

## Carlo Galli, The Origins of Modern Sovereignty and Its Current Transformations<sup>1</sup>

What are we talking about when we say «State»? We are talking about the modern configuration of the relationship between politics and capitalism, as well as between Europe and the rest of the world. This configuration has been long winning and built the essence of the European empire from the Seventeenth to the end of the Twentieth Century. As a matter of fact, the modern State entails a new form of the world, that arises from the valorization of the discovery of America, both in the imperial transatlantic form (Spain and England), and in the State form within Europe.

The State is traditionally defined through the coordinates of sovereignty, population and territory. Sovereignty itself is nowadays understandable not so much through the three forms of power defined by the constitutionalist tradition (that is legislative, executive and judiciary power), but rather as the contradictory combination of political, economic and cultural power. Political power includes legislative, executive, but also judiciary and military power. Economic power is mainly private, but has public effects, and it actually determines important elements of society and of international politics. Cultural power concerns legitimating narratives and cultures, that in many forms project an image of a certain *way of life*, both inside and outside in the world.

These powers are not synchronized, and actually they can significantly diverge in the global age. Nonetheless, I would like to suggest that they can still be ascribed ultimately to specific political unities – in a broad sense definable as «States» – which are «political spaces» in a strong sense and which do not vanish in a smooth globality, inhabited by an abstract multitude. Yet they are new political spaces: they are not enclosed and self-sufficient as the modern sovereign State has conceptually claimed to be. They are rather crisscrossed by lines of power, violence and movement that prevent their closure, that are not inserted into the Westphalian dimension, and that must be deciphered with a multi-scalar gaze, through intellectual tools that not necessary adhere to the current de-constructionist mood .

There are two possible perspectives on the origin of the State and of the transformations of politics. The first one collects the reasons of unity, of legal stability,

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of progress, whereas the second one is characterized by the emphasis on the conflictual dynamics entailed by the State.

The first perspective actually includes a set of diverse positions: rationalist philosophies, as well as the work of a sociologist like Max Weber, and of the *Allgemeine Staatslehre* jurists. This perspective starts from the legal-unitary hypothesis that the State is a closed space, that the population is composed by individuals entitled with rights, that sovereignty gains its legitimacy through the contract or through participation, and manifests itself as legal-rational representative power. The crucial aspect here is that the political form tends towards unity, which is considered as a historical value and a progress in relation to the internal heterogeneity of the Empires. In this view, the State poses itself as the mobile frontier between sovereignty and the animal nature; its movement progressively restricts the natural space of «wolves», by taming and civilizing them within the fences of sovereignty (although the animal lingers just the same, obscurely uncanny, because also the sovereign has beastly traits, as Derrida argued<sup>[1]</sup>). The motor of the frontier of civilization is labor, which includes progressively lands and peoples within the State: «in the beginning all the world was America» – John Locke said in his *Second Treatise*, 16, 49 – and in the end all the world will be civilized. The relationship between the West and the «rest» is harsh and initially unequal, but linear: labor and State are the civilization that expands itself throughout the world, in a basically universal way. According to this narrative, colonialism is nothing but a stage in the path of civilization.

In this perspective, the whole world can be «statualized» and there is no need of a pacifist stance for imagining a system of pacific coexistence among States (like the UN). Moreover, the whole Earth is open to capitalism. Of course, one needs to take a stand for market capitalism against command economy (for the reason that the latter does not work), but in principle economy is not in contrast with politics. In other words, from civil society (within) and from colonialism (without) do not arise insurmountable contradictions. According to Max Weber's analysis, the State and the market stay side by side as two forms of Western rationalism, that can be exported all over the planet and are internally very articulated. As a matter of fact, this expansive model of politics and of economy – the combination of the sovereign frontier and of the frontier of labor – encompasses the two opposed characterization of the State, the social and the neoliberal one. In other words, it includes both the modern and the post-modern form of State.

