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### The Byzantine cosmopolis beyond western liberalism

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## The Byzantine cosmopolis beyond western liberalism

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**Abstract:** The present article reflects on Early Byzantine strands of political thought (more precisely, on viewpoints developed by Priscus of Panion and Procopius of Caesarea) in tandem with Anthony Kaldellis' depiction of Byzantium as a representative politeia. It explains how Priscus' and Procopius' insights concerning the Eastern Roman Empire as lawful polity could allow us to envisage a new cosmopolitan paradigm, grounded on 'bottom-up' institutions of political representation. This paradigm could respond to a series of limitations that characterise the present standards of international cooperation, upon which transnational projects, such as the European Union, are predicated. These standards rely much on Immanuel Kant's viewpoints on cosmopolitanism, but also on John Locke's theory of Social Contract, which constitutes a genealogical evolution of Hobbes' absolutist thought that I also intend to submit to scrutiny. In short, I set out to explain how this new cosmopolitan paradigm (based on this particular depiction of Byzantium as a 'representative' and 'lawful constitution') could respond to gaps identified in the liberal canon of international relations.

**Keywords:** Byzantium, liberalism, international relations, Hobbes, absolutism, Locke, government by consent, state of nature, Priscus of Pannion, Procopius of Caesarea, political representation, international political theory

## Introduction

According to William Bain and Terry Nardin, intellectual history provides an understanding of ‘how the International Relations canon was constructed and for what purposes,’<sup>1</sup> and ‘makes a contribution to the study of international relations in guiding us not only towards a better grasp of past debates but also towards a better reading of actions.’<sup>2</sup> It also ‘reveals paths abandoned as well as those taken,’<sup>3</sup> unveiling deeply rooted concepts in the history of international law.<sup>4</sup> For example, it could help us to uncover the hierarchical and racialised nature of the international order. In short, studies on intellectual history allow us to unpack key concepts that have led to the consolidation of certain power-structures in the present system of international order.<sup>5</sup> This article acknowledges these assumptions and reflects on the theoretical foundations of western liberalism, uncovering worldviews profoundly rooted in the system of the international status quo. The aim is to examine the political thought of influential liberal thinkers of the eighteenth century. More importantly, it will focus on John Locke, identifying a genealogical link between the latter with Hobbes’ absolutist insights. It acknowledges Bain’s and Nardin’s position that ‘non-canonical writings need to be recovered,’<sup>6</sup> so long as they bring us into contact with traditions and political discourses from which we could elicit perspectives of practical importance to contemporary debates. With this in mind I focus on the political thought of Priscus of Pannion and Procopius of Caesarea, two Early Byzantine political thinkers, who have been comparatively much less studied from a theoretical point of view and have been much less known to the historian of political ideas. Finally, Priscus’ and Procopius’ thought will be juxtaposed to Locke’s liberalism and Hobbes’ absolutism,

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<sup>1</sup> Bain W., and Nardin T. 2017: 213.

<sup>2</sup> *Ibid*, 217.

<sup>3</sup> *Ibid*, 221.

<sup>4</sup> Pitts J. 2017.

<sup>5</sup> *Ibid*.

<sup>6</sup> Bain W., and Nardin T. 2017: 216; Skinner, Q. 1988; Pocock. J., G., A., 1989.

Bain and Nardin (following Quentin Skinner and John Pckock), emphasise the importance of placing texts in their socio-historical setting, so long as they reflect the social, political and cultural context of the particular society each author lived and wrote.<sup>7</sup> By recognising that theories are historical products we avoid anachronisms. Consequently, we yield more accurate interpretations.<sup>8</sup> In this respect the present study will consider viewpoints offered by the Byzantinist Anthony Kaldellis.<sup>9</sup> As opposed to common assumptions that have been settled into place, which associate Byzantium with absolutism and theocracy, in Kaldellis' thought the Byzantine Empire was a 'monarchical' but 'bottom-up republic';<sup>10</sup> the power of the *basileus* (the Emperor) was not absolute; he/she ruled by acknowledging popular demands and customs.<sup>11</sup> The

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<sup>7</sup> Ibid, 215. In other words, contextualism (or social philosophy) prompts us to examine philosophical ideas and political concepts by treating the socio-political environment from which they have emerged as an objective evaluative benchmark.

<sup>8</sup> Collingwood, R., G. 2013.

<sup>9</sup> It goes without question that references to Byzantium as an alternative to liberalism could incite reactions, since the Byzantine Empire in the western imagination is associated with servility. For western thinkers (such as Cyril Mango, Arnold Toynbee, *et al.*) the Byzantine state was nothing but a corrupt and violent autocracy, deserving no attention by those who are preoccupied with projects seeking to uproot the causes of interstate wars, as well as of oppression and political violence. Debates concerning the Byzantine state are long and cannot take place in such a limited (in terms of space and word count) study. Herein I focus on the contribution of Priscus and Procopius to contemporary debates, acknowledging also on Kaldellis's views. In regards to my stance on the denigration of Byzantium one could resort to one of my previous publications: Theodosiadis 2024, *Averil Cameron: Byzantine Matters, Book Review*.

<sup>10</sup> Kaldellis A. 2015: 3.

<sup>11</sup> The reason for selecting Kaldellis (rather Mango or Jenkins, for example) in order to highlight contextual elements (which our interpretation of Priscus and Procopius must acknowledge) has much to do with the former's awareness about the social and political context of Byzantium itself. Kaldellis has studied thoroughly the social and political culture of Byzantium and contended that most of the conclusions of the modern schools of thought (e.g. Mango and Toynbee) are products of anachronisms. They conflate pre-modern monarchical institutions with the feudal and absolute Western European monarchical governments of the sixteenth and seventeenth centuries. However, pre-modern socio-political

Byzantine state, in other words, had incorporated elements of political representation; the status of mandator was ascribed to the people; in contrast, the status of the head of the *politeia*, that is, of the *basileus* (or Emperor), was that of mandated principal.<sup>12</sup> Laws (as the second section of this chapter will explain) were not imposed arbitrarily. A law was a ratified custom the *populus* had accepted as its own creation. In this respect, law-making procedures involve public participation. Therefore, our attempts to interpret Priscus' and Procopius' analysis on the Byzantine state as an *ennomos politeia* ('lawful polity') will acknowledge Kaldellis' depiction of Byzantium a *political* society within which the *high authorities* (the *basileus*) and the *low authorities* (the *populus*) constantly interact with each other. Hobbes' thought, on the other hand, is deemed *pre-political*; his authoritarian paradigm (discussed in the next section), which excludes the *populus* from law-making procedures, corresponds to types of commonwealths emerging *before* men and women began to create societies whose body politic involves popular participation. Finally, Locke's political thought, which laid the philosophical foundations of contemporary liberalism, relies on *proto-political* modes of dealing with people. More precisely, Locke - contra Hobbes - supported 'limited government'; the prerogatives of a Sovereign, he assumed, must be restricted in such a way that his power will not be absolute and/or arbitrary. Limited government is a *condition* for a society to become *political*, allowing its members to participate in law-making procedures. Thus, the present study ends up to the following conclusion: a) if the International Relations canon was founded upon liberal principles, b) if the system of international law is rooted on liberal standards, and c) if the latter are *proto-political*, the

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environments in Eastern Europe during the Middle Ages, claims Kaldellis (2015), had espoused a significantly different approach for monarchy *per se*; a monarch was not necessarily a despot or an authoritarian king. By reflecting on Cicero, Kaldellis explained that pre-modern republicans believed that a *politeia* could be governed well by a mixed government, consisting of monarchical, aristocratic and democratic elements at the same time.

