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ABSTRACT (ENGLISH)

The literature of International Relations usually implies a distinction between politically significant and trivial matters. While the allegedly significant enters the purview of analyses, the trivial is blinded out – and this includes much of diplomacy. Ceremonious state visits or bestowals of honourific orders of merits, for instance, are ubiquitous in diplomacy, but they often occur without a clear political strategy. Drawing from Niklas Luhmann's modern systems theory, this thesis suggests that diplomacy operates autonomously from politics, transcending that distinction of the seemingly significant and the trivial because the significant/trivial-distinction is imposed by a political lens. Instead, in diplomacy, what is seemingly trivial is treated with the same weight as the so-called significant, as they are both functionally equivalent in attaining peace. Three empirical investigations underline this observation: first, an analysis of a modal law on honourific state awards demonstrates that the meritorious orders are treated with suspicion by the very states that use them, indicating that a seemingly trivial tool inheres fundamental significance. Second, a content analysis of various works from the scholarship of the New Diplomatic History as well as that of digital diplomacy finds how two distinct sets of mundane tools (like early modern gifts or officially used Tweets) are received with one and the same mistrust, a mistrust that is usually overcome through the eliciting of positive emotions. It is thus that diplomacy attains, semiotically speaking, the improbable paradox of overlapping sovereignties. The final study identifies various issue areas of inter-polity life based on a semantic analysis of the 'foreign' in the world's constitutions, and then looks at various treaties of international law from these highly heterogeneous subject matters so as to extract a common structure of a peace-and-power-paradox behind them. With this universal paradoxical structure, every instance of diplomatic interaction signals an amical self-restraint (peace) while at the same time asserting a state's ultimate reservation of sovereignty (power). Overall, the theoretical outline and the empirical findings shed light on the significance of the seemingly trivial in diplomacy, implying that diplomacy is the unity of both, thereby foregrounding the often-overlooked distinction between politics and diplomacy.

ABSTRACT (DEUTSCH)

Die Literatur der internationalen Beziehungen unterscheidet üblicherweise politisch bedeutsame von trivialen Angelegenheiten. Während das vermeintlich Bedeutsame in den Blickfeld der Analysen gelangt, wird das Triviale ausgeblendet – und dazu gehört auch ein Großteil der Diplomatie. So sind etwa feierliche Staatsbesuche oder die Verleihung ehrenvoller Verdienstorden in der Diplomatie allgegenwärtig, erfolgen jedoch häufig ohne klare politische Strategie. Basierend auf Niklas Luhmanns Systemtheorie legt das gegenwärtige Werk nahe, dass die Diplomatie unabhängig von der Politik operiert und die Unterscheidung zwischen scheinbar Bedeutsamem und Trivialem transzendiert, da die Unterscheidung zwischen Bedeutsamem und Trivialem durch eine politische (und somit externe) Sichtweise auferlegt wird. Stattdessen wird in der Diplomatie das scheinbar Triviale mit dem gleichen Gewicht behandelt wie das vermeintlich Bedeutsame, da beide zur Erreichung des Friedens funktional äquivalent sind. Drei empirische Untersuchungen unterstreichen diese Beobachtung: Erstens zeigt eine Analyse eines typischen Gesetzes über staatliche Ehrenzeichen, dass diese von denselben Staaten, die sie verwenden, mit Misstrauen behandelt werden, was darauf hindeutet, dass einem scheinbar trivialen Instrument eine grundsätzliche Bedeutsamkeit innewohnt. Zweitens zeigt eine Inhaltsanalyse verschiedener Arbeiten aus dem Bereich „New Diplomatic History“ sowie zur digitalen Diplomatie, wie zwei unterschiedliche Gruppen scheinbar trivialer Werkzeuge (wie frühneuzeitliche Geschenke oder offiziell genutzte Tweets) mit dem gleichen Misstrauen aufgenommen werden, wobei dieses Misstrauen innerhalb einer diplomatischen Situation häufig durch positive Emotionen überwunden wird. Damit wird die unwahrscheinliche Paradoxie überlappender Souveränitäten erreicht. Die abschließende Studie identifiziert verschiedenste Themengebiete des zwischenstaatlichen Lebens auf Basis einer semantischen Analyse des Begriffs „foreign“ in den Verfassungen dieser Welt, und betrachtet völkerrechtliche Verträge zu all diesen höchst heterogenen Sachgebieten, um eine gemeinsame Struktur eines Friedens-und-Macht-Paradoxons herauszuarbeiten, wonach jede diplomatische Interaktion sowohl eine freundschaftliche Selbstbeherrschung (Frieden) als auch einen Souveränitätsvorbehalt (Macht) signalisiert. Diese Erkenntnisse werfen Licht auf das Bedeutsame des scheinbar Trivialen in der Diplomatie, die damit als deren Einheit erscheint, und unterstreichen damit die oft übersehene Differenz zwischen Politik und Diplomatie.

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TABLE OF CONTENTS

I. Introduction	1
1. Diplomacy as the ‘dark matter’ of world politics	1
2. The difference between politics and diplomacy: a systems theoretical approach.....	3
3. Empirical studies: systematic literature review and legal semantics	9
4. Contributions of this thesis to international relations, diplomatic studies, and law	12
5. Summary	15
II. State of the art.....	18
1. International relations versus diplomacy	18
a. A focus on power, but not on peace	18
b. The unity of diplomacy covering both the significant and the trivial.....	29
2. Modern systems theory.....	35
a. On the term of ‘system’	35
b. Functional definitions of systems	39
c. Symbolically generalised media.....	40
d. Binary codes	45
e. A radically temporal view of the operations of a system	48
f. Examples of functionally defined world systems	50
III. Theoretical development: diplomacy as a system	55
1. Demarcation from other works on modern systems theory	55
2. The function of diplomacy: inactivating a plurality of violent force capacities	58
3. The symbolically generalised medium of diplomacy	66
a. Peace as the medium of diplomacy	66
b. The structural coupling between politics and diplomacy	71
c. The long tail of diplomacy.....	73
d. Diabolic peace	78
4. The binary code of diplomacy: peaceful/un-peaceful.....	79
5. Temporality and evolution in diplomacy	84
IV. First empirical investigation: domestic laws of state awards across the world.....	90
1. Hypothesis: the peace-and-power-paradox.....	90
2. Methods: doctrinal analysis of legal statutes on honourific state awards	93
3. Descriptive results on domestic norms regarding the use of state awards	96
a. How many countries use state awards?	96
b. The state award in constitutions	96
4. A modal law of honourific state awards: peace, power, and peace-and-power	99
5. Diplomacy’s self-prohibition: using awards and banning them simultaneously	105

V. Second empirical investigation: The <i>modus operandi</i> behind all of diplomacy	109
1. Hypothesising a three-step sequence: invasion, mistrust, and positive emotions	109
2. Method: systematic literature review of early modern diplomacy and digital diplomacy	111
3. Results: validating the tripartite sequence in various diplomatic settings	114
a. The paradox of overlapping sovereignties	114
b. Principle of mistrust	115
c. Deactivation of mistrust via positive emotions	118
4. Discussion: the trivial is significant in diplomacy	119
VI. Third empirical investigation : the semantics of international law in ‘significant’ issue areas ...	123
1. Introduction: uncovering diplomacy’s paradox in international legal semantics	123
2. Excursion: identifying issue areas of diplomacy	126
a. Towards a taxonomy of recurrent topics despite diplomacy’s internal endlessness	126
b. Method: the ‘foreign’ in the world’s constitutions	129
c. Results: a taxonomy of 109 issues recurrently discussed in diplomatic interactions	130
d. Discussion: the utility and limitations of the taxonomy	140
3. The final sample: international treaties and other legal documents	143
4. Method: content analysis to detect the peace-and-power-paradox	145
5. Results: the ‘yes-but-no-structure’ of international law	146
a. Protocolar diplomacy	147
b. Political institutions	153
c. Law	156
d. Military	161
e. Social issues	163
f. Trade & economy	166
6. Discussion: peace and power grow simultaneously	169
VII. Conclusion: the trivial is significant in diplomacy	172
1. Summary	172
2. Comparison with the existing literature	173
3. Issues of external validity and of a theory-empirics-divide	175
4. Practical implications: the inflation of peace and a loss of legitimacy	177
5. Future research venues	180
VIII. References	182

LIST OF FIGURES AND TABLES

Figure 1. Diplomacy reproduces itself in various forms of the medium of peace. On an abstract level, diplomacy is merely a sequence of peaceful events.	69
Figure 2. An exemplary sequence of events constituted by a bilateral diplomatic system; the next element is yet uncertain (the system is entropic).	70
Figure 3. A schematic view of the ‘double interchange’ between the diplomatic and the political system. They mutually stimulate (asymmetrise) and implement each other.	73
Figure 4. Recipients of Lithuanian state awards by country.	74
Figure 5. Countries that received official visits by the Brazilian Head of State.	75
Figure 6. U.S. presidential trips by the country visited.	75
Figure 7. Countries mentioned in official U.S. documents on Foreign Relations.	76
Figure 8. The three-stepped scheme assumed to underlie every episode in diplomacy.	110
Table 1. Global function systems, their codes, medium, programmes, and function.	55
Table 2. The three variants of diplomatically used honourific medals.	87
Table 3. Issue areas within the broader category of protocolar diplomacy.	132
Table 4. Issue areas within the broader category of political institutions.	134
Table 5. Issue areas within the broader category of law.	135
Table 6. Issue areas within the broader category of military activities.	136
Table 7. Issue areas within the broader category of trade & economy.	138
Table 8. Social issue areas identified with a semantic analysis of the world’s constitutions.	140

ABBREVIATIONS

Art.	Article
ASEAN	Association of Southeast Asian Nations
e.g.	<i>exempli gratia</i>
GDP	Gross Domestic Product
ICC	International Criminal Court
ICJ	International Court of Justice
i.e.	<i>id est</i>
IR	International Relations
lit.	<i>littera</i>
NDH	New Diplomatic History
p.	<i>pagina</i>
par.	paragraph
PDF	Portable Document Format
sub-par.	sub-paragraph
UNIDO	United Nations Industrial Development Organization

I. INTRODUCTION

1. Diplomacy as the ‘dark matter’ of world politics

There is something apolitical about diplomacy. The starting point of a protracted negotiation between multiple states may be characterised by egoistic demands, each one backed by centralised capabilities of brute force; but then, diplomacy steps in to transform irreconcilable strategies into mutually respectful compromises which equal sovereigns can live with. The final document then contains no trace of an *animus dominandi*; it does not blatantly put forth the narcissistic interests of a hegemon; it does not disregard the needs of smaller powers. Instead, diplomatically brokered wordings often underline everyone’s wants with a respectful tone, and sometimes, they even allow minorities’ attitudes to enter the centre stage, thus altering the normative structure of international relations from the very periphery. Through the workings of diplomacy, the political seems to have vanished. Rather than a power play, what takes place is a peace play in which the element of force loses out to efforts of togetherness and concord. In most instances of diplomacy – in much of what diplomats practically do in their everyday job – there is not even any ‘negotiation’ or ‘brokering’ taking place where frictions between sovereign powerholders could arise. Rather, they just issue a harmless sign of amity addressed towards other polities. Diplomacy, in fact, is mostly about inconspicuous gestures of amity, low-key signals of peace that are emitted outside of the mass media’s or scholars’ purview. Perhaps the official social media account of a Ministry of Foreign Affairs sends a congratulatory message to another country’s Independence Day; or perhaps an embassy financially supports a small initiative that displays contemporary artworks from the host country in their homeland; or perhaps a delegate bestows an honourific medal upon a local employee for some minor achievements in the service of that foreign country. Such happenings seem uneventful compared to all those crisis-ridden affairs among grand powers that catch the eye of journalists and academics; and yet all these seeming trivialities abound in the daily agenda of diplomacy.

The research on International Relations (IR) hardly acknowledges diplomacy’s apolitical essence – instead, it simply ignores it. As a scholarly discipline, IR fails to look at the totality of inter-polity interactions but instead, it only focuses on a tiny share of it, namely at those dramatic and high-profile instances of global affairs that are precariously close to war and conflict. It consequently labels this realm ‘world *politics*’ or ‘international *politics*’, narrowing their range of vision to the obviously *political* and thus power-laden, while blinding out that

major part of diplomacy which lacks any power-oriented rationale. What is more, this reduction of diplomacy to politics is not confined to the discipline of IR; even macro-sociological approaches that claim a universal explainability of the social whole by differentiating various world-spanning functional realms of specific practices – like modern systems theory – have hardly recognised an autonomy of diplomacy that would render it self-operational without necessitating power-oriented guidance.

The practice of diplomacy, however, endlessly proliferates low-key signals of amity even among countries that have no meaningful ties towards each other. Power-oriented (and thus politically oriented) theories are the default approach in IR, but they fail at even noticing them. Politics can certainly decipher the force-backed, dominance-seeking, assertive-resentful stances employed by governments at the beginning of an international negotiation; but it cannot explain the often surprisingly accommodating outcomes of such interactions. Formerly sworn enemies need only a few decades to get themselves entangled in supranational institutions. Cross-boundary movements of persons and goods across states who would have many reasons to mistrust each other (from a political perspective) can become taken for granted within a tiny timeframe. Theoretical and mathematical models like that of game theory may approximately grasp the processes that lead to such cooperative results; but models always contain an ineliminable residual variable that denotes an unexplainable factor at play. This unexplainable factor resembles the dark matter of the universe: there are indicators that it exists, and there is even certainty that it manifests a crucial force, but theories which reduce all their *explanans* to politics lack the appropriate instruments to directly observe it. This dark matter of the inter-polity realm is diplomacy.

The fundamental questions tackled by the present work relates to such reflections: to what extent can one conceptualise diplomacy as a system that operates autonomously, especially vis-à-vis politics; and what empirical traces suggest such a fundamental difference between diplomacy and politics? What is the *proprium* of diplomacy that cannot be reductively explained solely with reference to politically controlled capacities of violent force? Why are the actual practices of diplomacy devalued or ignored in studies of IR, why are they trivialised, and how can one gain a view of the diplomatic system as the unity of both the seemingly trivial and the politically significant?

While the questions are so fundamental that they invite abstract theorisations, their pursuit is not without practical implications. Outside of scholarly endeavours that put diplomacy into a

blind spot, diplomacy may be popularly caricatured as a realm of luxurious lifestyle inviting misdemeanours that go unpunished under the pretext of immunity. From this perspective, it remains opaque what diplomacy performs for society at large other than constant nuisances and a waste of taxpayers' money. Wars have declined globally, the number of deaths attributable to international conflicts is at a record low, painful economic losses seem to stem from uncontrollable ecological sources rather than negotiable inter-polity behaviours – so, what exactly, one might ask provocatively, does one need diplomacy for nowadays?

At the same time, there is a vague inkling that diplomacy needs to 'function' well to ensure that civilians across the world benefit from the international commons – from educational exchanges, from the possibility to marry foreigners and to have offsprings carrying dual citizenships, from enjoying art exhibitions comprising various countries' works, from safe holidays without the need to obtain a visa, from cross-boundary investments and uncomplicated tax regulations, from overall prosperity and peaceful times. Perhaps all the major achievements not only in declining war deaths, but also in world society's current wealth may pose a long-term result of traditional diplomatic negotiations. But while one can admit that inter-state bargaining regarding all these freedoms may have its merits due to their political 'significance', what about the other side of diplomacy – the 'trivial' – such as the banal Tweets from Ministries of Foreign Affairs, the ceremonious bestowals of official honours, the elitist display of togetherness in aesthetic settings among Heads of States? There is, however, only one single term that covers both these significant and trivial aspects, and this term is 'diplomacy'. If that is so, then what exactly bridges these two contrasting aspects together, what is diplomacy's unity, what is this unity's overall function, and how does that function differ from the function of politics?

2. The difference between politics and diplomacy: a systems theoretical approach

In other words, the contradictory diagnosis bridging the acceptance of the politically 'significant' and the rejection of the 'trivial' invites a clarification. On the one hand, again, there is a claim that diplomacy dwells in unnecessary trivialities, and on the other hand, one can sense that society could not be held together without the peace-fostering contributions of tactful inter-polity collaborations. How can one put these two perspectives on diplomacy harmoniously together? Can one find a theory that defines the diplomatic system such that it can plausibly be regarded as the unity of both the 'trivial' and the 'significant' view?

The present work carries the ambition to find such a theoretical formulation. The first section revisits not only the way diplomacy is deprecated into invisibility in the literature of IR, but it also draws from modern systems theory to re-visibilise it. In accordance with modern systems theory's central impetus of analysing phenomena functionally, that section defines the diplomatic system based on its most fundamental performance for society at large. It additionally draws from the modern systems theoretical concepts of a diplomacy-specific 'medium' (of peace) and its 'binary code' (of peaceful/unpeaceful) which, together with the function of the system, constitute diplomacy as an autonomously operating system. The function and medium and binary code – which are distinct from the function and medium and binary code of politics – are always present in every diplomatic instance regardless of whether a given practice can be regarded as trivial or as significant. If one viewed diplomacy from the *political* code of powerful/powerless, or with a semantic variant as (politically) significant/trivial, this would amount to an external perspective onto diplomacy based on how the political system views diplomatic 'outputs' for its own system. Trivialities of diplomacy only appear as trivialities when the observer is political (or otherwise external); but for diplomacy itself, its trivialities are significant, as every single of its happening serves the (highly significant!) function of peace, transcending the trivial/significant-distinction.

A wealth of evidence suggests that political considerations do not determine diplomacy exclusively; again, in its very core, diplomacy even operates apolitically. The function of diplomacy does not equal the function of politics. But what is the function of politics? According to the standard reasoning in modern systems theory, the political system's societal function is to *centralise capacities of violence in order to enforce collectively binding decisions* (Luhmann 2002b). Political communications demand behaviours from individuals that would be improbable from the perspective of a 'state of nature', but improbabilities can be made probable through the *medium* of a given communication. And when that medium is present in every single communication of a social system, if it is monopolised by that system and if it is so abstract that it can be used constantly without ever facing exhaustion, it is what modern systems theory calls a symbolically generalised medium (Parsons 1963, 258). Modern systems theory has found multiple such symbolically generalised media from distinct systems, such as 'money' in the case of the economic system, 'diagnosis' in the health-restoring system, 'love' in the family system, 'transcendence' in the religious system, and, to come back to the political system, the medium of 'power'.

Consequently, political operations always appear in the medium of power so as to overcome inertia, turning improbable behaviours into probable patterns across a populace. And these power-mediated communications invite further power-mediated communications, albeit some communications may be accepted as ‘powerful’ while others will be rejected as ‘power-less’. This binary coding of the medium of power invites further system-internal differences between acceptance (continuation of the system’s self-reproduction) and rejection (a reflexive pause leading to changes of the system’s structure), condensing semantically into the difference between government and opposition, thereby generating distinct pathways of how politics deals with its internal operations. And since communications always invite an accepting or rejecting response within the same medium, one power-mediated communication leads to another power-mediated communication which, in turn, prompts further power-mediated responses. It is thus that systems reproduce themselves, chaining communications together across temporal sequences, a phenomenon called ‘autopoiesis’. While all these insights into the function, the medium, and the binary coding of *politics* are taken for granted within modern systems theory, what has hardly been discussed is how – or even more fundamentally: whether – *diplomacy* is distinct from politics.

And this very distinction between politics and diplomacy is the central hypothesis of this dissertation that can be well-substantiated with the theoretical instruments of modern systems theory. Again, the premise is that the function of diplomacy does not equal the political function. Diplomacy is thus not about enforcing binding decisions against a collective via aggregated capacities of violence. Diplomatic communications do not primarily come in the medium of power. The panda bear gifted from one country to another one’s zoo is not an embodiment of violence whose acceptance or rejection follows the coding of powerful/powerless. Such a view *is* possible and is indeed widely used, thus repeatedly inciting suspicion against China’s panda diplomacy. This power-focused resistance is indeed political because it uses the political system’s code. And yet, despite this mistrust, despite the politicised No, pandas are nevertheless accepted by government officials with displays of solemn joy and international togetherness numerous times throughout the world. This is not the work of a generalised notion of coercion, of threat, of enmity, of sovereign power – in other words, of politics. What is it then that renders it so frequent that international gifts and loans like panda bears are exchanged? What is it that transforms the seemingly improbable – or rather: the politically improbable – into a probable pattern? What is this invisible ‘dark matter’ that seems to be at work here?

Rendering the politically improbable probable is the working of diplomacy. The diplomatic system responds to a problem that arose out of the political system; that is, politics generated not just one single centre of power in order to fulfil its societal function, but it did so many times so that a plurality of states emerged. This constellation brings forth the problem that every inter-polity interaction carries the risk of dangerous distrust and mutual destruction. It is this problem that is addressed by diplomacy with its function to suppress the profound resentment among multiple power-holders, invisibilising the notion of enmity and sovereignty by foregrounding amity and togetherness. Yes, there is power in diplomacy, but only as a prerequisite, since without (the plurality of) powers, the function of diplomacy would be futile. The system-internal operation of diplomacy, however, comes in a different medium, one that motivates politically improbable actions, one that can be used without ever depleting, one that needs a generalised term equivalent to ‘money’ and ‘love’ and ‘transcendence’, and this symbolically generalised medium of the diplomatic system is that of *peace*.

It is peace that motivates states to accept the panda bear. It is peace that motivates states to share an embassy together in a third country. It is peace that motivates states to accept the working visit of a foreign Minister. It is peace that motivates states to compromise on matters that their own politicians would never agree to. It is peace that motivates states to accept the help of a foreign ‘enemy’ government during natural catastrophes.

Without peace, all these happenings would be improbable since pure power-considerations – pure politics – would never allow them to occur. This is so because in all these diplomatic dynamics, a signifier of a foreign sovereign enters another sovereign’s territory, which is conceptually impossible from an abstract political view (given the contiguity of sovereignty) other than through a violent transgression of sanctified borders. Sovereignty is exclusive so that politics would demand that the diplomatic paradox of overlapping sovereignties is to be avoided – otherwise the paradox would be reinterpreted as a hostile “semiotic invasion” (Lotman 2005, 215). But the paradox of overlapping sovereignties is precisely what diplomacy achieves all the time, in every single one of its operations. There is power, yes, there is sovereignty, yes, there is mutual distrust and latent hostility, yes – but then comes diplomacy to invisibilise this negativity, foregrounding, instead, notions of peace and trust and amity and a global togetherness so as to suppress everything that smacks of power politics. The politically improbable paradox of overlapping sovereignties obtains thanks to the joint presence of both power (which is secondary in the diplomatic system) and peace (the primary medium of diplomacy), and this peace-and-power-paradox is hidden in every diplomatic practice.

Again, this is not to deny that power indeed is necessary for diplomacy. Without the plurality of power centres, there would be no need for a system to exist that ensures peaceful interactions among power-constituted polities. But this does not mean that every happening of diplomacy is guided by a primary orientation of power. Instead, power is merely part of the infrastructure of the diplomatic system, similar to the existence of families (some of whose offspring may become diplomats), of universities (where, *inter alia*, future diplomats are educated), or even water, air, and electromagnetic fields. They are all in the environment of the system of diplomacy and may provide it with the necessary energy to operate further. As such, diplomacy is dependent on them to function further, but at the same time, it operates independently from their direct guidance. Society thus knows of a plurality of systems which can be structurally coupled to each other – like politics being coupled to economics via taxes, diplomacy being coupled to the system of education by the need to recruit its personnel, or diplomacy being coupled to politics via Ministers of Foreign Affairs that are appointed and whose bureaucracies are adequately budgeted by a government. But neither money nor power are the primary guidance for diplomacy, even if every diplomatic operation depends on them (just like it depends on air and the earth's magnetic field). But from the system-internal view, diplomacy's communications are not mediated through power, as little as they are mediated through money or air; but rather, diplomacy's main and universal medium of communication is peace.

The problem with the power-and-peace-interplay, or the intricacies between politics and diplomacy, is that the latter is so dependent on the former that the distinction between the two systems becomes obfuscated. One may conceive of their relationship in terms of two exchanges: first, diplomacy energises politics so as to allow for the activation of power (which is usually overlooked), while, second, politics energises diplomacy by lending to it the medium of power (which is what observers quickly notice). As the energisation of diplomacy via political power is one whose importance is obvious, lest diplomatic pledges on the international stage would lose their credibility, diplomacy allows all of its happenings to be viewed as *political* outputs. That is, diplomats negotiate compromises across states, initiate bilateral student exchanges, aid in making people-to-people-contact possible, but politicians are the ones that get the relevant credit – even if they may not have been aware of all these diplomatic happenings.

This inter-system exchange between politics and diplomacy has become so established that diplomacy itself conceals its own distinction from politics. Wherever peace operates primarily, there must also be power as a secondary medium (for otherwise peace would lose its function),

but since peace and power functionally clash with each other, this co-presence generates a paradox that diplomacy seeks to hide. It turns out that the invisibilisation of diplomacy not only happens through power-focused IR theories, but that it is also a self-invisibilisation by the very system of diplomacy itself so as to uphold its structural coupling to politics. Diplomacy indeed is an “obscure art [...] which fears to let itself be seen” (says Le Thrôsne, as cited by Eban 1986, 14).

To repeat, every diplomatic operation inheres a secondary presence of power. As a consequence, states may ominously intuit this parasitic trace of power, become mistrustful, and respond to it by negating the peace-medium. They then cross the boundary from (an affirmative) peacefulness to that of (a negated) un-peace. By default, a peace-mediated communication seeks acceptance and thus yet another peaceful communication in return. That is, after the diplomatic gift comes a joint press release, and then a friendly official Tweet, and then a state visit, and then a coordinated co-voting on some important issue in an international organisation. With this sequence of peaceful communications, the autopoiesis of diplomacy is guaranteed to work smoothly. But if politics steps in to irritate the peace-focused system of diplomacy with power-laden energy, the subsequent communication may become aware of the power-trace, get distracted, and be prompted to respond to a peace-mediated operation with the negative value in the binary coding of peaceful/unpeaceful.

The offer of a gift is now interpreted as un-peace. The sym-bolic core of the medium turns diabolical; it does not bind polities together but puts them apart. Diplomacy gets politicised. What are the consequences? There will be an official utterance conveying that a state is not satisfied with another state’s actions; a bilateral cultural initiative is put on hold; international aid payments get cancelled; some embassy personnel are withdrawn; a diplomat from the partner country gets named as *non grata*; a boycott will be called for; official press campaigns are mobilised with much hostility so as to incite mobs towards violent behaviours against foreign-made products. All these remain *diplomatic* communications and, as such, they come in the medium of peace, but the latter is negated as un-peaceful. Conflicts arise in diplomacy that are not-yet-war, not yet the full activation of power, but merely the negation of peace (which, however, remains present, since without its presence it could not be negated). It is thus that the binary coding of diplomacy is not that of peace versus war (which would confound diplomacy and politics into one code), but rather peace versus un-peace.

The function, the medium, and the binary coding are present in all diplomatic operations and practices; they help the system to reproduce itself constantly even without any political guidance whatsoever. The bestowal of a state award communicates peace and thereby lead to an overlap of sovereignties (even if in a minuscule and momentary setting), it invisibilises the latent hostility inherent to the plurality of power-centres, and it is (most often) coded as a peaceful exercise that will be accepted with officially displayed positive emotions despite the political improbability of such a gesture – because the state award semiotically invades a foreign sovereign territory. This is diplomacy, and it is truly apolitical as it pushes the political (which remains structurally coupled to diplomacy) into invisibility.

If diplomacy is constituted as an autonomous system by the modern systems theoretical notions of function, medium, and the binary coding, then it follows that the distinction between significant and trivial has no central conceptual place anymore. The deployment of a military tank near the border to another country carries the same significance as the deployment of a panda bear as a gift. Both pursue the function of keeping violent forces dormant, both appear in the medium of peace, and both can be coded in the distinction of peaceful/unpeaceful – even if the tank is likelier be coded as un-peaceful while the panda may more easily be affirmed as peaceful. A shocking veto against a widely desired multilateral resolution carries the same significance as a country pledging to co-finance a minor memorial plaque for victims of a catastrophe in a foreign state. Both signal amity for the purpose of inter-polity peace, both can be coded in a peace-affirming or peace-negating way, and while one (the veto) may be rejected as unpeaceful and the other (the financing of the memorial) accepted as peaceful, this simply proves that they both occur in the same binary code (and not in the code of, say, immanent/transcendent or the code of healthy/unhealthy). The unity of diplomacy is the unity of significant and trivial, the unity of peaceful and unpeaceful, the unity of two or more overlapping sovereignties.

3. Empirical studies: systematic literature review and legal semantics

The present thesis puts much work into all these theoretical formulations in an attempt to obtain coherence and harmony with modern systems theory. One of this work's purposes is to find a consistent terminology with which to describe diplomacy as a system separate from politics, identifying universal principles that can reconcile the 'simple' cases of war threats and hegemonial dynamics ('simple' in the sense that power-focused theories have long found explanations for these phenomena) plausibly with the 'hard' cases of state award bestowals and

panda diplomacy. Once this theoretical edifice is built with coherence, the thesis can finally profess the basic hypothesis, namely the assumption that the fundamental peculiarities of diplomacy operate consistently in both seemingly significant and allegedly trivial matters. It is this hypothesis that will be tested with empirical material, whereby some of the theoretical intricacies may not resurface in the following investigations anymore.

The empirical sections assume that two types of documents – namely scholarly literature and legal semantics – are particularly useful in detecting the workings of a societal system's structure, as they cast them into a controlled vocabulary. Three distinct studies thus gauge diplomacy's very own *modus operandi* – one through a doctrinal analysis of domestic legal statutes regarding the international use of honourific state awards; a second one through a systematic literature review of the academic literature on digital diplomacy and early modern diplomatic gifts; and a third one through a content analysis of binding international treaties.

The first one looks at the highly 'trivial' case of honourific state awards. These medals offer a prime example of a seeming diplomatic superfluity given their ubiquitous proliferation, their frequent global usages, and their questionable benefits for power-focused IR theories. A global survey of domestic laws (including constitutional texts) pertaining to state awards offers a glance into the modal norms surrounding such meritorious orders. The legal regulations attribute not only a solemn gravitas to those trivial medals (in both a power-clinging, or political, and a peace-fostering, or diplomatic, way), but the analysis also uncovers an intriguing paradox: states bestow awards upon foreigners while, at the same time, prohibiting their citizens to accept foreign medals. They use the award and penalise it at the same time. They sanction the one and very same tool both positively and negatively simultaneously. This self-contradicting treatment is invisibilised through various legal techniques, but the present work's doctrinal analysis dis- and uncovers them. One may interpret this paradox as the single locus of the distinct workings of diplomacy and politics – a peace-and-power-paradox that in itself indicates a difference between the power- and the peace-oriented realms (for otherwise it would not appear as a paradoxical clash of two dynamics), a structural coupling that suggests that there is a respective autonomy of the two systems and thus of diplomacy vis-à-vis politics (and vice versa), an autonomy that the systems seek to conceal.

