Thesis Book

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A Historically Revised Model of Neomediaevalism and the European Union as 'Regimen Mixtum'

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Institute of International Studies

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I. Research Background and Justification of the Topic

The aim of the dissertation is to give a deep and critical review of neomediaevalism in international relations (IR) theory in order to develop a toolkit for taking a closer look at the European Union. Even though the term neomediaevalism 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 neomediaevalism. 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 neomediaevalism 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 1977[2], was a political scientist while Jan Zielonka, who adapted the concept to the European Union[3] in 2006, was also a lawyer. The most recent neomediaevalists 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 Negri[4] and Saskia Sassen[5] are sociologists. Jörg Friedrichs, who wrote an overview of European neomediaevalism in IR theory, studied Greek and Latin and has a major in Political Science, but he warns the readers of his study creating a neomediaeval 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".

In the first two parts of the thesis, I wish to distance my narrative from this tendency, look at neomediaevalism 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

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[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

constructive criticism of neomediaevalism and a toolkit to look at the European Union from a new perspective. The major contribution of the study to neomediaevalism 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 neomediaevalism 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 the dissertation I 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 construct a revised model of neomediaevalism, and I analyse the original texts of two high mediaeval political philosophers whose field of study seems most relevant for the purposes of the paper. The aim of the Third Part is to illustrate how the environment and the very core of being of the European Union is post-Westphalian and neomediaeval. From that perspective, I argue that in many regards the discourse on the democratic deficit of the European Union is anachronistic. After introducing a neomediaeval toolkit I will take 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 the dissertation is, therefore, that neomediaevalism 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 neomediaeval model with a greater explanatory force of the present internatonal system.

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[7] Holsinger [2016] p. 173

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 study this hypothesis is tested by using the model of mixed constitution (*regimen mixtum*) discussed herein to replace the barren dispute on the EU's democratic deficit.

II. Methodology

The endeavour outlined above requires a complex methodology since the dissertation consists of three parts focusing on the question of neomediaevalism from three different angles. Concerning the First Part, an IR outlook is necessary since the revision of the neomediaevalist 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 neomediaevalism appeared in the realist school of IR, a constructivist approach is necessary to expose the IR narrative of the Middle Ages to contemporary historiography. Building a revised model of neomediaevalism on a deconstructed IR narrative of the Middle Ages brings the dissertation methodologically close to the constructivist approach of Cynthia Weber. Her critical introduction to IR theory[8] 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 dissertation, however, is that they are not the IR traditions that are being characterised in it by various myths, but it is the myth of neomediaevalism overarching IR traditions that is being revised. That overarching nature of neomediaevalism requires a certain multimethodology. For instance, the revision of neomediaevalism 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 is 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 neomedaevalism.

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

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

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

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 primary sources and recent historical debates are 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 in in focus there which requires 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 is revised in light of the key findings of the Second Part. Thus a continuous element of the applied multimethodology is the exposure of various disciplines (IR theory, 19th century historiography and Political Science) to the recent results of Mediaeval Studies.

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 neomediaeval model and the place and nature of the EU in such a model.

III. Findings of the Dissertation

The dissertation has a three-fold goal, namely the **1.)** revision of the model of IR neomediaevalism, **2.)** the introduction of the works of mediaeval political philosophy to the discourse and **3.)** characterising the constitutional setup of the EU as mixed constitution. These goals were achieved by exposing IR neomediaevalism to contemporary historiography (First Part) and mediaeval primary sources (Second Part) the latter of which were also used to further hone the concept of the EU as mixed constitution (Third Part). There are two further corollary findings of the dissertation. **4.)** On the one hand the dissertation identifies a systemic cause behind the mixed constitution of the EU beside the generally discussed 'societal' cause. **5.)** On the other hand it proposes a new field of study by incorporating the concept of mixed constitution into neomediaevalism.

1.) A Revision of the Model of IR Neomediaevalism

The most important results of the First Part were the clarification of the major weaknesses of 'standard' IR neomediaevalism by shedding some light on the mediaeval roots of sovereignty and natural law and by questioning the conceptual relevance of the notion of empire in neomediaevalism. In doing so an overview of the cultural and the IR 'legs' of neomediaevalism were presented and contrasted with the recent results of Mediaeval Studies. With the consequent revised model of neomediaevalism 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 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 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 they had 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 universalism on top and territorial separatism, transnational terrorism, NGOs and urbanisation at the sub-state level. Another novelty of the model 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 following 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.

In the First Part it is also highlighted that 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, 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 also argue 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 attempt 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 neomediaevalism. One of the most striking features of a neomediaeval 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 neomediaevalism, 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 was empire. Bull mistakenly limited the power of the Holy Roman Emperor to the borders of his Empire and Zielonka claimed that the Middle Ages were imperial altogether and the European Union itself is also a neomediaeval empire. Such over- and understatements primarily resulted from the fact that IR theory and historiography have been ignoring each other.

2.) Introduction of Mediaeval Primary Sources to the Discourse

The Second Part, paving the way to the internal examination of the EU, has an explanatory force both regarding the neomediaeval international system and the constitutional understanding of the EU. This part consists of the long-due analysis of mediaeval primary sources originally proposed by Wolfers in the 1960s. The mediaeval authors chosen are 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 author's works are useful in applying mediaeval primary sources to question the widely held anachronistic and ahistorical notion of general mediaeval anarchy and lawlessness. 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 could serve as one of the roots for the future concept of the rule of law. Ptolemy of Lucca on the other hand seemed to have been the most important pre-humanist author reviving the idea of republicanism and rejecting imperialism. He may even have had an influence on Petrarch. The idea of legality and republicanism and the limits of royal power reflected by these works considerably undermine the tabloid vision of mediaeval anarchy proposed by some scholars.

It is also noteworthy that the works of Giles and Ptolemy provide a good insight into the intellectual structures of mediaeval Aristotelian political philosophy. The way various forms of government (monarchy, aristocracy, politeia, tyranny, oligarcy and democracy) and modes of rule (*regimen regale*, *regimen despoticum*, *regimen politicum*) were interpreted and applied in these works demonstrate well the major concerns of the 'political science' of the time. They are also helpful in grasping the fundamental ingredient categories of *regimen mixtum*.

3.) The EU as 'Regimen Mixtum'

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

4.) The Systemic Cause behind the EU's Mixed Constitution

As a conclusion of the dissertation it is argued that the modes of rule and the forms of representation could gain relevance in the European Union again for two reasons. On the one hand, Majone was right about the primitive stage of development of the 'European' society and demos which reproduced earlier constitutional structures. On the other hand, the argument is presented that the sovereignty-eroding nature of the neomediaeval international system has also contributed to that result. It was also the abundance of power resulted by the disappearance of external constraints of absolutist royal or state authority that contributed 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.

5.) Mixed Constitution in Neomediaevalism. Further Directions of Research.

On a final note, it is important to highlight that the dissertation proposes a new topic of research by incorporating the concept of mixed constitution into neomediaevalism. However, that naturally results in leaving more questions open than the thesis could possibly answer and therefore it is easy to point to 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 these aspects may be, their inclusion would have widened the scope of the dissertation to the point of dysfunctionality. Confronting IR neomediaevalism – in the words of Holsinger – with the '*historical veracity of the Middle Ages*' and finding the role of the European Union in a neomediaeval setting are accomplished. These are the primary objectives of the work.

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V. List of Own Publications Related to the Topic

1. Scientific books, book chapters

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3.) Others

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