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We can define the second perspective about the genesis and transformation of the State as «the line of the Two», and use Carl Schmitt as its exemplary representative (also the Marxian perspective, obviously, is based on the “Two”, but aims at the “One”). In the realm of interior politics, we owe to Schmitt the thesis that the Political – namely, the constituent power – is intrinsically dual and conflictual. In fact, the

relationship between friend and enemy transcends the State and the institutions, and cannot be fully neutralized or legalized<sup>[2]</sup>. The origin of the sovereign political form is not the contract, but rather the conflict. As Derrida would have later stated, sovereignty is a *coup de force*<sup>[3]</sup>. The permanence of this unremovable origin implies that legitimacy (that is, the original conflict) does not fully coincide with legality (the universal form of the right). The unity of the State can always be challenged by the internal enemy. Consequently, the sovereign political order presents itself not only as legal or administrative rational inclusion, but rather as decision and exclusion. From this point of view, Schmitt radically differs from Weber.

Furthermore, especially in his book on *The Nomos*<sup>[4]</sup>, Schmitt rebuilt international politics by means of an epochal-genealogical gaze, according to which the European statehood results from the balance between the smooth space of the Sea (corresponding to the English naval and technical power) and the striated space of the Land (corresponding to the politics centered on the European States).

This relationship between continental Europe and England, however, is not sufficient for the understanding of the State. It is also essential to consider the colonial appropriation of the extra-European territory: being conceived as *res nullius*, this is the space where the «limited war» between States that reciprocally recognize themselves does not exist, and where the indiscriminate violence towards the “savages” is in play. The unbalance between Europe and the rest of the World adds itself to the balance between Land and Sea. This combination forms the *Nomos*, that is the order, oriented by a concrete origin, of the *jus publicum europaeum*. This means that the *Nomos* entails anomy: frontiers, frictions, conflicts are its constitutive parts, and it implies internal hierarchy or ominous confrontation with the outside, but for sure not the autonomy of its parts<sup>[5]</sup>.

For Schmitt, the modern State has indeed vanished together with eurocentrism. Nonetheless his anti-universalism endures also beyond the State, in his hypothesis of the Great Spaces. These are meant as subjects of a post-national and pluralistic *Nomos* of the Earth; in fact, Schmitt favorably quotes Mao and his slogan «Asia to the Asians»<sup>[6]</sup>. These Great Spaces, though, are to be understood as completely autonomous one from the other, autarkic and self-sufficient: the economy and the technique, with their universalistic tendencies, are «indirect powers» that politics (the «direct power») must always confront.

In sum, for Schmitt, differently than for Max Weber, there is no congruence between economy and politics: the first one is generally smooth and universal, whereas the second one is particular and conflictual. To conclude, Schmitt is the thinker of exception and exclusion, but he sees them only in politics, while Marx situates these contradictions essentially within the economy. This fact allows the use of Schmitt by Marxism in an anti-liberal sense, but not entirely homogeneous to Marxist thought.

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Neoliberalism is the fourth revolution of the Twentieth Century, after Communism, Fascism and Social Democracy. This revolution took place in the '80s and gave birth to dreams of global peace: the *lex mercatoria* and a complex world *governance* were supposed to substitute the States as regulatory principles of international law and the aggressive dualism of the two Empires that confronted themselves in the Cold War. In general, the State (both communist and democratic) was recognized as a problem, and was supposed to give way to the individualistic competitive power of the utilitarian subject, the only one compatible with the new face of capitalism<sup>[7]</sup>. The market was supposed to become the new *Nomos* of the Earth. The social State should be replaced by a minimal liberal non-sovereign State, a tool of the economy, whose rules it was supposed to promote and guarantee on a certain territory – thus playing a non-marginal but certainly instrumental role<sup>[8]</sup>.

But the full overcoming of modern political conceptuality in the direction of a total unity of the world was never realized: differences, conflicts, walls and authoritarian hierarchies have multiplied. Under the pressure of the new forms of economy, the political and juridical unity of the States has changed direction towards the practice of inequality and exclusion; the State of social security is turning into the State of security *tout court*.

