-education was automatic—should not console us either. It was actually the same phenomenon.¹⁶⁰

Drawing a straight line from Stalinism to Nazism to Anglo-American nationalism, in Germany—or, more precisely, to the liberal-democratic de-Nazification programs—Arendt provocatively hints that these three doctrines are only reversing each other. In amplifying the “same phenomenon” they were lowering the volume of (republican) participatory rights.¹⁶¹ National citizenship and civil rights are useful, of course, but they are posited rights: they are abstractly-derived individual rights. As such, they tend to negativize that different kind of rights, which is the kind that groups of human beings may concretely begin to hold in common with each other. Since so many nation-states in the West have only been ‘reversing’ course, rather than to have made such new beginnings, they also cannot be said to have maintained a constitutional tension between the positivization and the negativization of rights. That is, they can only be said to have been treating right-bearers as the subjects for their ‘nihilistic’ national re-education (social indoctrination) programs, precisely because these programs are limited to education in ‘negativized’ rules (as opposed to civic action and political autonomy).

Arendt's quote suggests that even in Postbellum Germany there are no sovereign people. At the most, there would be only be state administrators and party officials—who are, nevertheless, failing to vicariously personify the political responsibilities of all human beings living within the German State.¹⁶² The people must have incapacitated themselves: they must have accepted the structural neutralization of their own chances to participate in an open-ended political dialogue—not unlike the dialogues Socrates would rather certainly have willed to participate in.¹⁶³ As the people thus surrendered their political rights, they individualized their citizenship rights. Although their political rights could in reality have continued to condition, and should have remained at least formally equal to, everyone's citizen rights, the people ended up robbing themselves of their opportunity to also concretely sustain this relation of equality. The right to enjoy citizen rights, however, as Birmingham helps sum up, should have “as much to do with political representation and the possibility of of political action as it [so often] does with formal equality under the law.”¹⁶⁴

What does it mean to participate politically, and to increase the chance of observing *isonomy* in action? This is what Plato asked himself, wondering who other than Socrates could have been an exemplary Athenian citizen. For, to be such a citizen is to be publically known as someone who participates in a discursive process of beginning anew. Birmingham describes this process of natality as follows: it creates “an ontological foundation of the political, but not an ontological politics; [yet], the [ontological] origin ... of the political is not recoverable or accessible.”¹⁶⁵ Arendt's own answer to the question is aporetic: it sustains a strange tension between the republic's ontological and

self-organizational process (which creates the possibility of “political action”), first, and the structurally-undiscoverable origins of that same ontological process (which are probably just the unknown origins of “formal equality”), second. Significantly, another aporetic relation—also evolving between the two dimensions of the republic—was examined by Socrates when he gave his performance in Plato’s dialogues but especially also in *Symposium*.

The figure of Socrates symbolizes each human being’s aporetic qualities. Everyone may be participating politically, and be reasoning discursively, yet these activities should somehow remain related to their own contraries: to the satisfaction of private needs and to contemplative mediation. Socrates would even have admitted he had difficulty performing both roles, but his actions nonetheless continue to suggest that he helped the Athenian people to slow down the corrosion of their venerable constitutional integrity. That is, he symbolically represents two of constitutional corruption’s worst enemies: the “electric ray” and the “gadfly”. Arendt observes that these two beasts symbolically represent the two opposite responses of the Athenian audience. While the (Socratic) ray paralyzes, and “may have a dazing after-effect”, the (equally Socratic) gadfly actively arouses “license and cynicism.”¹⁶⁶ Apparently, Socrates’s roles paralyze and arouse. They are coinciding but in tension with one another.

Arendt also mentions that Socrates symbolizes the “midwife”—and that this third figure neither uses philosophy to paralyze, as Socrates now “teaches nothing and has nothing to teach”, nor does Socrates-the-midwife arouse the passions of the multitude—as “he is not a sophist, for he does not claim to make men wise”.¹⁶⁷ Alford mentions that

Symposium, the dialogue on love, vows to the importance of this third role: to the midwife.¹⁶⁸ That role is herein performed by the same Socrates as the one who is being visited in Maritain's natural law-theory. More critically, this is a theory of spiritual love. As may be remembered, in *Symposium*, the character called Love was said to have been parented by the extremes of both "[p]overty (*penia*)" and "contrivance (*poros*)". But Jacques Maritain reads this dialogue as having introduced a third, or a maieutic mode of Love. He thus additionally suggests, with Socrates, that Love is neither poor and needy nor can she be tempted with artificially-enriched declarations of passion. She neither represents deprivation nor does she become emboldened by, or drunk with passion. She is born as a third kind of care in the sense that she combines both *penia* as well as *poros*, rather, without being reducible to either.

Maritain, according to Alford, understands Love as a figure maddened by her own inner contrariness; Love is "mad to create, to give ... [her]self". "Love, for Maritain, is creative; [she] wants to [care for] ... the world, forge human links, foster children, family, communities."¹⁶⁹ In this respect, Love seems strikingly familiar to realism's notion of spiritual authority—which is a spontaneously-covenanted mode of authority. For, this is obviously a 'new-born' or third mode emerging from some sort of relationship between both, yet also from neither one of, its own 'parental' foundations. This means that political realists may have had much more to say about the dialectical relationship between opposite foundations, and how dual sovereign authority emerges on top of these foundations, in spiritual terms. For example, Weber himself described spiritual or mystical love in terms of "[a] boundless giving of oneself"—as well as a public

expression of “genuine virtuoso religiosity”. Weber added this: “religion has [always] been an inexhaustible fountain of opportunities for artistic creation”. But the founts of most mystical religions also stand furthest removed from, and in clearest “opposition to, all functionality [and] rationality”.¹⁷⁰ Yet, because these founts cannot be separated from rational knowledge, both ancient mysticism and modern rationalism somehow remain intertwined. The intertwined relation between natural rationality and mystical experiences is a relation that cannot be broken up, as would later be acknowledged by Arendt.

Arendt’s *The Origins* and *Eichmann in Jerusalem*—or, her reports on certain passive beliefs in the modern state, and in its over-rationalized bureaucratic apparatuses—were reports followed by words on Socrates but also by her *On Revolution*. In that work, Arendt made the case that the chances of political beginnings are generally enlarged by two main factors. First, the beginnings themselves continue to be believed to be ambivalent and open to interpretation. Second, the beginnings are spontaneous coincidences (never: separations) of both traditional affairs as well as of formal, rational institutions of stability.

Both during and (for a long time) after the American Revolution, for example, the Founding Fathers would have been believed “to transcend the ... tradition-bound framework of their general concepts [by simultaneously assuring] ... stability to their new creation, and to stabilize every factor of political life into a ‘lasting institution’.” Revolutionary events in “Russia in 1905” and “Paris in 1871” had been breathing the same air of self-assurance and self-restoration into the constitutional traditions and their concepts. But the events of the 1930s and 1940s were adding up to a systemic breakdown

in that relation between tradition and natality, or between revolution and stability. This would all only come to light, tragically, “after the downfall of Hitler’s Europe”—and, thus, also only after the world had suffered from “the extraordinary instability and lack of authority of most European governments”. Yet, in having originally asserted their “hope for a transformation of the state, ... that would permit every member of the modern egalitarian society to become a ‘participator’ in public affairs”, according to Arendt, it had been the self-restorative (autopoietic) events of 1905 and 1871 that somehow had anticipated “the February Revolution of 1917 in Russia and ... the Hungarian Revolution of 1956, both of which lasted just long enough to show ... what a [constitutional] government would look like, and how a republic was likely to function”. In these years, revolutionary worker councils had “sprung up everywhere, completely independent of one another”—and yet the new-born councils had also embraced various traditional principles, such as that “[popular] opposition [serves itself] as an institution of government.”¹⁷¹

How tradition serves the revolution is akin to how natality serves power. *On Revolution* is an attempt to solve the problem of how such seemingly-opposite institutional principles should coincide, without being fused into one all-overarching principle. “Opposition” between the principles, rather, should somehow be thought to help prevent the ascend of both a totalitarian and post-totalitarian (post-Second World War) principle of unitary statehood. The tension between the revolutionary multitudes and the worker councils, or between egalitarian inclusiveness and concrete participations, is a tension which allows neither one of the two sides to become reactionary and

overarching. But, tragically, as *On Revolution* announces (this Chapter's epigraph), the twentieth-century public realm has too often been overrun and has too often been "overwhelmed by the cares and worries which actually [should have] belonged in ... the household"—but which should, alternatively, have remained "matters of [monistic] administration ... rather than issues which could be settled by the twofold process of decision and persuasion."¹⁷² From this point onwards, Arendt's theory of revolutionary change would proceed by following two major guidelines on how to assess the prospects for a constitutional government consisting of *both* the legitimate application of power (decision, supremacy, *Verantwortung*) and the confidence to protect meaningful participatory freedoms (persuasion, autonomy, *Gesinnung*).

First, "men" should be assessed as having been "born *for freedom*". Human beings constantly strive *for* this joint purpose—of becoming recognized as free, autonomous beings. In other words, each person should be thought to have been born to effectuate a "spiritual reconciliation" between one's own needs and those of other political actors, rather than as having been born as an individual *within* a formal realm of equal liberty.¹⁷³

Machiavelli also studied this human capacity to spontaneously effectuate reconciliatory changes. According to *On Revolution*, Machiavelli would have understood such changes to occur as self-stabilizing constitutional restorations. Yet, Arendt adds the provision that he would have focused too narrowly on freedom's appearances (its persuasive effects) rather than also on its spontaneous (decisive) power of self-restoration.¹⁷⁴ The Florentine Secretary had been accurate, she also adds, however, when he noticed that "admission to public business and power was due to [man's] *qualities*

[and to] ... a *virtù* which was all the more praised and admired as it could *not* be accounted for through social origin and birth.”¹⁷⁵

Second, persons are born capable of mediating their own beliefs *in* freedom. Machiavelli, again, had rightly understood that conventional traditions may be transcended by new beliefs in freedom. But he was wrong to have expected that such new beliefs will become ever-more decisive with time—rather than to also have to continue to be inspired by a stable, persuasive, sanctified tradition. To be more specific, he had less followed the ancient Romans (Cicero) than that Arendt wishes he should have done, as he had not yet as well demonstrated “how to bestow permanence upon a foundation, of how to obtain the sanction of legitimacy for a body politick which [itself] could not claim the sanction of antiquity.”¹⁷⁶ But, as *On Revolution* proceeds, “The act of founding the new body politick ... involves the gravest concern with ... stability and durability [and yet also raises] ... the high spirits which have always attended the birth of something new on earth.” “[T]hese two elements, the concern with stability and the spirit of the new, have become opposites”.¹⁷⁷

These opposites should never be divorced from one another, Arendt goes on to argue, similar to how conservatism and liberalism cannot be understood unless they are seen to be forming intertwined strands of political thought. The hidden power of her simile, between these two strands of thought and the Socratic dialectic, however, should not be underestimated. For, the bond between the two strands is analogous to the dialectical bond between the idea of contemplation-inducing, or conservative paralyzes and an action-provoking or liberal sense of unrest. Conservative philosophers risk

becoming hypnotized by ideal forms of equality and justice, further, whereas liberal activists could turn into cynical Machiavellists, only pushing towards “the new” within their own worlds. Between apathy and cynicism, then, Arendt introduces her third notion of non-positivism, which is neither conservative nor liberal but realistic.¹⁷⁸

In moving towards a ‘neither-nor’ concept of political realism, *On Revolution* departs from, especially, Rousseau’s (or, by extension, Robespierre’s) positivist liberalism.¹⁷⁹ Neither a mundane need for “stability” nor the transmundane “spirits” of freedom should be positivized: they should just not be turned into positive rules. By thus holding back, the need for “stability” and its natural opposite, the passion for “the new”, may come to coincide. The constitutional state may then encompass both opposites yet, still, their positive qualities should not be united.

This apparent paradox was not unfamiliar to natural law thinkers, such as Maritain, who mentions that Socrates was striving to reconcile rather than to synthesize two opposing principles. Maritain thereby suggests that political autonomy (freedom, natality) coincides with its own opposite: with a social dependency on supreme social strata (conventions, origins). For instance, everyone “possesses some measure of wholeness and independence, and hence dignity, prior to any involvement in society, while [also] remaining in a fundamental sense social.” All positive rights “come from natural law”, which includes the law that all human animals are nevertheless capable of negating their own positive rights. Hence, human rights (like all positive rights) “do not come from states [alone]”.¹⁸⁰ They also come from natural persons, and thus actually from a dual sovereign. Alford summarizes Maritain’s thinking as having revolved around

the notion that every person may be believed capable of partaking in political dialogues—by spontaneously fostering and caring for “the natural law, and not [for] cultural relativism [or] a new Tower of Babel”:

In trusting in such dialogues, one is [instead] trusting that *inclinationes naturales* [and private passions do] exist, and that they are roughly the same for all men and women, even as they often find different cultural and historical expression. This assumes, of course, that the participants in such dialogues are free to participate, unconstrained by force, fraud, or false-consciousness, a concept that still has its place. Until that time, it is well to [remain prudent and to] remember that sometimes—not always, but sometimes—one listens to the natural law best by *not* listening to others. Determining when this might be is one of the hardest things in the world.¹⁸¹

Socrates was long believed to have been able to determine (even in his last days) when not to listen to, and when not to obey others.¹⁸² Arendt knows this, of course, as she repeatedly hints he was no ruler—nor was he being ruled. Much rather, he performed his role as midwife of the Athenian Spirit by specifying those conditions under which he *would* listen to others. Socrates is someone who only obeys his equals to the extent that he also trusts a natural law (that is, the law of the goddess Athens) to govern his political peers. He engages them through his characteristically-ambivalent manner of dialogical persuasion, while also knowing that these peers could at any time deprive him of his positive freedoms and legal rights, as a citizen. Socrates’s anticipatory knowledge is in this respect not unlike the kind of belief Jesus had in one original natural law (in God), while knowing he would be betrayed by his peers.¹⁸³ But whereas the Son of Man and God the Father have been believed to be one and the same, at least Plato’s dialogues only

sought to recombine without ever fully uniting the two “apparently contradictory passions; for thinking and [for] acting”.¹⁸⁴

As so many readers have gathered from the dialogues, private thoughts may run contrary to their own enactment: there is a fundamental tension between a person’s private needs and how these are expressed in public settings. The Socratic method does not help resolve this tension, but it does bring out its contours. It is called a maieutic method, thus, as it helps give birth to relations between functionally-contrary elements; between both listening to others and a passion for being heard in the public realm (political rights), first, as well as between thinking about private interests and how legal norms may best be designed to protect these interests (positive rights), second. Whenever the two relations begin to coincide, private and public realms also begin to coincide—as if they would belong to one compounded, yet dualistic realm. Thinking/action is merely one of the ancient names for this mysterious realm. Albeit “thinking” and “action” are dissimilar, it is through the virtue of prudence that they grow less separate and therein also into more identical opposites.¹⁸⁵

Socrates unifies two presences. He is a natural-born man and an Athenian citizen. Arendt writes that he “remained a man among men, who did not shun the marketplace, [as well as that he] ... was a citizen among citizens, ... claiming nothing except what in his opinion every citizen should be and have a right to.”¹⁸⁶ For the later Plato, man’s private logics must remain separate from and dissimilar to man’s own role as an ideal citizen: no natural-born man could be a citizen, with god-like virtues, although a well-censored educational program might help him go a long way.¹⁸⁷ But Arendt’s Socrates allows the

natural man and the particular citizens to see their roles coincide. In Socratic dialectics, hence, their contrariness begins to have a perplexing effect, exactly because the degree of contrariness can somehow be balanced, almost gyroscopically, rather than that both of the contraries shall have to have been positivized into a third identity.

Near the beginnings and the endings of the Socratic dialogues, whether read serially or separately, doors towards new events (future or past) are being opened. Especially the younger Plato used these doors to suggest that the dialectical method has no first origins. The method is both autopoietic, dialogical, and yet gives birth to ideational concepts. To the degree that the method has become a tradition, it has been inoculated against the possible death of these concepts. Plato did not design each dialogue in the form of a building block reserved for, to briefly appropriate Alford's commentary, "a new Tower of Babel, [nor for] mutual hostility [and] ... mutual incomprehension."¹⁸⁸ Rather, the dialogues are meant to remain entryways towards a spirit of mutual comprehension and non-doctrinal thinking. Access to the dialogues does not require a formal education. Those few men who had felt stung or aroused by Socrates, and who then turned around to blame him for Athens's moral corruption, however, would have been trying to close off access to these non-positivist entryways: they had been trying to change "the non-results of the Socratic thinking examination into negative results."¹⁸⁹

Socratic dialectics give birth to both a non-positive and a non-negative spirit of caring, and open-ended thinking. That is, Socratic thinking is "equally dangerous to all creeds and, by itself, [cannot be demonstrated to] ... bring forth any new creed." It is

without final results, neither ascending to Babel's cynicism nor descending towards the older Plato's more reactionary tendencies. Plato's *The Laws* (one of the last, and least dialectical, dialogues), for example, tends towards the extreme also known as liberal rights-positivization. Plato here aims to prescribe one medicine, which should be trusted to have both legislative and adjudicative functions, against two structural opposites. The opposites themselves are considered the afflictions of the city-state—as they consist of “poverty and wealth, one of which corrupts the soul of human beings through luxury, and the other of which urges it to shamelessness through pains.”¹⁹⁰ The medicine against both poverty and over-abundance should not be applied by means of a middle class or also not by means of any other such “class of retail traders”. Every trader admitted into the *polis* should, instead, remain “a resident alien or a stranger.” Property will thus be made to belong not to the individual citizen, but to the one *polis* that can include each “entire family, both past and future”.¹⁹¹ Not individuals but families bear property rights as well as all the other citizenship rights (especially the right to be protected against physical force, and to be punished only in accordance to magisterial laws). Further, the positivization of all of these rights consists ultimately of a process of expressing piety towards the ancestors. Anyone who fails to protect the rights of “some native inhabitant” becomes vicariously complicit to an impiety—and will have to “bear the curse of Zeus, who watches over kinship and fatherhood.”¹⁹²

Plato's *The Republic*, by contrast to *The Laws*, opens the book on conservative rule-negativization. Here it is said that the soul of the ideal city-state should not be believed to act “in opposite ways at the same time.” The main ways or the main units

within each political soul (desire/aversion; agreement/disagreement) consist, positively, of “complementary pairs”. But the “pairs” themselves also consist of mutually-corresponding and mutually-dependent contraries which, however, cannot appear simultaneously into this world. Certainly, “[t]here must be congruence and dependence between the two units in the pair.” Yet, each political soul (which is, actually, the analogy “between soul and city” itself) should also comprise “an authentic third element”—which somehow animates, and which gives life to the first “two units”: to both “the reasoning part” as well as to the abode of “hunger, thirst, and sexual passion”.¹⁹³

The “third element” is the most mysterious of the three, as it alone moderates between the two extreme positives (between reason and need) and as it does this by somehow negating their excessively regulatory tendencies. In this sense, the living soul of the *polis* itself may be believed to negate both the rules of poverty and of wealth, and both of need and of reason as well. Or, the living soul can turn two positives into two negatives. The potential of the soul, then, is that it may have opposite effects. One practical example of this is that the economic creation of poverty, within any given society, may—and is in fact likely—to both economically enrich and yet socially impoverish that society’s wealthiest strata.¹⁹⁴ This means that the soul may be considered a constitutional ‘both-and’ relationship, relating positives to negatives. In this sense, it was originally being studied and reconstituted in *The Laws*, yet it also appears in the form of a ‘neither-nor’ relationship—specifically in *The Republic*. But the latter text’s double negativization may also lead Socrates towards a dialogical “non-result”, in that the dialectical method could also be closing its intellectual products off from the original (or:

from the least corrupted) soul of the *polis*. If the dialectical method were to never produce any uncorrupted ‘neither-nor’ relationship (no non-duality), in other words, then the immortal political soul cannot become visible to mortal beings either. They would only be catching a few ideas, or only a few glimpses of an externally-embodied political soul. As Plato’s metaphor clarifies, they would only be able to imagine the internal soul of the *polis* as if it were incorporated by a leviathan-like whale. The body of this “sea god” would then have to have lost some of its members whereas its other body-parts will “have been mutilated or worn down by the waves.” “[S]hells, ... seaweed, and rocks have grown upon him—so that he appears more like a beast than what nature first intended him to be.”¹⁹⁵

Arendt is contemptuous of any creedal negativization of the political soul—which she, instead, understands to be the spirit of a *sensus communis*. Especially Nietzsche had made the mistake of wanting to negativize Plato’s concept of the political soul, she finds, just as that Marx had wrongly negativized Hegel. Arendt finds thus also that both Nietzschean and Marxist philosophers too often arrived at their conclusions by applying “negative results ... with the same unthinking routine as before. [T]he moment [that the negative results] are applied to the realm of human affairs, it is [usually] as though they had never gone through the [non-dual] thinking process.” Hence, whereas the positivization of ideas may come to err on the side of routine and “conventionalism”, negativization is more likely to err on the side of creedal philosophies and “nihilism”. In this sense, “[n]ihilism is but the other side of conventionalism; its creed consists of negations of the ... so-called positive values to which it remains bound”.¹⁹⁶ Nihilists fail

to approach the internal soul of the body politick, in other terms, because they cannot escape their own need to positivize and to routinely-protect rights. They habitually remain bound to their own conventions. Or, they continue to protect positively-defined rights and other legal values, seeing only some parts of their dismembered and worn-down leviathan, without asking what the original nature of such rights and values could have been intended to become in the first place.

Arendt never tries to make the case that thinking engenders idealism and Platonism. She only warns that internal mental logics are too often used to negativize the world of law, and that such mental logics are then turning themselves into instances of unthinking routine. Internal or mental negations of the external world can easily turn themselves into positivizations of hierarchies of rules, precisely because they are bound to each other as mutually-corresponding contraries. To prevent that political actors land at either the conventionalist or the nihilist extreme, however, her overall argument favors moderation. Political self-moderation would have to happen through fresh applications of thought. As Arendt concludes: “thinking must always begin afresh”. “[W]hatever happens in life—and occurs to us while we are alive”—is always something open to change, or open to systemic bifurcations, for as long as that the world of creative thought has not been turned into an unthinking routine. Idealism comes in many forms, but what Nietzschean and other nihilist philosophers fail to grasp is that their completely-negated form of idealism would still have to be bound to idealism itself.

The member states of the United Nations are increasingly invoking human rights and humanitarian norms as if these were the positive ideals all states should implement.

But contemporary political realists can learn from Arendt that even these noble positive ideals remain bound to particular histories of human rights violations. This still means that the violations are in their own turn also negating the ideal-typical humanitarian rules, of course, but it also means that these rules cannot be negated and negativized until a point has been reached that their original intention is no longer believed visible. The UN's constitutional body of international human rights law is akin to the whale's body, in that it is partially dismembered and disfigured and yet somehow appeals to its observers to return to its originally-dualistic foundations. For example, the United States has made numerous economic trade-packages and military deals available to UN member states with less-than-acceptable humanitarian records. The aim behind such packages and deals has been to prevent them from joining the International Criminal Court and to maintain the *status quo* within the Security Council.¹⁹⁷ The example clarifies that the positivized rules are often violated by private interests. The UN is falling short of its own ultimate purpose, which is to avoid that the Charter and the human rights conventions are either ending up being negativized by human rights-violators or that they are being positivized by orthodox rights-regulators who fail to understand that even the most-positivized and the most –reasonable rights will remain bound to privately-held interests and passions.

UN constitutionalism comes to life through a political soul. This soul combines contrary tendencies so that it is to be understood not as a monistic, but as a dualistic and as a non-dualistic kind of spiritual authority. This might mean that the inner and the most programmatic logics of the UN should remain contrary to their outer and least reasonable expressions. The private logics used by each UN member state's foreign policy-experts

are the monistic logics of economics (household administration), whereas the public appearances of each state's persons are also subject to natural law-reasoning and other dialogical-persuasion practices. A complex combination of both economic logics and reasonable persuasion is thus the one combination which can be recast as the dualistically-legitimized mode of authority also known as equal sovereignty—between member states.¹⁹⁸

Administrative routines, regulatory customs, and denominational conventions may end up being rendered meaningless. This is most likely to happen when they have been separated from procedural applications, from exemptions to the rules, and from those who question their own confidence or their own faith. The act of separation itself must be countered, however, by means of some sort of dual authority: by creating the possibility of non-dualism in matters of sovereignty, without letting either the procedures or their applications become excessively monistic. Machiavelli is known to have mastered the art of avoiding excessive monism in the realm of politics. His art consists of an application of creativity (virtuosity, *virtù*) to the realm of necessity and need. Arendt rejects his applications of virtue, however, as remaining too dualistic and too dichotomous: Machiavelli's creative applications of virtue would have remained both too "independent of the Church in particular, and of moral standards transcending the sphere of [public] affairs in general", as well.¹⁹⁹

However, in order for Arendt to recombine the world's positive "moral standards" with their practical applications, she additionally finds—not unlike some neo-Augustinian natural law-theorists (specifically Maritain)—that any realistic antidote to

the dichotomy of norm and fact, or of positive rights and negative violations, should consist of a dialectical method. Hence, Arendt samples at length from the Socratic dialogues in order to give a sense of meaning and purpose to the correspondence between norm and fact. As she writes, “meaning appears in Socrates’ language as love”. In the language of midwifery, love’s ambivalence is born from a negated dichotomy: it is not excessive need and it is not abundant reasoning, and yet love is born by including aspects of both. The language of love expresses this natural duality in the form of an organizational law: all the “people who are not in love with [the forms of] beauty, justice, and wisdom are incapable of [giving birth to creative] thought—just as, conversely, all those people who are in love with examining [others as well as themselves will] ... be incapable of doing evil.”²⁰⁰

Synopsis of Why Arendtian Theory Introduces Weberian Realism

The causes behind many of the twentieth century’s evils have never been exorcized from political history. Statespersons have tried hard to condemn the evils, and to dismiss them as having been caused by totalitarian irrationalism. But statespersons have also failed to restore the constitutional opposition from which a spirit of love emerges. It is as if they cannot have it both ways.

Arendt pointed to this double failure after finding that too many German citizens, as well as many other Europeans, were failing to restore their constitutions to the original

opposition of powers. Arendt's argument concludes that it is simply not good enough to say that the state's power of rationalism contradicts irrationalism and other mundane evils. Rationalism must be revised, rather, or be checked by a qualitatively-different power of empirical experience. As rationalism and empiricism begin to balance their powers against one another, a third notion of commonsense emerges which then again includes both types of power. The premise is that being perfectly rational within the private sphere can very well form an affirmation of public irrationalism: of the banality of evil. Moreover, irrationalism can carry over into the relations between constitutional states—and should, therefore, be countered through fresh and prudent assessments of all the available options. Nevertheless, the question stands: how to understand the non-integrated zone between original constitutions and corrupted governments, between good and evil, or even between rationalism and empiricism, also?

As an abridgment to the next subsections, Arendt's argument helps realists to introduce Weber's law of historical mutations. Weber will later be shown to argue that some mutations of the complex relation between contraries, such as the contraries of rationalism and empiricism, should not be tolerated. Rationalism may on some moments dangerously begin to mutate into solipsism and individualism (nihilism), while empiricist cogitations may turn into conventions demanding no critical thought (conventionalism). Weber would not use the same concepts as that Arendt did, however, but she agreed with his demonstration that rationalist logics should be theoretically counter-balanced by means of a private desire to appear in public. He himself could likewise have agreed with Arendt that must be within the realm of public appearances that rationalism may become

part of a commonsensical, or of a symbiotic sense-experience.²⁰¹ Realism premises that rationalism can be trusted to remain a kind of practical thinking, just as that solipsism may be newly recognized as a respectable sign of solitude. But these two premised possibilities are conditioned by the notion that abstract ideals will have to be engaged through public/republican dialogues about the concretely-possible applications of these ideals.²⁰²

As did Arendtian, so does Weberian realism condemn the immoderate and imprudent applications of internal logics. Prudence emerges, rather, only when memories of the past are newly being mixed with a loving care for the future. That is, it is almost as if prudence emerges from a spiritual reunion of both empirical cogitations (memorable facts) as well as of ethical and rational alternatives (anticipatory norms). J. M. Robertson can be said to have seconded this connection between prudence and political realism when he hinted, on the eve of the Great War of 1914, that the average statesperson no longer understands prudence's deeper meaning. Modern politicians had for too long positivized the historical missions of their own nations, without applying virtue and moderation to these positivizations. In this process, the modern nation-states had been losing sight of antiquity, as "for the ancients the fact of eternal mutation was [still also] a law of defeat and decay, while for [the moderns] ... it is [only] a law of renewal."²⁰³

To be inquiring into how both decay and renewal tend to coincide, just as that irresponsibility and confidence often appear to have occurred together, is "one of the hardest things [to do] in the world".²⁰⁴ These are constitutionally-opposite tendencies, in the sense that too much responsibility-taking may cohere with too little confidence,

whereas too little political responsibility often accounts for over-confident and self-righteous behaviors. Arendtian realism advances the notion that confident (antiquity's) public actors have always performed checks on, and yet were constantly being checked by a mixed (Montesquieuan) constitution of formal responsibilities.²⁰⁵ Prudence, judiciousness, and commonsense may be most-optimally experienced within this complex constitutional relation of checks and counter-checks.

Commonsense, especially, can be trained by conversing with oneself: to act as if the soul has learned to converse with its own *alter ego*. By being together with oneself, in solitude, it then becomes possible to practice the art of judgment—in anticipation of what a plurality of others might hold to the contrary. This art should not be practiced in the form of philosophy because philosophers often, and often mistakenly, suppose it would be possible for them to arrive in a “community of Difference and Identity”. Hegel and Heidegger were idealists to the extent that they indeed supposed that the “contraries” (of Difference and Identity) could be integrated—and that these would then again help them maintain a single “community”. The neo-Hegelians would generally have supposed that “wherever there is a plurality—of living beings, of things, of Ideas—there is difference, and [that] this difference does not arise from the outside, but is inherent in every entity in the form of duality, from which comes unity as unification.” Political realists, by contrast, believe that no unity comes: Identity and Difference consist of coinciding and yet non-unified “contraries.”²⁰⁶

Against neo-Hegelian idealism, Arendtian realism is a practice of dialectical philosophy.²⁰⁷ Thus, Socrates never unifies Identity and Difference, as “the Socratic two-

in-one heals the solitariness of thought”. With this phrase of the “two-in-one”, realism vests thinking in a Socratic notion of solitariness, for it is this notion that comes to animate solidarity. A solitary statesperson does not hold monologues, but engages in dialogues: listening and speaking alternate. This statesperson’s outside world thereby “heals” him from his own propensity to hold monologues, even if he were to hold these monologues only mentally and only in silence. Arendt adds then also, for instance, that “it is not the thinking activity that constitutes the unity, [and that] unifies the two-in-one. [O]n the contrary, the two-in-one become One again when the outside world intrudes upon the thinker and cuts short the [internal] thinking process.”²⁰⁸

Thinking stems from consciousness, which is the actualization—“in its unending process”—of Difference. Consciousness is the process through which Difference becomes concrete, and through which Identity is healed from its own monistic tendencies. It is through this self-healing capacity that matters of consciousness begin to express themselves: multitudes of individuals may now newly express themselves as a grouping of self-conscious persons. To retain this possibility of natality, the political actor should strive to acquire “the outstanding characteristic [state] of somebody who is [distinctly human] ... and neither a god nor an animal.”²⁰⁹ As *On Revolution* added, self-conscious persons are relating to others because they have come to realize that their Identity is relative to their Difference. They are identifiable as neither absolutely good nor as radically evil (there is no radical evil, just as there is no absolutely transcendental entity). Their relationship itself, as it was for the ancient Romans, “is merely what relates two things, and therefore is relative by definition”.²¹⁰ Hence, their

relationship emerges through covenanting: through one long-existing mutually-covenanted process of fresh and emergent authorizations, rather.

Why Washington and Jackson Exemplify the Coincidence of Freedom and Necessity

Max Weber knows that Niccolò Machiavelli's theory had enlarged several windows with a view on the tension between constituted laws and constituent interests: between a republican government and the private interests included in each republic's constitution.²¹¹ Weber also knows that Machiavelli's is a sophisticated realist theory, as it draws out the distinction between the constituted and the constituent or between the necessary and the free dimensions of ultimate authority. The following subsections conclude that Weber's concept of (sovereign) authority depends, similarly, on both free as well as on necessary legitimizations of the sovereign state. Chapter Three specifies, more importantly, that Weber's concept comes probably a bit closer to Machiavelli's theory of sovereignty than that even Arendt's concept might have done. For, Machiavelli conjectured that both "consequentialist reasoning" and "strong ethical principles", in the words chosen by Erica Benner, form the functional parts of a relationship conditioned by popular beliefs in ultimate authority.²¹² This is both a relation between two "principal foundations", which can be observed under all constitutional states, thus, as well as that it is a reciprocal relation—as illustrated in Machiavelli's *The Prince*—between every

state's ethical-juridical and its utilitarian-military organizations: between "good laws and good arms".²¹³

One of Machiavelli's students, Weber, lectures on the notion that (sovereign) authority is a complex concept. Authority usually sustains and yet may transcend the balance between arms and laws, or between utility and truth, between *raison d'état* and moral principle, as well as between deontic imperatives and utilitarian values. This subsection introduces International Relations students to the argument that if both Machiavelli and Weber are to be called realists, they must also be sharply distinguished from one of Weber's own main sources of inspiration: from Montesquieu's *The Spirit of the Laws*. Montesquieu took a more idealistic route towards the problem of how the balance between mutually-opposing constitutional principles should be sustained. In addition, he took a less Roman than that he took a contemporary Franco-Germanic route, so that he ended up circumventing the Roman Law's tension between discretion and legality altogether: to him, "the spirit of moderation should [exclusively] be that of the legislator"—as opposed to that of the discretionary executive as well.²¹⁴ Before retracing his route, however, Weberian realism's relevancy to the field of sovereignty theory must be demonstrated.

Weberian realism is generally—and its identification of mutually-opposed modes of authority is specifically—relevant to the scientific study of why some statespersons seem to lack leadership and why others end up being honored for using their "political imagination".²¹⁵ Realists believe that imagination and discretion are the preconditions for personal charisma. But charismatic authority is not a monistic mode of sovereign

authority, as it remains divided against itself by a more or less productive tension between two foundational opposites. Charismatic authority is thus a curiously symbiotic relation between these sorts of opposites: factual decisions and normative values; personal ethics and official responsibilities; private convictions and meaningful results, or between; a free choice of the government's policies and the necessarily-constitutional purpose behind these policies. To put this in Machiavelli's words: authority is somehow produced from the opposition between the freely-positing laws (*leggi*) and the necessary orders and purposes behind these instrumental laws (*ordini*).²¹⁶

Weber's argument is at its core a defense of the dual sovereignty thesis (DST). Weber argues that the opposition between the leadership styles of two U.S. Presidents, George Washington and Andrew Jackson, for instance, tends to perpetuate itself organizationally. The first President symbolizes those politicians who are living *for* the political realm. They *serve* the republic. The second, Jackson, typifies those leaders who seek private satisfaction *from* their political functions. Jackson had in fact been seeking private benefit from his political life, so that Weber has reason to call him the "chief of office-patronage."²¹⁷

The American government apparatus is led by an ambivalent mode of authority. The authoritative relation between the Office of the President and men such as Jackson encompasses a persistent opposition. Those exemplary men who live their life, unselfishly, *for* the Office's dignity, must be distinguished from those who selfishly live *from* having access to the Office's supreme administrative power. And yet, neither Washington nor Jackson alone can explain why this distinction—between an ethic of

republican/public service and the egoistic/private logics of natural-born men—informs such a persistent tension. The actions of both Presidents must be traced, rather, in order to exemplify the deeper tension between “[Jackson’s] ethic of ultimate ends, and an [Washingtonian] ethic of responsibility: [the two ethics] are not absolute ... but rather supplements”.²¹⁸

As he invokes the Jacksonian-utilitarian and the Washingtonian-deontological modes of authority, Weber never spells out why these modes should supplement each other—other than that they, apparently, help define each other. So, why should one’s ethic of “ultimate ends” have to coincide with the other’s ethic of deontic “responsibility”—and why should both ethics be believed to serve the Office? Would Weber perhaps have implied that Term (1) power has to coincide with, and be supplemented by, a responsible and purposeful exercise of Term (2) administrative power?

The latter speculation may be made to ‘stick’ if Weber indeed wanted to restrict Term (2) responsibilities to the work of “the civil servant”. The latter concerns himself (Weber refers to any such political actors as men) only with those responsibilities “vested in his ability to execute conscientiously the order of the superior authorities, exactly as if the order agreed with his own conviction: ... even if the order appears wrong to him”.²¹⁹ This civil servant obeys the highest laws and protects Term (1) conventions—even if that requires him to negate his own interests. In this respect, he should be said to represent those famous-and-yet-anonymous commoners who—in Machiavelli’s *Florentine*

Histories—had assessed “their native city higher than the salvation of their [own] souls” (as Weber remembers them).²²⁰

The risk of doing so is, of course, that as the public servant becomes more competent and more of a specialist, he will start to subordinate his own Term (2) responsibilities to his Term (1) routines: he will lose sight of the original relation between responsibility and routine, or between necessity and freedom. Term (2) practical competencies now align themselves uncritically with Term (1) conventional routines—rather than with “exactly the opposite principle” of Term (1) speculative thinking. Or, this Washingtonian specialist sees it as his duty to blindly serve the public good—rather than to also, at least on some occasions, speculate on how he could alternatively make the good depend on his own best interests.²²¹

An inverse type of legitimization process may also begin to occur. In this case, the public official is taking his personal interests and his Term (2) responsibilities so seriously that many Term (1) conventions and customs are being ignored. This Jacksonian official bears “exclusive *personal* responsibility for what he does, a responsibility he cannot and must not reject or transfer.”²²² The latter official actually reflects the Protestant individual, who finds exterior justifications for his private responsibility “for what he does”—without making any reference to his interior obligations to also protect societal customs. This individual desires personal *salvation*, but thereto too often subordinates societal Term (1) practices to his private Term (2) confessions. This typically-Protestant official will even try to justify his individual use of “violence as a means”—as he will know that Luther *relieved* him from his “ethical

responsibility for war”.²²³ His conception of authority carries thus very private, confessional, and individualistic connotations: this state agent is more likely to see himself as a cog-in-the-machine: his functioning is instrumental to the functioning of the state, which heavily depends on his individual interest in self-redemption.²²⁴

Politics as a Vocation juxtaposes (Machiavelli’s) Washingtonian republicanism with (Luther’s) Jacksonian individuality. Yet, both of these ethics are also presented as if they form a coincidence of opposite functions—each of which, by itself, could be prone to excess. The lecture thus premises that some republican leaders could be acting unthinkingly when they contribute to a climate of demagoguery, causing “sensationalism”, whereas some of the more-individualistic leaders may simultaneously end up acting as vainglorious charlatans in their pursuit of a life of “dignity”.²²⁵

Realism is the methodological inquiry into what it means for sovereign persons to act in a manner worthy of public recognition. Realism is not a philosophical inquiry into what justice and morality is, therefore, but also into how these ethical ideals should be politically exemplified. It is in this sense that Arendt could have agreed with Weber, as she (like him) finds that citizen-statespersons should be *respected* to the degree that they are struggling in both having “[t]o think and to be fully alive”. Arendt adds: “Thinking accompanies life, and is itself the de-materialized quintessence of being alive.”²²⁶ Also, it was Socrates who exemplified the thoughtful and responsible actor. He evidently opposed the sophists’ abstract definitions of justice and piety, for instance, and yet took responsibility for his own actions.²²⁷ Socrates was constantly thinking through the consequences of his actions, and he therefore still symbolizes the coincidence of

consequentialist actions as well as of deontological intentions. Arendtian/Weberian realism is an inquiry into a coincidental relationship between a statesperson's intentions, to always act conscientiously, and this person's courage to interpret norms and conventions accordingly. Its core premise herein is that the conscientious administration of the law (regulatory positivity), first, coincides with the personal courage to create exceptions to the law (authentic negativity), second, and that it is this strange coincidence that animates sovereignty.

How to Maintain the Tension and Why Realism Contains a Just War Theory

In the field of International Relations, it is often said that Weber created a typology of legitimization processes—and that this typology may be used to affirm a political belief in the nature of a balanced but complex world of strife and conflict. But the belief in the complexity and the interdependency of these legitimization processes itself has often been under-appreciated, and misunderstood. Sophisticated variants of political realism, which defend both Weber's typology as well as the classic notion of dual sovereignty, can nonetheless help IR students make sense of an unexplained tension between the legitimacy of utilitarian practices and the legitimacy of deontological contemplations. Even though Giorgio Agamben suggests that a very similar tension is actually not so much a tension as that it has become part of a separation between human contemplative reasoning and some animal-like force of habit, or between reasonable laws

and passionate discretion, political realism holds its grounds when it alternatively finds that precisely such a separation would be highly imprudent to pursue.²²⁸ Human laws and animal passions instead should be said to form one of the dualities (such as beliefs/needs, freedom/necessity, and laws/orders), and all dualities may hereby be believed to somehow allow their component units to coincide rather than to separate themselves from one another. This belief can be supported by both a realist method of arguing about the nature of human warfare and appeals to just causes, for war, as well as by a deep ecological theory about the complexity of Nature's own dualities.

At least since the time of Hobbes, realism has been a method of validating the ancient argument that positive laws can be negated for the purpose of serving natural law, and yet they can also be included in natural law. This double possibility has been exemplified by numerous institutions, such as flagging protocols and the principle of diplomatic immunity, but also by wars: in each institution there is a natural pattern of self-organization that may negate and yet will also include the particular structures of international diplomacy and warfare. Although realism has often been suspected of being involved in power politics (*Realpolitik*), it actually holds that these particular structures and institutions tend to combine peaceful intentions with hostile actions. They thus tend to exclude neither the intentions nor the actions. For example, treaties cannot be said to have been legitimized unless the state parties have observed a mutual ratification of these treaties. The intention to respect the treaty must have coincided, in other words, with the mutual negation of potentially-hostile actions. The Rome Treaty, which foresees in the creation and jurisdiction of the ICC, for example, had to be ratified by an adequate

number of states before it could take effect. The ICC expresses these states' intentions to remain appreciative of and respectful towards humanitarian norms and yet the ICC also may counteract—or, may act in political opposition to—the best interests of any of these signatory states.

To put this in Weberian parlance, multilateral Term (1) treaties—including the Rome Treaty and the UN Charter—are conventions which always have to have been ratified and legitimized by constitutional institutions within states, such as parliaments and courts. Therefore, the Term (2) state decisions are somehow legitimizing their own agreement/disagreement to the Term (1) conventions. With a stroke of the pen, a statesperson can both agree to respect the supremacy of each treaty-based institution and yet also express the state's autonomy and freedom to participate in such an institution. Every state can so be said to have its own *raison d'état*: it has its own interest in agreeing or disagreeing to the rulings of the ICC or the ICJ, and to Security Council resolutions as well. Suspected criminal heads-of-states will have greater incentives to disagree than more peaceful statespersons, of course, yet their organizationally-transcendent agreement to the existence of institutions such as the ICC does still legitimize even their strongest disagreements. The fiduciary equal sovereignty of each of the ICC signatories or of each of the UN member states, also, is identical to their organizational Term (1) habits and normative routines. But the measurable and the structural differences between how various member states factually disrespect each other's territorial integrity and jurisdictional superiority, however, are better understood as self-conscious and non-habitual Term (2) differences. The Term (1) norm of the legal equality of all sovereign

states thus coincides with, and yet is contradicted by each particular state's Term (2) factual immunities and positive liberties.²²⁹

Statesmanship consists of something more than, and often opposes brinkmanship. The liberty to take a decision in one's own interests can certainly be applied to achieve the desired results: to optimize one's interests. But this liberty to engage in *Realpolitik* should also be combined—and be integrated as directly as possible—with one's freedom to think and to reason with others: with one's regulatory potentiality. In the case of the ICC, this moment of combination and integration was made possible by the equally-legitimate authority of both Terms (1) and (2) within the relations between ICC signatory states.

Besides the ICC case, another example of equal respect for the legitimacy of both the normative Term (1) conventions and the instrumental Term (2) decisions, is the case of war: the co-authorization of norms and decisions has also been studied by just war-theorists.²³⁰ Christopher Finlay, among these theorists, construes a line that forms a parallel to those having been drawn here-above. Finlay argues that both the just cause of war-norm and other such general war-law conventions (*jus ad bellum*) as well as specific decisions about the reason to apply a measure of armed force (*jus in bello*) are so closely interwoven, it would be almost futile to continue to analytically distinguish between them. It would make much more sense to accept Arendt's cautionary remarks about the “*generative*” and the “unpredictable” traits of all violence—than to continue to separate general just war-conventions from those acts of war which target specific states, from

violence suffered by non-state civilian victims, and from the violence committed by non-state terrorist cells.²³¹

Andrew Hurrell construes another line, but is likewise moving parallel to a route hitherto classified under the label of Weberian realism. In following that parallel route, he is claiming that the legitimacy of international institutions certainly consists of, what must be said to be Term (1), ideas about “process and procedure” and about “domestic constitutionalism” as well as about all those ideal and normative conditions under which states may reserve their “legitimate right of outside intervention for [transcendent] humanitarian purposes.”²³² But this cannot negate the fact that multilateral treaty-institutions are simultaneously being legitimized by what is known as their Term (2) degree of “effectiveness”: by their ability to persuade others to help them “provide effective security.”²³³

Just war-theorists have long been able to witness many of the oscillations in what it could mean to speak of legitimate forms of international security and warfare. Some theorists plea for stronger normative causes (*jus belli*), first, and others seem to favor clearer regulations of the practical decisions: they rather favor stricter limits on command responsibilities (*in bello*), second. Finlay, however, takes a cue from Arentian realism showing him that violence is meaningless. It may spin out of control, or it may arbitrarily victimize people. In violent events such as war, all people are potential victims: everyone is a bystander. This unpredictability-cue is taken by Finlay to suggest that earlier efforts at sharpening the philosophical distinction between the Term (1) normative-legislative and the Term (2) effective-executive dimensions of military authority have been fruitless.

It would be more fruitful, he argues, to accept a third “element of contingency” into the theory of war, therefore. With that third element in mind, he proceeds to look beyond the rational responsibility of those who commit violence: he also takes into account the experiences of those who become their victims. He looks also, to be precise, to the contingent relationship between the victims of violence and those who announced to be intervening militarily on their behalf. Whenever a non-state actor (such as the PLO or the IRA) has initiated acts of violence, which it proclaims to have been initiated in defense of its own group, then that actor’s cause should be treated as a cause of war. It should be judged in accordance to “a criterion of moral authority grounded in representative legitimacy.” Should the violent actor be believed to be a legitimate Term (1) representative of the group this actor claims to be defending? Or do members of the group express their discontent with the actor through opinion polls, demonstrations, and strikes—and should the actor perhaps not be forced to give up its right to use force?²³⁴ According to Finlay, Term (1) ideas about constitutional representation may be used to counteract the (non-state or state) actor’s Term (2) liberties and immunities: the actor may have to surrender its (semi-sovereign) “right to denominate enemy ‘combatants’.”²³⁵

In order for Finlay to reach this straightforward conclusion, which has been centered in the Term (1) idea of representative-and-therefore-legitimate authority, Finlay’s argument will have to be able to validate its own premise that there should be no silently-assumed analytical dichotomy “between the *jus in bello* and the *jus ad bellum* [theorems] ... grounding the non-immunity of combatants.” This premise forms, to some extent, a plea for the immediate integration of both of these two theorems. It is a plea to

construct a “pluralist” ethic of the representative use of force—under which the agent is to be represented by those who intervene of on that agent’s behalf. “[T]he moral agency of the victim [of the violence, will have to be written] back into [this] ... account of rights of assistance.” Against the usual preference for an analytical separation, Finley thus wants to create a more direct “relationship” (of legitimate authority) between the targets of non-state violence, on one side, and third-party state actors (having been authorized by the Security Council) who will somehow defend these targets from (terrorist) attacks, or who at least are obliged to assist them in effectuating their right to self-defense, on another side.²³⁶

During armed conflicts, the distinction between the rights of combatants and noncombatants often begins to blur. The practical dilemmas of Term (1) decision-makers then begin to interfere with the ultimately-meaningful Term (2) responsibility to intervene on behalf of those suffering from the use of armed force. All illegitimate (but specifically terrorist) violences, then, must be countered through a contingent relationship between the victims of the violences and those who may potentially begin to represent them by rejecting the utility of any sort of violence.²³⁷

Finlay’s study of just war-theory can still be further translated into the concepts of Weberian realism, as it helps evince that Term (1) deontological conventions should somehow be represented by and be integrated with Term (2) utilitarian decisions—without that both the Terms should be losing their distinctive characteristics.²³⁸ But Finlay might have been mistaken to conclude that this moment of integration is made possible by a third-party representative, such as the Security Council, because each of the

five permanent members of the Council (the P-5) usually have no stake in the political representation of most other members and non-members. Only when none of the permanent members vetoes a Council resolution to militarily protect the victims from the violences committed against them, can the UN begin to integrate and bring Term (2) decisions in accordance to Term (1) norms. In order to reach this moment of integration, however, the all-encompassing issue will not so much be whether the P-5 are normatively obliged to represent the victims as if the Council would form an independent third-party, as well as that it will be an issue of whether the P-5 believe that they are also factually obliged to take sides in the war. The Security Council is not an independent party, realism holds, but should come to believe it has an interest in becoming more partisan.

Hurrell, by contrast to Finlay, therefore sees sufficient reason to call the Security Council “a deeply-flawed and heavily-politicized body [if not only] ... because other, better forums simply do not exist.” Even NATO seems to him far more imperfect than the UN, so that the issue is less an issue of representational accuracy and other forms of “rational persuasion”—which are forms that remain always subject to “the destructive role of rhetoric”—than it is of legitimizing a transcendent and new “body [with] ... the authority to interpret and to apply the rule [on humanitarian intervention].”²³⁹

McGeer and Pettit have indexed several of the roles performed by political rhetoric. Because all use of language has opposite effects (a critical theme in Hobbes’s *Leviathan*), it is unlikely that rhetoric will ever fully eliminate those biases and those misrepresentations that result from—and that have so long remained inherent to—the ambivalent functions of linguistic, conceptual, and metaphorical expression.²⁴⁰ Yet, even

though political tensions may never be eliminated, due to the mixed blessing of human language, they may very well be moderated. Careful readers of *Leviathan* will find that efforts at moderation, or at self-regulation, should not be confused with efforts to justify any sort of cause of (civil) war.

Schmitt finds that in war or in other such existential oppositions (in matters of political life and death), no justification should be represented in a moral light. There is no moral, and there is not even an economic justification for this existential opposition. Instead of expressing moral justifications, derived from material interests, any political actor (such as the sovereign state) should rather legitimize its performance through its own relation to another such actor (an enemy of the state). Sovereign actors are legitimized by their relationships to those they profess to counteract: to their political enemies. To avoid that sovereign statespersons would begin to appeal to moral and materialist values, nonetheless, Schmittian realism insists that their moral and immoral values should be constrained—by means to the transcendent relations between states, which are the relations of international public law.²⁴¹ Moral doctrines and material interests should thereto be hedged, indeed, as statespersons will be *politically* re-identifying the IR structure's proper juridical boundaries (*Grenzen*).²⁴² Geophysical borders between states can so come to be believed to remain juridical boundaries, at least to the extent that they—as Slomp has summarized this vital point in Schmittian realism—are boundaries which, understood in themselves, are neither moral nor immoral but bare and existential boundaries alone: these borders between states are political, as if they have been recognized through a law of nature.²⁴³ Schmitt of course had tried to restore

Europe's existential limits because he had been led to think that these limits had been artificially distorted and misrepresented by Anglo-American relativists and other positivist jurists, such as Kelsen. Against what he thought were meaningless distortions of the European public law tradition, Schmitt would set it as his purpose to negate any moral justifications for, and any moral causes of war (*justum bellum*). Moral doctrines of war can escalate the political opposition between two enemies, rather than that they will help legitimize their respective sovereign authorities. As Hobbes had already warned, (Schmitt herein followed Hobbes), states are routinely creating the conditions for their own "dissolutions"—as they will only be offering moral or ideological justifications for the "war by which their power was at first gotten, and whereon [they erroneously imagine] their right [to rule] dependeth".²⁴⁴

To summarize the above argument (elements of which were presented by referencing Schmitt, Weber, and Hobbes), the quintessential moment in which both the authenticity of just war causes and other international treaty-based conventions can be freely assessed and be meaningfully interpreted, by responsible decision-makers, who are willing to also critically interpret their own decisions on such conventions, is a moment that should neither have been caused only by the conventions nor only by the decisions: these two terms cannot be reduced to one another, but form the parts of a whole moment that is greater than the sum of its two constitutive dimensions. In this transcendent moment, Terms (1) and (2) are both included in a realist methodology. Schmittian and Weberian methodologies help IR theorists to ask why states decide on exceptions to both Terms.²⁴⁵ In any respect, for as long as that two or more sovereigns should not have lost

their distinctive qualities and meanings, the sovereign states will have to be said to have remained in political and existential opposition towards one another. Through this relation of opposition, Term (1) rules and norms will in that relational moment again come to be thought to somehow supplement Term (2) interpretations and decisions, without that the Terms are being rhetorically distorted by each other. In the existential threat, there is little distortion. Terms (1) and (2) will have to maintain an open and directly-presented (rather than misrepresented) relationship with each other, then, in order for armed conflict to be moderated by law.

Weberian realists believe now, conjecturally, that the two Terms are in a direct and yet lawful relationship through which they can grow to respect each other's opposition: this is the ultimate route towards a non-dualist concept of emergent sovereignty.²⁴⁶ Even though perplexing Term (3) non-results may persist, because of the oppositions between Terms (1) and (2) norms and decisions, these non-results can now be confidently trusted to remain adequately independent from excess—or from both from discretionary (executive) rule-negativism as well as from autonomous (legislative) rights-positivism: from both organizational nihilism as well as from structural idealism.

Reintroducing the Research Question: Why Theorize Dual Sovereignty?

Does each sovereign state have a distinctive moral purpose or, rather, a single most-justifiable cause for its existence? Does each state have a duty to protect the human

rights of non-citizens beyond, as well as within, its own borders?²⁴⁷ In the 2000s, several IR theorists found the answer to these questions dependent on the legitimacy of the state, rather than only on its functional capacity for cross-border interventions.²⁴⁸ Each nation-state's unique type of authority would have to depend on how its actions are being legitimized, abroad as well as domestically.²⁴⁹

One of the most-commonly-repeated IR answers has held that as the state competes for territories and resources, its actions must have been justified by others than the members of its own government. An independent external forum, regardless whether it is a free press or a transnational tribunal, must have legitimized the state's sheer supremacy. This implies that the state in question will have to have been persuading a plurality of others before its actions and decisions will have appeared to be authoritative and just—as well as to be supreme and unequal. Without some sort of persuasive organizational process, it would be needless for anyone to obey the government. Persuasion and demonstration are preconditions, hence, in that they allow the state to explain why it alone may rightfully coerce entire populations. That conventional answer suggests, also, however, that legitimacy may be not much more than a moral justification for seemingly immoral state actions: it only seems to be a moral, ideological function of “crude coercion”.²⁵⁰ But as statespersons will always try to find moral reasons for their actions, populations are more often than not being teased or seduced into ‘playing along’ in their state's competitive games. And, both the necessity of government (coercion) as well as the freedom to ‘play’ within its greater constitutional order (persuasion), now, begin to form opposite sources of legitimacy. The structural outcome of the world politics

‘game’ becomes thus more and more dependent on the two-dimensional legitimization process that relates the rulers to the ruled: politics is about the relation between contrary effects; governmental decisions as well as normative orders.

The conventionally-suggested IR answer, to the question of legitimate sovereignty, was formulated by Martin Wight: the power of government itself is never thought to be “self-justifying” so that power will somehow have to come to be believed to have been previously “justified by reference to some source [or order] outside or beyond itself, and thus be transformed into ‘authority’.”²⁵¹ All legitimate governments consist of power, but not all power has been authorized legitimately. Before state power can be recognized as a legitimate modality of sovereignty, power will first have to have been transmuted into dual authority. That is, it will have to have come to cohere with both a higher law and the eternal yesterday, or also with—what Hannah Arendt describes as—both “the new law of the land and the old laws of morality.”²⁵²

The moment in which power has been transformed into a legitimate right to command, in other words, will be a moment in which government has legitimately gained (under the “old laws”) a right to legislate (the “new law”) but also the right to punish or the right to declare war. Even if government has never monopolized the right to use armed force, thus, it will nonetheless have to have been authorized to legislatively protect the population’s most-vital interests—and to protect these interests by means of the (threat of) violence it can possibly create. Yet, contrary to impressions made by Kenneth Waltz, on the IR field, the question of state legitimacy is not how little or how much acts of state violence can threaten or coerce various other states and non-states. In IR, the

question of legitimacy is not merely a measure of externally-coercive capabilities.²⁵³

Rather, it is the Hobbesian question of how the state's self-protective power is to be transformed into a sovereign mode of authority, by other sovereign parties.

Quintessentially, power has to have been legitimized by a plurality of covenanting others—in order for it to be systemically transmuted into public authority. It were not the neorealists (Waltz) in IR, then, but it was Hobbes who asked how a government official should ask herself whether the execution of her power—especially if this power pertained to threats of killing or injuring—will also be believed, by sufficient others, to have been both legitimate as well as merely justifiable.²⁵⁴ The 'true' realist asks, therefore, which other non-government institutions (and constitutions) should be believed to be equally sovereign. Can non-government institutions be trusted to be as equally authoritative as that the government is powerful and as that the government legally personifies the existing distribution of power, as well? This is how Arendt rephrases realism's question: which classic institutions (constitutions) should be imitated and restored, by political revolutionaries, so that these institutions can newly become "equally entitled to ... legal personality, [and] ... be protected by it, [so that they can begin to] ... act almost literally 'through' it[?]"²⁵⁵

The research question, to be answered in the next sections, is how power is being legitimized through the imitation of constitutional orders in which the right to have rights, which is nothing other than the right to bear a legal personality, was very difficult to violate. Political realists can press for better answers to this question, or at least for better answers than those to have been given by democracy-theorists such as Dahl, because

realists have reason to accept the dictum that civic religions can be seen to be forming, as an organizational process, the ultimate source for any constitutionalist tradition—regardless as to whether that tradition will be empirically democratic or monarchical, for instance.²⁵⁶ Moreover, realists take a special interest in the Roman constitutional tradition because it is a republican tradition in which religious covenants and civic virtues were once being trusted to freely transcend the structures and distributions of force and power.²⁵⁷

Dual sovereignty pertains not only to the relation of equality between both government institutions and non-government constitutions—nor only to the equality both of moral justifications for the use of power, and of the authorizations and restorations of entitlements to use power. Rather, dual sovereignty pertains also to how structures of power and of force are oftentimes being used in relation to a common cause, which could possibly justify but which should not be allowed to authorize the structural use of force. If dual sovereignty-theorists and other realists are correct, then the monopolists of armed force (substantive power) should no longer be believed to act legitimately (formally and authoritatively) if and when they end up applying force disproportionately: against groups of innocent bystanders or to cause collateral damage. Realists may be correct, as Finlay also argued, to say that any decisions regarding the proportionality of force, in times of war (*jus in bello*), should remain always a function of a normative rationale for, and of a conventionally-accepted common cause of, war (*jus ad bellum*).²⁵⁸ Somehow there should be believed to be a transcendent purpose that can resist the use of structural force, to put the subject of this inquiry in a bit different terms.

The question of political legitimacy may best be answered in reference to the common purpose and the ultimate moral cause of war, as Hobbes teaches. It may be wrong, therefore, to only be indexing the aggregate consequences of specific war-time decisions. The entire question requires also an answer less about who should be allowed and who should be empowered to apply specific “means of peace and defense” (for, in principle, all statespersons may apply these means of violence) than that the answer will equally depend on how sovereign judgeships are to be constituted—and how the judges can remain responsible for the coherency of “opinions and doctrines ... necessary to peace, [and] thereby [to] ... prevent discord and civil war.”²⁵⁹

The sovereign is a judge and preventer of ideological war. All civil wars are ideological wars because they tend to result from a failure to persuade others. To strengthen their power of persuasion, sovereign persons should be believed capable of acting in order to secure their own interests as well as to satisfy the ideological needs of others. Only under such conditions will Hobbesian sovereigns be able to legitimize their actions: they will have to convince and persuade others—so that they must be expected to seek allies in their wars against illegitimate violence (against seditionists, fascists, or terrorists). Interestingly, this further means that wars cannot be fought solely in order to convince others: they cannot be legitimately fought for doctrinal reasons, because then these wars would be mere civil wars (without any just cause). Thus, legitimacy can never be created by a coercive technique of indoctrination—because then it would immediately lose its persuasive appeal—although legitimacy is always dependent on an external forum. Indeed, most sovereign states have long acted on behalf of their own security as

well as of the needs of multilateral institutions such as NATO and the Security Council. The important lesson to learn, from Hobbes, is that no state may reasonably expect that its belligerent actions will be legitimized solely by its own inhabitants: each sovereign state will also have to appeal to a doctrine that can convince others of those just causes that they can all share.²⁶⁰

The legitimacy of statehood is usually referred to as something that may justify a range of decisions and actions—but it is also something political, in the sense that it cannot be revealed in a solipsistic and arbitrary manner. There will be no legitimacy if only one state were to try to justify its armed attack on another state's "otherwise innocent just warriors".²⁶¹ If both states now profess innocence, there can be no just cause for any of their attacks: their violence must have become either retaliatory or random. Hobbesian realists argue, therefore, that these state parties should be trusted to appear in a forum or before a judge—so that they can freely accept a ruling on the justice and injustice of their conflict. By contrast, neo-realists have long suggested that sovereign authority has predominantly been legitimized by each state's monopoly: by the fact that each state alone has both the capabilities as well as the right to wage war. Nation-states try to protect only their own vital interests, as they will define their strategic needs according to the political necessities of the moment. Neo-realists such as Waltz, additionally, suggest that statespersons settle their conflicts not until they will have been "forced" to accept third-party judgments and not until after they were "forced" to resort to an international law-forum.²⁶²

Neo-realism's answer does not contain the question of how a state's sovereignty may either have been recognized or not—by the graces of a plurality of other sovereign states. This conventional answer simply presupposes that a state is being recognized because other states could do no differently: the others were coerced into recognizing this state, rather than to have been persuaded to share the same causes. Against neorealism, Hobbesian realism demonstrates that sovereignty is not just an endogenously-achieved right to monopolize the right to use armed force. It is also exogenous: sovereignty is, actually, first and foremost a matter of participatory freedom, and of agreeing with others on certain ethical foundations. The right to recognize others as equals, then, cannot be crudely enforced. Rather, some deeper belief will have to be shared, particularly in the notion that other states are equal participants in world affairs.

The downside of the conventional or the neorealist answer is that it can be used to justify an attack on any party, once that party is no longer recognized as an equal participant, without expressing any additional concern about the legitimate authorization of such an attack. That conventional answer can thus at worst justify, and at best also pretend to legitimize (but, not 'truly' authorize) one's own attacks on those declared to be enemies of the state. Advanced (Hobbesian) realists will be certain to point out that this conventional answer cannot be used to understand why one state's attacks should be legitimized, rather than the attacks of another state. Whenever two states declare each other to be political enemies, it will prove to be problematic to maintain that the sheer contrariness of their war is the cause of the war's outcome. The notion that one state's conduct was morally superior to that of the other, in other words, cannot be believed to

have caused the peace that ended the war. If that could be possible, then supremacy would always remain in the eye of the victorious beholder, as all sovereigns may then be writing their own historical record of why they applied coercion justifiably. There is something fundamentally unpersuasive about causal supremacy, in other words, as supremacy itself has in actual practices so rarely been legitimized and authorized monistically. Rather, supremacy has somehow always remained related to its natural opposite: to another, autonomous, endogenously-legitimizing actor who may very well ‘play’ the part that represents all those who were vanquished in war.

One state’s actions—such as the identification of its enemies, the declaration of war, the detainment of traitors and other ‘hostile elements’—should be considered actions which will have intrinsically ambivalent effects on the relations between that state and other states.²⁶³ Sometimes, these actions lay the basis for an enduring and stable military alliance. At other times, they are part of the reasons why this state loses a war against its enemies. War and peace are narrowly-intertwined concepts, but the above-presented conventional (including the neorealist) answer to the question of the state’s moral purpose undercuts the contingency of political action: it is a bit of a tautological answer. A strangely circular argument creeps into the above answer, in other words, as it forces itself to turn towards philosophical justifications for the one moral purpose that makes each state into a uniquely sovereign state. For, in other words, if this moral purpose should indeed consist of the dictum that the legitimate sovereign does not wage unjust wars against other states, and wins only those wars in which all enemy states were acting immorally and in violation of the just war-theorems, then this purpose would all too soon

turn itself either into a form of victor's justice or into an idealistic and possibly nationalistic (anti-historical) abstraction. Even more dangerously, perhaps, this moral purpose would contribute to a monistic rather than a relational conception of what it is that makes the state into a sovereign state. And, the equality of sovereigns would become a meaningless phrase.

Weber and Arendt have been helpful in plotting a course towards realism's warning against the nationalist and idealist tendencies inherent to any public legitimization process. On one side, they advised that statespeople have an obligation to remain skeptical, but not necessarily to also completely distrust any abstract idealist/ideational legitimatizations of their own authority. On another side, realists advise statespeople to consider it wrong and imprudent to only concentrate on the concrete necessity of their ultimate authority: doing so would only help them to justify and conserve the *status quo* (government), while it would force them to ignore those alternatives and those possibilities that might still help them to initiate new participatory (constitutional) modes of freedom.

The conventional answer limits the scope of legitimization processes to a structure of functional powers. It limits legitimacy to matters of government and governance, but excludes legitimacy from the question of how people participate more or less freely in their self-organizational processes. The above-presented answer can, therefore, hardly survive in a scenario of great tension between the organizational assertions of participatory freedom and the *status quo* distribution of powers and functions. Yet, unfortunately, this conventional answer remains fashionable among

structuralist, neoliberal, and neo-Kantian IR theorists. As these theorists carry on with their power-oriented and hyper-secularized definitions of statehood, they thus too often pass by on the complex relationship between both the spiritual love of popular freedom (autonomy) and the functional distribution of government powers (supremacy). Neo-Kantian IR theorists, especially, can be said to have remained stuck with a profane or a mundane conception of how individual liberty relates to power, and to thus have neglected the sacred and transmundane dimension of shared participatory freedoms (which, by contrast, would certainly not have been as severely neglected by Kant himself).²⁶⁴ So, how should the complexity of relationships between merely mundane politics and more transmundane participations be newly identified—and how should the weight of secularism be lifted from many IR shoulders (on the assumption that even Kant was not a secularist)?²⁶⁵

Rather than to argue either that IR complexity has been completely secularized by political scientists, and rather than to hold that IR and sovereignty are properly a theological subject, as well, advanced realists have reason to conclude that sovereignty is neither only a secular nor only a divine mode of authority. Ernst Kantorowicz concludes, for example, that sovereignty is part ministry and part mystery. Sovereignty, particularly in late-medieval Europe, would both represent mundane laws as well as that it symbolized the transmundane but arcane law of the Christ.²⁶⁶ In addition, Max Weber often refers to both the materialist and the spiritualist dimensions of sovereignty, quite similarly, as the twin dimensions of the clerk and the cleric. The clerk holds the bureaucratic and the cleric the charismatic type of authority—both of which interact to

such an extent that symbioses may begin to emerge from the complex relation between the types. In other words, it has long been known that administratively-rational choices (power politics) are somehow being complemented by a non-rational belief (religiosity), and that it is from both choices as well as from this belief that a symbiotic mode of dual sovereignty may emerge. Prior to examining such symbiotic relations between structural choice and spiritual belief, and how these relations shape the system of states (or how they inform realist concepts of legitimate authority), a few more remarks should follow on why Weber himself never propagated any conceptions of strictly rational, or purely ideational authority—and why he instead feared that such conceptions could have anti-symbiotic effects. For, as he warned, these conceptions could elicit the idea that any war is a “just war” and thus create a “crusade against [any perceived] evils”.²⁶⁷

Although IR students have for several decades been taught to use an anthropocentric definition of sovereignty—as state power would be resulting from rational choices, as only individuals would be capable of deliberately structuring their own government affairs—precisely this definition excludes the notion that human beings may also hold dear to non-rational and spiritual beliefs: that they may have ‘higher’ loyalties, equally defining the contours of their state (these beliefs have often been referenced as national solidarity and constitutional patriotism).²⁶⁸

Structural IR outcomes have too long been captured by anthropomorphic definitions of measurable power differentials and degrees of superiority, as opposed to also by systemic definitions of emergent authority. Undeniably, individuals are capable of making informed choices, and individual statespersons often aim to act as rationally as

they can. But this idea of human rationality is anthropomorphic. The aggregate outcomes of all individual choices, and how these outcomes often consist of environmental and ecosystemic catastrophes, are not included in this idea. Yet, statespersons are commonly believed to have a ‘higher’ responsibility in judging the validity and reliability of the information they will be using in finalizing their choices. If they mostly make anthropocentric judgments, they are likely to ignore the systemic consequences of these choices. They would probably be moralizing only their own seemingly-rational, discursive reasoning (they may blindly trust the idea of electoral rationality, for example). Or, their choices would likely give rise to governmental hyper-rationality and solipsism (imprudent habits), or they may even exaggerate the tension between individual rationality and highly-irrational aggregate consequences (a tension also known as an unintended feedback loop). But the conventional definition of aggregate structural outcomes, of individual choices, hereby excludes the existential fact that human beings are social animals and that their societal relations should also be believed to remain deeply embedded within an infinite web of natural and ecosystemic interdependencies (for example: food chains).

The definition of sovereignty should refer to more than the outcomes of history. It should not only be a measure of structural comparisons because it simply is not just a measure of how “different kinds of conflict of interest” have factually evolved. For, if the concept were reduced to only such a measure, then it soon ends up being used as a moral justification for past causes of war.²⁶⁹ W. G. Runciman’s (Weberian) chapter on power, alternatively, suggests that sovereign authority-definitions should also help people make

sense of the qualitative difference between “inducements and sanctions”—rather than in to only help them compare interests in terms of their quantifiable compatibility.

Runciman rather inquires into the “distinctive” difference between the three modes of legitimate authority: between the “modes of production, persuasion, and coercion; that is, [the modes] ... of distributing and exercising economic, ideological, and coercive power.”

Because coercion and persuasion tend to coincide, however, and because “hominid evolution” has always contained “*both co-operative and antagonistic relations*”, realists should cherish their knowledge of how human beings conform and adjust themselves to their dualistic relations. Runciman helpfully suggests that a phenomenon such as social conformity is a precondition for evolutionary modification, or for the mutation of the core (ideological and coercive) types of power. Power mutates and evolves. Power is malleable, as Foucault has shown, so that patterns of human behavior may either be “imposed” or “acquired”—and so that the difference between a necessary imposition and the free acquisition of power is a contingently-emerging difference, although the difference itself may certainly be sustained by the mass media or by national language policies.²⁷⁰

Realist theorists ask not since when, and also not why human power mutates. They do ask how the qualities and the types of power are constantly mutating and adapting. They side with Foucault when they ask why human behavior is neither only instrumentally coerced, nor just voluntarily acquired.²⁷¹ Or, they ask which chance factors in the composition of power may correlate strongest with either coercion or persuasion. Additionally, they understand that all types of power may be systemically-

transcended by emerging modes of authority—which are modes somehow believed to remain deeply embedded in the social nature of human life as a whole and not just in particularly-adaptive powers, and also not just in ideological and coercive powers alone.

Weber's definition of sovereignty has often been cited to refer to a monopoly on coercive powers. But such citations are unhelpful because they present coercion as if it is ruled out by persuasion, whereas social life actually teaches that both functions of power constantly coincide. The conventional citations also spread unawareness about Weber's richer concept of sovereignty authority—which, as he would say, contains a “paradox” and which at minimum also contains a “tense relation” between the two ideal-types of cleric and clerk, or ideology and coercion, or between its own religious-intellectual and rational-bureaucratic dimensions.²⁷² This paradox has been ignored by conventionalists, as they have led many IR students to expect that states must fail as soon as they surrender their control over the means of coercion. But there are countries where the means of organized violence are not controlled or were never monopolized by one institution of government. Rivalries between armed crime syndicates, local and central police institutions, and/or the branches of the armed forces are common in many countries.

The state is not sovereign because it holds a monopoly on coercion, although it can be useful. Specific government institutions may very well have monopolized their power in order to be recognized as bearers of sovereignty. But this does not mean that the power over a jurisdiction is also the sort of power that must define sovereign authority. Rather, to have power means usually only that the government can enforce its own right to police territorial domains, or at least also its right to prosecute certain individuals

within the borders of these domains. But the government's monopolized power itself is less defined by a legitimate authority, worthy of international law-recognition, than it is by the effectiveness and functionality of its institutions.

Weber is sensitive to the idea that sovereignty cannot be defined by only one sort of jurisdictional régime. If any given individual rights-protection régime has been solely determined by its coercive powers, this would not add up to a jurisdiction. In order to reach that total, shared legal values and norms of justice should be added as well. Instead, all jurisdictions also have to have been established by means of a type of power probably most-accurately described as the legislative type—but which happens to be the most amorphogenetic type of power. For, Weber describes all power (*Macht*) as something that is “sociologically amorphous.”²⁷³ This suggests that power cannot be understood without a correlating contrary. “Sometimes, the counter-concept of power is: law.”²⁷⁴ In order to be able to recognize jurisdictional supremacy, that is, the necessary formations of coercive-executive power will at times have to have been countered by a persuasive-legislative type of power. The protection of individual rights cannot become a concrete project unless both types of powers will coincide: governmental power (execution) should at least sometimes be opposed by constitutional law (legislation). The lawful right to constitute power, or to monopolize power, therefore, should also be defined as a right to oppose the bearers of this monopolized power. Power itself remains ultimately form-less, however, because its political importance has to have been determined by both those who centralized (founded) and those who are decentralizing (opposing) it—and this determination is a matter of functional effectiveness, and much less also of its taking on a

particular institutional form. Weber's own concept of the relation between form and function, or respectively between the constituted powers of a *status quo*-régime and the constituent right to oppose that régime (as is now to be demonstrated), remains consciously *ambivalent*.²⁷⁵

Weber's concept of legitimate authority (*legitime Herrschaft*) should be thought to remain unchangeable—unlike Foucault's idea of power.²⁷⁶ The premise is that if power is acquiescent and ideologically malleable, then authority is to be grounded in disagreement and anti-ideological skepticism. Authority's own legitimacy is perpetually being doubted and contested. Authority contains a relationship between (and, usually, an association of) both the rulers and the ruled, thus, so that both parties will attempt to question and judge each other's appearances. Yet, their mutual relationship emerges, often quite mysteriously, from several processes of "social evolution".²⁷⁷ Weberian realism conceives sovereignty as both a cause and an effect of these processes. As David Runciman helps point out, the concept of sovereignty refers then to only one strand within the whole web of associational and societal processes. Yet, the web as a whole cannot be reduced to each of its parts—nor to the sum of all the relations between individual sovereign states. The concept rather refers to "an association that cannot be identified with its members, its constitution, its powers, or its purposes. In law, such associations are known as fictions."²⁷⁸ But in power, the same associations are often known as self-balancing organizations (the balance of powers, constitutionalism, diplomacy).

From the viewpoint of a Weberian realist, multilateral treaty-organizations (the UN, ICC, IMF, and so on) cannot be considered real carriers of sovereign authority. They may hold considerable powers and execute numerous governmental functions, but their powers are mostly being organized by an un-authorized principle of balance. Their powers are therefore not necessarily legitimate: there is not always also a public space and an external forum in which these powers can be organized in any other way. Applications of power are still to be scrutinized and legitimized by skeptics—at least, in order for any authority to emerge from among the applied powers.

Hobbes knew that the sovereign person is in part a fictitious person: all such persons are believed to have equal rights, even if they are not equal in terms of their needs and interests.²⁷⁹ Sovereignty is thus a fiduciary form *of* equal personhood—just as well as that it is a corporate body represented *by* unequal natural-born persons. Sovereignty is dualistic: it divides its two components, of the natural-born bodies and fiduciary legal persons, or of the powerful bodies and possibly-power-authorizing persons, against one another. This means that each individual sovereign can choose its policies more or less rationally, yet every actual choice should also be believed to have been equally worthy of legitimization—before this sovereign can also be recognized as a free participant in the whole IR system. State governmental choice is not identical to, is often opposed by, and yet should be authorized by constitutional legitimization processes: this is the paradox of dual sovereignty. Although Agamben suggests that the sovereign state has been turned into a surveillance state, and that this state’s authority has become already so monistic that it can often no longer be recognized through the resistance of its

potential enemies (neither friends nor enemies can “guarantee” its recognition, he wrote), Weberian realists have opened an alternative folder—about the dialectical method of recognition, and about how this method remains vitally important in promising and in covenanting for the purpose of recognizing state enemies—especially in this era of surveillance sovereignty.²⁸⁰ It is important and it is high time to return to Weber’s method of recognizing political legitimacy.

Restoring the Constitutional Order by Holding back from the Sphere of Private Power

Advanced political realists, steering clear of the conventionalist road, should move towards Weber as they visualize what it means to live in a state exercising not a monist but a dualist mode of sovereignty. Weber’s image of democratization, especially, is an image of how a liberal-democratic government’s abstract representational logics can oftentimes have counter-productive effects. In this sense, democracy is a form of government which can be premised to have two or more contrary effects on the organization of legitimate authority. The structural outcomes of government-democratization tend to be organizationally ambivalent and oftentimes also morally ambiguous.

Weber’s own realism starts at the point that modern, liberal, and democratic states have merely been carving out a niche within the organizational constellation of societal functions. They have not succeeded in transforming these functions and powers into a

legitimate mode of authority. Instead, the democratic states have diminished the need for contested functions and mutually-opposing powers, as they often would pretend to represent all powers equally. The egalitarian ethos of the bourgeoisie, in these states, has thus had an incredible effect on what individuals may reasonably know. Egalitarianism has rationalized their world of information and science.

Fascinatingly, Weber adds that this rationalization of science and this proliferation of “rational empirical knowledge” is simultaneously pushing religious beliefs “from the rational into the irrational realm; ... only today does religion become *the* irrational or anti-rational supra-human power.”²⁸¹ Democratic rationalism is one of the polity’s logical abilities. It is a logic that can be and that is being used to push “the religion of salvation” or, rather, that pushes political beliefs into “an other-worldly salvation” and out of the realm of science—and thereby also out of the realm of what may be humanly known.²⁸²

The “increasingly tense relation” between the rational logic of democracy or between this “logic of art” and the metaphysical sciences is a tension which echoes into that other relation: between the this-worldly structures of representation (power) and other-worldly moments of deliverance and judgment (authority). The latter relation has never ceased to exist: it is the subject of the so-called perennial philosophy; of the study of a paradoxical tension between this-worldly powers and (scientific) faculties, as well as the trans-worldly (metaphysical) sources of legitimate knowledge.²⁸³

Although Weber does not refer to this rich relation in the same manner, he often adds—as he does in and around his section “The Political Sphere”—that “an everlasting

tension exists between the world and the [other-worldly] ... metaphysical realm of salvation". Weber identifies this tension in terms of its opposite effects: in metaphysics it is effectuating the "disenchanted [of] the world", but in the modernized and the rationalized cognitive structures of this same world it is also accomplishing an enchantment of the other-worldly realm. This opposite effect usually occurs because access to otherworldliness is being reserved to intellectuals (priests and mystics, but also to lawyers), so that any newly-formed social stratum (such as a trading class, or the bourgeoisie) will try to expand access to the metaphysical realm. The newly-forming classes acquire now their own "aristocratic religiosity of redemption". The more structured their "thinking about the 'meaning' of the universe becomes, the more the external organization of the world is [then being] rationalized [by these classes], and the more the conscious experience of the world's irrational content is sublimated." The sublimation of this everlasting tension itself will now be believed to have been accomplished not by the intellectuals and the mystics, but only by a minimal number of charismatic and absolutely 'enlightened' (extraordinarily 'sublimated') persons: by "Buddha, Jesus, or Francis". Yet, when the newly-arrived are thus restricting the number of external forums in which (sacred) charismatic authority may legitimately appear, they are also limiting access to group sublimation tactics—as only deified (or: extra-human) persons are now believed to once have transcended the "everlasting tension".²⁸⁴ Non-dualist restorations of this paradoxical "tension" are, now, in the late-modern era, no longer believed a real possibility. But, revolutionary realists may want to ask (as well as that Buddhists and Christian believers may do), *why not?*²⁸⁵

Against the tendency to rationalize and to equalize human beliefs, as well as against the tendency to politically restrict the number of instances in which people believe in the authority of their own constitution's non-rational and spiritual transcendence, Weber's writings suggest throughout, there remains a deep need to return to these instances and to the actions of the non-dualist mystics as well. For, these extraordinary persons might not have been as extraordinary as that the bourgeoisie and the Protestant sects are imagining them to be. Rather, these persons (the Buddha, the Christ) were more likely to have set an example to many human groupings. For, they succeeded in legitimately combining opposite powers—such as the powers of choice and belief, and of rational interest and non-rational legitimacy—and they might even have done so in the sense that their opposite-combining actions appeared to be both constitutionally and symbolically meaningful and were, therefore, thought to be “sovereign”.²⁸⁶

Decades prior to Foucault, Weber thought that the rise of the democratic state was an omen of violent things to come. Although Weber did not specifically theorize the violence that is silently committed by the surveillance state, Agamben does follow Foucault in looking at this state as if it is a late-modern and hyper-rational innovation.²⁸⁷ The surveillance state came into being during the 1870s, when biometric data began to be collected—including but not limited to fingerprints, racial qualifications, phrenology and, now, the information digitally retrieved from iris scans and facial recognition software. Surveillance techniques expand the distance between the conscious self, first, and how this self appears to others, second. In the process, a self-conscious citizen will be losing

control over her own relation to how her sense of selfhood appears to various pluralities. The government becomes an anonymous benefactor of this loss of control, as it accumulates images and other data of this citizen's body. But together with this rationalization of the civic body comes the loss of metaphysically-sensible, or also the loss of commonsensical cogitations of how persons should be believed to integrate their bodies and minds.

Agamben argues that surveillance-democracies often diminish the richness and diversity of the life of the body politic. These democracies distance themselves from their own bodily life, often by reducing it to the "naked life; [to] a purely biological datum".²⁸⁸ They encapsulate their own conscience by means of surveillance data and other social markers, while they increasingly use these markers to identify "the perfect senselessness" of the political life in itself.²⁸⁹ Agamben hopes to prove his point with this claim: the naked life, constantly subjected to democratic surveillance, is increasingly being depoliticized. This life cannot be recognized as either legitimate or illegitimate: neither friends nor enemies can "guarantee [its] ... recognition." Not natural-born persons, but only those with citizen rights are recognized by the surveillance state. Only citizens are recognized, yet this is no longer done through any natural experiences. It is no longer necessary for political actors to be able to sense one another's experiences of conscientiousness, ethical character, or social integrity. Rather, as Agamben puts it as follows: "Not even my ethical capacity to not coincide with the social mark that I have nevertheless taken on, can guarantee [my] ... recognition [by either friends or enemies]".²⁹⁰

In contrast to Agamben, political realists hold that recognition is always an option: social markers can always be resisted by ethically-acting persons. It is true that recognition of an individual citizen cannot be guaranteed to coincide with that citizen's data markers, but this does not have to mean that the general difference between moral and immoral, legitimate and illegitimate experiences is no longer being recognized by the state as a whole. The norm of "self-determination" is an integral and permanent feature of every system of states, because even long before President Wilson presented his Fourteen Points speech were states and statelets being recognized as politically autonomous entities.²⁹¹ It is simply untenable to argue that the grand historical coincidences of this general norm with all sorts of specific territorial markers (1815, 1945, 1991) will no longer be recognized once life in the surveillance state has commenced. It is historically improbable that these coincidences will no longer give birth to legitimate sovereignties, only because or only once life will have become bare and naked as a result of the government's informational monopolization of all sorts of citizen right-markers.²⁹² The whole purpose of waging a war or a revolution against the surveillance state, usually, instead, is to begin to recognize an alternative coincidence of opposites—and thus also another coincidence of both the legal norm (law) as well as of various social markers (power). The research question is why people will perennially be recognizing this new coincidence as the source of their legitimate authority.

Theorists as diverse as Dunn, Arendt, and Schmitt find that the causal purpose of political revolutions is to advance people's publically-shared opportunities, not to secure and protect their private needs and their private properties alone. The purpose of political

action, instead, is to be empowered—which means that power is to be transmuted into authority. In this transmutation, people publically recognize the opposition between different powers, between values and marks, between norms and decisions, or between citizenship rights and the marks and measures of their bare life, as well. Schmitt thought about these oppositions as if they were part of one self-perpetuating tension between ‘natural’ enemies.²⁹³ Yet, these enemies would also somehow have to have been politically legitimized and socially recognized, by each other, so that they should not have to remain beholden to their mere “economic demands” or, as John Dunn puts it, to their own “economic rationalism” (that is, realists find sufficient reason to argue that sovereign enemies should be believed capable of politically deciding to recognize each other by resisting the doctrinal, or the orthodox Marxist, norm that “future production must in due course be rationally organized”).²⁹⁴

Arendt gives out several reasons, further, in support of her claim that republican states and sovereign persons should not be thought about as democratic representatives. Historically, it has been much more typical that statespersons were being selected with respect to their integrity and their ethics—rather than only with respect to their power to represent a democratic majority or any other outcome of a democratic election. Roman antiquity forms a historical period which still exemplifies such republican selection protocols, as it helps demonstrate to the world why statespersons should be selected not according to economic but “according to political criteria; for their trustworthiness, their personal integrity, their capacity of judgment, often for their physical courage.”²⁹⁵ For, these “political criteria” were always matters of belief: they were attributed to other

actors through shared spiritual (or, literally through: metaphysical) experiences. The danger of modern, liberal democracy is that it pretends that such experiences have already been invalidated by each individual's rational choice—and that the classic “political criteria” have to be substituted accordingly. Some orthodox Marxist philosophers—or most of the neo-Hegelian utopians, rather—have then also tried to substitute the classic “criteria” of encountering political coincidences with a doctrinal measure of progressive social order, which is a measure based on self-interested choices and no longer also rooted in beliefs such as popular beliefs in a fiduciary degree of integrity and judiciousness and courage. This is how Dunn speaks, in silent agreement with Arendt, about the twentieth-century gradual rise in the number of formally-Marxist democracies: “For the first time in history [have] ... unremittingly secular (non-sacred) social orders ... shown themselves militarily capable of survival in the international environment.”²⁹⁶

Representing others does not yet translate itself into having a sense of judgment and courage. To serve the people as a democratically-elected representative is a function of a normative social order: it is a function of how ‘private’ choices have been made, by means of a secret ballot.²⁹⁷ But for one be successful as such an anonymously-elected representative or delegate does not yet also mean that one is also successful as a judicious ‘public’ person. It only means that one adheres to a basic norm or procedure of government, but not necessarily also that one will be believed to be deciding on political issues (possibly involving relations and recognitions of enmity) in a conscionable and legitimate manner.²⁹⁸

The question of legitimate representations, by the state, and of how the state is recognized through such representations, is a question of how ‘private’ self-interest will and should be translated into ‘public’ opinions and agreed-upon doctrinal beliefs. Both the state’s public and private spheres will have to have been constitutionally balanced against individual desires and needs. Arendt thinks that, in late modernity or in the twentieth century, people have begun to forget why, without this balance, constitutional corruption occurs. Yet, she warns, corruption has always been believed “much more likely to arise from private interests than from public power”—and that this belief should not be said to have disappeared simply because the twentieth-century world has been experiencing “rapid and constant economic growth [and therein also] ... a constantly increasing expansion of the private realm”.²⁹⁹

As the sphere of democratic and economic choice has expanded itself so relentlessly, leisure has become less political. Less time is now being spend on public activities and, above all, less time seems to remain dedicated to those activities of setting out to restore “an ideal order” or at least those that “set out to imitate as best [as humanly possible] ... revolutions of an earlier date” (in Dunn’s words).³⁰⁰ Time spend on revolution should, in a deeper sense, remain time reserved for constitution-restorative action. Yet, again, it will have to be a kind of leisure that generates two mutually-opposed tendencies: change and conservation; the power of reason and the authority of tradition.³⁰¹ It generates (Arendt’s) “twofold process of decision and persuasion”—without interferences from any of the typically economic “worries”.³⁰²

In a moment of modern individualism, leisure came to be defined both as time spend on self-gratification and as a luxury. But in a coinciding moment, of republican constitutionalism, leisure would still have remained defined by efforts to live a judicious life, or by people's trying to understand how and when their public service demands austerity as well as a negation of economic luxury. Republican leisure (from the Greek *scholē*) stands thus in direct opposition to the tendency to surrender one's time to socio-economic and financial worries (*a-scholia*). In *The Life of the Mind*, Arendt adds that the more public sort of leisure is not to be confused with unused time. In the ancient republics, "[s]cholē is not leisure time as [the moderns] ... understand it, [which is as] the left-over spare time, ... but [as] the deliberate act of abstaining of holding oneself back (*schein*) from the ordinary activities determined by ... daily wants".³⁰³ Leisure can now be understood as a virtue: it can be the art of holding oneself back from mundane wants and worries. By trying not to deal with the miseries of day-to-day life, it may become possible to freely participate in the twofold process of deciding and persuading, of commanding and legitimizing, but also of equally respecting the "legal personality" of both dimensions of this complex political process.³⁰⁴

However rudimentarily, Aristotle suggests that wherever people enjoy leisure, they must somehow have borrowed this leisure-time from their power of "empire"—or from their economic spheres—in order for them to judge one another. This is why lesser privileged people, who "have no leisure for their duties", tend to "make poor magistrates".³⁰⁵ Arendt agrees that good judgeships are made by people who can find time to hold themselves back (*scholē*). These people do not need to be rich, therefore, but

they should not have to be worrying about their bodily needs and their basic capabilities. Rich people are to be distrusted, by republican people, because abundant wealth suggests a failure to hold back. Republican leisure does not oppose all needs and passions, but only those demanding excessive satisfaction. Recreational play (by the few) and the satisfaction of basic necessities (by the many) can both become excessively addictive activities, so that leisure should be dedicated neither to oligarchical nor to democratic causes—but, rather, to preserve everyone’s *isonomy*.³⁰⁶ As one commentator clarifies, people should not be using their leisure to derive satisfaction from their private interests, but from their representing themselves within the public realm: their leisure is best expressed in *devoting* themselves “to friends, and the city.”³⁰⁷ In any exemplary republic, Arendt agrees, “to act out leisure ... was the true [purpose] of all other activities, just as peace, for Aristotle, was the true goal of war.”³⁰⁸

The attitudes of two U.S. Presidents, Washington and Jackson, were in one of the previous subsections said to stand in opposition to one another. Yet, Weber suggested these attitudes could also limit each other: private necessity and public freedom cannot be separated from one another, as the latter should imply a relative moderation of the former. President Washington defended of course a republic of estate-holders: he had favored “a commonwealth administered by ‘gentlemen’.” To the contrary, Jackson lived through times of great economic expansion, which had endangered a (Washington’s) yeomanry culture. Under Jackson’s administration, the American government became vulnerable to democratic/ochlocratic private impulses so that it soon resembled a “plebiscitarian ‘machine’”—as Weber adds—which operated in accordance to the twin

demands of private interest and “office-patronage.”³⁰⁹ Jackson exemplifies the modern state’s surrender to a clientèle of great *a-scholia*.³¹⁰ But republican (and particularly Thomas Jefferson’s) concepts of leisure (*scholē*) would rather have been marked by their ancient connotation of performing a service to the eternal benefit of the commonwealth. As Arendt adds, President Jackson’s modern concept was no longer applicable to representations of “political happiness [as] an image of eternal bliss.”³¹¹

By the end of the first decade of the twenty-first century, it had become abundantly clear this would not be a century of unlimited expansion in the social, economic, and the financial spheres. The amount of fictive capital, which is the sort of capital that consists of financial credit and of speculative interests without any substantive counter-value, was already estimated to have risen to over eighty percent of all capital in the world. But such a statistical estimate would have been incomprehensible to Washington, Jefferson, and even to Arendt. To any republican mind, it would have seemed a serious abuse of political time to try to shore up an entire sector of high finance by solely increasing the value of bank-loans, of credit, and of fictive capital.³¹²

Worries about high finance should not be accepted into the public realm. To recapitulate the lesson of leisure (*scholē*), although it is inevitable that differences in financial wealth—created by merit and trade and enterprise—will persist in almost any society, this does not mean that these differences should ever be exaggerated by the decisions of statespersons. Instead, their fundamental task should be to relegate worries about income inequalities, global credit-flows, and financial imbalances back to the sphere of micro-economics. These worries are in essence nothing but worries about basic

needs, so that the true task of the republican statesperson is to promise (and, where possible, to guarantee) that everyone will have equal leisure to participate in one's own public affairs: this is the principle of *isonomy*; the freedom not to have to worry about housing or jobs or nutritious food. In even more concrete terms, the lesson from the above is that republican governments should be asking their richest constituents to pay taxes—both on their non-essential consumption patterns (luxury taxes) but particularly also on their capital goods—so that the plurality of all other constituents can find equal time for *their* pursuit of “political happiness.” Consequentially, the system of states as a whole ought to be representing its constituent parts by allowing them to equally satisfy their basic needs—to the extent that all these parts will be enabled to exercise their sovereign authority through two powers: the power of an anarchical democracy as well as through the power of official authorities. That is, sovereignty emerges both through the constituents' functionally-organized resistance (their classicist revolutionary potential) to as well as through the formally-vested structures of capital and legality (property rights, assemblies, tribunals, and so on).³¹³

The theoretical difference between neo-Hegelian (utopian) Marxism and ‘new’ republican realism is a difference of how encounters with complex relations between freedom and necessity should be interpreted.³¹⁴ More succinctly, the lesson of leisure (*scholē*) is that every human being is in principle free to appear in the public realm with a proposal to negate everyone's dependency on the satisfaction of basic necessities. If leisure is to remain virtuous, hence, no unequal time may be dedicated to public affairs. But as only natural-born persons can decide how they should dedicate their leisure, and

what it means to have equal time to discuss and decide on particular policy-proposals, only they may be believed to be bearers of their own legal personality. Private business corporations cannot, at least not for the same reason, be allowed to use their artificially-constructed personality in order to participate in the public realm. Structurally, it is impossible for capitalist corporations to decide how to have leisure and how to secure the leisure of others. In addition, capitalist business corporations should not even be allowed to donate some of their profits to charity: this would be a non-capitalist function of a business corporation, and private charities must therefore be kept out of the public realm (of course, corporations may very well be taxed on their profits, because the purpose for the taxes can be decided on by *isonomous* human beings).

Freedom and necessity have rarely been divorced from one another, but even when they were presented separately, freedom nonetheless would be used to oppose and thereby prevent necessity from intruding on the republic. This is a perennial principle, applicable to relations between neighbors, between wards, as well as to those between nation-states. Also, the principle is so simple that Arendt would respond incredulously after being confronted by the harbingers of a democratic student movement who were assuming (falsely) that necessity can intrude on freedom because it somehow derives from freedom. Arendt warns them that they are thus confusing the power of freedom with the violence of necessity—and so she clearly says to them that “violence cannot be derived from its opposite, which is power”. “Violence can destroy power [but remains] ... incapable of creating it.” Indeed, rather, both violence and need are most likely to appear in all those spaces wherein power and participation have been gravely jeopardized: these

are mutually-negating opposites. Both the force of necessity and the republican process of participation should be believed to resist one another, therefore, in other terms, rather than to be following some neo-Hegelian assumption: they have never efficiently “develop[ed] into each other”; there simply is no evidence of any third synthesis.³¹⁵

Contrary to the assumption that structural violences and economic necessities would somehow derive from the processes of public participation, republican realists argue that they do not derive but oppose each other—politically. No concept of substantive satisfaction can derive its meaning directly from formative happiness, in again different words, because political happiness is not a substance. It is an organizational process of holding back from, as opposed to of giving in to substantial structural needs. This process of happiness may legitimize how these structural needs are being satisfied, perhaps, yet the satisfaction of needs in itself does not also have to legitimize the process of publically attaining happiness. Instead, public happiness and private needs are ruling in conjunction: they form a co-rulership, in the sense that they have to be integrated in accordance to another revolutionary (Washingtonian-Jeffersonian) dictum which, as Arendt mentions, is the dictum of “*spectemur agendo*—‘let us be seen in action’, let us have a space where we are seen and can act’”.³¹⁶

The rulers and the ruled are never empowered equally, as structural injustices and inequities have always persisted. But this empirical fact does not warrant the assumption that the rulers and the ruled would one day no longer rotate their duties and their offices, and would then no longer serve as co-rulers. Realists argue, rather, that rulers and ruled can very well share a common space, where they will be seen to act together—as Arendt

would have put it. To save the ruled from their own “inattention to public business”, she argues in *On Revolution*, for instance, they will have to have been provided with adequate political opportunities to rule—and to, thereby, remain able to always restore the constitution they share with the rulers-that-be.³¹⁷ The U.S. Constitution could not continue to provide such opportunities, tragically, because it had made no provision (at least, not sufficiently so in Article 5) to maintain that mysterious tension between the satisfaction of late-modern America’s socio-economic needs and the political freedom of early-modern America’s “townships and the town-hall meetings: the original springs of all political activity” and “the original sources of ... public happiness.”³¹⁸

The pro-democratic liberal theorist Robert Dahl informs his readers that competing private interests are often the springs of public happiness. But these readers have to feel disappointed, at the hands of the above-presented realists, as these found that the sum of all private interests cannot be derived from, nor should it ever become identical to the democratic process of opinion-formation.³¹⁹ Competition should not occur within the private, but in the public realm, as Aristotle believed as well, which is a realm that simply cannot be equated to its own democratic tendencies.³²⁰ The public realm can also very well have aristocratic tendencies, for example, because democracy and aristocracy and monarchy are all forms of government—and they might have been divorced from a constitutional process of government-authorization. Yet, only the public realm as a whole has always formed and substantiated its own sources of legitimate authority (as every public realm is a coincidence of government structures and

constitutional processes), whereas democracy must still borrow much of its legitimacy from some exogenous degree of willingness to resist governmental oligarchy.³²¹

To conclude, acts of opining and of appearing in the public realm or of experiencing the happiness of publicality, are part of an organizational process with a “twofold meaning”. Firstly, publicality means that people are generally willing to refrain from worrying about how they should be investing money in their individual futures or how they should be spending their private spare-time in a consumer society (*a-scholia*). Secondly, it means that day-to-day government affairs are being executed for a common purpose and in equal respect of everyone’s proposals concerning the possible alternatives to this purpose (*isonomy*), as well as in respect of an apparent tension between the executive apparatus and its own transcendent purpose. The state’s government affairs such as consumer and corporate tax policies, or how international financial institutions should be regulated, therefore, should be allowed to be resisted by the people as a whole. This mode of resistance is ‘naturally’ conjectural, in that it is a coincidence of both “the pursuit of [private] well-being as well as [of the] being a ‘participator in public affairs.’”³²² Private needs and public affairs are not mutually exclusive, that is, but their resistance allows them somehow to remain symbiotically related to each other.

These sections press for a meaningful answer to why relatively few persons participate in the recognition of other sovereign states—and how more persons can dedicate more time to a revolutionary reorganization of the relations between states. This reorganizational process will be never-ending, yet should promote peace and stability through the right to be recognized as a member of a state with a legal personality: equal

sovereignty is the equal right to organize and to so also authorize and legitimize the structures of force and power. Recognition of equal sovereignty may very well depend on liberal norms and legal values, but the political issue is how these values and norms are being substantiated by groupings of people who can publically and demonstrably hold themselves back from all those who are in their stead continuing to cause inequitable, unjust, and coercive consumption-motivated substantiations. Both legal values and basic needs can all too easily be used to justify and celebrate social surveillance-centric conventions—and such celebrations would diminish the chance that these values and needs are newly being legitimized by sovereign decisions over, and by new *isonomous* exceptions, to such conventions.

Transcendent Conversions of Revolutionary Groupings and their Dual Authority

Must political groupings, because they are comprising diverse partisans, tolerate significant “gradients” of power inequality and structural injustice? Few political groupings have a tolerance for “hierarchical extremes” and yet power has been unequally distributed across the globe. Distributive structures of power are highly unequal, yet many structures have been organized to diminish their own injustices. This apparent paradox stems from an evolutionary process that has led human beings (at least more than half of the global population) from a nomadic and pastoralist towards an urbanized existence. “[F]airness and reciprocity”—or a low tolerance for artificial, extreme

hierarchies—has always increased the nomadic band’s chances of survival.³²³ But in cities it becomes far more difficult to comprehend how hierarchies are being maintained, as traditional notions of kinship and sacrality are herein being displaced by state apparatuses and their own modern ideas about the level of social orderliness and tolerable levels of injustice and inequity.

Five-year old children can understand fairness very well: they can ‘naturally’ ascribe, to the actions of other human beings, their own beliefs about cultural conventions as basic as equality.³²⁴ Admittedly, unequal and hierarchical groupings have persisted for decades, despite their having relatively low chances of long-term or of cross-generational survival. But with the onset of urbanization, as Weber taught, also, commerce and trade came to provide a new impetus to hierarchies based on individualism—and, therefore, to hierarchies based less and less on ‘natural’ beliefs in and ascriptions of equal freedom.³²⁵

Prior to the 1960s, in particular, extremely hierarchical groupings were usually comprised of the commerce-oriented and colonizing states (including Portugal, Britain, France, Belgium, and the Netherlands). Territories forced into the various international trade and commercial export cultures, had for decades been losing their resources to colonialists. Ever since non-industrialized countries had been invaded by the colonial cultures, their populations suffered intensely. In India, they suffered from great famines directly resulting from the invasions. Before the end of the 1940s, it had become widely known that the British export culture had slowly been starving India’s pastoralist rice-farmers, as well as that this culture had been too dismissive towards indigenous groundwater-storage techniques.³²⁶ As another example, of indirect colonialism; almost

half of the owners of Cuba's sugar plantations were, by the 1950s, American. Their sugar export interests proved to be as unsustainable as British exports, however, because "the landless rural laborer" soon stood up for her equality—in solidarity with small bands of revolutionaries.³²⁷

Revolutionary secessionists and other such rebel groups cannot simply try to maintain the existing distribution, and division, of powers. In order to attain their purpose, they will also have to respect a new modicum of equal access to power. The nomadic origins of the human species engrained in groups a healthy respect for the equality of their members, but also for non-member neighbors. Yet, urbanization appears to have, at least partially, numbed this sense of equal respect. Both the abortive Bay of Pigs invasion, of Cuba, by American-sponsored troops and President Eisenhower's decision to withdraw certain sugar quota, can be listed among those events that came to indicate a renewal of equal sovereignty. The events demonstrated it was becoming impossible for the government in Washington, D.C. to continue to maintain any sort of neo-imperialist hierarchical relation with places like Havana.³²⁸ After 1959, both the U.S. and Cuba would thus have to come to terms with the fact that they both required another sort of conference of political legitimacy—in order for them to continue to be recognized, as sovereign actors, both inside and outside the Gulf of Mexico and the Caribbean Basin. Even if states are enemies, in brief, the fact that they are recognizing each other's existence as sovereigns is in itself already a promise about their equal right to sovereignty. States can have equal rights to be legitimized by others, simply because it is part of 'human nature' to ascribe such equality to each other—as, possibly neighboring,

groups of human beings. (These facts of recognition and legitimization shall again inform the opening sections of Chapter Three, on Machiavelli and his theory of revolutionary action).

Each faction and each group has a ‘natural’ stake in the political transmutation of its own powers, into a mode of authority expressive of their relatively equal rights. Powers, including each group’s ability to use physical and armed force, are ‘naturally’ prone to become acknowledged as the parts of some equality-legitimized mode of authority. Historically, most such equality-legitimacy-possessing groups were the kind of groups that tried to provide civilians with goods and services other than only basic security, and other than only those conditions that guaranteed the group’s mere subsistence.³²⁹ These groups had also encountered, more often than not, great difficulties in meeting “the start-up costs of rebellion”: only the type of groups that would easily meet these “start-up costs” were groups that quickly gained control over, and that then sold or exported a scarce resource (oil, gold, diamonds). As these latter few groups were thus comparatively cheap to start, however, they also were becoming least likely to succeed in providing goods to non-members.³³⁰ For these opportunist rebel groups, there would be no incentives to be “shaping identities, mobilizing networks, and building ideologies”—as Jeremy Weinstein has empirically substantiated this finding.³³¹

Ugandan and Nepali insurgents, respectively in the 1980s and 1990s, received wide-spread support from civilians upon having respected their equality—and thus upon having created legitimate political identities for themselves as well. In contradistinction, other rebel groups would clearly fail to accomplish their political goals, throughout the

1990s—since they were growing dependent on external revenues, generated by selling valuable resources, rather than on the indigenous population. They would then take too few opportunities to maintain internal discipline. Thus, their failing to police their own rebel cadres is the type of failure that helps explain the brutalization of wars in Angola, Mozambique, Sierra Leone, and Indonesia. Weinstein refers to such civil wars as “opportunistic insurgencies”—because any force for disintegration and social incohesiveness would herein be justified by “short-term material incentives.”³³² The result of the overall process has been a series of civil wars with “high levels of indiscriminate violence.”³³³

Yet, in Uganda, the National Resistance Army (of 1981) cultivated a strong identity based on its considerable support network. It also supplied health posts and sanctioned any “rebel misbehavior.” Civilians freely gave the NRA shelter, food, and information.³³⁴ Similarly, when the Communist Party of Nepal (Maoist) began to organize an autonomous armed movement, in 1996, it became highly successful in soliciting contributions—either through extortion and robbery or simple taxes. The rebel cadre had often been selected from “student populations and trade union members” before being schooled in “Maoist doctrine”.³³⁵ By maintaining a strong sense of self-sufficiency, furthermore, the Maoists could manage to provide many Nepali people with those services the monarchical state had, up-to-that-moment, failed to deliver.

Despite having brought power structures back into the dynamics of organizational self-legitimization, what Weinstein has not explained and what can probably never be empirically explained, however, is why the cadres of groupings such as the Cuban

Communists, the NRA, and the Nepali Maoists are themselves believing they should remain cohesive in their support for—and that they should thus authorize the actions of—their own leadership. So, which sort of self-organizing degree of charismatic legitimacy would their leaders have to have enjoyed in order for them to become sufficiently successful in persuading non-members to either join their cadres or to at least tacitly support their common purpose? Why should particularly these cadres—as opposed to those suffering from opportunism or otherwise at least from a ‘resource curse’—trust their leaders and why should their whole web of relations, between followers and revolutionary leaders, be believed worthy of recognition as equal sovereigns?

The complexity of the IR system, with its great diversity of associative relations between the ruled and their rulers, is constantly being defined by political theorists. The results from Weinstein’s empirical research, into how these relations tend to attain stability and legitimacy, even among the most radical revolutionaries, are results which can be used to redefine the world’s actual international recognition practices. In recognizing the statehood of some revolutionaries, but not of other seditionists and separatists, the Great Powers of the world can become more self-conscious of the criteria they are applying and which ones they should be applying. The legitimacy of new states and the illegitimacy of failed states is not effortlessly determined, by either theorists or diplomats, yet the difference itself prompts a conceptual judgment best expressed in the grammar of dual emergent authority.

During the Cold War, international recognition practices depended much on what it meant for an aspiring state to co-operate with either one of the Super Powers. The UN

Security Council would then often be instrumental in the ‘hand-over’ of the supreme authority, from a European state, to the revolutionaries of one rather than of another newly-decolonizing territory. The Security Council would typically facilitate and then authorize the world-wide recognition of equal sovereignty, within those territories that were now no longer being physically colonized. But the Council only took on this role because the Super Powers were aligning their own interests with those of the decolonizing governments. Especially the U.S. government would prompt its allies on the Council (Britain and France) to curtail threats emanating from Moscow by surrendering imperialist claims to ‘their’ under-modernized or ‘their’ poorly-industrialized territories.³³⁶

In the field of international theory, social constructivists as well as various Democratic Peace (DP) theorists—have tried to argue sovereignty recognition practices, during the Cold War, were the result of morally-justifiable ideals. The practices would have been the structural outcomes of new moral values, of new national identities, and of new justifications for a post-colonial order—rather than that they were the effects of an organizational process of alliance-brokering and systemic bipolarity.³³⁷ Social constructivist theorists have also, typically, found that the moments of decolonization, in themselves, would somehow have helped to create a radically-integrated constitutional basis for the complete structure of statehood.³³⁸ As one of them (Philpott) writes, the presence of this constitutional basis cannot be explained otherwise than as having been effectuated by a new anti-colonial moral convention “analogous to the British [C]onstitution, which ... carries formidable consensus.”³³⁹ But this analogy is misplaced:

it ignores the historical fact that the British Constitution is embedded in an imperialist, or in a commercial culture—and that this culture has had tremendously harmful effects on the fates of (previously) colonized peoples. This Constitution was too often being used, indeed at least until into the 1960s, as a moral justification for the exploitation of those whose political freedom had been subordinated to the commercial aims of the British Crown—and it was, also all too often, certainly not carrying a “consensus” among starving people in India or in Kenya.

Upon having written about a seemingly self-reinforcing process of consensus-substantiations, similar to how the above theorists observed it, as if it were an ongoing social construction of post-colonial values and even post-hierarchical identities, Michael Hardt and Antonio Negri have been committing the fallacy of political prophesizing. They have been failing to give enough reasons for their prediction, or for their prophesy, rather, that the social construction of normative liberties and of post-colonialism will continue to proceed—and that this process will eventually reach a point of synthesis.³⁴⁰ That is, they are essentially claiming to have foreseen the integration of both the right to command as well as of the structures of functional power, or: of both political authority as well as of economic functions and other powerful needs. To put it in their own words, this coming synthesis would consist of a moment in which the “complete compatibility between sovereignty and capital” will have been achieved, and in which both “economic production and political constitution” will have become so closely aligned that the world’s economic conventions must be said to have become integrated into one consensual constitution.³⁴¹ It is “*within*” sovereignty, Hardt and Negri further indicate,

that its “transcendence of command” may either be integrated with structural power, or that it may even have become replaced by the “transcendence of [its] ... function.”³⁴²

Arendt’s *On Revolution* and Weber’s *Protestant Ethos* are core texts in political theory, but they must be newly interpreted—the lend support to realism’s disagreement with constructivist idealists, such as Hardt and Negri. These texts give meaning to the particularities of equality-legitimization processes, in passages hitherto grossly neglected by IR and DP constructivists. Yet, realists can alternatively be reading these passages with an eye on equality’s own ‘natural’ and commonsensical authority—as well as to demonstrate that sovereign states are being recognized, as such, not just by means of a single convention, by analogy of some democratization-of-social-identities process, nor because recognition would have to follow from a normative “consensus” (on the meaning of equality). Instead, realists object, states are first of all being recognized through a complex combination of both ideas about a (structural) “consensus” as well as of contrary decisions that have been guided by the (organizational) Balance of Super Powers. Sovereignty is less a ‘gift’ or a ‘hand-out’ from one state’s government to another than that it will have been recognized because one particular party’s right to authority (“command”) must have been legitimized through an organizational balance: through one particular grouping’s concrete and formative experiences in relation to other groupings. Realists find that the recognition of dual authority also, always, must follow from a *spontaneous restoration* of the balance (*isonomy*) between different groupings and their different constitutional organizations: between both the formative right to command

itself, first, and all the particular substantive, and organizational legitimizations of that right, second.

During the 1960s, to continue the example, such a spontaneous constitutional restoration took on two distinct forms. It would be a process that had been formed by the two opposite organizations of both a globalizing and a liberalizing capitalist economy (afterwards also known as the ‘Washington Consensus’), as well as of all those planned economies that had remained ideologically-affiliated with Moscow’s socialist modernization programs. Realists acknowledge that the constructivist indications of an integration of both forms may certainly be valid, but they add that these are both still very much commercially-oriented economic forms. Realism’s acknowledgment is thus not an indication of a future integration of both these structural forms and organizational functions—nor of both structural commercial needs as well as of political authority. However agonistically, rather, both structural needs and organizational authorities cannot exist but if they sustain their open-ended mutually-inspired opposition.³⁴³

Weber taught that commerce places a cultural premium on individualism, and that all commercial hierarchy-creating groupings (a category that includes imperial colonialists) are groupings which in all likelihood must somehow have lost the political grounds for their own freedom and their own equal right to authority. People living in social and economic hierarchies are likely to have felt a numbing of their ‘natural’ aptitude for ascribing equality and inequality to others, especially ever since commercial cultures first started to colonize their moral, ideological, and democratic high grounds. But “economic development” has at the same time remained a process without any strong

“affinity” (*Wahlverwandtschaft*) with political and possibly democratic ideologies: the struggle between economic structures and the right to equality and public authority is an open-ended rather than a synthetic struggle.³⁴⁴ Weberian realists have plenty of reason, therefore, to be raising the question what ‘natural’ spontaneity (participatory freedom) means—because they respect its agonistic character, not because they expect the struggle can come to an end. The paradox is that although peoples ‘naturally’ believe to have a right to equal sovereignty, this right in itself cannot herald the end to their agony. The right itself cannot be totally integrated with the fact of their living under conditions of societal and hierarchical stratification by means of which this same natural right is always again being exercised according to beliefs in its very existence or, that is, “according to [free] choice, political competence, or political trust.”³⁴⁵

How is it that very young human beings are able to spontaneously ascribe the difference between equality and inequality to actions of other human beings, but that societal stratifications and cultural conventions also seem to numb their sense of spontaneity? This Weberian (and Rousseauan) question applies, also, to the paradoxical terms under which the equality of a constitutional balance can be ascribed to the system of states.³⁴⁶ It is in this systemic sense, then, a question of how people may spontaneously express their beliefs in equal sovereignty as well as of how political realists may express their skepticism about their liberal and constructivist counter-parts—who are still failing to re-read Arendt’s words on precisely which sorts of revolutionary phenomena may be classified as spontaneous emergences of (dual) authority.

Arendt wrote that the spontaneous acts of authority's self-balancing and self-emerging, within the IR system, are acts motivated by a passion to restore the "rank and dignity of opinion[s] in the hierarchy of human rational abilities."³⁴⁷ She theorizes this passion for the restoration of constitutional "dignity", also, because she understands it to be both a spontaneous and revolutionary as well as an authoritative passion: she trusts that the powers of "passion" and "opinion" can 'naturally' remain balanced against "reasons" and their public authority, so that unbalanced needs and desires can freshly be condemned—as possibly having become too irrational and opportunistic, or too licentious or tyrannical.³⁴⁸

Acts of spontaneous association are acts that are being recognized along criteria of equal treatment and natural rights to self-organize. Political groupings and civil associations will usually appeal quite directly to the equalities, natural rights, and ethical consciousness of their members. But the dynamics of cohesion and constitutional longevity, within each group, mostly depend on how its members will judge and will express their beliefs in the complex and seemingly paradoxical relationship between the necessity of group conventions and their own equal freedom to participate in the setting of such conventions.³⁴⁹ In brief, acts of association may spontaneously and contingently manifest themselves in two opposite manners, also known as the manners of the power of freedom and the force of necessity. But the opposition between both manners is less paradoxical, according to advanced realists, than has sometimes been assumed by the constructivist and the liberal philosophers. As Dunn might say, the opposition is politically-constitutional and can therefore not just be 'thought away.' Even though the

opposition is subject to contextualization and historicist forms of rhetoric, hence, it should not just be objectified, synthesized, or also not be fully transcended in order to avoid any and all rhetoric—because making any such ‘moves’ would be like ‘doing away’ with the political art of judgment and prudence.³⁵⁰

The main question, in the above sections, has been how pluralities of groupings (should) ‘naturally’ confer *legitimacy* onto their own governmental conventions. The subsection now at hand continues to answer this question by further discovering from which sort of tension a more judicious, prudent, and indeed legitimate modality of (sovereign) authority may emerge. Discovering means, in this context, another visiting of Weber’s oeuvre and work on charisma—as one of the three sources of legitimacy.³⁵¹ The positively-defined sources of legitimacy are administrative rationality and various norms and conventions. The relation between these first two sources has been theorized, in the above sections, as resisting a separation between the sources. The relation expresses itself in an agonizing and perplexing tension between any group’s Term (2) rational structures and government apparatuses, and that same group’s Term (1) constitutional organizations and eternal conventions. These two sources of legitimacy can be positivized, furthermore, precisely because they lend authority (which is an intuitive right to command) to qualitatively unique components of the realm of political happiness.³⁵² That is, because the components differ so much from one another, in qualitative terms, these components must be posited in conjunction to each other before they can be said to also legitimize the state’s sovereignty. Both are positive prerequisites in the recognition of political groupings.

But as the fates and the images of revolutionary movements as diverse as the Indian National Congress and the Communist Party of Nepal or the Kurdish Resistance (PKK) illustrate, there is no universal truth that can describe the relation between a state's government (the administrative powers) and any revolutionary resistance against that government (the public contestation of its constitutionality). Each revolution will give its own shapes and colors to this complex relation—between the two sources, or between the components of, dual sovereignty. The particularity of each revolution and of each state's constitutional heritage may not be used to write any general objective laws about their futures. What is in their revolutionary futures should be trusted to have been presented within their pasts. Weber and Arendt have shown, moreover, that the diversity and particularity of states and other such political societies can very well be theorized without ever expecting any objectified future synthesis to occur within their relationships.³⁵³

Realist theory holds simply, and humbly, that a society is beginning to 'govern' its own life, as a political actor, in the same moment as that it quite invariably also begins to transcend both its government's rational structures as well as the sort of normative self-constitutional processes it shares with many other such structures. One possible example of this moment of both transcendence and inclusion is how government experts (clerks) often imitate the insignia and *mores* of a traditional religious culture (of the clerics), but that the powers of both the administrative experts and the religious leaders must begin to coincide in order for their dual authority to emerge—from, by transcending the qualitative difference between, indeed, both rational experts and traditional leaders.³⁵⁴ The two sources of legitimacy then remain necessary, but also will become insufficient in

order to genuinely understand the subjective purposes and common symbols of the sources' "tense relation"—or, also, of both the insurmountable "tension" and the "paradox" between any given society's governmental supremacy and its constitutional equality, between its structural needs and its political leisure, as well as between respectively its Term (2) bureaucratic-rational and its Term (1) religious-intellectual dimensions.³⁵⁵

Because the Terms (1) and (2) dimensions may mutually negate each other and because of the opposition between the two positive components of dual authority, that is, it is as if realism's subject matter consists of two positives and one negative. Realists argue that most people are able to take notice of the two positive substantiations as well as of the negative relation between these substantiations of their own ultimate authority. But this negative relation would also have to be considered the most mysterious of realism's three subjects. It appears to maintain itself as a balance between abstract conventions and concrete decisions, or between the conventional beliefs in the equality of needs, first, and the state's unfair protection of material needs, second. Much research has been done on the tipping point at which an unstable tension turns into a stable balance, or when the balance of powers has stabilized itself by transcending both of its component-powers. Among IR realists, these research efforts have remained inadequately aligned to sessions in natural systems theory, however. The platform for future chapter sections shall be build from this sense of inadequacy, in the field of IR theory, and the ensuing misalignment between the study of natural systems and conventional realism.

Weber's Concept of Charismatic Authority: Personal and Official; Private and Public

Republican thought has long helped both the ruled and the rulers in their efforts to co-appear within a world of states. Republicanism is a language of public judgments, in this sense, rather than of 'playing' the interests of citizens against those of their governments. This language continues to be spoken in reference to any sort of difference between prudent and imprudent, as well as between exemplary and fraudulent types of political action. It may even be said that republican virtues express the profoundly human need for social self-moderation—and that they herein tend to have an organizationally-moderating effect on the tension of the Janus-like appearance of both freedom and necessity. Some sort of third space is necessary before people will spontaneously begin to command respect, dignity, as well as in which everyone “[will be] seen and can act” (*spectemur agendo*).³⁵⁶

Both Weber and Arendt, applaud the virtues because these would help create spaces in which people can begin to prevent inordinate, opportunistic double-sidedness (which is marked by hypocrisy, fraud, force, and so on) and thus appear to be acting both politically and legitimately.³⁵⁷ From Weber's perspective, the moderation and legitimization of any actor's authority may take place in several possible (third) spaces and levels of social organization.³⁵⁸ But, he also limits the spaces, because moderation and legitimization are merely occurrences of only one of three processes. Specifically charismatic leadership, however, forms then the third of these processes—while Term (3)

charisma itself derives neither from freedom nor from necessity alone. It may neither be derived from opinions and norms, nor solely from needs and decisions. Charisma is exceptionally ambivalent, in the sense that it in their stead emerges from beliefs. The dictionary considers beliefs to be conditions or habits of placing “confidence” in a person. Also, whereas faith is always defined by “certitude”, beliefs “may or may not imply certitude in the believer.”³⁵⁹ Political beliefs in a charismatic person, therefore, are a group’s habits of either possibly or of possibly not experiencing sufficient inner certitude while placing confidence in that person. Weber’s Term (3) legitimization process may or may not be experienced by a group which has some sort of extraordinary trust in its leaders. *How* does this process begin to take place, in which (third) spaces, and then why there?

It is time to open a last parcel of secondary literature on Weber’s theory of legitimate authority—which was packaged by Baehr, Kalberg, and Kim. *How* has Weber’s theory been understood by these writers, how can beliefs help people judge the contingent relations between private necessity and public freedom? Why should group leaders be trusted to have rightly judged these relations, also, as well as those earlier-mentioned relations between an ethos of mean-ends utilitarianism and an ethos of responsible purposefulness? To answer these questions, additional study must be made of *personal charisma*, which Weber contrasts to *office charisma*. Could it be true that Weber is, like Arendt, another systems theorist who taught that the personal and the official coincide in the realm of sovereignty—without losing their opposition?

According to Sung Ho Kim (author of *Max Weber's Politics of Civil Society*), “office charisma appears mostly in the context of its antinomy to ‘personal charisma,’ which [Weber] holds to [be] the only genuine form of charisma.”³⁶⁰ Office charisma appears in bureaucratic institutions. It also appeared among Catholic clerics, whom derived charismatic authority from their public service. The importance of clericalism and monasticism is that it gives a higher or a metaphysical purpose to the world, through service, although the existence of this purpose ended up being denied by the Puritan sects. The Protestants attacked the monastic orders because they would have appropriated this purpose to satisfy their self-interest. Protestants responded by turning each of the members of their congregations into potentially purposeful persons: charisma was no longer being reserved for the religious orders and other such groups; it was turned into an individual form of confidence. Although it was expected that individualized charisma could liberate people, it also became increasingly oppressive. It became dogmatic, and therein morally negative (bitter).

Personal charisma left a different taste than that office charisma did, however, in that it gave more and more people a chance to enjoy the positive (sweet) comforts of conventionalism. But as office charisma had been positivized by the Puritan sects, as it were, they had inadvertently taken the “first step to the evaporation of charisma, or to its routinization.”³⁶¹ President Washington’s office charisma would have to have been positive, for example, because he had been the American Cincinnatus. He had voluntarily returned to his own estate, at the height of his power, which made it possible for other so routinize and legitimize the Presidency—as opposed to its personal

authority. But President Jackson's personal charisma had been morally negative as he had failed to transcend the aggregate of individual clients and their interests and as he had, thereby, abided to the conventions of corruption and license.

Weber understand quite well that political charisma tends to have contrary effects: it may taste official (bitter) or personal (sweet) or it may taste as a mixture of these effects. It is possible to speak of charisma, now, as a coincidence of opposites—because it tends towards both the personal (Jacksonian) as well as towards the official (Washingtonian) dimensions of sovereignty. The negative-personal and the positive-official dimensions continue to present themselves within this rhetorical format of a coincidence—throughout Weber's oeuvre. With Arendt's aid, it can now be argued that charismatic leaders tend to hold themselves back, and to limit their powers, as their authority comes to depend on a group's beliefs (in the legitimacy of their official as well as of their personal authority). Yet, the larger question must be whether their self-limited powers are not also too prone to becoming personally self-serving and self-interested—and whether they are not thereby again paradoxically undercutting their own freedom of participating in officialdom, of public service, and of the (what Kari Palonen sums up as) “political trust.”³⁶²

Caesarism is the word Weber uses to describe self-interested charismatic rulers. These are politicians who use their charisma to accomplish more private aims than to serve and maintain the trust of the public. This type of rulers can be recognized in “contingent circumstances, and [is often believed] capable of [expressing authority in] a variety of manifestations”.³⁶³ Further, Caesarism shares its diffuse attributes with several

of the democratic (or: ochlocratic) sources of charisma, as these tend to manifest themselves under fluid and imbalanced circumstances as well. Such democratized sources and structures will especially manifest themselves in conjunction with the type of “great personality” Antonio Gramsci described when he invoked Cromwell, Napoléon I, and Napoléon III. (Gramsci here circumvents the case of Robespierre: the one charismatic leader, he says, to have arbitrated over a “situation characterized by an equilibrium of forces, [yet] heading towards catastrophe”.)³⁶⁴ Peter Baehr reads onwards: “Caesarism [understood as the personal] ... form of charisma is simply the democratic corollary of an overarching and inescapable iron law of leadership”.³⁶⁵

The conceptual opposite to Caesarism may or may not be believed to be an antidote to personal charisma and its democratic (ochlocratic) corollary. This opposite, official charisma, may at some times but not at all times be believed to *emerge* from a ‘naturally’ self-regulating, self-limiting, and purposeful relationship between the leader and her followers. If it can be recognized as a mode of official charisma, however, then the office-holder will have to have been publically recognized on grounds of her legal personality—and this abstract form of personality itself will again have to have been based on a sort of natural law on the meaning of competency as well as on command. The problem with the tension between personal (Caesarist) and official (bureaucratic) sources of charismatic authority is that it is a problem of how actors may find the strength, ultimately within themselves, to moderate this tension. Before wrapping up how political realists trust this mysteriously self-moderating tension to emerge, in the relations between

constitutional states, a few paragraphs should be dedicated to how Weber and Gramsci might have, tacitly, agreed on that prior tension between person and office.