The fact that legal norms surrounding allegedly trivial state awards allow for the discovery of such a deep paradox leads the present work to the second empirical study. It probes a structural *modus operandi* given that the peace-and-power-paradox may be present in every single

instance of diplomacy. This second study complements the first one by looking again at seemingly trivial instances of diplomacy and at how they are treated as politically significant. It investigates the use of diplomatic social media postings (so-called Tweets on Twitter, a social media channel that was recently re-branded as X) on the one hand, and (proto-)diplomatic gifts and other objects that circulated across polities during the early modern period on the other hand. This analysis deliberately spans distinct times, regions and things, since the detection of a homogeneous principle across heterogeneous settings should point to a structural working of a given system. The empirical approach is based on a systematic literature review of academic works, and it indeed finds that despite the objects' triviality, they are all treated with mistrust that can only be overcome by evoking notions of joy, gratitude, humour, love, piety, togetherness. The diplomatic mode of operation comes in a sequence of three steps: first, there is a diplomatic object semiotically signifying a sovereign moving into another sovereign's territory; second, this movement sparks mistrust (regardless of the object's harmlessness or triviality); and third, the mistrust is overcome via positive emotions. In other words, the diplomatic peace medium overwhelms the political correlate of mistrust, threat, sovereignty, thereby achieving paradoxically a momentary overlap of sovereignties. This study thus confirms, again, that one may indeed extract a difference between the diplomatic and the political workings even if they operate in one and the same event.

Having looked twice at seemingly trivial matters, even by drawing from distinct objects from various epochs and using different methods, the third and final empirical study turns towards seemingly significant aspects of diplomacy in assuming that the way the trivial is treated should be identical to the way the significant is approached – since, again, the hypothesis is that diplomacy is the unity of both. It explores various issue areas that have spawned binding treaties in international law, assuming that they found positive international legal manifestation precisely because they are regarded by the political system as non-trivial. In a preliminary investigation, that section identifies the multiple subject matters of the international via an analysis of constitutional co-wordings surrounding the term 'foreign'. It then looks at numerous dozens of distinct international legal treaties that have codified or dealt with various of these issues of foreign affairs. Insinuating that whenever a realm was regulated legally in an inter-polity setting it is to be deemed significant, that study scrutinises various documents of highly heterogeneous issue areas semantically to find, indeed, the very same peace-and-power-paradox in every single one of the legal semantics: there are always sovereignty-clinging wordings in the treaties that then yield to the diplomatic peace-imperative of inter-polity

cooperation. The tension between the trivial and the significant, or between the diplomatic and the political, seems to be universal across every instance that can be subsumed under the system of diplomacy.

Overall, not only the theoretical formulation of diplomacy as a system that operates distinctly from politics, but also the empirical analyses covering, first, a modal law of state awards, second, a literature review on digital diplomacy and early modern diplomatic gifts, and, finally, the wordings of dozens of binding international treaties – they all provide evidence for the universality of diplomatic mechanisms across various issue areas, mechanisms that allow one to discern a diplomatic peace-aspect overcoming a political power-aspect, a clash that always comes in the form of a paradox in whose intricacies the ‘hero’ remains the diplomat.

4. Contributions of this thesis to international relations, diplomatic studies, and law

With this finding, the present work offers various contributions to the literature. Three contributions may be highlighted here; one that adds to the general study of IR, a second one to the narrower subfield of diplomatic studies, and a third one to (international) law.

First, with regards to the broader discipline of IR, this thesis introduces a modern systems theoretical terminology for understanding inter-polity happenings, one that updates the systemic thinking introduced by Kenneth Waltz’s *Theory of International Politics* (1979). As his book title already suggests, Waltz focuses on the political, and not on the diplomatic. Consequently, his main hypotheses relate solely to great power behaviour, thereby reducing the roughly two hundred smaller states into conceptual insignificance. This is so because Waltz mainly draws from an outdated understanding of a closed system whose units are pre-determined and whose only environmental variable is that of military capabilities. With such theoretical premises, no reasoning is possible as regards the seeming trivialities of diplomacy; one cannot analyse with a Waltzian lens why states across the world bestow honourific awards upon foreigners. Such interactions can be quickly dismissed from those theories as mere ‘cheap talk’.

Instead of defining the inter-polity system as one constituted by states and their military capabilities, or mainly by great powers, the present dissertation conceptualises diplomacy as an autopoietic system constituted by a societal function, a medium (of peace), and a binary code (peaceful/unpeaceful) that ensures that the system operates further and further without an end goal (which, once achieved, would render diplomacy dispensable). With such a conceptualisation, one can now see that, for instance, the medium of peace operates universally,

be it in practices attributed to small states or to powerful actors, be it in events that seem politically significant or overly mundane. Wherever there is diplomacy, it operates in the medium of peace so as to achieve the societal function of inactivating centralised power resources. The purview thus gets broadened when compared with traditional system theories in IR, more phenomena can be imbued with meaning, and yet, the theory remains as focused as (neo-)realists intended theirs to be, in the sense that it seeks to understand inter-polity patterns *etsi non daretur* domestic politics or human nature or moral imperatives or any other environmental ‘noise’.

With modern systems theory, even seemingly trivial instances of diplomacy can be used as data sources for “big and important” questions of IR (Waltz 1986, 329), and the most important seems to be the one that addresses the very function of diplomacy, that is, how it achieves the improbability of peace (especially through trivialities) despite multiple centres of violent forces. This time, the response acknowledges, unlike former grand theories of IR, that the trivial is part of it – even a significant one. In other words, the theory brought forth in this thesis allows IR to reconceptualise itself as a discipline that explores the entirety of inter-polity interactions, and not just a minor (but highly conspicuous) part of it.

Second, the work contributes to the narrower field of diplomatic studies by theorising, again, what has so far been left in an analytical blind spot. The currently dominant approach of the ‘practice turn’ (I. B. Neumann 2002) calls for analysts to follow the actors in the field to see what they do (Frost and Lechner 2018), an imperative with which the present work’s theory bears a certain affinity. However, that strand of scholarship still tends to focus on crisis-ridden settings and high-profile instances of global affairs, mainly looking at how uneventful interactions among diplomats who strive for relevant symbolic capital in the field yield surprisingly power-defined outcomes. Ultimately, it is the latter – the political output – that seems to be at the centre of such diplomatic studies. They thus use *political* variables to justify case study selection of *diplomatic* practices. With modern systems theory, the distinction between significant and trivial vanishes so that even the (formerly) trivial can now be analysed in their significance despite the lack of any strategically important result. It is not the political output anymore that defines whether a diplomatic case is interesting, but rather those operations of diplomacy that occur with regularity even when there is no political guidance and no political outcome whatsoever. The ‘hard’ case of state awards exemplifies this stance.

In addition, modern systems theory defines systems functionally, so that it does not regard happenings – like the tying of a shoe (Eggeling and Adler-Nissen 2021, 643) – as ‘diplomatic’ if the episode lacks the system-specific function and the peace-medium and its binary coding of peaceful/unpeaceful. This is in contrast to practice theory’s method of simply turning *whatever* relevant practitioners do as analytically important for the relevant field, a fate similarly shared by ‘new materialist’ approaches like Actor-Network-Theory. The latter may produce endless descriptions of how people and things and devices are connected together so as to generate societal patterns that would not have been possible without, say, a given application for smartphones or without metallic objects that are decorated with state symbols. To them, “everything and everywhere can be political” (Guillaume and Huysmans 2019, 278). The present work does affirm the new materialist approach in incorporating hitherto-overlooked matters into diplomatic analyses (Janicka 2023, 24); but this approach requires one to first have established theoretically clear boundaries between what is in the system (of diplomacy) and what is in the environment (everything else). Not the inter-relatedness of the network *per se* is the interesting part, but rather its function. Only with a functional view can one focus on diplomacy as such and be aware of the significance of the trivial.

The third and final contribution relates to the scholarship of (international) law. In assuming that international legal sources store the self-reflexive semantics of diplomacy, the present work foregrounds a function of international law that has hardly been tapped yet. The doctrines inherent to international legal sources may thus offer a glimpse into the structural foundations of international relations. By offering an insight into how diplomacy is normatively approached in legal matters outside the benchmark treaty on the law of diplomacy – the Vienna Convention of Diplomatic Relations 1961 –, this work also hinted at a broader definition of ‘diplomatic law’ than is commonly used (Behrens 2017). The examination of domestic legal sources to outline universal mechanisms of diplomacy via the conjectural law on the inter-polity use of honourific state awards offers a novel approach to understanding diplomatic norms. This approach speaks to the interplay of how national settings produce the international – as is also done in the constitutional analysis of co-wordings of the ‘foreign’ in order to identify a taxonomy of more than one hundred international issue areas in one of the empirical sections below. This likewise hints at the utility of a comparative ‘leximetric’ approach in analysing how domestic legal sources can serve to identify fundamental aspects of foreign affairs (Ellis 2011). Finally, by having extracted a common structure of diplomacy across different domains of international law, the understanding of the interconnectedness of various legal regimes is

enhanced – not least because diplomacy itself is the infrastructure within which global challenges can be addressed and collective interests advanced via international legal treaties (Langhorne 1992; Reinold and Zürn 2014).

5. Summary of the argument and an outline of the chapters

The deployment of mundane objects is an inherent part of diplomacy; rather than arms, ambassadors carry artworks and awards. Such artefacts provide vehicles to express inter-state relations in both positive (e.g. diplomatic gifts, cross-border cultural programmes) and negative terms (e.g. flags being burnt, monuments torn down). Theories of IR, however, do not provide venues to integrate the diplomatic use of such seemingly trivial objects. They posit an international state system consisting of agents and a structure, none of which can integrate the trivial: agency remains confined to sovereign polities, while the structure largely draws from military or economic power resources. As a result, most analyses remain unclear towards the diplomatic value of seemingly non-instrumental objects. The present state of IR theory thus cannot satisfactorily answer the questions: How to make sense of the seemingly trivial within the diplomatic system (i.e., without simply dismissing them as exogenous), what are the mechanisms behind their deployment across borders, and how do they affect inter-state relations?

This thesis draws from modern systems theory to generate a theoretical response, deduce hypotheses, and empirically test the propositions through a systematic literature review and a doctrinal analysis of domestic and international legal documents. Overall, it theoretically formulates how diplomacy can be conceived of as the unity of highly disparate happenings, each of which serves the function of inactivating multiple centres of violent forces. Diplomatic communication thus always come in the medium of peace – be it in a war-threatening ultimatum or in the cute gift of a panda bear –, even if some of the peace-mediated forms can be rejected (as un-peaceful) while others are accepted (as peaceful). The unity of diplomacy as one comprising the politically important and the politically unimportant (which in itself indicates a distinction between diplomacy and politics) is validated in empirical studies of mostly legal semantics covering broad data sources. They find instances of a fundamental peace-and-power-paradox in which diplomacy and politics clash with each other in both the significant and the trivial. The insights suggest that this significant/trivial-distinction does not exist for the system-internal workings but only from an external-political view, meaning that diplomacy rightly treats the trivial as significant because of their societal peace-function.

A new theoretical formulation of the inter-polity realm is thus offered by this thesis, one that does not reduce its dynamics to political power-plays but rather foregrounds the curiously apolitical nature of diplomacy. The theory and its empirical validations carry various consequences; one implication would be that governments should provide large-scale open data regarding the seeming trivialities of diplomacy; another one would be to ask for the ever-expanding boundaries of diplomacy and the risk – not least stemming from the system’s self-invisibilisation – that an inflationary devaluation of peace carries for society at large. The discussion section dwells on such issues more extensively to point to future research venues. In the end, the thesis can be content if it achieved the uncovering of diplomacy’s autonomous (apolitical) workings as opposed to the widely politicised description in which diplomacy simply serves as an undetectable ‘dark matter’. The present theory seeks to offer instruments with which to re-visibilise diplomacy’s very own operations, lest the diplomatic system and its apolitical peace-dynamics conceal themselves under the label of power politics.

This dissertation is structured as follows. Section II offers a literature review, first demonstrating how diplomacy is treated in IR and in modern systems theory. It highlights how IR mainly focuses on (political) power while overlooking (diplomatic) peace. It then draws from various works of the same discipline to demonstrate that they show traces of distinct workings between the domestic sphere of power-guided political life and the international strivings to achieve inter-polity harmony. Thus, the very same discipline that invisibilises diplomacy by equalling it with politics reveals a latent separateness between diplomacy and politics. That section then introduces key concepts of modern systems theory, such as how the theory regards social systems as self-reproducing (autopoietic) and as constituted by a specific function, a symbolically generalised medium, and a binary code. Section III applies this theoretical framework onto diplomacy to frame it as an autonomous system. It discusses its function for society at large and asserts its medium of peace alongside the binary code of peaceful/unpeaceful. It contains subsections demonstrating various consequences of a modern systems theoretical understanding of diplomacy, such as on understanding how the allegedly trivial is as functional as the seemingly significant; for instance, using modern systems theory (combined with evolutionary concepts), one can plausibly explain why seemingly trivial tools like honourific state awards spread across the whole globe. The modern systems theoretical understanding of diplomacy as developed in that section then leads over to three empirical studies.

In Section IV, the first empirical investigation examines domestic laws of state awards across the world. It synthesises them into a modal law. A doctrinal analysis reveals a strange paradox of states using awards while prohibiting them at the same time; or, ultimately, of diplomacy prohibiting itself – a paradox that can be best understood when disentangling the operation of two distinct systems (peace and power, diplomacy and politics). Section V presents the second empirical investigation. It explores the *modus operandi* of diplomacy through a three-step sequence of (1) overlapping sovereignties, (2) mistrust, and (3) an overcoming of that mistrust through positive emotions. A systematic literature review finds this structural operation of diplomacy to be validated across heterogeneous but largely seemingly trivial practices of diplomacy. Section VI offers the final empirical investigation. It delves into the semantics of international law in seemingly significant issue areas (which are first identified in a preliminary study of a constitutional co-word analysis of the term ‘foreign’) to uncover the same structure and the same peace-and-power paradox in diplomatic interactions, thus extending the findings from the allegedly trivial realm of diplomacy to many significant ones as well.

Finally, Section VII concludes by synthesising the findings, comparing them with existing literature, discussing practical implications, and suggesting future research venues.

II. STATE OF THE ART

1. International relations versus diplomacy

- a. A focus on power, but not on peace

A dominant tendency within the discipline of International Relations (IR) depreciates diplomacy to a mere implementation of externally given foreign policy goals. In other words, diplomacy is the invisibilised in-between that follows a politically willed prior (a 'national interest') and precedes a politically willed posterior (a specific outcome like war or trade ties). The in-between, which is diplomacy, remains blinded out.

In its purest form, such works premise that a state's behaviour in the international realm are determined purely by power-considerations (Morgenthau 1949, 13), be they power-maximising (Mearsheimer 2001) or survival-sustaining (Waltz 1979, 105). However, power is said to be tamed because states take into account that a plurality of other such sovereign power-holders exhibit the same goal (Waltz 1979, 90). The so-called international system then polarises itself around one (unipolarity) or two (bipolarity) or a few other central polities (multipolarity) that carry considerably high capacities of violence-mobilisation. Less powerful states may orientate themselves towards one of the poles, thus 'bandwagoning' to ensure their own survival (van Evera 1962, 124), or they may prop up their military capabilities and enter opposing bloc alliances to 'balance' against the more powerful poles (Hume 1752).

There are numerous refinements to that theoretical principle. These refinements relate to, for instance, the question whether states balance against foreign powers or rather against 'threats' (Walt 1990); or the refinements concretise the ambiguous term of power (Holsti 1964; Baldwin 1979; Haskel 1980; Guzzini 2005; Barnett and Duvall 2005); or the refinements emphasise the distinction between status-quo states and revisionist states (Schweller 1994); or the refinements elaborate specific consequences for the possibility of cooperation and conflict in world politics (Jervis 1999), be it via the concept of transaction costs (Keohane 1984), relative gains (Snidal 1991), international regimes (Ruggie 1982), or self-help and other-help (Mercer 1995). Whatever the refinements, the basic premise ultimately limits its analyses to power-determined activities. If power is the medium of politics, that theory totalises power and thus politicises everything that enters its analytical purview. Law, for instance, will be regarded as mere reflections of power (J. E. Goldsmith and Posner 2006). And if diplomacy becomes an object of analysis at all, that theory would likewise regard diplomacy as an 'accident' to the actual

‘substance’ of power. Diplomacy would be equalled with a ‘trivial machine’ (Heinz von Foerster 1972, 40) that operates according to rules of a simple linear causality. It resembles the metaphysics of Newtonian mechanics (Butterfield 1966, 132), as one event, E_1 , leads to another, E_2 , which, in turn, leads to yet another event ($E_3, E_4, \dots E_n$), ultimately forming a chain of connected events, at the end of which one attains a result R . The mechanistic assumption would be that the power-oriented E_1 will always generate the power-determined R in whatever repetition, as the in-between of diplomacy is supposed to work smoothly in the service of politics (Adler-Nissen 2015). Diplomacy, as a servant of power, is thus politicised, while politics would be totalising.

In other words, “theories of the international system have generally claimed to explain international events without reference to diplomatic communication” (Trager 2010, 349). For instance, one rationalist account of wars implied that “‘normal forms of diplomatic communication may be worthless’ in international relations, because they are costless and non-binding” (Kurizaki 2007, 553; with reference to Fearon 1994, 578). When diplomatic channels are looked at within the literature of IR, the cases often revolve around settings in which armed conflicts are imminent, such as the inimical deployment of economic sanctions (Lektzian and Sprecher 2007), or the multilateral haggle for obtaining approval of military interventions (e.g., Malis and Smith 2021, 244 on the Gabonese president’s visit to the U.S. White House in 2011 in the wake of the intervention in Libya). In other cases, diplomatic practices (like state visits) are analysed simply because they are assumed to generate resources to easier enforce a sovereign’s national interest via “downstream effects on policy outcomes, such as building military coalitions” (B. E. Goldsmith, Horiuchi, and Matush 2021, 1355). Diplomacy thus seems to revolve solely around power and sanctions – albeit often labelled ‘soft power’ to conceal the hidden presence of military force (Bially Mattern 2005), and often under the guise of positive sanctions (Baldwin 1971), but power and sanctions nonetheless. Even so-called micro-level accounts focusing on everyday aspects of diplomatic practices carry a power-centred view. They likewise choose case studies revolving around militarised conflicts, finding that diplomatic happenings are driven by “emergent power” (again, the term of power) that arise situationally through shrewd bargaining and negotiation techniques. The “seemingly trivial struggles over diplomatic competence” (Adler-Nissen and Pouliot 2014, 889) in multilateral fora lead to chains of “contestations” (Adler-Nissen and Pouliot 2014, 895), with legates deploying their socially recognised influence which is “fought over” (Adler-Nissen and Pouliot 2014, 896). Case studies on diplomacy are selected thus because they carry global

political repercussions, such as by legitimising military interventions in third countries. In essence, when IR shows any interest in diplomacy, it is because of its *political* antecedents and *political* effects. The subject matter of these works is ultimately about power, and not peace.

This power-centred view of diplomacy is one against which even a fledgling subfield of IR called ‘diplomatic studies’ (Murray et al. 2011) is not immune, including that strand that focuses on the ‘everydayness’ and the ‘mundanity’ of diplomacy. While it does grant that there is something “uneventful and mundane” (Pouliot 2016, 9) about diplomacy, this remark is usually only attributed to the directly visible practices of diplomacy; the ‘practice turn’ in diplomacy (I. B. Neumann 2002) has instead mainly emphasised how the “uneventful and mundane” indirectly shape power hierarchies across the international system via structural reverberations (Kuus 2015). Ethnographies on frontline diplomacy choose crisis-ridden, dramatic situations that greatly affect world politics (such as the revolt that ousted Egypt’s president Hosni Mubarak in 2011, see Cornut 2015b), while observations of happenings within the competent ministries diagnose power-sustaining structures at various organisational levels (I. B. Neumann 2012; 2005). Others focus on the “symbolic” side of diplomacy (Faizullaev 2013) and state that what occurs in diplomacy actually fosters state-centric hierarchies via a distribution of symbolic capital (Pouliot 2008), again equating diplomacy with the defining moment of politics: power struggles (Bueger and Gadinger 2014, 28). Inter-polity gift-giving, high-level visits, and state-sponsored art exhibitions are always to be explored via a lens of power (Bleiker and Butler 2016). Analyses of foreign policy practices even state that “diplomats are status-quo forces that tend to ally with the strongest political forces and acquiesce to the existing regime. They incline towards stability and the reproduction of intergovernmental order” (Cornut 2018, 727). Many historically oriented works likewise fall into this still-power-focused strand (Mansour 2013; Um and Clark 2016; Sowerby 2016). They do highlight seemingly apolitical happenings like cross-border ping-pong competitions (Hong and Sun 2000), the playing of golf among politicians at ASEAN meetings (Nair 2020), or the circulation of Baroque portraits in early modern diplomacy (Sowerby 2014), but they always emphasise that these seemingly apolitical (and thus: everyday-diplomatic) episodes are reflective of an underlying power (and thus: political) structure, or that they merit analysis precisely because they shape the overall settings of global politics. It seems that investigations of diplomacy must propel power into a central stage, and that diplomacy without any power considerations whatsoever seems utopian.

But there are some indications that this view may not accord to reality. The most basic observation is that diplomacy makes a difference – in a famous case study, one central finding was that “the key governments [at a specific negotiation in] Bonn adopted policies different from those that they would have pursued in the absence of international negotiations” (Putnam 1988, 428). In brief, without diplomacy, the political system would likely evolve differently – there are enough such case studies showing that trifle practices in multilateral fora lead to outcomes that even a coalition of major powers originally sought to avoid (Adler-Nissen and Pouliot 2014). It may simply be that diplomacy delays a desired political outcome (Hoshiro 2022), or, in more conspicuous cases, that diplomacy completely deviates from a given foreign policy goal (Sofer 1988, 210).

For instance, the literature on ‘Europeanisation’ has illuminated how political elites shift their allegiance toward the European Union once they are ‘socialised’ into the organisation (E. B. Haas 1958). Diplomats in the European Council are supposed to represent their state’s “national interest” but instead, they exhibit behavioural practices reflecting an internalisation of ‘European’ norms rather than the maximisation of a single state’s stance. Supranational institutions seem to redefine the role of legates such that they facilitate the emergence of an *esprit de corps*.

There are valid grounds to assume that such diplomatic deviations from political guidance are not ‘random’, not a mere reflection of individual ambassadors’ biographical inclinations, but rather more structural. While one could highlight a specific delegate’s mastery and competence, or while one could resort to explaining diplomatic deviations from politics through idiosyncratic pathologies (Panke and Petersohn 2017; Cornut, Harris Rimmer, and Choi 2022), such reductionist claims cannot account for the aggregate ubiquity of diplomacy’s self-dynamics. The overall sense that diplomacy makes a difference is not one that can be solely explained via geniuses and narcissists (Harden 2021; Keller, Grant, and Foster 2020). With a certain plausibility, explanations may then go beyond individual actors and actants to evoke the concept of ‘bounded rationality’ (Simon 1957) according to which a foreign affairs bureaucracy sticks to habitual shortcuts which merely satisfy some constraints rather than to maximise a well-coordinated, highly rational strategy (e.g., Abrahamian 2019, regarding the death of of US citizen Otto Warmbier after incarceration in North Korea, highlighting some internal bureaucratic conflicts rather than any rational-strategic choices, in Pyongyang). Foreign policy settings are indeed infested with opaque factors, meaning that decision-makers regularly face “the burdens of multiple goals and highly ambiguous information”, which yields

“contradictory, incoherent and badly suited” outcomes (Jervis 1976, 24). In addition to informational uncertainty, high-level politicians face pressures that arise from the dynamics of national politics as well. It is due to this that some studies explain diplomacy through the lens of a ‘government politics’ model. That is, they assume that international relations deviate from a diplomatic ideal because decision-makers primarily pursue domestic political goals rather than a lofty, inter-polity ideal of world peace (e.g., an empirical study of how U.S. presidential electoral cycles explain variation in U.S. relations towards the Soviet Union by Nincic 1990). One account even grounds a definition of global politics in bureaucratic “intra-national games, the overlap of which constitutes international relations” (Allison 1971, 149). The fact that domestic politics and that bounded rationality of bureaucracies affect diplomacy is not to be negated in individual cases. However, such explanations again fail to convince when one takes into account not only the multiple role conceptions in which persons are naturally embedded (Cornut 2015b), including the role of a domestic politician and the role of a diplomat (Beyers 2005); but also when diplomacy’s peculiarities can be found regularly, globally, ubiquitously, and even within the conscious intent of the legates (Wiseman 2022). In the words of a case study revolving around a Greek diplomat, “diplomatic duty encompasses a duty to dissent when the diplomat with a hands-on knowledge on a topic disagrees with its handling by their (political) superiors” (Pechlivanis 2023, 297–98).

The precise venue through which diplomacy seems to ‘emancipate’ itself from political rationalities is not of interest here. There are some hints in those works that analysed how socialisation into international and supranational organisations take place (Checkel 2005; Johnston 2001), unearthing possible causal mechanisms with some plausibility (e.g., Bearce and Bondanella 2007). In general, sustained and regular face-to-face interactions with other diplomatic representatives expose the legates to behavioural expectations that facilitate the emergence of an *esprit de corps* (Sharp and Wiseman 2016). Whatever the actual mechanism that compel career diplomats to internalise the behavioural norms of a system like diplomacy – the sole fact of relevance here is that the impetus to uphold not a *raison d’état* but rather a *raison de système* (Sharp 2009, 10) is a common trait. The national interest gives way to an international interest (a genuine one, and not just “a nation’s international interest”, as is remarked by Cook and Moos 1953, 37). From the viewpoint of politics, diplomacy then serves as an external irritation. Rather than smoothly executing the political will, diplomacy seems to interpret the ‘national interest’ using its own internal, peace-guided rules rather than according to political, power-guided rationalities. The logic behind politics and the logic behind

diplomacy seem to pose two distinct sets – and they may conflict with each other, rather than that they harmonise. Instead of foregrounding power, diplomacy conceals power while foregrounding peace. Again, there is an apparent difference between diplomacy and politics.

What is more, diplomacy may not even need political guidance for its operations. Diplomacy could take place without any ‘cause’ in the system of politics, without any foreign policy goal whatsoever. There could be, to cite a simple thought experiment (Nishikawa-Pacher 2023a), a Slovenian ambassador in Vanuatu stationed for some years even in the absence of any strategic tie that binds the two countries together. Despite the lack of any national interest in the relationship between Slovenia and Vanuatu, his or her professional activities would be undoubtedly assigned to the system of diplomacy. He or she will likely present themselves to Vanuatu’s Head of State, obtain accreditation, stay in their legally inviolable premise, perhaps attend some conferences and organise a small party on Slovenia’s national holiday, inviting colleagues and local politicians and other elites into the embassy. Some treaties may be concluded, perhaps on bilateral student exchanges or on the provision of official aid in case of a natural catastrophe, all of which will be dealt with by the Slovenian ambassador in Vanuatu. All these practices will be understood as ‘diplomatic’ – but it would seem an implausible overstretch to subsume these happenings under the hegemony of political power. More generally, an ethnographic observation of what diplomats actually do – as witnessed by the present author multiple times – would recognise that a large part of diplomats’ practices is not determined by an externally given national interest at all. It is possible that a diplomat’s whole career over decades may not, in any single instance, involve any “negotiations at the close of major wars” (Trager 2011, 473), even if the literature of IR focuses on such dramatic (but increasingly rare) events. Power does not seem to occupy such a central role in the operations of diplomacy as the classical formulations of systemic IR theories insinuate.

One may pick other indicators of the autonomy of diplomacy vis-à-vis politics, such as the fact that as a rule, diplomacy governs its own personnel. Ministries of Foreign Affairs regulate the entrance and the appointments of diplomats by themselves. This seems normatively expected across the world, lest the diplomatic personnel will be suspected of being under a “political capture” (Lequesne 2021, 779). Politically appointed ambassadors do exist – less so in the Global North, albeit with the conspicuous exception of the U.S. which is recognised as “aberrational among advanced democracies and a source of recurrent controversy” (Scoville 2019, 71). In the U.S., journalists tend to portray such ambassadorships with concerns regarding an unjust patronage, since appointees tend to be donors of large amounts for

presidential campaigns. For instance, Barack Obama's ambassadorial nominations to the United Kingdom, France, Japan and Denmark all involved individuals who had been able to bundle at least \$100.000,- for Obama's endeavours to win political elections (Hollibaugh 2015, 445–46). Campaign contributions thus seem to weigh heavier than other criteria that render a diplomat qualified, such as linguistic aptitudes, organisational leadership, substantial expertise on the receiving state and region, or general experience in U.S. foreign policy (Scoville 2019). One attempt at quantifying the effect suggests "that politically appointed ambassadors perform worse generally than career diplomats, with a 10% reduction in performance score on average for political appointees compared to careerists" (Haglund 2015, 672). Unsurprisingly, political appointees are likely to have their tenure end right after a presidential turnover (Arias and Smith 2018); and ambassadorial vacancies, in turn, are associated with a plummeting of bilateral trade ties as well as with an increase in legal disputes (Gertz 2018). What is more, they are prone to attract policy disagreements that risk militarised disputes (Malis 2021). Studies may find some positive side-effects of presidential appointments to high diplomatic posts, such as a slight correction of a gender gap in Latin American foreign services (Erlandsen, Hernández-Garza, and Schulz 2021; but not in other parts of the world, see Towns and Niklasson 2017) or the observation that diplomatic representatives who are close to the Head of State may enjoy greater trust by the sending nation's political leadership (MacDonald 2021). However, the fact that such appointments attract overall negative attention and are accompanied by discussions of their legitimacy poses yet a further indicator that the 'politicisation' of diplomacy is an anomaly. It implies that the real imperative is to shield diplomats from the ever-changing currents of their home country's domestic politics. Political appointments of ambassadorships are thus in need of a greater justification, whereas diplomacy's internal decisions regarding the admittance and placements of its legates is taken for granted. This discrepancy indicates that there is, by default, a certain autonomy of diplomacy whose legitimacy is to be protected from political intrusions.

Another indicator of diplomacy's autonomy may lie in its differing semantics from politics. The most prominent example is the term 'sovereignty' which captures an 'internal' (political) and an 'external' (diplomatic) aspect. While internal sovereignty denotes the highest level of power within a polity authorised to enact collectively binding decisions, external sovereignty is about a polity's recognised ability to serve as an actor equal to other such polities without needing to fear an interference in its stately actions. While internal sovereignty is a semantics attributable to politics (and is to be obtained via power-wielding), external sovereignty is

attributable to the system of diplomacy (and is to be obtained via recognitions as a practice of peace).

