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**A Historically Revised Model of
Neomedievalism and the European Union as
‘Regimen Mixtum’**

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Neomediaevalism and the European Union as
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Doctoral Thesis

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Introduction

The aim of this dissertation is to give a deep and critical review of neomedievalism in international relations (IR) theory in order to develop a toolkit for taking a closer look at the European Union. Even though the term neomedievalism was spread by Umberto Eco, an expert of mediaeval philosophy and literature, it was primarily lawyers, sociologists or political scientists who later utilized this term in international relations theory. Their academic background significantly influenced their view of neomedievalism. As Bruce Holsinger highlighted, they placed an emphasis on *neo* rather than *medievalism*: „*the neomedievalists make few claims to the historical veracity of the Middle Ages they propose as a model for the current state of affairs.*”¹ I believe this happened primarily because the key authors of neomedievalism in IR were not experts of the Middle Ages. Arnold Wolfers, who first introduced the concept to the discipline in 1962, was a lawyer; Hedley Bull who elaborated upon it 1977², was a political scientist while Jan Zielonka, who adapted the concept to the European Union³ in 2006, was also a lawyer. The most recent neomedievalists in IR are also far from being historians devoted to the Middle Ages. Michael Hardt is an engineer and a literary historian while both Antonio Negri⁴ and Saskia Sassen⁵ are sociologists. Jörg Friedrichs, who wrote an overview of European neomedievalism in IR theory, studied Greek and Latin and has a major in Political Science, but he warns the readers of his study creating a neomedieval analytical tool that he does not “*aim at a deep phenomenological understanding of the Middle Ages*” in order to avoid “*myopic historicism.*”⁶ Therefore, it is no wonder that these authors have mostly focused on the mere idea of the Middle Ages instead of the “real thing”.

¹ Holsinger, Bruce [2016]: Neomedievalism and International Relations. in: D’Arcens, Louise (ed.) [2016]: *The Cambridge Companion to Medievalism*. Cambridge University Press, Cambridge p. 173

² We will use the following edition: Bull, Hedley [2002]: *The Anarchical Society: A Study of Order in World Politics*. Macmillan, London

³ Zielonka, Jan [2006]: *Europe as Empire – The Nature of the Enlarged European Union*. Oxford University Press, Oxford

⁴ Michael Hardt and Antonio Negri co-wrote the following book on a neomedievalist note: Hardt, Michael; Negri, Antonio [2000]: *Empire*. Harvard University Press, Cambridge

⁵ Sassen’s notable work in this field: Sassen, Saskia [2008]: *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton University Press, Princeton

⁶ Friedrichs, Jörg [2007]: The Meaning of New Medievalism. in: Friedrichs, Jörg [2007]: *European Approaches to International Relations Theory – A House with many Mansions*. Routledge, London and New York pp. 127-145

In the first two parts of the current study, I wish to distance my narrative from this tendency, look at neomedievalism in a critical sense, and then analyse some of the more recent academic achievements on medieval political philosophy. These sections allow me to introduce a constructive criticism of neomedievalism and a toolkit to look at the European Union from a new perspective. The major contribution of the present study to neomedievalism is that it might shed more light on the “*historical veracity of the Middle Ages*”. This does not mean of course that the dissertation will clarify all questions, which are relevant from an international relations perspective, about the Middle Ages. Instead it is an attempt at a critical review of neomedievalism using the recent works of contemporary mediaeval historians with the intention of giving a more credible picture of the Middle Ages than the previous views that are often of low definition and are used as an excuse for overgeneralized analogies. As Holsinger puts it: “[...] *such analogies have proliferated in the past few decades. They can be found in academic studies of corporate militias, prominent articles in venues such as Foreign Affairs and the Naval War College Review, and speeches and working papers at the American Enterprise Institute. [...] neomedievalism has proliferated within and beyond the branch of the IR realism that initially developed it to become a powerful and quite persistent analytical model for the state of world political affairs in the contemporary era.*”⁷ Talking of a millennium long historical period, it would be impossible to set the record straight regarding the totality of the Middle Ages. In the First Part of this study I will look at the major claims of the key authors of neomedievalism in order to assess the credibility of their view of the Middle Ages by identifying the key points of their picture and juxtaposing those to the relevant findings of the most influential historians of medieval politics of our times. Following that, I will construct a revised model of neomedievalism, and I will analyse the original texts of two high mediaeval political philosophers whose field of study seems most relevant for the purposes of this paper. The aim of the Third Part of this work is to illustrate how the environment and the very core of being of the European Union is post-Westphalian and neomedieval. From that perspective, I will argue that in many regards the discourse on the democratic deficit of the European Union is anachronistic. After introducing a neomedievalist toolkit I will

⁷ Holsinger [2016] p. 173

make an attempt at the description of the European Union as a pre- or post-state by a constructive critical approach to sovereignty and using the concept of mixed constitution.

One of the major hypotheses of this paper is, therefore, that neomedievalism in IR theory projects a flawed image of the mediaeval past to our present and drawing more on the primary sources and recent historiography of the Middle Ages might give a neomedieval model with a greater explanatory force of the present international system. The second hypothesis is that the European Union could be better assessed with a revised terminology of mediaeval political philosophy than the Westphalian categories of sovereignty, separation of powers and democracy, and in the present study this hypothesis will be tested by using the model of mixed constitution (*regimen mixtum*) discussed herein to replace the barren dispute on the EU's democratic deficit.

Methodology

The endeavour outlined above requires a complex methodology since the dissertation consists of three parts focusing on the question of neomedievalism from three different angles. Concerning the First Part, an IR outlook is necessary since the revision of the neomedievalist toolkit presupposes an IR literature review in constant dialogue with the recent results of Mediaeval Studies. Placing the European Union in the revised model will also be attempted. Although neomedievalism appeared in the realist school of IR, a constructivist approach will be necessary to expose the IR narrative of the Middle Ages to contemporary historiography. Building a revised model of neomedievalism on a deconstructed IR narrative of the Middle Ages brings this dissertation methodologically close to the constructivist approach of Cynthia Weber. Her critical introduction to IR theory⁸ identified myths and by understanding how they worked she attempted to demonstrate some of the key features of IR traditions (realism, liberalism etc.). A major difference between her work and the present study, however, is that they are not the IR traditions that are being characterised here by various myths, but it is the myth of neomedievalism overarching IR traditions that is being revised. That overarching nature of neomedievalism requires a certain multimethodology. For

⁸ Weber, Cynthia [2010]: *International Relations Theory. A critical introduction*. Routledge, London and New York

instance, the revision of neomedievalism would be centred around the concepts of sovereignty, empire and natural law. Regarding sovereignty the subject matter of the thesis could also be linked to the postsovereignty debate of constructivism,⁹ but beside the argument that sovereignty has been socially constructed, the impact of the international system's transformation on sovereignty will be discussed with bigger weight than in that debate. An approach that gains its explanatory force from the transformation of the international system would qualify as neorealist in IR theory, but that approach cannot be ignored in a dissertation discussing neomedievalism.

The Second Part is an analysis of mediaeval primary sources and therefore the methodology of Mediaeval Studies dominates that part of the research. Introducing the recent results of mediaevalists through two high mediaeval texts and their interpretations will be helpful in rebutting the tropes of 19th century historiography about the Middle Ages inherited also by IR theory. The analysis of the texts will particularly focus on those topics, narratives and other intellectual structures that were highly characteristic of mediaeval political philosophy and thus would help us understand the meaning of some mediaeval concepts also applied by contemporary scholars (forms of government, modes of rule, mixed constitution). Introducing recent historical debates in itself would be a novelty in a text with an IR focus.

The Third Part of the dissertation provides a critical introduction to a debate about the nature of the European Union and in doing so adopts some elements of the methodology of Political Science and comparative constitutional studies. In opposition to the First Part, the internal setup of the EU will be in focus here which will require an understanding of the discourse criticising the EU's democratic deficit. The dysfunction of Westphalian constitutional categories like the separation of powers, checks and balances and representative democracy will be introduced first at the level of 21st century states to demonstrate how even more ill-fitting they seem when applied to the EU. Following that political scientists' (Majone and Telò) assessment of the EU as mixed constitution will be revised in light of the key findings of the Second Part. Thus a continuous element of the

⁹ See e.g.: Weber, Cynthia – Biersteker, Thomas J. [1996]: *State Sovereignty as Social Construct*. Cambridge University Press

applied multimethodology would be the exposure of various disciplines (IR theory, 19th century historiography and Political Science) to the recent results of Mediaeval Studies.

Keeping the section on methodology short and simple, there is only one more question to answer. In IR it is often relevant to define the “level of analysis”, i.e. whether the research is unit-level (focusing on the level of states) or if it is system-level (focusing on the international system). From an IR perspective this dissertation is mostly concerned with a system-level analysis. Neither the international system as a whole nor the European Union have traditionally been considered unit-level. However, if we take into account that in the Third Part the EU is discussed with methods of Political Science and with a revised version of mixed constitution, the basis of which was a model applied for city-states and kingdoms in the Middle Ages, the picture is less obvious. Therefore it is simplest to say that in terms of IR traditions and levels of analysis a multimethodology is applied to test the key hypotheses about the historicity of the IR neomedieval model and the place and nature of the EU in such a model.

First Part

The Perception of the Middle Ages in Modernity

The academic discourse on the rule of law, liberty, sovereignty and democracy in Western historiography had a distinguished focus on Antiquity and Early Modernity until the middle of the 20th century. Scholars of political science considered the mediaeval period irrelevant or downright harmful for the evolution of these concepts. This approach is more or less understandable given that the concept of democracy, which reappeared as a Sleeping Beauty in the 19th century after having been dormant for more than 2000 years. However, the underrepresentation of the Middle Ages in general could be labelled as a striking mistake of 19th and early 20th century political historiography of Europe. The most important source of this viewpoint was 18th century French encyclopaedists. Even though the very influential Montesquieu promoted a positive picture of the Middle Ages, it was Voltaire who set the tone for future academics when he expressed his contempt for the superstitious and dark period. His opinion, which failed to finely differentiate between the various centuries of the Middle Ages, was inherited and repeated by Condorcet. From the viewpoint of political theory most crucial here, Benjamin Constant described the Middle Ages in a similar way in his classic study entitled *The Liberty of the Ancients Compared with that of the Moderns*¹⁰ originally published in 1816.

Constant highlighted that ancient Greek democracy only meant the freedom to take part in decision-making but lacked the protection of the individual from public power. He believed that Rousseau's unrevised reception of the concept was problematic since it did not take into account that Roman law provided opportunity for the defence of individuals. According to Constant, in the Modern Age when peace became the rule and war the exception, the overriding necessity of the cohesiveness of states could no longer justify the curbing of individual liberties. Constant also relied on the argument of the inaccessibility of direct democracy in the modern era: "[W]e can no longer enjoy the liberty of the ancients which consisted in an active and constant participation in collective power. Our freedom

¹⁰ Constant, Benjamin [2003]: *The Liberty of the Ancients Compared with that of the Moderns*. in: Fontana, Biancamaria (ed. and trans.) [2003]: *Constant. Political Writings*. Cambridge University Press, Cambridge pp. 308-328.

*must consist of peaceful enjoyment and private independence. The share which in antiquity everyone held in national sovereignty was by no means an abstract presumption as it is in our own day. The will of each individual had real influence: the exercise of this will was a vivid and repeated pleasure. Consequently the ancients were ready to make many a sacrifice to preserve their political rights and their share in the administration of the state. Everybody, feeling with pride all that his suffrage was worth, found in his awareness of his personal importance a great compensation. [...] [Thus] when the ancients sacrificed that [individual] independence to their political rights, sacrificed less to obtain more; while in making the same sacrifice, we would give more to obtain less.”*¹¹ In order to avoid that, Constant recommended the use of laws and protective forms for modern democracies which were invented by Romans and were viewed by Constant as “*tutelary deities of human associations.*”¹² If we carefully observe the reasoning of Constant, it is clear that he used arguments from Antiquity, such as ancient Athenian democracy and Roman law, and arguments from the modern era, such as the expansion of commercial relations among states to define the difference between the liberty of the ancients and the moderns.¹³ He mentioned some provisions of Roman law and the 1679 *Habeas Corpus Act*, but nothing in between. The thousand year-long mediaeval period was entirely left out.

This approach became even more dominant in the last third of the 19th century, which was foreshadowed by Jacob Burckhardt’s work *The Civilisation of the Renaissance in Italy* published in 1860. In his book, Burckhardt depicted Renaissance as an artistic era without mediaeval roots and defined it almost as an antithesis to the Middle Ages. Whatever he found progressive in the late mediaeval period, he classified it as Renaissance and the atavistic leftover was characterized as mediaeval. Thus, he presented a fairly arbitrary portrait of the borderlands of the Middle Ages and Renaissance.¹⁴ At the same time the last third of the 19th century

¹¹ Constant [2003] pp. 316-317.

¹² Ibid. p. 61.

¹³ His conclusion: “*The aim of the ancients was the sharing of social power among the citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.*” Constant [2003] p. 317.

¹⁴ The original title of Burckhardt’s work: *Die Kultur der Renaissance in Italien*. The first English edition: Burckhardt, Jacob [1878]: *The Civilisation of the Renaissance in Italy*. George Allen & Unwin, London, Macmillan, New York

resulted in an antagonistic view of history that firmly juxtaposed the values of Antiquity, Renaissance and Enlightenment with those of the Middle Ages, Baroque and Romanticism. Intellectuals of the era were pressured to take sides in the debate. If a historian in the “long 19th century” were to accept the values of the Enlightenment and the French Revolution, he or she would typically condemn the Middle Ages and the culture of Baroque and Romanticism supporting and promoting its universalism. On the other hand, those in favour of mediaeval religious uniformity and order, rejected antique paganism. This group of Renaissance thinkers were willing to restore those principles, as well as the restless rationalism of enlightened scholars. Despite their opposing views, the scholars of the time presented a rather unanimous image of the Middle Ages, the only difference being in the normative approach to that image in their works. While some regarded this image with much longing and others expressed antipathy towards it, the image remained more or less the same. If we compare the image of the Middle Ages depicted by Novalis and Thomas Mann, who were distant from each other both ideologically and in time, we can find startlingly similar characteristics. These authors frame the post-Enlightenment attitude to the Middle Ages in time, Novalis being a representative of early Romanticism and Thomas Mann being a typical figure of 20th century civic humanism, who wrote the majority of his works before the 20th century historiographical revision of the Middle Ages.

Novalis, looking back to the medieval period, saw a unified Europe that could even be perceived as a single country. *“There was once a beautiful, shining time in which Europe was a Christian land, wherein all men were part of that Christian world. A great community interest bound together the farthest-flung provinces of this spiritual kingdom.”*¹⁵ It is not easy to identify the exact mediaeval centuries Novalis portrayed here, since he tried to grasp the Middle Ages as a whole and considered universalism as its most important feature. A European kingdom unified under the

¹⁵ „Es waren schöne glänzende Zeiten, wo Europa ein christliches Land war, wo Eine Christenheit diesen menschlich gestalteten Welttheil bewohnte Ein großes gemeinschaftliches Interesse verband die entlegensten Provinzen dieses weiten geistlichen Reichs.” Novalis [1826]: Die Christenheit oder Europa. in: Tieck/Schlegel (ed.): *Novalis. Schriften* Berlin Vol. 1 p. 189. Quoted in English by: Meltzer, Françoise [2011]: *Reviving the Fairy Tree: Tales of European Sanctity*. in: Meltzer, Françoise; Elsner, Jaś [2011]: *Saints: Faith without Borders*. The University of Chicago Press, Chicago and London p. 56

auspices of a single Christianity supposes an organically intertwined religious and political leadership of which Novalis writes with nostalgic sympathy.

The characterisation of the Middle Ages is akin to that in Thomas Mann's *Doctor Faustus* where he compares the era to national socialism. "*It was an old-new, revolutionarily atavistic world, in which values linked to the idea of the individual (such as, let us say, truth, freedom, justice, reason) were sapped of every strength and cast aside, or, by having been wrenched free of pale theory, had at least taken on a very different meaning from that given them over the last centuries and, now relativized and red-blooded, were made applicable at the much higher level of violence, authority, the dictatorship of belief-not in some reactionary way that looked back to yesterday or the day before, but in a way that was tantamount to humanity's being transferred, along with all these new ideas, back into the theocratic situations and conditions of the Middle Ages. [...] Unbiased research and free thought, far from representing progress, belonged instead to the boring world of those being left behind. Freedom had been given to thought in order to justify force, just as seven hundred years ago reason had been free to discuss faith and prove dogma; that had been its purpose, and that was the purpose of thought today, or would be tomorrow.*"¹⁶ Similarly to Novalis, Thomas Mann also outlined a universal and theocratic image of mediaeval Europe with the difference being that his normative bias was negative. However, the above quote provides a more accurate chronological point of reference than Novalis. Thomas Mann described the 13th century as a typically theocratic mediaeval period where rational thinking was only allowed to justify religious dogma. It is important to note that those mediaeval scholars, whose works will be analysed in the Second Part of this dissertation, also worked in the late 13th century. However, both in the case of Novalis and Thomas Mann, we can see an image of the Middle Ages in which the secular and the spiritual aspects of life were entangled making it impossible to look at the era as a precondition of Modernity, rather than as its antithesis.

Even if historians recognised that some traits of the Middle Ages could be interpreted as precursors to Modernity before the middle of the 20th century, they would typically refrain from linking those to the image of a universal mediaeval

¹⁶ Mann, Thomas [1999]: *Doctor Faustus*. Vintage Books, New York pp. 387-388

Europe and would rather interpret them as innovations of a single nation (very often the one they belonged to). This was how national romanticist and republican authors drew some attention to the mediaeval legal system and to the mediaeval preconditions of some modern political concepts. William Stubbs, a notable Victorian historian from Great Britain went as far as identifying a monarchy governed by law in mediaeval England.¹⁷ Frederic William Maitland was a founder of modern Anglo-Saxon legal history in the 19th century who sought the origins of *common law* in mediaeval times.¹⁸ A similar role was played by those German academics in continental Europe who were willing to detect the traits of German national identity in the Middle Ages. A representative result of that movement has been the *Monumenta Germaniae Historica* series in which the reviewed texts of the most important primary sources of Germanic history have been published from 1819 to this day. Notably, Otto von Gierke of Germany envisaged a specific mediaeval Germanic collectivism and parliamentarism in his works.¹⁹ Fritz Kern led his readers from an imaginary “Germanic right of opposition” to the Magna Charta.²⁰ Fritz Kern’s works had a considerable impact on the Carlyle brothers, who wrote their frequently cited book at the beginning of the 20th century, but in the spirit of 19th century history of political ideas.²¹ Since the middle of the 20th century, historians have drawn a more nuanced picture of the Middle Ages in which the concept of political power is barely imaginable using a small number of general adjectives or exclusively modern categories. An era lasting for a millennium could not be as homogenous as it was previously supposed. As we will see, these results have not been incorporated in the form of neomediaevalism that is prevalent in IR theory. A partial explanation could be that the notion of a new mediaeval world was created by historians in the first half of the 20th century before the aforementioned revision of the Middle Ages would have taken place and that

¹⁷ Most popular work by Stubbs: Stubbs, William [1875-1888]: *The Constitutional History of England, in its Origin and Development*, Clarendon Press, Oxford

¹⁸ Key works by Maitland: Maitland, Frederic William; Pollock, Frederick [1899]: *History of English Law before the Time of Edward I*, Cambridge University Press, Cambridge and Maitland, Frederic [1897]: *Domesday Book and Beyond – Three Essays in the Early History of England*, Cambridge University Press, Cambridge

¹⁹ Gierke’s magnum opus: Gierke, Otto von [1868-1913]: *Das deutsche Genossenschaftsrecht*, Weidmannsche Buchhandlung, Berlin

²⁰ Kern, Fritz [1914]: *Gottesgnadentum und Widerstandsrecht im früheren Mittelalter*, Verlag von R. F. Rochler, Leipzig

²¹ Carlyle, Carlyle [1909]: *History of Medieval Political Theory in the West*, Barnes & Noble, New York

structure was inherited by IR scholars who did not make the effort to update their scheme. In the following chapters, a critical analysis of neomedievalism will be presented by introducing its evolution from the interwar period and its penetration to IR theory, as well as by confronting the IR version with contemporary results of Mediaeval Studies.

Neomedievalism

The New Middle Ages as a Cultural Concept

The first scholar of the 20th century to describe the world as a form of new mediaeval times and influenced Western academic thinking was the Russian Nikolai Berdyaev, who published *The End of Our Times* in the first decade of the 20th century. Even though his thinking was inspired by Vladimir Solovyov's idea of the New Middle Ages, it was Berdyaev whose more elaborated concept gained wider international attention. It is important to understand that he still used some of the structures of 19th century historiography and saw renaissance as a significant watershed rather than a natural consequence of the Middle Ages.²² He described renaissance as an era that introduced material and rational thinking together with the birth of the rule of law. Naturally, these were the qualities that he seemed to miss from the mediaeval period. As a Russian living in France, he contended that his country was not touched by renaissance resulting in stronger remainders of spirituality there. What can we conclude based on his view of the Middle Ages?

We might believe that Berdyaev considered the Middle Ages as something similar to his contemporary Russia: a world that is equally spiritual and defined by caesaropapism as the Russian Empire. Yet why did he think that the world of the early 20th century in general could be characterised as new mediaeval times? In order to understand that, we should look into *The End of Our Times*.²³ Although Berdyaev also criticised 19th century historiography for not presenting a credible picture of the Middle Ages, he clearly took the side of the anti-Enlightenment, romanticist image of mediaeval times—as opposed to the anti-mediaeval pro-Enlightenment stance—and in that regard he still followed the path of 19th century historiography. Berdyaev's polarised 19th century outlook is perhaps best characterised by the following quote: “*For long it was believed that this complex and rich period had been a great void in the intellectual history of mankind and of*

²² The first scholar to question the 19th century view of the Renaissance was Johan Huizinga who also presented an alternative view of that era by depicting it as a late mediaeval phase of European history in his work *The Autumn of the Middle Ages* published first in 1919. Huizinga, Johan [1996]: *The Autumn of the Middle Ages*. University of Chicago Press, Chicago. It is also worth noting that alongside Thomas Mann he was also a representative figure of interwar civic humanism in Europe. See his work on Erasmus. Huizinga, Johan [1924] *Erasmus and the Age of Reformation*. Phaidon Publishers, New York

²³ Berdyaev, Nikolai [1933]: *The End of Our Times*. Sheed and Ward, London

its philosophical thought, when as a matter of fact these centuries had so many excellent thinkers and such diversity in the realm of their thought that nothing like it can be found at any other epoch."²⁴ It is no wonder that following this assessment of the Middle Ages, Berdyaev somewhat urges the coming of new mediaeval times, which would be an organic consequence of the end of modernity brought on by capitalism.²⁵ Rather than being a descriptive category of the existing world, Berdyaev's New Middle Ages was a cultural concept that he wished to come to life. As Evgueny Lampert notes "*An integral conception of life is a Christian conception: it was characteristic of the middle ages. And Berdyaev arrives at the conclusion that the way to cultural integration lies in a creative re-discovery of the middle ages, or, as he calls it, the »New Middle Ages«.*"²⁶ Thus, it is safe to say that Berdyaev outlined a vision of the future rather than an epistemic tool for understanding the present. He compared the early 20th century to Late Antiquity and not the Middle Ages.²⁷ Therefore, it would be problematic to link his concept of the New Middle Ages to IR theory in which neomedievalism is considered to be a toolkit for comparing the present to some structural traits of the Middle Ages.²⁸

A few decades later Jacques Maritain, the famous French Catholic humanist also projected the "New Middle Ages" in the future in a similar sense although he considered the term to be somewhat misleading. Maritain thought it was better to describe this period as a third era following the eight hundred year-long Christian Antiquity and the Middle Ages. He viewed Modernity as a corollary period, a time of the brightly shining decomposition of the Middle Ages.²⁹ Thus, Maritain

²⁴ Berdyaev [1933] pp. 101-102

²⁵ Ibid. p. 94 „*the end of Capitalism is the end of modern history and the beginning of the new middle ages.*"

²⁶ Lampert, Evgueny [1945]: *Nicholas Berdyaev and the New Middle Ages*. James Clarke & Co., London p. 66

²⁷ "*Our age resembles that of the fall of the Roman empire, the failure and drying-up of Graeco-Roman culture, forever the head-water of all European culture. Modernist art recalls the loss of the old forms of perfection under the barbarian invasions; our social and political activities resemble those under the emperor Diocletian, when man was no longer his own master; religious and philosophico-mystical researches today are not unlike the curious examining of the mysteries at the end of Greek philosophy – betraying a hunger for the Incarnation, for the coming of a God-Man. Spiritually, our time is like the Hellenistic age with its universalism and syncretism.*" Berdyaev [1933] p. 58

²⁸ Despite that there are some studies that try to link Berdyaev's concept to IR theory e.g. Gilbert, Gaelan [2012]: *A New Middle Ages? A Reappraisal of Nicholas Berdyaev's Prophetic Imagination*. in: *International Journal of Orthodox Theology*. Vol. 3 No. 4 pp. 141-165

²⁹ In Maritain's own words: „*On a pu appeler « un nouveau moyen âge » l'âge au seuil duquel nous nous trouvons. Mais ce mot peut faire illusion. Il conviendrait plutôt de l'appeler un troisième âge, en regardant comme un premier âge celui de l'antiquité chrétienne, qui a duré environ huit siècles,*

expressed a view that we are on the verge of the new era that could be labelled as the New Middle Ages and he viewed that as a cultural category, an age when integral humanism and reloaded spirituality shall reign. Therefore, it seems clear that neither Berdyaev nor Maritain used the term “New Middle Ages” in a sense that neomedievalism implies in IR theory. While their term signified a cultural and historical process, it lacked the legal, political and structural dimensions that are characteristic of neomedievalism. Another influential use of the term New Middle Ages, which will be covered shortly, also has an overwhelmingly cultural connotation, and this usage will pave the way to the concept of neomedievalism.

Umberto Eco presented a more comprehensive picture of the new mediaeval world than the previous authors in his essay entitled *Heading Towards a New Middle Ages* published in 1972.³⁰ The significant difference between Eco and the earlier advocates of the new mediaeval concept is that Eco claimed the present to be neomedieval. It was not a utopia or a dystopia anymore, but rather a descriptive category characterising the present.³¹ Eco’s works were also a milestone in the development of the concept, because he was the first scholar to have efficiently spread the term ‘neomedievalism’.³² Although the phrase ‘neo-medievalist’ was coined by Isaiah Berlin in a 1952 essay entitled *The Hedgehog and the Fox*, it was Umberto Eco whose work gained scholarly attention and who wrote about the concept consistently in multiple studies.³³

et en caractérisant le moyen âge comme le temps de formation et d’éducation, et de maturation historique (dans le bien et dans le mal) de l’Europe chrétienne; les temps modernes apparaîtraient alors avant tout comme la dissolution éclatante, avec un formidable rayonnement d’énergie, de la longue époque précédente; et du troisième âge de notre ère de civilisation on pourrait à peine dire qu’il a commencé, mais plutôt que nous assistons aux prodromes, aux lointaines préparations qui l’annoncent.” Maritain, Jacques [1936]: *Humanisme Intégral – Problèmes Temporels et Spirituels d’une Nouvelle Chrétienté*. Fernand Aubier, Paris p. 259

³⁰ The essay is available in the following collection: Eco, Umberto [2003]: *Dalla periferia dell’impero. Chronache da un nuovo medioevo*. Bompiani, Roma

³¹ Although it’s worth noting that some scholars find this statement more questionable. Otto Gerhard Oexle wrote: „Eco claims that our epoch is the New Middle Ages. The only question which remains open is whether with this statement we are dealing ‘with a prognosis’ or ‘an assertion of fact’.” Oexle, Otto Gerhard [1999]: *The Middle Ages Through Modern Eyes. A Historical Problem*. in: *Transactions of the Royal Society*. Sixth Series IX, Cambridge University Press, Cambridge p. 126

³² Eco, Umberto [1986]: *Travels in Hyperreality*. Harcourt Brace & Company, San Diego, New York, London. p. 63 “we are at present witnessing, both in Europe and America, a period of renewed interest in the Middle Ages, with a curious oscillation between fantastic neomedievalism and responsible philological examination.”

³³ See Eco’s collection of essays. Eco [1986] Particularly three essays are relevant: *Travels in Hyperreality* pp. 1-58, *Dreaming of the Middle Ages* pp. 61-72 and *Living in the New Middle Ages* pp. 73-86.

As Otto Gerhard Oexle points out Eco was influenced by other Italian scholars when he created his concept of the New Middle Ages. *“Eco’s essay was based on an analysis by the Italian sociologist Furio Colombo. He also used a book by an Italian philosopher Roberto Vacca, Il medioevo prossimo venture (1971) which also appeared in English in 1974 as The Coming of Dark Ages. In this book Vacca fantasised about the collapse of the current technological culture (just like Alain Minc twenty years later). In a short time, he claimed, this breakdown will also lead to a dissolution of social and political structures, to a re-feudalisation of the world, to a division of power on a local and regional level, to the formation of militias and self-organised groups, to the return of epidemics and migrations, and to the decline of the cities. Vacca suggested, as a preventive measure, thinking about the foundations of new monasteries in order to store and preserve the knowledge of the present and until a ‘new Renaissance’ should come and culture can revive.”*³⁴

As we can see, these authors created a dystopian almost science-fiction-like new mediaeval vision of the future focusing mostly on cultural issues. Umberto Eco presented a more balanced picture using some of their ideas as a source, but he also took the vision to the level of politics. Eco identified a number of traits that could signal the coming of the New Middle Ages. An important cultural feature of the Middle Ages was the omnipresence of Latin language despite the fact that fewer and fewer people could speak it properly. The emergence of global English as a second language has played a similar role after 1945 according to the study. Strengthening migration was an equally important neomediaeval trait in Eco’s work even though the early 1970s, when Eco wrote his essay, witnessed a significantly smaller scale of migration than the 2010s. The oligopolistic nature of capitalism also reminded Umberto Eco of the Middle Ages and its feudal lords and oligarchs. The following features highlighted in the essay are even more important from the viewpoint of the theories of democracy and international relations.

Eco believed that through the means of mass communication, political propaganda and the tabloid press, the levels of public discourse would be significantly lowered. In the Middle Ages, the illiterate masses could be manipulated by the images in churches and palaces. That image-based illiterate world would start to re-emerge thanks to super-size posters, the radio and the television. We should bear in mind

³⁴ Oexle [1999] p. 126

that this assertion had been made by Eco before the process of images reclaiming their earlier influential status was reinforced by the triumph of the internet in the 21st century. That is an important statement, because the quality of public discourse is one of the pillars of democratic functioning. Eco also highlighted that the privatisation of the monopoly of aggression in the form of private militia and transnational terrorism could also be considered a symptom of neomedieval functioning. Not only has 9/11 and the terrorist attacks since then increased the relevance of this claim, but there has also been an increase in the strengthening presence of private paramilitary forces even in the most democratic countries.³⁵ A third claim by Eco emphasised the fact that the role of nation-states started to decrease similarly to the Middle Ages. That assertion could be linked to the claims by political scientists and IR theorists who believed that by the late 20th century states stopped being the exclusive actors of international relations and that the Westphalian idea and practice of sovereignty is being eroded by multiple factors.³⁶ Thus, Umberto Eco shifted neomedievalism from being a primarily cultural concept to becoming a political one too. He was also the first to highlight that people's mediaevalist fantasies about a simpler, more pristine era are fairly distant from the realities of the Middle Ages.³⁷ Finally, he was the first scholar to publish impactful essays on neomedievalism while being a mediaevalist at the same time. As we have seen, Umberto Eco introduced a 'political leg' to the concept of neomedievalism. Next, I will provide a short overview of those scholars who examine the original 'cultural leg' of the concept and subsequently introduce the literature on political neomedievalism and its relevance to IR theory.

In order to understand cultural neomedievalism, a continued assessment of Eco's studies is necessary. His works are not only important because he was a scholar of mediaeval philosophy, but also because he tried to shed some light on the enthusiasm surrounding the Middle Ages in popular culture. He endlessly cited titles of paperbacks on the shelves of book stores, which refer to the Middle Ages.³⁸

³⁵ About the private militia of American companies such as Blackwater and Halliburton see Klein, Naomi [2007]: *Disaster Capitalism – The New Economy of Catastrophe*; in: *Harper's Magazine* Vol. 158 No. 10 pp. 47-58 and particularly p. 51.

³⁶ For the summary of Eco's concept, I used the Hungarian edition of *Heading Towards a New Middle Ages*. Eco, Umberto [2008]: *Az új középkor*. Európa Könyvkiadó, Budapest pp. 17-47

³⁷ Eco [1986] p. 65

³⁸ Eco [1986] p. 61-62

He also mentioned that scholarly works by historians of the French Annales School³⁹ were competing with Agatha Christie's crime stories in popularity, and later he also proved his own skills by writing a successful mediaeval crime story, *The Name of the Rose*. Thirty years before Donald Trump was elected President of the United States, Eco deemed it important to mention that Trump Tower in Manhattan was a typical example of postmodern neomedieval architecture.⁴⁰ Eco also reminded his readers that cultural neomedievalism was as old as modernity and has never stopped existing: "*Cervantes told the story of a man unable to reconcile the intrusion of reality with his love for medieval literature.*" From Shakespeare through 19th century German romanticist architecture and Disney castles to Tolkien, he cited numerous examples to prove his statement and would have surely listed the *Game of Thrones* and Anna Biller's film *The Love Witch*, had he written the study today. However, most 'cultural neomedievalists' have not possessed as comprehensive of a picture of the Middle Ages and as critical of an approach to neomedievalism as Eco. Alain Minc who wrote his bestseller *Le nouveau moyen âge* in 1993 envisaged a new mediaeval world of horror where anarchy and disorder are the rule.⁴¹ Robert D. Kaplan published an article one year later in *The Atlantic*, entitled "The Coming Anarchy"⁴² in which he presented a prognosis of new Dark Ages where constant fights between barbarism and civilisation would be the everyday experience.

Based on these two influential works and the preceding authors, I will present the main features of the 'cultural leg' of neomedievalism. The keywords of neomedievalism in the second half of the 20th century were anarchy, disorder, barbarism, decay and feudal wars. Eco and the preceding Italian authors also speculated that knowledge would have to retreat to institutions similar to mediaeval monasteries. Cultural degradation was also a recurring characteristic of Minc's and Kaplan's neomedieval scenario. In opposition of this view, the promoters of the New Middle Ages in the first half of the 20th century, like Berdyaev and Maritain,

³⁹ Eco highlighted the works by Jacques Le Goff and Emmanuel Le Roy Ladurie and particularly Montaillou by the latter. Eco [1986] p. 64

⁴⁰ Eco [1986] p. 62

⁴¹ Minc, Alain [1993]: *Le nouveau moyen âge*. Gallimard, Paris

⁴² Kaplan, Robert D. [1994]: The Coming Anarchy. in: *The Atlantic Monthly* Vol 273. No. 2 pp. 44-76 The text is available online here: <https://www.theatlantic.com/magazine/archive/1994/02/the-coming-anarchy/304670/> (Last accessed on the 26th of May 2017)

would have used the keywords of spiritual renaissance, Christian integrity or integral humanism. These early 20th century authors expected a positive outcome of the New Middle Ages. A superficial comparison of early and late 20th century cultural neomedievalisms would imply that they have nothing in common. However, a more comprehensive scrutiny would easily convince one of the contrary. In order to take a closer look, we should ask a very pragmatic question: Which centuries or approximately which period of the thousand year-long Middle Ages were these authors writing about? As it turns out both the early and late 20th century neomedievalists used the first 4-5 centuries of the Middle Ages as a basis for their model and only their normative bias was different. As we have seen, Berdyaev made it clear that he found his present more similar to Late Antiquity than anything else. Maritain also believed the New Middle Ages would be something like a watershed, sweeping away our world to give way to Christian integral humanism. That scenario also sounds akin to the demise of Antiquity and the advent of the Early Middle Ages. The apocalyptic visions of Furio Colombo, Vacca, Eco, Minc and Kaplan—containing migration, illiteracy, privatisation of aggression, wars between barbarism and civilisation and elusive borders of states—echoed the feudal chaos of the early mediaeval period. Eco has made it explicit that his neomedieval conceptual framework was modelled after 5th to 8th century Europe.⁴³ An important element of his model was the erosion of *Pax Americana* in a similar fashion to the erosion of *Pax Romana* in the Early Middle Ages. Thus, either as a wishful image of the spiritual revival of Christianity or as an apocalyptic vision of decay, ‘cultural neomedievalism’ tends to reach back to the early mediaeval period for inspiration. In that regard, it is fundamentally different from the neomedievalism in IR theory.

Neomedievalism in IR theory

Every student of IR theory knows that the presence of Antiquity and Modernity is overwhelming in the field of international relations. An analysis of the Melian Dialogue, Athenian Democracy, Bodin’s and Hobbes’ theories of sovereignty or the Peace of Westphalia are much more likely to turn up in textbooks processing

⁴³ Eco [2008] p. 21 In his praise of Thomas Aquinas, Eco also underlined that the early mediaeval period is the era popularly referred to as the Middle Ages and not the High Middle Ages when the agro-technical revolution, the Magna Charta and the double-entry bookkeeping system by Fibonacci were born. The Middle Ages tend to mean something darker than that. Eco [2008] p. 153

the history of the discipline than mediaeval topics. However, when the Middle Ages do appear, either on their own right or as an analogy to describe the present, the triangle of the kings, the Pope and the Holy Roman Emperor are most likely featured.⁴⁴ It means that contrary to ‘cultural neomedievalism,’ IR theory is more prone to focus on the High Middle Ages, which is the period from the 11th to the 15th century, rather than the early mediaeval times.⁴⁵ There are, of course, some outliers who provide their readers with a mash-up of the complete thousand year-long era, but that is far from typical.⁴⁶ However, there is a schizophrenic tendency among IR scholars, even when focusing on the High Middle Ages, that splits their concept of the Middle Ages into two. On the one hand, the Middle Ages are viewed as dangerously chaotic compared to the Westphalian system, yet at the same time scholars are also desperately trying to find order, in a Westphalian sense, during this period. On the following pages I will present some examples of this tendency and attempt to explain the causes of this contradictory attitude.

Scholars in IR theory started to use the Middle Ages as an analogy for the present during the Cold War, but its relevance has increased in the post-bipolar world. The first hint in the discipline that contemporary international relations could be compared to the mediaeval period appeared in one of the works by the influential scholar Arnold Wolfers in 1962. Wolfers wrote: *“There is no medieval theory on the subject of international relations properly speaking, because under what has been called the theory of universal community, political activity within European Christendom was not conceived in terms of a dichotomy between domestic and foreign policy; theoretically, relations between pope and emperor and between feudal kings were expected to follow the same rules and moral principles as those between kings and subordinate feudal lords, or between kings and their subjects.*

⁴⁴ See for instance this quote from a 1959 classic by John Herz: *“Modern sovereignty arose out of the triangular struggle among emperors and popes, popes and kings, and kings and emperors. [...] The large-area state came finally to occupy the place that the castle or fortified town had previously held as a unit of impenetrability.”* Herz, John [1959]: *International Politics in an Atomic Age*. Columbia University Press, New York pp. 44-45

⁴⁵ Jörg Friedrichs, who drew the one of the most consistent models of neomedievalism in IR theory, explicitly based his model on the period between the 11th and 13th centuries. Friedrichs [2007] p. 133

⁴⁶ An example of such approach: *“the corporate masters of the universe [...] are driving us right back to a future that looks like nothing more than a new Middle Ages, that centuries-long period of amorphous conflict from the fifth to the fifteenth century when city-states mattered as much as countries.”* Describing a millennium as a period of amorphous conflict is rather audacious a step to homogenise the Middle Ages. Khanna, Parag [2009]: *Neomedievalism: The World is Fragmenting. Badly. Gird Yourself for Another Dark Age.* in: *Foreign Policy* No. 172 p. 91

*[...] All of this means, then, that political theorists writing in periods of multiple sovereignty are of major if not exclusive interest to the study of international relations; and among them preference will go necessarily to those who since the age of Machiavelli and More were dealing with the behavior of political units similar in most respects to the nations states of our own day. This of course does not preclude the possibility that at some future time speculations and observations of medieval thinkers like Saint Augustine, Thomas Aquinas, or Dante will become relevant again in matters of world politics. Even today it is not fantastic to speak of recent changes within the international arena as pointing toward a kind of 'new medievalism'. The trend would seem to be toward complexities that blur the dividing lines between domestic and foreign policy. We are faced once again with double loyalties and overlapping realms of power.'*⁴⁷

Taking into account the historical context when Wolfers wrote this study, it is hardly surprising that he decided to dismiss the idea that the contemporary world could be described by a mediaeval toolkit. It is also understandable since Wolfers was a prominent figure of IR theory realism. If there was one important cornerstone of realism at the time, it was the concept that sovereign states were the almost exclusive actors of the international system.⁴⁸ As Jörg Friedrichs highlighted, from a realist standpoint, it would have been a contradiction in terms to assume an international system in the Middle Ages without such entities.⁴⁹ However, it's worth noting that apart from being the first IR scholar to address this issue, Wolfers also proposed studying the works of mediaeval political philosophy by Saint Augustine, Thomas Aquinas or Dante if moving towards a neomediaeval world order were to be more successfully verified in the future. It's worth bearing in mind that despite the proliferation of neomediaevalist IR literature, an IR-focused analysis of mediaeval political texts is yet to be written. One of the incentives to use mediaeval sources extensively in the present dissertation came from Wolfers' study quoted above.

⁴⁷ Wolfers, Arnold [1962]: *Discord and Collaboration: Essays on International Politics*. Johns Hopkins University, Baltimore pp. 241-242

⁴⁸ See for instance the billiard ball model by Wolfers. Wolfers [1962] pp. 19-25

⁴⁹ Friedrichs [2007] p. 127

Hedley Bull and the Traits of a Neomedieval International System

One and a half decades had to pass after Wolfers' work for a further contribution to neomedievalism in IR theory. Again this contribution came from the realist school by Hedley Bull who also dismissed the possibility to identify the 1970s as neomedieval, but who discussed the concept of neomedievalism in more detail and in a more systematic way than Wolfers. It is important to pay particular attention to Bull's *Anarchical Society* because, apart from being a seminal work for the English School of international relations, it was also the text that defined neomedievalism. Bull's definition is used by contemporary IR theorists with minor modifications. In the following paragraphs, I am to develop a thorough understanding of Bull's definition and also his picture of the Middle Ages, which is often neglected by those who focus on Bull's claims about neomedievalism. In the *Anarchical Society*, Bull arrived at elaborating neomedievalism as a potential alternative path to world order. After having listed four alternative forms of states system,⁵⁰ Bull went on to include "*new mediaevalism*" as a potential scenario of the decline of the states system along with the scenarios of a states "*system but not a society*", "*states but not a system*" and "*world government*".⁵¹

The following section from Bull's work, in which he outlined what he meant by '*new mediaevalism*', is the part most often cited by neomedievalists. "*It is also conceivable that sovereign states might disappear and be replaced not by a world government but by a modern and secular equivalent of the kind of universal political organization that existed in Western Christendom in the Middle Ages. In that system no ruler or state was sovereign in the sense of being supreme over a given territory and a given segment of the Christian population; each had to share authority with vassals beneath, and with the Pope and (in Germany and Italy) the Holy Roman Emperor above. The universal political order of Western Christendom represents an alternative to the system of states which does not yet embody universal government. All authority in mediaeval Christendom was thought to derive ultimately from God and the political system was basically Theocratic. It might therefore seem fanciful to contemplate a return to the mediaeval model, but it is not fanciful to imagine that there might develop a modern*

⁵⁰ These are: *a disarmed world, the solidarity of states, a world of many nuclear powers, ideological homogeneity*. See Bull [2002] pp. 226-240.

⁵¹ *Ibid.* p. 225-247

and secular counterpart of it that embodies its central characteristic: a system of overlapping authority and multiple loyalty."⁵² If we compare this section with the previous quote from Wolfers, there are two important conclusions to be made about the early form of neomedievalism in IR theory. Firstly, the key concept of sovereignty was lacking when theorists tried to grasp the Middle Ages. It is less explicit in Wolfers' study, but he also argued that periods of multiple sovereignty are more relevant for IR scholars than the Middle Ages. This implies that he viewed the Middle Ages as an era in which there were either one or two sovereigns, or none at all. Bull was more explicit and stated that in the Middle Ages there were no sovereign rulers or states because their power or authority was limited from above and from below as well. Secondly, both authors conclude that all this resulted in a system where authority did not belong exclusively to structurally homogeneous actors and therefore loyalty was also shared among heterogeneous actors. It seems likely that Bull's expression of "*a system of overlapping authority and multiple loyalty*" is a rephrased version of Wolfers' "*double loyalties and overlapping realms of power*", despite that Bull did not refer to Wolfers on the pages where he provided the definition. Friedrichs later attributed the formulation of this concept to 19th century historian Otto von Guericke.⁵³

Following the definition, Bull went on to understand why it is possible to argue that the present could be labelled as neomedieval. In Bull's understanding there were five symptoms of a potential new mediaeval international system: regional integration of states, the disintegration of states, the restoration of private international violence, transnational organisations and the technological unification of the world. Although he dismissed the possibility of a neomedieval world order, it is easy to argue that Bull's assumptions would have been less well-grounded in the 1970s based on other and more recent scholars of IR theory, but since that time, Bull's words have proven to be prophetic in many regards.

For the purposes of the present study, the first claim about the regional integration of states has the most relevance. According to Bull, a prime example of this could be the European integration, which he described 40 years ago at a time that was fundamentally different from today. The United Kingdom had just joined the

⁵² Ibid. p. 245.

⁵³ See Friedrichs [2007] p. 159

E.E.C. at the time, and now it is planning to leave the EU—to illustrate one of the most spectacular differences. Bull tried to speculate about the future of the integration in 1977 and he came up with the following. “*If we are looking for evidence that European integration is bringing a qualitative change in the states system, it is more profitable to look not to the imagined end-product of this process, a European super-state which is simply a nation-state writ large, but at the process in an intermediate stage. It is possible that the process of integration might arrive at the stage where, while one could not speak of a European state, there was real doubt both in theory and in reality as to whether sovereignty lay with the national governments or with the organs of the 'community'. A crucial test might be the question whether national governments within the 'community' had the right, and, in terms of the force and the human loyalties at their command, the capacity, to secede. From a situation of protracted uncertainty about the locus of sovereignty, it might be a small step to the situation of a 'new mediaevalism', in which the concept of sovereignty is recognised to be irrelevant.*”⁵⁴ It is clear today that Bull’s words had some intuitive discernment in them. In some fields in the European Union—such as agriculture, monetary policy, competition law—the community clearly has sovereignty, while in other areas, it is the Member States. There is definitely uncertainty in terms of the ‘*locus*’ of sovereignty. However, in the current phase of European integration, sovereignty seems far from becoming irrelevant. The crucial test of secession, mentioned by Bull, is just being taken by the United Kingdom after 2016’s referendum on leaving the European Union. Those East-Central European states that have regained their sovereignty a few decades ago tend to refuse a further transfer of sovereignty to the community, as illustrated by the political course chosen by the Hungarian and Polish governments. Therefore, we can conclude that, in relation to the first criteria, the future justified Bull’s speculations.

