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SOCIETY AND FRIENDSHIP IN THE LANGUAGE OF THE EARLY MODERN INTERNATIONAL POLITICS

Evgeny Roshchin, PhD
Researcher, University of Jyväskylä
evgeny.roschin AT jyu.fi

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Introduction

The primary focus of this paper is on the concepts of society and friendship used to describe and theorise the relations between sovereign actors. Despite the seeming difficulty of analysis of ‘high politics’ with the help of these concepts, they are classical concepts available to us in both the ancient accounts of politics and contemporary international political theory. Thus, they are not only part and parcel of the ‘colloquial’ political language, but also the key concepts in the theories about international society and the principles of its constitution. For instance, the concept of society plays a central role in the English School of International Relations. The descriptions of international “society” tend to convey the image of reified body and sphere sometimes capable of independent action. Both society and friendship are seen as natural phenomena of social life, which are imposed and demanded by human nature. However, such image serves more the needs of particular theories and associated political ideologies and tries to negate the inconvenient realities and conceptual tensions. In this paper, I shall try to highlight these tensions and recover negated political practices by doing a brief conceptual history of international “society” and “friendship”. By means of such history I intend to demonstrate that the contemporary usage of these concepts is a product of conceptual re-description and affirmation aimed at repressing more particularistic, contractual, voluntary and, in this sense, more political relations associated with the use of *societas atque amicitia* in ancient and early modern sources. The paper will start with the definition of society by the key representatives of the English School, then proceed by demonstrating the use of the concepts by the ‘ancestors’ of this tradition and discuss the implications of the highlighted alternative modes of application for the international *societas* and *amicitia*.

The English School and International Society

As the genealogical aspiration of this paper dictates, it starts with the contemporary conceptualisation of international society and friendship and tries to unfold their history to the moments when the presently dominant perspective on these phenomena gained momentum. Thereby this study will highlight the stakes involved in affirming the existing perspective and forgotten conceptual alternatives, which can still possibly be utilized for describing the world of international politics (in its methodological orientation this paper is informed by a number of studies undertaken by Quentin Skinner; see, for instance, Skinner 1998, 2002, 2008). Today, perhaps, hardly any other theoretical school has a more prominent place for the concept of international society than the English School of International Relations. The centrality of “international society” coupled with the sensitivity to historical data that this School displays provides a convenient vantage point to start an inquiry into the conceptual history of such ‘social’ concepts as “society” and “friendship”.

For the sake of expediency and more evident contrasts in this section I shall be mainly concerned with the classics of the English School and for this reason will have to leave out a vast literature on international society and community. The English School is famous for proposing the conceptual triad of international system, society and community associated with the corresponding traditions of ‘realist’, ‘rationalist’ and ‘solidarist’ (sometimes called ‘revolutionist’) theorising. The classical intellectual authorities commonly labelled to express the key premises of the respective traditions are Thomas Hobbes (sometimes Niccolò Machiavelli), Hugo Grotius and Immanuel Kant (sometimes also F. Vitoria, A. Gentili, Ch. Wolff). The realist tradition presumes that the sovereign states exist in the hostile state of nature, where there is no sense of trust, cooperation, shared norms or law and means of their enforcement. The revolutionists represent a complete opposite in trying to see the common bonds of human community and shared culture as well as attempting to conceive of the forms of world state or government through the domestic analogy (Wight 1991: 38-43). The conception of international society lies in-between. Surely, the boundaries between these conceptions are not always clear-cut and the classics themselves admit the existing tensions (see Bull 1985: 15).

Hedley Bull in his *The Anarchical Society* contends that “a *society of states* (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions” (Bull 1985: 13). Society can be said to exist when it achieves such primary goals as life, truth, and property (Ibid., 5-6). By virtue of being based on the association of states an international society presupposes an international system, but an international system does not necessarily imply an international society (since it may not contain common interests, values, or common rules; Ibid., 14). For this reason an international society implies common culture or even civilization, and, hence, it becomes a valuable and normatively assessed reality, which its members feel a need to preserve and affirm. As Bull noticed, its preservation sometimes was valued even higher than the independence of its individual members (Ibid., 17).

Martin Wight articulated a similar idea by saying that international society is “a political and social fact, attested to by a diplomatic system [...] the acceptance of international law [...] and also by a certain instinct of sociability, one whose effects are widely diffused among almost all individuals...” (Wight 1991: 30). Such a reification of a collective sociable being makes it possible for Wight to ascribe certain attributes of

agency to international society by seeing it capable of collective action (for instance, when deciding on a rightful membership, see Wight 1977: 153). This perspective on international society drastically differs from the way the realists view the world of sovereign politics, in which there is no such thing as a ‘thick’ conception of shared culture going beyond the recognition of a mere basic principle of state sovereignty, and no authority, which could secure a consensual meaning of justice.

Bull contrasts the conception of international society with the ‘Hobbesian’ vision of international realm and also with the one that proposes to overcome a hostile state of nature by means of domestic analogy. He argues that the conception of international society is related to the traditions of international law showing how international society is formed with the acceptance of the system of rules and balance of power theorizing (Bull 1966a: 38-39). Both Wight and Bull trace the origins of this conception back to the writings of Hugo Grotius.

There is, however, a tension within this conception of international society between its pluralist interpretation, which restricts society to a minimal set of rules of coexistence determined by the principle of state sovereignty, and solidarist interpretation, which implies a much wider set of shared interests, norms, institutions and social cooperation (see Buzan 2004: 8). Bull maintains that the Grotian conception of international society tends to be closer to the solidarist end of the pluralist-solidarist divide. It does take into account certain concerns of the pluralists, who can only admit restraints on sovereign action that result from her/his explicit consent, but it also makes concessions to domestic analogy. The latter include institutions of the international society, the concepts of international and natural law with an inherently linked concept of justice (Bull 1966b: 65-67; Buzan 2004: 21).

