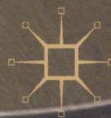


STABILITY WITHOUT STATEHOOD

**Lessons from Europe's History
before the Sovereign State**

PETER HALDÉN

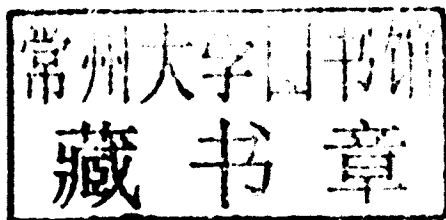


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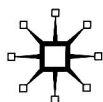
Lessons from Europe's History
before the Sovereign State

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Stability without Statehood

To the memory of Folke Oscar Haldén

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Introduction: Through the Shadows of the State

For now we see thorough a glass, darkly; but then face to face
Corinthians 1: 13

The purpose of this book is to present a new understanding of the state, what it is, what it does and what it cannot do. The strategy that I have chosen is to study forms of rule that are not reducible to either states or systems of states and indeed transcend that spectrum. I do so by resurrecting republican traditions of political theory formulated before the ascendance of the state as the lens through which we understand and evaluate political life. These traditions are taken from classical authors, such as Aristotle, Polybius and Cicero, and from early modern ones including Machiavelli, Christian Wolff, Leibniz, Montesquieu and James Madison. They are combined with modern systems theory in order to create a framework for analysing political life and forms of rule without having recourse to the state as an analytical lens. This is used to study three historical forms of rule: the Holy Roman Empire of the German Nation (1648–1763), the United States of America (1776–1865) and the European Union (1957–2010). In order to understand the organizational logics and political purposes of the three entities, this book analyses them as variants of an ideal type, the compound republic. On the basis of republican political theory and the analogies between the three historical cases, I explore alternatives to “state-building” in the Third World.

The result of this strategy is to dislocate the state, to move it from the centre stage of political analysis. It is important to do so because the state obscures four general phenomena central to the disciplines of history, sociology, political science and international relations (IR). These factors are not only important to the world of academia, but to

the worlds of international politics and military strategy.

- A) By positing itself as the political organization *par excellence* in world politics, the state obscures what it is a case of. With the help of republican political theory and modern institutionalism we can disaggregate the state and see that it is a particular configuration of rights and duties. Removing the state from its position as a generic description of political organization, the book presents a new theory to conceptualize and compare different political organizations as “forms of rule.” A combination of a republican ontology of politics and modern systems theory enables us to discern how forms of rule are clusters of institutions, rules and logics of action, clusters that can coexist in a systemic milieu. This substitutes a conception of system-environment for one where systems of rules coexist in each others’ environment. This conception dissolves the distinction between inside and outside, domestic and international and enables analyses of how political and material factors affect the viability of different forms of rule.
- B) The state as a dominant paradigm in political science makes it difficult to understand or even conceptualize entities in European history that do not conform to the distinction state–system of states. Entities like the Holy Roman Empire and the EU are either reduced to variants of the state or condemned as incomplete or even failed versions of the state. In fact, both have a completely different political purpose than the sovereign state and a system of sovereign states. Indeed, using the state as a generic and timeless analytical category makes it difficult to understand the formation of the state itself.
- C) The political organization of the contemporary Western World, primarily with regard to the European Union and its nestedness in the Atlantic system, is centred on the United States. Viewing the EU through the lens of the state entails that we either see a collection of states, an odd and badly functioning pseudo-state or a political entity *sui generis*. Therefore its political purpose and its operational logics as well as its similarities to other historical forms of rule are obscured. A rigid inside/outside distinction prevents us from analysing how the EU is nested in other systems and how these systems sustain its viability. The state as a normative ideal obscures risks to the EU and the impetus to push the European Union in the direction of becoming a unitary actor risks destroying it. If we want to retain the EU in its present form as a relatively stable system of

autonomous member states we have to accept that it will not be able to act internationally in an efficient way.