<sup>12</sup> Contogeorgis, 2013.

International relations canon and the system of international law themselves are *proto-political* as well.<sup>13</sup>

With this in mind, I proceed to the third section of this study, contending that Priscus' and Procopius' thought is key to chart an alternative international project for the future. I will support the establishment of a 'transnational lawful polity', of a global *political* entity (in different terms), within which nation-states could form political coalitions/alliances. I will explain how different nations could come together, forming a universal *ennomos politeia*, supervised by accountable organisations. Consider, for example, Adrian Pabst's view on Byzantium as the cornerstone of the Christian heritage of Europe. This heritage shapes approaches on ethics, justice, and common purpose that could lay the foundations for the transformation of the European Union from a 'centralised superstate' into a 'cosmopolis', into a commonwealth of 'voluntary association of nations.'<sup>14</sup> Advancing Pabst's theory, we could imagine the transformation of the EU itself into an 'archipelago' of western (and, simultaneously, of non-western) semi-autonomous nation-states. A transnational *ennomos politeia* could create environments within which the *political* institutions of different national bodies will enter 'into relations of mutual codependence' based on 'shared principles of justice ... expressed and manifested in the laws' that defend the common good.<sup>15</sup>

In order to examine the reasons transnational projects, inspired by Priscus' and Procopius' view of Byzantium as an *ennomos politeia* could avert interstate conflict more effectively than the present *proto-political* liberal system of international order, we will have to produce a solid critique on the latter. Such an analysis will consider the intellectual roots of western liberalism in Hobbes' absolutist thought, since liberalism itself constitutes a genealogical evolution of Hobbes' *pre-political* philosophy (as mentioned earlier).

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<sup>13</sup> More clear definitions of these terms (*political*, *proto-political* and *pre-political*) are given at the end of the second section of the present study.

<sup>14</sup> Pabst. 2013: 30.

<sup>15</sup> Kaldellis A. 2015: 66.

## 1. From absolutism to limited government: the genealogy of a concept

One of the main concerns of Hobbes' political thought has to do with the consequences of rapacity, the 'perpetuall and restlesse desire of Power after power [that] ceaseth onely in Death', the 'generall inclination of all mankind.'<sup>16</sup> As he explains in the *Leviathan*, in the *State of Nature*, where no organised commonwealth, no common power or other artificial political body exists in order to coerce and bind men and women together, directing them towards the common benefit, everyone strives to fulfil his/her (innate) 'restlesse desire'<sup>17</sup> for possession of power, riches, fame, prestige and honour<sup>18</sup>. In the *State of Nature* competition for property and power escalates into conflict, so long as there is no central government to impose justice, repressing aggression (even through the use of coercive mechanisms), ensuring that possession is acquired through peaceful means. Thus, in the *State of Nature*, where 'every man has a Right to every thing; even to one anothers body', the 'condition of Warre of every one against every one' becomes permanent<sup>19</sup>. This war cannot be brought to an end since rapacity (which prompts enmity and aggression) is (in Hobbes' thought) perpetual. Consequently, a violent death in the state of nature, the state of perfect *insecurity* where everyone is a potential enemy,<sup>20</sup> is highly probable. Individuals 'as soon as they arrive to understanding of this hateful condition, do desire (even nature itself compelling them) to be freed from this misery.'<sup>21</sup> They form alliances 'so that if we must have *war*, it will not be a war against all men nor without aid.'<sup>22</sup> In exchange for security they seek to relinquish certain liberties and transfer them to an absolute sovereign power, to a *de facto* ruler, who frees themselves from the insecurity of the state of nature, 'whereof they may be compelled both to

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<sup>16</sup> Hobbes, *Leviathan*, XI.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid, VIII, XI.

<sup>19</sup> Ibid, XIV.

<sup>20</sup> Hobbes, *On the Citizen*, I, 14.

<sup>21</sup> Gaskin, J.C.A. 1994: pp.xi-xlii.

<sup>22</sup> Hobbes, *On the Citizen*, Chapter I, 14.

keep the peace amongst themselves.’<sup>23</sup> Thus, they form a *contract* between themselves and the State, according to which both parties perform what they have been agreed upon.<sup>24</sup> The *laws of nature*, which constitute ‘the dictates of natural reason’<sup>25</sup> and determine what has to be done or not done in order to prolong life as much as possible, identifying, thus, the conditions ‘that must be observed in order to avoid the estate of war,’<sup>26</sup> are preserved only when the multitude appoints one man, or an assembly of men ‘to beare their Person; and every one owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Persons, shall Act, or Cause to be Acted, in those things which concerne the Common Peace and Safetie; and therein to submit their Will, and their Judgements, to his Judgment.’<sup>27</sup> All liberties are, therefore, passed to the unquestionable Sovereign, to the only ‘sword’ and soul of the Common-Wealth.<sup>28</sup> The Sovereign undertakes the task of decision making (or for approving decisions made by his officials) and, in return, is *obliged* to take all necessary measures in order to defend public and individual well-being.<sup>29</sup> And this is how the great Leviathan, the ‘*Mortall God*’ to whom ‘wee owe ... our peace and defense,’ is born,<sup>30</sup> ‘through a collective act through which people give up the right of governing themselves to realise a common end - their existential security.’<sup>31</sup> The power of the Sovereign is indisputable; to resist the Sovereign ‘in defense of another man, guilty or innocent, no man hath Liberty; because such Liberty, takes away from the Sovereign, the means of Protecting us.’<sup>32</sup>

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<sup>23</sup> Hobbes, *The Elements of Law*, XIX, 6.

<sup>24</sup> Hobbes, *The Elements of Law*, XV, 8; Hobbes, *On the Citizen*, II, 9; Hobbes, *Leviathan*, XIV.

<sup>25</sup> Hobbes, *The Elements of Law*, XVIII, 1; Hobbes, *On the Citizen*, Chapter II, 1.

<sup>26</sup> Gaskin, J.C.A. 1994: p.xxxi.

<sup>27</sup> Hobbes, *Leviathan*, XVII.

<sup>28</sup> *Ibid*, XXI.

<sup>29</sup> Hobbes, *Leviathan*, XXI.

<sup>30</sup> Hobbes, *Leviathan*, XVII.

<sup>31</sup> Furedi F. 2013: 188.

<sup>32</sup> Hobbes, *Leviathan*, XXI.