From the international perspective, there is first of all a high rate of interdependency, like the one that binds the US and China, where the second one in fact finances the deficit and debts of the first one. On the other hand, there is a high rate of military conflicts in the shape of threats of conventional wars, or of a multifarious set of asymmetrical or low-intensity wars, dispersed on different fronts, and of massive migrants' and refugees' movements: the whole world is crisscrossed by conflict lines and by nomadic and migratory insurgencies, by terrorism and by new frontiers that try to stem them and that build the new international political spaces, very complex and loaded with violence<sup>[9]</sup>. Globalization is also a continual global war.

All this does not mean the end of sovereignty *tout court*: on the contrary, it survives in a not at all residual way. Differences are established in the law itself: the birth of a «criminal law of the enemy», of the migrant, of the poor, of the Muslim, are telling of this trend. The force of the State manifests itself in the limitation of rights and of freedom that occurs primarily in a factual and administrative way. At the same time, legitimacy moves from the rational legality to alleged «ethnic» or cultural foundations of identities, or to the securitarian dimensions. Emergency has become the norm.

But at the same time sovereignty is requested for by citizens, as a political defense against the social effects of the new economy and of its crisis, particularly the destruction of the middle class and the working class: sovereignty is requested not only as a force exercised in a repressive sense, but rather as the fundamental factor of a new claim for security and justice, that is for stability – that is for statehood. What is asked is not only that society be compatible with the needs of the market, but also that the market be compatible with the needs of societies – something that might derive from the action of politics –. Behind what is labeled as anti-political «populism» by the mainstream media – a kind of politics that originates from below, but is always

accompanied by a very traditional demagoguery from above –, there is the political need to overcome the capitalistic anomaly.

In this scenario, the State is marked at the same time by less and by more politics, which means less democracy and more plebiscitarianism, less institutional complexity and more authoritarian simplification. In other words, the exacerbation of the novelty effects produces the return of archaic forms of exercise of politics. The contemporaneity is the un-pacified coexistence of different temporalities<sup>[10]</sup> and also of different spaces and conflicting lines, that prevent political forms to find any kind of closure. Given these contradictions, the States exist as political subjects, as wounded Leviathan, hybridized with Behemoth and turned into amphibian and ambiguous monsters – figures of order and of disorder at the same time –.

This situation contradicts, for contrasting reasons, both the models of conceptualization of State explained above: a world unity in the neoliberal sense does not exist, because the States, though transformed, continue to exhibit, inside and outside, political and military logics which are not immediately identifiable with the economy. Nevertheless, we are not even confronted with the scenario of autonomous Great Spaces portrayed by Schmitt, for two reasons: on the one hand, the emergency that today cuts through the political unities does not correspond to the exception, for it escapes the punctual morphogenetic decision; if anything, emergency has become the permanent way of being of politics. On the other hand, the big political areas of influence that are visible in the world are not at all autonomous or autarkic; rather, we stress it again, they are open both to powers external from territory, and to internal conflicting insurgencies. Even from Schmitt's perspective, the present situation is anomic.

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The logics of politics have a crucial role in the processes of globalization on the international scene.

Three different strategies of political control of the economic dynamics (or three different attempts to control them) operated, aiming to maximize the power of the main global political actors. The United States have been swinging: after the victory over the USSR, on the one hand, they pursued an indirect economic power. This was the aim of the treaties subscribed by Obama in order to create free-exchange zones dominated by the US. On the other hand, the United States improved their military presence all over the world. This overtly and directly unilateral logic was applied by Bush jr and Trump; the latter, moreover, threatens new economic wars, through protectionism and his ideological claim "America first". Anyway, the cultural power of the US still resists as the strongest in the world. The constant aim of this swinging was the maximization of the power of the United States all over the world.

Even China, the other major actor of the global age, has an intense and univocal political character: the political leading force of the country, the Chinese Communist Party, is unitary; the market economy is instrumentally used in order to produce a more intense development than the one that the command economy would pursue. The foundation of this politics is the political choice of mixing capitalism and socialism under the Party hegemony (the so-called «Chinese Road to Socialism», or «Sinicization of Marxism»). Actually, the Chinese bourgeoisie is expropriated of its political – rather than economical – influence. It cannot express its wealth on the political level, since politics is monopolized by the CCP. Thus, the economic power is able to act on the political level only indirectly, that is through corruption. Lastly, the cultural power is provided, on the one hand, by an interpretation of Marxism as an “eternal truth” expressing the universal dream of the humankind (namely, socialism); on the other hand, by claiming a national road to communism through the recovery of the Chinese traditional culture, and of the Confucian belief in the supremacy of harmony over conflict, of duties over rights, of peace over war<sup>[11]</sup>.