In respect to ambivalent authority, Weberian realism is not an explanation. It offers a mere method of inquiry. Why and how should sovereign statespersons be believed able and willing to maintain a qualitative difference between deontological reasoning versus the utilitarian force of empirical interests? This method is a method of inquiring into the deeper nature of their relationships, through which both emergences and causes—or both deontic faculties as well as utilitarian interests are to be observed as having remained integrated, without that they lost their qualitative distinctiveness. The method thus helps integrate both “subjective ethical decisionism and objective consequentialism.” Or, to use Kim’s words, the method may be used to seize opportunities to integrate the self-interested force of a “consequentialist ethic” with the reasonable force of “ethical decisionism”—and to do this to an extent that integration process itself begins to moderate any of the prospective tensions between the two forces.³⁶⁶

The integration process is a constitutional process, further, in the sense that it maintains a healthy tension between qualitatively different forces or between two constitutional powers. In this, the process may potentially become more symbiotic than that it will have to remain antagonistic.³⁶⁷ Yet, what current-day realist theorists have not yet been able to agree on is what it actually means to identify genuinely symbiotic relations between diverse statespersons. It is worth taking a moment to read Michael Bakunin, to clarify this problem. His writings had challenged Weber’s iron law. This law

had held that a coincidental combination of both democratic and plutocratic powers could, in the long run, begin to sustain itself: democratization forces would perpetually be opposed by the forces of the rich, the military, and the bureaucracy.

In one of his theoretical essays, Bakunin explicitly criticizes political realism. Caesarism has according to him, at least historically, remained an omnipresent force for tyranny. It should therefore not be linked to the prevalence of democratic governments, regardless as to whether these are indeed more vulnerable to being infused with personal charisma (tyranny). The idea that both Bismarck and Napoléon III could have represented a “popular government”, or would have had a democratic leadership style, is an idea that can easily be falsified by looking at their own actions. Instead, according to Bakunin, the difference between “Emperor Augustus and his successors” (which include Bismarck and Napoléon III) is very small. In fact, Bismarck would have been as “obvious” a tyrant as that Augustus had been, Bakunin suggestively charges. Also, he writes that, after 1815, Caesarism had taken:

the path of the state, military, and political despotism, camouflaged and embellished with the broadest and most innocuous forms of political representation. [Until] 1815, however, that path was as yet completely unknown. At that time, no one even suspected the truth which has now become obvious to even the most stupid despots, that [their] so-called constitutional forms, or forms of popular representation, do not impede state, military, political, and financial despotism.³⁶⁸

Bakunin argues that the label of Caesarism should immediately be detached from the nineteenth-century idea of democratic and representational progress.³⁶⁹ Caesarism is

less administratively benevolent, and less democratically representative, than that was

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still being imagined. Hence, the label should only be allowed to be attached to personally charismatic styles of government—regardless as to whether these styles were being supported by any specific constitutional form of the state. Ideologically, militarily, or financially: no form of state should be thought to support a tyrannical government. Weber certainly would have disagreed with Bakunin on this point, if he had read his argument, because Weber clearly contrasted the drives of Augustus and especially of Napoléon Bonaparte, the self-crowned Emperor, to Bismarck's more limited and intra-constitutional ambitions. Bismarck's governmental forces would have been limited, at least to some degree, by a constitutional mechanism of popular representation.

Weberian realism does not deny that Bismarck's burdens of office and his obligations to the confederate parliament had never impeded his personal charisma.³⁷⁰ But in sharp contrast to Bismarck's own back-holding authority, it had only been Bonaparte who had advanced his personal-charismatic authority, althuis Weber. As Baehr reads Weber, the Bonapartist mode of authority (Caesarism, that is) should be analogized to "the gravedigger of parliamentary government or, more mildly, its antithesis". Nonetheless, Weber's argument was "unusual" for its time in that it had evidently recognized that Bonapartism, even if it had not always been expressed by the official figure of Bismarck, could nonetheless well have persisted "within a parliamentary system, and that both Caesarism and parliamentary government could be articulated successfully"—simultaneously.³⁷¹

If Baehr's reading of Weber is correct, then Weber must have disagreed with Bakunin's argument that there is no genuine difference between governmental forces and

constitutional forms of state. First, Weber and Bakunin may agree that personal charisma is anti-pluralistic, and incapable of self-limitation. Second, Weber argues that Bismarck exemplifies a way for personal charisma, in the form of Caesarism, to be transmuted back into official charisma and thus remain integrated with electoral-democratic, and with parliamentary-representational institutions. While Bakunin fails to differentiate personal charisma from official charisma, by suggesting that both types of authority are harmful to any government, Weber builds the case that personal and official types may continuously coincide. Although one of the two types should be believed to negate the other, in terms of their respective legitimacy and illegitimacy, Weber does not go along in dismissing the idea that official charisma is the sole source of legitimate authority. For, Weber still suggests that Bismarck's dual sources (personal as well as official) of charisma form the twin dimensions of the German confederation's Term (3) self-legitimization.

Gramsci supports not Bakunin's but Weber's case by recognizing that the tension within Term (3) political charisma is a tension between the people's constitutionally-formative processes and the self-interest of government office-holders. As Gramsci writes, this tension expresses itself in conflicts between "respectively a generically progressive, and a generically reactionary force". Within the force-field of authority recognitions, also, he sees a progressive phase that can begin to transcend "the catastrophic phase". Democratic personality cults can thus become epochal, as they may begin to form and constitute another State. On the other side of the same force-field, reactionary officials may try to reconstitute the old State. But, contrary to the democratic cults, these reactionaries cannot sustain the qualitative difference between constitutional

powers. This would explain why “[t]he Caesarism of Napoléon III was merely, and in a limited fashion, quantitative: there was no passage from one type of State to another”. In another similarity to Weber, who, as a realist must have trusted that both progressive-official and reactionary-personal forces are moving towards one mutually-sustained balance, Gramsci also concludes that the impact of each of the two qualitatively-unique types of forces will remain relative to the impact of the other force. The two types cannot escape their “equilibrium”; the mutually opposing tendencies should, rather, be believed to ultimately render themselves “historically effective by their adversary’s inability to construct [itself], not by an inherent force of their own.”³⁷²

Realism holds the position that the force-field within a constitutional state will never reach full equilibrium: ‘organic’ asymmetries between progressives and reactionaries remain persistent. This further implies that both democratic parties and aristocratic sects are an élite form of government association: they are both part of a particular government, rather than that they are an universally-recognizable constitutional form: “democracy and aristocracy can be in tension with each other, and yet they are so not because of the latter’s particularism as opposed to the former’s alleged universalism”—as Kim views this position.

Tension exists not because a democratic government would be universalistic, however, but because both democratic as well as aristocratic governments are no more than partial components of the constitutional state as a whole. Democratic institutions such as parliaments and party-cartels will, in other words, remain part of a process of constitutional representativeness—and *vice-versa*: a self-ordering process of

constitutionalism is part of the institutions and forms of government, regardless as to whether they are factually democratic.³⁷³ This helps explain why, even in formally democratic states, the Junker figure “still persists”. According to Weber himself, the Junker-aristocracy had ascribed a democratic status to its own form of government: the Junkers saw themselves as equals. They had applied *both* a democratic idea, of having equal rights to govern, *as well as* a selective and exclusionary idea of who could (not) be admitted to their constitutional micro-republics.³⁷⁴

To the extent that personal and official authority might be blending together, realists must press for answers as to whether a particular office-holder has found the inner strength to be holding herself back from the individual-serving sources of charisma. The problem of inner strength can be solved by trusting that even though people’s confidence in the state official’s inner strength will never be complete and final, as their confidence must not be confused with blind faith, people’s confidence will still somehow have to stem from their systemic or their ‘natural’ potential to levy criticisms and resistance against the official. Both parties will have to dedicate themselves to their more or less artful and more or less judicious recognitions of their ultimately-common modes of authority. For, from amidst a plurality of opinions and judgments, regarding these common modes, a rank-ordering process emerges: the “rank and dignity” of variously-contending modes of authority will spontaneously be established through the process of applying what Arendt refers to as the human being’s “rational abilities.”³⁷⁵ Yet, of course, rationality remains contingent to social opinions and biases.

Victoria McGeer and Philip Pettit, in their index of “sticky judgments”, mention that biases are much more structural than is often believed—and that biases express themselves in all sorts of habits such as solipsistic opportunism and irrational estimations. These ‘habits-of-mind’ form a significant contributing factor in about five problems of misjudgment and misrepresentation. One, most human beings are soloists because they are likely to negate “valid arguments” only because these might seem “at variance with” their own opinions. Two, humans are generally likely to repeat “the fundamental attribution error” in that they will ascribe the good behavior of others to environmental factors (to fate). The same “error” leads them to over-attribute their own moral habits to their personal dispositions (to their skillful mastering of *Fortuna*). Three, “dispositional biases” which expand one’s own perspective (literally) over that of another person, tend to remain very difficult to negate: perspectival empathy requires extraordinary “self-regulation”. Four, human encounters with chance itself, or with other such matters of social probability and improbability, are at variance with “the vividness of a scenario” (this type of bias is often manipulated in scare tactics or ‘negative’ political advertisements). Five, even matters of exactly equal probability cannot be understood (the equality of two or more chances remains unrecognizable to most people, in brief) because these matters also cannot be represented outside their own social contexts and linguistic frameworks (unless they of course could indeed only be presented in a purely statistical mathematical model, which however would be extremely rare).³⁷⁶

To wrap up, the modal relationship between a person’s private interests and her official capacities is a relationship open to contingent representations, contextual

justifications, and rationalizations. This means that public rationality is subject to how private needs and interests have been framed and contextualized. It is subject to contingencies which cannot be separated from the fact that the relationship forms itself a potentially-authoritative tension. It may always come to be represented in one rather than in another moral language, even though it itself is also a ‘naturally’ ambivalent relation. Moral languages and contextual representations are, usually, forms of bias: they often claim and pretend to have authoritatively moderated the modal relationship between private and public—or, otherwise, to have morally or at least justifiably mediated this same relationship.

The bias inherent to all linguistic moderation—and to public judgments of all speech acts seemingly aiming at self-moderation—is a bias which may always function in two directions, however. If interests and needs are said to have grown excessive, the needy person will be distrusted because of a perceived threat: because of her potential licentiousness. If formal official routines are represented as having become oppressive, on the other hand, the official who is believed responsible for these routines will suddenly be disbelieved because it has already been said she is only making necessary (banal) choices, without thinking through what the possible or the critical alternatives to these choices might have been. However language pretends to moderate the tension, thus, linguistic expressions of personal charisma will often be perceived as arbitrary (excessively liberal), to put it a bit more concisely, while expressions of official charisma may at the same moment be judged to have remained dangerously solipsistic (excessively necessitated).

Political realism owes to Weber its conjecture that the tension between means and ends, or between available structures of power and the unintended consequences of applying these structures, must remain a tension which cannot be fully mediated and which cannot be adequately moderated either. A void remains in between means and ends, although it would under most conditions be in a statesperson's best interest to profess to have transcended perhaps not the void but at least the tension in itself. The person can begin to do this by publically representing this tension in such a manner that the two possibly-excessive effects of consequentialism will seem to have been negated. Although the negation process itself will never be finalized (it remains historically contingent and dialectically open-ended), the person may very well begin to learn to moderate paradoxical tensions—specifically by taking heed to the case of how earlier generations of Catholics and Protestants, according to Weber, understood both the form and function of this negation process.

Recapitulation of the Case for Political Freedom and the Contingency of Charisma

Puritan sects epitomized the, world-disenchanted, rise of official charisma. Upon severing the intricate connection between official charisma and the monastic orders, they would have democratized and rationalized the sources of charismatic authority. Unlike the monks and nuns of the Roman Church, the sects had objected strongly to any representation of charismatic authority—especially if it could suggest its own all-

inclusive, universally- nature. As the Puritan sects instead pretended that charisma was no longer clerical and official in terms of its authority, they began to treat the bearers of charisma as individual persons. Not the office-holder, but the particular person thought she had been selected by one of the Puritan sects, on the basis of her personal qualities. This is how authority, in the modern age, could become a personal calling and would reject mundane phenomena. Protestants would need to reject clericalism because it was too mundane for their taste: not because it was too metaphysical but because clericalism was too impersonal, too anonymous, and too state-centric. In rejecting the old orders, remarkably, the sects ended up inverting their own world: as they refused to sustain Catholicism and the publicality of universal religiosity, they ultimately ended up personalizing and privatizing and thus also rationalizing their own religious denominations.

In contrast to Protestantism, Machiavelli had still taken a mundane and this-worldly approach towards publicality, and towards the republic, as he believed in “that spirit of proud worldliness ... of those Florentine citizens who, in their struggle against the Pope, had held ‘Love of their native city higher than the fear for salvation of their souls.’”³⁷⁷ Later onwards, the Protestants started to internalize and individualize this caring love for their native polities, and they would thus replace their spontaneous care for the public realm with a confessional structure of sectarian powers. Consequentially, they came to turn public/republican authority into a much less mundane, and into a much more abstract rational category than that they initially had probably intended to do.

Weber helps realism in developing its case that office charisma should remain equal to personal charisma, rather than be trumped by it. As was shown, alongside a Socratic spoke in the larger dialogical wheel, realism is a method of believing and of understanding the political realm as if it perpetually transcends a series of dualities. Particularly sovereign authority is premised to remain a dual mode of authority: its foundations may at any time begin to negate each other. In distinction from realism, various types of liberalism have over time been endowed, mainly by a predominantly Protestant culture, with an ideal of monistic authority. Liberals thus too often expect that social justice and rational truth can only be represented by means of one legal structure, by means of one unitary authority—or, as well, only by means of one distribution of monopolistic power.³⁷⁸ Realists, with Weber's aid, can then object that authority and power are qualitatively different, although contingently-affiliated dimensions of the sovereign state—and that neither authority nor power should be thought to be absolutely unified: they cannot be fused into one synthesis, for example. Authority remains an abstract form of organized command, rather, and power could be said to always have been a structural function; power and authority may certainly begin to coincide, but their inner tension remains quintessentially negatively-defined and immeasurable—because this is simply not a tension that will play itself out within only one scale of political change. Similarly, as Kantorowicz might have read Weber, office charisma and personal charisma each belong to one of the two dimensions of sovereignty, neither one of which is adequate to understand the legitimacy of the tense relation between these dimensions itself.³⁷⁹ The tense relation defines the personal and the private as part of a non-official

structure of power, and the official as a realm that possibly remains public and non-personal.

To continue to recapitulate, Weberian realism avoids tautological definitions of sovereignty, more importantly, because the dualities (private/public, personal/official, mundane/transmundane) are not believed to consist of dichotomies: the components may be distinct but they also are, instead, inseparable. They are the dimensions and parts of a system. To clarify, any given individual office-holder will have certain practical competencies. These competencies form her Term (2) executive powers. These powers are likely to coincide with her most effective abilities (her rational faculties). But she also has certain dispositions, biases, and other habits-of mind through which she tries to adjust her behavior to a dominant cultural or historical track record (her conventional path-dependency). This office-holder's Term (1) normatively orthodox powers, in brief, may conflict with her Term (2) executively rational powers.

In politics, the contingent possibility of conflict and agony should be approached in a balanced manner, through which legitimate Term (2) powers can be believed to be equal to the power of the Term (1) legal and normative traditions. A conscious sense of balance may help prevent either the Term (1) or the Term (2) dimension from becoming dominant, and thus allows for a moderate degree of self-regulated and possibly charismatic behavior. Weber takes offense to the Puritans, however, because they would have tried to work on their liberal agenda by eliminating the typical official's Term (2) competencies: their sects would often have assessed these competencies only as if they would have consisted of their own Term (1) norms and standards. But by thus

interiorizing Term (1) conventions, the Puritan sects had also failed to maintain the critical distinction between Terms (1) and (2), so that they subsequently lost their balanced posture. Weber warns this could have meant that the public realm was giving up its autonomy, as it was collapsing into the sphere of the confessional norm of the denomination and into the efficiency of the household, as well. It was not long afterwards that Schmitt feared that even the state was surrendering its public authority to the rules of the economy, to legal property, or to other such private spheres of allegiance. Liberalism's surging "self-assertion", over the state, however, had mainly been owed to its "lack of self-awareness"—or, to be more precise, to liberalism's own inadvertent failure to sustain the historically-contingent opposition between "legality and legitimacy."³⁸⁰

Sect-members, worrying about their own salvation, individualize the public realm. Their individual satisfactions, at the aggregate level, contribute to the republic's disintegration.³⁸¹ In not thinking through the unintended structural consequences of their individualism, sect-members are becoming "empathetically unimaginative" (to appropriate a phrase by McGeer and Pettit).³⁸² Weber discovers why the rational monopolization of metaphysical conventions, by the Calvinists, contributed to a loss of publicality and plurality. The Calvinists were isolating themselves from their native republics, deeming them corrupt, so that their other-worldly confessional experiences could somehow be turned into intrinsic sources of moral goodness.³⁸³ In matters of state, this came to mean that the public official could be expected to act like a sect-member, working only towards her own salvation by exercising "systematic self-control, [standing

only] before the inexorable alternative, chosen or damned.”³⁸⁴ By gradually turning the state into this either-salvation-or-damnation binary, the sects were increasingly turning the bureaucracy into an exclusive club—for *their* members only.³⁸⁵

Puritans imagined themselves capable of passing a “strict test of admission, usually decided by a ballot of [the sect] members.” Consequentially, they saw themselves as “aristocrats, by virtue of [their] proven quality”. By thus individualizing their metaphysical lot, they ended up negating the mundane dimensions of their condition—and of their state. In this aspect, their doctrine would on the one hand continue to have anti-clerical effects, and on the other be turned into a pro-individualist form of confessionalism. They distinguished themselves along these two ways, as Kim writes, “from both the Catholic Church and the political state.” Yet, while the Catholic Church had extended its religious domination “outward, ... eager to incorporate [both] the saved as well as the damned”, the Puritans devised all sorts of elections and other formalities to excorporate the sinners from their associations.³⁸⁶

In the Protestant era, possibilities for a mundane and civic “practice of other-worldliness” diminished dramatically. Specifically Calvin succeeded in bringing a hyper-individualized sense of other-worldliness into the political theological schools.³⁸⁷ The result of his effort, however, would be excessively positivistic. That is, Calvinism chose to give much more ground to legal positivism than had been done by the Church: it tore the source of rules and regulations away from the external sense organs and from natural-born bodies, as well, as Calvin had deemed them the “natural vessel of sin”.³⁸⁸ American theologies followed Calvin, then, to the extent that they also ranked the internalization of

other-worldly confessionalism above and even outside both Catholicism's as well as Machiavelli's external forums of sensible this-worldliness. By ranking the source of legal authority above and outside the legitimacy of natural and bodily self-consciousness, American Puritans stepped to a Cartesian tune. Like Descartes, they were dichotomizing as opposed to respecting the productive tension between body and mind, sense and reason, external concreteness and internal abstractions, or also the tension between the realm of public appearances and a self-conscious existence.³⁸⁹

Weber's index of legitimization processes stems from his palpable respect for the tension between Calvinism (sectarianism) and mysticism (monasticism). The first-indexed legitimization process includes mysticist norms, such as self-sacrifice, while the second includes administrative decisions.

The above paragraphs, on Weberian realism, were reformulations of how and why a third legitimization process may emerge from the tension between ideological Term (1) norms and discrete Term (2) decisions. The emergence of Term (3) exceptions, to both these norms as well as to these decisions, can now be concluded to have remained contingent to what Schmitt understood to be an intersubjective relation between Term (1) conventional norms of correctness and Term (2) truth claims. Reinhard Mehring describes very much the same phenomenon when he writes that, from Schmitt's perspective, authority emerges from the tense relation between unincorporated structures of Term (2) "rationality" and the institutional incorporation of Term (1) "bodies". "Within the constitutional state, political decisions have no particular claims to [rational] truth [alone]: they are only valid thanks to the authority of those [institutional] bodies

making the decisions. The notion of ‘truth’ is politically superfluous, insofar as it must always be linked to questions involving the strategic correctness of the instrumental rationality of decisions.” Mehring continues: “the authority of decisions [results from] ... the authority of the institutions behind them.”³⁹⁰ But it is also of critical importance to note that “decisions” (minds) and “institutions” (bodies) can best be understood as if they are, historically, resistant towards one another’s excesses. Political freedom emerges from this mutual sense of resistance, because it is not unalterable but open to natality, rather. For, in scrutinizing the free appreciations and the free acts of legitimization of a Term (3) charismatic person’s authority, it will be fundamentally important to remember that “there is no irreversible historical contingency of a political awareness of [the] principles [of freedom]”.³⁹¹

For IR theorists and (war law) jurists, remnants of charismatic authority persistently appear within the broader organizational and quite possibly also within the official process through which any person of authority may have made certain exceptions to the rules. These exceptions can have been made both to positive legal norms as well as to negative discrete decisions, yet Schmitt argued that such exceptions may become newly legitimized without that they themselves have to have been grounded in either the legal norm or the personal decision. In other words, these exceptions neither have to remain grounded in an historical trace of irreversible decisions, nor in any other irrevocable basic norm of law. They are exceptions, instead, decided on by sovereign persons whose mutual enmity transcends both their discrete decisions as well as their most basic norms. By contrast, Kelsen would postulate that every constitutional state’s

basic norm is a ‘logical necessity’ in terms of its power to structure all the legally-derivative norms. The basic norm (*Grundnorm*), as it seems to Kelsen, remains separate from both discrete decisions as well as from the many legal values and conventions it subordinates.³⁹² All that the general (Kelsenian) jurist can know, therefore, is that this norm itself cannot have been presupposed by any other norm: it is a norm, but there are no higher norms for human persons to embed this basic norm in: somehow, it must thus have to have been analytically separated from any Term (1) conventions.

Both Weber’s and Schmitt’s arguments hold, however, that even the most basic norm must remain in relation with conventional norms as well as that it must have been resisted by a decision, just as how every decision must in return again resist one or another norm. Yet, this does not mean that the two terms are negatively-defined: decisions are not non-norms, for example, as they should rather be believed to have been authorized through their adverse relation to norms. Weberian realism is an inquiry into the chances that sovereign decisions are actually sovereign exceptions: that the ultimate or the Term (3) exception will have to be interpreted both as a non-norm as well as a non-decision. Realism is a theory of the notion that sovereign exceptions are to be made by those charismatic authorities whom Weber prefers not only to be self-interested private citizens but whom he equally prefers to be disinterested public servants. In contrast to Kim, and in order for Weber’s dual preference to remain theoretically coherent with the above case for political realism, office charisma cannot be understood to be completely antagonistic to personal charisma, as both are equally “genuine”—albeit, indeed, contrary— “form[s] of charisma.”³⁹³ But then again, how may charisma’s two contrary

“forms” (norm-preservers, decision-takers) newly begin to coincide by virtue of that ultimate spirit of political freedom (at the hands of the exception-makers)? Or, how may both the solidified Term (1) conventional norms as well as the fluid Term (2) routine decisions be transcended by, and yet be included in, the sovereign’s Term (3) actions?

Participatory freedom consists of a holding back from private interests, and breathes a sense of self-moderation and humility. But free political action is ambivalent. Once agents will begin to lose the level of group power that they needed to hold themselves back, and once they will uncritically be falling back into their routines, their liberties turn into their liabilities. Official rights and public modes of participation, then, begin to turn into personal rituals deprived of their ultimate meaning. The protection of liberties is then entirely a routine, rational, individual burden. For, even institutions of great liberty can end up being attended to as if they were empty rituals—without anyone feeling obliged “to share their original metaphysical implications.”³⁹⁴ The type of tyranny Weber refers to as Caesarism results from democracy’s intrinsic but intolerable tendency towards precisely such a hollow ritualization and meaningless routinization of how individual liberties are protected. To the extent that it is being informed by not the official but the personal dimension of charismatic authority, that is, Caesarism thrives on democratic passivity, conformity, and norms of basic unanimity.³⁹⁵ And so, it again follows that public service and tyrannical normativity are coinciding opposites, just as that participatory freedom and economic necessity form such opposites.

Finally, Protestantism’s priority is to satisfy individual or confessional needs. Protestant societies are generally more likely to stimulate individual contestations than to

give metaphysical meanings to common participations—and they are, thereby, also more likely to individualize and routinize the sphere of political freedom. Late-modern states with a confessionalist bias, in other words, have a propensity to rank both the individual's liberties and other transmundane ideals above the free realm of mundane participations and common obligations. Weber was not alone in having detected the root cause of this bias for confessionalism, however, because numerous classicist realists (revolutionary theorists, in the Arendtian sense) came before and after him, examining the historical conditions for a constitutional restoration. Among these realists were Machiavelli and Gramsci, dearly cherishing those anti-Caesarist republics of which the constitutions were believed capable of legitimately transcending the instrumental tensions between rich and poor, but also between means and ends.³⁹⁶

The Calvinist ethos is not limited to a specific era: it represents one among several historical tendencies to award more “instrumental meaning” to the individual's equal liberty, internally experienced as “an end in itself”, than to the political freedom to participate in an externally-shared space. As this ethos became prevalent in American and liberal-democratic cultures, the “pursuit of grandeur” turned into a personal instrument. Honor was now condoned as a personal attribute, but no longer as classicist realism's criterion of public judgment. Weber seems to have concluded, from this tendency to individualize “grandeur”, that Protestant statespersons (clerks) were only mimicking the crusaders (clerics). For, as Kim reads Weber, the Protestant leaders ended up making highly similar attempts “to crusade against ‘evils’ ... in what they perceive[d] to be a ‘just war.’”³⁹⁷

Political freedom is being threatened by those historical tendencies that may end up internalizing and privatizing the criteria of war, justice, of the justice of war, and political ethics. Yet, these self-internalization tendencies are far from arbitrary. They can be witnessed within chaotic orders and ambivalent relations, rather, in the sense that the tendencies will have contingently grounded themselves within a historical tension between internal and external fora. This tension is reversible, not teleological. This means that the ambivalent relations themselves are, therefore, not as fluid and as random as they might seem. Rather, it is possible for prudent statespersons to close these seemingly fluid and disorderly organizational processes, and to close those organizations through which charismatic authorities tend to become publically and externally recognized. This closing of organizations can newly occur through the revolutionary opening up of existing structures and of skewed distributions of power.

Researchers in IR should attend to ambivalent orders, and to the prospect of closing the world's organizational processes, however, by premising that these orders and processes belong to one natural system: to a system of sovereignties rather than to a structure of socially-conditioned national identities.³⁹⁸ The system as a whole can then also be premised to transcend and yet include those contingent conditions under which adequately dualistic sovereignties may newly emerge—as opposed to the conditions under which monistic and Caesaristic forms of charisma are being preserved. What is hereby meant to be expressed, by realist researchers of the world's system of dual sovereignties, furthermore, is that it has remained advisable to think of sovereignty's contingent preconditions as if these have been divided against themselves (as if by a

‘slash’), so that the first lesson in IR theory should hold that sovereignty may simply not freely emerge in the absence of certain historically-contingent or also not in the absence of certain necessary historically-constitutionalized tensions: internal/external; Calvinist/Roman; personal/official; private/public; rationality/dignity; bureaucracy/charisma, and; legal norm/discrete decision. For, sovereignty is the legitimate sort of government authority that can be believed to foresee in an exception to, and thus in the transcendence of, each of these contingent-and-yet-constitutionalized tensions.

Conclusion: Combining Natural Systems Theory with the Dual Sovereignty Thesis

Political realism’s approach towards naturally-regulated and naturally-symbiotic relationships is a more attentive and more advanced approach than those previously taken by neo-Hegelian constructivism and neo-Kantian liberalism.³⁹⁹ Only realism approaches the interrelated and self-regulative symbioses of all life by respecting their inner tension or, also, by recognizing the symbiotic sort of contrariness that their own interrelated existence presupposes.⁴⁰⁰ Especially the neo-Hegelians, but many Kantians as well, follow a trail towards a single synthesis of both mind, or “objective truth”, as well as of the movements of the body politic and its “freedom”.⁴⁰¹ One of the most disputed expressions of authority, in the study of international politics (of sovereignty, hence), remains grounded in the difference between this all-unifying synthesis and merely an

inner tension: the balance of powers. In accordance to realism, the balance itself is no mesmerizing myth of unity and reconciliation. It straightforwardly is, rather, the productive emergence of legitimate authority, from within a self-moderating and a self-regulating structure of competing powers.⁴⁰²

In International Relations parlance, this simply means that—even in anarchical conditions—sovereign statespersons will consciously validate, or will publically begin to hold in common, those timeless criteria of authority that to them will appear to have remained in sync with rationally- and originally-created institutional agents, structures, and balances of power. Yet, these same persons should also be conscious of empirical facts which may demonstrate that their actions and their words may simultaneously be resisted by natural counter-emergences of authority as well.⁴⁰³ Both the structural criteria as well as the naturally-constituent counter-organizations, in brief, are elemental in sovereign authority's integral emergence: this 'both-and' realist argument is the fundament for dual sovereignty. It comes as no surprise, now, that the fundamental 'both-and' condition for sovereign authority has long been legitimized, more or less symbiotically, by a law Thomas Hobbes would have called natural (a law even present in the state of nature, thus) and Carl Schmitt would have classified as *jus publicum europaeum*.⁴⁰⁴ The act of balancing powers, by extension of this law, would have to be publically witnessed in conjunction to Nature's own emergent authority—as well as in conjunction to how the sources of *auctoritas* remain divided against themselves.⁴⁰⁵ In this sense, as certain Marxian realists have argued, as well, the notion of balance is commonly believed to identify flux: a general and systemic phenomenon of perpetual internal

oppositions. This balance cannot be analytically separated from the countless laboring and ecological structures (at least not from their functionalist eco-rationales), simply because the systemic phenomenon as a whole will commonly be believed to somehow transcend, natural-organizationally (eco-empirically), any specific balance and cycle of life.⁴⁰⁶

The world of IR is, as Naess helps theorists summarize what it is that turns this IR world into a systemic phenomenon, capable of integrating itself as if it were “not a thing in an environment but a juncture in a relational system without determined boundaries in time and space.”⁴⁰⁷ This world somehow integrates and regulates itself through more or less equal sovereign authorities, yet authority itself emerges “not [as] a thing” but only from within historically-contingent junctures and nodal formations of particular balances of powers and particular constituent powers. In other words, sovereign authority’s self-organization should ultimately be believed to emerge from amidst an open-ended empirical structure of contending powers, nodes, relations, constituents, identities, and interests—and yet this whole process of emergent self-organization itself cannot be reduced to the structure of powers and interests that it dynamically embeds.⁴⁰⁸ The whole is greater than the sum of partial powers that it embeds.⁴⁰⁹

This last dictum applies not only to IR theory and it derives not even only from natural systems theory: it returns in (complex) Gestalt theory as well as in Jungian psychology, but has found its most meaningful metaphorical expression in the Gaia hypothesis (Earth emerges as if it is one organic whole, greater than the total of all the parts it embeds).⁴¹⁰ By here applying the dictum—that is, by obeying the law that the

whole of IR's subject is perennially being greater than the sum of its constituent parts—to the grand debates that have been waged between IR theorists, up until now, however preliminarily, it may become possible to agree that the IR discipline must maintain a dangerously anthropocentric bias for as long as that it cannot accept each state's own being embedded in a transcendent whole of relational sovereignty.⁴¹¹ The current section focuses less on how beliefs in wholesome relational as well as emergent modes of sovereign authority have been affirmed, by various IR theorists, however, than on how these common beliefs themselves might be springing up from amidst generally open and open-ended balances and structures of power.

Because the open structures have so far been premised to coincide with closed organizational dynamics—in following with how natural systems-theorists have written about a similar tension between open structures and transcendent organizational forms—current IR theorists could stand to benefit much from learning how some closed common beliefs in emergent (or: archetypal?) organizations of sovereignty would have to coincide with the open structure of powers.⁴¹² Fritjof Capra writes, for example, that life's own creativity and ingenuity and adaptability can teach (other) systems theorists *how* “new structures and new modes of behavior [are absorbed] in the self-organizing process.” But life's creative and adaptive virtues themselves, he helps add, cannot (or: cannot yet) also explain *why* “new structures” should be coherently absorbed in and yet be transcended by open organizational processes—within a system “far from equilibrium, characterized by internal feedback loops, and described mathematically by nonlinear equations.”⁴¹³

Political realism gives meaning to imbalanced interdependent relations between equal sovereigns and their unequal powers, to the degree that realists will premise that encounters with a structural sphere of feedback loops and imbalanced vortexes and forces, in brief, should be considered as encounters organizationally stimulating human ingenuity and prudence.⁴¹⁴ Balancing is not simply an act of maintaining absolute equality, a final and stable equilibrium, nor is it an act of international justice. Balancing is rather a matter of cleverly thinking through how the political adequacy and natural stability of various partial relations of interdependency may best be respected—in accordance to the self-organizing qualities of the system as a whole. It is in this respect that the realist approach leads much further back in time, than the liberal path does, because it leads all the way beyond antiquity: it precedes even Heraclitus and his thinking about a self-organizing flux.⁴¹⁵

Realists avoid the (needlessly complicated) liberal idea that the implications of modernization and rationalization should add up to a definite end; they avoid the idea that the world is becoming historically progressive and irreversibly modern. Realists such as Hobbes and, especially, Machiavelli were themselves inspired by political theological arguments—some of which concluded that the world bears witness to God's Creation (Nature, in other words). These realists may not have read, but they certainly had heard arguments similar to those made in the theological sources of their time—by authors as various as Augustine, Bonaventure, Valla, Nyssa, and Ubaldis or Padua and Dante as well (some of these authors became only much later known as political theologians). Of course, particularly someone like Dante took a mysticist direction, but the point is that

each and every of these authors still very much tried to preserve and celebrate the notion that Creation is cyclical: Creation is in a systemic sense of flux. Thus, it is not unreasonable to assume that realists who were still, in the sixteenth and seventeenth centuries, hearing arguments in favor of systemic flux might have been realists who quite deliberately avoided any path leading towards the idea of one historical and philosophical idea of *raison d'état* (one rational *telos*).⁴¹⁶ Actually, the idea of a single *raison d'état* remained by and large an alien or offensive idea to not just these classicist realists but to other advanced realists as well, including Schmitt and Morgenthau.⁴¹⁷

Only by the late nineteenth century would theorists proclaim their neo-Hegelian orientations, or otherwise try to argue for a definite synthesis in the prospective relations between particular states and universal democratic values. Before the seventeenth century, however, virtually no authors seem to have thought that any synthesis could be the work of human beings alone: any union of contending powers and contrary faculties would, instead, have to have been God's (eschatological) functioning. Something must have changed dramatically in the European world paradigm, over the course of less than two centuries, therefore, because political authority had by midway the twentieth century often been imagined to be singularly human. No longer the power, but the devastating and destructive authority that states were said to be borrowing from their nuclear missiles and their weapons arsenals, then, was now imagined to be an uniquely progressive mode of political authority.⁴¹⁸

The method by which ingenuous beings are exploring the materials, and are building the weapons, for their last war, strictly speaking, is only a function of why they

may believe that their methodological ingenuity has to be transformed into a morally justifiable and politically authoritative faculty. That is, the methodological how-dimension of sovereign authority tends to remain part of a materialist-functionalist structure of more or less destructive powers, and sovereignty's why-dimension is spiritualist. From the qualitative degree of contrariness between materialism and spiritualism, then, various moral norms and legal values may begin to emerge. Societies thus emerge because they share norms and values, particularly in the aftermath of armed conflicts. To the extent that norms and values have been shared and communicated, more or less symbolically, among groupings, their societal jurisdiction can be recognized. Yet, no jurisdiction may be recognized unless its positive laws can potentially be counteracted by its 'natural' opposite; by a rebel group or any other such antagonist.⁴¹⁹

What Schmitt found is that this antagonist itself cannot be recognized, at least not on political as well as on juridical terms, unless the act of recognition and identification is performed *existentially*.⁴²⁰ This means the act will have to be performed as directly as possibly, by threats to the life of human beings, or to the people as an existential whole. The people become sovereign in the moment they decide on the exception: this is how they may become equal to the enemy of their own sovereignty.⁴²¹ At the heart of the problem is, however, the indeterminacy of who decides. The people may have remained an unrepresented 'natural' multitude of individuals, and it may be impossible to attribute any sovereign decisions to them: nobody in particular will then know through which ultimate organizational process sovereign authority coincides with, and yet also only partially conforms to the powers and the laws of nature.⁴²²

Machiavelli perseveres with his case that the mundane powers of nature stand in relation to their own conformity with transmundane laws of nature—even though this relation itself is contingent, and never perfectly orderly and harmonious.⁴²³ Machiavelli also insists that, according to Antonio Negri, mundane powers are never ideally reconciled with the transmundane—and that “the Heraclitean flux of becoming” (and of “freedom”) can never be stopped, although the “flux” itself is not a myth of eternity either.⁴²⁴ As is seen, very clearly, by both Padua and Machiavelli, the freedom of flux is no unique foundation for emergent authority. It is one of the many possible foundational relations, rather, between the power of particular statespersons and a closed legitimization process that again transcends and includes this power.⁴²⁵ Authority emerges from the power of the contraries and the constitutional antagonisms within human nature, so that sovereignty’s emergence itself can be thought about as one of the countless nodes or loops within a much greater self-organizing web of mutually-opposing powers and contending interests.⁴²⁶

It is time to revisit the core question: how do the holders of sovereign authority manage to remain related to a complex whole of powers, and why should this complex whole be believed to be transcending and yet somehow also include all the sovereignties of the world? The question is itself premised on the notion that the system of sovereignties includes both parts and wholes: that it is a complex web of political action, similar to the web of life itself.⁴²⁷ The question’s fundamental premise is that sovereign authority has been sustained by a relationship of contrariness between parts and wholes but also between both of the self-interested, rationalized, and biased (mundane) as well as

of the self-regulative and self-constitutive (transmundane) dimensions of Nature. So, how can IR's lenses be sharpened to the effect that non-realists will from here onwards also visualize and acknowledge the validity of the dual sovereignty-thesis (DST), as well as to acknowledge that the DST less consistent with liberal IR theorems than it is with the domain of realism and natural systems theory?

The following chapter sections help realists to defend the DST against liberal definitions of the relation between power structures and emergent authority, but also against individualistic (non-relational) 'definitions' of sovereignty. Although liberal definitions may have their own social-scientific utility, they tend to over-affirm and over-determine sovereignty's individual, secularist, as well as its anthropomorphic effects on life's ambivalent meanings.⁴²⁸ Expressions of care for the life-world (the political biotope) are to be matched, definitely not to secularism, but much rather to a spiritual belief that this life-world's autonomy is being endangered by forces also known as those of liberal utilitarianism and individual rationalism. Or, which spiritual belief in sovereign authority should assist realists in diminishing the risks of solipsism and strict consequentialism? Casting a longer glance at deep ecology can help elucidate why liberal definitions have been too solipsistic and overrated and why they, precariously, tend to reduce sovereignty's original ambivalence. But this glance may have to be directed beyond deep ecology, even, as it has been alleged that deep ecology tries to justify the fascist behavior of a few sects within the environmentalist movement.

Nature is ambivalent, but advanced realists share with deep ecologists a special concern with Nature and its autopoietic qualities and trends—usually out of fear of

Nature's destructive powers. Arne Naess cites the Bible and, more specifically, the complete text's deeply spiritual notion that "[N]ature bears witness to God".⁴²⁹ Nature's countless ecosystems, which comprise all food chains but also all climate-dependent modes of self-organization, are the sort of systems that have been portrayed (indeed, in the Bible but also in other sacred texts) as complex combinations of both the profane and the sacred, and of both the physical as well as of the metaphysical realms. Several of Naess's references to the dualism of these realms bolster his case that autonomy and individuality belong in Nature's metaphysical dimension, but should never be valued as the dominant and certainly not as supreme within this dimension. For, there is another dimension. The human species is not only governing itself because of its autonomy, at least not within his deep ecology-argument. Rather, members of the species only independently govern their societies through an extraordinary kind of second-dimension authority: this is the kind of authority that lets them believe they are Nature's supreme guardians, responsible for sustaining her creative powers as well as for containing her destructive powers. Necessarily, Nature governs societies and human beings are caretakers and moderators of her inner tensions—but, deep ecologists will usually try to add, this means that humans are not Nature's own caretakers. Humans may often pretend that their societies and their nation-states are autonomous entities. They are then pretending that each state forms one independent "man"—as opposed to a mere *homo artificialis*. But, as the Bible evinces, Meinecke is not the only realist to have cautioned that such a pretentious attitude stifles "human ingenuity".⁴³⁰ The pretentiousness (vain-gloriousness) of the species forms an offense against the ecological law of self-

organization that the species is not Nature's ultimate guardian. All that the species can do is to moderate the tension between Nature's powers.

Naess is a highly-qualified deep ecology-thinker because he is also a natural systems-theorist, respectful of all the overlapping layers of relational authority—as well as of how these layers consist of complex and yet also dynamic combinations of both material and spiritual experiences. When Naess climbs a rocky slope and sees a little flower basking in the day's sunlight, for example, he attributes a spiritual meaning to the flower's physical experiences: that flower is enjoying itself. Such observations clarify why human beings cannot take final and why they cannot take only material ownership over any of the layers of relational authority. Such an analytical isolation, of only one of the two dimensions of the layers, should instead be believed to diminish the complexity and diversity of the whole encountered layer: it would, in this example, rob the relation between Naess and the flower of its intrinsically-spiritual experience. Authority is relational in the sense that it has, perennially, been believed to symbolize and analogize Nature's ambivalence. Relational emergent authority is to be thought immune against human pretensions suggesting that authority's properties can be identified as physical independence or in material forms of solipsism.

“The Earth does not belong to mankind”—but to whatever it is that is commonly believed to be meaningful and good. (This is not to suggest that God and mankind can be separate agents in terms of their taking ownership of natural resources, by the way, as this suggests quite the opposite; it is wrong and ecologically unlawful to take ownership over Creation.) Also, all life to ever have been “created is good, and more wisely arranged

than anything mankind can create, and more diverse [too].” As Naess continues, even the authors of the Bible have indicated that “human beings must answer for their activities on Earth”. All their authority is deeply but never strictly profane and temporal (for, not even Nature herself is of course purely non-temporal). In light of all modes of dual authority, the main natural law-function of the species is simply to serve as a (however temporarily) “guardian, administrator, [or] steward”; its function is “[to] *moderate*”.⁴³¹

Certainly Naess has a much closer affinity with Spinoza than with Hobbes. But the latter would not have been far from the mark, set by ecological systems theory, when his *Leviathan* concluded that ‘the law of Nature’ holds that any actor’s natural function is to well-represent all human activities on Earth. It is within the actor’s political obligation not to represent her private opinions and words, but to “own” the words and actions of all people she represents. The people may be considered the authors of an ambivalent world-play, as it were, but the actor herself should be believed constantly responsible for—and aware of how she will represent—the human nature of these authors. The human actors, hence, are to be given duties and official rights (those of a “guardian”, “attorney”, or an “overseer”, Hobbes calls them) rather than that they are to neglect their eco-political activities.⁴³²

Instead of delving deeper into Hobbes’s Christian legacies as well as his Roman Law-inherited concepts of representation and guardianship, another domain should now be explored: can realists also share, with Naess, the deep ecological notion that human beings have a higher obligation and should there-under be applying their public authority for the purpose of guarding and preserving Nature?⁴³³ Which notion of a higher

responsibility, to represent Nature, might political realists have shared with materialist theologians—who might, also, have insisted on a Christian duty to preserve and protect not just human but all life on Earth?⁴³⁴ These are all issues of how tensions and antagonisms might best be interpreted, be moderated, and which theoretical methods should be used in then speaking about any threats to the preservation of all life.

Explicitly the issue of how human societies may diminish the risks they are themselves posing against (by destructing) the goodness of Creation (Nature), is an issue Naess reframes as an issue of how these societies may newly begin to restore the balance of powers within Creation and its particular ecosystems. Societies should be restoring rather than separating their own powers from one another. If one society is more destructive than another, for instance, the other will have to sustain relatively more creative powers.⁴³⁵ Once the creative and rational powers of both societies again will begin to interrelate with their empirical powers, or with the common power of their senses, and once all powers are again being applied in relative moderation, the separation of both kinds of constitutional powers has become increasingly improbable—and Creation is believed to have become less distressed.⁴³⁶

Nature is ambivalent: human life contradicts and often antagonizes animal life, despite the Biblical charge of human stewardship for all life. For human beings, Nature is both rational as well as sensory or sensible—and Cartesian positivists among them may even add that the rational elements can be separated from the sensible elements. From perspectives possibly believed to have been taken by all other sentient beings, Nature is strictly sensible and possibly also commonsensical (some mammals and certain insects

can sense the stability of their common group formations, and can even judge commonalities in their own appearances). But note that, due to either the Fall from a state of nature or due to any other such anthropocentric biases, non-human Nature is rarely imagined to also be rational. Still, biases cannot prevent Nature, at least not empirically, from restoring its own original constitution to the extent that Nature as a whole begins to act as rationally as that humans do—according to both several theological realists and Christian ecologists. Far less contentious would be their joint claim that Nature evidently strives towards self-balance, self-organization, and self-authorization through a complex web of life—or through a web, thus, consisting of various complex relations between both rational and commonsensical, both material and spiritual, both mundane and transmundane dimensions.

IR analysts and positivist legal theorists have long gone against the grain of what realist statespersons believe what it ought to mean to be representing (and guarding) people's relational, constitutional, and dual authority. Yet, in arguing a case reminiscent of deep ecology's, realism takes much more seriously the preservation and restoration of Nature's constitutional complexity as well as its (for social animals) dual authority. Nevertheless, realism's case stands or falls with its concept of duality—and how it should be represented (by guardians), and how authority should emerge from within hosts of dualities. That is, the void within dual authority cannot be stuffed out by only and simply calling it an ambivalent relation: realism will have to do more than this. More marks must be given to dual authority's source of ambivalence and 'indeterminance'—as Ihab

Hassan has designated, not dissimilarly, the source of a tense relation between cultural modernization and a more postmodern concept of life.⁴³⁷

To give more marks and to further inquire into dual authority, and the void that engenders it, realists may always read Hobbes. He designated a class of statespersons which would be able to prudently distinguish, through speech acts and other representative actions, between “the natural seed of religion” and the “true ground of any ratiocination”—or, in only slightly other wordings, between the mental faculty that grounds itself in “any ratiocination” (contemplation of words) and the “natural seed” of metaphysically-shared sense experiences (action and movements).⁴³⁸ While making sense of their sense experiences, Hobbes finds that statespeople should use their faculty of reason—so that they may coherently represent both the people’s words and actions, and both their ecclesiastic doctrines and civil law actions, all in accordance to their covenant with God’s ultimate authority.⁴³⁹ The indeterminance of this ultimate covenant, nevertheless, “crushes” neither the social nor the political dimensions of sovereignty. Or, contrary to some (Negri’s) dismissive suggestions that Hobbes would forcibly have trampled over the social sphere, the covenant actually “crushes” neither the power of the social sphere nor the right to command of the political realm—but sustains their symbiotic “interrelatedness”, instead (this notion of human covenantal self-sustenance can follow not just from Hobbes, but also from observations by Naess).⁴⁴⁰

IR liberals can protest that if realists were to stick both with a Hobbesian covenant as well as with deep ecology’s organic interrelatedness, they could finish in a fascist world. They could take their ecological and biological analogies to the extreme, and use

them to retrieve their own justifications for the destructive tendency of fascism as well as the superiority problem of racism.⁴⁴¹ Three counter-objections should be filed.

First, biological fascism waxes out of a capitalist model of individual competition ('survival of the fittest').⁴⁴² Liberalism has failed to study how individual human beings compete, otherwise than as in relationship to a fixed state and a limited government. Liberalism tends to study the individual only in relation to an economy of rights, and particularly in relation to seemingly meritocratic property rights, even though this economy remains a typically capitalist and quantifiable economy. Liberalism thus ends up pushing any non-profitable and irrational choices back into an environmental background of maladaptation. The bias of liberals is to be too rational. But on a more realistic side of the story, Karen Liftin has introduced the Gaia hypothesis into the IR field, to their contrary, by demonstrating that relational complexity represents both non-rational and rational, and both spiritual as well as material elements—and, yet, also cannot be scientifically reduced to either one type of elements.⁴⁴³ Further, she herein offers to help other theorists in creating extra epistemological opportunities to recombine natural-scientific materialism with political-interpretive spiritualism without forcefully dichotomizing, but also without collapsing these two fields of inquiry onto each other.⁴⁴⁴ That is, IR theorists already have had help in reformulating the core question of how sovereigns ought to be representing a deep ecological moment of “non-dualism”, in various respects, so that these sovereigns may again better avoid any dichotomizations of the human mind versus the animal body—and other such pitfalls.⁴⁴⁵

The second objection is even more tragic because it involves not a missed opportunity within the theoretical field, but in the field of international political practice: statespersons at Kyoto and later, in 2009, at Copenhagen stumbled and fell ‘nose first’ into their own failure to moderate several climate crises—because they, as they usually had done, acted singularly as the negotiators over, rather than also as the stewards of Nature. Their biases, or minimally the biases of the wealthiest negotiating states, consequentially led all states to have to deal with the global climate and global temperatures as if these were determinate “things” in an external environment. As the number of draughts and the extinction rate, among countless non-human species, both continue to increase it must be asked whether ecologists such as Naess were not right all along: average global temperatures should alternatively be believed to present human beings with an index of the life-stages of one all-transcendent complex web as well as of the critical stages of a “relational system without determined boundaries in time and space.”⁴⁴⁶

Global temperatures seem to present themselves perhaps in a “mathematical language”, in Capra’s words, but it is impossible to speak meaningfully about these temperatures without any biochemical context. In themselves, temperatures are only part of a quantitative measure. This should have taught statespersons not to try to negotiate any limits to that measure—when they already know that the measure itself is resisted by a qualitatively limitless process. Temperatures are actually very poor, although perhaps well-quantified, analogies for a creative process which demands constant human care—lest this same process were to be pressured, by human carbon emissions, into causing

greatly destructive effects on life's deepest and ultimately unlimited life-force and, thus, also were to destroy a force that includes the human potential to enjoy taking part in complex processes such as "fermentation, photosynthesis, nitrogen fixation, [and] respiration".⁴⁴⁷

The third objection to liberalism holds that the Gaia thesis can be defended on realist grounds, by holding on to the notion that all public authority ultimately emerges from (human beliefs in) a transcendent system—and that planet Earth is only the archetypal self-transcendent system. It is absurd to hold that the system exists of one race or one generation of human beings, as each genetic (racial or generational) characteristic is in a process of perpetual transmutation, and thus caught up in an aleatory process. It is up to chance, ultimately, whether statespersons may enjoy either less or more legitimate authority, not simply because other individuals constructed their authoritative offices and institutions for them, but especially also because their authority will have to find physically-organized expressions amidst contingent and open structures of power. Authority will therein have to represent, again, popular beliefs in a homeostatically-balanced transcendent system. The Bishop of Volterra inspires awe as he uses words and reveals his insignia: an exemplary instance of the physical expression and homeostatic transmutation of the people's recognizing of public authority. It is Machiavelli's instance of how gravity finds both a physical and a symbolic expression: for, the man's *gravitas* is a common mode of dual authority.⁴⁴⁸

The Gaia thesis can prompt realists, by contrast to liberals, to inquire into the spiritual belief that the people may act as if they are one biochemical whole. This

belief may be organized around that the integral and wholesome cycles within the people's existence should come to express the people's most 'natural' or homeostatic purpose. Due to their individualistic bias, nevertheless, liberals often fail to *believe* that 'the' people may hold experiences in common and that human beings are appealing to the most balanced and orderly among these experiences whenever they try to inspire one another to act. Yet, people do regularly revolutionize and reconstitute the balances and the homeostatic constitutions of their own groupings—in revealing and even in just intuiting the presence of the wholesomeness and integrity of these groupings. Beliefs in a transcendent whole are one of the constitutionally-necessary preconditions in order for offices and institutions to evolve—to the degree that the holders of these offices take seriously their vicarious responsibilities.

Belief is no artificially-constructed political experience so it would be scientifically unrewarding to try to deconstruct or to individualize it. Rather, belief is an intuition specific people may or may not be holding in common—in general. Zimmerman complements the Gaia thesis by situating it within “deep ecology *theory*”, in part to circumvent the anthropomorphic tendency to individualize and isolate specific experiences and sources of political change.⁴⁴⁹ Those working within the IR field can very well examine repercussions of deep ecology *theories* by asking how these *theories* find validation both in social-scientific research, because of their analogies to self-limiting and biochemically-open structures, as well as in concepts used to give meaning to Nature's organizationally-unlimited spirituality. For, it has become apparent to several IR theorists that sovereignty should be a kind of relational authority in the sense that it

can neither be found in limited spaces nor between congruently-situated territorial units.⁴⁵⁰ Sovereignty is constantly developing, or so it has for centuries been *believed*, as it appears to be breathing an unlimited spirit of self-organization.⁴⁵¹

These three objections are more than just objections against the simple equation of state sovereignty to individual autonomy (in part also known as the ‘domestic analogy’), mainly because they help overturn the liberal model of revolution. Negri commits a liberal fallacy, for instance, when he argues that revolution is something that is created by individual constituents and their associative powers. That is, revolutions are the outcome of constituent powers, not of an authoritative restoration of one complex relation between both limited/constitutional structures of the state as a whole as well as the unlimited/developmental organizations of the state’s constituent parts. For Negri, to the contrary, revolution appears when the latter parts have negated the former whole. Revolution consists of a postmodern synthesis of both “necessity and freedom” and this synthesis will have been accomplished once the dialectic of Marxist materialism has become a completely social dialectic.⁴⁵² That is, Negri argues that the sphere of necessities and needs will at that point have been negated, and absorbed, by a process of social association as well as by a process of the “constituent power of capital”. For as long as this process can continue to absorb its own antagonist, which is actually the transcendent authority of politics, a social revolution will appear to perpetuate itself immanently and indefinitely. “[T]he force of associative productive labor increases [now] at such a rate that it begins to become indistinguishable from social activity [of the revolution] itself.”⁴⁵³

As an afterthought, on condition that revolutionary change can appear into the world as a synthetic form and the continual negation of political transcendence, as well, then why are counter-revolutionary changes possible? Negri's revolutionary scenario hardly contains the risk of the alternative possibility: that human individuals and their constituent powers end up being newly transmuted by institutionalized authorities proclaiming a singular right to be protective of their shared legal personalities and political representations. In that event, the gravity of a self-closing form of organizational change will have been validated and yet been resisted by the opening up of all too many singularized revolutionary functions of constituent power.

To better come to grips with this paradox of both human and political change, at the moment, this notion must be better contained: legitimization and resistance co-appear. Moreover, they perpetually co-appear in a complex systemic phenomenon because they spring forth from these dualities: constituent/constituted; form/function; unlimited/limited; mind/body; organizational/structural; open/closed, and; metaphysical/(in)organic. Human beings differ, in this sense of dualism, far less from their own animal nature than that they are, usually prejudicially, imagining—not only when they simply and only imagine themselves to be 'enlightened' and 'modern' but also when they were to solely plan for a 'postmodern' scenario—dominated by constituent powers. Akin to how the physical and taxonomic differences between wolf-packs, beehives, or schools of whales cannot be studied without asking why so many sorts of animals can intuitively believe that they should organize themselves to form packs and schools in the first place, so is it impossible to ask why political dissipative structures

such as states are being formed without also asking why these same states are commonly believed to perform sovereign and yet egalitarian organizational functions. In terms of both the how- as well as the why-dimensions of its research method, then, political realism reminds the IR discipline that this world still consists both of revolutions and coups, of both singular successions and pluralist secessions, and particularly also of both peacefully-managed structural bifurcations and diplomatic organizations of existential enmity.

To conclude these concluding remarks, the ever-deeper relationship between Nature's contrary dimensions is in actuality a mutation from open powers into closed organizations of authority. From as early as Heraclites, the mutative potential itself has been believed to be a life-force: it is a potential flowing from oppositions embedded within the web of life. With the aid of Heraclitus, realists have observed that, politically, this same potential springs forth from a void. The void is less a riddle than it is a paradox, however, as captured in this Heraclitean fragment: "[both] for fish drinkable and healthy [and] for men undrinkable and harmful." The ocean is not unlike political language: it has opposite effects, and much may depend on whether language is used and absorbed by the rich or the poor, ruled or rulers. The most prejudicial and anthropomorphic effects, however, should be prevented from proliferating—in order to more carefully protect the phenomenally diverse meanings of the ambivalent tension and the complex relation between the opposing powers, of both the ruled and their rulers.

Against People's False Trust in Multitudinous Opinion-Formations

Anti-totalitarian (liberal) philosophers of contemporary revolutionary action have made the mistake of placing too much trust or, rather, of placing false trust in the social formation of democratic opinions—merely by means of their idealization of rational and unbiased human groupings.⁴⁵⁴ Certainly, some such philosophers and scholars, usually when following Michel Foucault, are calling for a reappraisal of ‘political existentialism’ as opposed to the social sphere of biases, prejudices, and beliefs.⁴⁵⁵ But his notion of biopower, and more generally also of the specific meanings of corporeality and physicality in politics, is not inseparable from the general notion of an intellectual mind.⁴⁵⁶

Foucault has been immensely influential, also within the IR field, although some have tried hard to “forget Foucault.”⁴⁵⁷ But particularly Michael Hardt and Antonio Negri continue to agree with the Foucauldian school of ‘existential’ philosophy that modern states are disciplining “the body” even though they, alternatively, seem to have concluded that this is predominantly a problem of the intellect—and therefore, also, a problem best be solved by an abundantly liberal intellect. Of course, any insufficiently self-conscious intellect can cause the body to suffer, as most of the advanced (republican) realists would comfortably concur with Hardt and Negri. The logics of the mind are indeed often to fault for the disorganization and fragmentation of social bodies. Also, people will indeed often have to change these logics if they were to be growing more conscious, intellectually. Especially against the logics of state sovereignty, people will thus have to grow conscious

of the Foucauldian idea that the state's discipline is actually not exterior to, nor transcending their minds. Rather, it is often the case that the state's disciplining of its constituents remains "absolutely immanent to the subjectivities under its [mental] command."⁴⁵⁸ That is, it can well be the case that the state as a whole is turning into "a totalitarian machine"—by subjugating, enclosing, and imprisoning its constituent parts. Against this "machine", Negri reasons, it would then again have to become possible for the social sphere of these parts to suddenly reveal itself "as the space of biopolitics."⁴⁵⁹

Far more disputably, additionally, many Foucauldian philosophers are calling attention to an utopian as well as "antagonistic" tendency in Machiavellian thought. Negri argues that Machiavelli, in *The Prince*, had tried to explode the monarchical state from within. By having revealed "the contradiction" at the heart of the body politic (or, the tension between the body's "arms"), Machiavelli attempted to create a binary choice between either "the monarch" or the "constituent power"—as he hoped that his presentation, of such a choice, should strengthen the (Italian) people's Renaissance, their utopian resistance, and that these choice-makers would so only further deepen their "consciousness of the crisis [in the monarchical states]."⁴⁶⁰

Moreover, Hardt and Negri attend to a moment in which not just the Renaissance and the early modern states, but also the postcolonial states are no longer so much disciplining their subjects, as that their subjects create self-disciplining technologies. The intellectual, communicative, and cultural functions created by the subjects themselves are—at least in the postcolonial and postmodern era—less often being performed by the state's administrative powers than by "partial and hybrid formations". Foucault would not

yet have fully understood how the postcolonial process of hybridization is causing a capitalist culture, and cultural identities, to constantly subvert the state's transcendent functionalist powers.⁴⁶¹ States must therefore not just be criticized for having remained hand in glove with a capitalist system, and with its powerful administrative controls over the population's physicality, but also for voluntarily incorporating themselves and their citizens into the intellectual idea of "Empire" as well as into an "universal notion of right"—while simultaneously depoliticizing many of their more immanent corporeal differences. The issue of postcolonialism and postmodernity is that, among and within states, differences are progressively being considered as "cultural and contingent, rather than biological and essential."⁴⁶²

In the current moment, consumer capitalism is being facilitated by "communications industries" deriving profits from their differentiations between culturally liberal, or rights-bearing individuals and their own immanent identities. These industries are drawing the legal contours for partial formations and subjective identities, which then end up being used as the lenses through which state subjects view themselves: this is how they become inclined to "discipline themselves."⁴⁶³ That is, social disciplines and corporate controls are less transcendent than that subjects view them as "communicative" functions—in the sense that multitudes of subjects choose to support them by conversing about their preferences.⁴⁶⁴ As some commentators have noted, however, Hardt and Negri did not mention that such conversations cannot escape the brute fact that their inherently preferential form of consumerism, even if consensually communicated, still implies the economic exploitation of others.⁴⁶⁵ Yet, these authors of

Empire stand uncorrected on their point that as consumer-subjects are increasingly choosing to discipline themselves, communicatively and by raising awareness about their economic choices, these subjects and their capital will be “increasingly integrated into the minds and bodies of the multitude[s].”⁴⁶⁶ “[C]ommunication technologies” are increasingly forming the “prosthesis”—and the “lens through which [they] redefine [and reintegrate] ... bodies and minds themselves.”⁴⁶⁷

As minds are being integrated with bodies, and as “the self-disciplining of subjects” is becoming their legal right in itself, it would be silly to continue to argue that the state is all-controlling and all-policing its subjects.⁴⁶⁸ Instead, the lesson Hardt and Negri draw is simple: states are not fulfilling their socio-economic and pro-egalitarian responsibilities whenever they are trying to remain in the business of, however communicatively and consensually, protecting individual property and similar consumer rights alone. To be acting responsibly, states will also have to surrender both their singularity and their transcendence to their subjects: only then may multitudinous and immanent powers take the place of sovereignty. This is how immanent powers inspired by their own autonomy—as well as by their “mythology of languages”—may negate the state’s transcendence.⁴⁶⁹

Hardt and Negri stretch too far when they argue that Machiavelli and Marx would have anticipated a consensual choice for the state’s disappearance—or that they both would have attempted to cause an explosion of “modern sovereignty”, and of its interior contrariness as well, because they would have believed that such an explosion could “open the space for an alternative society.”⁴⁷⁰ Instead, it is far more probable that they

presented immanent powers and transcendent states in combination because they did not expect this explosion to be real: it was a myth. For instance, Machiavelli clearly *accepts* the reality of constitutional contrariness: it is engendering, not exploding sovereignty—primarily because he also sees sovereignty in (non)dualistic, rather than in monistic terms. The contrariness of bodies and minds is the foundation from which (non)dual sovereignty, and from which ultimate authority and supreme care may emerge, and it would be a mistake to suddenly try to negate the existence of the foundation itself. It is a mistake to subvert the body politick to a multitude of minds, as well as that it remains wrong to try to subvert activism to contemplation or, for that matter, participatory (regional) republics to a unified (Italian) multitude.

In *Multitude*, but also in *Empire*, Hardt and Negri are leading readers on a wrong path when they follow Machiavelli, or when they misinterpret him, rather, because his work cannot support their conclusion that bodies appeal to minds to resist their own disciplining and exploitation, and that therefore minds will choose to counter-discipline themselves and therefore seek integration with bodies. Machiavelli would have suggested that minds are becoming ever-more conscious and militant—which again would allow immanently-mindful militants to appropriate their own “productive intelligence” by merely weaving together the “[postmodern] threads of immaterial labor-power.”⁴⁷¹

Particularly *Empire*’s promise of a ruptured overcoming of the world’s materialism, as well as of a consciousness-raising progression away from exploitation, by means of the immanence of the multitudes and their opinions, remains a questionable and problematic promise. Machiavelli himself could easily have criticized anyone who makes

such a promise, as evident from the passages in which he cautions against the utopian, and “erroneous,” opinions typically presented in “any deliberative assemblies”. Even in the best democratic assemblies, hence, “preference is given to what common error approves, or to what is suggested by men [or, for that matter, by the culture industrialists?], who are more desirous of pleasing the masses than of promoting the general good.”⁴⁷²

Probably sympathetic to this Machiavellian criticism, Condorcet presented his Jury Theorem to the world. Cass Sunstein’s reading of the, admittedly confusingly-written, Condorcet Theorem shows that all “large groups can go astray and [that] crowds will be foolish rather than wise, not in spite of the Theorem but by its own logic.” Sunstein’s studies—of how Internet rumors, the blogosphere, and how focus groups all tend develop their own opinions, are studies strongly suggesting that any democratic deliberation is bound to have “some kind of chilling effect on false statements of fact”. Although “crowds can be extremely wise”, this does not absolve them from their persistently endorsing of falsehoods—which they do “not in spite of the marketplace of ideas but because of it.”⁴⁷³

Empire’s presupposition holds that when multitudes organize themselves, they give preference to an explosion of the state from within itself.⁴⁷⁴ The many will naturally favor sovereignty’s implosion, and this preference can also become immanently clear to them. But this means that the preference itself must thereby remain incapable of being wronged by any transcendent modes of authority. In accordance with Machiavelli and

Sunstein, however, it appears that *Empire*'s is not an empirical but an ideological (and, yes, an orthodox Marxist), as well as a too subjective presupposition.

Hardt and Negri's empirical premise is less edgy than their raising the prospect of some ideologically non-transcendent opinion-formation process. That is, at least empirically, Cold War history does indeed continue to clarify that economic exploitation *is* political domination, and that modernization and neoliberal programs *are* comparatively most beneficial to national élites and international oppressors.⁴⁷⁵ It is also correct that the "decolonization process" that took effect between the 1940s and 1970s, was not moral progress but was actually stimulated by "the spread of the disciplinary régime throughout the social spheres of production and reproduction." President Roosevelt's socio-economic New Deal programs had been used to posit liberalism against socialism, for instance, yet both of these ideologies would remain part of the same "disciplinary model"—and, even before the 1960s protestors could wake up, it had already been revealed to the world that a "single model" had been designed to suppress and limit its "enormous potential for liberation, [as produced by] ... subaltern populations". The United States-variant of the "disciplinary model," especially, had thus allowed transnational corporations to disconnect "the mediation and equalization of the rates of profit ... from the power of the dominant nation-states."⁴⁷⁶

States can certainly be faulted for their irresponsible management of the global capitalist system, as Immanuel Wallerstein has shown.⁴⁷⁷ Each state does depend on its own shell of sovereignty for reasons other than to survive strictly political dissent: the state also depends on this shell and the international legal structure so that it can remain

unaccountable for exploiting others economically: for its corporate neo-imperialism. Wallerstein is a systems theorist who outlined the topic Hardt and Negri now describe as a “geography of uneven development”: he thereby helped predict the rise of “anti-capitalist forces” and the fall of the nation-state unit; of capitalism’s unit of “central and guiding support”.⁴⁷⁸ In contradistinction to this prediction, it should not be forgotten that perhaps not the national unit, but that relational sovereignty has certainly been a persistent feature of inter-state relations. World systems theorists have grounds to demonstrate—to the effect that not nations but sovereign states have long facilitated, in Lane Bruner’s words, “hundreds of experiments in constitutionalism”.⁴⁷⁹ One of the most vital among these experiments, nonetheless, remains Renaissance Italy—as was reported by Machiavelli.

ENDNOTES TO CHAPTER TWO

¹ Compare Nye (2011: 113).

² For one notable instance, see Paquin (2008).

³ Held et al. (1999: 37).

⁴ Compare, also, Osiander (2001b).

⁵ Of special interest is Maitland (2003). See, also, Runciman (2003).

⁶ Compare, further, Wendt and Friedheim (1996).

⁷ Jackson (2007), as discussed by Van de Haar (2009).

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- ⁸ For instance, diZerega (2000). The list of other interesting commentaries on Aristotle contains Coby (1986), Nichols (1992), Skultety (2009), Wilson (2011). For a modernist approach, see Korsgaard (1996), (1986).
- ⁹ “Aristotle’s Political Theory”, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/aristotle-politics> (accessed 2010).
- ¹⁰ Barker, in Aristotle (1958: xlix-l), “Introduction.”
- ¹¹ Aristotle (1958: bk. 1, ch. 2, 1253a, p. 7).
- ¹² “Max Weber”, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/weber> (accessed 2009).
- ¹³ Arendt (1965) clearly refers to Eichmann as having lived the private life (he had seen himself as the family man, an as a provider).
- ¹⁴ See, further, Arendt (1958), (1978, vols. 1 and 2), “Thinking” and “Willing.”
- ¹⁵ For this instance, Weber (1946: 235-244).
- ¹⁶ Specifically on Weber (1946), (1958) (1969), (1993), compare Kalberg (2009) also to Kim (2004).
- ¹⁷ For example, Donnelly (2000: 166).
- ¹⁸ Compare, also, Jones (1998).
- ¹⁹ Arendt (1943) is extraordinarily skeptical of this idea of the comity of nations.
- ²⁰ For a more sophisticated version of this kind of hope, consider Jackson-Preece (2003).
- ²¹ Cronin (2003: 202).
- ²² Piel (1975: 111).
- ²³ Philpott (2001: 155).
- ²⁴ Held et al. (1999: 37).
- ²⁵ Among the many available but relatively recent accounts of the state’s historical successes, Keitner (2001), Osiander (2007), Forsythe (2005) specifically for the case of the Roman Republic, as well as Kayaoglu (2010a), Nexon (2009), and Buzan and Little (2000) must be mentioned.
- ²⁶ Maogoto (2003). Consider, further, Jackson (2007), (2000).
- ²⁷ Philpott (2001: 154).

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- ²⁸ Especially, Spruyt (1994), Osiander (2007). Continue to compare, further, Philpott (2001) for the more idealistic conception of state autonomy.
- ²⁹ Runciman (2003).
- ³⁰ Slomp (2006: 440) notes that Schmitt (1997) clearly must have made a cause-and-effect argument: “it was *because* the [morally self-righteous] notion of *justa causa* of war had been abandoned, by *jus publicum europaeum*, that proper attention could be paid to combatants’ conduct during war, and hence [that a public juridical notion of] *jus in bello* developed.” To complement Slomp, the question remains whether Schmitt could also have reversed the argument; could the ‘tradition’ of European *jus in bello* also have been separated from the political *justa causa*? Due to the coincidence of *justa causa* as well as of *jus in bello* thinking, the morally abstract ‘just cause’ should indeed nonetheless never be fully abandoned by and separated from the ‘public law tradition.’ Rather, it should be said to have been politically negated and yet also have been transcended by the ‘law tradition.’
- ³¹ This Declaration is UN General Assembly Resolution 1514. See, also, Philpott (2001: 155-156).
- ³² Hobbes (1994: ch. 29, 230), Maitland (2003: 49, n. 4).
- ³³ Liberal idealists may nonetheless think sovereign states were created by means of their own assent to the League of Nations, the 1945 San Francisco United Nations, or by other pen-strokes, particularly under the 1648 Treaties of Westphalia. Contrary to this idealist thought, the right to rule should not be defined as a ‘gift’ from the past—but much rather also be senses as being a neutralization, or a ‘freezing’ of the future (the French insistence on following the letter, rather than the spirit of the Versailles Treaty that economically subordinated Weimar Germany remains a case in point). Neither sixteenth, nineteenth, nor twentieth century treaty conventions ‘gave’ people their state. Rather, Osiander (2001), (2001b), (2007), (2009) helps explain, government agents never freely ‘received’ their prerogatives from peace treaties such as Westphalia alone; agents would also actually had to have *used* their prerogatives and resources—in an ethically contingent, but relatively legitimate manner—in order for these resources to be controlled by them.
- ³⁴ Similar questions have also been asked by Wendt and Friedheim (1996) and Fazal (2007), among others.
- ³⁵ See, also, Donnelly (2006).
- ³⁶ Donnelly (2000: 147).
- ³⁷ Prados (2011), Spears (2004).
- ³⁸ For example, Latham (2011).
- ³⁹ Compare, also, Fazal (2007: 188-212).

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- ⁴⁰ Blum (2000).
- ⁴¹ A point unfailingly made by Noam Chomsky.
- ⁴² Donnelly (2000: 147).
- ⁴³ Foucault (1995), Hindess (2005).
- ⁴⁴ For instance, Aristotle (1958) and Winthrop (2008). See, further, Buzan and Little (2000: 93-95) and Nicholas Wade, "Sign of Advancing Society? An Organized War Effort," *The New York Times*, 08/02/2011, D4.
- ⁴⁵ Arendt (2006: esp. 18-25).
- ⁴⁶ This observation follows from a 'Schmittian spin' on Kelsen's (1967b) notion of a basic norm. See, also, Hebeisen (1995).
- ⁴⁷ Arendt (2006: 81).
- ⁴⁸ Traces of this advise, that constitutional fidelity (obedience to the laws) is best stimulated through ancestor worship, can be found in Cicero (1991), (1999), Plato (1984b), (1988), (1996), and Aristotle (1958), (1999).
- ⁴⁹ See, for some elements of Plato's dialectical method, Franklin (2011).
- ⁵⁰ For Machiavelli's attempt to integrate empiricism, and historical action, *into* rationalism, rather than to follow *only* the latter's speculative logics, consider Femia (2004: 44-61).
- ⁵¹ For a defense of liberal democracy, see Dahl (1989), (1993), (1996).
- ⁵² Marx (1977). For more detail, consider Balibar (1994).
- ⁵³ Kelsen (1967b).
- ⁵⁴ This impossibility of the exception informs Schmitt's (1976), (1985), (1963) critique of Kelsen. See, also, Dyzenhaus (1997).
- ⁵⁵ Firth (1987).
- ⁵⁶ Weber (1948: 351).
- ⁵⁷ To borrow a phrase from Paul Thomas, "The State of the State", *Theory and Society* 33 (2004): 257-271, (esp. 257, PT).
- ⁵⁸ Although there is no single body of literature on republican realism, much has been written on republicanism and its notion of public participation. Compare, in the International Relations field, however, Deudney (2007) to Scheuerman (2010b). For Machiavelli's

republicanism, see Skinner (2002: vol. 2, 186-212), Bock (1990), and Guarini (1990). For a variant no longer (as) indebted to Machiavelli, see Pettit (1997).

- ⁵⁹ Arendt (2006: 20) traces this relationship back to Herodotus, who understood political autonomy to express itself in an *isonomous* organization through “which [all] the citizens lived together under conditions of no-rule, without a division between rulers and ruled.”
- ⁶⁰ Realism holds, in respect to this question, much in common with the Ciceronian tradition in Roman Law or, more generally, with classicist political thought. In indexing one of the tradition’s main tenets, Olsthoorn (2008: 475) quotes Cicero’s *Tusculan Disputations* (1.32; 2.58): “no one will put aside his own interests for the greater good if there is no fame or honor to be earned.” Hobbes (1994) abides to this tenet, invoking the laws of honor in order to sanction those who might have violated the laws of nature. The tenet itself contains a remarkable tension between private interest and public honor, and yet it ought not be invoked in approval of the military misconduct that took place during the American wars in Iraq and Afghanistan. For this example, William Deresiewicz, “An Empty Regard”, *The New York Times*, 08/21/2011, SR 1; SR7.
- ⁶¹ Both Hannah Arendt and Carl Schmitt (as well as the Dutch columnist H. J. A. Hofland) have described this failure as one of the preconditions for the global civil war. For additional comments on the slimming counter-possibility of systemic non-violence, consider perhaps Hardt and Negri (2004) as well as Alliez and Negri (2003) and Agamben (2002).
- ⁶² Steefel (1932).
- ⁶³ Fabry (2010: 204-207).
- ⁶⁴ Benhabib (2009) seems to want to downplay the qualitative difference between the political right to enjoy participatory autonomy, in the dimension most likely to have a natural law-component, first, and the political right to have civil rights and human rights, in the liberal and positivist dimension, second. See, by contrast, Ingram (2008) and Alford (2010).
- ⁶⁵ Machiavelli (1950: P 26, 91-94). Compare, further, Benner (2009: 166-168) and (Kinneking (1997: esp. 218-222).
- ⁶⁶ This argument owes much to Young (2010), (2006), (2006b), (2002).
- ⁶⁷ Machiavelli (1950: D 1.58, 265).
- ⁶⁸ Machiavelli (1950: D 2.1, 279).
- ⁶⁹ Femia (2004: 53), Machiavelli (1950: esp. D 1.26, 184; 1.30, 193).
- ⁷⁰ Merriam Webster’s Collegiate.

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- ⁷¹ For this paragraph, the author consulted Baumgold (1988), Dumouchel (2001), Fukuda (1997), Weiler (1994), Watkins (1965), and Zagorin (2009) for guidance on how to read Hobbes (1991), (1994).
- ⁷² James (1986: 38).
- ⁷³ For a deeper theological understanding of the ambivalent relationship, as it here appears in the absence of *either* fully binding *or* completely unbinding forms of authority, consider Kierkegaard (1973) and Liehu (1990).
- ⁷⁴ Kelsen (2000) was not only a liberal positivist, ironically, as he also implied a need to return to Nature.
- ⁷⁵ With the exception of Hobson and Sharman (2005), who reference Walby (2007).
- ⁷⁶ Habermas (2008).
- ⁷⁷ See, in support of applying the liberal theory of Habermas (1999), for instance, Brunkhorst (2005), (2007). Less sympathetic to, but remaining within the confines of, the liberal or the Habermasian application stand Hadenius (2001) and Zürn (2009). Consider, for a much stronger criticism of (positivist) international liberalism, Zolo (2007). For an attempt to weaken Zolo's criticism see, also, Scheuerman (2011: 96-97).
- ⁷⁸ Wendt (1999), (2004). However, Wendt (2006) tries to meet his critics in the middle by at least proposing that a U-turn would be possible if the social construction of state identities were to be observed from two angles. By analogy to light-beams, the process would then have to be observed both consisting of particles and as waves.
- ⁷⁹ This idealist bias may be traced back to Doty (1996), among others.
- ⁸⁰ It seems to this author that Kessler (2009b), (2009a) starts from the same premise, also advocating a disciplinary return to natural social systems.
- ⁸¹ Haas (1990: 172; 115).
- ⁸² Gleditsch (2008) sums up the achievements of the 'liberal moment' in IR theory without mentioning which type of general authority is responsible for structuring IR itself.
- ⁸³ By contrast to Gleditsch (2008), Grieco (1988), Ikenberry (2009), and many other liberal exponents of the IR sub-discipline, Runciman (2000), (2004) does take seriously the notion of "mutation" (he observes it as a complex social-evolutionary process).
- ⁸⁴ Skålnes (1998: 60).
- ⁸⁵ Young (2002) rejects the NATO air bombardments on Sarajevo on several grounds. NATO member states are complicit to creating civil war conditions, rather than mitigating them, and to blame for mutating and therein delegitimizing the general conditions for their own authority.

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- ⁸⁶ Waltz (2001: 117).
- ⁸⁷ For example, Scheuerman (2011: 93-96) and Kissinger (1994).
- ⁸⁸ Kissinger (1994) neglected, notoriously, any possible (civic) religious beliefs people may have about the nature of IR and natural systems alike.
- ⁸⁹ Wendt and Duvall (2008) appear to acknowledge as much by allowing beliefs in the UFO to be respected: such beliefs *could* express changing forms of structural anthropocentrism. But, for example, Werner and De Wilde (2001) seem to have perpetuated IR's Wendtian idealist bias by not treating the sovereignty of states (the UFO?) as a changing relation with a dynamic *as well as* a structural character.
- ⁹⁰ One exception may be Hassan (1993), who *does* observe postmodernism's own correlative contrariness in its relation with modernism.
- ⁹¹ See, furthermore, Haas (1990: 39-40; 43).
- ⁹² See, particularly, Arendt (1978, vol. 1:129-132), for her clarification that the virtuous leader acts just as that the "bard sings; for men *and* gods".
- ⁹³ Baehr (2004: 160).
- ⁹⁴ For Weber's notion of sects, of and the civic sphere, compare Kalberg (2009) to Pettenkofer (2008).
- ⁹⁵ Kim (2004: 92; 87).
- ⁹⁶ Kim (2004: 176).
- ⁹⁷ Weber (1946: 242; 240; 233).
- ⁹⁸ Weber (1946: ch. 12; 452, n. 8), from the Chapter "Protestant Sects and the Spirit of Capitalism."
- ⁹⁹ Kim (2004: 176).
- ¹⁰⁰ For example, Weber (1946: 209-210).
- ¹⁰¹ Weber (1946: 210-214).
- ¹⁰² Arendt (1951). Consider, further, Scott (2002).
- ¹⁰³ Arendt (1951) finds that because the state had been *licensing* the chiefs of the secret police (Himmler, Beria), to legalize the 'killings' of innocent and the 'detainment' of randomly-arrested people, warfare's methodical extremities were being 'normalized.' Arendt (1965) repeats this finding when she points out that SS-administrators (Eichmann) had been *licensing* the Jewish councils to collaborate in their 'Final Solution' programs.

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- ¹⁰⁴ Consult, in a defense of these neo-Kantian ideas in IR theory, Babst (1996), Doyle (1986), Gleditsch (2008), and Ikenberry (2009). For assessments of (the lesser liberal, and the lesser pro-Democratic Peace-motivated) forms of attack on such ideas, see Chandler (2009), Cristi (1998), McCormick (1997), and, perhaps, Lipschutz (2008).
- ¹⁰⁵ In particular, Arendt (1943), (1949), (1965).
- ¹⁰⁶ This author consulted, especially, Berman (2006), Pattison (2007), Roach (2005), and Robinson (1996).
- ¹⁰⁷ For example, Churchill (1950).
- ¹⁰⁸ See, for a parallel way of thinking about historical ‘progression’, Bain (2007). Also, in 2010, Russia admitted that Josef Stalin had ordered tens of thousands Polish military men to be shot: the Kalin Massacre. For additional historical context: Joshua Rubenstein, “The Devils’ Playground.” Review of *Bloodlands: Europe Between Hitler and Stalin*, by Timothy Snyder (Basic Books, 2010). *The New York Times Book Review*, 11/28/10, 24. Also consider, for another adjustment to the formal history of European totalitarianism, Maïa de la Baume, “Vichy Leader Said to Widen Anti-Jewish Law.” *The New York Times*, 10/06/10, A6.
- ¹⁰⁹ Tromp (1995: 192-194) suggests Stalin’s Soviet Union was probably less unified by charismatic legitimacy than by a transitional government, which could best be described as a managerial or a corporative dictatorship.
- ¹¹⁰ Consider, for example, that England’s domestic forces were among the most efficient in the world—either because they fulfilled relatively more specialized functions (as navy sailors or air-force pilots), or because they could depend on legions of Commonwealth soldiers willing to supply them at, but also to fight on, the frontlines.
- ¹¹¹ Weber (1946: 247).
- ¹¹² Weber (1946: 247; 317).
- ¹¹³ Kim (2004: 79; 74).
- ¹¹⁴ Schweller (2006), Waltz (2001), Wendt (1999).
- ¹¹⁵ Merriam Webster’s Collegiate.
- ¹¹⁶ Arendt (2006).
- ¹¹⁷ Arendt (1978: vol. 2, 117), Fritz (1954).
- ¹¹⁸ Arendt (1978, vol. 1: 92-93).
- ¹¹⁹ Weber (1946: 244-245).

¹²⁰ Compare, also, Sørensen (1998) to Wendt (1994).

¹²¹ Arendt (2006: 181).

¹²² Mysticism is a path towards both knowledge and understanding, but particularly neo-Platonism did admit onto its path these four complex relations: (1) only P, over Q; (2) only Q, over P; (3) either P or Q; (4) neither P nor Q. Relation (3) could be said to inform the Buridian's Ass dilemma, because this dilemma transforms relation (3) into (4), so that (4) could then be said to be the most quintessential of all four relations: it is the most intuitive, most free, and perhaps also the relation closest to natural law. Arendt (1978) briefly touches on the paradox of Buridian's Ass.

¹²³ Weber (1946: 78).

¹²⁴ Weber (1946: 78-79).

¹²⁵ Kim (2004: 92; 87).

¹²⁶ See, further, Kinneging (1997) and Sellers (1994).

¹²⁷ Manin (1997).

¹²⁸ Finnis (1980). Also of interest may be Michelman (1997).

¹²⁹ Consult, for example, Schmitt (1932), (1932b), (1996b) and Cristi (1993).

¹³⁰ On one connotation attached to this 'separation' see, for instance, Bellamy (1996).

¹³¹ Hansen (2010).

¹³² Finnis (1980: 234).

¹³³ Finnis (1980: 238; 246).

¹³⁴ Finnis (1980: 103-105; 130) studies the relation between "the basic forms of good ... [and] their opposites" without admitting any "recipe or blueprint" of that relation: this is an elegant definition of the dialectical method, of course, although it would also very much have to be a maieutic (and, thus, Socratic) method.

¹³⁵ Arendt (1978, vol. 2: 74).

¹³⁶ Finnis (1980: 232; 69).

¹³⁷ Weber (1946: 246-247).

¹³⁸ Weber (1946: 297).

¹³⁹ Weber (1946: 248-249).

¹⁴⁰ Schmitt (1985: 10; 19; 12-13).

¹⁴¹ In his studies of the Weimar Constitution, Schmitt (2004), (2008), details the empirical preconditions for this paradox of acting beyond and yet remaining within the juristic realm. Unlike Fatovic (2008), Žižek (1999) remains among the few commentators to not have dismissed the paradox outright.

¹⁴² See, for the Order of Malta, Krasner (1999: 16; 232).

¹⁴³ Schmitt (1985), (1976).

¹⁴⁴ Krasner (1999: 56).

¹⁴⁵ All authority is ambivalent, so the institutional authority of the SS should be found no exception. Heinrich Himmler was the highest-ranking SS officer, and yet he knew very little about what one of his subordinates, Adolf Eichmann, was presupposing that some of his directives and rules actually meant to help Germany accomplish. The latter would even be quite critical of the former's capacity to institutionalize the SS: Eichmann suspected too many disconformities within the institutional relation between formal rules and actual SS actions, or between norms and decisions—as has been reported by, among others, Arendt (1965) and Mulisch (2005). In fact, Eichmann thought that Himmler was no 'true' Zionist and it was this perceived lack of institutionalization that would somehow have allowed Eichmann to argue that he should take it upon himself to strengthen the SS by 'liberating' Europe from the Jews—and by ordering their transports to the death camps. Institutional integrity is thus not only maintained by individuals who follow rules and directives, however, but also by individuals such as Eichmann who follow them much more strictly and much more literally than that others do. They themselves, however unintentionally, may therein again begin to contribute to the loss of all institutional integrity. The SS was also ambivalent in another aspect. For example, McMeekin (2010: 192; 362) reminds his readers of the fact that Nazi Germany had ideological, non-territorial ambitions with respect to the Muslim world. Men like Himmler and Hitler were sending resources to Islamic countries in exchange for both the Mufti's cooperation in poisoning the water-supply of Palestinian Jews (a sinister plan which did not succeed because of the British victory at El-Alamein) as well as his delivering of "three mostly Muslim Waffen-SS divisions, which by 1944 numbered some 100,000 recruits in all." But, ultimately, this forms yet another example of how conformity to the rules—by the Mufti's men—did not in any way strengthen the SS. So, as Nazi government officials began to create strong alliances based on their cooperation with both Islamic and Catholic conservatives, and as the alliance-members expressed great conformity to certain Nazi rules (leading to the actual rounding up of Dutch and French Jews, for instance), these same alliances were also oftentimes institutionalized to only a very limited degree (in Italy and Denmark, especially).

¹⁴⁶ Agamben (2011: 114), (1998), (2005).

¹⁴⁷ Weber (1946: 118-119).

¹⁴⁸ Weber (1946: 119).

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- ¹⁴⁹ Weber (1946: 119-120).
- ¹⁵⁰ Kamen (2004) can be read to have illustrated this question with the case of the Duke of Alba, who took justice to the extreme, by executing all heretics in the imperial Lowlands, but failed to consider pardoning his victims.
- ¹⁵¹ Weber (1946: 127).
- ¹⁵² Weber (1946: 123).
- ¹⁵³ As Schmitt also would have argued, according to Pankakoski (2010).
- ¹⁵⁴ Weber (1946: 123).
- ¹⁵⁵ Arendt (1978, vol. 1: 187).
- ¹⁵⁶ “Max Weber”, *Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/entries/weber> (accessed 2009).
- ¹⁵⁷ Birmingham (2006: 3) argues that the transmundane right, to have secondary or positively-valued rights, is a right Arendt would have “found in the anarchic and unpredictable event of natality.” Realists have of course a strange sensibility about anarchy, however, so that it may be more to the point to suggest that the natality-right is chaotic and contingent rather than random and arbitrary.
- ¹⁵⁸ Arendt (1951), (1965).
- ¹⁵⁹ On the case of (and against) Israeli nationalism, compare Arendt (1965) to Mulisch (2005).
- ¹⁶⁰ Arendt (1978, vol. 1: 177-178).
- ¹⁶¹ Nizer (1944) was one of the vocal advocates for the de-Nazification program Arendt here rejects.
- ¹⁶² This observation is made possible in light of Arendt’s principled refusal to return to a ‘liberated’ post-1945 Germany. For her studies of German war-guilt, consider Arendt (1949), (2003) and Buckler (2001) and Schaap (2001).
- ¹⁶³ See, further, Arendt (1990).
- ¹⁶⁴ Birmingham (2006: 59).
- ¹⁶⁵ Birmingham (2006: 23).
- ¹⁶⁶ Arendt (1978, vol. 1: 175).
- ¹⁶⁷ Arendt (1978, vol. 1: 173).

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- ¹⁶⁸ For additional interpretations of Plato (1970), see Planinc (2004) and especially Dorter (1992).
- ¹⁶⁹ Alford (2010: 58).
- ¹⁷⁰ Weber (1946: 347; 340; 341).
- ¹⁷¹ Arendt (2006: 221; 256-259).
- ¹⁷² Arendt (2006: 81).
- ¹⁷³ Kohn (2000: 115).
- ¹⁷⁴ Compare, further, Kohn (2000: 122).
- ¹⁷⁵ Arendt (2006: 31, italics added, PT).
- ¹⁷⁶ Arendt (2006: 194), mainly following Machiavelli's *Discourse on Reforming the Government of Florence*. Kohn (2000: 122-123) seems to miss this critical reference, from among several of Arendt's references to Machiavelli.
- ¹⁷⁷ Arendt (2006: 215).
- ¹⁷⁸ Ish-Shalom (2006) mistakenly accuses realism of being too conservative, because Arendtian realism clearly supports revolutionary anti-élitism. Further, Tjalve (2008) reads Hans Morgenthau (one of Arendt's friends) to have neither taken a conservative-realist nor only a progressive-liberal outlook.
- ¹⁷⁹ For some passages evincing her political realism (rejecting Rousseau's "insensitivity to reality"), consider Arendt (2006: 80; 1-10).
- ¹⁸⁰ Alford (2010: 59).
- ¹⁸¹ Alford (2010: 146).
- ¹⁸² For example, Plato, *Apology* (522b).
- ¹⁸³ See, for more detail, Arendt (1990).
- ¹⁸⁴ Arendt (1978, vol. 1: 167).
- ¹⁸⁵ By contrast to Hegel (1977), who, especially also in his *Logic*, would teach that the world consists of either identity or of opposition—rather than of such coincidences and similarities.
- ¹⁸⁶ Arendt (1978, vol. 1: 167).
- ¹⁸⁷ Russell (2004).

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- ¹⁸⁸ Alford (2010: 146).
- ¹⁸⁹ Arendt (1978, vol. 1: 175).
- ¹⁹⁰ Plato (1988: bk. 11, 919b, 319).
- ¹⁹¹ Plato (1988: 919b, 319; 920a, 320; 923ab, 323-324).
- ¹⁹² Plato (1988: 881d, 278).
- ¹⁹³ Plato (1996: bk. 4, 436c-437b, 131; 438ab, 132; 439d, 134; 441a, 135).
- ¹⁹⁴ The comparative poverty of a population forms a cause of death, within that population, “the same way that behavior like smoking cigarettes does.” Nicholas Bakalar, “Researchers Link Deaths to Social Ills,” *The New York Times*, 07/05/2011, D5. For research entirely dedicated to world poverty’s double potential, to further structurally impoverish and yet also to organizationally enrich, consult both George Orwell (“The Road to Wigan Pier”) and a 2011 website created by Abhijit V. Banerjee and Esther Duflo: www.pooreconomics.com.
- ¹⁹⁵ Plato (1996: 611cd, 302).
- ¹⁹⁶ Arendt (1978, vol. 1: 175-176).
- ¹⁹⁷ See, for example, Mahbubani (2003), Gordon (2010), and the stream of news reports on U.S. military and economic alliances with the Middle Eastern and North African states.
- ¹⁹⁸ For instance, Arendt (2006: 81).
- ¹⁹⁹ Compare, Arendt (2006: 26-27).
- ²⁰⁰ Arendt (1978, vol. 1: 178-179).
- ²⁰¹ See especially, for Weber’s theory of symbiosis, Kim (2004: 112-117).
- ²⁰² See, particularly, Arendt (2003), Malpas (2010).
- ²⁰³ Robertson (1913: 471).
- ²⁰⁴ Alford (2010: 146).
- ²⁰⁵ Some commentators have argued that Arendt’s political theory was most-indebted to Montesquieu. However, the latter’s idea of mixed constitutionalism (his admiration for “a *regimen mixtum*”), according to Kinneking (1997: 215-218), was far from unique: it had been developed by Thucydides, Aristotle, and Polybius. It seems therefore less likely that Arendt was thinking as a Montesquieuan than as a classicist realist.

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- ²⁰⁶ Arendt (1978, vol. 1: 186-187). This author consulted several texts in which Arendt's (Socratic) "two-in-one" is mentioned, and agrees that genuine dualities cannot be experienced by the individual, in the inside world alone. To be thinking is not only an endogenous (not strictly a mental) experience.
- ²⁰⁷ Arendt (1990), (2006: 123).
- ²⁰⁸ Arendt (1978, vol. 1: 186-187).
- ²⁰⁹ Arendt (1978, vol. 1: 187).
- ²¹⁰ Arendt (2006: 181).
- ²¹¹ For two of his comments on Machiavelli, see Weber (1946: 124; 126).
- ²¹² Benner (2009: 342).
- ²¹³ Machiavelli (1975: ch. 12), Benner (2009: ch. 11.5, esp. 446).
- ²¹⁴ Montesquieu (2000: 29.1, 602). See, also, Kinneging (1997: 293-295).
- ²¹⁵ For example, Viroli (2007: 477).
- ²¹⁶ Consider, further, Gilbert (1999: 87-88), who faults Morgenthau for having taken Lincoln as his exemplar—as Lincoln would have remained too utilitarian and too "statist" in his outlook. Yet, Weber and even Machiavelli (and, thus, quite possibly Morgenthau as well) actually tried to argue that cases like Lincoln's can only be understood in terms of the complex or rather the ambivalent relation between their utilitarian (a 'codeword' for their official) and deontological (personal) dimensions. Specifically for Machiavelli's argument, however, start with Benner (2009: 6) and her clarification of the ambivalent decision all human groupings (all social animals) have to make, which is their decision "to establish their own laws and orders, *leggi* and *ordini*, through their own corruptible powers of reasoning." During the rational process of how the decision on the *leggi* or on the good norms (which should be a decision taken in personal freedom) will appear, as well as how any decision on the *ordini* and the exceptions (either taken by necessity or by means of a juridical freedom) appears into the world, hence, it becomes apparent to most people that the relation between their "free will" and their natural need to impose "severe constraints" on otherwise "free agents" remains both ethically and politically ambivalent.
- ²¹⁷ Weber (1946: 107-108).
- ²¹⁸ Weber (1946: 127).
- ²¹⁹ Weber (1946: 95).
- ²²⁰ Weber (1946: 126).

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- ²²¹ Weber (1946: 115) would say that President Washington had had “a sense of proportion” (that is, “the decisive [political] psychological quality”), because “proportion” can make the difference between the overly “responsible” dilettante and the strongly “passionate” revolutionary types.
- ²²² Weber (1946: 95).
- ²²³ Weber (1946: 124).
- ²²⁴ Weber (1946: 125) clearly adds that this (Jacksonian) machine is fueled by “depersonalization and routinization”—precisely because “discipline” is the premium Protestantism would award to those who had best held out on their “heavenly or worldly reward”.
- ²²⁵ Weber (1946: 98; 96).
- ²²⁶ Arendt (1978, vol. 1: 178; 191).
- ²²⁷ Plato (1984b), (1996).
- ²²⁸ Agamben (2004).
- ²²⁹ On the difficult relationship between the liberty (rationality) of, and the legal equality among sovereigns, consider Dunning (1923) and Kooijmans (1964).
- ²³⁰ For the realisms that were practiced by Schmitt and Morgenthau, and how these contained a just war theory, Brown (2007), Jütersonke (2010), and Slomp (2006).
- ²³¹ Finlay (2010: 307), Arendt (1970).
- ²³² Hurrell (2005: 18; 19-20).
- ²³³ Hurrell (2005: 22-23).
- ²³⁴ Finlay (2010: 307-309).
- ²³⁵ Finlay (2010: 311).
- ²³⁶ Finlay (2010: 300; 294; 291).
- ²³⁷ All violence is by definition illegitimate, of course, but Arendt (1970), (2006), (1951) offers the proviso this is because it is inherently *arbitrary*.
- ²³⁸ See May (2007) as well as Finlay’s (2010: 298-302) invoking of a third theorem, the “principle of Lesser Moral Authority”, which he seems to use as a lens to better identify the pure opposition between the two conventional just war-theorems. Also relevant, for the connection to identifications of (Term (1)) just war-normative conventions, is George I. Mavrodes, “Conventions and the Morality of War”, *Philosophy and Public Affairs*, 4 (1975: 117-131, not further referenced, PT).

²³⁹ Hurrell (2005: 24; 30).

²⁴⁰ McGeer and Pettit (2009), as well as Hobbes (1994) and (Pettit, 2008).

²⁴¹ For a few relevant commentaries on Schmitt (1976), consider Frye (1966) and Auerbach (1994).

²⁴² As Schmitt's *Nomos der Erde* (1997: 141) holds: "Woran erkennen wir diesen fürchtbaren Feind, dem gegenüber unser Recht keine Grenzen hat?" See, also, Palaver (1996). As an aside, the enemy (*Feind*) is of course never a foe, which would instead have to be a person with moral ideas. Instead, the enemy poses an amoral or existential threat to the state—rather than to a person with moral and legal standing, or rather than a citizen. Only this enemy can be a threat to any, and all human beings. Whereas a foe remains a moral or an immoral person, the political enemy threatens life itself—and, therefore, cannot be hedged or limited by legal means alone. As no enemy has a legal personality, yet may nonetheless be believed to be hedged politically, it may be wiser to speak in this context of enmity rather than of the enemy, as it is in a *relation of enmity* that the law holds no borders. Schmitt asks here *why* this is the case. Note, further, that Hobbes (1994) would have agreed with Schmitt: in the condition of *relational enmity*, people live in a state of nature governed by law. Thus, even in the state of nature there will be a juridical definition of the attributes by which the enemy of this state should be respected and recognized. These attributes will become, then, part of the laws of nature, including the law of self-preservation. Since there has never been a state of nature without laws of nature, at least not according to *Leviathan*, the best way of recognizing the enemy is not give him demonic or monstrous names, as such an enemy would know no boundaries (*Grenzen*), and his names would again be abused by moralistic ideologies or ecclesiastical rhetoric.

²⁴³ Slomp (2006).

²⁴⁴ Hobbes (1994: 486).

²⁴⁵ On this exception, and its capacity to transcend the opposition between positive legal values and state powers, continue to see Weber (1968), (1993), Schmitt (1985), (1976), and to a lesser extent Schmitt (1990), (1995), (1997).

²⁴⁶ Alford (2010: 149, n.1; 158, n. 7).

²⁴⁷ Hoffmann (1981).

²⁴⁸ Kratochwil (1995), Hurrell (2005), Finlay (2010).

²⁴⁹ For additional reflections on the concept of (international) state legitimacy, see Mulligan (2005), Okafor (2000), or Føllesdal (2006).

²⁵⁰ Hurrell (2005: 16).

²⁵¹ Wight (1994: 99), cited in Hurrell (2005: 16).

²⁵² Arendt (2006: 186).

²⁵³ By contrast, Waltz (2001).

²⁵⁴ Hobbes (1994: esp. ch. 28, 214) mentions that a legitimate government will have to protect the right to (threaten to) defend, to hurt, and to punish “another” but never to do any of this for or to oneself. Hobbes argues of course that such legitimate rights are compounded in the right to sovereignty (that is, the freedom to be legally incorporated and represented).

²⁵⁵ Arendt (2006: 98; 30) seeks to protect the right to carry a “legal personality” (“the mask of the *persona*”), consistent with the right to legitimately resist a tyrant (a ruler who fails to protect this equal freedom to be legally represented).

²⁵⁶ Dahl (1989), (1993), (1996).

²⁵⁷ The lead-role that is almost always being performed by constitutional fidelity (civic religion) is mostly appreciated by realists, such as Machiavelli but also Weber and Arendt (esp. 1993), all of whom expressed a friendly interest in the Roman Law tradition. For two broader, more theoretical applications of this interest, consider Marshall (2005) and Levy (2009). See also, next to these constitutionalist realists, Buttle (2001) and Sellers (1994) for the Roman case, as well as Friedrich, (1964), Holland (2010), Maddox (1982), and Rossiter (1948). For the problem of global constitutionalism and its legitimacy, start particularly with Habermas (2008), Cohen (2008), and Onuf (1994). One shortlist of well-guiding texts on international democratization and comparative constitutionalism may include Brown (2005), Finch (2007), and Semitko (2005), Mair (2006) and Lowi (2009) and on a more general level also Friedrich (1968) and Howard (2003).

²⁵⁸ Finlay (2010).

²⁵⁹ For these quotes, Hobbes (1994: ch. 18, 124-125).

²⁶⁰ Compare, also, Abizadeh (2011) to Fukuda (1997).

²⁶¹ Finlay (2010: 299), referencing McMahan (2006).

²⁶² Waltz (2001: 117).

²⁶³ It may be worthwhile to remember how a theorist such as Carl Schmitt would have said that this point begs the question: can the enemies of any state be recognized within each state by itself? For, enemies are clearly not believed to be friends of the constitutional state itself, for this reason: they are not believed to be a constituent part of that state. Once State F has declared State G to be its enemy, then F itself becomes by implication also the enemy of State G. This may mean that an enemy is to be found in a mutually-constitutive negative relationship: an enemy may not even have to be found in another state, further, because enmity (not: ‘the’ enemy) is rather to be found in an existential threat.

²⁶⁴ The group of neo-Kantians is not uniform. Generally, however, its members hold on to the idea that peaceful relations between states can be established by increasing the intensity

and frequency of such relations, because this would be how pro-democratic, commercial interests, as well as stable inter-cultural norms are being spread across the globe. The question, remains, however, to which political ground-norm such self-stabilizing or self-pacifying norms should be compared. For more studies on Kant (1991), (2001), on his liberalism and specifically on his 'perpetual peace-thesis', consider Bottici (2003), Franceschet (2000), and Kleingeld (2004). Also highly-relevant, for current discussions about Kant's status in liberal theory, have remained Nussbaum (1997) and Carter (1993).

²⁶⁵ Heyking (2005) reminds IR theorists that secularization is omnipresent in their field. But see, for the opposite angle, Luoma-aho (2009). Also, by contrast to Williams (2001), see for several of the reasons as to why even Kant (1978), (1996), particularly, should *not* be considered to have been a secular liberal, see Firestone and Jacobs (2008) and Thompson (2001).

²⁶⁶ Kantorowicz (1955), (1957).

²⁶⁷ Kim (2004: 73).

²⁶⁸ Additional references to constitutional patriotism (fidelity) can be found in a body of work that includes Friedrich (1964), Michelman (1997), and Brunkhorst (2005), (2007).

²⁶⁹ Runciman (2000: 65). Consider also, for example, Parenti (1978).

²⁷⁰ Runciman (2000: 65-66; 85; 92).

²⁷¹ Michel Foucault. *The History of Sexuality. Volume I: An Introduction*. Translated by Robert Hurley (Vintage Books, 1990, not further referenced). Additionally, Cairo (2006) and perhaps Chandler (2009).

²⁷² Weber (1946: 341; 332).

²⁷³ Weber (1968).

²⁷⁴ Tromp (1995: 153) further describes Weber's concept of "amorphic" power.

²⁷⁵ Consider Onuf and Klink (1989) for a discussion of Weber's concepts of power and state authority (*Herrschaft*).

²⁷⁶ Tromp (1995: 160).

²⁷⁷ For instance, Weber (1946: 242). Also, Tromp (1995: 163-164) and W. G. Runciman (2000: 1-6; 190) pick up this Weberian connection between legitimate authority, specific "status development[s]", and "what social evolution is all about".

²⁷⁸ Runciman (2003: 29).

²⁷⁹ Hobbes (1994), Zagorin (2009).

²⁸⁰ Agamben (2011: 50).

²⁸¹ Weber (1948: 350-351).

²⁸² Weber (1948: 347).

²⁸³ Huxley (1970).

²⁸⁴ Weber (1946: 341; 340; 357).

²⁸⁵ As an example of how some in the Buddhist tradition think about constitutional non-dualism, the notion of “the vicissitudes of life” has found various metaphorical expressions. The analogy to the rose is one of them: “soft, beautiful, and fragrant” and yet “full of thorns.” “To an optimist, this world is absolutely rosy; to a pessimist this world is absolutely thorny. But to a realist, this world is neither absolutely rosy nor absolutely thorny. It abounds with beautiful roses and prickly thorns as well”. Buddhist Missionary Society, *The Buddha and His Teachings* (Kuala Lumpur, 1988: 642).

²⁸⁶ Weber (1946: 316; 334; 333) uses “sovereignty” of course in a variety of contexts, but he seems firstly and most invested (as contrasted to the transcendental dimension) in the sectarian dimension of fateful associations or, rather, in “the sovereignty of the local sacramental *community*.” It is this context—of the state’s local associational capacity for inclusion (of both a profane particularity as well as of its sacramental universality), thus—that he defines the sovereign state in opposition, in fact, to the modern state which would have become near-completely monopolistic (universal). That is, only this modern state is the “an association that claims the monopoly of the *legitimate use of violence*.” But this modern state stands therefore still contrary to that first sovereign association, which did *not* also integrate or include “the punishment of evil” (eschatological judgment) among its administrative functions.

²⁸⁷ Foucault (1995) seem so be tracing the birth of the surveillance state back to the seventeenth century during which, he finds, justice began to contain elements of violence.

²⁸⁸ Agamben (2011: 50).

²⁸⁹ Rasch (2004: 87), citing Agamben (1998: 11).

²⁹⁰ Agamben (2011: 50).

²⁹¹ Consult, for instance, Grant (1999), Fabry (2010), and Simpson (2004).

²⁹² Public declarations of war are of critical importance to political realists, because they tend to find that secretive military operations undermine the state’s legitimacy as well as the stability of the system. See, further, Donnelly (2000: 145-146), who argues that “norms of ... self-determination and non-intervention” coincide with the use of force, rationally-designed to protect a state’s “territorial integrity”. Reasonable norms and military force, then, somehow coexist—ambivalently. The problem for IR theorists arises when neo-realists claim that states have a legal right to use force, and liberal-institutional theorists

counter-claim that most states' military forces already have come to obey by "basic norms" against territorial warfare. Against Donnelly, it is not so much a fact that only these norms themselves evolve, therefore, but much more that the relation between abstract international laws and concrete military action is itself a complex, systemic relation which occasionally opens itself up to internal modification (as happened in 1848, 1945, and 1991).

²⁹³ In, for example, Kojève (2001).

²⁹⁴ Dunn (1972: 7-8).

²⁹⁵ Arendt (2006: 266).

²⁹⁶ Dunn (1972: 18).

²⁹⁷ On representation, see also Ankersmit (2002), Manin (1997), and Urbinati (2007).

²⁹⁸ Schmitt (1988).

²⁹⁹ Arendt (2006: 244).

³⁰⁰ Dunn (1972: 5; 232).

³⁰¹ Arendt (2006: 189) speaks of the *conservation* of "the great Roman example", by the *revolutionaries* of various eras.

³⁰² Arendt (2006: 81).

³⁰³ Arendt (1978, vol. 1: 92-93).

³⁰⁴ Arendt (2006: 98).

³⁰⁵ Aristotle (1958: 1273a, 85; 1271b, 79).

³⁰⁶ Arendt (1970: 40), (2006: 20-21).

³⁰⁷ Kinneging (1997: 171, footnote).

³⁰⁸ Arendt (1978, vol. 1: 92-93).

³⁰⁹ Weber (1946: 107-108).

³¹⁰ See, further, Kelly (2003) and Christi (1993), (1998), but also Mouffe (1999) and Žižek (1999).

³¹¹ Arendt (2006: 122).

³¹² Bruner (2009).

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- ³¹³ Bill Moyers seems to refer to a similar duality within the usage of power, but also to the present-day imbalance of powers. For, he speaks of a disequilibrium between both the vested pro-privatization forces of capital and democracy's anarchical pro-publicity: "The power of money [now] trumps the power of democracy." Interview by Amy Goodman, *Democracy Now!* (syndicated news broadcast), 06/08/2011.
- ³¹⁴ For a select sample of the literature on 'new' republican constitutionalism, see Pettit (1997), Pocock (1975), Rigsby (2002), and Skinner (1998). Also of interest are Shklar (1990) and Spector (2004), taking diverging points of view on Montesquieu's 'new' republicanism.
- ³¹⁵ Arendt (1970: 56).
- ³¹⁶ Arendt (2006: 127).
- ³¹⁷ Arendt (2006: 230).
- ³¹⁸ Arendt (2006: 231).
- ³¹⁹ Dahl (1993) assumes that open but well-regulated economic markets form the primary precondition for democratic constitutions. Arendt (2006: 240-247) objects to this type of assumption by setting forth other criteria, such as a constitutional provision of direct constituent power (a provision validated by the town-halls, wards, and in other 'elementary republics'). For one proposal to re-erect such a constitutional provision, by making better 'republican' usage of the U.S. Constitution and specifically of its Article 5 powers, consider Levinson (2006).
- ³²⁰ Skultety (2009).
- ³²¹ Aristotle (1958).
- ³²² Arendt (2006: 123).
- ³²³ Natalie Angier, "Thirst for Fairness May Have Helped Us Survive," *The New York Times*, 07/05/2011, D2.
- ³²⁴ McGeer and Pettit (2009: esp. 60-62).
- ³²⁵ For a summary, see Palonen (1999: 525-529).
- ³²⁶ Sen (1984), (1999), took the British-made Indian famines as a cue for his thoughts on freedom.
- ³²⁷ Dunn (1972: 216; 223).
- ³²⁸ Dunn (1972: 224).
- ³²⁹ Weinstein (2007: 38) helps explain why theorists should refrain from calling rebel groups "state-like entities"—but neglects possibly qualitative differences between "the micro-politics of rebellion" and the state's macro-politics.

³³⁰ See, also, Ross (2004).

³³¹ Weinstein (2007: 52).

³³² Weinstein (2007: 305-311; 328-330; 342; 206).

³³³ Weinstein (2007: 198).

³³⁴ Weinstein (2007: 180; 175).

³³⁵ Weinstein (2007: 304).

³³⁶ Philpott (2001: 211) mentions that “[t]he Soviets, like the Americans, were concerned about the alignment of the [mostly formerly British and French] colonies”. Yet, he also argues that the alignment was mostly an ideological phenomenon, or a struggle for “liberation”, so that anti-colonialism itself was not as much part of the Super Powers’ pursuit of “strategic interests”. Crawford (2001) seconds his argument. However, as Klein (2008) can help illustrate, the era of territorial decolonization did help set the stage for post-territorial and economic forms of neo-liberal colonization; an effort led by Washington and the Bretton Woods institutions and, thereby, an effort most advantageous to geopolitical Western interests. Washington held the greatest comparative market advantages in the 1960s, so decolonization could only have expanded its own economic powers even more than the powers of its political contenders. Consider, further, Hardt and Negri (2000), Negri (2008), and Goldman (2006).

³³⁷ Babst (1996, orig. publ. 1972), Doyle (1986), and numerous other defenders of the supposedly empirical DP law (that democratic states are not ‘hostile’ and will certainly not go to war against each other), tend to subsume the individual cases to a general law—but they then do this without feeling obliged to also judge their cases separately. This means that they will have to try to arbitrarily (without criterion of democracy) draw their cases, of a few individual ‘friendly’ states, out of their historical context—within which the unique political relations of these states (that is, the relations among democratic as well as between democratic and non-democratic states) will have been formed. Outside that context, however, it remains almost impossible to understand what it *means* to concretely live in a country governed by a representative democracy.

³³⁸ Variants on this argument were made by, for instance, Wendt (1999), Nexon (2009), and Cronin (2003). Compare, further, Flockhart (2006), Rosenberg (1994), Ruggie (1998), Onuf (1994), and especially Williams (2001). For two (seemingly viable) alternatives to the idea of a socially constructed IR basic convention-argument, consider Hobson (2007) and Hasenclever, Mayer, and Rittberger (2000).

³³⁹ Philpott (2001: 23).

³⁴⁰ Hardt and Negri (2000), (2004).

³⁴¹ Hardt and Negri (2000: 331; 41).

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- ³⁴² Hardt and Negri (2000: 88).
- ³⁴³ See, perhaps, Breen (2009).
- ³⁴⁴ Compare, also, Palonen (1999: 531) to Runciman (2004).
- ³⁴⁵ Palonen (1999: 534).
- ³⁴⁶ See, for instance, Rousseau (1979: 146-147), who mentions that “natural pleasures” are spontaneous and immeasurable. To take pleasure in the equality of others and of their states, then, is to take pleasure in their being “together” in a common space—in which neither poverty shows its “hideous face” nor “pomp flaunts its insolence.”
- ³⁴⁷ Arendt (2006: 221).
- ³⁴⁸ Arendt (1978, vol. 1: 167).
- ³⁴⁹ Arendt (1990), (1978). Compare, further, Kalyvas (2008).
- ³⁵⁰ McGeer and Pettit (2009: 47) accurately open their chapter with an observation by John Dunn, to the effect that the opposition between “the lightest breeze of reason” (rationality) and “psychological and political habits” (judgment) is extraordinarily “sticky” (the opposition itself cannot be imagined to come loose and go away).
- ³⁵¹ Weber (1968), (1946), (1958), (1993).
- ³⁵² See Weber (1946: 78-79) and Tromp (1995: 160-170) for discussions of legitimate authority.
- ³⁵³ McGeer and Pettit (2009) may concur: this paragraph matches with their political judgments index.
- ³⁵⁴ Weber (1946: 241; 267) reserves his label ‘value-neutral’ for the sharpening of his distinctions, such as the one between “cultural” and “expert” (positivist) cognitions, or as between beliefs in different “world religions”. Hence, the label is used to refer to a type of knowledge, not to its contents.
- ³⁵⁵ Weber (1946: 341; 332).
- ³⁵⁶ Arendt (2006: 127).
- ³⁵⁷ The political public/private duality in Arendt’s (1993), (2003), (1978, vols. 1 and 2) mature oeuvre gradually takes on dimensions relatively underexplored in the IR theory field. Nonetheless, the public realm is herein described as the ‘willing’ to appear among others, and to partake in the sharing of sense experiences, whereas the private or the mental life is called ‘thinking.’ A similar but far more rationalist distinction had earlier been examined, in the Occident, by Arthur Schopenhauer (*Price Essay on the Freedom of the Will*) and in a different form also by Immanuel Kant (1965, *Critique of Pure Reason*). For a commentary, consider Theodor W. Adorno’s *Kant’s Critique of Pure Reason* (Stanford,

CA: Stanford University Press, 2001, not further referenced in this book). Note that Arendt clearly rejected the interiorization of the willing-thinking duality by Schopenhauer, and by Adorno's Kant as well as she recombines interiority (of the thinking being) with the concreteness of exteriority (the willingness to appear).

³⁵⁸ This subsection's author generally consulted, among other secondary texts on Weber's theory, Borchert (2007), Kalberg (2009), Kalyvas (2008), Kelly (2003), Kim (2004), Pettenkofer (2008), Pichler (1998), and Shaw (2008).

³⁵⁹ Merriam Webster's Collegiate.

³⁶⁰ Kim (2004: 85-86).

³⁶¹ Kim (2004: 85-86).

³⁶² Palonen (1999: 534).

³⁶³ Baehr (2004: 167-168).

³⁶⁴ Gramsci (1998: 219).

³⁶⁵ Baehr (2004: 167-168).

³⁶⁶ Following a free interpretation of Kim (2004: 117).

³⁶⁷ For the argument that symbiosis within the field of opposing ethics is both an actuality and a potentiality, see, further, Kim's (2004: 117; 112) remarks that the two ethics cannot be actually united, even though they potentially coincide: "Weber indeed confirms that '[i]t is not possible to unite the [coincidence] ... of [consequentialist] conviction with the ethic of responsibility'". "[His] claim of incompatibility [makes it deliberately] ... unclear whether Weber 'devalued' the former against the latter. For a candid recognition of the logical incompatibility between two ethics does not necessarily, or at least not immediately, entail a moral claim that one of those two ethics was devalued by Weber." Rather, he did remind his readers "that the ethic of conviction originates from the ethical irrationality of the empirical world". It is, Kim (112) seems to want to add, from within the strange "tension" between the intra-wordliness of a consequentialist conviction and then also of an extra-mundane sense of irresponsibility, that a "rational and meaningful cosmos" may potentially begin to emerge.

³⁶⁸ Michael Bakunin, *Statism and Anarchy* (Cambridge: Cambridge University Press, 1990: 114, not further referenced).

³⁶⁹ Compare, further, Bakunin (1971: 325-350; 161-174).

³⁷⁰ See Gramsci's (1998: 219-223) appropriation of Weber's formulaic iron law.

³⁷¹ Baehr (2004: 162-163).

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- ³⁷² It is unclear to which degree Gramsci (1998: 223) follows specifically Weber's theory, but he clearly writes about Caesarism in almost the same formula. See also, for a chapter which provides much historical context, Barclay (2004).
- ³⁷³ The representativeness of political institutions is co-constitutive of institutions such as parties or assemblies: it is a two-way street, in essence, because it occasionally requires the representatives and the representees to change places. Besides H. F. Pitkin, specifically Ankersmit (2002) and Manin (1997) identified valuable parts on the street.
- ³⁷⁴ Compare this notion of a mixed Junker republic, to Kim's (2004: 88) more conservative reading.
- ³⁷⁵ Arendt (2006: 221).
- ³⁷⁶ McGeer and Pettit (2009: 58-64).
- ³⁷⁷ Weber (1958: ch. 6, 107), "The Religious Foundations of Worldly Asceticism."
- ³⁷⁸ Compare, further, Mehring (1998: esp. 136).
- ³⁷⁹ Kantorowicz (1957).
- ³⁸⁰ Mehring (1998: 143; 133), (1989) and Schmitt (1932), (transl. 2004).
- ³⁸¹ See, for example, Weber's (1958: 167) impression that a whole world could be said to have disintegrated due to the Puritan aversion against "pleasure seekers". *If* only these seekers of happiness were to be understood on Arendt's terms, however, as spontaneously expressing their leisure (*scholē*), *then* they should actually be held responsible for integrating this same world—and, thereby, also for ethically integrating natural authority's two dimensions, of both mundaneness and transmundaneness.
- ³⁸² McGeer and Pettit (2009: 70).
- ³⁸³ Kim (2004: 41) adds, for instance, that Weber's Calvinists have "no privileged private realm as a depository of meaning"; they have no "inner sanctum", Weber argues, because they so fully engaged in exteriorizing the transmundane aspects or the extra-wordliness of their life.
- ³⁸⁴ Weber (1958: 115), (1946: 126).
- ³⁸⁵ Consistent with Weber's impression at this point, a special issue of the *Cardozo Law Review* (check ??? notes, PT) was dedicated to the 'separation of state and church-doctrine'; this author gathered from the issue the 'doctrine' was introduced into American discourse by Protestant officials and representatives (WASPs) who were actually trying to *exclude* others from their own positions of formal authority (Catholics, Jews, and so forth).
- ³⁸⁶ Kim (2004: 77; 71) references Weber (1968: 699-702).

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- ³⁸⁷ Kim (2004: 36) puts it well when he additionally mentions that Luther preceded Calvin in having opened the doors of the monasteries, thereby allowing their systematic rationalism to “penetrate all domains of life.” Luther thus indeed “prepared the way for Calvin’s more decisive formulation, which [in turn] gave birth to a new inner-worldly otherworldliness, or in Weber’s term, a ‘worldly asceticism’ (*innerwertliche Askese*).”
- ³⁸⁸ Weber (1968: 317-329), Weber (1958).
- ³⁸⁹ Descartes (1979).
- ³⁹⁰ Mehring (1998: 149).
- ³⁹¹ Mehring (1998: 147).
- ³⁹² Kelsen (1967b), De Angelis (2009).
- ³⁹³ Kim (2004: 85-86).
- ³⁹⁴ Mehring (1998: 147).
- ³⁹⁵ Baehr (2004: 167-168).
- ³⁹⁶ Consider, especially, Machiavelli (1966) and Gramsci (1988). Also relevant to the classicist realist case may be Kinneging (1997). Start, for Machiavelli’s part of the case, with Fontana (1999), Colish (1978), and Coby (1999). For Gramsci’s part, Buci-Glucksmann (1980) and Kalyvas (2000).
- ³⁹⁷ Kim (2004: 73).
- ³⁹⁸ In the IR field, compare this to Ermakoff (2009) and Campbell (1998), (1999), and possibly to Neumann (2003).
- ³⁹⁹ Negri (1999: 73-74; 12) provides additional assistance, specifically to Machiavelli’s realist theory, in clarifying why this theory cannot endorse a neo-Hegelian program of dialectical idealism: it cannot endorse those taking a middle position in defense of “metaphysical unity” or of “synthesis”—as Althusser (1999) could have concurred. It is in this respect that realism begins with Machiavelli.
- ⁴⁰⁰ Advanced realism shares this notion of interrelatedness (and self-organization) with Naess (1989: esp. 164-169).
- ⁴⁰¹ Hegel (1967: esp. pars. 358; 360, p. 222).
- ⁴⁰² Wight (1966).
- ⁴⁰³ See, also, Little (2007).
- ⁴⁰⁴ Hobbes (1994: esp. ch. 13), Schmitt (1997). Further, Brown (2007) and Slomp (2006).

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- ⁴⁰⁵ It is unfortunate that Agamben (2005: 78; 84-86) tries so hard to situate *auctoritas* outside *potestas*, because his separation of the terms also suggests they would have two separate sources. He seems to be entirely correct that *auctoritas* “springs from life” (it is the life-sap of the Roman Republic), as Agamben writes, but it would be incorrect to hereby conclude that the structure of life itself does not consist of contending powers and potentialities.
- ⁴⁰⁶ The question of how this common belief may (indeed: ‘somehow’) emerge, then, is indirectly answered by the Marxian tradition of political thought. In the “Eighteenth Brumaire”, Marx (1978: 611), (1978b: 530-531), parts from one of the central messages in his earlier “Critique of the Gotha Program.” In the former pamphlet, Marx agitates against capitalism’s entire “alchemistic cauldron”—but in “Gotha Program” he is defending its best alchemic and synthetic functions: he is here still hopeful that its internal “intensity” (the “antithesis” between mind and bodily labor) will have “vanished” once the workers will have taken over the “modes of production.” This has been taken to suggest that Marx, at least only in the later pamphlet (“Eighteenth Brumaire”), written in the aftermath of both the 1848 revolts and the 1851 Caesarist reaction, would have understood that (capitalism’s) tension would have to persist rather than to reach one final synthesis. See, further, Althusser (2006a).
- ⁴⁰⁷ Naess (1989: 79).
- ⁴⁰⁸ Negri (1999: 306) suggests, in comparison, that the “creative force” (the sovereignty?) that embeds the structures of power should be believed to be the “living god” of the democratic multitudes. He therein neglects, unrealistically, their destructive force.
- ⁴⁰⁹ Continue with Naess (1989: 68-80).
- ⁴¹⁰ Lovelock (1988).
- ⁴¹¹ For commentaries on the grand (IR disciplinary) debates, consult (in alphabetical order), Brecher (1999), Kratochwil (2006), Lapid (1989), (2003), Moravcsik (2003), Walker (1995), and Wæver (1997) but, also, Palan and Blair (1993).
- ⁴¹² Capra (1997: esp. 43-46) describes the work of complex systems theorists such as Ilya Prigogine and Alexander Bogdanov. Walby (2007) makes an effort of applying some theoretical concepts of complex systems to IR inequalities.
- ⁴¹³ Capra (1997: 85).
- ⁴¹⁴ Wight (1966) and Butterfield and Wight (1966) seem to admit that the balance of powers has systemic effects on the structural distribution of powers—but they ignore, sometimes, how the balance also, empirically, closes off its own organizational dimension. Yet, Machiavelli taught that the balance of powers is always a degree of organizational orderliness, and should be sustained by spiritualist as well as by structuralist and materialist practices. Sustaining the balance is a process that occurs, then, through dual practices of prudence. See Benner (2009). For another, more secularist study of Machiavelli’s prudence, consider Garver (1987).