The dual semantics of sovereignty (internal versus external, or political versus diplomatic) manifests itself in policies that demand recognition from other sovereign states in order to function well. They then require both domestic and external approval. For instance, a state that wishes to be a permanent neutral in all future wars not only needs the necessary consensus and legally binding decision in the domestic realm (which can only be obtained by the largest power-holder, such as the political party that has a majority in parliament – i.e., in *politics*), but it also needs to safeguard its permanent neutrality by having it guaranteed by other sovereign states who commit themselves to defend their cause in case that state is attacked (which can only be obtained through peace-appealing negotiations and mutual commitments, or in *diplomacy*). A unilateral, or purely domestic-political, declaration of neutrality without any diplomatic support will prove ineffective: “neutralisation from the outside and the status of permanent neutrality from the inside need to go hand in hand to succeed” (Lottaz and Reginbodin 2020, 6).

The fact that institutions carrying one and the same label – like sovereignty and permanent neutrality – inhere two distinct dimensions with varying mechanisms again points to a certain differentiation between the domestic-political and the external-diplomatic aspect. In fact, the two realms seem so decoupled from each other that it seems impossible to identify a convincing, generalizable sequence of *which* of the two realms should initiate the new status. The least conflictual cases seem to enact the new policy largely simultaneously; the (partly contested) sovereignty of Kosovo and South Sudan, or the historical genesis of the permanent neutrality of Switzerland and Austria offer suitable examples. In contrast, when the domestic-political realm takes (temporal) primacy, diplomatic suspicions seem to arise with more likelihood. The ‘de facto states’ in the post-Soviet realm highlight this discrepancy, similar to the ‘neutrality’ of Turkmenistan which is assumed to be a pretext to avoid scrutiny from outside, thus allowing the country’s internal corruption and bizarre presidential cult to prosper (Sullivan 2020; Kiepenheuer-Drechsler 2006, 137). The confusion surrounding Mongolia’s botched attempt to declare itself a permanent neutral between 2015 and 2020 offers another illustration of the uncertainty surrounding the sequence of the domestic and the external – it was simply unclear whether Russia and China should accept the neutral status first before the Mongolian parliament ventures into this strategy, or vice versa (Jang and Kim 2023). The opposite is likewise true; that is, when external polities impose a status upon another state without that

state having found a domestic consensus, then revisionism seems pre-programmed. Terms like ‘neutralisation’ (from the outside) and ‘irredentism’ can be connoted here (Kornprobst 2008; Maude 1982). Isolating another country via punishing sanctions likewise seem to lack societal legitimacy and thus incite violent resistance. In brief, when both the domestic realm (the political) and the external affair (the diplomatic) are touched upon, then distinct mechanisms and semantics may be involved, but there seems to be no normative consensus regarding which of the two can claim primacy over the other, suggesting a mutual detachment of two self-referential systems.

Speaking of a state’s status being constituted, at least in part, by recognition, yet another indicator of self-referential (and power-detached) dynamics within the diplomatic system is the pattern in which amical inter-state relations emerge. The network of embassies, for instance, was found to follow a self-reinforcing impetus that is determined not solely by material capabilities (Duque 2018). Similar structures are visible in the mutual follower-patterns among the official social media accounts of Ministries of Foreign Affairs (Sevin and Manor 2019). When it comes to international recognition, it is also worthy of note that diplomacy embraces a recognition of states but not a recognition of governments – while exceptions are conspicuous, they are not numerous, and they lack a coherent justification (Grant 1999). The differential treatment of states (diplomacy) and governments (politics) is one that also distinguishes peace-dynamics from power-dynamics. From a political power-focused viewpoint, in brief, there seems to be an invisible factor at play that steers the web of diplomatic relations away from what are supposed to be the determinants of inter-polity networks.

A final aspect that likewise suggests a difference between diplomacy and politics is a distinct preference for the way polities are arranged in international life. Diplomacy and its peace-centredness tends to support an internal differentiation according to equal segments. No state has an inherently ‘higher’ status than any other one – they are “like units” (Waltz 1979, 93). Norms like sovereign equality or that of ‘one state, one vote’ in international organisations ensure that a major power like the U.S. has, formally, no greater weight than Nauru, or that Bhutan is as much a ‘player’ in diplomatic negotiations as China is. In the supranational structures of the European Union, more precisely in the Council of the European Union, the qualified majority voting rules even ensure that a majority of small and middle-sized member states can overrule a coalition among the two largest European Union countries, France and Germany. These (diplomatic!) approaches subvert a brute (political!) power-yielding in inter-polity negotiations, cementing the structure of equal polities. Originating in Ancient norms of

diplomatic immunity among legates, an innovative step was achieved in the Vienna Congress 1814/15 when the protocolar ranking, or precedence, in a host country's diplomatic corps came to be rooted not in the dynastic 'glory' of a sovereign or in quantifiable military capacities, but rather in the purely factual chronology of when an ambassador asked to be accredited at the host state's ruler. This principle of *anciennité* ensured that the legate from a minor principality was not *a priori* set back against an official representative of the Emperor. The rule was so broad that, theoretically, a non-European and non-Christian polity could gain precedence over the most powerful sovereign in Europe. This principle enshrining an "equidistant" (Teo and Koga 2022) treatment of all sovereigns proved to be an evolutionary achievement of diplomacy such that it was re-incorporated into the Vienna Convention on Diplomatic Relations 1961. Even today, the rule ensures that even the representative of a "rogue state" like North Korea can serve as a doyen in a traditional European capital over all other diplomats (as happened in Vienna when the Papal Nuncio who traditionally serves as the doyen of a diplomatic corps was briefly vacant in early 21st century so that the North Korean ambassador filled that ceremoniously important post). With diplomacy and its primary differentiation of segmentation, all polities are equal, regardless of material capabilities or ideational distributions of friend/foe-attributes.

In contrast, politics and its power-centredness would inherently *stratify* the system. Almost as an entelechy, politics strives to disturb the arrangement of equal segments so as to position states into a hierarchy of a major power-holder (or a hegemon) and its subordinates. This differentiation would ultimately allow for only two strata, an upper stratum and a lower one, to exist. *Tertium non datur*; which also means that among major powers, there is traditionally a structural suspicion against permanent neutrals who seek to occupy a third stratum. In a stratified system, a communicative structure of what could be called 'diplomatic endogamy' prevails. That is, inter-polity peace-signals would circulate mainly within the same stratum, with cross-bloc flows of amity being prevented (Rapkin, Thompson, and Christopherson 1979). Communications across the two strata, in contrast, would be accompanied by an awareness of the polities belonging to different blocs. Less amical wordings ("my son" instead of "my brother", for instance, to cite an Ancient example; Jönsson 2000) would be used, and the Cold War – where stratification was cultivated along the Capitalist/Communist-blocs – regularly saw the involvement of higher political levels and of greater intelligence resources in interactions of a diplomatic 'exogamy'. A stratified arrangement of polities would thus cut off the density of contacts between two parts of the world, thereby fueling misunderstandings and

suspensions, generating tensions due to stereotypes of the hierarchical ‘Other’. Such stratifications not only occur due to the inherent inclination of great powers to attain hegemony, but also due to moralising discourses that underpin semantics like the ‘axis of evil’ or of a *respublica Christiana* (implying the rest of the world as subordinated ‘barbarians’). Whatever the precise embodiment of stratification, it renders a setting of a security dilemma unavoidable, thus posing an irreconcilable approach with regards to diplomacy’s peace-function.

The fact that diplomacy not only inheres hard-sticking, institutionalised rules to de-stratify and re-segmentise its structure by setting aside the determinant role of power-attributes, and the fact that it even seems to mechanistically produce alliances against states amassing too much power in what is called the ‘balance of power’, points to two distinct spheres operating in international relations. There is a power-based system (politics) preferring a stratification and a peace-based one (diplomacy) that tends towards segmentation. What is more, stratifying dynamics seem “illegitimate” and in a greater burden of justification, as exemplified in the voting rights of the World Bank or the exclusive membership criteria of the United Nations Security Council. Segmented structures, in contrast, raise less intuitive resistance and seem to be the default that is called for – as proponents of the Non-Aligned Movement (which counteracted a polarising stratification by creating numerous *tertiis*) stated, neutrality posed a “moral force” in international relations (Gerits 2015, 951, citing Sukarno of Indonesia and Nkrumah of Ghana). In other words, while inter-state fora inhere a tension between segmentation and stratification, there seems to be an awareness that in such settings, diplomacy is to prevail over politics.

These are various observations that give rise to the assumption that a certain force in inter-polity life systematically drifts away from pure power-considerations. The exposure of non-political variables operating in diplomatic relations may not be completely alien to the literature of IR given its tradition of incorporating economic variables as well, especially in the academic subfield of International Political Economy (IPE). While there is no doubt that a “reciprocal and dynamic interaction [...] of the pursuit of wealth and the pursuit of power” (Gilpin 1975, 43) exists in society, the same can be said with regards to the pursuit of truth, the pursuit of a loving family life, the pursuit of a religious illumination, or the pursuit of health. And in view of each of these goals, the observations on the incompatibility between diplomacy and politics listed above can also be applied with reference to another societal system as well. Facing economics, for instance, diplomacy does not operate in any profit-maximising way; its personnel is not selected based on individual-level criteria that would accrue more budget to

the Ministry in the short- to mid-term; there are clearly distinct semantics between the two systems of economics and diplomacy – the term of monopoly in economics carries different connotations than a hegemon in international relations; the networked patterns of embassies are as little explainable by economic variables as it is by political power-considerations (Duque 2018, 588); and while diplomacy tends towards a segmented arrangement of polities, the economic system would be similar to politics in that it would induce a differentiation between an economic centre and a periphery (Wallerstein 2004). In brief, not only purely political variables, but also economic variables fail to explain numerous aspects of inter-polity life. Something else seems to be at play under the label of diplomacy.

Economics is thus an unpalatable candidate when it comes to finding a key determinant of inter-polity life. With politics, the matter is different, even if in its most fundamental patterns, diplomacy seems to operate apolitically – detached, distinct, autonomous from politics. This is an observation that has hardly been embraced in explicit terms by the IR literature. Empirical studies leading to such insights rather regard similar observations as mere statistical outliers or as deviations from normality, and they tend to re-squeeze the finding back into power-centred terms, such as by detecting an ‘agency’ from the bottom that ‘resists’ state violence (thus having the non-elite wielding their own ‘power’) (e.g., Manger 2022; Harman and Brown 2013), or by detecting ‘emerging power’ struggles within practices of international negotiations which enforce their own will against the systemic distribution of military capabilities (Adler-Nissen and Pouliot 2014). Instead of using power-centred terms, one may simply recognise in factual terms that, again, diplomacy may deviate from political guidance; that diplomacy may even operate without any political rationale whatsoever; that diplomacy steers its own personnel lest it will be reproached as being under a political capture; that diplomacy exhibits semantics that are distinct from that of politics; that diplomacy inheres network dynamics that self-reinforce themselves rather than to orientate themselves along power-considerations; and that diplomacy tends towards a different primary form of differentiation (segmentation) that is different from that of politics (stratification).

b. The unity of diplomacy covering both the significant and the trivial

To repeat, diplomacy consists of much more than the actions required to directly implement power-determined foreign policy goals. Diplomacy also inheres alleged trivialities, banalities, everyday practices that do not seem to be governed by any power-related considerations whatsoever. It is nevertheless a common reflex in IR to equate such practices with the premise

of a latent power-maximisation. Some examples that may seem relatively trivial and that have nevertheless been analysed in terms of political power plays include practices like cross-border ping pong games, the gift and loan of panda bears, the joint playing of golf among high-level politicians from various countries, or the bilateral enactment of student exchanges.

The conceptual weakness can be illustrated in terms of a typology, a typology that distinguishes ‘significant’ happenings (to be looked at by IR) from the ‘trivial’ ones (to be overlooked by IR). The discipline then aims at explaining ‘significant’ patterns of world politics, but at the price of invisibilising everything they deem as ‘trivialities’.

As is typical for typologies, what the ‘significant’ entails and what remains unmarked in the ‘trivial’ part varies. Brute versions of realist IR theories allow explanations to take recourse only to hard military capabilities. Only arms and troops are deemed significant. Everything else, including diplomacy in its entirety, is a mere triviality not worthy of any analytical treatment, unless perhaps when they are deemed convertible to violent force. Indeed, states are assumed to be able to “turn latent power (i.e., economic, technological, social, and natural resources) into military capabilities” at will (Lieber and Alexander 2005, 119) – or to turn trivialities into significant phenomena, which renders the former mere accidents to a substance of power. But barring this telling but paradoxical assumption of the trivial being significant, no IR-related insight would be gained (according to this view) when one looked at, say, panda diplomacy.

Within the ‘significant’ types that allegedly serve as determinants of inter-polity life, hard military capabilities are primordial, but they may also be joined by other aspects deemed to be relevant for the dynamics of what they call world politics. For instance, other than centralised capabilities of violent forces and the distribution thereof, the literature in IR often focuses on economic interests as well. The name of a subfield called International Political Economy already conveys that there is an interest in how inter-polity matters are driven by the circulation of power and the circulation of money. At the minimum, this economic factor comes in as the “gun-versus-butter problem” in which states are forced to allocate their resources to either military gains or economic prosperity (Powell 1993). Another entry of economic factors comes with the abstract concept of transaction costs, juxtaposed with the assumption that even under conditions of anarchy (when there is no hegemon), states can sustain multilateral cooperation through iterative interactions, transparency and monitoring (Keohane 1984), or the assumption that the enactment of hegemonic institutions like the ones by the United States increase the

costs of setting up alternative institutions, thus leading to a certain international equilibrium (Ikenberry 2001). The business strivings of companies at the domestic level (Moravcsik 1997), or quantifiable indicators of aggregate monetary gains such as GDP growth or relative gains in exchange rates (Frieden 1994) may likewise operationalise the economic variable in the ‘significant’ part.

Other than guns and money, one may sometimes see further heterogeneous examples of the ‘significant’, lists that can be supplemented at will. Issues of technology, for instance, may be deemed to matter insofar as they determine the scope of ‘violence interaction capacity’ (Buzan 1993). Speaking of the spatial scope of a state’s ability to inflict harms upon others, geographical variables like the remoteness between two polities may likewise be part of the ‘significant’ side of the typology (Deudney 2000). The morality of claims by norm entrepreneurs, or ideational distributions of friend-foe-semantics often find themselves in that side as well (Wendt 1999; Finnemore and Sikkink 1998; P. M. Haas 1992). Such implicit lists – or even explicit lists like the one enumerating “co-binding security institutions, penetrated American hegemony, semi-sovereign great powers, economic openness, and civic identity” as the alleged sources of world order (Deudney and Ikenberry 1999, 179) – always leave out the seeming trivialities of diplomacy. Some constructivists do not use substantially demarcated issue areas as the units of the typology, but rather types of actors that are alleged to propel the topics into political salience – such as pressure groups (e.g., Bleiker 2000) or economic lobbyists and their preferences (Moravcsik 1997). They lobby for their cause through political institutions, or they enact events and circulate press releases that are then picked up by mass media outlets. Diplomacy, and especially its seeming trivialities, hardly has any lobbyists, and its operations will hardly gain mass media attention. Whatever the ‘significant’ types worthy of being researched by IR, diplomacy remains outside.

The definition of the ‘significant’ and thus of the analytically worthy depends on the observer’s demarcation of a line between the ‘marked’ space to be looked at (the significant) and the ‘unmarked’ space to be left out (the trivial). The contingency of the typology, and thus of the visibilised and the invisibilised, makes clear that such typological approaches face a fundamental weakness. That is, the criteria behind the typology remain ambivalent, as visible in the fact that the enumerations require adaptation over time. A conceptually open-ended concept like that of spill-overs (E. B. Haas 1958) or the trick of defining (analytically relevant) ‘institutions’ and ‘regimes’ so extensively that they serve as a residual variable which can conveniently absorb every phenomenon as needed *ad hoc* (Krasner 1983) may reflect the

typological uncertainty. The contingency also suggests that a typological approach cannot properly clarify why it leaves out so-called trivialities, and what conditions the system to view something as significant for world politics and something else as trivial. In other words: What renders the elements of the typology homogeneous? Why would categories like ‘economy’, ‘human rights’, or ‘ecology’ be placed in the relevant side of the international system, while other societal aspects are not? Where is, for instance, ping-pong diplomacy located? Ping-pong may seem politically trivial, and yet there are enough indications that the sport formed a world political aspect of central importance (Hong and Sun 2000) when ping-pong-players acted as ‘improbable diplomats’ (Millwood 2022) during the Cold War. And yet, it cannot be subsumed under ‘economy’ or ‘military’ or any of the ‘significant’ phenomena that can be typically encountered in the IR literature. No typology could reflect its diplomatic centrality. Similarly, where would state awards find their place? State awards are used by almost every state across the world, they are to be found at the highest level of the state’s hierarchy, their use is enshrined in dozens of constitutions, they are bestowed upon hundreds and thousands of foreigners in any region, not seldom in solemn ceremonies in embassies or other official buildings (Nishikawa-Pacher 2021; Pacher 2020b), and yet they seem to inhere neither an obvious political nor economic or other rationale. They are seemingly trivial objects of diplomacy. Leaving them out from IR theorising stands in contrast to their empirically verifiable significance in the practice of diplomats throughout the globe.

As a reaction, a strand of IR literature has emerged that deliberately focuses on the seemingly non-significant, calling this realm outside of high politics the ‘banal’, the ‘mundane’, or the ‘everyday’. It did pave the way towards an analytical recognition of much of what happens in diplomacy; in fact, it defines its research object by what diplomats actually do. In a more extended version (inspired by Actor-Network-Theory), this literature seeks to literally follow anyone and anything that is regarded as causing a change in the overall realm of interest (Latour 2005, 68), such that even non-human entities, or what they call ‘actants’, are invested with an agency. The circulation of a state award, for instance, or of a Baroque portrait gifted by a royal ruler to a foreign nobleman (Sowerby 2014), can then be traced in detailed depth, with the analyses showing to what extent they impact upon inter-polity discourses and happenings (Bennett 2010; Acuto 2014).

There are, however, a few epistemological difficulties with this approach. As it premises that there are agents whose intentions shape the world order of international practices (Adler 2019), an analyst would first need to define the relevant practitioners before investigating their

cognitive dynamics. But neither is the definition of the relevant practitioner without paradoxes (Sundaram and Thakur 2019, 417) – are diplomats from unrecognised *de facto* states relevant practitioners (Loh and Heiskanen 2020), and are diplomats tying their shoes ‘practising’ diplomacy (Eggeling and Adler-Nissen 2021, 643)? –, nor is it possible to empirically ascertain the cognitions of these thousands of individuals. The problem only becomes aggravated when one regards non-human entities as ‘actants’ (as thousands of ‘things’ can be said to affect world political happenings), or even within-human processes, such as psychological dimensions or neuronal happenings (Holmes and Yarhi-Milo 2017). In other words, the practice-based approaches cannot escape the epistemological fact that all observations rely on the blind spot of a fundamental distinction: They distinguish one phenomenon (that they focus upon) from everything else (that they blind out). They look at *x* rather than at *y*, the latter of which remains unreflected (Spencer Brown 1969; Cornut 2015a). In the case of those theoretical approaches, the fundamental distinctions are practice/non-practice, micro/macro, everyday/non-everyday, assemblage/non-assemblage, or actant/non-actant etc. (Barry 2013; Bueger and Gadinger 2015; Solomon and Steele 2017). These approaches may fight against traditional dualisms (like mind/matter, human/non-human) but do so only by generating new ones (Conty 2018, 75) – the new ones, however, are concealed in the blind spot: Who decides on what is a ‘practice’ and what is not? Who decides on the ‘everyday’ that is “producing state effects” (Dittmer 2015, 605) as opposed to the ‘non-everyday’? Is a state award part of the everyday or not, is it a practice or not, and *whose* everyday and practice is it? Some authors may then argue that the practitioners themselves define their practices (Bicchi and Bremberg 2016, 395; Frost and Lechner 2018; Grimmel and Hellmann 2019); but this simply shifts the problem without solving it (if the practitioner decides, who decides on the practitioner?; cf. A. Wilson and McConnell 2015; Visoka 2018; Grzybowski 2019). And once state awards are defined (by whom?) as part of the ‘everyday’ of diplomacy or as part of the ‘practices’ of international relations, what does it tell us about the non-everyday, the non-practices? And what if the use of state awards turns out to be a non-practice? In essence, it repeats the typological distinction between the ‘significant’ and the ‘trivial’, thus suffering from all its conceptual impasses.

The second weakness – one that was already explicated above – is that the ‘practice turn’ and its related strands likewise seems to ultimately equal that banality, that mundanity, that everydayness with power-rationales. While it achieved an important goal, that of foregrounding formerly invisibilised diplomatic practices, it usually draws from Bourdieu and Foucault and seems to believe that case studies are only legitimate when they detect presences of power

within the relevant ‘field’. It thus fails in overcoming the totalisation of politics; instead, it is largely complicit with interpreting diplomatic interactions from a political viewpoint.

The assumption that everything that occurs in diplomacy is a reflection of power mistakenly identifies diplomacy as politics. Such an identification is not completely wrong, but it only captures half the picture. Diplomacy does inhere politically significant phenomena – and they can indeed be so dramatic, so potent, so influential that they merit close analyses. However, diplomacy also inheres politically seemingly trivial aspects. Think, again, of the Slovenian ambassador in Vanuatu who is stationed there for many years without any political rationalities whatsoever. Sometimes, the seemingly trivial in diplomacy, the merely ritualistic episodes, may likewise develop a situational thrill, and yet their vigour are completely decoupled from power-oriented politics. In other words, *diplomacy is the unity of the trivial and the significant*. This is the central hypothesis of the present work.

The fallacy of equalling diplomacy and politics can not only be illustrated with diplomacy’s partial decoupling from political rationales, but also with the opposite dynamics: there is much of politics that goes beyond diplomacy. A polity can cultivate a domestic system with multiple parties competing for occupying the government rather than the opposition, it can constantly enact legally binding statutes for the whole territory, let them circulate in institutional channels such as ministries and parliaments, make use of regular elections so as to replace power-holders etc., and all this can happen such that the polity never has to pay attention to any diplomatic endeavour whatsoever. Completely shutting oneself off from diplomatic ties may not be advisable (the lack of peace-signals will exacerbate the polity’s overall security situation) but it is not impossible. There are polities that largely ‘isolate’ themselves from external ties, and yet one cannot deny that domestic politics happens there as well. Politics may thrive, but there is no diplomacy, neither trivial rituals nor seemingly significant happenings within the external affairs.

With all the hints that suggest a distinction between politics and diplomacy, one may now hold that the semantics of trivial/significant is one that does not do justice to diplomacy’s autonomy. The binary code of trivial/significant offers a wording that only applies when diplomacy is observed from a political (external!) viewpoint. It quickly falls into paradoxical patterns – like ping pong being politically significant despite its inherent triviality – and it is culpable of generating blind spots. As the unity of the significant and trivial, diplomacy transcends that binary, and offers itself as something different, operating such that it holds itself relatively

invariant against political observation. The starting point, the key distinction, turns out to be not that of practice/non-practice (and their variants) or that of significant/trivial – they are contingent, meaning that they are the contestable choice of an observer (Spencer Brown 1969). This insight would invite one to observe the observer and to see that the observations occur with reference to a specific system, such as the system of diplomacy. The distinction of system/environment would then turn out to be prior to that of relevant practices vs. irrelevant non-practices. In other words, diplomacy is a system operating autonomously from politics, distinguishing between system and environment by itself. But what does it mean to say that diplomacy is a system?

2. Modern systems theory

a. On the term of ‘system’

A system is anything that holds itself invariant against a dynamic and complex environment. A pot of water can be a system, as it remains stable regardless of who is in the same room as that pot, or regardless of the current economic status, the traffic, or the emotional sufferings of the neighbour’s child due to their lack of achievement at school. If the liquid in the pot was initially – i.e., at the moment the observation started – hot, it will become colder until it reaches room temperature. Over time, the hot state at the first observational instance (the first event E_1) will transform into the colder temperature (the resulting R). Assuming usual conditions of that pot, one can repeat this transformation from E_1 to the result R at any time – it will always attain room temperature at the end of a sequence of observations that started with the liquid being hot. The pot thereby resembles a ‘trivial machine’ in which mechanical rules of linear causality applies. It is, in other words, a ‘closed’ system, one that does not change due to environmental happenings, and one which inheres entropy, if entropy means the gradual loss of energy (in this case, the loss of heat). Any order tends to dissolve into disorder, or to become entropic, decaying from an improbable to a probable state (Clausius 1865; Boltzmann 1974). That is, the heat-generating movements of molecules become weaker over time until a final state of equilibrium, the colder temperature, is attained. A closed system is purely entropic; and in it, entropy can never be undone.

Systems, however, do not have to be closed, they can also be ‘open’ to specific environmental cues. Usually, pots will not be programmed such that they will recognise (and adapt accordingly) whether a car or a bus passes the next street, but they may be sensible towards changes in a button attached to them. Someone can turn on the cooker, heat will be induced to

the pot, and the water will get hotter. Its openness to environmental cues thus allows the system to experience negative entropy, or negentropy (Schrödinger 1956). The changing state in a particular location of the environment to which the pot is sensible energises the system such that the molecules start moving more vehemently to generate heat. An open system is not purely entropic anymore but admits energy from the environment.

A classic example of how an open system may even self-organise itself such that entropy and negentropy occur in regular alteration is offered by the thermostat. It senses a given room's fallen temperature so as to turn on the heater, attaining a stable warmth. This system suggests a paradox of stabilisation through instability: The temperature in a room remains constant because of a dynamic process in which a thermostat turns on the heater whenever it senses a cooling. The interactions between the system's parts give rise to a constant room temperature, or an equilibrium, which is, from a closed-systems perspective, highly improbable.

The Waltzian vision of an international system ultimately resembles such an open system. It identifies states as the system's main units whose behaviour is conditioned by their worry of survival (Waltz 1979, 105); or, in a more offensive version, they seek power-maximisation under the constraint of multiple polities seeking power-maximisation for themselves as well (Mearsheimer 2001). A balance of power ensues that tilts the system towards an equilibrium. Entropy is turned negative through local accumulations of military capabilities (and thus, a changing distribution of power forces) that 'energise' the system. As military capabilities reside, in this theoretical model, in the environment of the system, their changes cannot be accounted for analytically (Ruggie 3); nevertheless, what the theory finds is that if all polities were to lose their centralised power forces, the system would stop operating. It is in this sense that the Waltzian international system is 'open' towards the environmental cue of military capabilities, and that it attains the improbable state of a warless equilibrium despite a plurality of force-centres.

Similar improbable examples abound in observable reality. Organic and social life, in fact, seems to progress, at least to a certain extent, from low-level inertia towards higher, improbable order. And this negative entropy, this 'order-from-noise'-principle (Heinz von Foerster 1960, 42) always occurs through new energy dissipating into the system from the environment (Prigogine and Lefever 1968). These systems deviate from the simple model of a linear causality based on Newtonian mechanics. E_2 does not always follow E_1 . The result to an input can be different at various times even if that input remains seemingly the same. Much of

organic behaviour rather follows a pattern in which the result of a chain of events feeds back to the beginning of an equivalent chain – i.e., R circularly feeds back into E_1 – so as to insert a novel premise into the model. As a consequence, the new loop's result may differ from the prior one's. In systems-theoretical and cybernetic terms, if a 'machine' means a set of rules according to which a certain state transforms into another state (Turing 1950), and if 'trivial machines' are purely predictable due to them being history-independent as their operations remain constant regardless of past operations, then organic and social systems are 'non-trivial machines' (H. von Foerster 1984; cf. J. von Neumann and Burks 1966). There are various formulations for this insight of non-linear loops, including in IR – such as the formulation that “structure is both an antecedent and consequence of unit behavior” (Lebow 1994, 276).

What is more, even in mechanical settings, an increase in the number of events and elements means that the observation of circular causality attains such a complexity that the phenomena cease to be observable in their totality. The outcome becomes unpredictable even if the laws determining the reaction chains were mechanistic – even in the case of trivial machines. Repetitive feedback loops, fractal dynamics, self-organising interconnections allow tiny changes to yield a completely divergent outcome at a later stage. The almost absurd example of a butterfly flapping its wings in one part of the world causing a tornado thousands of kilometers further apart is one that arose in this context. Chaos theory finds that seemingly unordered movements are not random but can occur in systems with very simple, linear rules, just due to almost unobservable differences in initial conditions (Gardner 1970). The flow of liquids, nonlinear irregularities in weather patterns and climate dynamics (Lorenz 1963), or mathematical models of pendulum swings (Levien and Tan 1993) all inhere such a 'chaotic' impetus of having too many elements to be observed simultaneously (i.e., of being complex) despite deterministic conditions, rendering long-term prediction impossible.

Within a dynamic network of processes, cause-and-effect-explanations lose their 'objective' validity because it is now due to an observer to decide on a starting point of sequential observation (Bohr 1937, 290; Bateson 1999). Complexity forces selections – and every selection is contingent (Luhmann 1995b, 25). Every observation needs to draw an (arbitrary) distinction between a space to be observed, or 'marked', against everything else (the 'unmarked' space, cf. Spencer Brown 1969). It is based on this observer-generated difference that knowledge will be attained – while everything else, the unmarked space, is blinded out and therefore indeterminate (Heisenberg 1927). Chaos and complexity thus depend on the system referred to by the observer.

This is the epistemological basis of system theories as they emerged in the 1940s (von Bertalanffy 1950): These theories incline towards non-linear rather than circular explanations (Wiener 1948), and they are sensible to the observer-dependency of systems and the knowledge one can gain about them. They are, in addition, puzzled by how systems can hold themselves stable over time despite a dynamically changing, relentless environment in which myriads of phenomena happen at every instance. Only a few cues from the environment enter the system as selected by the system itself, and the system transforms the cues into specific ‘outputs’ that do not always remain the same but only obtain predictable shapes probabilistically. In that sense, the inputs from the environment are not system-externally determined, but rather mere irritations that the system itself perceives according to its own internal structure. The theories highlight an autopoietic, or self-reproducing, moment within systems, a principle that is valid across psychic, organic and social systems. Namely, the system-generated outputs themselves aid in furthering the operations of the system; while losing energy with each operation, the system also uses each operation to regenerate itself (Maturana and Varela 1980). The system uses its environment to produce negative entropy for its own continuation.

While the moment of autopoiesis was first formulated with regards to biological cells (Lettvin et al. 1959), similarities were soon discovered with regards to the organisation of social life. A social system – for example, an interaction involving two persons, or the daily life of a family, or the operational workings at a company, or the overall and globalised scientific system with its internal circulation of truth-claims, or even society at large – operates from moment to moment via instances of communications, transforming environmental cues (including human emotions, movements, perceptions, cognitions) into system-internal information, investing them with meanings generated by the system and to be processed further, generating interconnected chains of communications and thereby reproducing the distinction between system and environment in an autopoietic manner.