Siding with the solidarist conception of international society creates a further problem of distinguishing it with the concept of community based on the idea of common identity. Barry Buzan is one of those who admitted this problem in cases when the idea of common identity is simply presupposed in the use of the concept of society, which still includes a pluralist element, and thus complicates the understanding of what the concept of community is about (Buzan 2004: 75). The history of this modern distinction, perhaps, goes back to Ferdinand Tönnies’ categories of *Gesellschaft* (society) and *Gemeinschaft* (community). In this distinction *Gemeinschaft* describes a more affective premodern and organic association or ‘a living organism’ based on a deeply internalized common identity (which includes common language, beliefs customs), while *Gesellschaft* refers to more rational, public, contractual modern organization or ‘a mechanical aggregate and artefact’ (Tönnies 2001: 18-21). Buzan believes that the history of German debates around this terminology cannot help us understand better the present conceptions, therefore he suggests to stick to the terms ‘society’ and ‘community’ retaining the sense of the original opposition, which makes the former stand for “agreed arrangements concerning expected behavior”, while the latter for “shared identity” (Buzan 2004: 111). All of these indicate the problems arising out of attempts to reify the phenomenon by means of the concept of international society, which, on the one hand, tries to portray an international body being capable of independent action, displaying its own attributes and professing its own norms and interests, and, on the other hand, resists attempts to ascribe to it the notion of common identity and close affective social bonds.

In this respect it is crucial to pay a closer attention to the narrative that this theory builds about Grotius’ understanding of international society, its inclusiveness and exclusiveness. Grotius treatise *De Jure Belli ac Pacis* (1625) stands conveniently in the period following the collapse of the presumably single politico-ideological entity

Respublica Christiana and the beginning of sovereign politics in the European space (there is already a vast literature challenging the identified period and degree of rupture as well as the image of unity under the *Respublica Christiana*; my purpose here is simply to place Grotius in the narrative of the ES classics). The image of united medieval Europe helps to show that Grotius' theory encompasses two ideological alternatives. Wight believed that *Respublica Christiana* could not be characterized as an 'international' realm since it was organized around the ideas of unity and hierarchy, which determined the vectors of all relationship and conflictual situations (Wight 1977: 27). Grotius' treatise makes an attempt to present customs and laws of international conduct that would be common to all nations irrespective of their religious background. Thus, Wight saw his intellectual place between those who believe in the ideal unity of international society and those who take it as a state of nature (Wight 1977: 39).

Wight and Bull saw Grotius as a supporter of the idea of the international society or society of states (*societas gentium, civitatum, populorum*), which is a part of universal human society/community ('*magna communitas humani generis*' or '*societas humani generis*') and a result of human sociability. Bull, for instance, thought that persons who rule communities according to this conception would also be bound by natural law (Bull 1966b: 68; Wight 1977: 126; Wight 1991: 37-39). However, this interpretation immediately invites questions with respect to pluralist, rationalist and contractual aspects of international society in Grotius as an acclaimed founder of the tradition of thinking about solidarist international society. This is also a point where conceptual history is best to intervene.

Wight himself admits that Grotius is somewhat ambivalent in his conception of society. Sometimes he simply applies this term to describe the groupings of states. Wight quotes: "Between contracting parties there is a closer society (*societas*) than the common society of mankind (*quam quae communis est hominum*)" (it is "predicated of individuals but applicable to states"; the point to note here is that Wight refers to Grotius *De JBP* II, XII, IX while Grotius in that passage refers to Cicero *De Officiis* III, XII). Wight feels a need to explain that Grotius in fact refers to "what we would call alliances, though giving much weight to semi-permanent alliances like the Peloponnesian League and the Achaean Confederacy" (Wight 1977: 128). He also admits that Grotius sometimes speaks of Christendom as a league: "He says that Christian princes need to help one another against infidel aggression, 'which cannot conveniently be done, unless a *fedus* is made for that purpose; such a *fedus* was made a long time ago, and the league of it was created by common consent, Roman Emperor'" (Wight 1977: 128; note that Wight refers to Grotius II, XV, XII). Wight disqualifies this observation as being based on a faulty historical argument and accuses Grotius of attempting to make historical phenomena fit his political categories. He concludes that Grotius has a dual or concentric conception of international society. The larger circle embraces all mankind, the smaller circle includes the *corpus Christianorum*. Such distinction, according to Wight, is the result of Grotius' acceptance of Christian view of history and the insufficient knowledge of the non-European world (Ibid.).

I shall contend that Bull and Wight in connection to this issue perform a tacit reification of the entity under the name of solidarist 'international society' and ascribe its origin to a source, which in fact speaks of the variety of things and displays a sensitivity to the distinction of society and community. There is a reason why Grotius applies the term "society" to what now might be called a league or alliance and this reason would be difficult to accommodate in the solidarist and 'circled' conception of international society.

Two above-mentioned references to Grotius will be the keys to our explanation why this is so, since they help to identify the context in which Grotius makes use of “society”. Chapter XII “Of Contracts” in Book II of *JBP* brings about a context of definitions and principles of contractual relations. In a subchapter XII, IV Grotius defines the ‘communicatory acts’ (uniting the interests of contractors), which introduce a common title to things or actions and have the name of *societas*. These acts can also include an association for war (*bellica societas*), when some private vessels unite to protect themselves from pirates. They basically designate a type of contracted association.

The second reference links the concept of “society” to another key context. Grotius uses the term “societas” in the chapter XV “Of Public Treaties” [made by the sovereign himself and those concluded without his consent] (*De federibus ac sponcionibus*). Apart from a subchapter XII, which discusses a Christian alliance against the enemy of Christianity, there are two subchapters in the same chapter that are more significant for the understanding of the occurrence of the term “societas”. In a subchapter III Grotius explains the procedural difference between the making of “foedus” and “sponsio”. The very difference is only of minor importance here; what is important is the example of what these treaties could be meant to achieve. The purpose of the treaties was something what translators usually call leagues or alliances, but Grotius himself consistently used the word “societas” to designate a political and contracted relationship between the sovereign actors. The next subchapter (IV) reproduced a famous distinction of compacts or treaties from Livy’s *History*. Among the three types there is one compact when the contracting parties “enter into an Alliance, without giving or receiving Laws on either Side (*amicitiam sociali federe*)”. Not all the modern translations of this passage, including the one above, are subtle enough to convey the exact name of the *foedus* made for purpose of alliance meant in this type. However, Grotius registered precisely the *contracted* political association in the form of *amicitia* and *societas*. Apparently, this is not a universal relationship, but rather a contingent political agreement.