Under the second criterion of *disintegration of states*, Bull essentially described what we call today territorial separatism. Bull even asked his readers to imagine that Wales secedes from Great Britain or that Croatia becomes an independent state instead of being a part of Yugoslavia.⁵⁵ In light of the break-up of Yugoslavia and

⁵⁴ Bull [2002] p. 256

⁵⁵ *Ibid.* p. 257

the recent referendum on Scottish independence, Bull's hypothetical scenario again seems to have been partially proven right in the course of the last forty years. I use the word partially because this tendency was not as widespread as Bull described, and it has not been the major factor that led to diminishing the relevance of sovereignty, as Bull expected.

The third symptom of the 'neomediaevalisation' of the world that Bull identified was *the restoration of private international violence*. This is a concept closely related to what Eco described as the '*vietnamisation of territory*' and what was referred to as the privatisation of the monopoly of aggression in the summary of Eco's neomediaeval concept.⁵⁶ Bull explained the role of the UN in the Korean War and the Congo crisis as instances of limiting the states' monopoly of aggression from above and to the Palestinian guerrillas and Latin-American revolutionary forces as elements that have challenged the states's exclusive right to legitimate violence from below. However, Bull also reminded his readers that such use of private international violence has its precedents in modern history. His examples were the Peruvian insurgents' seizure of the vessel named Huáscar in 1877 and "*the kidnapping of two American citizens in Tangier in 1904 by the Moroccan brigand El Raisuli*".⁵⁷ Based on these instances, Bull concluded that the limitation of the states' monopoly of violence has always been questioned; therefore, the 20th century relevance of such tendencies should not be overstated.⁵⁸ However, taking into account the significant difference between an international organisation encompassing all states on the planet acting in cases of war and crises and insurgents seizing a vessel or the kidnapping of two American citizens, we might detect a certain asymmetry of relevance in Bull's reasoning. Moreover, had Bull seen the late 20th to early 21st century resurgence of international terrorism and the spread of outsourcing the monopoly of aggression to private companies in some of the most democratic countries, he might have made some changes to this part of his argumentation.

The fourth neomediaeval trait according to Bull were *transnational organisations*. He interpreted transnational organisations in a wide sense which included

⁵⁶ Eco [2008] p. 26-30

⁵⁷ Bull [2002] p. 260.

⁵⁸ Ibid. pp. 259-260.

multinational corporations, political movements, NGOs, religious associations like the Roman Catholic Church and inter-governmental agencies such as the World Bank. From among these, Bull highlighted, mostly the role of multinational corporations, which he thought were harmful for the sovereignty of states. However, he relativized this claim by adding that the interaction of multinational corporations and states is not necessarily a zero sum game as states might open up to multinational corporations because they believe they would profit from so doing. Apart from the fact that more recent economic history claims that opening up is unavoidable and multinational corporations would not assure economic convergence in the world, it is also worth noting that the share of such companies in the world economy has risen to an unprecedented level since Bull's book was published. Thus, most of his arguments against this feature of neomedievalism have weakened over time.

The fifth symptom by Bull was *the technological unification of the world*. Perhaps it is least obvious how technological unification would lead to a neomedieval world order, but Bull argues this feature facilitated in many cases the previous ones. Technological unification made possible the regional and global integration of states which were the most notable harbingers of the idea of neomedievalism. Bull made it clear that he viewed these symptoms as irregularities and anomalies, which nevertheless pose a challenge to the realist approach to international relations. Despite that he came to the following conclusion. "*A time may come when the anomalies and irregularities are so glaring that an alternative theory, better able to take account of these realities, will come to dominate the field. If some of the trends towards a 'new mediaevalism' that have been reviewed here were to go much further, such a situation might come about, but it would be going beyond the evidence to conclude that 'groups other than the state' have made such inroads on the sovereignty of states that the states system is now giving way to this alternative.*"⁵⁹ The forty years that have passed since the first publication of Bull's work have justified most of his claims, in particular the years following the end of the Cold War gave rise to discourse on neomedievalism.

⁵⁹ Ibid. p. 265

The sections from Bull's work introduced above have served as a foundation for neomedievalism in IR theory. However, this was not the only part in *The Anarchical Society* where he speculated about the Middle Ages and the return of some mediaeval patterns in international relations. At the beginning of his work, there are some parts that are just as relevant from our perspective as the ones generally discussed despite their often being neglected since they are not strictly attached to the section on neomedievalism. Bull starts his overview of world order by defining what order generally means in a society and then in world politics. While defining the concept, he shares some rather original historical observations with his readers. One of his key observations could even be considered a sixth symptom of neomedievalism in contemporary international relations. Bull tried to find the key differences between what he called the Christian and the European international society. The former described the international world order of the fifteenth, sixteenth and seventeenth centuries while the latter that of the eighteenth and nineteenth centuries. Bull identified the survival of some mediaeval traits in the Christian international society, such as universalist and solidarist assumptions and the natural law.⁶⁰

Natural law was perhaps most important among them, since the prominent early internationalists like Victoria, Suarez, Gentili, Grotius and Pufendorf were all natural law-thinkers. According to Bull, they understood that the mediaeval positive 'law of nations' that they had inherited was mostly out of touch with the early modern international reality and, therefore, decided to use the more flexible instrument of the natural law in order to fix the discrepancies of positive law.⁶¹ Despite creating an overly Eurocentric international society where only "civilised" European countries were treated as equal partners, the colonial dominance was still tamed by the natural law tradition in the Christian international society. "[...] *the exclusiveness of the idea of Christian international society had been mitigated by the influence of the doctrine of natural law, which proclaimed the common rights and duties of men everywhere. In the era of European international society the decline of natural law thinking withdrew this mitigating influence. By the nineteenth century the orthodox doctrine of the positivist international lawyers was*

⁶⁰ Ibid. p. 32 and 34

⁶¹ Ibid. pp. 27-28

that international society was a European association, to which non-European states could be admitted only if and when they met a standard of civilisation laid down by the Europeans".⁶² However, the twentieth century brought back natural law to the international society in the form of human rights and under the auspices of international organisations, such as the League of Nations and the United Nations. Even universalist and solidarist assumptions have reappeared "*in the way rules of coexistence are formulated*."⁶³ By saying that, Bull argued that an important mediaeval organizing principle of societies – the natural law tradition – had been applied by early internationalists and disappeared later during the conquest of positivist international law only to reappear in the form of 20th century human rights regime. Although Bull later does not list the natural law tradition as a symptom of neomedievalism, it clearly is one such symptom. In fact, it is the only one that had already played a rather innovative role at the beginning of modernity and would later be applied again by the human rights movement.

The way Bull portrays natural law is characteristic of how IR theorists tend to play down the relevance of the Middle Ages. Bull explicitly mentioned that natural law was supplemented in the works of Grotius by the Roman concept of *ius gentium* and existing treaty law based on mediaeval mercantile and maritime law; however, he failed to introduce natural law itself as a major mediaeval contribution by Thomas Aquinas. He rather juxtaposed it to mediaeval positive law as something that was used more innovatively by Grotius and other early internationalists, and he never used it in a mediaeval context in *The Anarchical Society*. While universalist and solidarist assumptions and mercantile law could be linked to the Middle Ages, natural law was depicted as something more progressive and, therefore, non-mediaeval. All this clearly resembles 19th century historiography as introduced above. Bull even distanced natural law theorists from the mediaeval-sounding dichotomy of "*Papal and Imperialist writers*" by quoting from Otto von Gierke's *Natural Law and the Theory of Society*. Gierke was the only mediaeval historian whose work Bull relied on, but this book was written in 1883 almost a century before *The Anarchical Society* was published. The fact that he could have used Joseph Strayer's relevant and more up-to-date *On the Mediaeval Origins of*

⁶² Ibid. p. 32

⁶³ Ibid. p. 38.

Modern State from 1970, signals how IR tends to lose contact with recent developments of historiography.

Another key concept which Bull uses in the introductory part of *The Anarchical Society* is sovereignty or, in the case of the Middle Ages, the lack thereof. In IR theory it is generally contended that the idea and practice of sovereignty are modern phenomena.⁶⁴ Both the concept of external and internal sovereignty are linked to Jean Bodin, Hugo Grotius and Thomas Hobbes, i.e. to early modern scholars. A typical sentence by Bull highlights how he associates sovereignty exclusively with modernity. “*The kingdoms and principalities of Western Christendom in the Middle Ages were not states: they did not possess internal sovereignty because they were not supreme over authorities within their territory and population; and at the same time they did not possess external sovereignty since they were not independent of the Pope or, in some cases, the Holy Roman Emperor.*”⁶⁵ As we can see, Bull did not simply question the sovereignty of mediaeval kingdoms, but downright denied their statehood. By doing that, he disregarded the influential modernisation theory of the 1960s and 70s that included Joseph Strayer’s work mentioned above, Talcott Parsons’ *The System of Modern Societies* (1971) and Cyril E. Black’s *The Dynamics of Modernisation: A Study in Comparative History* (1966). Parsons argued that modernisation was inspired by mediaeval statecraft⁶⁶ while Black downright claimed that the idea of modernisation and progress were themselves a part of the European mediaeval heritage and more particularly the heritage of mediaeval Christianity.⁶⁷ Despite that, Bull’s approach would remain strong in the discipline, even among those IR scholars who have generally been viewed as authoritative in the field of sovereignty studies. Stephen D. Krasner, one of the key authors of the theory of sovereignty in IR, also seems to take it for granted that the notion of sovereignty was *first* created by modern scholars. “*When philosophers Jean Bodin and Thomas Hobbes first elaborated the notion of*

⁶⁴ See for instance Herz [1959] pp. 44-45 quoted above

⁶⁵ Bull [2002] p. 9.

⁶⁶ Parsons, Talcott [1971]: *The System of Modern Societies*. Prentice, New York p. 36

⁶⁷ Black, Cyril E. [1968]: *The Dynamics of Modernization*. Harper, New York pp. 139-140 It is also worth noting that the idea that the concept of progress stems from Christian culture was also reflected in the works of Mircea Eliade, particularly in *The Myth of the Eternal Return*. Eliade, Mircea [1958]: *The Myth of the Eternal Return*. Harper, New York

sovereignty in the 16th and 17th centuries, they were concerned with establishing the legitimacy of a single hierarchy of domestic authority.”⁶⁸

As opposed to this view, contemporary historiography tells us something different. Joseph Canning published *A History of Medieval Political Thought*⁶⁹ in 1996, and in it, he elaborated on the mediaeval roots of the concept of sovereignty. In his assessment, the Middle Ages significantly contributed to the shaping of this concept, and it also gave a political tool to the monarchs to put this concept into practice. Saint Bernard of Clairvaux wrote first about the *plenitudo potestatis* regarding the monarchical power of the Papacy. This meant that the Pope had full power even in secular terms. The concept was officially embraced by the Papacy under Innocent III when his lawyer Hostiensis defined it in academic terms, but 13th century monarchs were already using it to justify their own rule. Thus, while it was a concept delivered by the Papacy, it gained a wider secular usage in the High Middle Ages. It seems that the differentiation between external and internal sovereignty was also a mediaeval development. It were the glossators (mediaeval Roman lawyers) who defined the predecessors of these concepts. The internal sovereignty of royal rule was strengthened by the formula introduced in the works of Alanus Anglicus in the 12th century which stated that “*each king is an emperor in his kingdom*” (“*rex in regno suo est imperator regni sui*”). That means the king does not acknowledge a higher authority within the territory of his kingdom.

With regards to external sovereignty it is important to mention the 1202 decree entitled *De venerabilem* issued by Pope Innocent III. The decree underlined that the French king does not recognise any higher authority than himself in secular matters. This idea was later generalised in a formula emphasising that kings did not recognise superior authorities (*rex qui superiorem non recogniscit*). The essence of these formulae was that kings did not recognise higher authorities either within the territory of their kingdoms or outside of that and by that mediaeval political theory created a precursor of the concept of sovereignty. It is true that the concept and practice were relatively far from each other, but it is worth noting that the multi-layered system of authorities of the Middle Ages could serve as an

⁶⁸ Krasner, Stephen D. [2001]: Sovereignty. in: *Foreign Affairs* No. 122. p. 21

⁶⁹ Canning, Joseph [1996]: *A History of Medieval Political Thought*. Routledge, New York and London

incentive for defining the concept. The Papacy encouraged the sovereignty of the French king in secular terms to undermine a potential expansion of the imperial authority and that precedent proved to be catchy later on. Thus, the Papacy, as one of the two authorities limiting the authority of mediaeval kings from above, created the notion of sovereignty to challenge the other (the Emperor). This notion also helped the kings in early modern absolutism to fight the elements limiting their sovereignty from below (*l'état c'est moi*). Even though those modern thinkers who are often cited as the creators of the concept significantly contributed to its elaboration by playing down its personal character and adding more abstraction, they were definitely not pioneering the idea of sovereignty.⁷⁰ Bearing in mind the mediaeval heritage, it is less surprising that the early modern philosophers of sovereignty were still linking the concept to the person of the ruler as Bull and Krasner duly noted.

Bull argues that “[i]n the writings of Victoria and Suarez, and even of Grotius, the political units which are bound by the law of nations are referred to not only by the term *civitates* but also by such terms as *principes, regni, gentes, respublicae*. The doctrine of natural law, on which all the internationalists of this period rested their conception of the rules binding princes and the communities over which they ruled, treated individual men, rather than the groupings of them as states, as the ultimate bearers of rights and duties.”⁷¹ Bull implicitly says in the quote that early modern political philosophers considered individuals to be the exclusive actors of international relations and the exclusive subjects of international law. What Bull did not emphasise was that it was individuals whom these authors treated as sovereign actors in line with a mediaeval political thought, which was less inclined to grasp abstract ideas.

Krasner went somewhat further when he wrote: “Although Bodin and Hobbes accepted the existence of divine and natural law, they both (especially Hobbes) believed the word of the sovereign was law. Subjects had no right to revolt. Bodin and Hobbes realized that imbuing the sovereign with such overweening power invited tyranny, but they were predominately concerned with maintaining domestic order, without which they believed there could be no justice. Both were writing in

⁷⁰ Canning [1996] pp. 124-125

⁷¹ Bull [2002] p. 21

a world riven by sectarian strife. Bodin was almost killed in religious riots in France in 1572. Hobbes published his seminal work, *Leviathan*, only a few years after parliament (composed of Britain's emerging wealthy middle class) had executed Charles I in a civil war that had sought to wrest state control from the monarchy."⁷² It is highly likely that apart from these personal circumstances the mediaeval theoretical structures they were bequeathed and which linked the concept of sovereignty to the rulers themselves also significantly influenced their views. In other words, if we contend with Stephen D. Krasner that sovereignty is nothing more but 'organized hypocrisy',⁷³ that hypocrisy started a few centuries earlier than we have been told by political scientists. As we could see, even though contemporary historians of the Middle Ages have revised their view on the history of the idea of sovereignty, their results have not been incorporated in the discipline of IR theory either by Bull or by Krasner. They also seemed to ignore Wolfers's suggestion to examine the works of mediaeval authors.

The Low Tide of Neomedievalism in the 1980s and Its Resurgence in the 1990s

If we go on to examine the works of the major authors of neomedievalism in IR theory, the most striking feature is how the discourse almost disappeared from the discipline in the 1980s.⁷⁴ While cultural neomedievalism was flourishing in Europe, perhaps it was the reinforced Cold War antagonism that hindered the effective spread of the concept in political science and IR theory. The Strategic Defense Initiative and the general deterioration of the relations between the superpowers must have convinced the scholars that a diffuse neomedieval world order was out of the question. However, in the 1990s neomedievalism went through a certain renaissance in IR theory. It seems that the collapse of Yugoslavia triggered this new wave of neomedievalism. Around the very beginning of the war, Italian authors published the book *Jugoslavia, il nuovo Medioevo: la guerra infinita e tutti i suoi perché*, in which they compared the contemporary events to the Middle Ages using a rather superficial analogy. They clearly reached back to

⁷² Krasner [2001] p. 21

⁷³ Krasner, Stephen D. [1999]: *Sovereignty, Organized Hypocrisy*. Princeton University Press, Princeton. For an approach to state and sovereignty similarly limited in time in IR theory see: Osiander, Andreas [2001]: Before sovereignty: society and politics in *ancien régime* Europe. in: Cox, Michael; Dunne, Tim; Booth, Ken (eds.) [2001]: *Empires, Systems and States: Great Transformations in International Politics*. Cambridge University Press, Cambridge pp. 119-145

⁷⁴ Friedrichs [2007] p. 175

the image of the anarchical Middle Ages as pictured by cultural neomedievalism to portray Yugoslavia as a mediaeval bundle of chaos that was abandoned by the international community.⁷⁵ Even though one of the authors, Marco Ventura, was a social scientist, the structure of the text heavily relied on the journalistic style of Gigi Riva, a war correspondent in Yugoslavia at the time. Throughout the 1990s, more academic works elaborating on neomedievalism were published, but in a typically restricted fashion, meaning that the extent of pages devoted to the topic were heavily limited.⁷⁶ Therefore, these authors could not give a comprehensive picture of neomedievalism or a revision of Bull's ideas.

The first author to observe neomedievalism in a more extensive and systemic manner was Philip G. Cerny who published a paper in 1998 entitled *Neomedievalism, Civil War and the New Security Dilemma: Globalisation as Durable Disorder*. Atypically for an IR scholar, Cerny discussed the contemporary international system as one that is similar to the mediaeval chaos and anarchy and in that regard, similarly to Riva and Ventura, he tried to reach back to the Early Middle Ages as a model.⁷⁷ Nicholas J. Rengger used Bull's text on neomedievalism and compared it to Jean Marie Guehenno's *The End of the Nation State* (1995) in his study written in 2000. He argued that contrary to Bull's system of overlapping authorities and multiple loyalties, Guehenno saw the demise of the nation state as the harbinger of a disorderly mediaeval imperial era. These adjectives seem somewhat exclusive of each other, but Guehenno insisted that the coming new polity might merge the qualities of the Roman Empire and the Middle Ages. In fact, he compared the present to the late Roman Republican period and the future to the Roman Imperial era. As opposed to that, Rengger interpreted Guehenno's disorderly mediaeval empire as a reincarnation of the Holy Roman Empire and juxtaposed it to Bull's fragmentation of power and multiple loyalties to conclude that the new Middle Ages would hopefully bring more opportunities

⁷⁵ Riva, Gigi; Ventura, Marco [1992]: *Jugoslavia, il nuovo Medioevo: la guerra infinita e tutti i suoi*. Mursia, Milano

⁷⁶ E. g. Held, David [1995]: *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Stanford University Press, Stanford pp. 137-140, Linklater, Andrew [1998]: *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era*. University of South Carolina Press, Columbia pp. 193-198 or Badie, Bertrand [1995]: *La fin des territoires: Essai sur le désordre international et sur l'utilité sociale du respect*, Fayard, Paris p. 296

⁷⁷ Cerny, Philip G. [1998]: *Neomedievalism, Civil War and the New Security Dilemma: Globalisation as Durable Disorder*. in: *Civil Wars* Vol. 1 No. 1 pp. 36-64

and less disasters for Europe than “*its calamitous predecessor*.”⁷⁸ Rengger has not created his own neomedieval analytical model, but rather applied two different models to describe the European Union. When it came to an image of the “original” Middle Ages as a basis of his analogy, Rengger’s account remained equally blurred as the works of the preceding theorists. Robert Gilpin also shortly summarised and explained the key statements of IR neomedievalism in his *Global Political Economy*.⁷⁹

Among the works focusing on a specifically European assessment of the neomedieval concept were Cardini’s and Lerner’s *Martiri e assassini: Il nostro medioevo contemporaneo* and Hoenicke Moore’s study on “*Euro-Medievalism*”.⁸⁰ Even though the latter, based on its title, might sound relevant for the present dissertation, it mostly focused on those cultural aspects of the lengthy mediaeval era that could be inspiring for the process of European integration. For instance, it paid tribute to the Christian contribution to mediaeval European unity through a review of the works published for the 1500th anniversary of King Clovis’ baptism in 1996.⁸¹

Jörg Friedrichs and Neomedievalism as an Analytical Tool

Jörg Friedrichs has been the first scholar who came up with his own model of neomedievalism in a similar vein to Bull, but he has done research in this field in a more consistent and regular way. He is among the few IR scholars who have published on neomedievalism extensively which explains why we should pay special tribute to his works. Friedrichs also heavily relied on Bull’s definition of neomedievalism, but he also revisited the definition with a critical approach and arrived at innovative conclusions. Friedrichs published three major studies on neomedievalism in the 2000s. The first one from 2001 was entitled *The Meaning of the New Middle Ages* and was aiming at a conceptual clarification. In 2003, he published *What’s New about the New Middle Ages?* and a year later Friedrichs

⁷⁸ Rengger, Nicholas J. [2000]: *European Communities in a Neo-Medieval Global Polity: The Dilemmas of Fairyland?* in: Kelstrup, Morten; Williams, Michael [2000]: *International Relations Theory and the Politics of European Integration: Power, Security and Community*. Routledge, London pp. 51-71

⁷⁹ Gilpin, Robert [2001]: *Global Political Economy: Understanding the International Economic Order*. Princeton University Press, Princeton pp. 264-276

⁸⁰ Cardini, Franco; Lerner, Gad [2002]: *Martiri e assassini: Il nostro medioevo contemporaneo*. Rizzoli, Milano and Hoenicke Moore, Michael E. [2002]: *Euro-Medievalism: Modern Europe and the Medieval Past*. in: *Collegium* No. 24, Summer 2002 pp. 67-79.

⁸¹ Hoenicke Moore [2002] pp. 73-77

discussed neomedievalism in light of global governance and international law.⁸² In the same year, 2004, he also wrote a book on IR theory with a European focus: *European Approaches to International Relations Theory—A House with Many Mansions*. The last chapter of the book was an updated version of *The Meaning of the New Middle Ages*. Even though the key elements of his revised image of neomedievalism appeared in the first two papers, it was his third paper that featured his new ideas in their most mature form; therefore, the primary focus of this work will rest there.⁸³

Friedrichs started his study by quoting the same paragraph from Arnold Wolfers, the forefather of neomedievalism, which was quoted here. However, he excluded the following part of the paragraph: “*at some future time speculations and observations of medieval thinkers like Saint Augustine, Thomas Aquinas, or Dante will become relevant again in matters of world politics.*”⁸⁴ By that he wished to distance his approach from mediaeval studies and the reality of the Middle Ages and decided to focus simply on mediaevalism, that is the idea of the Middle Ages. Friedrichs openly admitted that when he wrote: “*The heuristic claim is that it will be much easier to understand the dynamics of the post-international world when turning to the dynamics of the pre-international world. The good news about such a detour ‘back to the future’ is that it will help us avoid the Scylla of lofty postmodernism; the bad news, however, is that it may bring us close to the Charybdis of myopic historicism. In order to prevent the latter, I deliberately choose a creative use of the medieval world. With due apologies to the connoisseurs of medieval history, I do not aim at a deep phenomenological understanding of the Middle Ages [...]. In the context of the present conceptual Odyssey the neomedieval analogy is just that: a device to overcome the conceptual blindness we are all more or less victims of due to the powerful mental habits of the modern mindset.*”⁸⁵ Getting rid of the conceptual blindness should not automatically exclude aiming at a credible image of the political structure of the Middle Ages by using primary sources from the actual period. For an analogy that

⁸² Friedrichs, Jörg [2004]: The Neomedieval Renaissance: Global Governance and International Law in the New Middle Ages. in: Dekker, Ige F; Werner, Wouter G. (eds.) [2004]: *Governance and International Legal Theory*. Brill, Leiden pp. 3-32

⁸³ In doing that we will use a later edition: Friedrichs [2007]

⁸⁴ Wolfers [1962] p. 242

⁸⁵ Friedrichs [2007] p. 128

is more or less precise, an accurate basis is required and looking at the thing itself would definitely help in building that. Looking at the thing itself, in our case, means using the most recent results of mediaeval studies and also primary sources from the era. Using such sources also does not mean that one has to give up on “*a creative use of the medieval world*” and that the pitfalls of “*myopic historicism*” are unavoidable. However, Friedrichs found these aims incompatible with each other and went on to describe expressively why IR theory needed the neomedieval toolkit.

According to Friedrichs neomedievalism provides a chance to resolve the “triple dilemma of IR theory” and in that regard it may be an embryonic alternative to both state-centric approach and the globalization discourse. None of the latter two are capable of handling the triple dilemma, i.e. attempting to grasp the tension between globalisation, fragmentation and the nation state system. As Friedrichs puts it: “*when talking about globalization, one is in danger of being blind to the opposite trend of fragmentation; when shifting to the discourse about fragmentation, one can hardly grasp the evidence of globalization; and both the discourse about globalization and the discourse about fragmentation are blind to the fact that the nation-state system continues to monopolize the lion’s share of legitimate action in world politics; however, when returning to the familiar discourse about sovereign statehood, one becomes unable to capture the evidence of either globalization or fragmentation.*”⁸⁶ Neomedievalism is portrayed in the work as a conceptual framework that could help scholars to come to terms with the fact that international order is not guided by a single organising principle anymore. It is the modern *forma mentis* of a single organising principle that keeps IR theorists captive and stops them from creating more out-of-the-box analytical tools. In Friedrichs’ opinion, neomedievalism could develop into such a tool despite its current embryonic form. He thinks, the Middle Ages can teach us that the Westphalian state system is not more than a “*historically unique anomaly*” which had a beginning and will come to an end and that there are many other forms of “*inter-polity order*”, for instance empires, city-states and theocratic regimes.⁸⁷ Before defining neomedievalism and constructing his own model, Friedrichs also

⁸⁶ Ibid. p. 130

⁸⁷ Ibid. p. 133

set the exact time frame which served as a basis of his analogy: „*the Middle Ages in western Christendom between the eleventh and the fourteenth centuries.*”⁸⁸

He then went on to describe how the world has gotten from an old mediaeval order to a new one. “*The old medieval order in western Christendom, understood as a system of overlapping authorities and multiple loyalties, worked for centuries in a precarious coexistence with other forms of political order, especially in eastern Christendom and the Islamic world [...] Subsequently, early modern rationalization led to a reorganization of political order in the western world and to the progressive evolution of the nation-state system. [...] In that system, sovereign nation states claimed to hold the monopoly of legitimate political action vis-à-vis other actors. From the beginning of modernity to decolonization, the system of sovereign nation states expanded territorially over the globe and displaced all competing conceptions of political order [...] However, in the changed environment of the contemporary world, the hegemonic claim posed by the nation-state system is again problematic. Older conceptions of political order along ethnic, cultural and religious lines begin to re-emerge, particularly in the periphery but also in the western world. The international system is moving towards new medievalism, i.e. back to a system of overlapping authorities and multiple loyalties.*”⁸⁹ Friedrichs based his own model of neomedievalism on Bull’s definition, which explains why the expression of “*overlapping authorities and multiple loyalties*” was featured more than once. Following the broader historical narrative, Friedrichs outlined the major works of neomedievalism in IR theory to conclude that their authors had a fairly simplistic view of the Middle Ages. They attempted to juxtapose a chaotic version of the Middle Ages with the modern order at all costs and then often tried to look for some modernity-inspired order in it as a consolation prize.

Friedrichs also accused Bull of only explicitly and superficially admitting the unity of the mediaeval order and of placing too much emphasis on the fragmentation of power in his neomedieval definition of overlapping authorities and multiple loyalties. He argued instead that competing papal and imperial universalisms were two factors that assured a considerable level of coherence in the mediaeval order.

⁸⁸ Ibid. p. 133

⁸⁹ Ibid. p. 135

In verifying that claim, Friedrichs is our first neomedievalist scholar who used mid-20th century rather than just 19th century historiography. Although he admitted that the 19th century works of Otto von Guericke served as a basis also for his model of neomedievalism,⁹⁰ he used the works of the historian Walter Ullmann too when he argued that against the centrifugal forces of fragmentation, Christian universalism and the Pope served as a counterpoint. He identified another counterpoint in the secular universalism embodied by the Holy Roman Emperor from the eleventh century onwards.⁹¹ In the latter Friedrichs relied on a study by Andreas Osiander⁹², also an IR theorist, but a rather rare type, in that he attempts to shed some light on the ignorant attitude of IR towards historiography.⁹³ Even though Osiander has not focused on neomedievalism and is not a medieval historian, he made an impressive attempt at describing the pre-Westphalian international order including Antiquity, the Middle Ages and the Early Modern era by using an IR toolkit. He has been the only IR scholar who acted on the suggestion of Wolfers and went back to the texts of Thomas Aquinas and Dante and many others when he depicted their periods.⁹⁴ However, he did not use these texts to say anything about the neomedieval present as Wolfers suggested. In fact, he did not even use the word neomedievalism in his magnum opus.

However, the fact that Friedrichs relied on the works of 20th century historians and IR scholars with a flair for history showed that he wished to move towards a more progressive concept of neomedievalism. Counterbalancing Bull's overly 'centrifugal' definition by the spiritual and secular forms of universalism, he created his own definition of neomedievalism: "*A medievalist system is a system of overlapping authorities and multiple loyalties, held together by a duality of competing universalistic claims.*"⁹⁵ Friedrichs then went on to identify the contemporary equivalents of the universalist elements that he introduced to the

⁹⁰ Friedrichs [2004] p. 16

⁹¹ Friedrichs [2007] p. 136

⁹² Osiander [2001]

⁹³ According to Osiander it portrays well the ignorance of IR theory to history that on the 350th anniversary of the Peace of Westphalia there were almost no IR conferences organised on the topic while it "*was marked by a flurry of conferences and publications by historians*". See: Osiander, Andreas [2001a]: Sovereignty, International Relations, and the Westphalian Myth. in: *International Organization*. pp. 251-287. Quotation from p. 251

⁹⁴ See: Osiander, Andreas [2008]: *Before the State – Systemic Political Change in the West from the Greeks to the French Revolution*. Oxford University Press, Oxford

⁹⁵ Friedrichs [2007] p. 137

definition. The two functional equivalents that he detected were a political and an economic universalism: the nation state system and the transnational market economy. The nation state system was paralleled with the *imperium* while the transnational market economy with the *sacerdotium*. Friedrichs compared the national and international bureaucratic class promoting the nation state system to the feudal lords and kings promoting the shared expectations of imperial vassals. The social ethos of feudalism was similar to the universal belief in international order in the modern era.⁹⁶ On the other hand, Friedrichs found the managerial class of the world market economy comparable with the clergy of the Middle Ages. Both could be characterised by an unusually “*high degree of social and spatial mobility*” and both protected their orthodoxy against various forms of heresy. The dogma of the “*econocrats*” would be neoliberal laissez-faire orthodoxy while economic isolationists or interventionists would be the respective heretics. “*There is excommunication from financial markets for stubborn states, just as there was excommunication from Christendom for reluctant secular rulers in the Middle Ages. There is a contest between the world market economy and the nation-state system for supremacy in the international sphere, just as there was a contest for supremacy between the Church and the Empire in the Middle Ages.*”⁹⁷ Friedrichs further analysed the elites who were responsible for representing the ideologies of these blocks. He highlighted that religious universalism was mostly spread by Catholic theology while the intellectual representatives of imperial universalism were to be found more sporadically in the elites and from among them he named Dante, William Ockham and Marsilius of Padua. Regarding the contemporary world, Friedrichs identified “*a knowledge-based elite, or epistemic community, of organic intellectuals and public writers*” as the intellectual background of both the nation state system and the transnational market economy.⁹⁸ In the conclusion of his work, Friedrichs expressed his hopes that his revised model of neomedievalism would prove to be a thought-provoking and innovative device “*helping to overcome the ‘tyranny of the concepts’*”.⁹⁹ For those who might worry that a new mediaeval order meant giving up on political values guaranteed by the

⁹⁶ Ibid. p. 138

⁹⁷ Ibid. p. 140

⁹⁸ Ibid. p. 142

⁹⁹ Ibid. p. 144 Friedrichs quoted the term „tyranny of the concepts” from Bull [2002] p. 267

state such as democracy or the rule of law, Friedrichs mentioned that neomedievalism also has the aim of “*preserving and recovering a proper space for political action.*”¹⁰⁰

What are the major concerns about the concept of neomedievalism by Friedrichs? There is a certain inconsistency in his neomedieval structure that stems from the standard IR flaw of playing down the relevance of sovereignty in the Middle Ages. As we can remember, Bull, Krasner and also Osiander denied that sovereignty existed in any form in the Middle Ages. That is partially why Bull could dismiss the claim of a neomedieval world order. Since he did not see enough evidence that other actors in the international order could seriously curb the sovereignty of the nation states, he thought the ‘danger’ of the new Middle Ages was not imminent. In other words, he would have only deemed a scenario justifiable enough to call it neomedieval if it were to erase state sovereignty from world politics. As we have demonstrated above, this was a significant misunderstanding of the Middle Ages on Bull’s behalf. The Middle Ages was an era when, according to recent medieval historians, the predecessors of the ideas of external and internal sovereignty were introduced. It was the very limits of the sovereignty of kingdoms – the Church and the Empire – that enabled this concept to emerge as a consequence of their rivalry. Thus, a system with partially sovereign states, with shared sovereignty, or with limited sovereignty could be labelled neomedieval more safely than Bull contended. Friedrichs followed Bull’s footsteps when he more or less ignored the question of sovereignty in his neomedieval model. He juxtaposed two fully fledged ideologies as equal rivals and these represented the new version of the papal and imperial parties. One of these ideologies was the nation state system. However, that can be somewhat misleading since the very point of neomedievalism has been that for various reasons the nation state system has been losing the exclusive right to sovereignty it used to possess.

The neomedieval structure envisaged by Bull was able to highlight the elements, which restricted the sovereignty of the nation state and, therefore, identify these elements as being other than the nation state system itself. Bull identified constraints that were limiting medieval kingdoms from above and from below.

¹⁰⁰ Ibid. p. 145

The Pope and the Emperor were both constraints from above while the king's vassals were limiting his power from below.¹⁰¹ Bull then tried to find those elements that were similarly limiting the power of today's nation states from above and from below. He named, among others, international corporations and organisations above and the privatisation of international violence below. Friedrichs used Bull's text on neomedievalism and also listed the five symptoms of neomedievalism pinpointed by Bull but decided to discard many of Bull's ideas to provide a new take on the issue. In order to prevent the centrifugal nature of Bull's theory from hijacking his revised model, he wished to give the rivalling universalisms of the Pope and the Emperor more weight. By doing so, he played down the relevance of sovereignty entirely. Bull could not detect enough evidence for a neomedieval order because he could not see anything fully robbing the nation states of their sovereignty, while Friedrichs introduced a neomedieval system in which the nation state system itself—the sovereignty of which was supposed to be under siege by multiple factors in a proper neomedieval model—was one of the two fully sovereign entities competing for universal power. Thus, we can see that both authors have let the sovereignty of states remain almost intact in their assessment of the possibilities of neomedievalism, despite the fact that one of them concluded that neomedieval times had not arrived yet (Bull) while the other thought that they had (Friedrichs).

Both examples show that these authors have disregarded the fact that some form of sovereignty might exist on the mid-level of the mediaeval structure, under the Pope and the Emperor, but above the vassals. Bull explicitly denied the statehood of mediaeval kingdoms on the level of the previously mentioned structure and diagnosed that neomedieval times have not appeared in the 1970s since nation states could retain their sovereignty. In opposition to this view, Friedrichs made a contrary diagnosis by moving nation states to the top level of his neomedieval structure—next to transnational market economy—fully preserving their sovereignty. The realities of limited mediaeval sovereignty were not faced by either scholars. Despite the recurring formulation of “*overlapping authorities and multiple loyalties*”, they both decided in fact to extract and save the nation state from the sovereignty-eroding power of the system they built. Their trains of

¹⁰¹ Bull [2002] p. 245

thought fell prey to the modern *forma mentis* (Friedrichs) or the “*tyranny of the concepts*” (Bull), which both of them sought to avoid but neither fully managed.

Saskia Sassen – Political Science and IR as an Analytical Framework of History

It is symptomatic of the ignorance of IR neomedievalism to sovereignty in the Middle Ages that the scholar, who devoted an entire treatise to the subject of mediaeval statecraft from a political science/IR point of view, was the sociologist Saskia Sassen. Her influential *Territory, Authority, Rights: From Medieval to Global Assemblages*¹⁰² was published in 2006 and provided “*a sweeping overview of the history and historiography of premodern cities, institutions, and bureaucracies.*”¹⁰³ Sassen found it important to write with a special focus on those mediaeval practices and patterns of political power that helped rulers to unite actors that were often stronger than the ruler himself because she deemed these practices relevant in an age when the forces of globalisation could dislodge the capabilities of the nation state.¹⁰⁴ Sassen understood how considerable of an effort it was that mediaeval rulers could demonstrate their sovereignty against the upper and the lower constraints of their power through repeated waves of centralisation. Sassen found the attempts of the Capetian administration between the eleventh and the twelfth centuries particularly impressive. As Holsinger quotes, the Capetians “*implemented key elements of a centralized bureaucracy that created a grid for partial control over what was a sharply fragmented territorial and political organization with many actors far more powerful than the king.*”¹⁰⁵ Unlike Friedrichs, Sassen did not neglect the lower constraints of mediaeval royal power, nor did she play down the relevance of sovereignty. Her impressive account of mediaeval ‘urban territoriality’ was counterbalanced by such symptoms of sovereignty as the royal assemblage of territories and the birth of “*state bureaucracy for extracting revenue*”¹⁰⁶. She even went so far as detecting abstract forms of authority as the predecessors of sovereignty. In fact, one of the major hypothesis of her treatise was that sovereignty was not a radical post-feudal

¹⁰² We will use the 2008 edition of Sassen’s work: Sassen [2008]

¹⁰³ Holsinger [2016] p. 177

¹⁰⁴ Sassen [2008] p. 5

¹⁰⁵ Ibid. p. 46

¹⁰⁶ Ibid. p. 72 For a detailed analysis on how taxation appeared in the Late Middle Ages see Ibid. p. 49-53. In this part of the text, the author heavily relied on Joseph Strayer’s works.

innovation,¹⁰⁷ and she concluded that this hypothesis was verifiable: “*The sovereign authority that would be critical for the national state was facilitated by the presumed divinity of the monarch [...] The complex and abstract notion of the legitimate authority of the national territorial sovereign does not simply represent a radical innovation of the postfeudal order. Multiple medieval capabilities went into its making, from notions of divine authority to those of the secular and constitutional systems of law arising out of the formations of cities in the eleventh and twelfth centuries. Even when backed with material and identifiable power, authority is to be distinguished from raw power: sovereign authority introduces abstraction into the materialities of the sovereign's power. [...] In this regard the emergence of towns as complex political economies in their own right willing to contest powerful rulers and develop their own sources of political authority is interesting and illuminating, especially since most cities lacked armies.*”¹⁰⁸

There are multiple refreshing aspects of this paragraph compared with the standard IR neomedievalist texts. On the one hand, it is clear that Saskia Sassen’s work reflects the stance of contemporary historians, i.e. sovereignty was not merely a modern Westphalian invention. The fact that she used multiple sources of more recent historiography might explain her up-to-date take on the question. Works of the French Annales school by Jacques Le Goff, Georges Duby and Fernand Braudel were relied upon, while Joseph Strayer’s studies were also featured (the lack of which was so striking in Bull’s work). Another important discovery made by Sassen was that an important lower constraint of royal power might paradoxically contribute to the birth of sovereignty too. As she correctly explained, eleventh and twelfth century cities gave birth to certain constitutional systems that were later projected on and exported to the level of nation states.¹⁰⁹ Thus, we can

¹⁰⁷ Ibid. p. 28

¹⁰⁸ Ibid. p. 72

¹⁰⁹ As Pierre Chaunu noted, Rousseau’s model of direct democracy for France was inspired by the archaically mediaeval republican practices of the city of Genève. „Après 1760, Rousseau reprend, avec beaucoup plus de force l’hypothèse du Contrat. Est-il besoin de le rappeler, lui aussi à son modèle implicite, le cité de Genève. Superficiellement, Rousseau est, par rapport à Genève, dans la relation de Locke à la constitution traditionnelle anglaise, de Voltaire au siècle de Louis XIV ou de Montesquieu à la contre-révolution du temps de la Régence. Mais l’analogie est superficielle; les modèles implicites de Locke, Montesquieu et Voltaire sont, si l’on veut, des modèles opérationnels, le modèle genevois de démocratie directe est lié à un archaïsme, une survivance dans un secteur où les contingences de l’histoire ont entraîné un ratage de l’État territorial étendu au moyen. De ce fait, appliqué à l’Europe concrète de second XVIII^e, le modèle de Rousseau est irréaliste, révolutionnaire.” Chaunu, Pierre [1971] : *La civilisation de l’Europe des Lumières*, Arthaud, Paris p. 194

conclude that similarly to the way the Papacy as an upper constraint of mediaeval royal authority contributed to the concept of sovereignty, the cities and towns as elements that were limiting royal authority from within or from below, also provided intellectual ammunition for their sovereignty. If there is one point where Sassen's train of thought might seem questionable, it is when she emphasised the abstract nature of the mediaeval contribution to sovereignty. As we have already discussed the mediaeval version of sovereignty was a highly personified concept, the abstraction of which was carried out by early modern thinkers like Bodin and Hobbes. Saskia Sassen argued that the divine origin of royal power was an abstract concept. If one accepts this claim, we would have to agree that most types of royal power were abstract from the earliest stages of state formation, i.e. from the age of the Mesopotamian and Egyptian empires and in the Judeo-Christian tradition from the time of the kingdom of Saul. The divine nature of royal power has been as old as any form of political rule in human history; therefore, it would be an overstatement to say that it was a "*mediaeval capability*".

The idea that various constitutional forms were also abstract mediaeval concepts is more justifiable, but in this case the time frame of the eleventh and twelfth century set by Sassen is not entirely fitting. It is true that by that time the fermentation of cities' political systems into various constitutional forms (often republican ones) had begun, but it was a century later, at the end of the thirteenth century, that abstract constitutional forms were established thanks to the assimilation of Aristotelian political ideas, a process which was only completed by the 1280s.¹¹⁰ As will be discussed in the Second Part of this dissertation, this era had much more significance for mediaeval political philosophy than the eleventh and twelfth centuries. Irrespective of some of her questionable ideas regarding the Middle Ages, Saskia Sassen provided a much deeper analysis of mediaeval political realities than some of the IR scholars who delved into neomedievalism. Even though Sassen did not embrace the idea according to which we are facing the new Middle Ages in the 21st century, she clearly used mediaeval patterns of distributing authority to explain certain trends and forces of globalisation in the present. In doing that, her analogies were more based on "*the historical veracity of the Middle Ages*" than those of most neomedievalists. The way she compared the role of

¹¹⁰ Canning [1996] p. 134

mediaeval cities to her own concept of global cities was particularly remarkable. After claiming “*that late medieval cities constituted a type of urban political economy of territoriality*” she went on to discuss the following question. “*Can we make this more abstract so as to accommodate particular forms of territorial authority we see emerge today? Some of these get constituted as denationalized territories inside ongoing national territorial regimes. Global cities are such entities as compared to electronic financial networks, which are not.*”¹¹¹ Even though Sassen’s work is a detour from both IR and neomedievalism, it is an inspirational example showcasing how the historiography on the Middle Ages can be used in order to explain certain trends of the present.

Jan Zielonka – The European Union as a Neomedieval Empire

Moving on to a more specifically European focus, I will now examine how neomedievalism has been projected on the questions of the European Union. The only major work that dealt with the question in detail was Jan Zielonka’s *Europe as Empire* published in 2006. However, in order to fully grasp his conception of the EU as an empire, it is necessary to briefly consider the idea of a neomedieval empire developed before Zielonka. To that end, an important study to observe was written by Michael Hardt and Antonio Negri, it was published in 2000 and bears the laconic title *Empire*.¹¹² It was one of the works Bruce Holsinger found worthy of reviewing in the Cambridge Companion to Medievalism. Holsinger wrote: “*Mixing political philosophy, theology, and postcolonial and Marxist theories of value, the book proposes an amorphous global network of post-national sovereignties with surprising inheritances from the premodern world. Empire’s eccentric variant of neomedievalism involves a return to several distinctive moments in premodern history: the fall of Rome and the resistance to empire represented by the northern barbarians; the processes of primitive accumulation and the birth of capitalism; and the rise of the mendicant orders in the thirteenth century, with the model of love and charity promised therein.*”¹¹³ As we can see, Hardt and Negri proposed a view of a neomedieval empire that included features from almost the entirety of the Middle Ages. Early mediaeval elements from Saint Augustine’s time to high mediaeval elements like the appearance of the mendicant

¹¹¹ Sassen [2008] p. 419

¹¹² Hardt; Negri [2000]

¹¹³ Holsinger [2016] pp. 173-174

orders (such as the Dominicans and the Franciscans) and many other features from in between were all channelled into their image of the mediaeval empire. This all-encompassing approach to empires was the one explicitly refused by Zielonka in his work.¹¹⁴

Zielonka aimed at the description of the European Union as a neomedieval empire and used a rather specific terminology to analyse it. Relying on his previous works, Zielonka identified four theoretical regimes that could serve as a descriptive model for the European Union: “*liberal internationalism, imperial neo-medievalism, parochial nationalism, and Westphalian super-statism.*”¹¹⁵ He found these options much more functional than Jacques Delors’s “*unidentified political object*” or the mysterious “*postmodern polity*” which represented in his eyes an insufficient “*anything-goes*” attitude.¹¹⁶ Zielonka argued that in order to say something relevant about the European Union a more pragmatic approach is required. Ideally one which provides an analytical tool that is more robustly applicable than the simple observation that the EU is unprecedented. Starting with the four theoretical regimes, the author gradually narrowed down the choice to imperial neomedievalism and the Westphalian super-state. However, he makes it clear very early on in his book that the European Union is much closer to a neomedieval empire than a Westphalian super-state or a Westphalian empire. “*The contrast between the EU and the imperial might of the contemporary United States or nineteenth century Britain is enormous. [...] This is because the EU resembles an empire we know from many centuries earlier. Its multilevel governance system of concentric circles, fuzzy borders, and soft forms of external power projection resemble the system we knew in the Middle Ages, before the rise of nation states, democracy, and capitalism.*”¹¹⁷ In his previous works, Zielonka focused on the question of European borders and concluded that the internal and external borders of the European Union were more like those of the Middle Ages, which were not considered to be strict demarcating lines. The European Union had Member States that were part of the Schengen zone, as well as members that were not. And in this regard, their membership did not coincide with a single border policy. EU borders

¹¹⁴ Zielonka [2006] p. 199 For further definitions of empire see Doyle, Michael W. [1986]: *Empires*. Cornell University Press, Ithaca pp. 30-50

¹¹⁵ Zielonka [2006] p. 17

¹¹⁶ Ibid. p. 17 and p. 19

¹¹⁷ Ibid. p. 1

did not resemble Westphalian rigid and sharp state borders, but rather those more open mediaeval geographic barriers, which could not precisely delineate administrative, military, economic and cultural zones since these were overlapping.¹¹⁸ These less physical and more fluid borders of the European Union inspired the author to dig deeper into the neomedieval nature of the European Union.