For Hobbes monarchy is the best type of Sovereignty; the passions of the multitude, of the ‘common people’, can result in more violence than the passions of one man, as he states in *De Corpore Politico*. ‘The greatest inconvenience that can happen to a commonwealth, is the aptitude to dissolve into civil war; and to this are monarchies much less subject than any other governments.’<sup>33</sup> The monarch transforms mutual fear of violent death into fear of *punishment* ‘defined or prescribed by law, as it is laid down in explicit words: *he who does this will suffer this*, or may be defined in practice, as when a penalty [...] is discretionary at first, and then defined by the punishment of the first offender.’<sup>34</sup> Fear is the only way for the Sovereign to provide security and win the conformity of his subjects; fear subjects everyone to the laws that envisage retribution as a consequence of disobedience in the philosophy of Hobbes; fear of punishment uproots revolutionary ideas from the popular mind, preventing conflicts and civil unrests; this constitutes the highest priority of the Sovereign.<sup>35</sup>

While in Hobbes’ theory the state of nature is identical with the state of war, in Locke’s thought the latter points to conditions where ‘force *without Right, upon Man’s Person*’, that is, force without a real purpose, is exercised by another man (or woman).<sup>36</sup> In the state of war persons are ‘subjected to the Political Power of another, without his own *Consent*.’<sup>37</sup> The state of nature, instead, is the ‘*State of Perfect freedom*’ for anyone to order his/her actions and to ‘dipose of [his/her] Possessions, and Persons as they think fit, within the Bounds of the Law of Nature, without asking Leave or depending upon the Will of any other Man.’<sup>38</sup> It is also the ‘*State of Equality*, wherein all the Power and Jurisdiction is reciprocal.’<sup>39</sup> While Hobbes’ state of nature provides multiple justifications for absolutism, for Locke’s one should look upon this state of perfect equality and freedom in order to highlight ‘the

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<sup>33</sup> Hobbes, *The Elements of Law*, XXIV, 8.

<sup>34</sup> Hobbes, *On the Citizen*, XIII, 16.

<sup>35</sup> Hobbes, *The Elements of Law*, XXVIII, 8.

<sup>36</sup> Locke, *Second Treatise of Government*. III, 19.

<sup>37</sup> *Ibid*, VIII, 95.

<sup>38</sup> *Ibid*, II, 4.

<sup>39</sup> *Ibid*.

obligation for mutual love amongst Men.’<sup>40</sup> This equality must be protected by preventing men and women from ‘rank[ing] promiscuously ... to all the same advantages of Nature’, securing the equal use of ‘the same faculties ... without Subordination and Subjection, unless the Lord and Master of them all, should by any manifest Declaration of his Will set one above another.’<sup>41</sup> There is, in other words, no justification for arbitrary or ‘Absolute Power’, which points takes away the right to freedom *in toto*.<sup>42</sup> ‘The Liberty of Man, in Society’, writes Locke, ‘is to be under no other Legislative Power, but that established, by consent, in the Common-wealth, nor under the Dominion of any Will.’<sup>43</sup> In the same fashion, for Montesquieu the State is the highest of all authorities; its power, however, must be always measured according to civil Constitutions and laws that prevent absolutism and arbitrary coercion. For Locke, every legislative act that suppresses public and private liberty violates the Social Contract; such acts must be encountered even through the use of physical force (popular rebellions and civil uprisings).<sup>44</sup> Thus, ‘it is for the people only to decide whether or when their government trustees have acted contrary to their trust, or their legislative has been changed, and for the people as a whole to act as umpire in any dispute between the governors and a part of their body.’<sup>45</sup>

But though the state of nature is the state of freedom, ‘yet it is *not a State of Licence*.’<sup>46</sup> ‘The *State of Nature* has a Law of Nature to govern it’, which obliges everyone to refrain using his/her own liberty in such a way that would harm others in the pursuit of personal felicity (ibid). According to this law (of nature), ‘which willeth the Peace and *Preservation of All Mankind*’ men and women must be restrained from hurting one another.<sup>47</sup> However, ‘in the State of Nature’ where there is no body with ‘the *Power to Execute* that Law, and thereby

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid, III, 17.

<sup>43</sup> Ibid, IV, 22.

<sup>44</sup> Ibid, XIII.

<sup>45</sup> Laslett P. 1988: 109.

<sup>46</sup> Locke, *Second Treatise of Government*, II, 6.

<sup>47</sup> Ibid, II, 7.

preserve the innocent and restrain offenders.’<sup>48</sup> Thus, natural liberty leaves everyone exposed to the consequences of the vices of the misjudgments of others and, subsequently, to all forms of aggression. For this reason men and women should ‘enter into Society to make one People, one Body Politic under one Supreme Government’ aiming to preserve their lives and property mutually.<sup>49</sup> Through these passages we find Locke’s anti-Hobbesian position (concerning the state of nature as the state of perfect freedom and independence) suddenly overturned. Here Locke, for good or ill, seems to have accepted Hobbes’s pessimism in part, as he associates natural liberty with insecurity, which leaves everyone unprotected from harm and violence. We will see below that this constitutes a crucial point in Locke’s political philosophy.

According to Laslett, the primary focus of Locke’s ideal commonwealth is civil peace and security of property.<sup>50</sup> Property is alienable since competition for the same object, according to James Mill, ‘implies the desire of the power necessary to accomplish the object.’<sup>51</sup> This desire ‘of that power which is necessary to render the persons and properties of human beings subservient to our pleasures is a grand governing law of human nature [...] Power ... therefore, means security for the conformity between the will of one man and the acts of other men.’<sup>52</sup> The most advanced form of security exercised by the State (the Sovereign) is that of *prerogative*, which assumes ‘nothing, but the Peoples permitting their Rulers, to do several things of their own free choice, where the Law was silent, and sometimes too against the direct Letter of the Law, for publick good.’<sup>53</sup> Evidently, ‘Locke agreed with Hobbes that self-preservation was the most fundamental passion.’<sup>54</sup> Indeed, Locke appears closer ‘to adopting some of Hobbes’s claims and categories rather than refuting them, and

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid, VII, 89.

<sup>50</sup> Laslett P. 1988: 102; see also, Israel, J.I. 2017: p.90.

<sup>51</sup> Mill, J. (2015). *An Essay on Government*, Cambridge: Cambridge University Press, p.17.

<sup>52</sup> Ibid.

<sup>53</sup> Locke J. *Second Treatise of Government*, XIV, 164.

