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## **HIERARCHIES AND NETWORKS: TECHNOLOGICAL LIMITS OF SOVEREIGNTY**

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### **Abstract**

The article is concerned with the impact of the technological revolution on state and legal structures of society. This study aims at revealing the historical process of transforming hierarchical power structures into network power configurations. It focuses on the issues of sovereignty and nationhood as the crucial power-technological elements of the past and modern times. Being a postmodern structure of social management, a network affects all aspects of social life and develops a new understanding of normativity, domination and centralization. The introduction of the network approach into political and legal science requires a revision of such a traditional concept as sovereignty.

### **Keywords**

Sovereignty – Power – Hierarchy – Management – Law – Jurisprudence

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## Introduction

Between the 20<sup>th</sup> and early 21<sup>st</sup> centuries, the philosophy and sociology of state, jurisprudence and political science formed new traditions in the study of power and political institutions. The previous approaches provided for a purely institutional approach aimed at studying the organization and functioning of power, i.e. forms of government, typologies of political regimes, separation of powers, the interaction of legislative, executive and judicial powers, etc. The non-positivist philosophical trends of the 20<sup>th</sup> century suggested an intuitive understanding of power, addressed the formation of psychological mechanisms governing superior-subordinate relations and followed the evolution of these relations. In this case, it is important to consider the relationship between hierarchical and network-based power structures, as well as psychological mechanisms common to different types of power relations. In the second half of the 20<sup>th</sup> century and the early 21<sup>st</sup> century, technological revolutions had a great influence on the essential characteristics of political power. Many of these problems were considered in the works of H. Arendt ("Vita activa, or the Human Condition"), T. Kuhn ("The Structure of Scientific Revolutions"), C. Le Fort ("Les formes de l'histoire"), N. Luhmann ("Trust and Power", 2001), J. Maritain ("Man and the State"), J.-L. Nancy ("Corpus"), J. Naisbitt ("Megatrends"), P. Sloterdijk<sup>1</sup> ("Spheres"), etc. This article is based on these scientific works and develops their phenomenological and logical understanding of political power.

## Methods

To study state and superior-subordinate relations, we used positivist methods, including the study of specific facts and laws of objective reality. This general philosophical approach comprises such scientific methods as sociological, comparative-legal, historical, logical, systemic, structural-functional, etc. At the same time, the presented arguments are built over the non-positivist philosophical ideas of the 20<sup>th</sup> century (phenomenology, structuralism, etc.) that do not explain cause-and-effect relationships, but rather analyze the essential phenomenon under study.

## Results

According to Dionysius the Areopagite's "Hierarchies", the axis of the vertical of power rests on the celestial sphere at one end and on the earthly sphere at the other end. This hierarchy of ranks, powers and dominions was used as a model for all sorts of structures and constructs, where the ratio of dominance-subordination is decisive. From the Middle Ages to modern times, this image has been perceived as traditional. The vector of power remained vertical, and even a modern state forms and exists in these conditions. When people use the term "hierarchy", they always mean power<sup>2</sup>. To strengthen the vertical of power means to order the hierarchy.

"Hierarchy is a sacred order, knowledge and activity, which is being assimilated to likeness with God as much as possible... He, then, who mentions Hierarchy, denotes a certain altogether Holy Order, an image of the supremely Divine freshness"<sup>3</sup>.

<sup>1</sup> P. Sloterdijk, *Sfery: Makrosferologiya* (Saint Petersburg: Nauka, 2007).

<sup>2</sup> M. McConaughey; P. Musgrave y D.H. Nexon, "Beyond anarchy: Logics of political organization, hierarchy, and international structure", *International Theory* Vol: 10 num 2 (2018): 181-218.

<sup>3</sup> Dionysius the Areopagite. *O nebesnoj ierarhii*, in: *Kniga angelov: Antologiya* (Saint Petersburg: Amfora, 2001).

The hierarchy of special angelic ranks took its origin in the Pauline epistles but was further developed by the Areopagite in his book "The Celestial Hierarchy". This treatise was translated into Latin by John Scotus Eriugena in the 9<sup>th</sup> century. In the 12<sup>th</sup> century, it was introduced to university courses and significantly influenced Albertus Magnus, Thomas Aquinas and Dante Alighieri. According to modern scholars, "the idea of a heavenly hierarchy constrained the will of people and prevented them from acquiring the knowledge of earthly society, without simultaneously shattering the heavenly society. It seemed to squeeze mortals into cells of the angelic network and, in addition to the burden of earthly authorities, put up on their shoulders the heavy burden of the angelic hierarchy ... dominions, powers and forces"<sup>4</sup>. People believed not only in the idea that the Heaven was as real as the Earth but also that "they both form a unified whole". "The heavenly host" represented the ideal structure common to the world of heavenly beings forming a harmonious organism.