Reading Zielonka in more depth, it is interesting to see how he defended the hypothesis that the European Union is not just neomedieval, but also an empire. He argued that Westphalian super-states may turn into Westphalian empires through “*military conquests, territorial annexations, or international economic exploitation.*”¹¹⁹ Following these assertions, he expressed blatantly that his concept has nothing to do with such a Westphalian empire. The European Union is more prone to offer economic and financial help to its neighbours and peripheries rather than to exploit them. Despite that, Zielonka wrote, there are some symptoms that qualify the European Union as some sort of an empire, such as the “*ever-further extension*” of its borders and the export of EU rules to its neighbours. The asymmetries between the eastern and the western part of the continent made possible, in Zielonka’s estimation, “*the skilful use of political and economic conditionality*” that led to the EU’s control over “*the unstable and impoverished eastern part of the continent.*”¹²⁰ To somewhat relativize the strength of the statement, Zielonka admitted that the EU invited the new Member States instead of conquering them, but also expressed his concerns about the extent of freedom these countries possessed during the accession negotiations. The fact that the new Member States had to adopt the entire *acquis communautaire* also signalled a hierarchy between the Community and the candidate countries. The phenomenon of the new Member States not being able to comply with these rules was interpreted by Zielonka as a form of cheating that is also characteristic of imperial relations. A further symptom of imperial functioning was detected by Zielonka in the form of transfer of sovereignty.¹²¹

¹¹⁸ Ibid. p. 4

¹¹⁹ Ibid. p. 13

¹²⁰ Ibid. p. 13

¹²¹ Ibid. p. 13-14

In order to demonstrate the unique characteristics of his theoretical construction, the author compared the Westphalian type of state to the neomedieval empire. *“The former is about concentration of power, hierarchy, sovereignty, and clear-cut identity. The latter is about overlapping authorities, divided sovereignty, diversified institutional arrangements, and multiple identities. The former is about fixed and relatively hard external borderlines, while the latter is about soft-border zones that undergo regular adjustments. The former is about military impositions and containment, the latter about export of laws and modes of governance.”*¹²² This comparison exposes the most important characteristics of Zielonka’s concept and also its relative proximity to Bull’s image of neomedievalism. A further point he decided to make was a reasoning to show why the theoretical construction of a neomedieval empire was necessary to apply for the EU. He first underlined that he found the competing concepts rather inadequate and that a model with historical roots might urge political scientists to make a better use of history, philosophy and law instead of ignoring or contradicting them. He hoped that even if the real Middle Ages produced its regimes in an entirely different socio-political context, some know-how and best practices would be available for scholars if they searched hard. He also highlighted that in the given phase of his research he used the concept of the neomedieval empire as a theoretical benchmark *“rather than the exact approximation of the course of history.”*¹²³ Thus we find that the assessment of the empirical flow of history, *“the historical veracity of the Middle Ages”* (Holsinger) or the *“deep phenomenological understanding of the Middle Ages”* (Friedrichs) is missing from yet another major work devoted to neomedievalism.

Therefore, Zielonka’s study is just as generalising when it comes to the basis of his analogy, the Middle Ages, as the bulk of neomedieval literature in IR. He rather convincingly used his theoretical benchmark as he went through the various fields of European integration from constitutionalism through governance structure to foreign policy, but his more or less justifiable image of the Middle Ages was of low definition and sometimes relied on questionable sources. Although we have to admit that Anthony Black’s, Georges Duby’s, Walter Ullmann’s and Joseph Strayer’s works were referred to in his account of the Middle Ages, and in that

¹²² Ibid. p. 15

¹²³ Ibid. p. 15

regard it represented a significant step forward compared to some other pieces of IR literature, these sources were not considered most up-to-date among historians at the beginning of the 21st century. More recent or relevant works by Jacques Le Goff, Peter Brown, Joseph Canning or James Blythe on mediaeval political philosophy were missing. Even though he used studies by IR scholar Andreas Osiander who referred to some of these authors, it did not fully compensate for the lacking pieces of literature. Given the neomedievalist IR works covered here so far, it almost seems automatic that Zielonka also did not use mediaeval primary sources.

On the other hand, the sources that he used were often not professionally chosen. Some of the assertions by Zielonka about the Middle Ages were based on the works or on the mere informal communications of scholars, who were neither experts of the Middle Ages, nor even themselves historians. Charles S. Maier was quoted on the Middle Ages as an expert of the 20th century and John Gerard Ruggie as a political scientist.¹²⁴ Despite all these literary deficiencies, the image of the Middle Ages drawn in *Europe as an Empire* is not entirely off the mark. Zielonka depicted the Middle Ages using the image of a vassal linked to more than one lord by feudal contracts, and lords having many vassals (although he somewhat exaggerated the complexity of the feudal system). He also found it worthy of mentioning that there were overlapping territories of jurisdiction, and citizens could be subjects to more than one of these. Zielonka also highlighted that the fragmentation of authority was enhanced by cities and towns, and similar to Sassen, he also understood that sovereignty existed in the Middle Ages despite its shared nature. He even highlighted that the Pope and the Emperor possessed *de facto* sovereignty.¹²⁵ Given that the mediaeval predecessor of sovereignty in the form of *plenitudo potestatis*, as we have seen, was designed for the Papacy, this statement seems highly justifiable, even though Zielonka did not draw the attention of his readers to this fact. Finally, referring to the comprehensive opus on European History by Norman Davies, Zielonka claims that “[n]ations in the modern sense of the word did not exist in the Middle Ages, and cultural identity was weakly connected to the network

¹²⁴ See Ibid. p. 10 and p. 14

¹²⁵ Ibid. p. 10-11

of authority."¹²⁶ Later throughout his work, Zielonka attempted to detect these traits, and the ones he previously associated with the EU in the incremental development of the European integration. He found democracy non-existent in the Middle Ages and expressed his worry that scholars struggle with the concept of the democratic deficit because democracy in its Westphalian form would also be unavailable in a neomedieval structure.¹²⁷ He concluded that the everyday functioning of the European Union justified that it was a neomedieval empire. According to the author, this conclusion explained why most scholars are struggling to get a grip on the EU. *"My aim in this book is to show that mainstream thinking on the process of European integration is based on incorrect conceptual assumptions. Without a change of paradigm we will be unable to comprehend the ongoing developments, assess their implications, and identify proper solutions for addressing these implications. Even now, we are trying to apply Westphalian solutions to a largely neo-medieval Europe, and are surprised that these solutions do not work."*¹²⁸ As I will discuss in the Third Part of this dissertation, the prevailing Westphalian terminology often presents difficulty for scholars attempting to grasp the nature of the European Union. However, it is not obvious what sort of conceptual framework or terminology could replace it.

Further in the book, Zielonka also tried to contextualise Europe's neomedieval design in world politics. Even though he did not say much about the world outside Europe, there is one important section in the book that vaguely conveys something about Zielonka's global model. He wrote: *"The emerging international system in Europe also looks more medieval than Westphalian. The system is truly polycentric and split into multiple, overlapping arenas that are only loosely connected. Like in the Middle Ages the system is geared towards two major power centres. This time it is not the Empire and the Papacy, but the EU and the United States."*¹²⁹ It is interesting to compare this neomedieval structure with the one developed by Friedrichs. For Friedrichs, the two competing universalistic claims that held together the system of overlapping authorities and multiple loyalties were the

¹²⁶ Ibid. p. 11 quoting Davies, Norman [1996]: *Europe: A History*. Oxford University Press, Oxford pp. 379-382. Referring to the following work would have been more relevant here: Gearty, Patrick J. [2002]: *The Myth of Nations*. Princeton University Press, Princeton

¹²⁷ Zielonka [2006] p. 18 and pp. 137-138

¹²⁸ Ibid. p. 19

¹²⁹ Ibid. p. 169

nation state system and the transnational market economy, which replaced the Emperor and the Pope. In the model proposed by Zielonka, the European Union and the United States play the roles of the postmodern Papacy and the Empire. It is worth noting that while in Friedrichs' model the two universalistic claims were both ideologies, Zielonka chose two blocks of states. He recognised that while the European Union may well resemble a neomedieval empire, the United States does not come close to the Church despite its moralist rhetoric.¹³⁰ Zielonka made it clear that he was aware of Friedrichs' model yet decided to deviate from it. To make his intentional shift obvious he even gave the title "competing universalistic claims" to the chapter in which he discussed the above.

Zielonka criticised those scholars who clung to inadequate and obsolete concepts while describing processes of the European integration. This criticism drove him to the new conceptual and analytical terrain he was trying to discover. He listed state, sovereignty, and empire among those terms the use of which he found particularly problematic.¹³¹ In *Europe as Empire*, he primarily focused on elaborating the concept of empire. Therefore, as a conclusion of the assessment of his treatise, we should observe more closely how he managed to achieve this. The most striking feature of the term neomedieval empire for a mediaevalist is that it loosely links the concept of the empire to an age in which there was not one. One of the most important ever-green and recurring concepts of the Middle Ages was the *renovatio imperii* (Renewal of the Roman Empire), which demonstrates quite obviously that such attempts were unsuccessful.¹³² The early mediaeval period was about managing the consequences of the dissolution of the Western Roman Empire and the successive attempts to fill in the vacuum of power either through the Roman Catholic Church as an organising principle of authority or through feudal contracts in the 9th-10th centuries. The short-lived attempt of the Carolingian Empire should be viewed as a typical example of the imperial reflexes that, however, were unable to fix what was broken. On the other hand, the High Middle Ages were also about the fragmentation of authority. By the time the Holy Roman Empire was consolidated, it had to face the Papacy, which was stronger than ever; thus, instead of renewing the Roman Empire to its alledged single and indivisible

¹³⁰ Ibid. p. 153

¹³¹ Ibid. p. 19

¹³² Canning [1996] p. 69, p. 72, p. 76

authority, the two highest authorities had to share the power in Europe. The birth of the nation state system in the early modern period represented a further fragmentation of authority.

Zielonka was aware that the Holy Roman Empire is not unequivocally regarded an empire. “*There was at the time a Holy Roman Empire, but students of the Middle Ages argue that it was neither Roman, nor holy, nor even an empire.*”¹³³ We might ask then what exactly in the Middle Ages served as a basis for the concept of Zielonka’s neomedieval empire? Zielonka referred to an informal discussion by Charles S. Maier, expert of modern history and particularly the 20th century, and claimed the following: “*there was a great deal of decentralized layering and soft power extension in the Middle Ages, but never before did so many sovereign powers decide to pull their various resources together and form an imperial centre.*”¹³⁴ It is not decipherable what he meant exactly in this passage since he moved on without supporting the statement with any reliable primary or secondary sources. It would be important to clarify his meaning given that this is one of the few points in his reasoning that seeks to explain why an imperial regime could be modelled after the Middle Ages. Zielonka never explicitly compared the neomedieval empire to the Holy Roman Empire, and all the examples about the medieval fuzzy borders suggest that he viewed the medieval European political system, as a whole, to be the basis of his analogy. However, the whole of Europe was even less imperial than the Holy Roman Empire. To contend that the elected head of the Holy Roman Empire had truly imperial power within the borders—rather than simply reflecting symbolic imperialism through being first crowned the King of Rome and then becoming an emperor—would be an overstatement. On the other hand, when Bull claimed that the Holy Roman Emperor only possessed power within the borders of the Empire, i.e. in Germany and Italy,¹³⁵ it was an understatement. As discussed, Canning argued that the concept of external sovereignty was developed by the Papacy for the French kings in order to provide them a shield to protect their country from the secular intervention of the Emperor.¹³⁶ We can also mention that it was Emperor Otto III who provided the

¹³³ Zielonka [2006] p. 17

¹³⁴ Ibid. p. 14

¹³⁵ Bull [2002] p. 245

¹³⁶ Canning [1996] p. 125

opportunity for the kings of Hungary and Poland to establish their kingdoms at the turn of the millennium. Thus, we can agree with Friedrichs that Bull played down the relevance of those universalisms that provided coherence to the mediaeval system of Europe and among these was the Holy Roman Empire, but treating it as a fully-fledged imperial structure and basing a neomedieval imperial concept on it, as Zielonka did, may be a step too far.¹³⁷

If we track the pattern of building empires in Europe after the fall of the Western Rome, we will find that the European Union is the very opposite of an empire. Zielonka claimed that the European Union is very far from Westphalian empires, which were prevalent in the last 200 years. In fact, it is very far from the empires that were built in the last 1500 years. The following is a comprehensive list of aspiring empires in Europe over the course of that time: the Carolingian Empire, the Ottonian attempt of the Holy Roman Empire, Charles V's attempt at a Habsburg empire, Napoleon's attempt and Hitler's attempt. All of these attempts were made with the intention of the *renovatio imperii*, i.e. with the idea in mind of building an all-European empire, similarly to the Roman one.

However, when it came to the practical side of building these empires, some common features can also be observed. These attempts were all initiated by a single dynasty or country intending to rule over the others. In other words, they were organised in a top-down way. The second characteristic, as a consequence, was that they resulted in more or less ravaging wars on the continent. The third common feature is that these attempts all ended as failures in a period of time less than two or three generations. The history of the Holy Roman Empire might seem to be an outlier with its exceptional longevity, but the periods in which it behaved like an empire were the three generations of Otto I, II and III, and the period of Charles V five centuries later. Otherwise, the key territories of Italy were gradually slipping out of their hands and, symptomatically, the last two countries to build up functional nation states in Europe were the ones formally ruled by the Empire. If we want to measure the extent to which the European Union can be labelled an empire by these standards, it is worth considering the very antithesis of an empire. The European integration was not initiated by a single country; rather it was born

¹³⁷ It is no wonder that Michael W. Doyle in his monograph on empires left out the Middle Ages entirely. Following Rome the Ottoman Empire was featured. See Doyle [1986].

as a consequence of mutual cooperation between six countries in a bottom-up way. The building of the European Union did not entail ravaging wars. On the contrary, the point of its existence is meant to be securing peace on the European continent. And so far, despite some heavy blows, it still cannot be labelled a failed project after more than 60 years of existence.

Disregarding these circumstances and arguing that a neomedieval empire is entirely different from all other empires seems like defying the linguistic consensus on what the word 'empire' means. In that regard, Zielonka is right in saying that the use of the term 'empire' is problematic in IR literature, but to be fair, his own work would have to be included on this list. Most of his arguments about the neomedieval nature of the European Union were fitting despite the dated pieces of historiography he used. The problematic part was labelling the EU an empire. As we have seen, the Middle Ages in Europe can hardly be presented as an age of empires; therefore, the term neomedieval empire is a touch more hazy than an analytical tool should be. It was not exactly clear from Zielonka's work if the basis of the analogy was the whole of medieval Europe or just the Holy Roman Empire. Regardless, it is possible to agree with Zielonka that it is not just the international system that can be described using neomedievalism as an analytical tool, but also the European Union. One aim in the following parts of the present study will be to understand what sort of neomedieval construction could most closely describe the European Union if not an empire.

A Revised Model of Neomedievalism

The striking deficiencies of the relationship between IR theory and medieval historiography were made obvious in the previous pages. However, it is worth quoting an IR scholar on this issue who made the first significant step to bridge the gap dividing the two disciplines. Andreas Osiander, in his aforementioned monograph, decided to discuss the history of international relations before the birth of the state (that is before the long 19th century in his understanding) using the most recent results of historiography and primary sources from Greek Antiquity to the Early Modern era. In terms of the Middle Ages, he extensively referred to texts by Dante, Engelbert of Admont and Pierre Dubois.¹³⁸ He also textually compared the fiction of the efficient ruler in the works of Thomas Aquinas and Giles of Rome,

¹³⁸ Osiander [2008] pp. 296-339

the latter of whom will also serve as one of the pillars of the present dissertation.¹³⁹ Osiander handled Antiquity with equal care and went back to some of the original Greek texts that most IR scholars simply refer to by ‘hearsay’. With such background it is not surprising that his observations on the relationship between history and IR theory seem justifiable. For all these reasons we should quote his introductory notes somewhat longer than usual.

“The primary goal of the academic discipline of international relations (IR) has, so far, been to explain the present. Not until very recently has IR begun to extend its focus to events beyond living memory, in the sense that some authors are now trying to bring IR perspectives and methodology to bear on the social and political phenomena of past ages and societies. In the discipline as a whole this is as yet a marginal phenomenon. The IR mainstream still uses history in much the same way that it has always done: as a source of uncontroversial statements usually made in passing and in order to enhance an argument that in itself, more often than not, is about something present. While history may or may not repeat itself, references to it in IR literature typically do. Such references tend to be limited to a relatively small pool of names, events, and concepts with which readers of this literature will be familiar. Names include Kautilya, Thukydídês, Hobbes, Louis XIV, Napoleon, and Hitler. Events include the Peloponnesian War and the Peace of Westphalia. [...] For IR, paradoxically, history is what we know; the present is what we are trying to understand. The paradox is that we can actually know and understand infinitely more about our own time than we can know about the Greece of Thukydídês, the India of Kautilya, the China of the warring kingdoms, or 1648 Europe. [...] Almost never in IR literature is history discussed with anything approaching scientific rigour. When history is brought up in IR, there is no mention of the latest monographs or articles in historical journals, no taking of sides in ongoing controversies among historians, no discussion of the available evidence and its problems, and no awareness that historians will occasionally discover something new or, more frequently, come up with new interpretations. There is no recognition that our knowledge of the past might actually be insecure and

¹³⁹ Ibid. pp. 394-402

historians' beliefs, shifting. If historians and their publications are cited, they are usually household names, indeed preferably dead."

Our findings in the field of neomedievalism have mostly verified Osiander's laments. IR scholars often do not have the necessary academic background to integrate the results of historiography and IR theory, but they also seem to lack the willingness. The situation in the field of neomedievalism is even harsher than in other areas of IR theory whereas it would be of the utmost importance to draw a credible picture of the Middle Ages at least here, if not elsewhere. It seems that IR scholars can use primary sources from the Middle Ages, as in the case of Osiander, but neomedievalists almost never do that. Osiander did not focus on the neomedievalist conceptual framework, in fact he did not even mention neomedievalism on the pages of his *Before the State*. On the other hand, IR related questions can be addressed with the methodology of historiography, as in the case of Sassen, but neomedievalists do not bother doing that. That ignorance partially explains their often flawed or simplistic view of the Middle Ages, a view which is generally also of low definition. On the following pages, a short list will be presented of the most typical incorrect stereotypes about the Middle Ages in the field of neomedievalism, and after evaluating them, we will move on to construct a new model of neomedievalism by making corrections to the existing ones.

As we have seen, there are three concepts that are used fairly problematically in relation to the Middle Ages by IR scholars: sovereignty, natural law and empire. Regarding sovereignty, it is a widely held misconception that its origins can be traced back to the early modern period exclusively. From Hedley Bull to Andreas Osiander, many share this idea. However, as discussed, more recent literature on mediaeval political thought favours the approach that sovereignty was not a disruptive innovation of Early Modernity, but rather resulted from a gradual political philosophical evolution starting at the turn of the 12th-13th centuries. I have also argued that, paradoxically, the predecessor to the idea of external sovereignty was developed by the Papacy, an actor that is generally considered in IR to be a major barrier of sovereignty in the Middle Ages. I have also attempted to show that the mediaeval nature of natural law was also played down by Bull's influential work, which resulted in a similar underrepresentation of natural law in other works of neomedievalism. One of the most striking features of a neomedieval world

order is that natural law in the form of its descendant, i.e. human rights, again plays a central role in its normative canon. However, Bull did not list this as a symptom of neomedievalism, and following suit the major authors of the field, including Friedrichs, Sassen and Zielonka completely neglected the topic. Only Osiander found natural law important enough to devote some pages to it in his work, but he did not draw the parallel between natural law and human rights since he did not focus on the present. A third controversial concept dealt with in previous sections was empire. We have seen how Bull mistakenly limited the power of the Holy Roman Emperor to the borders of his Empire and how Zielonka claimed that the Middle Ages were imperial altogether and the European Union itself is also a neomedieval empire. Such over- and understatement primarily resulted from the fact that IR theory and historiography have been ignoring each other.

This bad relationship also results in dated historical concepts of IR theorists, which sometimes take the readers back to 19th century stages of historiography. The two extremes of 19th century academic thinking about the Middle Ages were quite well reflected by echoing the belief that the Middle Ages were completely chaotic¹⁴⁰ and that mediaeval times were all about universal order.¹⁴¹ Similarly 19th century patterns of historiography were repeated by IR scholars when they either portrayed the Middle Ages as theocratic, as in the case of Bull,¹⁴² or imperial, as in the case of Zielonka.¹⁴³ Both authors implicitly promoted a monolithic vision of the Middle Ages either in the form of theocratic or imperial design despite explicitly defining it as a system of overlapping authorities and multiple loyalties. However, if we look at mediaeval political thought, it is clear that an exclusively theocratic or imperial structure was not the case, especially after the Gregorian Reform of the Papacy. *“Although the church and secular rulers normally worked in harmony throughout the Middle Ages in the west, the opportunity for conflict was ever-present from the mid-eleventh century onwards, when the papacy substantially enlarged its jurisdictional claims. There was thereafter an underlying tension between secular and ecclesiastical power, which on occasion broke out into full-scale conflicts. The existence of such disputes in the west and their virtual absence*

¹⁴⁰ See e.g. Badie [1995], Cerny [1998], or Khanna [2009]

¹⁴¹ See the pages where Bull wrote about universalist or solidarist assumptions of the Middle Ages. Bull [2002] p. 32, p. 34 and p. 38

¹⁴² Ibid. p. 245

¹⁴³ Zielonka [2006] p. 14

in the more static east had the most profound long-term implications for the political ideas of both parts of Christendom. The conflicts between the church and secular power, reflecting the divided loyalties of those involved, provided so much of the dynamism of western medieval political thought, and prevented the emergence of the idea of a monolithic society. Writers engaged in these disputes radically disagreed about the ordering of society, its government and the public obligations of its members. Fundamental enquiries concerning the nature and purpose of rulership were exhaustively pursued precisely because of this disagreement. As a result, profound contributions were made to perennially important political questions, but contributions which were characteristically medieval in content.”¹⁴⁴

Based on this summary by Joseph Canning, it is reasonable to conclude that Friedrichs’ model of competing universalisms was closer to the mediaeval political realities than Bull’s universalist and solidarist theocracy or Zielonka’s imperial vision, both of which seem to have been inherited from 19th century or post-Enlightenment historiography. It is worth adding that the antagonism between the Papacy and the Emperor and its consequence, i.e. the separation of the Church and the State, also resulted in a unique situation in which the mediaeval authors of political philosophy were provided much more freedom to criticise the kings and the emperors. These rulers ceased to be directly associated with religion and God, and, therefore, their activity could become the subject of critical scrutiny. Open intellectual conflicts between scholars started to emerge, and after the injection of Aristotelian philosophy, the predecessor of political science was born by the end of the 13th century. In the Second Part of this study, I will also examine an example of two opposing mediaeval opinions on political rule, thereby justifying Canning’s statements. In sum, I have argued so far that IR theory has failed to draw a credible picture of the Middle Ages as a basis of the neomedieval present because it heavily relied on dated 19th century-influenced historiography and also neglected primary sources.

Based on a more up-to-date image of the Middle Ages, what can we say about the concept of neomedievalism? Is it necessary to make corrections to the existing

¹⁴⁴ Canning [1996] p. xii

concept? If so, how should a revised model of neomedievalism look? These are the questions which we will try to answer in the closing section of this part of the dissertation. As previously noted above, Friedrichs' model came closest to using a well-grounded image of the Middle Ages as a basis of his analogy. Although there are some significant, problematic elements in his model; however, this does not prevent one from accepting the following definition: "A *medievalist system is a system of overlapping authorities and multiple loyalties, held together by a duality of competing universalistic claims.*"¹⁴⁵ The point where our revised view will differ from that of Friedrichs is that I will try to resist the temptation of evacuating the state system from the sovereignty-eroding nature of a neomedieval order. As we remember, Friedrichs set the nation state system as one of the competing universalisms, and in so doing he raised this system to the upper level of his model together with the transnational market economy. I believe that the core reason why the concept of neomedievalism appeared was the observation of scholars that the sovereignty of nation states is being eroded. This is emphasised in the first part of the definition. Overlapping authorities and multiple loyalties mean that there is no group of actors with exclusive sovereignty. Therefore, replacing one of the two sovereign actors of the Middle Ages with the very nation state system, which is supposed to be under siege, seems highly problematic. Another point of criticism is that Friedrichs toned down the relevance of the actors which challenged the sovereignty of nation states from below. The role of private international violence or of cities, which were respectively featured in Bull's and Sassen's work, was ignored by Friedrichs. With these corrections, the model by Friedrichs can serve as a basis for a revised concept of neomedievalism.

Our model is based on the assumption that the sovereignty of states is limited by various new actors and phenomena of the international system. There are some which limit their sovereignty from above, and there are some which challenge them from below. In general, the ones above (or on the top level) are those universalisms that provide a certain level of coherence to the international system; therefore, it would be fitting to call them the unifying forces of the world or the forces of globalisation. There is a soft and a hard constraint of sovereignty on the level of supra-state actors, as Bull referred to them. The soft constraint consists of

¹⁴⁵ Friedrichs [2007] p. 137

international organisations and the human rights regime. The soft constraint of the sovereignty of states can be paralleled with the mediaeval Church and the Papacy. On the one hand, the human rights regime has inherited and secularised the mediaeval concept of natural law from Catholic theology; therefore, it can be regarded as a promoter of intangible values similarly to the Church in the Middle Ages. The concept of universal and inalienable rights was bequeathed by natural law to the human rights regime.¹⁴⁶ At the same time, similar to the mediaeval Catholic Church, which in the late centuries of the Middle Ages was occasionally engaged in armed conflicts, the United Nations can also use military force in the form of peacekeeping operations and its Security Council can give authorization to humanitarian intervention for other states. For that reason, it is more apt to interpret the role of international regimes as universalisms rather than the hegemony of the United States or any other country. Robert O. Keohane argued that international regimes are more likely to survive global hegemony than the other way around. In his landmark study entitled *After Hegemony*, he explained that decreasing transactional costs, the reduction of moral hazard and their legally binding nature all require that the international system preserve the infrastructure of international regimes irrespective of the survival of states.¹⁴⁷ More precisely, he forecasted in the 1980s that the international regimes created during the hegemony of the United States, such as the UN, the World Bank and the International Monetary Fund are likely to survive even in case of the potential demise of the United States. Therefore, I argue that if there is a global universalism that is comparable to the mediaeval Church, it has to be the United Nations and its human rights regime.

The hard supra-state constraint of sovereignty is a universalism that was also highlighted by Friedrichs: the transnational market economy. Under the transnational market economy, I will specify to particular two elements: the commercial banks and the multinational companies. They can be referred to as a

¹⁴⁶ For a detailed description of this process see: Frivaldszky, János [2010]: *Természetjog és emberi jogok [Natural Law and Human Rights]*. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar, Budapest

¹⁴⁷ Keohane, Robert O. [1984]: *After Hegemony: Cooperation and Discord in the World Political Economy*; Princeton University Press, Princeton pp. 88-96 Keohane used Stephen D. Krasner's definition of international regimes. "International regimes are defined as principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area." Krasner, Stephen D. [1982]: Structural Causes and Regime Consequences: Regimes as Intervening Variables. in: *International Organization*. Vol. 36 No. 2 pp. 185-205

hard constraint on sovereignty since they do not pose an ideological challenge to the states, but a very pragmatic, financial one. Regarding the power of the international banking system, Keohane used the term moral hazard. Based on a study by Fred Hirsch, he argued that the biggest banks have such a strong financial influence on the world that no matter how irresponsibly they act, they can be sure that they would be bailed out in case of emergency.¹⁴⁸ Therefore, they are inclined to induce financial crises that are definitely against the interests of the states. Thus, they curb the sovereignty of states since they lose the power to pursue a sovereign financial policy. Multinational companies, on the other hand, pose a threat to the sovereignty of states since they try to maximise their profits globally, and the interests of nation states only come second on their agenda. Since their globally established productivity and efficiency makes it almost impossible for small and medium sized domestic enterprises to compete with them, multinational companies become the ones who can provide the majority of the jobs in most countries. Thus, their presence is an inevitability for the state. States have to compete in order to seduce some of these global companies by convincing them to outsource some tasks to their territory. They can typically reach that through providing these companies tax benefits and other advantages. In other words, these global actors can transform a country's economic policy. Another reason for considering the transnational market economy universalistic beside the points mentioned by Friedrichs is that according to World Bank data the 21st century saw the rate of globalization rise above 51 percent. The rate of globalization means the share of world GDP realized in foreign transactions, i. e. a 51 percent rate means that the biggest share of world economy has become transnational and the national economies' contribution is only secondary.¹⁴⁹ The forum for states where to respond to that significant challenge has been the World Trade Organisation since the 1990s where they can negotiate about the trading relations among themselves. In sum, the hard supra-state constraints of sovereignty are the actors of

¹⁴⁸ Keohane [1984] pp. 95-96 refers to Hirsch, Fred [1977]: The Bagehot Problem; in: *The Manchester School* Vol. 45 No. 3 pp. 241–257

¹⁴⁹ Rate of Globalisation, World (export + import / GDP), 1960-2012 Source: IBRD: *World Development Indicators* Online Dataset, "Trade (% of GDP)", (variable code: NE.TRD.GNFS.ZS). The rate was featured in the following study: Böröcz, József [2018]: A tükör visszanéz: lépték és irónia az államszocializmus immanens kritikájában. in: Bozóki, András – Füzér, Katalin (eds.) [2018]: *Lépték és irónia. Szociológiai kalandozások*. L'Harmattan – Magyar Tudományos Akadémia Társadalomtudományi Kutatóközpont, Budapest pp. 17-35 See p. 20

transnational market economy that seriously curtail the economic and financial possibilities of the states.

On the lower level of elements limiting the states, Bull differentiated between sub-state and trans-state actors.¹⁵⁰ I will borrow these terms to describe the mediaeval constraints of kingdoms on the lower level, although Bull surely would have found the use of sub-state and trans-state categories on mediaeval relations anachronistic. However, in order to understand why these sub-state actors are neomedieval, we must start by casting our eye on the Middle Ages. Influential princes and margraves, who were gaining more and more land from the kings as their vassals, could often challenge the king's authority as many examples show from early 14th century Hungary to the 15th century history of Valois-Burgundy.¹⁵¹ Another typical form of sub-state actors were mediaeval cities that were able to detach their political and economic sphere from the kingdoms. This was what Sassen referred to as "*urban political economy of territoriality*". Trans-state actors were groups that were cutting across the borders of countries: powerful mediaeval merchants, organizers of trans-border heresy like the Cathars or the Waldensians¹⁵² or the Teutonic Order. The latter is a particularly interesting phenomenon. They were knights of German origins who split in two groups after the collapse of the Sixth Crusade and one of these moved to the West across the Mediterranean first to Cyprus and later to Malta, while the other group moved to the North and settled in Transylvania in the early 13th century. Hungarian king Andrew II, however, accused them of forming an enclave within Hungary and therefore expelled them from Transylvania.¹⁵³ The Teutonic Knights then moved even further to the North where they carved out a part of the Baltic coastline from a less organised and centralised Poland for themselves. Out of these territories gradually the

¹⁵⁰ Bull [2002] p. 16

¹⁵¹ In the Hundred Years' War the Dukes of Burgundy could manoeuvre between the French and the English in a way that resulted in a *de facto* independent Valois-Burgundy for more than 50 years between 1415 and 1477. For a detailed picture see: Huizinga [1996]

¹⁵² For a fascinating summary of high mediaeval heresy see: Vauchez, André [2014]: *Les Hérétiques au Moyen Âge*. CNRS Éditions, Paris pp. 17-93

¹⁵³ Their fortresses built in Burzenland are still available tourist attractions. The reason for their expulsion was most likely that against the royal permission they built stone fortresses instead of wooden ones. Köpeczi, Béla [1986]: *Erdély története*. Akadémiai Kiadó, Budapest Vol. I p. 388

Brandenburg Principality was formed, which later transformed itself into the Prussian Kingdom, the key vehicle of the future unification of Germany.¹⁵⁴

Which are the elements in the neomedieval model that could be more or less equated with these medieval factors? A typically sub-state factor would be oligarchy in some states; however, they are not universally relevant actors since their power can significantly vary by country. Another growing sub-state tendency that endangers the sovereignty of states is territorial separatism. Referendum on Scottish independence, the movement for an independent Catalonia, demanding autonomy for Transylvania, the question of East Turkestan in China and separatist fights in Ukraine backed by Russia are all examples of this tendency. Similar to medieval princes and margraves, these tendencies can even result in a secession of a certain territory. However, there is a major difference between the medieval and the contemporary version, in that the modern forms of territorial separatism are usually backed by popular support or at least its façade. The secession of Valois-Burgundy from France in the 15th century, the birth of *de facto* little kingdoms in Hungary in the early 14th century or the secession of the Baltic coastline from Poland were procedures that were decided by an incomparably smaller number of actors than in today's examples of separatism. Even the seizure of Crimea by Russia had to be justified by a mock-up referendum, not to mention the instances of real separatist movements with popular support. Irrespective of the question if these are successful (mostly they are not), they pose a threat to the sovereignty of states.

Similar to the Middle Ages, cities could become a further sub-state element limiting the sovereignty of states. As Saskia Sassen mentioned, global cities could represent something surprisingly similar to medieval cities and city-states in that they might denationalise certain territories.¹⁵⁵ Even her first major academic breakthrough was entitled *Global Cities* and focused partially on this issue.¹⁵⁶ Edward L. Glaeser has depicted a very detailed picture of the unprecedented level of urbanisation and the rising importance of cities in countless studies in the field

¹⁵⁴ Klaniczay, Gábor (ed) [2004]: *Európa ezer éve – A középkor* Osiris Kiadó, Budapest Vol. II pp. 140-141.

¹⁵⁵ Sassen [2008] p. 419

¹⁵⁶ Sassen, Saskia [1991]: *The Global City: New York, London, Tokyo*. Princeton University Press, Princeton

ranging from economics to social policy.¹⁵⁷ According to *Global Trends*, a forecast by the National Intelligence Council the importance of cities will be constantly rising over the course of the next decades. In their prognosis, they expect the number of megacities with more than 10 million inhabitants to grow from their present number of 28 to 41 by 2030. The number of cities with populations between 5 to 10 million will grow from 43 to 63 million while the number of cities with a population between 1 to 5 million will grow from 417 to 558 in the same time frame. The rising weight of such cities will arguably increase their bargaining power and, thus, might challenge the sovereignty of states on the long run. It is important to remember that in the meantime the other challenges facing states might reach a critical level, at which point cities might look more prepared and able to provide some basic services currently provided by the states. This situation might create scenarios that are highly comparable with the mediaeval power of cities and city-states.¹⁵⁸

Regarding trans-state factors limiting the sovereignty of states from below, it is worth mentioning NGOs in the first place which can have formal or informal ties to various organs of the United Nations similarly to the way laic fraternities and religious orders were formally or informally linked to the Church in the Middle Ages. The way for instance the Russian, the Israeli or most recently the Hungarian governments have tried to impose stringent laws stigmatising NGOs, which receive financing from abroad, shows how such trans-state actors are viewed as a threat to state sovereignty. Another important trans-state element limiting states' sovereignty is transnational terrorism. As opposed to the Westphalian era, in case of a terrorist act contemporary nation states, who supposedly have a monopoly of aggression, cannot find the appropriate means of responding. The police that were formally designed to fight domestic crimes cannot effectively persecute a transnational network of terrorism, while the army of such a traditional Westphalian state was designed to tackle interstate armed conflicts. Thus, transnational terrorism can almost paralyse a traditionally sovereign state in terms of its monopoly of aggression. The societies of such states often respond to these

¹⁵⁷ E. g. Glaeser, Edward L. [2016]: *Transforming Cities: Does Urbanisation Promote Democratic Change? NBER Working Paper No. 22860*

¹⁵⁸ The part of the report from which the numbers were cited is available online here: <https://www.dni.gov/index.php/global-trends/trends-transforming-the-global-landscape> (Last accessed on the 23rd of June 2017)

challenges by setting up companies with private paramilitary forces which further weaken the state by privatising its monopoly of aggression. This process also brings the international system closer to the restoration of private international violence that was listed by Bull as a potential symptom of a neomedieval world order.¹⁵⁹ United States companies like Blackwater, Halliburton, Bechtel, L-3, CACI and Booz Allen have followed such a path of development as it was convincingly introduced in an already quoted study by Naomi Klein.¹⁶⁰ Thus, both the challenge (transnational terrorism) and the response (privatisation of international violence) limit the sovereignty of nation states.

Another important trans-state phenomenon is international migration. According to the UNHCR the number of refugees in the world was an unprecedented 65.3 million people in 2015.¹⁶¹ Their trans-border migration and distribution is a significant test for the states. Some political forces and even governments have attempted to frame the discourse on refugees and migration in a way that connects it to the rising levels of transnational terrorism. Linking the two and standing up against them is often viewed as a *tour de force* of the sovereignty of the nation states. The way the Hungarian Prime Minister, Viktor Orbán interprets the situation is reminiscent of certain aspects of Umberto Eco's cultural neomedievalism. Orbán argued on many occasions that accepting refugees is a dangerous practice of European states because they would simply build 'parallel societies' instead of being easily integrated into the host societies.¹⁶² Umberto Eco, in his first work on the New Middle Ages, wrote extensively about migration as a typically mediaeval phenomenon, and, in the same study, he also referred to a work by Giuseppe Sacco, an Italian geographer who described how a city can become neomedieval as a consequence of immigration. The minorities unwilling to assimilate, organise clan-like units and segregate themselves in various quarters of the city. That vision closely resembles the mediaeval *contrada* system of Italian cities, but also Orbán's

¹⁵⁹ Bull [2002] pp. 258-260

¹⁶⁰ Klein [2007] pp. 50-51

¹⁶¹ See this article from the website of UNHCR:

<http://www.unhcr.org/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>

¹⁶² An interview with Orbán in Hungarian: <http://www.origo.hu/itthon/20160927-orban-viktor-szerint-joguk-van-kulon-elni-de-ahhoz-nem-kell-idejenni.html> and an earlier article on Orbán's ideas from Breitbart:

<http://www.breitbart.com/london/2015/10/24/orban-multiculturalism-endangers-christian-europe-leads-parallel-societies/>

theory about ‘parallel societies,’ which was most likely based on empirical reality of quarters like Molenbeek-Saint-Jean in Brussels rather than the concept of neomedievalism.¹⁶³

The model of neomedievalism outlined in the previous paragraphs could thus be summarised as a three-level system with a top-level of two supra-state universalisms in the form of the UN, including the human rights regime and the transnational market economy, with a mid-level of the nation state system and a lower level of sub- and trans-state actors and tendencies. On the top level the UN is a soft form of universalism that bears many characteristics akin to those of the mediaeval Church while the transnational market economy is a hard universalism, which is not comparable to the Holy Roman Emperor, but has a large impact on the nation states similar to the impact the emperor had on kingdoms. The mid-level of the model comprises the nation states. Unlike Friedrichs, I do not contend that the nation state system is one of the universalisms. Nation states are becoming more and more similar to mediaeval kingdoms in that they are not exclusive actors of international relations anymore and their sovereignty is often seriously curtailed by the two universalisms from above and certain factors from below. I have also argued that the lowest level of the model consists of sub-state and trans-state elements that are similar to mediaeval princes, margraves and cities, but instead take the form of territorial separatism, urbanisation, transnational terrorism and NGOs. For all these reasons, it seems justifiable to argue that the present international system is closer to the mediaeval system than the classical presumptions of Westphalian internationalism.

An important question to settle is how the European Union fits into this picture? If we project our model of neomedievalism to a global level, the European Union could be seen as a regional integration, which is more similar to a pre-state or a post-state than anything else. It is a false assumption by Zielonka that the EU is one of the competing universalisms with the United States. The European Union clearly does not fit into the same league with the United States, but the less proactive foreign policy of the latter during the Obama and the Trump administrations makes it more difficult to interpret it as an actor with universalistic claims. If we

¹⁶³ Eco [2008] p. 28

accept Bull's idea that in the lack of indivisible sovereignty mediaeval kingdoms cannot be labelled states, we might question whether today's nation states deserve their name. However, by these standards, it seems clear that the European Union cannot be compared to a simple state. I believe that the European Union is more like a pre-state, i.e. like a mediaeval kingdom than anything else. It is clearly not an empire in any sense of the word. The EU cannot be compared to the Holy Roman Empire since it has neither an emperor with universalistic claims nor much political influence outside the borders of the European Union. The EU is also not a military power that can intervene in armed conflicts in neighbouring countries. The Holy Roman Empire could send German troops to support Hungarian King Stephen I, while the European Union could not have done so, even if it had had the willingness in the Ukraine Crisis in the mid-2010s. Therefore, we should interpret the European Union as an actor on the nation state level that is not exactly a nation state. It is an actor in our neomediaeval model that seems most neomediaeval of them all. Looking at a global picture, the European Union seems like an actor comparable in size and in economic potential to the United States, Russia, China and India. If these are the new "kingdoms" of the neomediaeval model, the European Union more or less fits in. In the following paragraphs, I will argue that the European Union should be placed at the mid-level of our neomediaeval model instead of being on the top.

The European Union is a typical mid-level actor of our neomediaeval model for many reasons. First of all, the fuzzy borders of the EU qualify it as a mediaeval actor, but also the fluid nature of its territory looks similar to the mediaeval concept of territoriality. The way certain territorial units could achieve *de facto* independence from certain mediaeval kingdoms; or the way certain territories were gradually incorporated into mediaeval kingdoms—shows similarities to the way states can join or more recently leave the European Union. Most mediaeval kingdoms were also multilingual or multicultural although perhaps not to the same extent as the European Union. Mediaeval France has developed various neo-romance languages the speakers of which often could not automatically understand each other, but that was even further complicated by Frisian and Dutch in the North-East, Celtic in Bretagne, Basque and dialects of Spanish and Italian in the South. The mediaeval Hungarian kingdom included German speaking populations,

various forms of ancient Slavic languages, like Slovak, Serbian and Croatian, an ancient version of Romanian was spoken in Transylvania and of course Hungarian was also a language spoken by a significant portion of the population. That system of multiple linguistic zones was also interspersed with occasional French and Italian settlers in Hungary.

Even though the Catholic Church represented a united Christian Europe in religious terms, there were some religious minorities in mediaeval European kingdoms as well. Apart from various heretic groups, like the Cathars and Waldensians in Western Europe and the Bogumils in the Eastern territories, there were Orthodox Christian minorities in the kingdoms of Poland and Hungary and Muslim minorities in Spain. It's worth mentioning that sporadically Muslim groups appeared also in other areas. For instance, in mediaeval Hungary there were significant Muslim minorities who were in charge of coinage, salt trading and even some issues of the kingdom's treasury.¹⁶⁴ Thus, the ethnic, linguistic and religious mosaic of the European Union is comparable to that of mediaeval kingdoms. A further symptom of neomediaevalism in the case of the European Union is the strong presence of English language in a largely non-native English community. Now, that the United Kingdom decided to leave the European Union, the position of English has become even more similar to that of Latin in mediaeval kingdoms. Even though it was not spoken as a native language by any of the officials in these kingdoms, they still used Latin in the formulation of official documents and even academic works since a wider target audience could be reached. In a similar way, today's sources of EU law are most often published and quoted in English and the academic community of the multilingual European Union also uses English to provide their publications with a wider academic reach. It is also difficult to identify the locus of sovereignty in the neomediaeval European Union. We could describe the European Union as an actor the sovereignty of which is stuck between the Member State level and the Community level. Since the subject of the highest authority varies by policy areas, we can speak of overlapping authorities in the EU and that clearly resembles mediaeval kingdoms. The levels of decision-making in various policy areas from agricultural policy through social policy to foreign and

¹⁶⁴ For a detailed analysis of the different groups of Muslim minorities in mediaeval Hungary: Györfy, György [1990]: *A magyarság keleti elemei*, Gondolat, Budapest

security policy may differ greatly, further eroding sovereignty and rendering the European Union similar to mediaeval kingdoms. The fluid and changing nature of the EU's institutional setup also distances the EU from a classical Westphalian nation state. There are, of course, plans about a more federal European Union, which could bring it closer to modern nation states similar to the way absolutism did in the case of early modern kingdoms, but the competing idea of a multi-speed Europe might further sustain the current neomedieval state of affairs in the European Union.