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- ⁴¹⁵ For instance, Plato (1990) studies the tension between the process philosophy of Heraclites and the Pythagorean possibility of limited but stable knowledge. Uždavinys (2004: 48-51) lists the “Fragments of Philolaus”, further, which suggest that all things are like numbers. They are in flux: the limited and the unlimited things “participate” in one another, as do the odd and the even. For the notion of flux itself, consider also Capra (1997: esp. 42-43) and Rousseau (1979: 137).
- ⁴¹⁶ Meinecke (1957) might have realized this too late.
- ⁴¹⁷ For Schmitt, compare Mehring (1989). For Morgenthau, Pin-Fat (2005).
- ⁴¹⁸ Hans Morgenthau must be counted among the realist defenders of a world-state ideal, and of an ideal state to be used for all practical purposes, because he feared that human beings would otherwise succeed in finally borrowing Nature’s destructive powers (that is, nuclear weapons) for usage by nation-states: Morgenthau evidently sought to prevent the use of such powers in the service of the state’s authority, not to make these powers collide with such a mode of sovereignty. For additional references, consider Scheurman (2011: 63-66; 111-112) and Craig (2008).
- ⁴¹⁹ Contrary to Kelsen (2000, orig. publ. 1946).
- ⁴²⁰ Schmitt (1976).
- ⁴²¹ Schmitt (1985 (orig. publ. 1922)). See, also, Negri (1999) and Kennedy (2011: 536-537).
- ⁴²² Compare, specifically, Meinecke (1957) to Schmitt (1926).
- ⁴²³ For two studies of how Machiavelli sought to make the political world conform better with the transmundane or natural principles of order, consider Masters (1996) and Parel (1992).
- ⁴²⁴ Especially, Negri (1999: 71; 76).
- ⁴²⁵ See, furthermore, Marsiglio of Padua, *Writings on the Empire: Defensor Minor and De Translatione Imperii*. (Cambridge University Press, 1993, not further referenced, PT). For a very workable commentary on Padua, continue first with Alan Gewirth, *Marsilius of Padua* (Arno Press, 1979, not further referenced).
- ⁴²⁶ See, particularly, Machiavelli (1966).
- ⁴²⁷ For a few studies, which appear to be applying systems theory to the IR field, and sometimes touch on this theme of natural wholes which are transcending-yet-including political actions and relations, consider Brecher (1999), Buzan and Little (2000), Cudworth and Hobden (2010), Kessler (2009b), and Hollist (1981).
- ⁴²⁸ This paragraph’s rejection of individualist liberalism (in its modernist form, indeed) differs somewhat from (in being non-dialectical), and yet remains deeply indebted to Althusser (2006b) and Jameson (2009), and also to Connolly (2002), (2008), and Huxley (1970), as all of these authors are more respectful (than that liberal philosophers such as Habermas

would be) of the ambivalent coincidences of materialist and spiritualist dimensions—but also of the perennialist interdependency of political biotopes and their own civic religiosity.

⁴²⁹ Naess (1989: 184-185).

⁴³⁰ Meinecke (1957: 213-214).

⁴³¹ Naess (1989: 184-185).

⁴³² Hobbes (1994: ch. 16, 112-113).

⁴³³ Holland (2010) refers to Roman Law-legacies in concepts of sovereignty, including Hobbes's concept.

⁴³⁴ Reinhold Niebuhr (1892-1971) paves an entryway to the theological structure of realism's ecological ideas. Continue to see, for some similarities within these ideas, diZerega (2000).

⁴³⁵ See, for instance, the “anti-nuclear and pro-nonviolent” agenda for NATO reforms, by Naess (1989: 160).

⁴³⁶ Naess (1989: esp. 78-80; 169-171).

⁴³⁷ The phrase ‘natural political realism’ is only used, here, to convey the message that positivist social scientific forms of realism, and especially the form of neorealism, should not be included among all those realisms which rather remain respectful of the natural negativity as well as that they apply themselves to the social positivity of politics. The natural complexity of the political is both negativist and positivist, meaning it is ambivalent, and thus also that neorealism's scientific positivism is at a high risk of losing its sense of this ambivalency. Hassan (1993: 281) captures natural realism's appreciation of ambivalency well when he introduces the word ‘indeterminance’. Hassan mentions ‘indeterminance’ can be used to make sense of, or to “designate” events which are showing two tendencies. First, they tend towards “indeterminacy” (particularly towards the self-transcending nature of institutional authority, it appears) and, second, they attend to “immanence” (particularly towards the inclusion of social institutions, althus this author). In Hassan's own, rightly-chosen, words, these are “two tendencies [which] are not dialectical; for they are not exactly antithetical; nor do they lead to a synthesis. Each contains its own contradictions, and alludes to elements of the other.”

⁴³⁸ Hobbes (1994: ch. 12, 79; ch. 4, 31).

⁴³⁹ Hobbes (1994: ch. 42, 391) argued, famously, for example, that ultimate authority is dualistic: it is *both* ecclesiastic *and* civil. All the “Christian kings have their civil power from God immediately”—so that any “Christian commonwealth” will have magistrates whose authority is *equal* to that of the Pope's bishops, in the sense that their judicial decisions have “no less *de jure Divino mediato*”. See, further, Dumouchel (2001) for the way in which Hobbes (1994: esp. ch. 16) believes this dual authority is being juridically

personified. Of course, it has remained open to debate whether he actually intended either the covenant or the sovereign to exercise ultimate authority. However, if it were premised that the covenant is metaphysically represented by the legal personality of the sovereign, then it becomes more apparent why Hobbes also can be said to have held on to a medieval concept of dual (and ultimate) authority.

⁴⁴⁰ While Negri (1999: 109) thinks that Hobbes epitomizes an anti-constitutional theory of command, Naess (1989: 50) helps realists to argue that even a Hobbesian sovereign should be considered theoretically indeterminable: the sovereign's covenantal authority rather appears to be in (Heraclitean) flux.

⁴⁴¹ Whitehead (2011) rebuffs this form of protest, but only too briefly.

⁴⁴² Hardt and Negri (2000: 192-193) are correct that capitalism thrives in a foreground culture that was first constructed "to fill the role that biology [once] played." Or, capitalism indeed depends on a "theory of segregation" in the sense that its cultural exponents expect that even "racial supremacy and subordination [will only] ... arise through free competition [or at least through] a kind of market meritocracy".

⁴⁴³ Specifically, Liftin (2003).

⁴⁴⁴ Liftin (2003), (1998).

⁴⁴⁵ Compare, especially, Zimmerman (1994: 21).

⁴⁴⁶ Naess (1989: 79).

⁴⁴⁷ Capra (1996: 225; 228).

⁴⁴⁸ Machiavelli (1950: D 1.54, 251-252).

⁴⁴⁹ Zimmerman (1994: 31).

⁴⁵⁰ Lake (2010) hints, likewise, at the need for a new concept of relational authority. But, as it appears to this author, Lake's concept cannot reliably define authority's emergent and historically fluctuating properties.

⁴⁵¹ One model of sovereignty's constant developmental process has been programmed by Cederman and Daase (2006).

⁴⁵² For a useful contextual review of Negri, see Kennedy (2011: esp. 486).

⁴⁵³ Negri (1999: 252; 259-260).

⁴⁵⁴ To their contrary, see Žižek (2001), (2006), (2008).

⁴⁵⁵ Begin with Foucault (1995).

⁴⁵⁶ Foucault's concept of biopower, according to Hardt and Negri (2000: 24; 29), "refers to a situation in which what is directly at stake in [state] power is the production and reproduction of [all] life"—and biopower, thus, should not only refer to the life of the body, but also to that of the 'general intellect.'

⁴⁵⁷ Chandler (2010). Also see, however, Devetak (2008) and Hindess (2005).

⁴⁵⁸ Hardt and Negri (2000: 329).

⁴⁵⁹ Negri (1999: 27-28).

⁴⁶⁰ This summary spins Negri (1999: 51; 59; 99; 89) a little, but the spinning remains justifiable because the goal behind Machiavelli's presentation of his so-called impossible dual combinations would have been to create a "rupture ... more real than synthesis." The rupture is then the source of an alternative society, even though no dialectical synthesis will be achieved, says Negri. This reading finds some fundamental support in Althusser's, yet, it is not entirely clear whether Machiavelli did indeed present the same antagonistic combination—of monarchical states versus constituent powers—as that Negri might here be thinking that he did.

⁴⁶¹ Hardt and Negri (2000: 27-30; 143-146), (2004).

⁴⁶² Hardt and Negri (2000: 198-199).

⁴⁶³ Hardt and Negri (2000: 32; 330, italics removed from original).

⁴⁶⁴ Hardt and Negri (2000: 404-406; 395) suppose that there is such a group as a "multitude [that] affirms its singularity" and speak of "the biopolitical singularizations of groups". However, it appears highly unlikely that human nature can be the sole foundation of biological, let alone political singularity. In all of Nature, in fact, is simply impossible to encounter a singular grouping (this is a contradiction in terms), though it remains possible to say that multitudes are several groupings, each of which equally multitudinous. A similar point was made by Connolly (2004).

⁴⁶⁵ Žižek (2006), Connolly (2008).

⁴⁶⁶ Hardt and Negri (2000: 404-406).

⁴⁶⁷ Hardt and Negri (2000: 291).

⁴⁶⁸ Hardt and Negri (2000: 330).

⁴⁶⁹ Hardt and Negri (2000: 396) refer occasionally to "languages" but hardly explain why linguistic immanence should remain a mythological quality of the life of the multitudes.

⁴⁷⁰ Hardt and Negri (2000: 184), Negri (1991: esp. ch. 2).

⁴⁷¹ Hardt and Negri (2000: 408-409).

⁴⁷² Machiavelli (1950: D 2.22, 354).

⁴⁷³ Sunstein (2010: 103; 105-106).

⁴⁷⁴ Hardt and Negri (2000: 327-329) basically use Foucault's image of the sovereign as someone taking a "transcendent position" supportive of the "capitalist state." Against this image, the multitudes can be seen to discipline themselves by means of their immanent wills, inseparable from their "subjectivity".

⁴⁷⁵ See, further, Bruner (2009), Gran (2009), and Latham (2011).

⁴⁷⁶ Hardt and Negri (2000: 244-251).

⁴⁷⁷ Wallerstein (101-103), also referenced in Bruner (2009: 87, n. 52).

⁴⁷⁸ Hardt and Negri (2000: 334-335, italics removed).

⁴⁷⁹ Bruner (2009: 87).

CHAPTER THREE

Loneliness is an attribute of our limited awareness, not of life itself.

—Götz Spielmann

The demands of a free people are rarely pernicious to their liberty; they are generally inspired by oppressions, experienced or apprehended; and if their fears are ill-founded, resort is [to be] had, [by them], to public assemblies.

—Machiavelli (1950: bk. 1, ch. 4, 120)

Is it not impressive that one can oblige men to do all the difficult actions and which require force, with no reward other than the renown [and glory] of these actions?

—Montesquieu (2000: bk. 3, ch. 7)

When religion condemns things that civil laws permit, there is the danger that civil laws will permit on their side what the religion should condemn...

—Montesquieu (2000: bk. 24, ch. 14, 468)

When it is impossible to settle an exact balance between the constitutive parts of the state, or when causes beyond control go on altering the relations between them, then a special magistrate is established, as a body separate from the other magistrates.

—J.-J. Rousseau (1968: 4.5, 168)

[Schmitt recognizes] the gap which separates the “proper” authority of the Symbolic Law/Prohibition from mere “regulation by rules”. [P]aradoxically, the domain of symbolic rules, if it is to count as such, has to be grounded in some tautological authority beyond rules, which says: “It is so because I say it is so!”

—Slavoj Žižek (1999: 26)

Mixed Conceptions of Legitimate International Relations

The dual sovereignty thesis (DST) comprises the straightforward proposition to no longer be trying to forcefully reconcile the popularly-legitimized and the statist-representational dimensions of ultimate authority. Internationally, because of the 'natural' tension between the power of popular legitimization and the power of state representation, diversely-mixed and variously-structured forms of power are tending towards a modicum of order. Because of the qualitatively-different 'nature' of the core powers of sovereignty, the thesis proposes, it may be believed that from the tension between these core powers an ulterior tendency towards public orderliness emerges.

Although many moral justifications and nationalist motives have been ascribed to power's innate tendency towards domination, the realist hypothesis is that even this tendency is part of human nature (among several others). Power can create not only dominant leadership styles: it can also create organizational orderliness and other dynamical innovations. In this, power itself is analogous to 'second nature' or even to appeals to sheer commonsense, also. Some advanced realists and proto-realists have defended the DST in order to describe diverse legitimizations of the complex relationship between sovereignty's two dimensions: power and law. Friedrich Meinecke, among them, holds that legitimate authority should be trusted to emerge through the interactions between constitutional nation-states, while at the same time pointing out that constitutional law and the power of nationalism are creating mutually-conflicting

tendencies. Any possible defense of the national interest will demand a certain discretion in foreign affairs, but constitutional norms will simultaneously require a populace to apply its “civic freedom [in order to] ... contest the primacy of foreign policy, [and to] ... ‘struggle’ with it, in order to keep the latter within bounds.”¹

The DST is the proposition that the complex relation between “civic freedom” and “foreign policy” appears not as a tension between exclusive categories, but as a tension capable of generating legitimate sources of sovereignty—without that this tension has to be superseded by one all-inclusive normative theory.² Certain persons are constantly being recognized, as legitimate statespersons, by free citizens (under constitutions) as well as by foreign dignitaries (by other governments), and it takes both of these two modes of recognition to help them traverse into the realm of equal sovereignty. In other words, once statespersons have begun to recognize their commonalities, as sovereigns, they will also have to have recognized a perplexing tension between both their natural or geophysical inequalities (governments) as well as their legal statuses or their jurisdictional equality (constitutionality). One early variant of the DST is being formulated by Meinecke, who argues that Frederick the Great had misunderstood Machiavelli and, as a consequence, had falsely idolized the universality of public reason and the morality of *raison d'état*, also—while blinding himself against the vast empirical record of often irrational and fateful events. Yet, precisely these sorts of events have long been believed to cause sovereign statespersons to struggle against the historical world and even to have transcended the flux of History herself.³

The DST cannot be isolated from empirical histories of how specific state rulers succeeded to be recognized by either their international counterparts or their subjects. The DST is supported, instead, by a general observation that common interests among most statespersons will somehow coincide with their their responsibilities towards the ruled. This observation urges them to engage in self-assessments, and yet also to apply their capacity for skepticism within an unpredictable public realm—rather than only in the sphere of reason and logic. For, this is intrinsically an individualist, and even lonely sphere. But isolation and loneliness are attributes of how human animals experience their own “limited awareness, not [attributes] of life itself.” Görtz Spielmann adds (although only implicitly also to the DST) that scores of perfectly rational human beings, when given the chance, would want to let their minds wonder off into states of loneliness and fantasy: into states of hoping to eventually live in their “magical illusion” of remaining “separate from the world”—whereas, in actuality, “[t]his separation is just an invention”.⁴

In a world of social animals, no statesperson can be said to act prudently if she is not also willing to avoid loneliness and concretely participate in politics. Every person should thus participate in the public process, and so learn to recognize the ambivalent tension between the contrary forces within her own political constitution. In one dimension of the constitutional state, and of statespersons, also, there are the rational interest and the private concerns. This is the most lonely and most other-worldly sphere of the two. In the other, there is public service and the assignment of official duties. This other dimension demands participation as well as a concrete and worldly sense of solitariness, which may be expressed by holding oneself back from the more abstract

other-worldly sphere. These two dimensions do not so much split the typical state constitution or statesperson apart, however, as that they help her to integrate the utilitarian effectiveness of her interests with the responsiveness of her service to the public.⁵ Both Meinecke and Weber can be said to have been Machiavellian realists, furthermore, because they well understood why the DST is best defended by integrating both of these dimensional forces, without denying that they contradict one another—and without denying that one force transcends and yet includes the other.⁶ The next-following sections shall demonstrate, with Machiavellian realism, that successful statespersons have to show themselves to the world as capable of constantly recombining and re-integrating consequentialist policy rationales with greater deontological responsibilities.

International Relations theory is a field of inquiry into the meaning of sovereignty, yet the field continues to under-estimate and under-appreciate the depth of sovereign authority's contradictory dimensions. Yet, Weber spoke clearly about how its legitimacy remains an ambivalent affair—if not only because sovereign authority has to have been legitimized by both official and personal, as well as by both rational-legal and normative-conventional processes. In contradistinction, the IR field seems to have separated these processes from one another. Structuralist neorealism highlights the axis of rational choice and the need to take self-interested decisions, while institutional neoliberalism describes an axis of international conventions and multilateral values. Neorealism insists on the grave inequality in the power of states, hereby, while neoliberalism professes to respect each state's equal right to participate in multilateral institutions. One of the typical IR problems has remained, therefore, that both neorealist

and neoliberal activities co-exist without that the field has been able to agree on the location of a third point in which their respective axes would have to be crossing each other.⁷

Those who have spend much time looking at IR theory, as a single scholarly field, have been likely to experience a strange optical illusion.⁸ From one angle, states seem to be pursuing their national interests—possibly at a very high cost to their populations. If states must disturb the balance of powers to maintain their national security, in brief, then each individual state will try to reach its own point of Pareto-efficiency in doing so.⁹ From another angle, states appear to be taking their responsibilities towards each other very seriously. They are sincere and open towards one another, especially as they help spread democratic values and engage in commercial relations—but also as they take part in transnational institutions and arbitration mechanisms.¹⁰

What neither neorealism nor neoliberalism has managed to account for, nevertheless, is the possibility that democracy may not have been spreading because of the rational pursuit of national interests nor because of obedience to normative transnational liberties. Present-day democratic procedures might simply have been implemented because of certain historical imperatives, rather, which then helped individual statespersons in transcending their seemingly contrary interests and liberties. Democratic procedures, such as those used in the UN General Assembly or by the International Court of Justice, have often ended up being followed because of the contingent nature of historical events. It is likely, thus, that statespersons would have acted differently if they had known beforehand which resolutions the General Assembly

would end up adopting or which advisory rulings the ICJ would end up publishing. These outcomes could not always have been anticipated, by statespersons, because of their limited horizons on the tension between their decisions and the conventional norms.

Even the most democratic procedures are, in themselves, neutral procedures. In the relations between states, critically, every procedure may be simultaneously binding and non-binding. The conventional procedures will usually be experienced as binding: they will have been legitimized by the ‘eternal yesterday.’ But decision-makers may at any time try to defect from such conventional régimes, as even their defections (or: such efforts at freeriding and bandwagoning) may ultimately be judged to have been just as democratic as those procedures that were designed to prevent such decisions. In breaking with a certain international law convention, decision-maker X may effectively be obeying the democratic will, and an expression of civic freedom, within her own nation and its immediate neighbors. This new defection could thus also help render, hypothetically, statespersons P and Q more autonomous than they had been previously. But decision-makers X, P, and Q may with exactly the same action also be violating the democratic will of a cross-national majority of statespersons A through N. More concisely, neorealism and neoliberalism take their own angles—on the democratic legitimization of state action—but because neither one of these angles can show the how X, P, and Q either are violating an international law believed to have been governing A-N or are creating a new law potentially governing and supported by X and O-Z, the problem of historical interpretation kicks in.

Both the structure and the organization of historical contingencies demands much greater attention, from IR theory, and this is the point at which political realists—from Machiavelli to Arendt and from Hobbes to Schmitt and Meinecke—can lend considerable aid. The case of how ambiguously and how varied the responses have been to both UN and NATO armed interventionism, which tends to present itself under a humanitarian banner, illustrates the broader need for their aid.¹¹ After all, even if the General Assembly were to reach its decisions in accordance to perfectly democratic procedures, this does not mean there will be no historical option for the Security Council, or for the P-5 therein, to render these same procedures hollow. For example, even if the conventions on sovereignty conventionally prohibit NATO member states from militarily attacking other states, or from carrying out lethal bombardments over the (Former) Yugoslav Republic without a legal cause, for instance, then this does not mean that the prohibition in itself cannot be rendered meaningless by NATO in order to enforce quite another convention of sovereignty: the equal right to declare war. The Arendtian kind of realism that was practiced by Iris Marion Young, of course, can still help IR to understand why bombing others without a just war cause is not only contrary to bombing them by using humanitarian ideals to justify a war. The problem is not simply one of contrariness, for the first action is only a structural form of violence, which can still be more or less justifiable, but; the second is also organizationally illegitimate regardless as to whether it may indeed be morally justifiable.¹²

Realism teaches there are always two sides to IR stories. But the story of sovereignty, in particular, continues to evolve: it is available to statespersons both as a

shared conventional norm as well as a right to decide on their own best interest. Sovereignty is ambivalent, indeed, because on one side does it remain part of the international law tradition. The ICC (International Criminal Court), for example, further institutionalizes the regulatory universality of the law. Neoliberalism correctly holds that the ICC provides a modicum of final legal recourse. On sovereignty's other side, the ICC prosecutor may only act on condition that prosecutors and judges within a particular target-state are failing to do so. As neorealism can hold, just as accurately, the ICC is in essence a permanent war-time tribunal. In order for states to be recognized as sovereign, by the ICC, they will have to have been declared victorious: they must have proven, quite possibly on a battlefield, their ability to control substantive structures of power. In order for the ICC to be able to shirk the equality of head-of-state immunities, therefore, it will have to rely on the military power of its member states and especially also on the structural co-operation of the Security Council. Neorealism tends to consider the ICC as a tool in the hands of its most powerful creators. The signatories to the Rome Treaty (which created the ICC) would thus only be using the Treaty to their own advantage: they will try to appoint arbitrators who can help them make the world safer for their own material interests or their own corporate investments.¹³

Are ICC members facilitating and multiplying democratic values or have they created an additional weapon within the arsenal of their global oligarchy? Can the legitimacy of institutions such as the ICC, the WTO, and the EU court system be perceived in terms of two contradictory dimensions? Can legitimacy emerge from certain intensities within historically-interpreted fluctuations, including the ambivalent flux that

is home to both democratic rules and oligarchical forces: both law and power? The DST is premised on the notion that legitimate authority is dualistic—and that it, in actuality, does emerge from the intensity between both effective governmental functioning (power) as well as of the grand formations of constitutional states (law) within which multilateral institutions have been embedded. But the DST also premises that under the conditions of equal sovereignty, there can be no power vacuum. There will have to be some party somehow exercising more or less effective governmental supremacy—even when the multilateral institutions themselves may demand one of their members to surrender a part of its territorially-defined field of power and control.

Neither neoliberal nor neorealist explanations for transnational governments and multilateral juridical governance can satisfy the problem of power vacuums. But advanced realists do demarcate a perpetual tension between law and power, or also between the highly-normative international legal conventions and Great Power political effectiveness and national interests. To return to the ICC case: the Court's echoing of national agendas is paired to the Court's own support for legal conventions. But the act of pairing itself betrays a curious tension which, unfortunately, has left little to no significant traces within a longer series of theoretical essays on political legitimacy in IR—published by Føllesdal, Steffek, Buchanan and Keohane, Krasner, Lake, and Wilson.¹⁴ Perhaps these traces have only been too difficult to track, but it appears these authors have little in common with advanced (DST-based) realism; none of them simply accepts the existence of paradoxical tensions between legitimate sovereignty's two dimensions. Yet, their two mainstay explanations can be taken in isolation from one

another, and can then even be said to reflect either one of these dimensions. Whereas advanced realism holds that the two explanatory streams should be flowing together into one delta of legitimizations, of sovereign authority, thus, the IR discipline throws up dykes to separate the streams.

Chapter Three, currently under investigation, consists of a number of spokes. These spokes consist of the standard IR theoretical explanations; neorealism and neoliberalism, but also of social constructivism. Each of the spokes is assumed to connect to a nave of advanced realism, and of dual sovereignty, which has remained invisible to IR's naked eye. To uncover this nave, elements of natural systems theory can serve as conceptual tools. Chapter Three shall, as was announced in earlier sections, mainly be formed by a reading of Machiavelli. His works (*The Prince*, *Discourses*, *Florentine Histories*) have been the works of a Renaissance systems theorist who was applying certain concepts and who gave meaning to a flux of opposites within History as well as to the flux of Nature. Machiavelli used a conceptual tone that allowed him to harmonize several systems theoretical tenets—such as the dualities of life, the organizational balance of politics, and the structural diversity and integrity of power—with his psychological character studies of Roman Antiquity's Numa and the Florentine Renaissance's Lorenzo.

Legitimizing Opposites: Remarks on the Realist Method Developed by Meinecke

The field of International Relations has been slow to accept the fact that political realism originates not in the social sciences but in methodological tenets first developed within the historical field: Machiavelli, for one, was a political historian as well as a political theorist. At its core, realism has therefore very much remained a method of historical interpretation—and particularly also a method of describing the truly never-ending dynamics of how culture and politics, or how popular cultural values and political interests, but also how both human rights norms and nationalist decisions might have begun and how they may once again begin to traverse.¹⁵ Fundamental to the immediately next-following paragraphs will be the overarching research question as to how and why the tension between such norms and decisions should be legitimized or, when needed, moderated—and by whom.¹⁶

In part, realism has continuously been shaped by its own negative response towards Continental liberalism (a category that encompassed various socialist philosophies) as well as by its disapproval of fascism within the historical study of international jurisprudence.¹⁷ For, various neo-Napoléontic government reformers had, several decades before the end of the nineteenth century, been professing their allegiance to the total rationalization of each individual's liberty—and, thereby, to the rise of one cosmopolitan society reverential towards human rights.¹⁸ But German proto-realists such as Meinecke and Schmitt implicitly and explicitly responded to these neo-revolutionary reformers by siding with certain members of the conservative establishment.¹⁹ The proto-

realists in fact came to agree, with these conservatives, that the state would somehow have to retain an existential as well as a juridical responsibility towards the nation as a whole: a responsibility which should perhaps not break with any specific human right, but which should at least generally and effectively transcend the state's own individual-centered philosophies of *raison d'état*.²⁰

In another part, realism is also being informed by its originally negative response towards conservatism—and especially towards the seemingly reactionary variant espoused by the neo-Hegelian historians Treitschke and Ranke.²¹ The latter would have idolized the unitary nation-state by allocating exaggerated rational powers to its national structure, while paying no heed and even while paying no respect to its usually irrational conduct or, as well, to the empirical record of the state's manifold disintegrations.²²

Principally, Meinecke can hardly be considered sympathetic towards Hegel's conservatism, as will now be illuminated. Although endorsing some Hegelian concepts, he actually does reject Hegel's tendency to try to synthesize, as opposed to be intensifying, the many possible "antinomies of human life."²³ Hegel would have made the mistake of diminishing the vital tension between the, seemingly irrational, life in the state of nature, and the supposedly rational and supposedly civil state of social legitimacy. IR theorists today may come to learn, from this anti-conservative strand in Friedrich Meinecke's thinking, that it is a strand that was woven into three distinctly post-Hegelian themes. And, each of these themes would thus, further, end up being incorporated into a genuinely Machiavellian modality of political realism: the duality of the powers of

rationality and of non-rationality; the sociability paradox, and; the tension between the natural life of all human beings and the particular personality of the particular nation-states governing these human beings.²⁴

According to Richard W. Sterling, author of *Ethics in a World of Power: The Political Ideas of Friedrich Meinecke*, from which this section shall now draw, the realist method made it possible to index “concepts of nation and humanity” as if these would have come together to represent one “polarity of opposites.”²⁵ But because Meinecke had also so often been painted off as an exponent of both a Machiavellist and a German form of *Realpolitik* (power politics), how have Meinecke’s own three themes actually cohered with Machiavelli’s method of historical and political interpretation? Which are the possible similarities between their theoretical thematic studies, including those of Bismarck Prussia in post-1848 Europe as well as of Medici Tuscany in high-Renaissance Italy? By rereading Machiavelli’s own thoughts, throughout several of this Chapter’s sections, the latter question will have to be answered.

First, Sterling relays how Meinecke apparently refused to accept both the idea of one universal human body, governed by one natural law, as well as that he would have dismissed the equation of “social order with rationality and disorder with irrationality.” Any political society’s “inherent components” may have to be believed to include both “reason” and “fortuity”, instead, but also to comprise respectively both “order” and “disorder”, as well as both “humanity” and “nation”, so that anyone taking history’s judgment seat can be believed responsible for having to have spawned a complex combination of both dimensions—and of both “insight and bias” as well. Even more

important is now Meinecke's lesson that any judge of historical and political events will ultimately find herself judging some very complex and archetypal tension, which itself is being profoundly impregnated by "the conflict between the sovereign nation and the idea of the world community".²⁶ The latter conflict is a perplexing conflict between national autonomy and the "imperialism" of the universal, European, or the Hegelian world state—because it resists its own objectification: it is not a structural conflict open to universal laws of reason, alone. Rather, this conflict is open to political judgment. But the faculty of judgment is neither to be exercised by means of induction nor only through deduction. That is, neither 'concrete particulars' nor 'some universal theorem' should be expected to dominate in any judiciously-crafted report of the world's diverse "subjectivities". For, prudent judgment demands the exercise of a mind capable of mastering "relative and not absolute truths."²⁷

Second, every nation-state suffers from a sociability paradox: "social proclivities [are] not ... strong enough to create societies without the aid of historical and environmental forces transcending the [aggregate of] individual[s]".²⁸ Although each sovereign state will have been formed by a sociable and societal whole, transcending the sum of its individual parts, this system cannot simply be believed to have become so strong and so resilient that its individual parts may no longer also again begin to be organized and reorganized and revolutionized by ever-greater "forces" (such as those unleashed by the French Revolution). Meinecke's systems theory, as *Ethics in a World of Power* explains in greater detail, had been provoked by the force of foreign interferences: by a multitude of idealistic, progressive revolutionaries. This suggests that the systems

theory is conservative. For, it is a reaction against their idealistic idea that one great historical antithesis would somehow have separated the need for an “authoritarian state”, constantly coping with the “exigencies of foreign policy”, from the liberal state of the French Revolution, and thus also from the Revolution’s European or cosmopolitan consequences.²⁹

Against the perceptibly too widely-expressed idea that the separation of national power from individual liberty would prove itself beneficial to a prospective German state, perhaps because this antithesis should somehow be expected to cause a synthesis and thus again advance German unification, Meinecke argues that the unity of (or: autonomy for) the Germany people will not so much be facilitated by a measure of their world’s synthesis into one nation-state as well as by a degree of their state’s constitutionality. Hence, only the constitutional German state should be believed capable of sustaining sufficient tension between Europe’s cosmopolitanism and its own nationalism, or also between equal individual rights and the primacy of foreign policy. For, foreign policy is still to be conducted by means of ‘guardianship’ or by a ‘dictatorship’ of the popular trust. “He argued that the conduct of foreign policy was the most basic and delicate of the state’s functions, and that it must be [relatively] free of pressure from mass passions.”³⁰ In brief, this argument led Meinecke to his conclusion that the autonomy of the parts is to be included, and yet also to be transcended by the supremacy of an internationally-recognized ‘guardian’—who is then again believed to take care of the sum of all rights, of the parts, and to thus also to respect this sum as if it were to form one national whole. Nevertheless, this circle is incomplete. The system remains ambivalent because the

constitutional state, hereby, spirals back towards a mixed conception of its own sovereignty—vulnerable towards both excessively-conservative nationalism as well as towards full-blown cosmopolitan liberalism. The state is ambivalent in the sense that it throws up a “Janus-like barrier” which then maintains a paradoxical tension between “the individual and humanity, [in] ever tending to control the one and deny the other.”³¹

Third, Meinecke helped establish a catalog of the various tensions between the life that is concretely being lived, within nations, and the life that should be lived for the sake of abstract ideals: for humanity. “[N]ation and humanity” would have to have been formed from one metaphysical union, and yet they will have to physically sustain themselves through two conceptual and historical “dimensions”, or through two distinct “opposites” also. Each of these two “dimensions” is plainly “indispensable to the other, for the existence of each was possible only in the ‘creative tension’ generated by its opposition to the other.”³² But, largely following Fichte, Meinecke then insists that this tension itself is to be maintained within a constitutional nation-state and not in a world-state, and not even in one European union. Much rather, as Sterling adds, the “super-individual personality” of the internationally-recognized nation cannot so simply be excluded from the “human personality” and legal rights of all of this nation’s individual members. “Meinecke’s arguments for the primacy of foreign policy [must still prevent the masses from interfering in the] ... complex business of maintaining the [nation-]state’s external well-being. Yet, at the same time he strove from greater mass participation in political life, and he insisted that the [constitutional] state recognize its citizens as ends in themselves, and not simply as instruments of state power.”³³

In pondering these few quotations, the question arises whether Meinecke might not have been a republican realist. Like Max Weber, he does not seem to treat individual citizens as mere means, solely satisfying the state's supreme ends—as he also finds that, especially, individual soldiers should also always be thought to be motivated by their political participations in the whole of human culture and history.³⁴ The tension between the consequentialist treatment of the individual citizens, on one side, and the deontological ethos of paying respect to those participatory powers that include but also transcend the individual constituents, on another side, is self-perpetuating. For example, Bismarck would have been instrumentally protective of many individual Germans, who often believed he was their 'necessary Moses', and yet 'his' Reich had in the same moment remained relatively unstable: it had failed to compensate for its own "lack of popular participation".³⁵ Although a full summary of Meinecke's political method will not be as brief as the above attempt to here present its basic three tenets, Sterling does help advanced realists in identifying the great paradoxical tension between the "perfect objectivity" implied in that Hegelian idea of a national *raison d'état*, first, and the constitutionally-imperfect "subjectivity of every individual", second.³⁶

In order to answer the research question—of how any of the countless and historically contingent tensions between humanitarian values and national interests, or between international norms and *raison d'état* decisions—should be legitimized, less all-encompassing questions should first be asked. For instance, was Machiavelli a Meineckean historian or is Meinecke's theory even more deeply Machiavellian than that he himself might have realized?

IR Theory, Rawls, and the Proper and Legitimate Tension within Dual Sovereignty

Before reading Machiavelli, this section shows why the IR discipline can benefit, to a greater extent from DST realism, specifically in its scholarly attempts to determine the proper distance in between the two main dimensions of ultimate authority—and, thereby, in between both the powers and the laws of the constitutional nation-states in this world. Finding the right distance can prove itself critical, in the sense that too wide a gap between the two dimensions could make either one almost invisible—and could thus also make it impossible to recognize states as legitimate states. This whereas too narrow a gap could collapse sovereignty's two dimensions onto one another, and make them indistinguishable: this would perhaps make it well possible to recognize new states, but it would also create misunderstandings about how and why they would historically have become states. If power and law have collided, then it is impossible to say for sure for which cause a state-like entity first sought recognition—as a sovereign state. In other words, the tension and the distance within a meaningful concept of sovereignty should neither be so great that its dimensions will be isolated from one another, nor should the separation be so small that they will be fused into a different dimension altogether. Hence, how may IR theorists try to conceptualize the contingently-appearing, proportionate and proper, and especially also the legit tensions between sovereignty's two sides?

Føllesdal has developed a very simple variant of the DST with the aim of preventing a further analytical separation of both power from law. He makes an inventory of the dimensions of the legitimacy deficit or, in other terms, of the gap that is believed to exist in the relationships between statespersons and civil society, specifically in Europe. He does not ask why so many Europeans would experience a full divorce between their needs and the actions of their party representatives. But he clearly does ask what IR theory may be able to learn from this experiential gap between the two groupings. In his answer, Andreas Føllesdal lists four concepts of what it has come mean for statespeople to be recognized, by ordinary citizens, as belonging to one and the same legitimate political order: the EU.³⁷

Steffek's chapter—entitled “Legitimacy in International Relations: From State Compliance to Citizen Consensus”—appears in the same bundle as Føllesdal's inventory of causes contributing to a legitimacy deficit. The chapter additionally introduces the theoretical issue of how IR legitimacy should, ideally, become an universally recognizable facet of state authority. Both Føllesdal's and Steffek's chapters take the normative angle—giving priority to a societal consensus rather than to a political compromise, and to norms rather than to decisions. Their cursory references to Weber help the authors bypass Weber's far deeper appreciation of authority's two-dimensionality (normativity/decisiveness; law/power).³⁸ Yet, only Jens Steffek's chapter depends on a liberal theory—as opposed to empirical data on EU legitimacy deficits. The chapter is deeply enamored by John Rawls's “link between individual beliefs in the validity of certain principles, [or] societal consensus, and political legitimacy.”³⁹

Political legitimacy poses not a question of equality and liberty alone: it is also poses a question of autonomy and power. Neo-Kantian IR theorists may very well admit that less-than-ideal states do exist, and that even the most liberal state must to some extent be ignoring its own best national interests.⁴⁰ But neo-Kantian and other liberal theorists who are following John Rawls usually add to this admittance that liberal states should eventually be denied their “traditional rights to war and to unrestricted internal autonomy.”⁴¹ Although realists may argue that any such conception of “unrestricted autonomy” forms a contradiction in terms (autonomy is a type of self-regulation, so it cannot be unregulated), Rawls does defend hereby a rather morally justifiable point: “outlaw states” have to be limited and, when possible, sanctioned. No state should have to wage war on another state, because no single *raison d'état* can legitimize such a violation of the equal liberty-principles of all states.

After the 1940s, for example, the current EU member states gradually re-acquired their autonomy by subjecting themselves to democratic procedures that could guide them in interpreting tenets of their shared international law tradition. And as EU members are still becoming more autonomous, as Alexander Wendt holds, they are also becoming more likely to treat each other as equals: to lawfully restrict, thus, their internal supremacy.⁴² Rawls and Wendt can agree, in this respect, as their theories suggest the EU was formed as a model of liberal statehood: its members surrendered their national identity and their “unequal exchange relationships” in order to construct “new identities”, mostly based on their legal equality.⁴³ Two points must be made, about Rawls, before commencing with the issue of IR concepts of political legitimacy and how their meaning

may neither only be reduced to the effectiveness of a national government's powers (neither to its actual powers of supremacy and autonomy), nor just to the individual's obedience to cosmopolitan and constitutional laws (formal equality).

The first point concerns each private individual's rights. Individual equality forms the basic source of Rawlsian cosmopolitanism, yet few individuals in the world have ever believed that they were absolutely equal—either in terms of their cultural or their spiritual affinities—to most other individuals. Rawls holds that every individual ought to be at full liberty “to decide for himself or herself” on matters of religious expression and spiritual significance.⁴⁴ Every statesperson, by analogy, ought to be at liberty to choose her own ideology—as long as it is not a dogmatically illiberal ideology. Each state's religious and ideological preferences, in brief, can and should be protected by means of a right to make private choices: the state's political preferences should be dictated by private choices, made by individual citizens, not the other way around. Religious fundamentalism is too political and therefore also too illiberal, hence, if not only because it will somehow have to have become the choice of government rather than only of the individual. By definition, state religions cannot be in sync with the wills of the citizens. Rather, they typically form an attribute of “expansionist societies of whatever kind”—as opposed to of “a society of well-ordered peoples.” In the end of this Rawlsian analysis, a political society is only liberal and decent to the extent that (at minimum in matters of belief and laws on religion) each citizen will have been democratically allowed to “decide for himself or herself”.⁴⁵

Raja Bahlul demonstrates that “Islamic thinkers will want to ask [Rawlsian analysts] whether *liberal* democratic practice is the *only* legitimate interpretation of democracy.”⁴⁶ In the tradition of Islamic political thought, human beings cannot be reduced to being “either ‘private citizens’ or ‘political citizens’ [because] ... the correct classification is one that distinguishes between believers and non-believers. Religious belief *is* politically relevant. Not only that, but it plays an integrative function that resists all attempts to turn religion into a private matter.”⁴⁷ The function of the Islamic state is not to be protecting each individual’s liberty equally—but, quite to the contrary, to be asking for labor and service in proportional accordance to each individual’s unequal capabilities. Does this mean Rawls considers a political society such as Iran to be dogmatically illiberal, even though this society’s general protection of individual rights and specific duties “takes place within a broad consensus on the need and necessity for an Islamic régime[?]”⁴⁸ If this is Rawls’s consideration, then his theory remains inapplicable in places other than a few self-acclaimed secular societies—such as France or post-apartheid South-Africa. But states as diverse as Saudi-Arabia, Italy, and the Netherlands do maintain their own state religion—not entirely unlike how China’s ‘religion’ is called one-party communism. It is in such states part of the “broad consensus” that each individual’s religion may well remain subject to legitimate political discourse: the choice of religion in most states, in historical fact, has never been a private choice.

The second point is informed by the problem of how government structures have to try to remain reasonable, and thereby also decent and legitimate. This problem is the source of Rawlsian liberalism. In *Theory of Justice*, one of Rawls’s most notorious dicta

holds that “justice is denied whenever equal liberty is denied without sufficient reason.”⁴⁹ But *must* democratic governments provide reasons why they would want to deny that every individual’s liberties are equal to those of every other individual? If every discretionary government decision and if every possible exception to the rule of law (think of: police profiling) were to be accounted for, then government would soon cease functioning. It would lose its effectiveness. Yet, Rawls writes that there have been extremely few cases in which “sufficient reason” was present to abrogate equal liberty: these were all cases in which abrogation was “necessary for preserving equal liberty itself”.⁵⁰

He adds that this exception always needs to have a neutral effect on the liberties of others. It may not be left to the government itself to judge whether a negative effect on the liberties of the many citizens exist, in taking away the liberty of a few others or of a few non-citizens, however, because the power of government also needs to be checked by means of a constitutional law. Yet, by ranking law above power, Rawls repeats Kelsen’s fallacy: he ends up putting the government at risk of being neutralized by law. Unfortunately, as O’Neill mentions, *Theory of Justice* is on this point of neutralization “strangely silent about the predicaments of outsiders, and about the justice of a world that is segmented into states”.⁵¹ The risk for Rawls is that almost any grouping could be asked to define itself without having to draw a political distinction to outsiders or enemies. The grouping should provide what it itself deems to be a sufficient reason and justification for the protection of the *status quo*, for example, only to actually help protect the freedoms of the many—and to do so in the name of necessity—by depriving the few of their basic

rights. That is, too many self-interested justifications can be given for the necessity of abrogating the rights of a small minority of people—if these justifications are then indeed predominantly being used to protect the liberties of a self-elected democratic majority. State supremacy may be used, in other words, as a justification for the state protection—and for as long as supremacy seems to stand in the service—of the majority’s autonomy. Rawls is a theorist of the contractual structure of powers, not of the organizational closing off and transcending of this contractual structure. This becomes particularly evident in passages in which Rawls dismisses religious authority as source of organizational legitimization. In this dismissal, he separates the contractual structure, in which persons act as separate individuals, from the transcendent web that includes this structure by legitimizing the actions of these persons.

According to Alan Ryan, *Theory of Justice* was based on “the *separateness* of persons” and designed for “people in competitive conditions”.⁵² Ryan critiques Rawls for here having failed to distinguish between separate individuals and how these same individuals ought to belong to real societies, or to really sociable groupings. It is too easy to provide only a theoretical defense of equal liberties, and thus also of the individual’s obedience to the law, but never pay heed to any calls for tacit obedience to the *status quo* distribution of power. That is, obedience to the law is not always a good thing—particularly not if principles of liberty remain “contingent upon” the uneven *status quo* satisfaction of needs. Rawls is of course correct that government officials should not be acting completely contingently upon “existing desires or present social conditions”—and that their actions may on numerous occasions best be checked, instead, by their strictly

respecting of people's equal liberties.⁵³ However, there can be certain circumstances under which some officials cannot be checked by anyone's remaining only respectful of every citizen's liberties. "Citizens who are sincerely convinced that some act of government violates justice in a serious way, certainly may and sometimes must disobey the law as a way of calling attention to the violation and asking for reconsideration."⁵⁴ Finally, what Rawls hereby fails to recognize is that the existing distribution of power may remain skewed towards the rich, so that what is legally theirs may not really be legitimately theirs.⁵⁵ Yet, in his own exposition on property rights, Rawls denies that the equal right to property may have to be protected through the transcendent legitimacy of natural rights.⁵⁶

As these points show, the state envisioned in *Theory of Justice* is a liberal rather than a national state. Its government is to be embedded within a constitution law which is protective of individual liberties, needs, and desires. It is a state that values the individual citizen higher than the civic participant as it ranks private beliefs over public authority, competition over solidarity, and legal rules above the need to command. Slavoj Žižek once referred to such a liberal state as lacking in terms of its, "tautological authority beyond rules".⁵⁷ In this, it remains a "fantasy-space within which a community organizes its 'way of life' [as] its mode of enjoyment." The fantasy-state would be mediating each community's most basic desire by representing that desire as if it had been informed by each individual's highest-valued source of pleasure. The problem with this state, as realists are apt to point out, however, remains that its basic desire, "insofar as it is

always-already mediated by fantasy, can never be grounded in (or translated back into) [the authority of] ... ‘true interests.’”⁵⁸

Žižek comments that the liberal state’s individualistic undertone has made it easier to dichotomize fantasy and reality, equal liberty and actual inequality. The poor and the subjugated are so being pushed back into an artificially-engineered “background.”⁵⁹ From a Rawlsian perspective, it seems as if the poor have not been provided with sufficiently free choices. They would not have been allowed to decide for themselves, as rights-bearing individuals, and this is why they have not (yet) appeared in the foreground of the world. But from the counter-perspective of Žižek and Young, a darker side of human nature reveals itself through the liberal dichotomy.⁶⁰ Both the unprecedented freedom of choice and the type of structural overconsumption—which includes the consumption of luxury foods as well as of food stuffs subsidized by Western states, for example—has negative consequences for the equal liberties of poor people anywhere in the world.⁶¹ But by focusing on freedoms as if they belong only in the foreground, or only in Western societies, agents whose liberties are already being protected in the foreground of this world will have no ‘truly’ existential interest to also act in direct solidarity with agents in their own background environment. It would not be a solution to the problem of overconsumption to simply be doing as Rawls says by viewing oneself as a legislator, solely interested in “following public reason”.⁶² One should also be able to expand public reason, for example by making discretionary decisions or by making exceptions to the *status quo* procedures, so that public freedom

can newly begin to include background private beliefs, however prejudicial these might be, as well as to continue to ground pre-existing public reasons.

By placing public reason in the foreground, Rawlsian liberalism protects the *status quo*, which is maintained by individual-centric forms of consumerism, rather than that it stimulates any criteria of alternative and of ecological experiences that people “should look upon with joy.”⁶³ Liberalism views a need for liberty or a norm of equality as “*something which is attained*”.⁶⁴ Equal freedom is thus reduced to something that has “utility or benefit”—rather than that it, as Naess finds, is also understood “to protect the richness and diversity of life *for its own sake*.”⁶⁵ In IR, Wendt and Friedheim use the liberal conception of state power as they presuppose that all power should be subordinated to individual consent.⁶⁶ What they do not see, however, is that their conception of state power has no intrinsic meaning: they only value it as something that is worth less than state liberty. As neo-Kantian theorists, in brief, they are fully committed to their criterion that the equal liberties of each state should be respected in such a way that these liberties can in themselves help limit each state’s powers and other such structural forces. After all, liberties can optimally satisfy each agent’s desires.

Rawlsian as well as neo-Kantian IR theorists have valued liberty higher than power, just as that they valued autonomy higher than supremacy. Nevertheless, even Immanuel Kant himself would not have treated autonomy as if it could somehow present itself on a site much higher than any specific inclination towards supremacy.⁶⁷ To him, autonomy was never a “special achievement” of the independent individual or of the free state, as Onora O’Neill has argued. Rather, autonomy was always thought of as one of the

faculties that any human being could be sharing with others—because they would have to have believed their autonomy’s legitimacy to be a common principle. “The capacity for autonomy goes with the capacity to act on principles even when inclination is absent, with being able to adopt maxims of action that do not sit well with our desires.”⁶⁸ Moreover, their faculty of autonomy may help human beings to newly authorize and legitimize their state—without that it would have to have been defined in relative separation from the supremacy of the state. Positive autonomy and positive supremacy are, therefore, not to be thought of as mutually exclusive: they symbiotically impose themselves onto each other, rather. As O’Neill helps clarify this point, the autonomy and the authority of public reasoning processes are both “neither imposed nor anarchic: [b]y elimination, [autonomy’s authority] must be self-imposed.” Moreover, “[autonomy’s] authority and [state] toleration are interdependent.”⁶⁹ They just cannot be as easily separated from one another as that Rawlsian philosophy suggests.

Rawls’s “link” connects the socio-economic consensus to individual beliefs.⁷⁰ But this “link” should be able to endure a stress-test. The above-presented two points of critique, however, make it unlikely that the “link” can withstand those pressures that might have been created by ideological enemies and political subordinates. Yet, Steffek uses Rawls to suggest that the validity of the “link” itself would no longer have to be an issue, and that the social consensus on the primacy of individual liberties continues to arise “from (or be rooted in) a pattern of normative beliefs.” His chapter assumes that states will over time start to form a stronger pattern of such beliefs, amid of which the social consensus is derived. Steffek *does* follow Rawls, thus, when he writes that the

consensus is valid because it derives from the rational choices, made by states. The separate states will rationally have submitted their ideological powers “to the rules of international law, and [to] the decisions of international organizations”—so that a less-than-tacit moral social consensus has arisen as a result of their rational choices. States voluntarily subordinate their powerful wills to the general will of international treaty-law and of various transnational institutions, also, because it is in their rational interest to do so.⁷¹

After casting a second glance on Steffek’s Chapter, it seems as if it also agrees with Rawls’s critics that a state’s rational interests may not be really its best interests. The Chapter then criticizes the ideal of a consensus, as Steffek starts to take on his neorealist role. He now also argues that compliance with treaty organizations must not be confused with moral normativity or legal positivism. Compliance with transnational institutions (including, of course, the ICC or the WTO) is in many instances beneficial to self-serving states. Compliance is usually not even consensual—just as that the social consensus itself may not be majoritarian either. This means that any state leader could very well try to abide by the consensus of a specific treaty-organization merely because her state might depend on stronger states for certain favors. Or, her own state as well as the states of her equals may be relatively weak, and have been “bullied and bribed into accepting normative commitments which they [*would* otherwise] ... not really endorse.” Within organizations which may seem to be formally consensual, such as the WTO, “coercive socialization” occurs much more frequently than is usually being realized.⁷²

Steffek takes both the Rawlsian and the neorealist angles on legitimate state authority, thus suggesting that a consensus on sovereignty can be achieved by both persuasive and coercive means. Legislative rights (autonomy) and executive forces (supremacy) form two interconnected dimensions of how sovereignty has actually been organized—and they, simply put, may not be disconnected from one another by ranking only one far above to the other.⁷³

Ambivalent sovereignty's dimensions also pose a concern for Føllesdal, who lists four conceptualizations of these dimensions: procedural legality; societal compliance; problem solving, and; normative justifiability. Føllesdal hints that the first two conceptualizations, legality and compliance, usually mirror one another: “authorities are *legally legitimate* insofar as they are ... exercised in accordance with ... appropriate procedures; [t]hey are *socially legitimate* if subjects are disposed to actually abide by [these legal procedures]”.⁷⁴ Perhaps unwanted, but his hint makes it possible to shorten the list. On one hand, legality and compliance appear on this short-list as a matter of following proper procedures, or of obeying and implementing treaty articles. Legality and compliance can therefore be said to belong under the legislative dimension of *legitimate* authority (that is, of sovereign autonomy). On the other hand, the residual two conceptualizations, of problem-solving capacities and of moral justifiability, seem much more a matter of legitimate *authority* (commissarial supremacy).⁷⁵ Problem-solving techniques, as well as normative justifications for the decision to use such techniques, may both be collapsed into the rubric of instrumental effectiveness. Thus taken together, the latter two conceptualizations form sovereignty's executive dimension.

Føllesdal finds that executive agents, or EU policy-makers, have widened a legitimacy gap. They failed to comply with basic procedures, failed to solve problems fairly, or may not have solved certain problems at all. Yet, as a practical matter, EU citizens believe they should have been solving “common problems, be they economic growth or monetary policies, [creating] peace ... or a sustainable environment”. Nonetheless, even if policy-makers were to have solved their problems in a seemingly impartial and fair manner, this would not have to mean that their legitimacy has increased. The shift in popular perception will have begun to take place on a second condition as well. For, time’s arrow may have left lasting traces on how the EU’s administrative functions are being assessed by the general public. One reason why time’s arrow should be taken into account, then, is that the two dimensions of public authority are usually awarded meanings, and are usually seen from different angles—by the same audience. Much depends herein on the paradigms, preferences, and prejudices of this general public. The public ultimately judges how the tension between the legislative and the executive dimensions should be seen and interpreted, how strongly context-dependent it seems to be, and how it is seen to depend on the relative proximity of the dimensions themselves. Thus, sovereignty’s tension and two-dimensionality requires the public to have at least some experience in “the art of seeing”.⁷⁶

Brussels has normative responsibilities towards individual EU citizens, yet Brussels is only a liberal representation of their needs and desires. As such, Brussels has little to no political relations with other economic power-houses such as Washington and Tokyo. Political relations between EU members and the non-EU world are primarily

being maintained by means of their national capitals. By consequence, most EU foreign policies will have differential effects on “affected parties”, whereas other policies may be less hierarchical and more pocourante. Yet, the fact remains that when one particular issue is not explained in terms of both policy-effectiveness and EU responsibilities, or also not in terms of both its executive and its procedural impacts, chances are that the “affected parties” will disagree. They become less likely to agree on an issue they otherwise “*would have* or *could have* accepted” in the form of a meaningful compromise.⁷⁷

Føllesdal and Steffek help IR theory to make broader inroads into the study of historical and moral ambiguities within the relationship between individual citizens and administrative agents, but also between well-reasoned private initiatives and public policy-based discretions (legislation/execution; autonomy/supremacy; law/power). The trick in encountering and theorizing this complex relationship is to show how it consists of two dimensions—and how both dimensions form a Gestalt. It is common to believe that the tension between them cannot be seen, unless perhaps one observer would be capable of fully switching her perspectives from the one dimension to the other. Yet, failures to perform this trick or to perform this Gestalt switch have remained common, especially among those who follow one of the conventionalist trends within the IR literature.⁷⁸

Machiavelli's Recognizing of Legitimate and Exemplary Statespersons

Who should recognize, and who should aspire to be recognized as 'the statesman'? Hans Morgenthau commends statespersons who practice, by contrast to those who only philosophize, the political life.⁷⁹ He cautions against persons growing too reliant on moral philosophies and nationalist ideologies.⁸⁰ While stepping in Niccolò Machiavelli's shoes, he co-defends the latter's thesis that the constitutional state is best rejuvenated by men-of-action rather than by men-of-contemplation alone.

In *The Prince*, men-of-contemplation make poor statesmen. They generally lack the training and the means necessary to acquire "their position"—as well as to continue to compel "the unbelievers to believe" in the legitimacy of "their position". Hence, both good arms and good beliefs should be present before recognizing an exemplarily-legitimate statesperson. They should be gilded into an intricate, hybrid, and powerful combination—as can be learned from Savonarola's failure to have founded his sovereignty on military arms, as well as on the support he factually drew from popular beliefs.⁸¹ Foundational changes tend to be generated by worldly leaders, however, rather than by clerics or priests such as Savonarola. The latter may have preached passive humility, expecting changes to just have been caused by divine forces alone, but he lacked sufficient prudence to overcome physical disorderliness within the Republic of Florence.⁸²

Machiavelli's critique of the many humble but inexperienced authorities of his day would eventually be followed by Montesquieu's, to some degree. The French

Magistrate, like his Italian predecessor, applauded well-rounded and experienced statespersons. But he identified many of them as jurists, rather than as princes. Although both authors admired the civic spirit of the Roman Republic, only Machiavelli remained considerably more Roman in his outlook than Montesquieu would ever become. That is, only the Florentine Secretary remained less idealistic than Montesquieu, further, specifically because he not dichotomized but recombined the two dimensions of political authority. Statespersons have a tactical interest in good armaments and fortresses, just as much as that they depend on the people's juridical beliefs and religious laws, as both are necessary components in sustaining good orders.⁸³

Machiavelli more ardently returned to Rome's treaty-based constitution, as the most illustrious and most powerful combination of two contrary parties, while the more progressive French Magistrate looked (far beyond Rome) to a modern and more liberal state in order to justify the rulership of the middle class: political rule by judicious gentlemen.⁸⁴

To appreciate the subtle nuances in Montesquieu's argument, and how that argument differed from Machiavelli's, it is sensible to ask why these nuances retain their relevancy—particularly inside the domain of IR theory. One of the 'godfathers' of twentieth-century realism, Morgenthau, practiced IR theory against the backdrop of the Cold War.⁸⁵ He repeatedly came out against the mainstream's political-scientific conventionalism, which he thought to pose a barrier against the necessity of civic activism. The U.S. foreign policy-establishment had isolated itself, which again prevented it from exercising its ethical responsibilities towards the world as a whole. And

there is historical evidence for this: the U.S. failed to prevent the escalation of the carpet bombings of South-East Asia, which culminated in the leaking of the Pentagon Papers by a RAND employee, as well as that it failed to break the Jim Crow laws, in the American South, which in part led U.S. corporations into their ‘unholy alliance’ with apartheid South-Africa.

As how Arendt would condemn the apathy and resignation in Postbellum Germany, so did Morgenthau find America’s passivity appalling. His support for the anti-Vietnam War protest movement, for instance, can only be understood as part of his attempt to counter societal complacency.⁸⁶ He broke with conventional and conservative wisdoms in U.S. policy-making, usually for the purpose of reintegrating policy-makers and academics with IR’s world-of-action and real IR inequalities.⁸⁷ Morgenthau did not go so far as to replace conventionalism with nihilism, however, as he seemed content to be acting in a civic spirit with both an ideological as well as a skeptical component, and in a spirit which integrated a patriotic passion with material support for critical changes.⁸⁸

Morgenthau’s practicing of political realism might very well have been inspired by Weber, but Weber could not have avoided Machiavelli’s observations about an ambivalent tension within the constitutional state. Morgenthau oscillates between endorsements of liberal ideals and critiques of rather similar moral ideals. But his oscillations have rarely been situated within realism’s dialogue with Machiavelli. The next sections shall help identify Montesquieu as only one participant, and Machiavelli as the main partner in this longer dialogue—to the extent that the latter endeavored to describe the dialogue itself in terms of a dialectic between universal laws and particular

powers.⁸⁹ The last sections of this Chapter, in addition, identify Machiavelli as having applied an apparently-Socratic dialectical method as he refrained from over-determining the complex ethico-political combination of laws and arms, as well as of participatory freedom and political necessity: of *virtú* and *necessità*.⁹⁰

What remains noteworthy about classical realism (a label under which Morgenthau's theory has been indexed) is that it takes a Weberian sociological approach towards historical events.⁹¹ Classical realism follows Weber, and yet it never goes so far as to adopt two of Weber's own main sources of inspiration: classical realism avoids getting into, to be precise, the differences between Montesquieu's neo-classicism as well as Machiavelli's constitutionalism—even though both again would have owed many insights, as Weber knew, to the culture of ancient Rome (*Römertum*). Morgenthau and Weber are known to have helped shape the future of IR theory, yet why are so few IR theorists going off the beaten track in order to discover that Weber's own sociological method had been greatly informed by Montesquieu, who in turn was attacking Machiavelli?⁹²

This and the next sections compare Machiavelli's to Montesquieu's concepts of republicanism and constitutionalism. IR theory stands to gain a lot from studying these concepts, as well as the modes of public authority they help identify. These concepts and modes have remained relevant, thus, if not only because they were always intended to recognize the legitimate authority, or even to identify the mere exemplariness of 'statesmen.'

Machiavelli's theory is a theory of an exceptional personality, believed capable of rejuvenating all civic life. In *The Prince*, especially, Machiavelli endorses the actions of an amalgam of historical statesmen.⁹³ Those great men who had succeeded in bringing discords to better-balanced arrangements, or those who had brought the people back to a state of equilibrium, such as the men of the Medici-clan, taken together, also form one complex ideal-type of a great leader.⁹⁴ Machiavelli's amalgamated exemplar typically is said to have brought prestige to the republic, to the degree that it consists of both those men who were seen to have defeated the enemies of the state as well as of all those less-illustrious men who were so "good and sensible" as to have moved "public assemblies" in order to correct the state's earlier wrongdoings and errors.⁹⁵ This means that some men should not be honored, and the Florentine Secretary commends learning from their mistakes. One such a negative exemplar is the charismatic Cesare Borgia, who had defeated many of his enemies and yet failed to remove the seeds of his own downfall.⁹⁶

Sometimes Machiavelli's exceptional, complex, ideal-typical statesperson seems too perfect to be true. Perhaps he is non-existent? Machiavelli is critical of every, more or less charismatic, statesman he introduces (he gives one, well-known, reference to a candidate stateswoman).⁹⁷ The *Discourses on Livy's Decalogue* is in its essence a work dedicated to the very few (unnamed) statesmen who once recognized that the "demands of a free people are rarely pernicious". These were the men who would have recognized that the liberty of a republic can best be warranted by freedom—and, therein, by legitimate public participations. The freedom of the common people has in these republics been legitimized by demands "inspired by oppressions, experienced or

apprehended”, rather than that they will have been—as tends to be the case among nobles, instead—animated by their “[excessive] ambition or by illicit proceedings.”⁹⁸

Machiavelli thought it impossible for a single person, and even for the most exemplary statesperson, to restore the republic to its ancient glory. And even though that goal may be unattainable, or just impractical, it should not withhold the statesperson from acting coherent with republican principles. The purpose of the statesperson is to restore an ancient balance. It is true that by the time Machiavelli began to formulate his theory of history, to appropriate Joseph V. Femia’s words, “[t]he delicate balance between Italy’s five principal [statelets] ... was [already] destroyed.”⁹⁹ The loss of balance in, and the ruining of Italy’s IR system certainly had made it nearly impossible to detect the old cornerstones on which a new Italian republic should be erected. Nevertheless, Gramsci reads Machiavelli as holding out hope that a new form of leadership could emerge. For Gramsci, this becomes the Communist Party of the 1920s. For Machiavelli, this form would have been composed by a leader capable of uniting the principal statelets, including the key cities of Florence and Venice as well as their surrounding countrysides.¹⁰⁰

Machiavelli’s call for a great unifier or a near-perfect statesperson, in the last chapter of *The Prince*, can according to theorists such as Gramsci and Althusser not be heard without not also listening to the overall message of the *Discourses*.¹⁰¹ That message holds that even the best statesman will never attain legitimate authority—unless he assigns a guardianship over the constitution neither only to the commoners, nor just to the

nobles but reserved it for those who can “tolerate the differences that will arise between [both parties]”.¹⁰²

This clarification resonates elsewhere as well. Neither Moses nor Romulus, the two most likely candidates to be selected as Machiavelli’s exemplarily-great personality, will actually be left to stand. Instead, Machiavelli comes to the conclusion that these two, and many other, candidate-exemplars only partially represented the qualities he deems necessary for political success. The free republic should then also be governed by a constitution which, rather than to be governed by only one individual who can fully tolerate and respect the differences between the qualities or the humors of the people as a whole. Certainly, Moses possessed good laws, Romulus made good use of his armaments. But it is the recognition of the differences between these elements of good laws and good arms, as represented by respectively Moses and Romulus, and by Lycurgus and Theseus, however, is what shall result in the state’s success and its popular legitimacy.¹⁰³

One critical point within the above clarification involves the differences between the demands of the (usually well-armed) nobles and those of the (generally law-abiding) commoners that forms the most productive type of action—particularly in the intra-constitutionalizing of any “agitations” between these two popular elements.¹⁰⁴ In taking the people’s stance, as the eminent Renaissance-scholar Quentin Skinner sees it, Machiavelli must have recognized they have by their own nature been divided, against themselves; they bifurcate into the same two elements as those which in Rome had been presented by the Senate and the Tribunate, and for good reason: so that “the laws that are

favorable to liberty [shall] result from the opposition of these parties to each other”.¹⁰⁵

So, who should assess the proper intensity of this opposition, and how should it have been organizationally moderated, in its oldest and purest form?

The two mythological founding fathers, of both the Judeo-Christian as well as of Roman antiquity’s republican realms, were shown to differ so much from one another that their endeavors should not be seen in isolation from one another.¹⁰⁶ Each of the great personalities is part of an amalgam (as Moses has another element to contribute than Romulus, for instance), which then again symbolizes a vital albeit amalgamated foundation to the republic’s constitutional process. But it is only because of those people who are so wise that they can recognize the emergent differences among the different types of foundational-ancestral lineages that constitutional success will be attained. Again, who are these people?

Machiavelli’s premise holds that certain qualitative “differences”—and especially the difference between the respect for good laws and the use of good arms—should be tolerated, for as long as these differences will be played out within the reconstitution, or within the restoration of an original state. Many commentators have asked why Rome would have to have formed this original constitution. The answer may still be found in the difference between a Romulus and a Moses. These are certainly not the only two archetypical figures, for Machiavelli knows of course that their successors, Numa and Joshua, were hardly any less-effective princes. He also knows that Moses had not been solely responsible for creating a state (which he suggests should be believed to have been

“ordered by God”, rather), and that Romulus might not even have been Rome’s actual founder: Æneas was.

With this in mind, the gist of his argument becomes very simple: the Roman was superior to the Hebrew State because of the original condition of its people. The Republic of Rome had been, from its inception, “free and independent”, while Moses became a great leader only after he could have had acknowledged his people’s prior oppression (“by the Egyptians”). Moses had the comparative disadvantage, thus, of having been able to serve as a founder with divine legislative—powers after he had been forced, by historical necessity, to serve as the military commander who would organize an escape from “servitude”.¹⁰⁷ Also, both the Roman and the Christian-Judaic commonwealths were founded on the mixed use of good laws as well as on good arms, evidently (Moses had also been a warrior, and Numa also a priest) but the Roman people had had at least no prior history of enslavement.¹⁰⁸ It is for this reason that Machiavelli will argue that the Roman constitutional founders were superior to Moses—in having immediately and directly confided the guardianship of their constitution in the hands of the people as a whole, and in never having had to experience enslavement by their enemies.¹⁰⁹

In this reading, any agitation, quarrel, and turbulence within the relations between the Senate and the Tribunes of Rome would always have to have remained part of an intra-constitutional affair—which, then again, further clarifies why this ancient Republic, representing all Roman citizens, should be believed the greatest symbol of legitimate authority.¹¹⁰ Not a single most-gifted individual, but a constitution that can guard the (often contrary) qualities of a plurality of all citizens, in his stead, will have to serve as

the ultimate spring in the ongoing rejuvenation of civic life. Thus, in co-representing two (or more) contrary elements and qualities, a complex constitutional exemplar emerges. This constitutional exemplar entertains sufficient legitimate authority in order to avoid the problem of having to plot “a precise middle course” between opposing elements and quarreling parties. Without having to waste time on planning such a “middle course”, this exemplar itself should be believed to maintain a constitutional “equilibrium” between the representatives of the commoners, on one side, and those who view themselves as the great, on the other.¹¹¹

The above conjecture brings in the next issue. Apparently, Machiavelli believes in the existence of a constitutional exemplar which contains, or which unites two opposites within itself. Yet, he is also routinely being read to have been a pagan and as having rejected any (Christian) theological exemplars. It is then concluded that a prophet like Moses could never have been among his heroes, as Joseph M. Parent has (mistakenly) tried to convey.¹¹² Although Arendt bluntly holds Machiavelli to have been a secularist, for instance, his original notion of a unity of opposites coheres actually rather well with Christian mysticism.¹¹³ Could the Florentine Secretary then not nonetheless have been a believer in the Christ, who unites human laws with divine justice, and who also represents the ultimate complex of opposites?¹¹⁴ The primary question to be answered is what his actual beliefs were. If these were Christian, then that may help explain why no human individual and no mortal ruler ever is shown to exemplify the ultimately legitimate mode of government—which would, indeed, have to be divine.¹¹⁵ Moreover, that also explains why Italy’s savior should not consist of a single man, because it is a

plurality of citizens and leaders which always ought to respect, and venerate God, even if only as a way to practice their civic virtues.

The Dialogue: May Montesquieu's Idealism Destabilize Machiavelli's Realism?

Like Machiavelli, Montesquieu looks back in time, to antiquity. But unlike the (former) Secretary, he does not only celebrate the Republic of Rome (*Römertum*).¹¹⁶ Montesquieu seems much more willing to also acknowledge the 'good laws' of ethnic communities which historically preceded the soon-to-become nation-states of his own era—such as England, France, Germany, Japan, and Turkey. In this, his *The Spirit of the Laws* delineates a tidal change which separates moderns from ancients, and Christians from pagans.¹¹⁷ Another incongruence between the two theorists is that only Montesquieu praises the old middle classes—especially for having created moderate and civil associations. The ancients might have been more public-spirited, had probably greater participatory freedoms, and in Rome indeed even had retained the right of accusation, but he also realizes that most of their constitutional laws did not last into the modern Christian era.¹¹⁸ When placed in comparison to other civic religions, moreover, Christianity is according to him furthest removed from “pure despotism.” It commands caring “love”, and wants only “the best political laws and the best civil laws for each people”.¹¹⁹

From Montesquieu's point of view, English constitutionalism excels in establishing political and civil laws. In that tradition, the relation between civil society and state would have taken on the form of a stable contractual agreement between the estate-holders and their political representatives.¹²⁰ Other eighteenth century states, but especially France, should therefore follow the English example, he suggests, so that the independence of their own gentry will likewise be fostered. The reality, across Europe, is that expanding middle classes have been acquiring a greater stake in civil society, so that they in particular should be allowed to 'contract' the advocacy of their commercial interests 'out' to their political representatives. The more stable the contractual agreement between society and state, the hypothesis holds, the greater the political autonomy or, rather, the "liberty" of the middle classes will become. The English constitutional tradition is the most stable—as it best displays "how to take advantage of each of these [three] great things at the same time: religion, commerce, and liberty." For, even though Henry VIII once issued some "vague" laws, to protect his own lineage, that tradition clearly binds society "with few [commerce] treaties, and depends only on its [civil] laws." "England has always made its political interests give way to the interests of its commerce."¹²¹

Montesquieuan theory advises the (French) constitutional process to be centered in the old middle class, of the estate-holders.¹²² This means the new middle class, of the traders, should learn to mimick the aristocratic process of self-moderation. The issue is, however, that they should less practice moderation for the purpose of maintaining their austerity than for advancing their own prosperity. Republican extremes are believed to be

mitigated, and a peaceful state is believed to be maintained, in fact, by their self-expansive commercial activities.¹²³

In what now can be explained as having formed his realist objection to Montesquieuan or to neo-aristocratic commerce-based constitutionalism, Schmitt, in his *The Concept of the Political*, repeats Hobbes's argument that the relation between society and state should not be used as a contractual or even not as an instrumental, but should rather be understood as a dualist politico-ethical relationship (which also would have been known to the ancients as a sacred covenant, but definitely not as a commercial social contract).¹²⁴ Hobbes had indeed argued that this dualist relationship cannot be completely contractual.¹²⁵ The relationship should, alternatively, be thought of in terms of decisions coherent with natural laws. Hobbes had still turned to laws of nature for guidance, in exceptional circumstances, thus, so that sovereigns could learn to make their decisions on the exception in ways that would cohere with their natural, and not with their commercial interests (Hobbes's turn shall have to be spelled out in Chapter Four).¹²⁶

Schmitt knows Hobbes to have argued that the sovereign must be recognized as someone with a complex legal personality—meaning the sovereign is not only cognizant of the legal rule, nor only of the administrative exceptions thereto, but of both. The sovereign neither only consists of the legislative powers, nor only of the executive or magisterial powers responsible for making any exceptions—when necessary—and, yet, mysteriously integrates all these powers.¹²⁷ Hobbes's concept of sovereignty is thus also neither egotistic and individualistic nor absolutely consensual and unified: neither multitudinous nor singular.¹²⁸

Schmitt's pro-Hobbesian objection has drawn scores of criticism, especially during the last decades of the twentieth century. Jürgen Habermas criticizes this objection, not infrequently, for instance, while defending his own notion of a semi-contractual, consensual, and liberal relationship between state and society. Society should not so much apply natural law as well as that it should use reasonable means to control the state. In every liberal society, the citizens, as Habermasians will hold, should themselves decide how they want to pursue their private ambitions, and protect their liberties from interference. Basically, the citizens are rational agents to the extent that their ambitions will not be offended by the public realm. Public officials, also, should thereto shun differentiations of the sum of all private interests from the public realm as a whole, as the public realm simply represents each of these interests.¹²⁹ Unfortunately, this Habermasian interruption has hardly helped 'translate' citizens' self-interests into public activities—unless the 'translation' is mostly conducted by electoral rather than participatory means, and unless individual liberty outstrips popular-sovereign authority.¹³⁰ It shall now be demonstrated that the Habermasian and Montesquieuan points of view are congruent to one another, as they both tend to make the complex agonistic relationship between private and public invisible.¹³¹

Before digging any further into the ground on which both the Montesquieuan and the Habermasian liberal theories have flourished, it must first be noted that these theories are hardly consistent with the core tenets of political realism. Hobbes as well as Machiavelli prepared their own tenets in opposition to aristocratization/oligarchization processes. These realists appear to have followed Aristotle as they sought to maintain the

dual foundations of constitutional authority by observing how, while they were thus moving in the opposite direction from such possible oligarchization processes, the democratization process should be positioned at a relatively higher ground. There are always two mutually opposing processes of societal (dis)organization, Machiavelli is adamant, and their constitutional relationship is internally turbulent. Reputed realists have thus long acknowledged the significance of agonistically-related societal organizational processes and which, as shall here be proven to be the case, are processes logically inconsistent with the liberal image of one broad middle class-centric republic.

Montesquieu's Mistaken Idealization of Moderate but Never Passionate Magistrates

Montesquieu makes a severe mistake in equating individual rights to individual demands in equating liberty to commerce, and in giving preference to the commercial interests of a class of nobles over the powers of those popular classes trying to make opposite demands.¹³² This mistake has been repeated by various liberal idealists. They also give preference to the interests of what they argue is a moderate middle class, but what really is some sort of commercial aristocracy, on the one hand, over the ultimate public authority of the people on the other, on the other. Even more appalling, from the perspective of popular sovereignty theory, is the fact that these liberal idealists might, thereby, even if unthinkingly, be condoning a process of societal oligarchization. Anyhow, in the end it was wrong, as must now be shown, for the French Magistrate to

have ranked the interests of a new commercial aristocracy (and possibly also of its oligarchical legal values) above the naturally symbiotic relations between austere nobles and the people as a whole.

The French Magistrate must have known his own philosophy was breaking away from the direct constitutional relationship between opposite societal-constituent processes, whereas particularly Machiavelli had still favored such agonistic processes in his stead. The former knows exactly what he is doing differently, thus, when he philosophizes that whenever “all the posts” of the state’s “executive power” would have been placed in the hands of one party, and when the “legislative power” would then have to have ended up in the hands of another party, “hatred between the two parties ... endure[s]”. In that classic scenario, individual citizens “would [too] often change parties”, forgetting “both the laws of friendship and those of hatred.” Without a power in the middle, Montesquieu here implies, these individuals isolate themselves (or, perhaps, form factions) because they no longer remain “fair or sensible enough to have equal affection for both [the executive and the legislative powers].”¹³³

Yet, Machiavelli had written: “[I]n every republic there are two parties, that of the nobles and that of the people; and all the laws that are favorable to [intra-constitutional] liberty result from the opposition of these parties to each other”.¹³⁴ He responds with these words to the age-old question of which type of sovereign authority should be applied in order to moderate the opposition between the main two powers—or the two partisan processes. As the Secretary soon afterwards writes, still in reply to that question; “No more useful and necessary authority can be given—to those who are appointed

guardians of the [constitutional] liberty of a state—than the faculty of accusing”. It is this power of accusation that ultimately allows these appointed officials to vent the any “evil dispositions” (these dispositions are also known as the two constitutional powers’ “ill-humors”), as they might otherwise begin to flow from factionalist tendencies—and from either a sentiment (“humor”) for oligarchization or for excessive ochlocratization.¹³⁵

Montesquieu often seems to want to concur that Machiavelli’s humanism had helped authenticate the constitutional function of the common people. The French Magistrate also seems to agree with the Secretary on the importance of the Republic of Rome and its exemplary laws. The Roman laws had generated a public-spirited citizenry, constitutionally capable both of commanding and obeying, so that these laws initially better preserved the liberties than those of most other known states could have done.¹³⁶ But Machiavelli had been wrong to have applauded the ancient Roman constitution, however, for having spread out the power of accusation: Rome “permitted [too many citizens] to accuse one another.”¹³⁷ Rome’s equal distribution of prosecutorial powers expressed too much confidence in the common people, so that Montesquieu suggests (in Book 6, Chapter 8, of *The Spirit of the Laws*) it actually contributed to Rome’s diffidence and downfall. By opening up access to the state’s unique prosecutorial authority, the ancients actually weakened their state more than they could have anticipated.

Montesquieu finds that Machiavelli’s Romans would eventually have betrayed their own “boundless zeal” (their public assertiveness) by surrendering their “authority” to most of them (resulting in their fear of each other, and in a general state of feebleness).¹³⁸ He is far more hesitant than Machiavelli to endorse the Roman idea of giving every party

an equal share in the power of accusation, as even virtuous Romans themselves had become corrupted by joining a “band of informers”.¹³⁹ Once the ordinary citizens had taken “the power of judging”, as well, away from the senators and the knights, they gradually began to lose their individual liberties.¹⁴⁰ As vigilantes, these citizens now were forced to prey for verdicts most likely to win them the favor of one overlord or of one knight, rather than another, regardless of whether any senatorial and magisterial authority would have been exercised in the matter. The meaning of Rome’s civil laws had long been determined by magistrates, admittedly, but it would only be for as long as that the common people had elected the “patricians” to become the “[final] arbiters of the government” that they had remained free from “flatterers”, therefore, as well as from the “weakness of [their] license.”¹⁴¹ (Especially Book 6, Chapter 8, helps formulate a liberal-idealist objection to Machiavelli’s egalitarian image of his exemplary Republic of Rome.)

Montesquieu apparently fears that a republican state may grow too restrictive of individual liberty. It will tolerate too many false accusations. His logic is that equal prosecutorial powers will diminish everyone’s liberty, and therefore bring about constitutional decline. When all may accuse all, no one can decide. No one can judge which band of calumniators should be favored over which other such band. Egalitarianism in matters of sovereign authority breeds non-freedom, in brief, and must therefore be constrained by autonomous institutions.¹⁴² From the French Magistrate’s own point of view, furthermore, civil liberties are best protected by legal norms—and these norms themselves are best decided on by “magistrates”, and with the aid of an

“attorney for the party of the public”, as opposed to by “tax-collectors” or to other privately-motivated parties. In effect, only trained and impartial lawyers may be trusted to work *vis-à-vis* any democratic/ochlocratic forms of favoritism.¹⁴³

The French Magistrate certainly joined the Florentine Secretary’s plea for civic rejuvenation. But there are two differences to be found. First, in casting a critical part of this plea’s aside, however, the Magistrate also hoped to contain the spread of certain powers among all citizens. Vickie Sullivan underscores why he herein refused to join his intellectual predecessor: unlike Machiavelli he would hold that the preservation of civil law traditions should not be entrusted to citizens with an equal right to be appointed prosecutors—but rather to a far more select group of magistrates and attorneys. To *moderate* prosecutorial transgressions, and to mitigate the factionalist use of adjudicative powers, Montesquieu thus tries to undercut the constitutionally-balancing effects of (Rome’s) legal parity principle.¹⁴⁴

He assumes that if all may accuse all, then factions (of informants) will begin to form. Montesquieu reasons that the legal parity of all citizens will be weakened once they would be allowed to irritate and antagonize each other, and their appointed officials alike. The state must therefore centralize its prosecutorial powers, so as to prevent itself from defaulting to an extremely *antagonistic* régime—rather than into what Machiavelli believes would remain a moderate or a well-mixed *agonistic* régime.

The latter realist concludes there are several ways to preserve the civil law tradition without risking factionalism. A healthy tension between the republic’s opposite constitutional humors, and between private citizens and their public servants as well,

actually, will be warranted within any republican government which appears to be “putting an end to calumnies”. For, factitious calumniators may emerge where accusations are not being constitutionally admitted, and they may particularly also emerge “in private dwellings.” Factitiously-organized informers, in other words, are the most likely violators of the public law tradition, as they “require no witnesses, nor confrontings, nor any particulars to prove them, so that every citizen may be calumniated by another, whilst [legal] accusations cannot be lodged against anyone without being accompanied by positive proofs and circumstances”.¹⁴⁵

Second, the other difference between Montesquieu’s and Machiavelli’s notions of constitutional self-moderation depends on religious self-regulation. This difference can best be retrieved from their thoughts about passion, emotion, and ambition.¹⁴⁶ Passion, specifically, classifies as a religious emotion. It defines as one’s limited suffering of one’s fate. Passion, more than ever during the Renaissance, would also have to have been considered a fateful state of agony. The humanist from Florence argues that passion and agony can both be regulated and mitigated.¹⁴⁷ Those citizens who can regulate their passions are literally those who can take their fate in their own hands, or those who can hold themselves back from their leisure interests. Citizens who can publically display their mastery over the wheel of fortune and fate are, testifiably, virtuous citizens and more prone to abide by constitutional laws as well.¹⁴⁸ Machiavelli refers to them as possessing *virtù*.¹⁴⁹

He is known to have been among the first of his generation to redefine *virtù* in classicistic, rather than Christian terms. And, it is indeed possible to read his work as

insisting that civic virtuosity requires self-mastery. This part does cohere with other ingredients of Machiavelli's classicism, more importantly, such as temperate government, constitutional balance, and legal parity. What the Secretary not so secretly admired about the Republic was that she took her public law- and civil law-decisions based on equal virtue. Constitutionally, *virtú* is thus to be understood as a decisive mode, as well as a legal moderation of partisanship.¹⁵⁰ Machiavelli's virtuous leaders are said to have mastered, and coped, with their passions. Nonetheless, they are passionate partisans rather than emotive antagonists. This subtle dispositional sense of self-mastery (of 'holding oneself back') was not only a Roman theme, however; it also is a theme informed by Machiavelli's Christian religion.

The problem with Christendom is not that the common people are losing their religious beliefs. The issue for Machiavelli is rather that leaders no longer maintain their people's (Christian) religion "according to the principles of its founder": it should therefore again become "the duty of princes and heads of republics to uphold the foundations of the religion of their countries, for then it is easy to keep their people religious, and consequently well-conducted and united."¹⁵¹

As Erica Benner interprets the issue, the well-regulated republic is a public realm within which citizens remain religiously disposed to respect the law. In fear of what could become their ultimate fate, citizens are taking religious care to uphold their "oaths, customs, and laws". Machiavelli's argument that the people should sense a certain "fear of God's wrath" is, still according to Benner's interpretation, validated by the symbiotic relation he detects between such fear and people's "respect for principles of human

justice.” “Whether one calls it fear of God or fear of justice, this reasonable kind of [respect] ... is *necessary* to sustain any civil [or republican] orders”.¹⁵²

Montesquieu both agrees and disagrees. In agreement with Machiavelli, he suggests that “religion should not give [the people] ... an overly contemplative life.” He warns that the “Stoics” probably became, and that especially the “Mohammedans [have] become speculative by habit”. The latter made themselves “drowsy by religion.”¹⁵³ But in disagreement, the Magistrate refuses to treat religion as a necessary condition in sustaining the civil law tradition. There is no such thing as a civic religion:

Montesquieu’s religion depends on beliefs that can be expressed separately from any civic fidelity to laws or to constitutions. For example, “religion can sustain the political state when the laws are powerless”.¹⁵⁴ Political and republican orderliness can very well be sensed, thus, at least by religious citizens, even when civil laws are not being sustained. “In the states where wars are not waged by a common deliberation and where the laws have not kept for themselves any means of terminating or preventing [wars], religion establishes times of peace”.¹⁵⁵

The French Magistrate argues that Christianity is constructed around much more than a “dogma”; it is an well-established religion because it can give hope. It gives hope, on peace and on recognition, but not on “a state that we feel or that we [can] know”. It only leads people to “spiritual ideas”, in brief, which remain ideas of assistance to statespersons in avoiding “enmities”. But Christianity in itself does not lead them to act more gently—or also not to become any less lawless and any less “indifferent” in their actions. For that to occur, people will additionally need to be led by civil laws sufficiently

consistent with their beliefs and ideas. Contrary to Machiavelli, Montesquieu hereby insists there will “always” remain inconsistencies and defects in any possibly-imagined connection between civil laws and religious ideas. “When religion condemns things that civil laws permit, there is [always] the danger that civil laws will permit on their side what the religion should condemn”.¹⁵⁶

The above-detailed two arguments allow the Magistrate to conclude that there is no naturally symbiotic relationship between religious beliefs and the public law tradition. His conclusion instead separates private passion from legal values and denies that they form a productive relation. Passion runs, from his viewpoint, not only contrary to liberty. Religious passions and individual liberties also may run in isolation from one another, and if they do not then perhaps they should more often do so—according to Montesquieu. He rather merely expects a well-organized religion—and especially a religion which can inspire hope, as indeed the Christian religion does in his book—to assist states in moderating their conflicts.¹⁵⁷ But any sudden changes in religion must be feared to create conflict.

Reminiscent of Machiavelli’s argument that the presence of a religious organization (*culto divino*) provides the state in its need for stability, and give it a necessary sense of security, so does the Magistrate commend religious hope and piety when he suggests it will give people a sense that they belong to their state and to its own “climate, laws, mores, and manners”.¹⁵⁸ Yet, while pious people will love this sense of belonging, atheists can speak only of what they fear about it.¹⁵⁹ Interestingly, Montesquieu would never refer to himself as an atheist and yet he goes on to express

considerable fear about the possibility that a religion is changed or that it will motivate “rebellion”. Magistrates have to fear, and may even end up being “intimidated” by, religious people’s choice of “martyrdom”: a choice similar and possibly as fateful as the one to introduce Christendom to Japan. Magistrates should fear cases in which religious organizations try to mix their beliefs, or where doctrinal issues are at stake. (In such cases as those that had been presided over by the Inquisition, it would clearly have been impossible to try to, and “useless” as well, “to convince” anyone of the issue whether the Christian faith shares any tenets with the Judaic faith, he adds).¹⁶⁰

Religious passions were according Machiavelli always necessary for a lawful state, whereas Montesquieu fears them and considers them both inessential and irrelevant in sustaining the law. Many laws can exist without religious support, as they tend to do whenever the people are afraid of their own (despotic) lawgivers. Neither peace nor commerce treaties need have been infused with civic religion in order for them to be sustained, moreover. Some religious or, in fact, all Christian republics can very well function without such treaties. Along the horizon of advanced realism, nevertheless, is this not a foregone conclusion? Is the French Magistrate not at fault? Does he have a valid warrant to be dichotomizing that old relation between private spiritual beliefs and public institutions of power?

The critical difference between the exponents of the Classicist Renaissance and the Neo-classicist Enlightenment is that, for the latter, ancient Rome’s constitutional processes are no longer thought to be outstanding—as well as that the intense relation between the constitutional foundations of spiritualism and materialism, or of civic virtue

and participatory freedom, are no longer believed to be a necessarily productive and symbiotic relation.¹⁶¹

Montesquieu's Liberal Constitutional Structure Must be Neutral or Fail

There is one key separation between classicist and Aristotelian lineages of thought, on one hand, and Montesquieu's favoring of a modern republic that can independently moderate itself, on another. This separation becomes apparent in the notion that classicists such as Machiavelli think that the state is home to an intra-constitutional opposition between two qualitatively-different and contrary processes, which balance one another, whereas Montesquieu favors a republic equipped with a third or a gyroscopic mechanism. This mechanism must consist of an adjudicative power calibrating the proper relation of the legislative and executive, but also of the democratic and the aristocratic processes of representation. But the question remains: should this adjudicative power be considered loyal to the monarchical representation of all citizens, regardless of wealth, or mainly to a commercial aristocracy, with sufficient wealth?

The capstone lesson to be learned from the above comparison between Montesquieu's and Machiavelli's exemplary republics has been that the latter's republic's administrative apparatuses are being checked by a people, as a whole, as well as by their interests and their passions. In Montesquieu's republic, by contrast, economic interests trump religious passions.

The people have in Montesquieu's republic been turned into a population with competing needs—and are agents not unlike Rawls's self-legislators. They form a group loyal to their own state's norms, climate, and they belong to the same jurisdiction. This suggests that only some of the people can be responsible for managing the limits to this jurisdiction. Only the few are in fact being expected to balance the powers of the state against those of other states and other parties. Moreover, the executive powers of the monarch, as well as the commoners, are to be checked by the rising middle classes—so that any clashing interests should be regulated by their control over the third, adjudicative power. In this modern republic, institutional checks on power are made possible by middle classes because they will have learned to obey commercial norms and economic decisions, further, rather than by any given person's decision to near-spontaneously appropriate either a military technique or to appeal to religious and juridical organizations (which had always been, as Machiavelli demonstrated, however and after all, the fundamental political decision to be made).

Peaceful relations between states are best made possible by free trade and corporate enterprise rather than by the international public law tradition or by the complexity of constitutionalism—as IR theorists defending the Democratic Peace (DP) hypothesis would be fast to concur with Montesquieu. But from a more realist and a more classicist republican perspective, the stakes are higher than that both Montesquieu and the IR field acknowledge. Specifically from Machiavelli's perspective, indeed, the balance of powers is a matter of legal and not economic parity. The balance is not maintained by any third arbiter but by a governmental constitution believed and trusted

capable of equally integrating two types of power. Besides, this republican perspective shows a duality of organizational principles, and especially a duality of executive and legislative powers, to be moderated by means of equally allocated juridical-prosecutorial powers—not by the creation of a new adjudicative type of power. Machiavelli gladly take this perspective, showing, for instance, the Romans had to have had very good reasons to avoid neutrality and to never take “any undecided middle course in important affairs”. (“All princes and republics should imitate [them!]”).¹⁶²

The central question now becomes who should adjudicate between the first two powers? Who should be deciding any conflicts between the legislative and the executive powers, and on behalf of a neutral magistracy or judiciary? In important respects, this question demands an extra answer to whether Montesquieu’s notions of checks and balances should even be thought admissible to the IR domain. The implications of admitting these notions of the balance of power, and of applying these notions to the relations between sovereign states, may either be thought harmful or benevolent.

Importantly, the balance of power itself is increasingly being maintained with the added support of a new adjudicative power—taking the shape of international tribunals and special prosecutorial and special military police interventions. Within the parameters of the DP hypothesis, the ICC and these interventions are clear measures of democracy’s success. These new powers are being created with additional support from the Montesquieuan conclusion that a well-financed and well-educated population will not belong to its own jurisdiction unless it has managed to appoint a sufficient number of magistrates to rule out any arising conflicts. These magistrates do not need to have any

religious beliefs; they only need to maintain a third mechanism that can help the population to maintain peace within their state—but also in the relations between their state and other states, *especially* in the absence of religious unity or in the presence of ideological warfare between sovereign states.

The present subsections of Chapter Three shall rise with Machiavelli, and with Weber, in resistance against Montesquieu's liberal states and inter-states structure. These political realists are rightly skeptical of the modern tendency to award final authority to a separate magistracy. Even though an intermediary magisterial power may be useful in preventing the outbreak of conflict, and especially of doctrinal conflict, this does not yet warrant (Montesquieu's) conclusion that the state's ultimate authority should be concentrated in the selfish hands of a commercial élite—rather than to emerge from an authoritative opposition to this élite's interests. In clarification, it shall be demonstrated, now, that Montesquieuan liberalism tends to expand into an intrinsically élitist, anti-democratic form of idealism. Theoretically, it cannot be considered supportive of the above-identified classicist realist practices, nor of realist recognitions of emergent modes of legitimacy and prudence.

Montesquieu argues that states tolerate each other due to their commercial interactions and interests.¹⁶³ Commerce and competition flourish in the absence of international treaties, and help states to maintain the peace even better than that the international public law field can do. Domestically, states must also stimulate competition and prevent economic idleness. “[E]xcess of wealth” and other “disorders of inequality” should be avoided. In moderate commercial republics, excess is usually being

avoided because the “principal citizens [will here] ... engage in commerce themselves.” Rather than that they will exclude economic interests from their politics, principal citizens are here seen pushing their economic interests in ways that help them maintain their own equality. That is, they will form an *élite* group which then again enables them to avoid inequalities among themselves. They can maintain their liberties—if not only because this group itself has a moderating or an intermediary function within the constitution of powers as a whole.

The argument holds, for example, that an *élite* should give the state laws which shall “divide fortunes in proportion [to how] as commerce increases them; [these laws] must make each poor citizen comfortable enough to be able to work as the others do, *and* must bring each rich citizen to a *middle level* such that he needs to work in order to preserve or to acquire.”¹⁶⁴ Commerce flourishes under solid property rights and moderate inheritance taxes, Montesquieu premises hereby, so that both the commercial equity principle as well as the civil law tradition are regulated by one and the same third-party juristic assemblage.¹⁶⁵

Montesquieu assumes laws can be designed to reflect a spirit of merit. The harder the traders work, the more they can bring themselves to the “middle level” of society. Because everyone at this level works about equally hard, none of them will reach the level of excessive wealth. The balance between this trader class and the other classes gyroscopically callibrates itself, in addition. It is in the nature of the trading business that the more the traders will work, the more they need to acquire profit from their exchanges. The more investments they make, the more dependent they become on maintaining their

business, and the more loyal to their own state they become as well, Montesquieu assumes. By contrast, neither the poorest nor the richest strata of society are trying to make returns on their investments—if they invest at all. Comparatively, these classes seem unwilling to take financial risks, afraid as they are of any commercial impulses, as the French Magistrate expresses concern.¹⁶⁶ They depend so little on economic competition, that they fail to cultivate their political virtues. As opposed to those taking commercial risks, those suffering from sheer insufficiency or abundant luxury challenge societal virtues and undermine the state's authority.

The rich should not feel too comfortable and the poor not too envious, so that both may be represented by and incorporated into a commonwealth. This is what most classicists would agree upon, including Machiavelli and Hobbes. Montesquieu takes another step, however, by introducing his liberal assumption that economic competitiveness can be proportionally awarded by the market itself. His political economy is thus an economy of proportion. The political middle will see to it that the market functions fairly, and that there is merit to profitable returns. This middle forms a new meritocracy, *tempering* any dispositions towards disorderliness. Or, in other terms, the meritocratic singularity of the middle level *mediates* the mutual dependency of rich and poor, patricians and plebeians.

More problematic, however, is the liberal projection that the middle will *therefore mediate* in any conflicts between those fighting for their civil rights, first, and those having a greater interest in protecting the state's administrative (and adjudicative) responsibilities, second. Montesquieuan liberalism projects the typical trader, but

especially the maritime trader, into the role of constitutional guardian. The consequence is that the trader must somehow be believed to know how to defend his individual liberty by also taking his corporate responsibilities seriously, and to (presumably *therein*) prevent conflict. As Montesquieu concludes, this trader will somehow have learned to depend on his accounting skills, on investments in future exchanges, and so forth. In thus having learned to effectuate his liberty as an individual, his “education should attend to inspiring [law].”¹⁶⁷ More accurately, private merit both inspires and precedes public law in importance.

The Spirit of the Laws sets itself to the task of closing off at least two societal entries: those leading towards misery as well as those towards luxury. The text marks these entries as constitutionally prohibited. The new middle classes must consist, rather, of individuals who are engaged in constitutional “tempering, modification, accommodation, terms, alternatives, negotiations”.¹⁶⁸ One of the historically-exemplary constitutional middle levels remains the Roman Senate. No mention is made of the Tribune or the Decemvirs, even though it must have been familiar terrain for Machiavelli’s readers to find the latter more harmful to the commonwealth than the former.¹⁶⁹ Thus, solely the senators of Rome are said to have refrained from handing out “immoderate penalties [which could] ... terrify men’s spirits; ... with [their] moderate penalties [instead], there would be both judges and accusers.” Institutions such as the Senate would not reach a final verdict easily, also, providing time for negotiations and settlements between accusers and accused, as the latter always retained their right “to depart [Rome] before the judgment”.¹⁷⁰

All this means, basically, that besides the prosecutorial and the adjudicative powers, even the power of pardon should be concentrated in the state's most senatorial or most aristocratic institutions. If anything commendable has to be said about Rome's constitution, it concerns not its relation between Senators and Tribunes (its bicameralism), nor their austerity. Rather, the hidden assumption holds, it must concern Rome's financially heavily-invested aristocratic élite, which had the most lose from any poorly accommodated and unsettled legal cases.

The French Magistrate carries on praising the political independence of the constitutional middle. "[D]isorders of inequality" will eventually be replaced by "a *middle* level", he suggests, because of the latter's continuous vigilance.¹⁷¹ Socio-economic inequality may be 'translated' into political equality, in other words, on condition that the 'translators' themselves can neither affirm idleness and poverty, nor luxury and abundance.¹⁷² Material excess and scarcity are related to, presumably respectively, "hospitality" and "banditry" in a sense that they appear *also* on two sides of the same coin.¹⁷³ Rather than to take this double-sidedness for granted, Montesquieu's middle class-bias makes him suspect its moral ambiguity and its proness to political insecurity. The state cannot become independent if the political relations between (presumably free and hospitable) patricians and (necessarily thieving?) plebeians will not also become more monistic.

The last question to consider is whether Montesquieu's liberal theory may not have assigned the task of determining the political purpose of "civil right" to a wide aristocratic, but simply to a narrow oligarchical middle. For, his conception of the middle

level is what really seems to guide him in defining how the executive and the legislative powers should be allocated in a rational proportion to each other—rather than to sustain each other through their qualitative opposition.

If the Magistrate intended (French) constitutional law to become more monistic, he probably also intended the monarchy's discretionary interests to be newly checked by an impartial adjudicative power enshrined within not the democratic multitudes but within aristocratic associations. Governmental rules should come into being through an adjudicative third power, which remains associated to the executive but may leave legislative power out in the cold.¹⁷⁴ The point is this: the least democratic side of *Spirit of the Laws* materializes in how the text imagines the selection of ideal statespersons. They are being selected to maintain the forms of certain senatorial-juristic assemblages, but it remains unclear why precisely these statespersons' qualifications (their calculative skills and willingness to take financial risks) should there-within be believed to serve aristocratic rather than oligarchical ends. Moreover, why are entrepreneurial skills so definitely the right qualifications statespersons should have in maintaining not only internally, but also externally peaceful relations?¹⁷⁵

Anti-totalitarian and Arendtian realists submit that political leaders can be recognized as legitimate statespersons to the extent they are *not* economically motivated, and that they will *not* aim to become skilled entrepreneurs. Qualities such as commonsense, integrity, caution and even such as physical courage are, alternatively, said to be political virtues. These are *not* socio-economic values. The list of such economic and liberal market-based values would have to include, much rather,

individualism, egotism, consumption, luxury, and a willingness to take chances. Virtues are legitimate virtues because they can be instantly recognized by anyone, anywhere, while market-values can be privatized, and are in the eye of the beholder. Virtues require no intermediary assemblages, as they are validated by and recognizable to the many, while values can only be measured by individuals who believe in a third juristic power's neutrality. Money, to take Simmel's well-known example, depends for its value on what any individual will believe that it is—because each individual is trusting in the independent but fiduciary third powers (monetary markets, central banks) that would magically have attached these values to money itself.¹⁷⁶ Yet, not one value and not one price of money can ever be held in common by the many, because then all the coins and bills would have become instantaneously valueless.

Arendtian and Machiavellian realists argue that political virtues can be recognized by all social animals—regardless of their economic status. Social animals tend to believe that there is no need for a professionalized apparatus to prosecute, pardon, or preside over private law- and civil law-cases. From their perspective, hence, liberal theorists would be incorrect in hinting—as Montesquieu hints, indeed—that for as long as that intermediary assemblages and third powers will have been “made [in]to the rule, ... the depository of *mores* [will be obeyed].”¹⁷⁷ This sentence wrongly suggests that a constitution encompasses only the rule and the norms (the *mores*), and that any exception to the rule either may safely be ignored or might have to be decided on by those with the greatest profit-incentive.

To reiterate, Montesquieuan idealism and the commercial DP hypothesis both indicate, to the domain of international political theory, that whenever a balance of powers has been accomplished it should be managed by means of professional, independent, rationalist adjudicators. The adjudicators can take it upon themselves to police the world, promoting the idea that they alone are in the final end responsible for managing the proper balance. Whenever statespersons themselves were to attribute false values to others, or begin to engage in doctrinal warfare, or commit calumnies, as the French Magistrate's hypothesis hints, they must be punished by an independent third power. Such punishments would decrease the risk of evaluative over-stretch and inter-doctrinal imperialism—including, especially, socio-economic colonialism. And, juristic-punitive assemblages could increase the chances for prosperous states to maintain peace among themselves. Yet, it is critical that IR theorists become conscious of why third assemblage-neutrality could promote peace, and commercial interests have to promote a systemic balance. Are liberal idealism's above-presented reasons as good as Aristotle's? Prior to reassessing this question, the immediately-following section consists of a theoretical reconsideration of Montesquieu's propensity to be practicing monistic constitutionalism.

Montesquieu's Adjudicative Power Diminishes the Reality of Non-Dualist Republics

Baron de Montesquieu is notorious for having introduced a third power to the history of political thought: the adjudicative power. To split this power apart from the executive, or from the monarchical power, however, Montesquieu must hold that the monarch will supposedly only bestow honor when honor is due—when the monarch can be checked by magistrates. Otherwise, the king may still want to pursue too much honor: the majestic glory of conquest.¹⁷⁸ While making this introduction possible, Montesquieu first copies the one section from Aristotle's political theory in which honor had been presented as an object of discord, before proceeding to reduce any surplus of honor-seeking by means of another kind of surplus: by means of seeking wealth from trade and industry.

The problem is that Montesquieu so forgets to mention that Aristotle had actually believed that—besides honor—profit can be just as much an object of constitutional discord and decline.¹⁷⁹ By fine-tuning and by sometimes objecting to Radasanu's 2010 reading of Montesquieu's 1748 *L'Esprit des Loix*, this section must now demonstrate the French Aristocrat was less favorably disposed towards both Aristotelian and Machiavellian and Hobbesian methods of properly identifying the two main objects of discord and decline, than has previously been thought.¹⁸⁰

The thesis defended in this section holds that by professing his ignorance towards the issue of excessively profitable interests, as forming one of the two possible sources of constitutional imbalance, and by only celebrating states he supposes to remain centered

around the other source, of honor, Montesquieu is no longer cognizant of a foundational and dynamic duality. His post-classicistic method of analysis severs the foundational relationship between two qualitatively different sources and between two different functional parts of the state's constitutional balance: material gain and immaterial honors. The hypothesis holds that his method, therefore, must not continue to be applied in making sense of complex, dynamic, and dualist relationships between self-interested individualism and honorable goods. Rather than to help hold the positions of classicist realism, the French Aristocrat was already mounting an attack on realism in order to make way for a trade-oriented but also for a constitutionally-monistic form of liberalism—which, however, must now be shown to have alienated itself too much from many earlier theories about the dynamic dualistic relationship between both individual interests (including possibly excessive desires for material gains) as well as the state's common power (as expressed in terms of its honor, exemplariness, and goodness).

Henceforth, this section demonstrates that Montesquieu, wrongly, neglects Aristotle's warning against the "*disproportionate increase of [any constituent] part of the state*"—as well as that he neglects the (Aristotelian, classicist) realist warning against any suddenly-increased application of the pressures and principles naturally corresponding to the two "prevalent" constituent parts within almost any form of state.¹⁸¹ Against Montesquieuan idealism, political realism holds that the principles of honor and profit, or the springs of public recognition and private wealth, in again somewhat other words, are not only organizing and ordering principles. They are also to be understood as the proper aims of the two main parts of which almost all states have been historically constituted.

The two objects respectively correspond to each state's (numerical) parts, to the many and the few, as well as to the functional (qualitative) difference between these parts.

Later paragraphs shall additionally demonstrate that, precisely because all states must eventually go into decline, the two parts/principles of their constitutional orders should nonetheless be kept in balance, so as to slow down the process of decline. Whenever growth occurs, therefore, these two constituent parts/functional principles should continue to be proportionally represented. This means that a just representation by the constitutional state, of the people's interests, can be confidently believed to at least temporarily halt the process of corruption. Yet, eventually, all constitutional states (by the way, Aristotle had not suggested the monarchy must be considered as a sufficient component of any constitutional state) will come to suffer the consequences of their own greed: of the pursuit of material interests by their leading office-bearers, as opposed to their pursuit of public esteem and honor.¹⁸²

Political realists propose that the brute fact of decline should never prevent statespersons from trying to arrest the ongoing acquisition of materialism, and to put taxes on those acquiring natural or inanimate spoils. The process of material spoils and interest accumulation will have to be arrested, but not negated. It will have to help to sustain an adequate balance between this first type of pursuit itself, as well as the pursuit of honor. The purpose of the state, according to realism, is to maintain balance between "laws of nature" as well as "laws of honor", as Hobbes would have said—and as he would still have said in agreement with Aristotle's *Politics* as well.¹⁸³

In this respect, Hobbes's *Leviathan* follows Aristotle's observation to the letter: no (constitutional) state can be constituted from some "chance body of persons, or in any chance period of time."¹⁸⁴ Every (sovereign) state, as Hobbes writes and adds to Aristotle, alternatively has to have been constituted by a deliberate covenant of every person with every person. This covenant may neither have been closed by or with God, nor may it result solely from an individual's volition.¹⁸⁵ Hobbes's sovereign covenanted state is a state, rather, only to the extent that it is no longer contingent on the wills of other states—but that it can autonomously perform two self-moderating, or two self-balancing functions. The state is a sovereign state to the extent that it has begun performing the two functions of both procuring "*the safety of the people* [as] ... obliged by the law of nature"—by allowing every citizen to engage in "lawful industry" as well as by "judging the necessities [of their state, and] ... levying money and soldiers when ... necessary"—as well as immediately hereafter also honoring and executing "good laws to which individual persons may apply their own cases." To properly perform this second function, the sovereign shall appoint "teachers" and readily apply "a general providence, contained in public instruction, both of doctrine and [honorable] example."¹⁸⁶ That is, every state, at least when seen from Hobbes's classicist and realist point of view, is to be a functionally two-dimensional in order for it to retain its sovereignty: it should obey both the laws of natural necessity, which involve the laws of force and taxation, as well as that it has to 'teach' individuals to voluntarily honor their own customs and civil laws, and to just try to act honorably in general.

Montesquieu belongs to a later generation of less ‘realistic’ philosophers. He is identifying the state as a sovereign state on condition that it can mainly perform the second function Hobbes had identified: to count on the population to live by its customs and civil laws. Ideally, the state should count on obliging citizens to voluntarily obey the laws of honor—and, as Montesquieu’s winged phrase goes—citizens should ideally be counted on to be obeying these laws “with no reward other than the renown of [their] actions”.¹⁸⁷

Of course, Montesquieu’s *The Spirit of the Laws* was once a standard guidebook for every jurist with legislative ambitions. It is a book written for nobles and traders who need to know how courts will adjudicate cases involving conflicting legal traditions. Throughout, the work assumes that the court adjudicator will be part of an aristocratic power, complemented by a monarchical executive power (a police force). This mixed state can manage to remain moderate—to the degree that it will respect both the “various *loci* of power (nobility, monarch) ... and the *parlements*: the all-important depository of laws.”¹⁸⁸ The work could therefore quite well have been titled, alternatively, “On the Spirit of the Legislator”—which in reality is only the introductory subtitle of Book 29 of *Spirit of the Laws*. For, after all, the possible alternative spirit—of the executive power—hardly receives as much discussion as the adjudicative and legislative power: it is almost as if Montesquieu *wants* to ignore the first dimension of Hobbes’s state; the dimension that is naturally or even physically protective of the people’s safety and trade.

Especially in Book 29, Montesquieu seems to have set out to demonstrate—as Andrea Radasanu suggests he did—that the noble legislator’s sense of moderation must

be understood as something that should be practically attainable. Legislative self-moderation is actually to be imagined as a practical sense of adequacy. Indeed, he does argue that the legislator should therefore mostly learn how to moderate his desire for perfection, and his desire to accomplish universal justice as well.¹⁸⁹ But then this issue arises: what should be the criterion of legislative and constitutional moderation? If the moderate legislator errs, should it be on either the side of regulatory universality or the side of the different circumstances of every civil law case? Whose acts and which kinds of moderation best help maintain the state, and the balance of powers as well?

While keeping in mind that twentieth-century realists (Arendt, Schmitt) have been highly suspicious of those who would want to allow economic activities into politics (because material conflicts too often, and too easily upset the balance), it will here be argued that Montesquieu instead saw economic activities as a source of national glory. He describes a monarchical economy in which honors and titles are being bestowed on warring nobles: this idea of public recognition should apply to other intermediary groups as well, and should thus become the organizing principle of the state as a whole.¹⁹⁰ Not so much the stakes that the noble citizens have in their own physical safety, but much more their honors can so come to serve as the main object of Montesquieu's ideal state's progress.¹⁹¹ But by viewing himself as a modern liberal who is hardly suspicious of this economy of honors, Montesquieu made the grave mistake, unlike Aristotle and Hobbes, to not also consider the sphere of commercial profits and material losses as an equally-significant and equally-problematic source of political corruption.

It may be known Montesquieu's moderate legislator serves in two capacities which, in twentieth-century states, have often been separated. As a trial judge, he is responsible for interpreting and deciding on the countless differences within the body of jurisprudence and civil law. As a formulator of positive laws, however, he may simultaneously pursue the possibility of the universal application of the civil law: of local legal customs. Some theorists argue that simultaneity in the applicability of both universal and particular laws will benefit the state's survival. For example, in arguing that the legislator is primarily an *ad hoc* adjudicator, and cannot be making "tremendous changes" to the local laws unless he were to first respect the particular "temper of a people" (particularity), Radasanu hints and probably also mistakenly presupposes this moderate legislator may only act *in the absence* of the ideal of legal uniformity.¹⁹²

Radasanu suggests the moderate legislator would in some respects have to try to be a structural realist, guarding vigilantly against monarchical agents and their universalist desire to create strong regulatory applications of the laws of honor. She is also right to point out that, in Book 29, Montesquieu defends pieces of legislation that are respectful of diverse customs. Every legislator must heed himself against "ideas of uniformity", the French Magistrate writes here, by at least making an effort to uncover the presence of such ideas within "the police (the same weights), in commerce (the same measures), [and] in the state (the same laws and the same religion in every part)."¹⁹³

Contrary to the suggestion that Montesquieu warns against legislative universalism and monarchical honors, he is doing quite the opposite. The legislator's sense of prudence and his respect for different legal norms are to be viewed as his most

important qualities, he says. This could, therefore, very well mean that he actually suggests that prudence must be subordinate to the purpose of legislative justice. Prudence could merely be one of the many qualities that serve the state in maintaining universal justice, to better decrease its internal political diversity, and to thereby increase its legal uniformity—which again benefits economic competitiveness.¹⁹⁴ This is why the prudent legislator should help formulate the material reasons of state, but not try to protect the state’s general laws at any cost. Rather than to use laws to protect the state’s, and the monarchy’s domains of luxury and other such monopolistic investments, for instance, he should be applying those laws that protect the diversity of norms and conventions (*mores*). He should apply universal laws when the “commerce of economy” is at stake, but respect particular local conventions to the extent that they support “commerce” as well.¹⁹⁵ At one point, Radasanu nicely acknowledges this guideline as well: “Commerce, whatever its drawbacks, seems indispensable for spreading agreeable manners and curing destructive prejudices. While others might attribute the spread of civilized and peaceful *mores* to Christianity, Montesquieu gives the lion’s share of credit to commerce.”¹⁹⁶

Nevertheless, the pure diversity of *mores* (tempers, customs, and non-positivist legal norms) is not an unqualified political good.¹⁹⁷ The diversity of biases, as they will come to light in interpreting the legal status of competing interests, can weaken the state. The biases and tempers particularly favorable towards commercial interests may be too weakly, to be too excessively pursued. Further, rather than to tolerate too much diversity and too many “seditious men” the state may only survive if it can rely on a “small number of wise and tranquil”, “most prudent”, and “principal” men.¹⁹⁸ Montesquieu

repeatedly hints—in Books 20, 21, and 29—that he fears that the diversity of laws and beliefs may become so great that justice, or equal treatment, can no longer be warranted.¹⁹⁹ His legislator must therefore learn to see himself as an equal among equal citizens, rather than that he should try to be an executive judge or a conservative clerk who will apply only one state’s body of law. Or, he must firstly imagine himself as acting in the service of regulatory uniformity before secondly applying laws to each distinct case in fact. “[T]he greatness of [his] genius [is found both] in [his] knowing in which cases there must be uniformity and in which differences.”²⁰⁰

Radasanu is oblivious towards Montesquieu’s dualistic observation, even though he clearly presses for greater simultaneity between legal uniformity and local customs. But she then rightly argues that “[Montesquieu] is looking for the mean as it concerns the political good, while Aristotle speaks of the mean in relation to virtue and especially moral virtue.”²⁰¹ Yet, this is not exactly how Montesquieu was reading Aristotle’s *Politics*. Rather, he reads Aristotle as if it would have been empirically possible to create “a large middle class” of nobles, capable of politically substituting—in Aristotle’s words—both “unmixed oligarchy” as well as “extreme democracy”. By hoping that oligarchical ambitions will be checked by monarchical honors, the French Magistrate is also hoping that democracy will no longer remain a notable counter-power. This seeming agreement with Aristotle suggests it would have been unthinkable for the French Magistrate to ask the *ideal* legislator to politically separate his own prudence completely from the Aristotelian moral and legal virtues. To the contrary, however, the Magistrate actually asks his moderate legislator to try to exemplify both moral virtue (to respect

regulatory universality and legal uniformity) as well as to cleverly defend his own best interest (his particularity as a political agent). The problem with this demand, as Radasanu forgets to mention, however, is that Montesquieu's demand further abuses the Aristotelian concept of *the mean*. Montesquieu assumes here that the concept not only refers to morals, or to individual moral virtues, but can also be politically represented by the few, by the nobles, or by those in between the king and the many—and by their aristocratic intermediate powers.²⁰²

Yet, as a *political* realist, Aristotle clearly warned his own readership (including, the apparently careless, French Magistrate) about the dangers of using the concept of the mean in order to justify the use of power by one group or another. The concept cannot justify only the nobility's access to intermediary offices—against any other group's equal potential to fulfill the state's intermediary offices. Aristotle embraces the notion of balance: both the nobility as well as the masses should enjoy an equal stake, if not only because this notion of proportion emerges from within—and is in the 'second nature' of—every constitution. The empirical reason for this sense of constitutional parity suffices because, as Aristotle says, there “has never been established” a state representatively expressing the mean, middle, or “mixed type” of power. In every state, either “one or [the] other of the two main [groups of power]—the owners of property [or] the masses—gains the advantage [and] oversteps the mean.”²⁰³ It would be unjust and imprudent to nonetheless try to stimulate “heterogeneity” within the masses, to be sure, but this precept must certainly also never prevent statespersons from respecting the modicum of qualitative dissimilarity between their two main groups of power—or, from

perhaps not respecting but from always recognizing this void between their constituent parts.²⁰⁴

Aristotle expresses great caution about how statespersons should represent the number of possible objects of dissension. In maintaining political stability, more critically, he takes care to reduce this number to two: “profit” (or “loss”) as well as “honor” (or “disgrace”). He would thus clearly not yet have established a third and intermediate object (contrary to Montesquieu’s program, which starts with such an object of power). For Aristotle, both of these objects (of perceived injustices) may form one of the two causes of political discord. The first cause of discord is exemplified by those seditionists who have “an attitude of mind” most favorable towards their own “superiority”: they are reasoning they have been receiving “no advantage over others (but only an equal amount or even a smaller amount) although they are really more than equal”.²⁰⁵ Seditionists of the other type are more predisposed to take part in a democratic reasoning process, “which arises from their thinking that they have the worst of the bargain in spite of being the equals of those who have the advantage.”²⁰⁶ Briefly, oligarchs tend to perceive justice as being weakened by the decision to reward parties with equal treatment, and democrats as if justice must be strengthened by the same decision. Yet, democrats and oligarchs both view justice as a *Gestalt*. They view the same phenomenon from contrary angles. It is thus not unlikely that oligarchs will prefer to see the emergence of a proportional form of justice, or equity, whereas Aristotelian democrats would give preference to redistributive justice.

Among the most likely causes of sedition are a “disproportionate increase” or the creation of some sort of “dissimilarity” between the oligarchical and the democratic elements of the state. In such an unbalanced constitutional state, “election intrigues [and] willful negligence” may further contribute to the seditious tumults.²⁰⁷ To prevent this, Aristotle recommends a state-form capable of mixing the points of democracy with those of oligarchy, so that it can remain “based on the middle classes: ... the most stable of all the forms.” For, constitutions cannot endure if they would be based “on either the oligarchical or the democratic conception of equality”.²⁰⁸

The French Magistrate cuts and pastes the one part in Aristotle’s theory that presented honors as objects of discord, but ignores the part in which profits were said to be no less such objects. Those who accumulate wealth are honored because they do so: their wealth should not have to be expected to become a source of tumult and decline, primarily because Montesquieu builds few safeguards to prevent aristocrats from turning into oligarchs. His influential philosophy thereby moves towards a blind spot, no longer observing Aristotle’s cautionary precept that wherever “the rich become more numerous, or if properties increase, [even] democracies turn into oligarchies and dynasties.”²⁰⁹ Montesquieu’s overall philosophical tendency is to positively appraise the conflation of democratic and aristocratic wealth, so that there will be no considerable differences between types of wealth and how these types should be publically honored. Commercial wealth is best acquired when laws have been universalized, with sufficient respect for particular cultural traditions and local customs, so that legal uniformity will again promote the prince’s honoring of equally-accumulated wealth. This ideal state honors and

executes those laws that will best promote the trade of the middle class, because “the profession of equal people” consists of extensive, international commerce.²¹⁰

Then, because the French Magistrate agrees on the merits of Aristotle’s second (honors), and not on those of the first causes (profits) of constitutional corruption, he essentially discriminates against democratic equality. Dangerously, however, within this agreement there remain very few points standing in the way of oligarchical equity’s ascend. The Magistrate’s endorsing of the justice principle that had so long remained connected to the constitutional aristocracy/oligarchy principle, obviously, turns him less into a progressive realist than into a conservative liberal.²¹¹

These last paragraphs emphasize the Aristotelian insight that all states suffer from their own accumulation of profits, and particularly from the wealth that is being conferred on office-holders. Even the best monarchical states—according to Aristotle’s influential and preeminently realist theory—tend to pass over into a sort of aristocracies. Kings will become greedy, and their peers now seek equity (distributive justice). The new aristocratic peerage-régimes, held by “a [limited] number of persons of equal goodness,” must themselves again fall prey to oligarchies. Historical experience further proves that the newly-formed oligarchies will with time become tyrannies, and the tyrannies democracies.²¹² It is also of critical importance to note, as Aristotle’s theory indeed does note, that the dynastical monarchy “is not in itself a constitution” because only, instead, democracy and aristocracy are constitutional in the sense that their powers may also be mixed with—and because they have the power to commission non-hereditary forms of “permanent military command”.²¹³

By means of contrast, Montesquieu's monarchies are at a low risk of losing their "upper hand" to "the people." In monarchies, "things are very rarely carried to excess" because they are committed to regular interventions by various "intermediate dependent powers"—or, as well, by various orders and magistracies aiming to invigorate (and to make heard) the general laws of the land.²¹⁴ Princes who are seeking glory, by means of their independent powers, will thus still be checked by all the various orders that were created from amidst the middle classes. The idea is that the princes, or that the state will honor the middle classes for making material gains, so that the middle classes themselves will only seek intermediary powers and will thus again limit their gains (they will not be ostentatious in displaying their wealth so that they will still be honored).

Literally, Montesquieu faults Aristotelianism—as he will obliquely refer to this school of political thought as "Machiavellianism"—for having "accompanied the destruction of commerce". This school would have given so much leeway to political assemblies, in which ordinary persons may in extraordinary times begin to rise to the occasion, and which were assemblies and councils that had wrongly tried to exclude commerce from politics: "Machiavellianism" can only lead to revolutions and violent *coups* against the state.²¹⁵ As a constitutionally conservative as well as an economic liberal, Montesquieu is thus very skeptical towards Machiavelli's republicanism, which from his own viewpoint had too mysteriously checked the state's discordant tendencies by means of a free and ambitious individual: by the person of exemplary political *virtù*.²¹⁶ "Ambition is pernicious in a republic: [i]t has [only] good effects in monarchy"—Montesquieu explains his skepticism.²¹⁷ In a popular republic, which he thinks must be

governed by a principle of democracy, ambition generates and attends to excessive forms of individualism. Here, “ambition enters those hearts that can admit it, and avarice enters them all.” In such a republican place of unchecked individual ambition, speech will be too confused and indefinite: “What was a *maxim* is now called *severity*; what was a *rule* is ... *constraint*; what was *vigilance* is ... *fear*.”²¹⁸

But in monarchical states, in which the executive power has been supplemented by the hereon-dependent adjudicative power of the nobles in the middle, and in states that remain far removed from licentious or Machiavellian republics, individual ambition will have been checked by an economy of honor. Only here, public honor can and will be observed for the aim of checking individual virtues and individual ambitions alike.²¹⁹ “In monarchical and moderate states, power is limited by that which is its spring: ... honor.” The mere citing of the laws of honor herein thus always results in “obedience.”²²⁰ In these states, furthermore, individuals can pursue their own interests to the degree that these actions will have honorable effects. As one commentator sums up, Montesquieu trusts that individual citizens can herein “[voluntarily] pursue their own good while inadvertently doing what is good for the whole body politick.”²²¹ Their free wills, hence, dominate their potential respect for natural necessity: the individual wills to abide by the laws of honor, in this liberal state, dominate the laws of nature. In viewing this facet of the liberal state it evidently appears as if the state tends to be a monistic power: the public honoring of private interests is herein no longer predicated on a relationship of natural contrariness.

Also in sharp contrast to what Hobbes and Machiavelli had earlier believed possible, the idea of individual interest has together with the French Magistrate become the sole source and object of public recognition. There are few other objects of honor, besides profit and income. The result of this modern ranking of economic gain before political honor, then, means that the laws of nature also cannot be judged to somehow have remained equal to or above the objects of public recognition. Laws of nature are now forming intolerable sources of discord, for they have to be either coherent with or separate from the laws of honor. Because individual interests are now to be measured as if all individuals are principally equal, before the monarchical laws of honor, further, tumults must no longer be believed constitutionally fruitful. Discords between qualitatively different constituent orders are now seen as discords that could challenge the liberal measure of equal profits for equal trades.

This, then, is Montesquieu's contribution to the history of liberal thought: individuals can be treated and honored as equal citizens, not for their political but for their economic contributions to the commonwealth. Or, human beings can treat each other as equals because this is what a monarchical state will have taught them to do, primarily by having honored their profits and by having stimulated their trade with others inside and outside their own commonwealths.

For Montesquieu, all states must hold their own legislative power, rather than to divide it among two social groups. They should hold this power so they can more efficiently regulate international commerce, and do so in such a way that public virtues will be measured by means of silver: pecuniary rewards are measures of peaceful conduct

and economic assimilation. Over time, individuals will then become financially and economically more accustomed to their own liberal actions, at least to the extent that they will also deserve their incomes from personal trades. This places Montesquieu linearly opposed to the realist precept that most citizens would not want the commercial classes to set the state's legal standards. Realists are rather cautious about tolerating profits as a measure of goodness, within the public realm of honors. Realists such as Machiavelli and Hobbes still wanted the people to be able to exercise another, more immaterial kind of self-legislative power. They would also want the people to act as if they are themselves the covenanting parties from which the sovereign state emerges. It is not that the state teaches them to *become* progressively-more peaceful covenanters, but that they *are* the state of peace.

Opposed to Kelsenian/Montesquieuan liberalism, Hobbesian/Machiavellian realism holds that peoples are groupings with an innate need to be free. The concepts of necessity and of freedom that form two parts and two kinds of their constitutional sovereignty, however, are concepts that contain an importantly-critical tension. This tension allows and animates the groups to participate in their own public affairs, and even to serve in revolutionary assemblies when needed—as if they were all coming together to serve as their own monarchical magistrates, and as if they could all remain respectful of their inequalities by means of the laws of honor *as well as* their laws of nature.²²² But the tension itself cannot be transcended without that it should not also have been included by both laws and both powers of the constitutional state: the tension cannot be eliminated by

means of a third power. Instead, it sustains itself non-dualistically—or, so it should be trusted, by republican realists with a bend for pacifism.

Democracy vs. Oligarchy is not Montesquieuan Constitutionalism

Who holds, and who should be holding, ‘authority beyond rules’ in a case in which one U.S. Presidential candidate is to be lawfully selected for the highest office in the state? As the winner of an election, such a candidate may legitimately carry the titles of commander-in-chief and President. The candidate’s election is believed to express the people’s vote of confidence in both their president as well as in their own authority to decide on the difference between what it means to be winning and losing an election. For, in the end it is really the people’s (or, actually, the Electoral College’s), decision who should hold their state’s supreme executive power. It is not the decision of any third party or any neutral court, at least not under the U.S. Constitution. After all, if the people were to fail (and should the Electoral College be indecisive), then it still remains the function of the people’s representatives in Congress to reorganize the election. For, only “Congress may determine the time of choosing the electors, and the day on which they shall give their votes” (Art. 2.3).