<sup>54</sup> Fukuyama, F. 1992: 158.

we are reminded that in the early 1690s many people suspected Locke of leaning in a Hobbesian direction.<sup>55</sup> Of course, Locke rejected absolutism arguing that ‘absolute monarchs could violate man’s right to self-preservation, as when a king arbitrarily stripped a subject of his possessions and life.’<sup>56</sup> In short, Lockean liberalism encompasses, on the one hand, the notion of liberty and consent while stressing the need for emergency measures (that limit liberty itself) to be implemented by governments once deemed necessary. Such measures, Mark Neocleous argues, could open the back door for the acceptance of all sorts of authoritarian laws, killing off once and for all the same liberty Locke’s theory championed (against despotism).<sup>57</sup>

But unlike Hobbes’s justification of absolute rule as a permanent refuge against the war of all against all, Locke’s authoritarian *prerogative* points to all *temporary* emergency measures, imposed by governments, *only* under exceptional circumstances. Notwithstanding Locke’s prerogative justifies the use of illiberal means, it is not arbitrary and/or tyrannical. It is exercised (always as a last resort) strictly within the framework of a constitutional order, which serves and protects the rule of law, ‘the legal embodiment of freedom.’<sup>58</sup> In brief, the rule of law determines how the coercive powers of a state can be used in given circumstances.<sup>59</sup> It prevents governments ‘from stultifying individual efforts by *ad hoc* action’ and preserves liberty of each individual to pursue his/her ‘personal ends and desires.’<sup>60</sup> In this respect, coercion (under the state of *prerogative*) ‘can be foreseen how it will be used’<sup>61</sup> and it must become fully evident that such emergency measures are clearly in the interest of people’s liberty and property. Its ultimate objective is a) the effective removal of threats posited by unlawful rebellions, which strive to violently overthrow a government that fully respects the rule of law, and b) the

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<sup>55</sup> Neocleous, M. 2008: 17.

<sup>56</sup> Fukuyama, F. 1992: 158.

<sup>57</sup> *Ibid*, p.12.

<sup>58</sup> Hayek F.A. 2007: 85.

<sup>59</sup> *Ibid*, 75; p.86, ff.1.

<sup>60</sup> *Ibid*, 76.

<sup>61</sup> *Ibid*, 87.

defense of personal safety and security from rampant aggression (large scale crime, terrorism, *etc.*).<sup>62</sup> A government that takes advantage of prerogative, acting contrary to the rule of law, that is, doing ‘what it thinks fit to do,’<sup>63</sup> is arbitrary and, therefore, illegitimate.

Since, however, in the Lockean (liberal) mind a) Hobbes’ fear of *perpetual war* (which springs from our innate tendencies toward rapacity and unlimited possession) is widely echoed, and b) *prerogative* is only a temporary measure (and, thereby, no permanent coercive Sovereign exists in order to repress moves that alienate someone’s life and property), what could safeguard human beings from destruction? Liberal trends, inspired by Locke’s theories, put emphasis on the idea of economic progress, the constant satisfaction of the insatiable human desire for possession through the unlimited production of goods (as property to be bought) and the constant increase of their availability in the capitalist market. For Hayek, eighteenth century economic liberals acclaimed ‘man’s "self-love," or even his "selfish interests,"' as the ultimate “"universal mover", and ... by these terms they were referring primarily to a moral attitude, which they thought to be widely prevalent.’<sup>64</sup> They considered the constant increase of production (in order to gratify these so-called ‘selfish’ desires) and the ‘supply of material comforts’, necessary means for the improvement of the general standards of living.<sup>65</sup> According to Mandeville, ‘[e]nvy, pride and ambition made human beings want more than they needed, but these “private vices” became “public

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<sup>62</sup> According to the Lockean viewpoint, acts that do not aim at overthrowing absolutist forces, which are deemed arbitrary, coercive, and, consequently, illegal, are not lawful. They undermine political regimes founded upon the consent of the majority, protecting privacy and liberty. Such rebellions ‘bring back again the state of War’, since they take away the decisive power of the Legislative, a decisive power appointed by the people under whose consent is obliged to act. (Locke J. *Second Treatise of Government*, XIX, 116.) While in Locke lawful rebellions target absolutist (illegitimate) governments, in Hobbes’ thought lawful dissent is allowed in exceptional circumstances, when (for example) governments undermine the self-preservation of the people (Furedi F. 2013: 193.)

<sup>63</sup> Hayek F.A. 2007: p.86, ff.1.

<sup>64</sup> Hayek, F.A. 1980: 13.

<sup>65</sup> Lasch, C. 1991: 52.

virtues” by stimulating industry and invention.’<sup>66</sup> Smith and Hume endorsed the principle that ‘a growing desire for material comforts, wrongly taken by republicans as a sign of decadence and impending social collapse’ could generate ‘new wealth’ and ‘a constantly rising level of productivity.’<sup>67</sup>

As we see, both models (the Hobbesean and the liberal Lockean model) share one common feature: the exclusion of the ‘common people’ from the decision-making. For the Lockean model all social relations must be put under the dictates of the market, whose tendency to generate wealth through the constant increase of the availability of consumable objects would (supposedly) generate stability and prosperity, emancipating mankind from all fears. In the next section I will juxtapose these models against the Byzantine concept of *ennomos politeia*, borrowing perspectives from Priscus’ and Procopius’ political thought.

## 2. The Byzantine *political* society (an *ennomos politeia*)

Priscus in 448/449 AD recounts his adventures accompanying Maximinus, the head of the Byzantine embassy, who was dispatched to the court of Attila the Hun in order to represent Emperor Theodosius II (r. 402-450). He narrates an encounter with Graikos (a Greek-speaking Roman/Byzantine expatriate), who had been captured in a raid but was released later on ‘[h]aving proven his valour in later battles against the Romans and the nation of the Akatiri and having, according to Scythian law, given his booty to his master.’<sup>68</sup> Graikos explains ‘why he had then chosen to remain among the Huns and launches into a tirade against Roman life.’<sup>69</sup> In the Roman *politeia*, Graikos claims, ‘[i]f the wrongdoer is rich, the result is that he does not pay the penalty for his crime, whereas if he is poor and does not know how to handle the matter, he suffers the prescribed punishment ... And this may be the most

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<sup>66</sup> Quoted by Lasch, C. 1991: p.53.

<sup>67</sup> Ibid.

<sup>68</sup> Priscus of Pannon. *History*, 11, 425-430.

<sup>69</sup> Kaldellis A. 2015: 64-5.

painful thing, to have to pay for justice.’<sup>70</sup> But for Priscus the Roman *politeia* is an *ennomos politeia* whose ‘laws apply to all, and even the Emperor obeys them. It is not a fact ... that the rich do violence to the poor with impunity, unless one escapes justice through escaping detection; and this is a recourse for the poor as well as for the rich. These offenders would go unpunished because of lack of evidence, something which happens not only amongst the Romans but amongst all peoples.’<sup>71</sup> Moreover, the founders of the Roman *politeia* were wise men and ordained for those ‘who came before the courts, that there should be persons to ensure that the one who obtained the judgement should receive his award and that the one adjusted guilty should not pay more than the judge decided.’<sup>72</sup> It is ‘[t]he authorities’ who ‘were ruining’ the *politeia* ‘by not taking the same thought for it as those of old.’<sup>73</sup> Priscus feels compelled to alert his readers about the importance of preserving conditions within which a lawful polity develops and sustains itself, highlighting the ‘misguided’ (in his view) decision of Graikos to opt out of the Byzantine (*ennomos*) *politeia*. ‘For your freedom’, Priscus argues, ‘you should give thanks to fortune rather than to your master. He led you out to war, where, through inexperience, you might have been killed by the enemy or, fleeing the battle, have been punished by your owner.’<sup>74</sup>

As Kaldellis explains, anything could have happened to Garikos ‘in captivity or in the battle where he earned his freedom. He got lucky.’<sup>75</sup> The lives of the so-called ‘barbarians,’ of the Huns, the Vandals, the Scythians and other nomadic tribes of northern Europe, who unlike ‘the Romans and the Persians ... live a savage life,’ according to Procopius of Caesarea,<sup>76</sup> are at the mercy of fortune, Priscus claims; nomadic societies are not instituted according to ‘established

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<sup>70</sup> Priscus of Pannion. *History*, 11, 444-452.