What is the problem, in general, with a neomedieval Europe? A general worry raised by many scholars (among them Zielonka) is that in the lack of sovereignty a neomedieval entity is unable to guarantee civil liberties, the rule of law and democracy. Sovereign nation states have provided the frameworks for liberal democracy, and it is dubious whether these could be upheld without them. As we have seen, Friedrichs suggested that in order to compensate for that loss a neomedieval system should aim at “*preserving and recovering a proper space for political action.*”¹⁶⁵ Zielonka derived the rather futile discourse on the democratic deficit of the European Union from the same problem. “*Public representation and participation under this system are weaker than in traditional Westphalian states. Democratic controls and the accountability of European officials are also problematic. And it is difficult to establish the purpose of democratic policies in a complex and segmented cultural setting. New ways have to be envisaged to articulate and aggregate public preferences. New methods of assuring the transparency, responsiveness, and compliance of public institutions must be put in place.*”¹⁶⁶ Zielonka made it clear that, in his view, the Westphalian democratic devices would prove dysfunctional in a neomedieval environment. Quoting Yves Mény, he urged the formulation of post-national democracy, which for him obviously entailed a neomedieval regime. He went on to argue that due to its nature, a neomedieval system is perhaps even more likely to ensure pluralism, dialogue and consent than the centralised and hierarchical Westphalian system. His major question was how such a system could deserve the name ‘democratic’. Zielonka finally concluded that a neomedieval democratic system could best be

¹⁶⁵ Friedrichs [2007] p. 145

¹⁶⁶ Zielonka [2006] p. 138

reached “*through the mechanism of public contestation rather than through representation. In other words, the capacity of citizens to contest European decisions will be more crucial in a neo-medieval setting than the functioning of institutional channels of representation.*”¹⁶⁷

With a more authentic image of the Middle Ages, one might wonder why it is necessary to label the new system ‘democratic’ if it is about accountability and reliability. Democracy was not in practice during the Middle Ages, but there were definitely republican regimes. On the other hand, while democracy was a dormant concept that was revived after 2200 years in the 19th-20th centuries, it was constitutional liberalism that had a continuous presence and a gradual evolution in Western legal history. While democracy refers to the method of selection of the government, constitutional liberalism has more to say about the content of governing. As Fareed Zakaria has put it: “*It refers to the tradition, deep in Western history, that seeks to protect an individual’s autonomy and dignity against coercion, whatever the source – state, church, or society. The term marries two closely connected ideas. It is liberal because it draws on the philosophical strain, beginning with the Greeks, that emphasizes individual liberty. It is constitutional because it rests on the tradition, beginning with the Romans, of the rule of law. Constitutional liberalism developed in Western Europe and the United States as a defense of the individual’s right to life and property, and freedom of religion and speech. To secure these rights, it emphasized checks on the power of each branch of government, equality under law, impartial courts and tribunals, and separation of church and state.*”¹⁶⁸ Although it is true that philosophers of ancient Greece came up with an anthropocentric humanism,¹⁶⁹ in practice ancient democracy, as Constant demonstrated, resulted in sacrificing private autonomy in the name of organising cohesive city-states.¹⁷⁰ It was the Romans who created the legal forms that had the capacity to guarantee individual liberties, but they were only begun to

¹⁶⁷ Ibid. p. 139

¹⁶⁸ Zakaria, Fareed [1997]: The Rise of Illiberal Democracy. in: *Foreign Affairs* Vol. 76 No. pp. 25-26

¹⁶⁹ Term by Jacques Maritain. See: Maritain, Jacques [1968]: *Integral Humanism*. Scribner, New York

¹⁷⁰ Constant [2003] pp. 308-328. Constant highlights how even the greatest heroes of Athens could become victims of ancient democracy that was a tyranny of the majority in his understanding. He cited the example of the Battle of Arginusae, after which the victorious admirals were executed because of the costs of the battle.

be used for these purposes consistently in the modern era from the *Habeas Corpus Act* (1679) onwards. All those conceptual elements that Zakaria described as constitutional liberalism (separation of powers, impartial courts, equality under law, separation of church and state) could be simply referred to as the rule of law. It's arguably more didactic to explain that constitutional liberalism stems from Greek (liberalism) and Roman (constitutional) roots, making it easier to understand why we refer to the mixture of democracy and constitutional liberalism as liberal democracy. However, Zakaria also stepped into the trap of 19th century historiography when he attempted to trace back the origins of what he called constitutional liberalism. Although he expressed that constitutional liberalism has a more organic and continuous development in European history than democracy, he still used exclusively ancient and modern examples to justify his claim just like Benjamin Constant more than 150 years before him. In fact, most items Zakaria lists under constitutional liberalism rooted in the Middle Ages. The concept of the Holy Trinity in Western Christendom and the neo-Aristotelian idea about mixed constitutions can both be regarded as predecessors of the separation of powers.¹⁷¹ Equality under law also appeared in the Middle Ages in a primitive form which was still more progressive than the ancient versions of it. In case of felony, i.e. the breach of the feudal contract, it was not exclusively the lord who could deprive his vassal of his fief, but the vassal could do the same. Thus, besides the written nature of feudal contracts, the equal availability of legal remedies for both the lord and the vassal was interpreted by legal historians and sociologists from the early 20th century as a mediaeval forerunner of the principle of equality under law.¹⁷² As it was already noted, the separation of Church and State was also a mediaeval

¹⁷¹ For a more detailed elaboration of this assumption see: Kelemen, Zoltán [2016]: Szentháromság és a hatalmi ágak elválasztása. in: *Köz-gazdaság* Vol. 11 No. 4 pp. 125-138

¹⁷² Take for instance the following quote by Max Weber: "*Only in the case of a "felony" does the lord have a right to deprive his vassal of his fief, and the same in turn applies to the vassal in his relation to his own vassal. When such a case, however, arises in enforcing his rights against a vassal who has broken the oath of fealty, the lord is dependent on the help of his other vassals or on the passivity of the sub-vassals of the guilty party. Either source of support can only be counted on when the relevant group recognizes that a felony has actually been committed. However, even then the overlord cannot count on the non-interference of sub-vassals unless he has at least been able to secure recognition on their part of the principle that a struggle against an overlord is an exceptional state. Overlords have always attempted to establish this principle but not always with success.*" Weber, Max [1978]: *Economy and Society*. University of California Press, Berkeley and Los Angeles Vol. I p. 254

innovation even though it is true that it was inherently coded in the biblical statement “*my kingdom is not of this world*”.¹⁷³

Therefore, in the second part of the dissertation, I will focus on those practices that contributed to the mediaeval evolution of constitutional liberalism or the rule of law, even without democracy. I will attempt to grasp the sense or the core of those mediaeval models that ensured the continuous evolution of the supremacy of law into the rule of law and the concept of the mixed constitution into constitutional liberalism. The aim of this inquiry will be to identify mediaeval pieces of political thought and terminology, the creative use of which could aid in updating the image of a neomediaeval European Union. In so doing, I hope to defy Friedrichs by making creative use of a “*deeper phenomenological understanding of the Middle Ages*” without boring the reader with “*myopic historicism.*” To that end, I will closely examine two highly influential political philosophers of the Middle Ages, both of whom were active at the turn of the 13th and 14th centuries. This period was chosen for two major reasons. On the one hand, this seems to be the era of the High Middle Ages after which most IR scholars model their neomediaeval systems. On the other hand, as demonstrated in previous sections, it was during this era when the assimilation of Aristotelian ideas was completed; thus, mediaeval political thinking can be observed in its purest form without the infiltration of Renaissance or early modern influences.

Both of our authors were influenced by Aristotle’s *Politics* and by Thomas Aquinas, whose lectures most likely both of them attended at various points of his career. Giles of Rome and Ptolemy of Lucca wrote two different but widely circulated and cited books with opposing conclusions, which ironically bore the same title: *De regimine principum (On the Government of Rulers)*. The works of these authors will be discussed here because they explicate the limits of royal power, i.e. the constraints of the sovereignty of mediaeval kingdoms. While Giles of Rome primarily focused on an upper constraint of royal power in the form of Papal authority,¹⁷⁴ Ptolemy of Lucca elaborated on a lower constraint when he

¹⁷³ John 18:36

¹⁷⁴ He devoted a special treatise to the ecclesiastical power of the Pope, but as we shall see in *De regimine principum* he attempted observing regal power in its own right. However even in that work he seems to have borrowed one constraint of royal power from the 13th century deposition theory of the Papacy. Giles of Rome, Dyson, R. W. (ed. and transl.) [2004]: *On Ecclesiastical Power – A Medieval Theory of World Government*, Columbia University Press, New York

justified the republican regimes of city-states. It is also worth noting that regarding the regimes in territorial kingdoms, both authors agreed on the necessity of royal power, but while Giles has often been regarded as an early advocate of absolutism, Ptolemy has been widely interpreted as a republican who promoted some form of constitutional monarchy. We have chosen these two authors because both of them made an attempt at discussing what we would call today sovereignty. They also used extensively Aristotle's revised terminology to elaborate on the concept of the mixed constitution in premodern kingdoms that would gradually evolve into constitutional liberalism and the rule of law. A revised version of the toolkit presented by these authors will be deployed in the Third Part of this study to describe the functioning of the European Union with something else than a standard Westphalian terminology. This will be particularly relevant because, as we will see, contemporary political scientists have applied the mediaeval concept of mixed constitution to the EU often without a deep understanding of its structure. By using the works of Giles and Ptolemy, I will act upon Wolfers' suggestion of going back to mediaeval texts in order to see if they have "*become relevant again in matters of world politics.*"¹⁷⁵

¹⁷⁵ Wolfers [1962] p. 242

Second Part

The Limits of Royal Power in the Middle Ages

The Impact of 12th Century Renaissance and 13th Century Scholasticism on Political Thought

In order to understand the relevance of the two authors we have to give some context to their works; therefore, I will briefly cover the major novelties and achievements of 12th and 13th century political thought. Following the impregnating effect of the Gregorian Reform and the consequent separation of Church and State, new layers of culture were added to mediaeval political writing. Twelfth Century Renaissance¹⁷⁶ has led to a more refined level of discourse about political power. Twelfth Century Renaissance is a cultural concept consisting of the rising numbers of urban schools, the so-called translator movement and the rediscovery of ancient authors. The improving demographic and economic conditions of the century provided the background for these phenomena. The assimilation of two elements from Antiquity were vital from the viewpoint of our topic: Roman law and Aristotelian political philosophy. In the following pages, I will showcase the most relevant aspects of these processes.

Petrus Crassus introduced legal reasoning to the debate between secular and spiritual power in the eleventh century. The generation following him began studying Roman law at an academic level around the turn of the 11th and 12th centuries. From the middle of the 12th century the whole of the Justinian codification became available for the glossators of Bologna. The works of the glossators, which reached their peak with the *Glossa ordinaria* by Accursius (in the 1230s), went further than simply interpreting ancient Roman law. They also tried to apply Roman law to the mediaeval realities and in doing that they were rather innovative. It was an important difference compared to ancient imperial jurisprudence that these works were also trying to understand the role of the ruler's will in legislation. These authors believed that, apart from divine and natural law, the law common to all peoples (*ius gentium*) also limited the will of the ruler. Glossators argued that customary law may repeal the law of the ruler in certain

¹⁷⁶ Twelfth Century Renaissance is an expression by Charles Homer Haskins. See: Haskins, Charles Homer [1982]: *Renaissance and Renewal in the Twelfth Century* Clarendon Press, Oxford

cases. On the other hand, the opposing view of the absolute power of the ruler was also developed by the glossators. As discussed previously, the mediaeval predecessors of sovereignty were similarly a contribution of the glossators.

The movement of translators in the 12th and 13th centuries primarily focused on translating the Greek and Arabic works flowing (back) to Europe through the Iberian Peninsula. These mostly scientific texts originated from ancient Greek or Arab authors and they were translated to Latin. A notable exception was the Holy Qu'ran which was translated to Latin at the request of Peter the Venerable, the abbot of Cluny for a considerable sum of silver.¹⁷⁷ The high costs of translation could be explained by the fact that Iberian translators were, in the first place, focusing on the language of scientific literature instead of religious texts according to Le Goff.¹⁷⁸ Instead they focused on translating academic works that entered the circulation of scientific texts in the Middle East during the intensive Hellenistic intellectual flow¹⁷⁹ and that reappeared in Europe joined by new works of Arab scholars (e.g. Avicenna) or with commentaries added to them by their Arab interpreters (Averroes). Aristotle's works have shared the faith of these texts since only two books of *Organon* were available for the mediaeval readers before (*Categories* and *On Interpretation*). The majority of these works were translated between the 1120s and the 1270s. In most cases the Arabic commentaries were also translated to Latin. The commentary by Averroes of Córdoba (Ibn Rushd) written for *Nicomachean Ethics* gained particular influence. Aristotle's logical rules were mostly used to discuss metaphysical and theological questions. The mediaeval responses to the Aristotelian corpus had a wide range of attitude from total rejection (Franciscan spirituals) through their mystical transcendence (Master Eckhart) to the schools aiming at a dialogue between one's faith and understanding. In Latin Christianity the latter was prevalent. The thorough, encyclopaedic processing of the newly acquired knowledge was considered vital by Albertus Magnus whose approach to Antiquity remained decisive even after the Middle

¹⁷⁷ Le Goff, Jacques [1985]: *Les Intellectuels au moyen âge*. Seuil, Paris p. 20

¹⁷⁸ Ibid.

¹⁷⁹ In the 6th century when the West did not read or speak Greek anymore and only knew about ancient Greek authors through the Latin summaries by Boethius, the works by Theodore of Mopsuestia together with those by Aristotle and Galen were translated to Syrian language from Greek in the Middle Eastern School of Nisbis. Brown, Peter [2013]: *The Rise of Western Christendom*. Wiley and Blackwell, Chichester pp. 280-282 The Arabs conquering the region have translated these works to their own language.

Ages. The experts of mediaeval Aristotelianism were convinced for a long time that the group surrounding Siger of Brabant called the Latin Averroists presented the most revolutionary response as they proclaimed the autonomy of both theology and philosophy by allowing the simultaneous existence of their mutually exclusive results. However, in the past decades it was proved that the so-called *duplex veritas* was not more than a legend. It is true that Thomas Aquinas used the term *duplex veritas*, but in an entirely different sense, while he clearly believed that a synthesis between philosophy and theology can be reached with the methods of scholasticism and only the inappropriate use of reason can hinder this understanding. *Summa Theologiae* can be interpreted as a very attempt at the synthesis. Many of the theses of these schools were condemned by Parisian archbishop Étienne Tempier in 1277.¹⁸⁰ The majority of the condemned teachings were those of Aristotle's. Based on the few items of political philosophy on the list, it can be concluded that while Aristotle's philosophical and metaphysical teachings infiltrated European academic thinking by this time, his works on politics were yet to be interpreted.

Politics was the last item of Aristotle's corpus to be translated to Latin. The reason for that could have been that no Arabic translation or commentary was available, and Western scholars only knew about the existence of it through references in other texts. The full text was only discovered in Greek (with many other works by Aristotle) after the Fourth Crusade. But even after this discovery, translation progressed slowly. William of Moerbeke, who did not start translation at the request of Thomas Aquinas as it is commonly held, could only cope with the text after a second attempt. The text was finally made available in Latin around 1265 and revolutionised the political thinking of the Middle Ages, despite the fact that initially only a handful of scholars dared to use it. Its novel language and the terms

¹⁸⁰ For the typology of the responses to Aristotle's teachings see Lafont, Ghislain [1994]: *Histoire théologique de l'Église catholique : itinéraire et formes de la théologie*. Cerf, Paris. I have used the Hungarian edition: Lafont, Ghislain [1998]: *A katolikus egyház teológiai története*, Atlantisz, Budapest pp. 178-179. Regarding *duplex veritas* and mediaeval philosophy see Borbély, Gábor [2008]: *Civakodó angyalok – bevezetés a középkori filozófiába*, Akadémia Kiadó, Budapest p. 197 quoting Thomas Aquinas [1934]: *Summa contra gentiles*, Editio Leonina Manualis, Herder, Rome I. 9. 7. cf. Borbély Gábor [2007]: *A középkor filozófiája*, in: Boros Gábor (szerk.) [2007]: *Filozófia*, Akadémia kiadó, Budapest pp. 433-438. o. and pp. 444-445

nobody was familiar with at the time such as *democracy*, *aristocracy* or the word *politics* itself looked intimidating for many.¹⁸¹

There were certain elements in Aristotle's works that mediaeval authors have dealt with even before the translations such as mixed systems of governance. James Blythe argued that even before the discovery of Aristotle's ideas some European scholars advocated the use of power for the public good and suggested that the ruler was under the control of both God and laws. Such ideas were expressed in Henry of Bracton's work entitled *De legibus et consuetudinibus Angliae*.¹⁸² In fact, a century before John of Salisbury declared that laws also bind kings, even mentioning the possibility of tyrannicide, but he considered it justifiable under extremely strict conditions which rendered it entirely theoretical.¹⁸³ Therefore, Aristotle's seeds did not fall on a barren soil.

The mediaeval works written based on *Politics* can be grouped in four categories. Commentaries appeared first as notes added to the text in an Arabic fashion. Their major aim was to clarify those parts that were difficult to understand. Three outstanding personalities of the University of Paris wrote the first commentaries: Albertus Magnus, Thomas Aquinas and Peter of Auvergne. Later, in the fourteenth century Nicole Oresme wrote longer commentaries, which could even be considered separate treatises in themselves. The second genre to appear was *Questiones*. The aim of this category was to closely observe the original text by posing questions, answering them in the form of a debate between different conflicting responses, and finally adding often innovative conclusions. Although this genre offered more space for original thought, it still chained the authors to the

¹⁸¹ On translating Aristotle see: Canning [1996] pp. 125-127 and Blythe, James M. [1992]: *Ideal Government and the Mixed Constitution in the Middle Ages* Princeton University Press, Princeton pp. 32-33

¹⁸² „*Rex habet superiorem, deum scilicet. Item legem per quam factus est rex [...] Et ideo si rex fuerit sine fraeno, id est sine lege, debent ei fraenum apponere nisi ipsimet fuerint cum rege sine fraeno*” “*The king has a superior, namely, God. Also the law by which he is made king [...] because if he is without bridle, that is without law, they ought to put the bridle on him.*” Henry of Bracton; Woodbine, George Edward (ed.) [1968]: *On the Laws and Customs of England* Harvard University Press, Cambridge (transl. S. E. Thorne) 2. p. 110 Both the Latin original and its revised English translation are available online here: <http://bracton.law.harvard.edu/> (Last accessed on the 28th of June 2017)

¹⁸³ “[A]lthough there are many forms of high treason, none of them is so serious as that which is executed against the body of justice itself. Tyranny is, therefore, not only a public crime, but, if this can happen, it is more than public. For if all prosecutors may be allowed in the case of high treason, how much more are they allowed when there is oppression of laws which should themselves command emperors.” John of Salisbury; Nederman Cary J. (ed. and transl.) [1990]: *Policraticus*. Cambridge University Press, Cambridge

content of the original text. The genre providing the most freedom for mediaeval scholars comprised comprehensive independent political treatises. The fourth category includes other miscellaneous writings.¹⁸⁴ The first author to write a comprehensive independent political treatise based on Aristotle's *Politics* was Thomas Aquinas, who started to write his treatise under the title *De regno*, but it was only finished by Ptolemy of Lucca after the death of Thomas under the title *De regimine principum*. Treatises with the same title were written by Giles of Rome and Engelbert of Admont in light of Aristotelian political philosophy, although the latter relied much less on Aristotle than the other two authors. Similar treatises were written by Marsilius of Padua and John of Paris. The fourth group also consists of works that rely on *Politics*, but political philosophy is not their subject matter. Such works include *Summa theologiae* by Thomas Aquinas and Ptolemy of Lucca's *Determinatio compendiosa de iurisdictione imperii*. In the following chapters of this dissertation I will introduce and compare the aforementioned works by Giles of Rome and Ptolemy of Lucca, which bear identical titles. Where necessary, certain parts of their other writings will be taken into consideration, in particular those that have political philosophical relevance. In order to do this, I will begin by shortly introducing the political theoretical foundations of Thomism, which served as a basis for both of their works.

Thomas Aquinas wrote his commentary on *Politics* between 1269 and 1272 at around the same time as his tutor Albertus Magnus did. However, this work is not complete, it was finished by Peter of Auvergne. Similarly, the political views of Thomas do not form a complete system, they can only be interpreted in light of his theology. He was willing to harmonise Aristotle's works with Christianity. Thomas differentiated between natural and supernatural order, but he characterised the two as forming an organic unity in which the supernatural element (grace of God) corrects the natural one. He underlined that humane rules should stem from natural law, and they should be reasonable instead of being interpreted simply as the will of the monarch. Thomas acknowledged the necessity of various forms of government, but he mostly supported limited monarchy. Regarding the governance of cities, he found satisfactory the rule by many. However, in general, he

¹⁸⁴ The classification was introduced by Crazz, Ferdinand Edward [1938]: *Aristotelianism in Medieval Political Theory: A Study of the Reception of the Politics* PhD dissertation, Harvard University and has been widely used since then. E.g. Blythe [1992] p. 33

highlighted the advantages of monarchy. He viewed the ruler as somebody who exercised control alone just like the human heart exercises control over the whole body.¹⁸⁵ However, monarchy had to function within limits according to Thomas, meaning that aristocratic and political elements had to counterbalance the power of the ruler. Thomas found particularly dangerous the forms of government with public participation (*politia*) in which relations were the least adequate to maintain peace. After Aristotle, he also treated democracy as the tyranny of the majority in which the majority exercised oppressive power over wealthy individuals (*populus plebeiorum per potentiam multitudinis opprimit divites*).¹⁸⁶ Despite that, he considered democracy to be better than tyranny, a degenerated version of the best form of governance, monarchy. Thomas, in fact, believed that there was a greater likelihood that democracy would evolve into tyranny since democracy was less stable.¹⁸⁷ Thomas adopted the basic frameworks of political categorisation from Aristotle: he differentiated between six forms of government and three modes of rule. Aristotle wrote the following about the forms of government: “*we classified the right constitutions as three, kingship, aristocracy and constitutional government [politea in the original], and the deviations from these as three, tyranny from kingship, oligarchy from aristocracy and democracy from constitutional government*”.¹⁸⁸ We should mention that in his work entitled *Rhetoric* he listed oligarchy as one of the basic forms, which can also have a good and a bad version.¹⁸⁹ However, Thomas was not familiar with this work of Aristotle. The idea

¹⁸⁵ „*Omne autem naturale regimen ab uno est. In membrorum enim multitudine unum est quod omnia movet, scilicet cor...*” Thomas Aquinas: *De regno ad regem Cyprici*. 1.3. The complete text is available online here: <http://www.corpusthomicum.org/orp.html> (Last accessed on the 28th of June 2017)

¹⁸⁶ *De regno* 1. 2.

¹⁸⁷ „*Amplius, non minus contingit in tyrannidem verti regimen multorum quam unius, sed forte frequentius. Exorta namque dissensione per regimen plurium, contingit saepe unum super alios superare et sibi soli multitudinis dominium usurpare, quod quidem ex his quae pro tempore fuerunt, manifeste inspicere potest.*” Ibid. 1. 6.

¹⁸⁸ Aristotle [1944]: *Politics*. Harvard University Press, Cambridge 4. 2. 1289a The complete text is available in English online here:

<http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3atext%3a1999.01.0058> (Accessed on the 18th of March 2017)

¹⁸⁹ Aristotle [1926]: *Rhetoric*. Harvard University Press, Cambridge and London The complete text is available online here:

<http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3atext%3a1999.01.0060> (Accessed on the 28th of June 2017) This four form scheme was adopted by Engelbert of Admont from among the authors of the era in question. He observed all these forms of government and also their mixtures in his work which was also entitled *De regimine principum*. He concluded with a touch of anti-oligarchic sentiment that the best form of government was the one that mixed elements of monarchy, aristocracy and democracy if we did not count the ideal form of monarchy with a perfectly wise ruler. His main reason was that the main virtues of these forms (ratio, virtus, lex/consensus) were the least

that the degradation of the best form can lead to the worst one also originates from *Politics*. “For necessarily the deviation from the first and most divine must be the worst, and kingship must of necessity either possess the name only, without really being kingship, or be based on the outstanding superiority of the man who is king; so that tyranny being the worst form must be the one farthest removed from constitutional government, and oligarchy must be the second farthest,[...] while democracy must be the most moderate.”¹⁹⁰ Aristotle mentioned four modes of rule in the first chapter of *Politics*: political (*regimen politicum*), regal (*regimen regale*), that of the household (*regimen oeconomicum*) and that of the slave-keeping lord (*regimen despoticum*). As opposed to Plato, Aristotle did not see the major difference among these areas in the number of subjects; rather the difference lay in the quality of exercising power. Moreover, he did not view *regimen oeconomicum* a realistic mode of rule since it concerned the household instead of the political community. The key difference Aristotle identified between *regimen regale* and *regimen politicum* is that in the former the monarch himself exercised the power, while in the case of *regimen politicum*, the possessor of power was a ruler on one occasion and a subject on another.¹⁹¹ Thomas adopted the six forms of government,¹⁹² but he only used two of the modes of rule: the political and the regal.¹⁹³ Blythe argued that there was no mediaeval political philosopher who would use precisely the terms *regimen politicum* and *regimen regale*. Irrespective of their definitions, monarchy was the intended meaning of the latter and republican rule the meaning of the former. Aristotle viewed the mixing of various

dissonant in his view. It is an interesting fact that he mentioned Hungary as the only example of such mixed constitution. Since the latest research on questioned the very existence of the Hungarian Golden Bull movement, it is more likely that Engelbert thought of the early Estates of the Realm developed in Hungary during the time of his contemporary king Andrew III. For a more detailed picture of these questions see: Blythe [1992] pp. 118-138 particularly p. 129 and Molnár, Péter [1999]: A magyarországi kormányzat mint a regimen mixtum példája Admonti Engelbertnél in: *Századok* Vol. 133. No. 1 pp. 113-124. For the recent academic view on the Golden Bull see: Zsoldos, Attila [2011]: II. András Aranybullája, in: *Történelmi Szemle* Vol. 53 No. 1 pp. 1-38.

¹⁹⁰ *Politics* 4. 2. 1289a-1289b The idea that the best can become the worst was almost treated like a general truth by Aristotle in *Politics*. “For as man is the best of the animals when perfected, so he is the worst of all when sundered from law and justice.” *Ibid.* 1. 2. 1253a

¹⁹¹ *Politics* 1. 1.

¹⁹² *De regno* 1. 2.

¹⁹³ „Quando enim ipse homo praest simpliciter et secundum omnia, dicitur regimen regale. Quando vero secundum rationem talis scientiae in parte presidet, idest secundum leges positas per disciplinam politicam, est regimen politicum” Thomas Aquinas [1971]: *Sententia Libri Politicorum*, in: Sancti Thomae de Aquino Opera Omnia Iussu Leonis XIII P. M. Edita Tom. XLVIII: *Sententia Libri Politicorum et Tabula Libri Ethicorum*, Rome I. 1/a A p. 73 The complete text is available online here: <http://www.corpusthomicum.org/cpo.html> (Accessed on the 28th of June 2017)

forms of government particularly advantageous, and Thomas Aquinas voiced the same opinion on two occasions to the extent he favoured a form of royal rule compensated by aristocratic and democratic elements.¹⁹⁴ Since the work of Thomas was prepossessed by an urge to seek the transcendent aims of human existence, there was no room for the assessment of an independent worldly political order. Therefore, it would be accurate to say that proper political philosophy is missing from the works by Thomas. The second part of *De regno* focused explicitly on political power, but it has been known since the middle of the 20th century that this part was not written by Thomas Aquinas, but rather by Ptolemy of Lucca. Thus, someone else had to take the role of spreading Aristotelian political thought in the High Middle Ages, and it was Giles of Rome who published his ‘mirror of princes’, *De regimine principum*, only a few years after the death of Thomas. In the following pages, I will shift focus to the life of Giles of Rome and his magnum opus.

Two Theories of Good Governance at the Turn of the 13th and 14th Centuries

Giles of Rome

Giles of Rome (approx. 1240-1316) is known in historiography under other names too, e.g. in some sources he appears as Aegidius Romanus or Aegidius Colonna. Giles was born in Rome and was likely a member of the Colonna-family, possessing serious political and religious influence. He joined the Augustinian

¹⁹⁴ First Thomas defined *regimen mixtum* in the context of the election of the ruler while later he defined it in terms of legislation. Both definitions are featured in *Summa theologiae*: „Unde optima ordinatio principum est in aliqua civitate vel regno, in qua unus praeficitur secundum virtutem qui omnibus praesit et sub ipso sunt aliqui principantes secundum virtutem et tamen talis principatus ad omnes pertinet, tum quia ex omnibus eligi possunt, tum quia etiam ab omnibus eliguntur. Talis enim est optima politia, bene commixta ex regno, inquantum unus praeest et aristocratia, inquantum multi principantur secundum virtutem et ex democratia, idest potestate populi, inquantum ex popularibus possunt eligi principes, et ad populum pertinet electio principum.” Thomas Aquinas [1988]: *Summa Theologiae*, Edizioni Paoline, Milano I^a II^{ae}, 105,1 The other definition of *regimen mixtum* by Thomas related to legislation: „est regnum, quando scilicet civitas gubernatur ab uno, et secundum hoc accipiuntur constitutiones principum. Aliud vero regimen est aristocratia, idest principatus optimorum, vel optimatum, et secundum hoc sumuntur responsa prudentum, et etiam senatusconsulta. Aliud regimen est oligarchia, idest principatus paucorum divitum et potentum, et secundum hoc sumitur ius praetorium, quod etiam honorarium dicitur. Aliud autem regimen est tyrannicum, quod est omnino corruptum, unde ex hoc non sumitur aliqua lex. Est etiam aliquod regimen ex istis commixtum, quod est optimum, et secundum hoc sumitur lex, quam maiores natu simul cum plebibus sanxerunt, ut Isidorus dicit.” Ibid. I^a II^{ae} 95,4 The complete text is available online here: <http://www.corpusthomicum.org/sth2098.html> (Accessed on the 28th of June 2017)

Order at the age of 14, then later studied at the University of Paris where he might have been a student of Thomas Aquinas' theological courses between 1269 and 1272. In the following years, he wrote commentaries on the works of Aristotle jeopardizing his scientific career. In 1277, the rather inconsistent wave of condemnation against certain Aristotelian and orthodox doctrines carried out by Parisian bishop Étienne Tempier affected him as well.¹⁹⁵ Therefore, he had to leave the University of Paris. According to contemporary authors, including Henry of Ghent and Godefroid de Fontaines, the doctrines of Giles were condemned by a procedure independent of the decree issued on 7th March 1277.¹⁹⁶ There are no sources confirming that Giles went to Italy before 1281. Probably during this period (1277-1280), he was writing his mirror of princes entitled *De regimine principum* to the future King of France, Philip IV the Fair.¹⁹⁷ Based on the number of the remaining manuscript copies, its translations and citations, this work probably made the largest impact in its field during the Middle Ages.¹⁹⁸ He was occupied by the task of organising the Augustinian Order in Italy between 1281 and 1284. After 1285 he was allowed to return to the University of Paris as a teacher significantly raising his prestige in the Augustinian Order. His works were declared to be the official doctrine of the Order, and he was elected vicar-general from 1292. In 1295 Pope Boniface VIII inaugurated him as the archbishop of Bourges. From this time, he started to be the apologist of the authority of Boniface VIII. He protected the resignation of Pope Celestine V and the election of Boniface. When Boniface twice entered into a conflict with Philip IV, Giles took the side of the Pope. Giles played a role in this debate from 1301 when Philip IV arrested the bishop of Pamiers, and Boniface openly opposed him in the bull *Asculta fili*,

¹⁹⁵ The decree of Étienne Tempier seems to be inconsistent because some of the 219 condemned statements it contains contradict each other. It is important to emphasise that the condemned statements cannot be linked to the so-called Aristotelian heterodoxy or the (Latin) Averroism as was thought before, most of them are simply Aristotelian statements. Borbély [2008] pp. 196-200.

¹⁹⁶ Del Punta, Francesco Donati, Sylvia Luna, Concetta [1993]: Egidio Romano in: *Dizionario Biografico degli Italiani* Vol. 42 p. 320. Gábor Borbély's biography of Giles contends that the condemning decree included only those statements that can be found in the works of Thomas as well, and according to some sources Giles was unwilling to withdraw these 51 statements. Borbély contends that it is more probable that the accusations against him were withdrawn. Borbély [2008] pp. 211-212.

¹⁹⁷ Despite the earlier opinion, Giles of Rome was not the master of Philip IV the Fair: Strayer, Joseph [1980]: *The Reign of Philip the Fair*. Princeton University Press p. 7.

¹⁹⁸ A rather comprehensive catalogue of the medieval mirrors of princes: Berges, Wilhelm [1938]: *Die Fürstenspiegel des hohen und späten Mittelalters*, Verlag Karl W. Hiersemann, Leipzig pp. 289-356

withdrew the privileges issued earlier and called all French bishops to a council in Rome. Besides influencing the Parisian public opinion, Philip openly condemned the pope and forbade the participation of the French priests at the council. Finally, with the bull *Unam sanctam* the debate peaked in 1302.¹⁹⁹ It seems to be very likely that the bull was inspired by the treatise *De ecclesiastica potestate* written by Giles of Rome in 1302. The treatise reflected a hierocratic standpoint.²⁰⁰ This became his second most significant writing. Giles had many different scholastic attributes such as *doctor fundatissimus* (Most Fundamental Doctor), *doctor beatus* (Blessed Doctor) and *doctor verbosus* (Verbose Doctor).²⁰¹

His most important work *De regime principum* written between 1277 and 1280 discusses the theory of the ruler's authority on its own right, regardless of the governing role of the church. Its significance is shown in the fact that at least 300 of its Latin manuscripts survived, and it has been translated to all the significant European languages. Giles of Rome reflected a somewhat distorted image of Aristotle's moral and political philosophy, but this view played an outstanding role in the Western expansion of Aristotelian terminology. This work is one of the few that combined the mediaeval genre of the mirror of princes and Aristotelian political philosophy.²⁰² An important difference compared to *De Regno* by Thomas is that *De regime principum* has a significantly more secular point of view. There is nothing written about the relationship between secular and spiritual authority. Giles used the Aristotelian language and terminology extremely arbitrarily in order to justify the single rule of the king. He put great emphasis on the sections where Aristotle praised the virtues of royal power and left out or intentionally misunderstood those that portrayed royal power as something negative. Contemporary French political requirements probably influenced his way of thinking, but despite this influence he rarely ever used contemporary or past empirical political examples in his work. Giles' staunch monarchist stance with the hereditary and the institutionally unrestricted royal power encouraged earlier

¹⁹⁹ More about the conflict: Strayer [1980] pp. 237-313.

²⁰⁰ Canning [1996] p. 204.

²⁰¹ About the life of Giles of Rome: Blythe [1992] p. 60. Canning [1996] pp. 142-147 The article on Giles of Rome edited by Roberto Lambertini in the Stanford Encyclopedia of Philosophy: <http://plato.stanford.edu/entries/giles/> (Last accessed on the 28th of June 2017)

²⁰² Canning [1996] p. 193. For the interpretation of the work as a mirror of princes: Berges [1938] pp. 211-228.

authors to think of his work as one of the theoretical foundations of absolutism.²⁰³ There is significant difference between Thomas and Giles in their ability to create synthesis. In Blythe's view Giles' work shows that he struggles to comply with both the Aristotelian worldview and with that of the Augustinian Order. He wrote in a contradictory fashion on whether governance was the product of the original sin or if it can be derived from human nature. Similarly, he did not take a stance on whether the monarch should rule only according to his own will or if he should be restricted by a committee. There is a contradiction in Giles' work between the autonomous ruler and the royal power based on the consent of the people. We cannot find a final decision in *De regimine principum* on whether the state is an organic extension of the family or if it is a social contract-like artificial creature.²⁰⁴ With an analysis of *De regimine principum* we will observe whether these statements can be supported textually.

The work follows the *ethica – oeconomica – politica* triple division. The first book is about ruling virtues, the second displays the governance of the smallest community through the operation of the household, and the third deals with the topic of political power. The order in itself says a lot about Giles' preconceptions. According to Aristotle the virtues of the citizen and the ruler change in accordance with the governmental forms.²⁰⁵ The fact that Giles dealt with the ruling virtues at the beginning of his work means he understood them as absolute, stressing the role of the single ruler. However, it should not be overemphasised because since Seneca, it had been a traditional pattern of thought that the good monarch is ethical; therefore, he can rule also over himself.²⁰⁶ In the Middle Ages it became commonplace that the good ruler not only exercised his power perfectly over himself but also over his micro-environment, the family. Therefore, we should be careful with the statement of Blythe, according to which the division of the text in itself says a lot about the views of Giles since it can be regarded as a simple political

²⁰³ Carlyle, Carlyle [1909] p. 75.

²⁰⁴ Blythe [1992] p. 62. Although Giles' power to create synthesis truly cannot be compared to that of Thomas, Blythe's interpretation is strongly exaggerating.

²⁰⁵ *Politics* 3. 4. 1276b

²⁰⁶ For a detailed analysis of the myth of the efficient ruler in the works of Thomas and Giles see: Osiander [2008] pp. 394-402

literary motif of the Middle Ages.²⁰⁷ However, it still seems that Giles in his treatise stands for some kind of absolute monarchy as the ideal form of government. Giles did not accept the statement of Aristotle and Thomas that the household and the political community should be separated with a sharp line. Hence, similar to Plato, he equated a big household with a small city state. This explains why the appropriate command of the household plays a significant role in a work otherwise focusing on political philosophy. This work introduces Giles' views on the modes of rule (regal, political and despotic) first in relation to the household. Therefore it is necessary that we briefly cover the second book of *De regimine principum*. According to Blythe, Giles did not treat the household as a laboratory where he could freely discuss the ways of exercising power so that the conclusions he made would be applied to the political community. In Blythe's view this is supported by the fact that Giles did not present an omnipotent father figure, who could serve as a model for an absolute monarch in the political community, as the head of the household. Instead he projected exercising political power onto the family (as opposed to the other way around). Taking this into consideration, it is possible to learn as much about his political views from the second book as from the truly political philosophical third one.²⁰⁸

By contrast, if we take a look at the text, it is evident that Giles considered it natural that there could only be regal power in a household. The wording here suggests an omnipotent father figure which contradicts our previous statement: *In communitate maris et foeminae, mas debet esse principans, et foemina obsequens: in communitate vero patris et filii, pater debet esse imperiens et filius obtemperans; in communitate quidem domini et servi, dominus debet esse praecipiens et servus ministrans et serviens.*²⁰⁹ Although the father relates differently to the various members of the household, this relationship is apparently always subordinate. At the same time, Blythe is correct in stating that Giles first differentiated between political and regal rule in relation to the household. It seems that the author initially

²⁰⁷ Blythe's relevant comments: Blythe [1992] p. 62-63. About the natural and logical character of the divisions: Berges [1938] p. 213

²⁰⁸ Blythe [1992] p. 63.

²⁰⁹ Giles of Rome [1968]: *De regimine principum*, Frankfurt (The reprint of the Roman edition of 1556) 2. 1. 6. 141.

used the Aristotelian dual division of the modes of rule.²¹⁰ In the first case, the head of the household practiced power through laws and agreements, while in the second case he governed according to his own will.²¹¹ It is important to note that he did not divide the two modes based on the existence or absence of law; rather, he based this categorization on whom the law could be derived from: the ruler or the subjects. „*Dicitur autem quis praeesse regali dominio, cum praeest secundum arbitrium et secundum leges, quas ipse instituit. Sed tunc praeest regimine politico, quandi non praeest secundum arbitrium, nec secundum leges quas ipse instituit; sed secundum eas quas cives instituerunt.*”²¹² According to Blythe, by focusing on the decision-makers, Giles pointed out that each acceptable mode of rule was based on law. He contended that this was not obvious in the case of Thomas Aquinas. It is most likely that Blythe defined the situation incorrectly here²¹³ since, as mentioned previously, Thomas contended that every authority and by extension every ruler should be subordinated to natural law. Hence, statutory positive law should also be derived from natural law. In this sense, Thomas always wrote about a lawful government, but in his works law meant natural law and not necessarily positive man-made law. However, it is true that the supremacy of law was also emphasised by Giles and that the differentiation between the political and regal rule became even more significant since he did not contrast them by the mere existence or absence of law but by the different internal sources of law, i.e. by the individuals or the bodies law originated from.

Giles further subdivided regal power which, in his view, deserved the name ‘regal’ only when it served the well-being of the subjects. Otherwise, the single rule is considered to be despotic. This consideration is how he arrived to the three modes of rule that were regal, political and despotic. Here Giles returned to the field of the household and brought examples from there for the modes of rule. Hence, political rule (*regimen politicum*) in the household characterised exclusively the relationship of husband and wife. It is based on the equality of the spouses, which

²¹⁰ *Politics* 1.1. 1252a

²¹¹ Giles of Rome [1968] 2. 2. 3. 173 „*Nam omnes regens alios, vel reget eos secundum certas leges, et secundum certa pacta, et tale regimen [...] nominatur politicum vel civile. Vel regit eos secundum arbitrium.*”

²¹² Giles of Rome [1968] 2. 1. 14. 154-155.

²¹³ For Blythe’s concerning views see: Blythe [1992] p. 64.

derives from the fact that they chose each other mutually. In this sense the wife is equal to the husband and can participate in the elaboration of the rules that determine their common life. Moreover, certain rules may come exclusively from the wife, the same way as in case of political rule they stem from the people.²¹⁴ It is important, however, to see that Giles did not present legislation as a dynamic procedure, and of course the role of the wife cannot be called legislation. Giles contended that the legal corpus accepted at the election of a ruler and at the wedding determined these relationships until the election of the new ruler or the end of the marriage. According to Blythe, it is worth emphasising that Giles of Rome, who earlier had been interpreted as the forerunner of absolutist thought, discussed *regimen politicum*, which was based on the equality of the parties, as an evident fact. He even referred to it as a well-known and accepted mode of rule. It is likely that he took into account *regimen politicum* only because he followed Thomas' commentary on Aristotle while his own train of thought almost always favoured the monarchist standpoint.²¹⁵ This is demonstrated by the fact that the father's power over his children was seen as an example of the royal power in the household. It is an important difference as opposed to the relationship of the spouses that children were not equal to their father since they could not choose him, rather they were begotten by him.²¹⁶ That is why the father rules over them as the king over his people, he determines what the best is for them. The despotic version of regal rule can be exercised in relation to the servants in the household. Giles viewed servants as household objects unable to do intellectual work, over whom their lord possesses full right of disposition. As opposed to Thomas Aquinas, Giles saw despotic rule (*regimen despoticum*) as serving the right of both parties, since the lord could practice power according to his own interests but at the same time he completed the lacking intellectual capacity of the servants.

²¹⁴ „Dicitur ergo tale regimen politicum: quia assimilatur illi regimini, quo cives vocantes dominum, ostendunt ei pacta et conventiones quasdam in suo regimine observare” Giles of Rome [1968] 2. 1. 14. 155.

²¹⁵ About the topic see more: Lambertini, Roberto [1990]: *Philosophus videtur tangere tres rationes. Egidio Romano lettore ed interprete della Politica nel terzo libro del De regimine principum*, Documenti e studi sulla tradizione filosofica medievale, Spoleto pp. 277-325.

²¹⁶ „Filiis autem non sic iudicantur ad paria cum patre, nec eligunt sibi patrem, sed naturaliter producuntur ab ipso.” Giles of Rome [1968] 2. 1. 14. 155.

We can see that the interpretation of Giles of Rome is reminiscent of that of Aristotle and Thomas, but his conclusions are novel. According to Blythe, the most important difference between the approach of Thomas and Giles is that while Thomas differentiated between the modes of rule based on how much freedom is given to the subordinates, Giles divided them based on the freedom or limits of the ruler's power. Therefore, according to Thomas, there was a significant dividing line between the freedom of the wife and children and the quality of the servants while Giles saw the difference between the *power based on the will of the ruler* over the servants, and the *lawful power* practiced over the wife. Based on this reasoning, Thomas saw the two main modes of rule to be the political and the despotic (*regimen politicum* and *regimen despoticum*) and subdivided the political into regal and political (*regimen regale* and *regimen politicum*). On the other hand, Giles viewed the regal and the political as the two main modes of rule, and the regal was subdivided into despotic and regal. The double meaning of the word 'regal' is deceptive in Giles' work, but the despotic ordered under the regal mode legitimated the former.²¹⁷

A further, important difference is seen between the thinking of Aristotle, Thomas and Giles in the nature of *regimen politicum*. According to Aristotle, the rotation of the offices is an organic inherence of *regimen politicum*, which is not the case in the family. Thomas and Giles did not consider the constant filling of offices with new officers an inalienable part of *regimen politicum*. Giles did not even mention the idea; moreover, a government operating with more rulers was not even remotely referred to in his work. In Giles' view, the idea that the political community is ruled by a single person was as obvious as the fact that a family can have only one father. In Giles' work *regimen politicum* only means that the power of the ruler is restricted by rules that are co-created by its subordinates. At this point it is clear that Giles projected his statements about the household directly to the questions of government. Similar to Aristotle and Thomas, he treated marriage as a contractual relationship and accepted the leading role of the man referring to his superior intellectual ability. Giles contended that, in this sense, marriage can be interpreted as a lord-servant relationship although in other places he clearly divided

²¹⁷ Blythe [1992] p. 65

marriage and servitude.²¹⁸ According to Blythe here we can see again that the author cannot choose between the Aristotelian thought and the Augustinian tradition in *De regimine principum*.²¹⁹ According to the former, power is natural and good for humanity, whereas the latter views power as servitude in every case and derives it from the original sin. In spite of this, according to Giles, the wife in the bond of marriage is more of an equal party than a servant whose advice must be taken into account by the husband since it can be more correct than the husband's own considerations.²²⁰ The statements made in relation to the marriage refer to *regimen politicum*. In the latter the ruler can only exercise his power legally if he was elected by the citizens and if his power has their consent; therefore, they are more like his partners than his servants. Furthermore, it is important that the ruler is bound by the laws that the citizens made him accept at the beginning of his rule. However, following the inauguration, the ruler practices an absolute power just like the father in the family.

Although Giles contended that the election of the ruler and the consent of the citizens was not necessary for practicing regal power, this mode of rule can also be interpreted with certain limitations. He wrote about these limitations in the explicitly political theoretical third book though; therefore, these issues will be revisited. In Giles' interpretation *regimen regale* is similar to paternal rule while *regimen politicum* can only be realised if the ruler is elected. The law restricting the power of the ruler can only be made at the election. „*Nam pacta et conventiones non interveniunt inter subditum et prae eminentem, nisi sit in potestate subiecti eligere rectorem: non est autem in potestate filiorum eligere patrem.*”²²¹ According to Blythe, by contending that the hereditary power is equal to paternal power, Giles automatically became an advocate of hereditary regal rule. Because of this, the election of the ruler was limited to *regimen politicum* in his work.²²²

²¹⁸ cf. Giles of Rome [1968] 2. 2. 23. 168-169. and 1. 2. 15. 156-157.

²¹⁹ Blythe [1992] p. 66.

²²⁰ Giles of Rome [1968] 2. 1. 15. 157.: „*Nam licet vir debeat praeesse uxori eo quod ratione praestantior: non tamen debet esse tanta imparitas inter virum et uxorem, quod ea uti debeat tanquam serva, sed magis tanquam socia*”, and also 1. 1. 23. 169.: „*In casu tamen potest esse muliebri consilium melius quam virile.*”

²²¹ Ibid. 2.2.3. 173.

²²² Blythe [1992] p. 67.

Giles wrote systematically about Aristotelian political theory in the third book of *De regimine principum*, and it is only here that he referred to existing governments. These references appeared for the exclusive purpose of illustration. Giles did not analyse them in depth, but rather he remained at the level of general theorising. Since the monarchical form of government stood in the forefront of Giles' thinking, he found it important to demonstrate the functionality of the other forms. Blythe emphasised that while Giles accepted the Aristotelian six-fold scheme of governmental forms, the forms other than monarchy appeared only as negative counterexamples in his work.²²³ The description of the government of the Roman Republic, demonstrating the rule of the few, is a good example of this. „*Videmus enim pluries in civitate Romana, quod deficiente senatu, tempore illo intermedio, antequam alius senator eligeretur, regebatur totus Romanus populus quibusdam paucis viris: eligebantur enim duodecim viri approbati et boni testimonii, quos vocabant duodecim bonos homines; et horum gubernatione tota civitas regebatur: unde et maleficia facta distinguebantur ex diversitate principatuum. Dicebatur autem de aliquo maleficio fuisse factum tempore senatoris, de aliquo vero tempore bonorum hominum.*”²²⁴ It is remarkable that Giles used the expression “*tempore illo intermedio, antequam alius senator eligebatur*” to describe when rule of the few was available: only during the intermission between two senators' office. Thus, according to *De regimine principum*, republican rule was a temporary period or a sort of intermission covering the period when an old senator was replaced by a new one, but Rome was also usually governed by a single ruler.

The author also observed the rule of many through the communities of the North-Italian city-states. „*Communiter enim civitatibus Italiae dominantur multi, ut totus populus: ibi enim requiritur consensus totius populi in statutis condendis, in potestatibus eligendis, et etiam in potestatibus corrigendis. Licet enim semper ibi adnotetur potestas vel cominus aliquis, qui civitatem regat; magis tamen dominantur totus populus, quam dominus adnotatus, eo quod totius populi est eum eligere et corrigere, si male agat: etiam eius totius est statua condenda, quae non licet dominum transgredi.*”²²⁵ The last two clauses express Giles' thoughts

²²³ Ibid.

²²⁴ Giles of Rome[1968] 3.2.2.268.