The Areopagite's cratological terminology was used in the further development of political science, easily adjusting to ever-changing methods and mechanisms. The concept of "sovereignty" utilized by modern science also has its origin in a category borrowed from the middle group of the Dionysius corpus ranks.

Sovereignty denotes the complete and unconditional dominance of one person or group<sup>5</sup>, whose authority is not accountable to any other earthly authority. The power energy that feeds sovereignty is transcendental in relation to the whole hierarchy. The vector of power is exclusively vertical and directed from top to bottom, regardless of its form.

Being a principle and "technical form" of intrastate dominance, sovereignty has evolved from a "personal" rule into national and "people's" independence<sup>6</sup>. It seems that the vital role of state in this process allowed determining the technical aspect of sovereignty and release this structure from ethical and sentimental motivations. Complex power techniques already contain the seeds of a future crisis of sovereignty. If the latter is regarded as a ruling technique, then changes in the method and metaphysics of scientific thinking should change the content and meaning of this technique. "Our world is the world of the 'technical', a world whose cosmos, nature, gods, entire system, is, in its inner joints, exposed as 'technical': the world of an ecotechnical. The ecotechnical functions with technical apparatuses, to which our every part is connected. But what it makes are our bodies, which it brings into the world and links to the system, thereby creating our bodies as more visible, more proliferating, more polymorphic, more compressed, more 'amassed' and 'zoned' than ever before. Through the creation of bodies the ecotechnical has the sense that we vainly seek in the remains of the sky or the spirit"<sup>7</sup>.

The transition from social stratification to a functional structure paradoxically combined a withdrawal from the public sphere and an increase in subjectivity with a strive for political activity. The status lost its priority, giving way to inauthenticity and abstract rationality. At the same time, materiality and objectivity in the sphere of power became eroded. The personality of the ruler disappeared behind the mask of a faceless being<sup>8</sup>.

<sup>4</sup> J. Le Goff, *Civilizaciya srednevekovogo Zapada*, in: *Kniga angelov: Antologiya* (Saint Petersburg: Amfora, 2001).

<sup>5</sup> P. Eleftheriadis, "Law and Sovereignty", *Law and Philosophy* Vol: 29 num 5 (2010): 535-569.

<sup>6</sup> A. T. Smith, "Archaeologies of Sovereignty", *Annual Review of Anthropology* Vol: 40 (2011): 415-432.

<sup>7</sup> J.-L. Nancy, *Corpus* (Moscow: Izdatelstvo "Ad marginem", 1999).

<sup>8</sup> R. Burles, "Exception and governmentality in the critique of sovereignty", *Security Dialogue* Vol: 47 num 3 (2016): 239-254.

The relevant historical experience shows that all major political revolutions begin with the understanding that the existing institutions ceased to adequately respond to the demands of the environment they partially created. Similarly, scientific revolutions are caused by the fact that the existing paradigm does not contribute to the adequate study of some aspect it revealed in the first place. "In both political and scientific development the sense of malfunction that can lead to crisis is prerequisite to revolution"<sup>9</sup>. The functions inherent to the given state, including paradigmatic shifts in political and legal consciousness, are stimulated by the corresponding technological principles to one degree or another. In this case, necessities are linked with random factors. The game of powers discloses some of the most important objects and instruments formed by the revolution and associated with traditions. "Political revolutions aim to change political institutions in ways that those institutions themselves prohibit. Therefore, the success of revolutions conditions the partial failure of a number of institutions in favor of others. During a revolution's interim, society is not fully governed by institutions at all".

In increasing numbers, individuals become increasingly estranged from political life. As crisis deepens, individuals commit themselves to some concrete proposal for the reconstruction of society in a new institutional framework.