<sup>71</sup> *Ibid*, 11, 490-494.

<sup>72</sup> *Ibid*, 11, 455-7.

<sup>73</sup> *Ibid*, 11, 508-510.

<sup>74</sup> *Ibid*, 11, 504-507.

<sup>75</sup> Kaldellis A. 2015: 65.

<sup>76</sup> Procopius of Caesarea, *The Wars of Justinian*, III.

laws and customs to which all adhere,<sup>77</sup> according to common rules of conduct founded upon shared principles of justice, which ensure that no penalty is meted out arbitrarily and, hence, no harm is done to men and women without prior evidence of engagement with acts that deprive the safety and wellbeing of others or the prosperity of the *politeia*. Seemingly Priscus' argument concerning the *ennomos politeia* as the best antidote against the state of nature that characterises the life of the 'barbarian', converges with Hobbes' views regarding life outside the state of society being 'solitary, poor, nasty, brutish and short.'<sup>78</sup> For both Priscus and Hobbes life in primitive societies is dominated by violence and aggression. For Priscus, it is also ruled 'by the arbitrary whim of a despot', which could be a metaphor for Attila.<sup>79</sup> Here Priscus brings to our mind Locke's assertions concerning inequality and despotism in the state of nature, where no organised body politic exists to impose the rule of law. As I explained in the previous section, organised commonwealths (in Locke's mind) create institutions capable of limiting the powers of a government in such a way that the laws of nature are protected. Priscus' assertion that '[a]mongst the Romans it was not right to betroth a woman to a man against her will'<sup>80</sup> convey the same message: the institutions of an *ennomos politeia* prohibit arbitrary coercion upon individuals. In the world of the Huns, where there is no 'contract' between the people and their rulers, no such institutions that could effectively limit the power of their rulers exist. However, the principal aim of the *ennomos politeia* is not simply to protect individuals from the perils of the state of nature, as was Hobbes' and Locke's ideal commonwealths, nor to restrict the power of governments in order to avoid political repression (which, in Locke's mind, marks the beginning of the state of war). According to Kaldellis, the Byzantine *politeia* was not 'constituted by government action or the imperial system' alone.<sup>81</sup> In the

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<sup>77</sup> Kaldellis A. 2015: 66

<sup>78</sup> Hobbes, *Leviathan*, XIII.

<sup>79</sup> Kaldellis A. 2015: 65.

<sup>80</sup> Priscus of Pannon. *History*, 15, 15-18.

<sup>81</sup> Kaldellis A. 2015: 66.



Byzantine *politeia*, a law before its ratification by imperial action exists in the society in the form of custom. Thus, laws are constituted by ‘the whole of society whose elements have entered into relations of mutual codependence according to shared principles of justice.’<sup>82</sup> In short, the *populus* participates in law-making procedures. The emperor Leo VI ‘calls the bearers of custom “the people,” “the majority,” or “the masses” (οἱ ἄνθρωποι, τὸ πλῆθος, ὁ ὄχλος).’<sup>83</sup> Thus, laws have ““their sole authority the will of the masses.””<sup>84</sup> The *basileus* simply ratifies a custom: ‘τοῦτο δὲ πολιτευσέσθω ... καὶ πρὸ δόγματος νόμου πολιτευόμενον (‘let that now be part of the *politeia* ... which was already part of the *politeia* before this legal ratification”).’<sup>85</sup> He/she formalises what the *populus* itself has already legitimised.

According to Leo VI, a custom is legally binding only if it bears the stamp of his official approval. ‘In other words, custom has a right to the lawgiver’s attention and consideration and poses a normative claim in the polity, but it is not legally binding unless it is formally made into a law by the proper authority, that is, the emperor.’<sup>86</sup> Leo praises the legislative work of Justinian and his attempts to ratify by law emerging customs. As Kaldellis further explains:

In one case, a current custom is explicitly called better than an old law and takes its place. In another it is noted that an awkward law had been rejected by “the will of the people” (τῶν ἀνθρώπων ἡ προαίρεσις) and so it had to go: its provisions were already not part of the *politeia* (οὐ πολιτευομένων) and therefore the emperor formally “ostracized them from the *politeia*.” It would seem, then, that what Leon calls “the will of the people” had already ensured that this law was not *de facto* part of the polity before the emperor’s

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid, 11.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid: 10-11.

<sup>86</sup> Ibid, 10.

intervention, regardless of the fact that it still had de iure validity. This raises the question of who really constituted and defined the polity. The polity seems to be constituted by both official and unofficial decisions taken respectively by the emperor and “the people.”<sup>87</sup>

From the above it follows that the relationship between the *basileus* and his/her subjects is characterised by constant interactions. But since these interactions revolve around issues related to the laws of the *politeia*, we could call this relationship ‘political’. Therefore, the Roman/Byzantine *ennomos politeia* is a *political* state and its government is ‘representative’. The latter implies that the laws of this *politeia* are not made by the people directly, through procedures of participation in public assemblies, as was the case of the Athenian *ecclesia*.<sup>88</sup> However, since the *basileus* ratifies what the *populus* (as a mandator)<sup>89</sup> has already (albeit informally) decided, we may assume that the ‘will’ of the latter finds expression through the *basileus* him/herself. Thus, the institution of *basileia* is a representative institution and, simultaneously, an institution of *ennomos epistasia* (‘lawful supervision’); the latter implies that the *basileus* is embodied with the knowledge of making popular customs part of the legal code of his/her state. As also Procopius of Caesarea put it, within an *ennomos politeia* (within a ‘lawful constitution’) the people and the *basileus* ‘observe right and justice in their dealings both with one another.’<sup>90</sup> Simply put, in the *ennomos politeia* the *high authorities* (of the *basileus* and his/her executives or, in our days, of a group of professional politicians) are in constant dialogue with the people. However, in Hobbes’ ideal commonwealth, the Sovereign imposes laws by relying exclusively on his own judgement<sup>91</sup>; multiple judgments

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<sup>87</sup> Ibid.

<sup>88</sup> For more regarding the direct participation in politics see Hannah Arendt’s *Human Condition* (1998), her analysis on the ancient Greek *polis*, where laws are ratified by the people themselves in public assemblies.

<sup>89</sup> Contogeorgis, 2013.

<sup>90</sup> Procopius of Caesarea, *The Wars of Justinian*, III.

<sup>91</sup> Hobbes, *Leviathan*, XIX.