²²⁵ Giles of Rome[1968] 3.2.269-270.

straightforwardly and concisely on the rule of many, i.e. subjects can correct a ruler and create laws that he cannot violate. In Blythe's interpretation, in order to understand the thoughts of Giles, one has to raise the question whether the rule of many in the latter case means something different from a monarchy where the king rules through law instead of his own will.²²⁶ According to the key idea of a monarch in *De regimine principum*, it is natural and proper for a state to be ruled by single person, similar to a body having only one head. But in Blythe's train of thought the most important question is not whether one person leads a community since every government can see the necessity of one person having the executive power to represent individuals on daily issues and, thus, avoiding all matters being handled by a committee.²²⁷ The true question for Blythe is to what extent the community is able to retain the right of having control over the power of the ruler.²²⁸ By making parallel the bond of marriage and *regimen politicum*, Giles explained that the subject or the wife can only oblige their lord to obey the legal corpus created at the time of the election or the start of the marriage, and after this initial commitment, the lord can rule by his own free will. At the same time, it seems that the above quotation gave the Italian citizens a much more dynamic role. The explanation of the difference might be that the citizens of the city states could continuously participate in the procedure of governing. Therefore, instead of the citizen's passive agreement, all issues of the city-state could only be taken care of by their active cooperation. Based on the above, Giles apparently provided more room to manoeuvre for the citizens of *regimen politicum* than for the wife in the bond of marriage. At the same time, based on the example of the Italian city-states, citing Thomas' *De regno*, Giles laconically condemned political rule. „*Experti enim sumus civitates et provincias non existentes sub uno rege esse in penuria, non gaudere in pace, molestari dissensionibus et guerris: existentes vero sub uno rege e contrario, guerras nesciunt, pacem sectantur, abundantia florent.*”²²⁹ I. e. he viewed *regimen politicum* to be the root cause of all sufferings a society may have to endure while he believed that the flourishing of a society could only be brought about by regal rule.

²²⁶ Blythe [1992] 69. o.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Giles of Rome[1968] 3.2.2.270.

It is beyond a shadow of a doubt that for Giles the only form of governance that God approved was royal power. Although the other forms could be legitimate, they did not reflect the order of nature. The political community that was stuck between the universe and humanity had to follow the organising principle of nature. „*Nam sicut universum dirigitur uno principe, ut uno deo, qui est intellectus separatus et purus: sic omnia, quae sunt in homine, si debite regi debent, regenda sunt intellectu et ratione. [...] Si ergo regimen totius universi assimilatur regimini quod debet esse in uno homine: cum civitas sit pars universi, regimen totius civitatis multo magis reservabitur in una domo.*”²³⁰ Therefore, based on the pattern of the divine governance, monarchy was the only natural government on earth. Despite that, Giles raised constraints against royal power as well. Even the author interpreted as an early advocate of absolute monarchy found it much more favourable for the monarch to rule by his own laws than by his own will. „*Expedit quantum possibile est per legem omnia determinari, et quam paucissima arbitrio iudicium committere.*”²³¹ After stating this, Giles adds that there are some natural exceptions to this rule, i.e. when in the name of equity and justice, *the king still should be trusted with making the right decision.* In Giles’ interpretation, the rule of law formulated in Aristotle’s works can only apply for natural law and not for the positive law created by people.

Giles used a wording very close to one of Thomas Aquinas’ standpoints here. Regarding the *regimen regale*, Thomas explained the following at one point in *Summa theologiae*: „*Unde quantum ad Dei iudicium, princeps non est solutus a lege, quantum ad vim directivam eius; sed debet voluntarius, non coactus, legem implere. Est etiam princeps supra legem, in quantum, si expediens fuerit, potest legem mutare, et in ea dispensare, pro loco et tempore.*”²³² The reasoning leading up to these two standpoints differ. Whereas Thomas would have strengthened the ruler in *regimen politicum* by raising him above positive laws, Giles weakened the monarch practising *regimen regale* by restricting his power through obliging him to abide by his own laws. However, by exempting the king from positive, statutory

²³⁰ Ibid. 2. 1. 14. 154.

²³¹ Ibid. 3.2.20. 300.

²³² Summa Theologiae I^a II^{ae}, 96. 5 ad 3. p. 966.

law in a pioneering way, he opened the gate towards the theory of the absolute power which was, by the way, an alien concept in the political thought of the High Middle Ages. That is why Carlyle saw *De regimine principum* as the forerunner of early modern absolutism.²³³ It is remarkable that while Giles left little room for the subjects in his ideas on governance in general, he still elaborated extensively on the role of consulting committees surrounding the ruler in relation to regal rule. It was the duty of the wise to consult the king since they possessed more knowledge together than the king by himself: „*Plura cognoscere possunt multi, quam unus.*”²³⁴ This was the first occasion that Giles apparently found an ex-post constraint of regal rule acceptable. Beyond what was said with regards to *regimen politicum*, he also gave a chance to the wise to limit the *process* of practicing *regimen regale*. In this respect the role of the wise or the “experts” in *regimen regale* showed similarity to the way citizens could have a say also *during* the reign of the ruler. Giles dealt with the question of why the advice of the wise was necessary in the immediate environment of the monarch in great length. He took the most important arguments from the third book of Aristotle’s *Politics*, where the author drew the reader’s attention to the fact that two heads are better than one, and with more hands, more work can be done. According to Aristotle, the rule of many creates a situation as if a ruler had more than two eyes and hands. This is also important because the individual can be corrupted much more easily than a group of individuals. The good ruler can be recognised by the fact that he acts for the commonwealth and does not seek benefits for himself, and the rule of many can also be beneficial from this point of view. Because if all the individuals participating in the power served their own good, the governance would still be closer to the commonwealth than with the monarch alone following his own interests. In sum, Giles hoped that the contradicting interests would neutralise each other and even if that did not happen, it would display a picture closer to the commonwealth than the empowerment of a single person. According to *De regimine principum*, an additional advantage of the consultants surrounding the king was that they strengthened the legitimacy of the monarch since by having advisors the king could not be accused of not knowing enough. If the committee is viewed as the members of the king, everything the committee knows is part of the

²³³ Blythe [1992] p. 70.

²³⁴ Giles of Rome [1968] 3. 2. 17. 294.

knowledge of the king. An important additional benefit was that if the ruler wanted to govern well, he would be less likely to lose the right track if the wise and just consultants were beside him. Giles contended that losing track could have only occurred if all members had a distorted will.²³⁵

It seems then that in Giles' idea the committee of the consultants also had a certain role in controlling the king. In various parts of the text Giles accused the ruler dismissing the consulting committee of being a tyrant.²³⁶ A typical example is the following: „*Si autem aliter se haberet, ut spreto consilio, et dimissa societate sapientum et bonorum, vellet sequi caput proprium, et appetitum privatum, iam non est rex sed tyrannus: tale ergo dominari non esset melius quam plures.*”²³⁷

Blythe contended that the importance of the controlling function was emphasised in the fact that Giles went against Aristotle and Thomas who thought that the

²³⁵ The above discussion is the introduction and interpretation of the following part of the text. Giles of Rome [1968] 3.2.4. 270-272. Because of the importance of the part we cite it in extenso. „*Philosophus III Politicorum videtur tangere tres rationes, per quas probari videtur, quod melius sit civitatem aut provonciam regi pluribus, quam uno. Videntur enim in principe tria esse necessaria, ut bene regat populum sibi commissum. Primo enim debet habere perspicacem rationem. Secundo rectam intentionem. Tertio perfectam stabilitatem. Ex his autem sumi possunt tres viae, ex quibus venari possumus, quod bonum fit principari plures et non unum tantum. Prima via sic patet. nam plures oculi plus vident quam unus, et plures manus plus possunt quam una, et plures intellectus superant unum in cognoscendo: quare si dominantur plures, erit ibi perspicacior ratio, quia plura cognoscent, quam si principaretur unus tantum: unde Philosophus III Politicorum ait quod plures homines sic principantes quasi constituunt unum hominum multorum oculorum et multarum manuum. quare melior erit huius principatus, quia homo sic constitutus et multitudo sic principans, efficacior erit in principando. Secunda via ad investigandum hoc idem, sumitur ex recta intentione quae requiritur in principante. Tunc enim principans rectam habet intentionem, si non intendat bonum proprium sed commune: quanto igitur minus intenditur commune bonum, tanto peior principatus: sed si dominantur multi dato quod intendunt bonum proprium quia bonum multorum est quasi bonum commune, intendendo sic bonum proprium, non omnino recedunt ab intentione. Sed si dominaretur unus solus, et ille intenderet bonum proprium: quia bonum unius est quasi bonum omnino privatum, sic intendens recedit quasi omnino a communi bono. Peius est igitur principari unum quod plures. Tertia via sumitur ex stabilitate quae requiritur in principante. Decet enim principem esse regula rectam et stabilem, ut per iram et concupiscentias et per alias passiones non corrumpatur nec perveratur. Sed (ut ait Philosophus) facilius corrumpitur unus quod plures: melius est ergo dominari plures quod unum. [...] ille princeps vel ille rex (secundum Philosophum III Politicorum) debet sibi associare multos sapientes, ut habeant multos oculos et multos bonos et virtuosos, ut habeat multos pedes et multas manus: et sic fiet unus homo multorum oculorum, multarum manuum, et multorum pedum. Non ergo dici poterit talem unum monarchiam non cognoscere multa quia quantum spectat ad regimen regni, quicquid omnes illi sapientes cognoscunt, totum ipse rex cognoscere dicitur. Nec etiam dici poterit ipsum de levi posse corrumpi et perverti: nam si rex recte dominari desiderat, non est possibile ipsum perverti, nisi totum consilium, et omnes sapientes, et bonos quos sibi associavit, contingeret esse perversos: talis enim maxime intendit commune bonum.*”

²³⁶ The above cited expression „*spreto consilio*” can furthermore be interpreted as the ruler ignoring the statements of the committee. It seems that Giles accuses the ruler to be a tyrant in this case as well.

²³⁷ Giles of Rome [1968] 3.2.4. 272. This accusation is not inconsistent with other chapters of the work, since Giles emphasised the importance of the committee in those, too. 3.2.1.267. and 3.2.8.279.

monarch is legitimised by ethical excellence and superiority. In contrast, Giles has had a surprisingly flexible standpoint when he discussed hereditary regal rule. „*Si aliquis defectus esset in filio regis, ad quem deberet regia cura pervenire, suppleri poterit per sapientes et bonos, quos tanquam manus et oculos debet sibi rex in societate coniungere.*”²³⁸ At first it might seem that the ruler was degraded to the spokesman of the committee. In making this claim, Giles strongly constrained practicing power, *but at the same time, he protected the idea of hereditary monarchy*. The protection is seen in the fact that in case the successor of the king was not suitable, the consulting committee could almost replace the ruler instead of forcing him to abdicate because of his incapability, as it was suggested by papalist Gregorian thinkers.²³⁹ It is also important that the consultants could get into the committee exclusively on the recommendation of the ruler; therefore, they were not at all independent of the ruler. In addition, Giles also suggested the monarch to appoint people to the committee who were polite and loyal to him because they were going to give the best advice. It is worth taking a look at the order the author used when he listed the qualities necessary to the consultants: first of all they had to be good, secondly they had to be friends, and wisdom was featured only as their third quality.²⁴⁰ Giles’ model obviously protected the ruler, even at the cost of limiting his power.

Blythe formulated this in the following way: the consultants were actors who could exercise the authority of the ruler and who were to be fully used in the interest and for the purposes of the ruler. The point of the consulting committee was not to

²³⁸ Giles of Rome [1968] 3.2.5. 275.

²³⁹ By the time of Giles there was a refined approach in canon law to the reign of the so-called *rex inutilis*, the useless king. These rules had been forming since the abdication of the last Merovingian king, but the treatment of the situation of the *rex inutilis* matured when Portuguese king Sancho II was deprived of effective power by Pope Innocent IV and his brother, Afonso was appointed as governor. Sancho II could keep the title of *Dei Gratia Rex Portugalliae* until the end of his life (1248) but his brother practiced the real power with the approval of the pope. Innocent IV applied arguments of canon law which originated from the rules about the useless magistrate (*praelatus inutilis*) in customary law, from the work of a famous canon lawyer of the 13th century called Huguccio and from Roman private law. By the time of Giles of Rome the tradition of canon law setting aside the incapable king was ready to use. It is easy to imagine that a Papalist Giles took some of the ideas and statements concerning *rex inutilis* from that tradition. For a detailed analysis of these questions see: Peters, Edward [1970]: *The Shadow King, Rex Inutilis in Medieval Law and Literature, 751-1327*, Yale University Press, New Haven and London. The following study is especially relevant from this source: *Sancho II. of Portugal and Thirteenth Century Deposition Theory* pp. 135-169.

²⁴⁰ Giles of Rome [1968] 3.2.18. 297. „*fatis apparet quales consiliatores deceat quaerere regiam maiestatem quia debet quaerere tales qui sint boni, et amici, et sapientes.*”

restrict the ruler but to help him protect his power. Although the wise monarch always listened to the opinion of the consultants, he was not obliged to base his decisions on their opinion, especially not if it had not served the interests of the community he governed. Blythe contended that the consulting committee could be in charge of many public duties but its independence was obviously absent, and that was the most significant barrier of Giles' model to be qualified as a mixed constitution (*regimen mixtum*).²⁴¹

Ptolemy of Lucca

Ptolemy of Lucca was a contemporary of Giles of Rome and lived an extraordinarily long life by medieval standards (1236-1327). He was born in Lucca into a notable merchant family named Fiadoni. It is debated whether the family was middle class,²⁴² but it seems clear that Ptolemy had three brothers.²⁴³ As a young man he joined the Dominican Order and according to certain sources he was a student of Thomas Aquinas between 1261 and 1268 at the University of Paris.²⁴⁴ According to other scholars he did not study in Paris and more likely was a student of Thomas in Orvieto or in Rome.²⁴⁵ It seems verifiable that he joined Thomas when he returned from Paris to Naples meeting him in Rome. Ptolemy lived in a Naples convent with Thomas for a year and a half and was supposedly with him at the time of his death, although some scholars deny that.²⁴⁶ It was Ptolemy of Lucca who first devoted a work to the life of Thomas Aquinas²⁴⁷ and it is thanks to him that we are familiar with some of the details about him today.²⁴⁸ He served as a prior in numerous monasteries of Tuscany between 1280 and the first decade of the

²⁴¹ Blythe [1992] pp. 72-73. To confirm these statements he cited the following part of the text: 3.2.15. 291.

²⁴² Ptolemy of Lucca, Blythe, James M. (trans.) [1997]: *On the Government of Rulers – De Regimine Principum* University of Pennsylvania Press, Philadelphia 7. o. cf. Davis, Charles Till [1974]: Ptolemy of Lucca and the Roman Republic in: *Proceedings of the American Philosophical Society* Vol. 118 No. 1 pp. 32-33 cf. Schmugge, Ludwig [1997]: Fiadoni, Bartolomeo in: *Dizionario Biografico degli Italiani* Vol. 47 Available online here: [http://www.treccani.it/enciclopedia/bartolomeo-fiadoni_\(Dizionario_Biografico\)/](http://www.treccani.it/enciclopedia/bartolomeo-fiadoni_(Dizionario_Biografico)/) (Last accessed on: 30th April 2018)

²⁴³ Schmugge [1997]

²⁴⁴ Blythe [1992] p. 92 and Blythe [1997] p. 7

²⁴⁵ Torrell, Jean-Pierre O.P. [2005]: *Saint Thomas Aquinas: The Person and His Work*. The Catholic University of America Press, Washington, D. C.

²⁴⁶ Ibid.

²⁴⁷ Schmugge [1997]

²⁴⁸ He wrote about him in his work entitled *Historia ecclesiastica*.

1300s. Among them was Santa Maria Novella in Florence which was the hub of studying ancient authors, the scene of the early development of the republican idea and the centre of so-called *pre-humanism*. Charles Till Davis indicated in a paper written in 1974 that a rediscovery of republican values started a generation before Petrarch in Santa Maria Novella. Davis highlighted that the impact of Ptolemy—who intentionally misinterpreted Saint Augustine to support his republicanism—can be traced in the works of authors who were in contact with Santa Maria Novella like Remigio de' Girolami or Dante Alighieri.²⁴⁹ Ptolemy most likely spent the second decade of the 14th century in the Papal Court in Avignon where he did research and worked in the library. Pope John XXII appointed him archbishop of Torcello in 1318. He was engaged in a furious debate with the Patriarch of Grado after which the Pope had to provide him protection, because the Patriarch imprisoned him. He was interrogated and absolved of the accusations of the Patriarch in 1323 in Avignon where he most likely also attended the beatification of his master Thomas Aquinas. He died in 1326 or 1327 at the age of 90 in Torcello.²⁵⁰

Besides *De regimine principum*, which will be discussed in detail, it is worth underlining his work on ecclesiastical history (*Historia ecclesiastica*), his *Hexameron* focusing on the six days of creation and his treatise discussing some aspects of imperial power entitled *Determinatio compendiosa de iurisdictione imperii*, which also contains relevant information from our point of view regarding North Italian city-states and the upper limits of royal authority. The latter piece could be considered a counterpart of *De regimine principum* written twenty years later since it discusses the relationship between the State and Church which topic is significantly underrepresented in *De regimine principum*. The two works resemble each other structurally since both interpret the Pope as the highest of all earthly authorities and by doing so Ptolemy joined the politico-philosophical

²⁴⁹ Davis [1974] p. 30-50. On Ptolemy intentionally misinterpreting Saint Augustine, see p. 33. Some scholars even went further in identifying him as a *pre-humanist*. According to Antony Black, Ptolemy's views only differed from the civic humanist ideals of Leonardo Bruni in that they were not articulated in a Ciceronian language, but rather by using an Aristotelian and scholastic toolkit. Black, Antony [1992]: *Political Thought in Europe 1250-1450*, Cambridge University Press, Cambridge p. 123. Dante was a student of Santa Maria Novella so there is good chance that Ptolemy even taught him as a leading instructor of the school.

²⁵⁰ For the biography of Ptolemy I have used the following sources: Blythe [1992] Ptolemy of Lucca, Blythe [1997], Davis [1997] and Schmugge [1997]

debate starting with the Gregorian Reform which reached one of its peaks around his time. Blythe considers it noteworthy that Ptolemy depicted the papacy as a limited form of monarchy in some parts of his texts.²⁵¹

Before the political ideas of Ptolemy are sketched, we need to delve into a short introduction of Northern Italy, an area where he spent most of his youth and which largely shaped his worldview. It is also important to touch upon the matter of Northern Italy and Lucca because Ptolemy referred to the institutional setup of contemporary or historical city-states much more abundantly than Giles of Rome. The two most important formative features in the development of North Italian city-states were that the Holy Roman Emperors could hardly exercise any authority there and that the nobility or aristocracy lived within the borders of these city-states. The first feature contributed to the birth of the movement of the most innovative self-governing organisations, the so-called communes, while the second resulted in an extraordinary coexistence of the emerging bourgeoisie and the aristocracy which is regarded by some scholars as a major precondition of the Great Renaissance.²⁵² Initially communes were protecting the interests of the aristocracy and the more affluent bourgeoisie and therefore they can be perceived as the product of the organic coexistence of the city and the aristocracy. Later they developed into power structures governing complete city-states and even consuls were elected from among their members between 1080 and 1220. Following that period city communes elected leaders, so-called *podestàs*, from external sources, other city states in order to ensure their unbiased and effective functioning.

In the meantime an unprecedented expansion of Mediterranean trade was witnessed in the region. From the 11th century onwards it was possible for the city-states to build up a dominance first against the Byzantine and much later against the Ottoman Empire.²⁵³ The agricultural revolution and the expansion of commerce enabled the process in which lower class members of various guilds could demand

²⁵¹ Blythe [1997] p. 8

²⁵² For an elaboration of that point of view see: Mann, Nicholas [2005]: *The Origins of Humanism in: The Cambridge Companion to Renaissance Humanism*, Cambridge University Press, Cambridge pp. 3-8

²⁵³ In the history of Northern Italy and particularly for Venice the 14th century was a “state of grace” since the Ottoman Empire was not yet while the agonizing Byzantium was not anymore threatening their economic presence in the Eastern Mediterranean. Lane, Frederic C. [1973]: *Venice: A Maritime Republic* Johns Hopkins University Press, Baltimore p. 199

a bigger share of authority. That is how the age of the *popolo* came about in which political power was exercised by widening layers of the population. However, that did not lead automatically to more peaceful social conditions because of the centrifugal effect of faction fights and party politics. In some city-states the wealthier turned against the poorer,²⁵⁴ while in others the Papalists were opposed by Imperialists and both of these were often accompanied by clashes among the city-states themselves. The exhausted city-states whose populations were disenchanted with their situation often returned to various forms of single rule and only preserved the empty forms of republican government.²⁵⁵ It is important to see that to the South of the Alps despite the crises a relatively wide layer of secular intellectuals (*ars notaria*) survived from the early mediaeval period onwards thanks to urban law schools while in post-Carolingian North-Western Europe education was only available within ecclesiastical frameworks.²⁵⁶ These circumstances might explain the appearance of *pre-humanist* workshops like Santa Maria Novella, which despite being a religious institution attracted notable secular intellectuals like Dante Alighieri.²⁵⁷ Santa Maria Novella became the source of the most modern scholastic education in Tuscany.

Besides the general picture of Northern Italy, the position of an extensively urbanised 13th-14th century Lucca should also be discussed in order to understand the political views of Ptolemy. He spent thirty years of his life there.²⁵⁸ Together with other city-states supporting the Holy Roman Empire, Lucca received liberties which first allowed them to form communes and elect their own *podestà* while later these contributed to Lucca controlling the neighbouring regions. Lucca was competing with some of the other city-states of Tuscany, initially in the 12th century Pisa being its rival while following the latter's defeat by Genoa (1284), Florence took over that role. Lucca as a financial and economic centre mostly capitalised on a flourishing silk industry. In the period of 13th century financial and economic upswing, the classical characteristics of the North Italian model also appeared in

²⁵⁴ Conflicts erupted between the smaller and bigger guilds (*arti minori* and *arti maggiori*) and between the *popolo minuto* and *popolo grasso*. For a more detailed description of the conflicts see: Hyde, J. K. [1982]: *Society and Politics in Medieval Italy – The Evolution of the Civil Life, 1000-1350*, Macmillan, London pp. 94-118

²⁵⁵ Viroli [1992] pp. 45-46 and Blythe [1997] p. 10

²⁵⁶ Mann [2005] pp. 3-8

²⁵⁷ Davis [1974] pp. 33-38

²⁵⁸ Torrell [2007] p. 433

Lucca: the guilds successfully fought the communes for power. Governing through certain bodies and councils appeared which was also characteristic of the region. Popular councils, a specific council of the elders (*Anziani*) and a single executive authority in the person of the captain jointly constituted the specific form of government of Lucca in the youth of Ptolemy.²⁵⁹ But in its old age Lucca could not resist the *zeitgeist* and shifted towards a more despotic regime.²⁶⁰

Since Ptolemy often mentioned the contemporary political regimes outside Italy, the major political facts from the regions covered should also be briefly introduced. Ptolemy's century was the most important regarding the formation of late mediaeval states. The Estates of the Realm which emerged out of the general feudal chaos of the turn of the millennium were flourishing at the time. The economic and demographic decline of the 14th century unfolded among stable political and social frameworks except in the case of the Holy Roman Empire and Northern Italy. Paradoxically in these regions, where Frederick II was aiming at the utmost centralisation in the first half of the 13th century, fragmentation appeared in its most severe form. The idea of a trans-Alpine empire could not evolve into a real political structure as it is well demonstrated by the fact that the two regions of Europe where absolutistic centralisation could not take place at all were the Holy Roman Empire and Italy.²⁶¹ Frederick II could never really break the resistance of the city-states²⁶² and shortly after his death in 1250, Naples and Sicily fell into the hands of the Anjou monarchs while in the Holy Roman Empire the Great Interregnum soon started. The severe clashes between the Emperors and the city-states as the upper and lower limits of mediaeval territorial statehood illustrate particularly well in Northern Italy how paralysing their impact was on effective state-formation.

At the time of the Great Interregnum, Ptolemy was a teenager and also well before the writing of *De regimine principum* did the Sicilian Vespers take place. In 1282, when Ptolemy was 46 years old, the Anjou guardians were massacred by the locals in order to take control over the island. However, the authority over Sicily was later

²⁵⁹ Blythe [1997] p. 11

²⁶⁰ For the mediaeval history of Lucca see Blythe [1997] p. 10-11

²⁶¹ Absolutism could not develop in Italy in any form while it only occurred in the Holy Roman Empire on the level of duchies and margraviates.

²⁶² While Frederick fought some of the cities some others were his allies

held by the Aragon dynasty.²⁶³ The turn of the 13th and 14th centuries found Naples in the hands of the Anjou dynasty, while Sicily under the authority of the Aragon monarchs.²⁶⁴ In the meantime, the Great Interregnum ended and the Holy Roman Empire was in a state of fragmentation thanks to the strengthening Prince-electors and the weak emperors. The regimes outside Italy and the Holy Roman Empire produced much more stable and successful political formations. The heirs of the Magna Carta in England unwillingly created the roots of parliamentary rule during the life of Ptolemy as the strengthening debates between the kings and the aristocracy were gradually institutionalised. The nobility also seized strong positions against the king in France. The frameworks of representative institutions of the Estates of the Realm were slowly taking shape during the time of (Saint) Louis IX under whose reign also Ptolemy visited France. Some scholars are of the view that the ideas of Thomas Aquinas about a mixed constitution were inspired by the France of Saint Louis.²⁶⁵ Ptolemy wrote *De regimine principum* following the beatification of Saint Louis during the reign of Philip IV, who was more successful in weakening the powerful nobility and clergy than his predecessors. Beside that, France also took the path of building representative institutions limiting the authority of the kings even though the Estates of the Realm only functioned as an occasional event supporting the foreign policy of the kings. There were other smaller centralised states being born at the time, particularly in the Northern regions of Iberia. There were also both more and less successful examples of centralisation in East-Central Europe. While the kings could exercise authority all over Hungary in the Árpád Era, Poland served as a good example of the fragmentation of royal power. But that was to change during the life of Ptolemy, since during king Władisław I (the Elbow-high) a stronger royal authority was being organised in Poland while in Hungary the extinction of the Árpád dynasty led to a considerable strife of succession which largely contributed to the rise of

²⁶³ For a more detailed account of the Sicilian Vespers see: Runciman, Steven [2000]: *The Sicilian Vespers*, Cambridge University Press, Cambridge pp. 214-227

²⁶⁴ The Aragon Dynasty could unite Naples and Sicily only in 1430, a century after Ptolemy's death.

²⁶⁵ Demongeot [1928] p. 205 referenced by Blythe [1997] p. 13. However, that view is not widely shared among mediaevalists.

oligarchs and the fragmentation of public power. It is important to bear these circumstances in mind since the author himself often referred to them.²⁶⁶

Regarding the authorship and the dating of Ptolemy's work there are more controversies than in the case of Giles of Rome's *De regimine principum*. It seems highly likely that the text was written around 1300 since the German king Albert I (Habsburg), who reigned between 1298 and 1308, is mentioned in the text. It brings us even closer to the time of writing if we take into account that according to Ptolemy 270 years had passed since the coronation of Conrad II—which happened according to recent historiography in the year 1027—but according to Ptolemy it was held in the year 1030.²⁶⁷ Based on these and other arguments the text is considered to be written between 1301 and 1303.²⁶⁸

The question of authorship is even more exciting since its soaring popularity owed its attribution to Thomas Aquinas. Only 20th century philology discovered that Thomas wrote merely the part entitled *De regno ad regem Cypri* and from Book 4 Chapter 2 a different author continued the work. The belated discovery might be surprising in light of the fact that the second part differs from the first stylistically, structurally and also regarding its references and strongly resembles *Determinatio compendiosa*. From all the differences the most important is the markedly different content. While regal power was considered to be a positive feature in the first book, it was an object of harsh criticism in the others. In light of these circumstances did Alfred O'Rahilly make the claim that Ptolemy of Lucca must have written the second half of the work.²⁶⁹ Other scholars even doubted the contribution of Thomas

²⁶⁶ For the overview of the European power relations of the time I have relied on: Blythe [1997] pp. 12-13 Le Goff, Jacques [2005]: *The Birth of Europe*, Blackwell, Oxford pp. 74-75 An interesting addition regarding Hungary is that while *De regimine principum* by Engelbert of Admont refers to Hungary as an example of the ideal form of government, Ptolemy mentions the country when he writes about riots and uprisings: „nisi quod regiones interdum eis rebellant, si iura regni transcendant, sicut in partibus Hispaniae et Ungariae frequentius accidit” Bartolomeo di Lucca [1949]: *De regimine principum* in: R. P. Joannes Perrier (ed.) Saint Thomas Aquinas [1949]: *Opuscula Omnia necnon Opera Minora*, Tomus Primus: *Opuscula Philisophica* P. Lethielleux, Paris 4.1. p. 176 My major source regarding these questions: Molnár [1999] (*De regimine principum* by Ptolemy of Lucca is available online here: <http://www.corpusthomicum.org/xrp.html> Last accessed on 14th May 2018)

²⁶⁷ Ptolemy of Lucca: *De regimine principum* 3.19.1 Blythe [1997] p. 1

²⁶⁸ For further details about dating the work see: Davis [1974] p. 38 fn. 45

²⁶⁹ The work in question: O'Rahilly, Alfred [1929]: Notes on St. Thomas: IV. De Regimine Principum and V. Tholomeo of Lucca, Continuator of the De Regimine Principum in: *Irish Ecclesiastical Record* Vol. 31 p. 396-410 and p. 606-614

Aquinas²⁷⁰ and there were some who argued that there was a third author.²⁷¹ Walter Mohr believed that internal consistency was missing from the second book and found it likely that the second book itself was written by multiple authors who might not even have been familiar with the first book since they have not referred back to it. According to him, Ptolemy of Lucca must have taken up writing from the third book, but was already familiar with the content of the previous two.

Blythe refuted Mohr's theory on multiple grounds. He highlighted that the second book basically introduced the theme of the third when the author discussed the obligations of the ruler and the welfare of the people. It seems equally likely that the author of the second book referred back to some parts of the text from the first one. In part 2.8 the author shortly outlined his theory about the six-fold Aristotelian scheme of the forms of government, but instead of repeating the Aristotelian classification, he wrote that it was already elaborated in the first book: "*licet plures ponat in 5 Politicorum, ut supra est distinctum, et infra etiam declarabitur.*"²⁷² Besides that, in 2.9 it is stated based on I Kings that in that book Jewish teaching argues that political rule is better for the people than regal rule. As the author highlights it, the contrary was already proved above: „*cuius tamen superius contrarium est ostensum.*"²⁷³

Mohr claims that connecting law and public good does not appear in the first book, even though it was a centrepiece in the philosophy of Thomas Aquinas, and it is highly unlikely that he would have omitted that from the introduction of a work on political philosophy. It was already Blythe who added that the separation of *regimen politicum* and *regimen regale* is also missing from the first book which appeared in his commentary on Aristotle's *Politics* and was also extensively used by Ptolemy. Based on all these circumstances Blythe arrived at the conclusion that

²⁷⁰ Antony Black in his work on mediaeval political philosophy stated in a sentence in brackets that *De regno* (which is the first book of *De regimine principum*) was not written by Thomas, but perhaps by one of his students. James Blythe asked him what he based his assumption on, to which Black responded that the basic differences regarding writing style and intellect convinced him. According to Blythe, different genres might explain the varying writing style. Although he did not exclude that Black was right, he believed that deciding the question was up to further research. Black [1992] p. 22 Blythe [1997] p. 3

²⁷¹ That point of view was represented by: Mohr, Walter [1974]: Bemerkungen zur Verfasserschaft von *De Regimine Principum*, in: Müller Joseph Koblenberger, Helmuth (ed.) [1974]: *Virtus Politica* Frommann Verlag and Günther Holzboog, Stuttgart and Bad Cannstatt p. 133

²⁷² Ptolemy of Lucca [1949] 2.8. 74

²⁷³ Ptolemy of Lucca [1949] 2.9. 75

the first book and the first half of the second was written by an author whose person could not be safely identified. According to the introduction to Blythe's translation, Ptolemy clearly wrote everything from the middle of article 2.4.²⁷⁴ Therefore the text will be observed here mostly from that point.

Ptolemy of Lucca belonged to a small group that was outstanding in late-13th and early-14th century political philosophy because its members had studied deeply the translation of *Politics* by Moerbeke. The members of that group were connected through the University of Paris and the following six authors belonged there: Thomas Aquinas, Peter of Auvergne, Albertus Magnus, John of Paris, Giles of Rome and Ptolemy. Other scholars only joined the group in the later decades of the 14th century from England, the Holy Roman Empire and Italy, but very often even they were connected to the University of Paris. From among them Ptolemy's works clearly resembled those of Aquinas and Peter of Auvergne. All three were implicitly promoting some sort of mixed constitution. Ptolemy urged the reconciliation of Aristotle's and Saint Augustine's views and in that sense also resembled Giles of Rome, in addition to Thomas Aquinas. His results of reconciliation will be mentioned in the comparison of the two author's works at the end of the present Chapter.

As was demonstrated above, Ptolemy did not undertake the task of introducing the six-fold scheme of Aristotle, but rather relied on the first book when he referred to the scheme. However, the introduction of a system similar to Aristotle's four-fold classification of the modes of rule was already introduced in the third book. „*Recepit igitur divisionem dominium quadreimembrem ex eadem causa et ratione, quia quoddam est sacerdotale et regale simul; aliud autem est regale solum, sub quo imperale sumitur, et sic de aliis, ut infra patebit. Tertium vero politicum; quartum autem oeconomicum.*”²⁷⁵ The author obviously used his own classification here,²⁷⁶ but he heavily relied on Aristotle's four-fold scheme. As it was mentioned above, Aristotle believed that all modes of rule were applicable to any larger group except *regimen oeconomicum* (which concerned the household). By saying that, he challenged Plato's approach, which only reserved political (*regimen politicum*) and

²⁷⁴ Blythe [1997] p. 3-5

²⁷⁵ Ptolemy of Lucca [1949] 3. 10. 128

²⁷⁶ The original inventor of the classification was Plato, but it was significantly criticised and reinterpreted by Aristotle.

regal (*regimen regale*) modes to larger groups and deemed economic rule merely applicable to the household and despotic rule to slave-keeping lords.

Ptolemy followed the Platonic way and linked the applicability of each mode to the number of subjects. Sacerdotal and regal (*sacerdotale et regale*) mode thus concerns the whole world, regal alone (*regale solum*) is applicable for a kingdom or a province, political (*regimen politicum*) typically for a city while economic (*oeconomicum*) for the family or the household.²⁷⁷ Since the first and last of these modes have less to do with public affairs than with the sacred²⁷⁸ and the domestic sphere, Ptolemy covered them shortly and did not return to discussing them on the pages of *De regimine principum*. Out of the two irrelevant modes of rule, he described the first in more detail. For him, as a supporter of the Papacy it was beyond a shadow of a doubt that sacerdotal and regal rule was the highest mode of exercising power since it could be derived straight from Jesus Christ, who has built his Church by Saint Peter.²⁷⁹ On the other hand, Ptolemy hardly discussed the question of the household and it is most likely he mentioned it only in order to make the list of the modes of rule complete. It is also striking that Ptolemy entirely ignored Aristotle's despotic mode of rule (*regimen despoticum*). The reason behind that could be that he saw no real difference between the despotic and regal modes, moreover, he thought that the previous could be reduced to the second and therefore he almost used them interchangeably. Referring to Scripture, Ptolemy argued that regal rule is just a form of despotic rule.²⁸⁰

In order to understand Ptolemy's concept of monarchy we first need to take a closer look at the close connection of *regimen regale* and *regimen despoticum* which appears in his work and which almost shows a form of unity. Ptolemy's interpretation of *Politics* and Scripture will serve as the starting point of our

²⁷⁷ Ptolemy of Lucca [1949] 3.10-11. and 4.2. 178 „*Et quia regimen politicum maxime consistit in civitatibus, ut ex supradictis apparet, provinciae enim magis ad regale pertinere videntur.*”

²⁷⁸ It's important to emphasize that Ptolemy viewed the Pope also as the highest secular authority.

²⁷⁹ Ibid. 3.10. 178. „*Primum autem ceteris anteferetur multiplici via: sed praecipua sumitur ex institutione divina, videlicet Christi. Cum enim eidem in suam humanitatem omnis sit collata potestas, ut patet in Mat. 16. c. dictam potestatem suo communicavit vicario cum dixit: Ego dico tibi, quia tu es Petrus, et super hanc petram aedificabo ecclesiam meam.*”

²⁸⁰ Ibid. 2.9. 73. „*Est autem hic advertendum, quod principatus despoticus dicitur, qui est domini ad servum, quod quidem nomen graecum est. Unde quidam domini illius provinciae adhuc hodie despoti vocantur, quem principatum ad regalem possumus reducere, ut ex sacra liquet scriptura.*” 4.8. 200. o. „*Quaedam autem provinciae sunt servilis naturae, et tales gubernari debent principatu despotico, includendo in despotico etiam regale.*”

inquiry. A major innovation of Ptolemy was that he mixed the modes of rule and the forms of government even though both Aristotle and Thomas carefully distinguished between them. The flexible treatment of categories was already signalled by the fact that Ptolemy differentiated between the various modes of rule based on the number of governed people although Aristotle warned against that. Here we see the opposite, since simultaneously with the merger of the modes and forms Ptolemy linked the various modes of rule to the number of rulers. He argued that since both aristocracy and *politeia* mean ‘rule by more people’, they can be labelled *regimen politicum* as opposed to regal (*regimen regale*) or despotic (*regimen despoticum*) rule which have a single ruler.²⁸¹

At the same time, he also highlighted the importance of legality that appeared in the texts of Aristotle. While the justice-seeking rulers of *regimen politicum* had to observe written laws, kings and other rulers could rule according to the laws “hidden in their breasts”. It might be relevant to mention that the expression *kings and other rulers (regibus et aliis monarchis)* most likely referred to the despots of the preceding paragraph who together with the kings could exceed the bounds of law as opposed to the heads of *regimen politicum*.²⁸² Thus Ptolemy also lumped together kings and despots here. With Thomas who fiercely separated the modes of rule and forms of government, it was possible for the head of a *regimen politicum* to be king. However, with the theoretical toolkit of Ptolemy, that was out of question, but he still showed significant flexibility when he applied his system to historical or contemporary regimes.²⁸³

When discussing one of the historical examples, Ptolemy implicitly admitted that *regimen politicum* might function even with a single ruler. That was possible because he attributed numerous features to both *regimen politicum* and *regimen regale*. The former was characterised by the plurality of rulers, legality, soft rule,

²⁸¹ Ibid. 4.1. 175. „Et quoniam utrumque pluralitatem includit, ista duo genera [aristocratia et politia] ad politicam se extendunt, prout dividitur contra regale seu despoticum.”

²⁸² Ibid 4.1. 175-176. „Et primo quidem in quo differt a regali sive imperiali, sive monarchico, quod ex supradictis in 1. et 3. Libr. aliquantulum videri potest: sed nunc etiam differentia est addenda, quia legibus astriguntur rectores politici, nec ultra possunt procedere in prosecutione iustitiae, quod de regibus et aliis monarchis principibus non contingit, quia in ipsorum pectore sunt leges reconditae, prout casus occurrunt et pro lege habetur quod principi placet, sicut iura gentium tradunt: sed de rectoribus politicis non sic repetitur, quia non audebant aliquam facere novitatem praeter leges conscriptas.”

²⁸³ In the paragraph I relied on Blythe [1992] pp. 94-97

rotation and remuneration of offices and the judgement of rulers after their term expired. In opposition to that, regal rule was not subjected to positive law, it lacked plurality, but was characterised by stability, the succession of power, harsh rule, immunity and the lack of remuneration. We should point out that it was again the blurred dividing lines between his concepts that enabled Ptolemy to discover the possibility of *regimen politicum* in some versions of single rule. Ptolemy believed that even single rule could qualify for plurality as long as there was only one ruler at a time but with a clearly and reasonably fixed time in office. That is why Ptolemy could claim that the ancient Roman dictator exercised political rule and that his specific form of government was aristocracy.²⁸⁴ Therefore, according to Blythe, Ptolemy's *regimen politicum* could be defined as "the rule of one or many under law".²⁸⁵ Apart from the Roman dictator, Ptolemy also gives examples from his own time, for instance that of the Holy Roman Emperor, who also represented the blurred borderlines between the various categories. The Holy Roman Emperor was clearly a political ruler insofar as the office was theoretically open for any man and he was elected. To support that, Ptolemy mentioned ancient and mediaeval examples including Rudolf of Habsburg, Adolf of Nassau and Albert of Habsburg. The rule of Emperors also qualifies as political, because they were often not of noble descent just like Vespasianus or Diocletian in Antiquity or Adolf of Nassau in the Middle Ages. On the other hand, based on the tradition of coronation, taxation and rule by will, imperial rule should qualify as *regimen regale*.²⁸⁶ To sum

²⁸⁴ Ptolemy of Lucca [1949] 2.8. 74 and 4.1. 175-176

²⁸⁵ Blythe [1992] p. 97 However, on the same page in the third paragraph he partially modified his definition: „Ptolemy includes as partially a political rule the case in which the many participate in some other way than making law.”

²⁸⁶ Ptolemy of Lucca [1949] 3.20 162-164. Ptolemy found the relationship among imperial rule, *regimen politicum* and *regimen regale* so important that he devoted a complete chapter to that question. „videnda est comparatio imperialis domini ad regale et politicum: quia, ut ex dictis apparet, convenit cum utroque et cum politico quidem quantum ad tria. Primo enim considerata electione. [...] Item: non semper de genere nobili, sed de obscuro, ut in praenominatis liquet Caesaribus, Vespasiano et Diocletiano, sicut historiae tradunt. [...] Item: alia est comparatio, sive similitudo, quod ipsorum dominium non transibat in posteros, unde statim ipso mortuo dominium expirabat. [...] Quantum autem ad ista duo exemplum habemus etiam modernis temporibus, quod electi sunt imperatores, videlicet Rodolphus simplex comes de Ausburg, quo mortuo, assumptus est in imperatorem comes Adolphus de Anaxone, quo occiso ab Alberto, Rodolphi filio, eodem modo assumptus est. [...] Ex quibus omnibus patet convenientia imperialis domini cum politico. Sed et cum regali ex triplici parte convenientia ostenditur. Primo quidem ex modo regendi, quia iurisdictionem habent, ut reges, et eisdem quodam iure naturae sunt, ut regibus, tributa et vectigalia instituta, quae et transgredi non possunt sine peccato, nisi sicut in iure regali superius definito: quod consules nequeunt, nec etiam quicumque alii civitatum rectores in Italia, qui politico regunt regimine, ut iam dicitur. [...] Secunda convenientia imperatorum cum regibus est corona, quia coronantur ut reges. Duplicem enim habent coronam et recipiunt electi in imperatorem. Unam

it up, the authority of the Emperor depended on the decision made by many and relied on the arbitrariness of the ruler instead of being regulated by law. Had Ptolemy distinguished between *regimen regale* and *regimen politicum*, in line with the views of Thomas Aquinas, based on the dominance of law or arbitrariness, he would not have dealt with the contradictory nature of imperial authority as extensively, but would have simply categorised it as *regimen regale*.

Ptolemy took *regimen politicum* under closer scrutiny than Thomas or Giles and had a more complex idea about it when he tried to integrate the rule by many into it. Based on that, Blythe refuted Charles T. Davis's claim that the key political distinction of Ptolemy was that of arbitrary rule and "rule regulated by statute".²⁸⁷ We should take into consideration, though, that the central thesis of Blythe's book²⁸⁸ was that the works of all mediaeval political philosophers had the implicit or explicit guiding principle of a mixed constitution and thus Blythe was inclined to see a mixture of the various modes and forms sometimes without justification. It does not mean that plural and single rule was not an essential question in Ptolemy's theory, but it is obvious that Davis was also right when he argued that legality was a central feature of his political philosophy.²⁸⁹

*quidem prope Mediolanum, in villa quae dicitur Modoetia, ubi sepulti sunt reges Longobardorum quae quidem corona ferrea dicitur esse signum, quod primus imperator germanus Carolus magnus colla regum Longobardorum suaeque gentis perdomuit. [...] Tertia vero convenientia quam imperatores habent cum regibus, et differunt a consulibus, sive rectoribus politicis, est institutio legum et arbitraria potestas, quam habent super subditos in dictis casibus. Propter quod et eorum dominium maiestas appellatur, imperialis videlicet et regalis: quod consulibus et rectoribus politicis non convenit, quia agere ipsis non licet, nisi secundum formam legum eis traditam, vel ex arbitrio populi, ultra quam iudicare non possunt. Patet igitur de qualitatibus imperialis regiminis secundum diversitatem temporum, et comparationem ipsius ad regimen politicum, et regale." At one point (3.10. 128.) Ptolemy simply calls imperial rule *regimen regale*. According to Blythe, the context makes clear that by saying that he wanted to subjugate the Emperor to the authority of the Pope.*

²⁸⁷ Blythe [1992] p. 97 refers to Davis [1974] p. 48 when he elaborates his critique.

²⁸⁸ The title of Blythe [1992] expresses the point well: *Ideal Government and the Mixed Constitution in the Middle Ages*.

²⁸⁹ Davis [1974] p. 44 Blythe believed that the question of legality was most relevant regarding *regimen regale* in the works of Ptolemy. He agreed with Davis that Ptolemy understood well the distinction between *regimen regale* and *regimen despoticum*, but he intentionally ignored it in his own theory. According to Davis, he did so because both modes of rule depended on the will of the ruler and not on legality. According to Blythe he did so because both depended on the will of the ruler and did not leave space for the rule of others. cf. Blythe [1992] p. 98. Nicolai Rubinstein found it noteworthy that Ptolemy merged these two modes while he juxtaposed them to *regimen politicum*. He thought it could not be explained simply by the fact that *regimen regale* was not featured in the Latin translation of *Politics* by Moerbeke and that only *regimen despoticum* occurred in the text. It is not a sufficient explanation because it was clear from Ptolemy's *Hexameron* (or *De operibus sex dierum*) that he was aware of the difference between the two. Rubinstein believed that it was even more characteristic of the North Italian conditions that although Ptolemy was aware of the concept of *regimen despoticum* (rule over servants or slaves) he generally lumped it also with tyranny (*via*

Another important source that can shed light on the relationship between *regimen regale* and *regimen despoticum* in *De regimine principum* is the Scripture. According to Ptolemy's interpretation, the two categories appeared in the Bible, but there it was clear that one can be reduced to the other. The example of *regimen regale* appears in Deuteronomy when Moses describes the Kingdom of Israel as built in the land of promise where the pious rulers observe the holy law, never work for their own gains and refrain from oppressing the people.²⁹⁰ The example of *regimen despoticum* appears in 1 Samuel when Samuel declares to the people what can be expected if they—being dissatisfied with the transcendent divine rule—elect an earthly ruler for themselves similarly to other peoples. That part is almost the polar opposite of the prophecy of Moses, where the king treats his subjects as slaves, takes what was theirs, uses it for his own purposes and only lessens their burdens if he is being asked forcefully.²⁹¹ After having introduced the biblical prefiguration of these concepts, Ptolemy tried to understand how it was possible that God gave rulers to his chosen people who resembled more the prophecy of Samuel.