The U.S. Constitution does and yet does not treat the President’s Office and Congress as co-equal branches. In some respects, the document does speak the classicist language of giving equal regard to both sides, to both the executive and the legislative

faculties of government. Yet, in other respects the Constitution affirms the need for a third power. Even though the rules on elections should be settled by the legislative branch, most other rules and laws are subject to judicial oversight by a third court. This Supreme Court holds “original jurisdiction” in America’s diplomatic affairs and over disputes between the States, and should hold “appellate jurisdiction” over all other cases. Yet, its own jurisdiction in these appellate cases still falls “under such regulations as the Congress shall make” (U.S. Constitution, Art. 3.2).

For the purposes of the following argument, it is less important to know how legal scholars have debated to which extent the Supreme Court may freely ignore the intentions of the other two powers. What has been less debated is that the Court is actually never considered equal to either the executive or the legislature. The balance of powers is to be maintained by two equal powers, or otherwise by three unequal powers. Again, the issue that has received too little or no attention is not to which degree these powers are independent and separate, but how many there should be in the first place. As noted in the previous subsections, Montesquieu looked for a third power which may trump and which, at least economically, should even try to absorb the other two. Machiavelli did not. Could he rather have meant that the two powers, or the two lungs within both the constitutional law and of the civil law traditions belong to one and the same body politic? Or would Machiavelli have meant to argue that these lungs may only expand by breathing in the air of Aristotelian (pre-Cartesian) discourses?

In his *Politics*, Aristotle suggestively argues that by giving “equal property” to two qualitatively different and oftentimes mutually opposing sides of the state, this state’s

constitution will stand a better chance of maturing as such (of preserving its government). “[M]utual discord” might not be circumvented completely, but by applying this legal equality principle to cases demanding a decision, a modicum of civil justice might nonetheless be achieved. The “equalization of property” would be unfeasible, for instance.²²³ Realistically, virtuous citizens will have to train themselves how to prevent the rise of excessive property-claims or of other materialistic demands. Aristotle’s argument rings familiar: it resonates in Machiavelli’s combination of *virtù* and *necessità*.²²⁴ As shall be demonstrated throughout the following paragraphs, this combination does not fall far from Aristotle’s tree—on three grounds.²²⁵

First, Aristotle’s *Politics* perhaps became a canonical text because it also is a moderately democratic text. In comparison, it seems *Spirit of the Laws* took an anti-democratic path. *Politics* more clearly identifies democracy as the régime that naturally emerges among poorer peoples. Their governmental preferences are expressed either more confidently or more superstitiously than those of richer peoples. This is in great part why they will trust their fellow-citizens to be more or less equally capable of governing them, and why they take the equal allotment of offices seriously. The poor will, as a matter of fact, select their magistrates by means of a lottery. *Politics* then defines oligarchy as a government dependent on property requirements. These selection requirements tend benefit richer peoples, as property-owners generally like to think that the wealthiest among them will also be the politically most successful among them.²²⁶ The critical point to observe, however, is that a modicum of balance will also emerge among most peoples. Those responsibilities and those offices that were (democratically)

assigned by lot, and those offices that were (aristocratically) elected by secret ballot should be witnessed in conjunction, and in balance, within one and the same *politeia*.²²⁷

Second, the competition between democratic and oligarchic factions can be actively moderated by law—as Machiavelli would come to concur to the broadly-Aristotelian discussants.²²⁸ Without any moderating rules, civil war may not be far from the horizon. As Montesquieu, but unlike Machiavelli, still suggested; without such a balance, there can be no aristocratization, which means there can be no third and seemingly-impartial mechanism to prohibit either excessively oligarchical inequities or to check excessively ochlocratic weaknesses and disorganized opinions either.

In an aristocracy, the key rule holds “that the magistrates are not [to be] paid or appointed by lot”. Aristotelian thinking is in this respect also a form of pro-aristocratic political thought, as it aims to rule out fate and randomness. By creating confidence in a specific mode of competition—in the secret ballot, and thus in juridical-technical as opposed to socio-economic competition—an aristocracy would supposedly be able to flourish on the basis of merit and honor rather than of random participation. Only under an aristocratic government should the *polis* as a whole obey those who have been trained to advocate in court. Only this makes it possible for all factions to respect, also, the “rule that *all* lawsuits may be decided by any body of magistrates, and not some by one and some by another”.²²⁹ The adjudicative powers of the best *polis* should neither be democratically allotted nor should they be held by one elected or salaried judiciary, but these powers should be exercised within all juristic assemblages and through all legal venues—as *Politics* details.

Steven Skultety rightly reminds *Politics*'s readers that, "[f]or Aristotle, competition among citizens does not creep into politics as conditions deteriorate, or because citizens have no star by which to guide the *polis*, but rather because a certain kind of competition is a desirable feature that virtuous citizens should promote in the best of cities."²³⁰ *Politics* aims either to lay out the conditions for the best of the city-states, which is the same as saying that it tries to identify the best in and of the city-state. These conditions are made possible by the competition for honor. *Spirit of the Laws*, to the contrary of *Politics*, promotes competition in terms of socio-economic status and the (added) value gained by (hard) work. As Skultety appends, Aristotle's political self is never "competing because of greed, [and rather only] ... for the rational esteem of prudent peers". Whereas Montesquieuan competition creates *economic* differences, and requires little cooperation (each individual trader hopes to outshine all others), ideal-typical Aristotelian modes of competition are well-regulated (by another honor code). In Aristotle's *polis*, the people will be in "agreement on ethical norms"—as "political friendship and civic like-mindedness (*homonoia*) are [not] intended to squash competition in well-functioning cities. *Homonoia* is a condition ... which [maintains *civic*] disagreement and difference"²³¹.

Can it be argued that, from Aristotle's perspective, Montesquieu's liberal agenda failed him? On the premise that Aristotle observes civic differences rather than antagonistic disagreements to emerge from within the tense relation between democracy and oligarchy, it can already be concluded that if he admits a third power it cannot be an internally egalitarian power. Even if Aristotle admits a third power with aristocratic

qualities, then these still cannot prevent this power from remaining divided against itself. All these qualities help do is to allow the courts give neither preferential treatment to poor nor to rich, because every court should equally open the floor to all parties. By contrast, Montesquieu's theory of the middle level is constructed around the assumption that individuals at the middle level will try to expand their power at the expense of both the democrats and the oligarchs. This expansion of the middle then causes the state to become constitutionally and internally more monistic, while it may externally become, through its trade with other states, more monopolistic.

To understand the message of self-moderation is to understand that high levels of distrust towards the needy and the poor are consistent with a state's anti-democratic caliber. This is not to say that liberal theorists always favor anti-democratic ideal states. It is only to say that the essentially liberal message of *Spirit of the Laws* cannot be comprehended without comparing it to and without studying other canonical works, such as Machiavelli's *Florentine Histories*.

Machiavelli was probably not familiar with, and yet his work remains much closer to Aristotle's *Politics* than that *Spirit of the Laws* would do. His *Florentine Histories* is critical of both the common people as well as of the great nobles, urging both parties to participate in the life of their republic—by simultaneously maintaining their civic differences.²³² *Spirit of the Laws* departs both from the *Florentine Histories* and from *Politics*, however, in trying to neutralize the commoners. As Skultety showed, astutely, the Philosopher himself would never have believed that by neutralizing the democratic elements the remaining element will transmute itself into a monistic state—let

alone into one *commercial* aristocracy. In fact, Aristotle is outright dismissive of retail trade. Such trade is *a-scholia*. *Politics* (Book I, Chapters 9 and 10) shows that trade should not be believed “naturally a part of the art of acquisition.” That is, commerce should not be believed to help the state acquire goods. What traders do for a living is to exchange goods “at the expense of other men; the trade of the petty usurer (the extreme example, ... [which derives from and thus remains] connected with retail trade) is hated most, and with most reason”.²³³

Aristotelian-Machiavellian constitutionalism distrusts those who have made exchanging goods into a career.²³⁴ Those earning their living from trade are suspected of having skills harmful to the republic.²³⁵ The poorer democrats should not come to rely on any social contract with their oligarchical counterparts. Those with the greatest commercial skills are likely to be hated, and any agreement with them would almost certainly erase any productive tensions. If not due to changing historical circumstances, why is Montesquieu so optimistic about brokering an agreement among intermediaries whom, he thinks, at their self-expanding middle level, shall eventually erase even the most rigorous socio-economic differences among themselves? The next section shows why Machiavelli rejects such optimism—wishing any intermediaries to be “slain”.

Why Machiavelli Concurs to Aristotle, not to the Aristotelian Mean, by Having the Ephors Slain

The process through which political stability may be recognized, and through which state durability is believed to be acquired, is a relational process. It is an organizational process, also, that transcends the partial powers and capabilities of a plurality of states. Through this complex process, sovereignty emerges. Sovereign states are performing certain functions within the process. They function as actors with relations to most other parties, yet their performance is not always public. Rather, it is also a performance between private states and their own interests: a private competition, or a duel, about the durability of each of their constitutional powers. The outcome of the competition, as classicist realist theorists argue, is dependent on a secondary process: recognition, or the observing of some degree of organizational complexity within the structure of constitutional power itself.

This secondary process of recognition is difficult to grasp. The question in this section is why this transcendent process of organization and recognition can so often be found to depend on the will to obey the state officials. It depends often on the motivations for supporting, or the confidence people have in, their state. For example, low confidence is typically caused by either too much diversity or by too little complexity within the constitutional state, for it to meet the demands of the times. Confidence is also generally expressed through a relational legitimization process, which is a process that allows political scientists to refer to civic religions and how they take shape within a mysterious

collective consciousness (or: a common sense-experience, perhaps), regardless as to whether the civic religious doctrine (or: ideology) itself is to be called Christian or pagan, and fascist or liberal.

The gist of relational recognition is rather simple: a stable, durable, and sustainable state will also have to be supported by many more or less pious, faithful, and loyal (or: commonsensical) people. Citizens have to religiously intimate their support for, or to faithfully imitate, those actions they believe to be most good, most virtuous, and most exemplary.²³⁶ Sometimes it is possible to see that a constitutional founder is being venerated: a great man (no women are mentioned, at least not by Hobbes and Machiavelli). This man's actions are manifested in not his private values but in legitimate self-legislative actions.

Who is the mysterious person whose legislative actions should form such a core criterion in public authority's legitimization and international recognition? Whose mythical laws are one of a kind, in terms of their goodness? Are such laws worthy of being lauded by later generations of people, of ordinary citizens, so that the state's continuity will form sufficient reason to situate itself on a par with those laws 'given' by exemplary men such as Lycurgus and Solon?

Puzzlingly, Machiavelli refrained from saying anything memorable about a third Great Legislator, Moses, probably because he could not find as many shortcomings in Moses as he did among the other candidates for the position of holding a venerable, imitable, and virtuous mode of authority.²³⁷ Hence, theorists should ask Machiavelli how he would want to rank the virtuous exemplars he so casually mentions, and why he seems

to find fault with each of them (including, even, Moses). Few would dispute that he did use certain criteria in recognizing legislative action as being exemplary—but much controversy persists about his argument that legislative action should be self-serving: it should immediately be recognizable as its own self-sustaining purpose, he said. The recognition of and care for legislative foundations should instantaneously be charged to the many, or to a great plurality (*Discourses*, Book 1, Chapter 9). Because balanced constitutions are then instantly also becoming sustainable constitutions, and because it is still impossible to create a permanent balance, how should the difference between legislative virtues and individual egoism, or between orderliness and chaos be recognized? And, if the difference can be fully recognized, how does that moment of recognition form a valid IR criterion?

This section shall, in finding answers to these questions, demonstrate why Machiavelli has good reasons to remain much closer to Aristotelian constitutionalist thought than to liberal idealist philosophies. His proximity to the ancients has of course already been acknowledged, throughout the secondary literature, as he is often disparaged for having supported Rome's definition of dictatorial authority, as well as for his penchant to be delegating power to a single executive officer: a prince suspected of becoming both dictatorial and absolute. In the modern literature, thus, Machiavelli's classicism is commonly said to hold on to these tenets: first, "everyone is everyone's potential enemy"—to appropriate Hans Freyer's words—and, second, that the first tenet applies to describe all structural levels of organization. Randomly-situated "energy-centers within a lawless space" are not only occasionally being established in "between-

state"-worlds, but also in the world of "private law"-societies.²³⁸ But, then again, who should this officer be, who so energetically and magically introduces order and establishes laws? Which one Great Legislator should he be, mimicking Rome's republican energies while serving a supra-anarchical Empire?

In his *Discourses*, Machiavelli hesitates before he begins to applaud Rome's princes. He early-onwards mentions that "[Sparta's] Lycurgus, beyond doubt, merits the highest praise." Next, he suggests that the Athenians' Solon merits as much honor. For, if Solon had not overlooked only such a small number of good laws—"to maintain the government against the insolence of the nobles and the license of the populace"—and if Solon's administration had not remained a bit more opposed against the disturbing imbalances in the relation between nobles and people, in other words, then he would almost certainly have become able to help prolong "the duration of the government of Athens".²³⁹

In drawing an initial contrast, Arendt points out that the most exemplary founder was neither believed to be Lycurgus nor Solon, but Æneas: Rome's ultimate lawgiver.²⁴⁰ Virgil would have taught ancients and classicists that Æneas had been the actor responsible not for newly founding Rome, but for re-establishing Troy's and thereby also for revitalizing Rome's constitution.²⁴¹ Yet, where does this leave Romulus's regulatory actions which, as Machiavelli himself hints, are as worthy of imitation as Æneas's venerable Trojan laws? In the matter of establishing good laws, to the contrary of the matter of using good arms, however, Machiavelli argues there never was a mortal man who could have held the type of exceptional power that would have allowed him to frame

a constitutional state solely “for good ends” (order, justice). But this argument raises tensions, anyhow, because Machiavelli also never disagrees with the Aristotelian and Polybian constitutional cycle-theories according to which monarchy is the best-regulated régime. In fact, he clearly concludes that the best-constituted state should, “as a general rule”, have to have been founded “by only one person”—and, therein, by the one utmost “sagacious legislator of a republic”—so that Rome, indeed, cannot have been consecutively founded both by Æneas (whom he himself never mentions) as well as Romulus (whom he eagerly introduces). On condition that only one man could have been responsible for creating her laws, Rome would have to be perfectly-constituted. Why, then, would Machiavelli like his readers to believe that the fratricidal Romulus was her founder, by glossing over Æneas’s significance?²⁴²

Although Machiavelli does make a pass at dismissing the exemplariness of Romulus, even absolving him from “blame” in the deaths of men he killed (“Remus and Tatius”), he also does not seem to think Romulus would have been Rome’s founder. He would not have been the one Great Legislator whose example should be imitated the most. Other exemplary constitutional law-founders now come to his mind, instead. For instance, Sparta’s Cleomenus had probably been the very first to have combined his authority with the people’s desire to restore, and to maintain “strict observance of, the laws of Lycurgus”. The main reason why Cleomenus never acquired a state as durable and glorious as those founded by persons like Solon, as Machiavelli’s *Discourses on Livy’s Decalogue* explains, is that Sparta would simply be unfortunate. It was not in her constitution’s fate to govern others—but for the few Spartan citizens themselves.

Cleomenus's Sparta was being "attacked by the Macedonians" before he could have completed his "just and laudable" project—which included his availing himself of the "opportunity to have all the Ephors slain" and to, thus, have eliminated the intermediary institution of the Ephorate.²⁴³ But, *why* should the Ephorate—or, *why* should what in Rome amounted to the Decemvirate—have to have been eliminated, and why should Cleomenus's act not have been a cause of corruption, and of poor legislative action on top?²⁴⁴

Machiavelli has thusfar been working on a shortlist. First on the rank-order stands either Lycurgus or Moses, while Solon takes second place, and Cleomenus (in *almost* having gained the same reputation as Lycurgus) seems to take third. Romulus now falls to the side of the road, thus, or so it would seem. The main difference between him and the others is that he mostly held on the state's executive, rather than that he also gave Rome her legislative powers. This would make sense to readers who know that these powers had been given to her by Troy, but Machiavelli feels no obligation to inform them there-about. This omission gives way to a qualitative difference between types of power, as evinced by another comparison.

Romulus is said to have been unlike Numa, his successor, who in his stead faked having access to a legislative type of power infused with sacralty (a spiritual law).²⁴⁵ Numa now takes over Romulus's fourth place. The ranking consequentially mainly begins to consist of legislators rather than also of executors—whose regulatory actions, supposedly, ended up being imitated and implemented for centuries to come. In order for an action to become law, observance has to be cross-generational. Lycurgus had initially

come in on first place, after all, because his laws had taken so long to become corrupted. Though Cleomenus might have been necessary to preserve their venerable purity, Sparta's laws met the longevity-standard best. Yet, the ranking itself remains a bit strange. Rome's Numa's laws would much more regularly be amended, and yet Rome's legal tradition is nonetheless believed to be of superior virtue. Both Sparta's and Athens's constitution would have been relatively far less great, as the *Discourses* consistently shows.

For which reasons would the Florentine Secretary have gone through these meticulous comparisons, of half-a-dozen or so great personalities, most of which Romans, and why did he allow Romulus himself to fade away from his first short-list? In the last chapters of *The Prince*, it had also only been Romulus who suddenly disappeared from the list as well. Could it be because his powers were predominantly executive? He is also said to have created the Senate, which held a legislative sort of authority; can there be no legislature without executor? Moreover, Moses and Lycurgus were of course state-founders, and therefore would have to have been the first executors of a popular will. The gist of these awkward comparisons seems to be that they all held mixed powers. (Yet, Moses's power was mostly sacred; Romulus's profane; Lycurgus's durably legislative, and; Cleomenus's imperfectly restorative.) Each individual, however, lacked diversity within his mixed power: each presents himself as a negative example. Thus, it has been shown that the exemplary founders are all non-exemplary, or at minimum imperfect. Perhaps the highest rank of the list of mortals must remain incomplete? Upon that realization, Machiavelli's *Discourses* finds this:

[A]lthough one man should organize a [constitutional] government, ... it will not endure long if the administration of it remains on the shoulders of a single individual; it is well, then, to confide this to the charge of the many, for [in that process] it will be sustained by the many. Therefore, as the organization [and re-establishing] of anything cannot be made by many, because the divergence of their opinions hinders them from agreeing as to what is best, yet, when once they do understand it, they will not readily agree to abandon it.²⁴⁶

He appears awfully confident that “divergences of opinions” (or: high degrees of public-discursive disorderliness) are among the first preconditions for the good republican life. But these divergences are non-violent. This begs the question why Cleomenus’s III slaying of “all the Ephors”, and why Romulus’s killing of his brother Remus, would be pardonable. Once such fratricidal modes of disorderliness will have been admitted into the republic, after all, the persons responsible for maintaining orderliness and balance might themselves have fallen victim to the violence. Machiavelli suggests that neither one individual (neither Romulus nor Cleomenus) is infallible, yet both should be praised for having taken on the noble burden of reorganizing the state, especially in times when their use of force could become permissible *ex post facto*. Their decision to commit violence, also, could apparently not have been entrusted to the many.

Nonetheless, only the many will have to “understand” why the violence should have, and why the violence actually will have to be pardoned—for as long as it serves an utilitarian end. Although single individuals will on occasion be bypassing and violating important laws (the fratricide prohibition, for instance), in order to bring back an older constitutional tradition, a plurality of the people is deemed better-able to administer

newly-restored laws. It seems as if, by shifting moral agency from the individual to the

many, Machiavelli made a perplexing pass. He was hoping for a constitution transcending utilitarianism through proactive and deontic public discourses, as Benner has argued, but also through a civic religion.

Althusser agrees with the main premise of the argument: Machiavelli makes in fact a case for civic religion as being “the precondition for military and legal obedience, [as it] through recourse to ‘God’s authority’ induces the people to accept the introduction of new [sovereign] institutions”. Even though this civic religion *functions* as a system of support, for new assemblies and new militia, it also integrates these kinds of institutions and thereby again *forms* the good constitution as a whole. Religiosity thus *animates*—if not always by love then at the very least through fear of ‘God’s authority’—the transcendental authority of an ambivalent sovereign constitution and it does so in ways far more “*constant*” than those of human virtue. In opposition to virtue, which tends to become part of the state structure, rather, religion can somehow begin to organize revolutionary constitutional changes. Religion is a self-organizational kind of authority. By contrast, individual virtue remains part of a structure “exposed to the vicissitudes of the political existence of an individual who might not only die, but also commit blunders.”²⁴⁷ Althusser’s reintroduction of the tension within the duality of structural power/organizational-religious authority (that is, of the Romulus/Numa duality) serves the realist hermeneutic in that it showcases how deeply the Roman principals “must have [had] a dual nature”—in order for them to become politically animated.²⁴⁸ In brief, all this means that the principal ruler, by necessity, should have been able to freely conjoint

two contrary practices (force/consent or, say, *rex/Imperium*) within his own sovereign constitution.²⁴⁹

The earlier-mentioned passage from *Discourses* (Book 1, Chapter 9) discloses a critical difference between the mere use of religion or the mere use of arms, first, and the transcendent and legitimate use of religious laws/good arms, second. Control over the armed forces may under certain circumstances be understood as having been good, and may so even be forgiven, by the many. Paradoxically, executive forces may be exercised *outside* the norm and yet also be believed to have remained *within* the boundaries of popularly-supported laws—if control over these forces is eventually, although retroactively, returned to many of the people.²⁵⁰

Schmitt would not have disagreed: the executive's decision may legitimately move *outside* the legal norm, and yet it remains *within* “the framework of the juristic.”²⁵¹ Too little has been said, before this moment, about who is framing the juristic—or about how many people are reauthorizing, or retroactively approving of, such an only seemingly completely extra-legal decision.²⁵²

Machiavelli's chapter on the Office of the Dictator is the principal source of the paradox—and may even today be studied to account for the distribution of power in ‘dictatorial’ countries such as Pinochet's Chile or Libya and Burma/Myanmar.²⁵³ The chapter holds that any citizen who is trying to become “exceedingly rich and [who has] ... many adherents and partisans” is among the most unlikely to come to the Dictatorship. In any free republic, such a citizen would certainly be “looked upon as dangerous.” Machiavelli knows that cynics will now ask why he remains so confident. That is, if he is

so sure of his case, then why does he want to invoke the Romans's wisdom to have additionally restricted this type of Office? In other words, if an excessively oligarchical tendency is already being distrusted, then why should the "mode of electing the Dictator" comprise three additional checks?²⁵⁴

First, the candidate was to be "appointed only for a limited term". Second, he was to be nominated "by the Consuls", so that they themselves would not object to having to "submit to his authority, the same as other citizens". Third, he should "do nothing to alter the form of the government, such as to diminish the powers of the Senate or the people". As Machiavelli's next chapter adds, the Tribunes had always retained their "full authority" (like Senators and Consuls) while guarding the Dictator. These checks were necessary, then, because the many could nonetheless have been "induced" to obey a dangerous man. Thus, the risk simply exists: the multitudes could end up being "induced to give [him] this power imprudently ... in the [same] way [as] in which the Roman people gave it to the Decemvirs." By means of drawing a contrast to the Decemvirs, who did give powers to themselves and did take the powers from others, however, Machiavelli here implies that only the Dictator "cannot give power". His Office alone would have held absolutely no substantive, and only nominal power. "[F]or power can easily take a name, but a name cannot give [or take] power."²⁵⁵ As a supreme executive only in name, hence, the Dictator would have been allowed to resort to extra-legal measures—simply and only because his Office nominally symbolizes a fully intra-constitutional balance, in the sense that only his Office is constantly being checked by all other constitutional departments.

Machiavelli's chapters on the Dictator as well as on Romulus now reach the conclusion, as has been underlined by the above-presented reading, that treacherously-oligarchical tendencies are not to be condoned. So, the Dictator is an executive officer who has been made to bear nominal responsibility for the exercise of the state's supreme command authority, in times of necessity, but who also may still substantively express such tendencies. These officers would thus have to be considered as a curious kind of *ad hoc* field marshals, who may murder and plunder—not because there are any nominal norms allowing them to do so, but because there are substantive decisions to be made that force their hand into doing so. Their freedom is guided by necessity.

Nonetheless, abuses will ultimately either have to be criminalized or be pardoned by political departments equivalent to today's prime-minister and parliament. This further means the Dictator can only violate criminal law- and civil law-conventions, but simply cannot publically attack these departments, for then he would have become not only a tyrant but an usurper as well. There is something deeply mysterious about his inhibition to become an usurper of constitutional powers, however, which leads back to the paradox. The puzzle is based on these pieces: first, a Dictator is in name the most tyrannical ruler, because he represents the *utilitarian* aspect of state security; second, this type of formally-elected general's substantive actions will for some mysterious reason always have to remain ethically unjustifiable; third, these actions can end up being forgiven and will thus end up being justified if, and only if, there is also a popular belief in their *deontic* (that is, their *naturally lawful*) purpose. The third tenet expresses a sense of faith that the purpose will transcend the utility of the means-to-an-end action. State

security and merely useful armaments may so come to form the first terms that are simultaneously being transcended by the third term of an ulterior good or a peace agreement—as the difference between each of the terms is somehow believed to have been inspired by the divergent opinions of the many.²⁵⁶ In conclusion, apparently, Machiavelli’s defense of the Office with the single-utmost discretion has to be hedged by the notion of diverging public opinions, and by greatly-diversified interpretations of the constitutional law that transcends-and-yet-includes all other forms of law.²⁵⁷

The conduct of supreme authority has long been thought to consist of, at least until after the eighteenth century, as if it were a nominal, formal, and highly-ritualized affair. Only civic participation in adjudicative processes was thought to substantiate the relation between the supreme executor and the ultimate legislator. Machiavelli says very little about which single man would have been this legislator, probably because it was not a single man in the first place. As he criticizes each of the candidates he himself introduces, not one gains the best lawgiver-title. *Discourses* (Book 1, Chapter 10) opens then also as by means of Machiavelli’s admitting that “[o]f all men who have been eulogized [by him], those deserve it most who have been the authors and founders of religions; [as only] next come such as [those to] have established republics, or kingdoms.” That is, because Machiavelli has only examined those men who would have re-established political entities, most praise should actually go towards either Moses or Numa because they would hereby at least have blended their political supremacy with their sense of the sacral. Nevertheless, even these men were essentially political re-founders, of course, and “not authors ... of [new] religions”.²⁵⁸

Machiavelli must therefore not even have had Moses and the Hebrew prophets in mind, but perhaps rather the Prophet Mohammed—as Ronald Beiner argues that Rousseau would come to share his tacit respect for this founder, as the latter had been an “armed prophet”. Nonetheless, on the above-mentioned premise that the civic religious order is more wholesome and therefore transcends the political foundations of the state, in terms of its sustainability, it now becomes much more probable to conclude that the Secretary here especially also refers to Saint Paul, as the latter had literally ‘authored’ religious pluralism without having to have created a worldly kingship (and, as is already known, Machiavelli is willing to talk as a ‘republican’ at any time, so that he certainly gives as much political preference to pluralism as that he seems to be doing spiritually).²⁵⁹ While it may certainly be argued that Machiavelli and Rousseau had thought Mohammed to have been a great founder, they must also have realized that the Islamic blend would nonetheless have been tainted by its own second-rank dependency on an actual kingdom; the Caliphate. This should have raised the issue whether or not their own Christian blend had not also been corrupted by the mundane power of the Papacy, of course, but Machiavelli wriggles himself out of this dilemma by condemning this type of power. On one hand, he will praise the Christian Mystics. Prior to the era during which the popes would go on to become mundane magistrates, Saint Francis and Saint Dominic had still lived such exemplarily austere lives that they had been breathing a “new vitality into what Christ founded”.²⁶⁰ On the other hand, in the chapter on “The Importance of giving Religion a Prominent Influence”, Machiavelli further articulates why, inside Italy, it was just the Papal Tribunal, or just “the Court of Rome [that had] ...

destroyed all piety”, and that thus had failed in its duty “to uphold the foundations of the religion”.²⁶¹ By clasping these points together, it becomes possible to see why Christianity suffers from monism within the sphere of Roman Church power, so that Machiavelli’s dual sovereign shall newly have to attend to a coincidence of spirituality and legislation within which the wordly administration of power will retain its austerity and self-discipline, and thus also sufficient contrariness in its relation with the other-worldly Christian republic.

Further, one of his interpreters, Benner, argues that he would have tried to rank the mundane legislative powers, of the people, over and above the equally mundane executive powers, of a prince. There is a kind of legislative, and deontic mode of authority that somehow restrains generals and magistrates—and prevents them from becoming oligarchs. Benner also could concur that the identity of the Great Legislator is never being revealed, at least not textually. Again, even the long-surviving constitutional laws of Lycurgus were eventually corrupted. Having been issued all at once, these laws ultimately failed because the people had not been disallowed from amending and adjusting them. Thus, not the temporal or constitutional singularity of the laws, at least not for Machiavelli, but the heightening of their deontic and their pluralist caliber is what creates better prospects for long-term survival. No single individual has ever mastered the art of creating incorruptible laws, for this reason, and the main reason Rome could have approximated such laws, is that its laws were ‘given’ by the many. Before she too degenerated, then, at least every Roman citizen is still believed “equally” capable of expressing his opinions on the laws. Only in Rome’s civil law-centric constitutional state,

in other words, is it the case the “the people [as a whole], having heard [the opinions or accusations from] both sides, may decide in favor of the best.”²⁶² Yet, if Rome is incorruptible because she was governed by the people, who regularly amended her constitution, and diversified the duties of her officers, then what gave the Romans their confidence to all this so well?

It should be remembered that, in ancient Rome, legislation is adjudication. Legislative departments such as the Senate and the Tribunate were vested in an adjudicative and indeed retroactive function: in determining the Republic’s deontic purpose—so that their legislative actions were simply trusted to also have proactively transcended-and-yet-included any potential conflicts between executive powers or, so it was trusted by the many. The administration of laws was thus not only a utilitarian affair, but also has to be trusted to continue to cohere with some future and deontologically-spiritualist public purpose. Therefore, as the above block-citation must be read, there simply is no single Exemplary Legislator who is both present in the past as well as in the future (not in Machiavelli’s Rome and not in the Renaissance world either, with a very small exception being tolerated for the Christian Mystics, such as Saint Francis: an exemplary natural law self-legislator).²⁶³

To summarize the above, everyone who has ever gained some name—in having founded a state, or in having amended a constitution—must have been someone who had successors, who would be able to sustain their work, with the ulterior support of the many. The Republic of Rome offers management lessons in the sense that Romulus required Numa to continue his work, and in the sense that Numa then himself required

the many to believe that their concept of the good (the gods) would be transcending even the division of powers, and even the executive guardianship of their own constitutional law, while also including his own guardianship. The formal guard of the Dictator, also, was included by this same paradoxical complex of private goods and prudence, or of both personal discretion and public constitutionality as well. The legislative power of the many can thus continue to be ranked far above the extra-legal powers of even the Dictator, as in fact all power for such an officer has been considered strictly nominal. The Dictator's power is true power, because it is social power, and cannot be substantively individualized and singularized. Supreme power thus really involves a leap of faith towards the individual, and it was this leap that proved itself key to Rome's executive power's success. In short, in Machiavelli's Rome the people *as a whole* would have been employed in piously dividing themselves up along plural, diverse, functional offices.

Citizens served not only as civil court-jurors but also as executors and in Rome's "armies"—and, just as vitally, Rome would also never have opened her doors to "strangers", so that neither a single ruler nor a foreign clique could ever dictate respectively her internal and her external affairs.²⁶⁴ Rather, the monarchical-senatorial or the executive order was made to coincide internally, so that it was their complex coincidence that breathed in a republican pluralism-principle, within the path of time's arrow, as it were. This notion of path-dependency is the ultimate reason why not the oligarchs, but the many were believed responsible for sustaining the Republic's original-and-therefore-good laws. Further, only the many were here believed unwilling "to abandon" their best civil law traditions, so it hardly mattered which consul, general, or

which prince should execute their laws on their behalf.²⁶⁵ What matters, instead, is that the latter individuals would always try hard to appear to be siding with the many, rather than the few.

Who Legitimately Combines the Aristotelian Few with the Machiavellian Many?

Whose constitution might have managed to combine the hierarchical claims of the few, of Aristotle's oligarchs, with the egalitarian tendencies of the many, and of Machiavelli's people as a whole? That timeless question now becomes this one: in which respect were the exemplary executive officers in Machiavelli's works also allowing their powers to coincide with those of the common people and *their* regulations? Was Rome's form of a constitutional dictator really that different in comparison to the modern, liberal form of the executive branch?²⁶⁶ On condition that the supreme command over both the armies and the militias, or the highest executive office, can indeed be filled by a single person, and on condition that this person's singularization of sovereignty becomes effective in terms of certain discretionary actions, then who is to judge whether such actions were either arbitrary or just, tyrannical or righteous? Aristotle and Rome's Livy were not so far removed from modern democracies in that they confronted Machiavelli and his dialogical successors with the same question. This question may now be translated into the issue of who has greater virtuosity and judiciousness: those officers representing and serving the many, or those who represent the interests of the few?

From the above introductions to the Roman Republic, it was gazed that Machiavelli prefers such a translation to be as accurate and especially also as direct as possible, so that no oligarchy for the few can be created, and so that this single sovereign official can more easily be charged by the many (or: by the democratic forces) to only administer such laws as that they, all together, are willing to sustain—as being the popular and *thus* also the good laws. In short, it appears that the execution of war law and criminal law is to be concentrated in the office of a few supreme commanders, while the guardianship of the constitutional law itself is to be dispersed among pluralities of many citizens. Fascinatingly, the Secretary’s dualistic methodological distribution of public authority (as both held by many and by few) is reminiscent of Aristotle’s *Politics*’ choice of distribution, so that this text will now be read as an important source for additional answers.

Aristotle’s political theory is often being misunderstood. Aristotle’s *Nichomachean Ethics* are (probably too) frequently being cited, compared to Aristotle’s *Politics*, in attempts to classify various ethical actions as if they are also politically the most exemplary actions that Aristotle could have imagined. Of course, it should be acknowledged that *Nichomachean Ethics* is an important text because it positively-defines those actions which betray the superior education and virtuous cultivation of the actor. In ordinary parlance, Aristotelianism must be said to treat virtue as a matter of cultivating a positively-valued taste: virtue is clearly open to training and cultivation—rather than to indoctrination and misperception. Yet, as most tastes tend to do, they deteriorate. As Gilbert Ryle reads the text, deterioration of memory could mean that

virtue “can be lost”—just as that “[m]ost grown-ups have lost the enthusiasm for playing hide-and-seek, and some cease to enjoy tobacco and poetry.”²⁶⁷ Nonetheless, Ryle also is among the select scholars who rightly realize Aristotle never intended for virtue to be lost, deteriorate, or be forgotten. Virtue involves ethical judiciousness, as well, instead, or the permanent and near-to-innate capacity to distinguish right from wrong.

In the realm of action, *Nichomachean Ethics* identifies three human faculties: “sense perception; understanding; desire.” On the theoretical premise that “desire” may, for the following moment, be taken out of this triadic truth, it can already be concluded that from this point onwards only the bodily senses and mental understandings must remain. Both body and mind, or both passion and reason, in again other words, are the two faculties through which all humans learn, and learn to cultivate virtue. As the passage in *Ethics* continues, virtue is experienced by those making the *decision* to somehow equate passion to reason. “[V]irtue of character is a state that decides”, furthermore. Therefore, any decision has to be recognized as exemplary and excellent whenever the reasoning that preceded the decision itself was equated to the passion or the interest that motivated this decision in the first place. This move, or this equation conveys two additional sub-points.

First, virtue involves a decision which involves a legitimate actor. Hence, virtue involves active-executive rather than strictly legislative authority. Second, the notion of equation itself does not have to mean, as has sometimes been assumed (mistakenly, however), that reason and passion should be identical. If they were identical, then all decisions would be right and just. There would also be no time’s arrow, because applying

reason to passion would no longer demand any difference between the *a priori* expression of passion and any *a posteriori* applications of reason and commonsense to that expression. Past and future would collide, at least in this case that they were assumed identical and of the same mental disposition. In any event, it is more likely that Aristotle's notion of reason is a matter of execution and application than that it is a matter of being exactly the same as his notions of passion and sense experience. Without any structural tension between the two, there would be no need to theorize the dynamical learning, or the imitative process.

Aristotle must have grasped the importance of time's arrow, although he rarely spells out what he meant to say about the arrow. Yet, the Philosopher does find that reason has to have been steeped in past experiences. While passion tends to be proactive, reason always also seems to be retroactive as well. He quite clearly added to the above that any decision will either (mostly) have been infused with "desire", or it will (mostly) have to be combined with "understanding" and "thought"; "and this [contingent coincidence of both] is the sort of principle that a human being is".²⁶⁸

Aristotelianism has proven to be one of the most influential theoretical methods of treating politico-ethical questions, infusing the work of Aquinas as well as of most natural law scholars. According to many interpreters of the Aristotelian method, such as Hans Kelsen, this method consists at its core of the finding and calculating of the mean between facticity and ideality. Kelsenian Aristotelians would thus be thinking themselves capable of situating virtuous actions in between the passion and reason or, more precisely, in between the facts of life (*Sein*) and how the political self should be living its

life (*Sollen*). That is, the virtuous decision is to be found in the exact middle between right and wrongs, justice and injustices, or between excessive opportunism and moderate assertiveness (public courage) as well. Under a Kelsenian interpretation, indeed, the virtue of justice would be the golden mean, the result of splitting the difference between the extremes.²⁶⁹

Kelsen writes that Aristotle intended to use his equation as the mean average, as he would have developed a “method of determining the moral good or virtue as a quasi mathematical-geometrical operation”. “To determine the good is ... the same problem as to determine the middle point of a straight line”—Kelsen notes.²⁷⁰ Were this Kelsenian-Aristotelian method applied to the study and theory of constitutions, then each individual constitutional power should be said to oscillate between right and wrong, corruption and moderation. The just decision-maker is someone who, like Kelsen writes, will exactly determine on which middle level the oscillations can be found to have reached a perfect equilibrium. A perfectly stable state is a just state, yet the assumption must be that right and wrong and justice and injustice are situated on a transitive continuum. The most stable point, in the middle of the line, may only be determined and may only be used as guide for action if there is no qualitative difference between the extremes and if all possible points are connected along the same line.

In taking a few steps back, and in returning to the question of what it is that makes the state into a sovereign state, the great personality suddenly becomes a much more critical figure. On the assumption that Kelsen has been entirely correct about what it means to apply the Aristotelian method, Machiavelli might have been applying this

method in assigning the political spill function—of determining the constitutionally proper middle point between few patricians and many plebeians—to a figure such as either a Lycurgus, a Romulus, or a Moses. These figures would have, even though rhetorically and ideal-typically, symbolized what it means to split the difference between the few and the many. On the same assumption, as well, Machiavelli's 'great statesmen' were capable of assigning justice because they were no longer searching but because they had already found the middle way. Their judicial organizations were then somehow anterior to their decisions and their characteristic virtues, such as justice. According to Kelsen, briefly, an exemplary statesman or a good judge will have to rely on this type of 'neo-Aristotelian' convention.

In stark contrast to the above (essentially Kelsenian) reading of Machiavelli, Femia reads him to have found that "[t]he 'middle way' is to be studiously avoided".²⁷¹ So, with Femia, why does Machiavelli never seem to adhere to the Kelsenian method? Is it true that not only Machiavelli, but that even Aristotle himself, perhaps, understands the popular guardianship over the civil laws and over the legal parity principles, to be anterior to the executor-administrator of justice as well as to the singular decision-making judicial organization of the state? Or, to appropriate another legal theorist's words, does Machiavelli perhaps not simply understand "arbitration [to be] anterior to judicial organization[?]"²⁷² And, before answering these questions, what is really at stake?

Recapitulation: Realism's Elimination of Third-Power Politics in 'Bush v. Gore'

Political realism is one of several methods of inquiry into sovereign authority's ultimate two-dimensionality. In comparison to other methods, realism provides more aid to IR practitioners and other analysts: it provides them with extra reasons against monistic sovereignty. This means that a country's sovereignty should not only be recognized on grounds such as a unified population or territorial integrity, but that there is another reason to consider: how legitimate is the, usually tense, relationship between constitutional and governmental authorities? The realist argument holds that differences within this relationship should be respected. More specifically, realists observe the need for both a rational or constitutionally-transcendent purpose (a sustainable peace or a just war cause, for example), in one dimension, as well as the empirical instrumentality of structural and governmental powers (decisions contingently-formed by tactical necessities), in the other dimension.²⁷³ The now-to-be-examined two spokes, in a larger dialogical wheel, consist of a recap of the realist argument as well as of a case-study (presented in order to test that argument), of the 2000 American Presidential election.

First, to recapitulate, realism inquires into how sovereignty emerges from a dynamical intensity between two qualitatively-different powers. These powers maintain the structural balances between, and the allocations of many desires and interests. But the powers themselves may also be used by conflicting parties in all sorts of historically-contingent manners, so that it can be said that these parties are ultimately believed responsible for a transcendent organizational closing of the balances and allocations they

include. Any shift in the balance of powers, or any change in the *status quo*-distribution of powers, thus, may be attributed to (and may be religiously believed to be) the work of transcendent sovereign authorities. Even in times of peace, these authorities can be believed to somehow maintain the agonistic and inherently unstable self-organizing relationship between the two powers. Henceforth, the gist of the realist method of inquiry is that structurally different and contrary powers must be presumed to relate to one another—through the organized relation and intensity perhaps better known as equal sovereignty.

Furthermore, compared to legal positivists, political realists read Aristotle to have been an agonistic theorist—and to have been better attuned to the struggle within constitutional polities than often presupposed.²⁷⁴ His *Politics* made the legitimate, or virtuous interdependence of contrary powers audible. On that note, the abstract values of the educated few as well as the concrete virtues and interests of the many were said to remain interdependent. With Aristotle's voice in mind, that is, but also by continuing to listen to Meinecke, advanced realists may argue that national and socially-constructed identities are abstractions.²⁷⁵ Which is the cause why they should neither be separated from, nor be collapsed onto the many concrete differentials that often isolate personal qualities and that even can force individuals to compete only for their economic interests. The virtue of a national or a political identity expresses itself firstly in an action, in an animated decision, although that decision may secondly always be contradicted by abstract volitions or by a general will (the 'will' functions herein as an interest, desire, or a need).

In listening to Aristotle and his negative definition of virtue (being neither entirely concrete, nor only abstract), realist statespersons will realize that they have to push themselves to remain prudent. And with Machiavelli, also, they will have to learn to anticipate that in order for any state to be recognized on the basis of its concrete qualities and unique material interests, to be understood in terms of its political self-sustainability, its agents should always try to act as decisively as possible against irrational, immoderate, or unjust expressions of socio-economic interests. Arendt has argued, after all, it would be erroneous for any state agents—including ordinary citizens—to apathetically presuppose they are normatively disabled, and that they are somehow being ideologically prevented from, building “a world for their posterity, ... to outlast their own mortal lives.”²⁷⁶ Alternatively, citizens should act as realist statespersons who believe in a prior-constituted transcendent purpose, or in some peaceful sort of natural law, which they all have in common with those future generations that depend on them to renew and restore their own beliefs in that purpose.²⁷⁷

Second, the difference between Machiavellian realism, on one hand, and Kelsenian and Montesquieuan liberalism, on another hand, will now be examined by means of a brief analysis of the legal case in which the U.S. Constitution was understood to be formed on the basis of three separate powers, rather than of only two qualitative powers and one third mode of adjudicative authority. Machiavellian realism shall be shown to undercut this liberal understanding of (American) constitutionalism, mainly by eliminating the liberal need for a third organizational power. The complex relationship between the two contrary powers, which is fundamental to any human constitutional

structure, should according to realism be a relationship from which authority merely emerges rather than that it should separate itself in the form of a third power.

Yet, liberally-oriented analysts have normally defined constitutionalism's higher purpose to be a real power. They define the constitutional state in terms, then, of the concrete power of a neutral third party or an independent judiciary. Liberal analysts often view it as their task to forge some shared social identity or a single collective interest, for example, in order to strengthen a unified nation-state. They assume that, in this process, the opposing parties can reach a middle ground. The parties adjacent to this ground will have to reach a consensus, and create a middle power in order to arbitrate their differences. This liberal assumption must also hold, therefore, that all parties will firstly be interested in their own socio-economic, and only secondly also in their legal equality. But, as will be argued, Machiavelli appeals primarily to a politically sustainable, and only secondarily to a socio-economically egalitarian constitution of powers. He thereby appeals to a spirit of civic-mindedness, or to participatory reasoning—rather than to the need for equal liberties or, also, rather than to any other neutral rights-protection régime. Against the conventional assumption, as shall now be detailed, Machiavelli's Aristotle (as opposed to Kelsen's Aristotle) best aids realism in invalidating liberalism's tripartite power scheme.

In his dissent to the *Bush v. Gore* decision, which ended the 2000 presidential election process, U.S. Supreme Court Justice Stevens wrote that “the identity of the loser is perfectly clear.” To express his disagreement with the way the winner, Bush, had been selected, by his Supreme Court colleagues in the majority, he designated “the nation's

confidence in the judge as an impartial guardian of the rule of law” as the election’s real loser. The federal courts, he argued, had had no business in determining the outcome of the State of Florida’s vote tallies. By having stepped behind the people’s back—or, by having diminished their “confidence in the impartiality and capacity of the state judges”—the petitioners (and the majority of Stevens’s colleagues) had allowed the federal government to tilt the constitutional balance.²⁷⁸ The antagonistic attitudes of both the Republic Party (favoring candidate George W. Bush) as well as the Democratic Party (candidate Albert Gore), in brief, had not raked up this election’s legitimacy deficit: it was the federal judiciary itself.

To recognize the difference between illegitimate and legitimate modes of federal authority is to recognize constitutional self-moderation: it demands juridical temperance. In the case of *Bush v. Gore*, the federal government lost its legitimate authority by preventing the people themselves from organizing a “constitutionally adequate recount” of the (disputed) ballots. By simply calling such a recount “impractical”, the federal court system was making “an untested prophecy”, wrote dissenting Justice Ginsberg. It was acting imprudently. The agonistic intensity between the parties was being channeled unwisely, as the Supreme Court’s majority sided neither with the Presidency nor with the Congress, but with a faction—against a now merely semi-sovereign people.

Stevens and Ginsberg, as well as Souter and Breyer, hardly disagreed with the majority’s calling the 2000 election an event of an “uniquely important national interest.”²⁷⁹ Their dissents demonstrated that no national and no federal governmental interest should be believed identical to the political and constitutional purposes of the

country as a whole. Every interest is part of an open-ended structure, rather, that includes the federal government and the courts as well. Or, even the meaning of ‘the’ national interest can be moralized and can be opened up, and closed off, by particular parties and factions. This reality makes it absolutely impossible to ascribe one meaning, over and above another meaning, to the “national interest”—unless a third criterion might have been recognized of prudence (of moderation, restoration, and self-aware balancing).

The dissenters on the Supreme Court were acting as Machiavellian/Arendtian realists: they found that the constitutional law tradition adequately prohibits the Court’s own interferences in politically-organized relationships, rather than in some partisan or in some civil law-structured intransigent conflicts. To be precise, federal courts have no business deciding State-organized elections, for only the States are political organizations responsible to the people as a whole. In this sense, conflicts between the States or between the States and the federal government ultimately cannot be decided by the Supreme Court alone. Rather, the States should in such conflicts try to consult the legislative power—which happens to be their own extraordinary power of being able to represent the wills of a plurality of ordinary American voters.

Especially from an Arendtian perspective, as Bonnie Honig sees it (she actually spreads less of Hannah Arendt’s *On Revolution* than of a message from Franz Rosenzweig’s *The Star of Redemption*), the tension between the Court decision and the norm of representative pluralism is a tension worthy of awe and respect. Because the tense relation between decision and norm, or between the federal courts and the States, could be interrupted, it should be understood as a fragile and agonistic relation.

Nevertheless, awe and dignity and authority may all emerge from contingent intensifications of the relation. This possibility of emergent authority, hence, is inspired by the tension between the *status quo* government's adjudicative-interpellate power and a prophesized popular counter-interpellation believed to be offering "the balancing perspective of a life lived otherwise".²⁸⁰

Had the voters believed, and had they told themselves the story that they were going to act in concert—potentially by refusing jury duty, going on strike, and by assembling in their roles as ultimate constituents rather than only as individual voters, and to at least be able to form such counter-interpellate protest movements until the votes had been accurately recounted, for example—then that story would have been "an interruption" of the "binary of norm-exception itself". Their exemplarily interruptive story, Honig adds, would have been about a miracle, signaling to "the people's role in popular prophecy—and [to] the central importance of their receptivity to [state] power."²⁸¹

Not the courts, but rather the voters and the electors, who are ultimately all equally beholden to their own sovereign States, should believe they can make a miraculously exceptional decision. The electors and the American people can come to such a decision if they stand in a sufficiently ambivalent tension towards the States' representatives in the legislatures and in the U.S. Congress. The people should believe themselves sufficiently capable of recognizing the validity of (and of justly deciding on) federal electoral outcomes. Honig's concept of the prophetic people, acting as a concerted whole, sustains the ambivalent relation between electors and electees, as well as between

the conventional norm and the popularly-experienced possibility to decide on the exception to that norm. The “interruption” Honig imagines cannot be found at the middle point within this relation, and therefore also not by depending on norms set forth solely within juristic state assemblages or similar legal-technocratic organizations. Instead, the relation is to be interrupted, so that a voiding of such assemblages remains within the, however miraculous, realm of actual possibilities. That sort of interruption itself is to be decided, more critically, by a prudent application of (Arendtian) methods of recognition—particularly because such methods have to consist of strikes, marches, boycotts, and non-violent resistance. Methods of recognition, involving recognitions of legitimate authority, thus, tend to consist of popular and concerted assessments of how aspiring electees, or how the campaign teams and the political parties, rather, are substantively agreeing to disagree. This kind of agreement to disagree is ultimately not to be assessed as a procedural, legal, or juristic-technical but as a substantive political-constitutional agreement—which derives its meaning from ‘the prophetic story people are telling all of each other’. That story is about the utilitarian possibility to make an exception, in order to affirm the deontologically direct relationship between the American constituents and their state’s constituted, executive powers—rather than that, as it in fact came to do, this story would have to be about their individually sharing in a supposedly identical (national) interest.

The paradox of politics holds that the relation between people and state, between legislation and adjudication and execution, must be contingent. The stability and the intensity of that constitutionally ambivalent relation must contingently depend on a

specific kind of actions and interruptions (or: “interpellations”, as both Althusser and Honig think is the right word).²⁸² Whether it makes sense for any adjudicator, mediator, or for any specific political party to try break up the directly self-binding (self-concerted) relationship between the people and their state government, for as long as that that court’s or that party’s formal duties consists of remaining independent of that self-binding relationship, is thus something that cannot be assessed—or, at least, not unless the contingency and potential of the relationship itself would have been taken into full account. As the four dissenters in *Bush v. Gore* already quintessentially clarified, it is not their task to interpellate on that relationship, but the whole people’s. It would be a great wrong if they began to see themselves responsible for either breaking apart of for mending the relationship—even if such decisions were to take place in cognizance of their own Supreme Court’s most-fully neutral, intermediary, and most-perfectly independent (Kelsenian) basic norms.

Yet, classicist realism should be granting the five U.S. Justices in the majority that they were correct in their finding that the electors are actually not consisting of an integrated group of people, but of the States. After all, the States are being represented by the Electoral College. Through this indirect system of representation, the electors have organized themselves to create disproportional margins for the victors. The States have been arranged as ‘winner-take-all’ districts, so that each district’s elector’s functional responsibility is to help create a ‘zero-sum’ outcome. The Electoral College’s design neutralizes the direct relationship between the people’s ultimate legislative and the state’s supreme executive power (between constitution and government, in other words). Yet,

this sense of the Electoral College's own partisanship still does not have to mean that the States are not also primordially being represented in Congress. Pointing to the Electoral College's intermediary status, as the Court majority did, can only be done to validate the idea that the electors are simply not identical, and are not even beholden, to neither the individual voters nor to the parties supporting the individual presidential candidates. The point is well-taken, thus, only if it is understood to mean that the electors (including any possible institutional variants of electoral colleges) are to think themselves primarily loyal to the constituencies, the States, rather than to federal courts and departments. Realists such as Honig, but also such as Schmitt, would argue that the States themselves do not *need* to remain neutral, but are *free* to be representing the votes of the sovereign people in any way they wish to determine—within the bounds of federal election laws. Because these laws have been made by the U.S. Congress, in this case, however, any pointing to the responsibility of the Electoral College to decide an election must be considered moot. Only Congress represents the sovereign people, and their legislative power, ultimately, so Congress should be interpellating as much as that the people do—even if it concerns an interpellation on the adjudicative-executive power. In brief, the Court's majority was probably right to find the Constitution simply “does not grant the people of the United States the right to vote for the electors; [t]he States can choose the electors any way they want”—as one commentator summed up the Court's majority's position.²⁸³ Nonetheless, even then, this finding is irrelevant. The equal sovereignty of the States should primarily have been recognized to be a direct relation between the prophetic story of the acting people, first, and the equal representation of the States in the

U.S. Congress, second. It is this dual relation that epitomizes public legislative authority—and, even though the relation contains a void, is only this relation that can provide a normative balance against the executive discretion of the Electoral College, and perhaps only afterwards also inside the federal court system.

To interject a theoretical question: could a legal positivism-oriented interpretation not nonetheless have assisted the dissenters in *Bush v. Gore*? Could a more positivist line of interpretation not have been instrumental in giving the American people additional confidence in the federal magistrates, and other such executive office-holders? A positivist interpretation of the case would be absolutely certain: this type of interpretation would dismiss both as illogical and illiberal the entire idea of a potentially miraculous, yet natural-legislative or systematic-regulative balance between the norm and potentially-made decisions, including any decision on the exceptions to the norm.

David Dyzenhaus comes pretty close to taking this positivist line, as he argues (although not in the *Bush v. Gore* context, but in reviewing Bonnie Honig's book), that the concept of a void, within the self-balancing relation of contrary powers: (1) should be rejected because it seems better, to him, to be accepting Carl Schmitt's own impression "that the exception is [identical to] the norm", as if it is a far more valid impression of the tense relation between decisions on the exception and those on the norm; (2) is a concept that should not be applied to be justifying the use of the legislative power, by the state, "as an instrument toward illiberal ends". To add up points (1) and (2), the concept of the void simply should never index a paradox of the political. The liberal state of Dyzenhaus cannot be divided by two different and mutually-opposing powers. The only thing this

liberal constitutional state—which is a state that may offer third-party judiciary reviews, of all legal norms—can validly authorize is the use of power in accordance to legislation: the exception-decision must accord, and perhaps even be identical to the legal norm. This leads, of course, to a third-powered collapsing of the legislative onto the executive powers. In fact, this adjudicative act of collapsing is what every liberal-democratic state not only may but also should be trying to do. Realists would be wrong, therefore, to only apply their concept of a void to cases in which they think the “blessing of legal authorization is [instead being] bestowed on the legally uncontrollable exercise of discretion”.²⁸⁴

Ellen Kennedy indicates that, specifically in Honig’s 2009 book, “something crucial about [the] agony ... experienced by a whole people has been lost or forgotten.”²⁸⁵ But Dyzenhaus would not be able to agree with Kennedy’s suggestion that perhaps Honig insufficiently allowed the people as a whole to transcend, and yet remain agonistically related to their own more or less discrete and discretionary government institutions. Such a paradoxical void between popular authorization, first, and uncontrolled government discretion, second, is—from the viewpoint taken by Dyzenhaus—not only an illiberal void. To him, it is something deeply illegitimate and unethical as well. He indeed finds that the balance of legality and discretion, and of norm and exception, is to remain an intrinsically lawful or an intra-juristic balance—primarily because it will have to remain “subject to review and revision”. But does review itself not imply the presence of a third power, or a neutral intermediary other than any discretionary institutions and thus also

other than both administrative departments as well as legal courts?²⁸⁶ Like Kelsen, Dyzenhaus never argues who the third reviewer should be—other than a court.²⁸⁷

Dyzenhaus supposes that there is a third intermediary power which both could never and should never be formed by a self-legislative, proactive, and possibly miraculous power: by the non-dual powers of the people as a whole. His supposition is thus that the balance of powers should be situated along a continuum: the balance between executive and legislative powers is merely a separation, in fact, because the two powers can be identical in terms of their qualities: they should be identical in terms of on straight line of lawfulness and legitimacy, connecting them. Without a void between the qualitatively-different executive and legislative powers, positivists like Dyzenhaus must argue that the complexity of law/power consists of one continuous line. It runs straight from the law's excessive normativity towards power's absolute decisionism.²⁸⁸ The argument is similar to Kelsen's maneuvering.

Kelsen drew the line of law/power by synthesizing both ends, so that they would form one basic norm. The basic law transcends, and yet separates itself from any decisions of power. The decisions, whether they are exceptions to the state's hierarchy of legal norms or not, are all to be taken by a unified state—governed by one norm. In this state, Dyzenhaus argues, the judges can be trusted to remain “committed to liberal legalism”.²⁸⁹ Kennedy accuses his neo-Kelsenian “legalism”, however, of taking a too restricted view: those who take this view (a group which could even include Honig, Kennedy hints) too often content themselves to have declared “emergency a ‘paradox’

and leave theory at that, [whereas Negri] ... pushes [political theory] ... to acknowledge the contradiction as real.”²⁹⁰

The problem with neo-Kelsenian views is that they imagine no “contradiction” between the authority of law (autonomy) and the authority of power (supremacy). Magisterial authority forms in their books very much an independent, unbiased, third power: in a Kelsenian court, power is its own source of authority. There is no void between the court’s official modes of authority (autonomous courts), first, and any of the structurally-flawed partisan powers of the wider world (supreme and subordinate powers), second. Instead, magisterial authority may somehow be deduced and derived from concrete conflicts and existential power differentials—by simply following the highest legal norm of a unified society. In the position opposite to these views, however, (Schmittian) realism holds that even the most-basic legal norm must have been derived from a series of verdicts situated within particular subordinations, power differentials, and socio-economic prejudices. Jurisprudence is not impartial. Any legal norm has ultimately been derived in accordance to a structural difference in power allocations, rather than only from a single “logic of normative predicates”. Hence, Kelsen’s “deontic logic” remains open to self-interested interpretations—which are probably being professed by those with the most political power, as Bobbio writes. He adds that Kelsen’s confidence in the basic norm excludes too many consequentialist considerations and other anticipations of value differentials. Kelsen too studiously “avoided value judgments: [he has] ... constructed a juridical system that could be filled with any

[normative] content. [His positivist theory of] ... law can be applied to both the United States and the Soviet Union—to totalitarian systems and to democratic ones.”²⁹¹

Bobbio is correct about legal positivism’s failure to recognize the political concreteness of its own sources of validity. There is no legal norm which is not somehow being contradicted by (not ever-higher legal norms but) concrete structures of government. Honig properly adds that there is no meaningful legal norm without the “fecundity of undecidability”, just as that there is no meaningful “daily rule-of-law-generated struggle” without political tensions between qualitatively-differently-functioning powers. Human actors will have to believe they can organize themselves and that their subsequently-organized constituent powers can eventually become responsible for the concrete “regulating, commanding, and policing that the rule of law postulates”.²⁹² But Kennedy seems to want to radicalize both Bobbio’s and Honig’s realisms by returning to Negri, who foresees a permanent revolution: the constituent power of the human actor continually collapses into, and yet triumphs over the world’s concretely-constituted powers. In that eternal moment, “political liberation and economic emancipation are one”.²⁹³

Theoretically, it is unnecessary to radicalize political realism as it stands. Realism cannot be faulted for not trying to synthesize politics and economics, as it may at any time open new inquiries into the possibility that economic interests are corrupting politicians. Realism may inquire into the chances that no legal norm, and no moral justification would be adequate to counter a process of corruption. Hence, it is possible to think of conditions in which there is and should be no synthesis: in which qualitative

contrariness remains between concrete interests and abstract morals, or between derived and basic norms, also. Whereas the positivists objectify the law's normative universality, realists express caution about particular contingent appropriations of even the law itself—for a more or less symbolically-meaningful transcendent purpose. Liberal positivists may have good reasons to deny the validity of a symbolically-transcendent purpose, but they are unlikely to account for the merely sensory spontaneity and the intuited religiosity inherent to this purpose. Whenever positivists admit to the existence of a purpose beyond the basic norm, this purpose turns from wine into water; it turns from a spiritual into a material and from a solitary into a solipsistic quality of the law. This turn creates a self-validating normative hierarchy, but it cannot sustain the tension between spiritual-legislative and material-executive powers. Realists can remind them, nonetheless, of the harsh fact that human suffering is extraordinarily intense and deeply ambivalent: the agonistic tension between human powers simply cannot be eliminated. As Paulson reminds Kelsen's positivist followers, his theory of law wrongly denied "the very possibility of any [dual relation] ... between facticity and normativity, between human being and 'imputative' legal [norms]".²⁹⁴

Schmitt critiques Kelsen by restoring the tension between norm and fact or respectively, also, between rule and discretion. Kelsen's objective norm (*Grundnorm*) was intended to follow from Kant's categorical imperative. But even if that basic norm was given by God, it would still not be universally and objectively applicable. The Kelsenian conception of justice would have to be capable of explaining every fact, as it uses the facts to derive the norms from these facts. But no plurality of existing norms can

be singularized to the extent that each norm will have been matched to its own point along a continuous line of facts. Kelsenian positivism mistakenly presupposes, then, that the ground-norm manages to retain its singularity. As well, it presupposes that all the derived legal norms can stick to this one ground-norm, because adjudicators and legislators are sufficiently rational in comparing the norms to the facts of each case.

Rawls argued that every citizen may act as her own legislator, and may seek legal recourse when needed, so that both the civic-legislative and the civic-constituent power will have been fused together—in a just world. Kelsen argued a similar case: the hierarchy of all possible legal values can be grounded in one normative imperative, so that the citizen's confidence in the legislative process will result from another and more factual hierarchy of constituent powers. In this ideal world, neither for Rawls nor for Kelsen, there is no political intensity left within the complex relation between the legal values and the factual conditions of the state's constituency. In this seemingly just world, thus, as Schmitt figured out, there can be “no transcendent subject of *pouvoir constituant*, no *natura naturans*, no eminent legislator to which the state's highest authority [may] ... be traced [back].”²⁹⁵

Positivism has no account of any “transcendent subject” whom people will believe ultimately responsible for restoring the IR system: for its self-organizational functions. Positivism in IR threatens to eliminate the tensions within this “transcendent subject”, and thus fails to admit to the existence of a dual sovereign subject. By singularizing legal norms, it ends up singularizing nation-states even though—in empirical reality—there are no singularly-unified states. Sovereign states are far more

porous, as their authorities are often intermingled through the primacy of their foreign policies, than is so often being imagined by liberal positivists. Empirical studies show that statespersons not only seek to be legitimized in reference to a domestic process of reasonable law-and-order-structuring, but that they also seek to maintain their authority in relationship towards equals beyond and outside their own states. As positivists fail to analyze this relationship of equal sovereignty, they are failing to identify a natural and self-regulative dynamic—as well as a dynamic of how authorities ultimately are believed to emerge from cross-tied human groupings bearing both legislative as well as executive powers.

The hypothesis of this section is that neo-Kantian liberals have less ground to stand on, than realists, whenever a systemic break-down occurs—in domestic politics as well as in foreign policies. One such a break-down occurred during the 2000 election cycle—in which the people, as a whole, seized to fulfill their role as eminent legislators. This caused an imbalance between the executive-adjudicative power (government) and the people's exceptional-legislative power (constitution). These two components of sovereignty, in other words, were being surgically separated before the Supreme Court (although not by the hands of the dissenters). This led to a systemic failure in the sense that the natural tension between two different powers had been lost, and no authorization could ensue from this tension. Hence, the George W. Bush administration would be mired by legitimization crises because it had never respected the tension between the legislative-normative and the executive-decisive powers, allowing the latter to undermine the former.

The DST helps defend the above-presented hypothesis in that it compares the balance between the two constitutional powers of government to a dynamic balance analogous to the one between the two human faculties of rule-based reasoning and sense-based intuitions. The duality of legislation/execution is an analogy for the system of reason/sense (or, as well, of rationality/practicality, justice/prudence, and government/constitution). In this respect, the DST should be consulted in order to illuminate why the state ought to be guarded by the plurality of natural-born electors as opposed to by a basic norm. Pro-DST realists have grounds to advise the authorities to take a stewardship role and to help guard the balance between their original legislative authority (as originating and organized in a popular whole) against the executive-adjudicative structures of power (as identified and regulated by institutions, interests, and norms). In moments of crisis it should become apparent that the electors and their descendants, by grace of their own ambivalent human nature, believe that they themselves are defined as the sovereigns. By contrast, the functions of the electees are then likely said to be defined—as the electees themselves have now been chosen less in accordance to statutory law than because of a societal or a treaty organization—by a wholesome plurality of people.

It cannot be denied that the U.S. Constitution suggests the electees should be elected by the States and by their Electoral College, rather. But this suggestion itself already sufficiently implies that the sitting electees as well as any prospective electees are to bind their wills to those of the sovereign people, as represented by the States, before

that they may try to collect the will to administer the decision of any third party, including any high court.

Any realist calculation of how the risk of a constitutional break-down should be lowered, to conclude, ought to demand a clear presentation of the complex coincidence of both (rather than a clear choice between) orderliness and chaos, or in this case also between the national interest (the necessity of having an active executive officer) and Election Day's chaotically-made choices by individual voters (their electoral freedom). Necessity and freedom continuously coincide, and in matters of popular sovereignty, decisions should always fall out—at least if taken within any natural law paradigm—in favor of pluralism and publicality, and therefore also in favor of free voter choice.²⁹⁶ Second, and more critically, when everything else hangs in the balance, the choice will have to be made to directly consult the States, which are really legislatively-sovereign groups of people, possibly organized through popular assemblies, before also executing the third and intermediary power of any court verdict. Only in this critical manner can ambivalent authority be *legitimately* restored.

The (IR) theoretical repercussion of the *Bush v. Gore* case study is that ambivalent authority can very well be re-analyzed, and be reframed in terms of the DST (dual sovereignty thesis). Norms and decisions can coincide, can can productively coincide within DST systems. In the context of systemic bifurcations and social differentiations, the DST aids in weighing off positivist against negativist interpretations of the ethical functioning of government, then, as it can be used to discover fallacies such

as Kelsen's legal positivism's fallacious assuming there is only a continuum or only a quantitative difference between norms and decisions.

On one hand, legal positivist (Kelsenian) interpretations emphasize that decisions and verdicts are derivatives created from basic norms. But because these interpretations fail to see any qualitative difference between decision and norm, they tend to prioritize an ideal decision-maker's executive authority. Due to this comparatively greater importance of the executive, but also of magisterial government functions, legal positivists must almost automatically de-emphasize the legislative significance of apparently randomly-drawn votes—and of the use of lotteries to select office-holders and jurors as well. In voting processes, positivists also tend to prefer equal liberty over equal merit, and individual interest over personal virtue. On the other, negativists tend to want to publically restrict the individual's liberties. They often deny there is any validity to the idea that the individual is free to choose her representatives, and that the state is ultimately sovereign in terms of who represents whose interests. States have the legitimate responsibility to limit opportunities to those who desire to come to hold office, and should carefully scrutinize candidates, for instance, or should be honoring only those candidates who wisely and actively participate in the public process.²⁹⁷ For realist negativists, then, there is a far greater premium to be placed on the productive relation between the plurality of voters and the State that represents their interests, than that there is for legal positivists.

Last, this theoretical distinction between positivism and negativism intersects with the old, Arendtian, philosophical distinction between respectively conventionalism and

nihilism. In again somewhat other words, political realism recognizes dual authority by drawing sharp distinctions between two types of methods: one method analyzes the distance between positively- and hierarchically-ordered legal norms; the other aids in assessing the qualitative difference between legal norms and concrete interests. Conventionalist positivists will mostly rely, in justifying power, on norm-based organizations such as courts and other intermediary associations, whereas skeptical negativists are more likely to defer to the concrete authority of the people as a whole. To conclude, negatively-formulated exceptions to legal norms may either be prudent and virtuous, or they may not be, but the proper difference between prudence and imprudence is in the final end still to be decided by an honoring of popular over partisan interests, and naturally also of recognizing plurality- over artifice singularity-principles.

Introducing Rousseau's Caring Third Magistrate: The Tribune

Rousseau's various political works were intellectually indebted to, and yet made a completely new case as compared to both Montesquieu's and Machiavelli's. Rousseau's works have also continued to attract attention because they betray their perplexingly democratic-pluralist ambitions all the while embracing a sovereign-singularist power, executed by one supremely representational institution.²⁹⁸ That is, a strangely Machiavellian and certainly very ambitious plurality of wills, or all the wills of the two major elements, is at times, at least in these works, being regarded as a plurality that can

somehow be integrated with what seems to have been Montesquieu's liberal mid-level's will; the infamous general will. So, how is this integration to take place, and by whom is it to be institutionalized? Does the Rousseauian notion of integration create sustainable mid-level institutions, mirroring Rome's Tribunes, perhaps, and are these indeed also representative of the general will?

Realism-inspiring theorists ranging from Aristotle to Machiavelli call for prudence in anticipation of constitutional tensions, and possibly also of discordant tumults between the democratic and the oligarchic government-organizing principles. However, as a modern liberal, it would be Montesquieu (followed by the American Framers) who most definitely implied that a constitution without such tumults will have to be one guarded by a single middle class—and therefore also much lesser by the democratic than by the oligarchical principles.

Rousseau agrees with each of his precursors, then, when he writes that democracy, taken by itself, would be too “liable to civil war”.²⁹⁹ Democracy reverts into a warring multitude, into a “blind multitude”, at least for as long as that it is not being guided and checked by a natural counterforce.³⁰⁰ Yet, for Machiavelli (and oftentimes for Hobbes as well) democracy should not as simply be believed to revert into such a violent and imprudent multitude. Its natural counterforce should therefore also not be an oligarchy, but should rather be the spiritual authority of the many and of a public plurality that includes the oligarchs as well as the democrats (see: Machiavelli's intentions in the *Discourses*, but also *Leviathan's* third part).

Now, Rousseau especially agrees with Montesquieu, however, in recommending that the guides of the multitude and the protectors of democratic rights do not have to be democratically-selected themselves; they do not have to be beholden to Machiavelli's popular 'bottom-up' pluralism. Rather, they may very well belong to a *hereditary* 'top-down' aristocracy, even though he knows that this would have to be "the worst of all governments" (as Aristotle had already said about dynastical oligarchies as well, of course). Hence, he then concludes that (together with Montesquieu), preferably, the counter-part of democracy should be formed by an *elective* aristocracy, which he finds "the best."³⁰¹

To circumvent the dilemma of either getting stuck with a dynastical aristocracy or with an elected democracy, Rousseau's *The Social Contract* appears to have vested the supreme responsibility for the self-regulation, and for the regulation of any constitutional tensions between democracy and aristocracy, in a third institution. Rousseauan responsibilities for self-moderation seem to have been given to a tertiary 'compound person', as it were. This 'person' should somehow be putting up a fence against democratic tendencies towards disorder, chaos, and civil war—preferably by managing aristocratic elections. Neither democratic nor oligarchical, then, this 'person' is still somewhat akin to the mysteriously idealistic Great Legislator, whose orders alone "can compel without violence."³⁰² To understand the meaning of that third institution, therefore, is to understand who this ideal-typical (and seemingly transmundane) Legislator 'himself' might have been. Is 'he' on the hand of the few, or the many, or of both?

The figure of the Great Legislator and its general will has stood accused of being unrealistic, and even as uncaring, in ‘his’ relation to individual commoners and their fates. Yet, as an exemplar of human virtue, ‘he’ does seem more down-to-earth than is usually being realized. That is, even though Rousseau’s ideal Legislator usually appears, in the secondary literature, as standing above the laws. ‘He’ must for now be given the benefit of the doubt and be asked how ‘he’ expects to serve and guard the constitutional law tradition. The Great Legislator may issue commands, Rousseau replies, yet these cannot be thought to have any intrinsically constitutionally-corrupting effects on the natural order of men.³⁰³ The Legislator’s command responsibilities have been grounded both on his own ideal “nature, *and* [on] the constitution of the world, the physical order [he sees] ... all around”.³⁰⁴ In other words, Rousseau grounds this Legislator’s sovereignty, essentially on ‘his’ own supra-societal nature *and* on the “nature of man ... in society”, as Tzvetan Todorov’s reading helps clarify. Despite being very clear, however, even that reading still leaves open two possibilities. *Either* the Legislator is a figure whose power can be positivized, and whose ideal nature can be defined as forming a supra-societal set of legal norms, *or* ‘he’ functions as a negative exemplar, demonstrating only what prudent statespersons should refrain from doing.

First, although it is hardly being spelled out in so many words in *The Social Contract*, the text does combine the dispositions and wills of multiple natural-born men, first, with one trans-generational and ideally-elected (aristocratically-compounded) Legislator. Yet, it often remains unclear, at least from the text of *Social Contract* itself, whether that Great Legislator represents either a middle way or an antinomy. If Rousseau

had been searching for a sovereign whose position was to mirror the neo-Aristotelian golden mean, then why should this perfect middle-point not turn into an antinomy? If the sovereign is indeed the positivized representative of the middle way, then legal positivists can claim Rousseau as one of their own. Specially Kelsen would then have been able to claim that the Legislator was never intended to serve as a third ‘person’ and should be deanthropomorphized—in order to be more accurately transformed into a ground-norm. On the assumption Kelsen could be correct in making precisely that claim, and if Rousseau had indeed understood the Great Legislator as an ideal ‘embodiment’ of a single ground-norm, however, then Schmitt would ask: who really decides on the meaning and purpose of this single norm? Or, who can really decide whether either a Kelsenian basic norm actually *applies* to Rousseau’s own vision of how concrete constitutional oppositions should be transcended, by means of such a norm, or that these oppositions continue to fester because all the norm can do is to *help* moderate them?

Second, another possibility might be that Rousseau’s design for his Great Legislator was inspired by Machiavelli’s ideal prince-legislator. The next-following section drives home the point, however, that this ideal prince never existed. It will be shown that even Lycurgus and Romulus were only individuals, whereas the actually foundational and the actually revolutionary modes of authority will always have been sustained through the judgments of a plurality of people. Only the many, and only the people speak with a divine voice, as Machiavelli added.³⁰⁵ Anyhow, it thus remains a possibility that Rousseau’s Legislator-design was based on a compounded ‘figure’ in order to give it such a voice. This voice expresses such authority, despite being so

ambivalent (pluralistic-and-yet-singular), that it facilitates constitutional integration without that the words it speaks can be positively defined. The Legislator speaks neither of legislation nor administration, neither of legal abstraction nor political concreteness, but only the incomprehensible language of a well-balanced and well-integrated constitution that mysteriously transcends both such contraries (and that, for Machiavelli, also spiritually integrates them).

To cut a long story short, Rousseau's problem follows from the assumption that democracy creates civil war, but that this tendencies may be remedied by elections of the best gentlemen. Subsequentially, electoral aristocracy and representative democracy become identical, as there needs to be no tension between the two elements. Constitutional sovereignty has become monistic. If monism is a problem, which it is for DST realists, then this problem is now being enhanced, however, by the notion that without tension there will also be no need to believe in the authority of a singular state. All that remains are the elements, which disperse themselves again before the general will of the mythological Legislator. As Honig sees it, Rousseau's complex Legislator must therefore have been based on the paradox of politics.³⁰⁶ Of course, Honig would be correct to find this paradox's first premise holds that democratic men are civilized men in a counterintuitive way: they live in cities, which corrupts them and makes them prone to wage war. The second premise of the paradox holds also that, indeed, despite their civilizational accomplishments, these same men will continue to yearn for an uncorrupted identity. They realize they have long lost their unspoiled natural identity, and will thus continue to try to combine their civilized personalities with their original, natural state.³⁰⁷

As Todorov adds, they seek to return, as it were, to naturally living their “life, in solitude”, *and* to continue to experience their sociable nature by means of only “some interaction with others.”³⁰⁸

To illuminate, moderately sociable beings must be respected as those humans who have learned to hold themselves back from their own corrupting (urban) tendencies, and to strive to again become more solitary (rural) beings. The ancient Roman peoples had still formed a class-less whole, in this aspect, as they would all equally have honored solitariness, austerity, and virtue—if Rousseau must be believed. “[T]he simple and laborious life of villagers was preferred to the loose and idle life of the Roman bourgeois, and a man who would have been nothing but a miserable proletarian in the town became as a tiller of the soil a respected citizen.” Servius, one of Rousseau’s ideal-typical Roman legislators, had additionally made a type of electoral reform possible that would honor rural virtues. Citizens were assigned to newly-created voter-districts, rather than that they continued to vote in accordance to ethnicity (“racial distinction”), which in turn shifted political leverage away from the “four urban tribes”; Severius had had good reason to have added “fifteen ... rustic tribes, because [the latter] were formed of inhabitants of the country, arranged in so many cantons.”³⁰⁹

Of course, it is the tragedy of Enlightenment politics that the modern bourgeois still desires to be like an ancient yeoman, but cannot succeed in fulfilling that desire. The moderns are doomed to fail: they simply cannot integrate their urban, social, and economic interactions with their rural, solitarily-developed, political philosophies. When Honig’s interpretation of Rousseau’s political theory detects another version of this same

paradox, the paradox itself is however also still being interpreted by her in the form of a pure dilemma, with only two premises. Contrary to Honig's impression, it appears more than likely that Rousseau himself entered a third premise into his tragic account of human nature, now, which would have to have been his own premise of the void: the void left by that tragic failure to integrate the contraries that permeate both a class-based modernity, first, as well as the ancient and ideally class-less world of the Romans, second. Likewise, the organization of respectable as well as moderately sociable modes of authority is a process beholden to tragedy.

Rousseauan authority may only be actualized in the present-time, in the current civilizational time, even though it demands the solitariness and reflexive prudence of the forgone and less-corrupted time. Without possibility of politically analogously integrating the two moments, authority will have to be institutionalized in the form of a novel, third judiciary. The paradox is now apparently no longer a dilemma, but a trilemma; in being without the corrupting vices of sociability as well as being without the freedom of absolute solitude, who can possibly be responsible for integrating these opposite states—and thereby also break the spell of the first two premises? As shall soon become apparent, it is from within the Great Legislator's inner duality that a neither-positivist-nor-nihilist representation emerges: a third magistrate who is to be taking on the form of a Tribune. But, how?

To circumvent the trilemma of his own making, of where sovereignty should ultimately be vested, Rousseau traces Montesquieu's ideas about an intermediary level. Likewise, *The Social Contract* imagines this intermediary institution to be holding the

state's third, adjudicative power. The notion of balanced relations, between contrary powers, oftentimes remain very obscure, in *Social Contract*, yet the text opts for a Tribune—in Book 4, Chapter 5—as exemplifying the one intermediary power which relates to all the other powers. The Tribune is not so much presented as the institution which exercises the legislative power as that it should hold a robust type of executive power, designed specifically in order to defend the constitution against its own corruption. In guarding the constitution, this robust power must be believed to be “more sacred and more venerated than the prince who executes law, or [than] the sovereign which legislates.” In ancient Rome, after all, the Tribunes had uniquely “wielded neither sacred nor legal authority”. Instead, their authority would have to have been situated exactly in the middle: in between, firstly, the legislative power of the (sovereign) people, or the electorate and, secondly, the executive but sacred power of their own (princely) government. (Rousseau does not waste time specifying whether their government also comprised any dynasties, princes, priests, consuls, dictators, and senators.) To reiterate, only the Tribunes had to have been selected by the common people to serve as intermediaries between themselves and their own government. That is, Rome's Tribunes were very much like Sparta's Ephors, in the sense that both types of officers had the most-venerable power of neither having to execute nor of having to legislate, but of moderating (adjudicating). In fact, as Rousseau appends, the Tribunes had fulfilled a function identical to the one of both “the Council of Ten ... in Venice [and] ... the Ephors of Sparta.”³¹⁰

Contrary to Machiavelli's skepticism towards functionally intermediary powers (see the next section), Rousseau essentially argues powerful institutions such as the Tribune and the Ephorate had been inoculated against both 'bottom-up' corruption and 'top-down' Caesarism. The argument's suggestion is that neither the executive government nor the people as a whole, and that neither the prince nor the electorate, should therefore be allowed to exercise the ultimate intermediary authority. Instead, only the magisterial Tribunes will be strong enough to maintain the middle ground against any corrupting (oligarchical and ochlocratic) tendencies. They alone can help settle the balance between these tendencies. This submission of intermediary strength is detailed in one of the key sentences, of the *Social Contract*, which is the opening sentence of Chapter 4.5: "When it is impossible to settle an exact balance between the constitutive parts of the state, or when causes beyond control go on altering the relations between them, then a special magistrate is established, as a body separate from the other magistrates, to put every element in its right balance and to serve as a link or middle term—either between the prince and the people or between the prince and the sovereign, or alternatively, between both at the same time".³¹¹ In brief, because the people, even if they would be capable of acting as a single sovereign, may turn into a multitude, and because they are all too often being "misled (and only then [do the people] ... seem to will what is bad)", as well as because government officers may find their own rule "lapse either into despotism or into anarchy", a third magisterial component should be separately established.³¹²

Rousseau's design includes a "special magistrate", thus, or a similar kind of "intermediary body established between the subjects and the sovereign for their mutual communication; a body charged with the execution of the laws and the maintenance of freedom, both civil and political".³¹³ This is the Tribunate, guarding both the civil and the political freedoms of the state. More problematically, Rousseau's intermediary, special-magisterial Tribunes are thus also defending both the rights of common citizens at the same time as that they are protecting the interests of the less-common bourgeoisie. Do these middle-level Tribunes really have the inner strength to resist their own liberal, oligarchical, self-interested, and solipsistic tendencies? Does Rousseau not tie the mice to the cheese?

The most problematic implication of this constitutional theory is that Tribunes (or: Ephors) will have to be extremely self-disciplined. They have to be of outstanding character—in order to remain disposed towards functional neutrality; as mediators and adjudicators, they should have the discipline to neither side with the many nor with the few, and neither try to legislate nor to command. They will have to form an aristocratic platform, rather, as they are bringing about "moderation among the rich and contentment among the poor". (Yet, in consenting to Machiavelli, Rousseau now also adds that "strict equality [is] ... out of place; it was not observed even in Sparta.")³¹⁴

The most outstanding, most virtuous men are to be mediating civil societal differences so that the state will better represent the general will, henceforth, but the most problematic point to discuss is that these men may on average be much richer than the common men, and thus be more likely to use the latter for their own ends. As almost all

representational processes will have to be channeled by these men, they, these Tribunes must somehow not only act as adjudicators but also as all people's deputies. Nonetheless, Rousseau rejects the option that some deputies should act on behalf of the many, and some of the few, as his bicameralism remains extremely weak. The principle of bicameralism holds that whenever the people's electoral-legislative power has been divided against itself, a productive form of synergy will occur, because then neither part of the legislative department will be as easily corrupted. Rousseau deliberately refrains from specifying which type of relations he would prefer to see between Tribune and a Senate, or between the House of Commons and a House of Lords. Rather than to make a plea for bicameralism, thus, regardless as to whether this principle is applied to a congress or a parliament, Rousseau's must simply hope that his design of the Tribune will be good enough to both mediate between unequal class interests—as well as to represent them. Is his design good enough to also represent all class interests? He admits it never can be.

Class inequalities will persist, for time to come, so that in any state the rich and the poor elements are probably believed to be represented, ideally, in conjunction. In reality, however, they cannot be represented. The Tribune's responsibility would, thus, not be to represent all the elements of the people, and even not to be voicing their general will, as it should merely try to partially represent such a will. After all, only the unrepresented sovereign people themselves should be believed to be wholesome and integral. Rousseau introduces another variant of the paradox of politics with this image of an unrepresented sovereign people, at this point, however, because he now busies himself

arguing the sovereignty of the whole people is only a fiction of the imagination: an abstract ideal. In reality, the people's ultimate authority, indeed, "cannot be represented, for the same reason that it cannot be alienated: its essence is the general will, and will cannot be represented; either it is the general will, or it is something else". The result of this either/or argument is that the Tribunes can never be really representing anyone, at least not in the fully political sense of the word: they can only serve as "the people's deputies".³¹⁵ The wills and interests they may defend merely are the numerical aggregates, the many intersecting pluralities; these wills of all do not form any transcendent whole. Here, in the paradox of political representation, then, does the state encounter a persistent void between the wills of all and the general will.

In the ideal world, it should not matter a dime whether the individual Tribunes are poor or rich, democratic or oligarchical in orientation. Theirs should remain an institution through which the whole is to be represented, even though the idea of creating a representational mechanism for a wholesome people is absurd. But is Rousseau's solution for the real world adequate? He must pray the Tribunes will not usurp power and will always choose to remain mere agents, because in "the moment the people adopts [them as their] representatives, it is no longer free; it no longer exists."³¹⁶ Further, as the people are only sovereign during an election, and as this is the only time their government functions as a direct agent of their will, by implication, Rousseau's theoretical presupposition must be that socio-economic class carries no weight during elections. Machiavelli would have thought of this as an invalid presupposition...

To reiterate the above, for Rousseau, institutional-constitutional ‘orderliness’ is best understood as some sort of Aristotelian relationship between the powers of electoral aristocracy and those of representative democracy. In Rome, this relation was adequately dualistic, as Machiavelli also teaches. At least, it had remained dualistic until the Decemvirs first defied the sovereign people when they—as *Social Contract* Book 3, Chapter 18, points out—“tried to retain their power in perpetuity, by no longer allowing the *comitia* [and, thus, also not the electorate] to assemble.”³¹⁷ Usurpation and corruption are only natural, at least among the executive departments: it is here all too often forgotten “that the holders of the executive power are not the people’s masters, but its officers”. Rousseau adds that the legislative power, of the people, should therefore always be allowed to “appoint them and dismiss them as it pleases”. But what in the first instance shall differentiate and separate the corruption of the executive Decemvirs from that of the “intermediary magistrates” and the adjudicative Tribunes, and which injection supposedly inoculates the latter’s but not the former’s virtue?³¹⁸

The answer to that question will never be found in Rousseau’s political writings. It is found both in fate and nature, as well as in both freedom’s sacrality and the laws of nature.³¹⁹ The natural sources of human virtue remain contraries, and will remain so into perpetuity, as these are the dual sources of both civilization and solitariness, of both pluralism and of individualism, civil society and savage egotism. Rousseau believes that people are both individualistic and egotistic, as well as that they are naturally caring and charitable towards others. *Some* social interactions and political institutions express a predominantly caring and responsible attitude, but *most* will not, so that the Aristotelian

problem has remained. On Rousseau's own assumption that all political institutions are mixed, how can these institutions be prevented from degenerating and committing either ochlocratic or oligarchical excesses?

Rousseau issues simply a few variants of the same paradox, of the two either/or powers. For, even after introducing his Tribunal as candidate for the third power, his political theory never tells anyone why this candidate alone should be so good to arrest the degenerative surges of the first two powers. The dissimilarity to Arendt and Weber could not have been greater, as the latter speak of the kind of human capabilities which are neither metaphysically free nor physically predetermined. Care for the world, commonsense, and judiciousness are capabilities they, themselves, would probably have expected from a Tribunal.

To clarify, in contemporary parlance, the activities of incessantly 'social networking' and pursuing a business career, for instance, would according to Rousseau have to be tempered by a 'naturally-determined' inclination to also remain solitary, pure, and above the fray. The city-dweller who resorts to artificial friendships would thereto have to be taught moderation, austerity, and to learn how to discipline his passions. But because he has no criterion to discern the difference between indulgent, promiscuous 'networking', and the need to return to a natural state of solitude and self-reflexivity, he nonetheless falls in a void. He fails to recognize what it is he may have in common with others. Grains of empathy are prevented from growing into a sympathy, and into a care for others. Hannah Arendt and her reader, Iris Marion Young, by contrast, find that this care for others and this love of the world spontaneously emerges from all such

Rousseauan naturally-social connections, and from many other such naturally relationally-bipolar dynamics of sociability.

Arendt finds sociable citizens have always been able to learn to be alone with themselves, to be mere human animals, just as that Socrates already exemplified the Solitary Citizen. Socrates's disposition and sense of virtue ensued from his being solitary, rather than solipsistic, and from his participation in the commons (see: Chapter Four). Not all men will be able to become such good but solitary citizens, however, as cities may continue to grow in size and as bands of social animals are likely to continue to be reduced to a mass of anonymous individuals. Yet, if Rousseau introduced the Tribunate in response to problems of asocial anonymity, egotistic individualization, and political singularization then, even if conceivably unsuccessfully, then he still deserves praise for having tried to diminish the old paradoxical tension between singularities and the commons.³²⁰

In conclusion, Rousseau's constitutionalist project shares a few features with Hobbes's project as well. To the degree that his project maintains a productive paradox, centered around two types of power, it was mirrored in *Leviathan*. In Rousseau's experience, this book was certainly the single foremost attempt to integrate totalities of individuals with the body of the people as a whole. *Leviathan* had of course been Hobbes's attempt to temper the tensions between the totalities and the sovereign body of the whole, which transcends and yet also includes these totalities. By synthesizing the totality of individual interests with the common good which is called sovereign, or a 'mortal God', Hobbes claimed he had found his own way out of a conditional trilemma—

before Rousseau could have done so himself. Hobbes's claim is that the sovereign will have to be both singular and plural, so that the sovereign judges all people equal before the immortal God. Whereas Rousseau's indebtedness to Montesquieu confused him, to the extent that he wanted to keep economic inequalities in place rather than to separate them from the political body—it was Hobbes's eschatological notion of a sovereign judge, additionally, that had allowed for a stronger concept of political equality.

Walker argues Hobbes would have sought to let an extremely rational Legislator take full precedence over the total sum of individual desires. All those individuals who live a Hobbesian political life, would have been compounded by a rational *Leviathan* believed capable of moving “from the hierarchical [or totalizing] incorporation of particularity, into an overarching universalism—while also preserving the possibility that [their] particularity might still be reconciled with a reconceptualization of what [this] universality entails”.³²¹ Unlike especially Montesquieu and Rousseau, however, Hobbes would also have looked less for inspiration at the particular constitutions of antiquity and more up to the universal laws of Christianity. Hobbes must thought he could find a way out of the Legislator's paradoxical inner dualism by simply not allowing the universal to become too universalized. By giving physical contents, and a concrete existence, to the *Leviathan's* ideality, Hobbes ruled out the universalized conception of the universal as such—while nonetheless retaining it within its particularity.

The next-following subsections will return to Machiavelli by clarifying that he, already some time before Hobbes, had managed to combine the universal and the particular components within his own concept of sovereignty. Like Hobbes would try

after him, Machiavelli would also have rejected the notion of a third intermediary. Even though Rousseau and Montesquieu necessitated such a notion in the form of respectively a Tribunate and a bourgeois middle class, Machiavelli might have found the answer to the question as to why it is wrong to rely on such a third power in the constitutional middle. To maintain agonistic dualities, rather than antagonistic forms of competition, at the heart of every sovereign republic, Machiavelli merely *feared excess and hoped for moderation*.³²²

Certainly, Montesquieu was the theorist who took a first step beyond both Machiavelli and Hobbes by expanding the state's capacity to form one integrated whole, as well as to rule out populism and licentiousness. Along the way, the Magistrate came to rely on representational mechanisms, however, just as that he had to suppose that his tertiary juristic assemblages were in fact representative of the middle level of all citizens. The problem with his dependency on a representational mechanism in the form of a tertiary intermediary level, remains of course that it undercuts any political ultimacy of a sovereign jury or an authoritative judge. A jury or a judge represents *either* the people as a whole, *or* it sides with one of the parties and now the people no longer exist. As Rousseau undoubtedly criticizes Montesquieu, in the very hour that "the people adopts [its] representatives, it ... no longer exists."³²³

Stabilizing Machiavelli's Constitution and Aristotle's Politics

In times of (civil) war, the parties will be forced by their environments to put their freedom at risk. The parties themselves may also either be incorporated in the vanquished, or by the victorious state. Because this risk is contingent on each party's freedom to obey the other party, however, they will both understand they must ultimately come to face one another, as enemies. Without recognizing the terms of their enmity, they will not also be able to one day decide on the terms of the peace.³²⁴ This decision shall then take on the form of a treaty, which will not be supported by parties and factions, but is believed to demand loyalty from many people. This sense of loyalty is a sense of constitutional fidelity, or a kind of faith and confidence in the whole system of treaty laws.

Contrary to neo-Hegelian constructivists (Wendt, Philpott), the decision to sign a peace treaty is not the outcome of a linear process. Linear historical progress does not exist, even not if it were episodic, according to classicist realists. Instead, peace treaties are temporal restorations of one original balance. Or, all peace treaties remain subject to one law of nature, which means the people eventually shall lose their faith in them. Hence, a complex combination of natural necessity and popular confidence and freedom is a combination that, always, has informed the ambivalent process through which it was decided how states are to be recognized and how their popular freedoms are best to be preserved.

For example, peace treaties fell always within the systemic type of constitutional balance that both the Roman Law tradition as well as Machiavelli himself would have described as a civic partnership. This partnership had, in Rome, been nothing but a treaty of mutual understanding between the juridical order—which comprised diverse senators, tribunes, magistrates, as well as the dictators or kings—and the people, or the political order as a whole. Yet, even Rome’s basic treaty was imperfect because it could too easily be amended to include, and eventually be corrupted by, a third group, of Decemvirs, whose power should have been excluded from its beginnings: these officers became “overbearing”; they could have abrogated and nearly did completely cancel “the senatorial order”.³²⁵ In Sparta, for similar reasons, Lycurgus would have intended for the partnership to exclude the third power of the Ephors, as they had been responsible for killing the king.³²⁶

Today’s field of international treaty-law can easily be analogized to that public law/civic partnership-based tradition, rooting in the ancient Occident. This tradition in fact still has its anchor resting below the surface of ancient Rome’s societal practice of treatising.³²⁷ Yet, why should classicist realists also actively try to restore this methodological practice to its former glory, as Machiavelli once did try to do?

War does not need to be and rarely is decided fairly and paritably, just as that most civil law cases are probably not being decided equally—but in favor of the conventions governing a *status quo* power distribution, and other vested interests. Alongside a previously-examined spoke of the wheel, the fields of both International Relations theory and comparative constitutionalism were entered through the portal of the

essentially undecided 2000 election of G. W. Bush to the U.S. Presidency. Due to its tumultuous nature, this election should immediately have raised the diplomatic community's eyebrows. Rather than to have recognized the Bush-Cheney campaign team's claim to electoral victory, most Western and non-Western states alike could have argued they had more than sufficient reason to question the lawfulness of some of the team's actions, such as its complicity in the discriminatory removal of names from voter rolls and the digital manipulation of voting machine records (as happened, again, in Ohio in 2004). Nonetheless, internationally, all states recognized that the Bush government had a sovereign right to, legitimately perform its part in, the American Presidential lineage. Why was this government recognized as presiding over a *legitimate* state?

Again, classicist realism offers a skeptical method of indexing the reasons why the international community wrongly turned a blind eye towards Bush and Cheney's upsetting of the constitutional balance between the Presidency and Congress. Under the U.S. Constitution, after all, the 2000 and possibly also the 2004 elections should have been decided by Congress, as opposed to by the 2000 Supreme Court's injunction on the Electoral College, while the Floridian recounting process was in midstream. The current section shall continue to demonstrate it would very well have been possible for sovereign states to 'withhold' their international recognition for the Bush-Cheney administration—at least, on the basis of a Machiavellian constitutionalist theory, and in reference to an Aristotelian systems theory as well (as the section currently at hand shall clarify).

The organizational power of the Supreme Court, also, has to be dismissed as being too liberal and too pro-Montesquieuan, and as therefore creating an anti-democratic

intermediary institution. After all, the Supreme Court majority would significantly upset the balance of powers by depoliticizing the relation between the victorious Republican Party and Albert Gore's Democratic Party. Rather than to let this relation take its course in Congress, the Court took on the robes of a third power by intervening, and by shifting the source of ultimate public authority towards an essentially non-political organ, the Electoral College, rather than to any of the potentially-convened popular assemblies or State legislatures. On the premise that the Democratic Party in this election did represent the underprivileged and poorer electoral segments (which it, however sadly, probably did not really do), hence, it will now have to be asked why intermediary verdicts in general are violations of both Machiavelli's as well as of an Aristotelian constitutionalist (IR) theory of legitimate authority.

To return to the *Discourses*: when Machiavelli announces that Sparta's Cleomenus had done almost everything right, in almost having restored the Lycurgean order after he had taken his chance "to have all the Ephors slain", it should be asked why he excludes them from the balance of power. It is implied that had it not been for Cleomenus's lack of a sustainable foreign policy and for his state's disrespect for the freedom of the surrounding republics it had conquered, he could have restored the balance between his executive power and the autonomous power of the many (Spartans as well as their league of republics).³²⁸ Machiavelli's negative exemplar thus forms a rhetorical warming-up for his game against intermediary constitutional institutions, however, such as Ephors and Decemvirs.³²⁹ More remarkably, conceivably, he is here partaking in a grand neo-Aristotelian discourse. Such discourses have received

considerable attention from a range of Western political philosophers but, as Benner points out, Machiavelli placed both Aristotle and Plato on a pedestal at least as high as that of Lycurgus.³³⁰

Aristotle's discursive significance was apparent to Jean Bodin and Thomas Hobbes, for example, to Charles Louis de Montesquieu and, not much later, to Jean-Jacques Rousseau as well. Each of these philosophers came to identify a basic tension between rulers and ruled which overlapped with the tension Aristotle had found within the constitutional relation between those who hold executive-magisterial offices, and those who select persons for these offices—in accordance to law and tradition. For Aristotle, this relation translates into an irreconcilable difference between the oligarchical and the more democratic officer-selection procedures.³³¹ Rulers have for a long time been recognized, and have long been thought able to decide on political matters, simply because their decisions had to have been legitimized by either the richer oligarchs or the poorer democrats. Aristotle argued the rulers will either have to have been selected, and legitimized, either by the few or by the many, or (as usually happened) by some indeterminable number that will neither be prejudicial towards the few nor towards the many, but that creates symbiotic combinations of the two groupings.³³²

Numerically-determined governmental elements are, in most states, less critical for survival than elements selected on the basis of their virtues and merits. The final responsibility of selecting and legitimizing the government, therefore, should rest by those who understand how virtuous and just decisions should be recognized. When the few elect, and are being represented by, the few who rule them, the interests of the ruled

and the rulers will probably be aligned. Also, the concentration and accumulation of “property” among the few will then be considered comparatively more important, at least to these few, than to the many democrats which have no stake in government. In this case, the few tend to become oligarchical. They will try to acquire, according to Aristotle, increasingly sizeable shares of “constitutional rights”.³³³

The few usually award themselves with their own political (including their voting) rights, and do so by positing a measure or rather a mixture of “property-qualification” and “personal rule”: a form of rule which risks becoming hereditary and dynastical—to most Aristotelians’ utter dislike.³³⁴ However, in other states the many will be ruled by the many, as happens when offices are made to rotate frequently and when officials are being selected more or less randomly. In this state, the governing interests are now defined in terms of the citizens’ basic needs, and of their “want of sufficient means”.³³⁵ To serve in office or to take part in popular assemblies, after all, takes in democratic economies often too much time away from the household, so that some compensation for officials and jurors will herein be in order.³³⁶

The problem with Aristotle’s *Politics* is that it defines constitutions by their self-corrupting tendencies. Constitutionally democratic rulers are defined by a democratic necessity, or by a dependency on the masses to voluntarily participate in public affairs. This whereas oligarchical rulers are defined by their oligarchical interest to first satisfy their private interests, by accumulating property. It is almost as if both types of rulers entertain ‘tautological authority’, hence, because the democratically-selected rulers are supported by democrats and the oligarchically-elected by oligarchs. The double tautology

lies at the heart of Aristotle's *Politics*, as many other philosophers have read this work. This section shall first compare Machiavelli, Montesquieu, and then also Rousseau in terms of how they operated with respect to the constitutional tension between these two self-defined types of rule. How did their own ideal states cope with this dualistic, or rather doubly tautologically-defined, modality of legitimate authority?

The classic Aristotelian distinction between the democratic and the oligarchical elements is still implicit throughout Machiavelli's political theory. The Florentine Secretary distinguishes between commoners and great persons, yet is cognizant of a tumultuous but productive relationship between these two constitutional elements.³³⁷ To maintain this relationship, he commends those rare great persons who took positions, towards the common people, which he then transforms into "the bedrock of his account of political legitimacy." Erica Benner reveals, further, that Machiavelli goes on to shape his own notion of the state's legitimacy, beginning and ending with a highly energetic popular will. "[P]eople should be regarded as fully free agents".³³⁸

His *Discourses on Livy's Decalogue* articulate why firstly the many should be respected, in terms of their freedom to hold even the highest offices, and only secondly the few.³³⁹ The ordinary citizens of a free republic should also, hence, be allowed to authorize their own laws and their own orders. The dignity and duty of even the greatest office-holder should be treated as equal to any other man's freedom. As Benner indeed reads his *Discourses*, the two sides in this equal relation should be "co-responsible for upholding civil laws". Only the most imprudent statespersons would fail to acknowledge

the many, for “people who are not asked to authorize the laws and orders they live under, are unlikely to feel responsible for them.”³⁴⁰

Montesquieu’s theory beats a different drum, holding that the constitutional-republican system flourishes mostly on condition of social stability, provided by the few, as well as in prohibiting any potentially productive relationship with the many. Like Aristotle’s oligarchical element would be certain to have done, eighteenth-century patricians should also try to expand their share of executive-adjudicative power. Yet, how will their presumably conservative views indeed help them prevail over the ordinary, democratically-oriented plebeians?

Montesquieu’s intentions seem good: he wants to prevent democratic-and-thus-immoral license (ochlocratization).³⁴¹ Yet, it was Machiavelli who much better understood that not the supposedly immoral nature of the many, but the political relation to be taken towards these commoners must be discussed. If the state’s dignitaries only seek out the most advantageous positions in order to distort this political relation, they will end up reverting a free republic into a tyranny. Moreover, they so become more likely to lose their state to either the population or to foreigners. Machiavelli cautions the few that the popular humors, or the “popular judgments, ... can [easily] become corrupted by [their] excessive ambition”, as he could gladly have admitted to Montesquieu. But he simply will not agree that this risk would also warrant the patricians’ searching for and administering of policy responses outside “established orders and [popular] laws”.³⁴²

In what appears to have been a linear conversion of Machiavelli’s, Montesquieu’s case restricts popular support for the established laws. Rather than to first provoke and

then defy oligarchical idleness, the French Magistrate does not even define the difference between oligarchy and aristocracy.³⁴³ He simply opens his case by defying democratic procedures, or by subverting the self-regulatory interests of the many.

This Montesquieuan priority becomes most noticeable, in *The Spirit of the Laws*, when democracy is being defined as a monistic type of monarchy (quite possibly following Hobbes's notion that democracy and sovereignty are, ideally, one and the same source of legitimacy).³⁴⁴ The sum total of votes should, in an ideally-democratic plan, count as equal to one absolute monarchical will. For, in a democracy, the "[people's] votes ... are their wills." Democracy's first procedural problem, however, is that the people's votes are being cast *by lot*. Votes could be drawn from a black bag filled with colored balls of equal size, for example, to guarantee a random allocation of offices.³⁴⁵ Yet, Montesquieu suggests that there can be no unifiable, and certainly no absolute will, because the distribution of colors is always uneven. Under such conditions, he implies, there can be no random and thus no singular popular will. Votes drawn from some classes have always been made to carry a heavier weight than those of lesser-qualified classes (as even "Solon [rightly] divided ... Athens into four classes"). Some classes, "of certain eminent men", will just have to exercise more "gravity" than the others.³⁴⁶

This creates a second problem. In democracies—including ancient Rome, for instance—the relative weight of the tribal committees, in the ballot-drawings, would always have been kept a secret.³⁴⁷ Consequentially, "the principal people" would in such democracies have had inadequate information about their own preferences, so that they could not have enlightened the "lesser people" either. Possibly, this high degree of

electoral secretiveness then even caused their failure to organize themselves in “a senate” (which could of course have allowed the nobles to rule, as equals, over the interests of the “lesser people”). This abomination, at least according to Montesquieu, should be overcome by disallowing any voting by secret lot—and by publically allowing “voting by *choice*, [which] is in the nature of aristocracy.”³⁴⁸

Montesquieu’s tragedy is that whereas he hoped to aristocratize the republic, his efforts did not decrease the risk of government oppression. Only in the late-nineteenth century could this risk be decreased by an overall democratization of the European states. The chosen means were similar: both eighteenth- and nineteenth-century movements favored extensions of suffrage rights, and more specifically of the vote by choice. But Montesquieu seems to have had too little trust in the secret ballot and, also contrary to his modern democratic counterparts, would never dismiss his pro-oligarchical idea that estate-holding men had to form an eminent electoral class. More importantly, he thereby disrespected common people’s intent to authorize their own laws—and to thus profess *constitutionalself-moderation*. The people, according to Machiavelli, by contrast, should authorize the laws executed by the people. Machiavelli in his stead believes the common people should be allowed to defend themselves, against the great nobles, by means of their legislative power.

Neither Montesquieu nor Machiavelli take an *egalitarian* angle in viewing their ideal republics: civic affairs should not be managed by equal human beings. Especially the executive power is to rest with the most virtuous, possibly noble, and preferably also moderately-richer-than-average officials. But while Machiavelli argues that the

legislative power belongs to all the participants in the state's civic affairs, and ultimately to a free people as a whole, it is only for Montesquieu the case that the legislative power is also to remain *divided* between two, or even more, populational classes. Hence, it is only Machiavelli who *does* think that the people as a whole can express a metaphysical (God's?) legislative voice. It is in this latter respect that he actually follows Aristotle, as well as the neo-Aristotelian natural law scholars, much closer than that the eighteenth-century French Magistrate would ever do. Not only for Aristotle but also for Machiavelli, as will be argued in the following subsections, peace was indeed the natural end of any civil war-like tensions. *Politics*: "[M]ilitary pursuits" are among the many possible means to this natural end, but the end of peace itself is actually the "true end which good law-givers should [pursue, as it encompasses] ... the enjoyment of partnership in a good life, and the felicity thereby attainable."³⁴⁹

Why is Machiavelli's egalitarianism ethically superior to Montesquieu's? The simple answer is that it is about equal virtue, or equally meritocratic decisions, both of which somehow demand a public assessment. For Machiavelli, virtue is all about political parity. Yet, Montesquieu's egalitarianism was also (as shown earlier) individualistic, and by and large about equal liberties. Virtue is mostly about socioeconomic independence. From the perspective of Aristotelian scholars, as will now be argued, this makes Machiavelli's theory of equal virtue more attractive. For, it is Aristotle who presumes that the two main elements within any state, usually, are "regarded as antagonists, [meaning that] ... the rich and the common people are equally balanced". Virtuous decisions are assessed by means of the standard of whether antagonists reached a

compromise, whether their tension was moderated, and how symbiotically agonistic their relations will remain.

Sudden political change, which could disturb the equal balance, is typically caused by the “preponderance” of either the common men or the prominent citizens.³⁵⁰ It may be objected that Aristotle’s *Politics* hereby fell better in line with *The Spirit of the Laws* than with the *Discourses on Livy* because the latter text did not create an account to justify the constitutional need for a sufficiently rich, and outstanding populational element. Machiavelli’s *Discourses*’ contents could have remained too populist, as liberal readers could indeed object. Admittedly, *Politics* had made it abundantly clear that any new rulers would have to try “a method of training [themselves in *virtue*], which ensures that the better [nobles will] ... have no desire to make themselves richer—while the poorer sort have no opportunity to do so.”³⁵¹ And Montesquieu had of course, likewise, recommended that the nobles should not become excessively rich and that serious socio-economic inequalities are to be discouraged, by aristocrats.

Yet, not Montesquieu but Machiavelli really believed, consistent with *Politics*, that the great nobles will not become oligarchs for as long as they can train and educate themselves; virtuous men can take sides with the many, even if they themselves are only among the few. These men simply need skills, but not additional riches, so that they can ultimately, and in fact, come to act monarchically as opposed to plutocratically. Machiavelli shuns both financial inequality and economic equality much more than several other philosophers do, as he makes a plea for a republican type of equal virtue. Some, and especially the Germanic, republics never felt the need to have men with

intermediary powers “slain” because they just have none.³⁵² Instead, the German tribes and cities appear to have only men with equal virtue and equal authority (which is something very different than equal capability), as they are free to obey who they want.

The Prince intimates that German cities “are absolute free [because they] ... obey the Emperor when they choose, and they do not fear him or any other potentate”. These city-statelets have no reason to fear any foreign forces as they hold both good arms and good laws, such that “they all have the necessary moats and bastions, sufficient artillery, and always keep food, drink, and fuel for one year in the public storehouses. Beyond which, to keep the lower classes satisfied and without loss to the commonwealth, they have always enough means to give them work”.³⁵³ Freedom means equal consideration of the lower and the higher classes. Benner fittingly comprehends this passage to mean rich and poor naturally depend on each other, so that “the plebs” should never be used as “cannon fodder” and the “wealthy citizens” have the responsibility to provide in their provisions and their employment. “[A] well-ordered public economy, that ensures a decent living for all, ... is among the necessary foundations of a prince’s military power”—as she elegantly appends *The Prince*.³⁵⁴

Machiavelli’s *Discourses* advances the same case for equal virtue as *The Prince* does. Chapter headings elucidate why equal treatment of the people as a whole—based on a sort of mutual respect for the people’s merit, work, and constancy—is extraordinarily advantageous to anyone exercising monarchical, military, or generally executive power over these people. As a first heading warns: “Public affairs are [only] easily managed in a city where the body of the people is not corrupt, and where equality

exists”. “In Germany alone”, it is said on the next page, “ancient virtue” has been preserved. Both equality and virtue must thus be witnessed to index what it means to govern over an uncorruptable people. For, only in the Germanic countries do “many republics exist ... in the full enjoyment of [their freedom], ... observing their laws in such manner that no one from within or without could [ever hope to] venture upon an attempt to master them.”³⁵⁵

Other chapters are titled as follows: “The people are more constant than princes”, and; “No [prince or] council or magistrate should have it in their power to stop the public [or popular] business of a city”.³⁵⁶ Next to reintroducing that dictum of ‘firstly the many, secondly the few’, the *Discourses* hereby clearly proposes to no longer solely imagine the many to be “uncertain and inconstant”—or, even worse, to imagine that only the common men are “inconsistent, unstable, and ungrateful”.³⁵⁷ It is in the same chapter that it is explained, much to the contrary, why “individual men, and especially princes may be charged with the same defects of which ... the people [have too often been accused]; for, whoever is not [regulated] by laws will [be likely to] commit the same errors as an unbridled multitude.”³⁵⁸ As errors are prevented by prudent applications of law, therefore, freedom and stability will be generated by the equal application of laws—to individual princes and rich magistrates as well as to the multitude of poor people alike. Constitutional states that suffered decline were typically states that, unlike Venice or ancient Rome, failed to equally divide their offices and functions among “gentlemen and commonalty”. By failing to give equal consideration to the two groupings, their constitutions came to lack “proper proportions, and [had] but little durability.”³⁵⁹ Virtues

such as constancy, sustainability, and prudence are usually being effectuated by the people, *as a whole*, rather than by a single individual or prince. Indeed, the people “have better judgment than a prince; and it is not without good reason that it is said, ‘the voice of the people is the voice of God’.”³⁶⁰

These chapters, of *The Prince* and the *Discourses*, run contrary both to the French Magistrate’s *Spirit* but also to Alexander Hamilton’s bourgeois thought.³⁶¹ What can now be gazed from the cited chapters, much rather, is why the Florentine Secretary never intended to defend the liberal thesis that *both* patricians *and* plebeians should have *equal* opportunities to advance themselves socio-economically, by joining a new middle level. They should first of all learn how to act more meritocratically in relation to each other, not by denying the natural fact that they exercise different political functions and different constitutional responsibilities. Said otherwise, a plurality of the people, as a whole, should learn how to bear responsibility for moderating these differences. The differences are to be maintained, but a mutual sense of self-moderating duality emerges now within the relation between commoners and nobles, in other words, also. The former, the poor, now help the latter, the rich, restore the balance (legislatively) on condition that the latter will prepare themselves (their arsenals, artillery, bakeries, their storage facilities) for any anti-revolutionary type of change such as wars and rebellions (executively).

Montesquieu concurs merely (as Hobbes and Rousseau would also do) to the extent that he remains more than just somewhat skeptical of hereditary offices—as he is certainly not as skeptical as that Machiavelli is.³⁶² Anyhow, against hereditary titles,

Machiavelli is thus at least somewhat being seconded by Montesquieu's definitions of merit and virtue as being republican passions. But Machiavelli went a few paces further than his later French counterpart, arguing that genuine revolutions are generally being supported by the people as a whole, not by a few classes of ennobled citizens—just as that they are also not only sustained by the poorer, allegedly unenlightened segments. Instead, Machiavellian revolutions are sustained by a dualist-relational system, and only these types of revolutions will have productive, purgatory results. Political changes such as these relational revolutions will give the commoners a chance to restore the constitutional equilibrium, so that 'the great' will feel motivated to renew their training in public virtue, which they can then again use in order to survive intra-systemic turbulences and fluctuations. The many commoners are often too passive, and stand too far removed from the public processes—so that when the many do suddenly begin to participate in the republic, a few great men will have to have the power to purge their ranks, be vigilant, and improve their own virtues. What remains so fascinating, at least for theorists shoring up canonical support for Machiavellian realism, now, is that this purgatory idea stems, albeit indirectly, from *Politics*.³⁶³

Here, Aristotle demonstrated that tensions between the poorer and the richer populational elements should be believed natural. These tensions will, in virtually every state, have been constitutionalized, so that the gap between the two main classes must be assumed to have been closed without that the two contrary elements lose their distinctive qualities. This gap makes it possible to speak of a constitutional balance of powers. Imbalance can occur through the excessive democratization/ochlocratization of the state

(most officials would be selected in a lottery, or by fate, or by chaos). Imbalance can also occur because aristocrats pursue only honor and glory, and thus turn into oligarchs who have grown dependent on their own factions (officials would maintain power by means of secret elections, partisan factions, and bribery). Yet, Aristotle added that both democracy and oligarchy have been caught up in a self-perpetuating tension—as Machiavelli and Montesquieu were not the first to have understood his work, and as both saw why public lotteries are more democratic and secret elections more oligarchic.³⁶⁴

The Machiavelli-inspired Gramsci identifies the mysteriously self-perpetuating tension in a different form. For Gramsci, the political question is no longer whether either democracy or oligarchy will be the dominant constitution-organizing principle, but whether either one of the two principles actively maintains the relationship—which is also the relation between “*rulers and ruled, leaders and led; [for the] science ... of politics is based on this irreducible fact.*”³⁶⁵ The constitutional relation between rulers and ruled, between poorer and richer groupings, should not be dominated or reduced by either one grouping. In a neo-Aristotelian and in a Gramscian-Hegelian, as well as in a Weberian, ‘science of politics’, the rulers and the ruled must recognize each other in such ways that they perpetuate a modicum of balance between their own interests. But, uniquely, Machiavelli elaborated and theorized the question under which conditions a transmutation or a revolution, within this balance, can be expected to occur.

As noted, Aristotle had made the argument that revolutions will *not* be likely to “occur when the elements ... are usually regarded as antagonists [and when], for example, the rich and the common people are equally balanced”. Revolutions, however,

are extremely likely to follow from the “preponderance” of either one of the elements. Under conditions of preponderance, either democratically-selected representatives or oligarchically-elected officers entertain privileged and supreme access to those deciding on governmental and civil affairs. Aristotle may still be interpreted as having made a liberal intervention against preponderance and predominance of either one element, as it were, by then introducing the one group of people he believes to be “outstanding for the excellence [of their character, and who] do not, as a rule, attempt to stir up faction; they are only a few against many.”³⁶⁶ This third group is an aristocratic and economically-independent group, consisting neither of poor city-dwellers nor of wealthy merchants. However, the problem is that *Politics* hardly defines the contours of this third power, of this middle level, or of this ideal aristocracy, at least not much beyond merely intimating its excellence and its honorability.³⁶⁷

Arguably, particularly Machiavelli’s *Discourses* follows *Politics* in the sense that this text refuses to admit a third power or middle level. All power is divided against itself, as power is equally balanced among only the exceptional legislative-purgatory as well as only the regular executive-adjudicative functions of the people. The people are divided, also, but their partisan conflicts are not decided on by any uniquely-positioned third power or any high court, either. Rather, conflicts between the two main parties are decided by means of the civil law, which is identical to the constitutional law tradition.

Within the parameters of Machiavelli’s constitutionalist theory, by deciding to end a civil law process by appealing to the rights of a third power or to an extra organ, such as a neutral electoral college, any public court would have to have made a grave

mistake. In such a decision, it would have to have bypassed, illegitimately, the direct relation between the two main constitutional functions. In ending the *Bush v. Gore* litigation, the Supreme Court majority would definitely make a similar mistake. On the side of the executive function, its verdict certainly seems to have lowered a degree of unrest and unease in Florida. But with the same decision, the Court also blinded the public and prevented the people from seeing and using their own Congressional authority. This blinding of the popular-legislative power strengthened the republic's tendency to select candidates for office on the technical or strictly symbolic basis of creating electoral majorities at any cost, rather than on the legal basis of sustaining a deontic (paritable) constitutional balance.

The U.S. Supreme Court had declared that not the candidate with the most votes, should be the winner, but that the Electoral College could make up its own mind in determining the winner, thus effectively bypassing the constituent powers of the republic as a whole. This episode can be summed up as the case in which five pre-constituted minds, on the Court, were bypassing many constituent bodies represented in Congress. The relation between ruled and rulers was thus also being severed by the decision. After all, as the Court's decision redefined the national interest by accepting the rationale that a presidential candidate should ascend to the Supreme Office as consequence of an intermediary third-party: the Court itself. This means that the selection of the executive function was no longer considered, at least not by the Court, as much a consequence of what equal sovereign states, both those assembled in Congress but also the international community of states, could have had to say in the matter. The U.S. Supreme Court's

acceptance of a national interest-based rationale deprived the American people of their right to representation. The arbitration process was turned into an assertion of judiciary partisanship, with the complicity of Al Gore's own legal team. Rather than to have the affected parties appear in public, and to assemble in the U.S. Congress, they apathetically accepted the authority of the civil war tribunal into which the Supreme Court would transform itself during the case.

To conclude this section, as they are trying to locate the anchor underneath the vessel of the international public law tradition, classicist realists argue that every (civil) war and every conflict comes to an end. At that point in time, both the winners and the losers have to have come together to establish a modicum of balance, within their prospective relations, by somehow appealing to binding agreements, which are actually constitutional agreements on how to fairly disagree. Of course, wars and other armed conflicts typically only rage on because each party is refusing to be the first to accommodate a better balance or a more optimal equilibrium.³⁶⁸ However, Machiavellian realists can add the important notion to this issue, of intransigent status recognition or to this issue of saving face—and thereby also to an issue which has, in IR, been over-emphasized in importance, by social constructivists—that refusals to agree on a mutual interest in a peaceful balance are in essence also refusals informed by qualitatively different constellations of power.³⁶⁹ Whenever qualitative differences are being emphasized too much, by the respective parties, or whenever these differences are being morally or even culturally justified, the relationship between these parties becomes less conducive to peace.

Machiavelli's theory diminishes the risk of excessive discord by respecting the fact that different moral, cultural, and ideological justifications for peace and stability do certainly exist—as this theory responds to such justifications by identifying the primordially common, deliberative, and material interests in *constitutional stability*. Ideological cultural values and material political virtues are universally inter-dependent, and the most common mistake made by statespersons is that they will try to separate these two dimensions—and thus will undercut their own dual authority. Rather than to respect both their abstract ideological values and as well as their concrete political virtues, statespersons too often fail to set their differences on an even keel—and, subsequently, also fail to decide how paritarily their own successors should judge any (international, civil) law cases.

Montesquieu's Introducing the Pardon Power to his Anti-Democratic Structure

Montesquieu's *The Spirit of the Laws* moves away from the ancient Roman variety of republican constitutionalism. This canonical text still cautions against the destabilizing possibility of constitutional decline, as all the ancients (Aristotle, Plato, Cicero, Polybius, Livy, and so on) had done. But the text of *Spirit* newly identifies a modern, a third capacity to avert decline by means of organizational self-moderation. Contrary to Machiavelli's work, which was inclusive of both the great and the commoners, *Spirit* designs this third capacity while perhaps inadvertently excluding poor

people and their revolutionary freedoms from the republic. In the text, the commoners and their egalitarian (or what are usually referred to as democratic) principles are actually being gradually excluded from the compounded body of the people—and from their archetypal political personality as a whole. Is it indeed the case that Montesquieu's liberal agenda forces him to eventually deny several political freedoms to the common people, and to even deny their private passions a place at the constitutionalist-republican table (as he is thus anticipating Habermas)?³⁷⁰

The Spirit of the Laws's Book 6, Chapter 5, is the canonical locus for one of the most important clarifications of what it means to 'arrest' constitutional decline. To slow down the inevitable aging process from which all constitutions suffer, and to at least signal a halt against their corruption, Montesquieu argues civil laws must be obeyed and civil rights must be respected. Chapter 6.5 suggests it is wrong to teach the people how to make exceptions to the law. Exceptions might be necessary, in a case of simply unfortuitous circumstances. But even then should the exceptions be contained by political virtue, which is the statesperson's sense of judiciousness. Also, this sense of sound judgment, in other words, should predominantly be expressed by those who are best capable of applying the rules in accordance to positive law, or the *Digest*. By implication, their sound judgment is best *expressed* in their exercising little discretion in interpreting clearly-posed legal norms and clearly-established legal conventions.

The discretion to make an exception to posited, positive legality according to the French Magistrate, should be centrally contained. He realizes that "the finest attribute of sovereignty ... is that of pardoning."³⁷¹ This is why state should limit their pardon powers.

Despots, to the contrary, would rather “go so far as to corrupt their own pardons.”³⁷²

Despots would basically disperse their pardon powers by accepting gifts in exchange for verdicts, which implies that they are failing to concentrate their power to make exceptions to the rules. There is no self-moderating rule/exception distinction under conditions of despotism.

The power of the pardon is a hallmark of sovereign authority. It appears as the one power closest to God’s mercy, of course, thus reintroducing an eschatological element to the equation. Anyhow, as was noted, this one power has to be the one most-centrally situated power, within the highest organs of the body politick, so that its fallible, prejudicial, and discretionary disposition cannot easily be dispersed and desolidified throughout society—and so that its inherent tendency towards arbitrariness can continue to be contained by the constitutional state. Because this tendency can very well be contained and arrested, as Montesquieu believes, as a God-fearing man, probably, however, it is not arbitrariness by the magistrates, but licentiousness by the commoners that is to be feared the most—as the gist of *Spirit* holds.

But this fear of the common men is unjustifiable, at least from Machiavelli’s perspective. The French Judge neither wants all to the commoners to adjudicate their own legal affairs, as jurors, nor would he ever allow the great to decentralize their power of the adjudicative pardon. To put this preference in terms of Weberian theory, a Montesquieuan sovereign republic cannot solely be based on Term (1) conventional rules and habitual definitions of equities and rights, not should the Term (2) discretion to either confirm or deny the validity of these rules be allowed to form this republic’s sole basis.

That is, the tension between Term (1) rules and Term (2) decisions should be diminished, so that there will be less despotism: less licentiousness and arbitrariness. The flipside is that there will also have to be less democracy, or less government by the common people. This begs the question: who should judge the extent to which the tension is to be diminished? More importantly, who should arbitrate the judges?

The preeminent prerequisite for the success of a Montesquieuan constitutional republic is that not everybody may arbitrate. Only a select few persons should be “seen to be arbiters of judgments”—akin to how the Merovingian “bishops” once held sovereignty within their ecclesiastic jurisdictions.³⁷³ Successful constitutional and organizational self-moderation occurs only when the magistrates, not the commoners, have been trained to prevent their own “intermediate dependent powers [from being] reduced to nothing.”³⁷⁴

Montesquieu’s position is consistent with Kelsen’s: the tertiary intermediate powers, or the magisterial-adjudicative institutions, should be reorganized in accordance to an encompassing ground-norm that prevents these institutions from legal-normatively ending up as “nothing”. Montesquieu leads theorists away from his own follower’s, Rousseau’s, respect for paradoxicality, thereby, as he seduces them into imagining that the tension between political institutions is best diminished through the centralization and concentration of these intermediate powers. The intermediaries, negotiators, and the judges are imagined to climb up the constitutional ladder, from a tertiary towards a primary position. But how feasible is the Magistrate’s proposed concentration of intermediate powers? Who should be holding final authority over those powers, or who

should be arbitrating over any eventually intemperable conflicts between the intermediaries themselves, and who judges the judges?³⁷⁵

The paradox of contrary powers, of law and decision, remains in effect, despite the French Magistrate's best intentions to the disambiguate it. It has been demonstrated, thus, that the paradox of legislative plurality and actionable singularity has remained in effect—as Honig, and Schmitt, would also agree, with Rousseau—because if not the many, and if not the people as a whole may be called upon to arbitrate (in accordance to their own, natural pluralism), then what prevents the few from committing a coup against (from artificially injecting their own conceptions of singularity into) the body of the people?³⁷⁶ As Honig inserts, even if the law's "universalism" and even if the judiciary's "cosmopolitan norms" would have become perfectly sufficient to explain the world of facticity—and to make perfectly logical sense of the diversity of concrete issues involving "proximity, community, territory, and boundary"—then who should guarantee that such issues are not ending up being dismissed as not only "morally neutral" but also as "morally irrelevant"?³⁷⁷ Even if the intermediary powers were the strongest and most universally-applicable in the world, why should the neutral middle-level judges holding these powers not themselves get caught up in an amoral, meaningless flux of politically irrelevant and imprudent decision-making?