Curiously, Wight also insists that “alliances are not the friendships of international politics” and thereby ignores the passage, and the contained distinction wherein, quoted by Grotius from Livy. As opposed to contingently contracted political association, Wight suggests that alliances are necessarily based on interest while “the range of friendship extends to where a man lays down his life for his friends; but the height of self-sacrifice is not permissible to governments whose duty is to protect the interests of their peoples” (Wight 2002: 122). This is a typically modern view of international friendship, which is perhaps shared by the representative of solidarist tradition or those advocating the ideals of world community. According to the rules of this genre the ideals of individual virtues are transferred by means of analogy onto the international conduct. A good example of such analogy is the statement from President Woodrow Wilson’s address to Latin American: “Mutual respect seems to us the indispensable foundation of friendship between states, as between individuals” (see Editorial 1913: 331).

I argue that neither *amicitia* nor *societas* appearing in Grotius to designate leagues, alliances, special types of treaties or compacts are some sort of aberration against the backdrop of our modern understanding of what friendship or society are. As I shall demonstrate below, Grotius followed a conventional use of the terms “societas” and “amicitia”, while modern theorists of ‘international society’ might be tempted to ignore the nuances of the early modern usage for the sake of reifying and normalizing the reality of the international being which is independent of the wills of its members. In

this way, “international society” seems to undergo a similar conceptual transformation to the one happened to “society”. As Keith Baker’s survey of the 17th century dictionaries shows, the term “société” “carried a range of essentially voluntaristic meanings” in the early modern period (Baker 2001: 86). He maintains that the modern concept of society, as an essential form of collective human existence harmonizing individual interests, was largely an invention of Enlightenment. He shows how, in the 17th – 18th centuries, the “voluntaristic” and contractual meanings of the concept were gradually replaced with the naturalistic understandings of human needs and their interdependent character, which were portrayed as the basis of the inevitable sociability (Ibid.: 84-104; see also Black 2001 and the discussion of naturalness of society vis-à-vis state in Foucault 2007: 348-350). In fact, a record for “society” in the OED contains multiple examples of using “society” from the 16-17 centuries in the meaning of the ‘condition of being politically confederated’ and ‘political alliance, league or contract’. Among those one can find “societee in armes” (1579), “auncient leage or late oth of societie” (1623), by “entring into societie of war with vs” (1665), “A league and societie was concluded betweene Philip the King of the Macedonians and Anniball” (1655) (see <http://www.oed.com/>). These examples correspond to the usage of *societas* in Grotius and thus invite us to do a brief history of the concept identifying and making sense of the overlooked conventions.

Greco-Roman Antiquities

Grotius’ references instruct us to look into several, but interrelated, contexts. The above-discussed subjects in Grotius’ treatise are linked to the ancient Roman understanding of a juridical *societas* as a contract and Greek and Roman historical accounts of ‘international’ groupings and associations. But before going into these contexts one should start by admitting that there is some truth in the attempts of making Grotius a theorist of universal society or maybe even community. The fact that Grotius in many respects drew on Cicero’s philosophy has already been noted. David Bederman argues that “Cicero’s notion of *humani generis societas* – society of mankind rather than of states” is what determined Grotius’ “preoccupation with universal rules” (Bederman 2001b: 117; see also Grotius’ argument about the applicability of Cicero’s observations on friendship to the conduct of nations in *JBP* III, XXV, VII). Others, like Nicholas Onuf, also noticed the indebtedness of some early modern authors to Cicero’s observation on the several degrees of fellowship (*societas*) among men, which take shape of the descending series (Onuf 1998: 48) and could in principle support Wight’s ‘circle’ interpretation of Grotius’ theory.

Cicero in fact wrote in his *On Duties* I, 51: “the most widespread fellowship (*societas*) existing among men is that of all with all others. Here we must preserve the communal sharing of all the things that nature brings forth for the common use of mankind...(In qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas)”. This is an unlimited *societas*. The next degree of *societas* is that with the same race or tribe. A closer one is still that of the same city: “as citizens have many things that are shared with one another: the forum, temples, porticoes and roads, laws and legal rights, law-courts and political elections, and besides this acquaintances and companionship, and those business and commercial transactions that many of them make with many others”. And the closest *societas* is between neighbors (I, 53).

From these descending series scholars sometimes infer an inherent human sociability, which then becomes a central premise for many continental philosophers

(see Onuf 1998: 50-51). However, already Cicero's description of *societas* at the level of the city provokes questions as to the extent it was an institute of nature rather than a public agreement of the citizens about the rules of communal life. J.G.A. Pocock, for instance, argues that there is such tradition of understanding the republic as a partnership "aimed at the realization of all values" already in Athenian political thought (Pocock 2003: 66). Furthermore, the very fact that Grotius invokes *societas* in the discussion of contracts and treaties should mark the context which is clearly distinct from the context of 'sociability' and Wight's understanding of 'circle' society.

No less prominent context for the use of *societas* is the definition and descriptions of legal partnerships and contracts. *Societas* was a Roman consensual contract (put into effect when parties expressed their consent) in which parties should have contributed equally for a common, and legal, purpose (Dictionary 1857: 902; Pryor 1977: 19-20). This type of partnership later was common in the Mediterranean cities (Pryor 1977: 14). The *Digest* (533 AD) contains a whole chapter on *societas*. What is important to note from the juridical statements collected in the *Digest* on *societas* is that it is a contracted partnership made either for all time or for a limited period of time (17.2.1); it can be formed by act, by words or through a messenger (17.2.4); it can be formed in all goods, or in some business, or in one thing (17.2.5); and that it is permissible to create a partnership without specific terms (17.2.7). The term 'socii' commonly referred to the nations, cities and kingdoms that were the allies of Rome and who as allies had to send on request troops, ships and other provisions (Dictionary 1857: 903). Whether the private law statements on *societas* could be applied to public relations with other peoples remains a contested issue. What is however beyond any doubt is that *societas atque amicitia*, *socii et amici* were the most common titles for the relations that Rome established with other peoples (even with those who became formally subordinated to Rome). Here we arrive at another context for Grotius references to *societas* and *amicitia*; namely, to the ancient histories and orations on the Hellenic and Roman "foreign" policies.