(Hobbes believed) incite disagreements, which often create divisions and factions, fueling civil conflicts in return.<sup>92</sup> But since absolutism is a characteristic of the state of nature (according to Priscus), where force (rather than dialogue) dominates, where the strongest assert ‘right by force’ (to use Kant’s terms),<sup>93</sup> seizing power and imposing dominion upon others even by means of extreme coercion, since (in other words) absolutism reproduces modes of living established *before* the age men and women begun to develop political societies (lawful polities), it follows that absolutist commonwealths are in principle *pre-political* commonwealths. Therefore, Hobbes ideal commonwealth, so long as it legitimises absolutism, is *pre-political* in the strictest sense of the term; it is a polity founded upon modes of thinking and dealing with people that belong to the same state Hobbes himself feared and abhorred.

Consider, again, the main objectives of an *ennomos politeia*: a) to limit the power of the *high authorities*, and b) to coordinate the latter with the *populus*. Locke’s ideal commonwealth (as it has been already made clear) focuses primarily on the former, which constitutes an indispensable *condition* for the latter; in fact, political representation is unimaginable in absolutist commonwealths, where the ‘common people’ are excluded from the political decision-

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<sup>92</sup> Hobbes developed this viewpoint in relation to interpretations of the Christian dogma, claiming that plurality of opinions and interpretations inevitably leads to conflict (Furedi F. 2013: 182.) Of course Hobbes ‘acknowledged the right to private belief and the right of people to judge the diktat of their sovereign as wrong. What he did not allow was the right to act on such beliefs’ (ibid, 192.) As he writes in the *Behemoth* (Dialogue 1), the ‘power of the mighty hath no foundation but in the opinion and belief of the people’. Here Hobbes makes references to high-ranking priests (the ‘mighty’), who capitalise on social fractions (created when different *opinions*, that is, when different interpretations of the Christian dogma, are adopted by large segments of the *people*), and mobilise them against the establishment. These fractions due to their intense disagreement concerning the ‘right interpretation’ often attack each other, leading to ‘the condition of Warre of every one against every one’ (Hobbes, *Leviathan*, XIV.) Hobbes’ *Behemoth* is a polemic against religious authorities, which he accused of inciting conflicts with devastating consequences.

<sup>93</sup> Kant, 1903: 114.

making. However, the rule of law alone does not guarantee representation; Locke's Sovereign acknowledges the 'consent of the people'<sup>94</sup> but he/she does not involve the *populus* itself in the law-making procedures. In contrast, Priscus' *ennomos politeia* is founded upon institutions that not simply restrict the power of the *high authorities* but also connect the latter with the *populus*. In this respect, Locke's ideal commonwealth is, strictly speaking, *proto-political*. We shall examine in the next section how this depiction of Byzantium as a representative *ennomos politeia* is a key to chart international projects that could improve peace prospects between nation-states today, moving beyond the contemporary liberal system of transnational cooperation, build upon *proto-political* institutional frameworks.

### 3. Towards a universal *ennomos politeia*

The civility of the *ennomos politeia* is restricted within the precise region upon which the *political* authorities of the same *politeia* can exercise sovereignty. In this respect, the relationship between two political bodies, irrespective of how well they adhere to the standards of *ennomos politeia*, remains *pre-political*. The relationship between two or more national (or regional) political bodies, in other words, resembles Hobbes' *state of war*, defined by rampant competition and aggression. As Kant put it, 'a state of peace among men who live side by side is not the natural state (*status naturalis*), which is rather to be described as a state of war: that is to say, although there is not perhaps always actual open hostility, yet there is a constant threatening that an outbreak may occur.'<sup>95</sup> In response, 'the state of peace must be *established*.'<sup>96</sup> In the Roman/Byzantine context, cities and regions in order to escape war had to create foundations upon which a common transregional *ennomos politeia* (the imperial Byzantine

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<sup>94</sup> Locke, *Second Treatise of Government*, XIX, 212, 227.

<sup>95</sup> Kant I. 1903: 116-7.

<sup>96</sup> *Ibid*, 117.

*politeia*) would be structured.<sup>97</sup> This cosmopolitan *politeia* had to be supervised by a central structure (the *basileus*), whose unifying powers are not arbitrary.<sup>98</sup> Such a structure, according to historical evidence, created environments within which the different cities could collaborate peacefully with one another.<sup>99</sup>

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<sup>97</sup> Peter Brown (1989) describes Early Byzantium as an ‘archipelago of cities’. The cities, in Contogeorgis’ (2013) view, were spaces of grassroots decision-making on issues affecting local communities. John the Lydian (fifth century) and Theophanes the Confessor (eighth century) consider Byzantium an agglomeration of regional political bodies of self-government. These bodies were, in a sense, separate *politeias* (states) that had joined forces, establishing a large political union/structure, supervised by a central government (by the *basileus*). The *high authorities* were, therefore, playing a crucial role in holding these semi-autonomous cities (these semi-independent *politeias*) together, forming a universal *ennomos politeia* (to use Procopius’ terms), extended around the shores of the east and central Mediterranean sea.

<sup>98</sup> This depiction of Byzantium as a confederate structure is also echoed in Niketas Choniates’ (thirteenth century) writings regarding the *basileus* as a leader of an alliance between different ‘cities’ rather than a ruler of a centralised territorial state that imposes total control upon regions. For more evidence consider the following works of Georges Contogeorgis: *To Ελληνικό Κοσμοσύστημα* (*The Hellenic Cosmosystem; translation mine*), Volume C (2020), Volume D (2020), and Volume E (2021). Of course, this does not imply that Byzantium was a perfect state of inner peace and unity. El-Cheikh, in her notable *Byzantium Viewed by the Arabs* (2004), cites several examples of the inhuman treatment of the inhabitants in Eastern regions by the state. For El-Cheikh, the neglect and brutality the Eastern Byzantines experienced by the Byzantine army itself, constitutes one of the main factors that contributed to the destabilisation of the Empire, leaving Eastern regions vulnerable to Arabic onslaughts. However, there is no evidence suggesting that such types of inhumanity were conducted by law-abiding Emperors, who followed faithfully the principles of *ennomos politeia*. Furthermore, what interests us here is not whether or not all regions of Byzantium could always enjoy peace and protection but to what degree *most* of the subject-cities could cooperate peacefully and if this peace could be attributed to the way the Byzantine *politeia* (as a ‘lawful polity’) was structured. Thus, we are led to the following question: does Byzantium provide us a plausible account of peacemaking? The reasons Eastern regions were vulnerable to the arbitrariness of the Byzantine army will be addressed in another study.