In short, according to the Chinese self-narrative socialism does not coincide with planned economy. Rather, it consists of an interior one-party State that pursues the universal aspiration of socialism in a peculiar, specific way: on the one hand, free commerce on a world scale; on the other, a strong regional politics against any external imperialism<sup>[12]</sup>. From this point of view, China consciously meets Carl Schmitt’s thought, both concerning the one-party system, and the issue of the «Great Spaces»<sup>[13]</sup>. At the same time, from the economic point of view, China is afraid of the commercial protectionist wars threatened by the new US presidency. A communist and liberal «Great Space», then, but also a «Great Space» with its own area of influence in Asia and Africa. All of this shows the complexity of the present times.

Concerning Russia, it structurally differs from China both from an economic and from a demographic point of view. However, Russia shares with China the authoritarian political management of globalization, with its Euro-Asiatic geopolitical doctrine, its orthodox political theology, its force projection towards Asia and the warm seas.

The German Ordoliberalism, or «social market-economy»<sup>[14]</sup>, is the third way through which politics has tried to establish its primacy before and during the global age. This perspective is based on organicist assumptions about State and society and on the idea that the market should be politically defended by the State, which ought to eliminate all reasons for conflict, such as the excessive claims of trade unions, or the companies’ tendency to form cartels. The Ordoliberal hypothesis was realized in Germany after WW2, through two main policies: on the one hand, a steady and compact link between banks and companies, trade unions and entrepreneurs’ organizations, State and *Länder*, school and economy; on the other hand, the neo-mercantile orientation of economy towards export, rather than toward interior demand. This approach – that was modified in a neoliberal direction by Schröder’s reforms in 2003-2005 (the so-called Hartz plan) – lies at the foundation of the Euro, the common currency of the European Union, which defines itself as «a high competitive social market-economy».

But in Europe, without the political initiative of a European political unity – also in federal form –, that is without a truly political union with a sovereign power over State budget and fiscal policies, Ordoliberalism turns out to be a set of obligations and duties almost impossible to be respected by the European States, with the partial exception of Germany and of some States involved in the German economy. As a matter of fact, the States have no capacity to transfer money from the rich to the poor areas of the system or to take decisions concerning economic and fiscal policies binding for the whole territory. Consequently, while it was a political and economic victory for Germany, the Euro is a political and economic problem for Europe. Because of the presence of nation-States characterized by different interior economic performances, the Euro became one of the causes of the European crumbling, and fostered anti-European sentiments in many societies<sup>[15]</sup>.

Therefore, there is no such thing as a European strategic power: there is neither a unitary sovereignty inside, nor an exterior projection of power; neither the capacity of governing the migration flows coming from the Mediterranean and the East, nor the ability to intervene in order to grant peace in the Middle-East and in North Africa. As far as the economy is concerned, export is strong, but Europe is also weakened by the very instrument that was supposed to strengthen it, that is the Euro, so that the European GDP growth is always too slow. Lastly, also the production of a legitimating democratic and social narrative is weakened by the inadequate performance of the European system as a whole. Today, inside an international context marked by conflicts that Europe is not prepared to face, its former claim to be a «civil power» fails.

In more general terms, precisely the difficulties found in applying the three patterns of political management of globalization described above show that political power is necessary. Even though the powers of several political unities are radically challenged, these are the only way of inhabiting the global world and cannot be substituted neither by a capitalistic universalism, nor by its multitudinary reversal.