Ptolemy attempted to respond to the question by introducing two different concepts of sin. One was the concept of the original sin that could be derived from Adam and Eve while the other was the group of particular sins committed by various nations or peoples. These two concepts of sin were not fully reconcilable with each other. Ptolemy discussed first the original sin mentioned also by Saint Augustine and regarding that he underlined the essential unity of the two modes of rule: „*Principatus despoticus ad regale reducitur: sed praecipue ratione delicti propter quod servitus est introducta, ut Augustinus dicit Lib. undevicesimo de Civ. Dei.*”²⁹² That part of Ptolemy's text recognizes the difference of the two modes, but—referring to the original sin—claims that since the expulsion from the Garden of

tyrannica). At the time of Ptolemy, the mighty who limited the already achieved civic liberties were called *tiranni*. It is possible that for that reason was the distinction ignored in *De regimine principum*. Further details: Rubinstein, Nicolai [2004]: Marsilius Padua and Italian Political Thought of His Time, in: Rubinstein, Nicolai Ciapelli, Giovanni (eds.) [2004]: *Studies in Italian History in the Middle Ages and the Renaissance*, Edizioni di Storia e Letteratura, Rome p. 115

²⁹⁰ Ptolemy of Lucca [1949] 3.11. 135 refers to Deuteronomy 17:14-20 as *regimen regale*: „*Tria enim ponit de rege in eodem libro, videlicet quod ille legitimus est rex, qui principaliter bonum subditorum intendit. Item, qui per se sufficiens reperitur, et qui omnibus bonis superexcellit, ne videlicet subditos gravet. Item, ille rex est, qui curam subditorum habet ut bene operentur, quemadmodum pastor ovium.*”

²⁹¹ Samuel 1 8:11-18 Ptolemy of Lucca [1949] 3. 11. 138

²⁹² Ptolemy of Lucca [1949] 3. 11. 138

Eden, the rule of each king has necessarily become despotic. That is the meaning of the idea that one of these modes could be reduced to the other. The elaboration of the specific sins of various peoples can also be found in the same chapter. „*In talibus ergo regionibus sic dyscolis necessarius est regibus principatus despoticus, non quidem iuxta naturam regalis dominii, sed secundum merita et pertinacias subditorum. Et ista est ratio Augustini in praedicto iam libro. Philosophus etiam in tertio Politic., ubi distinguit genera regni, ostendit apud quasdam barbaras nationes regale dominium esse omnino despoticum, quia aliter regi non possent, quod quidem dominium praecipue viget in Graecia et apud Persas, saltem quantum ad regimen populare.*”²⁹³ It seems, arguably, that the latter quote contradicts the former since it allows certain peoples to avoid slavery despite being corrupted by original sin. Numerous examples convince the author of the latter. Apart from the Greeks and Persians appearing in the text,²⁹⁴ the ancient Roman Republic and contemporary Northern Italy are also used as references for modes of rule without slavery. These peoples were virtuous enough to avoid despotism and slavery. This claim runs counter to the Augustinian tradition, which he would have liked to reconcile with Aristotelian concepts. According to Blythe, Ptolemy’s attempt at the reconciliation was more successful than that of Giles.²⁹⁵

Both of them tried to provide a synthesis of Aristotelian and Augustinian political ideas and Ptolemy could prove to be more successful because he clearly stood on Aristotelian grounds, but he was flexible and tried to reinterpret Augustine in the same (Aristotelian) fashion. In the view of Robert A. Markus, that was primarily the heritage of Thomas Aquinas in the work of Ptolemy,²⁹⁶ while according to Blythe he did rely on Thomas but went further than him since he referred to the politico-philosophical key points of Augustine’s text.²⁹⁷ However, that in itself does not represent a major innovation in mediaeval political philosophy. In the work of Thomas, extensive references to Augustine are most likely not featured

²⁹³ The source of the quotes: Ptolemy of Lucca [1949] 3.11. 138

²⁹⁴ Aristotle has never claimed anything like that; he merely argued that Barbarians tolerate despots more than Greeks. Popular government is clearly not mentioned by Aristotle regarding Persians or Greeks. Blythe [1997] p. 182. fn. 201.

²⁹⁵ Blythe [1992] p. 98

²⁹⁶ Markus, R. A. [1965]: Two Conceptions of Political Authority: Augustine, *De Civitate Dei* XIX 14-15, and Some Thirteenth-Century Interpretations, in: *Journal of Theological Studies* Vol. 16 pp. 68-100

²⁹⁷ Blythe [1992] p. 99

because *De regno* was a late and unfinished piece which should be regarded as a draft. It was Ptolemy who “completed” it and, therefore, it is understandable that the references appear in his part. Another reason for the missing Augustinian political ideas in Thomas’s works could be that he wrote little on political philosophy and also verifiably read *De civitate Dei* as opposed to his followers and, therefore, must have been aware of the incompatibility of Aristotelian and Augustinian frameworks of analysis. On that note one should mention that Ptolemy’s peculiar Aristotelian interpretation of Augustine is not primarily noteworthy because of the dubious success of the reconciliation, but rather because through that he could promote *regimen politicum* and strike a new tone in early 14th century political philosophy.

According to Charles T. Davis, this new tone made it possible for him to rehabilitate the ancient Roman Republic and to strengthen republican views in his own time.²⁹⁸ In order to really do that, a rather “creative” interpretation of Augustine was required, one that according to Davis might qualify as intentional misinterpretation.²⁹⁹

If we want to understand the scope of his innovation, however, a clear portrayal of the republican image transferred to the Middle Ages by early Christian authors like Orosius and primarily Saint Augustine is necessary. Both of them clearly condemned the Roman Republic, although it is true that Augustine also recognized the virtues of the era. He admitted that the ethos of the Roman Republic scorned wealth and served as an incentive to do hard work against all hardships. However, in the core of that ethos, Augustine could not discover the love of God or mankind, only self-love. As a result, this means that the Republican Romans, by suppressing the lesser vices, fell prey to the supreme vice of pride and instead of the City of God they built up the city of the devil which led them to damnation instead of the public good, because they taught their people to worship idols. Augustine believed

²⁹⁸ At the time *politia* meant generally all good forms of government, including a republic. It was also used specifically to signify Aristotelian *politeia*. In the commentary on *Politics* by Aquinas it marked all sorts of governments that worked for the public good. Thus it was a category independent of single or plural rule. That approach was also demonstrated by Ptolemy of Lucca as we have seen above. Regarding *politia*, Thomas expressed the following idea in his *Sententia libri politicorum*: „*Quando multitudo principatur intendens ad utilitatem communem, vocatur politia, quod est nomen commune omnibus politiis.*” *Sententia libri politicorum* III. 6. A p. 204

²⁹⁹ Davis [1974] p. 33

though that Christian virtues must be able to compete with the virtues galvanised by guilty self-love, since the former were conceived in the hope of salvation.³⁰⁰ The vast impact of Augustine on mediaeval philosophy considerably impeded the development of sympathy towards the Roman Republic and this tendency was also reinforced by the fact that most mediaeval regimes were monarchies. Emphasising the values of the Roman Republic was also not rational from a Christian perspective since it was during the time of Augustus that Pax Romana was created, which effectively enabled spreading the gospel. It was Constantine who declared tolerance for Christianity and he was supposed to have bequeathed the government of the Western part of the empire to the Pope in *Donatio Constantini*. Besides that, the Roman Republic ceased to exist by the birth of Jesus Christ and, as such, it seemed extremely distant to mediaeval political philosophers. Had theologians or political philosophers wanted to find the precursors of Christianity, they more likely turned instead to ancient Israel than the Roman Republic.³⁰¹ That approach was dominant throughout the mediaeval period and, therefore, it was striking when some scholars politely and carefully contradicted it. Experts of the question detect the first signs of the shift around the turn of the 13th and 14th centuries in Northern Italy. Hans Baron declared in his book published in 1955 that the most clear-voiced proponent of the new value judgement was Ptolemy of Lucca.³⁰² And among the pioneers were also the authors mentioned above, Remigio de' Girolami and Dante Alighieri.

³⁰⁰ For a summary of the Augustinian approach: Davis [1974] p. 32 and Davis, Charles T. [1957]: *Dante and the Idea of Rome*, Clarendon Press, Oxford pp. 40-65

³⁰¹ Davis [1974] 31. o.

³⁰² Baron, Hans [1955]: *The Crisis of Early Italian Renaissance*, Princeton University Press, Princeton p. 44 Even though Baron did not deal with Ptolemy extensively, he quoted from section 3.6 of *De regimine principum* to support his statement. Ptolemy cited from 1 Maccabees in there. „*Cum etiam Machabaei, Iudas videlicet, Ionathas et Simon, de genere Iudaeorum quorum est proprium aliarum nationum aspernari consortium, tum quia Saturnini sunt, sicut Macrobius dicit super somnium Scipionis, tum quia legibus prohibebatur eisdem, considerata benevolentia Romanorum, cum ipsis statuerunt amicitiam, ut in primo Mach. scribitur, ubi inter alia commendabilia de ipsis, unde populos gentesque diversas ad suum trahebant amorem et subiectionem politicam, seu despoticam, sub compendio interseritur quod inter praesides Romanos nemo portabat diadema nec induebatur purpura ut magnificaretur in ea et quia curiam fecerunt et consulebant quotidie trecentos viginti, consilium agentes semper de multitudine, ut quae digna sunt gerant et qua committunt uni homini magistratum suum per singulos annos per singulos dominari universae terrae suae, et omnes obediunt uni, et non est invidia neque zelus inter eos.*” (Baron only quoted the underlined part in English translation, but added that Ptolemy recognised that the real power and authority of Rome was developed during the Republican times in the age of consuls and not during the imperial era.)

In the view of Davis, Ptolemy was the most consistent republican of the three and he was also the most interesting one since his republicanism was paired with ardent papalism.³⁰³ Ptolemy was also outstanding in the way he contradicted Saint Augustine's views regarding the Roman Republic and the values of *regimen politicum* in general. Moreover, he was the first to do that. Of course, first his veneration for Augustine had to be attested and even when Ptolemy criticised his ideas he pretended to agree with him both in *Determinatio compendiosa* and *De regimine principum*. Davis summarised his strategy of argumentation accurately. "He did not attack the great African father directly. Instead he demonstrated an obsequious respect, together with a shameless flair for misquotation."³⁰⁴ He quoted from Chapter 18 of Book V from *De civitate Dei* fairly selectively.³⁰⁵ He only borrowed lines that praised the republican virtues and completely ignored those that concerned the destructive self-love of the Romans. Davis argued that Ptolemy turned Augustine's view of Rome on its head and made him say that the Romans always cared for the public good in the name of the highest Christian virtue of *caritas* and the Roman Republic was not a scourge but a blessing for humanity.³⁰⁶ He almost made Augustine say that the Romans built their empire with self-sacrificing patriotism, which was diametrically opposite to what he had actually said. Davis believed that it was his most original contribution to mediaeval political philosophy, because that creative interpretation of Augustine was without precedent.³⁰⁷ As we have already seen, Aquinas did not quote the relevant sections of Augustine in *De regno*, and John of Salisbury's *Policraticus* could only inspire Ptolemy, but the exact direction of argumentation and the specific referencing of Augustine's text seems to be perfectly his own innovation.

Let us see first which could be the ideas that Ptolemy took from John of Salisbury, whose works he must have been familiar with since he quoted from *Policraticus* in

³⁰³ Remigio was not as consistent of a republican as Ptolemy since he wrote favourably about the deeds of Julius Caesar and also about his contemporary (Saint) Louis IX. Ptolemy held the former to be a horrible tyrant while he could only accept mediaeval kingdoms in want of better regimes. On the other hand, Dante was not a papalist. Although initially he belonged to the Florentine white (moderate) Guelphs, he later clearly became a supporter of the Emperor and, therefore, could not criticise the values of imperial Rome as freely as Ptolemy. Davis [1974] p. 41-42

³⁰⁴ Davis [1974] p. 33

³⁰⁵ I used a Hungarian edition to compare it with the text by Ptolemy: Szent Ágoston [2005]: *Isten városáról*, Kairosz, Budapest pp. 360-366

³⁰⁶ Davis [1974] p. 33

³⁰⁷ Ibid.

his *Determinatio compendiosa*. In fact, Davis was only guessing when he stated that Ptolemy was aware of John's views on the Roman's sense of justice and their hospitality towards neighbouring peoples, since these were not the sections he quoted from him. However, if he really did know them, it could have influenced him to think more highly of the virtues of the Roman Republic and finally led him to its systematic praise. It is clear though that the latter was not the intention of John who merely mentioned the Roman virtues as examples together with those of other peoples. Ptolemy significantly developed this theme, while his republican spirit in contradicting Augustine made its appearance also in the works of other authors increasingly frequent. It is difficult to tell whether it was his impact or whether the *zeitgeist* drove others independently to similar conclusions. In the view of Davis, other two contemporary authors approached Augustine's train of thought in a startlingly similar way, but their argumentation built on it pointed to different directions. Republican Roman patriotism meant guilty self-love for Augustine, it was rational sentiment in the works of Remigio, Dante considered it to be almost holy, while Ptolemy derived it from the highest Christian virtue of *caritas*.

It would be hard to examine whether these three authors influenced each other and Davis particularly warns against establishing the direction of the potential influences. Theodore Silverstein, for instance, thought it was obvious that Ptolemy had an impact on Dante.³⁰⁸ However, Silverstein was not familiar with Remigio de' Girolami and therefore could not even pose the question whether Ptolemy influenced both of them directly or whether his impact reached Dante only through Remigio. According to Davis it would be irrational to exclude the possibility that they influenced each other since they dealt with the same chapter of Augustine's work around the same time. Despite that, Davis could not find a single case where their quotes from Augustine overlapped or in general any other interlinkages among their works and therefore he could not clarify the question of Ptolemy's contemporary influence.³⁰⁹

On the other hand, it is without doubt that Ptolemy significantly contributed to the complete change of opinion regarding the Roman Republic by the early 14th

³⁰⁸ Silverstein's relevant paper: Silverstein, H. Theodore [1938]: On the Genesis of *De Monarchia*, II, v, in: *Speculum* Vol. 13 pp. 326-349

³⁰⁹ Davis [1974] pp. 35-38

century and particularly by the time of Petrarch. That change was obvious in the works of Ptolemy as he regarded the virtues of the Roman Republic noble enough to suggest them to the Papacy. He believed that the republican era was more likely a secular precursor to the Papacy than the era of Augustus. The republican government was legitimate in his view while the authority of the Emperors was rooted in the infringement of laws and in human suffering. The magistrates of the republican era did not oppress people, but served them instead. According to Ptolemy, the Popes represented the Fifth Monarchy and descended from the Roman traditions that had existed before Caesar's tyranny. Ptolemy underpinned his clearly innovative approach by a hierocratic pamphlet written during the time of Pope Innocent IV against Frederick II in 1245-46 entitled *Eger cui lenia* that interpreted *Donatio Constantini* in a truly peculiar way. The point of the text was that Constantine the Great did not leave anything to the Pope since it was Jesus Christ who personally placed the highest authority over the Church and the whole world in the hands of Saint Peter and the succeeding Popes. Ptolemy quoted from *Eger cui lenia* in *Determinatio compendiosa* which signals that he accepted its statements that undermined the relevance of imperial Rome from an ecclesiastic perspective.³¹⁰ Under these new theoretical circumstances Ptolemy's only chance of retaining the providential concept of the Roman domination of the world was to regard Republican Rome as the precursor of the Papacy. Therefore, Ptolemy praised the republican Romans' indifference to wealth and pomp which also marked a call for the Papacy to regard these as their heritage and replace by them the imperial ostentation.³¹¹ Davis also remarks that Ptolemy saw the prefiguration

³¹⁰ Ptolemy of Lucca [1909]: *Determinatio compendiosa de iurisdictione imperii*, in: *Fontes iures germanici antiqui in usum scholarum ex monumentis Germaniae historicis*, Bibliopolii Hahniani, Hannoverae et Lipsiae 30 pp. 60-61 Ptolemy quoted the following part of the text: "*Aliud est, inquit, de regibus aliis, qui a suis pontificibus inunguntur, a quibus pro temporalibus subiectionibus fidelitatis recipiunt iuramenta, aliud de Romano principe, qui Romano pontifici, a quo imperii honorem et dyadema consequitur, et fidelitatis et subiectionis vincula se astringit, sicut antiquitas tradidit et modernitas approbavit. Aliud est de reliquis regibus, quibus pro hereditaria successione suorum proveniunt iura regnorum, aliud de imperatore Romano, qui per liberam Germaniae principum electionem assumitur, in quos ius et potestas eligendi regem in imperatorem a nobis postmodum promovendum, sicut ipsi non obiciunt, sed fatentur, ab apostolica sede provenit, que olim a Grecis imperium transtulit in Germanos.*"

³¹¹ Davis [1974] pp. 43-44 For Ptolemy's views in *Determinatio compendiosa* see: 6-8. pp. 15-21 13-15. pp. 29-34 and 31. pp. 62-64 In the latter section (pp. 63-64) there is a part expressing the train of thought I outlined in the main text: "*De quo specialiter veteres commendantur Romani, ut supra patuit, quando floruit res publica. Ille enim, cui magistratum seu consulatum pro suo anno commiserant, ut in libro Machabeorum continetur, cottidie agebat cum senatu consilium de multitudine, ut, que digna sunt, gerant, quemadmodum adhuc hodie Romana observant ecclesia,*

of Christ in the heroes of the Roman Republic³¹² and not in the prophets of Israel or the martyrs. That approach was perhaps facilitated by the fact that the Papacy had its seat in Rome instead of Jerusalem.³¹³ Thus, while before the turn of the 13th and 14th centuries ancient Israel or the imperial era guaranteeing the spread of the verb served as a model, from the time of Ptolemy the Roman Republic gradually became a point of reference at least in Northern and Central Italy. From among the historical regimes of Rome, Ptolemy clearly held the Republic superior and he even proposed that as a model for the Papacy in his *Determinatio compendiosa*. If we look at *De regimine principum*, which was written twenty years later, we will see how he viewed republican values in the secular political arena of his time.

With the Roman example, Ptolemy stated that despite the original sin, it had been possible even for some pagan peoples before Christianity to lead a virtuous life that allowed them to have *regimen politicum*. It was obvious for him that it must have remained so even after humanity was strengthened in their virtues thanks to Christianity. By dividing human sin, Ptolemy could say something fundamentally new. In essence, he claimed that *regimen politicum* was not a mere theoretical possibility, but with virtuous citizens it was a real alternative of *regimen regale*. He went even further and argued that with such citizens it should be more desirable: „*regimen politicum regali praeponitur. Primo quidem, si referamus dominium ad statum integrum humanae naturae, qui status innocentiae appellatur, in quo non fuisset regale regimen sed politicum, eo quod tunc non fuisset dominium quod servitutum haberet, sed praeeminentiam et subiectionem in disponendo et gubernando multitudinem secundum merita cuiuscumque, ut sic vel in influendo vel in recipiendo influentiam quilibet esset dispositus secundum congruentiam*

summus enim pontifex cum cardinalibus, qui locum possident senatorum, ut Constantini habetur traditione et in allegato supra frequentius capitulo de eiusdem actibus declaratur.”

³¹² Ptolemy of Lucca [1949] 4.15 235 „*Ad hoc autem distingui oportet de duplici indigentia, voluntaria scilicet, et necessaria. Voluntariam habuit Christus et sui discipuli et hanc habuit Fabricius et alius consul Romanus, qui, ut fideliter gubernarent rempublicam, divitias contempserunt. Maluit enim Fabricius divitibus imperare, quam locupletem fieri, ut dictum est supra de ipso. Haec ergo non repellitur a regimine sed secunda necessaria: quia talis raro, vel numquam bene regit vel consulit, nisi suo appetitui vacuo satis detur. Cuius ratio, et differentia de utraque paupertate haberi potest ex diversitate finis. Finis autem paupertatis voluntariae est bonum honestum, sive bonum virtutis finis vero necessariae inopiae est bonum utile, ad quod appetitus eius est pronus. Hoc autem est, cuius gratia aliquid agitur, ut philosophus dicit.”* In that section Ptolemy compares Fabricius and some other consuls of the Roman Republic downright to Jesus Christ with regards to voluntary poverty. Compared to involuntary poverty Ptolemy thinks of voluntary poverty as a virtue.

³¹³ Davis [1974] p. 49

suae naturae.”³¹⁴ Thus, before the Fall there must have been *regimen politicum* according to Ptolemy, where the application of general laws on specific issues must not have been a problem. Since then, the flexibility of *regimen regale* has been required to adjust general laws to the changing circumstances,³¹⁵ but in possession of the necessary virtues some nations may still return to *regimen politicum*. Here it is important to highlight that the image of the Roman Republic in *De regimine principum* was not simply a *regimen politicum*, but rather a mixed constitution (*regimen mixtum*) of which a rather idealised portrait was presented by the author. First he quoted the section of 1 Maccabees depicting the most beautiful period of the Roman Republic³¹⁶ and then he generalised it temporally. He described how the authority of the consuls depended on the masses who therefore could never exceed their authority. He then asked whether the power of the dictators could be considered single rule, which he denied, arguing that even they were elected leaders who sometimes were not of noble descent.³¹⁷ Ptolemy’s description of the various actors of the government taming each other clearly reflects Thomas’s model of the mixed constitution.³¹⁸ It becomes almost explicit when Ptolemy elaborates that various characteristics of aristocracy and politeia could be found in the Roman Republic.³¹⁹ The idea must have originated from Thomas, who compared the Constitution of Rome and that of Moses at the beginning of the work completed by Ptolemy. Thomas regarded the former a mixed constitution, but he did not characterise the latter in detail.³²⁰ Blythe thought that Davis was wrong

³¹⁴ Ptolemy of Lucca [1949] 2.9. 74

³¹⁵ Ibid. 2.8. 74 „*Amplius autem: est certus modus regendi, quia secundum formam legum sive communium, sive municipalium, cui rector astringitur: propter quam causam et prudentia principis, quia non est libera, tollitur et minus imitatur divinam. Et quamvis leges a iure naturae trahant originem, ut Tullius probat in Tract. de legibus, et ius naturae a iure divino, ut testatur David propheta: signatum est, inquiens, lumen vultus tui super nos, domine, deficient tamen in particularibus actibus, quibus omnibus legislator providere non potuit ex ignorantia subditorum futurorum.*”

³¹⁶ Ibid 2.8. 69, 71 „*per singulos annos committunt uni homini magistratum suum dominari universae terrae suae [...] nemo portabat diadema nec induebatur purpura*” and 4.1. 176 „*quotidie consulebant trecentos viginti, consilium agentes semper de multitudine, ut quae digna sunt gerant.*”

³¹⁷ Ibid. 3.20. 2.8. 4.1.

³¹⁸ Blythe [1992] p. 111

³¹⁹ Ptolemy of Lucca [1949] 4.1. 175 „*si tale regimen gubernatur per paucos et virtuosos, vocatur aristocratia, ut per duos consules, vel etiam dictatorem in urbe Romana in principio, expulsis regibus. Si autem per multos, veluti per consules, dictatorem et tribunos, sicut in processu temporis in eadem contigit urbe, postea vero senatores, ut historiae narrant, talem regimen politiam appellant*” Quoted by Blythe [1992] p. 111

³²⁰ Thomas Aquinas: *De regno* 1.4 The situation is more complicated than Blythe states, because Thomas did not mention the government of Moses in the referenced section. He mentioned the government of Moses as an example of *regimen mixtum* in *Summa Theologiae* I^a II^{ae} 105, 1 resp.

when he portrayed Ptolemy simply as a republican, since in fact he was a promoter of the mixed constitution which he demonstrated by adoring “*Chalcedonia*” as well as Rome, which also had mixed constitution.³²¹ Ptolemy’s equal treatment of Rome and “*Chalcedonia*” was supported by Blythe with multiple convincing sections of his text.³²² It is worth emphasising, however, that it was not the exclusive point on which there was significant difference between the interpretation of Blythe and Davis.

There is considerable contrast between their views on how universal Ptolemy’s republicanism was. Davis thought it was clear that he took the side of *regimen politicum*.³²³ Blythe, on the other hand, highlighted that Ptolemy—in line with his experience in real life—made the applicability of *regimen politicum* dependent on numerous preconditions. Although it is true that in Ptolemy’s view *regimen politicum* harmonised most with true human nature, he still provided much room for the other modes. In order to have *regimen politicum* favourable astrological situation,³²⁴ optimal geographic conditions and the ideal size of the community were all required according to Ptolemy. The latter was clearly modelled after the size of North-Italian city states.³²⁵ We can, at least, arrive at that conclusion if we

³²¹ „Chalcedonia” was, in fact, Carthage in Aristotle’s text, but Moerbeke’s error in the translation misled Ptolemy. Aristotle regarded the regime of Carthage to be an oligarchy, but Ptolemy considered it to be a perfect mixture of monarchy, oligarchy and aristocracy. Blythe [1992] p. 111 cf. Blythe [1997] pp. 32-33

³²² From the following section it is quite clear for instance that he regarded Rome after the expulsion of the kings a *regimen mixtum* with an organic historical development. „*creati fuerunt consules, qui erant duo, postea dictator et magister equitum, ut historiae tradunt, ad quos pertinebat totum civile regimen et sic principatu aristocratico regebatur. Ulterius inventi sunt tribuni in favorem plebis et populi, sine quibus consules et alii praedicti regimen exercere non poterant et sic adiunctus est democraticus principatus. Processu vero temporis senatores assumpserunt regendi potestatem, licet senatores primo a Romulo sint inventi. Divisit enim totam civitatem in tres partes: in senatores, milites et plebem: et tunc existentibus regibus, in Urbe tenebant locum senum, qui erant in Lacedaemonia, qui ephoroi dicebantur, sive in Creta, quos bosmoym appellabant, sive in Chalcedonia, quos nominabant genisios, ut supra est manifestum.*” Ptolemy of Lucca [1949] 4.19. 234

³²³ Davis, Charles T. [1975]: Roman Patriotism and Republican Propaganda: Ptolemy of Lucca and Pope Nicholas III, in: *Speculum* Vol. 50 pp. 411-433

³²⁴ For example, he articulated the view that the Romans were under the sign of Mars which made them resist all forms of oppression and therefore they could not bear any kind of regal rule. Ptolemy of Lucca [1949] 2.8. 74. „*Unde regiones Romanorum sub Marte ponuntur ab ipso, et ideo minus subicibiles. Propter quod ex eadem causa praefata gens esse ponitur insueta pati cum suis terminis et subdi nescia, nisi cum non possit resistere et quia impatiens alieni arbitrii, et per consequens superioris invida.*” As Blythe noted, it is rather paradoxical that questions of astrology were discussed together with the ideas of Saint Augustine who deeply despised astrology. Blythe [1992] p. 109-110

³²⁵ Blythe’s relevant train of thought: Blythe [1992] pp. 107-108 Ptolemy of Lucca [1949] 4.2. 178 and 4.8. 201 The concept of the ideal sized city-state where politeia is feasible appeared with Aristotle (*Politics* 4.1). Only Enlightenment brought about the idea that republic is the best form of government for all societies irrespective of size.

observe the places where he saw these criteria fulfilled: apart from Rome, Ptolemy only listed North-Italian city-states.³²⁶ He believed *regimen politicum* could appear here and there also outside Northern Italy, but *regimen regale* or *despoticum* were more typical everywhere else. Political self-determination was celebrated by the author as a specific Italian feature, but we should emphasise that in case all criteria were met anywhere else, Ptolemy thought there was no doubt that *regimen politicum* should work best. In case these preconditions were missing, Ptolemy found the introduction of *regimen politicum* problematic.

At that point there is a significant difference between the interpretation of Davis and Blythe. According to Davis, Ptolemy was the strongest proponent of *regimen politicum* in the 13th-14th centuries and it was also him who most harshly refused other modes of rule.³²⁷ Blythe believes that, by saying that, Davis attributed a value judgement to Ptolemy that in fact he did not profess. According to Davis, Ptolemy made it clear that *regimen regale* could not be detached from *regimen despoticum* and thus from slavery which made him condemn all modes of rule other than *regimen politicum*. In Blythe's view the approach of Davis was mistaken since Ptolemy did accept slavery as punishment for sinful societies, meaning all societies outside Northern Italy. Blythe argued that scholars only started questioning the legitimacy of regal rule much later in the name of the liberty of the people.³²⁸ In that question we may take the side of Blythe, but we have to note that Davis did not emphasise Ptolemy's universal view of *regimen politicum* as fiercely as Blythe stated.³²⁹

Another point of conflict between the two scholars was already mentioned, but we have to shortly return to that point regarding Ptolemy's concept of *regimen politicum* and legality. Davis makes the following claims: „*only Ptolemy pointed out the essential difference between a government of laws and one of men. He applied this distinction both to ancient Roman and contemporary Italian history,*

³²⁶ He was surprisingly silent on Tuscany, which could be explained, according to Davis, by the fact that at the time of writing the city-states of the region were under the authority of Charles de Valois who was seen as an intruder. Davis [1974] p. 49 It is noteworthy, though, that the effective rule of Charles de Valois over the region was highly questionable.

³²⁷ Davis [1974] p. 47 and p. 50

³²⁸ Blythe [1992] p. 108

³²⁹ Davis [1974] p. 49 „*Ptolemy was a republican in the political sphere. Even if he saw the advantages of regal rule, he still said that Romans and northern Italians could best be governed by principatus politicus since they were too virile and self-confident to put up with kings and despots.*”

illustrating it with specific examples. He also weighed the advantages and disadvantages of various kinds of rule and decided that on the political level, at least in Rome and northern Italy, government limited by law was superior.” He even argues that he followed Aristotle more closely than Thomas Aquinas.³³⁰ According to Blythe, both *regimen politicum* and the question of legality were better emphasised by Thomas, and Ptolemy only pointed further than him in two cases. First, when he created the theoretical foundations of the feasibility of *regimen politicum* and, second, when he denied that single rule over free peoples was possible. Blythe also did not accept Davis’s claim that Ptolemy reached closer to the gist of Aristotle’s message than Thomas. According to Blythe that statement could only be supported regarding the special emphasis on city-states, but even that could be explained by the embeddedness of Ptolemy in Northern Italy. In every other respect Thomas was closer to Aristotle’s political philosophy.³³¹

There is one more point where the sharp difference between the interpretations of Blythe and Davis can be detected, even though Blythe did not make that explicit. Davis expressed the opinion multiple times that Ptolemy only found *regimen politicum* feasible in the secular politics of North-Italian city-states and held the Papacy to have a fully monarchical mode of rule. To be more precise, he found that the Popes should personally observe republican virtues, but regarding their authority he considered them absolute rulers.³³² It is not that Blythe simply did not share that idea, but he linked Ptolemy’s image of the Papacy with his own (Blythe’s) key concept of the mixed constitution (*regimen mixtum*). He argued that the author envisaged a certain kind of mixed constitution for the Papacy in *Determinatio compendiosa*. In Blythe’s view that was demonstrated by Ptolemy comparing the Papacy to the constitution of Moses after having quoted the following words of Moses. „*Dixit senioribus Israel, Exodo XXIII, Habetis Aaron et Hur vobiscum, si quid questionis natum fuerit, referte ad eos. Per quod nobis ostenditur, quod duces fidelium eo modo assignatis in predictis salutaribus*

³³⁰ Davis [1974] p. 44

³³¹ Blythe [1992] p. 108

³³² Typical examples of that approach in Davis [1974] p. 44 “Ptolemy seems to have been drawn to the [modesty and austerity of the Republic], despite his acceptance of the view that the pope was a monarch, and a rather absolute monarch at that.”, and p. 49 „But Ptolemy was a monarchist in the ecclesiastical sphere. Even if he urged the pope to consult his cardinals, just as the ancient Roman consuls had consulted the Senate, he still believed that the Pope was the fount of law, and, ultimately, the master of the world.”

*consiliis ferri debent ac substenari, dux quidem ecclesiasticus Aaronitis, id est cardinalibus et aliisecclesiarum prelatibus maioribus, propter quod fuerunt ab antiquo consilia instituta, dux vero civilis sive rex sive imperator fulciri debet Huritis, id est principibus et baronibus, et ideo ab eisdem instituta sunt parlamenta, que ad hunc finem disponi debent, ut profectibus sui regiminis consulatur, ne, se forte consilio festinato aliquid diffiniatur incaute, per eorum successores, ut de facto videmus, quod cedit in sedis ridiculum, faciliter revocetur. Hinc per Salomonem scribitur, Proverbis XIII: Qui cuncta agunt cum consilio, reguntur sapientia, cuius est omnia secundum sapientem ordinare. Item Proverbis XXXIII: Salus erit ubi multa consilia. De quo specialiter veteres commendatur Romani, ut supra patuit, quando floruit res publica. Ille enim, cui magistratum seu consulatum pro suo anno commiserant, ut in libro Machabeorum continetur, cottidie agebat cum senatu consilium de multitudine, ut, que digna sunt, gerant, quemadmodum adhuc hodie Romana observant ecclesia, summus enim pontifex cum cardinalibus, qui locum possident senatorum, ut Constantini habetur traditione et in allegato supra frequentius capitulo de eiusdem actibus declaratur.*³³³

Even though that section was referenced both by Davis and Blythe, it is worth noting how very different their conclusions were. Davis thought that Ptolemy advised the adoption of the virtues of the Roman Republic to the Papacy, which he held to be an absolute monarchy that could decide about the fate of Emperors and could confer the Empire on anybody. Thus in the view of Davis, Ptolemy considered the Popes to be the heirs of Roman authority. In opposition to that idea, Blythe's interpretation highlighted that Ptolemy transferred the *regimen mixtum* of Moses's constitution, described by Thomas, to Republican Rome and then to the Papacy. According to Blythe that is shown by Ptolemy's analogy between the Roman Senate and the College of Cardinals. By that analogy he merely recognised contemporary canon law which prescribed the Popes to consult the Cardinals in questions of crucial importance.³³⁴ The real innovation in Blythe's view was that Ptolemy linked all that to the government of Moses. That enabled Petrus Johannes

³³³ Ptolemy of Lucca [1909] 31, pp. 63-64 (We have already quoted the last two sentences of that section regarding the relationship between the Papacy and the Roman Republic.)

³³⁴ Petrus Damiani referred to the Cardinals as Senators as early as the 11th century. Blythe [1992] p. 116 The analogy appears also in *Donatio Constantini*.

Olivi and John of Paris later to interpret the Papacy as *regimen mixtum*.³³⁵ Out of the two it seems that Blythe interpreted Ptolemy's words in *Determinatio compendiosa* more correctly. In that text, Ptolemy saw the Papacy to be more like a mixed constitution than an absolute monarchy. However, by the time of *De regimine principum*, he abandoned that view by introducing the category of *regimen sacerdotale et regale* and defined the Pope as a ruler who did not need to consult the Cardinals. Regarding that stage of his intellectual development it seems more apt to apply the interpretation of Davis who emphasised the (absolute) monarchic nature of Ptolemy's image of the Papacy.

Regarding his high mediaeval impact, Ptolemy was undoubtedly an influential thinker. That, of course, was largely thanks to the fact that his most important work on political philosophy was spread under the name of Thomas Aquinas. In Blythe's view, two future influential authors made Ptolemy's impact lasting.³³⁶ One of them was John Fortescue (1394-1476), who played a key role in British constitutional development and borrowed many theoretical structures from Ptolemy, even though he attributed them to Thomas. In his view the difference between *regimen regale* and *regimen politicum* was whether the monarch ruled based on his own laws or whether he also involved the society into legislation. It is noteworthy that Fortescue under all circumstances would have preserved a single ruler and never questioned the necessity of monarchy. Similar to Ptolemy he linked the government of Moses to Republican Rome as well with the only difference that he also praised the pre- and post-republican Roman regimes and that he compared the Senate to the English Parliament instead of the Papacy. In essence, he used Ptolemy's toolkit to establish the early theory of English constitutional monarchy.³³⁷

The other important 15th century scholar strengthening the impact of Ptolemy was Girolamo Savonarola (1452-1498), a Dominican monk who gained much influence in Florence. He used some elements of Ptolemy's theory to support his own anti-Medici republican views. These views had practical relevance since Savonarola played a leading role in an insurgence against the Medicis in 1494. He also

³³⁵ References to the quoted section and its interpretation: Davis [1974] p. 43, Blythe [1992] pp. 115-116 and Blythe [1997] pp. 43-44

³³⁶ Blythe [1997] pp. 45-49

³³⁷ Ibid. pp. 45-47

believed, of course, that he was using the text of Thomas when he relied on *De regimine principum*. It was primarily Ptolemy's republicanism and not his mixed constitutional ideas that had an impact on Savonarola. Even in one of his early texts the idea appeared that the temperament of the North-Italian peoples calls for *regimen politicum* and that *regimen regale* and *regimen despoticum* are essentially the same.³³⁸ He only accepted the possibility of single rule in mixed constitution in a transcendental sense meaning that Jesus Christ had to be in charge in such an ideal regime. He wanted to redesign the constitution of Florence in that spirit to build a New Jerusalem.³³⁹

Therefore, it is true that Ptolemy would have had significantly less influence had his major work been not canonised under the name of Thomas, but it is also unquestionable that his contribution differed from that of Thomas in many regards and broke a new path. On the one hand, it seems that he took the side of *regimen politicum* more openly, although as we have seen, that is also somewhat debated. However, it seems verifiable that Ptolemy linked *regimen politicum* and the ethos of the Roman Republic and he suggested that secular and religious leaders observe republican virtues. That could contribute to Petrarch's representation of the republican stance³⁴⁰ and the rediscovery of the Roman Republican values during the Great Renaissance. Perhaps it is not an overstatement by Blythe that Ptolemy's work was an early, mediaeval predecessor of modern democratic and constitutional thought.³⁴¹

³³⁸ The text in question: Savonarola, Girolamo [1542]: *De politia et regno*, in: *Compendium Totius Philosophiae*, Venice p. 585 More on this issue: Weinstein, Donald [1970]: *Prophecy and Patriotism in the Renaissance*, Princeton University Press, Princeton pp. 292-293

³³⁹ He most likely abandoned Ptolemy's views on the Papacy, because at the peak of his influence and creative career, scandal-ridden Renaissance Popes were in charge of the Holy See. In the most significant final six years of his life Alexander VI was Pope.

³⁴⁰ Baron [1955] p. 44

³⁴¹ Blythe [1997] p. 49

Comparison and Conclusions

Comparison

The most striking difference regarding the dates of publication of the four key works by Giles and Ptolemy is that they published their treatises on the Papacy and the ones on political philosophy in almost perfectly reversed order. Giles wrote his secular *De regimine principum* around 1280, exactly when Ptolemy published his *Determinatio compendiosa* on the Church. Giles completed *De ecclesiastica potestate* at the beginning of the 1300s when Ptolemy published his *De regimine principum*. The same twenty years passed between the publication of their ecclesiastical and political texts and both of their opinions changed considerably. According to Ullmann, Giles' point of view and tone has changed so much between composing his texts that we could assume different authors at a first glance seeing especially how superficial his Aristotelian language became by the time of *De ecclesiastica potestate*.³⁴² Canning thinks differently and makes the following claim regarding the latter work of Giles: “*The tract itself was devoted to the relationship between temporal and spiritual power, the topic omitted in Giles’s earlier De regimine principum (On the Government of Princes) with its thoroughly secular and this-worldly tone. There was no contradiction involved because the two tracts argued on different levels and in different ways: they were connected, however, in that both were systematic treatments of monarchy according to hierarchical principles.*”³⁴³ Canning’s observation seems correct since the approach of Giles was clearly monarchist in both texts and Ullmann exaggerated when he wrote that the two treatises could have had different authors. However, it is striking that while the earlier work was dedicated to the future king of France, Philip IV, the latter provided ammunition for the Pope against the same French king. It would also be hard to deny that his Aristotelian language faded and became

³⁴² Ullmann [1975] pp. 274-275

³⁴³ Canning [1996] pp. 142-143

superficial in *De ecclesiastica potestate* and a more canon law-influenced terminology took over its role.³⁴⁴

In a similar vein there was a shift in the opinion of Ptolemy as well, but his differing points of view were harmonising more than those of Giles. Based on the works of Giles and Ptolemy we could argue that a hierocratic stance was more compatible with republicanism than with a monarchist approach. That was also the point of view of Davis who considered Ptolemy to be an Italian patriot and an avid supporter of the Pope, whom he also regarded to be the heir of the Roman Republic. That explains partially why he thought higher of the Popes than of the Roman Emperors or their German successors. According to Davis, Ptolemy did not see the Popes ‘simply’ as the leaders of the universal Church, but also as the defenders of the independence of Rome and Italy against Northern monarchic absolutism. We can almost see a sort of Italian proto-nationalism in his treatises in which hierocratic, republican and patriotic thoughts were complementing each other.³⁴⁵ Despite that level of harmony there is a clear difference of perception in these two works written in different times. We have already noted above that the influence of Thomas could clearly be felt in *Determinatio compendiosa*, in which Ptolemy thought in terms of a mixed constitution. He believed that the authority of kings or even the Pope could be limited by bodies and councils. In opposition to that he thought it wiser to sharply separate *regimen politicum* and *regimen regale* in *De regimine principum* where he closely linked the latter to slavery and thus to *regimen despoticum*. It is rather paradoxical that Ptolemy somewhat distanced himself from the political thought of Thomas while completing one of his works.

The two authors also showed different attitudes to the political philosophy of Thomas Aquinas. Roberto Lambertini demonstrated in one of his important studies how closely Giles followed the political texts of Thomas³⁴⁶ and that on multiple points he even borrowed sections from them. According to Lambertini it is worth comparing Giles’ and Thomas’ concept of politeia. That is how Thomas defined it:

³⁴⁴ On the lack of Aristotelian terminology in the later works of Giles it is important to mention the following work: Sabine, George H. [1961]: *A History of Political Theory*, Holt, Reinhart and Winston, New York p. 280

³⁴⁵ Davis [1974] p. 49 Davis also noted here that at the time of Ptolemy there were also others who merged hierocratic and patriotic ways of thinking, e. g. Pope Nicholas III.

³⁴⁶ Besides *De regno* we can list *Sententia libri politicorum* too which is essentially the commentary of Thomas on *Politics*

[...] *politia nichil est aliud quam ordinatio civitatis quantum ad omnes principatus qui sunt in civitate, sed precipue quantum ad maximum principatum qui dominatur omnibus aliis principatibus. Et hoc ideo quia politeuma civitatis, id est positio ordinis in civitate, tota consistit in eo qui dominatur civitati; et talis impositio ordinis est ipsa politia. Unde precipue politia consistit in ordine summi principatus [...]*”

We can see a very similar formulation of the same concept in the treatise of Giles:

“*Politia enim quasi est quod ordinatio civitatis quantum ad omnes principatus qui sunt in ea et principaliter quantum ad maximum principatum qui dominatur omnibus aliis. Politia enim consistit maxime in ordine summi principatus qui est in civitate. Omnis ergo ordinatio civitatis Politia dici potest.*”

In these two quotes the parts that are not in italics are identical, which means that Giles significantly relied on the text of Thomas and these two sections are not rare examples.³⁴⁷ Lambertini also highlighted that Giles erased all parts of the Aristotelian-Thomist political philosophy that could have served as counterarguments against *regimen regale*. For example, the Aristotelian list of the advantages of electing the ruler did not appear in the text of Giles although he did not exclude that it might work in the case of certain nations.³⁴⁸ Thus we were bestowed a treatise with a more compact but mediocre reasoning than those of Thomas.³⁴⁹ Perhaps its simplicity and its text “*flowing on and on inexorably*” propelled Giles’ *De regimine principum* to become an immensely influential tract that would be translated to the most important vernacular languages in the Middle Ages. According to Canning, that is why we may regard him to be the main mediaeval transmitter of Aristotelian political philosophy.³⁵⁰

Ptolemy had strong ties to Thomas’ political philosophy since it was him who completed *De regno*. As we have already mentioned, by then he had developed his ideas independent of Thomas, but he did not distance himself from Aristotelian

³⁴⁷ The comparison was made by Lambertini [1990] pp. 294-295

³⁴⁸ Lambertini [1990] pp. 277-325 „Egidio si rivela un interprete spregiudicato della Politica, disposto ad impiegare tutti gli artifizi ermeneutici pur di piegare la sua auctoritas d’elezione al fine della costruzione di una teoria monarchica con forti venature assolutistiche.” pp. 324-325 cf. Giles of Rome [1968] 3.2.5. 273

³⁴⁹ Canning [1996] pp. 133-134

³⁵⁰ Ibid.

political terminology in his later works the way Giles did. On the contrary, he used it so confidently that Thomas' authorship regarding the second half of *De regimine principum* could not be falsified until the 20th century. Thanks to the text being attributed to Thomas, his impact was comparable to Giles', but Ptolemy already represented a new era. According to Canning, "[t]he assimilation of Aristotelian ideas by the 1280s completed the process whereby medieval political thought was transformed through the introduction of literary, juristic and philosophical languages derived from the ancient world. Nothing less than an intellectual revolution had progressively occurred in the twelfth and thirteenth centuries."³⁵¹ Indeed, while a monarchist Giles promoted Aristotelian terminology, Ptolemy sowed the seeds of a new republicanism at the beginning of the 14th century. Their different approaches also showed in the content of their works.

Interestingly, different conclusions were often reached with the same starting points. For instance, both Giles and Ptolemy channelled the concept of original sin into their Aristotelian systems (in line with Thomas Aquinas), but Giles concluded that the original sin corrupted mankind so much that *regimen politicum* was out of reach in reality and would most typically lead to tyranny, war and deprivation.³⁵² Contrary to that, Ptolemy argued that some nations were capable to live virtuously and with brave hearts and therefore to them *regimen politicum* had to be the right way. Both authors approached the main differences between *regimen politicum* and *regimen regale* in a similar way, but again reached very different conclusions. In both modes of rule, legality played a certain role, but while in the latter the king was the source of law, in the former the leader(s) had to follow written rules. Based on these, Giles took the side of *regimen regale* while Ptolemy favoured *regimen politicum*.

As we have seen, our authors represented very different points of view also regarding the Roman Republic and Northern Italy. Giles believed that the example of Northern Italy demonstrated well the destructive nature of *regimen politicum*.³⁵³ Multiple rulers (*regimen politicum*) were only an exception to the rule even in the Roman Republic while the new Senator was not yet elected to replace the former.

³⁵¹ Canning [1996] p. 134

³⁵² Giles of Rome [1968] 3.2.2.270.

³⁵³ Ibid.