- D) With the state as an analytical lens we are reduced to viewing alternative and/or dysfunctional forms of rule in the third world as “failed states.” Correspondingly, our chief prescription is “state-building.” With a framework that transcends the spectrum state–system of state, other diagnoses as well as remedies are possible. Central problems of security and political organization in some “failed states” resemble those of the HRE, the USA and the EU – attempts to form states are drivers of conflict, but division into several autonomous states may create a volatile system. Instead, republican arrangements that combine autonomy, protection and restraint of distinct territorial units are necessary.

The ideal type of compound republic is central to these arguments. Its political purpose is to safeguard the liberty and material security of its members. Variants of this ideal type have appeared in eras and areas of world history where attempts to form a single state out of many distinct units have been resisted and proved unfeasible. At the same time, the prospect of these units forming a system of sovereign states would be too unstable and would generate wars. As a security solution the compound republic rejects both alternatives. As a form of rule it is characterized by: (a) several centres that, crucially, have authority over their own means of organized violence; (b) a constitution that balances different principles of government as well as the distinct component units against each other; (c) a tension between the liberty of the constituent units and the need to restrain this liberty in order to safeguard their survival vis-à-vis each other; and (d) a tension or even direct conflict between maintaining the liberty of the parts and being an effective and cohesive actor in international politics. This model enables the move from theoretical and historical descriptions to identification and study of organizational logics of action in this form of rule.

Compound republics seek to avoid three threats. “Tyranny” is the concentration of power to a single centre, which would destroy the liberty of the component units. “Oligarchy” is a concentration of power to the strongest members which threatens the smaller members. “Anarchy” is armed conflict between the component units. A number of institutions are created to restrain the freedom of the units but still allow considerable autonomy. When a republic tries to act against external threats, it risks “tyranny” and “oligarchy” as joint action presupposes

concentration of power. As a compound republic is explicitly or implicitly designed to prevent centralization it is caught in a conflict between internal stability and external action. There are several ways to counter this deadlock, including provisions that make the concentration of power temporary or limited in other respects. The compound republic can also be stabilized by an external actor that guarantees the constitution, the security of the members or provides assistance. The republic thereby becomes dependent on the external protector who could choose to divide the republic instead of supporting it.

This book analyses three forms of rule which were analogous with respect to the way they organized the relations between the members, their relations to external systems and with regard to their problems in acting in world politics. In many other respects, such as economics or the extent of democratic franchise, they are quite different. The three cases were variants of an ideal type. Max Weber (1978: 14) defined an ideal type as an abstract type that captures general traits from the point of view of the research that is being carried out. Hence, the type is significant from a specific point of view but not from others.

The questions dealt with in this book have been addressed in several kinds of literature and debates, but these have not sufficiently interacted with each other. Most of the criticism against the concept of the state has been theoretical but not hitherto been based on historical and empirical studies. The similarities between the Holy Roman Empire and the European Union have been suggested by Deudney (1995) and Watson (1997) but not so far empirically analysed. This book is not the first to have used republican political theory in International Relations (IR). Nicholas Onuf, Frank Klink and Daniel Deudney have all done so and greatly advanced our discipline. The past decade has seen some innovative ways of conceptualizing the European Union, its political purpose and its problems. Zielonka (2006) and Beck and Grande (2007) stand out for their theoretical boldness. So far, however, few works have attempted to create a new understanding of the EU in the realm of foreign and security policy on the basis of empirical comparisons with historical entities of a similar kind.

There is a wealth of books dealing with the foreign and security politics of the EU. However, analyses of the EU in relation to security politics have often been descriptive and conducted within limited theoretical and historical perspectives, and little has been done in terms of historical comparisons. As this literature is close to policy analysis it remains disconnected from fundamental sociological debates about the state and other forms of rule. As a consequence, these analyses can offer apt

diagnoses, for instance that the EU is often paralyzed in international politics, but offer little guidance in terms of understanding underlying causes. The standard argument is that the EU needs to acquire state-like institutions for international efficiency. This book demonstrates why this will be difficult and why attempts to do so would risk the stability of the EU. Instead of seeing the EU negatively as discontinuous with the state tradition this book understands it as continuous with another, older, tradition in European history.