<sup>99</sup> For more concerning the contribution of the Byzantine *ennomos politeia* to the creation of spaces within which cities could peacefully interact see the observations Georges Contogeorgis «*Η δημοκρατία και ο πόλεμος στον Θουκυδίδη*» (‘Democracy and war in Thucydides; *my*

For Priscus (as I explained earlier) the head of this transregional *ennomos politeia* had to be subject to laws and must not resort to arbitrary coercion.<sup>100</sup> Therefore, an ideal *basileus* must impose unity without relying on violence, which is a *pre-political* way to deal with people. Liberalism has successfully managed to create transnational unions (consider the European Union, for example). However, these institutions are not *political* in the proper sense of this term. More precisely, political theory and history of political thought, as I explained in the Introduction, allows us to shed light on ‘the International Relations canon’ and, more importantly, on the reasons it was constructed as well as on the purposes it serves.<sup>101</sup> Max Mortgenthau believed that ‘[l]aw in general and, especially, international law is primarily a static social force. It defines a certain distribution of power and offers standards and processes to ascertain and maintain it in concrete situations.’<sup>102</sup> In contrast, ‘[d]omestic law, through a developed system of legislation, judicial decision, and law enforcement, allows for adaptations and sometimes even considerable changes within the general distribution of power. International law, in the absence of such a system making for lawful change, is ... not only primarily, but essentially, a static force. The invocation of international law, of “order under law,” of “ordinary legal processes” in support of a particular foreign policy, therefore, always indicates the ideological disguise of a policy of the status quo.’<sup>103</sup> We could, therefore, assert that the *proto-political* foundations of western liberalism are disguised in the international relations canon as well as in transnational unions (such as the EU itself). These foundations incorporate

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*translation*). In this work (which has not been translated into English yet), the author suggests that Byzantium satisfied a major demand expressed during the classical age, the unification of city-states as a remedy against *poleocentrism* (that is, against the tendency of city-states to pursue their own self-interested goals even by waging war against others). Hellenistic kingdoms (the same author claims) had very limited success in this endeavour.

<sup>100</sup> Priscus of Pannion, *History*, 11, 490-495.

<sup>101</sup> Bain W., and Nardin T. 2017: 213.

<sup>102</sup> Morgenthau M. 1948: 64.

<sup>103</sup> *Ibid.*

only the main prerequisites of a 'lawful polity'. They can, in this respect, promote peace prospects by protecting societies and individuals from the threats of the (*pre-political*) state of nature. Nonetheless, their *proto-political* nature promotes minimal representation; to a great extent, societies are excluded from law-making procedures (which is left to the judgement of a few elected professional politicians and/or unelected lobby groups). Hence, *proto-political* societies are located only one step above the *pre-political* world of the state of nature. In contrast, a *political* society (that is, an *ennomos politeia*) employs mechanisms that could improve peace prospects by unleashing the potential of men and women to make good decisions. This requires from the same members of the *politeia* to express their 'will' *solely* through legal institutions that create milieus within which licentious behaviours are actively prevented. In addition, these institutions are supervised by a central authority led by individuals who exercise *ennomos epistasia* ('lawful supervision') (as was the case of the Byzantine *basileus*), who rely on their knowledge in order to assign popular demands to the legal system of the *politeia*. Thus, in the *ennomos politeia* the law and the *populus* are identical. More importantly, the *populus* is even further removed from the *pre-political* state of nature, the state of lawlessness and war. Let us examine, at this stage, how this *ennomos politeia* could extend itself beyond national borders, shifting the international system of status quo towards a *political* direction.

It goes without saying that liberalism has contributed to the pacification of the western world. The end of dictatorial regimes in Greece, Spain and Portugal, the disintegration of the Soviet Union and the collapse of communism in eastern Europe resulted in the expansion of liberalism and marked a welcoming departure from the *pre-political* savageness of authoritarianism (the horrific legacy of the Second World War). However, the pacification of the western world cannot be attributed to liberalism alone. The post-war generation, according to Hannah Arendt, 'is the first generation to grow up under the shadow of the atom bomb. They inherited from their parents' generation the experience of a massive intrusion

of criminal violence into politics: they learned in high school and in college about concentration and extermination camps, about genocide and torture, about the wholesale slaughter of civilians in war without which modern military operations are no longer possible even if restricted to "conventional" weapons.'<sup>104</sup> In other words, the trauma of war, the collective memory of mass destruction and suffering shaped a public consensus of aversion towards conditions of living we identify in the *pre-political* state of nature. Francis Fukuyama praised the free market system for enhancing 'political freedom around the globe';<sup>105</sup> free enterprise, he believed, has significantly reduced poverty, elevating the standards of living in the Western world.<sup>106</sup> As he explained, free markets 'have succeeded in producing unprecedented levels of material prosperity, both in industrially developed countries and in countries that had been ... impoverished', reducing conflict (especially among western nations).<sup>107</sup> Free trade has become a means of linking nations together 'peacefully and democratically.'<sup>108</sup>

The liberal system of international order, the free market enterprise and, finally, the memory of destruction and human suffering may have contributed to the pacification of the western world, but the present Russia-Ukraine conflict signalled the beginning of a new age of fear in Europe, marked by a fast accelerating war crisis. This crisis comes to justify Kant's arguments regarding the tendencies of nation-states to wage military attacks against each other, 'violently interfer[ing] with the[ir] constitution and administration,'<sup>109</sup> leading to mass destruction and annihilation, bringing 'about perpetual peace only in the great graveyard of the human race.'<sup>110</sup> But the dread of war, which has carried the fear of nuclear annihilation to new heights, does not come from Russia alone, whose government (according to the western standards) is

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<sup>104</sup> Arendt. 1969: 13-4.

<sup>105</sup> Fukuyama. 1992: xiv.

<sup>106</sup> Ibid, 190.

<sup>107</sup> Ibid, xiii.

<sup>108</sup> Ibid, 5.

<sup>109</sup> Kant. 1903: 112.

<sup>110</sup> Ibid, 115.



deemed illiberal and expansionist (*pre-political*, in my terms). The euro crisis of the past decade divided the European Union ‘between the core and the peripheral countries within the euro area ... between the euro members (and euro candidates such as Poland and the other «euro-plus countries») and the rest of the EU,’ and finally between EU member-states, candidate access countries and the «European non-west (including Russia, Ukraine and the wider Europe that extends to the greater Caucasus, parts of the Middle East and North Africa.’<sup>111</sup> These divisions, in my view, could be attributed to one of the main weaknesses of the *proto-political* standards of liberalism, upon which the EU itself is founded; its central powers can resort to financial coercion against peripheral states (such as Greece, Spain and Portugal) by imposing harsh restrictions. Peter Becker examines the role of Germany, as a hegemonic force within the European Union, during the euro crisis and the Covid-19 pandemic. The country, he argues, is trying to defend the status quo, and is only prepared to take action if this status quo (or even the existence of the EU itself) appears to be at risk.<sup>112</sup> Germany’s policies, claims Hans Maull, ‘were driven ultimately by the desire to protect European integration and keep the EU together at any cost, not by concerns about German banks or any ambitions for German hegemony.’<sup>113</sup> The criticism Germany has received concerning its tendency to dictate peripheral countries and the EU as a whole in the wake of the euro crisis has some validity.<sup>114</sup> Nonetheless, to see German policies ‘as a return to unilateral *Machtpolitik*,’ to doctrines advocating deployment of physical force and military expansionism, ‘with the aim to exercise German hegemony is misleading,’<sup>115</sup> since Germany’s foreign policy is anchored to the ‘civilian power paradigm,’ which expresses strong ‘willingness to subject its policies to the norms of international law and to integrate itself into [multilateral] supranational

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<sup>111</sup> Pabst, A. 2013: 46.

<sup>112</sup> Becker, P. 2022.

