

The *Nomos* of the American Metternich

Comments on Henry A. Kissinger's most recent book „World Order“

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A man in the 10th decade of his life, after long years as National Security Advisor as well as U.S. Secretary of State can be assumed to have the unconditional will to deliver a message to the world when he makes the effort to compose a 400 page volume, the title of which sums up both the intellectual and political ambition of someone whose stature in history is uncontested.

Obviously Kissinger's intent is to leave legacy reminder of the pillars of his foreign policy doctrine, their continuing relevance for solving contemporary problems and defending America's unique role of establishing or re-establishing world order.

As a historian used to working at the highest academic level, Kissinger is in his domain when he charts the progress of the Westphalian Peace Treaties of 1648 in terms of international order. From then on papacy was confined to its religious role and states – small or big, Catholic or Protestant – respected each other as sovereign entities by not interfering in their internal affairs. As regards the „conceptual asset“ of sovereignty Kissinger is – unintentionally – close to the traditional German representatives of Public Law whose conservative connotations have become notorious and sometimes controversial¹.

Considering the Westphalian System - defined above - as a leap forward for international order it is unsurprising that Kissinger views major disturbances of the European balance of power as a shortcoming of the „Westphalian approach“. That was the case with Napoleon achieving and then losing hegemony, with World War I and of course with the calamity of Nazi Germany's wars of aggression.

Many of the judgements made in his historical review of statesmen repeat what has been explained in detail in preceding books². In „World Order“ they are only referred to in the context of a historical summary leading the reader to the prerequisite of a foreign policy doctrine providing the intellectual tools for conceiving and implementing stability on a planet with conflicts growing on the periphery between non-statal entities. The difficulty of dealing with these challenges in terms of „Westphalian“ categories lies in the factual inability to address the enemies of order and the authors of unprecedented atrocities by any means other than airborne attacks.

After elaborating thoughtfully upon America's slow affirmation of its world role since *Theodore Roosevelt*, Kissinger leaves no doubt about the indispensable character of US leadership today. The U.S. – according to Kissinger – has no right to withdraw from that role. His comments on the soft power approach by the European Union lay bare Kissinger's scorn, verging upon contempt for such an attitude. The U.S. remains indispensable because America is the only Western democracy which is unequivocally ready to pursue its interests and defend its values by warfare. Again here the resemblance with the belligerence of an author like the controversial *Carl Schmitt* is striking. But belligerence today sits awkwardly in the media and Kissinger deserves praise for

¹ See Carl Schmitt, *The Nomos of the Earth –in the International Law of the Jus Publicum Europaeum*, Telos Press Publishing 2006 8 (translated and annotated by G.L. Ulmen)

² See for reviews of Woodrow Wilson, F.D. Roosevelt and Harry S. Truman Kissinger, „Diplomacy“ Simon and Shuster, New York 1994

having the courage to remind the Europeans in general and the EU in particular that the exercise of politics includes at times, the resolute confrontation of adversaries. Moral persuasion has – as may be seen from history – in the end remained a political instrument of idealists, sometimes with fatal consequences.

It would be incomplete not to mention the elegantly described striking trends and contemporary developments: the structural disorder in the Middle East increased through Islamism, the special challenge of Iran's nuclear ambitions and the emerging order in Asia. Kissinger is abreast of all these developments and able to give the reader thought provoking analysis and astoundingly realistic assessments. However when it comes to the assessment of the second war against Iraq – Kissinger calls this „undertaking regime change“³ – the critical reader – in the light of the subsequent continuing disorder - becomes reluctant to understand the author's line of thought. That deficit in arguments is not overcome by Kissinger's pledge of allegiance dedicated to President *George W. Bush* „who guided America with courage, dignity and conviction in an unsteady time“. It is surprising that a man with such accurate and realistic judgements as Kissinger takes the risk of luring the reader into fallacy. This sounds even more surprising after reading a little further on Kissinger's doubts about the emergence of statesmen in the digital age who can inspire their people and persist in the endeavour⁴. Kissinger unfortunately is right and gives an convincing statement in the same context: *“The mindset for walking lonely political paths may not be self-evident to those who seek confirmation by hundreds, sometimes thousands of friends on Facebook.”*⁵

Nomos is the Greek word for the first land appropriation understood as the first partition of space in view of its primeval division and distribution⁶. When we describe Kissinger's *nomos*, we use the word not in its spatial sense. The *nomos* of Kissinger is a world of reason and reasoning which submits irrationalities, inspired by error or hatred leading to warfare and instability, to the calculus of politics that, reasonably applied, persists in its endeavour to achieve stability. Ever since his dissertation Kissinger has been on that path being inspired by *Metternich*, apparently the hero of his young academic years.⁷ The contemporary question however, is whether the Metternich model keeps having an impact on U.S. policy. Hopefully it will have.

Controversial in his defence of US foreign policy, crystal clear in his historic insight and far-sighted as to the challenges ahead of us, Kissinger's masterpiece should be read by every European.

³ See Kissinger, World order op. Cit. P. 324

⁴ Ibid p. 349

⁵ Ibid p.349

⁶ See Carl Schmitt ibid p.67

⁷ Metternich, a nineteenth-century Austrian Chancellor, is credited with initiating a series of international congresses which set the national boundaries of post-Napoleonic Europe.