The rest of this book is organized according to the following plan. Chapter 1 outlines how the state has gone from a controversial normative-prescriptive programme in the sixteenth century to an unquestioned analytical-descriptive lens in the twentieth. It answers the question of what the state is a case of by outlining a framework in which many different forms of rule, from empires to states to states-systems, compound republics and feudal organizations can be analysed on terms that are not the state's. Chapter 2 outlines the compound republic as an ideal type of a form of rule. Based on the normative-prescriptive programme of republican political philosophy, it is an ideal type based on a security analysis opposed to the Hobbesian solution to the problem of order. Chapter 3 analyses the Holy Roman Empire of the German Nation (HRE), its political purpose, its main institutions, its connections to systems in the environment and the conditions of its viability. It traces a long history that shows that the compound republic traits of the HRE faded when its external protector disappeared and eventually corroded as a political system. The consequences were a long-term loss of liberty and material security for all but its two most militarily powerful members, Austria and Prussia. Chapter 4 analyses the United States of America (USA) between 1776 and 1865. It argues that federalism created a parallel system of action that nested and outflanked the states. During this era the USA differed from unitary states but its internal dynamics and tensions were different from those of the HRE and the EU. Most importantly, the USA did not share the HRE's and the EU's problems in relation to external action. Chapter 5 analyses the European Union (EU) as a compound republic whose political purpose is to safeguard the liberty and material security of its members, the states. The United States has stabilized the EU by providing explicit and implicit guarantees for the security of all European states. This chapter demonstrates that it is only possible for the EU to act in world politics with regard to matters of war and peace in connection with the United States and NATO since it guarantees the internal balance in the EU. Chapter 6 turns to the question of failed states,

primarily in Afghanistan and Somalia but to some extent also in Iraq. On the basis of the theoretical and empirical insights in previous chapters it explores how republican commonwealths could be alternatives to “state-building” in these countries. The conclusions summarize the book with particular regard to comparisons between the three compound republics and to the implications for international theory of the perspective presented in this book.

1

The Fiction of the State as the Good, Natural and the Beautiful

1.1 The state from prescriptive polemics to a descriptive grid

To say that we live in a world of states today is a truism. We also live in the world of the state if we consider the mental map of politics that dominates most thinking, debate and research on politics. The state is not just an object of research; it is the tool with which we understand politics. Having the state not only as a concept in politics but also as a precondition of politics provides a powerful heuristic organizing mechanism for doing and analysing politics; generations of advances in political science provide powerful testimony to that. Nonetheless, it obscures several aspects of socio-political life once we go before or beyond the world of states. From the viewpoint of this book the source of these problems is that the state originated as a normative-political project to quell religious and civil war in sixteenth-century Europe and to counter what were seen as injustices and inefficiencies caused by the power of estates and other intermediary bodies. As this normative ideal has supported the dominance of what, expressed as abstractly as possible, is a particular configuration of institutions (e.g. the state), prescriptive theory/ideology has transmuted into an analytical lens which today forms the basis of much of political science, law and sociology. Not only is the state widely regarded as the best form of rule, but in many respects also as the only possible one. To understand and conceptualize forms that are radical alternatives to the state and systems of state, we must understand and conceptualize what the state is a case of. The aim of this chapter is not to declare the state redundant, either as an analytical concept or as a form of rule. In many cases the state seems to be in good, not to say rude, health and indeed should be. However,

the state and the states-system as analytical starting-points create distinct problems in relation to central topics of historical inquiry and pressing issues of the contemporary security agenda.