In the early New Age, antagonistic classes within the system of social differentiation did not hold symmetrical positions. A technological revolution found them in a situation where desires and interests of the ruling class were aimed at "something else" and embodied in signs confirming its status and prestige. The desire of people was devoid of any object and represented a negative action. The image controlling the desire of the nobility was the image of possession, while the image controlling the desire of people was the image of being engendering the idea of identity without any distinctions. This division gives rise to the outsider's position separated from the above-mentioned antagonists, in which "domination-oppression and social identification are fantastically combined, and merge the ideas of possession and being"<sup>10</sup>. The "ruling machine" uses its technical levers to balance social contradictions within the being established by state and law. This method is equally acceptable both for absolutism and for the "enlightened despotism" of revolutionaries and reformers. Power is always born out of division.

As a rule, the enemy camps do not recognize any supra-institutional structure for eliminating the differences that led to a revolution, and the parties entering a revolutionary conflict should eventually turn to means of mass persuasion, often including force.

Technological revolutions gave rise to forces striving to join the political process. Thus, a new type of rationality was based on natural and mathematical sciences, and critically evaluated traditional institutions and ideologies. The state began to play a decisive role in these transformations.

At the same time, the concept of sovereignty emerged and reached its semantic completeness only under the conditions of absolute monarchy. The monarch acquired not only a transcendental role but also a sacred meaning. The sovereign occupied the top of the political structure as an integral part representing the whole.

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<sup>9</sup> T. Kuhn, *Struktura nauchnyh revolucij* (Moscow: Progress, 1975).

<sup>10</sup> C. Le Fort, *Formy istorii. Ocherki politicheskoy antropologii* (Saint Petersburg: Nauka, 2007).

The natural right to supreme power also belonged to the monarch's personality; this power was supreme like monarchy and divine power that already existed over political society and separately from it. Sovereignty meant independence from the whole and power over it that was supreme because it was located outside the whole ruled by the sovereign. This was the true sovereignty of absolute monarchs<sup>11</sup>. The presence of a higher in-station that did not comply with the law of causal determinism allowed the entire system to remain in a state of equilibrium and balance.

The notion of sovereignty was inherited from monarchs by absolutist states, but its full meaning was revealed in Th. Hobbes' figure of the "mortal god" and G. Hegel's "authoritarian state". "State is a unified person, responsibility for whose actions was taken on by a whole lot of people to allow this person to use the power and means of all of them as deemed necessary"<sup>12</sup>.

The ruler's inability to make a decision and rise above law in a state of emergency gave grounds for accusations of usurpation of power. This caused a significant disruption in the work of the "ruling machine". In this regard, we refer to "technical legitimation" based on the idea of balance and stability in the management and rhythm of activity. The control center was obliged to ensure the uniformity and consistency of the functioning of its constituent elements.

Societies of the "Old Order" were characterized by the usurpation and strengthening of long-term independent power focused in one center. However, the system became differentiated and more types of power found themselves outside its scope: firstly, "the power of other societies and other political systems, then "the power of farmers" and, finally, "financial power". The differentiation of political power revolutionized the general role of power in society, its symbolism and the need for legitimation, the way of functioning and boundaries. Society changed as a whole.

Socialization occurred alongside the struggle between national and centralizing forces and was influenced by centrifugal class trends. At the same time, both directions of activity sought to assert their political status as the only force determining the real order. This variety of statuses formed public law, whose purpose was to ensure the stability of the existing state order. The system of statuses as stable and established states did not need a hierarchy. On the contrary, it proposed a new worldview consisting of heterogeneous elements subject to a unified law, where morality was equated with expediency. Thus, a politician should not be confused by any law or theory.

The formation of special political subsystems regulated goals and made decisions dependent on the use of power, but power still was not focused in the hands of the state. "There is the only question about the scope of public power remaining outside the political system, i.e. the question about the boundaries of politicized power. While threatening the political system, public power should turn into political one"<sup>13</sup>.

Being a power technique, sovereignty has a constant tendency towards centralization. Characterized by the cult of management, the "ruling machine" can be

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<sup>11</sup> A. L. Goodhart, "The Rule of Law and Absolute Sovereignty", University of Pennsylvania Law Review Vol: 106 num 7 (1958): 943-963.

<sup>12</sup> J. Maritain, *Chelovek i gosudarstvo* (Moscow: Ideya-Press, 2000).