Machiavelli's Republican Systems Theory vs. the Liberalism of Neutrality

Constitutional states are both self-formative and capable of balancing: two characteristics that have allowed theorists to describe the system of all states as an autopoietic network; as a web of life, and as a living body politic.³⁷⁸

The system's first characteristic has long been observed in the fact that no state has ever been formed on its own volition. Every state has to have been recognized, by other sovereigns, as forming an adequately legitimate political entity. This empirical rule is induced from the distribution of territories. Each entity has its own material reach, so that the rule of self-formation is also a result of capabilities-measuring, and of distributive risk assessments.

The second characteristic of the system of states is also sustained rationally, as it is embedded in each entity's freedom to participate in international organizations and adhere to international laws. Despite the fact that material, social, and economic inequalities are being maintained in the world, states gain a modicum of freedom by following shared legal rules. Thus, international law is widely thought to govern the foreign affairs, but also some of the domestic affairs of all states. Nonetheless, such legal rules are normative abstractions of rational interests. The equal rights principle is not so much a principle, for instance, as that it is being used to retroactively 'bestow' international law-recognition onto moderately autonomous entities. Rather than that equal rights are being protected by international law-organizations, they are increasingly being used as a doctrine (such as the UN's Responsibility to Protect, or RtoP, doctrine). This

rights doctrine is then used to justify inequalities, material unfairness, and skewed redistributions of wealth. Or, such doctrines are used as a tool to moderate conflicts between state actors, mostly for utilitarian rather than also for deontological motives.

The equal liberty ideology has mainly been playing a retroactive role. Across historical eras, liberal ideology (because this is the justification for the absolutely unnatural idea that every individual enjoys equal rights) has performed the role of moderator, who is only using legal values to negotiate actors' immunities and entities' prerogatives. But because this legal actor, which is really nothing but the embodiment of (neo)liberalism, so often pretends it itself has a necessary role to play in order to sustain political discourse, and that it is not only irreplaceable in rational but also in sustaining empirical political orders, this legal actor can be concluded to have become too self-righteous.

The first characteristic of the system of states, organic self-formation, has already been adequately-widely recorded in terms of the borders of territories, the unwritten laws of war, treaties of mutual understanding, and honor codes. It is a conventional and utilitarian characteristic. By contrast, in order for the second characteristic to be appropriated by an ideological actor, liberalism, this second trait of the system may certainly be considered part of a deontic process. But it is disingenuous for liberalism to also claim that its negotiations and regulations are absolutely necessary to guide, as well as to balance the world-wide political process.³⁷⁹

The system of states is empirically self-formative, as conventional realists have detailed much more extensively. Moreover, classicist realists, in particular, would not

dare deny that the same system is simultaneously also invested in the social construction of identities, and in the rational creation of legally-regulated balancing processes.

Unwavering liberals would disagree with these classicist realists, however, when the former are arguing that legal regulation and rational balancing are institutions that inform the dominant variables in explaining IR. To liberals, the empirical self-formation process is less dominant, and less important than the rational self-regulation, and legal-normative balancing process. According to a classicist realist such as Machiavelli, as will now be demonstrated, both the material self-formation element and the ideational self-regulative element must be integrated without trying to strike the middle between the elements. These are simply to be presented as the two main elements of any IR system, during any era, and the political question the people as a whole should decide on, therefore, is how these elements may be brought together to generate sustainable symbioses and ethical synapses—but without losing their distinctive traits.

This political question has become all the more pressing because system instability results not only from war. Both dyadic wars and bilateral peace agreements have been losing much influence in terms of how the world perceives matters of stability. Although they have not been disappearing phenomena, because the United Nations Charter is in so many ways the most influential peace treaty to have ever seen the light of day, rarely can in the post-Cold War world any strictly bilateral accords or even not any dyadic forms of political enmity be discerned. The classic wars between two enemies are gradually, but also functionally being replaced by overlapping regional alliances, by alliances that ‘pool’ many of their executive powers, by UN-led military interventions,

the legalization of responsibilities to protect, by debt management régimes, and by trans-state forms of international economic competition that callously violate Earth's ecosystemic limits. System instability has thus increasingly become a multi-source and complex phenomenon.³⁸⁰

Tensions are building up through chain reactions and conflictual synapses, so that instability can by now already be said to result from individual patterns of behavior. The anti-ecological patterns of consumer behavior are patterns which are in great part diminishing biodiversity, at an unprecedented rate, and which are causing average temperatures to rise, draughts, soil salination, and fisheries to disappear. But whereas individual consumers may opt to 'ban-the-bag', and reduce the usage of disposable petrochemical plastics, or even follow the zero-waste movement, the most intense source of system imbalance is still the type of transnational corporate competition that was first being developed during the nineteenth century era of mining and other exploration rights, colonial land grants, and corporate imperialism.³⁸¹ The UN was disallowed from legally regulating the behavior of transnational corporate enterprises, as it was basically asked to back off by the UN Secretary-General (Kofi Annan) and the U.S. government (Bill Clinton), so that far too few corporate leaders have been forced in court to take on a more serious responsibility to serve the commons.³⁸² Rather, most are perfectly in their right to deploy extremely skilled consultants, lawyers, and accountants who are camouflaging their tracks, or who otherwise able to shift the burdens of their personal responsibility to 'the competition'. Grave but continual violations of the spirit of environmental and natural resources law, either by individual citizens or corporate enterprises (such as Dow

Chemicals and its gassing of people living near its Bhopal, India, plant or such as BP, poisoning essential micro-organisms in the Gulf of Mexico and Alaska), have become increasingly difficult to trace—both by treaty-organizations such as the UN as well as the general public.³⁸³

Republican systems theory generally disavows the oligarchization and oligopolization of power, in the sense that it specifically disavows—to use Machiavelli's words—the use of “gold” (surplus capital) and the use of “mercenaries” (corporate enterprise) in securing the ends of the state. To have a strong state, which would have to be the state of a free people, and which function through its care for an integrated constitution of powers, this republican theory dismisses any course of action which could possibly create economic and financial wagers on the state's future. A free republic is not beholden to the grip of the marketplace. Yet, in the current era, republican theory has lost too much ground to the liberal theorem that instead holds the good is individually-determined. According to modern-day liberalism, the total aggregate of consumers is nearly identical to the specific consumer preferences of each individual. If there is a commons, or if there is a good, then that good will have to have been determined as efficiently as possibly—by both the aggregate market outcomes, and by the property laws and taxation schemes that mostly aid corporations to protect their operations on this market. Under social conditions determined by liberalism, the market becomes the state, and the state the market, because there is no sense of constitutional contrariness between the two.

“[T]he market (or the state as its surrogate) has no higher goal than to realize a social condition where the greatest proportion of consumers have their preferences for social welfare satisfied.” Against this liberal theorem, as formulated in the environmental law primer by Gillroy, Holland, and Campbell-Mohn, this same book holds that it should be considered perfectly possible to decide—on the ground of laws already passed in the U.S. Congress, and elsewhere—that Nature’s intrinsic diversity and “functional integrity [are a] ... necessary and primary component of the moral integrity of humanity.” For instance, the primer shows this type of decision may be applied in accordance to old civil law principles. These principles were traditionally based on “practical reason”, following Immanuel Kant, and could thus certainly have been applied to cases of land use and zoning—in order to help protect any possible local ecosystem (but particularly also protect it if the ecosystem would be “old-growth, or supports a unique biodiversity, and is relatively untrammelled”). Kant’s argument about justice is shown, further, to validate the premise that the “moral ideal of human integrity ... requires a sound environment and regulated use of resources, [serving] ... the essential needs of all generations”. This first premise simply means there is a practical obligation to protect Nature’s utility. The argument concludes on a more deontological note, however, as ecosystems are also wholes: not only practical needs-fulfilling resources. As functionally-integrated wholes, ecosystems have thus also “a capacity, ability, and purpose” that makes it possible to say they are transcending, and yet have been inclusively creating the conditions for humanity to thrive.³⁸⁴

Without having to read Kant, his argument is apparently of service to the scholarly field of (international) environmental law (as it is used by Gillroy, Holland, and Campbell-Mohn), in a manner that may now be said to be almost completely consistent with both Hobbes's and Machiavelli's arguments that two types of realist ethics should somehow be integrated without losing their distinctive traits, as these two characteristics will nonetheless continue to appear mutually exclusive. That is, in these arguments, also, the integration of utilitarian and deontological ethics is believed to be a move consistent with the expanded use of civil law—both in extraordinary constitutional matters as well as in assessing ordinary property law cases.³⁸⁵ Hobbes's application of a certain rhetorical trope, better known as paradiastole (among “the Tudor rhetoricians”), forms in and of itself such an argument in defense of the Roman civil law tradition. By augmenting the tension between opposite courses of action, such as those of pride versus honor, Hobbes was himself again following both Cicero and Aristotle (Hobbes had translated the latter's *Rhetoric*).³⁸⁶

Hobbes used paradiastole, as his rhetorical figure, but his purpose was to establish a realist scientific method of integrating honesty and utility, and thus both empirical truth and rational interest as well (again, this would have been placing Hobbes's distinction between natural passions and the laws of nature in line with Cicero's categories).

To continue the thought-experiment with the sort of international law that might apply to the behavior of corporate enterprises, almost regardless of state borders, it is clear that the problem is about establishing jurisdiction—or sovereignty. At the current time, there are no international tribunals responsible for the adjudication of crimes

against Earth. There are no legal parties representing Earth. Even if there would have been such criminal/environmental law tribunals, in addition, there would remain few incentives for states to punish the largest polluters or at least to make them pay for the damages they incur on future generations. These generations simply cannot represent themselves, after all, because tribunals are by definition in the business of only retroactively determining the answers to guilt questions.

Because of the puzzle every international environmental lawyer faces, which is created by the absence of Earth's sovereignty, the proposition should be made to begin to solve their problem by means of the legal parity principle. This principle could be used by conventional IR theorists as part of their studies of proactive state behavior, such as their studies of deterrence and balancing. IR theorists will then also need to revisit the concept of prudence, which points to proactive responsibilities and wise decisions. Who judges the wisdom and prudence of statespersons—and who should be doing so, on behalf of complex ecosystems and natural law? Before returning to Hobbes's paradiastolic illumination of his civic science, the answer to the 'who judges?' may already be found in Machiavelli (who, like Hobbes, must have understood both Cicero and the various neo-Aristotelian, or neo-Platonist discourses quite well).

It shall now be demonstrated that the Florentine Secretary developed an advanced civic scientific method, which predates Hobbes's realist method in that it already contains some paradiastolic tropes, in order to boost the Republic of Florence's self-sustainability and auto-immunity. Machiavelli places much trust in his concept of prudence, or in *virtú*, further, because he argues this would be the one quality that can integrate the decision-

making process while also continuously discerning between two contrary characteristics. And, applications of prudence reduce of course the contingent risk of a calamity (they help “master” *Fortuna*). Environmental welfare and ecosystemic well-being would, according to him, have to be seen as systemic qualities. These qualities can best be maintained by larger groups of people, who come together to decide how risks to the environment should be managed, which is to say to decide on how prudently their executive statespersons are acting.³⁸⁷ The question of how prudently state officials are actually responding to possibly calamitous changes and systems bifurcations, then, is to be solved by the people’s asking how their executives could alternatively have managed contingencies and how their adjudicators could and should have avoided the middle way in doing so.

The Harsh Nature of Power: Readings in Machiavellian Systems Theory

Are statespersons adequately prepared for future changes, such as armed conflict but also such as famines, draughts, and rising sea-levels? What does it mean to be studying contingency scenarios, and can statespersons be demanded to know how to respond to the many possibly-transpiring exceptions thereto? What type of power should they share? Machiavelli’s response is now obvious: priority must be given to body over mind, and to “matter over form”. History tends to corrupt “matter” and thereby leads the state into disorderliness—“unless there is a ‘return to beginnings.’” As Miguel E. Vatter

reads the (former) Secretary's passages, they reverse ancient Greek's philosophical primacy of the forms. Now matter passes into a position of primacy: "from being the primary source of corruption and disorder, matter has passed to be [historical disorder's] primary object."³⁸⁸

Machiavellian realism is a theoretical materialism. It helps the political theorist who prepares and coaches statespersons on the fact that some material and some actual sort of *balance* will have to be struck between 'their' powers. This power-balancing skill becomes evident among those statespersons who at minimum know how to act within the balance between functionally opposite powers. Thus, as these persons are often seen busying themselves formulating policy-responses to contingent events—such as intense kinds of climate adversity, terrorism, or perhaps to civil war as well—their ambition should never be to be ranking the forms (their proper interactions) above the materialism of power (the concrete contingencies of imbalance). They should not be running a legally-owned business or any other such a formal operation on their own behalf, for instance, as they should rather be sharing their powers in a concrete sense—with their peers. They are after all *isonomous* actors, as Vatter shows.³⁸⁹ Especially, they should not be letting the power of their rational (universalist) mentality dominate any empirical, or also not any of their commonsensical interpretations of (particular) series of unseemingly harsh and indiscriminate, contingent events.³⁹⁰

Realists agree with Vatter's Machiavelli: human power is ambivalent, and yet the concrete materialism of power is what must be attended to before idealist or legalist forms of power can be conceived—by returning to the origins of these forms. Prudent

statespersons will be those who use their concrete power in deciding to act *either* in accordance to rational or even metaphysical precepts, as they are according their various individual interests to the good of most people, *or* they should act by reflecting on their training or on their experience with formal contingency plans. Yet, either/or decisions on the use of power are not always advisable. Exemplary statespersons should thus also be able to use political rationalism (utility) in conjunction with their empirical preparations in having long-observed the laws of nature (honesty).

From within the dualities of form/matter and honesty/utility appears now another problem. This problem is that the conjunctural sort of conjunction of the dualities itself will have to remain contingent since, paradoxically, it will never be perfect. For, it is impossible to fully return or restore their beginnings and origins: time corrupts even the most revolutionary constitutional beginnings. There is no escape from History's degenerative impact on constitutionalism. Thus, the conjunctural conjunction holds always on to some sort of emptiness within itself, better known as Althusser's aleatory or political void.³⁹¹

While he was part of a generation of authors redefining the problem of conjunctural dualism, Machiavelli breaks in some but not in all respects with the fifteenth-century author Giovanni Pontano, among others. The latter had still taught that the good statesman has to have learned from History, and even from the study of metaphysics that he "must always administer something more than strict justice"—as Skinner indeed examines Pontano's Ciceronian, early-Renaissance vain. Besides knowing how to execute "strict justice", Pontano's ideal prince must also have cultivated his surplus sense of "clemency"

(this sense consists of his knowing when to be making exceptions that confirm the policy-rule, presumably), as well as his virtue of benevolence. (Note, however, that benevolence or liberality are at their depths still very much socio-economic values; they involve what is nowadays referred to as ‘government hand-outs’, and thus should take no immediate part in the relation between justice and mercy.) Also, cultivation of each of these virtues demands from this statesman that he will be holding on to his “faith with God, treating justice in that context as equivalent to piety”.³⁹²

The heart of Niccolò Machiavelli’s argument is less-far removed from this Ciceronian vein—in which human justice acquires ‘equivalence’ to divine mercy—than that Skinner might think. Skinner thinks Machiavelli’s prince is *virtuoso* because he wants to know when “to overcome the vagaries of fortune, and to rise to ... glory”. He would thereto let himself be guided “by necessity rather than by justice.”³⁹³ But, as the next sections clarify, this is not what Machiavelli argues: he does *not* say that necessity, or the harsh contingencies of the laws of nature, must somehow *triumph* over a mere human interest in just and fair relations with others. Instead he says that the necessity of History should be overcome by politically free actors. The corrupting effects History has on justice are to be moderated and yet affirmed by the freedom of discordant action. The duality of both justice and of mercy—or, in again other words, of both the executive imperative of maintaining social justice and of a semi-metaphysical adjudication of grace—should be allowed to coincide, somewhat mysteriously, *despite* their opposition.³⁹⁴ This conjectural coincidence is analogous to the one of respectively utility and honesty, or also of consequentialism and deontic responsibilities.

Other misreadings of republican systems theory have been offered by Benedetto Fontana and (by his source) Antonio Gramsci. Fontana's reading finds almost every statesperson presented in Machiavelli to be acting as an egotist. Every person's "critical orientation" is found to be inseparable and indistinguishable, therefore, from that same statesperson's "empirical reality" and "experience". There is "no hard-and-fast distinction between thought and reality", according to Fontana (as Femia summarizes his reading).³⁹⁵ That would suggest that systems theory suffers from methodological monism, in which empirical experience and rational thought may be blended at will, whereas Machiavelli's own theory (counter-evidently) should have been demarcating these two methods of understanding without denying their interrelatedness. Yet, on the premise that cognitively philosophical and cognitively political bodies of understanding are indeed interrelated, just as that contemplation and action should be, it may very well be concluded that Machiavelli did tease out several differences.

Joseph V. Femia may be read to have nicely summed up these differences, as republican systems theory at the same time should be expected to integrate the ideal statesperson's "passionate commitment to certain political ideas" (and to certain nationalist ideals), with his "equally passionate attachment to objective methods of analysis."³⁹⁶ For, as Althusser's *Machiavelli and Us* alludes, Machiavelli always presents the two methods as equal negatives—and he presented them always in conjunction as well, so that the 'true' state's power is neither strictly passionate nor only empirical, neither only strict nor only merciful, but rather simultaneously both abstract-merciful and concrete-just, or both idealist and materialist, and so on.³⁹⁷

Foreign policy-makers, in accordance to both systems theory and classicist realism, should be proactive in such ways that they will manage to avoid extreme trajectories. In discerning the differences between what it all could mean if they were to act either only idealistically or only materialistically, they can come to reach better decisions. The research hypothesis is thus whether Machiavelli, as exponent of republican systems theory, supported the notion that decision-makers should neither only become dependent on rationally-designed but abstract blueprints (strict justice), nor only on empirically-observed idiosyncrasies (the human spirit of sociability). Proactivity and prudence, to these decision-makers, should rather appear as something that is contingent on a level of integration of both of these types of dependencies—and thus both on the rational and the empirical. At the inter-personal or at the meso-level, prudence means then also that individual statespersons should train themselves to recognize ambivalent tensions within, as well as that they should become able to publically express confidence in the prospects of integrating and restoring the natural equilibrium of both their state's rationalist mentalities and its empiricist movements.

Further, at the macro-level of groups of statespersons, and in the relations between constitutional states, this need for integration (or: prudence) means that the balance between rational execution and natural law—or between humanity's two constitutional powers—is to be thought of as a balance that will prove its resilience to sudden changes, and especially also to the variously-changing signs of international imperialism and civil wars. Henceforth, the issue for realist statespersons is not that their policies must reflect either only their rational-legislative foundations or only their

concrete observations of executive-adjudicative powers (strict justice), but that they create a stable blend of powers that will not degenerate and that will not negate its own inner contrariness—because such a loss of stability would be likely to result in the blend’s own powerlessness, and again increase the risk of war.³⁹⁸

In *On Violence*, Arendt warned that human power is integral and wholesome but may also easily be lost: it cannot be individualized. Power is never solipsistic, because if only one individual would come to be considered powerful, at the microlevel, then this would already have to be interpreted as a metaphorical sign of that individual’s powerlessness. Power is thus rather a macro-organizational form, naturally corresponding “to the human ability not just to act, but to act in concert.” Also, it would be impossible to observe power in the absence of power’s own natural relationship towards a people’s acting together, other than for the purpose of their self-empowerment (the *potestas in populo*-principle, as she calls it).³⁹⁹ Individuals who think their power is held in their own possession will eventually be confronted with the banality of their actions—and thus also with the harsh reality of power’s opposite element: sociability and commonsense.⁴⁰⁰

Machiavelli argues power is about social integration: it simply and structurally cannot be born by individuals. This raises the ante on realists; they must now corroborate their paradigm, by asking how power is organized. Because, if it is not an individual then who may organizationally maintain the balance of powers? Neither Caesar nor Alexander the Great and neither Scipio nor Hannibal had held their executive power without not also having been empowered—either by their infantry alone, or also by the peoples whose

lands they invaded and apparently would choose not to organize any militias against them.⁴⁰¹

In conquering respectively Spain and Italy, Scipio and Hannibal took opposite courses of action, because one was loved and the other feared, yet they achieved “the same success”. As Machiavelli deliberately amplifies the message Livy had conveyed, Scipio would have acted with “humanity” and Hannibal had only been believed to have acted with “every kind of perfidy”, so why does he then argue that both generals had been able to cancel the “errors” they undoubtedly committed during their campaigns and gained great successes? The Secretary’s answer may seem so simple, but it is not. At instant sight, he gives merely an empirical explanation why these men would never have distinguished themselves either by “an excess of gentleness, or by too great severity.”⁴⁰²

[H]e who carries too far the desire to make himself beloved will soon become condemned, if he deviates in the slightest degree from the true path; and the other, who aims at making himself feared, will make himself hated, if he goes in the least degree too far; and our nature does not permit us always to keep the just middle course. Either extreme, therefore, must be compensated by some extraordinary merits, such as those of Hannibal and Scipio; and yet we see how the conduct of both of these brought them disgrace as well as the highest success.⁴⁰³

Indeed, at first view, the phrase “we see” indicates Machiavelli’s choice for historical observation. In the same pages, however, he also finds all human beings are rational beings: they will also have been animated by their self-interests. People not only love their republics just as that soldiers not only love and respect their generals, that is, because they also have a need for self-preservation. The two passions of love and fear

cannot be separated from one another, therefore, despite their proclivity to oppose each other—and thus also despite Machiavelli’s “fondness for strong antitheses”.⁴⁰⁴ Yet, as Femia adds, when this “fondness” is nonetheless so clearly being expressed in the *Scipio vs. Hannibal* case, it supports both a rhetorical as well as scientific technique typical of the Renaissance. That technique indicates several reasons why the Renaissance authors must have been confident they were gaining ethical knowledge while using both examples of the norms (make yourself loved, display benevolence, have mercy, and so forth) and counter-examples of the “exceptions that prove the rule.” Henceforth, in other words, Hannibal’s being feared is one of the several possible counter-objections or ‘rescue hypotheses’ that allow Machiavelli to co-present actionable tropes. By presenting two alternative courses of action (including: being loved/being feared), he leaves it to his audiences to opt for the best possible action.⁴⁰⁵ Critically, after they will have chosen from among the possible contraries, they must not waver.

To sum up these introductory sentences, realist systems theorists resort to a paradiastolic presentation of dualities—because they are warning against excessive polarizations and dichotomizations. When dualities are presented, they should instead be understood as coincidences of the organizational process and the structures this process transcends. This results into paradiastoles such as justice and license, or piety and heresy, but also such as execution and pardon, legality and discretion, or the dispositions for love and for fear. Each duality is of course in practical terms very difficult to discern, because the consequences of stepping into either one dimension of these ethically-authoritative dualities may be highly similar to those of stepping into its very opposite dimension. A

prudent statespersons will have to have trained her eye, or her method of recognition, therefore, in order to avoid confusing the full-mix hybridization of both the two elements with their conjecture.

With the aid of Benner, this section has sufficiently validated the above thesis that, as a realist, Machiavelli was correct to have little patience with all the different statespersons who forgot that their usage of the same element could bring them opposite results, depending on their own personal dispositions and social backgrounds. Likewise, statespersons would too often forget that the use of opposite elements may also have the same result, which is why the Secretary must have taught that Scipio, once again, was as “successful” as Hannibal; Scipio had used the opposite course of making himself beloved in a territory wherein Hannibal was being feared.⁴⁰⁶ What is critical to observe in such cases is that model persons, at least in matters of peace and justice, are not trying to be consistent with their own track records; they should not feel compelled to keep too narrowly to “the just middle course”. They are better off thinking it preferable to step into that one dimension that opposes their own disposition, so that beloved generals should try to become feared, and so that cruel statespersons will learn to make an effort to be respected out of loyalty. Generals who think they must only apply the element of fear (or of strict justice) to their advantage, for instance, under circumstances in which they are already being feared by their soldiers, might find themselves in a void, as their actions will now be perceived as excessive, and they will only go on to produce a monstrous form of powerlessness. Power is naturally harsh: it can suddenly be lost to a self-indulgent course of excess.

The Prudence Needed to Imitate Great States: Combining Action with Contemplation

Philosophy and politics should be coinciding within, without becoming fully united by, the republican systems theory that is the joint product of both Rousseau and Machiavelli.

To revive the state, Machiavelli's systems theory recommends a combination of both "action" and "study". In Chapter 14, in *The Prince*, he approves of actions such as engaging in the hunt, of actively learning "the nature of the land" ("to better defend it"), as well as of all those acts likely to keep the body of citizens and the soldiers "disciplined and exercised". As for "study", and the "exercise of the mind", however, he approves of "history"—because that field was studied by great men. It had allowed "Alexander the Great [to have] imitated Achilles, Caesar Alexander, and Scipio Cyrus." It is "history" that can teach—as it did to Scipio—the virtues of "chastity, affability, [and] humanity." "[L]iberality" is a fourth virtue to be learned from the contemplative life, but it should be restricted within the world of action. A training in the traditional Christian virtues, then, stands in the service of study, history, and philosophy. An alternative curriculum will have to serve activist decision-makers, as they have to redistribute the property of their "subjects" (as Cyrus and Caesar had done, of course). These decision-makers must follow the commendable pathway of subordinating their spending patterns to their concern with maintaining political status and sufficient honor. Machiavelli: "[S]pending the [surplus]

wealth of others will not diminish your reputation, but increase it, [as] only spending your [individual] resources will hurt you.”⁴⁰⁷ Redistribution of goods and private austerity, in other words, are likely to help remedy any experienced constitutional deficiency in the first course on humaneness.

To resuscitate a state-like patient who has “neither inward peace nor outward repose”, however, Rousseau uses his own life as the definitive example. He does not use philosophy but action, at least on a par with philosophy, when he prescribes himself solitary walks. He mentions then also, in his reveries, how he had long tried, against the odds, to recover his personal state of “serenity, tranquillity, peace, and even happiness”. He finally succeeded to revitalize this state of peace, but only to a degree, and only after he had come to understand that philosophy alone could not have given him repose. He had needed to act by bringing joy to others, so that he finally understands why so often the measures other men may use, in their “judgments”, and in their “opinions, are merely the fruit of their passions or of the prejudices which spring from these passions”. Their degeneration and corruption results from a general failure to understand that men may merely “give themselves an appearance of impartiality” when they are called upon to express their “opinions”—while behind all these appearances they will try to make false accusations, and are “quite prepared to slander”.⁴⁰⁸ Nevertheless, who or what gave Rousseau the confidence to say that the wills of all are prejudicial and degenerative, by nature?

Machiavelli had greater confidence in the natural wills of all, saying that the many have a divine voice that should not be not-heard.⁴⁰⁹ He may not have been the only

classic realist to have immediately informed Rousseau about the need to understand the qualitative difference between the wills of a multitude and that single divine voice, resounding the general will, but he was certainly one of the very few authors to have reminded Rousseau of the cross-section of both this first difference as well as the various other differences such as those between appearances and realities, or between imitations and actions. As the Florentine formed thus more than just likely a vital background player in Rousseau's play *The Social Contract*. (By the way, Chapter Three's final examinations shall introduce Machiavelli's own response to the paradoxes Rousseau created in *The Social Contract*, in the form of the former's admiration for the Order of San Giorgio, if not only because Rousseau would hopelessly ignores his exemplar.)

Anyhow, it is critical to know Machiavelli's philosophy followed on several points Cicero's, just as that Hobbes would come to take the course of Ciceronian civic science, as both Machiavelli and Hobbes ended up analogizing an ideal constitution both to a complex natural system (the body politic) as well as to a humanly-created ongoing process (of recognizing sovereign authority). Philosophy and action, again, would thus always be analogized and would be coinciding, even, into a theory of a complex, multi-level, constitutional system. This system would both be static and dynamic: fixed and in flux.⁴¹⁰ To use another analogy, each level of the system expressed a degree of the body and one of the mind. In his own classic attempt to cope with issues of "discord" and "sedition", Cicero had clearly argued that this constitutional system both reveals itself in its "physical shape" as well as in each person's "mind", which is like a "god". "Know then that you [in your mind] are a god as surely as a [particular] god is someone who is

alert, who feels, who remembers, who rules and guides and moves the body of which he is in command—just as that leading God does for the universe.”⁴¹¹ It sounds as if Cicero’s concepts of alertness and experience (feeling, memory) were intended to give meaning to a sacred integration of body and mind.

Machiavelli must have held him in high esteem in passages such as the one in which he argues the Romans would never have avoided identifying the opposites before integrating them: “the Romans never took any undecided middle course”. In coping with the danger of sedition, rather, they followed a founder such as Numa, who had successfully integrated revelations with his command. They would thus have productively integrated the revealed particularities of their subjects, with their own universal rule and imperial guidance. When faced with the choice to either be proceeding “with cruel severity against the vanquished, who have surrendered,” or to be juridically incorporating them, for instance, they typically opted for the second course of action. This must mean they so asked formerly hostile individuals to become their equals: their citizen-subjects. Upon seeing such a sign of their mercy, the latter would in turn become more vigilant: their own obedience to the Roman Empire was to be “cheerfully rendered”. The Romans acted hereby in the name of their strategic long-term considerations for peace, however, simply because they had learned from history, and “in accordance with the example of [their] ... ancestors, [they should be] ... granting the vanquished the rights of citizenship”.⁴¹²

In one sacred dimension, the constitutional state remains an ideal or a god. This is the case because, in the revealed dimension, the system cannot be said to be in perfect

equilibrium. Every state's two capabilities will still display a minimal degree of enmity towards each other, and imbalance is real and regular. However, as an ideal state, that constitutional state's characteristic propensity towards equilibrium is analogous to a divine voice and a venerable natural law, which all the individual human beings can only hope to obey. But belief is stronger than hope, and so human beings will in reality also have to find ways to express their distinct beliefs, confessions, superstitions, prejudices, and individual interests in ways conducive to public action, civic religiosity, and constitutional fidelity.

Machiavelli never answers his own question who the state's savior should be believed to be. He rarely refers to the Christ, or to Moses, for that matter, and in the final end seems to have given his scholarly preference to worldly actors such as Alexander and Cyrus, even above extraordinary legislators such as Lycurgus and Numa. So, he plainly never answers his own question who the ideally-imitated state's resuscitator should be, perhaps precisely because he so well understood that even that individual will have to have personal prejudices and private interests. In comparison, only the many appear to him to be incorruptible. He celebrates popular pluralism, as only the many appear to exercise the impartial, unbiased sort of "judgment" that the state needs to survive, he argues, so that there is "good reason [to believe] ... 'the voice of the people is the voice of God'."⁴¹³ As was demonstrated earlier, from Machiavelli's perspective, it is possible to argue that "fear of God, or fear of justice, [is] ... *necessary* to sustain any [political] orders".⁴¹⁴ That perspective, on the political necessity of a civic religion (grounded both in a fear of, and a popular belief in Christ), may not have been shared by Naess althus,

yet it would be this deep-ecological systems theorist who further validated—and who further spread the popular belief in—the observation that all of Nature, including human nature, “bears witness to God”.⁴¹⁵

All of nature, including human nature, has been created by God, so the constitutional laws that govern the constitutions of states are among the manifold assertions of God’s creative will. Humans ought to obey these laws, as if they are laws of nature, because ultimately all laws must have been divined by one will—however unfathomable. Machiavelli agreed with this prescription. Contrary to what some of his detractors might say about him, he thus certainly did not draw any fatalistic or nihilistic conclusions from this notion, that constitutional states are God’s work, and that their externally-appearing autopoietic dynamics would therefore have to be imitated even though their structural essences remain immeasurable and incomprehensible. Also, he might not have read Nicholas de Cusa (*Nicolaus Cusanus*), for instance, and yet the Secretary was familiar with his political theology. He would certainly have agreed with Cusa that the ultimate exemplar, for men, should be believed to be God’s own worldly creativity. Of course, God’s imagination is limitless, yet his creative thinking may be humanly observed—and should therefore be imitated in its infinite variety. Creation’s diversity and self-regulatory capabilities are to be sustained, and to be guarded politically. For God reveals his own creativity in the flux of all things, as Cusa had found, as well as in the quintessentially Heraclitean notion that ‘no game game is played the same way twice’.⁴¹⁶

Both God's justice and human license, or both divined norms and positivist decisions, coincide within each state's characteristic disposition. The question political theologians are trying to answer is how they should try to understand this coincidence of what appear to be opposites; justice and license, right and wrong. Machiavelli answers their question to a limited extent: virtuous rulers will much better understand why they should give equal consideration to both opposites. Prudent rulers function as judges, establishing both the facts and the intentions, both the actions and the interests of each case. But they also are so prudent and wise not to 'split the difference'.⁴¹⁷ Contrary to positivized neo-Aristotelian analysts, who try to do exactly this, Machiavelli's ruler-judges tolerate considerable difference and disagreement among the parties. Why would they not want to join Montesquieu's middle-level and Rousseau's intermediary magistrates in getting the parties to agree as much as possible? Is Machiavelli so skeptical about the prospects of inter-class cooperation? Or, why has his work remained relevant anyhow, in today's world? Two possible reasons for his relevancy should be examined.

The first reason is that Machiavelli himself believes the history of republican thought to be fraught with failures and tragedies—which is why prudent people learn from history. All states can be shown to degenerate, and even Rome died (Machiavelli is quite explicit that that was due to her failure to master the Decemvirs, or to internal causes, basically). And in all states, at one point or another, balances have been disturbed. Civil wars may have broken out because the body politic's natural passion for either tyranny or anarchy could not be constrained. Oftentimes it would also remain unclear who was to be believed responsible for placing the restraints on that tendency towards

either licentiousness or despotism. So, when no one is thought responsible, Machiavelli warns in ways that are reminiscent of Rousseau's more than Cicero's, everything will become contingent and Fortuna will seem to align herself with license. She may either give a show of force (despotically) or, more likely, she may be turning herself into an all too convenient scapegoat, used by everyone individually to justify their own licentiousness (anarchically).⁴¹⁸ If this second likelihood becomes a reality, then Fortuna can be concluded to also symbolize the type of twentieth-century relativism that shares much with totalitarianism; *Fortuna* has then aligned herself with rule by no one in particular.⁴¹⁹

The second reason is that the current era has been marked both by individual consumerism and cultural relativism, possibly because any sense of political partisanship is being suspected. That is, the people's political-ideological preferences are conventionally being dismissed as a blind form of nationalism, or an archaic form of patriotism. To prevent that these forms gain any social standing, decisions are said to have to be left to the policy-experts and the consumer market, above all. Experts will have received positivist social-scientific training, which supposedly makes their actions more conducive to the modernization of the state and the system of states. But even both modernization and relativism are in actual fact nothing else than individualism's "offshoot". Relativism is, as Charles Taylor argues throughout his oeuvre, an individualistic and self-centered ideology. He calls this modern ideology "the liberalism of neutrality."⁴²⁰ Liberalism reduces the state, which it fears, to a politically neutral affair. State policies are expected to remain depoliticized and impartial, out of fear that they will

infringe on individual rights. Not states, not sovereign authorities, but only individuals are supposed to decide on what is good and just for them—say positivists.

In the twentieth century, under ambiguous conditions similar to those Machiavelli observes, a seemingly impartial type of liberalism would rear its head. Immediately after the Second World War had ended, IR institutionalism would take the position that policy-planners should profess to be knowledgeable and neutral about the universal stages of progress. The post-Cold War problem became, however, that these stages had been less progressive than imagined by liberal theorists. They had not been consecutive, let alone universal. Policy-designers had for decades stopped taking seriously the paradoxical tension between their own illusion to be working on universally applicable policy-designs, one part of their day, and on reshaping consumer-cultural conditions in distant lands, on the other part. The Vietnam War is only one case in point. No one seemed to have an acute sense of the paradoxical tension between the positivist models of change—as measured in abstract (kill, eradication) ratios, developed by policy-makers in Washington, DC, and at the RAND Corporation in California—and the actual interests, living conditions, and political sentiments of the diverse peoples of South-East Asia.⁴²¹ And in another case, U.S. foreign policy-designs for a universal ‘green’ revolution effectively homogenized all sorts of agricultural systems, erased biodiversity, diminished eco-resistance, and increased economic inequalities.⁴²² In these cases, policy-universalism did not make peace with diverse cultures, agricultural traditions, and ecological particularities: it sought out modern liberalism as a tool to erase them.

Neoliberalism is an ideology of individual neutrality: it holds that what is fair and good for the individual is the same as what is good for the state. In this equation, the good is private self-interest. The good is consumerism. Political power and political partisanship may thus end up being dismissed as uncompetitive and economically ineffective. The “liberalism of neutrality” expects the parties to converge; eventually all political parties will be aligned with individual interests, anyway, so policies should push for greater convergences. Resultant convergences and syntheses are expected to facilitate (what Arendt would have described as), after all will have been said, “the smooth functioning of the consumer society.” Yet, in resistance to consumerism and individualism, Arendtian realism takes sides. It gives active coaching on why “it goes against the very nature of [individual] self-interest to be enlightened.” And, it shows “what the *res publica*, the public thing, is, [and] to behave non-violently—and [how to] argue rationally in matters of interest”.⁴²³

This current subsection concludes, now, in defense of both republican systems theory and the Arendtian method, that more detailed illustrations of the above reasons need to be drawn. Such illustrations may help convey how and why modernization, and post-Cold War neoliberalism in specific, have remained such ineffective medicines to the troubles of the world. Neoliberalism is an abstract market philosophy which amplifies social inequalities even though it expresses the hope it can accelerate the IR system’s degenerative cycles. It pretends to neutralize the need for politics, and thus also neutralizes the people’s voice’s resonances in “the public thing”. Consequentially, neoliberalism has in effect become its own ideology of consumer access and accelerated

changes; it produces more of the same changes, rather than that it applies the opposite elements—such as those consist of pro-environmental zoning laws, barter trade, economies of happiness rather than GDP, of commuter bicycles, local agriculture, and Slow Food. Neoliberalism is merely a philosophy without a political element, as it separates the contemplative study of modern liberties from the human need for politically-actionable imitations of great constitutional states.⁴²⁴

Republican Systems Theory and Machiavelli's Political Scientific Method

Niccolò Machiavelli announces to his readers, to Renaissance Italy's peoples, he will be developing a theory to explain certain ambivalent, but cyclical dualities in their forms of government. He calls on natural systems theory to make better sense of authority's ambivalent cycles of contrariness, that is. He sees governmental organizations as being both naturally degenerative, and yet also as open to being turned into more sustainable structures. Machiavelli analogizes his observations of government to laws, governing the natural world. The social world of government, which remains subject to often-unfortunate contingencies and great callousness, is thus to be analogized to the natural world in which changes are being caused by temptuous, and even impetuous "rivers". Yet, he is no fatalist: not all is necessitous. Government authorities may exercise their freedom and tame these "rivers". They may decide to build "dikes"; their humanism

and their idealism can so help them to slow down, and possibly to modify the course of the cycles within the natural world's open-ended structures.⁴²⁵

The secondary literature on Machiavelli is a mess. By calling the Florentine Secretary an admirer of the great personality—and of the one individual capable of bending the course of history, and of wrestling and then keeping down the historical pressure of cyclical contingencies—most commentators still take for granted their own watered-down versions of Friedrich Meinecke's neo-Nietzschean interpretation.⁴²⁶ Joseph Parent argues the single greatest person consists of Romulus, John Geerken of Moses, and Peter Breiner allows this same mysterious person to consist of an amalgam of exemplary men.⁴²⁷ Laura Janara lays bare a sensitive nerve—in the body of secondary literature—as she concludes that not a man, but that eventually it would have to have been Elizabeth I of England who best symbolized Machiavelli's great personality, the dual sovereign, by appearing to be both temptuous and self-contained, both self-serving and virtuous, both feminine and masculine, idealist and realist.⁴²⁸

What too few commentators have agreed on, however, is that if Machiavelli indeed thought of the sovereign as a single person of exemplary virtue, that he would then have to have been an idealist. Clichés such as 'let the best man win' or 'the president will be on the right side of history' are expressions of idealism because they presuppose that one individual can take responsibility—not so much for planning to change historical outcomes, as for improving the future chain of events. In that case, Machiavelli's historical idealism would have to be inconsistent with his political realism, which alternatively suggests it amounts to self-deception and possibly also to self-righteousness

for anyone to try to challenge the future. This further suggests that the conventional individualizations of any historical expressions of *virtú* are inconsistent with several of the most significant paragraphs in the *The Prince*. In Chapter 23 it is clearly said that no sovereignty consists of only a prince, absent any consultations with the state's counselors. The power of the prince is not his own: it only emerges from his acting in concert with counselors.⁴²⁹ Prudent rulers are those who respect the natural limits to their own volatile ambitions, and will not hesitate to ask advise while organizing the state in order to reign in all those things that would otherwise "be ruled by [pure] chance."⁴³⁰ Apparently, it is only 'realistic' to be prudent.

It shall now be demonstrated that Machiavelli's concept of a complex republican system is inconsistent with idealist presuppositions such as the one that modern history progresses towards a convergence of interests, and that any government should work to aid history in bringing about such a convergence. By contrast to the modern type of government that is closing history off to chance, Machiavelli's republican system remains both open to and yet is itself being limited by chance. This is the concept of a system that is open towards historical changes (future risks), but that also resists being ruled by contingent changes (its is not governed randomly). In this respect, the republican system still forms a rational-scientific rather than only a historical-empirical category, additionally, because it depends on rational actors for its general well-being as well as their own. The mutual dependency of the republican popular structure and the individual organizational actors is being analogized, indeed, to the mutual relation between the rational-metaphysical category of God, on one hand, as well as the seemingly irrational

and random category of *Fortuna*, on that other hand. Both categories are being included, by means of *The Prince*'s Chapters 24 and 25, into this one complex system. By contrast to the silent but caring voice of God, in history, *Fortuna* acts destructively and always spectacularly. She shows off her forces wherever a government had somehow failed to take "measures ... to resist her". "[She] directs her fury where she knows that no dikes or barriers have been made to hold her."⁴³¹

Fortuna is not analogous to the *river* itself, contrary to some common misperceptions. Instead, she symbolizes all kinds of historically unnatural, excessively forceful, or even the energy-inefficient *government actor* decisions. Instead, the river itself follows a naturally efficient course. All that human governments may hope for is that they will have been placing their barriers in such places near the river that these will not have obstructed its natural course. Governments may only hope that that the river shall not break through the embankment system. This means the river itself represents both government successes and failures at the same time—in order for Machiavelli's analogy to remain coherent—and it can therefore not be identical to *Fortuna*, who must only be faulted for a system failure.

The river is a distinctive metaphor for human nature, and for "the nature of the times", more precisely, best understood as taking humans on a two-dimensional route. In the first dimension, two otherwise-similar officials can be seen to fail, despite only one of them having acted with considerable "circumspection" and the other with great "impetuosity". The reason for their general failure is here that *Fortuna* took their actions upstream, or against the current: their decisions had been blocking the natural flow. In the

second dimension, there are again two officials. Both of the “two men succeed equally—by different methods, one being cautious, the other impetuous”. Even though only one of them had organized the system in the downstream direction, and the other made no such provisions, both were now untouched by the natural waves. That is, only in the second dimension were the officials’ decisions (to either build or not build better dikes) unopposed “to the times”. Their governments followed the natural course of time. But measures taken by the relatively more “cautious” government were still preferable, if Machiavelli’s paradiastolic presentation of the river is to be taken seriously, nonetheless, because these measures can be empirically tested. Imprudent inaction, by contrast, cannot be proven to have displayed “the utmost human prudence”.⁴³²

With respect to historical change, prudence is really a variation on both Pascal’s wager, and on that other dictum of proactiveness: ‘the best defense waged by going on the offense’.⁴³³ Any government’s attack against *Fortuna*’s forces is likely to reduce the chances that excessively unfortunate times will, however accidentally, later come to break through the state’s defensive system.⁴³⁴ The fact that bad times may arrive in itself, however, is not humanly mitigated.

Finally, *Fortuna* serves as a rhetorical trope to warn that individual organizational actors will try to scapegoat others. Rather than to be allowed to blame others for their own “insolence”, however, these individuals should be called on to make concerted efforts in maintaining a defensive republican system—which Chapter 24 defines as a system that withstands the test of time because it will have been “fortified ... with good laws, good arms, good friends, and good examples”.⁴³⁵

To put this more briefly, while most commentators hint that Machiavelli's republican system is dominated by a great person or an excellent prince, the one source that should verify their impression, *The Prince*, concludes alternatively. The main mode of organization to be recommended in the final chapters of *The Prince* is a mode of fortification and embankment that consists of different types of alliances, armaments, and juridical institutions. The guiding organizational principle never sticks with structural singularity, but always favors pluralization and diversification. As both the river metaphor and *Scipio vs. Hannibal* have so clearly expressed, each single course of action is as much open to success as it is to failure. Each action is aleatory. Yet, in imitating the natural flow of time, the flow itself may have to be diverted. For an officer to imitate the laws of time, then, *is* for him to reduce the chances of system failure, however temporarily. Interestingly, to increase the robustness of the system, Machiavelli commends with this temporal identification of risk management also all those officers who found the courage to dare to respect both the intrinsic diversity as well as the path-dependency of the (IR) system. Rather than to be paddling against the current, government officers should simply make the wager with time's degenerative nature and newly begin to respect its natural laws and thus begin to imitate its own diversity of good practices.

To gradually work towards a conclusion to this 'reintroductory' examination: why has Machiavelli's wager remained germane to political science? Because that wager is such a well-informed wager. There are both empirical and rational reasons to take the leap, and to begin to believe that any political system is undergoing all sorts of tidal,

seasonal, historical, non-linear changes—and that it would henceforth be rash and blind to assume that humans can eventually stop these historical tides. Human nature is not as malleable as that modernization theorists might have assumed, including those commentators who (falsely) categorize Machiavelli as having been the first analyst of modern politics.⁴³⁶ Rather, he understood that human individuals are structurally unable to accelerate time. They cannot create linear changes to the system, to put it in slightly other terms. Today's complexity theorists would not want to bet with Machiavelli on the issue that in their encounters with non-linear change, prudence is simply more sensible than impulsiveness. Because it is. They would also have to agree with him that diversified organizations are more resilient to change, and that all systems degenerate over the course of time. In the paradigm of complexity theory, this means that all systems comprise interdependent and interconnected dissipative structures.

His republican systems theory allows the Renaissance realist to propose several scientific hypotheses. The first sentences of the *Discourses on Livy* inform the primary hypothesis. All human beings, even after they might have been awarded with ranks and have become well-positioned in government, are too “prompt to blame” others (*Fortuna*) for their own incompetence. This sense of human fallibility, and this lack of responsibility on their part, makes it of course very difficult to formulate any scientific laws about the structural nature of their government. Nonetheless, science should dare to set sail and gather empirical cases involving the possibilities to help introduce “any new principles [that] ... may prove [themselves] for the common benefit of all”.⁴³⁷

Again, these “new” organizational principles are never being modeled after some ideal modernist design. These principles are reasonable rather than rationalist. As such, they are said to remain fully embedded within the series of time-tested, ancient, but also ancestral organizational principles. It is for this latter reason that the primary hypothesis of republican theory finds, and has found additional validation in contemporary complexity theory. It is still possible to speak of a republican systems theory, briefly, because Machiavelli’s proposal was to study the laws of nature as if they governed a complex system. His proposal was humble and Christian in premising human fallibility.

Machiavelli’s civic religion is also a political science. It holds that the laws of nature are to be believed to govern the state, by pious citizens. It also holds that the state of the people forms an irresponsible, self-corrupting, self-degenerating structure. Every state is a dissipative and path-dependent structure, in other terms; disorderly by nature, and yet open to orderly changes at the same time. Yet, government organizations will too often and too easily end up being faulted (scapegoated, even) for having created turbulence. Or, they will be praised for having created turbulence when it allowed them to make short-term gains. As the primary hypothesis of the *Discourses* holds, rarely are they being praised for having generated a better long-term balance. This means any state government is also open to contingency and chaos.

Even though idealists may expect Machiavelli’s political science to propose to only give praise where praise is due, it actually never does. If any assessment of due praise should be made, it would have to be left to the greatest whole in the system, the people, rather than to any factions or counselors. The many are best able to assess when

their country is truly being endangered, and who should be exercising the responsibility for mitigating that threat to their country's freedom. For, in these popular risk assessments, as Lentulus once took part in them, it will somehow always be found that "no considerations of justice and injustice, ... nor of glory or of shame should be allowed to prevail."⁴³⁸

Anyone's assessments of ideals such as glory and of anti-ideals such as injustice are deeply flawed: these opinions can only be used to destabilize government. But it is impossible to avoid such assessments and judgments altogether: they are also in the nature of political discourse, however fallacious they might be. Politically attributive-organizational chaos will therefore simply have to be accepted: it is a necessary part of the life of the state, even though such chaos also somehow remains on a par with orderliness. The system of states therein not only consists of dissipative and path-dependent government structures. It also functions analogously to other chaotic-and-yet-ordered living systems, thus. These systems are "structurally open, but [may become] organizationally closed." As natural systems theorist Fritjof Capra continues, they are the kind of (political) ecosystems that contain their dissipative tendencies while applying their self-stabilizing powers; thus displaying a "seemingly paradoxical coexistence of change and stability."⁴³⁹ Like other living systems, constitutional states have the powers to appear to be acting in a stable, law-like, and self-binding manner, on the organizational plane, yet they always remain vulnerable to their own structural imbalances.

Once they try to take away these imbalances, modern states will violate laws of nature.

The Exemplary Mismatch of Corruption and Progress and Lorenzo the Magnificent's Coinciding Opposites

In 1492, the Republic of Florence lost much of its autonomy. Lorenzo de' Medici died that year. Despite being head of the most-influential Medici family, he had maintained the appearance of only serving as a citizen: not as holding supreme powers but as first among all others (*primus inter pares*).⁴⁴⁰ His commitment to civic equality had been laudable and honorable, but it was not as widely shared as it should have been. For, his death could not prevent the City of Florence's becoming structurally dependent on its own inequalities—which were later exploited by surrounding principalities, such as the leaders of Milan and the Court of Rome (that is, the Pope).⁴⁴¹ These other statelets and principalities soon intruded on Florence's civic life. In preventing the re-emergence of an executive as strong as Lorenzo the Magnificent had once been, Machiavelli implies, the statelets would essentially have allowed Italy's public affairs to be explored by outside forces, including those of the King of France, so that the country became “ruined” and kept in “desolation” for decades to come—as the last sentence of Machiavelli's *Histories of Florence* sums up.⁴⁴²

It remains open to speculation whether Machiavelli is here arriving at the conclusion that his beloved Florence's loss of equal freedom had been fatal for the Italian system of states, or that it might have formed an opportunity to satisfy his deeper, more nationalist ambitions. Not just the Tuscans, as *The Prince* would conclude (Chapter 26), but all Italians might learn from their own past, after all. Constitutional restorations lay

within the realm of Italy's possibilities. And, as the *Discourses* would reiterate that conclusion, ancient Rome's constitutional foundations may still be brought back to their original glory.⁴⁴³ Is the *Histories* a work that is meant to expand on this ambitious perspective? Is the text so adding fuel to a fires of nationalism and modern state-oriented idealism?⁴⁴⁴

It shall here be premised that *Histories of Florence*'s underlying intention is to come to be read as a validation of classicist concepts of both freedom and prudence, as well as of the DST, but not of modern state-idealism and also not of individual rights. The private interest of all the specific citizens and dynasties, on one side, and the public good of Tuscany in general, on another side, are constantly being brought together by the author—following his own classicist pattern of scientific argumentation. In good times, the citizens and their republic are presented in unison. But most of the time, actually, they are seen to be contradicting each other, possibly violently. The presentations and the stories of *Histories*, including those about Lorenzo's exercise of personal discretion to negotiate a peace with Naples as well as his simultaneously respecting of the popular orders, all add up to one case study on the problem of prudential authority. The topic and the thesis in such cases is consistently the same: oligarchs and democratic orders are shown to form a mixed constitution, empirically, so that the various personal interests ought to be integrated, rationally, with public law-organizations—without allowing either one to dominate the other, or without closing the distance between them. The grand balance of interests or virtues, in one dimension, and of court procedures and popular

assemblies (*concioni*), in another, is thus time and again being presented (in *Histories*) as the core of pre-1492 Florence's republican freedom.⁴⁴⁵

The hermeneutical question which has not yet been answered, however, is whether these self-balancing and self-integration stories about Florence (and about the times until Lorenzo's death, of course) are not also stories only being told for an idealistic, moralizing, progressive, and finally also for a modernistic goal. Did the narrator choose to be a utilitarian realist throughout *Florentine Histories*, trying to show that perhaps Florence's descend had formed only a means to an end, and a necessary step along the way towards Italy's national ascend? That narrator, Machiavelli, remains known as "the anti-deontological thinker *par excellence*", and for having commended international conquest and political domination. So why should he reach the conclusion that Italy is "in ruins", in *Histories*, while also reaching that other important conclusion, in *The Prince*, which exhorts the Italian people to find someone who can act both morally and progressively, and will liberate them from having to smell that other anti-deontological stench of both "foreign invasions" and "barbarous domination"?⁴⁴⁶

In finding the answer, a secondary examination must be made. Why may *Histories of Florence* have defined civic equality differently than that *The Prince* does? Both texts reference the classic coincidences—including those of good arms/good laws, discretion/legality, and person/office—and both also seem to do so in ways coherent with the rich meanings their author attaches to his concept of prudence.⁴⁴⁷ However, if all such coinciding opposites must indeed be coherent with prudence, and with concrete action, then this could mean they are at the same moment being thought unnecessary for freedom

and equality, and for other such abstract norms. In taking this secondary exam, hence, political theorists should again take heed of the tension between equality and legal norms, on one side, and matters of discretion and decisiveness, on the other side.

Prudence is a responsibility. Its connotation remains closely-connected to a sense of duty (as the river metaphor clarified: one would be wiser to exercise one's official duty, to fortify the state, than to wait-and-see until the floods arrive). This would mean the concept of prudence probably should be reserved to refer to a typically executive virtue, to an officer's caution, so it indeed seems unlikely that the concept also should somehow refer to a legislative virtue, such as judiciousness and justice, as well. It does not even have to be an adjudicative virtue, probably, because the courts can only determine justice and guilt retroactively and, again, prudence is best exercised proactively. This lesson, as Skinner teaches, would have been one during which the Senecan, rather than the Ciceronian roots of the cardinal virtues were digested by Machiavelli.⁴⁴⁸ Also, this distinction between justice's retroactiveness and the other virtues' proactiveness warrants another conclusion: prudence is primarily a virtue depending on practical reasoning, or on commonsense, rather than that it is also an empirically-experienced virtue such as social conventions on fairness would be. On this Senecan- and responsibility-directed reading, prudence can now be concluded to appeal primarily to rational proactiveness, rather than to a juristic convention based on precedents and procedures alone.⁴⁴⁹ But does this reading automatically turn all 'Machiavellists' into "anti-deontological" executive-oriented decisionists? Does

Machiavelli genuinely intend the state's executive functions to triumph over the justice system, that is?

Erica Benner's reply is that theorists should inverse the question and then answer it positively: her Machiavelli argues that the legislative power trumps the executive departments. In the ranking of all things virtuous, Benner's Machiavelli finds that good laws ought to take precedence over good arms, and organizational orders over excellent officers. He would have tried to strengthen the older legal norms, then, in order to weaken the influence of new individual interests. "[T]he basis of both political *libertà* and the *vivero libero*", as she writes, comprises four pillars. The first pillar has been build by means of the public courts, using clear-cut evidentiary standards—and definitely “not private or sectional interests”—to reach their verdicts.⁴⁵⁰ The second pillar consists of “popular assemblies (*concioni*)”. In both of these organizations, “judgments” and “political choices” will have to be made. Therefore, Benner adds, the people should herein be allowed to meet in freedom as they “examine the merits of different leaders and policies, and thereby get prudent counsel”.⁴⁵¹ But did the Secretary indeed prefer to use virtuous counsel and good legislation in order to stem the tide of egoistic individuals and corrupt officers?

Again, Benner's argument holds that having a “good law” is of primary, and having “arms” and “government” are of secondary weight. In sustaining the state's structural integrity, this argument would be consistent with making sure the legislature's enjoys direct oversight over all the executive departments. Machiavelli would also have believed that the people should make “the law”, and that these legislative efforts should

be seen as the state's ultimate foundation—or, to be located before the state's "arms, money, and government, not *vice-versa*." ⁴⁵² Erica Benner's justice-oriented theme may at certain locations be shored up by means of Quentin Skinner's description of the philosophical link between freedom and law, on the primary side of things, and the mundane or material means of power, on the secondary. As Benner does, Skinner identifies a liberal theme of how the state is to be defined as a "free government": that theme follows from the "courage to defend ... liberty". In the project of "assuring any degree of personal liberty", each citizen will indeed have to gather courage and cultivate virtue in order to avoid "servitude". ⁴⁵³

Nonetheless, republican systems theory critiques the liberal justice-oriented outlook of Benner's argument—and forms a much better match for Skinner's hermeneutic. Evidently, the former argument concludes that the legal-normative dimension was being positivized by the Secretary, at the expense of the concrete-decisionist dimension. Skinner sharply comes around from leaving any such a philosophical impression, however, and sees justice as being far less significant than the other virtues. Machiavelli's concepts of justice and virtue are clearly to be seen in the context of "essentially Senecan allegiances". In sharing more than a few of these allegiances, Machiavelli followed his predecessors, who had ranked the act of creating a 'good and peaceable state' higher than any deontological conceptions of justice—and, indeed, had essentially degraded justice to being the least significant of the four cardinal virtues. ⁴⁵⁴ Skinner additionally reminds interpreters that both *The Prince* and *Discourses on Livy* breathe an atmosphere filled with "prudence, courage, and temperance". ⁴⁵⁵ Peace

and orderliness, as well as the actual freedom of “the community as a whole”, are herein being presented as deontological purposes outranking especially the quite possibly too-abstract logics “of justice and injustice, clemency or cruelty”.⁴⁵⁶

Benner may object that the virtue of justice is not to be confused with the freedom of the state. That would be a valid objection, from the liberal point of view. Until now, Skinner indeed merely demonstrated that Machiavelli would never have believed that personal and interpersonal justice, when understood to be a *virtú* in part as well as in kind, would have been as critical as that prudence and courage were. Therefore, a virtue such as courage precedes even justice in ordering the personal life of the free citizen, admittedly, but it does not yet also have to have preceded the life of the officers of the constitutional state and its courts. Yet, Skinner inoculates his own reading against any such objections because Machiavelli would also not have believed that the constitutional state trumped the individual citizen—so that neither justice was, to himself, neither critical at the the macro- nor at the micro-level of structural organization. Why would he not have believed in differentiating between such levels?

The “essence” of Machiavelli’s theory, as Skinner reads, in response, rather expresses the republican notion “that the attainment of [state] ... freedom cannot be a matter of securing personal rights, since it indispensably requires the performance of social duties.” As noted earlier, social duties are responsibilities towards the state. These duties are to be exercised in order to defensively close off the various state organizations, and provide them with additional resilience against system change. Duties are thus

precautionary organizational modalities. Skinner's interpretation concurs, distilling the pure republican notion from the much more liberal notion of duties, thus.

Liberal idealists may still say that 'duties' must be subservient to civil rights, so that the state will not infringe on individual rights. They may also say that 'public services' must be exercised on behalf of citizens, rather than the other way around, as Benner would say. To such liberal philosophers, the modern state will only be exercising its 'duty'—to police the sphere of individual rights, and to protect the individual property of each citizen—if it remains separate from the people as a whole. The state should serve only as a means to an end, which means it must only protect the private interests of each individual as an individual against the state, rather than of all citizens against all citizens—according to most liberals.

Classicist realists (Cicero, Machiavelli, Hobbes, Arendt), in their stead, appear to have made the case that social responsibility should remain the "essence" of any republican systems theory, as it is a sense of responsibility that can best explain why anyone "cultivating the virtues" would not only be involved in "serving the common good", but also and especially also would directly become involved in serving her or his "private ends"—as a citizen whose "ends" are equal to those of all other citizens (peace is one such end, of course).⁴⁵⁷ Republican theory thus neither admits any intermediary power access to the issue of equality, nor does republican theory try to break apart the common virtues from private ends. The state exercises duties-as-means and the citizen pursues rights-and-interests-as-ends within the same actions. All these contraries will

naturally, and hopefully self-consciously, begin to coincide once people have found the confidence to participate in a systemic self-coinciding process.

Why is a classicist and neo-Roman realist theory, of systemically-coinciding opposites, preferable to a liberal ideology of intermediary civil rights? The relation between the legislative power of the state and any allusions to individual rights remains relatively under-theorized, or so could liberals charge against Machiavelli's neo-Roman theory. They can charge that the laws are herein neither being presented as prior, nor as posterior to the organizational levels at which these laws should be obeyed. Neither the legislation of the laws, nor their execution is thus considered the dominant factor in laying out conditions for peace.⁴⁵⁸ Yet, as was shown, this ambivalence should not discourage theorists because there might be a theological case in support of it. Admittedly, in the case of Rome's peace, theology at first would seem inapplicable, especially in its Christian variety.

It was mentioned that a more sustainable peace had been made possible by the Romans, as well as that their republicanism had attained greater longevity, than the peace of their Hebrew counterparts, which would remain bogged down by a historical legacy of Egyptian servitude. The conditions under which the Republic of Rome had been formed, now, form therefore probably the best-operable model for systems theorists. Yet, both in the *History of Florence and of the Affairs of Italy* and in the *Discourses on Livy*, even this Republic is being portrayed in ambivalent terms. After weighing off the benefits of a constitution founded by Romulus against those of one by Moses, for example, it is here said that actually "the highest merit would [have to] be conceded to Numa."

Romulus may have been able to hold on to the “military institutions, *without* the aid of *divine* authority”, and had even organized the Senate, but only Numa had surpassed him in additionally holding on to the people, as they would have *believed* him to “converse with a nymph”.⁴⁵⁹ Nonetheless, if Numa was the most virtuous statesperson, then why would Machiavelli have said almost nothing else about him, and constantly compare the Romans to their Christian Italian counterparts?

The briefest answer has something to do with what Machiavelli thinks a republic is: he appears to have thought about the Roman Republic as a people’s sovereign constitution or as a people’s beliefs in their own ultimate authority (*Imperium*), even though they have been divided against themselves. In Machiavelli’s neo-Roman republican theory, then, the most exemplary and most virtuous kind of authority is being portrayed within a mysterious frame: it is non-dualistic.⁴⁶⁰

The question of why classicist realism trumps tri-power liberalism is best answered in terms of the contingent and uncertain possibility of non-dualism, but what does Machiavelli mean when he speaks of the dual republic of San Giorgio (or: of Rome)? First, he does not mean the territorial and not even the modern state. In an eminent article, H. C. Dowdall mentions that Machiavelli’s *The Prince* never mentions the state in the monistic or present-day sense of that word. As evinced by the Latin translation, *stato* was herein rendered “not by *status*, but by *imperium, principatus, ditio*, and the like”. Of course, Machiavelli’s *stato* has meant various things to different interpreters, Dowdall says. But most Renaissance authors would have agreed that it asserted some idea of processual recognition: it asserted an “idea of standing or position

that [involved a] ... relation, and therefore [also connoted] at least two things or [two] part[s] of a thing, as well as the aspect in which they are related.” *Stato* is thus to be considered not unlike sovereignty: it transcends a structurally-dualistic relationship, often occurring within one and the same complex system (or: within one complex identity of two kinds of relational power, as Joseph Nye can well-concur).⁴⁶¹ *Stato* appears not unlike Weber’s rulership (*Herrschaft*), additionally, encompassing the structured relation of the rulers to the ruled. For, above all the opening sentence of *The Prince* highlights that states are to be perceived in a relational manner—“as the dominions which exercise *imperio*.”⁴⁶²

Non-dualism is not a new concept, of course, as ultimate authority also has been said to flow from compounded or mixed sources: rulers mix with the ruled, as how prudence mixes with piety, and just as that constitutional institutions are combined with civic religiosity. But the problem is that the notion of mixing itself has been misunderstood. It leads to an ambivalent combination, of oftentimes contrary powers, and as such has created a backlash in the secondary literature, against Machiavelli’s suspected paganism and utilitarianism. Influentially, Leo Strauss was among those authors to intimate that his form of paganism would have to have been anti-Christian.⁴⁶³ But a closer examination of the following spoke can prove that Machiavelli instead used pagan Rome only as a temporary model, as he later replaced it with two Christian and yet deeply republican constitutions; those of the Republic of Florence and of the San Giorgio Order.

Machiavelli's History of Constitutional Distrust towards Governmental Power

The State of Tuscany under the leadership of the Medici clan—as described throughout the *Florentine Histories*—does not need to come to mirror Lorenzo's own fate. Machiavelli's contemporaries should learn from pluralities of mortal men, besides Lorenzo and his family, that constitutional humors may very well begin to newly coincide, despite their contrariness, both at the state-level and the meso-level of associational organizations as well as at the micro-level of the individual citizens.

The current section shall examine how this possibility of a new complex coincidence emerges. The section shows why Lorenzo the Magnificent forms one of the most important, but once again also an inadequate model for a coincidental, spontaneous, Italian resurrection. Both in terms of republican systems theory and in defense of the dual sovereignty-thesis (DST), then, this section shall introduce the next sections by premising that the ability to integrate contrary humors informs the most quintessential feature of power.

Classicist DST-supporters should take the moment of Lorenzo's death seriously. Florence and Italy are both being shown, by Machiavelli, as instantly afterwards losing their sense of peace and orderliness. His story suggests also that Florence had been depending too heavily on Lorenzo's commercial impulses—as the latter became reliant on impressing the other nobles with large building-construction projects, and perhaps also on using personal promisory notes, rather than international public law, of course, while

lending large sums of money to the leading citizens of growing urban centers throughout Italy, Germany, and the Netherlands. Machiavelli sees these expansive financial and economic ties as being of less importance in accounting for Florence's stability, than for her instability. As he indicates, these ties might have made the internal order of the Medici more successful, yet they had had no moderating effect on the Republic's external problem of political factionalism. Either despite or because of the Medici acumen for wealth, Florence had thus continuously suffered from threatening "dissensions between the Colonesi and the Orsini" as well as from "the war between the king of Naples and the pope", as just two instances.⁴⁶⁴

Even before Lorenzo had become First Citizen of the republic, his character had drawn much praise. Over the course of time, Lorenzo the Magnificent came to enjoy "much favor both from *Fortuna* and from the Almighty, [as] his enterprises were brought to a prosperous termination, while his enemies were unfortunate".⁴⁶⁵ After his glorious return from a difficult round of negotiations with Naples, and after other prudent emissaries had reconciled the City with the Church of Rome, Lorenzo would be praised: "extravagantly". "[T]he spirit of public discourse entirely changed in Florence [as now] ... actions [would be] ... judged by the success attending them, rather than by the intelligence employed in their direction".⁴⁶⁶ This change in, and this privatization of, the mood of republican freedom would of course not have been Lorenzo's own fault. It was simply part of human nature to so lavishly engage in hearsay, Machiavelli reminds the readers. The facts were rather clear, to him. Florence's success had not only been due to Lorenzo's daring actions. Of course, he somehow knew how to employ his virtue in

alignment with the times. He acted in respect to changing times just as how his personal characteristics had been integrated, evidently, as he had “united in him dispositions ... incompatible with each other”—as Machiavelli’s *Florentine Histories* concludes.⁴⁶⁷

This sentence makes it appear as if Lorenzo’s reputable wisdom derived firstly from his strong personal constitution, having united his own agonistic dispositions, and secondly from the historical fact that his administration had likewise been able to limit and moderate the antagonistic tendencies within the system of states. Florence’s creating a moment of dynamic self-moderation, then, must have brought discords perhaps not to a final end, but at least out into the open. Remarkably, the sentence also makes it possible to compare Lorenzo’s constitution to Numa’s authority—which was so deeply skeptical of (divided against) itself.⁴⁶⁸

Metaphorically, Numa had been as self-critical as Lorenzo would become. This implied comparison almost places Cosimo and Romulus (not: Æneas) on a par, by the way, as both ancestors were known for their incomplete authority. Nonetheless, the point is that the common people had trusted Numa precisely because he had these mysterious conversations with “a nymph”. Were the people gullible in relying on hearsay? Probably, the Secretary insinuates. However, he also finds that Numa’s sign surpasses Romulus’s: it had created a symbolic mode of opposition to their naiveté. “[T]he reason for all this was that Numa mistrusted his own authority, lest it should prove insufficient to enable him to introduce new and unaccustomed ordinances”.⁴⁶⁹ Machiavelli’s concept of authority betrays here its richness: Numatic mistrust is considered as a solitary form of skepticism, but also a sign of macro-constitutional prudence, which then again opposes popular

inexperience, as it fills the void of a much-needed civic religion and sense of public confidence.

Lorenzo's ancestor, Cosimo De' Medici, must still be introduced. He managed to assert "authority" in ways that had transcended, and yet also included discordant structures.⁴⁷⁰ Yet, much more so than Lorenzo, Cosimo is shown to have relied on institutional rules and modal procedures while bringing the Medici clan to greatness. He is said to have been benevolent, which means he was not afraid to give financial and institutional support to others, and to thus have maintained a modicum of public trust. But, contrary to Lorenzo, Cosimo (and Pierro) would not have had so much charisma that his (their) sign could have integrated any personal contrary humors. Rather, Cosimo would mainly have inspired confidence by expressing his own confidence in God's absolute will—and thus never doing what Numa did, which was critically reinterpreting or even simply reimagining the divine voice, nor ever trying to critique his own philosophically-monistic fusions of the sacred and the profane, or of legislation and execution.

After Lorenzo had claimed his position as First Citizen, his actions drew much more praise than those of Cosimo ever had. Lorenzo the Magnificent would go on to enjoy "much favor both from *Fortuna* and from the Almighty, [as] his enterprises were brought to a prosperous termination, while his enemies were unfortunate".⁴⁷¹ It is crucial to note, as one of the final sections on this topic shall shortly demonstrate, that Machiavelli never says Lorenzo would have *defeated* his enemies. For example, after his glorious return from a difficult round of negotiations with Naples, and after other prudent

emissaries had reconciled the City with the Church of Rome, Lorenzo had been praised “extravagantly”. “[T]he spirit of public discourse entirely changed in Florence [as his] ... actions [were being] ... judged by the success attending them, rather than by the intelligence employed in their direction”.⁴⁷² Perhaps it was not Lorenzo’s fault that he became so popular, Machiavelli here suggests, but undoubtedly it must have been merely human nature to attribute such extravagant honors. And, if that is the case, then why did the ordinary human being Lorenzo not allow the affairs of the City to be scrutinized more openly and more rationally? Is Machiavelli intending to say that Lorenzo was not as ordinary as that Machiavelli suggests?

The Lorenzo-paradox is that one fallible man may become a virtuous man, through a mysterious interaction with the people as a whole. It has often been suggested that Florence’s political freedom had been preserved due to some of Lorenzo’s daring actions. He appeared to have known how to employ his virtues in the direction of the flow of the times. The man’s knowledge is according to Machiavelli compatible with the virtue of the man’s character. For, evidently, Lorenzo had “united in him dispositions which seem almost incompatible with each other”.⁴⁷³ His constitutional dispositions, which he has as a social animal, are being united by virtue of his statesmanship, which he has as a charismatic animal. Lorenzo’s self-transcendence, and integration of his conflicted dispositions, turns the Medici ruler into the leader of a constitutional government. He brings psychological conflicts and cognitive disassociations out into the open, but then also transcends these discords. And, there is no final end to this process of self-transcendence—in theory. In practice, however, Lorenzo’s state fails to adequately

transcend naturally-discordant constitutions. The only conclusion possible is that he must have been wrong to have become so vain as to have tolerated the people's passionate judging of only his most-apparent successes, without not also rationally opposing the exuberance of their assessments.

To the benefit of the Medici, Lorenzo's signs of courage opposed several troubling signs of inexperience, appearing within his own character as well as within the City of Florence. These signs of opposition created merely a fortunate accident, as they are not said to have self-consciously sustained the contradiction between a confident leader and a lesser faithful populace, however. Even though the oligarchical sources of Medici power had long been checked by democratic assemblies, for instance, the above-mentioned spiritual deterioration of "public discourse" eventually began to set in.⁴⁷⁴

Machiavelli's thesis is that the process of checking power should be dualistic: the people's spiritual imagination and the administration's material worldliness form natural opposites, which is again why they ought to be intelligently and critically scrutinizing each other. That is, an intelligent, critical mode of balancing is likely to enhance structural integrity. This forms the main thesis that will have to be validated, by the Secretary. For example, not unlike his famous final chapter of *The Prince*, the *Histories* treats the total sum of Italy's individual leaders (Pierro de' Medici, the King of Naples, the popes) as if it amounts to less than the structure. The structure is the greater whole, representing the people's political potential, but has been organized by fallible individuals.⁴⁷⁵ The people as a whole are presented as forming more than the sum of the populations of the individual statelets. Briefly, the (Italian) whole never presents itself as

identical to a total sum of diverse principalities, duchies, or even not of citizens. All of these are simply examined as the constituent parts of a structurally imbalanced Italian/IR system.⁴⁷⁶ Even so, it is significant that Machiavelli's systems theory disallows anarchy: the parts can certainly peacefully coexist within a free, and fully-balanced whole, lest they give up their imprudence and inconfidence.⁴⁷⁷ By thus disallowing violent anarchy, though, the theory should be understood as a defense of the DST as well as a realistic attack on the idea that all states are alike in that each fled from its own pre-Westphalian (or pagan?) conditions. In this expansive concept of history, the DST's general applicability is also expanded to the whole, and the *thesis* itself is here thus transformed into dual sovereignty-*theory*.

Machiavelli's DST gives guidance to *anyone* studying the qualitative difference between personal dispositions and political constitutions. In *The Prince*'s final chapter Machiavelli calls for a "great" or "a man of rare genius" to rise up.⁴⁷⁸ In *Histories of Florence*, such a man is shown to have died. But can this man's Italy still be reborn politically, akin to both the cultural Renaissance as well as to the Resurrection of the Christ? As will now have to be demonstrated, *Histories*' answers are consistent with natural systems theory. Again, at the aggregate level there are all sorts of factions and parties to be detected. Some of them have been supporting the Pope and others the Emperor; they are like the Colonnese and the Orsini or, previously, the Guelphs and Ghibellines.⁴⁷⁹ As in that ancient Republic of Rome (the Renaissance's most "desired form"), there are also plebeians and patricians.⁴⁸⁰ All of them are occasionally engaging in civil discords and political tumults: this is simply a structural feature of the system.

Yet, some men create opportunities for change as they begin to reorganize themselves, just as that centuries afterwards the Framers still said they were organizing the relationship between the Senate and the House of Representatives.⁴⁸¹

The point is that Florence's constitutional reorganizations close themselves off at all civic life-levels. They will provide in a new measure of constitutional solidity by moderating the tension within civic, and virtuous relationships. Allowing too much fluidity would be likely to have dissipated these relationships. In other words, sufficient tension between state executives and the aggregate of all popular groupings should be maintained. For example, if officers were to have committed themselves to aggressive warfare, then the structure of the army should be reorganized so as to disincentivize his violence. *Histories* shows that personal discretion and the code of honor are then directly coinciding—without presenting the extra need for any third-party intervention.⁴⁸² Moderation of tension is the *deontological essence* of Machiavelli's theory: the people will have to act, and do their duty, in order for them to learn how to respect their own differences, in defense of their own sovereignty. In defense of their own political singularity, hence, they must respect a dialectical tension within their pluralism.⁴⁸³

Cosimo exemplifies not so much the singularity of the City as that he had respected the tension between his own House and the plurality of groupings surrounding it. Particularly, he strongly held on to a diversity of formal checks which the patricians and plebeians would have been able, in previous times, to place on each other.⁴⁸⁴ Likewise, Numa had held on not just to the nobles, but also to the common people. The latter would have trusted him precisely because he appeared to have these mysterious

conversations with “a nymph”. Were they gullible or irrational? Probably, Machiavelli insinuates. However, he adds that Numa symbolically surpasses Romulus because he himself would also create a certain opposition to their naiveté. “[T]he reason for all this was that Numa mistrusted his own authority, lest it should prove insufficient to enable him to introduce new and unaccustomed ordinances”.⁴⁸⁵ The Numatic sign, of rational prudence, continuously opposes aspects of inexperience and fallibility: certainly not only among the pagans.

First Application of Machiavelli’s Methodology: The Non-War at Serezana

To recapitulate, the message of the last two chapters of *Florentine Histories* shares a lot with the famed nationalism of *The Prince*’s final Chapter 26. Taken together, these chapters refer to one great political tragedy; Lorenzo’s death and the subsequent division of Italy. Due to a misreading of the flux of time, domestic conflicts were exaggerated. The statelets had missed a tremendous opportunity by not having reintegrated their old orders and republican institutions, as well as by not having reintroduced “unaccustomed ordinances”.⁴⁸⁶ Florence’s Medici were no longer performing their strategic spill function, within the peninsular balance of powers, so that all sorts of humors had come to grow like weeds. Therefore, it would be high time to freshly fuse orders and humors, institutions and passions, together. The material foundations of the statelets, such as their armies and fortifications (representing

fortitude), must somehow be matched to their spiritual-juridical foundations, such as open assemblies and court procedures (representing temperance).⁴⁸⁷ To do so, prudence is quintessential. This examination in Machiavelli's Italian history shall first repeat how Genoa loses a certain land-title to Lorenzo the Magnificent, and then follows through with another story of why one of Genoa's republican constitutions must be recognized as being structurally superior to those of any of the other peninsular statelets.

As post-1492 Florence had failed to do its best bidding on the balance of powers, the Secretary begins to look around for another example of a superiorly-integrated state—either to serve Florentines or all peoples, categorically. In the pre-last chapter of the *Histories*, Machiavelli mentions that a 1486 treaty united “all the powers of Italy, ... except the Genoese, who were omitted as rebels against the republic of Milan and [as] unjust occupiers of territories belonging the Florentines.”⁴⁸⁸ This sentence provides an important cue on how to be reading the next-following passages. The sentence clarifies why the peninsular balance would have been kept by no other state than Florence or, rather, why only Lorenzo the Magnificent had been able to reclaim occupied territories and thereby save the one treaty that could be obeyed by all the statelets.

The *Florentine Histories* proceeds by substantiating the reader's earlier impression that Florence's last formidable civic leader, Lorenzo, succeeds by preserving the balance of powers. Two interlocking stories' theses are worth underlining in clarifying why this balance is not a matter of justice. First, it was a matter of prudence, or perhaps a miracle, that no war would be fought with Genoa over the Serezana territory. Second, the mystical constitution of a Genoese syndicate may be believed to have

remained exemplarily integrated because it was never designed to be solely a just constitution.

The first story demonstrates that under courageous Medici leadership, the Tuscan government made serious efforts to pacify Italy's Genoese insurgents, who for some reason had opted to remain outside the scope of the 1486 treaty terms. Lorenzo de' Medici eventually managed to militarily stabilize Florence's relations with the Genoese, however temporarily, after first having been forced to give up his City's territorial claim to a fortress at Serezana. Lorenzo thus came closest to bringing peace to Italy, however, as the Serezana territory would be returned to him by its occupiers, without that he even had to make an effort to lay siege to the fortress. In addition, he had also brought peace and stability by wedding one of his daughters to the pope's son. The marriage was widely believed to form a sign of mutual goodwill. But it would also have formed a republican subsystem, because it shows how well Lorenzo had by now mastered the arcane art of combining dynastical, structural self-interests with this most-stable juridical mode of organization: the marriage agreement. The reason why the marriage proved to be a strategic move was that Florence now received additional moral support from the Roman Church. Soon after, it is written that the pope expresses his desire for "the Genoese to concede Serezana to the Florentines". The Genoese refused to concede, however, because to them it was not a moral question. Rather, a banking syndicate owned a mortgage on the Serezana fortress, and because this bank was a Genoese bank, supposedly, their state felt entitled to the property. In fact, they rather used 'scorched earth' tactics than to hand

Serezana back to Florence. Subsequently, they raised an army which shelled the fortress and “burned the town near it”.⁴⁸⁹

Machiavelli concludes from this first episode that both the Florentines and the Genoese misjudged the situation. The latter only relied on armed force, the former too much on the pope’s moral force. Both seemed to have ‘overreached’—each in only one of these two otherwise naturally-interlocking modes of virtue. After Genoa had burned the town to ashes, however, appearances changed. Florence was seen as having a legitimate claim to the land. Only now did she issue a call for military assistance from her allies, which she apparently could not have done previously. Despite the fact Florence would receive no assistance, she would ask her army to begin to reclaim the fortress. Genoa’s excessive aggression had given the Tuscans legit cause to assemble “a large army”—rather than to succumb to “despondency”. It was critical that ordinary people had now become motivated to join the infantry. During their campaign, the Florentines gathered “fresh courage” from Lorenzo’s arrival in their encampment, upon which the Serezanesi suddenly and swiftly “surrendered to [the Florentines] ... without asking conditions”.⁴⁹⁰ Machiavelli concludes from their miraculous surrender: “The Florentines, after the war of the Serezana, lived in great prosperity until 1492, when Lorenzo de’ Medici died; for he, having put a stop to the internal wars of Italy and by his wisdom and authority, established peace”.⁴⁹¹

The morale of the tale is that the Genoese had weakened themselves due to their heavy reliance on their army’s strength, as well as due to their successive failure to combine these forces with laws as good as those of Florence. Alternatively, the latter

laws had been infused with the people's militancy (read: courage), as well as with Medici rationality (temperance), so that it had indeed been superior constitutionally-fused laws that would guard the peace (and: the balance of virtues). In other words, at the end of this peace process, courage makes an eminent appearance: Lorenzo's field-expeditionary combination of cavalry and infantry (think: oligarchs and democrats). Prior to the end, as well, there is a display of temperance, by means of the pope's moral authority. Fortitude and temperance now come together, then, and their symbiosis produces prudence (the highest-ranking of the virtues, at least in the Senecan tradition). In conclusion, even though the Genoese had a legal claim to their land, the balance of powers is not sustained by their equity but by exemplary instances of dutifulness. Justice has been trumped by prudence.

The Florentine Secretary routinely alludes to the idea that an over-dependency on one of the virtues might be developed. Tuscany's people might have been wrong to make themselves depend as heavily on one type of citizen, as they would have done by relying almost completely on Medici charisma. It cannot be denied that Lorenzo's mere visit to the troops had had the miraculous effect of creating peace. Obviously he must have been charismatic: public praise for his strength of character still finds repetition on *Histories's* final pages. Yet, Machiavelli also remains skeptical as he instructs his readers, the (Italian) people, albeit extremely tacitly, they ought to be mirroring the virtues of their 'true' enemy—rather than just those of Lorenzo. Who was this enemy?

On the premise that the primary enemy to Italian stability had, at least during the above-described episode, been the Genoese banking syndicate which technically had

owned the fortress, Machiavelli must have deduced much can be learned from this formidable opponent. Although it may never be proven that this Genoese mortgageholder had been the Order of San Giorgio (Machiavelli himself does not specify whether this is true), it remains a fact there was a banking syndicate that would have lost its title of Serezana, to Florence. This question of legal ownership is notable because the Genoese are not mentioned to have lost any considerable amount of men, as they simply surrendered the fortress, so apparently they had been unwilling to risk the lives of good people in exchange for a mere legal claim.⁴⁹² That would have to have been a virtue. Yet, they were also willing to lay fire to the town, to intimidate the Tuscans. The Genoese generals must thus have known how to appear good as well as how to appear evil, yet would make a miscalculation in not opening negotiations after the pope's interpellation. No further indication is given that, after 1492, however, either Genoa's actions or those of the Order of San Giorgio, which was seated in Genoa, would not also somehow have continued to contribute to Florence's decay.

To sum up this first part of the examination, Lorenzo managed to integrate, within himself, "dispositions which [seemed] almost incompatible with each other".⁴⁹³ This sense of personal integrity (Rousseau would have said it was his solitariness) became tangible when he appears in the field, before otherwise-incompatible knights and soldiers. Somewhat mysteriously, and near-miraculously, Medici integrity then turns into an instant precondition for the recombination of the various statelets and their humors (Naples, Rome, Milan, Venice, and eventually also Genoa).

Machiavelli's rhetorical alchemy here reaches a quintessence, after clearly having conveyed that Italy's territorial integrity would depend less on equity, and less on individual values as well, than on a shared sense of prudence, or commonsense. The virtue of prudence is made to rank highest—because it can combine diverse and irreconcilable characteristics of a republican life.

The political possibility of recombining these characteristics has now been opened up in analogy to humanism's conception of a rebirth open to all human beings—so that courage and temperance, personal discretion and institutional agreements, but also such as property law-claims and canon law-norms can indeed be reintegrated at any level of human organization. Further, although the structural balance underneath Tuscan republican life would eventually collapse, during the post-1492 decades, this fact never meant that the dissipative structure itself, in its entirety, had not remained open to reorganization. Some sort of dialectical conciliation was believed to remain a concrete possibility, attainable through commonsensical methods, applied in dialogues in which falsehoods were to be negated, and to be conducted by human beings confident to accept the outcomes.⁴⁹⁴ The theoretical issue is which method should be recommended in conducting the dialogue—in order for many human beings to stand a chance of defeating the enemies of any State (other than just Italy).

Second Application of the Alchemist's Methodology: The Order of San Giorgio

The second thesis hidden in Machiavelli's alchemist stories, now to be examined, consists of the few sentences in which a particular Genoese method of political balancing is being lauded. *Florentine Histories* suggests that the latter statelet would have learned from the fiasco at Serezana, as the Genoese are never said to have resumed their hostilities towards any of the other statelets. It may safely be assumed that the citizenry of either Venice or Genoa would at some point in time, like Florence had done before them, begin to take on the function of system mediator and stabilizer, even though only implicitly. Lorenzo had been a roving diplomat (while visiting Naples and wedding his daughter to Rome), representing great energy and dynamism. As his alchemical opposite, the Genoese represent *stasis*. They take on only one dominant role: they either do, or they do not secure Italy's stability—even though they probably did not form Machiavelli's first choice to have done so. Anyhow, he never says they became a third party to any disputes. Rather, in particular, Genoa would have allowed one of its banks to flourish. But this was no ordinary bank: the San Giorgio financial corporation had been organized in such a way that its most reliable institutions and its best legal traditions (or: its constitutional laws) would have to have conveyed an unmediated dualist structure—in ways consistent with DS-Theory, as shall now be demonstrated.⁴⁹⁵

The Secretary describes the Order of San Giorgio as being governed by an unchanging constitutional law: the Order's mission remained always singularly focused on the integration of "liberty and tyranny, integrity and corruption". In any civic conflicts

or legal disputes, therefore, its mission would have to have consisted of assessing and adjudicating the proper distance between these contraries—as well as between the victor and the vanquished. It must have been extraordinarily committed to retain parity. Or, the Order must always have been successful in binding “the victor to the observance of its laws, which up to this time have not been changed. For as it possesses arms, money, and influence, [its laws may] ... not be altered without incurring the imminent risk of a dangerous rebellion.” Evidently, the Order of San Giorgio is a banking company which possesses both arms and money as well as good laws. In this sense, its complex constitution proves itself structurally durable—precisely because each promise would have to have been carefully scrutinized before it would have become binding. Out of fear of alienating the company’s clientèle’s rebelling, or otherwise defaulting on promises, as may now be speculated, the company chose to narrowly observe its own constitution. Fear of rebellion and constitutional law-fidelity became interlocking tendencies.

Machiavelli adds that the Genoese company presents a rare “instance of what in all the [contemporary] republics ... has never been thought of; exhibiting within the same community, and among the same citizens, liberty and tyranny, integrity and corruption, justice and injustice. [Yet, these dualities *should* have been thought of], for this [Order’s dual] establishment preserves in the city many ancient and venerable customs”.⁴⁹⁶

The Order of San Giorgio forms a study on how politico-historical disputes are to be thought open to arbitration—by the Order’s membership itself, as a self-critical whole. That is, these few sentences on the Order not say it has a separate adjudicative government system, and they certainly do not say its government system is neutral or fair.

They present parity as the system itself. The San Giorgio Order's laws are maintained in such manner that the relative values of both justice and injustice, and of both freedom and despotism, can be communally exhibited and popularly assessed.⁴⁹⁷

The Order forms a paradoxical political entity—but is also quite clearly believed to have great virtue, by Machiavelli, as it appears to be capable of both discerning the difference, as well as of transcending the functional differentiation, between its two main faculties. The entity is presumably tyrannical in terms of its discretion, while being republican in terms of its lawfulness. Its capacity to absolutely simultaneously represent both of these contrary tendencies (tyranny/freedom, discretion/legality) remains thus quite consistent with the DST, with natural law theory, as well as with neo-Platonism.

Plato asks whether a good man should “ever [be believed to be] of two minds about the same thing? When it comes to action, is he divided against himself? Does he experience internal strife?”⁴⁹⁸ But, on Arendt's reading of this question, it was not Plato but Socrates who had most exemplarily sought to answer it, by means of both his internal solitude—as well as through his active participation in common and in sensible, albeit too rarely in rational public discourses as well.⁴⁹⁹

Lee Franklin investigates the dialectical method used by Socrates, or especially also by the younger Plato. The latter misapplied the lessons he had been teaching through the voice of Socrates by trying too hard to rationalize public discourse. Particularly in *Statesman*, the young Socrates is being chided by Plato for having been insufficiently rational. He would not have adequately separated the parts of virtue, as a whole, from the different kinds of virtue. That is, there are partial forms of wisdom and virtue but there

are also different kinds of wisdom and Socrates must in this dialogue begin to take up an alternative to his traditional method of inquiry. Thus, he is being recommended to begin by discerning the parts and “to go along cutting down the middle of things, and that way [he] will be more likely to chance upon [the] kinds”—later, as well. Franklin finds that Plato remains “notoriously unclear [about] what it [here] means to divide *down the middle*; [as] the prescription calls for parity, of some unspecified sort between the species into which we divide.” All that is left, for the reader, is some strange void between the evenly-divided partial species and the qualitatively-different species. Perhaps this void is due to Plato’s blatant refusal “to explain the difference between mere parts and genuine kinds.” Perhaps not. It is only practical that species will mutate and split up into new species, yet at which moment are “mere parts” transformed into genuinely new “kinds”? *Statesman* should nonetheless be read as if Plato deliberately avoided “positing a [third] fit between the practice and the underlying structure of nature.”⁵⁰⁰ There is no final “fit” between, in other words, the bifurcating practices of nature and the structural differentiation between the many natural species—which include, of course, the natural species of human virtue.

Perhaps the case of the Order of San Giorgio should be studied in terms of neo-Platonist thought. The Florentine Secretary can then not be seen going overboard with his strangely-juxtaposed dichotomies, as he is then not justifying this anti-middle way theorem at too great an expense to his self-integration imperative. Instead, in presenting the contraries in a series of such direct conjunctions, he is dividing them without positing a middle term between them. The “underlying structure” of the Order’s nature is

bifurcating into opposite parts, and then these parts become identified as qualitatively-different kinds as well: it would be difficult to argue that political corruption and honesty should be measured along the same normative criterion.

The neo-Platonist methodological prescription “calls for parity” between two opposite terms. Methodological, dialectical temperance is best practiced by avoiding the need to posit a third “fit” within the void between the terms. Rather, by dividing the contraries, the existence of a naturally-dissipative structure is affirmed, all the while leaving its ulterior self-generation to chance. In this context, the case of the Order (by the way, it should be called an order or perhaps a syndicate since it was not solely a bank, nor only a members-based army) is being used by Machiavelli to give a final example of what it means for people to enjoy their constitutional integrity, both organizationally as well as structurally.

As positivists, people may attempt to rationally restore laws in order to secure their freedom. But people should thereto also restore the balance within the empirical structures and powerful institutions of law. Human beings can only try to differentiate between these two attempts, but this does not mean they will succeed in transcending the fundamental discord between the attempts (*justice vs. injustice, corruption vs. honesty*, and so forth). Hence, as realists, they should never believe that, within matters of sacred virtues and profane values, these two interlocking kinds of judgments form more than two parts. The Order is invoked, by Machiavelli, instead, as a Socratic call for humility. San Giorgio reminds people they are not the ultimate judges of their own affairs. If they were to create a third magistrate or a third fit between the corresponding parts of the

natural structure, clearly in line with Renaissance theologies, they would be committing heresy.

In theory, Machiavelli's neo-Platonism coheres well with his Christian eschatology, which prohibits mortal beings from taking on the divine duty of final adjudication. Ideal justice may only be understood as the sign of the Messiah, so that mortal humans may do nothing but as perfectly as possible imitate their own demi-god/demi-animal rank-orders. By means of their own constitutional orders, by well-ordering two kinds of organization. They cannot rule out either one of these organizations, also, because they mutually imply each other's existence as the only two necessary components to approximate the whole. The sum of the two components is less than the whole, but there is no need for people to create a third 'fit'.

To reiterate the above-said, the message is that tyrannical violences, for example, simply coexist with the public licensing and the regulating of tyrants. It is this coexistence that is symbolized by responsibilities and offices, including the constitutional dictatorships. The chance that certain violences may have to be committed is a future risk that certainly may be licensed, or may be sourced out to prudent dictators, without their automatically becoming licentious. In this respect, the Order exemplifies why constitutions should remain dualistic, rather than to split apart the relation between discretion and legality, or also rather than to dichotomize the Aristotelian relation between the commoners and the great. Instead, these two kinds of publics may never be torn apart, because they would then no longer be able to ventilate their frustrations with each other, and they would now pursue only their own worst tendencies. The ochlocrats

would venerate “customs”, but also false doctrines and *status quo* conventions, while the oligarchs would organize themselves around their materialism and other such causes of “corruption”.

In practice, the Order of San Giorgio would according to the Secretary be a well-realizable ideal, as the next-following section shall lay out in more detail. The Order is not a distant or legendary utopia, but an orderly state, legitimately holding on to its authority for two reasons. On one hand, in securing the loyalty of its citizens (these are, presumably, the members who hold shares in the company), the Order represents them all as equals against all. Certainly, as individuals, each member will also have ready-access to capital and influence or also—as these words have been alternatively translated—to “arms, money, and government”.

Nonetheless, the members presumably hold their shares in these resources in common with all other members, so that the plurality of weapons, funds, and institutions must simultaneously have become self-bounded: this is an organizationally closed-off body. Yet, the inspiring message of its own structural duality also holds that this involves both a closed-off, and yet also a structurally-open—or a singular-and-yet-pluralist—sovereign body. This is a body with two very different kinds of power, briefly put. Within that body, two kinds of power have been promising to maintain their parity—directly, without having to be creating any third power other than the venerable jurisprudence that includes both powers. Moreover, the hypothesis can now be developed that the San Giorgio syndicate is organizationally coherent with what the DST predicted that a sovereign body politick should look like. IR theorists should examine why the Order

should be believed to have integrated its utilitarian with its deontological ethics—without becoming an adherent of any third kind of ethic, yet all the while actively differentiating between these first two ethics. In examining the validity of this so-called *tertium non datur*-hypothesis, it may be sensible to now briefly consult Benner.

Benner refers also to “Machiavelli’s quasi-mythical San Giorgio”, arguing that he invoked the Order as a negative example. Some of the pressing constitutionalist issues of his time could not have been solved without understanding which kinds of power should be negated. The Order was thus really a mythical anti-ideal. Precisely because it remained a mere myth, it would have instructed his readers on the *impossibility* and *impracticability* of creating a similarly stable and durable state; this “ideal rejects [any] idealistic aspirations to build a city that transcends corruption, license, and the dangers of tyranny.”⁵⁰¹

The gist of Benner’s references is thus it must have been an anti-model: it was so unrealistic that it formed the one final ideal that was *not* be imitated. After all, Machiavelli would have suggested that in San Giorgio any conduct detrimental to the ancient laws is being *rejected*, or *canceled* by these same laws. Unfortunately, Benner’s argument fails to create further clarification on the reason why Machiavelli would have suggested to learn from this former enemy of the peninsular peace, from specifically this curious Genoese Order, rather than from any other European statelets or individual foes. Why does Venice, for example, not instead hold on to his ideal formation? One of Machiavelli’s clues (for his tacit admiration of the Order) can be found in the *Florentine Histories*’s account of how the Genoese people had long suffered from “dissensions”—as

these were at one point even being exaggerated by the Duke of Milan, who was failing to reign in “the Fregosa and the Adorna”—so that some of Genoa’s own great citizens had to decide to raise “the cry of liberty: it was wonderful to see how eagerly the citizens and people assembled at the word”, Machiavelli adds. “The Genoese, having placed the government in the hands of free magistrates, in a few days recovered the [Duke’s] castle”—whereupon they entered a free league with “Florentines and Venetians”.⁵⁰²

If the Aristotelian lineage in Machiavellianism is to be taken seriously, then constitutional longevity and durability are less a matter of individual action, after all, than that they are perennially emerging from within the agonistic relation between only two contrary, but interlocking components (humors). In Genoa, this relation had been healthy, presumably, since the moment her first citizens would have called on the people to exercise their own freedom and see to it that the foreign ruler (the Duke) was expelled.

If Machiavelli ever intended to describe any other state’s self-questioning and agonistic constitution than ancient Rome’s, that state would quite undoubtedly have to have been Genoa’s San Giorgio. Moreover, the absolutely direct parity of San Giorgio’s humors would almost certainly have been recognizable, at least to Machiavelli’s neo-Platonist peers, as the methodological “injunction” (as Franklin describes it) to critically discern the proper distance between two kinds, and between the two “species that display some sort of parity, and internal coherence.” As well, the method of directly going down the middle of things (*diairesis*) would have seemed, to them, to differentiate kinds and species from parts and components. The former are organizational, the latter are structural elements of any political constitution—and, so, tension is sustained between

kinds and parts. Moreover, the method of not creating a middle but of going down between kinds and parts is a method of inquiry principally designed to avoid monistic measures of things, or continuum-based classifications. This method of inquiry, rather, premises that complex systems are open to assessment, not by means of creating one “single division, or limb of a taxonomic tree, but [of] the entire taxonomy to which the [contrary] kind[s] belong”.⁵⁰³

Even though Benner’s pro-positivist interpretation may appear sound, it cannot explain why Machiavelli allows republican laws to simply coexist with tyrannical institutions. By contrast to that interpretation, *DS-Theory* hypothesizes that the Order of San Giorgio neither allows its republican nor its corrupt dimension to be observed as the single-most dominant factor in explaining its historical success. This is not a legendary Order, further, but an Order acting within the boundaries of what Machiavelli must have believed to be a neo-Platonist as well as a Christian mysticist tradition. The life in which civility and corruption, and freedom and tyranny, are observed to be oscillating and yet also to remain on an even footing—is, of course, comparable to the life of spiritual integrity. That is, this life is a mindful life, in which dispositional components such as body and mind, passion and reason, would be equally negated. These two components would herein have received their parity—as that sense of parity was during the Renaissance quite widely believed to have been revealed, also, through the non-dual lives of the mystics and the monastics (Francis and Dominic again spring to mind).⁵⁰⁴ The Florentine Secretary probably saw himself as an advocate for a rebirth of Christian

monasticism, as he would disapprove of the crusades and the Order of the Knights Templar, as well.

To sum up the above, the San Giorgio banking syndicate reached an adequate degree of equilibrium between both its private interests and its ancient jurisprudence. The case of San Giorgio further intimates that this duality, or that these constitutionally-contrary tendencies alternate within a complex, direct, unmediated relationship—between both the corrupt, unjust, and fallible executive officers and the free, just, and pious membership base. In again other words, the mortal individuals and the immortal body politic will have to be integrated as directly as was humanly possible. Despite a functional differentiation between the few and the many, and despite the overlap between all sorts of organizational levels of integrity and sociability, individuals may be incorporated into a company or an order with its own sense of personhood.⁵⁰⁵ In penciling this image of the Order in such bright DS-Theoretical colors, hence, Machiavelli was not only being merely realistic. He was also advocating for a two-in-one, or for a non-dualistic constitution that would be shared by individuals as well as by a corporate person that, however, preceded Hobbes's. The one aspect to have received insufficient attention, this far, remains the practical applicability of the Order's non-dual constitution.

Honoring a Model Non-Dualist Company: The San Giorgio Order

The practical applicability of Machiavelli's model, of the Order of San Giorgio, has not yet been studied—not here, and not in the IR field. Admittedly, there may not be any news under the sun, as realists say. Machiavelli may simply have been using this Genoese Order as yet another one of his many analogies to a Centaur-state. Indeed, his notorious references to the Centaur (a prince who is half-man and half-lion, for example) have already received more than scant attention.⁵⁰⁶ Yet, even if the Order does form a mere analogy to the Centaur—then how should its apparently-fictively, mystically-hybridized, and yet also non-dualist constitution be understood to be functioning in daily life? Or, if San Giorgio is an utopian ideal (as Benner suggests it is), then why did Machiavelli suggest that this Order exemplifies Rome's virtues even better than Rome had done herself?

To start with the answer the second of these questions, Machiavelli's eclectic theory primarily takes the Republic of Rome as its most-imitable model of a dualist-yet-integral constitution. Even in the Republic's later imperialist stages, its constitution is said to continue to engender law and stability—both in its external public affairs as well as internally, according to the Secretary.⁵⁰⁷ During the above-conducted examinations it was argued, as well, that because the ancients had so piously held on to their modes of public worship (Romulus and Numa form a dyad, for instance, in that they are creator-and-sustainer demigods), that they also felt sufficient confidence to work on the veneration (restoration, or on the re-honoring) of their ancestral constitution. After all, the

virtues of a few great founders were to be honored as if these men had been a divine sort of ancestors.⁵⁰⁸

It should be noted that during the Christian era, the connection between ancestor worship and the honoring of the great state-founder's personal constitutional qualities had begun to fade, but only gradually so. (The case of Lorenzo the Magnificent shall herebelow be reintroduced in order to emphasize even his semi-divine status.) Even in Machiavelli's time, thus, most urbanite or at least most literate persons would have known about the existence of numerous religious sects' combining elements of Christianity with those of ancestor-veneration and paganism.⁵⁰⁹

Although the Roman Republic would during the Renaissance no longer have been the only venerable source of constitutional stability, within the human realm, it also had not been fully replaced by the material constitution of the Church of Rome. The idea that Charlemagne would have created one stable Holy Roman Empire remains utterly alien to Machiavelli and his peers, for instance. These men are, rather, taking their time looking beyond the standard-models of the ancient republics as well as of the organized Church and, especially, the monarchical features of the Papacy. Indeed, Machiavelli comments negatively on each of the most-memorable founders of the classic republics (Lycurgus, Romulus, Solon, and so forth); he appears to have distrusted these individual princes of old as much as some of the new prelates and princes, or at least much more so than that he would ever express any skepticism towards the (compounded) body of the (Italian) people. Only the people can be led to act by means of "the word" (by a call to liberty, for example), he repeatedly says, whereas monarchs and princes are led by force.⁵¹⁰ So, what

sort of body of people does he actually refer to when he argues that “the faults of the people spring from the faults of their rulers”, that “the people as a body are courageous”, and even that their body is “wiser and more constant than princes”?⁵¹¹

It is more than likely that Machiavelli sought to complement the Roman Republic with another model-state, which should have a legally-incorporated body similar to the Mystical Body of the Church. Akin to how the Son of God forms a sign that combines coinciding opposites (that is, the Church combines the mortal body and the immortal spirit), as represented by the Church in its entirety, so may the Secretary have recognized the Order of San Giorgio as forming a similar sign. Again, due to his familiarity with the Christian juridical tradition of scholars such as Cusa and Ubaldis, but in having known Dante’s works just as well, the Secretary accepted that the Roman Republic-model alone, with its pagan forms of person-worship, could never again be reintroduced.⁵¹² As the Republic itself belonged to the past, he must rather have begun to look to an incorporated body that should miraculously exemplify not only ancient Rome’s, but also contemporaneous Christianity’s constitutionalist modes of ultimate authority.

Again, what kind of body might the Order have formed? The Roman Law-principles that survived the medieval period, or that had been re-established prior to Machiavelli’s familiarization with them, defined companies of men as legally-incorporated bodies. Companies, at least in antiquity’s Rome, could have had equal legal status. It would have to have been a common practice for Roman officials to sell leases to the highest-bidding private companies, for instance, and to thus to recognize their equal bidding-rights, as organizations perhaps only comparable to medieval guilds. The

Romans' purpose must have been to maintain public services in a relatively cost-efficient and accountable manner.

Before expressing his admiration for the Renaissance-model of the San Giorgio company, Machiavelli might have been reading about these Roman companies, or about the *societates publicanorum*, in Cicero. Yet, because Cicero says little about their functions, Ulrike Malmendier shall now be asked to explain why such companies would have been instrumental in satisfying Rome's imperial ambitions. By contrast to the militias, which had been selected by the 'tribal committees', the companies would have been much more likely to have selected members on the basis of their functional merit and equal virtue. The record also shows they expanded relatively quickly, particularly after the Punic Wars, and this must again in great part have been due to their effectiveness in providing public services. The companies were also non-conform, which might have added to Rome's constitutional resiliency. Indeed, Malmendier points out that the Romans were at Cicero's time making use of three types of publically incorporated companies—which thus would have added considerable flexibility to Rome's existing modes of authority.

First, Rome employed private contractors performing logistical and restoration services. These contractors kept temples, markets, or sewers in working order. Second, officials created complex leasing structures to protect 'the commons'—and through which private parties were allowed to administer public goods. Private parties were granted leases that could include fishing, grazing, or mining rights, for instance. The third and last type of 'private company', as Malmendier writes, consisted of those

“*publicani*[which] ‘leased’ the right to collect direct (poll or land) taxes from the inhabitants of the provinces, and to collect indirect taxes (customs or dues).”⁵¹³

These three forms of government business, as having been contracted to either one *societas publicanorum* or another, already took on firm juridical shapes sometime during the second century B.C. This is why Cicero’s or Polybius’s contemporaries would certainly not have been surprised to hear them refer to ‘shares’ individual citizens were buying in these *publicani*: most Roman authors must now be presumed familiar, even, with ‘stock-market jargon.’⁵¹⁴

Arendt has been less attentive towards the *societates publicanorum* than Malmendier is, even though the latter clearly typify her own notion that the ‘public thing’ should functionally integrate the interests of each and all of the private citizens (‘shareholders’), despite the agonizing tensions between these interests. On Malmendier’s reading, further, there is absolutely no suggestion that the *societates* were accumulating capital. It seems highly unlikely they operated like modern business corporations, which in their stead are under no legal obligation to reinvest their profits in the ‘commons’. As well, centuries prior to the Christian era, Roman Law-culture can be found to have condemned any signs of usury and capitalism (in modern parlance). Indeed, practices such as intemperance and luxury signal to *a-scholia*. Only *virtus*, rather than *a-scholia*, had to be practiced in every realm of life. In accordance to Kinneging, “the Roman idea of *virtus* [finds expression in] ... the regulation, the moderation of the appetites”. Such self-regulation and “[s]elf-discipline is a practice; a *habitus*”.⁵¹⁵

Roman Law surfaced from those discourses in which virtue and appetite, or practical reason and irregular passion, had been theorized to form mutually opposing tendencies—which, nonetheless, were being integrated by corporate communities, or by bodies politick. Both actual conduct and the idea of the law, and both the facticity and the normativity of action, within Roman Law-culture: these were the dualities that would have governed the dissipative structures known as the *societates publicanorum*. On these grounds, Machiavelli speculates that such contraries had to be rationally co-present in any model company, but which he then also observes empirically present within the Order of San Giorgio. That means the Order is a concrete company, thus, rather than just an abstract juridical ideal.

Even though modern legal philosophy takes the view that companies are private, or for-profit entities, the San Giorgio company is no such entity. Rather, it retains an aura of mysticism; the paradox of non-duality blocks out the modernistic view that individuals are driven by their capitalist ambitions. Rather than to be a self-serving entity, the San Giorgio company is one among several historical political entities habitually disciplining itself. Its opposites are constant in the sense that they are believed critical of each other, and yet their reciprocally-critical relations are somehow also believed to have a practical application. These relations are virtuous (perhaps even autopoietic?) in a self-sustainable manner: the relations are becoming ‘second nature’ rather than to be forming either legal or quantifiable structures of power. The Order’s *virtus* would not have been legally constructed, by the members individually, thus, but by the archetype of an entire body of members, rather, so that the opposite humors balanced each other in this ‘naturally’

virtuous manner. Nonetheless, the balance itself demanded self-discipline; the Order's "virtus is not an inborn endowment"—as Kinneking may be read to have complemented the above concrete connections between self-discipline, virtuosity, and DST-organizational (micro-meso) sociability.⁵¹⁶ Companies would such as the Order of San Giorgio appear within the contours of Roman Law-thinking, in other words, because these companies are complex systems intrinsically worthy of admiration—and of becoming openly recognized and honored for their service as well. "Honor is the crown of [their] *virtus*." "[H]onor demanded that a man sacrifice[s] his immediate impulses, desires"—without denying the existence of such "impulses", of course.⁵¹⁷ The compounded body of such men will be even better able to sacrifice its desires than any of its individual members, but also than any individual prince will ever be able to do, as the *Discourses* repeatedly clarify, so that the body's structural integrity will be certain to be recognized for its superior sense of dignity as well.⁵¹⁸ (It should actually be asked, were these company systems thus not in their entirety capable of living a virtuous life of their own?)

Revisiting the Centaur-Symbol: Honoring Another Non-Dualist 'Person'

To now, finally, follow up on the earlier question: is the Order of San Giorgio not simply another metaphor for a Centaur—in the sense that both 'persons' hold on to some hybridized, dualist constitution or disposition?

The Florentine Secretary writes that a prince who finds himself in extraordinarily adverse circumstances should have prepared himself, by having learned to act like a Centaur. Whenever he is althus being compelled by necessity, this prince should “be able to change to the opposite qualities”.⁵¹⁹ The conventional list of virtues—as it consists of “mercy, faith, sincerity, humanity, and piety”—may still be useful, but Machiavelli additionally demands from the prince an ability to not only understand, but to also act in opposition to precisely these five noble virtues. The reason why the prince should train this ability is simply political, or structural flexibility. “[H]e must have a mind disposed to adapt itself according to the wind, and as the variations of *Fortuna* dictate.” Moreover, the two “variations” he should expect to be encountering consist either of manipulations of the “law” (fraud), or they will have been caused by “force” (arms). Hence, he should know how to both “imitate the fox and the lion, for the lion cannot protect himself from traps, and the fox cannot defend himself from wolves.”⁵²⁰ It shall here be argued that the Centaur is particularly instructive symbol in the sense that it symbolizes a complex order within which people will have learned both how to escape fraudulent agents and to defend themselves against enemy forces. To fulfill both functions, their systemic authority is to remain dualistic by nature.

Readers of *The Prince* have long wondered what it means to ‘personify’ the virtues of the Centaur-symbol. There has thus already been a lot of discussion about, for instance, whether either fox or lion dominates within their joint personification. Some have tried to close the discussion by pointing out that both of the two animals, together, only symbolize half the Centaur-man, so his decisions will still have to be made by a

rational human being. The animal-signs are not irrelevant, then, but the Centaur-man has not been fully corrupted by them either, so that he remains likely to choose good over evil. Others have gone a bit further, as they claim that the human part may only resort to either one of the two animal-signs at one and the same moment in time. Either only the lion or only the fox may be simulated, thus, so that they cannot simultaneously inspire the Centaur's decisions. This secondary claim would seem consistent with the general theory that the middle course is to be avoided, and that only one animalistic tendency must be expressed as decisively as possible. But it would also mean that each animal may never come to form than more than one quarter of the complex symbol as a whole; at any given time, three quarters of the Centaur must then remain human. Machiavelli, if this claim would hold, will then have to have been a modern rationalist thinker because he would actually have restricted the weight of any animalistic desires within his general formula of how reasonably and how virtuously princes should act.

Vilfredo Pareto and, more recently, Joseph Femia have contributed to this discussion by having reconstructed Machiavelli's image of the Centaur, as follows: every government will have to have been constituted "by a mixture of force and fraud, but normally [only] one or the other predominates: [a] régime led by 'lions' will prefer force; one led by 'foxes' will prefer fraud. The deficiencies of pure force and pure fraud, as mechanisms of rule, cause the two types of régime to succeed each other in infinitely repetitive cycles."⁵²¹ However, Femia's image is too bleak: it degenerates constantly. This Centaur would create a paradox, of infinite regress: the 'normal' government leader is primarily a fox, until he will be replaced by someone who is primarily a lion, who in

his turn will end up being replaced by a fox. These princes are not so much leaders as that they go through the motions. They have no deontic responsibility to be acting decisively, as they all together would still get stuck along the dreaded middle way. That is, Femia's/Pareto's 'repetitive cycles' still form an average mean: this Centaur-state is neither being led by fox-men nor by lion-men, but by a self-polarizing blend of all of them.

The above discussion has gone awry, however, because it almost completely ignores the critical difference between the list of conventional or *existential* virtues, first, and the *equally* virtuous decision to *appear* to be making an exception to the list, second. When Machiavelli invokes the sovereign's "opposite qualities", he means to say that both conventional Term (1) qualities *as well as* the thereto-opposing Term (2) qualities may always be retroactively assessed as having been applied in a virtuous and prudent manner.⁵²² He simply does not argue, for example, that Centaur-princes should act viciously, impiously, or with cruelty—but merely says, rather, that they should determine the direction of the winds before making an exception that could help them restrict *Fortuna's* leeway.

Further, the above discussion seems to have gotten stuck on its own notion that Centaur-princes are isolated individuals, without enemies. According to liberal discussants, the Centaur-symbol would have to form one isolated whole, which then may be split up into four parts. Yet, contrary to Machiavelli's own text, this liberal image of the ruler as forming one individual whole ignores the facts of sociability as well as of contingency. Again, contrary to liberal or rationalist readings of *The Prince*, it appears

much more likely that the princely authority's extraordinary actions should never be cyclically or continuously—but must always be fully— motivated by animalistic vices, whenever the flux of time demands it.

Animalistic ambitions may only be legitimately expressed when this is done in opposition to fluctuating evils. Rather than that such ambitions or desires are challenging an allegedly three-quarter human mind, they are to be understood as camouflage or dissimulation tactics. The fox simply stands for a sociable being's nominal capacity to suddenly appear differently to his adversaries, and thus also to dissimulate, or to be regarded as a "great feigner".⁵²³ So, every fox-man being stands in a world of fraud and 'appearances'—which is why he must have learned to adjust his actions accordingly, but also to only do so whenever, again, the times demand it. For the same reason, the lion-man stands for the kind of prince who knows how to respond to a world of comparable forces and relative strengths. Machiavelli's Centaur cannot be understood in terms of the proportionality of its parts, in brief, but forms rather a rhetorical trope and a pedagogical symbol which is being used to commend the one great person who can use all of his faculties in a lionesque manner, whenever increasingly more armed wolf-men are surrounding him, but who also can apply these same capabilities in a shrewd manner when he is suspecting fox-men might be conspiring against his rule.

At a higher level of organization, lion-men and fox-men cannot be in opposition to each other. These two types have not been invoked as interchangeable units or parts. They also do not succeed each other in long cycles, thus, but are rather thought to be lending their dispositional qualities to a state that will then be considered both eager and

able to make use of them. The dictum is here that any successful order will have been able to defeat its enemies at their own game: it will take a fox to deceive one. The Centaur symbolizes both a charismatic ruler, at the micro-level of organization, as well as a complex system capable of functional adaptations to any changes in its natural environment, at the macro-level. In observing this complex system, it may again be noted that the rational-abstract and empirical-concrete dimensions should retain a sense of balance. If the system were to become imbalanced because it is deficient of lion-men, for example, then the order as a whole would have to be nourished or over-compensated until these lion-men are again as available for service as that the fox-men would be. Against Femia's remarks, neither one of the two animalistic dispositions will have to become predominant, thus, as both should simply be equally available to the order as a whole. The people will naturally try to maintain equilibrium between any two humors, so that neither one humor attains full predominance over the other. The Centaur symbolizes a self-organizing, self-integrating, non-dualistic government system.

Erica Benner's sophisticated discussion of "human zoology" coheres to a certain extent with the DST, but not reliably so. Benner rightly reads the passage in *The Prince* as expressing little and maybe even as expressing virtually no tension between humans and animals, or actually also not between the mindful-rational and the sensory-experiential qualities of the republican life. On the side of the human *animal*, she argues that in recognizing traps and snares, citizens who are able to act like foxes are not to just rely on their sense of "sight", but on their other sense organs as well: "Citizens need, like foxes, to use all their senses". "Even when using lion-like ferocity, [therefore, they also]

... should guide this use with a keen sense of the snares involved, using powers of [recognition and of] *conoscere* that foxes have by instinct and humans must develop by their own efforts.” Machiavelli would not have wanted citizens to only use their instincts, however. He may have expressed some support for a human return to the animal kingdom, or to the state of nature, but he was as supportive of citizens who were relying on more than just their physical sense organs. On the side of the *human* animal, they will also have to learn to appreciate the rationality of their own laws, as Benner agrees, so that they have to have instructed themselves on how to develop their rational, discursive, or their metaphysical qualities—as well as their sense organs. Thus, Benner is correct to the extent that she find that natural beastly abilities, first, and human capacities for self-regulation and self-legislation, second, were never intended to form “antithetical modes”. To the contrary, Machiavelli’s Centaur-system only gains in durability, indeed, once it becomes less of a dualistic system. Benner ‘realistically’ appends: “If human beings were naturally so good [and rational] that they did not sometimes need to use [animal] force to compel obedience to laws, then laws would not be necessary, any more than force.”⁵²⁴

Machiavelli’s honoring of the the Centaur-system is no dichotomizing trick: the aim of the move is not to tolerate physical force’s domination over mental shrewdness, nor *vice-versa*. Sense and reason, or physical and metaphysical cogitations, remain rather intimately connected. Indeed, the Centaur is used as a symbol of their mutual integrity, indicating the presence of a complex system of legitimate authority—which itself may again attain a higher degree of sustainability by virtue of its own contingent, and hopefully timely, integration of such two mutually-opposing humors. Benner would have

to concur: these humors remain situated within one system, having only the two legality/fraud and the discretion/force dimensions. She has not observed, however, that this two-dimensional system is jarringly reminiscent of the Order of San Giorgio-system, which has earlier been shown to likewise attain its authority by integrating two humors.

Neither good laws nor good resources must become so dominant within the Order's system that they would no longer be equally available to its members. Particularly when changing times demand it, both laws and resources should be equally available, although they should not have to be equally applied. Furthermore, and in somewhat different words, the legislative-metaphysical and the executive-regulator faculties to be developed by the individual citizen-statesperson, as they had been developed within the San Giorgio-system, should quite similarly be able to check and reciprocate each other. Yet, Benner's overall discussion admits no antithesis between the law-abiding citizen and his only moderately-more discretionary role as either a fox-man or as a lion-man. That discussion, by implication, will also not admit any productive tension between the system's legislative and its executive functions. Upon having gone beyond Benner's reading, and by having further compared the individual Centaur's faculties—which remain so evocative of Lorenzo's characteristic ability to integrate “dispositions ... incompatible with each other” as well—to those of the Order, the conclusion can be drawn that the Centaur-trope had been intended, by its author, to signal to a non-dualist system.⁵²⁵

Inside the system, reciprocal and productive relations between ‘incompatible’ humors as well as ‘incompatible’ cognitive faculties are being made possible by their

coincidences. The system itself is no ‘semi-mythical ideal’, therefore, but a concrete incorporation of the body politic, as an integral whole. The angular shifting back and forth between the great personality and the people is typical of Machiavelli’s complete story of the body politic. The above-narrated story about the compounded body’s non-duality carries more mysticist-monastic than that it carries any legendary or idealistic overtones, moreover, so that the concept of non-dualism itself can be concluded to probably have attained its meaning from long-standing practices—rather than from the irretrievable past.

Evidently, albeit always tacitly, Machiavelli uses his concept of non-dualism to connect personal dispositional strengths to the constitutional state’s forms of self-scrutiny. This type of connection has already previously been described, by Anthony Parel, among others, as consisting of a relation between various humors.⁵²⁶ To say this a bit differently, the dualities which inform the Order’s natural constitutionality (liberty/tyranny, integrity/corruption, justice/injustice) are not dichotomies, but more akin to conflicting moods, or to agonies. They are a sort of bipolar moods, but they do not connote schizoid pathologies. Machiavelli rather appears to have been thinking that the opposing humors are in an unstable state, yet maintaining equilibrium, rather—in ways that neo-Pythagoreans, and neo-Platonists, among others—would also have thought about the good man as being either in an unstable-yet-balanced state, or as being in a non-dualist state, also.⁵²⁷ What gave him this belief, or this sense of confidence, however, that the state will not be dichotomized in a civil war—and that an equilibrium would be constitutionally maintained?

Machiavelli's Subversion of Fortuna or Why the Florentine Tragedies Can Inspire Confidence

Beyond the narratives of the San Giorgio Order and the Centaur's complex 'personality' it is now time for a third and final narrative to be (re)told. This is the narrative about the spirit that emerges from non-dualist constitutional states. That mysterious spirit is somewhat like a river, or the wind. It is both form and matter: it is both a mental idea and the physical movements it is believed to be causing. Its 'matter' may best be retrieved from the *Florentine Histories*, where Machiavelli reports on an infamous 1456 day filled with lightning and whirlwinds. But its 'form' must be attributed to the heavens and their impenetrable intentions. For, it had nearly certainly been by the "design of the Omnipotent"—that Florence had been threatened that day. "[F]or had the hurricane been directed over the city, filled with houses and inhabitants, instead of proceeding among oaks and elms, ... it would have been such a scourge as the mind, with all its ideas of horror, could not have conceived." The Tuscans suffered material damages from the hurricane, but had nonetheless believed themselves fortuitous; at least the people themselves were spared. Yet, the morale is they had understood the storm to have been a sign: "the Almighty" would have displayed his "powers" over the heavens as a warning of things to come. For, Machiavelli's chapter proceeds by sketching how "the Florentines [had] continued tranquil during war". Apparently, during a time of rising

turmoil, they had taken the celestial reminder to heart and—most importantly—they would have done so in quite a “doubtless” manner.⁵²⁸

Machiavelli sees no need to speculate about what the cause for the warning from the heavens might have been. He rather narrates about the hurricane in order to express his ‘true’ concern, which is that the Florentines of later decades were no longer interpreting such omens as calmly as they had still done in 1456. For instance, after Lorenzo died, in 1492, “the highest pinnacle of the church of Santa Reparata was struck with lightning ... to the terror and amazement of everyone”. The 1456 and 1492 storms form a rhetorical conjunction, to make clear that less than forty years after the first hurricane, much had changed. Now it had been only one strike of lightning that would already terrify: these Florentines now lacked confidence. By contrast, in the years following the 1456 hurricane, they had still quite confidently decided not to take sides in the armed conflicts that had devastated their relations with others and, particularly, with Naples. After Lorenzo’s death, thus, they must have realized how dependent they had become on his benevolence. For, as *Florentine Histories* concludes, they would certainly have had reason to fear germination of “evil plants, ... which in little time [would ruin] ... Italy”.⁵²⁹

Besides the above-theorized stories about Lorenzo the Magnificent and about the Order of San Giorgio, which involved respectively a commonsensical person and a well-balanced constitution, this third narrative takes the people’s spirit of confidence as its subject matter. Over the course of just 36 years, as this third narrative suggested, Florentines had grown more superstitious, and less confident. Machiavelli’s

Discourses makes the case that, as one of its chapter headings announces, “the occurrence of important events in any city or country is generally preceded by signs and portents, or by men who predict them.” As in *Histories*, he says that one of the “celestial signs”, as everyone would be sure to remember, had been revealed on the day that “the highest pinnacle of the dome of Florence was struck, by a bolt from heaving, doing great damage”: the lightning bolt had been portending the death of Lorenzo de’ Medici. “It is also well known how, before Pietro Soderine, who had been made Gonfaloniere for life, was expelled and deprived of his rank by the people of Florence, the palace itself was struck by lightning.” Machiavelli establishes then that he *does* not, and probably also *can* not, have sufficient knowledge whether such signs had been deliberate warnings issued either by “spirits” who populate the cosmos with their “superior intelligence”—or by other “things natural and supernatural”. What he can know, however, is that the signs were generally being experienced, and would be remembered as omens, as they had “invariably [been] followed by the most remarkable events.”⁵³⁰

The gist of this third story is not that the Florentines are superstitious. If they had been, they would of course have been able to cogitate malevolent spirits and other cosmogonic phantoms. However, Machiavelli’s *Discourses* clearly points out that he—and, therefore, he implies, the people also—simply cannot know whether any such forces exist. Also, this section’s first paragraph shows that *Florentine Histories* establishes no other way to uncover the possibility of the existence of these forces than as in reference to “the Omnipotent” or “the Almighty”.