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Today, in the winter of globalization, when its free-trade functioning is at least partially interrupted and its constitutive contradictions are blowing up, the three types of power (political, economic and cultural power) more clearly converge towards strategies based on specific political centers of power. In a general sense, we can define these centers as «States» (or “great States”) since they maintain the internal unity of the three powers and the capacity of politically, economically and culturally projecting them outside in a true *Wille zur Macht*. Politics accompanies and promotes the economy; in some cases, it also corrects its unrestrained tendency (Trump’s position against outsourcing is an example); furthermore, politics and economy produce mainstream cultural patterns and legitimating narratives. Sure, these powers are not fully synchronized (online in the case of China we can see something like a consistent strategy): anyway the great States give a general orientation to those powers.

As I said, however, these centers of power are structurally and reciprocally open: they are crisscrossed by economic faults, lines of valorization, and nomadic migration movements that cut the borders and crumble societies, but also by emergencies and struggles. Furthermore, these specific centers of power are challenged by the universalistic power of terrorism, that does not care about borders and that pushes on a global scale both the inter-Islamic civil war and the reaction of part of the Islamic world to the Western will of power.

It is therefore true that the global age displays new features, that is pluralism and neo-imperialism, and that universalism is denied both by the new differentiating logics of geo-economy, and by the traditional reasons of geopolitics. In a words, it is true that the space is still determined, conflictual and decisive, and that the struggle for the occupation of the space involving the US, Russia and China revolves around a political will that overcomes also economy and the legitimating narrative. However, it is also true – and it must be repeated – that this spatiality is plunged into a sea of transversal economic relations and in an ocean of terroristic or asymmetric conflicts. These conflicts and those relations prevent these spaces from becoming «fortresses», challenge their borders, increase their internal authoritarianism and the recourse to legal and extra-legal emergency devices.

Consequently, neo-imperial sovereignties are continuously floored and displaced, and they are compelled to incorporate lines of force and violence that cannot be completely circumscribed and controlled: in sum, they have to accept the impossibility of determining and neutralizing their own contradictions. In other words, they face an endless crisis. However, it would be inappropriate to say that they are «in ruins». On the contrary, we are facing new complex conceptual and spatial geometries, rather than the complete absence of form. Of course, there are also sovereignties in ruins: there are the «Failed States» (and they are not a few) and there are States completely subjected to the sphere of influence of others (and they are many). This complex geometry is marked by the co-existence of different scales of power, forces and interests that tend to be universal, by local conflicts and struggles, potentially conflictual and actually interdependent great powers. In this context, which is an «intermediate situation» from both a political and a conceptual point of view, «great politics» is decisive and hence constitutes the *Nomos* of the Earth, the function that enables to decipher the global politics. However, this *Nomos* does not have a center, and is therefore incapable of ordering globalization. It is a paradoxical figure of disorientation, rather than of orientation.

In this game, in this multi-scalar space, in this articulated time, what's left of Europe – which is not able to be a «State», not even a federal one – and what about its national States? From the point of view of effectiveness, which is politically decisive, neither these States nor the neoliberal narrative are up to the global scenario. From the point of view of the three abovementioned forms of power, in different ways each European State expresses a hopelessly «small» power. Besides, the establishment of a unitary



continental power would be impossible: not only because the US and Russia would oppose it, but also because it is not in the agenda of the European political *élites*, that have achieved their oligarchical objectives in the construction of the euro and that, from a political point of view, still base their extremely narrow legitimacy on the nation-State.

On the other side, notwithstanding its weakness, the remaining loyalty of the citizens is directed towards the State, whose sovereignty is seen as the last bulwark against the social destruction produced by neoliberalism. And we must remember that the State (as well as the Party) is the only modern structure that can be democratized.