The scholars have long debated whether *amicitia* was a special type of treaty, whether it was constituted by a treaty or was its precondition, whether it was the aim of the treaty or its negotiated content, whether *societas et amicitia* designated a single relationship or had to be concluded separately (for a short review of the debate see Lesaffer 2002: 78-81, for a more detailed discussion see Cimma 1976). Randall Lesaffer argues that under the Roman republic *amicitia* was so often referred to in the treaties of alliance that it contributed to a terminological confusion with *societas* standing for a military alliance. He emphasizes that despite this coupling *amicitia* and *societas* were two different juridical concepts, which were not mutually inclusive: while *societas* included *amicitia*, *amicitia* itself did not necessarily imply *societas* (Lesaffer 2002: 81). Many other scholars believed that *philia* in Greek sources and *amicitia* in Latin only designated benevolent relations, which were not the result of a special treaty, as opposed to a more active alliance – *symmakhia* or *societas* (see Baldus 2004: 120; Bederman 2001b: 159; Gruen 1986: 75-78; Konstan 1997: 83)

It is beyond the scope of this paper to engage into a debate on whether *amicitia*, when used together with *societas*, is just a collateral benevolent relationship of a more solid alliance. I shall accept Maria Cimma's recipe for overcoming the problems with the definition of *amicitia* by distinguishing more general usage of friendship and more technical juridical one (Cimma 1976: 84). The latter implies that 'international' *amicitia* is a contracted relation even when used separately from *societas* (see, for instance, its implications for the right of postliminium in Digest 49, 15, 5; see also Cimma 1976: 88-91). In its turn international *societas* is also a political relation of alliance made by a

treaty. Bruno Paradisi, quoting Cicero's *Oration against Verres*, points out that cities and peoples were related to Rome by means of *societas*, *amicitia*, *sponsione*, *pactione* and *foedere* (Paradisi 1974: 339). This means that *amicitia* and *societas* could be used separately to refer to special relations; at the same time these concepts can well be merged into one. Here it is enough to admit that the phrase *amicitia atque societas* can designate one type of relationship based on a contracted agreement (even if it does not sometimes have specified terms it still complies with the definition of *societas* in the Digest; see also Paradisi 1974: 308), which is determined by particular circumstances and political rationalities. As opposed to mere benevolent relations imposed by nature upon all mankind, *amicitia atque societas* is selective, purposeful and voluntary. In the following I shall illustrate this thesis with a number of citations from the sources that were common reference point for the Grotius generation of thinkers.

The conceptual couple of friendship and what might be called an alliance seems conventional already in the ancient Greek sources. The paradigmatic example is Thucydides' *History of Peloponnesian Wars* (431 BC) in which he mentions various instances of making friendship and alliance ("philous kai symmakhous" V, XXXVI, 1; "philian kai symmakhian" VI, XXXIV, 1-2). Aristotle in his *Nicomachean Ethics* also seems to equate political friendship between cities with *symmakhia* (see NE 1157a25-30). However, some scholars insist on the strict distinction between the two (Bederman 2001b: 159). Greek historians not only mentioned the condition or status of being friends and allies, they also often mentioned this status as resulting from a treaty or being equated with the concept of formal agreement. For instance, Polybius uses the term "φιλία" in regard to the name or type of the agreements made by the Romans with Carthage:

The first treaty (συνθήκη) between Rome and Carthage dates from the consulship of Lucius Junius Brutus and Marcus Horatius [...] The treaty is more or less as follows: "There is to be friendship (φιλίαν) between the Romans and their allies (συμμάχοις) and the Carthaginians and their allies on these terms... (*The Histories* – 2nd century BC – III, 22, 4-5; see also III, 29, 7).

In this example friendship includes the specification of terms (see Bederman 2001a: 54), although there are instances when the link between the treaty and the condition of friendship and alliance is articulated without the specification of terms (see Herodotus mentioning peoples that become friends and allies (philotyta te kai symmakhien) Herodotus II, 181; Andocides also refers to a pact of friendship (philotyta) that becomes an alliance (symmakhian) in *On the Peace with Sparta* 30).

The conventional usage of friendship together with alliance is rearticulated in the expression of *amicitia atque societas*. If Cicero's *On Duties* may contain propositions on universal natural society, his *Oration against Verres* (70 BC) describes *societas* and *amicitia* as an established political relation with Rome. Verres is blamed for demanding the symbols of *societatis populi Romani atque amicitiae* (II, 36, 88; there are also examples of temples built in the name of *societatis amicitiaeque* IV, 29, 67, and peoples bound to Rome by *perpetua societate atque amicitia* IV, 33, 72; the same conceptual association is present in Caesar's *Commentaries on the Gallic Wars* (58-50 BC) I, 43; IV, 16; and Livy's *History* XXXIV, 32, 14-20). A much later history written by Tacitus (109 AD), which was used as a source by the early modern Sceptics who opposed the Stoic humanistic universalism, also used the expression to 'establish *amicitia societasque*' (*Histories* IV, 64: <http://www.sacred-texts.com/cla/tac/h04060.htm>). Oft-quoted Livy's *History of Rome* (around 27-25 BC) consolidates the conventional use when *amicitia* and *societas* are included in the classification, which became classical for

the early modern authors, of ‘international’ compacts or agreements under a third type of “amicitiam sociali foedere” (Livy XXXIV, 57).

As opposed to *foedus*, *amicitia* and *societas* as contracted relations could be terminated at will to adapt to contingent political realities. This process had to follow a certain procedure (Bederman 2001a: 59). And when actors broke the agreements they tried to explain, justify and sometimes to apologize for such behavior (Bederman 2001b: 277). These occasions created a room for making arguments that easily switched between generic and more technical meanings of the concept and in this way capitalized on the positively valued images of the former to overcome the contractual limits of the latter. To illustrate this point one can take a famous example of the speech that the envoys of the Mitylenians delivered to the Lacedaemonians and their allies:

We will first discuss the question of justice and rectitude, especially as we are *seeking an alliance* (summakhias); for we know that neither does *friendship* between men (philian idiotais) prove lasting, nor does a league between states (koinonian polesin) come to aught, unless they comport themselves with transparent *honesty* of purpose towards one another and in *generally are of like character and way of thinking*; for differences in men’s actions arise from the diversity of their convictions (Thucydides *The History of the Peloponnesian Wars* III, X, 1).