Benner reads the same references as cautionary affirmations of human fallibility. People's observance of heavenly signs, or other natural events, should serve as additional affirmation of their taking care to also observe their own laws. The general lesson the citizens may learn from an omen is, further, that they ought to rely on their intuitive senses: "heavenly causation" cannot be seen or heard, yet it somehow informs the historical chain of events. But what is intuition? Benner adds that Machiavelli would only have assigned such "an important role" to signs of causation so that he could amplify his call for "practical reasoning, [and for the] checking [of] presumptuous conduct and *hubris*." People should learn to recognize these omens, therefore, not only because they might announce future disruptions within the seasonal cycles of nature and history, but especially also because the omens call them to order by insisting on the importance of their laws and their "practical reasoning". In this sense, the omens simply serve to remind them of the fallibility of their own rationality. They remind them "there are limits to any individual's, party's, or city's power; that these limits should be respected ... and that; violating limits incurs disorders that may reasonably be represented as divinely sanctioned chastisements."⁵³¹ In brief, strangely enough, it is by means of their respectfully observing of the signs that human beings cannot change the chain of events, but that they can incentivize themselves to refrain from engaging in their own so-called "presumptuous conduct".

Benner hardly takes time to examine the issue whether Machiavelli is faulting false superstitions for Italy's ruin. But he is. He is critical of beliefs in "spirits", for they deprive the people of confidence. He also seems to be arguing that their superstition

would result from an excessive trust in the human mind, and from an excessive separation between the individual prince (the rational mind) and the nature of the people as well (the body politick). It is this philosophical-contemplative excess that causes, then, the rise of inaction and negligence and therefore also historical tragedies. The above sections have already worked out the premise that Florence's own tragedy took place between the 1450s and the 1510s, and probably climaxed around 1492 (the end of Medici leadership). Machiavelli was also shown to have thought that the tragedy's end may still be averted by organizing Florence and the other Italian statelets against a foreign invader—so that the pace of the entire historical drama, an of their joint decline, however, may still be slowed down. He invokes the history of the Roman Republic to clarify that great human ingenuity and extraordinary assertions of *virtú* were being displayed—to have created this same effect, of having slowed down the constitutional degeneration process. This point of extraordinariness is not to argue that Meinecke, or even Gramsci, were correct to have interpreted Machiavelli as speaking the language of the great personality in history (of Caesarism).⁵³²

Rather, this is to argue that Machiavelli sought to describe popular self-confidence in terms of a symbiotic tension. This is the tension between both individualism (mind) and populism (body), which he would alternatively have described as the intense relation between “industry” and “nature”. This productive relation is being exemplified, throughout his natural systems theory, not as much by the great few by themselves, as that it is cultivated through their own relation with the nature of the many, many people. An industrious people will thus have to know how to cultivate nature,

including their own nature, in such ways as to give all of them more comfort. In order to “defend themselves with greater assurance”, as *Histories* holds, for example, all of them have to be keeping their activities adequately spread out, and to be keeping “the inhabitants of a province properly distributed”. A naturally industrious people will also know that “[w]ith cultivation, the [soil] becomes fruitful, and [that] the air is purified with [man-made] fires; [both] remedies which nature cannot provide.”⁵³³ Interestingly, *Histories* hereby treats the people’s industriousness as a method of *accommodating* nature, rather than to *master* Nature. Industrious human beings are appearing as prudent persons: they cannot completely *master* human history (*Fortuna*), yet they may very well try to *accommodate*, *anticipate*, and *remedy* natural history—just as that they may be able to do by creating river embankments.⁵³⁴

Any careful rereading of *Histories*, conducted with this accommodation-premise in mind, is likely to help further demonstrate that human beings do exercise considerable influence over their own fates. Hence, Florence’s decline is probably, or at least in great part, the result of their own negligence. They should have been attending more critically to the perennial laws of natural history. Florence’s shortened life-span as a free republic, or any other system’s degeneration will not solely have been predetermined by the chain of events or by the wheel of fortune, in other words, but particularly also by human indifference and fallibility. Machiavelli’s “Almighty” may still be believed to have a hidden hand in extraordinary events, but Machiavelli’s God is also throughout it all believed to be the people’s God, and the people’s voice, which can only have meant that he is arguing that human beings have an equal say in how fast, or how slow their wheel

of fortune should be spinning.⁵³⁵ As Benner explains, the free will of each person may, and should, be directed in such ways that will help the people to accommodate the historical flux of Nature. The importance of free will is critical, henceforth, both in accommodating historical necessity and in simultaneously limiting the places in which (the 'false' goddess) *Fortuna* could possibly rear her head.⁵³⁶

Florentine Histories relays how and why the people of Florence had so steadfastly refused to accept military aid from the French, during their troubles with the other statelets and especially with Naples. The subliminal message is here that the people still had had a healthy fear that they could become dependent on mercenaries or on foreigners for their protection. In *The Prince*, Machiavelli explained why they should have been fearing such a dependency. "The armies of France are ... of a mixed kind, partly mercenary and partly their own; taken together they are much better entirely composed of mercenaries or auxiliaries, but much inferior to national [or native] troops."⁵³⁷

Contrary to some of the other Italian powers, Florence had thus never invited any strangers to either aid in the City's external relations or in governing her public affairs. As the Secretary additionally reports, still in reference to the year 1456, even the pontiff, Æneas, would have appreciated that Florence had maintained its course of autonomous action and its free will. Machiavelli reports no significant disturbances or irregularities under this pope's leadership. He would even have canceled a previously planned crusade, which clearly signaled to his confident understanding that he needed to remain "free from the ties of private interest, [and should have] ... no object but to benefit Christendom and honor the Church".⁵³⁸

Machiavelli's chapter on mid-fifteenth century Florence forms a captivating study on historically coinciding but mutually-opposing humors, such as religious freedom and private interest, or free will and historical necessity as well. The *Histories* chapter is particularly fascinating because it reiterates not a few core precepts of Renaissance, as well as of Reformation republican thought. Each of these precepts appears to have held that public leaders ought to breathe certitude. Under conditions of incessant warfare, most people will not know what the just and fair course of action has to look like. Simply not bending to the wills of the warring parties, however, would always be a good first precept for them to follow. Simply not engaging in costly projects such as crusades, second, would serve as yet another good guideline in preserving their 'true' public freedom (their *res publica*). Third, the Florentine Secretary stresses that all human beings can be equally mindful of the suddenly changing winds of time, or of any signs of the cosmogonic laws of nature. They do not need any extraordinary intuitiveness to become more mindful, however, as they merely need to stop separating their abstract contemplative logics from their concrete bodily sense experiences.

It is in all realms of life—both natural and ingenuous—that they should train themselves to integrate their faculties, and to serve as the “subtle interpreters of appearances” (and to become not unlike the great monastics, actually).⁵³⁹ In his references to the above-mentioned omens, for instance, therefore, Machiavelli must only have intended to call on the Florentines to again start practicing interpretive skills, or mindfulness (a practice that monasticism also connects, by the way, to non-dualism). Immediately after their military defeat at Sienna, although this example is very implicit,

this narrator further holds that the people of Florence were not seeing any signs or listening to any rumors. They now finally began to judge the appearances of things, rather, “not only in private circles but in the public councils.”⁵⁴⁰

Political actors *may* easily be swayed by foreign adversaries or by private interests, yet they *can* follow the decisions of the public councils. These councils are a sort of assemblies with legislative-adjudicative powers. Machiavelli consistently represents these popular assemblies as having been ultimately responsible for the Republic’s fate—so that it were these assemblies that kept appearances of corruption at bay, and so that executive leaders would have been listening to, and would be carefully interpreting their voice. The assemblies tend to be more peace-minded than the great dynasties, also, as evinced by these words spoken by an anonymous person to Lorenzo de’ Medici: ‘The City is exhausted and can endure no more war: it is therefore necessary to think of peace’. Machiavelli continues: “Lorenzo was himself aware of the necessity, and assembled the friends in whose wisdom and fidelity he had the greatest confidence”. They then decided that—in comparison to the Church of Rome, which often changed policies due to “the short reigns of the pontiffs”—the King of Naples formed their greater enemy, so that “the King’s friendship would be of the greatest utility”.⁵⁴¹

To recapitulate, Lorenzo’s peers are here paying heed to the voice of a democratic assembly, after the Sienna defeat, and immediately before reaching their decision that they should firstly negotiate a peace with the concrete natural-material enemy, and only secondly also with the abstract logical-spiritual enemy of their state. Notice, however, that it was not the assembly alone that would have reached this “better judgment” (or: to

have spoken in ‘the voice of God’), but that this sense of “judgment” had been exercised by a complex combination of both the assembly’s representative (democracy) as well as the prince and his peers (aristocracy), since this prince himself had already been “aware”.⁵⁴²

The historically coincidental relationship between the twin elements of ochlocracy/democracy and of oligarchy/aristocracy forms the prime subject of Machiavelli’s systems theory. Remarkably, however, is that there is no mentioning of a third element other than of ‘true’ religion: civic religion ranks equal to, if not higher than, good laws and good arms. How can the theory then explain that many exemplary decisions—including Lorenzo’s confidently-made decision to negotiate with the King—emerges without the narrator’s mentioning of any omens and without any new signs from “the Almighty”? Machiavelli is here apparently expressing his faith, not in a hidden hand, thus, but in participatory freedom, to be exercised through a complex constitution in which the interests of a republican assembly and those of a princely privy council will both remain open to stabilization and mutual alignments. It also appears that the theoretical difference between having faith in God’s voice and in the people’s constitution could not have been defined any narrower than that Machiavelli so tries to stabilize the relation between opposite elements. Yet, by contrast to “the Almighty”, who governs heavens as well as earth, there is still the issue of ‘false’ religion

Fortuna is a far lesser or, rather, she is a ‘false’ goddess, governing only on earth. She is the “angry river” who may be faulted for turning plains into lakes, causing everyone to flee.⁵⁴³ Yet, *Fortuna* is far from omnipotent. She takes on easily-discernable

appearances, in wars and other catastrophes, which can very well be countered by human ingenuity. It is also important to note that her signs have not even been created by the heavens (*il cieli*).⁵⁴⁴ *Fortuna*'s signs are not lightning bolts, for instance, but floods caused by human negligence. Her signs are convenient scapegoats, in effect, for everything that "lacks any moral compass": a lack that gives Benner sufficient reason to continue to examine *Fortuna*'s demonic side.⁵⁴⁵ Yet, is Benner not too liberal in her examination, dealing only with *Fortuna* as if she were a meddling and interfering regulator?

Political realists argue that not *Fortuna* but that the heavens are to be consulted by prudent leaders—as is especially shown throughout the *Discourses*. Roman generals are here often shown to consult the augurs before they make their decisions. Modern liberals, here-including Benner, would have to argue, to the contrary, that Machiavelli's consultations of celestial signs serve only his underlying secular, liberty-affirming goals. The omens are only to be recognized "through a naturalistic analogy" because they form mere rhetorical tropes: the omens would help good citizens to preserve their right to be prudent. In prudently deciding on their own directions, citizens should also be able to see through the omens, to dismiss them as mere signs, and thus to liberate themselves from *Fortuna*'s willfulness.

Realists will alternatively argue that the commoners should not so much to be seen to contradict *Fortuna* as that they should be confidently mimicking the direction 'desired' by the heavens: by the natural signs. There is nothing wrong, according to realists, thus, if citizens were to believe in omens. Problems only arise if they attribute the omens to *Fortuna*'s will rather than to the heavens, governed by "the Omnipotent". In

that case, they will be giving in to ‘false’ superstitions, and grow more likely to ignore both their ‘true’ (Christian) God as well as to neglect their duty to mimick the actual ecological laws of their country. Likewise, political realists would also be more likely than secular liberals to argue that statespersons should appear to be faithful to, by actually obeying, the laws of nature. Like any other animal (if, after all, statespersons are to be acting like Centaurs), in other terms, they must have the ability to sharpen their instincts, to shed their old ‘appearances’, to hibernate, to hunt, to familiarize themselves with their territory, and so on.⁵⁴⁶

The process of natural law-mimicry cannot be planned. It is a contingent process. Perhaps this helps explain why Machiavelli’s realist methodology does not use any third tools. The Secretary’s considerations of religion never introduce a substantive third element to the above-defined and the DST-defined popular constitution. Perhaps the *tertium non datur*-hypothesis also helps explain why the constitution can continue to contain a directly-agonistic relation within itself. As *Histories* instructs, once the two main types of government institutions (say, democratic assemblies and oligarchical privy councils) begin to separate themselves from one another, after all, they each themselves spontaneously begin to follow their natural inclinations, and again try to be reintegrated, despite their tangential antagonisms. They are usually already “aware”, thus, that their mutual relation should be moderated. Moreover, in order for this to remain a direct, or moderately agonistic, relation, rather, the two types will already have to know, intuitively, that they should occasionally be purified. This means that the main two government bodies will sometimes simply decide to purge themselves. Or, they will

“sometimes ... be purged of corrupting elements: ... ‘purging’ is needed to restore health to ‘mixed’ bodies”. As Benner accurately summarizes, it is through these self-purgatory actions that governments may—more than just only occasionally—come to see that their “bad conduct merits punishment; ... corrupt cities [will at times] need to be purged before they can be restored to ethical and political health.”⁵⁴⁷

Machiavelli does express a religious degree of confidence on the state’s self-purging qualities. He appears to be placing a Pascalian bet: a mundane form of purgatory will eventually have transmundane constitutionally-restorative results. Obviously, Nazism’s ideas of racial purification and ethnic cleansing are entirely alien to him: he could not phantom such ideas.⁵⁴⁸ Femia adequately demonstrates why Machiavelli’s own ideas could never have justified, but were rather being distorted by, Italian Fascism.⁵⁴⁹ Rather, when he puts his faith in this purgatory-remedy, or in this vaccine that would somehow help inoculate his constitutional state against recurring evils, he is actually putting his faith in changing the humors within the state. The remedy may take on the form of a plebiscite, but it cannot taken on the form of factionalism.⁵⁵⁰

He also never argues that the end justifies the means—because the statesperson should always have the duty to carefully recognize a deontic purpose next to such a utilitarian justification for his actions. Machiavelli does not appear to have thought that either the good or the evil is *inherent to*, nor that good and evil *dominate*, the state and its various government institutions. He only says that when the two main institutions are no longer scrutinizing each other, and appear to be going their own ways, it will become necessary for these institutions to newly purge themselves of their old humors. To thus

begin to avoid excessive indulgences and to begin to moderate their own worst proclivities, both the institutions need to maintain well-mixed humors, as they might be needing these humors to be critically counter-balancing each other.

The historical purgatory-thematic, as theorized in the Secretary's oeuvre, is reciprocal—and might come from below as well as from the top. According to Benner it can only be created from below, by individuals. Benner also seems to find that this thematic is initiated by popular checks on government officials, and thus primarily by liberal citizens who fear government interferences in their private lives, for that matter. Conversely, it seems rather unlikely that Machiavelli would have restricted the origins of a balanced constitutional state to the Term (1) legislative assemblies, as his many references to free magistrates and responsible captains clearly suggest this state needs to be *equally* sustained by Term (2) executive officials. When Machiavelli declares his constitutional fidelity to both purgatory plebiscites as well as towards dialectical methods of self-scrutiny, therefore, he is quintessentially declaring his civic faith in a complex combination of Term (1) norms *as well as* of Term (2) decisions.

Cogitations of this complex combination will be exceptionally critical in times of war. The party which declares victory in a civil war should have the highest duty of maintaining the peace. Because the constitution is in its essence also a peace treaty, the victorious party may not imagine itself at liberty to exclude the vanquished party from their joint-and-therefore-constitutional republic.⁵⁵¹ Also, Machiavelli regularly commends those parties which refrain from faulting the 'false' *Fortuna* for their losses; the people of Florence were afraid to lose Lorenzo, yet they did not fault *Fortuna*. Rather,

they interpreted the heavens.⁵⁵² This distinction is crucial because it makes it possible for the people to hope. For Machiavelli, hope is a religious virtue, which testifies to the redeeming omnipotence and rich diversity of Creation itself. His realist method takes shape alongside his rediscovery of the Christian religion, thus, as he asserts his hope that fallible human beings can redeem themselves by portending to Italy's potential greatness. ('Renaissance' may literally connote 'rebirth' but it also means 'redemption' in that it holds out the promise of having a future in restoring a more-innocent past.)⁵⁵³

Machiavelli counsels the Florentines and probably all Italians, as well, that they should remain steadfast in their belief and hold on to their hope that a more-natural mode of political authority may ultimately emerge. This section has examined where this hope, this confidence should come from. One of the places where their Christian belief in redemptive authority may come from consists of the shelves of secondary literature. It seems too few authors have ever returned to these shelves to read the article "Dante and the Setting for Machiavellianism." Larry Peterman, this article's author, argues that Machiavelli would have followed a few basic principles of Renaissance Christian culture. The Florentine Secretary would have well-understood how Christian theology had remained interwoven with "classical attitudes toward hope, certainty, and philosophy." In following Dante, the Florentine also would not have thought of himself as a secularist or a modernist. Instead, he *did* engage in the study of the Catholic faith, but he did it in Dante's manner: a deliberate choice no longer always acknowledged by the modern reader. Dante was not an early-modernist philosopher, and yet he had expressed great trust in the (only seemingly modern) notion "that humanity can bridge the gap between

hope and certainty.” Machiavelli displays a similar level of trust, as Peterman continues, in having realized that the greatest political-theoretical challenge he faced was the religious predicament—of how “hope [might] become ... identified with what is certain; certain goods, arms, and necessity.”⁵⁵⁴

Clearly, the two Renaissance authors, Dante and Machiavelli, together proceeded to create a forceful reminder (although some might still call it a wager) that they had several ethico-religious and politico-historical reasons to believe in the Resurrection. Despite the various signs of human fallibilities and political tragedies, a resurrected, re-integrated, and free republic would therefore be able to live on—through a series of purgatory stages—not unlike how they believed that the Christ (never: *Fortuna*) lives on. That series of stages in itself allows, quite mysteriously, the contrary elements of human nature, such as the mundane and the transmundane, to sustain their mutually-beneficial relations. Good Christians should simply be taking care in observing these relations by means of an open-ended (or, indeed, aleatory-dialectical) method of historical interpretation—as Machiavelli confesses oftentimes even more extensively, by also interpreting Livy, than that Dante had already done before him.⁵⁵⁵

Applying Machiavelli’s Systems Theory to IR: Recognitions of Sovereignty

The idea of historical modernization is anathema to Machiavelli’s realism. From his classicist perspective, historical change is a perennial process of natural causes and

effects. Men-made or modern progressions do exist, but they are not logical and non-rational. Within the world of men, cause and effect are subject to the unforeseen: to the uncertainty of flukes and accidents. Yet, men-made change somehow remains contingent to natural, seasonal, and cosmic processes. History as a whole encompasses natural history, and is eternal flux: a continuous chain of fluctuations, within which humans can have only a limited effect on their natural surroundings. “Not even the [g]ods or ... *[F]ortuna* stood outside the causal chain”—as one reader of classicist political thought sums up their position.⁵⁵⁶ The whole of History can effectuate change at any level of organization, including the world of the gods, so that History herself remains humanly unmasterable. As is the future, so is the past a mystery. To respect this mystery, realists like Machiavelli must argue that history neither can, nor should be humanly accelerated. Those who had tried, all failed miserably, as only a few 1960s realists or a few structuralist realists may not concur to Machiavelli.

Completely contrary to structuralist neorealists and modernization theory-realists, who did not have much hope but whose ideologies were clearly determined by fears of a communistic future, Machiavelli respects fear but also has moderate hopes. He cautions against ideological arrogance and other such forms of “*hubris*” in day-to-day conduct.⁵⁵⁷ Hope means to him that failure is still an option. Yet, failure itself is no reason for political nihilism. Harmful oppositions, or historical forms of ideological enmity, may still be ‘vented’ by human means, in accordance to Peterman’s Dantean reading of Machiavelli.⁵⁵⁸

The above sections, already before having presented the *Florentine Histories* in another light, further corroborated realism's—original Aristotelian, rather than positivist Kelsenian—argument that antagonism is being caused by an excessive dependency, within any civic system, either on the predominantly ideological power of the cultivated ideational competencies (of contemplative energies) or on the predominantly materialist power of habitually-informed mundane needs (on activist movements). Here is *Histories'* own reformulation: “the causes of most of the troubles which take place in cities” have been created by either one of these two excesses: the desire of the nobles “to command” and the disinclination of the commoners “to obey”.⁵⁵⁹

In order to re-establish a healthy relationship between ideological and materialist powers, between magnificent nobles and ordinary people, or between military captains and common infantry, as well, Machiavelli here argues it should be (religiously) believed a human possibility “to equalize” their respective powers, faculties, and humors. History may be a perennially-cyclical process of causation, but this does not also have to mean that human beings should not be taking the responsibility upon themselves to ‘arrest’ excessive violations of the one constitutional rule that applies to all of them, equally. This one rule is the rule of the balance of powers, and Machiavelli has faith (or: religion) that no exceptions will be possible to this rule, unless they were to affirm the rule. Therefore, it is a constitutional duty to create some degree of parity and balance within the systemic processes of political history.

The section currently at hand shall demonstrate how contemporary, twenty-first century citizens may acquire greater confidence to sustain natural equilibriums, and to

exercise their constitutional duties. There are two aspects to such duties. First, these are duties to use power to scrutinize power. Any statesperson who proclaims to have found the direction in which history is progressing, thereby, should be scrutinized and distrusted. The state itself cannot be taken into either the oligarchical or the democratic direction, as both directions will lead to excessive discords. Instead, a very fine line should be drawn, and rather carefully as well, between the two sentiments of both excessive riches and extreme poverty, but also of command and obedience, as no constitutional state will remain sustainable if it were to escape into either one of these two directions.

Second, these are duties to avoid the option of ‘splitting the difference’. As Machiavellian realists will be sure to point out, a constitutional state such as the Order of San Giorgio remained sustainable because it was able to combine both of the two possible directions without calculating the difference, and without paving them over so that only one new direction would be created. Rather, the duties to sustain the combination do not allow human beings to enter into a perfectly consensual direction, as the “middle course” should be thought to have been closed-off. As Machiavelli warns every one of his readers (although he, indeed, dedicated *The Prince* strictly to Lorenzo the Magnificent), this combination itself is highly complex. The combination sustains a relation between both their “*virtù*” and their “honor”—and thus also to both their skill in preserving their individuality as well as their natural sociability or, simpler, both their integrity and their dignity.⁵⁶⁰

Free statespersons may be able to ‘go down the middle’ of the combination itself, but they should not analytically separate its parts from one another. Indeed, Machiavelli’s classicist realism identifies statespersons, as equally sovereign, to the extent they will not be trying to make the sum of the parts equal to the whole by splitting them apart. They should also not be calculating a perfect mean average if they want to remain as equally human as their counter-parts. Remarkably, those realists who believe in Machiavelli’s ban on the middle course now have good reasons for the ban to be reinstated, specifically in terms of how twenty-first century-states should be relating to each other—within broader, historical IR system dynamics.

In between expressing their fears and hopes, and between their material interest and their ideological ambitions, statespersons may best maintain and provide orderliness to their international relations by autonomously ‘giving’ and ‘receiving’ diplomatic recognition to and from each other. Over time, these ‘exchange’ practices have been tried and tested, which has resulted in a few standards of recognition. But there is no single formula. On one side of the board on which theorists have sketched out the meanings of international statehood recognition, there are the Montevideo standards, which are generally-measurable or at least positively-defined criteria, while on another side there are social constructivist standards, which somehow give expression to those immeasurable practices through which cultural and national identities are being continuously and diplomatically constructed.

On one side of the blackboard, Article 1 of the 1933 Montevideo Convention defines statehood (or, more precisely, “international legal personality”) on the basis of

three key “qualifications”: (1) “defined territory”; (2) “permanent population”, and; (3) a “government” with the “capacity to enter into relations with the other states”. One of the most pressing and unresolved issues in the actual practice of international recognition is that the first two “qualifications” have grown to be much more dominant than the third. Recognition of types of “government”—and of their unique constitutional powers, abilities, and capacities—is thus generally considered the weaker leg in actual practices. This relative weakness has been reflected in the main theoretical categories of sovereignty, or also in the “two analytically distinct categories of requests for recognition”. The first category of sovereign entities meets all three subcriteria. The second category of political entities is formed “as a direct consequence of the threat or use of force by an external power, across international boundaries, [and these entities are] usually referred to as ‘satellite’ or ‘puppet’ states”.⁵⁶¹

These categories of sovereign states overlap a little, yet their differences are measurable. Those states that have very little autonomy, in terms of how they constitute their governments, and which are being threatened by “external powers”, as well, tend to be states such as the GDR, with measurably-less discretion over their foreign affairs and usually especially also over their military affairs.⁵⁶² These ‘satellites’ are unlikely to pass the third subcriterion, therefore, as their government will either be unfree or it will mostly consist of only one of the two main constitutional components; it then only has to hold the executive-administrative power. Sovereignty, at least in formal theories of international recognition, may either be unfree or it will be constitutionally monistic. But because both of these categorical types of sovereignty are so well-measurable and

extremely positivistic, in fact, at least in terms of their self-categorization, they represent nonetheless mostly the state's executive control over a territory and a population—rather than also its unquantifiable degree of popular freedom and and political autonomy.

Within the bounds of the first two categories, then, whenever a sovereign state has met the two first subcriteria, the question would therefore still remain whether it appears to be meeting them *legitimately*; are the people autonomous and do their institutions enjoy sufficient political parity in that respect as well?

On another side of the board, social constructivism argues that if the categories of state sovereignty would primarily have been formulated in terms of which territories and which populations have their own boundaries, then the issue remains whether territorial borders actually represent the population, or whether they might be cutting across several groups and states. Are the boundaries representative? The conventional categories, thus, tend to create their own “logic of representation, [as] a boundary [herein only] ‘truly’ exists between sovereignty and intervention, and this boundary insures the distinction between these two terms”—as Cynthia Weber has pointed out.⁵⁶³

Sovereignty now defines itself as non-intervention, just as that military interventions or territorial conquests would have to be defined as non-sovereignty. That is, the non-intervention norm and factual statehood, together, form a tautology. By contrast to tautological representational logics, however, it is alternatively possible to use a “logic of simulation”, as social constructivists such as Weber have proposed. These constructivist theorists are correct that quantifiable measures of “sovereignty and intervention” should not be used interchangeably. Yet, they also do not want to argue, it

seems, that there remains a qualitative difference between sovereignty and intervention, or between ultimate autonomy and military supremacy. As realists, rather than constructivists, can now make the argument: it is simply impossible to gloss over the qualitative difference between concrete human (constitutional) powers and abstract international (non-intervention) norms. If states were to disregard the difference, indeed, to appropriate Weber's own words, they could just be allowed to "respect no boundary, [as any possible] boundary between them must [then] be simulated in order to simulate the state." That is, constructivists correctly argue that the conventional categories of representation mistakenly treat the sovereign state as a simulation, or as "a sign without referent". But political realists would want to add that sovereign states should precisely therefore again be taking on their duty of recognizing "a referent" which they can all have in common, including possible referents such as "god and the people".⁵⁶⁴

By contrast, from a realist perspective, the political problem of recognition is less being caused by the interchangeability of the referents than it is caused by the unique meanings statespersons create within their own minds. Statespersons frequently display hubris as they imagine they may attach their own meanings to these referents, and to explain these meanings in terms of their own nationalist traditions. Because statespersons are at the current time simply not treating each other as equal co-participants, thereby, and as they continue to play complicated mind-games within organs such as the UN Security Council and the General Assembly, they also cannot escape the tautological and hollow meanings of their own internationally-recognized legal personalities.

The two sides of the board cannot easily be reconciled. On the constructivist side, there is no way to avoid meaningless referents: ideas such as those of Deism or popular autonomy would here have to be considered signs without referents, rather. States simulate their appearances towards each other by means of their hollow rhetoric—which then again neutralizes any potential for change, and which would merely be used to privilege the *status quo*-Powers. On the side of the Montevideo standards, territorial boundaries may likewise be fixed by those Great Powers that have the most to lose from any changes to the *status quo*. The many cases in which the Great Powers themselves failed to add strength to the Montevideo-standards because they remained too powerless to also formally change the *status quo* (in 1956 Egypt, or in 1979 Iran, for example), have formed cases that only added more proof to the fact that the former Imperial Powers can no longer use their forces at will, at least not to create new states, within their realms of influence—regardless as to whether these new states would become buffers, satellites, or dependencies.

Hence, U.S. President Wilson was certainly not among the first to preserve the *status quo* by means of treaty-law, but he was the first to help codify the non-intervention norm, which is the reason why the current-day recognition methodology still owes so much to him. He worked on this norm at Versailles, shortly after the Great War had to be concluded in 1918. His work helped create the modern idea of a territorial integrity-norm. Indeed, this was the only norm to survive his Versailles visit as he already needed to recant this first ‘utterance’—of that other possible ideal-standard, of the national right to self-determination, however—by Fall 1919.⁵⁶⁵

In order to maintain American standing *vis-à-vis* Europe's Imperial Powers, Woodrow Wilson's efforts to define non-intervention had also redefined, and delegitimized international military interventions. Wilson had thus become instrumental in the legitimization of prior territorial conquests throughout Africa and Asia—or at least in preventing them from becoming delegitimized by any one of the Imperial Powers. However inadvertently, Wilson diminished the chances that the African and Asian peoples, many of whom had contributed to the First World War, would be claiming their right to political self-determination. Although many 'commonwealth peoples' had sacrificed during the War, in order to maintain the liberties and immunities of their imperial overlords in Paris and London, the latter were cruel and not interested in hearing any advice that these peoples should have political autonomy and be allowed to decolonize themselves.⁵⁶⁶

Wilson's idea of a right to national autonomy, based on democratic suffrage rights, would by 1919 have seemed to have been a short-lived 'go-it-alone' strategy, and the idea was dismissed as empty rhetoric, at least with respect to its applicability among non-European peoples and non-Western ethnic minorities. Wilson's ideas *would* solely be applied to justify the mass displacements of Eastern Europeans, and to thereby territorially-emasculate the vanquished (Germanic-language-speaking) nations. These applications essentially recreated what by 1939 would turn out to be, unfortunately, perhaps the most unstable balance of powers Europe had ever experienced. Wilson's ideas thus actually helped maintain more, rather than less, political equalities in the world.⁵⁶⁷ The reason must be a pro-European bias. In 1919, for instance, the U.S. had

even helped block “Japanese efforts to introduce a clause endorsing racial equality into the covenant of the [League of Nations].” As Krasner describes, the abstract ideas of self-determination and democracy were defended “even if this meant compromising [the concreteness of] autonomy.”⁵⁶⁸

Some structuralist neorealists, such as Randall Schweller, may want to argue that the world—at least after the Second World War—has grown accustomed to compromise. Autonomy has then merely become a relative degree of power, so that in effect there is no such activity as actual self-legislation. There are only varying degrees of international power and of inter-regulation. Schweller describes this as a world of “under-aggression”, since most states would have made a rational choice to compete only in terms of their “relative power, ... composed of both material and non-material capabilities.” This could then explain why regional power-houses (Brazil, China, South-Africa) will not pursue absolute power over their neighbors, but will choose “to remain potential regional hegemons rather than actual ones.” But almost each one of the peripheral hegemons has gone through protracted border conflicts. The reason they are now respecting the territorial integrity of others is simply that they try to avoid confrontations with a few leading garrison-states, as the latter have sophisticated naval fleets and far more nuclear weapons. Hence, Schweller is wrong to so suggest that the self-constraint on the part of some has been a sign of “under-aggression”. For, it could then equally as well form a sign of “under-peacefulness”. In a situation of completely relative power, there can only be nihilism, and no concrete referent, regardless as to whether that referent itself would have to be peace. Self-constraint and self-regulation on behalf of peripheral hegemons can

carry no meaning, at least not in a Schwellerian world, thus, as even those ideas somehow have to remain relative to the qualitatively different powers of especially a central hegemon (the U.S. and the EU or, perhaps, Russia).⁵⁶⁹

By contrast to neorealists, classicist realists will regret that Wilson's original conception of political self-determination has gained almost no currency. The concept of political autonomy is hardly being used to undermine the territorial-integrity convention that was established, with Wilson's own assistance, in order to strengthen the relative powers of the victors of both of the World Wars. For, another one of Wilson's ideas, that of eliminating the right of conquest, can still be said to actually have improved the value of the recognition practices that had already become current by the 1870s, when the 'Scramble for Africa' had almost ended. This second idea has helped maintain a simple rule: states newly created by means of an external party's use of force should no longer be recognized.⁵⁷⁰ As long as military conquest had been considered legal by the Imperial Powers, it had remained possible for a new state to arise within the conquered territories, legitimately, on the heels of the victorious Imperial Power. By 1919, the creation of such new states had been delegitimized, but this was more a practical necessity than it had been the result of a progressive Wilsonian norm. Also, classicist realists do not think self-determination must be understood as a positive right subject to another basic right. Political autonomy is a decision, best made by a plebiscite or in a revolutionary assembly, and this decision cannot be subordinated to any other norm than its own normativity: the duty to protect the people's autonomy, in other words, cannot be subordinated to a series of ever-higher norms. Classicist realists think, rather, that political self-determination is

part of only one structural type of norm (sustainability!), which then itself should be implemented by only two types of decision-making organization (the constitutionally-dualistic state).

So, to return to Fabry's question, if territorial conquest would by the 1920s no longer have been believed to form an applicable subcriterion, would this belief itself not also have further affirmed the comparative advantages of the then-existing Great Powers? Would the Wilsonian prohibition on the forcible creation of new states not actually help preserve the "territorial integrity" of the colonial empires, including the imperial influence of the United States itself—in the sense that Washington now no longer needed to fear any military conquest of Middle and South America? Fabry argues that "territorial integrity" has continued to gain "normative superiority over self-determination", but he has not yet answered his own question as to whether this has happened "for the sake of stability or multi-ethnic democracy, or human rights, or some other externally identified goal".⁵⁷¹

To meet Fabry somewhere in the middle, another glance at Machiavelli's recognition theory would be worthwhile. As was argued, the latter's classicist realist method was supplemental to a systems theory in which two qualitatively different powers engage in productive, healthy relations. These powers realize that their tendencies or their moods are qualitatively different, yet also are aware that they should continue to relate to each other, simply by virtue of their common human constitutionality as well as just to avoid excessive inequalities and violent disorders. It may also be remembered that Machiavelli's theory does not fit very well with the category of 1960s realism, because

only Machiavelli's notion of a complex system helps makes sense of crises and sudden changes by attempting to restore an original constitutional relation between unequal human groupings. The Cold War category, of modernist realism, rather, understands IR to have been one and the same realm throughout history: a realm "in which states were [always] involved in [conflicts] ... with each other (because that was the nature of states in an anarchic world); power was necessary to survive in it, or to continue to fight; all states were potential enemies, ... but the worst might be avoided by clever diplomacy and by virtue of the fact that all alike shared a similar conception of rational behavior".⁵⁷²

Thus, in the frameworks of 1960s realism and in neorealism, just as well, statespersons are rational despite the fact that their ideas are overwhelmingly fatalistic. They make the rational choice to prepare themselves for the worst, so that they cannot be disappointed by the violently anarchical conduct of others. In essence, this would mean that these Cold War-persons have no hopes, and that they can share no common referents. Their rhetoric is egotistic, as it relies on pure signage without references to the common good, and without any references to their shared duties. Within the Cold War-framework, states would have little to no free will, also, as their need for survival (historical necessity) dictates the way in which they will use their power. In short, this conventionalist realist framework has been constructed from ideas such as that each state's final destination has already been written into the historical annals, by some invisible hand, and that it is each state's higher calling to prepare itself for this destination. This idea is typical of a Puritan and an American-sectarian culture, however, in which each individual state's future is imagined to have been historically

predetermined, which then again somehow motivates each state to be as rational, as productive, and to accumulate as much capital as it can—within its lifespan. Within the field of IR theory, perhaps even more dangerously, this sectarian culture was transmuted into the 1960s idea of rational choice-theorems, trumping both empiricism and historical sociology. But whenever the rational dimension of DST would thus be tolerated to dominate the more commonsensical dimension, unfortunately, statespersons would argue that their ends were more rational than those of ‘less-advanced nations’, and that therefore their ends justified any means. These statespersons needed no deontic recourse to a common purpose.

Most realists agree with each other that the idea of undertaking a future territorial conquest is almost certainly being discouraged and sanctioned by those Great Powers with the largest weapons arsenals. By following the Wilsonian ban on illegitimate territorial conquests, however, conventionalist realists (Schweller, Waltz) have generally been expecting that each state’s chances of survival are determined by its own inherent capacity to make rational choices and to therefore avoid being counter-attacked by an more-powerful state. By reducing the chances of armed conflict, competing states will try to lock themselves into the existing balance, thus.⁵⁷³ Their aim will not be to restore any more-stable or any more-original balances of powers, thus, but to work within the *status quo* by preserving it. Yet, if this is the only aim in which they distinguish themselves from Fascist states, as Schweller argues it is, then IR will have be following a strictly utilitarian logic. This logic holds that most states will only try to expand themselves territorially if they can moderate their aggression and if their expansion helps them to

preserve the existing distribution of land and resources. As such a logic in fact consists of a ban, imposed by only very few of the militarily- and economically-powerful states, the issue arises why these very few states should not be treated as oligarchs with a Fascist agenda. Schweller concludes that Fascist ideas such as “national aggrandizement and purification” are inconsistent with realism’s more-cautionary idea “that economic forces are the prime mover of history.”⁵⁷⁴ Yet, it must be objected that such a conclusion wrongly tries to position material capabilities (economic historical change) over and above ideological capabilities—as opposed to trying to integrate the two different types of power.

By contrast to 1960s realism, however, early 1960s liberalism would oftentimes take a more dominant role. In terms of how America’s foreign relations were actually being conducted, both realists and liberals often agreed that economic markets would follow their own logic and would themselves create optimal distributions of goods, so that the battle-of-ideas would be won by materialist means. During the Cold War, mostly liberal policy-makers became adherents of a pro-privatization or a pro-modernization theorem, as they shared their optimism about the possibilities of proving to the world that America’s historical trajectory was progressively becoming the near-perfect trajectory of national self-determination.

The liberal progressives also expected the American experiment with national autonomy—based on private law, on property rights, and individual liberty—to continue to attract followers, in lesser modern states, and even to subsequently become the new international legal norm. Individual interests and consumer preferences had already been

synthesized during the 1950s, as American consumers started to reap the benefits of a mass-industrialized post-war economy. It was not just a reasonable hope, but had become the foreign policy-plan that “economies of advanced industrialized nations could continue to grow, and [their material wealth] be replicated without limit”. Michael E. Latham additionally mentions that this same modernization- and industrialization-plan’s unplanned-for ‘externalities’—such as rising social inequalities, under-nutrition, environmental degradation, and the energy resource crisis—would only be broadly-identified by the 1970s, following publications such as *The Limits to Growth*, a study sponsored by the Club of Rome.⁵⁷⁵

Contrary to what liberal theorists might argue, the Cold War was no ‘blessing in disguise’ because it would have democratized the world. Next to having expanded individual suffrage rights, the Cold War era clearly also witnessed an acceleration in economic competition and consumer materialism at the expense of autonomy, austerity, sustainability, and ecosystemic symbiosis. Now it is taking the world too long to decelerate. ‘Conventional’ GDP-based standards and economic growth-oriented policy-plans continue to form a curse on ‘alternative’ happiness standards. For example, rather than to have cultivated diverse seeds and breeds, and rather than to have respected complex ecosystems in the name of Earth’s deontological transcendence, (neo-liberal) policy-makers in fact broke down the laws and limits that for centuries governed the human food system. They were treating the human food chain not as a source of happiness but as a socially-separate mechanism, especially during the Cold War, when they argued they could make this mechanism run smoother by homogenizing output (by

subsidizing cash crops) and by standardizing the parts. Erroneously and immorally, they were thus expecting that the food chain as a whole would somehow remain identical to the sum of its parts. By subsidizing and protecting highly-mechanized industrialized agribusinesses, moreover, they were valuing quantity above quality, and individual land ownership-rights above any any indigenous criterions that would instead have continued to respect peasant-farm autonomy.⁵⁷⁶

Classicist realists recognize limits at any organizational level, and within any relational power. Machiavelli's method allows realists to respect these limits: violating [of such natural] limits incurs disorders that may reasonably be represented as divinely sanctioned chastisements.⁵⁷⁷ Classicist realists do not accept the liberal framework of economic necessity. Instead, they call for the active exercise of freedom. Economics and politics are not running more and more in sync, but are actually being regulated by separate frameworks. Economics is being liberalized whereas politics is being oligarchized. More dangerously, these processes are no longer being observed to happen simultaneously, as they are tolerated to form separate historical trajectories.

However, if more statespersons were to examine their own idea of progressively linear synchronization (or: the idea of a *telos*) seriously, they could find out for themselves why this idea leads them down a teleological road—and why they will ultimately be disappointed by changing circumstances. Without sense of structural integrity, they will then resort to scapegoating anyone (*Fortuna* would only be the least-worst scapegoat) besides themselves. No longer fearing they might have to listen to a

“chastisement” by the popular voice, they can become so pretentious that they will blindly assume that the ‘golden mean’ (*telos*) is their only way forward.

Machiavelli argues, however, that any idea of a perfect mean is a simple excuse for statespeople to be resting on their laurels, and to no longer heed the signs. His warning against pretentiousness remains one of the most vital reasons why statespeople should be anticipating the future: those who take the past (of Sparta, for instance) as their only example will soon find themselves going down the dangerous road of disallowing any further constitutional amendments, and they will lack the kind of structural resilience (of a Rome) they might later need to cope with extraordinary contingencies.

Liberal philosophers with a penchant for historical syntheses would be wiser if they were trying to understand why they ought to scrutinize their own discursive references to golden syntheses, but also to the middle class and to equity and justice. The actions of most liberal statespersons, in particular, will be much better-respected if they were to embed their actions in referents, instead, such as the common good or the popular will. For, the latter referents can be rationally assessed in terms of a statesperson’s public respect for diversity and pluralism, or human eco-consciousness, whereas liberal references will be more prone to serve the ideological *status quo* on what it means to exercise legitimate authority. Indeed, what do liberal positivist theorists understand the meaning of authority to be?

On Authority: Comparing Kelsen's Legal Positivism to Nijs's Negativism

Which innovative approach did Machiavelli choose to take as he conceptualized the sort of authority that may turn the structure of power into the structure of an autonomous and sovereign state? Clearly, Machiavelli did not choose to dwell by the legal forms and juridical values of positivism. In sharpening the contrast between legal positivism and his own method of political realism, instead, theoretical incisiveness towards Aristotle's concept of constitutional statehood remains of vital importance. Aristotle's notion of what it is that makes the state into a state, seemingly paradoxically, had combined democratic with oligarchic selection methods. Machiavelli finds this combination anything but perplexing, however, as he similarly combines the corruption of executive power with the self-regulative or perhaps democracy-restorative power of the people as a whole. In this sense, he is ending up with a complex combination of both positivist or democratic as well as of negativist or oligarchical components. He respects Aristotle's concept of a constitutional state divided against itself. But he also parts with ancient Greek philosophy as he introduces a novel method of historical inquiry in which the mean, or a third power, is left out of the dialectical equation.

The idea of legal positivism is to Machiavelli very much about the forms. It seems from his perspective to be nothing but an abstract ideal. As such, it may seem invulnerable to corruption but it will also be stimulating philosophical solipsisms: it will be stimulating anything but what political materialism demands. Machiavelli responds to the risk of corruption by ranking the state's democratic potential below the state's

actual command authority. In this, for the purposes of methodological coherency and historical analysis, he is ranking the ideal or the democratic potential of a population far below the concrete competition: below material power. But what Vatter has not yet observed is that Machiavelli also does not go so far as to completely reduce authority itself to either one of the elements of this duality. Authority is still an ambivalent position, rather than that it is found on the side of either one pole. Machiavelli is a process theorist, herein, as he is suggesting that both poles are necessarily constituting a series of contingent or of freely-coinciding opposites—and thus also of: matter/form; movement/potential; revolutionary freedom/dictatorial command; self-organization/power structure, and; political responsibility/utilitarian ends as well as legal positivism/conventional realism.

While Aristotle and Machiavelli would have recognized that men ranging from Moses to Caesar to Lorenzo had represented the oligarchical values of their states, legal positivists disallow any such values. They instead go through great efforts to subvert the power of noble commanders and the possibility of oligarchical discretion—to their ideal of democratically-established legal norms.

Hans Kelsen professes to hold a legal positivist philosophy. He expects the power of the state to have to be absorbed by, and to have to come within an ever-closer reach of, the normative reign of equal rights and similar legal norms.⁵⁷⁸ The government of the state is to be absorbed by constitutional rules, but is especially also to be integrated within an universally-applicable justice ‘system’. Positivists like Kelsen premise thereby that the more constitutionally-valid the rules are, the more likely they can begin to

comprise state power. As history progresses, each state will become part of a larger hierarchy, and be subjected to the regulatory or the normative values of one government structure. The structure maintains its integrity by means of one basic norm. Each state's own norms can be ranked below this one ground-norm. Positivists thus also think of each state's constitution as a hierarchical structure, and as an "essential foundation for government, at any level"—as the well-known description by Alan James holds.⁵⁷⁹

The pure theory of law, as designed by Kelsen, aims to bring international relations, between states, within the confines of a constitution of international law values.⁵⁸⁰ Kelsen's theory paints a neo-Grotian image of international law. State rights thereby become secondary to international rights. In this image, specifically treaty law can be seen to include hierarchically integrated values, with the highest value being a basic norm also identifiable as a categorical imperative. Kelsen's argument seems to hold, approximately, that international rights should be thought to include state rights. For example, while jurists such as Smend had presupposed that state rights could be organizationally integrated, by a political power, the positivist argument undermines this classic presupposition. Not the integration of power, but power's total inclusion by a system of legislation and justice should be the proper purpose of legal theory. Kelsen literally asks why Smend would have wanted to suppose that the justice system will somehow prevent itself from "integrating" when it reaches the critical point of sufficient independence from state power. How could Smend be so certain that at the end of his integration process, both the political government will have been firmly seated and the

justice system will have remained far enough “outside the narrow integrating-scope” of this same political government?⁵⁸¹

Legal negativists argue that not state rights but sovereign authority should be the recognized source of justice in the world. Carl Schmitt, who had clearly become a negativist during the years that he undertook his most vituperative attacks on positivism (1933-1936), argues then also that the factual order of all things sovereign should be recognized as prior to the normative contents of all sorts of rights.⁵⁸² By implication of his oftentimes seemingly too negativist argument, the legal justice system must not so much retain its integrity under inherently abstract legal hierarchical conditions, as that it should herein make itself more dependent on a qualitatively different, but always concrete modes of authority. George Schwab initially had trouble introducing this negativist argument to American audiences. As he pointed out why it had vested the state’s ultimate authority in its making possible of the negations, not solely in the positing of legal norms, Schwab realized that possible negatively meaningful experiences hardly interested American theorists of a more objective or positivist bend. However, as Hobbes would have done, Schmitt’s subjectivism is not nihilistic. Rather, it clearly vested the state’s ultimate *raison d’être* in the decision “to maintain its integrity, in order to ensure order and stability.” “Like every other order, [as Schmitt himself sets out to demonstrate], the legal order rests on a decision and not on a norm.”⁵⁸³

There are several ways to validate the negativist argument, most of which are historical. In 1879, for instance, Ernest Nijs had published a moderately negativist thesis, suggesting that if international rights were indeed allowed to trump state rights, as the

positivist later came to argue they should, it would soon be impossible to recognize states and other public authorities which have remained without international rights. The standard example of a state which lacks, and yet pretends to enjoy universally recognized international rights is, of course, the Holy See. Even though Vatican City, today, is widely being recognized as a statelet with observer status at the United Nations, largely following rules which were spelled out in the Vatican's Treaty with Mussolini's Italy, the Holy See itself claims it enjoys sovereign authority regardless of its internationally recognized status. Even though the Vatican is not being universally recognized as a geophysical state, and is not even a state in accordance to positivist legal conventions, the Pope/See may nonetheless quite certainly claim sovereignty. Before Nijs would be read by Schmitt, in pointing this out he had already directed much scholarly attention to the Papacy's unique claim to enjoy universally recognizable sovereignty—without holding any considerable geophysical power.

Though he is not known to have been a realist, Nijs's writings suggest there is little need to consider the justice system as if it were a monistic hierarchy, apexed by a tribunal (the ICC is technically a tribunal), and as if it is thereby subsuming power to itself. "[T]he decision of differences and conflicts was not, [at least not] in ancient times, confided to magistrates holding their office by public authority, but to arbitrators chosen by the partners." This observation means to him that, not only in actual historical practice but also ethically, "arbitration is anterior to judicial organization".⁵⁸⁴ In a previous era it would have been inconceivable for arbitration to not be believed anterior to international permanent tribunals, althus Nijs. In another thesis he writes: "The popes of the Middle

Ages had tried to arrogate to themselves the part of sovereign arbiters of the world; they had wished to have themselves recognized as master of the nations.” In 1782 the Holy See turned its own status, or its own authority into a point of contention, arguing that because it had not been present at the 1648 Westphalia Conferences, it could also never have “recognized this Treaty.” It therefore retained its pre-1648 authority, regardless of Westphalian legal values. Nijs adds that jurists have for centuries been able to recognize treaties between churches and states, and that there is no reason why churches cannot enjoy “the positive and actual right of embassy”. Yet, under the argument of the pure theory of law there would be absolutely “nothing [making] ... it necessary to acknowledge that the Holy See has any international rights.”⁵⁸⁵

The earliest political realists were intimately familiar with Treitschke’s interest in the difficult question of German statehood, which harbored a strong tension between: first, federal constitutionalism and international equal rights and; second, Bismarck’s claim to enjoy discrete executive authority, which he mainly derived from the Prussian Junkers and their ambition to maintain a pro-monarchical middle level—sometimes almost regardless of the needs of the lesser Germanic statelets. This difficult question would have involved, thus, a complex relation between a negativist tendency in the form of Bismarck’s suspected Caesarism and the more positivist proclivity to integrate the German principalities into one legal hierarchy.⁵⁸⁶ Meinecke, Schmitt, and many others wrote within the discursive context of German constitutionalism, and well-understood the intensity of this Treitschkean historical dilemma.⁵⁸⁷ But they would also have understood that neither one of these two tendencies alone should guard the constitution.

On one hand, if the confederalist positivists were to have become the dominant force in German history, then the constitutional law tradition could have been turned into an inflexible or an essentialist convention, and it would long have been resented by the monarchists and any other possible legal negativists. On the other, if the Prussian Junkers and the negativists among them were to have led Germany's confederalist integration, without displaying regard for the wishes of the Southern regions and non-Prussian statelets, the constitutional balance of powers would have been upset or even have been broken. This two-sided historical consideration played of course an important function in how late nineteenth and early twentieth century jurists began to redefine their general theories of the republican constitutionalist domain.⁵⁸⁸

Stanley L. Paulson describes Kelsenian positivism as a method designed to avoid the constitutional law-embedded state's "anthropomorphization". This method prevents that government will become confused by the interest of individual human beings, "by means of a rigorous and pervasive application of [the] ... *Sein/Sollen* [is/ought] distinction". Paulson mentions Kelsen admitted that applications of this analytical distinction may themselves become too inflexible, and that they then will prove "to be too much of a good thing, for ... the *Sein/Sollen* distinction commits [Kelsen] to a denial of the very possibility of any theoretical connection between facticity and normativity, between human being and 'imputative' legal relation. The ensuing 'antinomy, as Kelsen terms it, is the price to be paid for a 'pure' theory of law."⁵⁸⁹ Kelsen acknowledges further that his predecessors—such as Smend and Jellinek, basically—had held on to a void between human beings and their legal relations, which he argues is why they were

incorrect to claim their theories could help integrate the state's realist-societal with its idealist-juridical side. To help break the circle these German jurists had created for themselves, Kelsen simply propositions to the normative dominance of liberal idealism; his theoretical assumption is that all relationships between human beings are by definition, and predominantly, legalistic relationships.⁵⁹⁰ Especially Jellinek would have made the mistake of allowing the realist-societal or human side to lead in the integration process, while this dimension rather should remain contained by, and be embedded in a hierarchy of legal norms. "Jellinek's assumption that psychological or physical [or possibly anthropomorphical] data will yield normative results is precisely the kind of mistake that Kelsen identifies as a flagrant violation of the *Sein/Sollen* distinction. Paulson adds that "in Kelsen's legal theory ... there is no [open] connection whatever between human being and legal person."⁵⁹¹

If the human being could be believed to be theoretically subordinate to the legal person, or at least indistinguishable from the legal person, then Schmitt must reject Kelsen's pure theory of law. Schmitt argues that Kelsen's dichotomization of being and person constitutes a false move. Schmitt also finds that juridical authority may only emerge from within a complex, but open-ended, and oftentimes indeterminable relationship between concrete beings and their own legal normativity. For Schmitt, as for Nijs, in addition, concrete methods of establishing order by means of arbitration may only be thought to have been effectuated if these methods also remained "anterior to" the abstract ways in which legal personhood usually ends up being institutionalized by seemingly neutral court systems.⁵⁹²

Slavoj Žižek is among those who claim to have uncovered why the Schmittian, or the negativist, position shifted too far forwards. Schmittian thinking leans towards the present *Sein* (the *is*) of juristic authority—and thereby ignores the intent, or the will to be present. Thus, Žižek suggests Schmitt imposes, on the juridical field, his own principle that “order, the *Dass-Sein* of Order, has priority over its concrete content, over its *Was-Sein*.” In an astonishing remark, Žižek then goes on to suggest that Schmitt was even more modern in his theory than Kelsen had been, as he would have placed not only the decision but also the exception before the normative content of the rule; “What is properly modern in Schmitt’s notion of the exception is ... the violent gesture of asserting the independence of the abyssal act of free decision from its positive content.” In Schmitt’s modern theory of law, “the Sovereign’s will [has to be] left to historical contingency”—and must thereto be completely freed from the legal norm’s positivism, althus Žižek.⁵⁹³

Žižek’s suggestive remarks follow from a misinterpretation of Schmitt. When the latter’s work is taken as a whole, contrary to Žižek’s partial reading, then Schmitt does not merely inverse Kelsen. His work does not simply substitute violence for normativity, it does not solely replace positivity with negativity, and it quite clearly maintains—rather than that it dichotomizes—the complex (Weberian) relations between decision on the normative exception and the decision on the legal norm. In Schmitt’s work, (as Chapter Four shall accentuate) the human being continues to be integrated with the protection of legal personhood, even though the process of integration itself is now believed to have no other purpose than to affirm the concreteness of matters of life and death (existentialist

politics) before this process should also affirm the abstraction of legal norms (positivist philosophy).

The *research question* now to be posed is how the concept of sovereign authority is to be interpreted without offending either one of the two main theoretical camps. Is the concept to derive its meaning from Kelsen's call for a theory based on positivism? Or should Nijs's writing be kept in mind, so that sovereignty theory rests on timeless arbitration assemblages rather than independent legal systems? May the recognition of sovereignties solely be based on a legal positivist theory, or will this theory then also have to agree with Nijs, and therein have to dissolve itself?

In conclusion, it may be time for liberal positivism to force itself to affirm that all those political entities which cannot be universally recognized, also should not be believed to enjoy international legal personalities, and that it is already for this reason alone that prudent statespeople ought to be recognizing states in reference to their (singular) concrete constitutionalization of popular self-government (pluralism)—and not just by means of a tautological, single ground-norm allegedly representing popular unity (and *especially* not when, in fact, the ground-norm only simulates the unity of an oligarchical, Montesquieuan middle class).

Conclusive Machiavellian Encounters with Heraclitean Change

Why is a statesperson who dares to ignore references to global justice, to an equitable synthesis, or to the modern middle class, more prudent than a liberal positivist who would rather imagine such (self-referential) signs to be upholding an essentially-reliable basic norm? Or, why is the positivist who takes the middle road also embarking on a “most hazardous” journey—as compared to the realist statesperson who humbly professes the art of discerning Y-conjunctions and other systemic bifurcations? Is the liberal positivist perhaps taking utilitarianism too seriously, and thus also ignoring the risk of being (deontically, or even divinely) ‘chastised’ by an integrated group of revolutionary activists?

In his *Discourses* (Book 1, Chapter 26), Machiavelli rethinks the utilitarian dictum that the prince who has conquered a foreign city or province should shun the middle way and “organize everything anew”. The conventional dictum holds that this man must use his discretion to organize a radically new order of legality. Machiavelli is displeased by that formal lesson: Philip of Macedon had readily taken it so seriously, in his newly-acquired territories, that he ended up having to dislocate all “the inhabitants, from one province to another”. These internal displacement policies were “neither Christian nor even human, and should be avoided”—as the Secretary from Florence unmistakably concludes.⁵⁹⁴ In the next Chapter (1.27), he says that the Tyrant of Perugia took a similarly excessive way, committing incest and murder within his own clan. So,

would it not have been wiser for that man, Master Baglioni, and for King Philip as well, to instead have opted for self-temperance?

That depends entirely on the circumstances, Machiavelli adds, because Baglioni was so tyrannical that when he was first confronted by Pope Julius II, who was visiting Perugia, he was at a loss on how to respond. Baglioni could easily have killed the Pope and thus have “secured for himself eternal fame and rich booty.” When he failed to do so, however, his “temerity and cowardice” became immediately visible. He apparently had unlearned how to act piously, at least in the presence of eminently good men, having held on for too long to his image of human beings as “neither utterly wicked, nor perfectly good”. As the Pope had been the first to act in a good and trustful manner, he was perplexed, and could no longer get himself to use evil in response.⁵⁹⁵

All other things considered the same, the exemplary statesperson will act decisively, and either assume human beings are “wicked” or “good” or rather, that they can be both consecutively (not: simultaneously). This statesperson has come to understand why the cycle of time is inherently dualistic—and why it should not be believed to lead to a ‘mixed way’ in which human beings are somehow assumed neither good nor evil. The state’s historical cycles bifurcate, and statespersons will be able to interpret the signs of such coming bifurcations so they can begin to act either accordingly or in opposition thereto. These persons are never commended for having tried to have it both ways by both aligning themselves as well as opposing themselves to the signs of the times. They are also never commended, at least not by Machiavelli, for triangulating their decisions or even not for forming X-crossings on the roads of history, for instance.

It is in this theoretical context, of interpreting historical signs and other coming constitutional changes in terms of clear bifurcations and dual conjunctions, that Machiavelli advises to stay true to the following maxim, which he believes has been adequately supported by historical experience: “Peace begets Idleness; Idleness, Mutiny, and; Mutiny, Destruction”. He goes on by hinting that the cycle of time, implied in the maxim, is never-ending or seasonal, rather, because a qualitatively different peace will again emerge from destructive war; this is the peace of good laws. “Ruin begets Laws; those Laws, Virtue, and Virtue begets Honor”. Critically, these are coinciding opposites, and not syntheses. Machiavelli’s dialectic here seems quite non-synthetic. Instead, time is believed to proceed through a chaotic flux which has been ordered by primordial contraries, with among them grand dualities such as the following: peace/ruin; virtuosity/honorability; love of order/fear of disorder; orderliness/competition, and thus also stability/imbalance. Femia rightly described the seasonal reoccurrences, of these primordial contradictions, in processual terms. The contradictions form a “ceaseless process of deterioration and renewal”.⁵⁹⁶

In contrast to a Heraclitean concept of processual opposition, as may now be concluded from the previous discussions, the neo-Aristotelian as well as the Montesquieuan conceptions of historical change are positivist conceptions: they remain anchored in a third ground. This ground or third way, also, is being pursued by an aristocratic subsystem of justice—which is neither democratic and poor, nor oligarchic and rich. It is a juristic subsystem owned by the modern middle class. It is also a

subsystem centered around its own self-image of providing a measure of distributive neutrality—allegedly siding with neither rich nor poor.

Machiavelli's Heraclitean concept of time (as shall now be shown) is neither democratic nor oligarchical in denotation—because it denotes, rather, a republican or a symbiotic combination of these contraries. The concept is being used throughout Machiavelli's oeuvre, usually to give meaning to a more realistic present-day practice of constitutional virtue, but also to a more scientific method of observing how the men of the past would acquire their own virtue.⁵⁹⁷ Both the practice and science of virtue, then, shall demonstrate why sovereignties should be virtuous, judicious and ingenuous, in making themselves more resilient against historical contingencies—by recombining both the responsibilities of the great nobles as well as the rights of the commoners. (These rights and duties were exemplified by both Senators and Tribunes). The nobles should not believe themselves to be the sovereigns, also, thus, simply because they formally represent the nobles' best interests, and also not because they enjoy their glorious standing, but only because they exercise a natural law-responsibility to do something more than to simply represent the few, by means of *strict justice*. The authority of the Senate is thus established by something more than distributive justice—and, actually, by its *civic piety* or by its fidelity to “education” (a euphemism for *decorum*) as well. Hence, Machiavelli writes Rome could never have remained an orderly republic, had it not been for the Senate's setting of “good examples, [which were] ... the result of good education, and good education is due to good laws; and good laws in their turn spring from

[agitations and tumults]”—which themselves must then spring, it would seem, from the constitutional void in between nobles and commoners.⁵⁹⁸

The leaders of great states were also engaged in sustaining a complex constitutional system, which allowed in their arrest of a cycle of degeneration. That is, the state is to be combined, and remain co-presentable, with all sorts of individual interests and sectarian beliefs. The question of greatness is answered by how the state encompasses these interests—as it will have to reduce the risk of sudden shifts, from “Idleness” to “Mutiny”, for example, or any other such violent transitions. The state should find a way to include the anticipated shifts, and overcome the violences. Military commanders and executive officers, in such a state, understand that their actions have impacts on *both* the people, as a whole, *as well as* the relations between individual parties, on the many *and* the few, and thus also on *both* the democratic *as well as* the oligarchic constitutional components. More decisively, officers will have to prevent the rise of destructive clashes between the two elements, as these should be made *equal* participants in performing the state’s civil-adjudicative functions. While thus imitating the naturally Heraclitean oppositions in time, sovereign officers would want to be confident that they can imitate History’s perennial bifurcations and diversifications.

Machiavellian realism is germane to many discussions in IR theory because it rejects the idea that historical and even moral progress can be established by means of executive policy-planning, alone. Executive officials should be proposing to make headway in restoring a more natural balance among the people’s faculties. Their actions are believed to be responsible once they will have managed to remain retrospectively-

engaged, just as that the members of a jury would have to be deciding retroactively. The modern, social scientific appropriation of a progressive timeline would have been alien to classic realism's alternative concept of a Heraclitean flux—which is strikingly similar to the tradition's concept of legal parity. The problem with the modern appropriation of historical progress, however, is that it must presuppose the presence of a final end, or otherwise at least of a morally justifiable synthesis towards which progress will lead.

During the 1960s, as an academic subdiscipline, IR would grow enormously. IR scientists were spewing out their data in the form of development models, and especially in their models of historical stages, each of which had been designed for the aim of accelerating the end of the Cold War. IR theory, U.S. foreign policy, and foreign aid programs would get intertwined with social scientific planning—again for the aim of historical progress. These joint efforts to create a historically unidirectional convergence, as Latham has shown, make it possible to infer that the IR subdiscipline owes its existence to a large extent to its own modernization theory. The Center for International Studies at MIT, above all, would become the springboard for this theory. Closely-connected to the U.S. foreign policy-establishment, the Center came up with designs for programs which were then implemented by the Agency for International Development (AID) and the State Department's Policy Planning Council.⁵⁹⁹ Some such programs were fruitful, because even the 'green' revolution did initially raise agricultural productivity. However, the same programs also drove peasants off their land and into the slums. The fact that funding designated, by Congress, for these programs was more often than not being used to purchase armaments, was send into the coffers of dictators (Iran's Shah,

Chile's Pinochet, and Panama's Noriega were only among the later generation), to their secret police operations, as well as into the bank accounts of well-connected landowners, who should instead have been pushing for redistributive reforms, caused of course more harm than good.

After the Cold War had ended, social constructivists in the IR field returned to the positivist idea of historical progress. In this sense, they returned to the 1960s rather than to the Wilsonian idealists. Social constructivists such as Wendt do not speak about the need to maintain the equality of nations—or, at least not as much as that they are venting their sentiment that the final synthesis in the development of the current society of states will have to be a world state. Wendt's idea is that states are becoming more democratic and therefore also more representative, of their populations. Tribunals are become more effective in legitimizing treaty-organizations, so that it would be logical to expect that the states will eventually be absorbed into the successor-organization of the UN tribunals: a modern world state.⁶⁰⁰

Contrary to the constructivism, realism rethinks the various possibilities why, historically, all treaty-organizations might have remained imperfectly balanced. Contrary to Wendt, Habermas, and Crawford, also, Machiavellian realism does not see the need to ask which supreme tribunals and regional organizations are now in the business of replacing the UN. For, that type of need presupposes a neutral birdseye's view of the world. It presupposes that philosophers may take a neutral position as they mediate between the possible parties to a future conflict, without at the same time having to restore the natural constitution that includes and transcends all parties.

Machiavellian realism, however, still holds on to the viewpoint of such a natural and sacred (and probably both Christian as well as Heraclitean) constitution of the world. This constitution is to be restored by acting in neither regressive nor progressive ways, but rather by arresting and by slowing down the degenerative process. Machiavellian realism finds it more important to have success in *reorganizing* than in newly *restructuring* the state. Only reorganization and restoration make it possible for the state to, as Eugene Garver seems to want to add, take itself back “into the desired form.”⁶⁰¹ The issue is then also not whether constitutional states will automatically become more stable over time, or less, but that contingent destabilizing factors are to be anticipated—following an innate desire for a cognitive integration of the logically coherent (natural law) and the experiential dimensions (historical study).

On one hand, and to conclude this section, because he was both an empiricist as well as a rationalist, by contrast to Fontana’s impression, Machiavelli was actually well-able to retain a healthy dose of skepticism towards both of these cognitive processes—as this was the one type of dose other ‘mirrorers of sovereignty’ so often lacked. Specifically his concept of historical prudence, as emerging from within a void, would be something that others lacked. Even today, liberal constructivists—with their ideal of a modernizing state, automatically having to converge with an even-more modern world state—painfully lack any other, non-progressive concept of interpreting historical change.

On the other, Machiavelli’s empirical observations of Rome’s success story may hardly be said to have betrayed any sort of penchant for unidirectionally-retroactive historicism. Rather, Rome became a success because she had been free to amend her

constitutional laws, whenever she faced necessity, by continuously playing off the Senate against the Tribunes.⁶⁰² From Machiavelli's stance, it must appear that Rousseau would have to have made a serious mistake to suggest that his own ideal-typical Romans only have recourse to a Tribunate, rather than equally as well to a Senatorial Order. Machiavelli's notion of republican complexity simply does not allow for such a synthesis of the two main institutional expressions of humanity's natural constitution, as he alternatively deems their contrariness to be the ultimately relational source of all stability, into perpetuity.

Rephrasing the Question: How Should Realism Recognize Political Parity?

In today's world of recognitions and misrecognitions, one of the most political issues imaginable consists of the direction sovereignties ought to be taking towards states-within-states, of ethnic minorities, linguistic communities, and even secessionist insurgents. Sadly, this issue has been neutralized by a liberal approach, which focuses almost exclusively on individual rights to remain free from government interference. Against that liberal approach, political realists have been reading Machiavelli in order to better understand the relations between richer and poorer communities. Yet, Machiavelli was not a communist theorist. He was simply trying to give his readers some cues on how they could best moderate, yet sustain the relation between rich and poor, patricians and plebeians. The answer he came up with, after all, was premised on their ultimate parity as

human beings. Parity is not legal equality, contrary to what legal positivists might argue. Parity is here the political treatment of unequal groups, and of naturally-opposite parties, to one and the same dispute.

Machiavelli's all-too brief description of the Order of San Giorgio still forms his most important cue about his concept of political parity, as he applies this concept to methodologically and scientifically identify the components of his DST/IR systems theory. The above-presented cues and spokes, of these chapters' larger wheel, have examined why this Order was so dear to him. First, the Order would have been contemporaneous to his beloved Florence, yet may have had greater success in holding on to its constitutional disciplines. The members of the San Giorgio Order must also have had more confidence that most Florentine citizens in the ultimate Creator of their natural constitutional laws. Indeed, Machiavelli finds they had more-ancient, more-venerable, and closer self-binding Term (1) as well as Term (2) conventions than, perhaps, even ancient Rome (because Rome fell prey to power-grabbing Decemvirs).

Further, as was spelled out, Machiavelli saw why the Order's internal sense of parity and juridical conventions were all open-ended and dissipative structures, and not just legalistic institutions or technical rules which pretended to be aligned with the cause of history (with some *telos*). The San Giorgio citizen-jurors would thus have believed that their own conventions were venerable precisely because these constitutional law-traditions had always remained open to amendment: their sacrality had followed not just from their longevity—as these traditions would instead have done in ancient Sparta, thus—but from their own willingness to participate in publically honoring them. A

similar effect may be observed in the common law tradition, where jurisprudence remains continuously open to re-interpretation. Yet, the theoretically-remarkable part of the story about the Order is that its structure also remains solid: the juridical tradition does not become fluid and dissipative, as it is also being closed by political institutions and constant reorganizations.

In republican systems theory, the future of the state's executive departments remains open to chance, and to political discretion as well, structurally, yet the departments must at the same moment train their ability to remain self-bounded and to close their organizations off towards any enemies. For instance, they should be able to decide to close off their organizational bodies by invoking memories of a glorious past, in which a peace between all bodies would have been maintained. This is not some fascist or hyper-nationalistic ambition, however, but simply expresses Machiavelli's desire for military commanders to maintain the peace among their troops, and for citizen-administrators to engage in critically peaceful (self-skeptical, Numa-like) relations with citizen-participants. Competing administrator-accountants, competing financial lenders, armaments purchasers, and diverse member interests will still be circulating throughout the system in unpredictable and sometimes random ways. But precisely because the system's Term (1) legal tradition and jurisprudential institutions are conjecturally-related to the same system's Term (2) competitors, orderliness may be believed to be emerging. Whereas fascists would want to use Term (2) discretionary powers in order to subvert and usurp Term (1) lawful powers, Machiavelli's republican theory counsels carefully against such usurpations. As Benner is certain to concur, Term (2) discretionary actions and

degenerating bodies, to be a bit more exact, are always to remain the co-constitutive parts of a chaotic force-field. The other co-constitutive parts are of a different kind, however, because they consist mainly of those who maintain Term (1) regulatory or ordering norms.⁶⁰³ Neither one of these two kinds-and-parts must be allowed to subvert the other: their common purpose is for political parity to become more sustainable.

To reiterate, critically, Machiavelli's description of the constitutional state suggests that Term (1) legal norms and Term (2) discretionary decisions should be equally available—especially whenever the flux of time happens to become adversarial. The organizationally-closed Term (2) and the structurally-open Term (1) dimensions of this system should, thereto, both be able to scrutinize and check each other. Nevertheless, their two dimensions never collide, so that none of them defends its own interests and powers above all others: the two dimensions must remain sufficient parity in order to produce flexible responses to sudden environmental changes and to their joint enemies as well. Consequentially, no one should be allowed to form a Term (3) set of powers. Rather, all adjudicative powers should be equally distributed among the first two dimensions, of discretion and legality.

The Order is an exemplary sovereign statelet, furthermore, because it cannot be said to have resulted from a series of grand historical syntheses. Much rather, it symbolizes a (Centaur-like) mysteriously-dynamic coincidence of two opposite naturally-occurring tendencies: animated and ingenuous passions and, also, the reasonable cultivation of the same passions; *virtú* and honor, that is. This processual coincidence makes it possible to distrust passions and to honor virtues, if not only because it is also a

coincidence of all the people. Legitimate charismatic authority emerges, thus, from all the people, and never from a faction. This anchoring function of the people is not to be thought universally applicable, however, and certainly also not a consensual function. Much rather, the people form a decisive role (not unlike the one that would have been assumed by a Centaur). Another example of such a critical popular role is the one which would be performed and symbolized, rather, by Elizabeth I, as she mixed both feminine and masculine forces into her public appearances—without representing neither only the people's Mother Queen- nor only their Warrior King-archetypes.⁶⁰⁴ Dual sovereignty, thereby, is a performance in both political as well as in psychological alchemy (as Carl G. Jung would have understood 'archetypes' to be open to the methods of 'alchemy').

Furthermore, Pythagoras himself would probably have approved of Machiavelli's argument, as he himself also refers to the complex form of a 'two-in-one' (non-dualism, that is). The mystic had used a similar concept, thus, to make sense of various paradoxes. Pythagoras and Aristotle themselves had of course later been joined by neo-Platonists who similarly used their concept, or their famous table of opposites, which listed all the great processual dualities: good/evil; limit/unlimited; singularity/plurality, and so onwards.⁶⁰⁵

Can the Order serve as a theoretical model for the human condition of integral sovereign authority, under which all citizens are equal to all other citizens even though they remain politically divided into two kinds of citizens? The totality of individuals is only then believed to remain less than the integrated civic whole, after all, when the two kinds of groups, or when the few and the many are being treated equally—despite being

different in kind. The few and the many are now the only two parts, components of the free, and constitutionally-republican state. Logically consistent with republican theory as well as with Weberian realist methodology, in other words, it can be concluded the members of the Order have to be imagined as obedient to the ancient, metaphysical Term (1) laws, yet capable of executing these laws by means of their generic, physical Term (2) powers. That the members will have to decide on the difference between Term (2) decisions that ran counter and those that did not cancel Term (1) laws, further, is reason for concern. But, as in the case of the Dictator, the members can very well make such decisions by taking into account time's arrow or the river's flux. The issue they are to assess is the proper distance, of the void, between the Dictator's Term (2) decisions and the Term (1) legal norms of the 'eternal yesterday.'

To rephrase the above conclusion, neither private intentions nor public decisions, or neither private arms nor public law, should trump in matters involving the Order's authority. Machiavelli proves himself to be a political realist in the sense that he defends his systems theory against philosophical idealists who would in his stead have to argue for a middle way, or a perfect consensus between arms and law, or also between abstract intentions and concrete decisions.

Neither anarchy nor oligarchy, and neither licentiousness nor tyranny, consequently, can ever be believed to result from the still-mysterious relationship between their own dimensions. Rather, both dimensions relate to one another as if they co-exist within an integrated-and-yet-dualist whole, first, which transcends the total sum of their partial interests and powers, second. In accordance to systems theory, the Order

of San Giorgio's structure will thus have to be declared "open" to all sorts of government influences and member interests. But the Order's more-informal organizations remain "closed". This could mean that the Order has been modeled after the human organism: it could be a humanly-incorporated *civitas*. As how Leonardo da Vinci and other Renaissance scientists would create 'accurate' models of human life, so would Machiavelli's 'true' mirror for the sovereign prince not be formed by an individual, but by a living system, capable of great sociability and worthy of considerable honorability, as it had to have uniquely embodied the "paradoxical coexistence of change and stability."⁶⁰⁶

Still Loving to Hate the State: Synopsis of the Case for Ambivalent Sovereignty

Which dimensions of sovereignty should be observed, and which criterions applied in assessing and observing the human qualities of each state, before states may generally become recognized as equal contributors to global peace? Many political scientists have little secret: they "love to hate the state"—to put their ambiguous attitude towards sovereignty in Paul Thomas's words.⁶⁰⁷ What his description of their attitude implies is that political theorists love to ascribe "distinctness", "indivisibility", and especially "continuity" to the state's lineages of power. As Jens Bartelson sees them do, they typically create such ascriptions of statehood in order to be better overthrowing these same foundations.⁶⁰⁸ Political and IR scientists will at first carefully posit "the state

... as an object of political analysis, and [then go on to] presuppose [that the state serves] as the foundation of such analysis.”⁶⁰⁹

On that note, why have theorists not been able to escape their straw man-fallacy, and why have they not been able to emancipate their scholarly discipline much sooner from their own statist thinking? Why would specifically the Democratic Peace liberals, and the category of cosmopolitan idealists (inclusive of Held et al.) also, have so long continued to equate the moral ambiguation of the state’s national and territorial boundaries to forms of modernization and global progress—without ever studying how “the triumph of the state” actually took place within their own scientific discourses?⁶¹⁰ The issue of the sovereignty of states has continued to create paradoxes—both conceptually and symbolically, as well as disciplinarily, apparently.⁶¹¹

This section tries to come up with an answer, not to how the modern state actually and historically was seen to have triumphed over other political entities, but why its uniquely dualistic sovereign mode of authority should alternatively become recognized—both for utilitarian-pragmatic as well for deontic-political purposes.

Bartelson’s work aids IR theory in observing that disciplinarily-created concepts, definitions, and criterions of statehood rest on a few fixed ideas such as progress, perhaps in the direction of a world state. As a scientific discipline, IR’s scientific methods rest on ideas about the “futuraity” of the state, or otherwise about its final supremacy. These ideas have usually been taken away “from the dimension of contingency, and [were then again] inscribed within the dimension of [historical] continuity”. Contingencies of and fluctuations in the state’s history were thus for a long time being erased, or nationalized,

as state jurisdictions ended up being territorialized within seemingly progressively-more stable borders. By force of ideas, and positive definitions of state-provided-for peace and justice, political theorists have so all too often ended up conceptualizing contingent events as serving the “[natural] antithesis of political order”. Especially mainstream liberal (neo-Grotian) theorists so became complicit in retroactively trying to unify the state’s collectivist and territorial lineages—in the name of global justice.⁶¹²

In sharp contrast, realists argue that the discipline should not become hypnotized by how abstract concepts, but also be focusing on how concrete actions maintain antitheses. The issue to focus on is less an issue of how unity and dispersion, and order and disorder are analytically excluding each other. Orderliness and disorderliness, or justice and injustice, may certainly be thought to be conceptual opposites but they should never become separated while developing methods for concretely recognizing symbioses within the system of sovereign authority.

Admittedly, the scholarly discipline presupposes too often that disorder (anarchy) is the foundation of order (statehood), and the other way around.⁶¹³ However, alternatively, realists find that the issue should become about how order and disorder may coexist in matters of state sovereignty. For, how else did the state attain its unique qualities, virtues, and powers other than by means of the type of sovereignty which emerged from within a more or less disorderly—but clearly not random—system? Is this system not harboring all those types of human powers that have so long allowed it to remain adequately responsive, as Machiavelli taught, towards apparently disorderly and

contingent events—constantly taking on an orderly or sovereign shape within its own, temporal and spatial, environments?⁶¹⁴

(Machiavellian) realist IR theorists can respond to Bartelson's question by pointing out that, in sovereignty, order and disorder co-exist. What matters is how practitioners can establish an adequate level of order, as it would simply be imprudent for sovereign states to try to artificially force themselves to only create order and peace—especially if they were to try do so by retroactively reversing previously-established historical changes in populational and territorial borders. Such historical changes cannot easily be reversed or re-engineered, politically, as realists as diverse as Machiavelli, Bismarck, and Arendt all well-understood. Instead, political changes tend to be open-ended, and aleatory. In politics, as Althusser would have said, the dices will always have to be thrown on an “empty table.”⁶¹⁵ Political order is open to chance and fluctuation. Order arrives merely on the heels of disorder, and public authority only together with appearances of illegitimacy and suspicions of unjust behavior, rather than that determinations of order and authority must always take yet another historical step towards a future supreme order. Political order arrives together with disorder, and this tension emerges from a “political void”, indeed, as Althusser writes, within which “[n]o cause ... precedes its effects”.⁶¹⁶ Hence, random chance does, historically, coincide with lineages of orderliness. So, why should this coincidence remain relevant to ethical recognitions of dual sovereign authority?

IR theorists have a fairly good sense of what the defining features of statehood are: territorial integrity or non-violability; internal jurisdiction; the power to close

treaties, and more. But they still have very little sense of why the community of states so habitually applies these features in the form of criteria, as it tries to validate the sovereignty and as it tries to legitimize the political rights of third parties such as rebels, independence movements, and secessionists. Why does the international community apply these criteria in some cases, but not in others? Should it self-select and self-adjust its criteria of ultimate state authority?

States-within-states but especially also non-recognized states and other political entities—such as Tibet, the 2011 Libyan rebels, various subpopulations on the Indonesian archipelago and the Transcaucasus, the multi-state inhabitants of Kurdistan, the Basques, the Sioux, and so forth—have remained underserved by present-day applications of the sovereignty criterion.⁶¹⁷ Also, Israeli citizens enjoy sovereignty to the extent their territorial rights have been sufficiently internationally recognized—despite the fact that they long had no constitution, but were governed by basic emergency laws—whereas the Palestinians have a democratic state but no sovereignty. Georgia, East-Timor, Macedonia and Croatia are all sovereign states. But numerous other semi-states, including “Krajina, Bougainville, Abkhazia, Tamil Eelam and Somaliland, have not [achieved general recognition]”—says Mikulas Fabry.⁶¹⁸ IR practitioners at the UN Security Council level, and IR scholarship as well, still seem to lack access to a valid “theory of state-recognition”, evidently. Chris Naticchia fulfills this “pressing practical need”, to some degree, however, by opting for a practical utopia: by constructing a pragmatic criterion for recognition that could help restore “a world characterized by global peace and justice”.⁶¹⁹

On two scores, Naticchia's argument is indispensable to the case for realism. First, the argument appears to conclude that recognition of statehood is a dualistic matter. The unlimited powers and immunities of all diplomats and statespersons, on one side of international recognition processes, should somehow coincide with the international law-organizations that usually contradict and limit these same powers, on another side. Recognition criteria must not become "inefficacious" by only being applied to those few entities already holding virtually unlimited powers and surplus capabilities. If these powers allow them to internally maintain peace and justice, on one side, then these same criteria must not also be used to recognize the many less-powerful and possibly-sovereign entities, as they will also be trying to become more active in "formulating, adjudicating, and implementing international law[s]". Neither the few most-peaceful and most-stable nor the many lesser-ideal political entities, in other words, are to be recognized as equal sovereigns. For, any account that would solely list the liberal ideals of internal peace and civil justice as its sole measures, once applied to the real world of diplomacy and war, however, will always have to include a possibility for the "minimum to be lowered". Alternatively, a pragmatic interpretation of the recognition criterion should pursue adequacy, as it can simply "drive [for] the minimum" number of recognizable states.⁶²⁰

Second, liberal philosophy assumes the presence of a "continuum" between the "fully just" and "severely unjust" outcomes of its recognition procedure. On this assumption, only the very few entities that actually "respect ... equal liberal rights and observe neutrality toward the good are [close] ... to fully just."⁶²¹ Yet, liberalism cannot

explain at which threshold, and at which minimum level, “justice carries ... independent weight. [Its justice criterion] can be adjusted to whatever level necessary to bring enough entities into the processes for formulating ... international law[s].”⁶²² Against liberal idealism, political realism calls on statespersons to “exercise prudence” and to “negotiate” with both recognized and unrecognized entities in encouraging their “just behavior”—until, perhaps one day, a “critical mass” of legitimate authorities will have been reached.⁶²³ But rather than to redefine the just conditions for the tipping point or for the critical convergence, at which the minimally adequate number of entities will have to be recognized as legitimate sovereignties, and rather than to redefine these conditions as watered-down versions of some liberal or utopian ideal, political realism calls for a productive tension between violations of liberal ideals and prospective practices of recognition. Naticchia’s argument for the use of an adequacy criterion, further, nicely captures this realist notion of a productive tension. That notion would make it possible to concede, on one side, that “minimal justice should not be strictly necessary for [a valid] recognition [criterion]”. On another side, the same notion premises that “facts about injustice still ought to play a role [in this criterion]”.

In other words, rather than to define global justice positively, and rather than to situate it closer to the positive pole of a continuum, it would be more prudent to define it negatively. Consider this scenario: injustices and human rights violations have been committed by Entity Q against its own population. Q did so both before and after its sovereignty was ‘awarded’ by the international community of XYZ. Upon acknowledging this morally troubling history of the IR system, liberal idealists will

somehow have to compromise their ideal standard of recognition, and possibly even ‘withdraw’ recognition. Their main option is to imagine a just system by decreasing the number of illegitimate states of Q’s low human rights-protection caliber. Political realists, however, can look for an alternative standard of judgment. They can say that Q’s sovereignty has been recognized, and that this allows States XYZ to renegotiate their relations with Q. For instance, Q would already have been admitted to the UN, on the basis of its promise to at least not violate critical conventions and international treaties. Q itself has thus promised to abide by minimal standards, and so its promises are to be taken seriously—not by threatening to retroactively withdraw recognition but by refusing to provide Q’s rulers with development aid, low-interest loans, and military equipment. Not Q’s sovereign authority but rather Q’s governmental promises to refrain from unjust action as well as to maintain a legal constitutional balance, in brief, should constantly be evaluated and negotiated by its equals in the UN: States XYZ.

Helpfully, Chris Naticchia clarifies his distinction between formal sovereign authority and actual promissory justice by arguing that these two dimensions may be treated as opposites. The formal sovereignty dimension of recognitions could and should be strengthened legally (in terms of legal parity, equal status, and equal shares in UN suborganizations) while the number of injustices may simultaneously be reduced by creating cultural, financial, and military shifts in relations with unjust-yet-recognized states (by seeing these relations in terms of a negatively-defined global justice). That is, the legal recognition procedures, which tend to remain based on an ideal notion of equal treatment, should be made to coincide with the actual but largely symbolic recognitions,

despite their contrariness. On this note, It may be believed entirely unrealistic to suppose, as liberal idealists might do, nonetheless, that legal recognition norms and symbolic recognitions will eventually have to converge. Or, it is unrealistic for such idealists to try to count States XYZ as “accomplishes in injustices [because they are] ... granting [legal] recognition to some unjust entities.” “[Yet] while it may be too strong to suggest that the international community [XYZ] is an *accomplice* in injustice, [hence], it still [symbolically] *commits* an injustice by recognizing unjust entities”.⁶²⁴

Recognizing Ambivalent Authority's Emergence Amidst Political Flux

Political changes should not be allowed, at least not by prudent as well as ethical statespeople, to occur either only by cause of legal or only by cause of symbolic recognitions of authority. Legal and symbolic criteria of recognition should be applied simultaneously and freely, rather than by force of necessity. More wholly, realists such as Arendt, Machiavelli, and Aristotle would all have argued that those state authorities believed responsible for ‘causing’ just and peaceful changes will seldom have been galvanized by economic necessity—alone. Change should be expected to have been contingent on political recognitions of a balanced constitution, rather. Peaceful change tends to become recognizable, as an actual historical and political event, in admitting a minimal balance of powers. The formation of the system of states was a process in which justice and injustice coincided, so that it will be possible to believe that change was

somehow effectuated by a variety of apparently perpetual (im)balances between different dimensions of authority. These dimensions were, in the above section, identified as forming a combination of legal-ideal norms and symbolic-actual recognitions, or essentially also a coincidence of Term (1) legal norms and actual Term (2) decisions.

As Chapter One has shown, as well, via Arendt's *On Revolution*, political change characteristically expresses itself when people create a critical mass in simultaneously recognizing legal and actual recognition processes. Through their creation of a sense of simultaneity, however ambivalently, then, they can establish their public authority and work on a restoration of a previous constitutional balance (a few exemplary such 'punctuated' restorations occurred in 2011, not 1956 Cairo, and in 1956 not 1991 Prague, and also in 1905 not 1918 Moscow: they clearly did not occur as points along one continuum, contrary to Negri's impression).⁶²⁵ Political change is due to the public authorities' holding themselves back, due to peoples' preventing themselves from strictly satisfying their private needs, and simultaneously also due to their holding up of public standards of what it means to sustain an older, more-original, and more-natural constitutional balance (as compared to the present-day one).⁶²⁶

Within the constitution and within the plurality of human powers, genuine change should be respected to the degree that it expresses some contingent restoration or some as-of-yet-unaccomplished constitutional rejuvenation. Realists do not believe that dynamic change should be forced to come to amount to a state's single representation of any competing religious beliefs, nor an aggregate representation of any competing economic needs, financial establishments, and private interests.⁶²⁷ For, all of these needs

and interests will somehow already have been accomplished: they are not potential, but actual sources of power. Or, they will have to be thought of as already having become embedded in power, although not automatically so. If competition among interests would intensify, for instance, then the outcome will simply be more likely to serve plutocrats rather than democrats. Intensification of competition, caused by a representational singularization, could thus upset the balance, could create an unproductively immoderate form of change, and will almost certainly diminish the plurality and diversity principles that make politics sustainable in the first place. This risk has been, at least in the case of the U.S. Constitution and how American constitutionalism has been implemented, in ways generally more favorable to liberal plutocracy than to representative democracy, acceptably demonstrated by Charles Beard and Michael Parenti.⁶²⁸

According to the authors of the Beard School, the Federalist Papers were written and American constitutionalism was designed to make the state thrive on market competition, on the defense of the economic interests of the few, rather than on the alternative kind of competition which demands commonsensical assessments of more diverse political reasons. However, the market principle may be prone to harmful mutations—as it has remained very clear in Alexander Hamilton’s anti-democratic and predominantly-protective-of-commerce model of constitutionalism.⁶²⁹

Here is Hamilton speaking about the future U.S. House of Representatives: “Can a democratic Assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy.” Because of the naïveté of their democratic opinions and the

impermanence of their private interests, the common people's "turbulence" must be counter-checked by "the rich and well-born"—as well as by their deeply plutocratic Senate, hence.⁶³⁰

The Framers saw themselves as anybody but commoners. Yet, any political realist has to caution against their Hamiltonian, plutocratic conception of constitutional transmutation. From a realist's stance, it were the Framers who failed to see that economic inequalities can rise beyond an irreversible point and that they should therefore *not* be preserved by the Constitution, but be moderated by rationally streamlining them. As Arendt would have noted, even the most turbulent discords will have to be regulated, rationally, and be moderated publically as well (see Chapter Two).

But until that point will have been reached, it stays impossible for competing economic interests to be assessed prudently. Until then, they are probably being judged unwisely, inequitably, and imparitably—so that interests and needs, and concrete sufferings also, must remain relatively incomprehensible to those in the world of power and organization. Under a structurally inequal constitutional model, that is, entities will be doomed to hold on to their privateness, as they always end up powerless. They end up surrendering their free publicality and common sensibility to private necessity. In a time of rising inequalities each entity, and even each private household will so become only more likely to compete with each other household, and with *its* needs, so that their individual privateness ends up dominating each new round of competition, of all against all.⁶³¹ The Framers' disregard for Hobbes's ultimate public authority is shocking.

Aristotle, Polybius, and Machiavelli all understood that in all matters of representation it is the republic that may in the wink of an eye turn into disorderliness and randomness, as criteria of virtue and merit may be turned into those of patronage and wealth-accumulation. But, with Hamilton, the American constitutional model becomes the first (neo-Montesquieuan, in fact) model to deliberately equate the representatives to the property-owners (including, originally, the slave-owners, but also today's corporate enterprises).⁶³² This baked-in inequality still forms one of the reasons why the Bill of Rights offers no protection for social and economic human rights.⁶³³ More importantly, it is why the model remains geared to represent the societal level that can benefit the most from 'third powers': from powers neither representative-executive nor popular-legislative. The Supreme Court and the Senate, indeed, are among the most powerful institutions in the U.S. as they help preserve the 'middle level'—as well as the *status quo* socio-economic inequalities that benefit all those in between all the 'lower' and the 'highest' ends of the property-scale.⁶³⁴

Althusser could, again, as he was reading Machiavelli, have agreed with this Arendtian distinction between and coincidence of public order, which adapts itself to societal mutations, and private disorder, based on necessities. To him, the use of public rationality, by a plurality of human powers, is not to be expressed "in terms of the Necessity of the accomplished fact, but in terms of the contingency of the fact to be accomplished." Historical change cannot be frozen by an invisible "Necessity", but should always be understood politically, however, so that it remains "nothing but the permanent revocation of the accomplished fact by another undecipherable fact to be

accomplished”. Or, political change is something always setting “out from nothing, [because it is from nothing that] the infinitesimal aleatory variation [appears]”. The constitutional restoration is something emerges from the “political void”.⁶³⁵

There is still another way of saying that the (IR) discipline has good reason to love to hate the state. Instead of creating a mockery of, as Thomas does, its love-hate relationship with the state, it may be discovered that the concept of sovereignty should remain ambivalent.⁶³⁶ Instead of teaching that the terms of, with Bartelson, orderly statism and anarchical anti-statism are logically and mutually exclusive, the discipline may learn that both terms emerge from within a mysterious (Althusserian realist) “political void”. From within this “void” all sorts of variations emerge of the relation between order and disorder, in fact.⁶³⁷ That means also, for instance, that restorations of the sovereign state’s past are part of its future, just as well as that revocations of orderliness are part of contingent prospective disorders.

As the DST holds, the concept of ambivalent sovereignty is here to stay, so IR theorists perhaps simply ought to accept that (particularly Machiavelli’s) statespersons will constantly be believed to perform “a delicate balancing act” between what social systems theorists would be certain to describe as both randomness and path-dependency, or as between both socially-fluctuating “mutation rates” and more or less decisively-taken paths of “selection”. States either can become corrupted and may even die because they are not adapting their powers to “too much *mutation*” (“*error catastrophe*”), or they can serve as reliable “[s]election operators” by taking their ultimate public responsibility

seriously—and *select* adaptive powers and policies, and thus to “*function*” moderately well in adapting to change.⁶³⁸

A final point to be highlighted in this synopsis of the argument is that human powers are to be, as was done earlier, understood as capabilities or faculties. The earliest realists already identified, among these human faculties, the capacity to express beliefs in the normativity of the eternal yesterday and to judge the decisiveness of present-day affairs. There are the faculties of legislation and execution, just as that there is some evolution of rules as well as of the making of exceptions. Moreover, there may be a possibility that the relation between rules and exceptions (to these rules) will have to be judged. From within these three types of human power (conventional legislation, decisive execution, contingent adjudication), following Max Weber’s political sociology, it was additionally shown that mutations may occur.⁶³⁹

That is, the relations between the human powers may mutate as, sometimes, the variation within and the distance between the three faculties becomes either too large or too small. Sometimes there is too much separation, and the executive power can no longer be checked by the others, for instance, and at other times the executive will have started to legislate by issuing far-reaching statements, orders, and decrees. Either way, the proper distance between the three core-types of powers should be assessed as one of the features of a complex system. Within the Weberian description of that system, diverse, but oftentimes also contrary, types of powers may engage each other in more or less symbiotic relations. And, as Arendt demonstrated as well, a third faculty of judgment gives associated human beings an opportunity, vitally, to use their common sense. They

can use their commonalities to publically discern between either corrupt and unproductive, or productive and symbiotic power-associations.

Executive and legislative powers, for instance, may herein come to coincide in a specific relation. This relation can be identified within almost any form of government—and, yet, these two powers are rarely thought to be colliding. Unless they have been corrupted, as happens when a representative democracy turns into its opposite, into an oligarchy or a plutocracy, for example, the basic powers will check upon, and frequently oppose one another. Because of such relational oppositions, constitutional transmutations rarely take place because government satisfies the needs and wants of one party or another. They always take place, however, because the relation itself is being modified—by the people, rather than by only one of its powers. The constitutional system may cope differently with an existing opposition, among powers or between parties, in any given environment, but the key to the differences is to be found in the constitutional relations and the political connections between actual powers.

To sum up, concrete events such as the neoliberal push for deregulation as well as the American-led march towards ever-more economic competition, as well as the systemic perpetuation of involuntary unemployment and inflationary pressures, all form important factors in accounting for some forms of change. But these events are also defined by needs and wants: they are matters of necessity, not freedom. As such, they say little about the way relations among human powers emerge from a “void” between necessity and freedom. This means that the void itself cannot be used to explain why revolutionary change took the shape that it did. But because necessity is never the only

factor in explaining revolutionary change—and cannot explain why change happened in the first place, or even not when it could be anticipated to happen again, and for which political purpose—it suffices to say that necessity coincides with and should be expressed simultaneously to freedom. Needs and wants alone will not account for the political system's capacity to adjust its functioning to changing environments, and to prevent excessive mutations. The issue should thus also not be about how needs and interests mutate, hence, but how to moderate them so that the system of states can respond more prudently to those who distort their natural needs or who consume too much for their own good.

This imperative of prudent responses and wise recognitions can be used to solve many other problems, such as in determining whether unemployed people are struggling for the purpose of freedom or equality, whose orders general populations are truly willing to obey, and how well statespeople's actions may help them confidently re-establish the original, constitutionally non-dualist balance.

Political Realism, Modernization, and the Case of the Protection and Party Cartels

Contrary to Bartelson's social constructivist suggestions, changes in the system of states are not only in the eye of the (disciplinary) beholder.⁶⁴⁰ The appearance of changes in the system is not only vulnerable to disciplinary conceptualization and ideational abstraction. Rather, political change is also constantly being legitimized by people's

concrete actions. So, how are specific changes being legitimized: abstractly or concretely, or both ideologically and materially? Statespersons usually recognize political change's own ambiguity, if they are wise. Indeed, prudent statespersons can discern the contrast between gradual and slow transformations and the sudden rise of new enemies, or their potential to use excessive force. But that does not mean that old foes, or their monopolies on the use of force, are comparatively less likely to cause sudden crises and swift changes. It only means that intra-systemic change itself is ambiguous. This ambiguity can be sensed in both how political parties tend to associate their interests while diverging in terms of ideologies, and how the United Nations has allowed a handful of large member states to protect their interests under the pretext of liberal humanitarianism.

Modern multilateral organizations, such as the League of Nations and the United Nations (its historical successor), have evolved ambiguously. The dominant type of change in the system, the modernization of treaty-law as well as international law's multilateralization, is a type that since the eighteenth century has been diverging across many societies and cultures. This change has taken form in the gradual spread of legal values and international human rights, as well as that it has diverged into often-unexpected rights violations and swift concentrations of wealth and (military) surveillance technologies.⁶⁴¹ The American vision of modernization, however, as well as the generally Western vision of "a world converging on liberal [and] democratic capitalism", now more than ever, according to Michael E. Latham, have also been visions and prophecies, rather, which presuppose a future synthesis or a full reconciliation of "self-interest with moral mission." "[E]conomic prosperity [herein invariably furthers] ...

the reach of the only [constitutional] system that truly served the cause of human freedom”, as many liberal and neoliberal theorists agree has to have been the American constitutional system.⁶⁴²

These twin visions of modernization has had a severe influence on how and when international recognition would come to be ‘awarded’ to aspirant-states. In the current era, not all political entities are sovereign states. The difference between the two is that the latter have ‘received’ recognition from the greater community of sovereign parties, while the other entities have remained unrecognized and, consequentially, enjoy almost no treaty-based equality.⁶⁴³ On the juridical-organizational side of matters of sovereignty, all states will somehow have been recognized by means of resolutions of the Security Council of the United Nations, as almost all states are now its member states, so that it may truly be said that every sovereign state can count on the International Court of Justice to maintain its international legal parity—if in fact every sovereign state would be generally inclined to resolve its disputes before the ICJ.

On the military-functionalist side of sovereignty, however, not all political entities have been recognized as sovereign states. Many such entities existed until long after the Second World War, and only a certain amount of them would end up being recognized—mainly because neither the Soviet Bloc nor the United States and Britain, in the West, objected to recognizing their statehood. The decolonization process, as it accelerated during the 1960s, became possible because the West allowed it sooner than the East. Influential circles around the World Bank, and later around Allen Dulles, had by then already found that U.S. foreign policy should be packaged in the shape of development

and assistance programs, so that economic markets rather than arms races would decide the outcome of the Cold War. The criterion in matters of recognition (of sovereignty) had shifted, thus, by the 1970s. From now onwards, this unique status would mostly be ‘given out’ by the community of sovereigns, in other words, in relation to economic policy modernization programs and central banking credit-worthiness. In this sense, the general recognition criterion has gradually shifted from a treaty-based balance between militarily-paritable (equally supreme) entities, towards economic and towards commercial-contractual autonomy.

Within one dimension, in brief, the ideological juridical-organizational powers of the system were instrumental in the protection of human rights, the creation of the ICJ and ICC, as well as in at least verbally paying attention to the Responsibility to Protect-doctrine. In sovereignty’s other dimension, however, the material military-functionalist powers of only a few states have continued to perform the system’s lead-roles, in the Security Council and NATO, as these states have especially also been active in managing international economic affairs—by means of the World Bank, International Monetary Fund, and World Trade Organization, among several other neoliberal-capitalist and multilateral treaty-organizations.⁶⁴⁴

This section shall demonstrate that political realists enjoy the extra benefit, compared to liberal and neoliberal theorists, that they can facilitate greater understanding of complexity and political dynamics by remaining critical of the pretentious democratization and modernization programs, especially when these programs were to conflict with their own dual sovereignty-centric systems theory.⁶⁴⁵ Realists can reach for

systems theory to explain more than a few of the only seemingly permanent features of the system of states (the balance of power, the struggle for recognition, the human sociability theme, and so a few more), which these realists will believe are features closely akin to the two basic faculties of all political entities—whether or not they will have been recognized as sovereign parties. The latter faculties are also known as the two types of power; the legislative and executive, or juridical-ideological and economic-material types.

Further, it is well known in the IR field that political realism provides in the most parsimonious theory of change. This section finds that theoretical parsimony is precisely one of the reasons why realism, rather than liberal idealism, takes better caution in applying certain theorems and conceptualizations to actual policy practices—as well as in adjusting the purposes behind (foreign) policies to momentarily-changing circumstances. This better-developed skill, in other words, is what realists owe to their quite parsimonious (but not: minimalistic) theorization of the main moral purposes and the keystone legal justifications for internationally-recognizable state action.

Political realism has both been frugal and coherent in conceptualizing the political processes through which the IR system is commonly believed to evolve.⁶⁴⁶ Historical evolutions of the system do not occur regardless as to whether that belief is intrinsically consistent, moral, or legally justifiable—as these processes, instead, often violate that kind of belief. John Mearsheimer reiterates this point in another way. Liberal institutionalism's invocation of several moral and legal rationales for the ascend of the grand multilateral organizations also, erroneously, invokes the image that these

organizations must “constrain states”. John Mearsheimer corrects liberals, thus, when he adds that international institutional constraints do “not [have] to challenge the fundamental realist claims that states are self-interested actors.”⁶⁴⁷ Moreover, realism’s historical attention span is less limited than that of liberalism, which remains a deeply modernist ideology, indebted to the Enlightenment era more than that it has learned from the totalitarian horrors of the postmodern moment. A tidbit more skeptical of modern notions of change, thus, twentieth-century realism simply cannot agree that the system of states as whole would somehow have undergone one great liberalization and one final democratization movement—in isolation from the as-valid historical possibility that the system just as well has come to experience much greater material inequalities or, rather, a more blatant oligarchization of power than ever.⁶⁴⁸

To reiterate, realism is better capable than liberalism of looking both before and after the modernization movements. It does not try to reduce political changes to matters of historical necessity, and simply accepts that the system as a whole is unchangeable—because of the flux and the tension it contains. Yet, the most turbulent changes within the system should invite precautionary measures and careful adjustments in recognition criterions. Changes in the relations between the parts and the types, further, should always firstly be expected to occur because of how sovereign parties relate to each other as well as to other entities. The causes of change, within the system of states, are generated from within intensities, or relative oppositions of power (and from the recognitions of powers). Changes in authority, especially, emerge not from any oppositions to the whole, but from relative oppositions between the parts. Even present-

time oligarchies/representative democracies, and neoliberal capitalism, may have to be believed to belong to a passing phase. Its counter-phase has, constitutionally, never disappeared.

As realists ranging from Machiavelli to Morgenthau have cautioned, dynamic changes place never the system as a whole, but always place the balance among more or less paritable states at risk of shifting. It is because these sovereign states have to capabilities to align their interests with those of other political entities, however, that most shifts in the balance will create more than just some legal and moral ambiguity. In trying to cope with such ambiguations, specifically of the legal parity principle and other recognition methods, statespersons should learn to begin their analyses by weighing off the relative significance of the ideological power- and the material power-dimensions from which their own sovereign authority emerges. For, these dimensions coincide dualistically, and it is from their complex dual relation that authority emerges.⁶⁴⁹

Political realism's position shall now be shored up by investigating two cases. The first involves the post-Cold War introduction of the UN's Responsibility to Protect program, and the second the cartelization of modern political parties and of how they do business. In both the human rights-protection and the political party-régime cases, in fact, economic interests have been agglomerated and have been monopolized by very few large states.

The first case follows from the United Nations' Responsibility to Protect (RtoP) policy doctrine, which was crafted to reduce the chances of civil war-related mass killings. More specifically, the RtoP doctrine was crafted by UN member states

committing themselves to act against “genocide, war crimes, ethnic cleansing, and crimes against humanity.”⁶⁵⁰ Michael W. Doyle finds it has proven to constitute progressive political change; the doctrine would somehow have been “increasing [the] pluralism of ... the normative architecture of world politics”.⁶⁵¹ Doyle also describes creation of the RtoP doctrine as a progressive evolution when he refers to the UN Summit of 2005, after which it would finally have formed a new “part of the [Security Council] arsenal”, thus professing the Council’s willingness to create “stronger protections for human rights.”⁶⁵² Also, the policy doctrine expanded on the UN Charter (Chapter 7) by further clarifying and even “bending the meaning of [the phrase] ‘international threats to the peace’.” The Security Council thereby expanded its Chapter 7 authority, not in “acting on the basis of legal obligation—but [in] the use of ‘responsibility’ language [which] is approaching that of normative strength.”⁶⁵³

In the case of the Rwandan genocide, for instance, the SC would not intervene but at least it was clearly beginning to speak this language as part of its “legitimate international authority”. The UN had now formally denied that specific types of mass killings could always remain “a domestic issue”.⁶⁵⁴ The 2003 United States occupation of Iraq and Russia’s 2008 intervention in Georgia, additionally, were perhaps not legal, but these actions were nonetheless increasingly intended to be *humanitarian* in nature.⁶⁵⁵ They were thereby demonstrating much greater “legitimacy” than the previous military interventions by any of the Super Powers, or so Doyle suggests.⁶⁵⁶ Of course, he selects his cases as he sees fit, ignoring American drone attacks on Pakistani civilians and Israeli attacks on Lebanon and the Gaza strip (these were in effect being condoned by the SC).

In addition, but outside the range of Doyle's own view, the Council's long waiting (until mid-March of 2011) to adopt its first resolution protect the Libyan people from a despotic government and its well-equipped murderous mercenaries may not be used as an example of the RtoP policy's progressive implementation.

Doyle proceeds to find that liberal theorists who hold dear to "principles of universal human dignity have provided [ample] justifications for overriding or disregarding the principle of nonintervention."⁶⁵⁷ Those theorists who belong to socialist or realist schools would to a lesser degree have established similar grounds, to also take recourse to moral doctrines, while superseding "the domestic jurisdiction of states". Particularly, these respective schools found grounds to call on sovereign states "to act in the name of the worldwide working class" (Soviet socialism) or to "permit intervention"—for reasons such as (as Thucydides already noticed the importance of) "imperial stability [or] reputational gains."⁶⁵⁸

Doyle is both correct and incorrect. True: RtoP is not yet a vested international law, but may eventually become part of a generally binding multilateral convention. But, indeed, the doctrine does not enjoy the same customary following as the Geneva Conventions do, for example.⁶⁵⁹ False: RtoP should be thought a sign of historical progress, of moral right, and therefore a proper justification for SC-authorized intervention.⁶⁶⁰ Against Doyle, rather, none of the SC's own doctrines are to be considered legitimate sources of international authority *because* the UN Charter can support these doctrines. In legitimizing the authority to intervene, alternatively, decisions should mainly depend on how a Council-authorized military mission's (deontic) purposes

also match up with that mission's (consequentialist) use of force. These are deeply political decisions, especially since the SC has remained an instrument in the hands of the victors of the Second World War and—despite their consultations with Germany, Japan, or India, for instance—these victors have *rarely* defined their purposes, as intervening powers, *only* in relation to the Charter-based legitimacy of their interventions. The legitimacy of their more or less powerful interventions was virtually *always*, rather, motivated by their interests as well.⁶⁶¹

What is more important in assessing intervention legitimacy is how well the Security Council has been leading the UN system as a whole, and how well the UN has been adapting to an ever-changing environment. In contrast to Doyle's impression, the cases of Rwanda, Iraq, and Georgia posited the SC's permanent veto-carrying members (the P-5) in opposition to one another. In Rwanda, no agreement could be reached to intervene as—according to Samantha Powers, among others—the U.S. had deliberately chosen to bury the issue by not bringing it up for a vote.⁶⁶² The matter of the sanctions against, and the eventual occupation of Iraq, also, caused a grave split between the U.S. and the United Kingdom on one side and the other three P-5 states on the other.⁶⁶³ Finally, Georgia created a serious stand-off between the West and Russia in respect to the latter's sphere of influence—and was much related to Moscow's general attempt to monopolize access to natural gas and mineral resources. Hence, none of these three cases helps analysts detect a positive correlation between an evolving RtoP doctrine and the humanitarian objectives of the Council. However, Doyle gives one more reason for emerging RtoP legitimacy: progress.⁶⁶⁴

The assumption of progress does not aid (realist) theorists in pointing to a relative absence of progress. In other words, normative progress cannot be assessed by only using more measures of progress, and especially not by referring solely to signs of historical progress (the end of the Cold War or the 2005 UN Summit, for that matter, seem progressive only in retrospect and subjectively).⁶⁶⁵ Of course, both liberals (such as Doyle) and realists (here including above-mentioned socialists) can validate their argument that Target-State Q's jurisdictional autonomy and territorial integrity are relative—and dependent on the goodwill of the Council, and especially also on the goodwill of at least one of the P-5 States. Indeed, sovereign statehood itself has remained, to a great extent, relative to recognition by others.⁶⁶⁶ If State Q massively violates its own population's right to life, this could always give liberal States reason to claim Q's citizens' rights need to be better protected against Q's governmental intrusions just as that it can give realists more reason to find that stability must be maintained, or even that the honor and reputation of Q's (former) allies could be at stake—for as long as Q is not prevented, by at minimum some of the P-5 States, from committing specifically heinous massacres.

What is imperative for the IR field to see, however, is that realists disagree with liberals about more than the motives as to why the Security Council would want to target Q's criminal government. The proportionality of the intervention force is critical to realists, as they will have to be vigilant about maintaining a modicum of stability or a balance of powers. Liberals could argue, however, that because human rights are universal rights, any intervention force should imagine itself responsible for protecting

Q's citizens as well as N's or XYZ's citizenries. The final criterion of liberal intervention analysts is equal liberty. Or, liberals think individual equality is a higher norm than supremacy over territory and population. Realists cannot agree on this prioritization, as they think that equality is ideological. It is an abstract ideal. Equal rights depend on the sharing of ideas, of legal values, whereas supremacy has a concrete and material impact on life within any given territory. In recognizing the legitimacy of any authority, according to most realists, further, the abstraction and the concreteness of that authority will have to coincide and intersect—without necessarily colliding into one another as well as, certainly, without forcefully prioritizing one above the other in terms of actual policy-decisions.

At this divergence of liberal and realist approaches, now, the problem has to do with Q's jurisdictional autonomy. After all, if State Q exercises its legislative and adjudicative powers in separation from all other international and all other state parties, then it would almost certainly also not be making use of any of its constitutional treaty-law ratification procedures. International law can now no longer perform any role in relation to Q's constitution, and its jurisdiction would appear non-existent (at least from the perspective of powerful States XYZ, and as how these are usually representing themselves in the Security Council). Liberal idealists will argue, on one side, that certain rights are universal, even if Q's jurisdictional protections of these rights has faded from view and even if Q has failed to protect these rights. Universality is key. Political realists will in such a scenario, to the contrary side of most liberals, argue that recognition of jurisdictional sovereignty (by XYZ) tends to follow systemic patterns, or natural

behavioral rules. Complex systems are critical. The rules or regulative patterns of such systems have little in common with the universality of a person's rights, and much more with the practical question of whether there is also a duty to protect this particular person's rights. Recognition of Q's jurisdiction, especially, is according to these realists mostly dependent on the complexity of Q's governmental adherence to Q's constitutional laws. The obligatory character of international law (including the UN Charter, as potentially enforced by XYZ) depends hereby firstly on the degree to which one or another particular constitutional law will have remained in effect, within Q.

In brief, while liberals ask why individuals are not being equally protected within a failing jurisdiction, realists mostly raise the question why constitutional rules are not animating greater jurisdictional effectiveness. This is not a simple inversion of their respective perspectives, however. Realists distinguish themselves by raising an altogether different issue: they ask why the constitutional rule should hold that all powers should be balanced, and what happens if government fails to maintain this balance. Do people retain their right to reconstitute the government, or amend their constitution? May people decide on such an exception, and are they sovereign? Or, should they secede to attain such status?

Another typical set of issues for realists, rather than for liberals, is that they think international treaty-organizations (including the UN, or NATO) structurally incapable of recognizing sovereign states and their autonomy (even after these organizations were to have developed the most normatively acceptable doctrines, such as RtoP). Liberals may assign great juridical responsibilities to multilateral treaty-organizations, but they are in

effect only bolstering their own idea of a world state while diffusion states' political responsibilities for decisions involving autonomy or even secession. Ultimately, most realists will agree that not treaty-organizations but only states may legitimately recognize other states as equal juridical authorities, with their own jurisdiction, as only states may assess the regulatory effectiveness of other states' constitutions of power—as to be understood in the wide sense of the word 'power', which is as a partial type within a complex system, rather than in its narrow or liberal sense, which would have to amount to likening 'power' only to force.⁶⁶⁷

On one hand, multilateral treaty-organizations have in themselves little to no equal legal standing, and no legal parity, in other words.⁶⁶⁸ Because the treaty-organizations are clubs rather than parties, and because they themselves are without equal sovereignty, their actions are immune from prosecution.⁶⁶⁹ These organizations are difficult to criminalize under international law, because they are the law. On another hand, sovereign states do have ultimate command responsibility, and may therefore be called upon before tribunals.⁶⁷⁰ With that in mind, political realists see ground to warn that the SC should not be allowed to intervene, militarily, solely on its own behalf, let alone on behalf of a liberal doctrine claiming universal validity. As all statespersons should do, the SC should avoid to find itself self-righteously claiming to be on the side of modernization, capitalism, or even of democracy—as, in fact, not even religious doctrine can do so.⁶⁷¹

The second case involves the specter haunting many modern party systems. By taking one angle on this specter, analysts see the idea that each individual voter must

have a right to “liberal self-determination.” But by taking another angle on the same phenomenon, as Amartya Sen has shown, they see that an aggregate of voters has never managed to optimize its right to make a “democratic choice”; “self-determination” and “democracy”, therefore, are in a “principled conflict.”⁶⁷² Substantially and materially democratic institutions, also, are by definition in conflict with most if not all individual rights and procedural liberties. It is this conflict, henceforth, that has actually been haunting liberal-democratic states.

One of the problems with the twenty-first-century model of the liberal state is that too few people know why this state should be believed to be a free state. Many, and especially many Westerners, have been taught that their own state is both liberal and democratic. From a classicist republican point of view, in whichever way this point will have been defended by the West and specifically the American tradition, however, there can be nothing particularly democratic about any state. Classicist realists found that majorities elected by secret ballots do not necessarily form the basis of a democratic government, for example. Plutocracies and oligarchies may *justas well* elect popular representatives, and they *also* can be governed by majority coalitions. Representative democracy is therefore to be reserved as only one of the possible names for a structure of government, rather than for the state. The difference between a government and a recognized states is that a government official may act within or without the boundaries of a constitutional dynamic.

But a state is always being recognized, and defined, by virtue of its own constitutionalism. It is thus, both theoretically and practically, utterly impossible to argue

that a sovereign state is somehow acting without any cognizance of its own constitutional dynamics or of its own conventional organization of its own types of state power. The UK, Saudi Arabia, and Israel may not have a written constitution, for example, but these states have nonetheless held dear to well-developed divisions of power and other quite robust constitutional dynamics. Were their government officials at some moment decide to act outside these dynamics, then their decisions *per se* will have virtually no bearing on how other states recognize their own state's sovereignty. Such recognitions, as this section professes to demonstrate, typically, will only remain contingent on those actions that might fundamentally modify, or that might go against the very notion that each state holds on to its own unique constitutional dynamic.

The issue in this second case now becomes very simple to explain. In every substantially democratic state, the government actively represents not just the electorate but especially also the segments of the population most at risk of being politically disenfranchised. Yet, in democratic states it has not been uncommon for electorates to choose to be represented by governments which disenfranchised or exploited precisely these segments. The case in point remains 1930s Germany. The most cohesive segment of the electorate helped create conditions under which Hindenburg chose Hitler to head a government which then stopped organizing parliamentary elections, and which legally revoked many individual liberties, but never abolished the Weimar Constitution. In this obvious case, a substantively democratic form came in conflict with the idea of a functioning rights régime and its liberal procedures.

Kenneth Arrow demonstrated also, more than a decade prior to Amarty Sen, that this “principled conflict”, between electoral democracy and formal liberalism, or between the substance and the procedure of political representation, is impossible to resolve. Modern and democratic electorates may enjoy near-universal suffrage rights, but nearly almost all of their other rights cannot be coherently agreed upon—at least not by themselves.⁶⁷³ In democratic party systems, the electorates can only choose between candidates, or in some other cases between parties. This is why all electorates are poorly prepared for the battle between various more or less liberal ideas. It is inherent to democratic elections that they have less-than-random effects; elections are in so many ways aristocratic/oligarchic self-selection mechanisms.⁶⁷⁴ For instance, voter segments typically start to split up, so that the original voter preferences end up being divided across candidate-representatives, and less-than-optimally democratic substantive outcomes are being accomplished despite perfectly democratic procedures. The seemingly *orderly* distribution of each of the votes, among all candidates, will thus be accompanied by substantively *disorderly* bifurcations. Simply put, the aggregate vote is being split between ideologically-similar candidates, which makes it possible for a third-preferred candidate to win. This is called an ideologically intransitive outcome because, as Arrow detailed, the assumption must be that the candidates can be ranked in terms of only one transitive scale of ideological voter preferences.

Unless an election would consist of a new two-candidate run-off, with no prior public cognizance of the preceding campaigns, there will always remain a segment of voters that splits its vote up across a spectrum of candidates, which then can cause this

segment to lose to a narrowly less-divided segment. But, principally, it is predominantly the American democratic model, which promotes plurality voting (“one man, one vote”), and that is therefore most easily harmed by such vote splitting-outcomes, or by so-called spoiler-candidacies as well. The solution to the splitting-and-spoiler problem would be to promote an alternative electoral model, called range voting. Each candidate receives now a ranked score from each voter, so that the candidate with the highest average score will also be the candidate with the most support from the electorate as a whole. All voters have an opportunity to vote on, or rank, more precisely, every candidate (“all men, all ranks”).⁶⁷⁵

In any event, beyond Arrow’s paradox and Sen’s conflicting principles, another observation should be made about the contrariness of democracy and liberalism. In each of the known political party-régimes, thirdly, economic interests tend to concentrate in the governing parties. Interests are usually agglomerated around that core of political party-representatives who have the most influence in the policy-making process. Because of this concentration of so-called special interests, and lobbies, it is becoming increasingly less likely that political representatives, even in the most liberal democracies, listen to the popular will as a whole. The over-representation of specific or special interests, rather, disperses and vaporizes this will. In Rousseau’s words, the general will oxidifies into the wills of all, individually. One possible remedy to this vaporization, of the collective representation also considered as the common good, or as the commons, is in a liberal democracy of course to call for frequent elections, the high rotation of officials, and the disempowerment of parties.

Yet, perhaps there is no commons at all. Perhaps there is only, at least even in this liberal representative model itself, a “political void.” As Arrow’s “impossibility theorem” demonstrates, all workable types of democratic elections will nonetheless have been doomed from the start, if not only because they are justifiable means to an unjustifiable end; to the end of representational necessity.⁶⁷⁶ If electoral representation is in fact an unjustifiable necessity, and if its logics are only tolerated because of the size of the modern electorate and the distances delegates must travel, then it is this impersonal sense of indirectness that most offends (classicist) realists (this is ultimately why they, sometimes being led by Rousseau and sometimes by Schmitt, have to attack modern liberal democracies, which from their viewpoint seem to have been overly necessitating their own moving beyond Rousseau’s more direct, more personal model).

It is particularly inside the U.S. that, at the federal level, topographical distances between representees and representatives are larger than inside many other sovereign states. Even though distance itself would pose a similar problem in other modern democracies, it can also quite easily be bridged by *randomly* standardizing limits to the number of voters eligible in district-based elections (to prevent *unjust, disorderly* gerrymandering).⁶⁷⁷ Distance can also be bridged by means of the Internet. What neither smaller districts nor the Internet can help do, however, is to prevent ideological intransitivity and a biased incapacity to switch angles.⁶⁷⁸ Party-based ideological exceptionalism is, in other words, a constant risk in electoral democracies. The risk is still increasing, in fact, as elected representatives have across the board become much more willing to toe the party-line, but mostly so in the Anglo-American district-based electoral

model, by making exceptions to the general rule that they should serve as the primordial representatives of their own district's general will. This heightened risk takes away the ultimate purpose of political action—which happens to be the simple purpose of sustaining a balance in the coexistence of *randomly-selected* voters and an *orderly* and *merit-based* representation of their wills (randomness is key to democratization, merit to aristocratization; both should coincide for a stable mode of public authority to emerge, as argued earlier).

In the current situation, there are few opportunities to exercise popular sovereignty, unless it would be as the randomly-selected member of a grand jury, perhaps. More specifically, few people in the world may act as jurors and even fewer are directly exercising the power of legislative initiative. The power of constitutional amendment has long been restricted to very few citizenries as well (Switzerland forming one example, and the West-Coast States' usage of U.S. Constitution Article 5-powers, another). Despite much talk about undecided, swing, and floating voters, the electorate in its entirety cannot be considered an independent and autonomous agent. The electorate is actually becoming more dependent on political parties as well as on the mass media, in effectuating change, than ever before.⁶⁷⁹

This new dependency is making it possible for the media to homogenize public discourse and for the parties to count every voter as a prospective affiliate. The subsequent homogenization of the electorate has come together with the cartelization of the parties. Especially the labor and socialist parties are now no longer counting as much on unions as that they rely on business owners as well. Besides, the only influential

political parties all aspire to govern. As they have thus been aiming to not only oversee but to also administer policies, however, they have been becoming catch-all parties. Messages are not tailored to each of the, but to any of the constituencies, districts, and regions. As in the Americas, Europe and Australia have witnessed such catch-all messaging techniques, targeting transfigured images of electoral regions; voters not only anywhere but everywhere now seem less heterogeneous, less diverse, as well as less moderate than they would have appeared in the past.

The voter market in the United States has been so homogenized that the two parties only have to fight for marginal victories. In terms of messaging, and ideology, each party only has to seem a bit less bland, less homogenous, and less immoderate than the other party. In the meantime, the two parties can dedicate more and more time to accumulating campaign funds. Hence, whereas voters are becoming more dependent on parties, the parties themselves become more dependent on business corporations, financial contributors, and the ubiquitous special interests. Whenever ideological differentiation starts to take place, these special interests usually lose their motivation to support the one party which seems the most radical in its views. Although special interests do not literally control the political party, the latter can only ‘attract’ them, and can only make these interests ‘stick’ to its program, to the extent that this program appeals to anyone everywhere—and, thus, to no place in particular.

Party programs and personal platforms are being watered down, just in order to appear as ideologically temperate as possible (but always a tiny bit less so than the main opponent’s program). This phenomenon can best be explained in analogy to an imperfect

market, in which government policies are being supplied by parties which are all trying to belong to one cartel.⁶⁸⁰

As parties realize they would almost certainly start losing influence and legitimacy if they were to become monopolies, occupying all departments of government, parties will settle for uncomfortable but workable coalitions. On one side of this equation, pragmatism is valued higher than anything, by voters, so that parties will try hard to stay within their coalition-cartels without allowing the other cartel members to take too much advantage.⁶⁸¹ Perhaps they will set up traps, for instance, in order to make their opponents within the cartel look slightly less pragmatic, or less willing to break gridlock and to solve national problems. On the other side of the equation, the cartel-parties must retain their incentives to disallow any free ideological competition. In order to ‘attract’ support from previously-unaffiliated societal groupings, including the many special interests, party representatives must supply them with continuous economic growth—and almost never with ideologically-motivated, or even not with any rationally-decided bifurcations.

In sum, genuinely popular participation in the political process, by groupings not allied with the large or with the generally governing political parties, has become virtually impossible throughout the West.⁶⁸² Participatory movements must be said to have continued to lose ground to these cartel-parties—at least on grounds and issues involving the fate of the public realm. The latter parties are simply continuing to become ever-more capable of differentiating themselves, at least on the voter market, by means of their ideational branding and by means of their ideologically-driven platforms which,

cynically, then again help them *guarantee* the type of “gridlock” for which they can always blame the seemingly weakest party in the policy supply-chain.⁶⁸³

Ideological homogenization, political party-cartelization, and a consumerist economic culture within the major representative democracies have made it less probable that the people themselves will at some point newly begin to decide on the format of their own constitution. Unless a political revolution occurs, in brief, the people are likely to continue to lose their participatory freedoms. They are then continuing to be satisfied, in exchange for their loss of free public authority, by post-materialconsumer values—as opposed to by both their ideological integrity and the coherency of their material-existential needs. The tragedy of it all is that, pending on constant economic growth and pending on the continual satisfaction of the people’s basic necessities, the political parties will remain eager to trade in their ecologically-conscious virtues for voters’ consumerism and for ideological self-regulation for financial risk-taking as well. It is innate to the democratic parties that they opt not for political austerity but for excessive social inequality and economic volatility.⁶⁸⁴ The problem of party legitimacy and state authority, therefore, is a problem of how to ‘split’ the difference between—rather than to synthesize and unify—the contraries of both political decision and socio-economic distribution, as well as of both materialist realism and the ideologies of consumerism. To escape from the trappings of either tragedy or farce, materialist realists should help identify the difference within a contingent void.