<sup>13</sup> N. Luhmann, *Vlast* (Moscow: Praksis, 2001).

manifested in any form, retaining its permanent qualities: efficiency and imperativeness in the course of revolutionary or evolutionary transformations<sup>14</sup>. To preserve its identity, the system selects the appropriate political technique of transformation. The true center of power lies somewhere inside. The concepts of "center" and "hierarchy" have always been inextricably linked. They denote the ordering nature of power and its adjusting impact. In contrast to this centering theory of power, Paul-Michel Foucault denied the possibility of localizing power in one center<sup>15</sup>: "power is everywhere and comes from everywhere, remaining structureless and driven by will alone". E. Shils designated the relative power center only as a "central values-based system"<sup>16</sup>, arising from the uneven distribution of power and authority. Centers are only loci concentrating the most significant social actions. Thus, ideas and institutions create preconditions for certain events and form the "central institutional system". The distribution of hierarchies is connected with the formation of many centers: they emerge, form as phenomena, "crystallize" and turn into clusters, become components torn off from the center of the system (satellites). Such a type of centralization is not characterized by a hierarchical principle but has the features of causality and expediency.

Hierarchies always focus on the vertical structure, while new networks unfold horizontally. All machine-like systems are more inclined towards the second option, where the competing centers line up in complex and unpredictable configurations. The absence of a single center, immanent for a network, is compensated by a certain transcendental point ("control station") located outside the scope of network-based systems.

Th. Hobbes equated natural law with moral prescriptions of a higher order. According to Benedictus de Spinoza, the moral component of law transforms through the mechanics of effects into the general ontological regularity of being. Physical regularity merges with legal and moral, while natural laws play the role of not prescriptions but descriptions.

In the course of scientific and industrial revolutions, a whole conglomerate of nation-states ("the Westphalian system") with clear religious and political concepts was established and absolutist forms of government strengthened in Europe with their complex bureaucratic systems. The development of military technologies, architectural ideas, vehicles, organizational and financial operations contributed to the growth of communication qualities and effective internal structuring of power relations in nation-states even before the "Age of Steam". The "ruling machine" acquired new features and determined the limits of its political existence.

The boundaries of state power were established within the framework of regulation processes. It turned out that techniques of legal regulation can only become effective under a conventional or, more likely, imperative impact. To make some social systems more stable and organized, such power impulses had to come from one center. For well-known reasons, the state became such a center. The "ruling machine" initially contained established rules and concepts, which allowed it to acquire a monopoly on control and violence. The development of technical means also corresponded to the tendency towards centralization:

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<sup>14</sup> H. J. Morgenthau, "The Problem of Sovereignty Reconsidered", *Columbia Law Review* Vol: 48 num 3 (1948): 341-365.

<sup>15</sup> R. Deacon, "Strategies of Governance Michel Foucault on Power", *Theoria: A Journal of Social and Political Theory* num 92, Justice, Equality and Difference (1998): 113-148.

<sup>16</sup> S. I. Kaspé, *Centry i ierarhii: prostranstvennyye metafory vlasti i zapadnaya politicheskaya forma* (Moscow: Moskovskaya shkola politicheskikh issledovanij, 2008).

the complication of these means and a set of economic and technical tasks required the systematization of public activity.

The state belongs to the sphere of institutional action and has authoritative primacy over all other political actions. It is the supreme institution that holds the highest hierarchical position in the general sphere of institutional actions. Since all forms of communication should be divided into standard groups, the state perceives outgoing spiritual impulses of social life and transforms them with the help of appropriate institutionalizing actions.

## Discussion

After the French Revolution, political society and state merged into a unified concept of "nation". Before that, philosophers of the Enlightenment had already turned the state into a tangible supreme personality and made it subject to law in such a way that the feature of absolute sovereignty was transferred to the state and it began to represent the transcendental personification of the nation.

However, the state was not regarded as an independent subject of rights but only as part of political society. According to Enlightenment thinkers, the state is an abstract entity and any rights granted to it are not its own rights but the rights of the political society replaced by such an abstract entity. If a real state uses this fictitious entity attributed to it as a "legally conceivable being", it will certainly and unambiguously require sacred attributes and the "sovereignty" of law, which are only metaphysical, relating to the nature of law and its legal obligation, but has nothing to do with the true concept of sovereignty.

Politics is always associated with actions. The same can be said about techniques that are personified and embodied actions. In contrast to politics, techniques do not utilize the concept of authority and deal only with calculation and efficiency. When politics perceive such goals, it turns into a technique. The latter is characterized by a kind of "democratism", the "equality" of parts and elements that are capable of providing balance in a technical system.