In this speech the Mitylenians explain why they decided to secede from the Athenians and join the Lacedaemonians by appealing to the ideals of honesty and similitude that are praised in friendship, which in turn is compared by means of analogy with the league made by the cities. Thus, contingency as an intrinsic element of inter-city (-people, -tribal) politics was to be exploited and resisted among other things by means of various *societates* and *amicitiae* reflecting the situation and rationality that produced a compact. Semi-legal and contractual nature of this ‘international’ tool provided the actors with the opportunities to react flexibly (by terminating or prolonging the existing compacts or by making new compacts with other actors) to the constantly changing political agendas as opposed to submitting themselves to the timeless language of universal society and permanent virtuous friendship. It is not surprising then that the ancient world attached much significance to rhetorical means to justify new compacts and denounce the detrimental ones by appealing to extra-contractual values. These brief observations on the conventional usage of *societas* and *amicitia* in the context of ancient ‘international’ relations highlight a more subject-determined, situational and pluralistic conception of ‘society’ and ‘friendship’. I contend that it is crucial to keep it mind when one encounters the attempts to reify and justify ‘international society’ through an appeal to the alleged origins of solidarism and universality either in Cicero or in Grotius. A good example of such awareness is the translations of ancient texts produced by the Loeb Classical Library, which rendered “societas” and “summakhia” predominantly with the term “alliance”. Perhaps, an opposite example of attaching a modern meaning of “society” or “social” to “societas” could be a somewhat awkward term “Social War” referring to the conflicts between allies (for example to the revolt of Byzantium, Chios and Rhodes against Athens in 357-355 BC, see Diodorus of Sicily XVI, 22, 1-3 for “symmakhikos onomaseis polemos” in the Loeb library).

Society and friendship in diplomatic parlance

The interesting question is whether this convention of conceptualizing ‘international’ groupings and association remained intact in the early modern documents, which Grotius and his contemporaries could reflect upon. In the following observations I shall

mainly rely on the collections of documents compiled by J. Dumont in *Corps universel diplomatique du droit des gens* (1726) and Th. Rymer in *Fœdera, conventiones, literæ, et cujuscunque generis acta publica, etc* (1745). What is clear from the start is that the ancient conceptual couple of *societas* and *amicitia* got separated and the concepts followed different historical trajectories. *Societas* in the late Middle Ages was no longer a common concept to refer to international alliances and political associations. Lesaffer assumed that since St Augustine the term ‘*societas*’ was used to refer to “communities as a whole than to refer to bi- or even multilateral alliances” (Lesaffer 2002: 97, fn. 71). Indeed, Augustine’s City of God culminates in the holistic concept of *societas*:

For it is He who in the beginning created the world full of all visible and intelligible beings, among which He created nothing better than those spirits whom He endowed with intelligence, and made capable of contemplating and enjoying Him, and united in our society, which we call the holy and heavenly city (Augustine XXII, 1).

But earlier in the book he reproduced the above-described Roman convention of making *societas* with other peoples: “[I] will speak only of [...] the Roman empire, by which I mean Rome properly so called, and those lands which already [...] had by alliance or conquest become (vel societate coniunctae vel condicione subiectae sunt), as it were, members of the body of the state (quasi corpus rei publicae, III, 1). Thus, ‘international’ *societas* as a type of alliance was still an intelligible political concept and diplomatic instrument even after Augustine.

Dumont’s collection shows that *societas* is still listed in the preambles of agreements and in other diplomatic documents together with the germane terms standing for types of alliance. In the XIV century it was still possible to conclude or make *societas* and other forms of political association with the stipulated conditions: “fecerunt&faciunt ad invicem ligam, fraternitatem, Sositatem, Unionem & verum amorem, & jurant inter se perpetuo duraturas sub infra scriptis pactis, Conventionibus, Conditionibus atque modis” (Treaty of Peace between Philip Prince of Savoy and Matthew Seigneur of Milan in Dumont Vol. I: year 1318, p. 44; see also “Ligam, Unionem, Confoederationem, & Fraternitatem; veramque Amicitiam, & Societatem, & hoc ad defensionem Statuum praesatorum Dominorum, & cujusque eorum contra quascumque Gentes Ultramontanas, & contra quascumque Societates,...” Instrumentum Publicum contractae Ligae&Societatis between Dumont Vol. II: year 1385, pp. 188-9). Papal bullas also registered the political alliances of individual kingdoms (see Pope Benedict XIII’s Bull excommunicating the King of France: “Et insuper omnes & singuli, qui cum praedictis, vel eorum aliquo, ipsorum contumacia perdurante, Confoederationem, Societatem, Obligationem seu Ligem fecerint, vel ipsos juverint...” in Dumont vol. II: year 1407, p. 307; see also Bulla of Clement VII confirming the Treaty of Cambrai from 1529, which after glorifying God and his role for *Respublica Christiana*, observed established *amicitia* and *societas*: “...Amicitia, Societate, affinitateque sese conjunxerint, & ad intemeratae fidei tutelam...” in Dumont Vol. IV: year 1530, p. 61). Contracted political association defined as *societas* is still in the range of valid diplomatic concepts of the XVI-XVII centuries (i.e. “firma ac durabili Amicitia, Societate, Affinitate, Foedere ineundo, stabiliendo & confirmando” Dumont vol. IV: year 1542, p. 230, or “verum Societas, Amicitiae, Confoederationes” Ibid.: 1521, p.97; or “contra eosdein directe plenam publici Belli Societatem inire debeat”, Ibid., vol. VII-1, year 1674, p. 267).

This is in line with the terminological usage registered by the OED. However, the collections of diplomatic documents show that these examples of diplomatic *societas* are rather rare and exceptional cases. A simple search for the term “*societas*” in

Rymer's and Dumont's collections produces between 10 and 40-50 hits (at the maximum) in every volume, while a search for "amicitia" gives as an average over 100-200 hits (note that these come not only from the texts of treaties but also from other documents). Such discrepancy in numbers indeed marks the dissolution of the conceptual link and a declining demand for *societas*. The use of the concept of *amicitia* in diplomatic documents continues to follow, either habitually or by deliberate copying, the convention identified in the Roman sources. In fact, the Renaissance sources demonstrate a rising popularity of this instrument (see Lesaffer 2002: 97-98). The concept of international friendship continued to be used in this way until the modern period, when its contractual and voluntary aspects were downplayed while positively valued ethical norms overstated (in spite of friendship becoming a largely normative and ethical concept, which one can only solemnly proclaim, such proclamations continue to occur in the political situations and contexts that previously invited the use of voluntary contracted and, thus, limited political *amicitia*, for more on this see Roshchin 2009, chapter two).