The creation of the state as a mode of analysis

Despite the recurrent attempts to declare it dead or moribund, the state as a form of organization dominates political life (e.g. Van Creveld 1999, Strange 1996, Krasner 1999). It also dominates our ways of thinking about politics since so much of the vocabulary of political analysis derives from the state, and modern political thought moves in trajectories that presuppose the state or a world of states as the space of politics (Bull 2002). The state and the states-system presuppose each other and should be seen as two parts of the same order (Giddens 1985: 263–264, Walker 1993). The position of the state is unproblematic for some areas of political science, but it creates serious problems for the study of alternative forms of rule, the EU and state failure/state-building. It is claimed that the dominance of the state over political science is so total that we cannot think of politics without it. Indeed, attempts to declare its death or redundancy may actually sustain or even strengthen it. Over the following pages I will nevertheless disaggregate it to find out what social reality the state is composed of and masks through its claims of being universal, timeless and/or generic. Once able to formulate what the state is a case of, we can then conceptualize and proceed to analyse other cases that are radically different from the state and the states-system.

“A compulsory political organisation with continuous operations will be called a ‘state’ insofar as its administrative staff successfully upholds the claim to the monopoly of legitimate use of physical force in the enforcement of its order” (in Mann 1993: 55). Max Weber’s definition of the state, focusing on the legitimate monopoly of violence, has become canonical in much of political science and International Relations (IR) (Hobden and Hobson 2001, Walker 1993). The Weberian understanding of the state has also dominated historical sociologies of state formation with substantial influence on IR theory (Hobden 1998: 175–178, Buzan and Little 2000). The state as the generic form of political organization is evident in the way that Charles Tilly, the doyen of state-formation theory, defines empires, systems of fragmented sovereignty and empires as variants of “the state” (Tilly 1992: 15, 21).

However, the state has, despite the common assumptions in IR that it is perennial (Osiander 2007), a comparatively short history. Over the past decades much has been done to historicize the state, by tracing its

genesis (Bartelson 1995), by debunking the “myth” that it was created *ex nihilo* at the Peace of Westphalia in 1648 (Teschke 2003, Osiander 2001b, Krasner 1993, Duchhart 1998) and rejecting the idea that it is a recurring form of organization with essentially identical features from antiquity to the present (Osiander 2007). The story of the organizational genesis has been told many times and in many guises and does not have to be retold here. For the present purposes it is more relevant to chart, however briefly, another story. The unitary, sovereign state went from a political project in the sixteenth and seventeenth centuries, over a slow and violent process of establishment in the eighteenth and nineteenth centuries, to become an unquestioned analytical grid. In the twentieth century, its status as the organizational form and organizing concept *par excellence* has become hegemonic and thus its historicity and particularity in many ways invisible. In the vocabulary of organizational theory, it has gone from a normative institution, to a regulatory one (a matter of force and prohibition) to a cognitive one (a matter of perception and ordering) (Scott, W Richard 1995: 35ff).

The state's trajectory from a programme claiming to be the optimal form of rule to the position as the only possible form of rule began at its very inception. Jean Bodin was the first to formulate the modern understanding of sovereignty. In a manner revolutionary for his time Bodin understood sovereignty as “absolute and perpetual power over citizens and subjects in a commonwealth” (Stolleis 1988: 173). His views were favourably received in his native country and would supply absolutist reforms and governments with an invaluable arsenal of arguments in later centuries (Franklin 2003: x). Sovereignty was absolute power, not in the sense of total but final and ultimate (Lake 2009: 46). Consequently, sovereignty was logically indivisible (Onuf 1998: 122–123, Gordon 1999: 4, Franklin 1973: 61). Later the view that sovereignty was indivisible was echoed by Hugo Grotius. Thomas Hobbes equated authority with sovereignty which similarly led to the conclusion that it was indivisible. Bodin wrote his legendary work *Six Livres de la République* in 1576, during the religious wars that threatened to dissolve France. His aim was to provide the grounds to settle conflicts over authority legally and provide security by giving one and only one centre effective capabilities to command, control and coerce. Hobbes wrote *Leviathan* during similar circumstances in 1651 when civil war ravaged England. His aims were similar : creating security through a new constitutional arrangement. Both authors combined a normative-political programme with an analytical one that argued simultaneously that authority should be unitary and that it could not be anything but