According to Luhmann’s version of systems theory (Luhmann 1995b; 2012; 2013), or what will be called modern systems theory (MST) throughout this work, communications are the basic operations that reproduce social systems. Society at large is the totality of all communications, a totality which is primarily differentiated into functionally defined systems like economics, law, politics, family, arts, religion, or science. These are systems that fulfil fundamental functions for society and that have come to spread across the globe in the past centuries. An endless wealth of other social systems, including ‘private’ interactions and the operations of formal organisations, come into being at every moment before subduing again,

and each one spawns further subsystems that operate autonomously with operational closure. In fact, “every social contact is understood as a system, up to and including society as the inclusion of all possible contacts” (Luhmann 1995b, 15).

The present work will draw from MST and mainly deal with the peculiarities of world society’s function systems, as it will be later argued that diplomacy forms one as well. The main interest thus lies in how the large functionally defined systems of a worldwide scope can maintain their stability despite myriads of other social and non-social occurrences within the ever-changing ‘noise’ in the environment. In particular, one should be able to use this theoretical framework to understand how diplomacy forms a system that can operate autonomously from political rationalities. This stability of systems, and thus the attribution of a communication to a system, is constituted through mechanisms that MST conceptualises as function, medium, and binary coding – concepts that are “unmatched in their performance of homogenising, and thus of rendering comparable, heterogeneous phenomena” (Luhmann 1988, 232). The following will deal with each of these concepts.

b. Functional definitions of systems

Systems structure themselves according to functions (Luhmann 1995b, 53). The term function links together a problem and its solutions (Luhmann 1995b, 53). Since a single problem can be addressed by multiple solutions, any functional analysis opens up a scope for contingency; it invites one to look for alternative possibilities as to how to solve a given problem. It therefore ultimately poses a comparative method: “All comparison requires a point of reference from which alternative possibilities can be compared” (Bednarz 1984, 348). The function is the relation between that reference-point of the problem and all the possibilities that are equivalent with each other in the sense that they may offer a solution to that problem. However, the concept of function not only opens up but also simultaneously limits contingency since explaining a function of a phenomenon implies an identification and exclusion of other functional equivalents (Luhmann 1995b, 54), and in many cases, there will be only a few potential solutions to be considered. If there is no sunlight but one wants to take a photograph, then one could use artificial light (Luhmann 1995b, 54). And if only the two options of sunlight or artificial lights offer themselves as potential solutions addressing the problem of taking photographs, then one can see how a functional analysis does not allow for arbitrary randomness. Instead, it narrows down the scope of plausible venues while simultaneously motivating the observer to side-glance for other equivalents, or at least for changing the depth

of focus in terms of abstraction and concretisation (e.g., what sources of artificial light are there?). And since systems orientate their operations towards functions, they develop capabilities to specify problems in an ever more fine-grained manner. Systems, in this sense, are specialised in problems.

If, as a rule, every problem offers multiple functionally equivalent solutions, then one should be able to detect a *functional redundancy* within systems. If one solution fails, then the system does not collapse due to an inability to cater to its underlying problem; instead, it can resort to alternative solutions and thus remain stable. The system can self-substitute some of its components without relying on external operational help from the environment. Systems thus develop resilience through functional redundancy, and it is a sign of autopoiesis if the system puts effort into maintaining this very multiplicity of possible problem solutions. For instance, as will be illustrated below, the system of diplomacy holds a reservoir of various institutions whose function are all to support ‘anarchy’, or a segmented differentiation among polities (rather than a stratified hierarchy), with permanent neutrality being one of them. However, not all states need to be permanently neutral in order for the system to be differentiated into segments; instead, there is a variety of other tools that states can use in order to prop up overall segmentation and thus to participate in diplomacy.

c. Symbolically generalised media

Imperceptibility and inexhaustibility

Alongside the function, a second constituent aspect of social systems is the distinction between *medium* and *form*. The functionally defined world systems universalise a respective medium for themselves which is so generalised that it is enacted in every single operation of that system. As the medium is not only generalised, but also symbolic in the sense that it bridges differences (by integrating, inter alia, selection and motivation, as will be seen below), the more specific modern systems theoretical term is that of a *symbolically generalised medium* (Luhmann 1995b, 161; Parsons 1963, 258). The present work will simply use ‘medium’ as a shorthand.

Media have three particularities. At least the first two are also common to the physical media of perception like light or air – they are imperceptible and inexhaustible. First, imperceptibility implies that one cannot ‘see’ the medium of light nor ‘hear’ the medium of air directly, but one can perceive forms thanks to the media of light or air. The media thus only become perceptible in forms – formless media cannot be grasped (Luhmann 2012, 1:120). A medium can only be used if it is brought into a form; for instance, one cannot use the medium of power in its

abstraction, but it needs to be instantiated into a concrete form – such as into an order from a minister to its bureaucracy. In a certain sense, therefore, the form can be said to be ‘stronger’ than the medium as it can assert and impose itself upon an observer; and only forms can be subject to operational connectivity but not the medium as such (Luhmann 2012, 1:120). The first characteristic of the medium is therefore that it is not directly perceptible without forms.

The second characteristic is that perception does not decrease the medium. There is not ‘less’ light simply with every form that is seen. A medium cannot be consumed, it remains inexhaustible and is not limited by a pre-defined scarcity (Luhmann 1988, 232; Turner 1968). The medium couples itself to a form and gets uncoupled again to remain at the disposal of other uses. And while the medium remains available, the form, albeit ‘stronger’, is subject to a temporal ephemerality. The form is less steady, though specific provisions (like memory, written documents, books, digital devices) can ensure that forms are quasi-preserved; such provisions heighten the probability of the form being re-actualised over time. They nevertheless do not change the fact that forms inhere an inescapable transience. The once-visible will become invisible, the perceived will eventually be unperceived, the formed will lose its form. Within a system, there is a recurrent coupling and de-coupling of the medium, a mere momentary integration that produces the forms (Luhmann 2012, 1:119), and while the form vanishes eventually, the medium remains – inexhaustibly.

The transformation of improbabilities into probabilities

Forms are transient, but there are societal provisions to preserve (or render probable the repeated re-actualisation of) them. To take the example of forms being ‘petrified’ via written scripts, they stretch out communications by detaching the utterance of an information from its later comprehension. Through written scripts, physical presence becomes less relevant. Interaction ceases to be confined to the immediate co-presence or neighbourhood but instead, it now becomes possible to expand the communication over greater spatial and temporal distances (Luhmann 2012, 1:189). The utterance of an information at one moment does not have to await a comprehension at the very same *hic et nunc*, but the acceptance or rejection of that utterance can come by days or months or years or decades or centuries later, with the system-internal time now being able to stretch from a distant past towards a distant future (Luhmann 2012, 1:189).

Written scripts not only delay comprehension and reach greater distances, but they also demand a more accurate consistency of the utterances. In addition, by potentially reaching a larger circle

of addressees, the problem of interpretation arises (Luhmann 2012, 1:157). The quantity of communications increases manifold such that it can hardly be subject to a coordination anymore; a single written utterance can connect itself to varying communicational sequences of responses, and despite the text remaining identical, it may spawn highly different opinions about their meaning. With this phenomenon of interpretability comes a deeper uncertainty (Luhmann 2012, 1:155). This consequence of the written script is exacerbated by the lack of any interactional reluctance against conflicts. In that sense, written scripts invite more negations. “[M]ore information normally means less acceptance” (Luhmann 2012, 1:190). Rejections are thus an obvious response as soon as the interaction goes beyond mere physical co-presence, which pushes the system towards entropy (because contingency increases).

The symbolically generalised media are a societal response to this problem of the communicative uncertainty that increases with the emergence of written scripts (and other vehicles for dissemination). Assuming that acceptances of communicative offers are preferred over rejections, one could label the symbolically generalised media as ‘media of success’ as opposed to ‘media of dissemination’. The physical media of light or air, or social analogues like what is usually termed ‘mass media’ (including newspapers or online social media platforms), are media that primarily serve as vehicles to spread information over a greater range. The media of success, in contrast, have an additional function, a third one other than imperceptibility and inexhaustibility. Namely, they integrate selection and motivation. They are symbols that give motivational value to their selection even though a rejection would seem obvious (Luhmann 1988, 240). One is ready to do something unpleasant because one obtains (the economic medium of) money in return or because the threat of a police force (a form in the political medium of power) looms behind. The motivation – which is to be understood as a social-communicative device and not as a psychic occurrence (Luhmann 2012, 1:193) – is thus not (primarily) grounded in a social duty of reciprocity (e.g., as a neighbour or a relative), or in a pious intent of executing God’s will. Instead, one labours because one gets paid (Luhmann 1988, 240–41), one pays taxes because otherwise negative sanctions are to be expected. Media thereby transform the improbability of a communication’s acceptance into a probability.

The generation of systems through media

The symbolically generalised media catalyse the differentiation of autopoietic systems because motivations become highly independent from structures external to the system. One is ready to put time into learning about history not because one is a member of a noble family but rather because the education system’s medium of competence rewards this behaviour. The second

advantage is that the symbolically generalised media can also serve as a kind of self-motivation; one pursues forms in that medium in order to multiply them, such by setting up highly complex enterprises of productions simply for the sake of money (Luhmann 1988, 241). By conditioning (rendering more probable) the acceptance of a communication, the media heighten the chance of systems-maintenance even when the communications seem unpleasant (Luhmann 2012, 1:190–98).

The medium/form-distinction is a system-internal one. It does not correspond to any ‘fact’ in the environment – there is money (with its economic functions) only within that system of economy, and none outside of it. The system of arts may exhibit an ancient coin, but within that system the coin is unable to circulate such that it fulfills the economic function of amassing goods to secure oneself for an unknown future. The media nevertheless do link system-internal operations together with external relevance, insofar as one can (for example) use money with non-economic, i.e., external, purposes (Luhmann 1988, 234).

This internalisation of the medium and the externalisation of other motivational aspects suggest that the symbolically generalised media induce an autocatalysis of functional systems (Luhmann 2012, 1:246). The systems monopolise the media for themselves, leading to an operational closure of the system. The media then come to carry a universal competence for the scope of their application. The media are thus universal and specific at the same time – they are specific as they fulfil only one societal function, but they are universal as everything that occurs within society that follows that function will be an operation in that system. If the loan of a panda bear from the Chinese government to a foreign zoo is communicated as fulfilling the function of inter-polity peace, then the panda bear operates in the diplomatic system (and not in the economic system of a given zoo – at least for the instance of that communication).

Multi-systemicity

The panda bear, however, is, of course, more than just a symbol of Chinese peace. This example makes it clear that the current theory does not follow an ontology in the sense that the panda bear ‘exists’ as such in society. In postmodern terms, the theory ‘destabilises’, ‘decentres’ the meaning of objects. Phenomena in the environment are invested with specific meanings only once they irritate systems sufficiently to be noticed and communicated about. In this sense, world society and its multiple systems each create their own reality; what is more, they multiply reality because the panda bear can carry various meanings in various systems at the same time.

While the system of diplomacy regards the panda bear as a form of peace, other systems (like the system of zoological care or the system of entertainment or the system of economics) will treat the panda bear as forms of other media – like as attractors of visitors or of monetary gains. One phenomenon can serve as information in multiple systems but in each system the phenomenon carries a distinct function, is a form of a distinct medium, and is a part of a chain of interlinked communication with distinct pasts and distinct futures (Kessler 2012). In diplomacy, the immediate past of the panda bear's loan may have been a state visit, and the immediate future may be a Tweet by an official account of a Foreign Ministry. In the system of law, the immediate past of the panda loan may have been the signing of a treaty, and its immediate future may be an administrative decree commanding the examination of the panda's health due to some veterinary law. In the system of a zoo, the immediate past of the panda bear's loan may have been the decision to create sufficient space for that panda, with the immediate future being the decision to advertise the arrival of a new animal. One single phenomenon thus circulates through society in multiple systems simultaneously but with distinct meanings, distinct functions, and distinct temporalities.

The diabolic aspect of the symbolic medium

With the opposite of the symbolic being the diabolic, media exhibit deranging traits as well. The symbolically generalised media not only bridge differences, but they create new ones (Luhmann 2012, 1:192). Money may be symbolic by linking the positive and the negative value of the medium together, but it is diabolic as all other values will be neutralised and subordinated into the inferior status of reasons for (non-)payments (Luhmann 1988, 245). The diabolic is visible when the medium replaces (and “dries out”) other symbols – like money replacing neighbourly reciprocity or piety (Luhmann 1988, 242).

To sum up, the symbolically generalised media are universal to a function system, and they are imperceptible, requiring forms to be visible. They are inexhaustible as they remain available for an infinity of uses. And they motivate a communication's acceptance even though a rejection would have been more probable at the first place. They are system-internal products that have no correspondence in the environment, and as such, one phenomenon can be coupled to different media in distinct systems. Finally, since they are symbols, they also inhere the opposite effect – a diabolic one – by devaluating (within a system) other media external to the environment.

d. Binary codes

Affirmation and negation

Once the symbolically generalised medium differentiates out a system with a universal basal operation – such as the basal operation of monetary payments in the system of economy via the medium of money, or the basal operation of rituals in the system of diplomacy via the medium of peace – such a system can submit itself to a binary coding. The code duplicates every operation such that it generates a positive and a negative value. Whatever specific information is being offered, it can be affirmed or rejected. A payment will thus be complemented by its logical contrast, the non-payment. By doing so, all operations within the system turn out to be contingent. The system is structurally aware that the operation was not a necessity even if it continued the autopoiesis. For example, in the economic system, every operation will be determined by a decision between payment and non-payment, with each one being contingent. None of the operations turn out to be necessary – of course, the economic system necessitates payments in the abstract, but the single concrete payments lose their necessity (Luhmann 1988, 243). Likewise, rituals in general are necessary for diplomacy; but every single ritual is contingent.

Within the binary code, the positive value secures the connectivity of the system's communications. When a payment is made, the recipient can do something else with the money – another payment will likely occur. If there is no payment, there is no recipient, and nothing will happen. Perhaps the money will be used differently but this is then just the response to the payment that had happened prior, with the person being able to pay because they themselves were a recipient earlier (Luhmann 1988, 244). While the positive value thus ensures connectivity to further operations (to further payments), the negative value is without any such connectivity – like in the Hegelian dialectics of the master and the servant, the negative value (the servant) serves as a value that incites reflection. It motivates an assessment of the question whether one should pay or not, or of uncovering the reasons why no payment occurred (Luhmann 1988, 244).

The (cybernetic) concept of code denotes this opposite of a positive connectivity value and the negative reflection value as a qualitative dual whenever a situational decision is required. That is, the reflection requires sufficient specificity so that one can see non-payment only in situations when a payment was considered but not executed, and not just every time no payment takes place (Luhmann 1988, 244).

The binary code of the symbolically generalised medium in a functional system is a variant of the fundamental fact that anything in language can be said affirmatively or in negation; there is always a yes or a no. Whatever can be affirmed can be negated as well (Luhmann 2012, 1:133). It premises that whatever is negated retains its identity, leading to the paradox that negation premises existence – what comes as power but is negated is powerless, with power remaining hidden in the negation. Premising a diplomatic system with the medium of peace, the declaration of a war can still be a diplomatic (peace-mediated) operation but will be negated so that it is un-peaceful – but it can be regarded as un-peaceful precisely because peace is there in the first place. The declaration of a war's money-ness will not be negated, only its peacefulness. The peaceful event whose peacefulness is negated is a form of un-peace, but not of non-peace. By being negated, it retains the medium of peace.

The negation is, like the medium (or like information in general), a mere system-internal fact. There is nothing negative in the environment. Due to this lack of correspondence to an environmental correlate, negation creates uncertainty and ambiguity; it marks something in a way that it remains unclear what is actually observed (Luhmann 2012, 1:133). If country *Z* reproaches a state visit from country *X* to *Y* as un-peaceful, it is clear that peace is negated, but it remains unclear whether country *Z* thinks that the state visit is nevertheless legal (rather than illegal). It is due to this uncertainty-creation that negations are prone to reflection processes. A no is more entropic – i.e., there is a less probable repertoire of responses that proved themselves to be apt for the autopoiesis of the system. Therefore, a no will likely spawn deviations from the usual course of actions than a yes. Negations may thus be a fertile ground for variations within a system's practices. New responses will be tried out, and if any of the new variants happens to be affirmed repetitively, the system may retain this new variant and restabilise itself by institutionalising it into its structures. Negations (and the uncertainty they create) are thus a driver for evolution.

While these functions of the negation seem advantageous, a negation can also be dangerous if it invites further negations. The no may be followed by a further no which, in turn, spawns further negations. This sequence of nos is a *conflict* – and if conflicts turn sticky, polarising the parties and negating each other for the sake of nourishing the hostility, then they may suck out energy from the system (and of other systems in the environment).

In general, however, negations are not necessarily detrimental for the system. The possibility of negation pushes the system to be prepared for interruptions (Luhmann 2012, 1:134) because

the negation renders the system more sensible for unpredictable randomness. It thereby supports the system's ability for self-organisation which includes a self-reflection upon when a yes or a no is appropriate. The system then creates if-else-conditions (Ashby 1962), or so-called programmes that enshrine what types of operations are to be affirmed and preferred rather than to be negated and rejected (Luhmann 2012, 1:226). While such programmes may change over time, the binary code remains stable (Luhmann 2012, 1:227).

The operational closure of a system via the binary code

In addition, the binary code further fosters the autopoiesis of the system because the response of whether a communication will be accepted (affirmed with the positive value) or rejected (negated with the negative value) necessitates an additional, subsequent communication (Luhmann 2012, 1:137). This not only makes it clear again that the elementary operation of a communication is completed only with the comprehension. In addition, autopoiesis as such is not guaranteed through a *telos* (such as 'mutual understanding') but rather through the binary code. "For a coded communication there is no end" (Luhmann 2012, 1:137), and the binary code leads to the operational closure of a social system.

As alluded to above, the binary code is a system-internal phenomenon. To come back to the example of payment, one may pay for reasons that are purely caritative and motivated by pursuing God's will; but the operation of the payment remains coded in *economic* terms because one could have paid not for caritative but for other reasons. The situational decision is grounded in the economic code payment/non-payment, regardless of the motivational context in the psyche of the persons who pays. Similarly, in diplomacy, the motif behind a peaceful ritual may be suspected as economically grounded or as a political move to 'balance' a rising power; but the actual enaction of a ritual is solely grounded in the code of peace. Thus, the binary code catalyses, together with the medium, the differentiation of a system because the decision of payment/non-payment or ritual/non-ritual becomes irreconcilable with other system's codes. For instance, can there be a God who does not approve the use of money for non-caritative reasons (Luhmann 1988, 245), and how far would diplomacy go if every ritual had to be financially profitable?

The differentiation of a system like that of economy is thus not due to a mint that produces and disseminates coins, or due to money-printing machines, but rather due to the binary coding of money (Luhmann 1988, 245). It is only the binary code that thickens the context of a situation so densely that operations can hardly orientate themselves to other codes (like the will of God

in economics, or financial profitability in diplomacy). It is, of course, possible to have an orientation to other values, be it *caritas*, be it a political opportunity, be it for legal reasons – but these ‘third’ values can be accounted for only on the level of programmes of the system. And in the situational context of a decision to pay or not to pay, the external values are mediated economically, merely included-and-yet-excluded third values, similar to Serres’ parasites (Luhmann 1988, 246; Serres 2007). The decision to enact peace is systemically independent from religious, economic or political motifs – even if the political may parasitically infest diplomatic practices.

To sum up, the binary code allows for an operational closure of a system given its strict system-internal duplication of each operation and the necessity to respond with a further operation, thus guaranteeing autopoiesis while rendering each element contingent. It symbolises the system’s self-reference (Luhmann 2012, 1:134). It offers connectivity (via its positive value) or reflection (via its negative value), with the latter pushing the system towards not only entropic uncertainty, but also towards reflection, greater variation, and thus evolution.

What is negated can be affirmed, and what is affirmed can be negated (Luhmann 2012, 1:133), all the while the negated or affirmed retains its underlying single identity. And it is possible that some may affirm a given information while others reject them, or that what one affirmed once, one will neglect later. This crossing of the boundary between negation and affirmation or vice versa is an operation that takes time (Spencer Brown 1969). It is not a happening at the same momentary instance, but stretches over a period – it produces a past and a future. Such thoughts render it opportune to digress into a short reflection on the temporal foundation of modern systems theory.

e. A radically temporal view of a system’s operations

Function, medium and binary codes constitute systems and foster their autopoiesis. Their conceptualisations premise one aspect that has remained largely implicit so far, namely a radically temporal view of a system’s operations. The system uses its operations to produce elements – in the case of social systems, the operation of communication produces practices as elements – but the elements vanish as soon as they arise. This is why the system needs to constantly reproduce itself. Once a peace-mediated practice comes into being, it is already over and awaits a (affirmative or negative) response in the same medium of peace.

To name an exemplary sequence of diplomatic happenings – the state visit is over. The photograph of a handshake is distributed via a press release. Now comes a Tweet from official

social media channels. Then the bilateral treaty is signed. A payment dedicated to an international student exchange programme follows thereafter. And so on. Each of these practices (state visit, handshake, Twiplomacy, treaty-signing and payment) are but interconnected forms in the medium of peace; in the abstract, peace follows peace after peace, awaiting further peace-mediated practices. This is the autopoiesis of the diplomatic system – and it awaits responses, for otherwise there is a void to be filled, and as long as the void looms, uncertainty and entropy lingers with it.

The radical temporality of elements vanishing as soon as they appear likewise has its important function. As alluded to, it allows for various functional equivalents or problem solutions to emerge in variety, so that the system has enough redundancy to allow for only a few of these equivalents to remain over time. Variation allows for evolutionary selection (and subsequent stabilisation) so that without this temporal view, systems would not evolve. For the medium, temporality was implied in its momentary coupling and immediate de-coupling from its forms. And with regards to the binary code, time was an aspect that was relevant with the immediate chaining of a response (and the crossing of the boundary between the positive and the negative value).

Other than evolution, another consequence of the temporality is that a system's practices can be regarded as a complex network. There is always an 'and-so-on' after every instance of a system-internal happening, a potential connectivity with any other element in the future or in the past (Stichweh 2000, 33). A communication in the present can link itself to a communication from years ago. What a medieval scribe once wrote in the margins of a paper can spark a direct response centuries later; what happened in Bosnia a while ago may lead to a declaration of war one-and-a-half months thereafter. What someone did in their early twenties may offer one of the many reasons to bestow that person with an honourific state award decades later when that person retires. By retaining happenings and communications in written scripts, in memory, in physical or digital archives, one cannot predict anymore whether a communication will be followed upon later (and when?). This only heightens the system's complexity, and affirmation or negation can come from anywhere, referencing any communication from anytime. It is in this sense that a system develops a highly complex network of communications that cannot be overseen from a single viewpoint anymore.

f. Examples of functionally defined world systems

The above explications of the concepts of function, medium and binary code (and the temporality inherent to each of them) contained *ad hoc* examples to cursorily illustrate the theoretical propositions. A more comprehensive, albeit sketchy look at ten world-spanning function systems may offer greater clarity with regards to these concepts.

With greater population size, for instance, came the societal problem of coordinating actions across groups of people. As a response to this problem, the system of *politics* emerged, disarming nobles over centuries so as to prepare itself for the function to hold available centralised capacities of violence with the aim to enforce collectively binding decisions (Tilly 1995). Consequently, the threat of (mainly negative) sanctions looms behind every political practice, generalised such that it covers distinct phenomena, integrating the motivation to accept political communication with its selection. In other words, politics operates in the symbolically generalised medium of power (Parsons 1963). The police form is a form of power; the official bureaucracy is a form of power; the local authority's letter informing one about new regulations on waste disposal is a form of power. Power can be binarily coded into powerful/non-powerful or into variants like ruler/subordinate, while a secondary derivative in the contemporary era would be that of government/opposition (Luhmann 2002b; 2015). In this sense, party politics and their competition for the governing are forms of power as well, as any communication that seek to mobilise physical resources for collectively binding decisions can be attributed to the political system (albeit not necessarily in the 'centre' of the government but sometimes in the 'periphery', such as protest movements); and ideologies programmatically guide the decision on whether a given communication is 'correct' or not.

Another example is the *legal* system. Given the infinity of alternative actions that can be undertaken by anyone within society, and given that some of these alternatives may be hazardous for anyone else or for a collective in general, it is necessary for society to uphold some principles for tolerable practices to ensure a certain degree of order and predictability. This is where the legal system steps in with the function to strengthen normative expectations, with 'normative' meaning that the expectation remains stable even against counterfactual happenings – even if someone factually steals the neighbour's bread, the expectation that this is not to be done remains valid. Law's function thus contributes to a standardisation across society. The system operates under the medium of norms that is binarily coded into lawful/unlawful. It differentiated out some institutions that are at the centre of the system,

namely courts, that can issue binding decisions (based on doctrinal programmes) placing actions into either side of that binary code. (Other legal communications that use the binary code of lawful/unlawful – such as doctrinal propositions of legal scholars – may be said to be in the ‘periphery’ of the system.) The legal system thus standardises behaviour not only via the corroboration of normative expectations but also by absorbing societal conflicts via court proceedings, whereby the process of the legal action itself produces legitimacy.

The *economic* system carries the function to secure resources for a yet unknown future given that others might be similarly interested in the resources one harvests. The desire to provide for one’s own future submits every good under scarcity since actors strive to reserve for themselves what others likewise desire. The economic system’s function could then be condensed under the term of distribution (Roth and Schütz 2015, 24). The medium of the economic system was originally that of property, later monetised into money. Money as a system-internal medium is nothing but an institutionalised self-reference (Luhmann 1988) without any correspondence in the environment, or without an “actual” value. Money couples itself to the system’s elementary operations of payments. These payments are temporally minimal events that vanish as soon as they are undertaken, and since these operations lack any duration, the system needs to take care that further payments will be pursued. Prices are the institutions that the economic system uses so as to motivate further payments, conditioning the system to distribute decisions along the binary code of payment/non-payment, which, as alluded to above, finalises the system’s operational closure.

As regards the *scientific* system, its societal function lies in the pursuit of verification, rendering knowledge that was discovered with methodically or theoretically sound approaches generally acceptable. Truth is its symbolically generalised medium, which can be binarily coded into true/untrue. Again, the code is so abstract and generalised that it has historically eliminated all kinds of other, system-external connotations – such as whether the scholar is of noble descent, or whether the discovery is politically conformist, or whether the proposed theory is in alignment with religious doctrines (Luhmann 1992, 273). The universal use of this code in the system of science implicitly rejects other societal values. While one can speak of “truth” in non-scientific system as well, it is only in science that truth is coded, or used as a second-order observation (Luhmann 1992, 274). A new scientific communication places itself on the ‘true’ side of the binary code and renders former findings as ‘untrue’ – and despite ushering in paradigmatic revolutions, despite initiating the collapse of solid theories, and despite foregrounding the insight that the hitherto used methods were misleading, the system of science

guarantees its continuation via this binary code (Luhmann 1992, 273). The programmes governing this system revolves around theories and methods – they inhere (changeable) rules as to whether a given scientific communications is to be understood as true or not (Luhmann 1992, 403).

The system of *arts* carries the function of highlighting reality's contingency; it does so by duplicating the observable phenomena into an actual realm and an imaginary one. The representations it creates thus show how the current state could be different than it is, but it also underlines how order itself is an unavoidable property of life (Luhmann 1995a, 241). Perceptions can be integrated into society that cannot be communicated other than through arts. And by generating a self-referential chain of communications from artwork to artwork, the system can produce evermore unreal imagined realities by trying out new forms. It employs the medium of style. Originally guided by the code of beauty which determined whether an object was part of art or not, it evolved towards tasteful/tasteless (in the 18th century) and has settled into the binary of innovative/imitative now. The latter code is much more compatible with self-referential autopoiesis since it does not rely on system-external standards anymore. Beauty or taste serve merely as one among multiple programmes determining the selection of the code (Luhmann 1995a, 314).

The system of *religion* carries the function of revelation; it aids in managing indeterminate contingency by displacing it into a realm of transcendence, and by relocating it into immanence, such as by suggesting a God as a source of ambiguous experiences, naming them, giving them a 'home' like a temple or any place of prayer. Religion's medium of faith is thus coded into the binary of immanent/transcendent which duplicates reality into the two realms. Bread and wine have an immanent side as mere profane materials but can be regarded as manifestations of a transcendent reality, as holy elements of the Eucharist. The programme of confessions offers rules to navigate this binary code – with the Catholic code using different rules as to when a bread is holy than the Protestant one, for instance – and the programmes being subject to changes over time.

The system of *sports* pursues the societal function of mobilising one's body, rejuvenating its actors to enhance their (non-obligatory, voluntarily pursued) performances (Luhmann 1986, 160–61). It thereby legitimises the body's self-reference, or its acting upon itself without having to refer to external meaning systems. The system of sports thus reduces reality's wealth of meanings and connotations so as to create a basis that is almost completely bereft of content.

It is into this void where bodily performances are placed so as to note their progresses, regresses, quantifications, and comparisons. The body, placed centred into a stage of meaninglessness, thereby serves as the starting point for a sphere of new meanings (Luhmann 1995b, 249–51). The system's medium is achievement which submits itself to the binary code of success (winning) and failure (losing); the sportsperson can then “experience, with joy or with disappointment, how their body places them onto one of the two sides of the distinction” (Luhmann 2017, 152). The selection of these values is programmed in the setting and striving for goals.

As regards the *health* system, its societal function lies in eliminating disturbances of one's bodily or psychic well-being. With the ever-greater technicality of medical and pharmaceutical knowledge comes an informational asymmetry between doctor and patient. What is obvious to the doctor cannot be conveyed as easily to the patient. The link between bodily or psychic harm on the one hand and the elaborate diagnosis and therapeutic propositions on the other hand may be evident to one the doctor, but the patients will find themselves in a rather dimmed and de-individualised setting. The improbability of accepting such treatments is transformed into a probability by the symbolically generalised medium of illness which submits itself to the binary code of ill/healthy (Fuchs 2006). The accuracy of diagnoses serves as the system's programmes that guide its operations to the path of healing.

The *education* system undertakes the function of individual formation. It disseminates knowledge that can be used repeatedly and with a certain sense of security, thus generating societal redundancy; and the standard knowledge to be conveyed according to a curriculum also enables one to detect surprising novelties, thus increasing societal variety (Luhmann 2002a, 99). The system's medium could be the ‘child’ if one is orientated towards schools, with the medium being a construction needed for the practical execution of the educational system's operation (Luhmann 2002a, 91). For educational purposes beyond these formative years, the system uses the medium of *vita* which chains together contingent life events attributed to an individual. The medium's main form is that of individual competent knowledge. The medium motivates individuals to pursue learning experiences, with the form of knowledge codable into placeable/unplaceable so that one has the chance (or fails to have a chance) to find societal success outside the system (Luhmann 2002a, 98). The curriculum programs which of the two values can be used in a given situation.