ENDNOTES TO CHAPTER THREE

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- ¹ Sterling (1958: 171-173).
- ² Consider, by contrast, Frost (1994).
- ³ Meinecke (1957) receives on this point a useful, but too summary, treatment from Sterling (1958: 240-242).
- ⁴ Interview with Götz Spielmann, director of the feature-film “Revanche” (Janus Films, 2008), as cited by Armond White in a booklet accompanying the DVD.
- ⁵ As Hansen (2010) notes, there is no empirical evidence of any constitutional state which has managed to split apart its powers: it is better to speak of a mixing or a balancing of powers than it is of separating them, hence.
- ⁶ Compare, for instance, Sterling (1958: 44-45; 59).
- ⁷ This appears to form the gist of several remarks by Ruggie (1998) and Kratochwil (2006).
- ⁸ Wæver (1997), (1997b) tries to describe a similar optical illusion in a diagram which, nevertheless, suggests that the two main angles have remained mutually complementary rather than exclusionary.
- ⁹ It is from this point of view that Krasner (1999), (2009) should be thought of as a neorealist.
- ¹⁰ IR neoliberals have much in common with defenders of the Democratic Peace-hypothesis. See, also, Oren (1995).
- ¹¹ On the legitimacy of UN interventions, consider Weiss (2009b). See also, for example, Berman (2006), Cairo (2006), Crawford (2001), Kratochwil (1995) and Robinson (1996). For a critical comment on justifications to ‘intervene’ in Iraq, Everest (2008) and Gordon (2010).
- ¹² Young (2002), Arendt (1970).
- ¹³ For neorealism, compare particularly Zolo (2007) and Schweller (2006) to Guzzini (1993).
- ¹⁴ Føllesdal (2007), Steffek (2007), (2003), Buchanan and Keohane (2006), Keohane (1988), Lake (2010), and Wilson (2010).
- ¹⁵ For a few commentaries on the (possibly) continued functionality of political realism, in IR, see Guzzini (2004), Oren (2009), Scheuerman (2005), (2011), (2010a), (2010b), (2009), (2008), and Schuessler (2010).
- ¹⁶ On the conceptual tension between the norm and the decision, specifically in Schmitt (1985), also helpful are Auerbach (1994) and Pankakoski (2010). For an IR theoretical reformulation of Schmitt’s concept of the decision, consider Roach (2005).

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- ¹⁷ Instructive are Joerges and Ghaleigh (2003), Kennedy (2004), and especially Seitzer and Thornhill (2008).
- ¹⁸ On the impression that—not realism but that mostly—liberalism is at its depth still a method dependent on progressive images of rationalization and individualization, compare, Rawls (1999), (2001), and Ryan (1990) to Ish-Shalom (2006) and Haern (1985). Pourciau (2005), however misguided, assigns certain liberal (and problematically not realist, therefore) values to Carl Schmitt’s concept of concrete individuality.
- ¹⁹ Specifically on Schmitt’s conservatism, see Dyzenhaus (1997)
- ²⁰ Friedrich Meinecke, in particular, understood that realism and conservatism should not be married—at risk of realism becoming doctrinally-supportive of an “unadulterated *raison d’état*.” For additional references, see specifically Sterling (1958: 259, n. 86).
- ²¹ For a theoretical summary of Treitschke’s conservatism, see Dorpalen (1957). Palan and Blair (1993) wrongly neglect the high degree to which especially Meinecke broke with Treitschke.
- ²² Sterling (1958: 277-285).
- ²³ Begin with, for this instance, Sterling (1958: 31, n. 36; 99) and Hegel (1967), (1999), (1954).
- ²⁴ On why these three themes already presented themselves in the work of Machiavelli, see Meinecke (1957).
- ²⁵ Sterling (1958: 86), also, includes the extensive bibliography of Meinecke.
- ²⁶ Sterling (1958: 33; 87; 89).
- ²⁷ Sterling (1958: 96-97; 89; 27; 25). Continue to see Meinecke (1957), but also Schmitt (1926), (1995).
- ²⁸ Sterling (1958: 35).
- ²⁹ Sterling (1958: 111).
- ³⁰ Sterling (1958: 113), citing Meinecke, (1917) “Die Reform des Preussischen Wahlrechts.”
- ³¹ Sterling (1958: 117), perhaps unconsciously, here imagines that the unique authority of the nation-state emerges from a tension between both (equal) individual rights and a tendency of humanity to divide itself into (unequal) nations. But Sterling here seems to fail to admit to the possibility that neither one of these components, and that neither one dimension of the constitutional state’s authority, should be allowed to grow absolutely dominant. Rather, both are to be negated, and yet also included by the systems theory.
- ³² Sterling (1958: 86-87).

³³ Sterling (1958: 135).

³⁴ For instance, Sterling (1958: 118-122; 142-157) lays out how Meinecke countered the English claim, which had been made shortly after the sudden 1918 collapse and retreat of the German and Austrian armies, that individual soldiers would have been needlessly sacrificed by the general staff. Prussia's power politics had taken an instrumental approach towards human life—and the soldiers, therefore, could not have been treated humanely or at least not in respect of European culture.

³⁵ Sterling (1958: 127).

³⁶ Sterling (1958: 261).

³⁷ Føllesdal (2007). But see, also,

³⁸ Føllesdal (2007: 216) refers to Weber's (1958) definition of legitimacy as forms of social compliance and 'habitual orientations to conform'—while Steffek (2007: 178) refers to Weber's (1968) sense of social acceptability by means of the latter's equation between 'political legitimacy', first, and those rules which have ascertained 'the prestige of being considered binding' by society, second. Neither one of the two IR authors reads Weber, thus, as having actually *challenged* the conventional equation between legitimacy and the social acceptability of, or the social conformity to rules or decisions. But careful readings of Weber's works (including the passages they cite) demonstrate he actually conjectured a definite *void* between effective conformation or compliance to the rules—on the one side—and the various more or less responsible politicizations of these same rules—on the other side.

³⁹ Steffek (2007: 179-180).

⁴⁰ See, for one overview of several liberal-democratic IR theories, Gleditsch (2008).

⁴¹ Rawls (2001: 27).

⁴² Wendt (2003) seems to have found that the EU member states used their intersubjectively-established sovereignty in order to trump earlier claims that the individual states were competing for scarce material power, and thus also (to prevent unbridled or lawless competitions) that the EU should serve as a model for an ideal and lawful world state.

⁴³ Wendt and Friedheim (1996: 250-251).

⁴⁴ Rawls (2001; 26; 127) adds that he would *not* want to try to privatize religion. The citizen must "decide for himself or herself"—and, yet, this may not come to mean that citizens 'politicize' their religion. The private and the public experiences of spirituality would have to be institutionally separated, therefore, to prevent the latter from being 'politicized.' Rawls: religion may *never* be "diminished for ideological ends". But are there any other ends (besides ideological ends) that can be used to diminish private religious experiences? Religion is one of the many ideological superstructures, and realists argue that religion cannot be analytically separated from social and economic

structures—despite their apparent contrariness. The fact is that religion is neither only private, nor only public. This means that neither public nor private criteria alone should be used to condemn a citizen for adhering to one or another false doctrine (Christian creationism, a violent Jihad, the denial of a human cause for global warming, and so forth). Yet, Rawls *does* want to separate liberalism from false doctrines: from fundamentalism. Or, he *does* want to find a criterion to separate the legitimate from the illegitimate ways of adhering to any of the “various religious or secular doctrines which have been historically dominant” (126). But, how can such a criterion not itself again end up being ‘politicized’? Contrary to Rawls, political realism sustains the complex relationship between public and private, and dismisses the link between liberalism and a neutral point of view on this relationship. Any *ideological expressions* (whether religiously motivated or not) are, according to realism, inherent expressions of a *political* relationship as well as of an ideology (although not necessarily all to the same degree).

⁴⁵ Rawls (2001: 123; 127).

⁴⁶ Bahlul (2003: 57).

⁴⁷ Bahlul (2003: 53).

⁴⁸ Bahlul (2003: 49).

⁴⁹ Rawls (1999: 191).

⁵⁰ Rawls (1999: 193).

⁵¹ O’Neill (2000: 4).

⁵² Ryan (1990: 109).

⁵³ For instance, Rawls (1999: 232).

⁵⁴ Ryan (1990: 112).

⁵⁵ Young (2006b).

⁵⁶ Ryan (1990: 113).

⁵⁷ Žižek (1999: 26).

⁵⁸ Žižek (1993: 215).

⁵⁹ As Andrew Stanton, the maker of the animation film “WALL-E” (Disney, 2008) suggests, the first cause of global pollution is ‘thoughtless consumerism.’ Film director Alfonso Cuarón’s “Children of Men” (Universal Studios, 2006), which has been based on the book by P. D. James, quite similarly visualizes the global trash stream as part of the background: a global background created by capitalist consumer markets. In his (on DVD available) commentary to “Children of Men”, Slavoj Žižek clarifies that precisely

because this background has been kept visually separate from the foreground, the film helps describe the paradox of “late capitalism” in a meaningful way. This background world of trash includes stateless refugees and other semi-superfluous human ‘bodies’—but can *by means of this inclusion* also continue to inform a capitalist story about the hero’s actions, in the foreground. The ideals of global consumerism are the ‘transcendental’ backdrop to an ‘immanent’ storyline that itself, in whatever form it appears, must then again come to lack a political ideology. This paradox is sustained by the film’s diagnosis that “late capitalism” could be ideologically infertile: the system could lack “historical experience” because it takes culture out of its historical context; it commodifies culture until it has become meaningless. Žižek appears to say that this tension between the trashed, superfluous background and the anti-historical foreground is a paradoxical tension. But the tension becomes meaningful to the degree that it in the end also allows the suffering of ideological infertility to become coeval to a “rootless” sort of perpetual rebirth, or to a human state of “spiritual fertility.” But in contrast to the makers of “WALL-E” or those of “Avatar”, for that matter, Cuarón does not apply the notion of direct and ‘physical’ rebirth to the finale of his story (“WALL-E” is far more Catholic than “Children of Men” in the sense that the hero dies and is reborn after directly receiving signs of grace). The only kind of fertility the latter director describes is thus ultimately metaphorical, rather, because it is faith-based and yet also indirect; it is an aleatory kind of fertility.

⁶⁰ Young (2006b), (2010), Žižek (2008).

⁶¹ For one intelligible account of the global food crisis, consider Vandana Shiva, *Soil Not Oil: Environmental Justice in a Time of Climate Crisis* (South End Press, 2008).

⁶² Rawls (2001: 137).

⁶³ See, for example, Naess (1989: 111-116) and Sen (1984), but also Sen’s *Development as Freedom* (not further referenced).

⁶⁴ Naess (1989: 78-80).

⁶⁵ Naess (1989: 177).

⁶⁶ Wendt and Friedheim (1996: 251), for example, write about sovereignty in terms of “a fusion of power and collective purpose”—suggesting thereby that because the state’s use of power (of armed force, in particular) must diminish both its shared purpose as well as its legitimate authority. Somehow, they conclude it would be better to theorize state power in terms of authority rather than force; it would be better to define state authority as “a normative arrangement involving the consent or recognition by the governed [or by] ... subordinate state actors”. However, this appears to be an overly idealistic image of sovereignty, not taking account of any realistic contestations within and of this realm that would only have been constituted by legitimate authority.

⁶⁷ See, in particular, Kant (1951).

⁶⁸ O’Neill (1989: 76).

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- ⁶⁹ O'Neill (1989: 16; 25; 46).
- ⁷⁰ Rawls (1999), (2001), and Ryan (1990).
- ⁷¹ Steffek (2007: 179-180) mentions in this context, among other classic titles, *Political Liberalism*, by John Rawls, and *How Nations Behave: Law and Foreign Policy*, by Louis Henkin (not further referenced).
- ⁷² Steffek (2007: 183) shows that, besides in the WTO, coercion also takes place in the International Whaling Commission. Japan promised several micro-states development aid packages on condition they joined the Commission and helped Japan to dismantle its regulatory authority. For one illustration, see the 2010 award-winning documentary-film *The Cove*.
- ⁷³ For similar criticisms of the liberalization of the world, see Shilliam (2007), Grieco (1988) and Putzel (2005) in IR theory, for example, and Brown (2006) and McCormick (1997) in the political theory field, among many others.
- ⁷⁴ Føllesdal (2007: 217).
- ⁷⁵ As Kennedy (2011) remembers, Schmitt discerns between the 'sovereign' and the 'commissarial' competencies of the constitutional state.
- ⁷⁶ See Sárváry (2008), but also Žižek (2006).
- ⁷⁷ Føllesdal (2007: 216-217).
- ⁷⁸ For important exceptions to this conservative trend in the IR field, continue to compare Cakir (2009) and Sárváry (2008).
- ⁷⁹ Tjalve's (2008) sections on Morgenthau are especially instructive, as she refers to him as a patriotic dissenter.
- ⁸⁰ Note that Gilbert (1999: 68; 70-71) reads Morgenthau's (1985) classic *Politics among Nations* as a warning against the use of nationalism in justifying U.S. foreign policies. Gilbert also reads Morgenthau's "Truth and Power" essay (not further referenced). That essay held that legitimate action requires no nationalism. Action is contingent: it may occur simply 'when people see things in a new light, [because this is when] they might act in a new way.' Gilbert's quoting of this essay, additionally, suggests it could have been Arendt who swayed Morgenthau into appreciating the human capacity to see things 'anew' or to be 'initiating a series of new beginnings' without having to resort to moralism (that is, without subverting their own eternal belief in natality to the power of finite organizational structures). In any event, Morgenthau was well-aware it would be highly imprudent to neutralize the tension between national-ideological values and the actual freedom to act: and spontaneous but practical actions.
- ⁸¹ Machiavelli (1975: ch. 6), or (1950: 22-23), *The Prince*.

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- ⁸² Machiavelli (1996: esp. ch. 2.14) attacks, implicitly and tacitly, Christian clerics to the extent that these would only have been preaching humility. According to Parel (1992) it would certainly go far too far to conclude, however, that Machiavelli had also “rejected metaphysics, theology, idealism”—as Max Lerner does in Parel’s stead. See Lerner’s “Introduction”, in Machiavelli (1950: xxxi).
- ⁸³ Machiavelli (1975: ch. 12). See further, particularly, Benner (2009: 446-447).
- ⁸⁴ Machiavelli (1996: chs. 1.4 and 1.6) or (1950: D 1.4; 1.6).
- ⁸⁵ See, for example, Morgenthau (1985), (1995), (1964). The list of noteworthy interpretations, comparing Morgenthau specifically to Schmitt and their joint intellectual context, includes Brown (2007), Jütersonke (2010), Scheuerman (2009), and Shilliam (2007).
- ⁸⁶ For additional commentaries on Morgenthau’s anti-imperialist argument, besides Gilbert (1999), compare Tjalve (2008) to Scheuerman (2009), (2011).
- ⁸⁷ Scheuerman (2008).
- ⁸⁸ For example, Gilbert’s (1999: 87) reading of Morgenthau highlights his having insisted on U.S. President Lincoln’s prudence. According to Gilbert, this was Morgenthau’s mistake; he would have placed too much weight on official or state interests, and too much of a “realist emphasis on statism”. Morgenthau would have downplayed, therefore, Lincoln’s “*personal morality*” in relation to Lincoln’s “*official duty*”. Yet, as Gilbert may admit, if Morgenthau hereby actually tried to repeat Weber’s insight that the twin, personal and the official, sources of (charismatic) authority are reciprocal (they oscillate and intersect, because of their contrariness), then Morgenthau’s passage could also give readers further evince he was simply holding on to the Weberian notion that prudence and judiciousness flow from neither one of these two foundations alone. Rather, they flow from the ambivalent nature of authoritative action. Lincoln at least did authoritatively preserve the interests of the Union by delegitimizing slavery, if only gradually and if only morally ambiguously.
- ⁸⁹ Tjalve (2008) argues that Morgenthau sought to combine liberalism with realism. It is more likely, however, that he treated realism in the way Weber and Arendt would have done: as a dialectical method of approaching political authority along a pathway leading neither to a liberal nor to a conservative (imperialist) home, and neither solely paved with participatory freedoms nor with economic necessities. For another comparison of the similarities between Weber and Arendt, consider Kalyvas (2008). Also, it is not far off to think Morgenthau took part in a dialogue with Arendt about the validity of the argument that authority is open-ended: its inner tension cannot be concluded by either liberal or conservative forces. For a reconstruction of Morgenthau’s dialogical or dialectical method, see Pin-Fat (2005).
- ⁹⁰ To here cite Benner (2009: 151-152), Machiavelli’s: “most *virtuoso* agents are not those who seize the occasion given by *necessità* to justify ‘extraordinary’ actions, but those who labor even in ‘quiet times’ to found and maintain quite ordinary, regulative orders.... An important element of *virtù* in this sense is a specific kind of prudence. This involves [the

equal regard for] ... the small and large, [and the] immediate and future constraints on one's actions, including those imposed by other agents' 'ordinary and natural' reactions to pressure: their ambitions, aversions to being dominated, and obstinacy when fighting under extreme *necessità*." The possible "humors", of one's opposing agents and of the other parties, hence, are to be carefully assessed before appearing to hold (or be in a state of) legitimate authority.

- ⁹¹ Pichler (1998) is one of the few authors to have concentrated attention on Morgenthau's Weberian legacy.
- ⁹² For one rare exception of a theorist tracing Montesquieu's way of attacking Machiavelli, see Sullivan (2006).
- ⁹³ Machiavelli (1975: ch. 6) identifies at least four elements to his amalgamated ideal-typical leader: those of "Moses, Cyrus, Romulus, [and] Theseus". Parent (2005) gives a curious, but seemingly invalid, twist to this notion of an amalgam leader by arguing that Machiavelli would later have singled out Romulus as his 'real' model leader.
- ⁹⁴ Machiavelli (1966) writes about the three main De' Medicis as, together, having formed one such a complex ideal-typical ruler. Benner (2009) reads the *Florentine Histories* in a different light, suggesting its author was rather dismissive towards the Medici dynasty.
- ⁹⁵ Machiavelli (1996: ch. 1.4).
- ⁹⁶ See, for instance, Machiavelli (1975: ch. 7). Donnelly (2000: 25) finds related passages in Machiavelli's (1996: 2.2; 3.49) *Discourses*, suggesting Machiavelli must have considered Cesare Borgia a master in the dark art of "exemplary violence". Borgia is, at least this is how Donnelly's Machiavelli would have portrayed him, someone who knows that the "egoistic passions at the core of human nature often can be repressed only by force, and at times only by ferocious cruelty." Machiavelli's own references to Borgia's actions (including those to Valentino's infamous public square-liquidation of his own "henchman"), however, suggest rather that these actions merely forecasted Borgia's own decline. They did not bring him, or anyone else any freedom. Borgia's relative rashness and imprudence cannot be isolated, because they followed, from his own fate of having inherited his power, according to the Florentine Secretary. This misfortune did not necessarily mean that he *was* too cruel (for it may be politically necessary to appear ferocious and lionese): it only means he had too little chances to have mastered his own fortune. Compare, for the general thematic of the required ability to create a *spectacle* of ferociousness, which a man like Borgia certainly had possessed, Benner (2009: 371) and Wood (1972).
- ⁹⁷ This reference is comfortably ignored by Janara (2006). But see, furthermore, Hochner (2009) and Pitkin (1984).
- ⁹⁸ Machiavelli (1950: 1.4, 120; 1.5, 123), (1996).
- ⁹⁹ Femia (2004: 2).

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- ¹⁰⁰ Gramsci (1998: 143) argues Machiavelli's ideal prince had to have a "tendency to relate city to countryside, [but not only] in military terms". Additionally, Femia (2004: 3-4; 79-80) suggests already that Cesare Borgia would never have had such a tendency—and could thus never have been intended to be Machiavelli's ideal-typical leader: Valentino was merely a utilitarian agent of the state's power, as nothing is said about his relations to peasants and commoners. Machiavelli did not clearly specify whether Valentino had at any one time been loved by people on the countryside, for instance, but he certainly suggests he had to have been feared by them. However, Machiavelli's general premise is, after all, that only a combination of love and fear (or: of only reverence and respect, basically) forms the stable source of a leader's power. See, also, Beiner (2011).
- ¹⁰¹ Althusser (1999) and Gramsci (1998) read *The Prince* in full combination with *The Discourses*.
- ¹⁰² Machiavelli (1996: 1.6) formulates, in this context, the foremost tenet of his entire political theory.
- ¹⁰³ Machiavelli (1950: P 6, 20; P 26, 95; D 1.2, 115). See, further, Benner (2011: esp. 408-432), Kinneging (1997: 218-220).
- ¹⁰⁴ Machiavelli (1975: ch. 12). Compare, for an interpretation which stresses the importance of good arms *over* good laws, Donnelly (2000: 25). Contrary to this interpretation, Machiavelli (1996: 1.4) uses his *Discourses on Livy* to clarify that "good laws ... spring from those very agitations which have been so inconsiderately condemned by many." These are the sorts of agitations that are resolved in "public assemblies"—by means of mere commonsense and "eloquence"—and it is *herein* that the people will rank good laws *over* good arms. Machiavelli's (2003: ch. 7, 162; 74) *Art of War*, additionally, ends on a note of commending military commanders who recognize the critical importance of winning their people's reverent respect, strong allegiance, and exemplary courage (the Swiss infantry would have displayed all these qualities) *over* even their need to rely on their bulwarks or on their artillery.
- ¹⁰⁵ Machiavelli (1950: D 1.4, 119). Skinner (2002, vol. 2: 156-157) cites the same sentence to conclude Machiavelli expressed "all of his faith in a mixed constitution with a bicameral legislature."
- ¹⁰⁶ Contrast, specifically, Geerken (1999) to Parent (2005).
- ¹⁰⁷ Machiavelli (1950: P 6, 21; D 1.1, 109, 107) or (1975: ch. 6) and (1996: 1.1).
- ¹⁰⁸ Machiavelli (1950: D 1.1, 107; D 1.11, 147) does not have to go back on his earlier words when he finds that, because Numa had not only been a legislator like Romulus but also an interpreter of (divined) signs, it was Numa who was actually worthy of the "highest merit" (of the two men).
- ¹⁰⁹ Machiavelli (1996: 1.5) or (1950: D 1.5, 121-124).

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- ¹¹⁰ For the purpose of closer comparing Machiavelli's ideas about ancient Rome to how the Republic's constitutional culture actually began to form a model within the history of political thought, this author consulted (alphabetically), next to Coby (1999b), Buttle (2001), Cameron (1993), Ferrero and Barbagallo (1964), Forsythe (2005), Hammer (2008), Husband (1916), Kinneking (1997), Malmendier (2005), Pagán (2004), Sellers (1994), Skinner (2002), and Stark (2006).
- ¹¹¹ Machiavelli (1996: 1.6).
- ¹¹² Parent (2005). See also, in sharp contrast, Geerken (1999).
- ¹¹³ Arendt (2006: 26).
- ¹¹⁴ Cousins (1978).
- ¹¹⁵ Parel (1992) is among very few scholars to have suggested that Machiavelli's veneration for the unifier of the mutually opposing 'humors' within the general public can best be explained in the context of his Christian mysticist or his alchemist religion. Althusser (1999) completely misses the theological significance of this unifier, yet does read Machiavelli as having followed 'the negative way' by having dialectically negated the validity of all possible individual exemplars (starting with Borgia), and by only having left open the possibility that the exemplary 'statesman' indeed is a compounded figure encompassing both the citizens' militia and, to its opposite side, the infantry.
- ¹¹⁶ Kinneking (1997).
- ¹¹⁷ For a few key readings of Montesquieu (2000), consider also Althusser (1972), Samuel (2009), Shklar (1990), and Spector (2004). Less relevant, but nonetheless critical for the following inquiry into his concept of constitutional authority, are the three chapters by respectively M. R. R. Ossewaarde, "Montesquieu, Pluralism and the State" and Norbert Campagna, "Die Richterliche Gewalt bei Montesquieu," In *Die Natur des Staates: Montesquieu zwischen Macht und Recht*, eds. Oliver Hidalgo and Karl-Friedrich Herb, (Baden-Baden: Nomos, 2009, 159-177, and 115-133) as well as Detlev Merten, "Friedrich Der Große und Montesquieu: Zu den Anfängen des Rechtsstaat im 18. Jahrhundert." In *Verwaltung im Rechtsstaat: Festschrift für Carl Hermann Ule*, eds. Detlef Merten, Willi Blümel, and Helmut Quaritsch (Cologne: Carl Heymanns, 1987, 187-208).
- ¹¹⁸ Sullivan (2006).
- ¹¹⁹ Montesquieu (2000: 24.3, 461; 24.1, 459).
- ¹²⁰ Montesquieu (2000: 11.6, 156-166) is attracted to the English constitution's method of political representation, allowing all the estate-holders (or the gentry the French state still ought to be organizing, as was done in England, he implies, into "boroughs" or districts), "the right to vote" and to thus elect and delegate the best men among themselves in order to take care of their "public business".

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- ¹²¹ Montesquieu (2000: 20.7, 342; 12.10, 197).
- ¹²² Montesquieu's (2000) own constitutionalism receives commendable attention in Samuel (2009) and Wood (1972).
- ¹²³ Montesquieu's (2000: 19.27, 328; 20.2, 338) argues, while looking extensively at the case of England, that the preservation of liberty depends on the commercial trade in, the development, and the "enjoyment" of "primary commodities"—as commerce's "natural effect ... is to lead to peace"; a clear variant of the Democratic Peace thesis in IR, which itself has been defended by Doyle (1986), Russett (1993), (2009), and Russett and Oneal (2001). For one possible critique of the (commercial variant of the) DP hypothesis, see Houghton (2009).
- ¹²⁴ Schmitt (1976), (1996).
- ¹²⁵ Baumgold (2010).
- ¹²⁶ Hobbes (1991), (1994).
- ¹²⁷ For Schmitt's theological reading of Hobbes, consult also Bendersky (1996) or Auerbach (1994) and Chen (2006).
- ¹²⁸ Runciman (2003: 29) argues that Hobbes's concept of sovereign authority derives neither from the people (too multitudinous) nor from their state (too unified): "The state cannot be identified with the group of individuals who make up the people, because people have no unity, and cannot act as a person in their own name. But nor can the state simply be identified with the sovereign power in the state, because the sovereign power is always embodied by an individual or group of individuals ('an assembly') who cannot bear the identity of the state simply as individuals."
- ¹²⁹ Habermas (1999), (2002), (2008) tends to position *publicity* (the 'Öffentliches') over and above private interests.
- ¹³⁰ Informative are Brunkhorst (2005), (2007), Munro (2007), and Rasmussen (1990).
- ¹³¹ Compare, for example, Birmingham (2006: 146, n. 7).
- ¹³² One equation of public liberty and corporate commerce is being formulated in Montesquieu (2000: 20.4, 340; 20.13, 346); "the great enterprises of the traders are always necessarily mixed with public business." A more contemporary issue is of course *how* the interests of corporate enterprises are to be mixed, and it appears therefore to either have been an exaggeration or a mistake for Montesquieu to thus suggest they must "always" be mixed, of necessity, with the state's public affairs. There are many instances in which corporate enterprises are free to avoid customs officers ("tax-farmers") and restrict the activities of other public regulators, he later admits. Yet, the Magistrate's admiration for English corporations and trading houses knows few limits; among them, all "customs are imposed directly [and without interference by regulators, so that] there is a singular ease in trade: a

word in writing accomplishes the greatest business”. Rarely does he pursue his liberal agenda as clearly as in these passages.

¹³³ Montesquieu (2000: 19.27, 325-326).

¹³⁴ Machiavelli (1950: 119) or (1996: 1.4).

¹³⁵ Machiavelli (1950: D 1.7, 130-131).

¹³⁶ Especially, Montesquieu (2000: 8.12; 6.4, 76-77; 6.15, 89; 12.8-12.10, 195-197 and; 5.8, 52; 5.19, 69 and; 6.11, 84).

¹³⁷ Montesquieu (2000: 6.8, 81; 6.5, 77).

¹³⁸ Montesquieu (2000: 6.8, 81; 28.36, 588).

¹³⁹ Montesquieu (2000: 6.8, 81-82).

¹⁴⁰ Montesquieu (2000: 11.18, 182).

¹⁴¹ Montesquieu (2000: 8.12, 121).

¹⁴² It seems almost as if Agamben (2011) comes out against this Montesquieuan argument, in his reflection on Franz Kafka’s *The Trial*, as he clarifies why Rome’s most severe sanctions were reserved for those levying false accusations.

¹⁴³ Montesquieu (2000: 11.18, 183; 28.36, 587).

¹⁴⁴ Sullivan (2006: 269).

¹⁴⁵ Machiavelli (1950: D 1.8, 135-136).

¹⁴⁶ This author consulted on this point, among other texts, Fleisher (1972), Fontana (1999), Peterman (195??), and particularly also Sullivan (1993).

¹⁴⁷ Merriam-Webster’s defines passion as a “state or capacity of being acted on by external agents or forces”, but also as “the sufferings of Christ between the night of the Last Supper and his death”. It appears highly unlikely Machiavelli (1950: D 1.2, 113) would have been unfamiliar with the double meaning of passion, as he acknowledges there are passions which tend to turn into “luxury” (indulgence) and those that breed the “timid” (the meek). That is, passion is both enacted by seemingly random external forces (by *Fortuna?*), or by (divine?) fate, and yet passion also connotes a regulated and time-restricted period of suffering. See, further, Benner’s (2009: 192; 195) argument that human nature consists here not only of the “malignant” types of passion, as humans also are passionately “responsible for making their own laws”. “Machiavelli wants virtue and the laws to *regulate* ambition and other human ... passions, not to eliminate them.”

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- ¹⁴⁸ Compare, further, Parel's (1992) treatment of Machiavelli's own conception of fortune (*Fortuna*).
- ¹⁴⁹ Fleisher (1972).
- ¹⁵⁰ Femia (2004: 32). *Virtù* is for Machiavelli a complex practice, with many meanings, as has been demonstrated by Fleisher (1972), Garver (1987), and Benner (2009) as well. Its main meaning seems to overlap with his sense of a person's capacity to publically display 'animated decisiveness.' For an uncomplicated, straightforward account of *virtù*, however, use Mansfield (1995).
- ¹⁵¹ Machiavelli (1950: D 1.12, 150-151).
- ¹⁵² Benner (2009: 396-397), citing also Machiavelli (1996: 1.11).
- ¹⁵³ Montesquieu (2000: 24.10-24.11, 466; 24.13, 468).
- ¹⁵⁴ Montesquieu (2000: 24.16, 470).
- ¹⁵⁵ Montesquieu (2000: 24.16, 471).
- ¹⁵⁶ Montesquieu (2000: 24.19, 473; 24.17, 471; 24.14, 468-469).
- ¹⁵⁷ It seems Montesquieu (2000: esp. 24.2, 460) saw moderation as the greatest value of religion, but this would mainly still concern *only* the type of moderation of Term (1) 'mores' and 'customs'—rather than of the 'good laws' Machiavelli had in mind, which were definitely *also* including Term (2) institutional and official practices.
- ¹⁵⁸ Montesquieu (2000: 25.14, 493) and Benner (2009: 389), citing Machiavelli (1996: 1.11).
- ¹⁵⁹ Montesquieu (2000: 25.1, 479).
- ¹⁶⁰ Montesquieu (2000: 25.14, 492; 25.13, 490).
- ¹⁶¹ Femia (2004: 65) finds that Machiavelli's "classicism was realistic." He was indeed an early neo-classicist and it is also correct that the platform underneath his positions was that of a political realist. But he was *not* a realist *because* he would have thought, as Femia wrongly presupposes he did, fear to be the primary foundation of the republic—as compared to hope or a caring love. Femia: "fear ... rather than love or solidarity is the ultimate foundation of political order." Yet, Machiavelli's own work evinces that fear and love are dual foundations of constitutional authority: neither one foundation forms the ultimate emotive prerequisite for constitutional success.
- ¹⁶² Machiavelli (1996: 2.23) or (1950: D 359).
- ¹⁶³ Montesquieu (2000: 20.7, 342-343; 20.1-20.2, 338-339) essentially argues that all "commerce ... polishes and softens barbarous mores". He concludes that "the laws of commerce" are capable of uniting nations.

¹⁶⁴ Montesquieu (2000: 5.6, 48, italics added).

¹⁶⁵ When Montesquieu (2000: 5.5, 45) speaks about liberties or civil rights, he basically refers to the need for taxation as well to the need to “regulate ... dowries, gifts, inheritances, [and] testaments”—which are needs to prevent republics from becoming too democratic.

¹⁶⁶ For instance, Montesquieu (2000: 20.3-20.6, 339-342).

¹⁶⁷ Montesquieu (2000: 4.5, 36).

¹⁶⁸ Montesquieu (2000: 3.10, 29; 6.14-15, 88-89).

¹⁶⁹ Machiavelli (1950: D 1.35, 204-206).

¹⁷⁰ Montesquieu (2000: 3.10, 29; 6.14-15, 88-89).

¹⁷¹ Montesquieu (2000: 5.6, 48, italics added).

¹⁷² Compare, for instance, Montesquieu (2000: 10.9, 145) for the reasons why a monarchical state cannot establish a middle ground, as it condones “frightful luxury” along the urban axis, and “poverty in the [rural] provinces.”

¹⁷³ Compare, especially, Montesquieu (2000: 20.2, 339).

¹⁷⁴ Note again that the power of judgment, according to Montesquieu’s (2000: 11.6, 156) key definition, is also one of the two powers of execution. It is not really the “executive power over the things depending on the right of nations, [therefore, but mostly the] ... executive power over the things depending on civil right.” Whereas Arendt’s Roman Republic allowed civil law and treaty law to coincide on relatively equal terms—as Arendt was shown (in Chapter One) to compare civil right to the rights of nations—the French Magistrate proposes the novel dominance of a more liberal definition of right, over executive treaty power, in her stead.

¹⁷⁵ As an aside, Marx and Polanyi together help answer that question of how peaceful relations are maintained—by showing how often eighteenth- and nineteenth-century liberal theorists were at fault in having disembedded the problem of competition, and in severing socio-economic interests from cultural and juridical norms. In light of the continued economic as well as the military competition over natural resources, this disembedding moment might be said to have been caused by the gravest of all liberal mistakes. For, it were the colonial imperialist states (Britain, Holland, France) which, both economically and politically, came to benefit the most from that moment. Also, once Weimar Germany had been confronted with the constant oligarchization and colonization of the world economy, by these imperialist states, it would be Hitler who actually followed their lead as he tried to create a new middle class and first initiated international barter trade. The international and corporate oligarchization of economies would of course have been an ongoing process, yet it were predominantly the twentieth-century totalitarian states that could argue they saw no other choice than to resort to barter and then also to mass

violence and torture in order to re-embed, decommercialize, reappropriate, and to territorialize the (previously-imagined as) open and free market.

¹⁷⁶ Compare, especially, Runciman (2003).

¹⁷⁷ Montesquieu (2000: 5.7, 50).

¹⁷⁸ As most commentaries mention, Montesquieu (2000: bk 5, ch. 9, 55; bk. 6, ch. 5, 78; bk. 11, ch. 6, 156-166) precludes the monarchy from judging civil law cases: a task Montesquieu tries to reserve for (the nobility's) "intermediate dependent powers". This means that he is among the first to start to suggest that nobles can hold a third type of (albeit intermediary) power: the adjudicative power, which is thus no longer also to be regarded as a necessary part of the executive power (although he does well know that adjudication is essentially not a power, but much more akin to an institutional form of authority). Furthermore, Radasanu (2010: 292) seems mistaken to suggest that the whole monarchical state would be "inherently unstable, and always teetering on the brink of despotism." Montesquieu does not believe the monarchical *state* to be "unstable"—but merely that *individual* kings may seek "glory" and thus become despotic, indeed, unless they have to check and unless they themselves would be checked by the other elements within their state: by the intermediary powers of the nobles; by their less-than-equal peers. For, he is indeed also quite firm that the powers of the nobles, *within* the monarchical state, will be used to promote a "commercial, peaceful way of life".

¹⁷⁹ Aristotle (bk. 5, ch. 2, 1302a, p. 207). Montesquieu (2000: 21.1, 354; 21.20, 389) downplays the possibility of "commerce" becoming eventually "subject[ed] to revolutions". Whenever "commerce" was subordinated to the principle of "goodness of government" (as the scholastics and Machiavellians would have helped do, he accuses), it seems to Montesquieu that "commerce" would then always become much less likely "to avoid violence and [to] maintain itself everywhere".

¹⁸⁰ Compare, for instance, Althusser (1972), Carrithers (1991), Rahe (2005), Samuel (2009), Shklar (1990), Spector, (2004), and Wood (1972).

¹⁸¹ Aristotle (5.3, 1302b, 209, and; 5.1, 1301b, 206).

¹⁸² Aristotle (bk. 5, ch. 16, p. 145).

¹⁸³ Hobbes (1994: ch. 17, 118), Aristotle (1958).

¹⁸⁴ Aristotle (5.3, 1303b, 210).

¹⁸⁵ Hobbes (1994: 18, 121-122).

¹⁸⁶ Hobbes (1994: 30, 231).

¹⁸⁷ Montesquieu (2000: 3.7, ???).

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- ¹⁸⁸ Seats in the *parlements* were overwhelmingly held by aristocratic magistrates. Radasanu (2010: 290; 288) presents too little textual evidence for her thesis that aristocracy could have been “the worst form of government for Montesquieu, short of simple despotism.” In other words, theorists who would want to attack her thesis can too easily object that Montesquieu (2000: 11.8, 167) instead understood that most aristocratic states were also mixed states, in the sense that they depended on monarchs. As one such a mixed state, France turned occasionally towards oligarchy (despotism) whenever the French monarchy failed to moderate the acquisitiveness of the nobles (leading to unjust spoils, or immoderate territorial gains), or whenever the state too strongly supported the monarchy in its economic idleness (princely luxury). Hence, aristocracy becomes oligarchy when it fails to respect the relative interests of the other constitutional elements (monarchy, democracy), and possibly those of other states as well. Ethical realists should ask, however, whether it ever suffices for a “ruling class” to call itself a moderate aristocracy to the mere degree that it will seem to respect the interests of all the other classes—or to the degree that it simply, indeed, “withstands [its] temptation to bully the masses”.
- ¹⁸⁹ As Radasanu (2010: 287) sums up: “Important evidence that a legislator embodies the spirit of moderation is the absence of perfectionism.”
- ¹⁹⁰ Especially, Montesquieu (2000: 4.2, 33).
- ¹⁹¹ Rightly, Radasanu (2010: 305, italics added) concludes that Montesquieu turned sharply against the monarchical state and its dependency on an ‘economy’ of luxuries, or of honors, as well, which he all believed to be “inimical to the new modes and orders of gentle *commercial mores*.” Furthermore, Radasanu (2010: 298, n. 70) references Rahe (2005: 87) to evince why Montesquieu would have called on French legislators to take an example to the English, acquisition-driven constitution as an alternative to their own ideas about the preservation of and competition for honors: “commerce is the purview of the English, while bankrupting wars is that of French monarchy”.
- ¹⁹² See, for instance, Radasanu (2010: 290).
- ¹⁹³ Montesquieu (2000: 29.18, 617).
- ¹⁹⁴ Montesquieu (2000: 29.5, 604; 29.7, 605) says, for example, that the old law that allowed anyone to destroy hostile towns—as retaliation for their diverting of one’s own town’s running water—“was just, but it was imprudent.” In terms of its execution, this law was excessively just. Similarly, Syracuse had had a just “law of ostracism”—and yet this law had remained comparatively imprudent. Syracuse would have failed to counter-balance the powers of the law’s executors, as they must have been making the exiling of their rivals into “an everyday business.” That is, in Syracuse all the “principal citizens banished each other”—whereas in Athens, moderation had been institutionalized because here each citizen was obliged to collect “such a great number of votes that it was difficult for anyone to be exiled, unless his absence was necessary.” Also in Athens, “[o]ne could banish only every five years.”

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- ¹⁹⁵ Montesquieu (2000: 20.19-20.20, 349-350). Radasanu (2010: 297; 299) adds that: “princes ought not to engage in commerce; the prince’s involvement in business affairs translates into monopoly and favoritism.”
- ¹⁹⁶ Radasanu (2010: 297) correctly mentions that, according to Montesquieu (2000: 20.4, 340-341), monarchical states tend to nurture a “commerce of luxury” (excess) rather than a “commerce of economy” (moderation).
- ¹⁹⁷ Remarkably, Radasanu (2010: 305, italics added) sees no potential opposition emerge—from within Montesquieu’s conception of “post-Christian commerce”—between “universal *justice* and gentle *mores*”. Yet, contrary to the equal justice norm, *mores* are actually norms particular to the nature of a people and their region.
- ¹⁹⁸ Especially, Montesquieu (2000: 29.3, 603, 19.7, 605). Compare, further, Aristotle (5.3, 1302b, 208).
- ¹⁹⁹ Montesquieu (2000: 20.4, 340-341; 21.1, 354; 29.9-29.10, 625-627). In many diverse states, economic commerce has had an acquisitive rather than a preservative function. It thus allowed these states to acquire not only more, but also more diverse goods. This sense of diversity followed economic commerce, yet it also spawned new (broader-applicable) norms and (international) laws. Although each state has its own climate and natural conditions, and will try to hold on to its own natural needs and its own definitions of luxury, this sense of particularity therefore certainly does not have to prevent states from creating equally-applicable legal norms, nor from defending proportional justice. When the two parties of the Burgundians and the Romans came together, for example, they distributed the land in question by creating proportionally equal (proportional to the needs of the two parties) rather than generally (absolutely) equal plots. As Montesquieu (2000: 21.14, 381-382) prefers the German (Burgundian) method of applying justice (proportionally), he has much reason to add that Rome would have attacked Carthage for military rather than economic purposes (for the purposes of attaining “glory”). He is also adamant that the Roman Empire was far from peaceful and, rather, “opposed to commerce.”
- ²⁰⁰ Montesquieu (2000: 29.18, 617).
- ²⁰¹ Radasanu (2010: 286), Montesquieu (2000: 29.1, 602).
- ²⁰² Especially, Montesquieu (2000: 5.11, 57).
- ²⁰³ See, for example, Aristotle (4.11, 1295b, 182-183).
- ²⁰⁴ Aristotle (5.3, 1303b, 210).
- ²⁰⁵ Aristotle (5.2, 1302a, 207; 5.3, 1303b, 211).
- ²⁰⁶ Aristotle (5.2, 1302a, 207).
- ²⁰⁷ Aristotle (5.2-5.3, 1302a, 207-208).

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- ²⁰⁸ Aristotle (5.1, 1301b, 206).
- ²⁰⁹ Aristotle (5.3, 1303a, 210).
- ²¹⁰ Montesquieu (2000: 5.8, 51; 21.4, 356).
- ²¹¹ The label of progressive realism is here used similarly to (but must not be confused with) how Scheuerman (2011) applies this label. On Montesquieu's modernist but aristocratic tendencies, see Carrithers (1991).
- ²¹² Particularly, Aristotle (3.15, 1286a, 143). He adds that in each state there will always be some government members who become "greedy for the gains which office conferred, [and will limit their offices] ... to a narrower and narrower circle; and by this policy [strengthen] the masses until they [rebel]".
- ²¹³ Aristotle (5.16, 1287a, 145).
- ²¹⁴ Montesquieu (2000: 5.11, 57).
- ²¹⁵ Montesquieu (2000: 21.20, 389).
- ²¹⁶ Machiavelli (1950: P 25, 91) more than occasionally treats an exemplary person's *virtù* as that person's "free will"—but he also, contrary to Montesquieu's impression of virtue being the dominant form of ambition in republics, sees *virtù* as governing only up to half of a person's actions. See, further, Benner (2009: 250-251) and Femia (2004: 59-60).
- ²¹⁷ Montesquieu (2000: 3.7, 27).
- ²¹⁸ Montesquieu (2000: 3.3, 23). See, further, Kinneking (1997: 287).
- ²¹⁹ Montesquieu (2000: 4.2, 32-33) suggests strongly that in a monarchical state, honor can check itself: only here, "the prince should never prescribe an action that dishonors". See, further, Radasanu (2010: 296).
- ²²⁰ Montesquieu (2000: 3.10, 30).
- ²²¹ Radasanu (2010: 290).
- ²²² Continue to see, also, Hobbes (1994: 30, 231; 17, 118).
- ²²³ Aristotle (1998: 1267a, 60) or, also, (1958: 1267a; 1292a; 1291b).
- ²²⁴ Althusser (1999) touches only too briefly on the dynamics of *virtú*, yet his reading will here be accepted as most reliable.
- ²²⁵ The following paragraphs draw, in great part, from Habermas (2001), Hansen (2010), Levy (2009), Manin (1997), Skultety (2009) and, to some extent, Vatter (2008).

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- ²²⁶ See, for instance, Aristotle (1958: 1291a-1292b, 165-170).
- ²²⁷ Gilbert (1990: 18) announces he will read Aristotle (1958), (1998) as having been a pro-democratic theorist, but that can only be done to the degree that the Philosopher was also making an anti-oligarchical argument. Any immoderate form (unchecked-by-aristocracy) of democracy, let alone of liberal (or commercial) democracy, would indeed still have to be condemned by any genuinely neo-Aristotelian theorist.
- ²²⁸ Especially, Machiavelli (1950: D 1.5, 121): “every republic was composed of nobles and people”.
- ²²⁹ Aristotle (1958: 1273a, 85).
- ²³⁰ Skultety (2009: 45, italics added, PT).
- ²³¹ Skultety (2009: 62-63, italics added).
- ²³² Machiavelli (1966).
- ²³³ Aristotle (1958: 1257a, 23; 1258b, 28).
- ²³⁴ Perhaps no longer as strongly as Aristotle, but Machiavelli (1950: D 2.10, 311; 1.34, 202) is still utterly dismissive of all those men who only try to become “exceedingly rich”—as he warns that their success will derive not from “gold, but good soldiers”.
- ²³⁵ Kinneging (1997: 226) mentions: “the first kind of corruption would be [that of the] ... nobleman who refuses to stand for public office because he aspires to acquire a fortune in trade.”
- ²³⁶ Arendt (2006: 175-180) clearly rejects this idea, that the Great Legislator should have to have been deified by ordinary citizens, and that the Legislator’s transcendental qualities somehow aided the people in their religious beliefs as well as their civic faith. However, as will be noted shortly, Machiavelli (1996), (1950: Discourses) did not so much ascribe transcendental as well as merely transcendent or metaphysical virtues to mortal, and extremely fallible men—such as Cleomenes or Numa. Arendt is, probably inadvertently, defending the latter’s ascriptions.
- ²³⁷ Machiavelli (1950: P 6, 20) or (1975: ch. 6).
- ²³⁸ Hans Freyer “Machiavelli und die Lehre vom Handeln”, *Zeitschrift für Deutsche Kulturphilosophie*, (109-137; esp. 112), sees this image of Machiavelli appear in the works of Fichte and Hegel.
- ²³⁹ Machiavelli (1950: D 1.2, 115).
- ²⁴⁰ Arendt (2006: 200-202).
- ²⁴¹ Arendt (2006: 202-204; 178-179).

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- ²⁴² Machiavelli (1950: D 1.9, 138) or (1996: 1.9).
- ²⁴³ Machiavelli (1950: D 1.9, 139-141).
- ²⁴⁴ Compare, in particular, Benner (2009: 415-417).
- ²⁴⁵ Machiavelli (1950: 1.11, 147).
- ²⁴⁶ Machiavelli (1950: 1.9, 139).
- ²⁴⁷ Althusser (1999: 90-91) refers to passages in the *Discourses* (1.11; 1.12) to show that not Romulus but preeminently Numa ‘maintained a civilized society’ through ‘[an] *absolutely necessary* [support]’ system (that is, religious reverence).
- ²⁴⁸ Compare, for example, Althusser (1999: 94).
- ²⁴⁹ Also relevant may still be Guarini (1990), Maddox (1982) and Buttle (2001).
- ²⁵⁰ See, further, Benner (2009: esp. 416-417).
- ²⁵¹ Especially, Schmitt (1985: 12).
- ²⁵² For two similar reviews of this exceptional decision, in Schmitt as well as in various other books on the notion of a state of emergency, see Kennedy (2011) and Dyzenhaus (2011).
- ²⁵³ Next to Rossiter, (1948), see Barros (2002), Buttle (2001) and McCormick (1998).
- ²⁵⁴ Machiavelli (1950: 1.34, 202-203).
- ²⁵⁵ Machiavelli (1950: 1.34-1.35, 201-206).
- ²⁵⁶ Benner (2009).
- ²⁵⁷ Machiavelli (1950: 1.9, 139).
- ²⁵⁸ Machiavelli (1950: 1.10, 141).
- ²⁵⁹ Beiner (2011: 30-33, n. 6; 59, n. 64).
- ²⁶⁰ Beiner (2011: 21) refers to Machiavelli (1996: 211).
- ²⁶¹ Machiavelli (1950: 1.12, 149-151).
- ²⁶² Machiavelli (1950: 1.18, 170).
- ²⁶³ Although seemingly unaware of Machiavelli’s (1950: D ??? or 1996: 211) mentioning of Saint Francis, Hardt and Negri (2000: 413) add that Francis would have been a prototypical communist: he had placed “a joyous life, including all of being and nature, ... the poor and exploited, [in opposition to] ... corruption.”

²⁶⁴ Machiavelli (1950: 1.6, 127).

²⁶⁵ Machiavelli (1950: 1.9, 139).

²⁶⁶ Compare, furthermore, Rossiter (1948) and the study of Roman constitutional dictatorship, by Nomi Claire Lazar, *States of Emergency in Liberal Democracies*, (Cambridge University Press, 2009, not further referenced, PT).

²⁶⁷ Gilbert Ryle, On Forgetting the Difference Between Right and Wrong. In *Aristotle's Ethics: Issues and Interpretations*, eds. James J. Walsh and Henry L. Shapiro (Wadsworth Publishing, 1967: 70-79, esp. 73, not further referenced).

²⁶⁸ Aristotle (1999: 6.2, 1139ab, 87).

²⁶⁹ See, furthermore, Robert P. George, "Kelsen and Aquinas on the Natural Law Doctrine." In *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, eds. John Goyette, Mark S. Latkovic, and Richard S. Meyers (The Catholic University of America Press, 2004: 237-259).

²⁷⁰ Kelsen (1967: 103), reprinted from *What is Justice* (Berkeley, 1960: 117-136).

²⁷¹ Compare, Femia (2004: 53, n. 37, n. 35), Machiavelli (1996: 1.26; 1.30; 2.23), and Parel (1992). This author disagrees with aspects of Femia's overall argument, which holds Machiavelli must have been a modern secularist. He might then have used "pagan imagery", but he would overall neither have been making a pro-pagan religious nor a pro-Christian argument, Femia (24-25) argues. From the point of view of Catholic Christendom, admittedly, the Florentinian Renaissance under Cosimo and Lorenzo De' Medici must have seemed awfully heretic and pagan. But Parel (1992) argues, more correctly, that this was definitely *not* a *secular* Renaissance culture. Rather, paganism and alchemy were being actively integrated with *Christian* culture. And, as so many other commentators argue as well, Machiavelli's point was thereby never to offend the Christian laws, however, but to charge only against the overly Christianized, overly doctrinal republican institutions. This must have been why he only seems to have attacked the Church of Rome's *hereditary* papacy and the Church's aggregate concentration of ecclesiastic, not of spiritual power. He does not attack individual popes, for instance, as some popes such as Æneas receive even great praise from Machiavelli (1966: 6.7, 305).

Moreover, the Florentine Secretary simply finds (hereditary) doctrinal institutions have been corrupted by self-contemplation, solipsism, and self-centeredness. To 'arrest' their cycles of corruption, he wants to take a neo-Aristotelian or a rather synthetic component out of Christian political theology. As Femia knows (35), the Florentine theorist cannot in good faith advocate any of these corrupting ideas about 'the middle way' or 'the golden mean' or 'the essence' because he instead believes that these ideas have led to the type of doctrinal sectarianism that divided Italy. These ideas were vulnerable to eschatological and synthetic-monistic philosophies. Both in the various human relations between and within those philosophies leaving it up to any sect, faction, city, or monastic order to explain what 'the middle way' might mean for themselves, political stability will be

difficult to accomplish. In Machiavelli's texts' unique way, and especially in the *Discourses*, therefore, he seeks to Christianize *Römertum* rather than to paganize Christendom. For example, to appropriate Femia's (35) words, he thinks that the "Roman military chiefs" were right to rely on "favorable auguries" in convincing their troops to fight an important battle. But this example merely means the chiefs and the augurs did not so much keep alive superstitions, as well as that they already understood the deeper meaning of what it means to practice a pre-Christian mysticism: their reliance on visible, material divine signs was not strictly utilitarian. This reliance on auguries was also about the invisible, spiritual, charismatic certitude they expected to spread among the common infantry. Consequentialism also had an ethical purpose, as Benner (2009) argued. And, for Machiavelli, as Anthony Parel has indeed shown, the Christian faith is in such anecdotes very much being represented by a kind of mysticism and spiritualism which, nonetheless, carried strongly cyclical or perennialist overtones: the religious and the political realms had *always* been inseparable, and had yet also remained separate. Christian mysticism would thus also, in some way, already have been practiced by the Romans before they could have understood its Catholic implications. The proper name for the Italian people's main religious antecessors, for Rome's atypical pagans, must then also not be 'superstition' but 'spiritual dualism.' For these reasons, against Femia, it would just be *impossible* to say that Machiavelli's theory was fundamentally secularist or areligious.

²⁷² Nijs (1910: 12-13).

²⁷³ Compare, for instance, Schattschneider (1960).

²⁷⁴ Skultety (2009), diZerega (2000).

²⁷⁵ Sterling (1958: 179-180) finds that Meinecke thought the national community to have remained eternally subjected to abstract metamorphoses, yet also to be politically manifesting itself in those concrete truths that are 'relative according to time and place.' Apparently, Meinecke sustains a qualitative void between the abstract and the concrete nature of the (German) nation-state.

²⁷⁶ Arendt (2006: 174).

²⁷⁷ Compare, for this instance, Petterson (1976) to Arendt (2006: 230-231).

²⁷⁸ George W. Bush, et al. petitioners v. Albert Gore, Jr. et al. 531 U.S. SC (2000), 00-949, Justice Stevens dissenting.

²⁷⁹ *Bush v. Gore*, 531 U.S. SC (2000), Justice Ginsberg dissenting

²⁸⁰ Honig (2009: 135).

²⁸¹ Honig (2009: 107-108).

²⁸² Honig (2009: 134-137).

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- ²⁸³ Jim Guinness, “Thom Hartmann on Voting Fraud And the Right-Wing Attack On the Middle Class.” *The Sun* (June 2005: 4-13). Note, however, that the Supreme Court decision to award the Bush team its victory was not so much an attack on as that it formed a defense of (liberal) middle-class values—against the legislative power of the people, as a pluralist whole.
- ²⁸⁴ Dyzenhaus (2011).
- ²⁸⁵ Kennedy (2011: 544).
- ²⁸⁶ Comparative politics scholars, including Hansen (2010), have long known that the various state judiciaries (were) historically developed as one among the executive departments.
- ²⁸⁷ Dyzenhaus (1997), (2011), Kelsen (1967b), (1960).
- ²⁸⁸ This appears to be part of a Kelsenian fallacy in Dyzenhaus (1997), who situates Schmitt on the decisionist end and Kelsen on the normative end of his straight line, while pinning down the mean in some passages by Heller.
- ²⁸⁹ Dyzenhaus (2011: 69-78).
- ²⁹⁰ Kennedy (2011: 545), applauding Negri (1999).
- ²⁹¹ Bobbio refers mostly to Kelsen (1967b), in: Norberto Bobbio and Maurizio Viroli. *The Idea of the Republic*. (Cambridge: Polity, 2003: 24).
- ²⁹² Honig (24; 85).
- ²⁹³ Kennedy (2011: 546).
- ²⁹⁴ Paulson (1998: 25).
- ²⁹⁵ Cristi (1993: 292).
- ²⁹⁶ As an additional note, the fact that the 2000 elections could become so politicized evinces that constitutionalist analysts would be mistaken to ignore classic rhetorical figures such as the coincidence of opposites. The relation between opposing powers, between functionally contrary modes of authority, as well as the relation between necessity and freedom became only more intense because this latter figure was misunderstood, especially by the mass media. Also, this case evinces that the direct relationship between two opposing powers—namely the U.S. electorates/presidential candidates, which is represented in the Congress/Presidency relation—was too often portrayed as a relationship that could simply be terminated by a third and self-professedly neutral power. With the aid of the media, it only took five persons who needed to show the world they possessed not so much the legitimate authority to decide the case, as well as that they were holding the final power of adjudication to do so; a remarkably deeply illegitimate shift from authority towards power, as any Arendtian realist must acknowledge.

²⁹⁷ Manin (1997).

²⁹⁸ Rousseau (1968), (1990), (1979) agrees least to this point in his *Discourse on the Origin of Inequality*.

²⁹⁹ Rousseau (1968: 3.4, 113).

³⁰⁰ Rousseau (1968: 2.6, 83).

³⁰¹ Rousseau (1968: 3.4, 113; 3.5, 114-115).

³⁰² Rousseau (1968: 2.7, 87; 3.6, 117) argues the Great Legislator employs “neither force nor argument,

[but should be believed to] ... have recourse to another order, one which can compel without violence and persuade without convincing.” This ‘other order’ is probably the natural law that governs the people as a whole. Compare the Legislator, however, also to the exceptionally skilled monarch who can be “making everything move, while he himself seems motionless.”

³⁰³ For a useful interpretation of a very similar Rousseauan paradox, see Honig (2007).

³⁰⁴ Todorov (2001: 56, italics added, PT).

³⁰⁵ Machiavelli (1950: 1.58, 262-263).

³⁰⁶ Honig (2007).

³⁰⁷ Rousseau (1979).

³⁰⁸ Todorov (2001: 58; 31-35).

³⁰⁹ Rousseau (1968 : 4.4, 159; 158).

³¹⁰ Rousseau (1968: 4.5, 169).

³¹¹ Rousseau (1968: 4.5, 168).

³¹² Rousseau (1968: 2.3, 72; 3.1, 103).

³¹³ Rousseau (1968: 3.1, 102-103) does not strictly define government as rule by a prince, but rather as a system in which independent kings or special magistrates “can limit, modify, and resume [their own power] at pleasure”.

³¹⁴ Rousseau (1968: 3.5, 116).

³¹⁵ Rousseau (1968: 3.15, 141).

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- ³¹⁶ Rousseau (1968: 3.15, 143).
- ³¹⁷ Rousseau (1968: 3.18, 147).
- ³¹⁸ Rousseau (1968: 3.18, 146; 3.7, 123) supposes also that in actual practice, all constitutional governments are mixed forms, somehow integrating their “mutually dependent” parts—as “no government of a simple form exists.”
- ³¹⁹ Compare, further, Rousseau (1979), (1968: 3.11).
- ³²⁰ Casarino and Negri (2008b), like Rousseau, discern a dual relationship *between* ‘singularities’ *and* ‘the commons.’ Unlike him, however, they seem to award full primacy to the latter.
- ³²¹ Walker (1993: 62) speaks specifically of Hobbes and Machiavelli in this context, but it may be doubted whether Machiavelli did in fact, as Walker argues here, concern himself only “with the very possibility of establishing particularistic communities at all”. Certainly, as Nederman (1999) and Parel (1992), each in their own ways, have suggested: Machiavelli did see somewhat similar oscillations as that Hobbes would later come to see occurring in the *ambivalent space* between heavens and earth (Hobbes, of course, rationalizes this space rather than that he completely universalizes it). But even this similarity does not yet also warrant the validity of Walker’s Hegelian idiom, which would rather allow (such) philosophers to retroactively see *transcendental* moments in between ‘universality’ and ‘particularity.’
- ³²² This paragraph was in part inspired by Spector (2004).
- ³²³ Rousseau (1968: 3.15, 143).
- ³²⁴ Iklé (1991).
- ³²⁵ Machiavelli (1950, *Discourses* 1.35, 205).
- ³²⁶ Machiavelli (1950: D 1.2). Benner (2009: 408-417; esp. 416; 195) infers Lycurgus was here presented, by Machiavelli, as having been far from a perfect legislator, yet his “standards of self-legislative *virtù*” still generally appeared worthy of imitation. Or, what Machiavelli learns from Sparta’s laws and orders is that all “human beings can ... regulate themselves”, and thus also that they can regulate their “bad humors” or moderate their “appetites and passions”. They do not need any intermediary Ephors to do this for them, hence.
- ³²⁷ Arendt (2006), (1993), usually references Th. Mommsen to make this point.
- ³²⁸ Machiavelli (1950: D 1.9, 140-141; 1.6, 126; 2.3, 288-290), Benner (2009: 413).
- ³²⁹ Machiavelli (1950: 1.9, 139-141).
- ³³⁰ Benner (2009: 60).

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- ³³¹ In the secondary literature, consider Wilson (2008), Althusser (1972), and possibly Franklin (1973) for Bodin's neo-Aristotelian constitutionalist vintage.
- ³³² Aristotle (1958: bk. 4, chs. 4-6, 1291a1-1293a11, pp. 162-172).
- ³³³ Aristotle (1958: 4.5.9, 172).
- ³³⁴ Aristotle (1958: 4.5.1-4.5.2, 169-170).
- ³³⁵ Aristotle (1958: 4.6.2-4.6.4, 171).
- ³³⁶ Aristotle (1958: 4.6.5, 171). See, further, Manin (1997).
- ³³⁷ This author consulted on this point of a constitutional tension, mainly, Bock (1990), Femia (2004), Pocock (1975), Skinner (2002), Sternberger (1975), and Strauss (1958).
- ³³⁸ Benner (2009: 260-261).
- ³³⁹ For instance, Machiavelli (1996: 1.60) clearly prioritizes the many, not the few, as he (in one of his typical rhetorical twists) lends his support to ancient Rome's admitting "all its citizens to [the] dignity [of the consulate] without distinction of age or birth; ... merit was [Rome's] only consideration".
- ³⁴⁰ Benner (2009: 262), referencing Machiavelli (1996: 2.26, 398-99; esp. 3.22, 478).
- ³⁴¹ Montesquieu (2000: 3.2, 22) finds that democracy, as it did even in England, always reverts to factionalism.
- ³⁴² Benner (2009: 350; 344).
- ³⁴³ Montesquieu (2000: 2.8, 54; 52-53) seems to offer a poor exception, for he does not argue that aristocratic republics must be called oligarchies once they tolerate "tyrannical magistracies". Instead, they will then have become closer to allowing a "censorship in democracy." As for his note that aristocracies should "prohibit nobles from engaging in commerce" (arguably, in order to not revert into oligarchies), it must be added that he deems this prohibition a means to the end of diminishing any possible socio-economic inequalities between a wealthy merchant-based government, and all of the other classes. Aristocracies must not "set up all sorts of monopolies."
- ³⁴⁴ Hobbes (1994).
- ³⁴⁵ As was the common practice in Medici Florence.
- ³⁴⁶ Montesquieu (2000: 2.2-2.3; 10-15).
- ³⁴⁷ Montesquieu's (2000) suggestion that ancient Rome's constitution suffered from too much electoral secrecy finds little support in Husband (1916), and carries no support from Ferrero and Barbagallo (1964), for instance.

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- ³⁴⁸ Montesquieu (2000: 2.2-2.3; 10-15).
- ³⁴⁹ Aristotle (1958: 7.2, 1325a17, 286).
- ³⁵⁰ Aristotle (1998: 1304a38, 189).
- ³⁵¹ Aristotle (1998: 1267a37, 60).
- ³⁵² Machiavelli (1950: D 1.9, 139-141).
- ³⁵³ Machiavelli (1950: P ch. 10, 40)
- ³⁵⁴ Benner (2009: 443).
- ³⁵⁵ Machiavelli (1950: D 1.55, 252-253).
- ³⁵⁶ Machiavelli (1950: 1.58; 1.50).
- ³⁵⁷ Machiavelli (1950: 1.58, 260; 262).
- ³⁵⁸ Notice that Machiavelli (1950: D 1.58, 261) warns, in this context, against the oppressive power of Rome’s Decemvirs—and definitely not the Senators or the Consuls.
- ³⁵⁹ Machiavelli (1950: 1.55, 257).
- ³⁶⁰ Machiavelli (1950: 1.58, 262-263).
- ³⁶¹ In detecting Hamilton’s liberal affiliation, with Montesquieu, thus, consider Kenyon (1958).
- ³⁶² Montesquieu (2000: 8.5, 115): “Extreme corruption occurs when nobility becomes hereditary [of offices]; the nobles can scarcely remain moderate.” This is not refuted in Machiavelli (1996: 2.2, 129; 2.19, 172), who instead argues that republics should only become territorially hereditary in the sense that they should be expected to expand themselves across space—not that they should allow a few nobles to expand their power through the offices they hold across time.
- ³⁶³ Compare, especially, Benner (2009: 180-184) on this analogy of constitutional revolutions to metaphysical purgatory.
- ³⁶⁴ Montesquieu (2000: 2.2, 13; 2.3, 15) mentions that selection “by *lot* is in the nature of democracy; voting by *choice* is in the nature of aristocracy” (the aristocratic method would be less “odious”).
- ³⁶⁵ Gramsci (1998: 144).
- ³⁶⁶ Aristotle (1998: 1304a38, 189).

³⁶⁷ Skultety (2009), rightly, demonstrates that *Politics* maintains why even in the ideal or in the most excellent constitutional state, agonistic relations between the (two) elements should persist.

³⁶⁸ This seems consistent with Mearsheimer (2001).

³⁶⁹ Thomas Lindemann, "Peace Through Recognition: An Interactionist Approach of International Crises." *International Political Sociology* 5 (1), 2010, 68-86, takes such a social constructivist approach. By not focusing on those interactions between one aggressor state and only one other aggressor state, but by introducing several third powers to his equation, he can easily identify intersubjective events involving feelings of humiliation, losing face, symbolic emasculation, and of non-recognition. After all, he assumes there are few secrets in the relations between two warring states—and that all their symbolic actions, in his analysis, are open to public assessment. But in analyzing inter-state recognitions as if they are a completely public-symbolic process, he must thereto bypass, as his realist critics will point out, the equally important dimension of objectively differential constellations of private interests and especially also of power—and, hence, of qualitative power differences, such as all those differences politically impacted by economic sanctions, terrorism, regional arms races, actual assassination plots, and so on.

³⁷⁰ Montesquieu (2000: 3.3, 22) finds that states in which the democratic element has become the dominant element, in whichever way, also tend to be states in which "the laws have ceased to be executed." Democratic organizations are unlikely to moderate themselves, as they lack political virtue, and these states will have been "lost" before people know it.

³⁷¹ Montesquieu (2000: 6.5, 77-78).

³⁷² Montesquieu (2000: 5.17, 67).

³⁷³ Montesquieu (2000: 18.31, 307).

³⁷⁴ Montesquieu (2000: 6.5, 77-78).

³⁷⁵ The question of who judges the judges is according to Hannah Arendt as well as according to Slow Food's Carlo Petrini a matter of mere politics and more irony, of mere convention as well as of more laughter and even of more contempt. In redefining the freedom to judge the difference between 'pleasures and displeasures', these two theorists have subsumed conventional measures of judgment to a more humane criterion, as they commended taking pleasure in practicing 'civic virtues' (including conviviality). Thus, Honig (2009: 57-64) rightly mentions the Slow Food movement as having ridiculed the conventional presupposition the main judges of taste should be transnational corporate agribusinesses.

³⁷⁶ Compare, further, Honig (2009: 21-26) to McCormick (1997) and especially to Benhabib (2004), (2009).

³⁷⁷ Honig (2009: 121-122, italics removed by this author), citing Seyla Benhabib, *Another Cosmopolitanism* (Oxford University Press, 2008: 35; 18).

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- ³⁷⁸ Capra (1997). For the political and social contexts in which this concept of a self-organizing system may be used, compare Kessler (2009b) to Walby (2007), on the complex nature of social systems.
- ³⁷⁹ Wohlforth et al. (2007).
- ³⁸⁰ Compare, also, Held et al. (1999) to Buzan and Little (2000).
- ³⁸¹ Whereas Osiander (2009) rightly finds the Industrial Revolution to have played a constitutive role in the (corporate) expansion of the current system, Jackson (2007), (2000), remains strangely convinced that the system derives mostly from so-called ‘Westphalian’ practices from the seventeenth century. Consider, furthermore, Maitland (2003) for an account that influenced nineteenth-century legal theories, and that was used to justify corporate immunities.
- ³⁸² Vagts (2003), Coleman (2003).
- ³⁸³ Any primer on this problem of sovereignty’s misrecognition of corporate enterprises should include Janis (1987), and *Argentine Republic v. Amerada Hess Shipping*.
- ³⁸⁴ John Martin Gillroy, Breana Holland, and Celia Campbell-Mohn, *A Primer for Law and Policy Design: Understanding the Use of Principle and Argument in Environmental and Natural Resource Law*, (Thomson/West, 2008: 223; 245; 277; 233).
- ³⁸⁵ Conal Condren, “‘Natura Naturans’: Natural Law and the Sovereign in the Writings of Thomas Hobbes.” In *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought* (Palgrave MacMillan, 2002: 61-73). Note that Condren finds Hobbes’s notes on the civil law to remain confused on the issue of finding a proper relationship between philosophy and politics, or also between Cicero’s “*honestas* and *utilitas*”. Yet, Condren rightly addresses this confusion by pointing to the vital contrariness between respectively the divine (deontic?) revelation of “certain natural laws” or of “capacities for self-recognition” and the “human propensities”—which are far more utilitarian (69).
- ³⁸⁶ Skinner (2002, vol. 2: 274-275).
- ³⁸⁷ Ulrich Beck, *Risk Society: Towards a New Modernity* (Sage: 1992).
- ³⁸⁸ Vatter (2000: 210-211)
- ³⁸⁹ See, particularly, Vatter (2000: 221-235).
- ³⁹⁰ Lock (2003).
- ³⁹¹ Althusser (1999).
- ³⁹² Skinner (2002, vol. 2: 136-137), citing from Giovanni Pontano, *De Principe*.

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- ³⁹³ Skinner (2002, vol. 2: 147).
- ³⁹⁴ Continue to see Benner (2009).
- ³⁹⁵ Femia (2004: 47-48, n. 11), in part citing Benedetto Fontana, *Hegemony and Power: On the Relation between Gramsci and Machiavelli* (University of Minnesota Press, 1993: 79-80).
- ³⁹⁶ Femia (2004: 57).
- ³⁹⁷ Balakrishnan (2005) elegantly picks up a similar strand, of methodologically aleatory non-dualism, from Althusser (1999).
- ³⁹⁸ Consider, here, Femia (2004: 30-32) on the issue of how a statesperson should *not* try to serve as “intermediary between God and man” (as a Pontano would have believed he should be doing, alternatively). See, further, Skinner (2002, vol. 2: 137; 145), who further suggests that Machiavelli’s statesman tries to serve as a ‘true’ (a ‘manly’) man, which is clearly far above the animals (another position that would run contrary to Pontano). But regardless as to whether Femia or Skinner is correct, neither theorist thinks about a third possibility (which might have been far more consistent with Pontano’s, however), namely that the statesman is embedded in a duality. He should be expected to act as himself; *neither* as a god *nor* as an animal, thus, but as a *humanist*—as he may still be erring (as the dices roll) on both sides of that equation.
- ³⁹⁹ Arendt (1970: 44).
- ⁴⁰⁰ Thus, Arendt (1965), (2003) finds that low-ranking and mid-level Nazi SS-officers were (deliberately) deluding themselves when they said that their powers had been held only by their superiors, such as Hitler himself (the ‘order-is-order’ excuse). Because they had not been willing to understand the relational, concerted, and harsh nature of their own power, their actions seemed later extremely banal and uncommonsensical (“thoughtless”).
- ⁴⁰¹ Machiavelli (1950: eps. 3.9, 441-443), Benner (2009: 178-179; 363). In general, it should be added that Louis Althusser concludes in *Machiavelli and Us* that the populational power of the *militia* should rank above the executive power of the *infantry*, but this conclusion is poorly corroborated (especially since Althusser ignores *The Art of War*). It is more likely, in following with Althusser’s own method, actually, that a *void* remains and that Machiavelli had no ultimate preference for *either* good arms (the *infantry*, artillery, bulwarks, and so on) *or* good laws (which includes the trust soldiers will have in their captains, the issue of the *militia* and their discipline, the provisions and storage facilities in the cities, and so forth).
- ⁴⁰² Machiavelli (1950: 3.21, 473-474).
- ⁴⁰³ Machiavelli (1950: 3.21, 474-475).
- ⁴⁰⁴ Femia (2004: 53).

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- ⁴⁰⁵ Femia (2004: 56), citing the beautifully-phrased formulation (of how Machiavelli made use of contrary tropes) by J. Hawkins.
- ⁴⁰⁶ Compare, especially, Benner (2009: 197-201), suggesting that the model statesperson who has been acting like a lion will have to come to shift course in order to avoid being perceived as excessively lionlike, which depends of course on the circumstances. The lion should know how to begin to act as a fox, by implication. This is the person who understands both types of action: both “force” and “cunning”; or, again, both being feared (by “wolves”) and making herself likeable (by avoiding “snares”).
- ⁴⁰⁷ Machiavelli (1950: P 14, 54-55; P 16, 59).
- ⁴⁰⁸ Rousseau (1979: 123; 127), “Eight Walk”.
- ⁴⁰⁹ Machiavelli (1950: D 1.58, 262-263).
- ⁴¹⁰ Consult, for example, Maddox (1982) for this use of ‘constitution’ or of state constitution as an on-going organization of specific powers (as contrasted to as a basic legal document).
- ⁴¹¹ Cicero (1999: 6.1, 92; 6.26, 101-102).
- ⁴¹² Machiavelli (1950: D 2.23, 359).
- ⁴¹³ Machiavelli (1950: 1.58, 262-263).
- ⁴¹⁴ Benner (2009: 396-397), citing also Machiavelli (1996: 1.11).
- ⁴¹⁵ Naess (1989: 184-185).
- ⁴¹⁶ Nicholas de Cusa (orig. 1463), *De Ludo Globi*. See, for this interpretation, Pauline Moffitt Watts, *Nicolaus Cusanus: A Fifteenth-Century Vision of Man* (Leiden; E. J. Brill, 1982, not further referenced).
- ⁴¹⁷ Machiavelli (1966: 8.6, 396), Benner (2009: 202-203). “[J]ustice and license”, like moderation and corruption, are here considered “venerable customs” precisely because they are *not* being separated by a third ‘golden mean’—and because they somehow simply co-exist. Femia (2004: 32, italics added) continues to say that, on the one hand, most Renaissance humanists looked up at Rome in order “to extract *exempla* of good and evil, effective and ineffective conduct. Machiavelli, on the other hand, wanted to draw only pragmatic, not distinctively moral, lessons from the ancient [Romans].” This is possible, this author thinks that Machiavelli (1996: 1.1, 7) is trying to argue, by not breaking with the classic Aristotelian dualities—but only by breaking with the neo-Aristotelian or theological ambition to find the essence that can somehow dichotomize these classic dualities by separating good from evil, for instance, or virtuosity from ineffectiveness. As Femia (83) himself adds, “he rejects the premise that there exists some distinctive [third] human ‘essence’.”

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- ⁴¹⁸ Fortuna is, in so many ways, one of the rhetorical representations Machiavelli (1975: ch. 25), (1950: P 25, 94) uses to help readers make sense of historical tensions between predetermination and freedom. She is believed part of Creation, yet she is *not* representative of God's will because she may and should be freely opposed. Hence, the key passage in *The Prince* finds fault with all those who come up with "a thousand excuses" so not to have to *oppose* her.
- ⁴¹⁹ Arendt (1951), (1970: 81), (2006: 146-147) finds that individualism or relativism, or the absence of authority, rather, has found its most banal historical representation in the mindset of a Robespierre as well as of a Stalin. Under their rulerships, no one in particular would be believed to be in authority. These were tyrannies "without a tyrant".
- ⁴²⁰ Especially, Charles Taylor, *The Ethics of Authenticity* (Harvard University Press, 1991: 14-16).
- ⁴²¹ With 'no one', this author means to say the general U.S. population, with many exceptions possible. Some certain exceptions to be made are for all the dissidents that would range from Noam Chomsky to Daniel Elsberg and also to the Black Panthers, SDS (Students for a Democratic Society), and the so-called Weather Underground (when seen as offspring of SDS).
- ⁴²² See, especially, Bello (2009) for an attack on the neoliberal expert-mindset that continues to be responsible for the failures of the 'green' revolution. Krepinevich (1986) helps describe how during the Vietnam War the U.S. military remained in the grasp of its own expert-driven, self-enclosed, seemingly neutral mindset—by simply not taking the Vietnamese culture and land into account. See, further, Latham (2011: 133-142; 109-119).
- ⁴²³ Arendt (1970: 73; 78).
- ⁴²⁴ In althus using the word 'neoliberalism', this author depends for its theoretical connotations on Honig (2009), Brown (2006), Connolly (2008), and De Waal (1997).
- ⁴²⁵ Machiavelli's (1975: ch. 24), (1950: P 24, 89), treatment of river embankment projects receives (more) serious attention from Parel (1992) and Masters (1996).
- ⁴²⁶ Close readers of Meinecke (1957) may disagree that this is the image he actually spreads of Machiavelli, yet only his great historical personality-theme seems to have survived in the literature.
- ⁴²⁷ Breiner (2008) surpasses both Parent (2005) and Geerken (1999) in terms of explicatory force, however.
- ⁴²⁸ Janara (2006).
- ⁴²⁹ Machiavelli (1975: ch. 23). On this definition of concerted power, see Arendt (1970).
- ⁴³⁰ Machiavelli (1975: ch. 24), (1950: P 24, 91).

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- ⁴³¹ Machiavelli (1950: P 25, 91).
- ⁴³² Machiavelli (1950: P 25, 92-93).
- ⁴³³ Machiavelli (1966: 4.1, 163) adds: “fortune is always more favorable to assailants than to such as [whom] merely act on the defensive”.
- ⁴³⁴ Pascal (1995).
- ⁴³⁵ Machiavelli (1950: P 24, 89-90).
- ⁴³⁶ For instance, Max Lerner, “Introduction”, in Machiavelli (1950: xxv-xlvi). Lerner here (falsely) confuses humanism with modernism.
- ⁴³⁷ Machiavelli (1950: D 1, 103).
- ⁴³⁸ Machiavelli (1950: D 3.41, 528).
- ⁴³⁹ Capra (1996: 169).
- ⁴⁴⁰ Benner (2009: 17, n. 9) adds that the Medici family held no hereditary title until 1531, so Machiavelli could only have known the Medici men he writes about as ‘first citizens’ (as G. Julius Caesar had been).
- ⁴⁴¹ Note that Machiavelli (1950: *Discourses*, book 1, chapter 12, 151) faults not the Christian religion itself for Italy’s decline, but “the Church of Rome” for having destroyed her piety.
- ⁴⁴² Machiavelli (1966: book 8, chapter 7, 407).
- ⁴⁴³ The classic reference remains Coby (1999).
- ⁴⁴⁴ This remains a puzzle, even according to Althusser (1999), as he immediately announces he will not be able to solve it—but just will have to inject Antonio Gramsci’s image of the Modern Prince (which Althusser believes akin to the modern nation-state) into the original body of texts.
- ⁴⁴⁵ Benner (2009: 268-269, italics removed from original, PT) identifies four pillars of republican freedom, mostly in the *Discourses*. These pillars are those of the assemblies (*concioni*) and the public courts, at the organizational level, and the “uninhibited” discussion about “the fitness of candidates for high public office” as well as the opening up of all possible social modalities through which the “seeking [of] reputation through holding public office” is taking place, both at the structural level. The first two, organizational-level, pillars seem more critical than the latter, because Machiavelli is also notoriously skeptical of any praising, rewarding, and honoring of individuals—and not just of those who may not have earned it, as that process could always again begin to foster “gossip”—as especially the *Florentine Histories* clarify. Machiavelli (1966: 8.4, 386; 8.4, 379-383). The line between open discussion and gossipy distortion is so thinly-drawn, in other

words, that it seems ultimately more safer and more critical to rely on the organizational guarantees; and more on courts and assemblies open to all citizens (including Lorenzo) equally, rather than on allowing the fallibility of human nature to enter the broader structure of reputation-awarding and reputation-seeking.

⁴⁴⁶ Benner (2009: 495), Machiavelli (1950: P 26, 98).

⁴⁴⁷ Benner (2009: 150) clearly emphasizes the importance Machiavelli's political realism attaches to the notion of prudence: "prudent agents should take the ordinary and natural ... constraints that confront them every day as seriously as necessities that arise *in extremis*." But, without good reason, she does not seem to want to differentiate, at least not at this point, between prudence in confronting the ordinary and the necessitous, first, and in meeting the extraordinary and the unprecedented, second. Yet, the first kind of confrontation is far less about cautionary prudence than it is about a responsible, judicious organizations. It appears Machiavelli himself was aware of the difference, as he typically uses "prudence" to describe only the second kind of meeting. Moreover, he much more often uses it in the meaning of a personal virtue (as discretionary virtue) than of an organizational value (normatively). Prudent people outstrip any material organization in terms of their political importance, including having a filled war chest. See, for only a few examples, Machiavelli (1966: 6.2, 271), (1950: 2.27, 375; 2.10, 310-311), and Skinner (2002, vol. 2: 154, n. 222).

⁴⁴⁸ Skinner (2002, vol. 2: 63-65) mentions that Brunetto Latini "adopts the Senecan classification" in which prudence comes first, and is closely-followed by 'temperance and fortitude rather than ... justice' (citing Latini). This author is not familiar with Latini's possible connection to Machiavelli.

⁴⁴⁹ Skinner (2002, vol. 2: 155) regularly elucidates why, at least for Machiavelli, justice could not have been a necessary component of prudence. Injustice may also form a necessary "touchstone", rather, in terms of committing oneself to prudent (or "courageous" or "temperate") actions.

⁴⁵⁰ Benner (2009: 268).

⁴⁵¹ Benner (2009: 268-269).

⁴⁵² Benner (2009: 202).

⁴⁵³ Skinner (2002, vol. 2: 207; 211).

⁴⁵⁴ Skinner (2002, vol. 2: esp. 63-67).

⁴⁵⁵ Skinner (2002, vol. 2: 154).

⁴⁵⁶ Compare, here, how extensively Skinner (2002, vol. 2: 155) cites the passage in Machiavelli (1950: 3.41, 528).

⁴⁵⁷ Skinner (2002, vol. 2: 211-212).

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- ⁴⁵⁸ For his overview of systems theory, start with Capra (1996: 86-89; 168-172).
- ⁴⁵⁹ Machiavelli (1950: 1.11, 147).
- ⁴⁶⁰ Donaldson (1988).
- ⁴⁶¹ Nye (2011).
- ⁴⁶² Dowdall (1923: 101-102; 111).
- ⁴⁶³ Strauss (1958).
- ⁴⁶⁴ Especially, Machiavelli (1966: 8.6, 393; 400).
- ⁴⁶⁵ Machiavelli (1966: 8.7, 406).
- ⁴⁶⁶ Machiavelli (1966: 8.4, 386).
- ⁴⁶⁷ Machiavelli (1966: 8.7, 407).
- ⁴⁶⁸ Machiavelli (1950: 1.11, 147).
- ⁴⁶⁹ Machiavelli (1950: 1.11, 147).
- ⁴⁷⁰ Machiavelli (1966: 318; 316) corresponds Florence's "authority" to Cosimo de' Medici's confidence, for example, as well as to Cosimo's government, which would have been *strengthened* by "civil discord".
- ⁴⁷¹ Machiavelli (1966: 8.7, 406).
- ⁴⁷² Machiavelli (1966: 8.4, 386).
- ⁴⁷³ Machiavelli (1966: 8.7, 407).
- ⁴⁷⁴ Government leaders are, of course, suspected of being oligarchs whereas commoners would be more likely to be absent democrats. In other words, the former pursue too often private glory whereas the latter may at sudden moments begin to influence the public realm. Compare, for instance, Machiavelli (1966: 8.4, 379; 386) for his fascinating overview of how the common Florentines performed various necessary *checks*, publically, on their leaders and basically helped *purge* their ranks—as these suspected oligarch had probably solely been pursuing their private interests.
- ⁴⁷⁵ Machiavelli (1966: 405-407) concludes the *Florentine Histories* with a few remarks perfectly congruent with his systems theory, or with his notion of republican alchemy as well. His premise is that if the sum of the elements is lesser than the whole, then one element cannot be taken out of the equation unless the whole must begin to suffer a tragic fate. Or, after Lorenzo de' Medici had died, the Florentine element is taken out of the system as a whole. Now Italy lost a threshold which had previously immunized it against bad

fortune: while the Medicis were previously still displaying their prudence and authority, the system as a whole had at least represented more than the sum of its parts. After all, Lorenzo's object had been "to keep the City [of Florence] abundantly supplied, the people united, and the nobility honored." This was also why "his reputation for prudence [had] constantly increased." After his death, however, "evil plants began to germinate, which in little time ruined Italy". Florence's corruption was the seed for the irregularities that followed, and thus also for the destabilizing changes throughout the system as a whole, as it were. For a beautifully written overview of Machiavelli's notion of constitutional-systemic alchemy, see Parel (1992).

⁴⁷⁶ Coby (1999), Parel (2000). But note also that since Althusser (1999) does not read the *Florentine Histories*, he may have been wrong at this point to refer to the Italian people as a whole as a *nation*. It is unlikely Machiavelli perceived the various peninsular statelets as one nation; he was not a nationalist but much rather optimistic about the possibilities to rely again on the ancient Roman Law structures. He was a classicist before he was a nationalist, thus.

⁴⁷⁷ See, particularly, Guarini (1990).

⁴⁷⁸ Machiavelli (1950: P 26, 97; D 1.55, 256).

⁴⁷⁹ For instance, Machiavelli (1966: 1.5, 27; 30) early on mentions that "those who supported the church [took] ... the name Guelphs, while the followers of the emperor were called Ghibellines". But he gradually stops referencing these names, and soon faults specifically local clans such as "the Colonnese and the Orsini, who with their arms, and the proximity of their abode [to Rome], kept the pontificate weak." Also, the popes are time and again shown to make the mistake of siding with either one of the two clans, raising the other clan to create 'unholy alliances' against them.

⁴⁸⁰ Free interpretation of Garver (1987: 144).

⁴⁸¹ On the importance of structural civil discord, see Bock (1990). Compare, also, Buttle (2001). See Sellers (1994) for Rome's influence on the framers of the U.S. Constitution.

⁴⁸² For instance, Machiavelli (1966: 5.6, 247) sees the City's holding on to both cavalry as well as infantry (to a self-moderating constitutional code, or a military code of conduct, in other words) as a cause for the final defeat of an officer (by the name of Piccinino) who had plundered and destroyed "everything to within three miles of Florence."

⁴⁸³ Althusser (1999) still provides the most detailed study of this dialectical tension.

⁴⁸⁴ Compare, especially, Machiavelli (1966: 4.1, 158; 4.6, 190-191).

⁴⁸⁵ Machiavelli (1950: 1.11, 147).

⁴⁸⁶ Machiavelli (1950: 1.11, 147).

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- ⁴⁸⁷ The *coincidence* of good arms and good laws provides a central theme to *The Prince*. According to Benner (2009: 200), Machiavelli (1975), (1996: 1.3) found that “[l]aws need to be backed by force”, and; “He does not explicitly give primacy to *forza* or to law, but says that the use of one without the other *non è durabile*.”
- ⁴⁸⁸ Machiavelli (1966: 8.6, 400).
- ⁴⁸⁹ Machiavelli (1966: 8.7, 401).
- ⁴⁹⁰ Machiavelli (1966: 8.7, 401-402).
- ⁴⁹¹ Machiavelli (1966: 8.7, 405).
- ⁴⁹² See, further, Pezzolo (2005).
- ⁴⁹³ Machiavelli (1966: 8.7, 407).
- ⁴⁹⁴ Beiner (2011: 21) blocks the view Machiavelli himself must have seen, alternatively, of Saint Francis as having followed ‘the negative way’ of denying human dependencies on material goods—and of thus spiritually accepting life, and all its dimensions of suffering. Uždavinys (2004) may help clarify how the ‘negative way’ follows the neo-Platonist dialectical method.
- ⁴⁹⁵ This is consistent with Machiavelli’s (1966: 3.5, 140-141) earlier dismissal of city-states governed by “frequent new laws and new regulations, [as they are prone to end up being] ... put in execution to the injury of those opposed to the [most influential government] ... faction.”
- ⁴⁹⁶ Machiavelli (1966: 8.6, 396). Benner (2009: 202-203) translates this passage, from the Italian, as follows: the Genoese commune of San Giorgio made anyone who had ‘taken over the state’ promise or otherwise: ‘swear to observe its laws, which have not been altered up to these times, because San Giorgio has arms, money, and government, and one cannot alter the laws without danger of a certain and dangerous rebellion. An example, truly rare, never found by the philosophers in “all the republics” they have imagined and seen; to see within the same circle, among the same citizens, liberty and tyranny, civil life and corrupt life, justice and license, because that order alone keeps the city full of its ancient and venerable customs’.
- ⁴⁹⁷ Machiavelli (1966: 8.6, 396).
- ⁴⁹⁸ Plato (1996: 603cd, 294).
- ⁴⁹⁹ Arendt (1990).
- ⁵⁰⁰ Franklin (2011: esp. 3-5) cites here Plato’s *Statesman* (262ac, 263ab).

On the premise that Machiavelli’s prescriptive treatment of the Order of San Giorgio reflects his neo-Platonist methodology, this would mean that there is no fit between tyranny and

freedom. Tyrants may be violent, and republics may be free, but these two different kinds of actors are nonetheless paritable parts within one naturally-virtuous constitution. That premise can thus also be used to undercut Benner's (2009: 200) positivist priority of law over force: although "[l]aws need to be backed by force", according to Erika Benner, dictates of violence are also to be subordinated to measures of lawfulness. It is unclear where and when Machiavelli so strongly views these two measures as of the same kind, rather than as of two different kinds but as equal parts.

⁵⁰¹ Benner (2009: 203).

⁵⁰² Machiavelli (1966: 5.2, 212-214).

⁵⁰³ Franklin (2011: 11-13).

⁵⁰⁴ Continue to see Machiavelli (1966: 8.6, 396), Benner (2009: 202-203).

⁵⁰⁵ The idea of the body politic remains relevant to contemporary political theory because various activist groups, ranging from "Free Speech for People" (which had started receiving more publicity by 2010) to Facebook's list "Abolish Corporate Personhood", have sought to sharpen the juridical distinction between natural persons and artificially incorporated business enterprises, possibly by amending the U.S. Constitution. Corporate enterprises would have positioned themselves outside the law. For one study of the legal immunities which international food corporations have come to enjoy, consider Brady (2008).

⁵⁰⁶ Machiavelli (1950: P ch. 18).

⁵⁰⁷ Machiavelli (1950: D bk. 2), Benner (2009: esp. 457).

⁵⁰⁸ Forsythe (2005) writes remarkably little about, but at least confirms this aspect of Roman religiosity.

⁵⁰⁹ Stark (2006).

⁵¹⁰ Particularly, Machiavelli (1950: *Discourses* 1.58, 265-266).

⁵¹¹ Machiavelli (1950: 3.29, 495; 1.57, 258; 1.58, 260).

⁵¹² Canning (1987) and Peterman (1957).

⁵¹³ Malmendier (2005: 32-33) additionally mentions that those 'companies' of the first-named, restorative type were named the *opera publica et sarta tecta*. This name may be of further interest to political theorists because the addition 'sarta tecta' (meaning "processes of renovation, [or] literally 'roof-mending'") indicates this first grouping had not been servicing public architecture alone: their primary business practice must have been to maintain all sorts of architectonic structures. This is of interest because they were then not only semi-independent contractors or leaseholders, with certain legal 'rights' and with sufficiently strong ties to government officials who were respecting these 'rights.' They

were apparently also responsible for a vital part of the economy, or for a civil society and its logistics. By contrast, the earliest companies of mercenaries would not have had the same kind of status. Again, because the total sum of ‘roof-menders’ and ‘grazing lessees’ and ‘tax-collectors’ (and so on) must have had an appreciated public function within Roman society, greater than the separate functions of their own individual companies, specifically the *societates publicanorum* system they thus developed must be sharply distinguished from those rule-and-enforcement cycles maintained by mercenaries, or buccaneers, or bandits.

⁵¹⁴ For this instance, Malmendier (2005: 38; 364-365) refers to, among other texts, Polybius (6.17) and Cicero’s *Pro Lege Manila* (2.6). She also cites from Reinhard Zimmermann, *The Law of Obligations: Roman Foundations of the Civilian Tradition* (Oxford, 1996: 468).

⁵¹⁵ Kinneging (1997: 147).

⁵¹⁶ Kinneging (1997: 144).

⁵¹⁷ Kinneging (1997: 153).

⁵¹⁸ Machiavelli (1950: 3.29, 495; 1.57, 258; 1.58, 260).

⁵¹⁹ Machiavelli (1950: P 18, 65).

⁵²⁰ See Machiavelli (1950: P 18, 63-66).

⁵²¹ Femia (2004: 104), referencing Pareto’s *The Mind and Society* (par. 2410).

⁵²² Machiavelli (1950: P 18, 65).

⁵²³ Machiavelli (1950: P 18, 64).

⁵²⁴ Benner (2009: 198-200).

⁵²⁵ Machiavelli (1966: 8.7, 407).

⁵²⁶ Parel (1992), (2000).

⁵²⁷ Machiavelli (1966: 8.6, 396), Benner (2009: 202-203).

⁵²⁸ Machiavelli (1966: 6.7, 302-305; 308).

⁵²⁹ Machiavelli (1966: 8.7, 407).

⁵³⁰ Machiavelli (1950: D 1.56, 258).

⁵³¹ Benner (2009: 183).

⁵³² First, Gramsci (1998) and Meinecke (1957) and, second, Schmitt (1926) and Kalyvas (2000).

⁵³³ Machiavelli (1966: 2.1, 46-47).

⁵³⁴ Machiavelli (1950: P 25, 91).

⁵³⁵ Machiavelli (1950: 1.58, 262-263).

⁵³⁶ Benner (2009: 171-172) establishes that Machiavelli does not simply treat *Fortuna* “as a synonym for good or bad luck”, nor can she give up her resistance to human mastery. *Fortuna* is a nominal rather than a substantive entity, and she must thus be understood as a superstition, however false, that cannot be erased. Responsible or ‘truly’ pious people would not accept *Fortuna*’s meddling in their affairs, but they also cannot completely prevent her from doing so. Benner: “responsible agents try to explain their [changing] conditions in terms of [sensorily] identifiable actions and reactions, especially their own, reserving [the name] ‘fortune’ for whatever small remainder they consider to have been extremely difficult to foresee or to influence.” Also: “If free will were eliminated as a causal force, this would not only spare human beings their share of responsibility for hardships and evils. It would also render them unworthy of praise”. That is, *Fortuna* constantly threatens to sever the relation between ingenuity and praise, between *virtú* and honor, but it is within the power of free will to maintain a healthy and productive relation instead.

⁵³⁷ Machiavelli (1950: P 13, 52).

⁵³⁸ See, especially, Machiavelli (1966: 6.7, 305). The pope did not organize a crusade, not because he himself lacked the funds, Machiavelli seems to suggest, but because the crusaders would have had to extract an additional form of tribute or usufruct from the Italian people. Renaissance knights would have been expected to contribute financially to, in return for, the Pontiff’s honoring them with the privilege of participating in a ‘holy war.’ But note that this exchange was part of a cultural context involving complex relationships between suzerains and sovereigns: a context alien to the modern state, in which virtually all taxes are administered by a central bureaucracy instead.

⁵³⁹ Compare, again, Benner (2009: 202-203).

⁵⁴⁰ Machiavelli (1966: 8.4, 383).

⁵⁴¹ Machiavelli (1966: 8.4, 379-380).

⁵⁴² Machiavelli (1950: 1.58, 262-263).

⁵⁴³ This author accessed for this reference, in 2008, Cary Nederman’s entry “Niccolò Machiavelli,” *Stanford Encyclopaedia of Philosophy*, <http://plato.stanford.edu/entries/machiavelli>.

⁵⁴⁴ For a useful interpretation of the vital importance of the heavens, distinct from *Fortuna*, see Parel (1992).

⁵⁴⁵ Benner (2009: 181).

⁵⁴⁶ Machiavelli (1950: esp. P 14, 54).

⁵⁴⁷ Benner (2009: 181-182), Machiavelli (1996: 2.5).

⁵⁴⁸ As Schweller (2006: 105) argues, within realism there is no room for “a racist ideology”. By contrast, Fascism may harbor such an ideology because it holds little faith “in the balance of power”. Fascism holds instead “a will to power for power’s sake” as Fascist states exceed the limits of “what realists would call prudent and necessary”.

⁵⁴⁹ Joseph Femia, “Machiavelli and Italian Fascism.” *History of Political Thought* 25 (1), (2004: 1-15).

⁵⁵⁰ Garver (1987: 144).

⁵⁵¹ Like Machiavelli must have done, Arendt (1993), (1958), highly valued the Roman method of promising—through treaties. Rome had applied treaty law in order to bind the victors of civil disputes to itself: these victors, although not necessarily also having been militarily defeated by Rome, were thus regarded as associates or as societies. See, also, Breen (2009).

⁵⁵² See, by contrast, Sullivan (1993).

⁵⁵³ Also, for a valid rebuff of those theorists who would rather portray Machiavelli as one of the ‘creators’ of a power-positivist and secular-modernist concept of statehood, continue to consider Parel (1992).

⁵⁵⁴ Peterman (n. d. 630-632).

⁵⁵⁵ The notion of an aleatory dialectical method was formulated by Louis Althusser. Interestingly, this notion coheres rather well with Alighieri Dante’s *The Divine Comedy*, as well as his *Monarchy* (Cambridge: Cambridge University Press, 1996), because both works try to (constitutionally) integrate the individual’s duties with those of a holistic natural rank-order, yet leave the tension between mortal individuals and the natural laws intact, or open to chance.

⁵⁵⁶ Kinning (1997: 135).

⁵⁵⁷ Benner (2009: 183).

⁵⁵⁸ Peterman (1957).

⁵⁵⁹ Machiavelli (1966: 3.1, 108).

⁵⁶⁰ Machiavelli (1950: *Discourses* 1.26, 184).

⁵⁶¹ Fabry (2010: 7-9; 16, n. 5).

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- ⁵⁶² Wendt and Friedheim (1996).
- ⁵⁶³ Weber (1995: 127).
- ⁵⁶⁴ Weber (1995: 127-128; 123).
- ⁵⁶⁵ Fabry (2010: 138).
- ⁵⁶⁶ Simpson (2004). Compare, further, Janis (2004), Bain (2006), and *The Covenant of the League of Nations*.
- ⁵⁶⁷ For a later but most eloquently-expressed view on this rise in inequalities, see Pal (2008, orig. 1946).
- ⁵⁶⁸ Krasner (1999: 94-95).
- ⁵⁶⁹ Schweller (2006: 103-104).
- ⁵⁷⁰ Fabry (2010: 119-122; 138).
- ⁵⁷¹ Fabry (2010: 204-207).
- ⁵⁷² Robert L. Rothstein, "On the Costs of Realism", *Political Science Quarterly*, 87 (3), 347-362 (???)
- ⁵⁷³ Mearsheimer (2001), Schweller (2006), Waltz (2001), Little (2007).
- ⁵⁷⁴ Schweller (2006: 118-119).
- ⁵⁷⁵ Latham (2011: 215; 172).
- ⁵⁷⁶ Latham (2011: esp. 119-120; 175-182). See, also, Vandana Shiva, *The Violence of the Green Revolution* (Zed Books, 1991) and *Soil not Oil* (South End Press, 2008).
- ⁵⁷⁷ Benner (2009: 183).
- ⁵⁷⁸ Kelsen (1967), (1967b). See, further, Paulson (1998).
- ⁵⁷⁹ James (1986: 38).
- ⁵⁸⁰ Hans Kelsen, *Law and Peace in International Relations: The Oliver Wendell Holmes Lectures, 1940-41*. (Cambridge, MA: Harvard University Press, 1942). "Sovereignty and international law." *Georgetown Law Journal*, 1960 (vol. 48, no. 4: 627-640).
- ⁵⁸¹ Hans Kelsen, *Der Staat als Integration: Eine Prinzipielle Auseinandersetzung*. (Wien, Julius Springer, 1930: 68).

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- ⁵⁸² Dyzenhaus (1997). For additional comparisons between Schmitt and Kelsen on these points, consider Hebeisen (1995) and Suganami (2007).
- ⁵⁸³ George Schwab, Introduction (xvi) to Schmitt (1985: 10).
- ⁵⁸⁴ Nijs (1910: 12-13).
- ⁵⁸⁵ Ernest Nijs, *The Papacy Considered in Relation to International Law*. Transl. Ponsonby A. Lyons. (London: Henry Sweet, 1879: 30; 54-55, not further referenced).
- ⁵⁸⁶ For a summary treatment of Treitschke's difficult dilemma, consider Dorpalen (1957).
- ⁵⁸⁷ Meinecke (1957). Schmitt (1995) includes an elaborate review essay of Meinecke's historical thinking. For his own historical constitutionalist thinking, see especially Schmitt (1950b), (1957, transl. 2008), and (1932, transl. 2004).
- ⁵⁸⁸ Ellen Kennedy (2004), Seitzer and Thornhill (2008).
- ⁵⁸⁹ Paulson (1998: 25).
- ⁵⁹⁰ Hans Kelsen. *Der Staat als Integration: Eine Prinzipielle Auseinandersetzung*. (Wien, Julius Springer, 1930: 16; 13; 66, not further referenced).
- ⁵⁹¹ Paulson (1998: 32; 40).
- ⁵⁹² Nijs (1910: 12-13).
- ⁵⁹³ Žižek (1999: 18-20).
- ⁵⁹⁴ Machiavelli (1950: 1.26, 183-184; 1.27, 185-186).
- ⁵⁹⁵ Machiavelli (1950: 1.26, 183-184; 1.27, 185-186).
- ⁵⁹⁶ Femia (2004: 66-67), citing Machiavelli (1996: 2.25, 190) and Machiavelli's *The History of Florence*, Book 5 (ed. H. Morley, London, Routledge: 1891, this edition will not be further referenced, PT).
- ⁵⁹⁷ Machiavelli, both (1975) and (1996) or (1950), (1966), (2003). Also relevant remains Wood (1972). On the topic of how to interpret Machiavelli's republican realism, contrast Pocock (1975) to Parel (1992).
- ⁵⁹⁸ Machiavelli (1950: 1.4, 119).
- ⁵⁹⁹ W. W. Rostow, Lucian Pye, and Paul Rosenstein-Rodan should be mentioned as having been involved in the MIT Center for International Studies. The morale of their academic life-stories is that they would develop "modernization theory" on the bizarre presupposition that human history's acceleration would be morally justifiable, if it could help defeat communism. The field's fascination with rational choice-modeling (IR's reliance on

Prisoners' Dilemmas) followed from their theory's conditional logic. See, for additional detail, Latham (2011: 53-58) [???].

⁶⁰⁰ Wendt (2003), (1999).

⁶⁰¹ In clarifying this aspect of Machiavelli's non-dual system, Garver (1987: 144) writes: "one cannot say that one's form, [and one's forming of] a free and disciplined state, requires a certain kind of matter, namely factions, and then go out and create the factions; instead, one has to take matter as given and learn how to organize it into the desired form."

⁶⁰² Machiavelli (1996: 1.2; 1.6; 1.3-1.4). Benner (2009: 421) says in this context too little about the importance of Numa, as he was the one to have first amended Romulus's ambition which, however, had already been limited by Romulus's own founding of the Senate. Machiavelli (1950: 1.1, 109) clearly mentions, however, that both Rome's independent orders and Rome's laws had never been owed to one Great Legislator, but rather to "Romulus, ... Numa, and [others], ... so that neither the fertility of the soil, nor the proximity of the sea, nor their many victories, nor the greatness of the Empire, could corrupt [these orders and laws]".

⁶⁰³ Machiavelli (1966: 8.6, 396), Benner (2009: 202-203).

⁶⁰⁴ While looking at Elizabeth I, Janara (2006) picks up on this notion of the apparently non-dualist structure and then rightly repositions this notion at the core of Machiavelli's republican theory.

⁶⁰⁵ The so-called Pythagorean table of opposites was adopted by Aristotle, in his *Metaphysics* (986a, not further referenced at this point).

⁶⁰⁶ Capra (1996: 169).

⁶⁰⁷ Paul Thomas, "The State of the State (Review Essay)", *Theory and Society* 33 (2004): 257-271, (esp. 257, PT).

⁶⁰⁸ Compare, further, Jens Bartelson, "Second Natures: Is the State Identical with Itself?" *European Journal of International Relations* 1998, 4 (3), 295-326.

⁶⁰⁹ Bartelson (2001: 5).

⁶¹⁰ For only a few stepping stones within the wide stream of IR literature available on the formation of the modern nation-state, see Cohen (1981), Doty (1996), Jackson (2000), Osiander (2007), Piel (1975), Philpott (2001), Robertson (1913), Roschin (2006), Rosenberg (1994), Sørensen (1998), Spruyt (1994), and Tsao (2004) and Arendt (1951) as well.

⁶¹¹ Compare, further, Bartelson (2001: 76) and Held et al. (1999).

⁶¹² Bartelson (2001: 38; 41), also cited in Paul Thomas, "The State of the State", *Theory and Society* 33 (2004): 260.

⁶¹³ For additional remarks on the irrelevancy of the principle of mutually exclusivity (of statehood versus anarchy), see Ashley (1988), (1995), Grieco (1988), Kupchan and Kupchan (1991), and Kessler (2009a), (2009b).

⁶¹⁴ Machiavelli (1996: 2.15; 3.49), (1975: ch. 25) concludes his *Discourses* with his admonishment to take resolve in “daily fresh precautions”, against contingencies, for instance, while the pre-final chapter of *The Prince* admonishes statesmen to actively conform their ways to their “circumstances” (to “master” their *Fortuna*).

⁶¹⁵ In all political action, as Althusser (2006b: 174) mentions, for example, “one day new hands will have to be dealt out, and the dice thrown again onto the empty table.”

⁶¹⁶ Althusser (2006b: 173).

⁶¹⁷ For an introduction to the study of states-within-states, see Spears (2004). Non-recognized states have created their own association, which includes various indigenous peoples.

⁶¹⁸ Fabry (2010: 4).

⁶¹⁹ Naticchia (2005: 35-36).

⁶²⁰ Naticchia (2005: 36-37).

⁶²¹ Naticchia (2005: 37, italics removed from original, PT).

⁶²² Compare, further, Naticchia (2005: 39, n. 15) and Armstrong (1920).

⁶²³ Naticchia (2005: 42; 41).

⁶²⁴ Naticchia (2005: 57; 61; 63).

⁶²⁵ For a similar point see Carvalho, Leira, and Hobson (2010) and Hobson (2007).

⁶²⁶ Arendt (2006). Also appropriate, in understanding the discipline’s first erecting and then undermining the ‘orderly state’, remain some of the many critical perspectives on revolutionary political change, as they have been offered by Keitner (2001), Weyland (2009), and Schmitt (1987).

⁶²⁷ While defining political realism, Donnelly (2000: 9) proceeds to cite Treitschke and Butterfield to the effect that expressions of faith should *not* be allowed to dominate the realm of political power. Yet, he ignores the possibility that confessions of faith could actually be one among the private interests, and should thereto remain in balance with (republican) powers. Confessions are private, basically, as powers are public, which is sufficient reason why they should both *coexist*, in moderation. *This* constitutional balancing act is what realism is about.

⁶²⁸ The standard reference remains Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: MacMillan, 1913).

⁶²⁹ For another, anti-Beard, reading of the Hamiltonian model, see Oliver (1927).

⁶³⁰ Kenyon (1958: 163, italics added, PT), citing Max Farrand, *Records of the Federal Convention* (New Haven, 1911, vol. 1: 382, not further referenced). Alexander Hamilton here is cited as if he is favoring life-long tenures for U.S. Senators and the Presidency. He thus seems to be moving beyond the standard Aristotelian (as well as Hobbes's and Machiavelli's) constitutionalist theory (and is getting extremely close to Montesquieu), in not just agreeing to observe the need to balance the power of his peers, of the rich oligarchs, against the democrats/ochlocrats, but in also deliberately insulating the former against the latter; "All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, *permanent share* in the government." And give then, of course, only the remainder of *impermanent shares* to the second class, in their House of Representatives.

⁶³¹ Madison et al. (1961). See especially, in nuanced contrast to this reading, Cass R. Sunstein, *The Partial Constitution* (Harvard University Press, 1993).

⁶³² Madison et al. (1961), and as Kenyon (1958: 163) concludes: "[Hamilton] did emphasize the necessity of attaching the immediate interest of the moneyed class to the [representative] government, and he had stated, in *The Federalist*, that men in general were much more likely to act in accordance with what they believed to be their immediate [or private] interests than their long-run [public] interests."

⁶³³ The reputable constitutional law-scholar Cass R. Sunstein has, in recent years, begun to argue for a second Bill of Rights which would help protect the rights to employment, health, and education (following Franklin D. Roosevelt's original formulation). Interestingly, Michael Moore's 2009 film documentary *Capitalism: A Love/Hate Story* also concludes with that argument.

⁶³⁴ Arendt (2006: 192; 223) argued that "Hamilton and Jefferson [had been] standing at two opposite poles which still belong together." Hamilton would have said constitutional rights are to be made 'permanent' (by men) and Jefferson that they ultimately could not be constituted (not by men, at least) because human rights are 'unalienable'. She adds elsewhere (esp. 223) that particularly Hamilton (with the express aid of Madison) had thought that all rights should be guarded by the Senate's, the Supreme Court's, and the judiciary's final authority. However, the Supreme Court could only have retained this critical mode of authority, she appears to have cautioned, if the Constitution also were to maintain the "ancient characteristics [of] the power of the *censores*, on one hand, [and] their rotation in office, on the other." Because the seats on the Supreme Court were never actually rotating, at least not among popularly-selected citizen-judges and jurors, however, its rulings would ignore the Jeffersonian egalitarian imperative and mostly protect the Hamiltonian "permanence" of rights. "[I]t is [its] lack of power, combined with permanence of office, which signals that the true seat of authority in the American Republic is the Supreme Court." By contrast, the legislative power would have to be concentrated, under this Hamiltonian plan, in the hands of the U.S. Senate. That is, with

most power concentrated in the Senate and most authority in the Court, the Court would have to represent the third or the ‘middle level’ which neither holds the legislative nor the executive power. Yet, Arendt ignores the fact that this ‘middle level’ is insufficiently porous and simply too rigid—from the perspective of all those, including the Beard-school’s, who would probably like to see more power being allocated to the House of Representatives and to any Article 5-Popular Conventions.

⁶³⁵ Althusser (2006b: 174-175).

⁶³⁶ Paul Thomas, “The State of the State (Review Essay)”, *Theory and Society* 33 (2004): 257-271, not further referenced).

⁶³⁷ Bartelson (2001: 183), (1995), seems mistaken to argue that the presupposition of the state shapes political discourse, and even public authority, more than that discursive public authority has had an impact on the shape of the state. His argument here becomes anti-Arendtian to the extent that it sides with the state’s conventionalist normativity rather than that it allows for spontaneous decisiveness. Continue to see Althusser (2006b), (1999) for the theme of a third “void” within the complex relation between the state’s Term (1) shaping of authority, first, and authority’s Term (2) restoring of the state, second. This abyss somehow appears in the “aleatory” and yet “political” relation between these first two Terms—as countless variants of ambivalent authority may emerge from within it.

⁶³⁸ Page (2011: 121-124, italics added) rightly suggests that creative systems (on the premise that all sovereign states are to be defined as creative systems) “need not satisfy *interim viability*.” Their path-dependency is not absolute; their “evolution is [constitutionally and historically] constrained in that steps along the path to an improvement must be viable.” Also: “Each step need not have produced an increase in [the state’s political] fitness *per se*, but it did have to *function* [in order for the state to survive in its original constitutional form].”

⁶³⁹ Runciman (2004).

⁶⁴⁰ Bartelson (2001).

⁶⁴¹ Gran (2009).

⁶⁴² Latham (2011: 191-192).

⁶⁴³ Naticchia (2005: 27-28, n. 1).

⁶⁴⁴ For three valid critiques of the theorems that have been fed by the ‘Washington Consensus’, and thus by institutions such as the IMF and WTO as well as many development aid NGOs, consider Bello (2009), De Waal (1997), and Klein (2008).

⁶⁴⁵ For another early realist attack on pretentious neoliberal theorems, see Noam Chomsky, *Profit Over People: Neoliberalism and Global Order* (New York: Seven Stories Press, 1999, not further referenced).

⁶⁴⁶ Donnelly (2000: 9) defines political realism as the general orientation of those scholars who have been willing to define IR as “largely a realm of power and interest”—in which action is being constrained “by human nature and the absence of international government.” This author agrees with his broad horizon on realism; “human nature” is indeed a critical variable in anticipating, as well as in accounting for changes within the IR system. But, as Morgenthau taught, the idea of an absent “international government” should not be considered an endorsement of the *status quo*. Political realists may either like or dislike the liberal ideas behind the creation of a world state, and they even may either believe it can exist or that it can not. Hence, realists define their *research question*, rather, as which constitutional balance will have to be struck by international governmental agencies, which themselves will have to include sovereign states, even if there would be only two such states in the world. That balance will after all, somehow, have to be maintained by statespersons holding themselves back from their private interests while applying a complex combination of their legislative and executive powers. This allows then to gain legitimacy, and thus success for their own lineages. Without meaningful ‘translation’ of interest into the language power, either one could come to domineer the other, however, causing instability and a breaking up of older lineages.

⁶⁴⁷ J. J. Mearsheimer, “The False Promise of International Institutions”, *International Security* 19 (1994): 5-49 (esp. 14), as cited by Donnelly (2000: 133).

⁶⁴⁸ Indeed, as Donnelly (2000: 131-133) adds, realists are skeptical about which impact “[liberal] international institutions” may actually have on state action. This author, like Donnelly, would argue that Mearsheimer has been mistaken to suggest “institutions have minimal influence”. Transnational institutions coexist with sovereign parties, or with any other such equal political entities, but that does not mean that either the institutions or the parties should have maximal influence over the other. Rather than to pose such an either/or dilemma, Arendtian and especially Weberian realists would find that “security competition” and “international stability” (in Donnelly’s words) should simply be observed to coexist and coincide, and that the entire issue should be redefined in terms of the relationship between “competition” (sovereignty) and “stability” (institutionalism or, oftentimes, liberalism). Compare, further, J. J. Mearsheimer, “The False Promise of International Institutions”, *International Security* 19 (1994): 5-49 (esp. 7, article will not be referenced any further, PT). Further, Donnelly rightly mentions in these pages (131) that “promises, alliances, and sovereignty and international law” are all examples of institutions. On that note, it should be added that how entities decide to cope with their breaking of a promise, with the falling apart of an alliance, with a refusal to recognize a state, and how they judge any causes of war all involve practices *also* co-dependent on institutions.

⁶⁴⁹ Arendt (2006: 192) suggests, for example, that “the true seat of authority” can neither be held by the legislative nor the executive *power*, but will have to be held by a jurisdictional censor who determines when these two powers are illegitimately ‘encroaching’ on each other; when they have no valid reason to disturb their balance. The issue then arises, of course, whether the censor (in the U.S. this is the Supreme Court) not acquires a third type of *power*, and thus may lose its public authority.

⁶⁵⁰ UN (2005), “Summit Outcome Document”, GA A60/1, also cited by Doyle (2011: 72; 80).

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- ⁶⁵¹ Doyle (2011: 73).
- ⁶⁵² Doyle (2011: 81).
- ⁶⁵³ Doyle (2011: 83).
- ⁶⁵⁴ Doyle (2011: 83).
- ⁶⁵⁵ Compare, particularly on the meaning of international *humanitarian* interventions, Kennedy (2004) to Ingram (2008) and Benhabib (2009).
- ⁶⁵⁶ Doyle (2011: 83).
- ⁶⁵⁷ Doyle (2011: 76).
- ⁶⁵⁸ Doyle (2011 : 73-75).
- ⁶⁵⁹ As also admitted, but clarified by the IDRC (2001).
- ⁶⁶⁰ On the issue of international interventional legitimacy, compare, further, Berman (2006), Crawford (2001), Kratochwil (1995), Roach (2005), Robinson (1996), Walker (2008). or Young (2002).
- ⁶⁶¹ For example, Mahbubani (2003).
- ⁶⁶² Samantha Powes, interview with Harry Krebbers, available online (University of Berkeley, accessed in 2006, PT).
- ⁶⁶³ Gordon (2010) elaborates on how far the Security Council would be split apart, and subsequently be dominated by U.S. (and UK) intentions to cause *régime change* in Iraq. See, also, Everest (2008).
- ⁶⁶⁴ Doyle (2011) does not spell out progress to be a criterion, yet he positions all his cases of (non)intervention within one retrospective increase in historical (and therefore also moral?) adherence to RtoP norms.
- ⁶⁶⁵ For example, the end of the Cold War is being celebrated, but almost without ever taking into account this celebration's own historicist subjectivity, in the first chapter of Paul A. Rahe, *Soft Despotism: Democracy's Drift—Montesquieu, Rousseau, Tocqueville and The Modern Prospect*, (Yale University Press, 2009).
- ⁶⁶⁶ Appropriate, in this context, is Maogoto (2003).
- ⁶⁶⁷ For one meaning of the word 'power' see, for example, Barnett and Duvall (2005).
- ⁶⁶⁸ For a superb study of the legal parity of states, see Kooijmans (1964).

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- ⁶⁶⁹ Actually, not the treaty-organizations are immune from prosecution but the diplomats who have been sent to work for them. On the hereto-related issue of criminal immunity, besides Maogoto (2003), consider especially Janis (1987).
- ⁶⁷⁰ See, also, Zwanenburg (2004) and May (2007).
- ⁶⁷¹ But, continue to compare Hurd (2008).
- ⁶⁷² Amartya Sen, “The Impossibility of a Paretian Liberal”, *Journal of Political Economy* 78 (1970), 152-157.
- ⁶⁷³ See, further, Kenneth Arrow, *Social Choice and Individual Values* (New York: John Wiley and Son, 1963).
- ⁶⁷⁴ Manin (1997) reiterates that democracy is the *selection* of state officials *by lot*, while aristocracy is *election* by ballot. As there are no notable international organizations which organize lotteries to select juries or to recruit staff for peacekeeping missions, for instance, contrary to what the Democratic Peace hypothesis suggests, it is from a classicist perspective meaningless to speak of cross-state or inter-state democratic cultures.
- ⁶⁷⁵ William Poundstone, *Gaming the Vote: Why Elections Aren’t Fair (and What We Can Do About It)*, (New York: Hill and Wang, 2008).
- ⁶⁷⁶ William Poundstone, *Gaming the Vote: Why Elections Aren’t Fair (and What We Can Do About It)*, (Hill and Wang, 2008, not further referenced).
- ⁶⁷⁷ Lowi, Ginsberg, Shepsle (2006: 176-178).
- ⁶⁷⁸ See, in sharp contrast to Negri (2008), Sunstein (2010) and Nussbaum (2010).
- ⁶⁷⁹ By illustration, Horkheimer and Adorno (1996) conclude with their attack on the mass media, accusing them of propaganda, as well as on the rationality of consumer capitalism, which subverts human nature.
- ⁶⁸⁰ Mair (2006) rightly uses the cartel-analogy to describe dynamic changes within most Western party-systems.
- ⁶⁸¹ Mair (2006). See, further, Richard S. Katz and Peter Mair, “The Ascendancy of the Party in Public Office: Party Organizational Change in Twentieth-Century Democracies.” In *Political Parties: Old Concepts and New Changes*, eds. Richard Gunther, José Ramón-Montero, and Juan J. Linz (Oxford: Oxford University Press, 2002, not further referenced).
- ⁶⁸² Hansen (2010), unfortunately, does not connect the dots between the ongoing cartelization of party systems, in most Western states, and the monarchical tendencies within the executive powers of these states (which he does describe). Consider, in this light, also the

‘unitary executive doctrine’—as defended by two consecutive Bush-Cheney administrations.

⁶⁸³ On the American issue of political redistricting, begin with Lowi, Ginsburg, and Shepsle (2006: 176-178; 437-438).

⁶⁸⁴ Elements of this conclusion have been corroborated by advanced (‘republican’) realists such as Bobbio (2003), Bruner (2009), Connolly (2010), Klein (2008), and Pocock (1975).

CHAPTER FOUR

A [unified] state cannot be constituted from any chance body of persons, or in any chance period of time.

—Aristotle (bk. 5. ch. 3, 1303b, 210).

[S]truggle has priority over unity.

—Slavoj Žižek (2008: 185).

For Machiavelli, a free political life requires the survival of the discord between political freedom and rule of laws. [...] But, at the same time, the [freedom of] participation of the people ... lacerates the unity of the state.

—Vatter (2000: 97).

If the wise man solution were to work, the quality designed to provide [unity and] stability—virtue—would have to fashion itself into its very opposite—fortune. But to look for this kind of virtue in an individual human being ... would be contrary to the limitations that human nature and sublunar reality impose on men. It would be tantamount to trying to square the circle.

—Mikael Hörnqvist (2004: 241).

I would like to bring out: the existence of an almost completely unknown materialist tradition in the history of philosophy.... To simplify matters, let us say, for now, a materialism of the encounter [between contraries] and therefore of the aleatory.

—Louis Althusser (2006b: 167).

The Case Against Monism: Defense of the Dual Authority Thesis

It is impossible to be both an advanced realist as well as a conventional or liberal realist. There is no solution to the state authority problem, as only advanced realists believe, just as that there is no final synthesis of both consumerist ideologies and material needs. The potential tyranny of capitalist ideologies cannot be synthesized and reconciled with the actual need for political freedom. A tension should be respected instead—within the diversity of (international) relationships between ideology and need, between liberal idealism and advanced realism, as well as between the Rousseauan ideal of a general will and the prudence of aleatory (Althusserian) materialism. For, these tense relations, however mysterious, are only present in the emergence and recognition of legitimate public authority: in the presence of dual sovereignty.

Nonetheless, Joseph Nye commits the conventional Rousseauan fallacy of trying to solve the sovereignty problem by synthesizing the equivalent of the wills of all—in the form of open economic market structures—with a general will, in the form of a peaceful world-order led by the hegemonic U.S.).¹ By contrast, advanced political realism is an approach far more respectful of and considerate towards the differences between and the diversity of all particular states. Advanced realism holds that any general will-centric approach must fail, precisely because it is affirmed by its own ‘natural’ contrary of a free and commonsensical public realm. The general will of the state can never, however

hegemonically, absorb all the differences and the enormous diversity of (each state-like entity's) the free wills to participate in (or: to revolutionize) the public realm.

To clarify, Nye first tries to make the conventional argument that the “military powers” of monopolistic states are, and will remain central to the twenty-first-century world. But as a liberal he, in the same book, argues as well that states are disappearing into the background as the general will towards a common peace is gaining currency. States are becoming progressively less prominent in International Relations due to economic and technological globalizations. Financial and economic markets as well as numerous Internet-manipulated ideologies are rising against the sovereign state, he finds, so that in total it is a general sort of power-oriented idealism that becomes the latest and most persuasive will. According to Nye, this must lead to his own conclusion that the influence of coercive power-based materialism has been sinking. Consequentially, the conventional idea of the state is to be supplemented by a liberal-institutionalist idea. Each modern state will then both appear “in terms of a monopoly on the legitimate use of force and [as allowing national] markets to operate.” Yet, Nye further predicts that internationally there will not always be “the same utility” for state-led military forces as there would have been in the “nineteenth and twentieth centuries.” States will invest less in the structures and the means of violence, as they become less inclined to use force against each other, and yet they will continue to morally justify their own use of force: their “capacity to fight and coerce, protect and assist, will remain important even if inter-state war continues to decrease.”² One of the sovereign state's defining attributes (highly-structured and massive armed force) will probably be substantially watered down, in

brief, but it will also still have to provide structure to the milieu in which another one of its other attributes (the opening up of external capitalist markets) continues to solidify itself through international cyber-exchanges and institutionalized economic competitions with other states. Nye clearly nudges towards liberalism: economic institutions and Internet integrations can trump decisions regarding military structures. But how should the relation between these two be understood, politically?

