

Summaries

Statehood as an idea and as an instrument of order

by Andreas Anter

The question of the capacity and quality of the State marks a constant challenge to modern political science up to now. The article points out that the modern State should be comprehended in its quality as an idea and as an instrument of order. From its early beginning, the modern State has been closely bound up to this aspect, since it is a product of the desire of order in the time of denominational civil war. Thus in the modern age, the guarantee of order remains a central basis to the State's legitimacy. In the last decades, the State has often been said to be a weak patient or even to be dead. The article argues that this opinion is untenable, and that statehood still remains an elementary condition of democratic political order.

Political geographies at the beginning of the third millennium:

Rokkan's «fundamental model» revisited

by Fabio Armao

The author assumes that the post-bipolar world is redesigning the geography of politics, multiplying the number of political groups that successfully claim the violent control of a particular territory, possibly at a sub-state level. These developments, which many have seen as a return to the original, anarchic conditions of outright war, or as a return to pre-modern models of feudal organisation are, nonetheless, a response to the new laws of privatisation imposed by the market and implemented by complicit governments. To better analyse this kind of evolution, the essay looks back at Stein Rokkan's model of analysis on the formation of the modern state in Europe, reinterpreting and adapting it to the new context of reference.

Notes for a genealogy of global war.

From «just war» to the crisis of Westphalian system

by Alessandro Simoncini

Since the first Gulf War (1990-91) the unfinished transition to a new world order seems to have been strongly influenced by those «new wars» whose impact was deemed to be constitutive. On the background of an imperial project which has grown harsher after the New Economy crisis in 2000 and the 9/11 terrorist

attacks, it appears that we have gone back to the old war discourses, including the «just war» one. The article reconstructs the history of the latter, analyzing its origin, appearance, logic and decline, considering some crucial issues of Middle Ages and modern thought. The aim of the author is to shed light on some recurring discursive strategies which, through time, have legitimized the worst kind of power politics, also creating some heavy «truth effects» on western people.

Competitive federalism: Italy in comparative perspective

by Brunetta Baldi

The article analyses the most recent reforms of Italian regionalism using the theory of competitive federalism as opposed to cooperative federalism. Although new competitive dynamics are developing with main reference to asymmetrical regionalism and fiscal federalism, the article shows the coexistence of competitive and cooperative institutional arrangements. Taking a comparative perspective the case of Italy portrays similarities to those of Germany and Spain: German cooperative federalism is more and more challenged by the developing of competitive dynamics between the Western and Eastern Länder as well as Spanish competitive regionalism is opening up to intergovernmental cooperation to assure policy coordination. As a whole the article provides an analytical framework to guide future empirical research.

The rehabilitation of the German «war traitors»: a still unresolved issue

by M. G. Losano

Among its present problems of transitional justice, Germany faces a specific unresolved issue: the rehabilitation of the so called «war traitors» (Kriegsverräter). After the paradigm change in the German historiography concerning the supposed relative independence of Wehrmacht vis-à-vis of the Nazi Party, two discussed exhibitions on Wehrmacht's crimes during WWII have strengthened the request of rehabilitating the last «war traitors». The article explains the juridical background of the judgements issued by German war courts, and the wearing story of the sluggish rehabilitation of deserters, defeatists and civil «war traitors» (concluded in 2002 only). Politicians and jurists are now divided about the still pending issue of rehabilitating the military «war traitors», or, more precisely, the last survivors among them.

Destruction of belongings and organized chaos

by Francesco Germinario

The ideological pattern of anti-Semitism sprung in the second half of the XIX century, and it moved against Liberalism and Democracy as its defining theoretical and political statement. From Toussenel to Drumont, up to Maurras and Hitler, the anti-Semitic theory revolves around the idea that liberal society leads to the end racial differences and fosters an historical process of homologation and cross-breeding epitomized by the *Protocols of the Elders of Zion* there is a recurrent theory that the Jewish rule will ultimately establish a One-Nation world, where national and racial differences are abolished. In such an apocalyptic view on history, the criticism of egalitarianism and conspiracy theory blend in a particular and theoretical synthesis.

*The Clash of Civilizations ten years later:
The debate and the empirical findings on Huntington's thesis*
by Andrea Prontera

The article reviews recent contributions to the debate on the *Clash of Civilizations* by Samuel Huntington. The aim of the article is to present, in a schematic manner, how the debate on Huntington's thesis has developed during the last decade, and what is its legacy on contemporary international relations theories. Two different methodological approaches to the clash of civilization are identified, namely the qualitative and quantitative one. Focusing on the latter, the article analyzes the findings of recent studies on internal and international conflicts which test empirically Huntington's thesis. Finally, the article discusses some limits of Huntington's work and points out its importance for the development of international relations thinking after the Cold War.

Foucault's anti-modern effect
by Leonardo Ceppa

According to the author, two different approaches to modernity are now competing. The first one (coming from Schopenhauer and Nietzsche) underlines the irrational and voluntaristic nature of any moral code and political power. The second one (coming from Rousseau and Kant) grounds progress and legitimacy upon democratic, legal and moral universalism. Foucault's philosophy of life belongs to the first of these approaches. This is where the clash with Habermas, belonging to the second approach, becomes poignantly significant. At first, for Foucault, the power of sovereignty represses life, whereas insanity and madness preserve a transcendent meaning of liberation. Later on, life moulds the inside like a pleat of the outside, subjectivity becomes an effect of power. In Foucault's anti-humanism, Man and God die together like far gone delusions that are recaptured into nature. Schopenhauer's compassion becomes sharp diagnosis of the many tortures inflicted upon man's body, whereas Zarathustra's heroism becomes on the one hand neo-stoical aesthetics of existence and on the other political revolutionary anarchism.

Right and nature. The case for H.L.A. Hart
by Carolina Gasparoli

H.L.A. Hart is one of the most prominent philosophers of law of the last century. Published in 1961, his book *The Concept of Law* has influenced many of the leading figures in contemporary legal theory. Hart held the Chair of Jurisprudence at Oxford University from 1952 until 1968 and he chose Ronald Dworkin as his successor. In his last book *Diritto e natura. H.L.A. e la filosofia di Oxford*, Mario Ricciardi takes the uneasy relationship between the two philosophers as the starting point of his inquiry and claims that Dworkin's critique of Hart's legal theory has misinterpreted many relevant aspects of Hart's approach to law. As a result, many scholars have paid little attention to the cultural and philosophical background of Hart's work. In particular, Ricciardi suggests that, in this work, Hart uses a specific notion of analysis, namely connective analysis, which Gilbert Ryle and Peter F. Strawson had opposed to the decompositive one. Such a reading of *The Concept of Law* generates a new understanding of the role played by the minimum content of natural law in Hart's legal theory.

An Original Genealogy of American Liberalism: Some Remarks on Paul Kahn's Theses
by Marco Goldoni

An enduring myth portrays the American people as the first modern nation to live in a liberal and self-governing polity. Paul Kahn believes in American exceptionalism, but he argues that liberal political theory, as conceived in the United States, does not have the necessary conceptual resources for understanding it. The main limit he sees in classic formulations of American liberalism is to be found in the paralyzing alternative between reason and interest. According to Kahn, contemporary theorists are not able to see the real meaning of American exceptionalism because they don't have a proper theory of the will. Indeed, only a political psychology that takes into account the role of the will can explain the peculiarity of a nation's constitutional history. In that respect, Kahn concentrates on the idea of sacrifice to explain the functioning of American constitutionalism and to show the main differences with the evolution of the European Union. However, by following this path, Kahn risks to propose a reductionist account of American constitutionalism.