Therefore Giles considered Rome to be *regimen regale*.³⁵⁴ We have also indicated that Ptolemy, on the contrary, thought so highly of the city-states of Northern Italy that he even considered *regimen politicum* feasible there.³⁵⁵ Not even in the case of Rome did he see single rule like Giles, neither did he characterise it as *regimen politicum*, but rather as a kind of *regimen mixtum*. There was also a rather paradoxical difference between how the authors regarded the institutional setup of *regimen regale*. Regarding Giles' concept of *regimen regale* we have already noted above that one can rarely identify any limit or constraint of royal power. He did not accept the election of the ruler or limiting his authority by written laws under *regimen regale* and he did not support much *regimen politicum*. The only limits of royal power in his works were expressed by his peculiar theories about councils. We have seen that he regarded the rulers ignoring the advice of the council as tyrants and that he even viewed the privy counsellors suitable for correcting the ruler's mistakes or handicaps as members replacing the ruler's limbs.³⁵⁶

Compared to that, Ptolemy drew a much more absolutistic picture of *regimen regale* in his own *De regimine principum*. For him the council was nothing more than another instrument that the ruler could dispose, or as Blythe put it "*one more resource to be managed by the prudent ruler.*"³⁵⁷ By the time of writing *De regimine principum*, Ptolemy entirely gave up on the idea of limiting the ruler or slavery in the case of *regimen regale*. That was underlined by his equalling *regimen regale* and *regimen despoticum*. At the same time, he drafted an image of *regimen politicum* and *regimen mixtum* that featured unusually strong limits on the rulers' authority and therefore basically promoted a republican regime. Giles, as a hierocratic and monarchic thinker, could only conceive the spiritual authority of the Popes that could limit the power of the kings besides privy councils as he expressed it quite poignantly in *De ecclesiastica potestate*. In that question, Ptolemy clearly agreed, which was indicated by his invention of a mode of rule designed specifically for the Papacy which included regal rule but was also more than that as indicated by the name: *regimen sacerdotale et regale*. Thus both authors shared the view that regal authority was limited from above by the rule of

³⁵⁴ Ibid. 3.2.2.268.

³⁵⁵ Ptolemy of Lucca [1949] 2.9. 74

³⁵⁶ Giles of Rome [1968] 3.2.4. 272 and 3.2.5. 275

³⁵⁷ Ptolemy of Lucca [1949] 1.10 and 3.21-22. and Blythe [1992] p. 114

the Papacy. Ptolemy of course also expressed in *Determinatio compendiosa* that the Pope stands above secular rulers including the Holy Roman Emperor, whom he did not like as a North Italian patriot. Both authors agreed on the supremacy of the Papacy, but they had markedly different views on secular political order. Both of their opinions had changed by the beginning of the 14th century, however, and it seems that their hierocratic view was more compatible with Ptolemy's republicanism and patriotism than with the monarchist approach of Giles. It also signifies how a universalism (the Papacy) on the top of the mediaeval 'international system' was most antagonistic with any royal authority besides the Emperor.

Conclusions

In the second part of the dissertation, I aimed at introducing the views of two influential mediaeval political philosophers who discussed the possibility of limiting the authority of rulers. The goal was also to demonstrate that there was no consensus about the right form of government and constitution and that the image of a theocratic Middle Ages promoting an intertwined spiritual and secular authority certainly cannot be labelled universal based on contemporary sources. The statement that republicanism and the concept of the rule of law could only be associated with Antiquity and the Modern era and that their modern versions were without any mediaeval preconditions is also easy to debunk. We could not trace a politico-philosophical consensus whereby rulers' authority could have been exercised without limitations or institutional frameworks. Instead, we have seen conflicting opinions and a lively discourse triggered by the rediscovery of Aristotle's political texts. As was already mentioned, the rediscovery of *Politics* was the most belated of them all, but by the time it was discovered "*the techniques of the interpretation of philosophical texts were already fully fledged*"³⁵⁸ and thus European political thought could assimilate its main ideas much faster. The period required for the process of assimilation starting in the 1260s was finished by the time Thomas' commentary on *Politics*, completed by Peter of Auvergne, was made official study material at the University of Paris.³⁵⁹ The philosophical canonisation

³⁵⁸ Molnár, Péter [2004]: Az arisztotelészi politikai alapelvek recepciójának viszontagságos kezdetei a középkori Nyugaton: a kormányzat természetszerű jellege, in: Erdei György, Nagy Balázs [2004]: *Változatok a történelemre – tanulmányok Székely György tiszteletére*, Monumenta Historica Budapestinensia XIV. Budapesti Történeti Múzeum, ELTE BTK Középkori és Kora Újkori Egyetemes Történeti Tanszék p. 180

³⁵⁹ Ibid.

of high mediaeval texts surrounding *Politics* was characterised by the active contribution of numerous authors going back to the original Aristotelian text. The commentary of Thomas Aquinas was unfinished and he did not leave behind a systematic work of political philosophy; *De regno itself* was only a draft or a fragment of what he must have originally intended it to be. Thus, besides the two authors introduced above, Peter of Auvergne was also an important pioneer of the interpretation of *Politics*. He finished *In libros politicorum*, just like Ptolemy did *De regno*. The fact that two authors of the rediscovery of Aristotle believed that the task could best be accomplished through the completion of the works by Thomas demonstrated his outstanding reputation. Peter followed him much more closely than Ptolemy who navigated towards republicanism in *De regimine principum*. Giles, as we have seen, also followed the path of Thomas' *De regno* in his *De regimine principum*, but he only used those elements of it that supported his monarchist theory.

It was demonstrated that neither of the authors promoted a single monolithic political agenda, but took different stances and approached their sources critically. They sometimes differed from the „great forefathers” who provided their theoretical frameworks. However they did not openly enter debates either with each other or with their forerunners in their surviving treatises. For instance, Blythe noted that Giles categorised the modes of rule differently from Thomas, but he did not make that explicit.³⁶⁰ Ptolemy of Lucca opposed Saint Augustine by attributing his own opinion to him which was contrary to what Saint Augustine had actually said. Our authors retained the façade of respect for their forefathers, but they freely voiced their differing opinions. It is worth emphasising that both authors extensively discussed the question of legality which is also a crucial concept in the present paper. It would be anachronistic to argue that they promoted the rule of law, but it is clear that both of them treated the relationship between the right form of government and legality as a centrepiece of their trains of thought. It was noted regarding Giles that, contrary to Thomas, he did not differentiate between the qualities of slavery and freedom, but between the *rule based on the will of the ruler*

³⁶⁰ Blythe [1992] p. 65 As we have seen, Thomas first separated *regimen politicum* and *regimen despoticum* and then went on to divide *regimen politicum* into regal and political rule. Giles, on the contrary, divided *regimen regale* and *regimen politicum* and following that he subdivided *regimen regale* into regal and despotic rule.

and the one *based on law*. It was Davis who noted of Ptolemy that he alone introduced systematically the difference between the rule of man and that of law.³⁶¹ Thus it can be easily claimed that Roman law and the assimilation of Aristotle's philosophy in the High Middle Ages led some authors to suggest a government based on law. In that process, a key role was definitely played by the translators of Aristotle, particularly William of Moerbeke among them, but Thomas Aquinas as his first interpreter and the canon law that was distilled by the time of Innocent IV should also be considered important. With these preconditions was it possible for some political philosophers of the High Middle Ages to formulate some prefigurations of the rule of law. Giles of Rome and Ptolemy of Lucca were among the most progressive.

In possession of their ideas, it is worth looking back at the previous part of the dissertation and see some of its claims verified while also looking forward to the next part to understand the authors' key contributions to analysing political structures. The historically revised model of a neomedieval international system was supported on many grounds by the texts of Giles and Ptolemy. We have already demonstrated with other examples how *sovereignty* had its mediaeval antecedents, but the fact that both authors found it necessary to treat the question of limiting royal power also reflects that kings had considerable authority. Giles of Rome could prove that even an element of government which could be interpreted as a bridle on royal power may have served as a tool to augment the authority of the kings. The council served as a limb of the inadequate ruler in his theory. We have seen in the First Part how the Papacy contributed to the birth of external sovereignty with their urge to weaken the Emperors by raising the kings (*rex qui superiorem non recognoscit*). In the Second Part the concept of *rex inutilis* was introduced that originated from canon law and was used by Giles to mark an example when the ruler could be replaced by the council or a governor. That happened in practice when in the mid-13th century the Portuguese king Sancho II was replaced by his brother Afonso as governor on the advice of the Pope. On the one hand that example showed that royal power could be limited by the Papacy, but on the other hand it displayed that the Popes (and Giles) were more concerned about the continuity of dynastic rule than the actual ruler's authority. That marked

³⁶¹ Davis [1974] p. 44

a shift away from the personified concept of authority and pointed towards the modern idea of *sovereignty*. It is important to note that even though both scholars were interested in the constraints of mediaeval ‘*sovereignty*’, they only dealt with the ones that limited royal authority from above. Osiander highlighted that Giles (and also Thomas) interpreted cities and their alliances as building bricks of kingdoms, but consciously remained mute on lordships which would have been more difficult to sell as innocent building bricks.³⁶² We could add that it is even more striking that Ptolemy of Lucca—who was supposed to be focusing on a lower limit of royal authority, the city-states—also wanted to defend these by the authority of the Papacy. He attacked Northern monarchist absolutism (and not simply the Emperor) in the name of republicanism, Italian patriotism and the city-states, but relied on an upper constraint of royal power in doing that. In other words, none of them were unable to get rid of the era’s hierarchical patterns of power.

The mediaeval sources analysed also concerned *natural law*, another point where deficiencies were found in the IR image of the Middle Ages. The concept of *lex animata* in the treatise by Giles emphasised that the ‘*law is the lifeless ruler and the ruler is the living law*’.³⁶³ Giles underlined perhaps even more than Thomas that the ruler is an intermediary between natural law (or divine law) and positive law. In case the ruler abandoned that role, his legitimacy could be questioned. Krynen argued that Giles’ ideas were directly referenced by influential figures of the Early Modern French parliament which also highlights the continuity of the natural law tradition of the Middle Ages and its direct links to the Early Modern version of natural law that was misleadingly depicted as something fundamentally modern by Bull.³⁶⁴ The lack of a proper mediaeval *empire* was illustrated by Ptolemy, who could not clearly decide which mode of rule was characteristic of the Holy Roman Emperor. Since he was elected, he could have qualified for *regimen politicum*, but he was still a single ruler who primarily relied on his own will which was more characteristic of *regimen regale*. Thus we could see that the existence of a mediaeval empire was a problematic idea even for contemporary scholars.

³⁶² Osiander [2008] p. 402

³⁶³ Giles of Rome [1968] 1.2.12.48.

³⁶⁴ Krynen [2009] p. 173-174.

Towards the end of the first section of the text it was argued that the European Union is a neomedieval actor in a neomedieval international system. Our primary focus there was to find a place for the EU in the revised neomedieval setting and it was concluded that the EU is not on the top level (supra-state level) of competing universalisms or in the lowest level (sub-state or trans-state level) of urbanisation, territorial separatism etc., but in the mid-level where kingdoms used to be in the Middle Ages and where states are in a neomedieval model. However, it was also noted that the European Union is not a state, but rather a pre-state or a post-state. In the third part of this dissertation I will attempt to analyse and define the EU itself as a neomedieval actor. We will abandon the surroundings, and a neomedieval constitutional analysis of the EU will take centre stage. In doing that, the theoretical models of medieval authors introduced above will be of particular use. We have seen that Giles of Rome and Ptolemy of Lucca heavily relied on an Aristotelian scheme they had inherited, but that they also revised it. The key concepts of their revised models were a six-fold scheme of the various forms of government and a modal classification consisting of three or four modes of rule, the combination of which was referred to as *regimen mixtum* (mixed constitution). In the following, closing part of the dissertation I will argue that a structurally revised concept of *regimen mixtum* could be applied to the European Union as long as it is defined as a neomedieval actor.

Third Part

The Debate on the Democratic Deficit of the European Union

Since the 1980s there has been a continuous discourse about the nature of the European Union. The only point on which almost all authors seem to have reached a consensus is that the EU is not a state. Jacques Delors famously called the EU an ‘unidentified political object’ in 1985. “*This unidentified object may approximate to a compound democracy, a transnational consociation, a commonwealth, a post-Hobbesian non-state, a Bund, or a federation d’états-nations, to name but a few of the candidate neologisms.*”³⁶⁵ One could add Zielonka’s neomedieval empire to that list or, for that matter, the post-colonial empire of József Böröcz.³⁶⁶ However, if we want to grasp what the EU is, before putting a label on it, we should first take a look at the main points for which it is criticised. The discourse taking us closest to a constitutional understanding of the EU is the debate about its so-called democratic deficit.

Criticising the European Union for the lack of democracy became an influential approach after the Treaty of Maastricht, in the mid-1990s. The path-breaking paper by Joseph Weiler and colleagues, *European Democracy and its Critique*, set the tone by introducing a “standard version” of the critique of democracy in the EU.³⁶⁷ They argued that the “*Standard Version is non-attributable. It is an aggregate of public opinion data, politicians’ statements, media commentary, and considerable learned analysis.*”³⁶⁸ However, scholars following Weiler’s footsteps attributed the standard version to him and also updated and changed it over the next decade. The most notable contributions came from Andersen and Burns, Raunio, Mattila, Kousser and Scharpf and, of course, Giandomenico Majone and Andrew

³⁶⁵ Walker, Neil [2012]: The Place of European Law. in: De Búrca, Gráinne–Weiler, Joseph H. H. (eds.) [2012]: *The Worlds of European Constitutionalism*. Cambridge University Press, Cambridge p. 78

³⁶⁶ Böröcz, József [2010]: *The European Union and Global Social Change: A Critical Geopolitical-Economic Analysis*. Routledge, New York

³⁶⁷ Weiler, Joseph et al. [1995]: *European Democracy and its Critique – Five Uneasy Pieces*. EUI Working Paper RSC No 95/11. Badia Fiesolana, San Domenico, Florence. Available online here: http://cadmus.eui.eu/bitstream/handle/1814/1386/95_11.pdf (Last accessed on the 30th of May 2018)

³⁶⁸ Weiler et al. [1995] p. 4

Moravcsik, who strongly refused the idea of the democratic deficit. On the following pages an aggregate view of the standard version of democratic deficit will be presented and its criticism by Moravcsik will also be introduced based on the study of Follesdal and Hix who published a comprehensive overview of the discourse in 2006.³⁶⁹ There was one feature of the democratic deficit narrative that remained constant even during the most intensive period of the debate between 1995 and 2006 and that was the five-fold system of arguments, which sometimes overlapped. Therefore it is best to start with the introduction of these arguments.

The first point typically underlines the weak parliamentary system within the EU. As Andersen and Burns (1996) put it: “*the EU is an instance of post-parliamentary governance, where the direct ‘influence of the people’ through formal representative democracy has a marginal role.*”³⁷⁰ And that is largely so, because the EU brought about the rise of the executive branch of power to the detriment of the legislative. It was only the national parliaments who could control the governments, but as the latter were let out of their national stage, they became mostly unleashed. The crux of the matter is that while in national parliamentary systems the parliament may ‘hire and fire’ the cabinet, at the European level that does not work. Policy making is primarily in the hands of executive actors within the EU who are not subjected to almost any form of parliamentary control. “*Even with the establishment of European Affairs Committees in all national parliaments, ministers when speaking and voting in the Council, national bureaucrats when making policies in Coreper or Council working groups, and officials in the Commission when drafting or implementing legislation, are much more isolated from national parliamentary scrutiny and control than are national cabinet ministers or bureaucrats in the domestic policy-making process. As a result, governments can effectively ignore their parliaments when making decisions in*

³⁶⁹ Follesdal, Andreas–Hix, Simon [2006]: Why There is a Democratic Deficit in the EU: A Response to Moravcsik and Majone. in: *Journal of Common Market Studies* Vol. 44 No. 3 pp. 533-562

³⁷⁰ Andersen, Svein S. – Burns, Tom R. [1996]: The European Union and the Erosion of Parliamentary Democracy: A Study of Post-parliamentary Governance. in: Andersen, Svein S.–Eliassen, Kjell A. (eds.) [1996]: *The European Union: How Democratic Is It?* Sage, London pp. 227-251

*Brussels. Hence, European integration has meant a decrease in the power of national parliaments and an increase in the power of executives.”*³⁷¹

The second point is closely connected to the first as it emphasises the weakness of the European Parliament. Despite the fact that the ever-increasing authority of the European Parliament has been a recurring trope of the successive reform treaties of the European Union,³⁷² to this day we can claim that the EP has a small share of power compared to its domestic counterparts. The most obvious difference is that while in most continental European countries the parliament serves as the key and exclusively institutionalised legislator, the European Parliament has incomparably stronger competitors. Before the Treaty of Lisbon, during the heyday of the discourse on democratic deficit, this was even more so. The European Parliament could never act on its own and always had to cooperate with the European Commission and the European Council or at least take into account their decisions. The Parliament, however, has no voice in appointing commissioners or in shaping the Common Foreign and Security Policy and its hands are strongly bound by the other two organs under the cooperation and co-decision procedures (known as ordinary legislative procedure since the Lisbon Treaty). While at the domestic level parliaments are considered to be the only real legislature, the EP is only a second- or third-rate legislator of the European Union. Another important difference is that the European Parliament does not play any role in the appointment of the executive authorities of the European Union. Therefore it is no exaggerated polemic to argue that the European Parliament is considerably weaker than both the other two EU bodies and the domestic legislative assemblies.³⁷³

The third point seems the most surprising at a first glance, because it claims that there are no ‘European’ elections. Authors like Weiler and Follesdal and Hix argue that the European electorate votes for national governments who then pursue European-level politics without their control and elect the European Parliament,

³⁷¹ Follesdal–Hix [2006] p. 535 The critique of European democracy from a parliamentary perspective was also convincingly elaborated by Raunio, Tapio [1999]: *Always One Step Behind? National Legislatures and the European Union*. in: *Government and Opposition*. Vol. 34. No. 2. pp. 180-202

³⁷² Until the 1980s’ Single European Act there was also a widespread belief that any increase in the power of the European Parliament would result in an automatic decrease of national parliamentary authority. See: Follesdal–Hix [2006] p. 535 and Holland, Stuart [1980]: *Uncommon Market: Capital, Class and Power in the European Community*. Saint Martin’s Press, New York

³⁷³ Follesdal–Hix [2006] p. 535

but in their view none of these qualify as ‘European’ elections. They are not centred around politicians who try to convince their constituents about their own vision of Europe or about anything on the European political agenda. During local government elections, there has traditionally been little focus on European matters. There seems to be no forum where ‘European’ issues are discussed with the inclusion of the wider electorate since European parliamentary elections are treated as mid-term elections where protest votes are cast against incumbent governments and which only provides domestic parties an opportunity to poll their voters. “*This is an evocative fact too, the opposite of American politics where State elections are frequently a mid-term signal to the central federal government.*”³⁷⁴ No wonder that European parliamentary elections’ turnout has been a history of steady decline since 1979. As early as 1980 Reif and Schmitt described EP elections as ‘second-order national contests’ and the future proved them right.³⁷⁵ “*The abstract representation function of "the people" – its public forum function – is also compromised, by a combination of its ineffective powers (the real decisions do not happen there), by its mode of operation (time and place), by its language "problem", by the difficulty (and disinterest) of media coverage.*”³⁷⁶ The question of the lack of a European demos is often treated separately, but in fact it seems strongly connected to that of ‘European’ elections. The No Demos thesis, as Weiler calls it, claims that common language, a shared history, common religion, cultural habits and sensibilities are required which clearly do not stand in the case of Europe. His thesis has a soft and a hard version. The soft claims that one day a European Demos might emerge and that is the point when the question of European parliamentary democracy should be rethought, the hard version argues that such a Demos is not even desirable. However, the key message of the third point is that the electorate, be it a demos or not, cannot influence policy-makers to change their political course or cannot dismiss them through European parliamentary or domestic elections.³⁷⁷

³⁷⁴ Weiler [1995] p. 9

³⁷⁵ Reif, Karlheinz–Schmitt, Hermann [1980]: Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results. in: *European Journal of Political Research*, Vol. 8 No. 1 pp. 3–45

³⁷⁶ Weiler [1995] p. 8

³⁷⁷ Weiler [1995] pp. 10-16 and Follesdal–Hix [2006] p. 536

Under the fourth point authors have argued that not even a potential strengthening of the authority of the Parliament would solve the problems of the EU, since it is simply ‘too distant’ from its citizens. According to Follesdal and Hix, that sense of distance has an institutional and a psychological aspect. As we have seen, the Commission and the Council is institutionally far from the voters; they have very little influence over the appointment of Commissioners and little control over the members of the Council when they act on the European level. Regarding the psychological side, Follesdal and Hix relied on the works by Magette and claimed that “*the EU is too different from the domestic democratic institutions that citizens are used to. As a result, citizens cannot understand the EU [...] For example, the Commission is neither a government nor a bureaucracy [...]. The Council is part legislature, part executive, and when acting as a legislature makes most of its decisions in secret. The European Parliament cannot be a properly deliberative assembly because of the multi-lingual nature of debates in committees and the plenary without a common political backdrop culture.*”³⁷⁸ Essentially, with the psychological aspect of the fourth point scholars claim that voters are distant from the EU because they cannot recognize the separation of powers or the checks and balances in its institutional setup.

According to the fifth point the EU provides an opportunity for politicians to drift away from the voter’s preferences as a consequence of the preconditions outlined above. The ‘leaders’ of the EU may realise political goals at the European level that would be torpedoed domestically. The strongly neo-liberal and monetarist regulatory environment provided for the European Monetary Union is often attributed to that ‘policy drift’. For example, it has been argued that the oversized budget of the Common Agricultural Policy (CAP) is a consequence of that, since the proportion of the population involved in agriculture in the EU could not justify the CAP’s share of the budget, only the lobbying force of farmers.³⁷⁹ By that we

³⁷⁸ Follesdal–Hix [2006] pp. 536-537. See also Magette, Paul [2001]: Appointing and Censuring the European Commission: The Adaptation of Parliamentary Institutions to the Community Context. in: *European Law Journal*, Vol. 7 No. 3 pp. 292-310 and Wallace, William – Smith, Julie [1996]: Democracy or Technocracy? European Integration and the Problem of Popular Consent. in: *West European Politics*, Vol. 18 No. 3 pp. 137-157.

³⁷⁹ Scharpf, Fritz W. [1997]: Economic Integration, Democracy and the Welfare State. in: *Journal of European Public Policy*. Vol. 4 No. 1 pp. 18–36. Scharpf, Fritz W. [1999]: *Regieren in Europa. Effektiv und demokratisch*. Campus Verlag, Frankfurt and Follesdal–Hix [2006] p. 537

reach the question of pressure groups, private interest groups and the lobbying power of multinational companies in the European Union. It is commonly argued that in the lack of effective EU-level trade unions and groups protecting consumer's interests it is easier for business interest to penetrate Europe at that level. Therefore scholars claim that the policy outcomes of the EU favour more the owners of capital than the average citizen.³⁸⁰

The most influential critic of the five-fold standard version of democratic deficit has been Andrew Moravcsik. He argued against four of the five points in his papers written in the early 2000s. First, he attacked the idea that authority has shifted to the executive and away from the legislative by claiming that all those government politicians who seem to act relentlessly in the EU are directly accountable to their voters. They were elected in some of the most developed democracies of the world and therefore it is somewhat problematic to make a case that they are without control. He also claimed that since the EU is still mostly intergovernmental and Member States dominate its functioning,³⁸¹ the democratic legitimacy of the EU should also be measured at the level of Member States.

Regarding the second point, Moravcsik underlined that strengthening the authority of the European Parliament has been the most continuous and consistent development in the consecutive reform treaties of the EU. The Parliament gained veto power regarding the selection of the Commission and its rights were considerably widened also in the codecision procedure (or ordinary legislative procedure) since the Amsterdam Treaty.

Thirdly, Moravcsik claimed that policy-making as a process is more clear and easier to follow in the European Union than at the domestic level. His main arguments were that the strengthening belief of the EU being distant from voters drove most EU institutions to open up and take their decision-making processes closer to the citizens by providing them access to documents and information. He emphasised that the European Court of Justice and national courts have increasing

³⁸⁰ Streeck, Wolfgang–Schmitter, Philippe C. [1991]: From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market. in: *Politics and Society* Vol. 19 No. 2 pp. 133-164.

³⁸¹ Moravcsik, Andrew [2002]: In Defence of the “Democratic Deficit”: Reassessing the Legitimacy of the European Union. in: *Journal of Common Market Studies*. Vol. 40 No. 4 pp. 603-634

powers of scrutiny while the EP's scope of action has also been widened in this field.

Moravcsik countered the fourth point by claiming that there is a delicate system of checks and balances in the EU since a high level of consensus is required for almost any decision. He particularly mentioned that unanimity was necessary to change the founding treaties and that in general the EU institutions can rarely act alone in policy-making which is a symptom of an elaborate system of control.³⁸² Even though the traditional separation of powers is difficult to identify at the level of the EU, Moravcsik argued that a refined system resembling the checks and balances is at place.

As we can see, the debate about the democratic deficit was centred around the Westphalian categories of representative democracy, the separation of powers and the system of checks and balances. All these categories—which had been developed for the modern territorial nation-states—were now applied to describe the European Union, of which there seems to exist a consensus of not being a state, and definitely not a Westphalian nation-state. As we have already seen, Zielonka wrote: *“Without a change of paradigm we will be unable to comprehend the ongoing developments, assess their implications, and identify proper solutions for addressing these implications. Even now, we are trying to apply Westphalian solutions to a largely neo-medieval Europe, and are surprised that these solutions do not work.”*³⁸³ The discourse on the EU's democratic deficit is one of the archetypal examples of that anachronistic attitude criticised by Zielonka. Since this paper argues that the European Union is the exclusive neomedieval actor in a neomedieval international system, it also urges a ‘change of paradigm’ in the internal, institutional description of the EU. The roots of that change are already visible and seem to be largely compatible with the stream of neomedievalism even though the scholars often fail to find or present the interlinkages. As we will see, they either detect and identify some traits in the functioning of the EU as mediaeval without being aware of neomedievalism or they describe the functioning of the

³⁸² As Follesdal–Hix [2006] p. 540 summarised it: *“There are high thresholds for the adoption of EU policies: unanimity for the reform of the treaties; then either unanimity in the Council (in those areas where intergovernmental rules still apply), or a majority in the Commission plus a qualified majority in the Council plus an absolute majority in the European Parliament (where supranational rules apply); and then judicial review by national courts and the European Court of Justice.”*

³⁸³ Zielonka [2006] p. 19

EU in a sense that structurally resembles mediaeval patterns of political philosophy, but they fail to recognize the similarities. In the following chapter, using these scholars' works we will introduce the concept of the European Union as a neomedieval '*regimen mixtum*' or a 'mixed constitution'. In light of the revised model of neomedievalism introduced above, this new understanding of the European Union will be hopefully more than just another neologism.

The European Union as Neomedieval '*Regimen Mixtum*'

Since the end of the 20th century, there has been an opinion voiced strongly by many that the Westphalian constitutional approach should be abandoned or at least revised even at the level of states. One of the most open contemporary advocates of that view has been Bruce Ackerman who published a study in 2010 with the telling title '*Good-bye, Montesquieu*'.³⁸⁴ Ackerman believed that no advance in the understanding of today's states could be made until we fundamentally reshaped the conceptual framework bequeathed to us by Montesquieu. "*No other field of academic inquiry is so dominated by a single thinker, let alone an eighteenth-century thinker. However great he may have been, Montesquieu did not have the slightest inkling of political parties, democratic politics, modern constitutional designs, contemporary bureaucratic techniques, and the distinctive ambitions of the modern regulatory state. And yet we mindlessly follow him in supposing that all this complexity is best captured by a trinitarian separation of power into the legislative, judicial, and executive [...]*"³⁸⁵ Despite that, Ackerman gave Montesquieu his due for his functionalist turn which "*represented a fundamental advance over traditional Aristotelian understandings of mixed government.*" Ackerman described the Aristotelian theory as a class-based understanding where the various branches of power were separated based on the social groups they represented and not based on their functions. Aristotle's *politeia*, aristocracy and monarchy were well represented in early modern England by the House of Commons, the House of Lords and the Crown. Montesquieu's greatest contribution was shifting the focus to the function of power from the representation of class interests. That was what Ackerman referred to as the 'functionalist turn'.

³⁸⁴ Ackerman, Bruce [2010]: *Good-bye, Montesquieu*. in: Rose-Ackerman, Susan – Lindseth, Peter L. (eds.) [2010]: *Comparative Administrative Law*, Edward Elgar Publishing pp. 128-133

³⁸⁵ Ackerman [2010] p. 128

However, Ackerman seems to argue that the functionalist turn is not sufficient anymore and that we need to go further than that in the 21st century. Ackerman was particularly critical that Montesquieu was so mesmerised by his trinitarian thinking that he allowed only three boxes in his conceptual scheme. Therefore he suggested a drastic departure from that classical concept of the separation of powers. *“Almost three centuries later, it is past time to rethink Montesquieu’s holy trinity. Despite its canonical status, it is blinding us to the world-wide rise of new institutional forms that cannot be neatly categorized as legislative, judicial, or executive. Although the traditional tripartite formula fails to capture their distinctive modes of operation, these new and functionally independent units are playing an increasingly important role in modern government. A ‘new separation of powers’ is emerging in the twenty-first century. To grasp its distinctive features will require us to develop a conceptual framework containing five or six boxes – or maybe more.”*³⁸⁶ It is worth bearing in mind that Ackerman suggested this shift in the discipline of comparative administrative law which focuses on states, i.e. the descendants of former Westphalian nation-states. However, the European Union was taking shape in a period when the Westphalian international system was slowly waning and it has never been a Westphalian state itself. Therefore in understanding its institutional setup, it seems even more necessary to leave behind some of our Westphalian ‘instincts’. In other words, perhaps it is wiser to simply describe what we see when we look at the EU without a Westphalian bias.

Some scholars were intellectually daring enough to do that even before or during the ‘democratic deficit’ debate. Three names should particularly be mentioned here, those of Jean Paul Jacqué, Giandomenico Majone and Mario Telò. Jacqué reached the threshold of understanding the neomedieval nature of the European Union while Majone later claimed that the European Union’s community method resembled a pre- absolutist or mediaeval ‘mixed government’ without being familiar with neomedievalism. Telò also defined the European Union as a ‘mixed government’ and even used Aristotle’s six-fold scheme to make sense of its institutions, but he did not build on Majone’s results or criticise them. Out of the three, clearly Majone understood the deepest implications of the concept, but it was Telò who took it the furthest by comparing EU institutions to the categories of the

³⁸⁶ Ibid. p. 129

Aristotelian scheme. On the next pages I will analyse, compare and revise their observations.

Jean Paul Jacqu e's course entitled '*Cours G n ral de Droit Communautaire*' was held and published at the Academy of European Law of the European University Institute.³⁸⁷ He discovered that the representation of national and supranational interests replaced the separation of powers at the level of the European Union. In that sense, the various interests were represented by different kinds of voting procedures. Unanimous voting was required in the Council in all cases where national interest was deemed to be prevalent, but the Council had to take into account the proposals of the Commission in all cases where majority voting was introduced in order to balance national and community interests. In all fields where community interest was supposed to be dominant, the Commission received discretionary decision-making powers. Thus, in Jacqu e's understanding each field gained its own voting procedure in line with the interests involved. Jacqu e did not label the European Union a mixed constitution, but marked the EU's institutional design with some of the major characteristics of it.

It was Giandomenico Majone who clearly designated the community method of the European Union as a 'mixed government' in 2005 and he also used that concept in some of his later works.³⁸⁸ He gradually reached that conclusion from the debate on democratic deficit in which he argued that inappropriate standards were used when the legitimacy of the European Union was measured. In the 1990s Majone agreed that by general Westphalian standards the European Union cannot be labelled democratic, however he highlighted that these standards were inadequate for the EU. Later he called it an 'analogical fallacy' to apply the 'legitimacy standard of democracy'³⁸⁹ to the European Union. He viewed the European Union to be a regulatory agency that does not have to be democratic in a sense nation states are, because it has far weaker political authority to begin with and curbing

³⁸⁷ Jacqu e, Jean Paul [1991]: *Cours G n ral de Droit Communautaire*. in: Clapham, Andrew [1991] : *Collected Courses of the Academy of European Law*. Vol. 1, Book 1 Martinus Nijhof Publishers, Dordrecht pp. 247-360

³⁸⁸ Majone, Giandomenico [2005]: *Dilemmas of European Integration – The Ambiguities and Pitfalls of Integration by Stealth*. Oxford University Press, Oxford pp. 46-51 and Majone, Giandomenico [2009]: *Europe as the Would-Be World Power: The EU at Fifty*. Cambridge University Press, Cambridge p. 156, 158 and pp. 187-188

³⁸⁹ Majone [2009] pp. 155-158

even that by means of democratic checks and balances could paralyse the whole process of integration. “*The process is non-majoritarian not because the founding fathers distrusted democracy. Rather, they understood more clearly than today’s leaders that economic integration without political integration is feasible only if politics and economics are kept as separate as possible. Depoliticisation of European policy-making is the price we have to pay in order to preserve national sovereignty largely intact. As long as the majority of the citizens of Member States oppose the idea of a European super-state, while supporting far-reaching economic integration, we cannot expect democratic politics to flourish at the European level. These being the preferences of national electorates we cannot but conclude that, paradoxically, Europe’s ‘democratic deficit’ as the expression is usually understood, is democratically justified.*”³⁹⁰ Majone also argued that as long as the tasks delegated to the European level are precisely and narrowly defined and transparency, expertise, procedural rationality and accountability are ensured, the legitimacy of the EU should be considered guaranteed.³⁹¹ To sum it up, Majone agreed that there was a democratic deficit in the EU by Member State standards, but he found it highly questionable whether that was the appropriate standard to measure the legitimacy of the European Union. Recently his concept of a ‘legitimacy deficit’ became more widespread in the literature than ‘democratic deficit’.³⁹²

Moving on from the question of majoritarian decision-making to the separation of powers, Majone later identified the European Union as a ‘mixed government’. In his train of thought, he relied on Jacqué’s assertion that the representation of interests replaced the separation of powers in the EU. He criticised the practice that the EU had constantly been labelled *sui generis* since that created a hurdle in the way of contextualising or comparing the Community to other polities. “*It is true that the principles of the Community method diverge significantly from those of contemporary democratic states [...]. But recall [...] Tocqueville’s remark to the effect that the gallery of human institutions contains mostly copies. It is therefore*

³⁹⁰ Majone, Giandomenico [1998]: Europe’s ‘Democratic Deficit’: The Question of Standards. in: *European Law Journal*. Vol. 4 No. 1 p. 7 (pp. 5-28)

³⁹¹ Ibid p. 28

³⁹² See for instance Follesdal, Andreas [2014]: Democratic Standards in an Asymmetric Union. in: Cramme, Olaf – Hobolt, Sara B. (eds.) [2014]: *Democratic Politics in a European Union under Stress*. Oxford University Press, Oxford pp. 199-216

*likely that if no relevant contemporary models can be found, precedents may be discovered in our constitutional past. In fact, the institutional architecture designed by the Treaty reveals striking similarities to a much older model of governance known as ‘mixed government’ [...]. The mixed constitution — already discussed by ancient political philosophers such as Aristotle and Polybius — was prevalent in medieval and preabsolutist Europe. According to this philosophy of government, the polity is composed, not of individual citizens but of corporate bodies balanced against each other and governed by mutual agreement rather than by a political sovereign.”*³⁹³

Majone highlighted that the crucial difference between modern governments and ‘mixed polities’ was that the latter were not interested as much in policy-making as in the sharing and distribution of privileges, rights and immunities. He depicted a mixed constitution as a ‘tug-of-war’ among various centres of power which was tamed by a high level of institutionalisation. Majone made it clear that even though the model’s relevance declined by the 19th century, it was still important during the Glorious Revolution in England and the debate about the American constitution. He also tried to shed some light on why the founding fathers of the Community had created an institutional design similar to a mixed constitution. *“It seems unlikely that the framers of the Rome Treaty were directly inspired by medieval theories of government [...]. They did, however, make a conscious choice between two distinct constitutional alternatives: either separating the functional branches of government or mixing the ‘estates’ (or main interests) of the polity in the legislature — where the three political estates are not, of course, the Crown, Lords, and Commons, but the national governments represented in the Council, the supranational institutions — Commission and European Court of Justice, and the ‘peoples of the States brought together in the Community’ (Article 137 of the Rome Treaty), represented, at least in theory, by the EP.”*³⁹⁴ Following the identification of these basic resemblances, Majone went on to pinpoint further structural similarities between the European Union and mixed constitutions.

First, he claimed that there was a certain analogy between the dualism in mediaeval mixed constitutions and that within the European Union. The essential balance of

³⁹³ Majone [2005] p. 46

³⁹⁴ Ibid. p. 47

the various institutions' representing interests was to be built between the territorial rulers and other estates in mediaeval mixed polities while the balance is sought between the Community and the Member States in the European Union. It is noteworthy that this is one of the few points where Majone makes statements about the actual Middle Ages in his work published in 2005 and in doing so the only mediaevalist he references is the same Otto von Gierke from the 19th century who was mentioned by Hedley Bull a quarter century earlier. Even that reference is borrowed from the sociologist and lawyer Gianfranco Poggi's work on modern state formation.³⁹⁵ Majone used the concept of dualism by Gierke correctly, but the fact that Gierke was his only mediaevalist source on a mediaeval topic indicates well the dissatisfactory assimilation of contemporary historical results in political science.

Second, Majone argued that the 'institutional rigidity' of the European Union is also a 'mixed polity' feature. According to that observation the delicate institutional balance functions as an impediment of 'far-reaching reforms in the EU'. The rationale behind the balance was to prevent any institution from delegating policy-making to a European agency and thereby guard the Member States and the institutions themselves. In Majone's understanding the difficulty to reform or abandon that Community method has made its circumvention increasingly frequent.³⁹⁶

Third, he clearly indicated that the Community method's incompatibility with the modern idea of indivisible sovereignty marks the EU's 'deep affinity' to the concept of mixed government. Using Bull's phrase, both regimes suffer from a "*protracted uncertainty about the locus of sovereignty*".³⁹⁷ In the EU, sovereignty is shared among its constituents (the Member States and the Community institutions) which leads to the question of whether that form of authority could still be referred to as sovereignty. A key characteristic of modern sovereignty has

³⁹⁵ Poggi, Gianfranco [1978]: *The Development of the Modern State: A Sociological Introduction*. Stanford University Press, Stanford p. 48 quoted Otto von Gierke without proper referencing. Poggi's work otherwise used up-to-date historiography. Majone [2005] p. 48 referenced Poggi and mentioned Gierke.

³⁹⁶ Majone [2005] p. 48

³⁹⁷ Bull [2002] p. 256

been its indivisibility which is obviously lacking if the *locus* of sovereignty is ‘lost’ halfway between the Community and the Member States.³⁹⁸

Fourth, Majone thought that the limited role of democratic functioning in the European Union could most easily be attributed to its mixed constitutional nature. Referencing Aristotle, he noted that the mixed polity was not “*a variant of, but an alternative to, majoritarian democracy.*”³⁹⁹ In a sense, mixed constitutions provide a depoliticised governance by strictly balancing the tug-of-war among various social groups and their representative institutions. According to Majone, the process of European economic integration was shielded from the ‘clash of political interests’ by such practices. Another non-majoritarian analogy between the EU and mixed polities he suggests is that “*there is no central power to conquer in a competition among political parties*” as in modern democracies. It is the political exchange of the three legislative institutions that result in policies as opposed to majority government decisions. An important symptom of that is the lack of political division along party lines in the European Parliament which typically represents a ‘united front’ towards the other two institutions. “*The language of majoritarian politics — government and opposition, party competition, left and right — has very limited currency in this context precisely because the prime theme of the internal political process is the contest among autonomous institutions over the extent and security of their respective jurisdictional prerogatives.*”⁴⁰⁰

Fifth, Majone indicated that the absence of centralised administration was also a shared feature of mixed polities and the European Union. Regarding the estates of the realm in mixed governments, he mentioned that these were supposed to take care of their own members and therefore individuals were not directly linked to the general government. In a similar vein, the EU is also lacking a centralised bureaucracy, because EU policies are implemented by national administrations and in most fields the Community institutions do not even have policy-making competences.

Finally, Majone attempted to understand why the Community method of the EU could take after mixed constitutions so obviously. In his view the general objection

³⁹⁸ Majone [2005] pp. 48-49

³⁹⁹ Ibid. p. 49

⁴⁰⁰ Ibid. p. 50

against his theory could have been that mixed polities disappeared from modern European political thought because the complex political structures of a well-organised society required more refined mechanisms such as majoritarian democracy and the separation of powers. How then could they have reappeared in an even more complex entity? The counterargument of Majone was that ‘European’ society is far less complex than those of the Member States. “*European society—as distinct from the separate national societies of the members of the Union—is still at a rather primitive stage. The absence of European media, of effective European political parties, of a genuinely European process of public opinion formation, are only some indications of this situation. The archaism of the mixed-polity model reflects the underdevelopment of European society.*”⁴⁰¹

As we can see, Majone went much further than Jacqu  and clearly identified the EU as a mixed constitution. He listed numerous symptoms of that condition and also tried to find the root causes of this anachronistic constellation. Six years following the work of Majone, another Italian scholar, Mario Tel , also concluded that if there was any type of regime the EU resembled, it had to be mediaeval mixed government.⁴⁰² It is relevant to note that he seems to have arrived to this conclusions independently of Majone, at least he did not reference any of his works.⁴⁰³ Tel  approached the issue from the viewpoint of the legitimacy and the stability of the European Union, essentially asking how it is possible that the EU has been stable for seven decades and at the same time has almost constantly been criticised for the lack of democracy while all its Member States have been democratic. He argued that *longue dur e* stability, relatively weak democracy and legitimacy may coexist in the European Union because it has adopted a mixed constitutional structure from the beginning. Tel  provided a more thorough introduction of the history of mixed constitution and referred to numerous scholars

⁴⁰¹ Ibid. p. 51

⁴⁰² Tel , Mario [2011]: Three European Constitutionalisms and Their Respective Legitimacy Requirements – Explaining the *Longue Dur e* Stability of the EU Polity. in: Lucarelli, Sonia – Cerutti, Furio – Schmidt, Vivien A. (eds.) [2011]: *Debating Political Identity and Legitimacy in the European Union*. Routledge, London and New York pp. 93-114

⁴⁰³ Tel  introduced the idea of the EU as a mixed government in one of his earlier works written in 2006 and there he referred to a book by Majone in which Majone did not write a single word about mixed constitutions. Tel ’s work in question was Tel , Mario [2006]: *Europe: A Civilian Power?: European Union, Global Governance, World Order*. Palgrave Macmillan, New York p. 277. He quoted Majone, Giandomenico (ed.) [1996]: *Regulating Europe*. Routledge, London, but mistakenly dating it to 1998 and without indicating page numbers.

who have worked with the concept since Antiquity. Apart from Aristotle and Polybius, who were also mentioned by Majone, he named Thomas Aquinas and from the Middle Ages, but it was also characteristic of his paper to draw heavily on authors from a variety of eras (Cicero, Machiavelli Guiccardini, Milton, Montesquieu and Hegel). It is also worth noting that he relied on the works of Norberto Bobbio, a notable 20th century historian of political thought, when he defined mixed constitution. “[T]he concept of ‘mixed government’ defines a seventh kind of government, beyond the three good ones (monarchy, aristocracy and democracy) and the three degenerated ones (tyranny, oligarchy and demagogy). It fits well for polities combining stability and complex internal balances by merging the three good principles of government.”⁴⁰⁴ In his overview of the literature, Telò underlined that Hegel was the first modern scholar who wrote appreciatively about mixed constitutions since he regarded them to be a form of “stable and durable polities.”⁴⁰⁵

As opposed to Jacqu  and Majone, Tel  did not approach mixed governments from the perspective of the representation of social interests, but primarily from the question of legitimacy. He claimed that mixed governments have three sources of legitimacy; aside from the support of the masses expressed by democratic legitimacy, there is aristocratic legitimacy that stems from a high level of technical knowledge and monarchic legitimacy which has the capacity of concentrating political will. Tel  found it important to mention multiple times that the full politicisation or democratisation of the EU is not possible since “in mixed constitutional polities, the will of democratic majorities at national and supranational levels is not the only norm-setting principle.”⁴⁰⁶

Tel  then moved on to ask whether it makes sense to apply the model on non-state entities and responded affirmatively, because the concept took shape long before the Westphalian state was born. In Tel ’s understanding it was an important feature of the mixed constitutional model that it mixed realism and idealism and was therefore flexible enough to describe the European Union. In one way Tel  went further than Majone and tried to link various EU institutions to Aristotelian forms

⁴⁰⁴ Tel  [2011] p. 107

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid. p. 108

of government. *“In the EU context, the Court of Justice and the Commission represent the aristocratic dimension (based on technical knowledge and expertise), while the Council represents the monarchy (political will of governments) and the Parliament plus various forms of democratic participation (social dialogue, right of petition, role of national parliaments) represent the democratic dimension, the direct legitimacy of the citizens. All three matter and, only if combined, can explain the EC/EU’s longue durée stability over six decades. So far, every attempt to simplify the system to only one of the three principles (including the democratic one) has failed and will probably continue to fail in the future. This explains the shortcomings of mere intergovernmental and functionalist theories of EU integration.”*⁴⁰⁷

Following these assertions, Telò concluded that the long-term stability of the EU has primarily been guaranteed by its mixed constitutional setup. According to him, the success of the EU lies in the creative combination of international peacekeeping in a historically war-prone region, the augmentation of technical and epistemic capacities and “supranational conditionality”. In this system the constrained concentration of authority is balanced out by EU’s role of scapegoat by national populists and the utopian vision of a European federation. To sum it all up, Telò considered the European Union already to be a mixed polity and also found that the only way forward in the constitutionalisation of the EU would be an innovative revision of its mixed constitution. That this was not just an ephemeral side note in his career is marked by the fact that he almost literally repeated his most important claims in another paper written in 2016.⁴⁰⁸

When it comes to alternative understandings of the European Union, it is not without use to look at the models proposing a future direction for the EU instead of describing it. It is strikingly obvious that even these works are leaving behind Montesquieu’s functional approach and introduce a system reflecting the Aristotelian social class-based approach more than anything else. The EU has often been prescribed a consociational model⁴⁰⁹ which was developed by Arend Lijphart

⁴⁰⁷ Ibid. p. 109

⁴⁰⁸ Telò, Mario [2016]: The EU from a constitutional project to a process of constitutionalization. in: *European Politics and Society* DOI: 10.1080/23745118.2016.1231449

⁴⁰⁹ E.g.: Weiler [1995] pp. 33-37 Kirsch, Nico [2012]: The Case for Pluralism in Postnational Law. in: De Búrca, Gráinne–Weiler, Joseph (eds.) [2012]: *The Worlds of European Constitutionalism*. Cambridge University Press, Cambridge pp. 203-262 and particularly pp. 214-217

in the 1970s to provide a deeper understanding of how democracies in plural societies, as in Switzerland, Belgium or the Netherlands, worked.⁴¹⁰ Such studies invoking the concept of consociational democracy arrived at the conclusion that representation should be more pronounced than the separation of powers in the institutions of the European Union compared to the traditional Westphalian scheme. These scholars emphasised the increasingly complex social dimension of EU Member States as the cause for the rising relevance of representation. As Andersen and Burns put it: “*An underlying logic in the evolution of modern governance in advanced, Western societies is a particular duality: on the one hand, increasing monitoring and regulation of more and more areas of social life, and often greater systematic and rational regulation, and, on the other hand, the diffusion into civil society of governance powers or simply its appropriation by agents in civil society.* In a word, state government and society appear to interpenetrate - and to dissolve into – one another.”⁴¹¹ (The last sentence of the quote was highlighted by the authors.) They also identified three organising principles within the EU which were *national representation*, *interest representation* and *representation of expertise*.⁴¹² State and society interpenetrating each other and the representational setup of the EU convinced some scholars that the representation of various social classes through a model of consociation paves the EU’s way to the future. Unlike Majone, they did not differentiate between the societies of Member States and a ‘European’ society and implicitly argued that if the EU is built of the most progressive societies of the world, ‘European’ society should also be represented in the EU by the most progressive models. In other words, they advocated the adoption of a model which was not looking back to historical regimes, but that was looking forward in the direction of the sophisticated representative systems of the most developed European countries.