What is striking about the identified trend in the occurrences of *societas* is that in most of the registered cases it was used to designate merchant companies and societies (like in the case of the Florentine societies of Bardi and Frescobaldi operating in England and frequently mentioned in the 13-14 cc documents in Rymer I and II or in the case of agreements made between England and the Hanseatic merchant societies – Ad Tractandum & Conveniendum cum Comunitate Societatis Mercatorum de Hansa – Rymer IV, year 1405). Thus, what prevails here is the convention of using the concept of *societas* as a commercial partnership framed by the Digest 17.2; while the meaning of 'international' alliance and agreement in the late medieval and early modern documents is delegated mainly to the terms 'foedus', 'confoederatione', 'liga', 'alligatio' and 'unione'.

Since it is hard to imagine an authoritative decision prescribing the universal rules of application the concept, the question we should seek an answer to is not when exactly, but how the range of reference of *societas* was transformed in a way as to make "society" as alliance and political partnership nearly unintelligible (with no vernacular terms with the root "societ-" designating interstate alliances or small range associations produced) and to associate its meaning predominantly with an all-inclusive and preexisting "society" (either universal human or state-bound). Perhaps, an example occupying an intermediate position in such transition is James I's Proclamation of Concord between England and Scotland (July 8, 1603: "... all manner of Offences or Afrants which naturally do arise betwene severall Nations at their first joyning in Society and Conversation ["Société & en commerce" in attached French translation], never ceasing to lay severe Commandement upon our greatest Subjects, that came in with Us..." (Rymer Vol VII-II, p. 81; it occupies an intermediate position in virtue of implying a voluntary action of joining into society).

Early modern accounts of 'international' relations

Early modern treatises on the law of nations and nature, as I shall try to demonstrate below, can shed some light on the raised questions. For the sake of expediency I shall look at the use of *societas* and *amicitia* only by the select few authors. Although a limited selection cannot provide us with a full description of the conceptual change, it can serve well to illustrate its key points. Below I shall present the use of *societas* and *amicitia* in the discussion of international alliances or leagues, universal human society

and in the making of analogies between the latter and relations among the sovereigns. In doing this I shall be less concerned with the details of the conceptions of society among the scholastics and early modern humanists (the task already well accomplished by Richard Tuck in his *The Rights of War and Peace*, 1999) than with the inclusion of the terms in particular type of arguments.

The idea of all-inclusive human society reappears in one form or another in both scholastic and humanist authors writing about the law of nature and law of nations in the early modern period. Early modern Aristotelians saw this universal bond between the humankind but were not prepared to accept the idea of world authority. For instance, Francisco de Vitoria, a founder of the School of Salamanca, is known for comparing the whole world with a commonwealth (*res publica*), but, as Richard Tuck has argued, this is an exception to which Vitoria did not return in his later considerations (Tuck 1999: 68, 74-75). Francisco Suárez, another eminent representative of the school, stated that individual commonwealths, when “viewed in relation to the human race”, are members of universal society (it is noteworthy that here Suárez uses the term “*universus*”, while “*societas*” is used right afterwards to describe ‘relations’ and ‘associations’ between communities; Suárez II, XIX, 9), but then agreed that the whole of mankind (*universitas hominum*) cannot be gathered into a single political body (*unum corpus politicum*) and should be seen as consisting of divided communities (III, II, 6). In addition to the evident difficulty of envisaging a universal political community and a united society, one can notice that the term “*societas*” still denotes a relational aspect in the intercourse of separated communities. One can even find instances of the ‘Roman’ type of alliance in the form of “*societas atque amicitia*” when Vitoria discusses in *De Indis* (1539) the titles under which the Spaniards could intervene into the affairs of the Indian tribes. One of the titles (7th) consists in the cause of allies and friends (*causa sociorum et amicorum*). Vitoria appeals to Roman authority by saying that this cause of just war was in vogue among the Romans who brought aid to their allies and friends (*dum scilicet socii atque amicis auxilia praestabant*; Vitoria 1917: Latin: 160, English: 266; see also “*amici et socii Christianorum*”, p. 158 and 264). However, there are also marks of an alternative conventional usage, when Vitoria maintains that friendship among men exists simply by the law of nature (*amicitia inter homines sit de iure naturali*) (Ibid., p. 152 and 258).

A ciceronian idea of *societas universi generis humani* (*De Officiis* I, XVI-50) was widely articulated in humanist writings. Alberico Gentili, the author of influential treatises on *ius gentium*, cites with approval Cicero’s idea and maintains that the law of nations rests upon *generis humani societate* (Gentili 1589: I, XV). However, those humanist authors who tried to distance themselves from the Aristotelian tradition, according to Richard Tuck, endorsed a very thin idea of society, which “completely lacked the dimensions of friendship and self-sacrifice”. As Tuck points out, the limits of such minimal conception were set by Cicero himself when he explained what men ought to do for each other (see *De Offic.* I, 51-52; Tuck 1999: 36). Indeed, Gentili is not entirely clear about how inclusive and ‘natural’ *societas* among nations can be. On the one hand he endorses Ciceronian idea of universal human *societas* (however minimal it might be); on the other hand, his understanding implies a civilisational limitation of *societas*, which can voluntarily be gathered together to oppose certain social practices (see Tuck 1999: 34-40). Furthermore, in *De Iure Belli Libri Tres* he has a chapter entitled *De amicitia & societate*, usually translated as “Of friendship and alliance”. In this chapter he explains that contracted friendship includes an obligation to provide aid to the other party (Gentili 1933: Engl.: 387, Lat.: 633). He also discusses two general types of ‘alliances’ (*esse societatis genera duo*). According to him, the Greeks called

those *summakhia* and *epimakhia*, “the one when both parties have the same friends (amici) and enemies, an obligation under which the Romans regularly put their allies (socios Romani); the other a kind of half union” and does not include joint offensive operations (Ibid., 388 and 635).

Earlier Pierino Belli in *De re Militari et de Bello* (1563) in the same vein defined ‘allies’, “who are bound to us by a friendly compact (*fœderati sunt qui nobis amicitia & societate sunt iūcti*), and yet are themselves independent – whether they have entered the compact on even terms, or whether it has been agreed that one party by courtesy recognize the authority of the other” (Belli 1936a: 41; 1936b: 87). Such range of reference is still available in the XVII century. For instance, Richard Zouche in *Juris et Judicis fecialis, sive Juris inter Gentes* (1650), also drawing on Roman categories uses “amicus&socius” in the very same context of inter-princely relations (Zouche 1911: 6-7). Although, he sometimes compares this relation with personal bonds, he still maintains that this relation of *amicitia* and *societas* among nations is more solid when contracted by the treaty. Zouche similarly to Gentili conventionally reproduces a distinction of different types of *societas*, namely *summakhia* and *epimakhia* (Ibid., 25). One can say that this range of reference is partly transferred into the XVIII century when Cornelius van Bynkershoek discusses the contracted obligations of ‘allies’ and ‘confederates’ (*Foederatis&Sociis*). What makes his use different from the previous convention is that he contrasts *socii* and *amici* by saying that the latter are not bound by a treaty and special obligations (Bynkershoek 1930: Engl.: 62, Lat.: 70).