Compared to Nye's liberal idealist variant of realism, which is being nudged towards economic liberalism and its globalizing culture of individual rights-based consumerism, advanced realists hold the course. Advanced realists hold simply that the sovereignty of states is not a quality of Great Powers alone and may very well be extended to countless state-like entities, secessionist movements, local federations, and revolutionary republics. Sovereignty differs from Nye's conception of statehood in this sense: it is far more often contrary to the economically-prerequisite elements of statehood than that Nye can admit. In this sense, sovereignty has remained one of the most legitimate and most critical organizational attributes of international politics: it can also be claimed to be a revolutionary and anti-capitalist mode of public authority. for example, and does not need to be biased towards neoliberal institutions. Because of its deeply non-idealist and non-rationalist level of organization, the sovereignty-element actually transcends issues of institutionalism, commerce, legal property, and territoriality. It transcends the *status quo* and its quantifiable structuration of "military powers"—precisely because it is an element that consists of a closed organizational process, instead. Sovereignty is herein deeply political: it is what organizes and makes states into states.

Without sovereignty there would be no *political* system. Sovereigns also uniquely obey the natural law that transcends-yet-includes the structure of state powers. As such, sovereignty is relatively timeless and will have to be believed to nearly-continuously maintain all its conceptual, archetypal, egalitarian, and political features. Individual states may lack the capacity to fight wars, for instance, but this does not mean that the same states cannot act as sovereign parties with the archetypal freedom to decide as to who their enemy should be.

Certain characteristic features allow only sovereign parties to negate, negotiate, and when possible also to transcend the various military and socio-economic structures of the world of states. The main difference between such ever-changing open structures and the perennality of sovereign authority is, therefore, that only conventional power-structures can be assessed rationally whereas sovereignty emerges also through a non-rational (and usually dialectical) process from within the power-structure's divisions and mutations.

Maybe Nye is correct that statehood should be defined as concisely as possible, and only in terms of a (military) power monopoly and the (structural) capacity to regulate markets. But Nye is incorrect in suggesting that even minimal theoretical definitions of the sovereign state should allow the sovereign state itself to also become increasingly modernized, rationalized, or secularized. In this, Nye is too liberal. In his stead, advanced realism looks to Machiavelli for guidance. With him, advanced realism can alternatively ask whether politicians and diplomats can reach compromises without having to define their own state's interests solely in terms of power inequities and power imbalances. For,

sovereign authority emerges also in a qualitatively-different dimension. It not only emerges from the structure of powers, actually, but also from a non-rational dimension of each human being's natural characteristics, of group dynamics and ecological ethics, and especially of plain commonsense. This non-rational dimension can appear in the form of a gesture, a wink, or a trace of a movement. It is an empirical dimension informed by and pertaining to more or less religious beliefs, more or less biased opinion formations, more or less legitimized national heritages, and all sorts of particular identities. But it is not a dimension reducible to the sum of its structural parts. Sovereignty, as a systemic whole, is greater than all of its parts.

To understand political relationships between diverse statelets and their structures of power, Machiavelli applies metaphorical language. In giving meaning to the realities of power, it appears as if his metaphors express regularities and perennialities greater than statelet capacities and the historic events visible to the naked eye alone. His speech acts are meaningful in the sense that they never refer to the state as if it were one singular entity, for example.³ The sovereign state, for Machiavelli, is in flux. Mikael Hörnqvist rightly reminds realists that especially the Italian people's suffering from "foreign troops" is described, by the (former) Florentine Secretary, in metaphors. The Omnipotent, *Fortuna*, and the river are all "metaphorical entities" that indicate the ambivalent presence of both disorderly flux as well as of emergent orders. In this respect, these "entities" are themselves meaningful because they are also believed to be emerging from systemic dualities such as these: "free will/fortune; virtue/river; Italian virtue/foreign invasions."

The Machiavellian political metaphors give meaning to and provide a modicum of orderliness within a self-perpetuating tension between public actions and private deliberations, as well as between prudence and irresponsibility, or between the cardinal virtue of prudential wisdom and the risk that individuals are blame-shifting to *Fortuna*, also.⁴ But they also are metaphors in which the common poor are presented in relations of parity to the glorious great. As all speech, metaphorical speech expresses a conjectural paradox. Advanced realists recognize the faculty of speech as an expression of the coincidence of opposites, and as such as a moment in which minds and bodies are becoming inseparable without losing their distinctive characteristics.

Conventional and liberal IR theorists have missed Machiavelli's critical point, however, as they usually try to reduce power to a uni-linear scale. Power cannot but function otherwise, in their conventional models, than as a structure of coercive influence and persuasive order. This mixed structure of power of course reduces the opportunities for IR theorists to theorize the tensions between persuasive and coercive faculties. As such, it also reduces opportunities to observe the ambivalent (dis)orderliness between ideology and balance, between minds and bodies, as it even allows theorists to ignore the empirical fact that speech is both mind and body: it is one of the most complex human powers of all. Speech acts have both coercive as well as persuasive qualities, for instance, just as that the human speech power can both be shifting individual responsibilities off towards *Fortuna* as well as that it can express prudential wisdoms.⁵

Machiavelli's commemoration of History's "ambivalence" gives expression to, for example, the empirical political law that "one and the same revolutionary action ...

could trigger two radically opposed dynamics.” As Miguel Vatter has studied this phenomenon, advanced (Machiavellian) realists understand and accept the law that “revolutionary action” may at any time express itself through the uncertain processes of ambivalent authority. It may symbolize a self-organizing but also a self-dividing or dualistic sort of sovereignty, in other words. Or, Vatter adds, it should somehow be believed to symbolize “the impossibility of reducing political freedom to the form of the state.” The “legal order” of the state is thus being maintained by “Machiavelli’s republican freedom”, rather, precisely because “freedom” also may and usually will radically oppose the state.⁶

Again, it seems convenient for realists to want to agree with Nye’s suggestion that the United States should work towards international stability as well as towards national security in terms of economic markets and multilateral institutions. Advanced realists would have to disagree, rather strongly, however, with their all-too-convenient side-stepping of the question of speech and its ambivalence. Nye’s proposal that the United States should primarily work to help conserve “accountable institutions” and open up “markets” on behalf of other nation-states is a defense of neoliberalism and the ideological state apparatuses of a peculiar late-twentieth-century modern culture. As Nye further proposes, the cultural hegemon of today must not only learn from nineteenth-century Great Britain how to promote commerce elsewhere or how to protect “the freedom of the seas”. The hegemon must also conserve the current distribution of territorial power by disincentivizing those secessionists who aim “to change borders”, more or less forcefully, and at the same time help maintain “regional balances of power”.

But because Nye says nothing about parity and very little about what it may mean to empirically sustain these “regional balances”, in comparison to advanced and Machiavellian realists, hence, his U.S. is a Power which would still appear to be acting as a private security agent for the rich and powerful, despite their commitments to “alleviating poverty”, and not also as a prudent servant of all those people who are actually poor and deprived.⁷ Overall, it can be said that Nye’s neoliberal and neorealist image of the U.S. favors the colors of *Fortuna*’s irresponsibility over the virtues of political freedom. It is an image more favorable to the hegemon’s unified general will than to the particular wills of all. In this, erroneously, Nye rejects their ‘natural’ contrariness.

Why Conventional Realists Make Too Many Mistakes

Conventional realists nudge towards neoliberalism and the inequalities created by cultural capitalism. They hereby make two mistakes. They are valuing conceptual parsimony too highly, and they are reducing the definition of the state to a few basic components. Their state conception consists of and is equal to the total sum of its parts. Or, their state is a state governed by statutory laws—which subordinate the state’s authority to a legalized monopoly. The mistake of conventional theorists is, in brief, that they subordinate the moral authority of particular freedoms to the all-inclusive general will and, thus, even to the willful possession of armaments.

Max Weber has all too often been cited as if he would have defined the state as a monopoly. However, on second thought, he realized that a monopoly is only a material capability: the concept can only become operational in terms of its dichotomy between the capability to commit violence, first, and the legitimization of this capability by means of the law. Either a grouping can legally and legitimately use its physical force, within any given country, or it cannot. What the preliminary concept of a monopoly excluded from consideration, thus, is whether force is also being used in an apparently legitimate manner, because illegitimate forces are usually being resisted by counter-forces. By implication, a state may come to be believed anti-monopolistic, or all of its armed forces may even be seen to no longer belong to one and the same state (if a secession were to occur, or if a government has been exiled). Weber knows, therefore, that there is a problem with his definition: physical force is in many cases being contradicted by its own appearance of illegitimacy.⁸

Weber elaborates, therefore, by asking other questions than only whether or not the government exercises factual control over the armed forces. He also asks on whose terms force is being legitimized. By asking this who-, rather than a when-, question, hence, he principally pluralizes his own concept of statehood's monism.⁹ Reminiscent of Weber, Arendt does not so much define *statehood* as that she identifies *statespersons*. Her oeuvre's central question is which statespersons are recognizably acting either legitimately or illegitimately, and either common-sensically or thoughtlessly.¹⁰ She believes such public actions should not be defined by anyone's material capabilities, and certainly also not by how forcible and violent these actions might have been, but by how

meaningful appearances in public affairs can be. Violence is meaningless; meaningful actions may be recognized as authoritative.¹¹

Arendt had more in common with Weber, at least in terms of how she defines state legitimization, than that students of international politics might usually have been taught.¹² Works by both political theorists are instructive on why conventional definitions of statehood—and of what it is that qualifies the state to become recognized, as a sovereign state—poorly convey the degree of difference between the armed services and police forces, first, and the trust and the hope *people* are willing to place in and on these forces, second. Sheer control over the means of violence forms an inadequate criterion of state success, hence, and yet there is no knowledge being conveyed by the people of what their ultimate standard of adequacy might be.¹³ Despite Sofia Näsström's notable (semi-Arendtian) effort to theorize popular legitimacy and self-legitimization, there may simply be no ultimate ethical correspondence between the people and their state.¹⁴ This is the one lesson conventional realists seem unable to cover, as they continue to synthesize the relation between free people and the state monopoly on violence.

Weber was not alone: Machiavelli and Arendt would also have departed from the idea of an ultimate monopoly. Each in their own way, they demonstrate that an adequately legitimized assertion of authority has to have at least two foundations—and that these foundations betray some sort of intensity between each other. In this respect, or recognizing an archetypal tension, each of the theorists can be said to have rejected an idealistic-monistic conception of ultimate authority. Why would they have rejected monism, then? Should they have? The answers will have to depend, somehow, on a

skillful discernment between illegitimate and legitimate, and between rightly and wrongly applied modalities of authority. For such a trained and discerning eye, IR should return to the Master of Malmesbury.

Hobbes could not have agreed any less with the above-mentioned theorists, interestingly, to the degree that he rethought the act of discernment itself in terms of a nominal spirit of judgment. *Leviathan's* purpose is to establish differences between rational theology and biological passion, or between reasonable and substantive criteria, between mind and matter, or between intended and actual political movements.¹⁵

As Chapter Four shall demonstrate, for Hobbesian realists, the concept of sovereignty refers to a modality of self-successive and relational authority.¹⁶ This modality of authority refers to a legitimizer-power and an apparently legit power—and has as such been, although partially, captured in the conjectural expression “The king is dead: Long live the king!” Also, this modality tends towards its own temporal transcendence, yet retains its immanent presence in the recognized moments of succession to and transition of office. The civic legitimizer-power, or the moment of popular acclaim for the state, usually remains both immanent and pluralistic, first, while the legitimate power of the state itself both transcends and includes the individual citizens. In order to turn closer to Hobbes, however, Arendt should also be examined on the issue of how the pluralities of legitimizer-powers never seem to fully coincide with their own transcendent state.

Did Arendt Ally with Hobbes to Defeat Cartesian Concepts of Authority?

In the discipline of philosophy, modernity is often said to have started with René Descartes, who would have separated mind from body—and who would have adhered to the doctrine of ‘mind over matter.’ That doctrine would then have come to resonate, politically, in the modern image of the statesman, whose rationality should remain separate from and higher than his bodily experiences. In making her offensive move against Descartes, and in defending her both unmentioned and unlikely ally Hobbes, Arendt argues that “mind and body, [or] thinking and sense experience, [are]... ‘made’ for each other, as it were.”¹⁷

Arendt attacks modern philosophy for having separated mental powers from bodily senses. After the Cartesian and the Humean philosophers had had their say, mental logics were normatively being disconnected from their physical condition, and from the sensory faculties all sociable beings may have in common. Against these philosophers’ decoupling of the “bodily senses” from, rather than to have guided these senses through the world by means of, “mental activities”, Arendt brings in the practical categories of commonsense and natality.¹⁸

Descartes still stands accused of having ignored the possibilities of sense, and especially also the extraordinary possibilities of recognizing those experiences unequal humans beings may have in common with each other. When the French Philosopher (Arendt would not have called him a theorist) “no longer ascribed the gratifications of

[the great scientific discoveries] ... to the objects of thinking”, he ended up instead ascribing “self-sufficiency” and even “worldlessness” to this newly-introduced scientific knowledge.¹⁹ For Descartes, knowledge arrives through the mind, itself. His cogitating self is not, however, a rational self—because rationality implies the application of thought to speech, as it would have done for Hobbes, while his own self requires no audience. The Cartesian self is solipsistic. Even though some IR constructivists adopt now a Cartesian method of analysis, they still fail to acknowledge that the Cartesian self’s extra-worldliness will not demand any apparent validation, or public legitimization from anyone else but itself.²⁰ Arendt’s accusation against the modern, or the “worldless” self is then also motivated by her desire to newly begin to share the world—so that people will newly examine the correspondences between the previously-shared mundane and newly-discovered, appearing-to-be transmundane worlds.²¹

Realism refuses to believe Cartesian, positivist claims that the “objects of thinking”, in themselves, can gratify the senses. Not the truth values of the objects, not the things in themselves, but only the speech acts about them and the appearances of interactions between them can be heard, seen, tasted, and sensed.²² But why should it be considered trite to suggest otherwise? Arendtian realism answers by simply invoking the twentieth-century administrators of genocide, who had presupposed that their thinking takes place *solipsistically*—and that thinking cannot take place anywhere else but outside the sense experiences. Arendtian realism objects to their presupposition, calling it “thoughtless” and “banal”.²³ Realism further holds, as mentioned earlier, that human beings are social animals and should therefore express their desire to appear in their

world by appearing both as sociable as well as thoughtful beings. Almost any animal will be fearing unfair and selfish behavior—as certain transgressions might upset the balance, or the natural hierarchy of things.

This fourth Chapter helps lay out how and why sociable animals can additionally use speech to ask others to judge themselves, and to determine whether they may have been acting selfishly, or whether their acts expressly cohere with societal values. (Speech has, it may be remembered from Aristotle, contrary effects.) As for Hobbes, realism's issue is that extended speech faculties can create the kind of common power which totalitarian administrators would eventually refuse to consult, or refuse to be checked by. They chose to become too absorbed in their own thoughts so that they would no longer sense the presence of a common power or a binding, even covenanted authority.²⁴

Arendt rejects both neo-Hegelian as well as Cartesian philosophy, while Hobbes rejects important aspects of the latter. Hobbes discerns almost just as sharply as Arendt does, besides, between logical or essential consistency, first, and the appearance of prudence, second.²⁵ Hobbes's class of prudent statespersons consists of all citizens actively distinguishing, in their speech acts, between "the natural seed of religion" and the "true ground of any ratiocination", or also; between their mental faculty of "ratiocination" and metaphysically-shared natural sense experiences.²⁶ To make sense of the senses, Hobbes clearly suggests people should publically validate their joint ratiocination processes (never individually), by grace of their covenant's ultimate authority.²⁷

Hobbes also came out against abstract eschatological doctrines, thus basically having anticipated Arendt's (and her anti-totalitarian reading of Kant's) demonstration that pure logics, if left unchecked by naturally sensible experiences, will have absurd implications. To reduce that chance on absurdity and banality, then, *is* to lower the risk of a dichotomization between physically-sensing bodies and mentally-rationalizing processes. Hobbes demonstrates why man should train himself to discern, with greater judiciousness, between sense experience and the potentially doctrinal mental imagination.²⁸ The sovereign's prudence will, by means of that training process, have to be expressed through significant speech acts, in particular.²⁹ Hobbes's core question is then also, at least in his *Leviathan*, how noumenal judgments ("naming") should be considered a positive form of speech. Which speech acts should, and should not be judged imprudent and nonsensical?³⁰

Did Arendt align herself with *Leviathan*'s author to defeat Cartesian conceptions of state authority? It seems she did, as she recognized (however tacitly), and probably respected, Hobbes's critical assessment of speech. However, in her own understanding of political realism, Arendt also would decline Hobbes's invitation to singularize sovereign authority. But she is as adamant on the public significance of judiciousness. Arendtian realism has been called a theory of judgment, in fact. Its primary concern is how decisions should be made (in) public, without simultaneously monopolizing all the various private opinions that may lead to such decisions. Yet, Hobbes rarely received the praise he deserves, certainly not from Arendt, for having attempted not monopolize (or: 'monarchize' and, thus singularize) decisions' meanings. For instance, Hobbes never

denies that decisions gain their meaning in a pluralistic state of public affairs. Rather, he does justice to pluralism. By attempting to incorporate the multitudes, and by morphing them into a symbolically monarchical body, he affirms classic notions such as ‘many-in-one’ and ‘one-in-many’. His attempt thus holds on to a balance of two powers, in other words, by nesting them within each other. Some of his intellectual predecessors had designed less-than direct, or less-equal balances of powers, and he only tries to correct the flaws in these constitutional designs. His aim is for the multitudes, confused by their doctrinal isolation, to again begin to speak as a single, sensible, and religiously integrated people.³¹

Further, Hobbes must have felt extremely offended by those scholastics who had suggested that the (ecclesiastic) authorities should be spiritually present among the private citizens. Integration of any state authority with the population in its entirety, instead, should remain imperfect. Hobbes thereby goes further than to advocate against the Cartesian separation of logical authority and sensory experiences, for he also maintains that supreme authority (specifically of a doctrinal nature) never fully applies to a plurality of citizens. While others had argued that the application of supreme authority could be total, especially if it concerns Church authority, Hobbes rejects their idea that such authority could ever be completely embodied by human officials, by their actions, or their movements.³² Such a single material embodiment of sovereignty, by all officials and all citizens, rather, would have to be considered a fiction of the imagination. This forms the point at which *Leviathan*’s mythological dimension becomes visible, of course, because the singular embodiment and physical representation of the people as a whole

should nonetheless be believed present—through Hobbes’s myth of an integrated “Christian Commonwealth” ultimately responsible for taking all the decisions, rulings, and verdicts of the highest order.³³

Hobbesian and Arendian theory remains pertinent, as positivist IR theorists continue to refer to ‘the’ representation or to ‘the’ voice of the people. Political realism helps clarify that any such representations are always indirect, and that popular mediations will have to have been negotiated. Compromise is an intimate part of political representation and mediation.³⁴ There is no pure logic of democratic representation, for example, just as that there is no single political self.³⁵ Every state or every statesperson, when understood as a cogitating self, rather, can only be recognized as such a political actor to the extent that she or he will have been heard by an audience of other actors equally willing to publically submit themselves to assessments and possibly to judgments. Hobbes joins Machiavelli, in some respect, as he makes the case that representations are only meaningful to the extent that they appear to be so.³⁶ Significant representations do not require tortuous rationalizations, and may risk becoming absurd and senseless, the two realists express caution, once representations have been severed from their symbolic qualities. (For example, absurdity may result from mistakenly imagined representational barriers between the qualities of “spiritual bodies”, as Hobbes refers to them, and those of “lucid bodies”).³⁷

Particularly in the Old Testament, Hobbes encounters several ambivalent representations of—as he sets out to lend significance to—the differences between “angels and spirits, good and evil”. He will conclude he has not been able to find any

evidence of the corporeality or the lucidity of spirits, and such apparitions must not be believed to cause any physical movements. He adds that they, therefore, are the type of “apparitions men see in the dark, or in a dream or vision; [as if they were] ... *demons*.” In contradistinction to such Biblical passages, in which the word spirits must only be thought to have an allegorical connotation, Paul the Apostle rightly speaks of “spiritual bodies”. The Apostle references to another kind of non-physical bodies, neither capable of taking possession of “any man’s body”, nor being ejected from “any man’s body” as if “by conjuration”.³⁸ In reading Saint Paul, Hobbes develops a curious Catholic sense of spirituality, on the one hand disallowing a spirit if it is an apparition (if appearing in voodoo, some might say?), and on the other hand allowing it as the Spirit of the Christ.

Centuries afterwards, Calvinism will become much more wary of false spirituality and of what Hobbes himself would have dismissed as, say, apparitions (black magic?). “Calvinistic” readers of the Old Testament, Weber argues, now went even further than the Catholics had done. Rather than to retain an Apostolic Spirit, they imagined themselves to have a duty to eliminate all “magic from the world”, actively promoting the “demagification [*Entzauberung*] of the world”.³⁹ Protestant Calvinists thus rejected the notion of a spiritual world, while Hobbes had tried to retain at least some degree of spirituality—in the form of angels.⁴⁰

Theologically speaking, the Protestants’ aim was now *not* to secularize the world: as they eliminated magic from the outside world, they actually *also* spiritualized their inner worlds, or their own minds, especially by excluding any experiences that could not be logically verified. They did not take Hobbesian skepticism to a higher level, thus, but

rather reversed it by increasingly assuming their inner-worldly minds to be spiritual and saintly, rather than to continue to believe that *both* their minds *as well as* their bodies were imperfect and sinful (as Hobbes's more skeptical belief had instead suggested, even though Descartes had almost ended that belief in a clear body-*to*-mind correspondence). Finally, as Protestantism becomes active in the mundane business of spiritualizing and sanctifying not only the mental, but also the physical organization of their sects, to Weber's horror, it is Weber who first warns the Calvinists would almost have succeeded in turning the meaning of life itself into "a business enterprise."⁴¹

Descartes contemplated the possibility that human beings could be perfectly rational—in their own minds.⁴² As a consequence, modern (Cartesian) philosophy would start to treat everyone as a potentially angelic, spiritual being. In response, against Descartes, Hobbes points out that this type of equal treatment is at worst unnatural and at best illusionary, and that spiritualism should be limited to the Apostolic representation of a Christian concept. In this aspect, Hobbes allows for a dualist source of authority: mundane and transmundane; physical and metaphysical. His point also makes it possible to suggest that he would be joined, at least sometimes, by Weber, who also would argue that human beings are not only rational, although they may certainly try to imagine to be so in their own minds or their own forms of sectarianism. Alternatively, the rationality of their actions should also be seen to remain beholden to how it appears, and thus to how it should appear in accordance to the laws of nature (to an audience, which in Weber's studies comes to consist of Puritans, of course). What both realists taught is that, as natural beings, humans always try to distinguish themselves from their peers, or from

those who believe themselves equal to themselves by, for instance, claiming to have spiritual bodies: the foundation of American sectarianism (see, also, the soon-to-follow sections).⁴³

For Hobbes, everyone has some degree of experience and imagination, or of memory and prudence as well. Some human animals *by themselves* are simply better in speaking about spiritual bodies and the doctrines of such bodies, than others. The consequence is that these orators and rhetoricians will reduce the ambivalence of their speech: they will amplify their representations of the world by either deeming the world demonic and arbitrary, or in respecting the world's perfection and justice; whatever it suits them best. As Hobbes writes, human animals will simply think themselves to be a little "wiser and [a little] abler to govern the public [realm]: [as they all] ... strive to reform and innovate [it], one this way, another that way; and thereby bring it into distraction and civil war".⁴⁴

Every body politick, if it were left *alone* to govern its own republic, must remain unstable and prone to end up in a civil war. The cause is that man will imagine himself morally superior to others, including to other species, as he distorts the natural balance and significance of the world. The cause of political troubles is that man imagines himself superior to Nature, including his own nature, and uses rhetorical trickery to introduce others to his own doctrines. In accordance to Quentin Skinner's interpretation of *Leviathan*, war and other such tribulations are caused by those who, as Hobbes of Malmesbury writes, would deny the fact that the "signification" of anyone's speech acts will not have been also impacted by "the nature, disposition, and interest of the speaker".

As a realist, thus, he adds that whatever it is that “one man calls wisdom, what another calls fear; and one cruelty, what another justice; one prodigality, what another magnanimity; and one gravity, what another stupidity”. Man thinks too often that he can decide on matters of “signification” alone, only by means of his mental process of “ratiocination”, and without any transmundane authority to decide on these opposite signs.⁴⁵ That is, man imagines too often that he, or that he and only his kin have mastered “that art of words by which some men can represent to others that which is good in the likeness of evil, and evil in the likeness of good”.⁴⁶

Language often obscures the fact that the system of states has become, economically and financially, to consist of unequal states: the poorest states have become mere “juridical shells”. They possess almost no legal recourse to their own equal sovereignty. Their sovereignty has become a nominal affair, or an empty and meaningless symbol. It is in this context that Robert Jackson defined “failed states” as having some “juridical existence, but little if any empirical existence.” To counter the possibility that failing states may proliferate, Jackson designs a “pluralist ethics of equal state sovereignty ... and non-intervention”, which should be based on the one “*societas* of those fewer than 200 political systems that have [thusfar] managed to gain independence and recognition”.⁴⁷

To secure some sense of societal unity within the great diversity of modern state systems, and among diverse religious and juridical traditions as well, Jackson suggests that the international society has to be treated as a “framework.” The *societas* frames and structures the main “standards of conduct which statespeople are expected to observe in

their foreign relations.” To better understand these ethical standards, statespersons may want to revisit the Montevideo Convention on Rights and Duties of States, he adds, to determine which “actors” should be allowed to perform their operations within this “framework”. Signed in 1933, the Convention holds that the members of a particular international society should be recognized as sovereign states on condition that they would have to have “a permanent population, a defined territory, [and] a government”.⁴⁸

The signatories to the Montevideo Convention did fit the three criteria, so each could indeed be recognized as singularly sovereign actors. But the Convention itself also allowed them to sign a treaty. This opportunity thus legally affirmed their international independence from, especially, their former colonial overlords. A possible exception must be made for the United States, however, as it was the signatory party which had taken the initiative to thus substantiate the legal personalities of the conveners. It was the first to help them fill their juridical shells, as it were. This could mean that the irreducible plurality of any non-signatory states was not being respected by the states that were being recognized as such in 1933. The Montevideo Convention was not signed by many potential enemies of the U.S. so that their own political communities would not have to be recognized by the parties to the Convention. Since the U.S. has continued to influence the criteria of international recognition, especially after it declared victory in 1945 and helped found the United Nations, most twentieth century states have had to satisfy themselves with criteria based only on population, territory, and government control. But why should specifically the U.S. have remained so instrumental in determining

whether other governments should be recognized as sovereigns, capable of legitimately and independently exercising political control over their own territories?⁴⁹

Jackson focuses his lens on a unitary *societas*, or on one international society, within which the plurality of modern states is said to operate. Inversely, Arendt looks at the union of ancient Rome's constitution as an example of two types of *socii*; those of the plebeians and of the patricians. This particular example serves her, then, in order for her to argue that international public law is vested and yet also vests the universal tendency towards constitutionalism. This means that in order to maintain the human capacity to constitute political societies, the ensuing plurality of all political societies is, and should remain to be respected as an irreducible plurality. As does Schmitt's work, her work never suggests there would ever have been one international society—for there never should be one. Without any opportunity to appear within a diverse public realm, and to here make binding promises to other societies, people would soon be deprived from their capacity to begin anew. The unification of society would very soon have diminished their distinctively human capacity to immortalize, and thus to legitimize their own authoritative actions.

To conclude the above note on the meanings of public authority, as well as to further summarize and reintroduce the central argument of *Ambivalent Sovereignty*, there remains a substantial tension between (Jackson's) singularity and (Arendt's) plurality. To better understand that tension, the singular and plural aspects of international systems theory have been presented, thusfar, as two competing principles in the process of 'awarding' recognition to those bearing sovereign authority. Some theorists were heard to

have favored additional applications of the one principle, others of the other. But their apparent disagreement was also suggested to flow from a predicament as old as the unresolved confrontation between (Plato's) idealist and (Aristotle's) realist philosophies.

Finally, before turning, in the next section, to what realist IR theorists may *believe* about that predicament, it should be agreed that in matters of recognizing ultimate authority, the concept itself always harbors a tension or a duality. The sovereignty concept, in terms of the meanings it may convey, seems to oscillate between: Platonist or Aristotelian conceptions; between transcendent idealism or between structural constructivism; world state-government and juridically-respected natural boundaries; expectations of supremacy and of autonomy, or; between the singular (Earth) and pluralist (juridical, religious) organizational principles.

Dialogue on Civic Religious Beliefs in Heracleitean Sovereignty

Ronald Beiner tracks various other classical (international) political theorists in his *Civil Religion: A Dialogue in the History of Political Philosophy*, besides each of the above-mentioned five participants (Machiavelli, Hobbes, Rousseau, Kant, Montesquieu). He finds that most of them responded to a practical issue which Machiavelli had been among the very first theorists to have elaborated on. How should states and churches best organize public authority, and what can a rational statesperson do to make better use of the domain of civic religion?⁵⁰ May religious authorities be allowed to make exceptions

to positive law and, if so, under which conditions? Particularly Machiavelli's answer might have demonstrated, according to Beiner's close reading, that neither pagan nor Christian authority alone should be allowed into positions of supremacy. The statesperson's ambition should be to revitalize a venerable constitution, rather, by finding inspiration in the histories of both Christendom and *Römertum* as well. Hence, sovereign statespeople should learn from different leaders from different eras—such as Cyrus and Theseus, or Romulus and Moses—on how to combine virtuous actions (exceptions) with just laws (norms).⁵¹

Machiavelli did repeat this point: the ancient Romans had best maintained their system of power by combining their service in the citizen militia with their healthy fear of celestial signs.⁵² But their pagan conception of celestial supremacy by itself could not protect their constitution against its own corruption. Particularly in the third book of *The Discourses*, Machiavelli suggests that the Christ-figure should also be believed to have been “a genuine founder” of sovereign authority.⁵³ He admits in this third book that the ancients knew very well how to *cause* constitutional transitions, both leading them from tyranny to freedom and from freedom to servitude, whenever their historical circumstances would demand such a transition. But, by contrast to Christian cities such as Florence, he does not grant the ancient Romans the honor of also having known how to *regulate* these transitions, so that they could be conducted peacefully.

After Rome had defeated Antiochus and eradicated Carthage, for example, its citizens no longer feared warfare—which basically caused them to wage more wars than were necessary. There was more violence as a result of this. Machiavelli means to say,

thus, that the sovereign city had no longer feared its opponents, as they were also no longer believed to be enemies of the state, to be more precise. “[I]ncompetent men” could from that point onwards become selected for military office. Because these captains, and their soldiers, knew no healthy fear for and had no respect of their enemy, which could otherwise have united the people as a whole, however, factions were being “kept alive.” Yet, the twins of factionalism and conspiracies, according to Machiavelli’s long list in the third book, of such threatening disorders, can be euthanized by restoring the venerable Roman practice of punishing suspected conspirators. The venerable law determines that they should literally be decimated, yet Machiavelli does not commend the practice because of its violent means but because of its positive effect on peace. The awesome punishment of decimation is to be considered, he suggestively argues, the greatest secret to the success of the early Roman legions. Just the open possibility that every tenth soldier, selected by lot, would be put to death for conspiracy, in other words, was one of the most successful disciplinary methods the people had ever used in terms of creating respect for the ‘true’ enemies of their state.⁵⁴

Römertum’s disciplinary dimension should complement Christendom’s regulatory dimension. Although the former seems too forceful, and the latter too meek, when these dimensions are presented together they can newly animate a practical respect for just laws. His hope of a two-dimensional constitution, which integrates prudence and justice, as well as order and disorder, allows Machiavelli to scout the area in between the pagan and the Biblical concepts of authority. These two concepts symbolize respectively good arms and good laws, or respectively forces and freedoms, which he believes to be united

in a sovereign republic. Regardless, Beiner's book passes by on the critical importance of Machiavelli's alchemist belief in these two opposite dimensions of sovereign authority. The book sketches a "trajectory of philosophical reflection and debate" which, regrettably, ignores Machiavelli's discovery of this trajectory itself. That is, Beiner passes by on Machiavelli's philosophically absolutely fundamental belief that elemental opposites should be brought together, so that quintessentially self-regulating or self-constituting synergies could be released.⁵⁵

For example, Beiner draws from Hobbes, Spinoza, Rousseau, Kant, Nietzsche, and Schmitt—among others—by positioning them all within one debate. These authors are thus being positioned as if they are debaters, participating in a debate for which the rules seem to have been set by Beiner. But the rules should have been set by Machiavelli, instead, as he is in fact responsible for formulating the debated thesis: in order to bring prudence and justice together, first the histories of the old Republic of Rome and of the new Republic of Italy should be brought closer together.

Machiavelli's realist tactics, in defending his own thesis, are fairly simple. By presenting Antiquity's Rome and Renaissance Italy next to each other, he creates all sorts of other synergies between the contrary cases. He thus can maintain all the major opposites, as it were, by simply not allowing any separate middle way to be explored, in between his opposite historical case studies. For instance, when he refers to the model constitution of Venice, he finds it rightly disallows any such a third way. Public authority in Venice is purely political, and it cannot easily be neutralized, precisely because it has remained so equally divided between the great and the commoners, or between the

gentlemen and the commonalty. The effect of Venice's equal self-partioning is that "the former have all the offices and honors from which the latter are entirely excluded; and this distribution causes no disorders in that republic".⁵⁶ The Venetian commoners venerate their distributive law, Machiavelli suggestively argues, because it can be believed to be a naturally self-regulating law. That is, the common people here venerate their own relations with their public officials, as it is their mutual contrariness that precludes the neutralization of their republic by any possible enemies. This is the quintessential aspect of their civic religion.

Beiner's liberal strategy, by contrast, seems to consist of presenting as many possible positions that can help launch an attack of the above thesis of equal self-division, and that run against the Machiavellian unity of opposites. Beiner finds that several of these positions were constructed on the liberal ideas of the aristocrats Montesquieu and Tocqueville, whose aim it would thus probably have been to liberalize Roman-type or Venetian-type republics. The liberal aristocrats would have aimed to fuse "liberalism and civil religion" and would have joined Rousseau, as well, in making common cause against religious autonomy. In their case, "civil religion is intended to make religion *servicable* to politics or citizenship—[and] to put the former at the disposal of the latter."⁵⁷ Of course, this idea of making religious veneration for the law *servicable* to citizenship itself was never held in Machiavelli's own dialogical position.

That position, instead, allows for the argument that civic religion should consist of expressions of faith in a natural law: in self-discipline and self-regulation. It is an argument for a civic faith in self-stabilizing but mutually opposing powers. That position

also centers in the venerable relationship between two equal opposites, itself worthy of public worship as well as of disciplinary punishment precisely precisely because this relationship unites two opposites. But then again, modern liberal philosophies reverse that argument, as Beiner sums up, as they redefine civic worship and constitutional fidelity—and by presenting their own expressions of faith as if they support a perfectly civilized religion. This means, if Beiner is correct, that liberal philosophies do not allow for worship of a republic of two equal opposites, but only for a state of many competing individuals. The concept of religious authority may then only be used if it can help liberate—never to also discipline—individuals who believe themselves equal to each other. Liberal philosophies may thus very well allow sacred and profane sources of authority to coexist, but they only do this on the condition that the former’s disciplinary qualities are being subordinated by the latter’s liberating or egalitarian qualities.

In Beiner’s intelligent presentation of Rousseau’s cynicism, the idea of a never-ending continuum arises. Rousseau was, as may be remembered, distrustful of Christendom and yet he admired the deontological universality of its laws. He also argued that the pagans had shown why religion is an extremely useful tool in maintaining the state. Rousseau then took another step, however, and introduced the idea of a continuum which would allow him to measure religion’s civility. This continuum thus seemed to fuse “Christian universalism and pagan parochialism”, briefly put. Yet, Rousseau did something else. His fusion helped him forever change the tone of the canonical dialogue. Machiavelli had always thought Christian modernity and Roman antiquity to appear in conjunction, and that the two world could bring out the best in each

other, but Rousseau's presenting them as if they form a novel 'mixture' suddenly suggested it should become possible for any state agent to also fuse "the two unhappy alternatives, of [respectively] a morally true religion that in its essence [is] subversive of politics and [of] a sound civil religion that is, ... historically, an anachronism."⁵⁸ On this assumption, that distinct religious traditions would have to be fused into a more-perfect civil religion, Rousseau did set the stage for an extremely utilitarian form of understanding religion as a building block in the house of state supremacy.

Rousseau's continuum erases the qualitative difference between liberal autonomy and state supremacy. It fuses theocratic with egalitarian modes of authority. The net outcome of this 'mixing' is the greater indeterminability of the original contrast between equal liberties (individual autonomy) and the equal distribution of power between the people and their state's officials (state supremacy). Rousseau's theory harbors no antinomy, or no aporia within the complex relation between the common people's power and their own state's power. There is, in this theory, no division of the sovereign state against itself. Instead, the theory advances an idea of a continuum along which variously 'mixed forms' of sovereign authority can be compared. Yet, the idea of the continuum itself dooms these 'forms' to be slipping and sliding back and forth, as it were, never halting at any determinable point of equilibrium and therein—even more problematically—never demarcating the difference between material and spiritual sources of authority.⁵⁹

To wind up these first strands of thought, Beiner stands uncorrected in that he himself also dismisses Rousseau's paradox as "irresolvable". Beiner rightly rejects the

“reason-Revelation dichotomy”, because distilling rationalism from theology forms an unsustainable activity. Separation of reason from revelation leads theorists to believe they may develop either only a liberal or only a theocratic model. This could further lead them to believe that they can reject all other models, as they would simply have to measure all these other ‘mixed forms’ of authority along the same philosophical continuum with Kantians or Lockean standing near the “the liberal extremity” and with Schmitt and Maistre closest approximating the “theocratic extremity.”⁶⁰ By having tried so hard to create a third civil religion, essentially, Rousseau might only have created the illusion that such a continuum can be used as a wildcard—and, so, it was Rousseau’s need for this card that turned the canonical dialogue into “a hopeless project”.⁶¹ Beiner’s point is that a philosophical continuum cannot account for the sovereignty concept, as it is likely to create dichotomies where none are needed. Yet, this point raises the stakes on sovereignty theory: how can the hopelessly sliding scale be avoided?

The project of civil or of liberal religion and the ideas behind political theology are very different, and it is the latter notion that will for the most part be explored in *Ambivalent Sovereignty*. First, this booktitle will endorse the same ambivalence as that political theologians such as Augustine endorsed when they recognized the persistence of a dualistic worldview. The book will also not give up hope on several other political theological inquiries, at least not as easily as Beiner does, including not on Hobbes’s inquiry. The latter actually well-integrated political scientific with theological interpretive methods.

Second, by defending political realism against liberal idealism, *Ambivalent Sovereignty* will try to respect rather than to break free the Machiavellian dualities within the concept of sovereignty. Political realists have long occupied themselves with the question of why the sovereignty concept would refer so clearly to dualistic systems, or would even help sustain the contrariness of modes of authority.⁶² A few important answers, to this question, as they have been offered by two realist theorists, Carl Schmitt and E. H. Kantorowicz, will be introduced in a later stage of this book.⁶³ The latter theorist demonstrates why the sovereign is (religiously) believed to be “human by nature, and divine by grace”.⁶⁴ For now, however, it is just critical to note that it was probably Schmitt who viewed the reasons why sovereign authority, as a concept, is believed to give meaning to both political pluralism as well as to theological singularity. In other words, Schmitt might be found to have best understood why the sovereignty concept exemplifies the many possible correspondences “between theological and jurisprudential ideas, ... found in ‘the structural relationships of ideas between monarchy and monotheism, constitutionalism and deism’”—as Clement Fatovic cites, and in the same words summarizes his view.⁶⁵

The Power of Prudence: Illustrations of Hobbes's Conjectural Distinction

Sovereigns have long been believed to be part of a mysterious system that tolerates their supreme powers. Sovereign parties have been imagined to hold some

extraordinary power, in brief, but the system from which this power stems remains an enigma. Sovereigns are of course capable of interpreting the world's juridical, moral, and metaphysical dualities—or, at minimum, to create such bifurcations in the political world.⁶⁶ In this respect, they could be said to have filled a political need: they serve as interpreters of legal norms, knowing how to translate distinct types of rule into daily practices. Sovereigns alone can interpret, and decide, on the moral and amoral and the just and unjust meanings of the rule of law. The problem for (international) political theorists is that the relations between large groupings of people remain so very often morally ambiguous. The larger the groupings or the parties grow, the less interpretable, determinable and the less decisive the beginning or ending of their relations appear to be. To practice sovereignty will under such conditions become increasingly difficult, and may perhaps seem meaningless. But, if it is the case that by expanding the scope of the continuum of relationships between peoples and nations, in fact the ambiguity and irregularity of their relationships is being fostered, does this then also have to cause an “alarming uncertainty as to [the starting point of] what is legal”—to appropriate Onuf's words?⁶⁷

The works of Niccolò Machiavelli, the Renaissance theorist of the problem of sovereignty, will in several of the later-following chapter sections be presented as having anchored a much broader political philosophical method—of recognizing and establishing ethical modes of public authority.⁶⁸ Louis Althusser, in his *The Underground Current of the Materialism of the Encounter*, situates these works as no longer sounding alarmed by legality's absent starting point. That is, he believes Machiavelli was probably

one of the first political philosophers to no longer have been afraid of those conditions in which the rule of law lacked an “obligatory beginning”. Much rather, the philosophical method he helped develop, but which has been insufficiently acknowledged, would have helped his many successors to board a train of thought which, according to Althusser, “has been running for all eternity in front of [their shared method], ... like Heraclitus’ river.”⁶⁹

The thread followed in this and the next sections is a thread woven from this Althusserian, or this Machiavellian reference to Heraclitus’ river. The thread itself can be theoretically identified in the perplexing opposition of the regular and the irregular, or of the finite and the infinite, or also the tension between what amounts to the essentially created, or positivist laws versus the rules and codes that lack any such essential beginnings or endings. In examining the possibility that Heraclitus, who found that all things are perpetually in opposition with themselves, might be the single-most previously-unacknowledged paradigmatic figure in the field of (international) political theory, and might have inspired theorists ranging from Machiavelli to Arendt, Althusser, or from Hobbes to Schmitt, these now-following introductions to their field focus themselves on the problem of how and why the power of prudence tends to be presented as those powers that allow interpreters to discern between the opposites within all things and within all relationships—including the power to discriminate between the certainty and uncertainty, morality and amorality, and between the legality and irregularity of relations between peoples.

The section currently at hand shall, cursorily, represent Hobbes's understanding of the world's oppositions—while the two next sections will illustrate the meanings of fairly identical oppositions in a few select passages written by Schmitt and Arendt. Anyhow, to Hobbes it must have appeared that the world's oppositions were no mundane dualities. They were also oppositions from which a religious type of extraordinary discretion could emerge. His intricate distinctions between the political prerogative and the theological discreteness, of sovereignty, or rather between authority's mundane and transmundane dimensions, have invited countless commentaries over the years.⁷⁰ Both Hobbes's own work, as well as several of these commentaries, have retained their relevancy for students of the problem why an expanded continuum—along which more relations between more diverse popular groupings appear—has to necessitate irregular and possibly amoral conditions. Does a broadening of the scope of international relations automatically cause a narrowing of the meanings of legality and moral regularity? Students may bow themselves over reports by delegations to countless peace-treaty negotiations, or the contents of diplomatic cables, of course. Yet, they will in these sources as well as in Hobbes's (and Machiavelli's!) work find that sovereign authority is commonly being believed to come with good judgment. State secrecy doctrines, and diplomatic immunities are broadly considered as matters of judiciousness—or, really, of prudence. For studious interpreters to be able to give meaning to prudence, this book's general premise holds, however, is for them to be able to calculate the chances that sovereign authority emerges from within a sort of stereoscopic, dualistic—and, indeed, Heraclitean—understanding of world affairs.

Hobbes has usually been represented, within the canon of political thought, as having pioneered a negative definition of prudence.⁷¹ The presupposition seems to be, in the canon, that he would have seen prudence as the absence of irrationality, and of metaphysical speculation as well. Hobbesian prudence has to be defined, this conventional representation suggests, as the rational choice to create a social contract—to prevent the state’s falling back on “false and absurd general rules.”⁷² But did the Hobbes who wrote these words in fact resort to a negative criterion of political prudence? Did his actual definition not also present several critically positive criteria, such as justice and practical wisdom, but which might simply have been ignored by his conventional readers?

The study of Hobbes’s specific concept of sovereign prudence, or of sensible modalities of politico-juridical authority in general, forms one of the major challenges throughout this book. What could Hobbes possibly have meant when he wrote that peoples who live without a *civic science* have to be considered ethically superior to those with access to, and educated in, exactly such a science?⁷³ Why would he argue that those who live without positivized rules tend to live in a “better and nobler condition, with their natural prudence, than [scientifically trained] men”? Are the latter in fact more prone to maintain fallacious logics (and to engage in “misreasoning”), and are their rules more “false and absurd”? Their “relying on false rules” should be judged, Hobbes adds, unforgivable in comparison to all those non-scientifically and non-theologically trained peoples who simply profess their “ignorance of causes and of rules”.⁷⁴

In the next subsections a small selection will be made of a few passages communicating a Heracleitean philosophical method of distinguishing between true and false, or just and unjust general rules. Selected from twentieth-century texts by Schmitt, Arendt, and Althusser, these passages will be used as entries into an alternative Hobbes-reading, reemphasizing Hobbes's political theory's perennially open-ended or its historically contingent qualities as well. By thus co-presenting select twentieth-century passages with some sentences written by that seventeenth-century sovereignty scholar, by Hobbes, this book shall proceed to build a case against common misperceptions of the sense of open-endedness that is being defended in his masterwork *Leviathan, or: The Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil*.

Thomas Hobbes of Malmesbury immediately announces he prefers to use the first part of *Leviathan*, which he titles "Of Man", in order to inventorize "the thoughts of man ... singly". That is, he immediately says that before he can begin to turn towards more complex issues involving the power of prudence and right interpretation—which he shall especially turn to in his third, as well as in his final and fourth part—his first order of business consists of his making a scientific inventory of discrete thoughts, by considering them "*singly*".⁷⁵

Single thoughts are essentially concepts, he will go on to demonstrate, having been formed or having been caused by the bodily senses. Conceptual thinking is not a matter of scope or scale, however, for that would lead one to presuppose, wrongly of course, that the more individuals are thinking the more they must have experienced through their senses (or: the other way around). Thinking is instead a systemic combining

of acts of remembering sense experiences with acts of imagining. Virtuous thoughts express themselves primarily among those who have trained themselves to imagine the effects various natural, sensible causes might have. These thoughts signal to their prudence, which should best be expressed in reference to the imagining of effects that natural laws might have not only on the body politick but also on its concept of authority.⁷⁶ Remarkably, the text of *Leviathan* rhetorically maintains the difference between imagining and remembering—or, between abstract logic of reasoning and the recollection of concrete sense experiences—by suggesting that the former is a finite matter, of singularity, and the latter of an infinite train of natural consequences.

Prior to further explaining *Leviathan*'s combining, and yet maintaining the two elements of the power of prudence, it should first be noted that *Leviathan*'s first page presents its readership with a definition of thinking as being an activity that may either have been caused immediately, by the senses of “taste and touch, or [inter]mediately as in seeing, hearing and smelling—which [are the senses of a causal] pressure, by the mediation of the nerves and other strings and membranes of the body”. *Leviathan* then of course goes on to offer its long inventories of possible disjunctions within this cognitive relation between cause and effect, or between natural sense and conceptual thought, or between empirical sense experiences and imagined speech actions. Indeed, only in a much later stage will *Leviathan* also present man's many private opinions and multiplicity of thoughts “in train” with, or parallel to, man's chances of recognizing a common political authority and a single commonwealth.⁷⁷ Nonetheless, the opposition

between singularity and plurality presents itself on the first page, inviting several critical questions about the structure of the argument developed in *Leviathan*.

Why would Hobbes have titled the first part “Of Man”, the second “Of Commonwealth”, and the last two parts “Of a Christian Commonwealth” and, as its opposite, “Of the Kingdom of Darkness”? “Man” and “Commonwealth” refer respectively to chapters on natural and on political science, or respectively to sociobiological and his theological inventories of Hobbes’s thoughts on the relation between these two planes. Hobbes structures *Leviathan*’s third part around a conceptual conjunction of the first two fields—so that it seems as if mortal human beings can somehow coincide with an apparently immortal or resurrected commonwealth. But the problem is that, as they are presupposing that the third part represents a synthesis of the first two parts, many readers choose to skip the fourth and final part.⁷⁸ Beiner, for example, never receives the critical message of the fourth part and the conclusion, however, which holds that there may be no such synthesis: it may be impossible to avoid all conceptual or hermeneutical disjunctions between the just general rules of a Christian republic and those of its unjust counterpart.⁷⁹

The relation between the two opposite Parts 3 and 4 should be read as Hobbes’s definition of the political theological disjunction he recognizes within all matters of authority—as authority may either be civil or ecclesiastical. Importantly, Hobbes concludes after Part 4 that even though he had hoped to create a stronger theoretical conjunction, and reduce the oppositions between the four parts, he admits that open-ended either-or considerations have to remain a perpetual possibility.

Only in the case of the Judaic commonwealth, or only in the Mosaic republic, does Hobbesian sovereignty theory allow for almost no either-or disjunction. God was there believed to be the only sovereign: God could here be heard to “speak to the people, as judge”. Also, divine laws appeared here as direct, and as unmediated, as humanly imaginable: criminals were treated as sinners, and sinners as criminals. But Hobbes is hesitant to likewise confuse crime with sin, because this would mean that those who sin only in terms of their “private zeal” could simply be stoned to death—not only as a matter of fact, but particularly also as a matter of right. Stonings could then simply occur within the limits of the law. “[S]till the hand of the witness [should] throw the first stone”, as a matter of fact, even though the same witness may have falsely accused his victim on the basis of the latter’s private beliefs or ideological opinions. By confusing fact with right, the witness may pretend the accused had violated moral norms or divine commands. “[T]here is no place for [such false] witnesses”, at least not any in questions of factual sovereignty and of political right, therefore, as Hobbes concludes *Leviathan*. In such questions, instead, a disjunction should be recognized: that these matters of authority may only “depend either upon *Reason* or upon *Scripture*”.⁸⁰ Not on their synthesis.

Hobbes’s civic-scientific curriculum trains citizens in using a voluntary, uncoercive, merely persuasive mode of authority. But readers who ignore the title of the fourth part of Hobbes’s curriculum as well as the reasons why this title opposes the title of the third part, Ronald Beiner included, have usually also ignored the ingenuous organization of these four elements. Hobbes organizes the four parts in the way an

alchemist does, knowing he has not found the formula of sovereignty's quintessence. So, all those readers who have thusfar paid no heed to Hobbes's concluding parts—where he in fact restores the vitally contingent opposition, or the alchemistic disjunction between reasonable and revealed moral truths as well as between matters of fact and matters of right—might misunderstand Hobbes's theoretical purpose. For instance, Beiner assumes Hobbes would have asserted a clear “preference for (imposed) religious uniformity”, that Hobbes's ideal state would have reserved “to itself [the] privileged interpretation of Scripture”, and that his main “project” consisted of his forceful subordination of “church to state”. Additionally, he assumes Hobbes would not have tried to maintain any theoretical disjunction between church and state, or also not between the punishment of sinners and of criminals. Beiner says he, instead, collapsed “the distinction between ‘sin’ or ‘trespass’ (sacred, eternal) and ‘law’ (secular, temporal).”⁸¹

Yet, contrary to Beiner, it should be asked if Hobbes not actually rejected precisely such a total collapse and refused to situate the spiritual underneath the material sources of authority—and whether he did not actually reject such a monistic modality of sovereign power. Perhaps Hobbes lays out the groundwork for a new sort of civic science, and his building blocks consist of hybrid, or of both sacred as well as profane concepts of authority? It is possible to argue that his civic science is constructed out of both his natural science and his theological interpretation, as *Leviathan's* readers are constantly exposed to civic scientific definitions they are told they may one day need in understanding ambivalent signs and other disjunctive speech acts, or any other natural systemic dualities. They may one day need to be able to recognize legally and morally

ambiguous relations between different representations of right and wrong, next to all the various doctrinal or ecclesiastical representations of good and evil, in particular. Nicholas Onuf's phrase of the "alarming uncertainty as to what is legal" nicely captures why *Leviathan* might have been written as an instruction manual on the question of why legality is not contingent. Legality is not simply seen by the eyes of the beholder but is, rather, dependent on a common belief in justice as well (on civic religion).

The text of *Leviathan* is filled with apparently civic-scientific definitions designed to help reduce this uncertainty, and to closer combine, without collapsing, sanctionable actions and legal norms; both facts and rights.⁸² Yet, if the text presents the reader with a political philosophical method, then why does it conclude with a reiteration of the contingent disjunction between 'trespass' and 'law'?⁸³

The thesis defended, in these current chapter sections, is that Hobbes's answer *disallows* any closing, any collapse, or any synthesis of the religious with the civic realms, and of divine natural laws with factual commonwealths. These realms continue to involve two distinct types of (cogitations of) authority, throughout his work, just as that unmediated sense experiences and conceptual or rational thinking are herein presented as consisting of two types of cognitive knowledge. Hobbes does not deny these two types and realms intersect. But he asks, evidently, how the intersections themselves should be believed contingent to regulation, so that they can also be believed to well up from the opposite routes they contain.

Hobbes's answer attains especially suggestive, and rhetorically persuasive qualities during his treatment of the civil war problem. Rather than that he understands

disputes between citizens, which usually follow from confused sense experiences or from other ambiguities in their conceptualizations, to cause civil wars, Hobbes does not appear to have believed civil wars really exist. All wars are contingent to self-regulation. For, if totally irregular civil wars would indeed exist, then they no longer exist. That is, in the history of warfare there would have to have been a transcendental moment, through which human history would have progressed from some sort of anarchical condition of sinful violence towards the condition of potentially ever-greater peace. Against this idea of a progressive peace, as well as against this idea of historical transcendence, Hobbes believes civil wars to be logical impossibilities. Not one individual has ever been at war with every other individual. Wars have always been self-regulated armed conflicts. Wars are a sort of duels, as Schmitt will later concur, in which a modicum of natural law authority is being recognized. In every civil war, some confederated authority would always emerge. Even in the hypothetical condition of an absolute civil war, thus, “wherein every man [is an enemy] to every man, for want of a common power to keep them all in awe ... there [still will be] no man [who] can hope by his own strength, or wit, to defend himself from destruction, without the help of [his] confederates; where everyone expects the same defense by the confederation [as] that everyone else does.”⁸⁴

Warring parties are akin to duelists. They are conjecturally-related to one and the same institution of contraries, or rather to one and the same principle of sovereign confederation. Hobbes merely hopes to demonstrate why this principle itself should be believed to derive its authority from a Christian covenant, or from a civic religion.⁸⁵ Hence, it cannot be denied that Hobbes did sketch a bleak image of enmity or, what

amounts to, total civil war: of the “perpetual war of every man against his neighbor”. But he instantly added a paradox to his image of civil war. Under the hypothetical conditions of this civil war—or, in the thought-experiment that there should be no confederated, and also no covenanted sovereign authority—any one individual who is caught up by such a “perpetual war” must still somehow have been “thinking sovereign power [had become] too great [as he] will seek to make it less.” This means that even in order to lessen the power of that supposedly overbearing sovereignty, this rebel must then somehow “subject himself to the power that can limit it; that is to say, to a greater [power than his own sovereign power].”⁸⁶

The notorious image of a war of all against all, thus, turns into an absurdity. Hobbes twice adds the provision that the participants to such a war cannot be sociable animals. Such isolated individuals cannot be human beings, because the latter species is instead highly capable of limiting its common power. It would be an unimaginable, or absurd idea for human beings to exchange their natural sociability for an infinite regress of their social power (resulting in either an ever-greater or in the ever-more limited power). Or, in other words, Hobbes warns against the fallacy that sovereign power could somehow be presented on a sliding scale, on a continuum, rather than as a unity of contraries.

Hobbes is adamant that sovereign authority wells up from a system that unites contrary tendencies in human nature. The question is of course which type of system he has in mind.⁸⁷ First, the system seems incapable of comparing authorities along an infinite continuum of legitimate moral progression. If it could, then the meanings of the

sovereign's judgments and decisions could too easily be shifted back and forth along the continuum—depending only on the whims of the day.⁸⁸ Second, in having to be part of a systemic order or of a scientifically cogitable order, sovereign authority seems to have very specific effects on people's memory and on their imagination as well. Sovereignty's effects cannot have been created from nothing. They are not caused by a vacuous continuum. If they were, however unimaginably, then certainly those holding the most power have to be those who are most judicious and discriminate in taking their decisions. Any king or priest, or even any other solitary man, depending on the scope of his power, then has to be most judicious in terms of exercising his sovereignty.⁸⁹ Clearly, this is not how life has been organized.

In sum, Hobbes argues that sovereignty emerges from a systemic combination: it wells up in the form of self-regulation, and sharply-discerning speech acts. And, it primarily emerges from a systemic union both of the monarchical mode of authority as well as of a religious covenant, of each citizen with every other such a citizen. This systemic combination of a pluralistic covenant with the singularity of the monarchy is a combination which in its own turn depends, for its vitality, on distinctions such as the one between covenanting and confederating. In a covenant, citizens are willing to perform their actions prudentially and freely—but in a confederation or an alliance they do so by necessity, and more egoistically. In sum, a strange systemic combination emerges in conjunction to active distinctions between ingenuous and disingenuous, or just and unjust rules of association and sociability.⁹⁰

Hobbes's Definition of Prudence as Illustrated by Schmitt

Who should (be believed to) exercise the supreme power of the state of the people? Who decides on the meaning of experiences and concepts such as war and peace, life and death? In what has been regarded as one of his most anti-Judaic—and, presumably, also one of his most orthodox passages on Hobbes's masterwork *Leviathan*—Carl Schmitt provides his own answer to precisely this question. In the here-selected passage, published in 1938, Schmitt defines the supreme power as if it were that one power that allows people to truthfully distinguish “between inner and outer, morality and right, inner disposition and outer performance”.⁹¹

Both as a legal scholar and specifically also as a political theologian, Schmitt treats the power of distinction in terms of a paradox. He already studies this curious paradox in his book review, published in 1926, in which he demonstrated that although the act of distinction itself may result in a dyadic, or in a dualistic representation of the world into two mutually negating spheres—and, especially, also in a representing of the mutual negation of moral right and political right—these opposite spheres, typically, will also be believed to remain inseparable. The paradox is thus somehow responsible for placing two types of human action in opposite spheres, broadly classifiable as the spheres of moral or religious values and of political decisions on these values, yet it also anticipates the possibility that the two spheres form a unity. Before learning more about Schmitt's mysteriously dualistic notion of this unity, and of how sovereign prudence

might emerge from within that notion, the current section shall make an unprecedented effort to compare Schmitt's identification of this unity of opposites, to another series of unities of opposites. This other series was reintroduced, to the field of political theory, in 1978, by Hannah Arendt's last work.⁹²

Arendt does not recognize Hobbes to have offered a valid dual sovereignty theory. She is always disparaging towards his monarchist proclivities. In *On Violence*, for example, she suspects him of monism, of homogenizing the fears of all, and of allegedly having collapsed his "notion of absolute [monarchical] power" onto "the sovereign European nation-state".⁹³ Before giving a closer look to Arendt, to her following of Montesquieu, and before asking why she might have defended a deeply Heracleitean conception of authority in the process, it should be asked if her work on the power of prudence was not actually much more compatible with Hobbes's definitions than she had realized. This in the sense that both Arendt as well as Hobbes recognized the inseparability of, and the need for a distinction between, political judgment and moral wisdom. Yet, to better understand Hobbes's definitions it must first be stressed that it would have been Schmitt who most radically reconsidered the disjunctive possibilities Hobbes had created: that moral or religious evaluation as compared to political prudence and civic action form, usually, two mutually opposing realms. In his reconsideration of this originally Hobbesian opposition, Schmitt quite clearly suggested that the sovereign's power to distinguish—between, for instance, "morality and right"—should not be believed to have a dichotomous effect on the relation between those realms.

Schmitt's paradox of the power of prudence manifests itself in his Catholic understanding of war. Once war is being understood as the one type of duel in which there are two enemies who self-regulate, or even self-sanction (hedge) their conduct, any interpretation of the war will have to distinguish itself from non-hedged enemy conduct. War can from that point onwards neither be a civil war nor a total war—nor any other sort of indiscriminate violence. The conceptualization of war, within Schmitt's theory, is a matter of how a self-regulating relationship between two partisans or between two sovereigns, rather, may conceptually emerge—and of how it, existentially, may be said to be experienced.⁹⁴ The abstract concept of sovereignty and the concrete threat of loss of life in a duel between sovereigns, then, appear together throughout Schmittian images of political prudence.

The laws applicable to armed duels, on whichever scale, are not positively-definable international laws. Instead, Schmitt reminds his readers, they are general rules. War law consists of a body of prohibitions which cannot be legally enforced, at least not statutorily, but which nonetheless helps maintain the 'union' of a duel between sovereigns. For as long as the duelists are consciously refusing to rely on any "false rules" they are apparently issuing legitimate interpretations of the law—in the form of a mysteriously emerging code of conduct, and code of mutually recognized forms of political prudence. Note that Hobbes himself, centuries prior to Schmitt, had also rejected those generally applicable or those positive rules that he nonetheless deemed to be allogical: these rules were, in his view, both "false *and* absurd".⁹⁵

In *Leviathan*, Hobbes outlines his prospects for a civic science by means of a political theological argument. Hobbes argues that any figure holding sovereign authority should be allowed to freely interpret the meaning of the generally-applicable rules. Hobbes refers hereby both to scriptural as well as to natural rules: both of these types of meaning must be decided, and must be distinguished by a single mode of authority. Meaningful distinctions between the divine and the human, the free and the providential, or probably between the natural law and his own civic science as well, can only be drawn by a single state and its single set of authoritative interpretations—in the form of its speech acts and other significant signs (Hobbes prefers to describe suspected miracles as signs, as they only in rare cases indeed would have indicated a revealed Christian miracle). Furthermore, Hobbes is among the first to theorize what it means to be prudent in terms of how future states should exercise their ultimate authority, while interpreting such acts and signs. Almost regardless as to whether they will exercise their authority through an absolute monarchy or an Emperor, and through ethnicity or equal citizenship, Hobbesian theory quite simply equates their ultimate authority to their unicity: a category in which he clearly included both religious-hermeneutical as well as jurisdictional-jurisprudential lineages. The theory's central argument holds that the sovereign's authority may only derive, ultimately, from its own unicity in its relation to other such authorities and, thereby, from only one reoccurring and re-emerging (or perhaps, even, sempiternal?) lineage of meaningful, judicious interpretative acts.

Schmitt's understanding of war-as-duel reflects not only his reading of Hobbes but also of the medieval Christian mystics, who had spoken about spiritual warfare. This

allowed them to represent the great struggles of human nature in terms of a coincidence of opposites.⁹⁶ Their words had also been suggestive of a perennially-reoccurring coincidence, or a perpetual struggle between, two opposite this-worldly dispositions. This whereas spiritual peace would, instead, have to have been imagined as an other-worldly state in which just acts are being performed, and in which the outer appearance of the sovereign is being honored—as well as, actually, the state in which the sovereign of sovereigns (the Messiah) will have appeared in his most unified, righteous, and just manner. Yet, Schmitt's theory never separates the war-like from the peace-like state, instead constantly recombining the two states and always somehow reuniting their inner moral values with their outer appearances.⁹⁷ This theoretically and systematically dualistic aspect of Schmitt's presentation becomes especially clear in the original 1926 review of Meinecke's *Idee der Staatsräson*.⁹⁸

In comparison to Meinecke, the renowned historian, Schmitt in effect argues that the world cannot consist of either political-ideological or moralist-evaluative analyses alone.⁹⁹ Certainly it had for centuries remained the case that, Schmitt seems to admit to the neo-Hegelian historian, moral dispositions had helped ground the various ideological camps. But Meinecke separates morality from political ideology—without also discerning any evolutionary line (*Entwicklungslinie*), or any relation between the realms.¹⁰⁰ That is, he goes one bridge too far by claiming that history's pendulum has been swinging and will have to continue to swing towards a stronger, and an extreme “dualism of politics and morality”. Schmitt will not forgive Meinecke's making the claim that the ever-more advanced polarization of these realms would be immanent. In thus

prophesizing the world's dichotimization, essentially, Meinecke had ignored—according to his critical reviewer—the fundamental problem of who should arbitrate the relation between moral disposition and political justice, and of who should ultimately judge and decide the difference between one's inner-worldly life (self-confessed individuality) and one's outer-worldly performances (religious or civic identity). Meinecke's foretelling of a coming split between inner and outer worlds, in brief, had too quickly passed by on the vital issue of "who decides? (*quis judica bit*)".¹⁰¹

Schmitt recognizes both the general significance of political dualities, when formulated in terms of how world history should be interpreted, as well as of the specific rhetorical form of the unity of opposites. Rather than to dismiss conventional historians entirely, Schmitt would proceed to inspire Koselleck (a conceptual historian) in similarly acknowledging the opposite meanings of political theological concepts—such as miracle or sovereignty.¹⁰² But in contrast to both Koselleck and Meinecke, Schmitt will thereby introduce his metaconceptual planes of various mutually opposing meanings. As he will show in his notorious study *The Concept of the Political*, which forms its own plane, the meaning of an enemy's actions can only be understood in contradistinction and yet also in relation to a friend's. The secular concept of sovereignty's meaning, however, lacks this relation with a friend. Its meaning has been demarcated by exclusive opposites, or by enemies, without meaningful relation between them.

Schmitt, at least in his 1926 review, uses a diamond-shape diagram to show there are many metaconceptual opposites which have maintained their theological, or their spiritually relational meanings. Perhaps the most critical of these many opposites is the

one that unites the political and the ethical realms—or “power and law” or, rather, “empirical reality and natural law” (this critical unity is being classified as the *juridical* duality). Similarly, Schmitt finds that “good and evil” are to be classified among the *metaphysical* unities of opposites. Indeed, Schmitt’s diagram presents several other unified dualities within the metaphysical dimension, as well: “natural necessity and moral right”; “nature and culture” or; “fate and creativity.”¹⁰³

Each such duality connotes both a political and a moral dimension. In this sense, each unity of opposites gives meaning to *moralizations* of political activities—and which Schmitt’s later works will treat as part of his political theological system. The implication of this system is that any scientific distinction between two enemies fighting ‘to the death’ can have no political theological, and no spiritual connotations—for as long as, at least, the dispute between these two enemies is not also producing any warrior code which hedges their actions. If the political realm were indeed completely informed by their unregulated existential enmity, however, then Schmitt would have rejected this realm’s amorality.

If wars are only waged by existential enemies, no warrior ethos can emerge from such total wars. Ethics and religion would herein have to remain completely divorced from, and incapable of giving meaning to political action. In such a total war there will no longer be any relation of friendship which, alternatively, could be believed to give new spiritual meanings to acts of violence. On the premise that Schmitt retains his Catholic beliefs about the nature of war, as well as that he continues to reject Hegel’s proportional

connection between polarization and synthesis, he must have sought new ground for a more deeply political theological interpretation of sovereignty.

From 1926 onwards, in fact, this search must have formed the most notable strand in Schmittian sovereignty theory. Because of the theory's rejection of the Meineckean dichotomy between the state's power politics and its moral values—or between the state's egoistic utilitarian interests and relational ethical norms—Schmittian sovereignty should be thought an attempt to restore the unity of these opposites, without either separating or completely transcending them.¹⁰⁴ After all, the above-identified oppositions would generally have to have been seen to be playing themselves out within the world's deontic, “ethical” dimensions as well as—and thus *not* necessarily *only* within—its instrumentalist, strictly existentialist dimension of “the political.”¹⁰⁵

Montesquieu's Sense of Good Judgment Illustrated by Arendt's Heraclitus

It is no secret that Arendt, especially in her *On Revolution*, gives much of her appreciation to a deeply Montesquiean concept of the power of prudence. Montesquieu had in his own turn admired the ancient Roman Republic's agricultural foundations, as may also be known, by suggesting that the Republic's autonomy was owed to the commercially-acquired wealth of the estate-owners.¹⁰⁶ This section will clarify why Arendt's citing of Heraclitus helps understand not only Montesquieu's conception of

good judgment. Rather, Arendt's Heraclitus will also help illustrate why Hobbes's concept of prudential authority remains and should remain divided against itself.

Andreas Kinneging finds that Montesquieu's ideal state was owed to aristocrats: to those men trusted to be capable of displaying "good sense and good judgment." Montesquieu's neo-classicism had thus also suggested that prudence, practical wisdom, should remain *the* aristocratic virtue. Even though the virtue of prudence would by the end of the nineteenth century have become burdened with the more modernist "connotation of half-hearted *Realpolitik* and unauthentic affability", Montesquieu, as well as an entire political culture of *Römertum*, had nonetheless still treated (Cicero's) *prudentia* in terms of "tact, *Urteilkraft*, good taste, and common sense."¹⁰⁷

How did Rome value commonsense? First, on an institutional level, the city-republic's constitution gave much more weight to assemblies (*comitia*) of farmers, and thus also to the practical demands of their "life in the country (*rus*)", than to the idleness of life in the city (*urbs*), by an estimated ratio of at least ten-to-one.¹⁰⁸ Second, on a personal level, Machiavelli's lens on Livy's realm (the *res publica*) zooms in on Cincinnatus. This dictator returned to his small farm, to "ploughing his fields", after having won the war.¹⁰⁹ He is thus not just Machiavelli's, but Rome's exemplary yeoman-farmer. His actions symbolize a venerable, because also "austere and simple, lifestyle."¹¹⁰ This concept of exemplary austerity would not rule out politically pleasurable experiences, however. The concept honors tactful decisions and, therein, expressions of good taste as well. Cincinnatus's austerity is part of a moral code inapplicable to, and which cannot be used to honor, private pleasures. Both economic as well as

psychological austerity are conducive to good laws, from this early neo-classicistic angle, because they prevent aggressive conflicts from emerging.¹¹¹

Arendt writes in *On Revolution* (first published in 1963) that “only Montesquieu never thought it necessary to introduce an absolute ... power into the political realm.” Rather, Montesquieu had argued that despotism and absolutism could be averted for as long as “Europe’s peoples ... trusted the laws under which they lived, and ... believed in the [moral] authority of those [noblemen] who ruled them.” Yet, he would feared the modern world, because it signaled “the progressive loss of [the] authority of all inherited political structures”—including those structures that had long been modeled after Rome’s constitutionalist customs and conceptions of virtue.¹¹²

By the 1970s, Arendt appears to have become a little less authority-centric (less aristocratic, basically) in her outlook on the world. She now had begun to rethink the question of *why* the realm of political activity actually also should be a realm of political authority. The short version of her answer holds that the realm depends for its continuation on public recognitions of its own legitimacy. This would have meant that those holding the supreme power of judgment cannot act arbitrarily, at risk of appearing to act illegitimately and possibly illegally as well. Yet, *why* should the authorities not *become* unjust and corrupt—even though they might very well continue to *appear* in a legitimate manner?

The validity of her answer to this why-question would help her political theory in saving the republic. It should help unite all of her theory’s distinctions between inner dispositions and public appearances—and to newly respect the public plurality of private

opinions.¹¹³ “From all things one, and from one all things”—as, she well-knew, had first been written by Heraclitus.¹¹⁴ Heraclitus, the process philosopher, would only for a brief moment end up being magnified by Arendt (in distinction to another reading of Heraclitus, by her former mentor, Heidegger).¹¹⁵ Yet, under her magnifier, unicity somehow emerges from multiplicity, multiplicity from unicity—and, in again other words, the singular here seems to come from the plural just as that plurality comes around from the other direction. The contraries mutually imply each other. They do not simply coexist. Buddhism helps illuminate what it might mean to observe a mutual, or a dualist implication of two contraries quite similar to Arendt’s. One Buddhist mantra (of Transcendent Wisdom) holds this: “that which is form is emptiness/that which is emptiness form.”¹¹⁶ To say it differently, the negation of form is emptiness, and the negation of emptiness is form, so that from within all form there may emerge emptiness—and from all emptiness form. Consider also, for one moment, the first stanza of the Japanese Buddhist monk’s, Hakuin’s, Song of Za-Zen: “All beings are primarily Buddhas/Like water and ice/There is no ice apart from water/There are no Buddhas apart from beings.”¹¹⁷ This stanza is a metaphor both for a dualist, and yet for a non-dualist relationship towards the practice of Za-Zen as well: from all ice emerges water, and from all water ice—not unlike how, to invoke another Buddhist metaphor for non-dualism, neither thorniness nor fragrance and beauty may constitute a rose. The rose as a whole serves as a realist metaphor for the non-duality of life’s flux and life’s vicissitudes.¹¹⁸

This is how Arendt cites Heraclitus, while reiterating her own non-dualist premises, in her work *The Life of the Mind*: “The god is day night, winter summer, war

peace, satiety hunger”.¹¹⁹ The unity of each of these opposites (whether it is the unity of day and night, or of ice and water matters little in this context) is obviously a conjunction divided against itself. Yet, it is also a metaphor for both the (Heracleitean) god’s singularity and the same god’s dualistic appearances. It is this singularity that can be represented by reference to the two, mutually opposing worlds, of both summer and winter—or to both the year’s longest night and its shortest day, for instance. Both summer and winter are defined by each other: they always appear as opposite worlds within the same year or as representations of the same god. But, then again, “[t]here are not two [separate] worlds: [winter and summer are still considered one] because metaphor unites them”—she adds.¹²⁰ And, indeed, she has metaphor in mind; metaphor should be expected to give meaning to prudential actions.

Despite Arendt’s rejection of Hobbesian absolutism, Arendt’s own calling forth of the critical importance of metaphor is consistent with Hobbes’s theory of speech acts—and of how definitions of conceptual thoughts should help people reduce the ambiguity of their speech acts, their legal norms, and their constitutional regulations.¹²¹ Like Hobbes, Arendt focuses on the importance of discerning the opposite meanings, as they are found in metaphor, of a single mode of authority. The practices of sovereign statespersons consist, mostly, of their more or less discrete interpretations of a set of general rules. Yet, as was alluded to earlier, and in one of the current chapter’s epigraphs, Hobbes says that “ignorance of ... [these] rules does not set men so far out of their way as [their] relying on false rules.”¹²² He adds, in the following sentence, that to prevent general rules from turning into false rules they should be “purged from ambiguity.” This purging will

increase their ethical significance. Hobbes's civic science does not allow those working with the general rule to pretend to be regulating themselves. They must also demonstrate why they are capable of discerning true from false rules, and do this by identifying "senseless and ambiguous words", so that they can newly begin to reappraise their own needs—both for sapience and prudence.

To the opposite side of various mundane and pretentious or artificial rules, Hobbes presents the possibility of following natural or ethical and transmundane rules. Even though he recognizes the open-ended disjunctions between the two types of rules, he finds that those who live in ignorance of the first type of rules would be much better off than those who have been misled by them. Mundane rules are usually misleading, because they are being applied by means of ambiguous speech acts. That is, those only living under naturally transmundane rules, and with only "natural prudence", he finds, tend to live in a "better and nobler condition" than those who live with possibly false and morally confused rules.¹²³ Yet, it also follows from *Leviathan* Chapter 6 that the actual disjunction or difference between these two conditions cannot be understood without their joint, conjectural, metaphorical representations. Sacred-natural and profane-artificial worlds intersect in the representative power of metaphor, just as that the transmundane natural law is constantly being analogously represented in more mundane institutions.

Not long after Arendt, finally, Althusser will also (albeit only once) mention Heraclitus. He will identify Heraclitus while making sense of yet another perplexing disjunction, this time no longer between the profane and the sacred, but much more clearly between the materialist and the ideological meanings of authority. Thus,

Heraclitus is mentioned in Louis Althusser's essay *The Underground Current of the Materialism of the Encounter*, which was in part inspired by an earlier book, *Machiavelli and Us*. Althusser had in the earlier work pioneered the proposition that Machiavelli negated virtually all of the political foundations he himself introduced. These negations, of these institutional or foundational alternatives to Machiavelli's own concept of Italy's popular constitution, then, would have been expressions of his negative dialectical method. That is, the Florentine dialectician would probably only have left one opposition standing—at the final end of his explorative, critical philosophical method, expressed both in *The Discourses* and *The Prince*, of possible modes of Italian legitimate authority. This opposition, as was further demonstrated in *Machiavelli and Us*, must be believed to have consisted of the one between an army selected from the regular infantry and a defense based on the irregular citizen militias—but quintessentially also between the positive figure of the, exemplarily republic-oriented, military captain and the peoples of Italy.¹²⁴

Specifically in *The Underground Current*, then, Althusser begins to suggest that philosophical oppositions (including those between civic institutions) are never final. Even Machiavelli had known that his own series of oppositions remained historically open-ended, or at least open to judgment. Althusser thus begins to find additional philosophical and theoretical support for what he had earlier identified as the (indeed, Machiavelli's) aleatory dialectical method. That method should now come to be supported, additionally, he writes, by “the thesis of the primacy of disorder over order [and by] ... the thesis of the primacy of ‘dissemination’ over the postulate that every

signifier has a meaning, ... and in the welling up of order from the very heart of disorder to produce a world.” Against the Aristotelian philosophies and against the other such “philosophies of essence, ... and therefore of Origin and End”, Althusser denies that his own Machiavellian (political) philosophical method should ever be closed off by any “obligatory beginning”. “[T]o the contrary, [his philosophical method], ... by sheer strength of arm, ‘hoists itself aboard the train’ that has been running for all eternity in front of it, like Heraclitus’ river. Hence there is no end, either of the world, or of history, or of philosophy, or of morality, or of art or politics, and so on.”¹²⁵

Althusser, Arendt and Montesquieu, and Schmitt and Hobbes all recognized the political philosophical importance of some sort of unity of opposites, and of some sort of parallel between contraries—such as, in this case, the parallel between a single, essentially historical, event and the train of eternal thought, ‘running in front of it.’ If it is the case, as Althusser himself puts it in his own encounter with these parallel contraries, which he mostly detects in the Marxist tradition but also apparently in Machiavelli and Spinoza, then it may be the case that it was first and foremost Machiavelli’s principal philosophical method that would during the centuries afterwards continue to be applied by “Hobbes, Rousseau, Marx, Heidegger, ... and Derrida”—as these philosophers would all have tried ‘hoisting themselves aboard’ of the same train of (apparently Machiavellian) eternal political thought.¹²⁶ Moreover, perhaps both Schmitt and Arendt might also have attempted to board that train, however minimalistically, speeding back towards the much longer-standing tradition of a Hobbes, Rousseau, and Marx?

The point of Althusser's own texts is that many, seemingly very diverse, political philosophical methods might have had much more in common than has previously been presupposed.¹²⁷ Althusser was willing to bet that despite the fact that each of these individual methods would attach more importance to either positivity or negativity, and either to order or disorder, they shared the fundamentally Heracleitean insight: these opposites all imply each other's existence, without deriving from the same Origin or without leading to the same End.¹²⁸ By contrast to what a conventional reader such as Beiner has argued about Hobbes and Machiavelli—in concluding they would have tried to implement a final theocratic solution, or a complete synthesis of regular civil rights, subordinated to divine right—Althusser much rather breathes the Heracleitean notion that there is no such effect as synthetic subordination.¹²⁹ The perennial philosophical train (and its sense of divinity, infinity, or God's transmundane 'authority') makes it possible for each of the Machiavellian theorists to deliberately maintain their own political method's vulnerability to chance. As Althusser simplifies this wager, the classical theorists must have steeped themselves in one "[by now] almost completely unknown [probably Epicurean or Heracleitean] materialist tradition". Their political philosophies remained (again: although this has been inadequately acknowledged) tied to a fundamentally materialist examination "of the encounter and, therefore, of the aleatory and of contingency."¹³⁰

To reiterate, it has been proposed that when Arendt shares Montesquieu's respect for public authority and thereby for the power of judgment, but also when Schmitt speaks of Hobbes's faculty of distinction, Arendt and Schmitt both *disallowed* an increase of this

faculty in itself to cause moral progress. Professed in social isolation, the faculty of judgment is meaningless. Like Hobbes, in particular, these political philosophers do not appear to ever have argued that by drawing sharper distinctions, and by more-clearly discerning between moral values and political actions, progress can be realized.

The curious absence of any strong moral or historical progress, or of any other transcendentalized syntheses in their arguments, will have to be discussed elsewhere or by other advanced realists. In the ulterior absence of moral progress, it remains a mystery why progress should be believed absent in the first place. Do not most religious traditions promise the progressive future of a virtuous afterlife or a reincarnate mode of morality? This mystery's existence has been tentatively confirmed by Vatter, whose reading of Machiavelli demonstrates that civic religiosity is antithetical to the state order, and yet affirms its existence through what advanced realists are referring to as dual sovereignty. In defense of advanced realism, this all could mean that both the state and the people find themselves in a self-perpetuating and self-organizing revolution—without any fixed ideals or progressive ambitions—because neither the state nor the people and because neither princely dictator nor free commoner are to claim the middle ground. Vatter proposes that Machiavelli's concept of historical and political flux would herein have introduced “a radical discontinuity and innovation with respect to what is ... customary”. He further proposes that Machiavelli's descriptions of “transitions from tyranny to freedom and conversely” introduced a notion of flux that can help (realist) theorists to further revolutionize the materialism of action in itself. “All political action, in this sense, becomes revolutionary: ... political freedom knows no [third] mean.”¹³¹

The disjunctions and conjunctions of political opposites are to remain without a staked-out middle, without a third moment of integration, and without neutrality. The Aristotelian mean spells death to advanced realism. Freedom and tyranny, progress and regress, or moral and amoral values are instead to be politicized. They are the sort of opposites that can be generating the longer dialogue that people should be having about their state structures. For now, however, it must be noted that (besides and before Vatter) it was Althusser who actually opened the theoretical possibility (to this political dialogue's revolutionary participants) that there *should* remain a systemic disjunction—which could perhaps express itself as a contingent *aporia*—between the freedom of the people and the dictatorial state, as well as between an infinite commonwealth and a finite body politick (as Hobbes would have said in stead of Althusser).

Similarly, the relation between people and state should be theorized as a simulation of the one between the religious and the civic realms of human action; that is, between the necessitous laws of nature and the free movements of the diverse human bodies politick as well. Or, as Vatter concludes, the complex relation between free people and the powers of the state is to be understood as a relation which is perpetually being regrounded in the public or in the dialogical realm. It is in free public speech that revolutionary potentials are being actualized. “Republican freedom means that citizens can become princes, that freedom is not only negative [or individual] liberty but also *isonomy*—understood as the [actual] equality of everyone to make and unmake laws, and not simply as the [potential or formalist] equality before these laws.”¹³²

The last word is for the archetypal realist himself: “Nature has created men so that they are able to desire everything and are unable to attain every thing [...]. From this arises the variability of their fortune; for since some men desire to have more, and some fear to lose what has been acquired, they come to enmities”.¹³³

Can a realist theory diminish the income variability between ‘haves’ and ‘have-nots’ and, if so, can it also turn enmity into discord and antagonism into agonism? The discordant relationship between those who desire gaining more and those who fear losing more is the ultimate relationship of conjectural materialism. It comprises all those relations of political parity, albeit it itself must remain a far from ideal or positive relationship.

New Conclusion: From Neo-Rousseauan Idealism to Machiavellian Materialism

This new conclusion opens with a brief summary of two canonical reactions, to the grand paradox of the political realm or to the authority problem, as well, before venturing into the practical possibilities of how to cope with this paradox or this problem.

To be reaching a theoretical conclusion to these inquiries into sovereignty’s foundational two-dimensionality, however preliminarily, is to be reaching back to the Introduction, where it was announced that there are two basic responses to the sovereign authority problem. The first of these leads theorists back to Rousseau’s both liberal and democratic solution. This solution was implicitly welcoming Montesquieu’s notion of an

independent third power responsible for maintaining a (democratic) peace. What Rousseau probably did not realize, however, is that Montesquieu had allowed social and economic interests to dominate within the constitution of the world of sovereign states. The latter had ranked judicial neutrality and property rights high above the constitutionalist processes of partisanship and symbiotic discords. Consequentially, in further neutralizing constitutional and processual discords, Rousseau's own solution became totalizing rather than balanced. Rousseau's general will was still the total sum of, rather than a qualitatively different power than the one representing the wills of each. Rousseau aided in eradicating the notion of senatorial authority, furthermore, so that he can be said to not have solved the authority problem at all.

Without authority, after all, there can be no legitimate authorizations. Then, nobody in particular can be held responsible for the level of public orderliness either. This is why his study of an ideal social contract cannot be understood without accepting that it, even if inadvertently, is maintaining the complex tension between Senate and Tribunes, between state and people, or between the public authorities and their authorizers as well. Yet, the paradox of politics, as exemplified by Rousseau's study, can nonetheless be confronted in a more Machiavellian manner.

The second response to the problem of state authority begins with Arendt and Schmitt and leads back, through Hobbes, to Machiavelli. This response respects the perenniality of the tension between representational and revolutionary tendencies. Not only does it respect the flux between these two dimensions of sovereignty, however. It also instills confidence in the people because it rejects any Cartesian separation of their

minds from their bodies. Their confidence has religious connotations, as Pascal found, but in a political context this sense of confidence simply means that human beings are coming to believe that the tension within dual sovereignty may produce, rather spontaneously, a spirit of self-consciousness as well as of common consciousness, political responsibility, and the existential virtue of prudence. It is as if a profane political soul is believed to emerge from within the tension between minds and bodies, reason and fact, or between regulators and executors.

Confidence is a mysterious third spirit. It can neither be conceptualized in rationalist nor in empiricist terms alone. It is a spirit that somehow allows the state's bureaucratic and executive rationalism to coincide with the people's concrete obedience to a natural law: to a law of self-organization and individuation. In other and slightly more expansive terms, the state's ideological apparatuses are believed to be coinciding with the people's existential need to alleviate suffering by transcending the total sum of all individual wills. The people as a whole are concretely applying speech, and are thus transcending while hedging in the state of nature. But as Hobbes insisted, speech itself may have contradictory effects. Political speech is metaphorical and only more or less representational. As such, it should be distrusted. It threatens to ambiguate and distort a plurality of wills. From the perspective shared by (Schmitt's) Hobbes and Machiavelli, which respects the ambivalence of political concepts, ultimately, there is no Rousseauan general will.

This second and broadly Machiavellian response still includes the first response. But beyond the first response it sees no solution to the problem of how a third spirit

emerges from the contradictory powers of state and people: of both the executors of public authority and the regulatory function of their authorizers. Instead, the second response finds that particularly sovereign authority transcends these contradictory powers. It contains the entire structure of powers, or so it may be believed, within the archetypal matter of emergent authority. Of course, also beyond the countless neo-Rousseauian and Cartesian or Hegelian responses, only the Machiavellian response explicitly refers to a coincidence of opposites—in the sense that it alone is so apparently referring to the historical cycles of political orders, which are being corrupted and which yet also are arresting corruption through participatory freedoms. (See also Miguel Vatter's remarks, although these seem to overprivilege Machiavelli's materialism by less clearly accounting for the Althusserian theorem that Machiavelli's materialism rather implicates but is indeed not to be dominated by his idealism).

Machiavelli refers to several discordant constitutions, further, but he primarily mentions the example of the Order of San Giorgio to illuminate why the sovereign 'person' can and should be believed to consist of a coincidence of opposites. Examples of such coincidences are manifold, at least within traditions of civic religiosity. One of the most famous coincidences (and this is not only the case in the field of political theology) is this primordial duality: mind/body. But there are several other such dualities that need to be mentioned: creation/degeneration; freedom/license; prudence/irresponsibility; closed autopoietic authority/openly structured powers; organizational potential/structural fallibility, and; Father/Son.

The opposites in each of these dualities are commonly imagined present within a collective psyche or within some lineage of shared events of political unity. (Paulina Ochoa, for example, imagines the coincidence of reason and will to be a coincidence of mutually-implying opposites, although compared to Miguel Vatter she says little about the archetypal and psychological lineages of this coincidence.) Also, although the coincidence-as-unity is never absolute, and although each of its two structural components to remain relative to the other opposite, the question is now how the event of one-in-many should really be experienced. In the matter of human suffering, it is difficult not to ask who should be taking on the role of the one within the many. In identifying the one, as social constructivists have set out to do, however, it is impossible to ignore the many. Realists argue that it is impossible to be distilling the ideological biases and the wills of the many from the actual actions of the state in its entirety. The state is not only a unitary agent. The suffering of the many, rather, is omnipresent. So, how can 'the' dual sovereign authority be believed to remain adequately responsive and caring in its own responses towards world-wide suffering?

A first possibility, in creating practical organizations of dual sovereignty, is to coherently represent the influences of the rich and the poor in terms of a relationship. Poverty is a relative deprivation. It is relative to the resources that are being usurped by the wealthiest state parties in the world. To alleviate poverty is to diminish inequalities. It is not necessarily the mechanistic accomplishment of social justice, therefore, but rather the habitual development of a skill of prudence.

Hobbes proposed a consumption tax, and his theory supports introduction of a tax on the consumption of carbon-emitting products. Hobbesian realists can defend a Tobin tax on financial transactions. They can help introduce tax brackets based on functional contributions to commonsensical purposes, rather than on quantitative measures of income alone. Subsidies for those who use solar and wind energy are also in the best interest of prudent statespersons.

Likewise, Machiavelli's theory focuses on the functional contributions people can make and not solely on their quantifiable interests. This realist theory also premises that such a focus will have an egalitarian purpose, in that it transcends the means-ends logics that are vulnerable to both democratic and oligarchical forces. Regardless of economic interests and social classes, for instance, it gives each individual the right to prosecute every other individual. It cannot be denied that this equal right serves the overall purpose of constitutional balance. Equal prosecutorial (and legislative) rights are conducive to the dualization of ambivalent sovereignty.

All this does not lead Machiavelli towards legal positivism, however, but towards the abolishment of fictions of neutrality and thereby also of any third and third-party branch of government. In a Machiavellian constitutionalist program, there are two branches. The institution of executive authority is constantly being balanced against both the legislative as well as the adjudicative functional power. This additionally means that the duality of the executive authority and the regulative power within the program is to be sustained by a complex 'two-in-one' person, or by ambivalent sovereignty, rather than by two separate and independent powers. Machiavelli hereby raises the prospect that the

opposite functions can begin to coincide. The practical issue is of course how he would want to continue to mirror this coincidence of, or this mysterious cosmogonic relationship between, the functions.

The prospect of a coincidence of opposites cannot be raised if theorists are not also raising matters such as the right to assemble, the right to speech, the right to appeal, and the power to banish calumniators. But because of the centrality of these matters, in the programmatic theory of realism, it appears highly unlikely that Machiavelli could ever have supported the contemporary idea of highly-formalized private property rights. Personal property is to a certain degree always considered as public property, rather, in the sense that all property is the result of an ambivalent process. It is divinely and it should be humanly guaranteed by a complex combination of industriousness and natural talent. Individual acquisitiveness does not exist, at least not in a theoretical universe in which the individual's motives are not unifiable but remain always part of a web of morally ambiguous relationships.

Briefly, Machiavelli does not support the extending of legal protection to institutions such as individual property rights. As a revolutionary realist, he also cannot and does not aim to protect institutions that somehow condone excessive income inequalities, to institutions that violate the principles of commonsense and publicality, to the private right to advertise, or to the corporate right to speech. Much to the contrary, a realist like Machiavelli would defend proposals to maintain a taxation scheme which protects individual citizens against the class of oligarchs that has benefited so much from the late-modern idea of corporate personhood. This scheme can be designed to protect

ecosystems while maintaining a clear ratio of acceptable income inequalities—so that, for example, the world’s oligarchs never acquire more than twice of what a substantive number of ‘common’ citizens is earning. In practical terms, tax codes can be revised and can be internationally standardized so that the top twenty percent of income-earners will never accumulate more capital and property than about twice of what the bottom twenty percent has acquired in any given annum. This type of revision would not only merely but also rightly be prudential.¹³⁴

The long dialogue on the tension between prudence and justice, as well as the dialogue with its own initiator, Machiavelli, can continue for two reasons. Sufficient proof has been demonstrated to the effect that Machiavellian realism is not “evil” or “wild and demonic”, first. Rather, realism instead denies the existence of any idealist type of constitutional state. There is no such thing as a constitutional mixture of both “the life of the animals and the slaves, and of the life of the saints.”¹³⁵ If it could exist, such an idealist mixture would have to be non-political: it would neutralize the natural inequality, diversity and plurality of personal characteristics. The world’s diverse persons of sovereign authority have in the above chapter sections been demonstrated to instead coincide with, and yet to have to oppose the unitary (‘Westphalian’) nation-state, second.

ENDNOTES TO CHAPTER FOUR

¹ Riley (1986: 260) nearly concludes but does not seem to want to admit that Rousseau's theory's basic weakness is its positive emphasis on a general will that becomes *equal to* the total sum of the wills of all individuals. Rather than that Rousseau's general will would be "too resonant not to be heard" it is really too cacophonous to be listened for a very long time to. Despite having its lineage in (Christian) "divinity", the general will remains for him an abstract ideal—unequal to and even much less than its own concrete incarnation. Riley thus often ignores, mistakenly, its self-implied although contrary relation to the materialism of both the individual as well as the particular wills. Nevertheless, it seems that Riley (esp. 249; 241ff) must admit that the general will indeed "rules out *particularism*, not individualism: in Rousseau, an individual can and should have a general will." This is a deeply Augustinian presupposition, as opposed to a Cartesian one, furthermore, because "individualism" here relates to the social processes of individual growth (or individuation, better said), rather than to the Cartesian or the solipsistic meditations—if not only because, once again, it is believed that the wholesome person "can and should" somehow integrate her individual need with one general will. But does integration occur despite or because of the 'natural' opposition between the individuality of needs and the sacred singularity of the generality? Ultimately, Riley's fails to refrain from assigning priority to either one of the two. It does not remain close enough to Rousseau's *Social Contract*, and its famous "union" of both the general will and individual understanding, as Riley veers to close towards the presentation in *Emile* and its artificially-enforced separation of the mature stage of generality from the infant stage of necessity.

² Nye (2011: 48-49).

³ Dowdall (1923).

⁴ Hörnqvist (2004: 234-241).

⁵ Hörnqvist (2004), Vatter (2000).

⁶ Vatter (2000: 234).

⁷ Nye (2011; 220-221).

⁸ Weber (1946: 78-79).

⁹ Particularly in Weber (1946), (1993), (1958).

¹⁰ See also, for the distinction of commonsensical versus "thoughtless" actions, as Arendt (1965), (2003), (1978) would typically attach great importance to this distinction, Burks (2002).

¹¹ See, especially, Arendt (1951), (2006).

¹² Palonen (2008).

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- ¹³ Compare this paragraph, further, to Kalyvas (2008).
- ¹⁴ Näsström (2007).
- ¹⁵ For one of the most fascinating analyses of the function of nominal judgments, in Hobbes's theory, consider Watkins (150-157).
- ¹⁶ Particularly for this notion of relational authority, see Lake (2010).
- ¹⁷ Arendt (1978, vol. 1: 109).
- ¹⁸ Arendt (1978, vol. 1: 109; 70).
- ¹⁹ Arendt (1978, vol. 1: 47-49).
- ²⁰ Wendt (2006) seems willing to create a Cartesian social theory, of IR.
- ²¹ Compare, further, Descartes (1979). Traces of her anti-Cartesian argument may be found scattered throughout Arendt's (1958), (1961), (1970) work, and less obliquely also throughout her (1978) *The Life of the Mind*.
- ²² Arendt (1978, vol. 1: 47-49).
- ²³ Arendt (1965).
- ²⁴ Arendt (1965), (1961), (2003). For Arendt's concept of the common power of "togetherness", consider Birmingham (2006).
- ²⁵ "Prudence", often in connection to "propriety", forms a critical theme throughout Hobbes (1994: esp. ch. 8, 53; ch. 3, 22-23; ch. 13, 87; ch. 18, 125). The opposite of "prudence" is "craft, which is a sign of pusillanimity."
- ²⁶ Hobbes (1994: ch. 12, 79; ch. 4, 31).
- ²⁷ Hobbes (1994: ch. 42, 391) argued, famously, for example, that ultimate authority is dualistic: it is *both* ecclesiastic *and* civil. All the "Christian kings have their civil power from God immediately"—so that any "Christian commonwealth" will have magistrates whose authority is *equal* to that of the Pope's bishops, in the sense that their judicial decisions have "no less *de jure Divino mediato*". See, further, Dumouchel (2001) for the way in which Hobbes (1994: esp. ch. 16) believes this dual authority is being juridically personified. Of course, it has remained open to debate whether he actually intended either the covenant or the sovereign to exercise ultimate authority. However, if it were premised that the covenant is metaphysically represented by the legal personality of the sovereign, then it becomes more apparent why Hobbes also can be said to have held on to a medieval concept of dual (and ultimate) authority.
- ²⁸ For instance, Hobbes (1994: ch. 43, 412; 407; 411) calls for the realization that man has "not skill enough to discern the consequence" of his sole necessary "foundation, Jesus the

Christ” (his “*Unum Neccessarium*”). Hobbes must assume, however, that man may have sufficient skill to apply commonsense and reject any other foundation, including various ecclesiastic or rather eschatological foundations. Besides his Christian confession, in other words, man should have sufficient prudence to distinguish and reject “idolatry” or any other literal, rather than allegorical representations of purgatory.

²⁹ Compare, also, Pettit (2008).

³⁰ Hobbes (1994: ch. 4; ch. 11, 73) writes, for example, that “neither error nor nonsense can, without a perfect understanding of words, be detected.”

³¹ As a first among Hobbes’s intellectual predecessors, in this matter, must have stood Baldus de Ubaldis. According to Canning (1987: 117), Baldus situates the “plenitude of power” (or: all “aspects of supreme jurisdiction”) within the limits of his own image of “personal sovereigns, that is monarchs: the emperor, the pope and kings. The implication [of this isolation of monarchical power] is that in the hierarchy of sovereignty, independent city-*populi* are below [and probably also too far separated from, PT] sovereign kings.” Hobbes, contrary to Baldus, begins to see autonomous peoples as *equals* to their own monarchy. The effect of his argument is that the peoples will appear not below, but as coinciding with their own sovereign authority. (Note that Hobbes calls this coincidence a Christian Commonwealth, thus pairing ultimate authority to a civil law-incorporation of the people).

³² Springborg (1996: 356; 360) clarifies, to a very great extent, why Hobbes *followed* some of his sources. His positions indeed usually cohered with those taken by Marsilius de Padua, Optatus of Milevis, as well as those by Luther. All had anticipated Hobbes’s distinction between laity and clergy, suggesting that: “The state is not in the Church, but the Church is in the State”, as Springborg cites “the famous formula”. Yet, Springborg equally suggests he took a different route than many intellectual predecessors and contemporaries when he developed his “eccentric doctrine of the Trinity”, in order to make it cohere with his political theory of personation.

³³ Consult also, for additional references to Hobbes’s concepts of sovereignty and corporeal personation, Dumouchel (2001) and Paganini (2003).

³⁴ On the importance of recognizing compromise, see Ankersmit (2002). Also on representation, specifically in IR, consider Pattison (2007).

³⁵ Compare, for this observation, Schmitt (1988).

³⁶ For more aspects of Machiavelli’s insisting on meaningful-and-yet-ambivalent appearances, see Yorán (2010), Coby (1999), Fontana (1999), and especially also Hochner (2009) and Janara (2006).

³⁷ Hobbes (1994: ch. 45, 445; 440).

³⁸ Hobbes (1994: ch. 45, 444-445) appears to have owed much, on this point, to Jean Bodin’s demonology.

³⁹ Weber (1958: 105; 123).

⁴⁰ Hobbes (1994: esp. ch. 45).

⁴¹ Weber (1958: 105; 123-124). Notice that Kim (2004: 38-40) interprets Weber likewise.

⁴² See, further, Descartes (1979).

⁴³ Weber (1958), Pettenkofer (2008).

⁴⁴ Hobbes (1994: ch. 17, 119).

⁴⁵ This passage by Hobbes (1994: ch. 5, 31) expresses, according to Skinner (2002, vol. 2: 283-285), great “skepticism” towards speech. After all, Hobbes would have gone “to the extreme of declaring that the power of the [rhetorical] technique to generate [moral] ambiguity is such that any genuine argument about vice and virtue is ... [to be] ruled out.” Despite Skinner’s remarkably elaborate contextual study of Hobbes’s maintaining of such “ambiguities” as well as of his unseemingly not wanting to solve the “problem of [the technique] of paradiastole”, Skinner says nothing about the type of Christian mysticism Hobbes (ch. 43) will later go on to introduce. Yet, the Christ’s ultimate necessity helps Hobbes to evidence the necessity of a sovereign, in deciding on precisely such ambivalent forms of speech.

⁴⁶ Hobbes (1994: ch. 17, 119).

⁴⁷ Jackson (2000: 296; 14; 127).

⁴⁸ Jackson (2000: 104-105).

⁴⁹ The 1933 effort to create the Montevideo Convention criteria was led by the United States, in order to redefine its influence in Latin America—versus the rising German influence. States within the hemisphere were at the meeting being promised to become deserving of recognition as sovereign states on the basis of three principles (at least, this is how the Convention has usually been interpreted): population; territory; government. But the Convention raises a central question: what is it about any government institution that makes it also possible to claim it exercises a recognizable, legitimate mode of authority? The Convention may have identified a political society from the outside, thus, but gave no criterion to also recognize its interior constitutional tension. In this sense, it only defined statehood as the juridical shell Robert Jackson actually wants to fill.

⁵⁰ Machiavelli (1966), (1975), (1996), (2003).

⁵¹ See, further, Breiner (2008), Geerken (1999), and Parent (2005).

⁵² For instance, Machiavelli (1996: 1.13; 1.14), (1974: ch. 12).

⁵³ Benner (2009) makes an important assist to Machiavelli’s readership in recognizing his use of various rhetorical tropes, which should include the sorites (but without final conclusion)

and the enthymeme. Not unlike Parel (1992) she thus makes it possible to create an alchemistic ‘twist’ on Beiner’s (2011: 17-21) too modernistic treatment of Machiavelli (1975: ch. 6), (1996: 2.2; 2.5; 3.1). If both Benner and Parel are by and large correct, then this probably means the quintessential moment in Machiavelli’s alchemy consists of the unspoken moment during which the Christ emerges (as the most genuine founder) from within the coinciding opposites of both Cyrus and Moses (representing good laws) and Theseus and Romulus (good arms).

⁵⁴ See specifically, for this entire point, Machiavelli (1996: 3.7; 3.16; 3.27; 3.44). It is rhetorically significant that Machiavelli concludes his reading of Livy (ch. 3.44) with the exemplary case of Quintus Fabius, who seems to have been the only Roman leader who had not so much *caused* as well as who newly *regulated* a transition of power. He had successfully *restrained* “the new families that had caused ... disorder”: a feat Fabius’s contemporaries never accomplished. Machiavelli (1996: especially chapter 1.55) is actually throughout this text very critical of precisely such “new families” or, as he also calls them, “gentlemen”—as he thinks these men will become increasingly liberal in their attempts to use their financial wealth to ‘split the difference’ between a great captain or founder, first, and a republic of equal citizens, second. Only the great men of Germany and Venice, or probably those of the Order of St. Giorgio as well, are able to maintain their equality in opposition to the common people—because they observe their venerable laws, or their religious customs, in such a manner than no enemy “from within or without could venture upon an attempt to master them.” For the case of Florence see, further, Del Lucchese (2009: 94), who finds that in this city it was “the scandal represented by the Ciompo ... that [demonstrated why] conflict is mainly for the accumulation of wealth. This is the essence of any ‘earning’ ... [of surplus capital]. [‘Earning’] is a violent mechanism, suffered and denounced by the rebels, and in turn reversed by them into a positive violence; [t]he course that leads the [rebellious] Florentine *popolo* to become the dominant class is the history of this city and its inherently conflictual nature.” However, Machiavelli is not always as pessimistic as Del Lucchese seems to portray him with respect to the creating of new possibilities to be purifying (secreting) the (Florentine, or Italian) body politick from such an original moment of violence.

⁵⁵ Beiner (2011: xii-xiii).

⁵⁶ Machiavelli (1996: 1.55).

⁵⁷ Beiner (2011: 414-416).

⁵⁸ Beiner (2011: 77; 14).

⁵⁹ Compare, for example, Honig (2009: 98-99), mentioning that both Jean-Jacques Rousseau’s and Franz Rozenzweig’s political philosophical tenets fail them in their efforts to distinguish between the true and the false prophet, or between “lawgiver and charlatan”. Instead, both philosophical tenets slip into “undecidability”—as they slide along a continuum without solidifying their positions within any “binary oppositional structure”.

⁶⁰ Beiner (2011: 109; 417).

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- ⁶¹ Beiner (2011: 3; 417; 57; 117) finds this paradox present in work by Rousseau, Hobbes, and Spinoza, among others. Compare, also, Riley (1986: esp. 207-250) for Rousseau's positioning himself within the canon and its grand subject of the individualism/general will and the necessity/freedom paradoxes.
- ⁶² See, for instance, Wilson (2010).
- ⁶³ This author will mainly consult, for these answers, Kantorowicz (1955), (1957), Mali (1997), and Schmitt (1996), (1976, orig. 1932), (1985), (1985b), (1995), (1996c), and (1988).
- ⁶⁴ Especially, Kantorowicz (1957: 65; 84; 87).
- ⁶⁵ Fatovic (2008: 487; 489).
- ⁶⁶ See, particularly, Schmitt (1926: 229).
- ⁶⁷ Onuf (1989: 71).
- ⁶⁸ See, especially, Benner (2009). Also relevant may be Hochner (2009) and Janara (2006).
- ⁶⁹ Althusser (2006b: 188-190).
- ⁷⁰ See the commentaries by, specifically for several political theological implications of Hobbes's argument, Greenleaf (1974), Paganini (2003), Springborg (1996), and Thornton (2002).
- ⁷¹ As an aside, this author has found as of yet no coherent treatment of Hobbesian prudence alone, or at least not of how prudence appears within the secondary literature on Thomas Hobbes.
- ⁷² Hobbes (1996: ch. 5, 36).
- ⁷³ Buchwalter (1995) formulates a similar question, on Hobbes's behalf.
- ⁷⁴ Hobbes (1996: ch. 5, 36; ch. 9, 60-61) clearly gives his readers the impression he is trying to establish the curriculum for a new civic science which can teach the meaning of duty. This science will help people integrate their political with their natural registers of knowledge. These registers of knowledge themselves are simply defined, by Hobbes, as catalogs of all those books that may "contain the *demonstrations* of consequences of one affirmation to another". By exploring the prospects for his new science, moreover, Hobbes thinks he can help people derive moral truths from their "knowledge of consequences", so that deontological meanings may derive from their consequentialist practices. To this effect, he argues they should learn both from "accidents of [natural] bodies" as well as from "accidents of *politique* bodies". As well, the seemingly Hobbesian idea of a social contract thanks its notoriety in the secondary literature to a dangerous misreading of the text. Hobbes (1996: ch. 14, esp. 94-100) never equates the word social contract to what he actually hopes to help establish, which is a meaningful covenant. Much rather than to advocate for a contract, which may not be reciprocated, he aims to define a new civic covenant which shall not be maintained by means of promises

and oaths alone. Against utilitarian readings of *Leviathan*, which tend to reduce Hobbes's original definition to a modernistic idea of social contract theory, Hobbes actually presents his own new covenant in the form of a deontological law: it "binds in the sight of God, without the oath as much as with it". This new covenant is completely conditional on "mutual acceptance"—as opposed to on "the bonds of words", for words alone simply cannot hedge people's "avarice, anger, ... [or their unreasonable] fear of some coercive power". "Words alone ... are an insufficient sign of free gift". Besides thus not being entirely conditional on words, the new covenant or the new transference of right would also not be completely conditional on free gift, or on charity alone, however. Rather, once again, it must be "mutual" in terms of how it binds people to their own juridical authority. This self-binding sense of mutuality means that Hobbes must have had in mind a covenant based on both voluntary transferees of right as well as on public authority. Yet, ultimately, this covenant is a reciprocal affair in an ethical and not just in an egoistic sense—as it is every covenanter's "duty not to make void that voluntary act of his own" (ch. 14, 93).

Note, however, that this impression of Hobbes, as a civic scientist who tries to pair political events to the natural law in order to help bring about a new covenant based on duty, differs much from the one T. Parsons said Hobbes would have left behind (see the former's *The Structure of Social Action*, 1937). For Parsons, as Onuf (1989: 128-129) sums up, Hobbesian thinking represented much rather an "almost pure" form of utilitarianism: [a]utonomous agents, as utility maximizers, clash in their pursuit of scarce values, with dire results." And, for Parsons's Hobbes, "the social contract is ... the means to a solution, which is of course the Leviathan."

⁷⁵ Hobbes (1994: ch. 1, 13).

⁷⁶ Hobbes (1994: chs. 3 and 4).

⁷⁷ Hobbes (1994: ch. 1, 13).

⁷⁸ Beiner (2011: 80-83) argues that Hobbes ruled out any "aporia"—or any emergence of contingency—by striving to establish the complete synthesis of both sociobiology and civic religiosity. Yet, Hobbes (1994) himself nonetheless sees a major "aporia" in the contraries of a kingdom of darkness and the light that is being brought into this world by the Resurrection of the Christ. For Hobbes's political theology first consider, therefore, Springborg (1996).

⁷⁹ Beiner (2011: 80) evidently faults Hobbes for having forced his own philosophy into the essentialist mold of a new "synthesis" of liberalism (of man?) and civic religiosity (of the citizen?). But did Hobbes really force himself to create that "synthesis"? See also, for a more nuanced reading, Baumgold (1988).

⁸⁰ Hobbes (1994: 488-490).

⁸¹ Beiner (2011: 69; 66; 52).

⁸² Onuf (1989: 71).

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- ⁸³ Compare, by contrast, Beiner's (2011: ch. 6, esp. 80) reading of Hobbes as seemingly very stubbornly having pursued a closed "synthesis of 'man' and citizen' [and thus of the type of synthesis] that Rousseau has given up for impossible."
- ⁸⁴ Hobbes (1994: ch. 15, 102).
- ⁸⁵ Beiner (2011: 47, n. 4) cites books by Eric Voegelin (*The New Science of Politics*, 1952) and Jeffrey R. Collins (*The Allegiance of Thomas Hobbes*, 2005) in showing why Hobbes has to be read as being a "civil-religion theorist".
- ⁸⁶ Hobbes (1994: ch. 21, 145).
- ⁸⁷ Compare, also, Zagorin (2009), Watkins (1965), and Schelsky (1937).
- ⁸⁸ Pettit (2008) starts on a similar premise.
- ⁸⁹ For instance, Hobbes (1994: ch. 29). Compare, also, Beiner (2011: 52-53).
- ⁹⁰ Prudence stems particularly from people's "performance" while discriminating between, without fully separating, the "names of just and unjust", according to Hobbes (1994: ch. 15, 100; 103).
- ⁹¹ Schmitt (1996: 60). The passage is also cited by Beiner (2011: 366, n. 26; 363, n. 17), who proceeds to accuse its cotranslator, George Schwab, of "pathetically" having whitewashed Schmitt's anti-Judaic political thought. Contrary to Schwab, Beiner himself calls Schmitt's "anti-Semitism" unpardonable. The only way in which Beiner thinks Schmitt could not have been a Nazi was that he "lacked the cornerstone of Nazi ideology, a hodge-podge theory of race." Yet, would Beiner himself have lived through the German 1920s and 1930s, with its pervasively racist/racial cultures and counter-cultures, it might not have seemed as evident to him that these "hodge-podge" racist theorems formed Nazism's main ideological foundation—rather than Nazism's historicist, pro-Germanic, supra-European aspirations just as well. For contemporaries of the Nazi movement(s) it was always possible to discern several interlocking ideological cornerstones, including race theory, among others. See, further, Joerges and Ghaleigh (2003) and especially Sontheimer (1994). Such a time-travel experiment, therefore, is particularly useful to anyone trying to make Schmitt's (admittedly either anti- or at least non-Judaic) political theology turn into an even more racist project than that it probably actually was. Yet, on the assumption that Schmitt was not a racist it would be impossible to explain why he made several hateful attempts to have a leading Jewish colleague, Hans Kelsen, removed from his university post. See Dyzenhaus (1997), who makes the point that Schmitt mostly expressed both his anti-Semitism as well as his racism in his actions, rather than that he could have done this in his published writings or in his general theory. Dyzenhaus's impression has been further evinced by various signs of Schmitt's career opportunism, and especially by his clinging on to his functions within the association of Nazi 'legal scholars'—even though, after 1936, the latter 'scholars' would no longer commend his line of thinking. Schmitt would after 1936 in fact come to rely on the indirect protection of Göring himself, as has widely been speculated, from being further attacked in the SS organ. Also of interest, to anyone thus willing to time-travel first to the 1930s and then

into 1940s, might be the accusations the United States initially prepared in order to prosecute the Nazi leadership, most of which were used during the Nuremberg Tribunals but none of which suggested the latter had been guilty of making racist and anti-Semitic theories into the “cornerstone” of their ideology. See, for instance, Office of U.S. Chief of Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression* (U.S. Government Printing Office, 1946). Even the Nazi-leaders themselves hardly ever mentioned the idea they had been waging a racist/racial rather than a civilizational (!) war—as is also being shown in G. M. Gilbert, *The Psychology of Dictatorship: Based on an Examination of the Leaders of Nazi Germany* (Westport, CT: Greenwood Press, 1979). It should not go unobserved, in brief, that the only way for the Allies to make the anti-Semitism-charge ‘stick’ to people’s collective memories, of the Nazi ideological structure, was by creating a new category of *war crimes*, which suddenly had to come to include ‘genocide’ (not: racism). Consider in this context that, finally, Adolf Eichmann was the first Nazi officer to be tried on ‘genocide’ charges against specifically the Jewish people—but not against any or all people. Once over, Beiner faults the Nazis for being racists but does not also fault Schmitt for being a racist in terms of how he acted towards some Jews (not all, by the way) in his immediate professional environment. Yet, first, as a member of the NSDAP, he was vicariously responsible for its racist actions. Second, in aspiring to become the leading ‘legal scholar’ of the Third Reich he was directly responsible for banning Jews like Kelsen from the profession. Despite this problematic part in Beiner’s condemnation of Schmitt and his English translator, Schwab, however, together with another part of Beiner’s (2011: 363) examination it seems indeed very promising for the current academic field of political thought to really interpret Schmitt’s published oeuvre less in terms of how seriously it adhered to the Nazi program, and more in terms of how it rejected the “liberal-pluralistic” contents of various other political programs. Or, in Beiner’s words, why Schmitt distrusts Hobbes—and why Schmitt wants to argue that “Hobbes’s decisionism ultimately gives way to his liberalism”.

⁹² This author considers *The Life of the Mind* to be Arendt’s (1978) most mature work, in which she clearly puts a (cognitive-theoretical) crown on all of her earlier essays and reports (there is no drastic ‘break’, thus, contrary to what has oftentimes been suggested in the secondary literature).

⁹³ Arendt (1970: 38, 68).

⁹⁴ Schmitt’s (1996: 60) distinction fits in his broader theoretical distinction between spiritual and material warfare, neither of which can ever be completely just. Against various just war theorems, Schmitt (1995), (1997) clearly insists on war’s being the existential opposite of sovereignty (war is an event politically opposing, and rendering morally ambiguous, the power of making the distinction between life and death, as it were). See, more specifically, Kojève (2001).

⁹⁵ For several excellent remarks on Schmitt’s notion of the duel, as intrinsic to a broader theory of sovereignty, consider Brown (2007). See also, again, Hobbes (1996: ch. 6, 36, italics added).

⁹⁶ The formulaic coincidence of opposites forms a critical pattern in medieval Christian or ‘political theological’ thinking. Even though Schmitt (1996b), (1985) mentions its

original formula, by Nicholas Cusa, rarely and even though he mentions the Christian mystic Gregory Nyssa only once, in his later work (*Political Theology II*), he seems to have taken the way these authors represented this pattern in their own ‘theologies’ extremely seriously. Both Chen (2006) and Kubáľková (2000) have passed by on this point, as did Heinrich Meier in his various considerations, but this makes the point not any less salient to gaining more understanding of Schmitt’s final return to the (both secularized and eschatological) theme of the *katechon*. For this latter theme, consider Hell (2009).

⁹⁷ Compare further, for instance, Schmitt (1963), (1985).

⁹⁸ Schmitt (1926).

⁹⁹ See, also, Schmitt (1950b).

¹⁰⁰ Schmitt (1926: 227).

¹⁰¹ Schmitt (1926: 231).

¹⁰² See, particularly, Pankakoski (2010) and Schmitt (1976).

¹⁰³ Schmitt (1926: 229).

¹⁰⁴ Kojève (2001) maintained that third moment of synthesis remained a real possibility, in Hegelian conceptual thought, while Schmitt seems to have rejected such a moment within his own (dualistic) concept of the political. For helpful summaries of the former’s Hegelianism, consider both Nichols (2007) and Goldford (1982).

¹⁰⁵ See, also, Auerbach’s (1994) representation of Schmitt (1976), (1985). Consider perhaps, further, Frye (1966) and Walker (1995b).

¹⁰⁶ As a member of the non-urban aristocracy, Montesquieu (1989: bk. 23, chs. 14-15, 435-436) connects farming to political autonomy, and thus also to autonomy as a necessary element in the art of politics. But he ‘forgets’ the importance of the farmer’s prudence. He argues, for instance, that: “if one neglects the arts and attaches oneself only to agriculture, the country cannot be populated.” But his argument is premised on the ‘liberal’ (individualistic) notion that the more a farmer can produce for himself, the less he will share with others. Therefore, he mentions that “plowmen and artisans” must either be fed with the harvested surpluses, the surpluses must be preserved and sold, and that otherwise the land should be distributed more equally so that peasants (“plowmen”) can help populate it. But, either way, a political decision will always have to be taken. Of course, because Montesquieu (1989: 23.20-21, 440-450; 27, 521- 531) believes Roman Law to provide exemplary instructions “for the propagation of the species”, he draws in his definition of justice rather extensively from the Roman agricultural tradition and land inheritance system. Yet, it may be worthwhile citing Freidberg (2009: 126-127) on what, besides strong inheritance laws, additionally must have allowed the Roman agricultural system to expand: “Like much more ancient civilizations, the Romans relied on grafting to develop bigger, sweeter fruit, and on drying and fermentation to preserve their

surpluses. In *De Agricultura*, Cato the Elder instructs readers how to make raisins and how to pickle pears in boiled wine.” What Freidberg does not say is that, in the *Römertum* literature, fermentation was known as a method of expressing or even of teaching the immeasurable value of foresight. It would not have been uncommon to read that agriculture functions as a source of prudence, whereas urban trade can again undercut prudence. Trade serves mostly the rich, and their own definition of justice, and yet Montesquieu focuses in his treatment of agriculture mostly on the arts or on industriousness: the known source of justice rather than of prudence. By inference, Montesquieu seems to have ignored the classic (Roman) order of priority—in awarding relatively too little attention to the prudence of farming.

¹⁰⁷ Kinneging (1997: 187; 208).

¹⁰⁸ As Kinneging (1997: 170) adds: “[I]n ... the two most important republican assemblies ... voting took place on the basis of the originally territorial *tribus* (districts or constituencies). From 241 BC on, there were thirty-five of such tribes: four *tribus urbanae* and thirty-one *tribus rusticae*.” Also, “the four urban tribes were each much larger than the rural tribes, and contained ... the *proletarii*, the freedmen, and many of the allies.”

¹⁰⁹ Machiavelli (1996: 3.25), citing Livy’s “golden words”: ‘Let men not listen to those who prefer riches over everything else’.

¹¹⁰ Kinneging (1997: 173), citing extensively from Livy (Book 3.26).

¹¹¹ Although he does not specifically study Machiavelli’s (neo-classicistic) use of a concept of conflict prevention, consult also Demetrios (1990) on the meaning of the concept itself.

¹¹² Arendt (2006: 180; 107-108).

¹¹³ See, additionally, Arendt (1993), (2003), (1958).

¹¹⁴ “From all things one, and from one all things” should not be thought to have been the main message of Heraclitean philosophy, yet it does display a first precondition for engaging Heraclitus. Perhaps the most cited ‘fragment’ by Heraclitus, for example, would instead have to be the sentence that “one cannot step in the same river twice”. Yet, once again, this more familiar sentence only lays out the precondition for philosophical thought rather than that it itself forms Heraclitean thought. More importantly, the latter ‘fragment’ asserts only the notion of flux and timelessness, and too little of what an actual moment of memorization means to Heraclitus himself. The latter ‘fragment’—once it will have been situated among the other ‘fragments’—also does not appear to have been part of Heraclitus’s own words, even, which much rather consider the river as a metaphor for the actual moment of remembrance, and thus for a moment of lived time, rather than for the total flux of time. The words are, therefore, much more likely to have been intended as a double analogy, suggesting instead that (admittedly, this has been very poorly and broadly translated by this author); “one cannot appear to go into the river without doing it differently, than previously, just as that the river cannot appear to oneself without having become different, than it was.”

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- ¹¹⁵ See, for instance, the respect Martin Heidegger pays to Plato's *Theatetus*—which had posed Heraclitus against Socrates's opponents—in his *What is Philosophy?* Transl. William Kluback and Jean T. Wilde (Twayne Publishers, 1958, not further referenced, PT).
- ¹¹⁶ The Prajna Paramita (Transcendent Wisdom) Mantra.
- ¹¹⁷ The Song of Zazen, by Hakuin, has been further interpreted by Abbot Zenkei Shibayama, *A Flower Does not Talk: Zen Essays* (Charles E. Tuttle, 1970, not further referenced).
- ¹¹⁸ Buddhist Missionary Society, *The Buddha and His Teachings* (Kuala Lumpur, 1988: 642).
- ¹¹⁹ Arendt (1978, vol. 1: 108).
- ¹²⁰ Arendt (1978, vol. 1: 110) thus suggests Heraclitus used metaphors to describe his non-dualism.
- ¹²¹ Whereas Benhabib (1990) observes the redemptive function of metaphor, in Arendt's theory, Pettit (2008) almost blindfolds himself against the same function in Hobbes's theory.
- ¹²² Hobbes (1996: ch. 6, 36).
- ¹²³ Hobbes (1996: ch. 6, 36).
- ¹²⁴ Althusser (1999).
- ¹²⁵ Althusser (2006b: 188-190).
- ¹²⁶ Althusser (2006b: 167).
- ¹²⁷ Althusser (1971), (1972), (1999), (2000a), (2006b).
- ¹²⁸ Althusser (2006b).
- ¹²⁹ Further compare, for instance, Beiner's (2011: 333) dismissive approach towards a paradigmatically Heraclitean argument, as it was made by Joseph de Maistre (whose works would of course in turn inspire Carl Schmitt's). Maistre apparently argued that order and disorder, although contraries, mutually imply each other. In the words of Beiner's own summary: "disorder presupposes ... cosmic order (because one cannot make a judgment about disorder without invoking a standard of order that allows us to make sense of the idea of disorder)". Yet, Arendt (1978, 1: 110) found that Heraclitus's god should make exactly this judgment; Heraclitean prudence is believed, by her, to be most exemplary. Nonetheless, Maistre's equally Heraclitean argument is rejected by Beiner (2011: 317; 335; 320; 328, n. 106), as he clearly accuses Maistre of reducing order to disorder, or, rather, civil justice to divine injustice. Maistre would thus have reduced the political realm to a mere issue of "guilt and submission", and he stands now accused of allegedly having ruled out "innocence" or, rather, forgiveness. Additionally, Beiner here becomes extremely cynical about Maistre metaphor of Christ's blood, about Maistre's mutual implication of the opposites of both "original sin" (which is actually a

philosophical metaphor for natural law) and “punishment” (a metaphor for positive law), as well as about Maistre’s own anti-Lockean position. It cannot be denied, further, that Maistre apparently disliked Locke’s philosophical synthesis, which ended up being used by liberalism in the ‘splitting of the middle ground’ between natural or metaphorical regularities (justice) and social or civilizational irregularities (injustice). Yet, all of this may mean that although Beiner (2001) professes great familiarity and even close affinity with Arendt, he must by implication of both his predominantly pro-Lockean and his cynic anti-Maistrean argument reject her own Heraclitean god: metaphor. In fact, he (2011: 296 n. 29) seems to reduce the metaphorical, narrativistic significance—which was so clearly defended in Arendt’s own theory—of the dualist “relation between politics and truth” by trying to square Arendt’s original theory with the monist-liberal (John Rawls’s) attempt to subordinate politics to truth, and political action to moral values. For a superb (but too pacifistic) reading of Arendt’s concept of political dualities, consider Dallmayr (2004).

¹³⁰ Althusser (2006b: 167, italics removed from original).

¹³¹ Vatter (2000: 246-247).

¹³² Vatter (2000: 293).

¹³³ Machiavelli (1996: 1.37), as cited by Vatter (2000: 197).

¹³⁴ The proposal for a ratio to limit the distance between the top and bottom tax-brackets has also been advocated by Connolly (2008). This entire section, on the practical matter of supporting an advanced realist theory, however, continued to draw from various scholarly sources—including, on the Rousseauan problem, Riley (1986) and Crocker (1968), and Althusser (1972) and, on Machiavelli’s dualism in matters of authority, Vatter (2000), McCormick (2003), Sullivan (2006), Hörnqvist (2004), Bock (1990), Balakrishnan, (2005), and Althusser (1999), (2006b).

¹³⁵ Maritain (1960: 92-94).

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