The *mass media* system's function is the proliferation of information, disseminating knowledge throughout the public such that one can take for granted that others have the same knowledge. It not only creates informational redundancy, but also reduces complexity by allowing one to assume the overall prior acquaintance with specific affairs. The medium itself is the vehicle for communication which is binarily coded into informative/non-informative. Topics serve as the programme regarding the selection of the positive or negative value of that code.

While there are other propositions of world function systems that are operationally closed via their distinct functions, their universalising media, and their self-reproducing binary codes (including the systems of family, morality, sexuality, culture, or civil society), the conceptual and empirical validation are contested in these cases (Roth and Schütz 2015, 19–23). For the present purposes it suffices that a range of heterogeneous examples could plausibly integrate the systems theoretical concepts so as to suggest their autonomy vis-à-vis society at large.

The glance at ten different systems that the literature has so far identified as operating autopoietically as world function systems illustrates a principle of the functional method underlying MST. That principle suggests that the plausibility of abstract theoretical concepts can be gained by detecting homogeneity across a wide range of heterogeneous sectors. General terms demand a plausible re-specification onto cases with distinct properties; and if such a wide application of general terms obtains, this indicates the 'truthfulness' or at least the utility of the theory. With the assumption that the research programme of MST has successfully achieved this endeavour across the ten systems and beyond, the present work will use this conceptual toolbox and apply it onto the societal sector of diplomacy. The following will thus propose an eleventh system, that of diplomacy, to complement the canon (see Table 1 and its final row).

Table 1: Reproduction of the table on global function systems, their codes, medium, programmes, and function, as devised by Roth and Schütz (2015, 24) with two modifications: first, the function of politics was changed from “limitation” to “determination”; and second, the final row indicating diplomacy as a system of its own was added.

System	Code	Medium	Programme	Function
Politics	Government/opposition	Power	Ideology	Determination
Economy	Payment/non-payment	Money	Price	Distribution
Science	True/untrue	Truth	Theory	Verification
Art	Innovative/imitative	Style	Fashion	Creation
Religion	Immanent/transcendent	Faith	Confession	Revelation
Legal system	Lawful/unlawful	Norm	Law	Standardisation
Sport	Success/failure	Achievement	Goal	Mobilisation
Health	Ill/healthy	Illness	Diagnosis	Restoration
Education	Placeable/unplaceable	Vita	Curriculum	Formation
Mass Media	Informative/non-informative	Medium	Topic	Multiplication
Diplomacy	Peaceful/non-peaceful	Peace	Protocol	Limitation (of power)

III. THEORETICAL DEVELOPMENT: DIPLOMACY AS A SYSTEM

1. Demarcation from other works on modern systems theory

What operates under the label of diplomacy has usually, without closer scrutiny, been subsumed under the system of politics. ‘World politics’ or ‘international politics’ are the names commonly used to refer to the operations that occur within the ‘international system’. There is a certain plausibility behind that habitual decision. Diplomacy is mediated through state actors who, in turn, are indeed constituted through centralised power. They are politics, and thus literally products of politics, and “our understanding of politics naturally encompasses spheres beyond the national” (Vec 2016, 55). It is consequential that the medium of power seems, at least latently, ever-present in inter-polity ties. Even if the semantics of sovereign equality obtains, it seems undeniable that in most situations of diplomatic fora, the voice of the U.S. carries a greater weight than that of Nauru simply because of their distinct power capabilities. There are dozens of other arguments, already outlined in the section above, why it is difficult to conceptually separate politics from diplomacy.

Even the literature on MST and its emphasis on the functional differentiation of world society has hardly offered any treatments of diplomacy that would be separate from politics. Instead, it likewise conflated the two and underlined how the political system is caged into states – in fact, Luhmann once remarked that the segmentation of the political system into multiple

polities may be the central hindrance to world peace (Luhmann 2015, 35). This remark indicates how the attainment of peace was not regarded as a medium of a (diplomatic) system of its own but rather as an external *telos* that society fails to achieve. A key proponent of the use of MST for IR, Mathias Albert, likewise subordinates diplomacy into a sub-part of the world political system. In his work, diplomacy appears as the system of “world politics” which in turn is a subsystem of the “political system of world society” (Albert 2016, 1). While his work propelled MST into IR (Albert 1999), inspiring others along the way (Albert and Hilkermeier 2014; Albert, Kessler, and Stetter 2008; Buzan and Albert 2010), that strand of IR has not yet problematised the difference between diplomacy and politics in a systemic perspective. The only author to have done so is Ramy Youssef and his monograph, so far only available in German, “Die Anerkennung von Grenzen” (Youssef 2020). While Youssef likewise assumes a system of ‘world politics’, he treats diplomacy as an autonomous subsystem of world politics in its own right, alongside the military system and that of secret services. The triad of diplomacy, military and secret services thus constitutes world politics that is distinct from domestic politics – and it is this distinction between world and domestic politics which poses the key societal problem to which diplomacy answers, a distinction that is not explicated by neither Luhmann nor Albert nor other scholars who write in the tradition of MST. If both the system of world politics and the system of domestic politics operate autonomously, they both inhere their own chains of communications whose interlinkages are determined by their respective structures, and the system will unlikely meet each other to find collectively binding decisions beyond a single state. This is where diplomacy, according to Youssef, steps in; diplomatic negotiations aid in synchronising the two systems together (Youssef 2020, 286). Diplomacy couples both systems together so that a world political event finds relevance in multiple domestic political systems simultaneously, in which the event will be treated based on the respective internal structures. More generally, Youssef treats diplomacy as a system whose function is to allow world political communication under the condition of a mutual recognition of boundaries (Youssef 2020, 147). The symbolically generalised medium of diplomacy, so Youssef proposes, is that of world political negotiability, which can be binarily coded and thus negated in paradoxical processes, such as by negotiating the unnegotiability (Youssef 2020, 277) – the negation of negotiability still poses a diplomatic act of negotiation, or rather the upholding of capacities for further world political negotiations. It is only the full-fledged rejection of the code itself which self-excludes an actor from the diplomatic system in a given moment, albeit that actor may still partake in world politics via military or secret service means – here, the function of the differentiation of world politics into three distinct sub-systems attains

its (analytical) utility in allowing, say, transnational terrorists to still fall under world political relevance while excluding them from the diplomatic system (and thus negating their negotiation standing). programmes that allow the diplomatic system to structurally channel communications towards either side of the binary code are, in Youssef's proposition, protocol, treaties and similar official documents, alongside *ad hoc* programmes (Youssef 2020, 280). His work contains many more details into which the present review cannot delve, such as the evolution of inter-polity ties from a segmented society over a stratified one into the contemporary world (Youssef 2020, 53–250), or the internal differentiation of diplomacy into three further sub-systems – that of bi- and multilateral diplomacy, the international public administration, and the diplomatic audience (Youssef 2020, 281) –, or the role of international law as the memory of diplomacy (Youssef 2020, 405–9).

The present work will both affirm and deviate from Youssef's propositions. What is to be affirmed is the autopoiesis and autonomy of diplomacy as a system of its own. The whole work teems with derivatives from this main assumption. For instance, when it comes to the programmes that constitute the correctness of the binary diplomatic code, one may follow Youssef's steps to state that they are purely system-internal structures and not an externally given guidance. The programmes are neither regulations that derive from a single domestic political system, nor are they conditioned by the framing of news in mass media outlets, by the commands of a religious faith, or by economic rationalities (Youssef 2020, 280). Instead, the system of diplomacy itself generates its programmes without a one-to-one-correspondence with its environment. Other correlates of the assumption of diplomacy's autonomy are, for instance, the insight that politics and diplomacy are different systems (Youssef 2020, 290) – as Youssef fleshes out, diplomats are agents for politicians who are the principals external to the system (Youssef 2020, 305) – or that diplomacy cannot be simply that what is done by diplomats (Youssef 2020, 288) for the epistemological reasons mentioned above when the 'practice turn' was critiqued.

Notwithstanding Youssef's major advance, in general, diplomacy and politics remain largely undifferentiated in both the IR and the MST literature. This is true even of IR works that use MST after the publication of Youssef's monograph (e.g., Peña and Davies 2022) – but a certain stickiness of older concepts is understandable given the slow tempo of the social scientific publication system, and given that there is always a delay in integrating works in languages other than English into a scholarly corpus (Liu and Buckingham 2022). And yet, as repeatedly stated, there are numerous indicators that would point to an autonomy of diplomacy vis-à-vis

politics. As such, the present work argues that diplomacy itself constitutes a system of its own; it is the eleventh system (in view of the MST taxonomy above), one that fulfills a specific function for society which is distinct from the political function, and one that likewise operates globally.

2. The function of diplomacy: inactivating a plurality of violent force capacities

The function of diplomacy is not to be defined based on moral ‘values’, as would be implied in the literature of IR that understands itself as a primarily normative enterprise. One strand, for instance, calls for a ‘positive peace’ across the globe (Galtung 1969), as opposed to a ‘negative peace’ of a mere absence of armed conflicts (Richmond 2020, 15). This approach uses definitional criteria of positive peace that change according to prevailing discourses, claiming now that economic development may be constitutive of positive peace, asserting then that democratic institutions are just as important (Lederach 1996), and thereafter that polities need to demonstrate sensibility for ecological matters and feminist policies (Davies, George, and True 2017; Simangan, Sharifi, and Kaneko 2021), lest a given state of affairs cannot be understood as peaceful. Some works in this strand even go beyond social systems and command individual psychic system to exhibit mutual understanding, a self-restraint of one’s emotional urges, and a harmony-inclined habitus, as otherwise ‘positive peace’ cannot prevail (Senghaas 2004). Similar attitudes abound in works that form themselves under research programmes such as ‘human development’ which seeks to enlarge the choices of people such that they live longer and healthier and more well-educated, in average, than before, secured by human rights and a sense of self-respect (Sen 1985; Nussbaum 2000; Fukuda-Parr 2003); ‘human security’ which encompasses aspects such as multi-stakeholder partnerships, institutionalised preventions of emerging risks, or the strengthening of local abilities to create resilience (Timothy 2004); the ‘new public diplomacy’ which stresses dialogical communication flows and the goal of mutual understanding across cultures (Melissen 2005); or that of ‘mundane peace’ which emphasises how the everyday lives of marginalised people embody political resistances which, so it is implied, ought to be eliminated (Väyrynen 2019). Such strands seem to presume that if diplomacy and its peace-function worked as well as normatively called for, then societal evolution would be equalised with a notion of progress leading to the ‘fittest’ structure for society as its most ideal division of labour (Durkheim 1984; Luhmann 2002b, 83).

The attainment of such value-based *teloi*, or a list of ever-changing criteria based on dominant moral conceptions, is not the function of diplomacy as presumed in this work. Neither should the function be defined by a list of plural tasks that diplomacy descriptively fulfills, as in the English School tradition which defines diplomacy as an institution engaging in inter-state representation, negotiation and information-gathering. Each three of these alleged functions can be subject to critical appraisals – against representation, one may raise, again, the ontological question of borderline cases such as *de facto* states, highlighting how the actorness of the represented and the representing remains hazy. And yet, the term often finds itself in prominent definitions, such as when diplomacy is understood as “the representation and governing among recognized polities” (Sending, Pouliot, and Neumann 2011, 530) or, even more often cited, “a claim to represent a given polity to the outside world” (Sending, Pouliot, and Neumann 2015, 5). Given that objects may also be used in diplomacy and attributed to state, where is the ‘claim’ (of a state award or of a portraiture or of a panda bear representing a state) located? Against negotiation, one may point to the empirical observation that non-negotiating acts abound in diplomacy. The thought experiment of a Slovenian ambassador in Vanuatu above involved an ambassador stationed in a country for many years without any negotiation whatsoever. And against information-gathering, alternative (and highly public) channels of information-transmission are available manifold so that it becomes questionable what kind of informational monopoly diplomacy can claim for itself – perhaps the idiosyncratic inclinations in the personalities of political leaders? But the vast majority of diplomats does not meet local political elites regularly enough, and to what extent do individual tendencies determine political outcomes across the institutional landscape? Or is it the knowledge on the organisational trajectory that power takes in order to issue binding foreign policy or economic investment decisions? But this is simply a trait of any profession that one should be knowledgeable about the routines and organisational realities one is placed in. Negotiation and information-gathering may be practices diplomats regularly engage in; but so are state award bestowals or the attending of state funerals (Berridge 1993; Kuru 2023). And yet, it would be strange if a definition of diplomacy listed these two practices as constituent ‘functions’ of that societal system.

A definition of diplomacy should, in addition, not resort merely to “the particular skills that the diplomat should have, either to excel in the ‘art’ of resolving negotiations peacefully or more generally to define the national interest beyond the constraints and lack of vision expressed by elected politicians” (Sending, Pouliot, and Neumann 2011, 530). Satow (1957, 1), for instance,

regarded diplomacy as “the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states”. But famous diplomats have been rather tactless – a famous case was the longtime British ambassador to the Ottoman empire, Stratford Canning – and the definition further carries the weakness of narrowing itself down to specific types of actors even though diplomacy harbors a wealth of non-state actors. This problem also infests Adam Watson’s rather vague insinuation that diplomacy is “the dialogue between independent states” (Watson 1984, 11), which, again, provokes the question whether Kosovo can act diplomatically or not. Who would deny that the state visit of the South Ossetian quasi-Head of State to Nauru was an act of diplomacy? And yet, it cannot be captured by the prevailing definitions of diplomacy as they restrict themselves to specific practices or specific actors. Any kind of lists, typologies and taxonomies of diplomacy’s alleged purposes, actors, or ideal skills are not suitable in defining diplomacy’s core function since their (open-ended) plurality ultimately avoids the problem of defining diplomacy as a unity, or their (closed) taxativity leaves borderline cases in a blind spot – again, *de facto* states and state awards offer ‘hard’ cases.

In contrast, MST invites one to identify one single function for a given system for otherwise a system will fail to attain its (functionally defined) unity. Systems in their entirety orientate themselves towards that one function, one which transcends all the single system-internal institution’s specific purpose in their embedded contexts. A functional analysis is to detect that one function which can subsume every single phenomenon within that system; and if the method of functional analysis holds anything constant, it is that function – as opposed to analytical approaches that do not hold a function constant, but rather structures, such as those studying democratic states and their foreign ministries and finding deviations in non-democratic states.

The oft-implied understanding of diplomacy as subordinate to politics is not a random failure that arises from an underconceptualisation of inter-polity ties; this tendency can instead be assumed to be channeled by the actual operations of diplomacy. The intertwinement between peace (diplomacy) and power (politics) indicates that the function of diplomacy is to be detected precisely within this locus. To recapitulate the function of the political system, it is to enforce collectively binding decisions – and in fulfilling this function, the political system has centralised capacities of violent forces (Eisenstadt 1963; Tilly 1995). However, it did so historically not only once (which would have led to a single world polity), but rather multiple times such that the world now comprises roughly 200 recognised sovereignty-claiming

political entities. Due to the power-constituted nature of states, their interactions with each other are always infested by an ineradicable mistrust. Every single state could, at every moment, choose to be a friend or an enemy (Hobbes 1651; Schmitt 1932), thus posing a potential threat. Even if a state does not maintain its own military, as in the case of small Caribbean islands, it may nevertheless use its domestic political power to ‘weaponise’ non-military matters – like transboundary flows of narcotic drugs, or by fueling push-factors to motivate mass emigrations, or by casting their votes in international organisations against a major power’s interest (Galeotti 2022). The plurality of centres of violent capacities (embodied not necessarily in a military but in any executive bureaucratic and police forces that can enforce collectively binding decision) thus poses a large societal problem. It constitutes an overall threat of insecurity for all social systems in the environment of politics, that is, for society at large, for the total flow of communications regardless of their specific systems-reference and function. It is here where the diplomatic system steps in to address this global insecurity arising out of multiple power-centres.

The function of diplomacy is thus to ensure a prolonged mutual inactivation of centralised power forces amidst a plurality of polities. It addresses an overall societal problem, not just one that is internal to politics. The problem does not risk a hindrance only to the fulfilment of the political function (of enforcing binding decisions) but rather a hindrance to all societal systems’ functions. In this sense, diplomacy’s problem-reference may be said to be society-spanning, which suggests that it is indeed a functional system of a global scope, and not merely a subsystem to politics.

In addition, the function of diplomacy is distinct, even if it emerges secondarily, from the political system’s function. That is, diplomacy is not about enforcing decisions. It is not about pushing states into implementing policies that are uncomfortable to them but rather about ensuring that no inter-polity armed conflicts break out even when states do not live up to their commitments. Diplomacy may have set up an infrastructure that allows for the production of international legal (or soft law and non-binding) commitments, and such practices do enable political considerations to prevail, but these are just auxiliary infrastructures of diplomacy. The primary function of diplomacy is not to enable negotiations about substantial matters across polities so as to disembark into binding commitments. Bargaining and negotiations are merely secondary; in fact, diplomacy fulfils its societal function even when there are no negotiations taking place amidst a plurality of polities, as long as it operates such that inter-polity wars remain absent.

With a view to the taxonomy of global function systems above (Table 1), its authors (Roth and Schütz 2015) originally assumed that limiting power was the function of *politics*; however, the present theory would regard it as the key function of *diplomacy*. While it is true that politics needs mechanisms to decide when the full activation of physical power is opportune or not (mechanisms which therefore indeed ‘limit’ power), these remain purely ‘domestic’ as the main audience is that of residents and citizens. In addition, the *function* of politics is not the limitation of power but that of amassing power so as to hold a sufficient reserve of violent forces to enforce collectively binding decisions. The need to limit such resources is a side-effect that only follows after the political function is already attained. Thus, if one was to modify the taxonomy of Roth and Schütz (2015), the political function could be described succinctly as ‘enforcement’ rather than ‘limitation’.

The risks and dangers that arise from power-activation attain a completely different quality when that activation is directed against another power-centralising polity. The relevant parties – the Ego and Alter – are not in the asymmetrical roles of power-holder versus subordinate anymore, but instead, both are holders of centralised power capacities – they are fundamentally ‘like units’ (Waltz 1979, 93), notwithstanding the secondary aspect of relative power superiority or inferiority. This is particular true in the nuclear age. The problem of diplomacy is thus not about the enforcement of a domestic decision that is collectively binding anymore. Inter-polity commitments may be normative but they are fundamentally non-binding, despite all doctrinal acrobatics that seek to prove otherwise with regards to international law. Again, politics is fundamentally about enforcement, and the fact that politics pragmatically also needs to limit its usage of power is a secondary issue. The primary function of (power) limitation is that of diplomacy, not of politics. If the problem addressed by diplomacy faces an Ego and an Alter, both of whom possess centralised capacities of violent force, then the threat of activating these forces arises from an expansionist tendency of political power. It is due to the plurality of polities that the enforcement function loses its system-internal (political) purview but rather stretches out to the environment (to society at large) with the risk of destroying the autopoiesis of multiple social systems. Given the catastrophic consequences latent to the emerging property of plural polities, diplomacy forms as a system of its own, and it is this system (and not that of politics) whose function can be described as limitation (see Table 1 and its final row).

One can juxtapose this functional definition of diplomacy from the other propositions that circulate in the literature. In a benevolent assumption, one could regard the traditionally foregrounded three tasks of representation, negotiation and information-gathering as three

techniques that further the inactivation of plural forces. Representation may then be understood as the seemingly ‘trivial’ aspect of diplomacy which indulges in pompous ceremonies doing nothing but self-referentially transmitting signals of peace and amity. Negotiations, in turn, are the processes which aim at identifying common stances across polities who commit themselves to cooperative behaviour – thus, nothing else than yet another practice that ensures that polities diminish their structural mutual distrust. And information-gathering aids in selecting the appropriate peace-signals within specific diplomatic relationships. All three tasks, alongside other practices in the repertoire of diplomacy (like honourific award conferrals), may thus be subsumed under the function of power inactivation. The use of tact and intelligence (in Satow’s definitional terms) could heighten the probability of attaining that function, while the Watsonian ‘dialogue between states’ is probably just a synonym for keeping violent power forces at bay. As regards other definitions, they remain as a key premise or as the operational foundation of diplomacy: for instance, the claim to represent polities vis-à-vis other polities states that the attribution of all diplomatic communication will have to semiotically signify power-centres for otherwise the peace-function will be displaced. And labelling diplomacy as the ‘mediation of estrangement’ or as upholding the ‘plurality of peoples’ likewise does not contradict the functional definition proposed here – they mainly underline that there is not a single world polity, but rather many sovereigns whose relations with each other ought to remain peaceful. The present proposition about the one overall societal function of diplomacy therefore does not necessarily invalidate existing prominent understandings of diplomacy, but rather abstracts them and locates them into a more encompassing conceptualisation.

The present definition of diplomacy’s function nevertheless contradicts some of the currents in the literature of diplomatic studies. For instance, it puts limits to the ‘everyday peace’-literature which regards inter-group pressures and resistances in the micro-scale as an immediate outcome of inter-polity ties; for the present work, the relevant sources and addressees of diplomatic communications are polities that have centralised so many power capacities that they form segments of the political system. In addition, the functional definition proposed here does not agree with a narrow actor-centredness. Diplomacy carries the function to inactivate plural power-centres – and these centres of power are not to be understood ontically but rather as communicatively affirmed offers of information. Thus, a non-existing polity can be attributed a diplomatic event (think of the legendary King John in an unknown land in Africa); and sovereignty ceases to be a *conditio sine qua non* – as in the case of *de facto* states whose claim to sovereignty lacks widespread recognition. A state visit from South Ossetia’s self-

proclaimed Head of State to Nauru is a diplomatic event, even if it would have evaded the definition of a Watsonian “dialogue between independent states” (Watson 1984, 11) – in addition to the fact that the observation of that event does not hinge on that phenomenon being “dialogic” at all. The epistemologically unfruitful question of defining “entities with standing in world politics” (Bull 1977, 162) or “official agents” (Bull 1977, 162) is thereby minimised. Terrorist groups and rebels can likewise be attributed diplomatic communication if the communication occurs with the information that they are power-holders, thus attaining the functional aspect of inactivating violent capabilities. Moreover, the actor-based distinction between “traditional diplomacy” with classical ambassadors and that of “new diplomacy” which comprises non-state actors likewise loses its significance (Morgenthau 1946; Sofer 1988), for a single individual without any official post but whose practices are thought to foster the mutual inactivation of violent forces can likewise be diplomatic. Even students engaging in university-level exchange programmes can be embedded into a chain of peace-fostering (and thus diplomatic) communications; they are “thousands of dormant ambassadors” (Varpahovskis 2022, 1). While the system of diplomacy does structure itself so as to propel specific roles and institutions into its centre whose diplomatic actorness can be assumed without much effort, this condensed actorness is only a secondary issue that pragmatically allows for the system to spare energy when detecting its internal communications. Ministries of Foreign Affairs may currently serve as central actors (propped up by institutions such as that of accrediting ambassadors), but there are peripheral actors as well – in fact, the inclusive tendency of all functional systems invites anyone to participate in diplomacy in the periphery. The question of *actorness* remains a subsidiary issue and should therefore not enter a *functional* definition of diplomacy. Diplomacy continues to exist as long as plural power-centres exist – even when Ministries of Foreign Affairs should get abandoned over time (so that the distribution of ‘actorness’ across the centre and the periphery of the system changes). For diplomacy, the function remains constant, while actors, practices and other structural traits are variables.

The function of diplomacy is defined such that it is highly abstract and general. It allows for a huge scope of interpretation – again, for instance, secondary goals (like human rights and feminist institutions and ecological sensibilities) remain external, and there is no typology of actors that are legitimate to enter the purview of the diplomatic system. Even if prominent definitions confine themselves to ‘independent states’ or to ‘recognised sovereigns’ or to any actor with ‘world political standing’, a functional view remains agnostic about the actorness.

Instead, it allows anyone – including students and rebels and terrorists and businesspeople and artists and breakaway leaders – to perform that societal function. They all can be part of diplomacy, at least peripherically, and ‘recognition’ becomes secondary to the function. That being said, the functional definition does at least demand an attribution of powerful force-centres to the actors involved – in that way, it is narrower than the definition of diplomacy being the mediation of estrangement (Der Derian 1987) or of upholding a separateness of communities (Sharp 2009) because these two examples neglect the power-component inherent to diplomacy. In addition, the function is formulated in a way so general that it does not determine the practices that are to be conducted to attain its societal tasks. There may be a changing repertoire of statecraft, and some strands in the literature may focus on them in their definitional efforts (e.g., negotiations of international legal commitments). But the actual practices that prevail may change over time (think of inter-dynastic marriages or of Twiplomacy) and there may be blind spots even if some practices prevail over centuries (such as the conferral of meritorious orders at the level of the Head of State). As such, most fundamentally, the function remains indifferent to the concrete practices that the system uses.

To repeat, the function is held constant; and if a social system like diplomacy can generate functional redundancies, its ability to hold itself invariant vis-à-vis other systems can be strengthened. That is, it is via a multiplicity of institutions each of which can substitute the other that diplomacy holds its internal state relatively constant against a complex environment. For instance, the institution of permanent neutrality helps in preserving a plurality of power-holders, or ‘anarchy’, against a ‘polarising’ (and thus politicising) tendency that would lead to an antagonistic differentiation of two major blocs. Sovereign equality means that the system prefers a segmented differentiation of plural states acting as ‘like units’, as this structure is most conducive to peace. In contrast, an expansionist tendency of power centres would ‘politicise’ the system such that it produces a hierarchy (rather than an anarchy) of two strata. In upholding segmentation and countering stratification, the institution of permanent neutrality props up the function of the diplomatic system. But this does not mean that every state needs to be permanently neutral – peace (via a segmented differentiation) can prevail through other means as well, such as the ‘one state, one vote’-norm in international organisations, or via membership in supranational courts. There are thus multiple institutions within diplomacy which carry the very same function. Functional redundancy helps the variety of state to choose from a variety of practices to partake in the diplomatic system, and it contributes to preserving

diplomacy's boundaries, rendering the system slightly immune against environmental influences like that of a politicisation.

For a system to attain operational closure and autopoiesis, it is not sufficient to only orientate its elementary events towards a function. There need to be other criteria accompanying the function that instantiate themselves at the operational level. The symbolically generalised medium is one such aspect, and the binary coding another one. The next subsections will deal with each of them separately.

3. The symbolically generalised medium of diplomacy

a. Peace as the medium of diplomacy

As stated above, symbolically generalised media are imperceptible but appear indirectly in visible forms; they are inexhaustible, not getting lesser with each usage; they motivate one to accept otherwise improbable offers of communications; and they are enacted in every single operation of a given system. Power is the medium of politics, money the medium of economics, norms the medium of law, diagnosis the medium of the health-restoring medical system, to name some examples.

What could be diplomacy's symbolically generalised medium? It should be a label that is as abstract and that could be as central to the self-description of diplomacy as the other terms are for the other system: often, politics is indeed defined by power, economics defined by money (or its ancestor of property), while the legal system is defined by its norms and the medical system by its necessity to form diagnoses. Power seems to be what politics revolves around, strives to achieve, warrants as its foundation; and money is what economics revolves around, strives to achieve, and warrants as its foundation without which the whole system would seem functionless. What is the equivalent term in diplomacy? Is it trust, independence, negotiation (negotiability) or dialogue? Is it diplomatic protocol?

As a first help, one may look at the titles of 48.156 peer-reviewed journal articles from 2022 and 2023 that contain the term of "diplomacy" in their respective title (according to the bibliographic database Dimensions) to detect the topical terms that co-occur with 'diplomacy' most frequently. Single country names or continents like 'China' (whose name appears in 2.987 titles) or Russia (which is included in 1.000 titles) are of limited help as they are not generalised enough for a self-description of diplomacy. Terms such as the 'international' (2.922 appearances), the 'global' (1.796) or the 'world' (1.297) occur often, but they are essential

markers of society as a whole and not specific enough for the system of diplomacy alone. Wordings like ‘policy’ (2.031), ‘political’ (1.409) or ‘power’ (1.189) describe the political system from which the present theory differentiates diplomacy. Among the most often occurring terms, then, only ‘war’ (2.277) remains alongside ‘conflict’ (821), but their popularly alleged opposites, ‘security’ (1.277), ‘cooperation’ (821) and ‘peace’ (879) should also be kept in mind. The first pair of ‘war’ and ‘conflict’ certainly does not offer candidates for labelling the symbolically generalised medium of diplomacy, as they are antagonistic to what diplomacy ought to achieve in its self-description. What is more, one could reject ‘conflict’ and ‘cooperation’ due to the fact that the terms lack any specification regarding a systems-reference (similar to ‘negotiation’ or ‘dialogue’ or ‘trust’ or ‘independence’). That is, they can be used with equal plausibility in settings such as economics (economic cooperation and economic conflicts) or health care (cooperation or conflicts among patients and doctors), which is not the case in the everyday semantics when one replaced them with peace or security (is there ‘peace’ between doctors and their patients?).

This leaves one with ‘security’ or ‘peace’. Could any of them serve as diplomacy’s universally operating medium that is neither visible nor exhaustible, but nevertheless succeeds in obtaining improbable communicative settings as it can be found formed in every instantiation of the system? ‘Security’ seems a plausible label given that this is precisely what states seek for within the ‘anarchic’ inter-polity realm infested by an ever-lingering *bellum omnium contra omnes*. However, its plausibility is strongly diminished when one thinks of the ‘hard’ cases of, say, state awards bestowed within bilateral relationships where no strategic rationale can be imputed. When Japan bestows a honourific medal upon a retired minister from Tajikistan, does that come in the medium of ‘security’? Is the fictitious case of a Slovenian ambassador in Vanuatu one whose societal acceptance is mediated by the ‘security’ provided by their posting? Would, to name a random example, Guyana remark that it celebrates its 50 years of ‘security’ it had vis-à-vis Albania in case their mutual diplomatic recognition reaches that anniversary?

The term that can always be used to ‘excuse’ any diplomatic interaction is not ‘security’, and certainly not ‘war’ or ‘power’, but rather ‘peace’. Japan’s conferral of an award upon a citizen from Tajikistan can occur in the name of peace. The Slovenian ambassador in Vanuatu is an exemplary instantiation of world peace. Guyana’s celebration of the anniversary of mutual diplomatic recognition with Albania comes serves the cause of peace.

Peace is the term that has also been used whenever the stability of relations among a plurality of power-constituted polities was discussed in the past centuries. Endeavours to enforce arms limitations in medieval Europe came under the label of peace (Heyn 1984). Ideas of permanent unions of independent states retaining their full sovereignty (Kende 1989), like the ones from Emeric Crucé (1590-1648), William Penn (1644-1718), Abbé de Saint-Pierre (1658-1743), Immanuel Kant (1724-1804), or Henri de Saint-Simon (1760-1825) up until the broader peace movements of the 20th century, including the nonaligned ones that sought to attain a détente of the Cold War dynamics, all used the term of ‘peace’ to specifically denote the reduction of risks emanating from centres of violent forces subsumed under multiple authorities.