Apart from identifying *societas atque amicitie* as a stable diplomatic expression, one can also find an image of *societas* as a purposeful association in Zouche’s treatise:

...between different princes or peoples there is an even closer bond of alliance (*societatis vinculum*), the object of which is to maintain the common security and to avert any danger which may be impending and may concern all of the same kindred, religion, condition, or the like, and in virtue of which they are prepared to combine their forces and to help one another; since, as Hannibal said in the council of Antiochus, “A common advantage is the strongest bond of alliance” (*communis utilitas Societatis maximum sit vinculum*; Zouche 1911: 6).

Against the background of conventional usage of *societas atque amicitia* in the prominent treatises preceding and following Grotius, his own use of *societas* becomes more intelligible. He still belongs to the tradition of understanding international *societas* as a political partnership, the tradition that is sensitive to the contingency and multiplicity of forms in international politics. This is one of the reasons why in the circumstances of European segmentation these early humanist authors instead of devising the medieval universals looked at the categories and attempts of the ancient authors to grasp particularity and contingency (see Pocock 2003: 6-14; for the difference of eclecticism of Grotius and Pufendorf from scholastic methods see also Hochstrasser 2000: 12).

Grotius’ attempts to compare ‘states’ with individuals and thus to apply to their relations the theories of individual friendship and minimal sociability cannot hide his links to the ancient conventions, but they do signal the beginning of its transformation. Hobbesian description of the state of nature and the comparison of the relations between sovereign states to those between individuals in the state of nature was followed by the transformation of the range of reference for the terms “*societas*” and “*amicitia*” in treatises on the law of nations. As JGA Pocock argues, Hobbesian state of nature is timeless and universal and in this sense destroys particularity; it is a ‘movement out of time’ (Pocock 2003: 370). International *societas* and *amicitia* in less

than a century after Hobbes are also taken out of time to become universal friendship and society, which is granted by nature herself.

The conceptual change is evident already in the work of Hobbes' eminent and innovative interpreter, that is, in Samuel Pufendorf's *De Jure Naturae et Gentium* (1672). While amending Hobbes' argument Pufendorf presents his own theory of the nature of man and his natural inclinations. Drawing on Cicero's ideas Pufendorf devises the fundamental law of nature according to which every man ought to "promote and preserve a peaceful Sociableness with others, agreeable to the main End and Disposition of Human Race in General" (Pufendorf 1710: II, III, XV; for indebtedness of Pufendorf to Stoics, their use against Hobbesian Epicureanism and for defending Grotius's approach, see Hochstrasser 2000: 62-71). What matters here is the emphasis Pufendorf lays on natural sociability and friendship of men as prerequisites for uniting into societies. No matter how restrictive this sociability might be (see for instance his discussion of the difference between common human society and particular societies – *socialitas cum peculiaribus societatibus* in II, III, XVIII), it makes sociability and friendship the institutes of the divinely ordained nature and tightly links their discussion to the realm of natural law (on sociability, the dictate of nature and the place of God in Pufendorf see Tuck 1999: 148-152; Saastamoinen 1995: particularly 62-69).

This reinterpretation of the nature of men shows the limitations of the Hobbesian state of nature and its applicability. Firstly, Pufendorf argues that in the natural state there would also be non-warring parties, whom one could call 'neutrals', but he finds the term 'friends' more appropriate simply because they have no intention to injure. Secondly, the bellicose state of nature among commonwealths is contrary to common sense, since there are those united in *foedus&amicitia* and live in peace (Pufendorf 1710: II, II, VIII). Therefore, the natural law of sociability and friendliness can also be applied, with some reservations, to the conduct of sovereign entities. It is for this reason that Pufendorf further contends that the *foedera* seeking to protect universal peace do not add anything to the law of nature (Ibid., II, II, XI). In this way, Pufendorf undermines the ability of political *societas* and *amicitia* to address particularity and contingency, and makes them a type of universals contending with the opposite universal of fear and hostility.

All of this has implications for his discussion of public treaties. For his classification of 'leagues' or 'alliances', Pufendorf chooses "foedus" as the key term as opposed to previously common "societas&amicitia". Moreover, in the body of the chapter "De Foderibus" he uses the term "socius" predominantly when citing the ancient sources (e.g. Livy), but in his own comments he prefers to use *foedus* to designate the concluded alliances. He also distinguishes the duties that are owed by friendship and by compact; the latter are stricter while men should still perform duly the offices of friendship. Pufendorf following the conventions of the time makes a distinction between the *foedera* that simply register the duties that men owe to each other by the law of nature and those that bring about extra duties. The latter are made for "the Advancement of Society". The examples of 'society' that follow are crucial for explicating Pufendorf's understanding of the interactions on the 'international level'. Firstly, it is the 'society' for the purpose of commerce (*societas ad commercia*). For the second example a translator of the English edition of 1710 finds, perhaps, an unfortunate term "Community of War" (*societas ad communitatem belli*) (VIII, IX, III, p. 705). Thus, Pufendorf still operates with the other concept of *societas* as a commercial or military partnership similar to the one identified in Digest and Grotius (it is not accidental that Pufendorf has a whole chapter "De Societate" V, VII on commercial partnerships or companies), for the purpose of which the parties make a

foedus or ‘league’. Such usage of contracted *societas* shows that it loses at least one important link from its range of reference; it is no longer a type of ‘international’ treaty or ‘league’ itself, but a product thereof.