So, the European nation-State is «a past that does not pass». Suspended between the «not anymore» and the «not yet», its weakness is still a political resource that should be overcome, but is nonetheless necessary when better resources are unavailable. The European State is not strategically relevant, but is the bridging structure at stake in the political and institutional struggle in Europe, both from a symbolic and from a tactical point of view. The Right-wing is well aware of this relevance of the State. In fact, it is trying to appropriate it, answering by this to the people's demand of protection from the effects of globalization. The Right-wing populist policies emerged from below, but are now directed by demagogy from above and, in all cases, remain anti-democratic. Therefore, also the Left-wing should be aware of the relevance of the State. Also from the State, not only from multitudes or social movements (that arise from the contradictions of the present and that are not to be neutralized in a party nor in the State, and that must remain parallel to the institutional politics) the Left – armed of critical thought, that is of its own cultural power – should realistically restart in order to both enact anti-liberal economic policies and to think a Europe finally made of social and democratic States animated by a «will of justice». From these States, Europe should draw its internal political and ideal consistency, so as to present itself on the global scene as a recognizable power led by a coherently humanist culture, and by adequate economic and political powers. The Left should move towards Europe through the States of the peoples (not of the populists), rather than against them.

In conclusion, for a political thought and practice that aim to be both critical and realistic, the challenge consists of pursuing the strategic democratic and social power of a United Europe through the combination of social movements and of political States, in a new democratic re-appropriation of the States in order to overcome them in a strong federation. In fact, also critical theory should adhere to reality, if it wants to change it. Otherwise, reality avenges.

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- [1] J. Derrida, *Séminaire : La bête et le souverain*, vol. 1 (2001-2002), Paris, Galilée, 2008; Id., vol. 2 (2002-2003), Paris, Galilée, 2010.
- [2] C. Galli, *Janus's Gaze. Essays on Carl Schmitt* (2008), Durham and London, Duke University Press, 2015
- [3] J. Derrida, *Otobiographies. L'enseignement de Nietzsche et la politique du nom propre*, Paris, Galilée, 1984, pp. 22-23.
- [4] C. Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (1950), New York, Telos Press, 2003
- [5] F. Luisetti – J. Pickles – W. Kaiser (eds.) *The anomy of the Earth. Philosophy, Politics, and Authonomy in Europe and the Americas*, Durham and London, Duke University Press, 2015
- [6] C. Schmitt, *L'ordinamento dei grandi spazi nel diritto internazionale con divieto d'intervento per potenze straniere. Un contributo sul concetto di impero nel diritto internazionale* (1941), in Id., *Stato, Grande Spazio, Nomos*, Milano, Adelphi, 2015, pp. 101-187; Id., *Teoria del partigiano* (1963), Milano, Adelphi, 2005, pp. 82-83
- [7] M. J. Crozier – S. P. Huntington – J. Watanuki, *The Crisis of Democracy. Report on the Governability of Democracies to the Trilateral Commission*, New York University Press, 1975
- [8] S. Sassen, *Territory, Authority, Rights. From Medieval to Global Assemblages*, Princeton, Princeton University Press, 2006
- [9] C. Galli, *Political Spaces and Global War*, Minneapolis, Minnesota University Press, 2010; S. Mezzadra and B. Neilson, *Border as Method, or, the multiplication of Labor*, Durham and London, Duke University Press, 2013
- [10] See the essays collected in «FilosofiaPolitica», 2017, n. 1
- [11] Zhang Youkui, *Il sistema di valori alla base del socialismo e il superamento del nichilismo*, in A. Catone (a c. di), *La "Via cinese"*, Bari, MarxVentuno Edizioni, 2016, pp. 91-111; Hong Xiaonan, *La potenza dell'armonia e la via di sviluppo pacifico della Cina*, ivi, pp. 197-210
- [12] Xuan Chuanshu, *Avere fiducia nei propri valori e avere fiducia nel proprio percorso: un'analisi approfondita dell'essenza della via cinese*, ivi, pp. 113-127
- [13] Sun Jingfeng, *Ancora un'indagine sul significato mondiale della Via cinese*, in *La "Via cinese"*, cit. pp. 171-188; see F. Sapio, *Carl Schmitt in China*, in "The China Story", 7 ottobre 2015
- [14] C. Galli, *Democrazia senza popolo. Cronache dal Parlamento sulla crisi della politica italiana*, Milano, Feltrinelli, 2017, pp. 83-113
- [15] J. Stiglitz, *The Euro: How a Common Currency Threatens the Future of Europe*, New York – London, W. W. Norton & Company, 2016