Thus, in operationalising its function, every diplomatic communication occurs in the medium of ‘peace’. Whatever the event, whatever the object, whatever the communication that gets attributed to diplomacy, the system invests it with a meaning of a peace-form. The ambassador is as much a form of peace as a panda bear or an embassy building. The telegram congratulating another state on its independence day is as much a form of peace as the Minister greeting a foreign official at an airport. In an abstract view at the level of the medium, diplomacy links peace to peace after peace and further peace; the system autopoietically reproduces itself in an endless chain of peace-forms. There may be a handshake between two officials signaling the conclusion of a bilateral treaty, followed by a press conference in front of the Presidential residence, then comes a Tweet from an official account extending gratitude to the partner country, and the following event may be a monetary flow that sets up a joint fund, financing a student exchange programme involving the two countries. Each of these events are forms of peace, so that diplomacy may appear as nothing but a sequence of peace-forms (Figure 11).

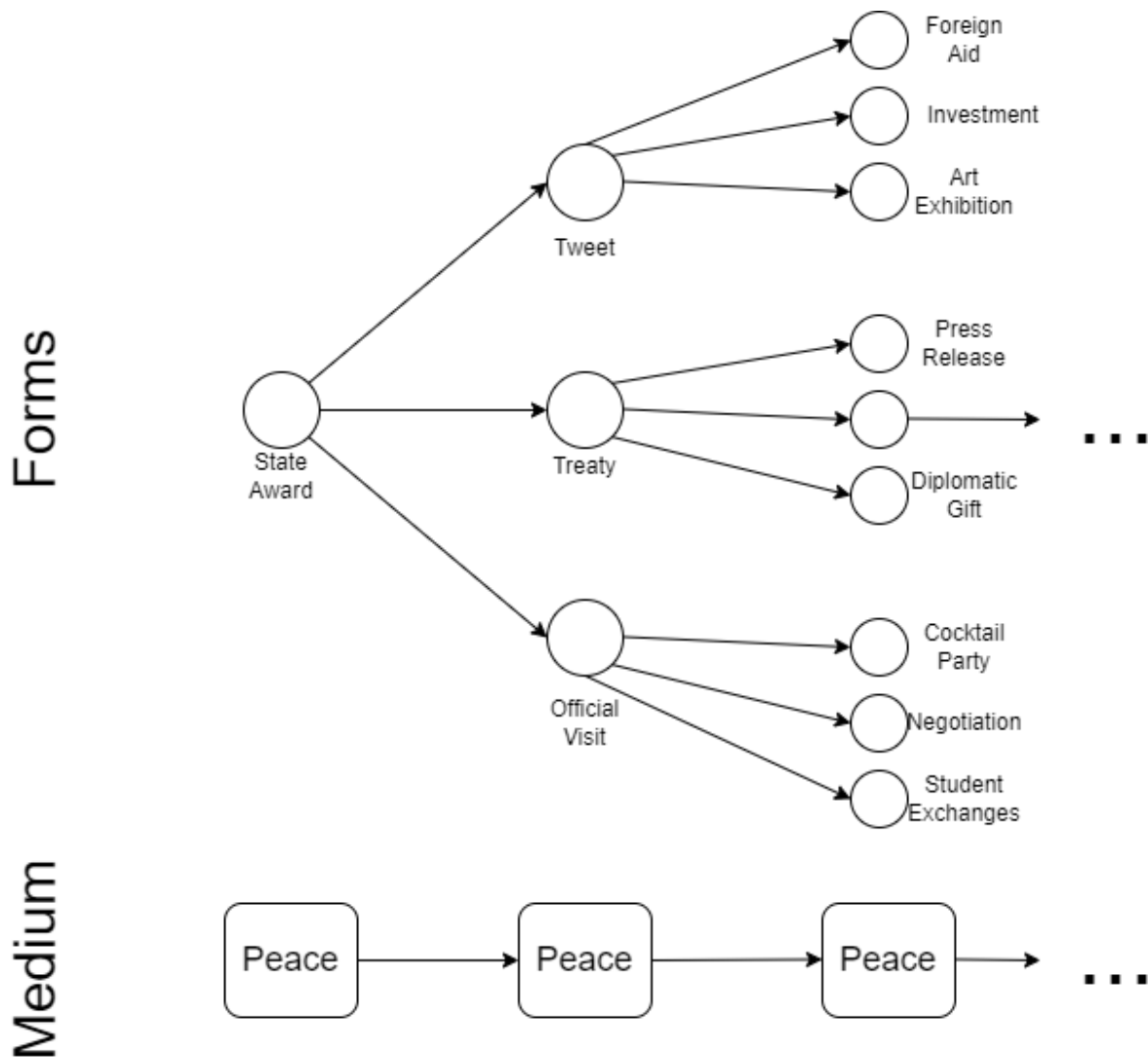


Figure 11: Diplomacy reproduces itself in various forms of the medium of peace. On an abstract level, diplomacy is merely a sequence of peaceful events; the figure will also appear in Nishikawa-Pacher (forthcoming) with a CC-BY license.

At the end of such a peace-sequence, uncertainty looms over the next event. The uncertainty is not a full contingency in the sense that any random thing could be expected to happen (that would indicate a fully entropic system) but one may assume that one of the usual practices in the contemporary repertoire of diplomacy may occur. Will the bilateral treaty be prolonged? Will the other state support one's candidate for a high post at an international organisation? Will it become a formal party to a global initiative that the partner state ponders upon? Will the Minister competent for the execution of the student exchange treaty get an honourific state award from the foreign counterpart? There is a sense of autopoiesis, of a diplomatic structure (in the sense that events are bound together over time in a self-continuing fashion) as one expects that *something* (expectable, not random) needs to happen. The structure becomes visible in the varying probabilities of the next event; for instance, it is highly unlikely that one of the states would, as the next event, suggest the setting up of a joint bilateral choir in which

all the Ministers from both governments are to participate and sing folksongs. The greater probability of some peace-forms and the greater improbability of other peace-forms indicates that diplomacy inheres a structure. From the system-internal viewpoint, what seems even more improbable is that *nothing* happens afterwards (though from the ‘state of nature’ it is rather improbable that any of these actions will occur). The question of *whether* something happens seems settled, albeit the *what* remains uncertain. This void is to be filled with a further peace-form which would reduce contingency (full uncertainty) to a minimum. The subsequent would ‘collapse’ all potentialities into an actuality (Wendt 2015, 46). The autopoiesis of diplomacy inheres this self-reproduction of peace-forms such that after each event, uncertainty lingers as an embodiment of entropy (Figure 22), but with the expectation that any of the current practical repertoire of statecraft is bound to happen.

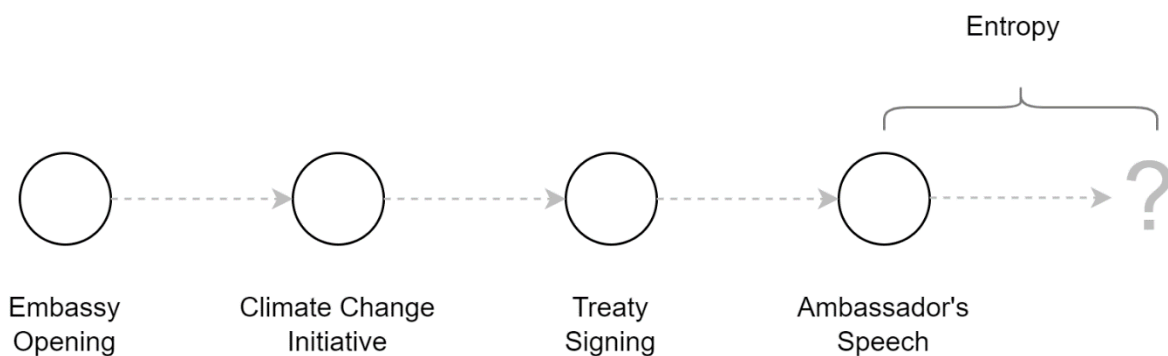


Figure 22: An exemplary sequence of events constituted by a bilateral diplomatic system; the next element is yet uncertain (the system is entropic). The figure will also appear in Nishikawa-Pacher (forthcoming) with a CC-BY license.

When no peace-form gets reproduced, one does not ‘have’ peace. One may imagine, in a thought experiment, that Kazakhstan sends an inquiry about some minor detail to the Turkmen Foreign Ministry. There is no response. The Kazakh government finds out that the local Turkmen embassy has become empty and that there all activities ceased there. An invitation to some kind of informal cocktail party had been extended to the Turkmen ambassador, but he or she does not appear. All line ministries likewise report that while their international coordinating activities operate well according to the usual routines, only the Turkmen partners do not respond anymore. There is no war, no armed conflict, nothing that would point to a substantial clash of interests – but is there ‘peace’ between Kazakhstan and Turkmenistan when nothing happens?

Peace itself – the medium – always remains invisible. It is the ‘unmarked’ side of the medium/form-distinction (Spencer Brown 1969). It is only the form – the handshake, the treaty, the press conference, the Tweet, the fundings, the students – which is perceptible, and which

indicates the existence of the medium. As the medium is invisible, peace must constantly be brought into form. It requires repeated demonstration – it needs to be shown and ‘performed’, for otherwise one does not ‘have’ peace. If diplomacy ceases to produce forms in peace, peace simply does not ‘exist’, it is not communicated into being (Bjola and Kornprobst 2013, 202), and without being shown, no one will ‘believe’ in it and no one will anticipate it (Luhmann 2002b, 32).

The necessity to perform peace may be one reason why diplomacy not only inheres a repertoire of important practices of lofty grandeur but also merely ‘symbolic’ practices that seem to do nothing but routinely enact non-consequential expressions of inter-polity amity. IR scholarship’s (implicit) distinction of trivial/significant may find its roots in this heterogeneous repertoire of performative-symbolic and more politically instrumental visibility of peace-practices. The ‘trivial’ thus arises from the need of constantly communicating and performing peace.

The symbolic and ‘trivial’ on the one hand, the important and ‘politically significant’ on the other hand – both are part of the diplomatic system. And both are necessary as they are all forms of peace fulfilling diplomacy’s societal function. While scholarship may ignore one side of the two, or while the public may find it ridiculous if diplomacy indulges in trivialities, for the practitioner one may assume the two to be almost indistinguishable. A pure symbolisation will be rare – diplomacy for the sake of itself without any political considerations and justifiabilities whatsoever seems to border to the absurdity; whereas a pure instrumentality renders it questionable whether diplomacy was not too ‘politicised’ and thus misused in its (implicitly assumed) autonomy (Luhmann 2002b, 35). In practice, therefore, one will encounter neither a purely apolitical nor a fully politicised form of diplomacy.

b. The structural coupling between politics and diplomacy

The distinction between the seemingly trivial and the seemingly significant is, to repeat this assumption, therefore one that loses its validity within the diplomatic system; it is rather a distinction used from an external viewpoint, namely with a reference to the political system. Politics couples itself to the system of diplomacy and regards it as a machine that issues outputs based on a political input like the ‘foreign policy goal’ or the ‘national interest’. If that occurs largely in conformity with political strategy, diplomacy may be regarded as a subordinated institution of politics – the prevailing view in IR scholarship. If diplomacy deviates too grossly from political guidance, it will be seen as an ‘accident’ to be corrected. The other side of the

distinction is blinded out – the ‘triviality’ (the politically insignificant, the not-politically-initiated) that, in reality, abounds in diplomacy. And yet, the structural coupling between politics and diplomacy works in such a way that diplomacy allows everything as an implementation of politics. Even the trivial will be allowed to be viewed, *ex post facto*, as politically willed. The government, or rather the Foreign Minister and the competent political elites may not have had any idea that a fictitious ambassador from Slovenia organised an art exhibition with contemporary Slovenian art in Vanuatu. However, later, in a report from the Ministry on cultural diplomacy, or in a parliamentary enquiry from the arts committee, the Minister will proclaim this art exhibition to have had occurred according to their guidance. The Minister and the government – i.e., the political system – are the ones who ultimately receive the merits of the ambassadorial initiative – or of the diplomatic system. Thus, even with regards to seeming trivialities, politics gets an ‘output’ from diplomacy which can be assumed to be useful, from a generalised view. The distinction between politics and diplomacy seems worthwhile.

But this is not to say that the structural coupling between diplomacy and politics is one-sided. It is not only that diplomacy allows itself (in its entirety, including in its trivialities) to be regarded as an implementation of politics. In exchange, diplomacy gets ‘powered’ by politics. The political system offers its power resources to channel financial means and its generalised trust for diplomacy. In addition, it ‘energises’ the system of diplomacy with ‘foreign policy goals’ and other guidance which diplomacy translates into system-internal information to act upon. And all that will be achieved diplomatically will obtain the trust from other countries that the communicating state will indeed live up to its diplomatically expressed commitments (like announcing an art exhibition or the setting up of a joint fund which will issue grants to young people who wish to study abroad). Thus, politics energises diplomacy, props it up with power and credibility, while diplomacy allows itself to be viewed as a mere implementation of politically willed initiatives.

The structural coupling between the two systems is not described in its fullness if a second lane of exchange is omitted – namely, vice versa, diplomacy likewise ‘energises’ the political system with its own initiatives. International commitments are agreed upon in diplomacy, and will be passed on to politics for ‘ratification’. What the international legates did ‘out there’ has consequences for the ‘internal’ system of politics – the parliament and all major parties and the government and ministries will perceive them as relevant information to be taken seriously because they are rooted in the peace-achieving system. And politics in fact implements these

diplomatic initiatives. Society, and politics in particular, accepts the happenings in diplomacy because it offers it generalised trust as a societally important system. It treats them such that they circulate in the political system to push the necessary resources to their execution. The bilateral student exchange treaty was not political goal from any of the major parties, and yet politics will ratify it quickly and offer the funds from its overall budget.

There are thus two lanes of exchanges (Figure 33): on the one hand, politics energises diplomacy (with power and with foreign policy goals) while diplomacy allows itself to be regarded as an implementation of political goals; and on the other hand, diplomacy energises politics (with international commitments) while politics implements these diplomatic initiatives. And this structural coupling of two lanes of exchanges is valid not only for the seemingly politically significant happenings of diplomacy, but also for the alleged trivialities. An IR literature which solely focuses on diplomacy implementing politics tells merely half the story, or less.

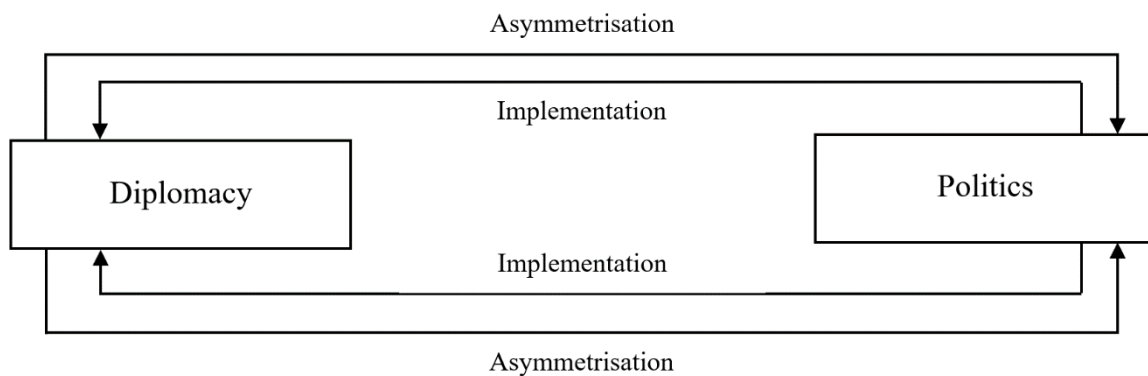


Figure 33: A schematic view of the ‘double interchange’ between the diplomatic and the political system. They mutually stimulate (asymmetrise) and implement each other. This figure is taken from Nishikawa-Pacher (2023a) which carries a CC-BY license.

c. The long tail of diplomacy

In an ideal world that conforms to the semantics of sovereign equality, diplomacy would be completely equidistant (Teo and Koga 2022). In other words, a country’s diplomatic ties to all other (roughly 190) states would be equal in the density of interactions, equal in the level of communications, and equal in the quality of amity. In reality, however, a country has “multiple outsides” (Vec 2016, 54). There are two or three dozens of partners who are of paramount or at least of a somewhat relevant importance. This high-end head in its diplomatic distribution are the nearest neighbours, powerful regional or global powers, important trade partners or countries bound to via former colonial ties. With these states, the country enacts diplomatic communications in an almost disproportionate intensity. All the other 160 states are in the ‘long

tail’ of this distribution, if one assumes a visualisation with the x-axis denoting each partner country, and the y-axis the quantity of diplomatic interactions (see Figures 4 to 8 for various examples taken from Nishikawa-Pacher 2023b; with data partly based on Mesquita 2019; Lebovic and Saunders 2016; and Connelly et al. 2021). They only obtain the occasional, if not rare, signal of amity. Empirical evidence indicates that diplomacy abounds in such long-tailed distributions across regions and practices (Nishikawa-Pacher 2023c), and one may assume that the long tail end will likely contain more of the diplomatic ‘trivialities’ than the high-end head.

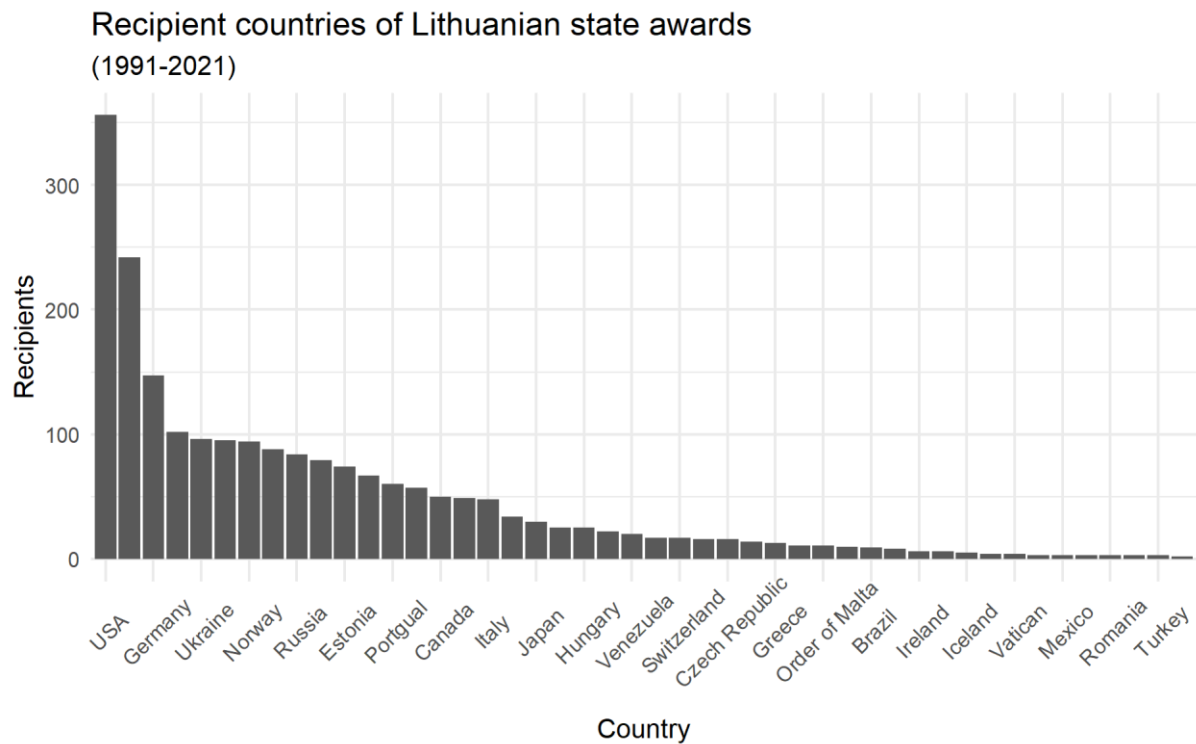


Figure 4: Recipients of Lithuanian state awards by country. Only every 3rd country is labelled in the x-axis for better readability. The figure is taken from Nishikawa-Pacher (2023c) which appeared with a CC-BY license.

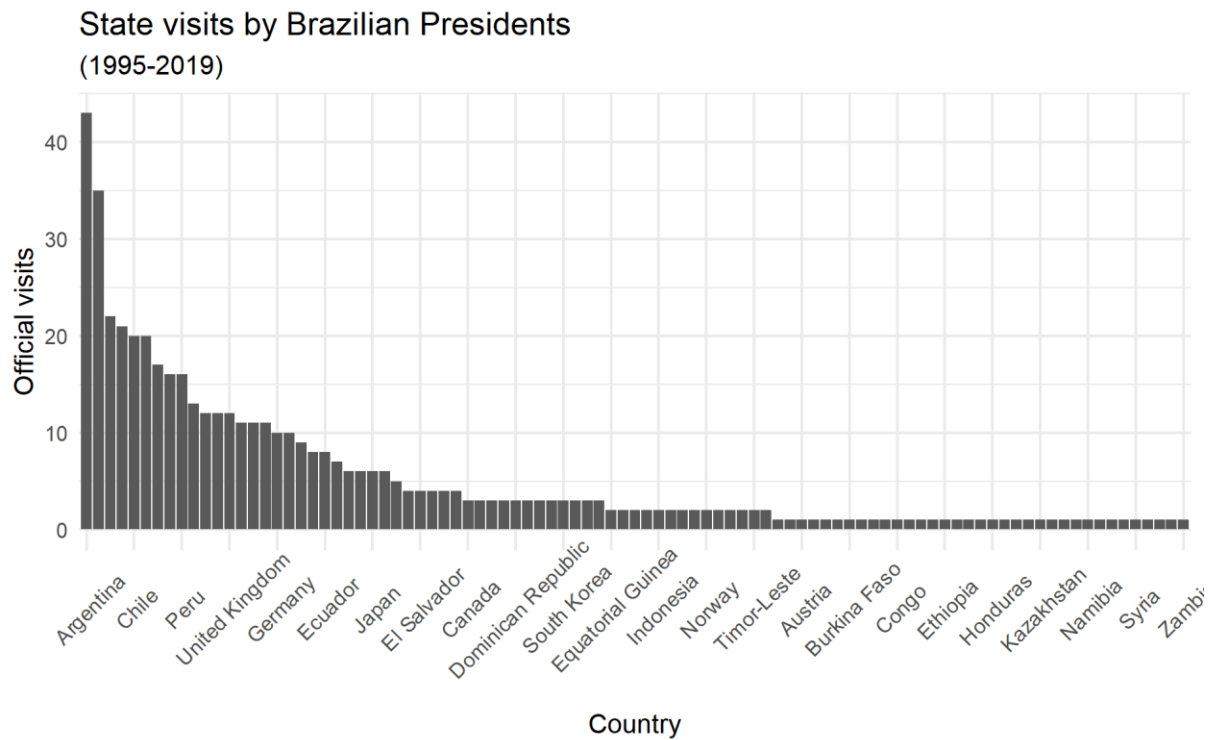


Figure 5: Countries that received official visits by the Brazilian Head of State. Only every 4th country is labelled in the x-axis. The figure is taken from Nishikawa-Pacher (2023c) which appeared with a CC-BY license.

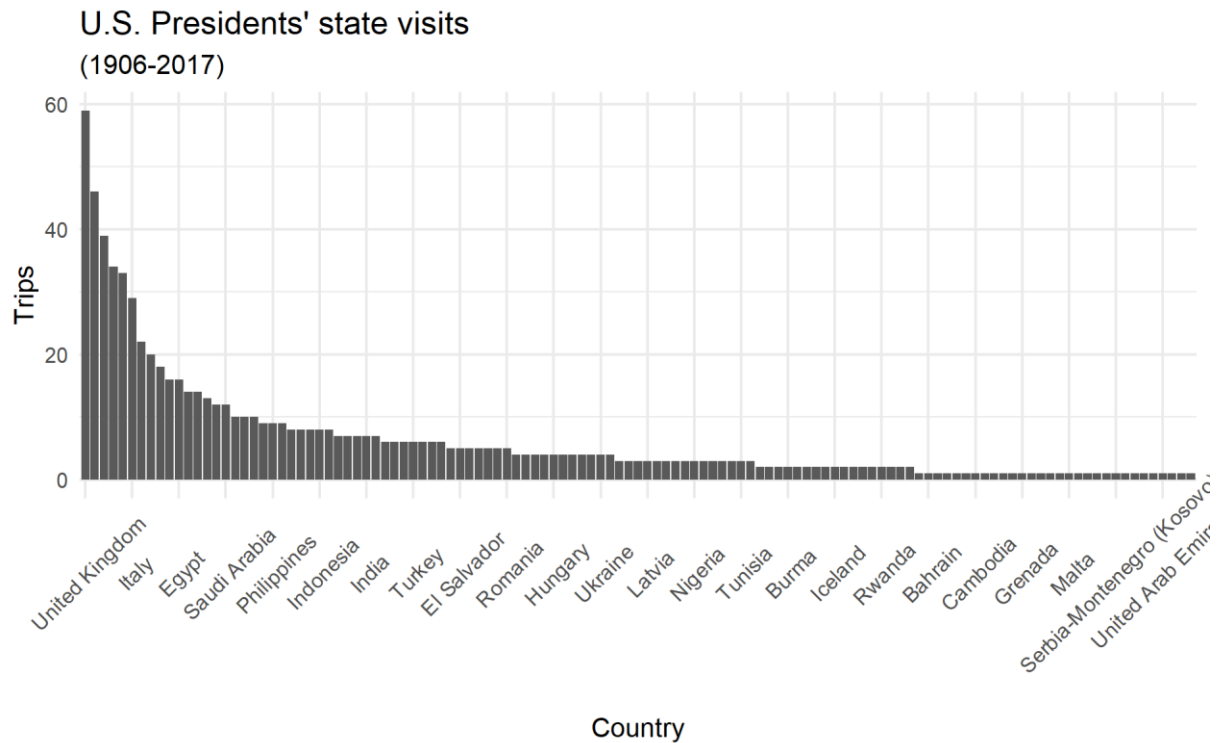


Figure 6: U.S. presidential trips by the country visited. Only every 5th country is labelled in the x-axis for better readability. The figure is taken from Nishikawa-Pacher (2023c) which appeared with a CC-BY license.

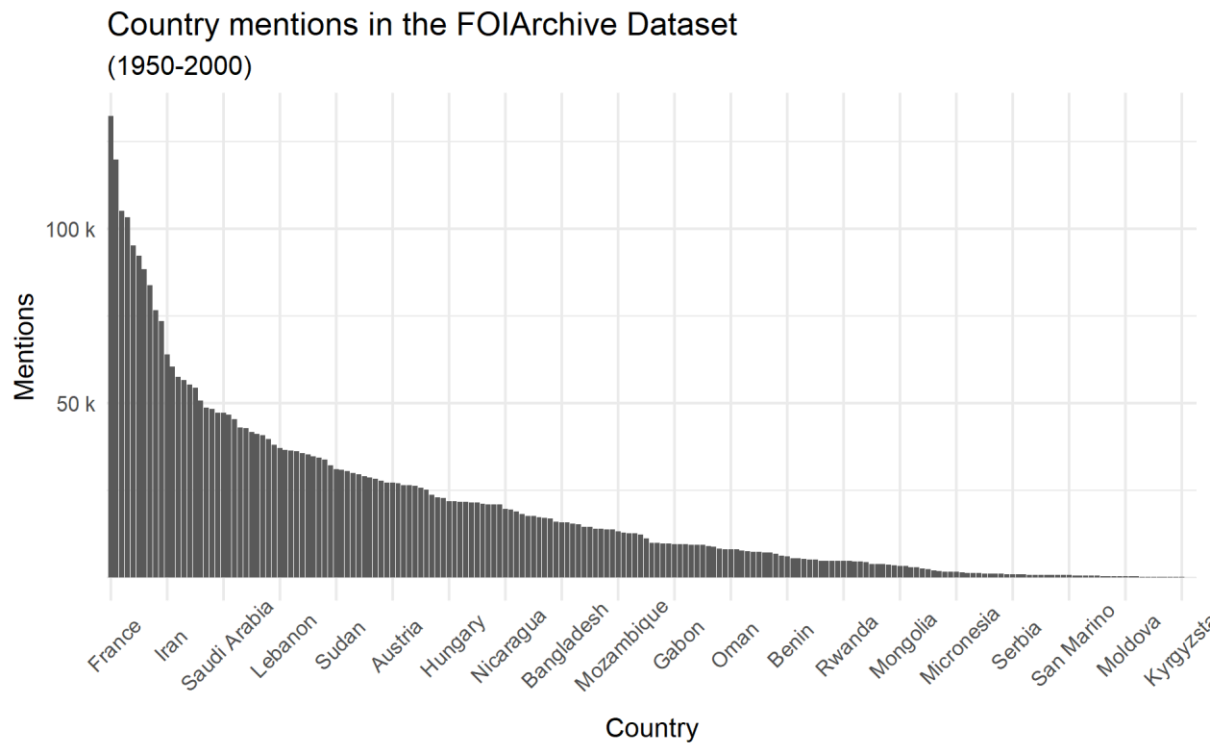


Figure 7: Countries mentioned in official U.S. documents on Foreign Relations. Only every 10th country is labelled in the x-axis. The figure is taken from Nishikawa-Pacher (2023c) which appeared with a CC-BY license.

This suggests that the vast majority of all dyadic country-level ties *needs* trivialities. The fact that peace must be performed constantly in an endless chain in any bilateral relationship pressures the system to establish a repertoire of peace-mediated practices that any state can extend upon any other at any moment without any specific reason (other than ‘peace’ and ‘amity’) at all. Given the vast number of these long-tail relations, and therefore the immense ubiquity of politically ‘non-significant’ happenings in diplomacy, such ‘trivial’ practices should be of low cost, quick, and yet unambiguously attributable to sovereign entities. For instance, instead of an official visit at the level of the Head of State, the long tail will receive a working visit from a Ministry at the level of a middle management. Instead of receiving the highest order with a golden collar, the long tail will receive a third-level honourific award for meritorious artists or scholars, perhaps in a small dinner party with a handful of guests in the salon of an embassy building.

Why is this long-tailed distribution even entertained, given that the long tail lacks any obvious strategic relevance? Again, because peace needs to be communicated for otherwise one does not ‘have’ it. And one needs peace even with seemingly remote countries, with micro-islands, with fringe members of the international society – because danger looms everywhere. Every

single state is, due to it being constituted via centralised capacities of violent force, a potential threat. Even if Caribbean state does not entertain its own military, it can weaponise everything else that could become a danger to another (even remote) state – like migratory flows or the illegal traffic of narcotic drugs. Support and cooperation may, somewhere in the future, be needed even from remote countries, especially with the ‘one state, one vote’ principle in international organisations. Amity pays off – with whomever there is out there, and in the best case, it would be equidistant with everyone. This is, after all, why society has differentiated out a diplomatic system so as to occupy itself with the constant production of peace-signals across all possible bilateral ties.