Seemingly the conceptual transformation initiated by Grotius and Pufendorf has already a completed form in the treatise by Christian Wolff and its popularization by Emer de Vattel. In his *Jus Gentium Methodo Scientifica Pertractatum* (1749) Wolff did not embrace the eclectic approach of the above-discussed authors and instead built a rationalist deductive system of moral philosophy by granting reason a constitutive role in natural law. In this way he dispensed with God in explaining the fundamental principles of interaction between individuals and nations (see Hochstrasser 2000). Nonetheless, in order to draw a distinction between natural and voluntary law he starts with the assumption that by nature all human beings are united into society. Then in the logic of his argument nations have to be regarded as individuals. By virtue of this equation the dictate of natural society is transferred onto the international realm:

For nature herself has established society among men (*societatem inter homines*) and binds them to preserve it. Therefore, since this obligation, as coming from the law of nature [...] it cannot be changed for the reason that nations have united into a state. Therefore society (*societas*), which nature has established among individuals, still exists among nations (*subsistit inter Gentes*) and consequently, after states have been established [...] nature herself also must be said to have established society among all nations and bound them to preserve society (Wolff 1934: Prolegomena §7).

With this founding argument *societas* as a purposive political partnership or alliance is simply deprived of any room in the rest of the theory. Consequently, voluntary contracted *amicitia* cannot be allocated any place in such system either. Instead, Wolff argues that nature also prescribes nations to cultivate friendship with each other (Ibid., § 172). This view of the naturalness of society did become conventional by the mid-XVIII century. It is reproduced by Wolff’s contemporary Jean-Jacques Burlamaqui in his *Principes du Droit Politique* (1751) in which he imagined nations forming “a kind of society among themselves” and continued in Pufendorfean style that “the law of nations is no more than the general law of sociability, applied not to individuals composing a society, but to men, as forming different bodies called states or nations” (Burlamaqui 2006b: IV, I, II and III). Vattel in his *Le Droit des Gens* (1758) subscribes to this point of view and translates it to wider European and American audiences. He admits that this view might be ridiculed by the men in offices, but still argues that “society [or state], considered as a moral person [...] is therefore obliged to live on the same terms with other societies or states, as individual man was obliged [...] to live with other men [...] according to the laws of the natural society established among the human race (Vattel 2008: Prolegomena §11). These laws include fostering and strengthening of love and friendship in human and inter-national society thereby making friendship an affective attribute of sociality and at the same a normative regulator of the conduct of moral persons-states (see Burlamaqui 2006a: II, IV, XVII).

The understanding of society and friendship as universals is also reflected in Wolff’s discussion and definition of treaties and allied nations. For Wolff, as for Pufendorf, the key term in this context is “foedus” or “gentes foederatae” (Wolff 1934: §378-379; although he sometimes uses the term “socius” to refer to individual allies in war §1009). In addition to this, the treaties of friendship, which previously were considered a special political association, according to Wolff and others do not add anything to the laws of nature (Ibid., §§394-398; see also Vattel II, § 169). This style of natural law theorizing was out of vogue by the end of XVIII century, when the main

focus shifted to legal positivism (Hochstrasser 2000: 5). However, the redescribed concepts of natural society and friendship seem to be part and parcel of modern thinking about international relations, even though they might be inserted in different arguments. Thus, juridical and political thinking in the disintegrating Europe rearticulated the concepts of *societas&amicitia* as a voluntary contracted association and, then, in the debates over the principles of civil association and attempts to make the interaction between independent, sovereign states more intelligible it managed to lose it. Such a loss triggered a paradoxical conceptual transformation of political alliance (*societas*) into international society. Instead of being voluntary contracted, the latter becomes a universal product of nature. Hence it becomes possible to exploit it in other types of arguments justifying the defense of society, introducing a divide between civilised society and uncivilized countries, preserving diplomatic status quo in the existing political settings (see the discussion of possible implications in Foucault 2007: 303-305).

Concluding remarks

The tensions both within and between the key concepts of international society and community as they are present in the English School tradition but also elsewhere seem to be more intelligible in the light of the recovered conventions of using *societas* and *amicitia* in the ancient and early modern sources. Placing Grotius in his own context shows why there might be difficulties with understanding his conceptual apparatus as it is and why his concept of ‘society’ (in fact, *concepts*) is problematic for the solidarist understanding of international society. The understanding of international society as something preexisting, granted by nature and having a reality of its own is a product of later theories and argumentative strategies aiming to affirm and legitimate a unified realm for the interactions of the emerged sovereign states. This might even seem paradoxical that particularistic and contracted tools of *societas* and *amicitia* used in the pluralistic and heterogeneous world of Renaissance and early Modernity, were redescribed to affirm a homogenous society for the plurality of sovereign states. How successful such conceptual interception was in accomplishing this goal remains an open question.

Given the existing problems in theoretical application of the concept of society it is possible that the early modern conventions can be re-employed in the current debates. In fact, the above exposition invites the understanding of *societas* proposed by Michael Oakeshott in his *On Human Conduct* (1975) to the discussion of international society. He elaborated on this concept in application to the arrangement of the modern state and defined it as a pact or an agreement of the agents “to acknowledge the authority of certain conditions in acting” (Oakeshott 1991: 201). He also juxtaposed it to *universitas* as a corporate organization united by an overarching purpose. Robert Jackson in a number of works advocated this type of Oakeshottian reading of international society as *societas* (Jackson 2000a, 2000b, 2005). Jackson’s reading is important since it does not present society as an entity or body. Instead it is viewed as an agreement of states to observe international law. Thus, it provides a crucial caveat against reification of the society. However, this extension of Oakeshott’s concept to international society leaves the question of scope about international *societas*. Jackson’s definition of this society as “the most exclusive political club in the world” based on the principle of state sovereignty (Jackson 2005: 98) or Onuf’s “most inclusive regime of all” (Onuf 1998: 175) are legitimate and helpful in their own right (for instance, even the names *League of Nations* and *Société des Nations* appear in a new light), but they still seem to repress

the particularistic and ‘layered’ concept of diplomatic *societas* available in the Grotian epoch. The above-recovered conventions of *societas* and *amicitia* give more room for contingency, flexibility, voluntariness and specificity than the universalistic definitions of *societas*-society might be willing to accept. Nevertheless, a more heterogeneous concept of *societas*, which accommodates plurality and resists reification, might help to transcend the opposition of international system and shift the focus to the distinction of *societas* and the concepts of international *universitas* and world community. Perhaps, the forgotten *societas* would be a more meaningful referent point to contrast with world community (although, the latter might also be problematic due to the “nationalization” of the concept of community in the early modern period, see Bartelson 2009), than the existing body of “international society”.

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