A technique strives to bring its most significant element into the political sphere, i.e. organization and structure. It intervenes into the field of state administration, introduces its own causal mechanism and extends the automatism inherent and desirable for it to relations of a completely different kind. A person becomes an object of mechanical compulsion. The influence of techniques becomes all-encompassing and pervasive.

Influence without any action can be compatible with the sovereignty of a sovereign only if the latter's essence and will side with the representative and executive system. A sovereign is a person who can be presented in such a way as if such a person is present in the representative. This is both an extreme and common communication form of power. Representation is the embodiment of the power center at some distant point when "this power center has the ability to communicate with every location under its control through representatives as if it is really present at the above-mentioned location". Sovereignty is inextricably linked with the imperative dominant principle and its effect on far areas.

To exist as a system, an empire should be able to connect, while connection implies the ability of the center to reach its periphery by transferring signs. These signs link the center and the periphery through a "control station" as if the center is really present at a distant point. However, this method of communication weakens the importance of the center

and its hierarchy: the growing autonomy and the importance perceived from the center are capable of transforming remote points into self-sufficient centers of power.

There is no kind of representation that is a sole private matter. Representation ceases to denote an image or a figure but acquires new essence. The most important component in the legal and sacral-legal concept of representation is that the representative endowed with the rights of the represented person depends on the representee.

The dominant center has an ability to influence its periphery in such a way as if it is present there. If the power center is far away from some location, it should influence this location as if it can operate there.

The virtualization of the communication center limits its real functions to "a control station", therefore it can cause a permanent conflict among newly emerging quasicenters and the emergence of an unstable legal order. All formal (including legal) procedures and formulas aimed at preserving political and legal unity lost their meaning, giving way to forms of the pre-legal state.

Systemic social ties have a certain regulatory structure that becomes positive law in the process of formalization (this is how a custom sanctioned by the state power turns into law). This "primal" normativity determines the type and nature of the emerging state and its legal systems. In this regard, Hannah Arendt noted that a special "space of appearance" comes before all the formed state principles and state formations, ordering and directing it each time. "What first undermines and then kills political communities is loss of power and final impotence; and power cannot be stored up and kept in reserve for emergencies, like the instruments of violence, but exists only in its actualization"<sup>17</sup>. Power is only the potential of might and not something permanent, measurable and reliable, like force. Power is something that every person owns by nature to a certain extent. However, no one actually has power, it forms when people act together and disappears as soon as they dissipate. It is not power that is indivisible, but force. Although the latter is balanced by the existence of other elements, it is limited and diminished in its potential influence. Therefore, power is more easily destroyed by violence than force. The division of powers does not entail a decrease in the overall authority.

## Conclusion

In the postmodern era, hierarchy, operational and technical methods of management and the concept of objective law were replaced by conventional rules and acts. Equality, stability and objectivity gave way to the dominance of immanence and subjectivity. It is strange but techniques, decentered neutrality and impartiality returned legal thinking to the subject and their activities. After abandoning the moral and ethical "obstacles" in the very beginning, the "pure" neutral technique destroyed traditional institutional unity to govern an already isolated individual.

The recent biopolitical trends allowed the state to use softer methods of managing society<sup>18</sup>. Under standard conditions, the complicated "machine of power" can do without the use of direct violence. At the same time, it has much greater power and resources than

<sup>17</sup> H. Arendt, *Vita activa, ili O deyatelnoj zhizni* (Saint Petersburg: Aletejya, 2000).

<sup>18</sup> D. Mitchell, *The Signature of Power: Sovereignty, Governmentality and Biopolitics* (London: SAGE Publications, 2013).

a traditional disciplinary society and a police state. The use of techniques guarantees such an advantage. All-pervading control, all-encompassing influence and permanent impact on the masses (features of modern power) pushed back political techniques that had existed for centuries.

"Although hierarchical methods were effective in the past, they often fail today because they lack horizontal connections. In the future, institutions will be organized according to a management system based on a networking model. Systems will be designed to provide both lateral and horizontal, even multi-directional and overlapping, linkages. What is emerging is a network management style"<sup>19</sup>. The shift from representative democracy to participatory democracy might also result in the abandonment of old hierarchical structures in favor of networking methods.

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<sup>19</sup> J. Naisbitt, *Megatrendy* (Moscow: OOO "Izdatelstvo AST", 2003).



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