The trivial forms of peace that likely pose the vast majority of the actually enacted diplomatic practices (and that are blinded out by the IR literature) are thus not useless, not ridiculous, not functionless – instead, they all fulfil the societal task of ensuring the mutual inactivation of violent force capacities. Even the political system implicitly takes them seriously, generally offering a budget, a repertoire, its political corpus to enable such diplomatic happenings of low (or no) strategic relevance – and implementing them when needed without questioning them in each specific case. This is the advantage of having a differentiated, autonomously operating diplomatic system, that there is a general societal (including political) trust that it produces useful performances for overall society.

Without MST, one would not have been able to highlight how the trivial is not functionless. The theoretical framework allows one to foreground the function of the long tail and its trivialities, and why they abound, quantitatively speaking, in diplomatic life. Without trivialities, it would simply be difficult (too costly) for diplomacy to reproduce itself all the time. Peace would be too burdensome to be created in the volume that is required to entertain the 190x190 or so dyadic ties.

The fact that all the peace-forms, even if trivial, obtain general societal (including political and even diplomacy-internal) acceptance is an achievement of the medium of peace. Like all other symbolically generalised media, it transforms the improbability of accepting a communicative offer (from a foreign polity) into a probability, or even into a routine. Without the medium of peace, why would anyone accept the loan or gift of a panda bear from China? Without the medium of peace, why should any Head of State greet a foreign ruler on its own territory (Paulmann 2000)? Without the medium of peace, why would one allow one’s own citizens to go to an enemy country to play ping-pong there (Millwood 2022)? All these events would seem

highly improbable if it was not for the medium transforming this improbability into an expectable reality. And the additional general characteristics of the symbolically generalised media are valid for peace as well: it is invisible and inexhaustible. The forms – the handshake, the treaty, the press conference, the Tweet, the fundings, the students – are perceptible, albeit they are ephemeral in that they vanish as system-internal information soon as the communications about them end. But the invisible medium remains. There is not, a priori, a limited ‘contingent’ of peace that the system can enact until it gets consumed. There is no law that states that peace must lessen over time in volume. Like the function, the medium is a constant in the system.

To recapitulate, diplomacy’s autopoiesis and the invisibility of the medium pushes the system to constantly reproduce peace-forms in an endless sequence of interlinkages. However, as the continuing reproduction of high-level peace forms would be too costly, there is a tendency to produce trivial peace-forms as well. The trivialities, in fact, abound such that they dominate in the majority of all inter-state ties. The trivial carry the same fundamental societal function of diplomacy as the seemingly ‘significant’ practices, and remain respected by the political system at large. In addition to that, what was further remarked about media in general also applies to peace. That is, peace has no correspondence in its environment outside the diplomatic system. There ‘is’ no peace one could point at in the environment of diplomacy, as it lacks onticity. In that way, the measurement of peace through an additive list of criteria is merely an artificial device. In addition, peace, as a medium, inheres universality and specificity – it is specific in the sense that peace fulfills only one particular function for society (that of ensuring a prolonged mutual inactivation of violent force capacities) but universal as it monopolises every event in diplomacy. Furthermore, that principle of universality does not preclude that an event in the diplomatic system cannot occur in multiple systems at once. The signing of an international treaty is a happening in both diplomacy and law, albeit with distinct pasts and distinct futures, distinct meanings and distinct media.

d. Diabolic peace

The final aspect that was outlined with regards to the general characteristics of the media of the function systems was that they are not only symbolic but also diabolic. Peace inheres a diabolic aspect as well. Diplomacy invests every communication with a specific system-internal meaning by attributing them to two centralised power-holders. Whatever is communicated about – be it a panda bear, a football team, or a student – becomes imbued with

a political semiotics. They are always foreign. They always signify that a sovereign polity enters another sovereign's territory. As sovereign territories are assumed to be contiguous, every diplomatic operation ultimately equals a semiotic invasion. It paradoxically, at least in concept, denotes that sovereignties overlap, which contradicts the structural meaning of mutually exclusive territoriality. The object invading another territory is a signifier of centralised violent force, of foreign power, of enmity – this is the political view that diplomacy ought to invisibilise to fulfil its societal peace-function. But the diabolic aspect remains, the political looms, even if latent, semiotising transnational phenomena like students and panda bears and sport events into foreignness, threat and hostility. If diplomacy universalises the specification of inter-polity peace in symbols, it also cannot escape the power aspect in its diabolos. Even if a counter-semantics emphasises transnational substantiality and highlights the joys of people-to-people exchanges which are to foster mutual understanding, it remains a weaker, “private” semantics against which the public dominance of the peace-medium (and thus its diabolic power-component) remains prevalent (Luhmann 1988, 242–43). Thus, when Russia invaded Ukraine, music halls across the Western world scrapped Rakhmaninov from their concert programmes.

Whatever the diplomatic communication, peace is both symbolic and diabolical. Theories tend to stress one aspect more than the other. The neorealist starting assumption of the default war-proneness of the international system stresses the diabolical, while constructivist theories of international relations embrace the symbolic side of peace so much that it sometimes forgets geopolitical realities of power-expansionist tendencies. To obtain a complete theoretical picture, both aspects are equally weighty: there is always a paradox of overlapping sovereignty, a paradox of both peace and power being present in every single diplomatic operation.

4. The binary code of diplomacy: peaceful/un-peaceful

Whatever diplomacy communicates in the medium of peace, it can be affirmed as peaceful or negated as un-peaceful. This binary code duplicates the reality of the diplomatic system. A war-threatening ultimatum is an inter-polity event that comes in the medium of peace; from the negated side of the code, it is a highly unpeaceful communication at the brink of violence, whereas the positive side of the code would stress how that event remains still a measure short of war and allows for a predictable accommodation to avoid bad outcomes. The positive value enables a connectivity to further peace-events. The ultimatum will be respected as a basis for further actions and negotiations, with which the involved states will try the best to keep

working together, even if in a tense setting, in fulfilling the societal function of a continued inactivation of violent forces. They may ask for mediation from third states, they may re-channel the issue to the legal system, they may accept political compromises or change their justificatory patterns – whatever they do, they link the ultimatum into a chain of other peace-mediated communications which fulfil diplomacy's fundamental societal function. If coded in negative value, however, the ultimatum would temporarily paralyse the system; the next event lingers in uncertainty. There may be another No rejecting the ultimatum, inviting further Nos from the other polities until an autopoietic system of a conflict arises parasitically, characterised by mutual rejections of communications which threaten to take energy from all other societal systems (ending economic flows, reducing resources for aid activities, closing transboundary electricity grids, cancelling planned sports or educational events, setting in hostile propaganda campaigns, mobilising young men and thus interrupting the private lives of a mass of people etc.). Whether diplomacy continues remains unclear. There is high entropy, as diplomacy lacks structures that would suggest what kind of practices should be enacted now. It is not programmed for such settings. Whatever happens within diplomacy, it will necessarily be a deviation from the usual course of actions given the chains of negativity. Will there be an attempt at a further peace-mediated communication – what will it be? Or will the way be paved for the system of a politically powered military? Conflict-prone communications in diplomacy – negated as unpeaceful – thus invite deviations, variation, and reflection. There is no rest in unpeace.

A murder in a consulate (e.g., the assassination of Jamal Khashoggi in a Saudi Arab consulate in Turkey, see Milanovic 2020) may offer an example. Once the event gets known, what will happen? How shall the host country react, what should other countries issue communicatively, what will the country to which the perpetrator is attributed do? There is high uncertainty and entropy, nothing that programs the system into a clear-cut direction. The event will certainly be seen as unpeaceful, as one that invites a full-fledged rejection of its diplomatic character despite being an event in the diplomatic system. The rules of diplomatic immunity were violated, but what now? Shall Turkey sever all bilateral ties – and other countries should follow suit, or not, and on what grounds? Some countries will react in one way, another in different ways, so that diplomacy will inhere a rich wealth of variation. The multiplicity of states within the diplomatic system, and thus the plurality of domestic political systems with their governments and parties and strategies for foreign policy, is in fact the most important source of diplomatic variation and thus evolution.

Not only will variation thrive, but such chains of unpeace-events will also offer a fertile ground for focused reflections. Diplomacy will enact self-reflections by having its personnel write internal reports and policy guidance in their Ministries of Foreign Affairs or other governmental offices (in the centre of the system), but also across the IR academe or legal scholarship and think tanks and mass media (in the periphery of the system). They pose an effort to attain consistency, to systematise concepts, to create if-else-conditions with an ever-clearer focus of depth. Some outcomes will be regarded as worthwhile of preservation, condensing into the ‘semantics’ of the diplomatic system (Luhmann 1993). A legal decision may be issued by a court, multiple states may form a coalition to call for a specific response, a high-level scientific journal may publish an original piece on this topic – all these communications can exhibit ‘authority’, attain greater connectivity to further relevant communications (e.g., citations in scholarly outlets, references in mass media commentaries) and thus corroborate the semantics of the diplomatic system. New structures are thus thickened, the system gets programmed in specific way, creates normative expectations that had not been there before. Such semantics are especially visible if multiple states are involved in the reflective process given the nature of the diplomatic system, especially in international legal treaties and similar multilateral documents.

The affirmation and the negation may thus be programmed such that the system shows inclinations as to whether a Yes or a No is appropriate in a given situation. The coding of a diplomatic event as peaceful/unpeaceful thus does not follow purely random patterns (unless in purely entropic, conflictual settings). Rather, the system generates programmes which contain probabilistic rules, based on structurally memorised experience, on what kind of practices will likely be coded as peaceful or as unpeaceful. International law offers an important programme as well as the diplomatic protocol comprising quasi-ceremonious rules that is largely unwritten. The murder in a consulate violates the international legal principle of mutual trust and diplomatic immunity, thus offering a clear response to whether the event is to be affirmed as peaceful or negated as unpeaceful. The repeatedly empty seat in a multilateral conference will likewise be unpeaceful, given protocolar rules. programmes change over time, while the binary coding is permanent; for instance, the refusal to enact a handshake in inter-polity encounters may once have been regarded as unpeaceful, but it will change its meaning during a pandemic or when cultures are involved in which handshakes are rather unusual. The use of informal terms would have invited communicative rejections in the diplomatic system of former centuries; but now the use of emojis in Twiplomacy within an overall humorous style

of text is acceptable (Cornut 2022). Programmes thus condition, in a probabilistically (not deterministically) fashion, whether a diplomatic communication is to be affirmed or negated in their (un-)peacefulness.

As with many systems-theoretical concepts, the binary coding is a purely system-internal product. External, environmental cues enter only at the level of programmes. That is, the decision of whether to enact a diplomatic ritual is a situational one between peace and unpeace – non-diplomatic reasons may be present but are not relevant for the actual operation in the system. For instance, a government may decide to enact peace rituals only when foreign investments wink, or only when the partner state is an important (or potentially important) energy provider (as in the way South Korea uses its Order of the Mugunghwa). The situational decision is grounded purely in peace/unpeace, and the actual motivational context (in the psyche of the involved politicians and legates, or in the foreign policy goals stated) is one that remains a ‘third’ value at the level of the system’s programmes. The external values enter the situation only through the mediatisation of diplomacy, as the included-and-yet-excluded third values, as invisible-yet-visible ‘parasites’ (Serres 2007). And the actual differentiation of the diplomatic system occurs with the binary code of peace/unpeace (and not due to the sole fact of multiple polities, and not via the institution of permanent embassies). As soon as diplomacy is established as a system of its own, its code becomes irreconcilable with that of other systems – what is more, it will even be regarded as questionable when peace is only enacted when there is money, when the partner has oil, or when the other polity carries the ‘correct faith’. Some decorative semantics may call these approaches ‘economic diplomacy’ or ‘energy diplomacy’ or ‘faith diplomacy’ but ultimately, such a narrow focus would pose a dysfunctional practice as it deviates from diplomacy’s segmented differentiation and equidistant approach. It is likewise a failure when peace becomes enacted only when there is superior power – a ‘politicised’ diplomacy which, if done to the extreme, would embody a total dysfunctionality of the system.

Since programmes are not deterministic but only probabilistic, uncertainty will always remain. And given the multiplicity of actors, one event may obtain affirmation from one side but negation from other sides. For example, a state visit, arranged over a longer period of time with the involvement of both ministries or presidential offices, will likely be regarded as peaceful – at least from the two governments involved. Another communication, attributable to a third polity or perhaps to an opposition party in any of the two states, may negate the peacefulness of that state visit. It will respond to it with a threat. There may also be demonstrators local to

the host country who negate the peacefulness of the state visit. One event can thus be invested with the either side of the code in different communications; and one may assume that diplomacy inheres a structure of a ‘centre’ (consisting of governments, Heads of States, and Foreign Ministries) and a ‘periphery’ (social movements, mass media, opposition parties), whereby what the centre regards as peaceful may frequently be negated as such from the periphery, and vice versa.

The observation that the alleged trivialities in diplomacy are not so trivial may be underlined by the fact that they, too, can be coded as un-peaceful. In his role as the Chief Executive Officer of an energy company, Rex Tillerson, received the Order of Friendship by the Russian President, in 2013. Years later, when he became the Secretary of State, journalists wrote about the conferral, used the reference of diplomacy, thus coupling the event with the medium of peace, and doubted its peacefulness (Filipov 2021). Similarly, when a right-wing politician from Austria, Heinz-Christian Strache, received a high-level meritorious Order from Bosnia-Herzegovina’s Republika Srpska, this will likely have been seen as an apex of peace from the directly involved persons, including from Serbian separatists; but Austrian mass media generally reported this event as one that potentially fuels conflicts and further unpeace (Wölfl 2018).

With this conceptual instrument of the binary coding at hand, one may return to the thought experiment of Turkmenistan not responding to any Kazakh diplomatic communication anymore. The question was raised whether, even if no war and no (armed) conflict breaks out, there still is ‘peace’ between the two countries. The mere absence of any diplomatic event is, by itself, not a sufficient ground to be coded as unpeaceful. However, given an autopoietic system with structures of normative expectations, including that of responding and co-operating in various issue areas, a sequential reproduction of peace-communications in a specific volume will be deemed to be normal – and if peace-communications are expected but do not occur, and if this non-occurrence happens *en masse*, then the system may even code silence as an information attributable to the other polity and negate its peacefulness. Passivity and silence can, if they occur against structural expectations, be regarded as diplomatic signals as well, coupled to the medium of peace but negated such that they are unpeaceful. In this thought experiment, therefore, one may assume that Kazakhstan and Turkmenistan live in a state of unpeace – and there is a negation of peace precisely because peace is there in the first place.

This is to be distinguished from a (fictitious but illustrative) claim that, for instance, Japan had ‘peaceful’ relations with Canada in the 14th century. There simply was no diplomatic system operational there, no expectations of peace-forms that would interlink themselves to former peace-signals they could respond to, and thus no peace to be negated. Rather than unpeace, the (absence of any) relation was characterised by, and rests in, non-peace.

5. Temporality and evolution in diplomacy

With social systems attaining relative stability via the dynamic processing of communications that vanish as soon as they appear, diplomacy’s operational events are radically temporalised. Its elements – or practices and events – do not endure. This is why new peace-forms are to be generated constantly. The radical temporality is an attribute of the communications which form the operational events of the system. This is in contrast to the chronometric duration attributed to an event within a communication. A cocktail party in an embassy may have lasted 2 ½ hours, but this is not the duration of peace – the duration of peace is temporally minimal and is only present at the moment the cocktail party is communicated about.

The constant re-generation of endless peace-mediated communications allows MST to be juxtaposed with evolutionary theory and its tripartite scheme of variation, selection (or retention) and stabilisation. Each new enactment of a diplomatic practice offers a *variation* of elements (or practices and rituals), whereby only a few highly functional ones get *selected* into the structure (via the medium of peace), and then get *stabilised* in the system (through institutionalisation and legalisation). The variation is elementary, the selection occurs at the structural level, while the stabilisation a system-wide happening. And if the stabilisation occurs globally, one may label that selected-and-stabilised variant as *evolutionary achievements* of the diplomatic system.

The use of evolutionary theory *cum* systems theory can aid in explaining why some seeming trivialities, such as the state award, abound across the world in the diplomatic repertoire. Existing explanatory frameworks can be rejected, especially those which sense ‘struggles for domination’ (Wang 2016, 349) and aggressive elite interests behind any tool that comes to be evolutionarily successful – even if tamed into ‘norm entrepreneurs’ who lobby for their global spread (Linde 2014, 553; Winston 2018, 647; Strang and Meyer 1993, 494). But this seems outright implausible with regards to state awards and other alleged trivialities of diplomacy, and they do not explain why a specific tool (like the state award) was ‘fought’ and lobbied for, and not another tool which would be equally functional. “[S]tating the function of something

cannot explain its existence” (Luhmann 2012, 1:115) – even if common theories seem to imply this simplistic notion in the absence of more complex explanations. For instance, theories of institutional diffusion do note that there is a worldwide “push towards homogenisation” (DiMaggio and Powell 1983, 148), and they do identify various mechanisms of how this isomorphism across polities occurs – such as via legal mandates, social mimesis, or simply based on norms that render a standard “proper, adequate, rational, and necessary” (Meyer and Rowan 1977, 345). But they do not explain why some practices (and not others) are subject to legal mandates, why some practices (and not others) are subject to a mimesis, and why some practices (and not others) are deemed proper and rational; and it is possible that some practices may indeed be mandated legally, attract mimesis (McConnell, Moreau, and Dittmer 2012), or be deemed adequate without spreading across the world – empirical examples are not inexistent (David 1985). Other theories used in the IR literature share a similar, under-complex impetus. In diplomacy, some practices may have been ‘successful’ in spreading because they increase the ‘diplomatic capital’ of some actors (Kuus 2015); or because they are advantageous to a state’s sense of ‘ontological security’ (Mitzen 2006); or because they enter the ‘nomos’ and ‘background knowledge’ of the practitioners (Kornprobst 2019b; Kornprobst and Senn 2016); or because they enter a kind of ‘habit’ (Hopf 2010) and overall ‘culture’ (Reus-Smit 2018) and are conducive to a polity’s ‘honour’ (Lebow 2008). But other practices may do the same and still do not spread – the explanatory contingency needs to be reduced through a more complex conceptual structure that explains why and how some institutions come to spread across a system. The tripartite model of evolutionary theory (which requires an integration with systems theory in order to delineate the elements that are subject to variation) offers such a possibility.

Variation itself is ‘blind’ (Campbell 1960) – it arises out of seemingly random patterns, if random is understood as unforeseeable, from a system’s perspective, as to what kind of events appear as elements. With regards to diplomacy, the multiplicity of states offers a source of variation – after the murder in the consulate, 200 polities may react in 200 different ways. Individual leaders, the overall domestic political system and national institutional structures are phenomena to which diplomacy remains largely indifferent; for diplomacy, they are, functionally speaking, nothing but a source of variation. Politics is in the environment of diplomacy. (This is why a ‘recognition of states’ seems self-evident in diplomacy, but a ‘recognition of governments’ is highly contested.) The system cannot predict nor control what kind of reactions, what kind of practices the states will bring forward. Every single happening

within diplomacy, any environmental cue which the system fetches from the complex outside ‘noise’ as an information and processes further within the system offers a potential novelty.

For example, state awards have come into existence with predecessors of in a rich variation. Honouring strangers was already a key practice in segmented societies and tribes. Society’s primeval segmentation transited into a stratified one in which people are assigned to a hierarchy of two strata. There is a higher stratum of nobility that is privileged in every aspect of life and dominates over everyone else, the lower stratum. During the Medieval era, society gradually started to transform its internal differentiation from stratification to the contemporary, modern primacy of functional differentiation. During this era, Medieval knightly Orders sprang up with which princely rulers sought to obtain loyalty from other noblemen (who, in turn, ruled over their own dominions, sometimes even under the ‘sovereignty’ of other dynasties). Starting in the 14th century, these Orders underwent secularisation so that their religious character gradually faded away (albeit modern state awards still often inhere a cross as its main iconographic symbol). In the Baroque era, dynasties established new Orders of merits which were adapted to the wider societal trend that not only aristocrats, but also non-nobles could pursue respectable careers in a modernising bureaucracy and in standing military armies. Their evolutionary advantage was that while the giver remained a dynastic ruler, the scope of recipient widened so as to cover non-nobles as well. This variant of honourific awards thus inherited a higher contingency – for instance, while the French *Military Order of St. Louis* which was founded in 1693 could be bestowed upon any Catholic officer, the Austrian *Military Order of Maria Theresia*, established in 1757, could be decorated upon *anyone* who performed an outstanding fortitude for the dynasty. Both variants – the Medieval knightly Orders and the Baroque Orders of Merits – were nevertheless limited by the fact that only dynastic rulers remained the *fons honoris*. But in the environment of diplomacy, republics had already come into being, or polities that were not ruled by sovereigns of a divine-aristocratic lineage. Whether they were allowed to establish and confer their own Orders of Merit remained contentious; but it did not last long until the variant of modern state award came into existence. The Prussian *Pour le Mérite* was already a harbinger of this dynamic since it did not show a dynastic iconography but a stately one in 1740. And throughout the 18th and 19th century, all kinds of polities even without a traditional ruling house came to adopt such modern state awards. They allowed not only the recipient to be non-nobles, but the giver as well. As such, they ceased to reflect a stratified society but came to be a tool whose operational meaning references purely the diplomacy-internal structure: any state with ‘actorness’ in the diplomatic

system could use it and confer it to representatives of any other polity – even if the giving polity was ruled by, say, a former fabric worker and Socialist, and even if the recipient is a low-level employee at some Consulate abroad. This heightened contingency in the situational use of the Order, completely isolated from the rest of society but only subject to the autonomous operation of diplomacy, was born into a really functionally defined system of diplomacy. It is this variant that obtained selection, and later, world-wide stabilisation (Table 2).

Table 2: The three variants of diplomatically used honourific medals. This table first appeared in Nishikawa-Pacher (2023b) which appeared with a CC-BY license.

Variant of honourific order	Givers	Recipients	Did it obtain worldwide selection?
Medieval knightly orders	Dynastic rulers	Nobility	No
Baroque orders of merit	Dynastic rulers	Any polity	No
Modern state awards	Any polity	Any polity	Yes

In social systems, this evolutionary selection occurs with a view to the symbolically generalised medium – in diplomacy, therefore, peace offers a key criterion for evolutionary analyses. There are two analytical steps to consider. First is functional suitability – does the variant fulfil the function of the system, that of invisibilising power, enmity and threat by instead foregrounding the contrary semantics of peace, amity and togetherness? As a function itself cannot explain the selection, a second analytical step is that of generalizability. Is the tool suitable to be re-used again in other situations? Could it even be used by other polities? Could it be addressed to other recipients? Can the tool be used by any state towards any other state for any reasons at any time, simply by justifying the act with peace and amity? If the answers are to the affirmative, the tools will likely serve the functional autonomy of diplomacy, and thus be a candidate for evolutionary selection and thus a higher probability of re-use.

To apply the case of state awards to the first criterion of functional suitability which assesses the tool's efficacy in promoting peace and minimising power dynamics – they epitomise this by symbolising an authority's recognition of foreign achievements, transcending boundaries with positive emotions and thus reducing mistrust. As regards the second criterion of generalizability, which demands that a diplomatic instrument possesses universal adaptability, state awards likewise excel here. They can be employed strategically or spontaneously, with a substantial reason or even without a particular reason (justifiable with mere "amity" and

“peace”), by any polity as a giver or and to any polity as a recipient, across diverse contexts and timeframes. With this functional suitability and flexibility, the state award not only foregrounds peace while concealing sovereign power, but also allows to be applied universally in any country-dyad without sparking situational implausibility. This renders them a tool highly suitable for a selection into the structure of the diplomatic system.

The third and final step in the evolutionary model is that of stabilisation. In this phase, the system institutionalises (formally or informally) the selected variant so as to heighten the likelihood of it being reused repeatedly (Ben-Josef Hirsch and Dixon 2021). When this happens not just in one or two countries but over whole regions to even span the globe, involving up to two hundred polities and beyond, one may label this as an *evolutionary achievement* of the diplomatic system.

The most robust way of institutionalising a selected variant is that of *legalisation*, which can occur through international law, national legal statutes, or simply within the internal regulations of an organisation like that of a Foreign Ministry. Notable examples include the evolutionary achievement of diplomatic immunity, as enshrined in the international treaties of the Final Act of the Congress of Vienna in 1815 and the Vienna Convention on Diplomatic Relations in 1961. Within Ministries of Foreign Affairs across the world, units have been established to stabilise ‘digital diplomacy’ within the diplomatic system (Manor and Segev 2020) – another example of an institutionalisation of an evolutionary achievement of diplomacy, but this time through intra-organisational regulations. And when it comes to state awards, they pose a tool which, according to a survey of national laws and official documents (Pacher 2020a), at least 96% of all states (or 196 out of 204 sovereignty-claiming polities) possess. Constitutions mention them in 133 countries, a further 40 states offer official laws on them findable in their legal databases, and an additional 23 countries indicate in official websites or other documents that they make use of this diplomatic instrument.

In summary, the evolutionary-systemic framework delineates three distinct stages in the evolution of diplomacy. The first stage encompasses *variation* within the system’s elements (or practices, rituals and events), all of which are functionally equivalent to each other as they aim to achieve the same objective, that of restraining the force capabilities of polities. The second step is that of *selection* which operates through the medium of peace, favoring practices that align with the diplomatic system’s function of highlighting peace and amity while concealing power and enmity. Additionally, in order to obtain structural selection, the variants

should be highly generalizable, allowing any polity to employ them toward any other at any time for any reason. Finally, the restabilisation of the system occurs through the selected practice's institutionalisation.

This excursion into the evolutionary dynamics of diplomacy exemplifies the utility of MST and its ability to explain mechanisms and phenomena outside the usual scope of IR, for which suitable alternative theories lack. In addition, by focusing on how a seemingly 'trivial' tool spreads across the globe to be used by almost all states in an ubiquitous manner, this conceptual exercise likewise aids in diminishing the validity of the trivial/significant-distinction for diplomacy. It thereby upholds the key premise that has been the red thread through this work – namely the autonomous operations of diplomacy constituted by its societal function, its symbolically generalised medium, and its binary coding which are all distinct from politics.

IV. FIRST EMPIRICAL INVESTIGATION: DOMESTIC LAWS OF STATE AWARDS ACROSS THE WORLD

1. Hypothesis: the peace-and-power-paradox

The theoretical outline centred around the unity of diplomacy and its distinctness from politics. It intermittently drew from heterogeneous examples to illustrate specific claims. These examples were offered in an *ad hoc* manner to spontaneously prop up the plausibility of the theory's individual conceptual parts. A more systematic and empirically more labourious validation of the general proposition of diplomacy's unity remained absent. The following sections will attempt at offering three large-scale empirical illustrations, seeking to find a common structure underlying every single diplomatic operation, regardless of the context's political triviality or significance, indifferent to specific country contexts, and one that remains general throughout time and space and topic.

The assumption of diplomacy always inhering a peace-and-power-paradox offers a clue for formulating a hypothesis. As indicated in the theoretical section above, politics and diplomacy are distinct systems carrying distinct functions and distinct media, but they are coupled to each other so closely that peace is not the only medium present in diplomatic communication. Diplomacy necessarily operates on the background of the existence of power-centres, or states, and their semantics of sovereignty. The medium of peace, to reiterate, only developed secondarily after its prior political medium of power. Without power, diplomatic operations would lack credibility – no diplomatically made promises could be enforced anymore since the relevant capacities would not be available. Lacking any substrate which diplomacy would reference to, the system would entropically wither away due to the lack of societal functionality. Diplomacy thus needs to borrow the political system's medium of power in order to operate in the medium of peace (Albert 2016, 92).

The simultaneous use of both peace and power, however, is paradoxical, for peace signals a generalised commitment to the non-use of power. Like every paradox, it implies a self-contradiction, namely the presence of two opposites even though the one is defined by not being the other. Power invisibilises peace and peace invisibilises power. This is a system-fundamental paradox that diplomacy, in turn, seeks to invisibilise, so that one may assume that every diplomatic communication attempts at the system's own deparadoxification (Luhmann 1995b, 33). If that paradox is common to all operations within the diplomatic system, it will likely be palpable not only in seemingly significant occurrences, but also in seeming trivialities.

Again, the distinction between the ‘significant’ and the ‘trivial’ in diplomacy is, according to the theory developed above, not part of diplomacy’s own semantics, but rather an external, political description of diplomatic happenings. What politics regards as a relevant diplomatic output for itself is deemed to be significant; they are about violent conflicts and their resolution; they are about balancing other countries’ power by increasing military expenditures, undertaking naval exercises, and showing resolve through improbable demands backed up by a coercive ultimatum; they may even be about ‘cheap talk’ and ‘soft balancing’ when they serve to force other countries to accept compromises they would not have otherwise taken. The politically significant may also be ideologically laden, as in the case of the Chinese Communist Party for which there should be “no trivial things in foreign affairs” (i.e., nothing that is not politically steered (Zhao 2019, 173). In a gendered perspective, the significant aspect of diplomacy is the ‘manly’ part of it (Towns 2020, 588). The ‘trivial’ is what has often been associated with the feminine, at least in implicit subtexts: they are about luncheons and dinner attendances, about precious decorations in the form of state awards, about enticing the partner with other kind of gifts like cute animals or captivating artworks, about gossiping via online social media channels, about interactions with celebrities and semi-prominent people of high society (Towns 2020, 588; I. B. Neumann 2012, 136). This distinction of the significant/trivial (or manly/unmanly) does not exist for the diplomatic system itself – it is the unity of both. For diplomacy, the trivial is significant (because everything it does serves the function of societal peace across power-constituted polities), so that it exhibits the very same structures and modi in both the allegedly important and the allegedly mundane incidents. For instance, both of these realms – both the significant-masculine and the trivial-feminine – contain the primary medium of peace that seeks to invisibilise the present-but-to-be-concealed medium of power. There is a foregrounding of peace in the politically significant ultimatum, just like there is a suppression of power in the trivial inter-polity gift.

One may thus assume a universal mechanism of a paradoxical interplay between peace and power underlying all aspects of diplomacy. Methodically, one may follow the approach taken by Niklas Luhmann in translating systems theoretical deductions into empirically observable instantiations via semantic analyses (Luhmann 1993). Societal semantics that were carefully crafted, like those stored in legal and academic texts, will likely be contain this common paradoxical structure that underlies all of diplomacy regardless of the issue area at hand. The method thus continues Mannheim’s sociology of knowledge which was likewise about detecting a correlation between modes of knowledge and social processes (Mannheim 1995,

232). Luhmann's main interest lied in the changes that the meaning of a given term underwent in parallel to society's transformation from a stratified to a functionally differentiated structure. In contrast to his interest, the present section does not dedicate the semantic analysis to changes of meanings over time, but rather in a continuity of the identity of a system across centuries. It is, like Luhmann's investigations, interested in the discourses that spread successfully to find connectivity and repeated actualisation, but not how they differ over long timespans, but rather how they remain stable across heterogeneous issue areas all of which are to be subsumed under the system of diplomacy. The methodology is thus about finding instantiations of the one and the same structure across a vast variety of phenomena, as long as the phenomena can be loosely attributed to inter-polity exchanges where the function of the interactions are about keeping inactive the capacities of violent forces that loom behind the actors.