<sup>113</sup> Maull H, 2018: 462.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

institutions.’<sup>116</sup> As it has been already made clear, a *proto-political* environment is not identical with the ‘*State of Licence*’ (to use Locke’s terms again.)<sup>117</sup> Within such an environment arbitrary force, that is, uncontrolled coercion and physical violence, is deemed illegitimate. Thus, within the ‘civilian power paradigm’, within transnational environments that rely on *proto-political* means of cooperation, hegemonic blocks do not resort to military violence in order to implement their own self-interested aspirations. However, they can deploy other means (financial coercion) through which not simply the agreed rules are defended, but also their own prestige and rule over others. In the context of the euro crisis, the use of such means have resulted in the weakening of the EU, as Pabst argued, shifting the dynamic from the centripetal forces to centrifugal forces, cultivating mistrust in the civil society towards the union itself.<sup>118</sup>

This suggests that Europe must be structured upon a different model. Following Pabst’s ideas, I suggest a model of ‘reciprocal power by building a subsidiary polis that connects supranational institutions much more closely to regions, localities, communities and neighbourhoods.’<sup>119</sup> More precisely, we could think of the establishment of a European *res publica*, of a pan-European *ennomos politeia*, whose representatives would constantly be in direct contact with the ‘common people’ in regions and local communities. In line with Kaldellis’ view of the Byzantine *ennomos politeia* as a ‘bottom-up republican’ system of government, as a representative polity that involves popular involvement in law-making procedures, we could propose the creation of structures that will allow the citizens of this pan-European politeia to actively participate in local and regional political decisions. In other words, the ‘common people’ will be able to influence law-making procedures on local and national level.

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<sup>116</sup> Ibid, pp.461-2.

<sup>117</sup> Locke, *Second Treatise of Government*, II, 6.

<sup>118</sup> Stubbs (2017) seems to agree with this assumption. As he explains, austerity politics provides us a clear example of how hegemonic forces in Europe attempted to discipline the periphery.

<sup>119</sup> Pabst, A. 2013: 47.

As Kant argued, in the state of peace '[t]he civil constitution of each state shall be republican'<sup>120</sup>, founded 'in accordance with the principle of the freedom of the members of society as human beings: secondly, in accordance with the principle of the dependence of all, as subjects, on a common legislation: and, thirdly, in accordance with the law of the equality of the members as citizens.'<sup>121</sup> Such a constitution, for Kant, arises from 'the pure source of the concept of right,'<sup>122</sup> and points to the liberal concept of 'limited government', to a *proto-political* view of freedom, indicating protection from arbitrary coercion. In contrast, a republican - in Kaldellis' sense of the term - constitution, that is, a *political* constitution, arises from the notion of participation; its reception of freedom does not exclusively point to independence, to the liberty of the individual against the arbitrariness of governments; a society is free only when its members become *owners of the state*. This could be effectively accomplished through procedures that seek to open up pathways for the citizens to partake in law-making procedures, considering themselves the true owners of the nation-state. At the same time, national representatives (elected leaders) would have the chance to engage with discussions concerning laws proposed or enacted in different nations by the citizens themselves. Under the guidance of a central authority, they might be able to arrive at a consensus on how such laws could constitute an integral aspect of the common European legal frameworks. This 'bottom-up' cosmopolis, so long as it eliminates *pre-political* forms of interdependence between nations, could offer a brighter future than the present centralised European state under the guise of modern federalism. More importantly, this 'European cosmopolis' could gradually expand itself, allowing non-European and non-western states to join. It will, therefore, replace the standards upon which the present system of international law has been instituted, establishing a brand new paradigm of international relations.

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<sup>120</sup> Kant, I. 1903: 120.

<sup>121</sup> Ibid, 120-1.

<sup>122</sup> Ibid, 122.

## Conclusion

The misunderstood (and relatively underexplored) world of Byzantium seems to be a true source of inspiration for us to develop radical ideas for a new paradigm of international relations. Priscus' and Procopius' perspectives are milestones for us to begin thinking about a new paradigm of international order. Of course, liberalism has contributed to the elimination of aggressive forms of competition between nations, creating environments within which states could come together in unison. However, as Bain and Nardin explained, 'many in the field of International Relations have found intellectual history easy to ignore.'<sup>123</sup> They ignore that '[i]ntellectual history makes a contribution to the study of international relations in guiding us not only towards a better grasp of past debates but also towards a better reading of actions, present as well as past, whose meaning is illuminated by the ideas, practices and traditions of the agents performing those actions.'<sup>124</sup> Considering this assumption, the present study examined the ideological/intellectual foundations of western liberalism, highlighting its *proto-political* nature, stressing the need to bring new ideas forward, seeking to improve peace prospects. Of course, the paradigm I have proposed (based on Priscus' and Procopius' depiction of Byzantium as an *ennomos politeia*) does not promise to end all wars. I contend that conflicts, caused by power-struggles, cultural differences and economic disparities, are recurring phenomena. In this respect Kant's assertion that a cosmopolitan right could lead to *perpetual peace*, which 'signifies the end of all hostilities,'<sup>125</sup> seems rather a utopian aspiration. A universal *ennomos politeia*, resembling the Byzantine paradigm, could address issues related to cultural differences and economic deprivation

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<sup>123</sup> Bain W., and Nardin T. 2017: 214. International intellectual history, then, contributes not only to our understanding of history; arguably, it also supports the theoretical enterprise by questioning, shaping and repositioning what is involved in thinking about international relations (ibid).

<sup>124</sup> Ibid, 217.

<sup>125</sup> Kant, I. 1903: 107

more effectively than *proto-political* networks of transnational collaboration. This cosmopolis creates spaces capable of eliminating the conditions through which the nastiness of Hobbes' *perpetual war* manifests itself, without offering, on the other hand, guarantees for *perpetual peace*.

Second, the founding principles of such a cosmopolis do not have to rely on Priscus' and Procopius' perspectives exclusively; nor does the legacy of Byzantium alone make up the only source from which we could draw perspectives for improving international relations, beyond the *proto-political* infrastructures of the present system. One could, for example, consider the case of the Persian cosmopolis, of a decentralised commonwealth, founded upon supreme principles of justice, accommodated within a social environment of cultural diversity.<sup>126</sup> The Persian cosmopolis, such as the Byzantine world, buried under many layers of western prejudice, is often considered a violent Asian despotic kingdom. However, as Eaton explains, it was secular justice, rather than religion, the measure of proper governance what allowed Persianised states to flourish throughout central Asia. Finally, one of the main objectives of this new cosmopolitan paradigm (as I explained) is not just to improve existing alliances between nations (such as the European Union) against external threats, but to constantly expand, inviting non-western states to join forces. We could, therefore, broaden our perspectives, welcoming views (capable of contributing to the development of such a universal 'lawful polity') arising from non-western intellectual legacies.

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<sup>126</sup> In regards to this see Usman Hamid and Pasha Khan, *Introduction: Moving across the Persian Cosmopolis* (2017); Richard Eaton, *The Persian Cosmopolis (900–1900) and the Sanskrit Cosmopolis (400–1400)* (2018); *India in the Persianate Age: 1000-1765* (2019).

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