However, in terms of its structure and principles, consociationalism highly resembles premodern class-based regimes. Consociationalists seek to “*manage deep disagreement through executive power sharing and the creation of veto*

⁴¹⁰ Lijphart, Arend [1977]: *Democracy in Plural Societies: A Comparative Exploration*. Yale University Press, New Haven

⁴¹¹ Andersen–Burns [1996] p. 235

⁴¹² Ibid. p. 227

positions for minority groups.”⁴¹³ We should see that these societal groups do not simply enjoy autonomy rights, but are also granted “*protected position in the central decision making structure of the state.*”⁴¹⁴ That “protected position” essentially means a form of institutional representation of various social segments. According to Weiler, in a consociational system “*traditional political fora were bypassed, and substituted by fora in which the leaders of all social segments participated.*”⁴¹⁵ These segments are represented by elites who are involved in bargaining and consensus seeking rather than majority decision-making. The fora for these processes are also highly formal and institutionalised where the structure favours the social status quo and the representation of new minorities is always lagging behind.⁴¹⁶ As we can see, a significant feature of the consociational model is a shift back to class-based representation and therefore it also reaches back to earlier regimes even if its proponents are not aware of that or do not declare it explicitly. Weiler also came up with competing representative models where “*supranationalism*”, “*pluralism*” and “*competitive elitism*” are mixed and which do not take much creativity to replace with “*monarchy*”, “*democracy*” and “*aristocracy*”. Thus even when it comes to some of the progressive propositions for the future of the EU we often face solutions that are more class-based than functionalist and implicitly resemble mixed governments more than anything.

In order to revise and make sense of the theories introduced above in terms of neomedievalism, it is worth noting that in line with Ackerman’s claim, the first three authors all agreed that traditional separation of powers should be replaced in a scheme describing the European Union. Jacqu  and Majone replaced it with the representation of interests and Tel  with competing sources of legitimacy. However, they defied the idea that it should include more boxes than three and that it should go further in the direction of Montesquieu’s functionalist turn. Those who introduced the mixed constitutional idea (Majone and Tel ) remained conservatively trinitarian and reached back to a pre-modern type of regime instead of revising the functionalist approach. Ackerman also indicated that Montesquieu’s concept should rather be discarded than revised, moreover he clearly wished to

⁴¹³ Kirsch [2012] p. 214

⁴¹⁴ Ibid.

⁴¹⁵ Weiler [1995] p. 35

⁴¹⁶ Ibid. p. 37

avoid reaching back to Aristotle and pave a way forward and appreciated the functionalist turn. It is also worth noting that his suggestion of introducing six or more boxes was pretty much in line with the concept of the mixed constitution, but the authors applying this model to the EU were not exactly aware of that. Even though Telò mentioned that a mixed polity was a seventh kind of regime besides monarchy, aristocracy, democracy, tyranny, oligarchy and demagogy, he essentially mixed the three good forms. None of the authors were familiar with mediaeval political philosophy sufficiently to pinpoint that besides these forms of government, the various modes of rule were also a significant feature of the concept of mixed constitution. In other words, the representation of interests was not the only focal point of the mediaeval discourse of mixed polities, but the ways power was used (modes of rule) were equally important. The concepts of *regimen politicum*, *regimen regale* and *regimen despoticum* were so relevant that the Latin expression for a mixed constitution – *regimen mixtum* – is derived from these. The reason for choosing the two mediaeval authors in Part Two besides the ones mentioned earlier was that they both heavily relied on this modal classification aside from the six forms of government. And if we take a closer look at some of the works describing the EU, even without a neomediaeval or mixed constitutional toolkit it is obvious that they also often identified various modes of rule and sometimes strikingly used the same phrase to describe them. Take for instance the following quote from Weiler: “*We will present a description of European governance which has (at least) three principal facets: International, Supranational and Infranational. Our argument is simple. In this sense there are three polities, or three regimes, or three modes of governance. This trichotomy creates fundamentally different permutations of power distribution in the overall European polity.*”⁴¹⁷ (Expressions highlighted by me.)

Therefore, it is possible to argue based on the literature that the European Union can be understood as a neomediaeval *regimen mixtum* where instead of the separation of powers one can find the mixture of various forms of government and different modes of rule. When it comes to the forms of government the chief questions are who is exercising power and whose interests are represented. As opposed to Telò, it seems more justifiable to argue that the representation of

⁴¹⁷ Weiler [1995] p. 5

interests is paramount compared to the sources of legitimacy. And that approach would provide us with different results regarding the place of various EU institutions in the model. It is clear that the European Parliament represents the people and therefore it can easily be interpreted as the democratic element. However, the Council where a political elite represents the Member States is more logically regarded as the aristocratic element, while the Commission representing the community interests could be labelled monarchic. Therefore in the present model of the neomedieval *regimen mixtum*, the position of the Council and the Commission is reversed compared to Teldò's approach. Perhaps it is wiser to go even further and revise the anachronistic labels themselves. The EP's democratic label is clearly suitable, but the nature of the Council could be better described by the adjective 'diplomatic' and the Commission by the term 'bureaucratic'. Therefore when it comes to the forms of government in this model of *regimen mixtum* we have a democratic, a diplomatic and a bureaucratic element representing respectively the European people, the Member States and the Community. And their interaction may take the shape of international, supranational or infranational modes of rule.

It is equally important to understand the meaning of these modes. What do the words international, supranational and infranational mean and why cannot these be linked with the various institutions? What is the difference between the forms of government and the modes of rule in the EU? The dividing line between these two sets of categories seem to be equally blurred as it was the case in mediaeval political philosophy. The division is still necessary because the modes define how power is exercised and cannot always be identified by a single institution. In fact, they also signify the various ways of interaction between the components and the institutions of the EU. Perhaps the best way to understand the difference between them is to follow the footsteps of mediaeval authors, some of whom (including Thomas Aquinas) claimed that the major difference between *regimen politicum*, *regimen regale* and *regimen despoticum* was the subjects' level of freedom while some others believed it was whether the ruler based his decisions on his own laws or also on the will of the people (Giles of Rome) and yet some others linked it to the number of rulers (Ptolemy of Lucca). These considerations seem to be relevant

also in understanding the concepts of international, supranational and infranational modes of rule.

The international (or intergovernmental) mode is based on national laws and as a consequence, Member States have a high level of freedom while people who elect their governments have a limited, indirect form of freedom with the number of decision makers being relatively high, typically equalling the number of Member States. Supranational mode is characterised by a single decision making unit (the Community) where the freedom of the Member States and the citizens is seriously curtailed and the Community decides almost exclusively based on its own laws. The infranational mode boasts bigger freedoms for private organisations (e.g. NGOs) and a limited authority of the Community with a very high number of decision makers and decisions mostly based on the interest of these private organisations. A typical example of the international mode is the procedure of drafting the Treaties of the Union or the decision-making methods in the Council. Supranational mode can mostly be associated with the functioning of the Commission which has been embodied by its President and the High Representative for Foreign Affairs and Security Policy since the Lisbon Treaty. Infranational mode is chiefly characterised by NGOs' and government departments' networking, lobbying and bargaining. However, even if it is not discussed under infranational mode in the literature, I would also add the European Citizen's Initiative and elements like social dialogue and right of petition since these also express the will and interest of significant segments of the 'European' society.

Regarding the relevance of these modes it is worth quoting Weiler again: "*The inter-supra-infra trichotomy enables us to build a better picture of the disbursement of power and accountability in the Union. The stakes as to arena, where (in this scheme) issues get decided, is as important as what gets decided -- since the where impacts, indeed determines the what.*"⁴¹⁸ Later Weiler gave examples when the forum and the mode of decision making was as important in the EU as the content of the decisions. He claimed that in some instances the real battle was about deciding whether a matter should be settled in the international or

⁴¹⁸ Weiler [1995] p. 32

the supranational arena and not about the content. Weiler highlighted that this debate reached the highest level of Treaties since the Maastricht three pillar structure essentially reflects the ‘modes of governance’. Weiler even argued that since the Single European Act (1986), considerable political battles in the EU concerned form rather than outcome.⁴¹⁹ (See Weiler’s table of the modes in the Annex.)

In the previous pages an overview of the analyses of the institutional setup of the EU was presented with special regards to the concept of mixed government. It was argued that in line with neomedievalism many scholars interpreted the European Union explicitly as a mixed government or presented models that structurally resembled this premodern concept. However, they were not familiar with the neomedieval approach and sometimes were also unaware of each other’s works. The goal of the present chapter was to fill these gaps and deliver a more rounded neomedieval understanding of the constitutional setup of the EU. The model was labelled a ‘neomedieval *regimen mixtum*’ where the democratic European Parliament, the diplomatic European Council and the bureaucratic European Commission respectively represent the European People, the Member States and the Community. The novelty of the model besides the revision of the labels of the ‘boxes’ was the introduction of the modes of rule which was also implicitly available in the literature, but not linked to either neomedievalism or the concept of mixed government. The interaction between the components and institutions of the EU was characterised by international, supranational and infranational modes of rule. Thus neomedieval *regimen mixtum* was defined as a regime where the democratic, diplomatic and bureaucratic forms of government were mixed with international, supranational and infranational modes of decision making. In the following, concluding chapter we will reveal why the model of neomedieval *regimen mixtum* may seem particularly fitting for the European Union. In doing so, the First Part’s neomedieval international system and the present chapter’s findings will be synthesised with the help of three hallmarks of neomedievalism: sovereignty, empire and natural law.

⁴¹⁹ Ibid.

Conclusions

In this concluding chapter, the structural causes of the European Union's mixed constitutional nature will be in focus. Why does it make more sense to ask how power is shared or used in the EU than to look for the 'content' or function of exercising power as in a Westphalian constitution? Why are the forms of representation (or governance) and the modes of rule more important than the separation of powers and checks and balances? Using the concepts that were applied in the previous two parts, this chapter will provide an addition to the causes shortly discussed by Majone, who claimed that the primitive stage of 'European' society is responsible for the mixed constitutional setup in the first place. Instead, this chapter will argue that the neomedieval structure of the international system outlined in the First Part is the primary cause, given that the EU took shape when that international system was put in place and, therefore, had to adapt to this 'post-Westphalian constellation'.

Sovereignty

We have already seen that Majone treated the lack of indivisible sovereignty as one of the major symptoms of the EU's mixed constitution.⁴²⁰ Bull also claimed that there was uncertainty about the '*locus*' of sovereignty⁴²¹ in the EU, which we may interpret also as an observation of its absence. These two influential scholars have demonstrated that there has been a serious belief in both the disciplines of political science and international relations that the European Union lacks full-scale public authority. Sociologists and economists have also mostly shared that opinion. József Böröcz, a notable dependency theorist, articulated the same idea very clearly in his book analysing the EU. "*If we evaluate the EU only in terms of the conventional, Weberian criterion of monopoly over legitimate means of coercion, we must dismiss the idea that the EU is a state because of the near-complete absence of an executive apparatus, and hence the lack of means of coercion of its (the EU's) own.*"⁴²² That is so, not just because the 'European society' is underdeveloped and not ready to delegate more power to a European authority (Majone), but also because the EU is particularly subjected to what could be called the neomedieval international system. As was mentioned, the authority of the European Union is

⁴²⁰ Majone [2005] pp. 48-49

⁴²¹ Bull [2002] p. 256

⁴²² Böröcz [2010] p. 169

also limited by the competing contemporary universalisms from above similarly to states, but these limits can be even more obvious in the case of the EU. As Follesdal–Hix demonstrated, multinational companies had more incentive to lobby at the European Union than in Member States, because of the less virulent consumer protection activities and trade union bargaining there.⁴²³ It is especially relevant in a period when 51 percent of global profit is realised abroad (or internationally) that the transnational market economy, the hard upper constraint of the neomedieval international system, has found open gates in the European Union. We will return to the human rights regime as the other universalism under the section on natural law.

Here it is more important to emphasise that the lower limits of the EU's authority are more considerable than in the case of other mid-level actors (states). On the one hand, the European Union is made up of states which invented and have tried to maintain the heritage of sovereignty and have, therefore, refrained from delegating much power to the EU. It was already argued above that sovereignty seems to be lost halfway between the Member States and the Community and therefore it could hardly be labelled indivisible. On the other hand, the EU has an infranational 'arena' or a 'mode of rule' that semi-institutionalises even the bargaining and lobbying of NGOs. It means that the EU has to face more forms of the limitation of its public authority than states. However, the European Union has adapted to these circumstances well and has also managed to shape them in line with its own needs. As Böröcz puts it: *"The distance created by its meta-relationship with the member states allows the EU to remain 'clean' in such matters that states muddle through, often with much trouble. By contracting out the burden of strategic defense to NATO, the EU can maintain an elegant and convenient distance from matters of coercion without endangering its own defense. In the process of 'eastern enlargement,' much of the transformative 'dirty' work in the economies on the EU's eastern and southeastern flanks is done by the state apparatuses and the political elites of those societies themselves. EU-based multinational companies do much of the coercive work in the economic, environmental, social and legal realms*

⁴²³ Follesdal–Hix [2006] p. 537

worldwide without the EU itself ever having to utilize conventional tools of state-based coercion.”⁴²⁴

Furthermore, Böröcz characterised the Eastern enlargement in an imperial colonisation context, similarly to Zielonka,⁴²⁵ but it is also clear that he found the EU’s way of managing its own lack of authority spectacularly innovative. Böröcz argued that outsourcing every task related to ‘state-based coercion’ either to NATO⁴²⁶ or the Member States essentially has allowed the EU to pose as “*the epitome of goodness in world politics.*” It does not take much visionary zeal to interpret his observations in a neomedieval framework. The European Union seems to behave even in these regards as structurally similar to mediaeval kingdoms where the size of the kings’ armies were considerably lower than their absolutist counterparts’. Mediaeval kings also outsourced most tasks of coercion to greater landowners who could join campaigns under their own banners. That practice, however, could downright threaten the territorial integrity of some of these kingdoms by the High Middle Ages especially since the concept of the monopoly of violence was not even on the horizon. In turn, mediaeval kings were seldom identified with coercion or violence and, as a consequence, were also often regarded as the embodiment of goodness, not lastly because of the mixed constitutions in their countries. A convincing indicator of that is the high number of beatified kings and, as Marc Bloch has shown, the long-standing tradition in mediaeval England and France according to which ‘royal touch’ would heal scrofula.⁴²⁷

Nobody believes that the EU would heal scrofula, however it was awarded the Nobel Peace Prize in 2012, which could be interpreted as modern-day beatification. When the ‘West’ is in the crosshairs of its enemies, either the United States, a former colonialist West European power or the NATO tends to personify the

⁴²⁴ Ibid.

⁴²⁵ Zielonka [2006] p. 13

⁴²⁶ That specific relationship between the EU and the NATO was also represented in the intervention in Libya where the effective military measures were all taken by NATO while the EU was only engaged in EUBAM Lybia, a border assistance mission and there were also plans of a humanitarian assistance mission (EUFOR Libya) which were not realised though. Mühlberger, Wolfgang – Müller, Patrick [2016]: The EU’s Comprehensive Approach to Security in the MENA Region: What Lessons for CSDP from Libya? in: Chappell, Laura – Mawdsley, Jocelyn – Petrov, Petar (szerk.) [2016] *The EU, Strategy and Security Policy: Regional and Strategic Challenges*. p. 51–67. Routledge, London–New York

⁴²⁷ See Marc Bloch’s classic work. Bloch, Marc [1983]: *Les rois thaumaturges*. Gallimard, Paris

‘West’ and rarely the European Union. The EU has also been surprisingly popular in the polls of its own citizens despite that many countries’ leaders have used the EU as a makeshift enemy or a scapegoat. According to the Eurobarometer, over the last decade, which did not spare crises for the EU in its compilation of data, there was only a brief period between 2011 and 2012 when the majority did not consider their countries’ EU-membership a good thing and even then, 47 percent were for and only 18 percent against the membership. Brexit could be a counterargument, but according to the same poll, the EU has become more popular after Brexit than ever since 1983 among its citizens. 67% of the respondents viewed EU membership as favourable for their countries in 2018. In only six countries out of 28 was the share of EU-supporters lower than 50 percent.⁴²⁸

This lack of sovereignty—irrespective of how the EU manages it—takes us closer to understanding why the content of decisions is sometimes less important than the process of making them. If there is no complete, indivisible authority, the primary question becomes how (i.e. through which methods) issues are decided and who is entitled to decision-making. Among the chief reasons behind that, the structure of the international system is just as relevant as the primitive ‘European’ society or demos. The approach which viewed the function of power as so important that it differentiated between the various branches of power based on their function and then made them put a bridle on each other was developed as a reaction to absolutism in the period of Enlightenment. Absolutist rulers disregarded mediaeval immunities, prerogatives and liberties and carried out a total concentration of power. That process was also triggered by the restructuring of the international system at the time. With the disappearance of the ‘global’ authority of the Pope and the Emperor, kings felt justified to strengthen their position vis-à-vis the domestic/lower limits of their power and centralised their bureaucracy, organised regular armies ten or twenty times bigger than their predecessors and introduced public schooling and mass prisons. The 16th and the 17th centuries brought about the concept of indivisible sovereignty. Sovereignty essentially meant that all resources stood at the disposal of the monarch/state to use them for any end they

⁴²⁸ Eurobarometer Report [2018]: *Democracy on the Move. European Elections – One Year to Go*. European Parliament. pp. 22-23 The document is available online here: <http://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2018/eurobarometer-2018-democracy-on-the-move/report/en-one-year-before-2019-eurobarometer-report.pdf> (Last accessed: 26th of August 2018)

wished. Hence the key question was no longer how to share power or which groups to represent, but what the goal or the function of exercising power was. There was an abundance of power in a single hand, which made scholars regard every question as secondary compared to its function. That is what Ackerman referred to as the functionalist turn. Even those scholars from Enlightenment who were worried by the lack of control of royal/state authority shared the functional view. They noticed that the external limits of royal authority (papal and imperial authority) disappeared with the structural transformation of the international system and as a response instinctively internalised these limits, developing concepts like the separation of powers and checks and balances. With the appearance of the demand of universal suffrage, power-sharing became considerably less relevant and it was replaced by the enlightened objective of providing safeguards for private autonomy, i.e. taming public authority. A section already quoted from Constant summarized this change: “*The aim of the ancients was the sharing of social power among the citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.*”⁴²⁹ These scholars created the foundations of modern democracy as a response to absolutism.⁴³⁰ In the Westphalian international system the limits of public authority became internal, meaning that they were a question of each state’s constitutional structure.

However, the second half of the 20th century considerably restructured the international system again. That process was characterised in the First Part as the appearance of a neomedieval international system in which some new upper and lower constraints of state authority emerged, structurally resembling the medieval system. It was this period that the European Union was taking shape. No wonder that if an entity is created by actors with strong traditions of modern statehood (meaning that they have refrained from delegating much power to that entity) in a period when sovereignty in general is also undermined, it would experience the limitation of its own authority immediately. With such a deficient form of sovereignty in a complicated institutional setup it seems natural that power-sharing

⁴²⁹ Constant [2003] p. 317

⁴³⁰ On enlightened scholars and absolutist rulers: Zsinka, László [2011]: *Az európai történelem eszméje*. Aula, Budapest p. 22 and p. 28.

and the methods of using power should be deemed just as important or sometimes even more important than the function of it. In such a system “*the where determines the what*” as Weiler put it.⁴³¹ These circumstances are just as important in understanding the EU’s lack of sovereignty and the root causes of its mixed constitutional nature as the ‘European’ society’s primitive stage of development.

Empire

It is difficult to justify labelling an entity an empire when it lacks sovereignty. Centralised executive apparatus and indivisible authority are widely regarded to be the basic tenets of imperial functioning. Despite that, there were multiple attempts at describing the European Union as an empire. We have already seen that Zielonka tried to analyse the EU as a neomedieval empire, but he was not alone with the imperial approach. Officials of the EU as influential as José Manuel Barroso, former President of the European Commission, called the EU an empire. He was asked after one of the debates on the Constitutional Treaty of the EU in 2007 what the European Union would be once the Treaty entered into force. Barroso responded: “*Sometimes I try to compare [...] the European Union as a creation to the organisation of **empires** ... Because we have [the] dimension of empires. But there is a great difference. The empires were made usually through **force**. With a centre that was imposing a diktat, a will on the others. And now we have what some authors called the first **non-imperial empire**. We have ... by dimension ... twenty-seven countries that **fully** decided to work together to pool their sovereignties, if you want to use that concept of sovereignty, and work together to add values. I believe it’s a great construction, and we should be proud of it—at least we in the commission are proud ... of our union.*”⁴³²

Based on Barroso’s response it is obvious that he understood the major dilemmas of comparing the EU to empires. The term non-imperial empire indicates that he noticed some of those missing imperial traits that were also listed at the end of the First Part of this dissertation. Barroso explicitly mentioned the absence of the initial scenario of one actor using coercion to force other actors into the imperial structure,

⁴³¹ Weiler [1995] p. 32

⁴³² Barroso, José Manuel Durrão [2007]: *Barroso: European Union is 'Empire'*. Available at: <https://www.youtube.com/watch?v=-I8MIT-GgRU> (Last accessed on the 5th of September 2018.) The transcript of the text was created by Böröcz [2010] p. 9 where he highlighted strong emphasis in the original spoken version by **bold italics**. **Bold italics** indicate the same in the present quotation of the transcript by Böröcz.

i.e. he drew attention to the fact that the EU is not a top-down construction like regular empires tend to be. After quoting Barroso, Böröcz noted two things. Barroso indicated only global factors behind the birth of the EU and he insisted that the European Union should be viewed “*in the context of geopolitical-economic history of large scale public authorities—not only states, but also supra-state structures, such as empires.*”⁴³³ Böröcz then went on to provide the proposed *longue durée* analysis of Western European geopolitics and the birth of the EU, a fascinating path which we cannot follow here. However, it is still important to bear in mind that he arrived at the conclusion that post-colonial imperial structures served as the basis of the EU and that statement should be scrutinized in the present section on the concept of empire.

Böröcz differentiated between two types of empires and argued that before the 16th century, i.e. until the end of the Middle Ages, only *contiguous* (land-based) empires existed. These “*spread like blots of ink spilled on a map, over spatially more or less contiguous units.*”⁴³⁴ Only geographic obstacles like seas or high mountains and deserts could insert hiatuses in them. It is worth noting that even though Böröcz marked the end of the Middle Ages as the ending point of the exclusivity of contiguous empires, only ancient, modern or non-European empires were featured in his list: the Sung, Ming and Manchu empires, the Romanov, the Habsburg, the Ottoman and the Safavid empires.⁴³⁵ It means that according to his classification, empires were absent in mediaeval Europe before new empires emerged in the Modern era.

The other type of empires that appeared from the 16th century onwards were so-called *detached* empires in his understanding. That type created “*global linkage structures*” using fast developing transportation and communication technologies and thus laid the basis of colonial functioning. Therefore, beside the term *detached*, *overseas* and *colonial* could also be applied to them since they were characterised by a structure of thinly linked nodes. Böröcz called these linkages vectors or dyads that linked these dyadic nodes, and one of these nodes was in Western Europe in almost all such colonial empires. In some cases, these “*highly diversified interests*

⁴³³ Böröcz [2010] p. 10

⁴³⁴ Ibid. p. 68

⁴³⁵ Ibid. p. 71

of overseas imperial control” were “*strikingly similar in terms of their impersonal and detached logic to the globally diversified property portfolios of today’s investment holdings.*”⁴³⁶ According to Böröcz, the EU inherited and has smartly used that colonial structure and, even though he did not wish to rely too closely on the concept of the empire,⁴³⁷ he essentially characterised the EU as an entity structurally resembling a post-colonial empire which innovatively adopted some strategies of contemporary multinational companies like “*flexible specialization*”, “*network governance*”, “*just-in-time production*” and “*subcontracting*” to maintain those structures.⁴³⁸

Böröcz described the EU along these lines from a global geopolitical-economic perspective of dependency theory which mostly resulted in an analysis of the place of the EU in global structures and less an understanding of the EU’s internal setup. The aim of the present, concluding section of the dissertation, however, is to provide a synthesis of the EU’s place in the global structures that were identified as neomedieval in the First Part and the EU’s political and constitutional setup as well, which was labelled a mixed constitution in the Third Part. The first requires an international relations outlook while the second a political science perspective (comparative administrative and constitutional studies) and the revision of both concepts rely on Mediaeval Studies delivered in the Second Part. Böröcz criticised the literature on the EU in the name of economic dependency theory for focusing exclusively on a narrow political image of the EU and then being “*preoccupied with the task of disentangling the truly bewildering gamut of laws, regulations, and directives*”.⁴³⁹ However, in turn, Böröcz neglected the internal political setup of the European Union in favour of its *longue durée* geopolitical-economic analysis. Despite that, his claims are still relevant for us from the viewpoint of empires, because he made it clear that the concept of the EU as empire is most applicable if it is modelled after modern, detached colonial empires instead of non-existing mediaeval ones.

At this point it is relevant to shortly look back at Zielonka’s concept of ‘neomedieval empire’. Based on the mediaeval authors introduced in the Second

⁴³⁶ Ibid. p. 70

⁴³⁷ Ibid. p. 10

⁴³⁸ Ibid. p. 170

⁴³⁹ Ibid. p. 11

Part, it could be argued that the concept of *regimen mixtum* proposed here is compatible with that of a 'neomedieval empire'. As we have seen, Ptolemy of Lucca claimed that the Holy Roman Empire had some features of *regimen politicum* and *regimen regale*. The Emperor was elected and even men without noble descent were eligible (*regimen politicum*), but the rule of the emperor was based on his own will instead of laws (*regimen regale*).⁴⁴⁰ One could claim that Ptolemy of Lucca described the Holy Roman Empire as *regimen mixtum* in which two modes of rule were mixed while he also regarded it an empire. Blythe emphasised that mixture,⁴⁴¹ but as was already mentioned in the Second Part, his (Blythe's) complete work revolved around the belief that all 13th and 14th century political philosophers detected or proposed mixed government everywhere and for everyone. I.e. based on Ptolemy and Blythe it would be possible to claim that the Holy Roman Empire is both a *regimen mixtum* and an empire. That would be the only way to provide some basis for Zielonka's thesis of a 'neomedieval empire'.

That argument still seems unjustifiable for four reasons. The first three consider the concepts of *regimen mixtum* and empires while the fourth the nature of the neomedieval international system. Ptolemy never equated *regimen mixtum* and the Holy Roman Empire. Apart from the ancient examples like *Chalcedonia* (Carthage) he wrote about the Roman Republic and some of his contemporary city-states as *regimen mixtum* (without using the phrase). Despite acknowledging that some Emperors had no noble descent, he clearly seemed to despise the Roman Empire so much that he tried to discourage the Papacy from adopting any of their symbols and pompous rituals. Regarding the Holy Roman Empire, Ptolemy only mentioned that some features of *regimen regale* and *regimen politicum* can be discovered in its functioning, but did not have anything to say about the mixture of the various forms of government (monarchy, aristocracy, democracy) in it. On the basis of these claims, it is possible to conclude that Ptolemy did not find the concept of the empire and *regimen mixtum* compatible. According to Blythe, the concept of mixed government he inherited from Thomas Aquinas was more likely based on France of Louis IX than any other contemporary regime.⁴⁴² Labelling the EU a

⁴⁴⁰ Ptolemy of Lucca [1949] 3.20 162-164.

⁴⁴¹ Blythe [1992] p. 97

⁴⁴² Blythe [1997] p. 13

neomedieval 'empire' and a *regimen mixtum* at the same time would seem problematic based on the medieval understanding of these two concepts.

As was demonstrated in the critique of the standard IR understanding of the evolution of sovereignty, if there were some medieval entities that contemporary scholars viewed as 'empires', they were the kingdoms of Europe. The famous twelfth-century formula of Alanus Anglicus, *rex in regno suo est imperator regni sui*, essentially meant that each king was an emperor in his own kingdom. Indeed, the author of one of the most important 20th-century works on medieval political authority, Jacques Krynen, found that understanding of the empire so important that the title of his book was *L'empire du roi (The Empire of the King)*.⁴⁴³ In that sense one could label every medieval kingdom an empire, but comparing the EU to them by the term empire would harm today's linguistic consensus on what we mean by empire. The problem with the linguistic consensus of empire and its relationship with the EU is marked by Barroso's term 'non-imperial empire' and Zielonka's 'neomedieval empire'. The first itself is clearly a contradiction in terms, indicating the problem of applying the concept of 'empire' to the EU, while the second bases the EU's imperial nature on a period without a proper empire.

The fourth and final argument against the 'EU as empire' is that the only proper imperial characteristic of the Holy Roman Empire—namely that it was one of the two competing universalisms in the medieval international system—is clearly missing from the EU. As it was argued, the EU is not a competing universalism at the top level of the neomedieval international system, but one of the entities in the middle whose neomedieval nature is best expressed by its mixed constitution.

While arguing that the EU has post-colonial, detached imperial foundations makes sense from the perspective of dependency theory, if the discourse remains within the field of political science and international relations, the imperial claim falls short of justification. This is particularly true if the question is approached from the perspective of neomedievalism, which is based on a historical period without contiguous or detached European empires. It makes more sense to apply the idea of *regimen mixtum* to describe the EU, a concept that was widely used in medieval

⁴⁴³ Krynen, Jacques [1993]: *L'empire du roi. Idées et croyances politique en France, XIII^e-XV^e siècle*. Gallimard, Paris

political philosophy to understand the nature of various regimes from republics to kingdoms and that has also appeared (as ‘mixed constitution’, ‘mixed government’ or ‘mixed polity’) in the works of today’s political scientists examining the EU.

Natural Law

Contrary to the widely held popular opinion, natural law and the natural rights language have less of their roots in Antiquity and Modernity than in mediaeval canon law and political philosophy. It was already argued in the pages reviewing Bull’s work that modern international lawyers like Victoria, Suarez and Gentili were not the ones who invented natural law. According to Brian Tierney, an acclaimed expert of the question, these scholars relied so heavily on Thomas Aquinas that their school of thought was often referred to as Spanish ‘second scholasticism’.⁴⁴⁴ Tierney convincingly argued that Antiquity had had even less to do with the invention of natural law and defied the misconceptions that Sophocles’ *Antigone* could have been the first expression of natural rights or some form of God-given law and that Cicero had advocated natural rights in the form of *vis innata*.⁴⁴⁵ Instead he tried to identify a period and a historical context when the phrase *ius naturale* acquired the meaning of subjective inalienable natural rights besides its earlier content of cosmic justice or objective harmony.⁴⁴⁶ Countering earlier historical canon, he argued that this change did not happen sometime between Thomas Aquinas (13th century) and early Modernity, but was brought about by glossators (Canonists or Decretists) like Rufinus, Ricardus, Huguccio, Alanus Anglicus and, most notably, Gratian during the Twelfth Century Renaissance.⁴⁴⁷ From the late 12th century *ius naturale* was interpreted as “*a faculty of power inherent in human nature*” and in the 13th century the “*understanding of right as a person’s property*” was born thanks particularly to the works of Henry of Ghent.⁴⁴⁸ Due to these scholars, “*by about 1300, particular rights were defended in terms of natural law.*”⁴⁴⁹ Although Thomas Aquinas and William of Ockham were most often referenced by early modern thinkers as their sources, and natural

⁴⁴⁴ Tierney, Brian [1997]: *The Idea of Natural Rights*. William B. Eerdmans Publishing Company, Cambridge p. 255-315. ‘Second scholasticism’ was mentioned in connection with Suarez on p. 301.

⁴⁴⁵ Ibid. p. 45-46

⁴⁴⁶ Ibid. p. 46-47

⁴⁴⁷ Ibid. p. 54

⁴⁴⁸ Ibid. p. 77 and 79 respectively. The contribution by Henry of Ghent is explained in detail on pages 83-89.

⁴⁴⁹ Ibid. 70.

law was further honed during the 14th-century Franciscan ‘poverty debate’⁴⁵⁰, it was the language of glossators by which internationalists were unwittingly influenced.⁴⁵¹

Relying on these results, it is easy to dismiss those claims which criticised neomedievalism based on the fundamental difference between the contemporary human rights-based international system and the ‘dark middle ages’. And also those which argued that a neomedieval world order means going back to a stage of anarchical lawlessness before civilisation.⁴⁵² The human rights advocacy of the European Union could be interpreted as an argument for and not against its neomedieval nature. The EU has had a long established mission of promoting human rights both among its Member States and externally. Its Rights-Based Approach (RBA) to development cooperation, Action Plans on Human Rights and Democracy and the European Instrument for Democracy and Human Rights (EIDHR) all express that role. The primary international fora where the EU can effectively pursue its human rights agenda are the UN Human Rights Council and the Third Committee of the UN General Assembly.⁴⁵³ The EU’s special relationship with the United Nations is reflected by the fact that the European Union, as the greatest entity that came into existence after the birth of the UN, has been an open promoter of its key values. Moreover, human rights comprise the fundamental values of the European Union according to its founding Treaties. In a similar vein to mediaeval France, which was regarded as the eldest daughter of the Catholic Church, one can consider the EU to be the ‘eldest daughter of the United Nations’. Both the Church and the UN have had a universal mission and both mediaeval France and the EU have served and promoted that mission.

As was promised in the section on sovereignty, we will examine here what is known about the EU’s strategy towards the upper constraints of its authority, i.e. towards the two competing universalisms of the human rights regime and the

⁴⁵⁰ On the Franciscan ‘poverty debate’ see: Ibid. p. 93-97

⁴⁵¹ Ibid. p. 76.

⁴⁵² See the texts of Czerny [1998], Minc [1993], Kaplan [1994] Riva–Ventura [1992], Badie [1995] and Khanna [2009] already discussed in the First Part.

⁴⁵³ For a detailed overview of the EU’s human rights policy and its instruments see: Douglas-Scott, Sionaidh – Hatzis, Nicholas (ed.) [2017]: *Research Handbook on EU Law and Human Rights*. Edward Elgar, Cheltenham and the website of the European Commission: https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/human-rights_en (Last accessed on the 5th of September 2018.)

transnational market economy. Although that issue cannot be strictly and exclusively linked to natural law and human rights, it is most logical to discuss it here after all other questions have been analysed. Böröcz argued that it is exactly these relations where the EU proves to be most flexible and ingenious. The EU can often act as a single entity or, thanks to the lack of a coercive machinery, also as twenty-eight different states according to its own interests. That shifting between the single-actor and the Westphalian frames lends “*tremendous amounts of flexibility to the EU in many matters of international relations.*”⁴⁵⁴ In the UN, where the number of votes matters, the EU uses the Westphalian strategy and has 28 votes in the UN General Assembly and also two permanent seats in the Security Council (until Britain finally leaves), but there have also been attempts to gain a third. “*To see the advantages of this arrangement, imagine what the world of international diplomacy would be like if the United States had not one, but fifty votes in the General Assembly, and not one, but, say, four or five seats in the Security Council of the UN. Add China, Russia, India, etc., and the EU’s unique advantage becomes clearly visible.*”⁴⁵⁵

On the other hand, in the transnational market economy, where size matters, the EU is ready to play the role of the ‘*mighty international bloc*’. That strategy was demonstrated at the World Trade Organization round in Cancún where the EU as a single entity teamed up with the United States and the two of them representing 10 percent of the global population but over 50 percent of global GDP were facing the G21 states showing exactly the reverse figures.⁴⁵⁶ Thus vis-à-vis the two competing universalisms, the EU pursues a “*creative shifting between two frames of presentation.*” That creative switching or ‘*oscillating movement between the two strategies*’⁴⁵⁷ was partially made possible by the fact that the EU was already born and ‘socialised’ in an international system that was already gradually taking a neomedieval shape, while the strategies of the EU were developed in constant dialogue with that international system. That situation is obviously advantageous for the EU compared to the position of the heirs of traditional Westphalian statehood. Not surprisingly, a flexible and fuzzy neomedieval entity which is

⁴⁵⁴ Böröcz [2010] p. 185

⁴⁵⁵ Ibid. p. 185-186

⁴⁵⁶ Ibid. p. 186

⁴⁵⁷ Ibid. p. 186

capable of switching identities seems rather compatible with and competitive in a neomedieval international setting. Since the EU has been the only large-scale entity 'raised' in that neomedieval scenario, it also seems to be the only one having adapted to it fully.

Summary and Final Remarks

This dissertation had a three-fold goal; namely, the revision of the model of IR neomedievalism, understanding the role of the European Union in it and characterising the constitutional setup of the EU as mixed constitution. These goals were achieved by exposing IR neomedievalism to contemporary historiography (First Part) and medieval primary sources (Second Part) the latter of which were also used to further hone the concept of the EU as mixed constitution (Third Part).

The most important results of the First Part were the clarification of the major weaknesses of 'standard' IR neomedievalism by shedding some light on the medieval roots of sovereignty and natural law and by questioning the conceptual relevance of the notion of empire in neomedievalism. In doing so an overview of the cultural and the IR 'legs' of neomedievalism were presented and contrasted with the recent results of Medieval Studies. With the consequent revised model of neomedievalism it was argued, in line with standard literature, that states' sovereignty was being eroded both by supra-state and sub-state actors and tendencies. Regarding the sub-state factors there has been a consensus in the literature stating that territorial separatism, transnational terrorism, NGOs and urbanisation were the key challenges limiting states. That observation was shared by the revised model as well, while considerable changes were introduced concerning the supra-state elements. Friedrich's thesis of two competing universalisms on top holding the system together was accepted, but with a major modification. While the argument that one of these universalisms was the transnational market economy was incorporated in the new model based on the increasing share of the global GDP in the world economy, the nation-state system as the other universalism was rebutted. The major reason for that has been that the nation-state system was supposed to comprise the mid-level of the model whose sovereignty had to be limited by factors other than the nation-state system itself. Instead, the UN and its human rights regime was presented as the second competing universalism on the grounds that these embodied a secular form of

natural law developed earlier on the bosom of the Catholic Church and that the EU has soft power and a universal mission similarly to the mediaeval Church. Thus, a model was built that had transnational market economy and the human rights regime as two competing universalisms on top, with territorial separatism, transnational terrorism, NGOs and urbanisation at the sub-state level. Another novelty of the model introduced in this paper has been that it placed the European Union in the mid-level of states based on the argument that the EU was similar to mediaeval kingdoms in many regards. By saying that, the claim was made that the EU was the only neomediaeval entity at the mid-level of the revised model of neomediaevalism. In the subsequent parts of the dissertation that claim was closely scrutinised and the focus was gradually shifted from the international system to the constitutional setup of the EU.

The Second Part, paving the way to the internal examination of the EU, had an explanatory force both regarding the neomediaeval international system and the constitutional understanding of the EU. This part consisted of the long-due analysis of mediaeval primary sources originally proposed by Wolfers in the 1960s. The mediaeval authors chosen were Giles of Rome and Ptolemy of Lucca who were active in the exact century (13th), after which most models of IR neomediaevalism were designed. They published two treatises of the same name (*De regimine principum*) providing good insight into the language, topics and intellectual structures of mediaeval political philosophy. Both Giles and Ptolemy serve as convincing introduction to understanding the spiritual authority of the Papacy and the limits of royal power. Ptolemy also delivered a detailed portrait of the mediaeval ideal of independent city-states. Both authors' works were useful in applying mediaeval primary sources to question the widely held anachronistic and ahistorical notion of general mediaeval anarchy and lawlessness, views which this dissertation has soundly dismissed. Giles of Rome differentiated between a government based on law and the one based on the will of the ruler. Even if he promoted the concept of the efficient ruler, he also introduced the concept of legality in his tremendously popular mirror of princes, which served as one of the roots for the future concept of the rule of law. Ptolemy of Lucca, on the other hand, was the most important pre-humanist author reviving the idea of republicanism and rejecting imperialism. As we have seen, he may even have had an influence on

Petrarch. As we have demonstrated, the idea of legality and republicanism and the limits of royal power reflected by these works considerably undermined the tabloid vision of mediaeval anarchy proposed by some scholars.

It is also noteworthy that the works of Giles and Ptolemy provided insight into the intellectual structures of mediaeval Aristotelian political philosophy. The way various forms of government (monarchy, aristocracy, politeia, tyranny, oligarchy and democracy) and modes of rule (*regimen regale*, *regimen despoticum*, *regimen politicum*) were interpreted and applied in these works demonstrated well the major concerns of the 'political science' of the time. They were also helpful in understanding the fundamental ingredient categories in the model of *regimen mixtum* which was to be useful in the constitutional understanding of the European Union.

In the Third Part, the application of Westphalian categories (separation of powers, sovereignty, democracy) to the European Union were questioned through the summary of the debate on the EU's democratic deficit. It was argued that if influential scholars of comparative constitutional law (Ackerman) claim that Westphalian categories are not appropriate anymore to describe contemporary states, how much less efficient they are in making sense of the European Union. As a critique of the Westphalian approach, the innovative takes of three scholars who all proposed either implicitly (Jacqué) or explicitly (Majone, Telò) that the European Union essentially had a mixed constitution were discussed. Their concepts were reviewed and we introduced a model of the EU as *regimen mixtum*, which modified the earlier versions on two major points. On the one hand, instead of keeping the mediaeval labels of monarchy, aristocracy and democracy as the forms of government, the European Commission, the European Council and the European Parliament were interpreted as bureaucratic, diplomatic and democratic elements. On the other hand, relying on the mediaeval literature of the Second Part, we highlighted that modes of rule should be equally important as forms of government in a neomedieval model of *regimen mixtum*. Therefore, based on Weiler, supranational, international and infranational modes were incorporated into the model. This section also pointed out that while those political scientists (Majone, Telò) who discovered the EU's mixed constitutional nature did not elaborate on it in a neomedieval analytical framework, those who did build such

a framework (e.g. Zielonka) were unaware of the concept of the mixed government and forced the idea of empire on the EU.⁴⁵⁸ These points also contributed to the goal of the present thesis, which was to bridge that gap by collecting and revising the works relevant for a neomedieval understanding of the European Union.

The conclusion of the dissertation argued that the modes of rule and the forms of representation could gain relevance in the European Union again for two reasons. Majone was right about the primitive stage of development of the 'European' society and demos which reproduced earlier constitutional structures. However, the argument was presented here that the sovereignty-eroding nature of the neomedieval international system has also contributed to that result. The abundance of power also resulted in the disappearance of external constraints of absolutist royal or state authority, which gave birth to the concept of modern sovereignty and the functionalist idea of the separation of powers. With the re-emergence of external limits on authority, the relevance of the forms of representation and modes of rule are again on the rise as the example of the European Union demonstrates it well.

On a final note, it is important to highlight that the dissertation proposed a new topic of research by incorporating the concept of mixed constitution into neomedievalism. However, that naturally resulted in leaving more questions open than it could possibly answer and, therefore, it is easy to propose future directions of research and new fields of study. Enriching the analysis of mediaeval political literature from the perspective of IR seems to be an inexhaustible task. With a special focus on the literature of mixed government, including authors such as Nicole Oresme, John of Paris or Engelbert of Admont, a better understanding of the concept and its present implications could be achieved. Applying all six boxes of the Aristotelian scheme to the European Union and, for instance, detecting the interests of capital under the conceptual frames of oligarchy could reasonably link the political and the economic analysis of the EU. Fascinating though these aspects may be, their inclusion would have widened the scope of the dissertation to the point of dysfunctionality. However, we hope that the primary objectives of this

⁴⁵⁸ An interesting fact: Santa Maria Novella where Ptolemy wrote some of his works and the European University Institute where Jacqu e, Weiler and Majone discussed the EU as mixed constitution were both established in Florence.

work, confronting IR neomedievalism—in the words of Holsinger—with the ‘*historical veracity of the Middle Ages*’ and finding the role of the European Union in a neomedieval setting has instead been accomplished.

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Annex

Arena	International	Supranational	Infrational
Disciplinary Background of Observers	International Relations	Law (typically public law)	Policy Studies; Sociology
Typical Issues of Governance	Fundamental system rules; Issues with immediate political and electoral resonance; International "High-Politics"; Issues <i>dehors</i> Treaty	The primary legislative agenda of the Community; Enabling-legislation; Principal Harmonization measures	Implementing and executive measures; standard setting;
Principal Players	Member States	Union/Community & Member States	[Union/Community is policy making context]
Principal Actors	Governments (Cabinets-Executive Branch)	Governments, Community Institutions: Commission, Council, Parliament	Second level organs of governance (Com. Directorate, Committee, Govt. departments etc.); Certain corporate and social-industrial NGOs.
Level of Institutionalisation	Low to Medium	High	Medium to Low
Mode of Political Process	Diplomatic negotiation	Legislative process bargaining	Administrative process, "networking"
Type/style of Intercourse	Informal procedures; low level of process rules	Formal procedures; high level of process rules	Informal procedures; low level of process rules
Visibility/ Transparency	High actor and event visibility. Low transparency of process	Medium to low actor and event visibility and medium to low transparency of process	Low actor and event visibility and low transparency of process

List of Own Publications Related to the Topic

1. Scientific books, book chapters

Kelemen, Zoltán et al. [2015]: Is Information Warfare Threatening the Core Values of Modern Society? in: Szakkollégiumi Szerkesztőbizottág (szerk.): *Interdisciplinary Understanding of Normativism in Economic Research*. Jézus Társasága Alapítvány Szent Ignác Szakkollégiuma, Budapest pp. 21-41

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Kelemen Zoltán [2017]: A demokrácia és a kapitalizmus két korlátja: természeti katasztrófák és gazdasági válságok. in: Kelemen Zoltán (szerk.): *Nemzetközi kapcsolatok, európai integráció, emberi jogok: Tanulmánykötet Kaponyi Erzsébet tiszteletére*. Budapesti Corvinus Egyetem, Nemzetközi Tanulmányok Intézet, Budapest pp. 71-81

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2.) Peer-reviewed journal articles

Kelemen, Zoltan – Reka K. Kelemen [2015]: Are cultural values linked to genetics in Europe? in: *Biodiversity and Conservation*. Vol. 24. No. 13. pp. 3253–3267

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Kelemen Zoltán [2015]: Szentháromság és a hatalmi ágak elválasztása. Az újkori politikaelmélet keresztény és középkori előzményei. in: *KÖZ-GAZDASÁG*. Vol. 11. No. 4. pp. 125-138

3.) Others

Kelemen Zoltán [2014]: Az antik demokrácia két korlátja mint demokratikus deficit. in: Csizsár Imre – Kőmíves Péter Miklós (szerk.): *Tavaszi Szél konferenciakötet 2014*. III. Doktoranduszok Országos Szövetsége, Debrecen pp. 160-168