In accordance with this consideration, the hypothesis that the diplomatic system fundamentally inheres a peace-and-power-paradox across heterogeneous issue areas shall be tested such that both opposites of the trivial/significant-distinction of the diplomatic system will be covered. Three analyses will strive to achieve this task. As a first investigation, domestic laws on state awards from all over the globe shall be examined with a view towards extracting that peace-and-power-paradox, with an additional illumination on how that paradox is being invisibilised in the legal semantics. This case will offer an example of how a seemingly trivial practice contains the same structure as that which will be assumed to be regarded as politically significant. As a second step, an assumed *modus operandi* that treats seemingly trivial objects as politically significant shall be detected in various instances of seemingly trivial diplomatic happenings, namely early modern inter-polity relations (such as gift-giving) as well as in contemporary digital diplomacy. This detection of how the trivial is treated as significant will be pursued through a systematic literature review of the relevant scholarly literature. It offers yet another indication that one single structure underlies the operations of diplomacy in distinct eras (early modernity versus the 21st century) and completely different vehicles (tangible versus virtual objects). As the third and final empirical inquiry, the fundamental paradox (alongside its invisibilisation) shall be investigated in documents of international law regarding highly different topics. Given their character as multilateral and binding documents, one may assume that all these issue areas reside in the significant side of the trivial/significant-distinction. These three investigations shall thus underline the unity of diplomacy as one that renders the seemingly trivial and the seemingly significant indistinguishable, suggesting that the unity of

diplomacy operates autonomously from politics – for otherwise, the seemingly trivial would not be treated as political salient.

2. Methods: doctrinal analysis of legal statutes on honourific state awards

To garner evidence on the unity of diplomacy as one that comprises both the ‘trivial’ and seemingly ‘significant’ happenings from an external-political viewpoint, the present section will focus on an object seemingly trivial, yet age-old and ubiquitous in diplomacy, namely on state awards.

The inconspicuous existence of honourific state awards as just one tool among many in diplomacy has so far avoided the focus of the IR literature, whose interest in wars and conflicts, in turn, may have rendered it blind towards any explanatory framework that could plausibly invest the state award with a functionally valid place in statecraft. The state awards seem to be nothing but a metallic object, perhaps of an aesthetic decoration, that Heads of States have inherited from the past without any high-level strategic rationality, only to satisfy the human desire for honour and status among elite individuals (Anderson, Hildreth, and Howland 2015). As awards are no armaments, they seem uninteresting to the broader questions affecting global conflicts. A high-level conferral of honour may seem to be merely a symbolic gesture that closes an episode of bilateral amity, one that offers a situation of personal immersion into a ceremony of positive emotions, perhaps a space to produce anecdotes about specific politicians (Boyd-Judson 2005, 73), but the diplomatic practice as such does not seem worth any analytical treatment at the system-level. It is because of this triviality that the state award offers a ‘hard’ case, one that *a priori* seems unlikely to offer any clue of power. The following will thus uncover how a seemingly ‘trivial’ practice inheres the same structure as that which will be assumed to be regarded as politically ‘significant’, based on the hypothesis that the state award is, in the diplomatic system, an instrument that exhibits both peace (seeming triviality) and power (political significance). This section seeks to uncover the peace-and-power-paradox through a semantic analysis of domestic laws on state awards.

Before analysing the structural semantics of such meritorious orders, a preliminary and exploratory question is called for: How many states actually use (civil) state awards? (Military orders will not be looked at here since their systems-reference is likely that of domestic politics or that of a military system, and not that of the diplomatic system.) Without doubt, some states do, as some stories of diplomatic award bestowals have caught popular attention – such as when Rex Tillerson, who would later become the U.S. Secretary of State, accepted Russia’s

Order of Friendship (Filipov 2021). Other than Russia, who else uses state awards? Perhaps many states do. Or maybe all? How can one find out? What is the most appropriate method to ascertain the number of states that use state awards? Shall one google around and look at Wikipedia lists? But these may not be reliable and complete, after all; for instance, it confounds the Chinese ‘Friendship Medals’ with the Chinese ‘Order of Friendship’, which are two separate instruments. Privately collected information may likewise serve as unreliable impressions – for instance, medals.org.uk lists Libyan decorations even though they do not legally exist anymore since the Green Revolution. One could also ask around in the foreign ministries or browse the websites of all Heads of States. But interviewing diplomats from all countries of this world may take up too many resources; and official web presences of Presidents and Monarchs may not always contain comprehensive information about their offices’ prerogatives. A systematic review about the scholarly literature would also be inapt in answering the question, as scientific analyses on the diplomatic use of honourific state awards hardly exist (Frey and Gallus 2017; Kopko et al. 2015; Köker, Weiher, and Schollmeyer 2023).

One method remains as a plausible venue. Given that the competence of conferring national awards is usually one attributed to the highest office, and given the spread of liberal constitutions which demand all acts by the Head of State to be anchored in law, it follows that a promising approach to reliably find out the number of states that use state awards might be one that looks at the relevant laws. And if one simply descriptively quantified the existence of an award (coded as ‘1’) opposed to its non-existence (coded as ‘0’) for each respective country, one could resort to what recent legal scholarship calls ‘leximetrics’. Other than simply counting the existence of an honourific state award per country, the same sample of laws can then be used to conduct a grounded theory-based content analysis so as to extract a typical model law of state awards.

Thus, to count the global use of state awards, and to analyse the norms surrounding their use, the legal doctrines that regulate their use will be looked at. As there is no international treaty that specifically deals with state awards, domestic legal norms will be surveyed to extract the relevant principles. The search for domestic laws does not invalidate the premise that state awards are a *diplomatic* tool (and that the semantics extracted from the domestic laws are thus pertaining to inter-polity matters); for diplomacy in general is regulated in both the international level (like in the *Vienna Convention on Diplomatic Relations 1961*) and complemented by the national level; the legal level does not determine the systems-reference. In fact, international law itself is aware that general principles of international laws are to be

discovered through surveys of national legal statutes (Ellis 2011). It is thus pertinent that when an issue area of diplomacy, like the use of high-level state awards that can be conferred by Heads of States upon foreigners, is not regulated via explicit international means but via domestic laws, that one may look at the latter to infer fundamental dynamics of the diplomatic system.

As a first step in undertaking this survey of domestic laws, the present work will search for apt keywords in the world's constitutions. The website *Constitute* offers a central platform of English-language versions of the world's constitutions that can be quickly queried with keywords. The *Constitute* offers 203 such constitutions; polities missing in that database, like *de facto* states, may also have legal constitutions that can be searched for individually outside of *Constitute*. Opening every single constitution that is currently in force and searching for the terms “honor” or “honour” and related variants like “honorific” or “honourific”, but also “awards”, “merit” and “meritorious”, or “bestow” and “bestowal” and “confer” and “conferral”, the present work will try to identify relevant norms at the highest legal level of each state.

In case a country does not mention state awards in the constitution, one may access the official legal database of that respective country to search for the same terms there. This step thus moves from the constitutional level down to the level of legal statutes. The search can be conducted in the country's own language (using the researcher's knowledge in languages or, subsidiarily, using *Google Translate* which has been found to be reliable enough for research purposes, according to Vries, Schoonvelde, and Schumacher 2018). The list of official legal databases can be found in an open dataset described (by the present author in collaboration with a colleague) in the *Oxford Journal of Legal Studies* (Nishikawa-Pacher and Hamann forthcoming). Using that approach, a given country's legal statute that enshrines the procedures and principles underlying its use of state awards will be retrieved.

When no single indication of a country-level existence of state awards were found (in neither the constitution nor in a legal statute based on a search of the respective official legal database), other official governmental (but non-legal) sources were looked at which would suggest whether a country used state awards or not. For instance, the official website of a Head of State would be sifted so as to identify information regarding high-level honourific orders.

The data are publicly available at a repository at the *Open Science Framework* (Pacher 2020a).

3. Descriptive results on domestic norms regarding the use of state awards

a. How many countries use state awards?

In total, 204 countries and polities were analysed. Official legal and non-legal evidence about the use of honourific orders could be found in 196 of these countries. The worldwide spread of the honourific state award as traceable via legal and other official documents confirms that the seemingly ‘trivial’ tool is indeed an evolutionary achievement of the diplomatic system, as outlined in the theoretical section above. Constitutional mentions of state awards could be found in 133 countries. Of those that do not mention state awards in their constitutions, 40 have official legal statutes about state awards that were publicly available. For example, in Antigua and Barbuda, the relevant statute is the *National Honours Act* from 1987; in France, it is the *Code de la légion d'honneur, de la Médaille militaire et de l'ordre national du Mérite*; in Lesotho, it is the *Public Service Regulations 2008*; in Paraguay, it is the *Resolucion N° 556 Que Establece la Orden Nacional Al Merito Comuneros*; and in the United States, a couple of presidential Executive Orders regulate the state’s highest level honourific medal, such as the Executive Orders numbered 9586 and 11085 from 1945, 10336 from 1952, and 11085 from 1963. Among the countries that neither indicate an existence of state awards in constitutions nor have a publicly findable legal statute regarding their use, 23 states – Burkina Faso, Comoros, Congo, Denmark, Finland, Gabon, Ghana, Guinea, Haiti, India, Israel, Liberia, New Zealand, Niger, Norway, Papua New Guinea, Saint Kitts & Nevis, St Vincent & Grenadines, Solomon Islands, Sri Lanka, Sweden, Trinidad & Tobago, Chad – were found to nevertheless use state awards according to other, non-legal official sources, such as Presidential websites. In total, there were only 8 countries for which no official evidence of state awards was found. Of the 196 countries that certainly do use state awards, 173 offered domestic legal semantics on the rules regulating the use of honourific merits that can be interpreted for the next two sub-sections.

b. The state award in constitutions

133 constitutions mention state awards. Most of these mentions are limited to laconically naming state awards as one tool for whose bestowal the Head of State has an exclusive competence; the mention is thus just one item in a list of prerogatives. For example, Bulgaria’s constitution allows the Head of State to “award orders and medals” (Art. 98 par. 8), Uzbekistan’s to “award orders, medals and certificates of honour of the Republic of Uzbekistan, and confer qualification and honorary titles of the Republic of Uzbekistan” (Art. 93 par. 18), while the Japanese Emperor likewise has the competence of the “awarding of honors” (Art. 7).

In Sierre Leone, “the President shall be the Fountain of Honour” (Art. 40 par. 2), with similar wordings appearing in Uganda’s constitution (at Art. 98 par. 1).

The role of *fons honoris* is sometimes extended such that it also entails the right to revoke award bestowals; that is, as Jordan’s constitution makes clear in Art. 37 lit. i, “the King creates, confers and withdraws civil and military ranks, medals and honorific titles”; Section 9 of Thailand’s constitution likewise makes explicit that “the King has the Royal Prerogative to create and remove titles, and confer and revoke decorations”. Additional details are just minor, as in the case of Donetsk’s constitution in Art. 69 which stipulates that “awards and honorary titles of the Donetsk People's Republic are established, as well as the procedure for awarding”, or in the case of the Netherlands stating that “honours shall be established by Act of Parliament” (Art. 111). Other constitutions remark that there shall also be a “Chancellery for Heroes, National Orders and Decorations of Honour” assisting the Head of State, as in the case of Rwanda’s constitution (Art. 139 par. 2 lit. d), while Somalia’s constitution enshrines that the conferral of state honors is to occur “on the recommendation of the Council of Ministers” (Art. 90 lit. n). In Czechia, according to Art. 63 par. 1 lit. h of its constitution, the Head of State “may grant and award state honors, unless she has empowered some other body to do so” – one may wonder, at least *en passant*, whether that “other body” can also be a supranational organisation like that of the European Commission, as the European Union likewise issues similar decorations (Foret and Calligaro 2019). Slovakia has a similar wording in Art. 102 lit. i which states that the Head of State “shall confer decorations unless another authority has been delegated by him to do so”; the constitutional possibility to delegate this prerogative is not limited to Central and Eastern Europe but also exists in, for instance, Jordan (Art. 37 lit. i). Civil and military awards are usually distinguished, at least implicitly, as in when Oman’s constitution bestows upon the Head of State the competence of “conferring orders of honour and military ranks” (Art. 42), or more explicitly, as in the United Arab Emirates where the political leader “shall bestow decorations and medals of honour, both civil and military, in accordance with the laws relating to such decorations and medals” (Art. 54 par. 11). The prerogative of *fons honoris* is often found just right before or after the rule enshrining the prerogative of pardoning and executive clemency; only in Serbia the two are intertwined in one paragraph, as Art. 112 par. 7 of its constitution states that the President may “grant amnesties and award honours”.

As regards the *diplomatic* character of state awards, some countries offer explicit indications that the instrument is indeed a device for reaching out to non-citizens. For example, using the

semantics of inter-state amity, honours are to be conferred upon “citizens, residents and friends of Eritrea”, according to that country’s constitution in Art. 42 par. 16. Similar wordings exist in other countries, such as when Gambia’s president may bestow honourific decorations “to friends of The Gambia” (Art. 83). In Norway, “the King may bestow orders upon whomever he pleases” (Art. 23), a wording so extensive that it doubtlessly includes foreigners as well. Latin American constitutions tend to be more ambiguous when it comes to the inclusion of foreigners into the scope of potential recipients. Chile speaks of decorating “prominent servants of the Country” (Art. 60); Costa Rica decrees honours for “eminent performances” provided to the Republic (Art. 121 par. 16); Bolivia’s scope of recipients is likewise defined by “those who are deserving of [public honours] for eminent service to the State” (Art. 160 par. 7), with parallel semantics in the constitution of El Salvador (Art. 131 par. 22), among other examples. The wordings allow one to assume that the decoration does not hinge on a recipient’s formal citizenship – with the exception of Colombia, where honours are to be decreed “to citizens who have rendered services to the fatherland” (Art. 150 par. 15). As a rule, however, the possible scope of recipients is wide enough to theoretically and practically cover foreigners as well – the only limitation, in Egypt at least, is that “the President of the Republic may not award himself any orders, badges or medals” (Art. 145 par. 3).

Interestingly, constitutions also enshrine a prohibition of citizens to accept foreign state awards. At least twelve examples could be found. For instance, in Colombia, a similar rule is limited to a particular group of people, as “[c]ivil servants shall not be entitled to accept positions, honours, or compensations from foreign governments or international organisations” (Art. 129); in the Dominican Republic, the President has the responsibility “[t]o grant or deny authorisation to Dominican citizens that [...] they may accept and use awards and titles granted by foreign governments” (Art. 128 par. 3 lit. c), indicating that foreign merits pose an issue that requires intervention from the highest political level; in El Salvador, it is the Legislative Assembly who is able “[t]o grant permission to Salvadorans to accept honorific distinctions bestowed by foreign governments” (Art. 131 par. 23), similar to Honduras, where the National Congress may “grant or refuse permission to Hondurans to accept employment or decorations from another State” (Art. 205 par. 17). Most examples so far referred to Latin American examples, and one may assume that this is an issue of constitutional diffusion that is limited to that specific region. Indeed, there are further examples from Mexico and Venezuela. In the former country, one’s citizenship can even be revoked “[i]f the person accepts or uses foreign decorations without approval of the Federal Executive”, albeit “[t]he President of the Republic,

Senators and Representatives and Supreme Court Justices may freely accept and use foreign decorations” (Art. 37 section C, par. III). The constitution of Venezuela states as one of the function of the National Assembly that it is “to authorise public officials to accept positions, honours or rewards from foreign governments” (Art. 187 par. 13), and redundantly writes in Art. 149 that “[p]ublic officials shall not be permitted to accept employment, honours or rewards from foreign governments without authorization from the National Assembly”.

Such constitutional norms that enshrine a deep-seated suspicion against foreign meritorious orders are not limited to Latin America. For instance, in Bangladesh, “[n]o citizen shall, without the prior approval of the President, accept any title, honour, award or decoration from any foreign state” (Art. 30); in Hungary, the Head of State shall “authorise the use of foreign state decorations” (Art. 9 par. 4 lit. f); in Ireland, “[n]o title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government” (Art. 40 par. 2 sub-par. 2); in Nepal, similarly, “[a]ny citizen of Nepal shall have to take approval from the Government of Nepal before accepting any title, honor, or decoration from the government of any foreign country” (Art. 277 par. 2); the same rule is reflected in the constitution of nearby Pakistan, where “[n]o citizen shall accept any title, honour or decoration from any foreign State except with the approval of the Federal Government” (Art. 259 par. 1); and in Yemen, it is among the Head of State’s powers that they “award badges, medals and decorations stipulated by Law, or to permit the wearing of badges and honours awarded by other States” (Art. 119 par. 11).

4. A modal law of honourific state awards: peace, power, and peace-and-power

Globally, legal rules on state awards follow a typical pattern with high structural similarity.¹ A modal law on honourific orders would contain eight oft-recurring norms that are of interest for the fundamental working of the diplomatic system – some of them reflect the constitutional rules mentioned above.

These eight norms offer a generic catalogue of recurrent norms as found in the national laws on state awards. Other rules can be found in specific countries, but the eight mentioned here are the ones that appear with high frequency. While the wording varies from country to country,

¹ This and the following sections are based on, but also elaborate on, a brief essay originally published in the *Hague Journal of Diplomacy* (Nishikawa-Pacher 2021).

and while not every state exhibit all of these rules, the list altogether summarises common norms on honourific orders around the world.

While some rules could be attributed to a power-centred cluster, as they accentuate sovereign stateness and exclusive power-claims, other rules could be attributed to a peace-centred cluster as they emphasise inter-polity amity and togetherness.

The following four rules are “power”-centred:

First, the state award is a tool exclusively reserved for the Head of State. In republics, this is usually the President. “Le Président de la République est le chef souverain et le grand maître de l’Ordre. Il accède de plein droit à la dignité de grand-croix”, says Art. 2 of the *Loi N° 60-403 du 10 decembre 1960, organisant l’ordre national de la republique* from Côte d’Ivoire. “The President of the Republic is the only authority to award decorations and honourary titles at the national level”, says the Albanian *Ligj Nr. 112/2013 për dekoratat, titujt e nderit, medaljet dhe titujt vendor të nderit në republikëne shqipërisë* in its Art. 6 par. 2. In Commonwealth states, it is the local ruler who serves as the *fons honoris* – an example is posed by Art. 5 par. 6 of Belize’s *National Honours and Awards Act* which states that “[a]ll honours and awards under this Act shall be conferred by the Governor-General”. In a few cases, it is not an individual person, but rather a council that decides on state award bestowals; but then, again, “[t]he Council will be chaired by the President of the Nation as Grand Master of the Order”, as Art. 5 of Argentina’s *Decreto N° 16.629* enshrines. In monarchies, the grand master behind the awards is a dynastic ruler (e.g., the Japanese Emperor, the Kuwaiti Amir, the Spanish King), a position which is usually constitutionally grounded (Art. 7 in Japan; Art. 76 in Kuwait; Art. 62 lit. f in Spain), though some legal statutes likewise point to the monarchical ruler (“La décoration peut être portée dès signature par le Roi de l’arrêté d’octroi”, according to Art. 16 of Belgium’s *Loi relative à l’octroi de distinctions honorifiques dans les Ordres nationaux*). In countries modelled after socialist ideals, the state’s highest organ may be a collective body, such as the Supreme People’s Assembly Presidium in North Korea (Art. 110(16) of the North Korean Constitution). Whatever the polity, it is always the highest political level who serves as the ultimate authority behind every conferral.

Thus, despite the triviality of that tool, it is one that is located at the highest political level of the Head of State – this is a discrepancy that in itself already reflects the peace-and-power-paradox. The instrument as such seems trivial and yet it is located at a level that cannot gain more political significance. It therefore exudes power and is yet a signal of peace.

Second, the award exhibits an iconography of official state symbols. For example, the Bulgarian Order of Stara Planina with Ribbon has a five-pointed star with golden edges, is covered with white enamel, and depicts a golden lion (from the country's coat of arms) with the Bulgarian national tricolour, according to Art. 4 par. 3 sub-par. 1 of the *Zakon za Ordenite i Medalite na Republika Bulgariya 2011*, or the *Law on the Orders and Medals of the Republic of Bulgaria 2011*. Togo's *Loi N° 62-8 du 14 mars 1962 créant l'ordre national d'honneur* likewise enshrines in Art. 3 that its meritorious medals show the coat of arm's animal surrounded by the flag's colours of red, green and yellow.

Third, the Head of State retains the right to withdraw a conferred award in case the recipient acts against the interests of the giving state. For instance, the law on honourific orders in Fiji states that the President may at any time "cancel and annul the award" (Art. 9 of *Decree No. 42 from 1988 on the Fiji Republic Medal*). In Grenada, a certain procedure is to be followed before doing so, as "the revocation of his or her award by the Governor-General which the Governor-General as Chancellor of the Order of Grenada is hereby empowered to effect for cause appearing to him or her to be just or sufficient after consultation with the Committee and the Prime Minister" (Art. 12 par. 1 lit. c of Grenada's *National Honours and Awards Act, Act No. 32 of 2007*). In Bosnia and Herzegovina, the "Presidency may decide that the legal consequence of the forfeiture of the decoration may arise if it is an accomplished person committed a serious crime" (Art. 18 of the Bosnian *Zakon o Odlikovanjima Bosne i Hercegovine*), while in the People's Republic of China, state awards are to be revoked when the recipients "will seriously damage the reputation of the country's highest honor" (Art. 18 of the 中华人民共和国国家勋章和国家荣誉称号法, or *zhōng huá rén mín gòng hé guó guó jiā xūn zhāng hé guó jiā róng yù chēng hào fǎ*, *Law of the People's Republic of China on National Medals and National Honourary Titles*). Likewise, the Namibian Head of State enjoys the right to revoke any honour once a decorated person "shows disaffection towards or acts contrary to the national interest" (Art. 3 par. 4 of the Namibian *National Honours Act 11 of 2012*). Other countries' laws contain a similarly broad prerogative of the Head of State to revoke awards at any time.

Fourth, the recipient does not acquire full property rights over the state award. In Austria, for example, "the decoration remains the property of the federal state, and it shall be returned to the Chancellery of Honourific Orders after the decorated person passes away" (according to § 7 par. 1 of the *Bundesgesetz vom 25. Mai 1955 über die Schaffung eines Österreichischen*

Ehrenzeichens für Wissenschaft und Kunst und eines Österreichischen Ehrenkreuzes für Wissenschaft und Kunst). Property rights over the award are also limited when the medal is exempted from market exchanges: Turkish law bars the award from being “sold, transferred, donated or reshaped” (says Turkey’s *Devlet Madalya Ve Nişanlari 1988* in Art. 21); in the United Arab Emirates, while heirs may retain the orders in their possession, “none of them shall have the right to wear them” (according to Art. 16 of the *Federal Law No. 5 of 2016 on diplomatic decorations and medals 2016*). The fact that property rights are not fully conferred to the recipient also follows from the sovereign’s right to revoke the award at any time; one consequence is that the material award is to be returned to the state. “A decoration holder whose decoration has been withdrawn by resolution of the President of the Republic must return the decoration to the Office of the President”, as Art. 13 par. 2 of the Estonian *Decorations Act 2007* writes, similar to Art. 11 par. 2 from *Act No. 157/1994 on the State Decorations of the Czech Republic*: “After the demise of a holder of an order who was a citizen of the Czech Republic his/her numbered insignia of the order shall be returned to the Office of the President of the Republic”.

These first four legal norms — that is, the prerogative of the Head of State, the official iconography, the giving state’s right to withdraw the award at any time and the limitation of property rights over the award — can be summed up under the cluster of power. This power-centred cluster contains semantic variants of sovereignty and statehood. It emphasises the sole authority of the ruler behind every bestowal and revocation; it reproduces official state symbols and spreads them in material-visual dimensions; it imposes on the subjects restrictive rules on treatment of the benevolent gift. These norms underline that the state award is an artefact of power-constituted sovereignty and sacrosanct statehood.

In contrast, the following three rules are more peace-centred:

First, the legally defined reasons for award conferrals are highly contingent. They are usually phrased in vague terms of extraordinary deeds in the interest of the state. In Azerbaijan, nothing but “special merits” are required (Art. 3 of the Law of November 10, 1992, no. 370 about the organisation of awards and medals of the Azerbaijan Republic). The wording in the United States is that the President may bestow a medal “to any person who has made an especially meritorious contribution to (1) the security or national interests of the United States, or (2) world peace, or (3) cultural or other significant public or private endeavors” (Executive Order 9586 from 1945, Art. 2 lit. a). In El Salvador, recipients shall be distinguished “by eminent

services rendered to the Republic”, whatever that means, and if that is not concrete enough, then other criteria call them to stand out due to their “extraordinary civic virtues” or due to merits of a “humanitarian, scientific, literary or artistic” character (Art. 1 of El Salvador’s Decreto de creación de la Orden Nacional José Matías Delgado 1972). In the Philippines, anyone “whose life is worthy of emulation by the Filipino people” (Art. 5 par. 2 lit. b of the Executive Order No. 236 from 2003 establishing the honours code of the Philippines to create an order of precedence of honours conferred and for other purposes) may receive a state award. Ultimately, anything can serve as the reason for a conferral. The Head of State thus enjoys an extensive scope of discretion in deciding whom to bestow the award – in fact, there could be bestowals that may be merely justified with vague terms of peace and amity.

This is why state awards can be considered a form of gift: the reason for the bestowal is contingent; there does not have to be a clear one-on-one transaction with a return favour. There is no concrete determination of what happens prior to the bestowal as well as to what happens after it, and certainly no enforceable catalogue of conditions that are to be met before one ‘earns’ the reward. In the end, ‘amity’ (or, in more political semantics, ‘raison d’état’) suffices as a reason behind any bestowal.

Second, state award conferrals are to occur during solemn ceremonies. Such festive bestowals are even obligatory, as Art. 22 par. 2 of Albania’s Ligj Nr. 112/2013 për dekoratat, titujt e nderit, medaljet dhe titujt vendor të nderit në republikë shqiptarë writes: “The award of decorations, honorary titles, medals or local honorary titles shall in any event be by a ceremony, which may be public or non-public, according to the assessment of the responsible authority”. The ritualistic conferrals are to occur often on symbolic dates. For instance, in Belize, this is each year on Independence Day (the 21st day of September, according to Art. 5 par. 1 of the National Honours and Awards Act); in Djibouti, the 27th of June (Art. 4 of Décret n°2002-0097/PR/MENESUP portant création d’un Ordre de l’Etoile de l’Education); while in Lithuania, conferrals are to occur on the legendary “day of Coronation of King Mindaugas” (Art. 10 par. 1 of Lithuania’s Lietuvos Respublikos Valstybės Apdovanojimų Įstatymas 002 m. birželio 18 d. Nr. IX-957).

Third, the recipient receives certain privileges — be they material or symbolic. The relevant law in Côte d’Ivoire commands an honourific reception by the military, and allows additional privileges via regulations: “Les membres de l’Ordre, lorsqu’ils sont porteurs de leurs décorations, ont droit aux honneurs militaires dans les conditions fixées par un règlement

particulier. Ils bénéficient, en outre, de certaines prérogatives fixées par ce règlement” (Art. 19 of Loi N° 60-403 du 10 decembre 1960, organisant l'ordre national de la republique). In Rwanda, parks and other public places may be named after the decorated persons, and statues can be erected (Art. 39 of Rwanda’s Law N° 13bis/2009 of 16/06/2009 determining the responsibilities, structure and functioning of the Chancellery for heroes, national orders and decorations of honour); Samoa knows of financial payments (Art. 27 of Samoa’s Honours and Awards Act), similar to Uzbekistan, where the awarded ones “receive a one-time monetary reward in the amount of thirty times the minimum wage” (Art. 5 of Zakon Respubliki Uzbekistan ob Uchrezhdenii Ordena «Dustlik» 1994). And China rules broadly that recipients “shall enjoy preferential treatments during National Celebrations” (Art. 11 of the Law of the People’s Republic of China on National Medals and National Honourary Titles).

These three legal rules — that is, the wide scope of discretion for award bestowals, the solemn ceremony and the granting of privileges — together build a cluster of peace. The state can observe the diplomatic system’s dynamics and decide spontaneously when and to whom an honourific conferral seems appropriate. The state award is so contingent that it can be used spontaneously to fuel a relation with a further signal of peace and friendship, without hindrance from cumbersome domestic-legal processes (as opposed to the case of international treaty ratifications, for instance). The signal of having closely observed the foreign, of having valued their deeds highly, of having cherished them so much that one decided to honour them officially is already structurally counterintuitive for a sovereign entity. The actual ceremony underlines this improbably benign diplomatic character even more, for it ritually generates a symbol of shared togetherness, of momentarily merged sovereignties, if not of a (structurally improbable) debasement of the self, conjoined with the (structurally improbable) elevation of the other. The conferral of additional privileges, often lasting for a lifetime, emphasises the giving state’s commitment towards its peace-loving behaviour even beyond the unique moment. All these norms signal peace while invisibilising power — for they invisibilise the world political structure of separateness and estrangement, they invisibilise that both the giver and the recipient semiotically equal hermetically shut sovereign entities.

While the first four legal rules mentioned here were power-centred, and the other three rules peace-centred, there is, finally, one recurrent norm which inextricably entangles both peace and power. Namely, citizens are prohibited to accept foreign state awards (unless their Head of State allows the acceptance as an exception). A usual wording in this direction is, to take one example, “except with the prior approval of the President in writing, no ... citizen of Zambia

shall accept a title of honour, decoration or other dignity from any foreign state” (Art. 5 of the *Zambian Honours and Decorations (Preventions of Abuses) Act 1967*), or “Croatian citizens may receive the decoration and recognition of a foreign country if they have previously obtained the consent of the President of the Republic of Croatia, or bodies designated by him” (Art. 4 of Croatia’s *Odluka o proglašenju Zakona o odlikovanjima i priznanjima Republike Hrvatske 1995*). In Singapore, an unauthorised wearing of foreign insignia makes one “guilty of an offence” and punishable (Art. 3 par. 1 of Singapore’s *Decorations and Uniforms Act 2013*). In Portugal, citizens shall request to their Head of State the authorisation of the acceptance of foreign awards, which is to be published in the Official Gazette (Art. 61 par. 3 of the Portuguese *Lei das Ordens Honoríficas Portuguesas 2011*). In Bolivia, as regards some meritorious orders, “[t]he isolated use of one or more foreign decorations shall not be allowed; at least one national award should also be used” (Art. 3 par. 3 of Bolivia’s *Decreto N° 40.556, de 17 de Dezembro de 1956 Regula o uso das condecorações nos uniformes militares e dá outras providências*); with regards to other meritorious orders, “[f]oreign decorations [...] may only be used in the respective countries and as special deference, or in solemnities, acts and parties in their Embassy or Legation” (Art. 3 par. 4).

In the first cluster of legal norms, the state award appeared as a form in the medium of power, while in the second cluster, the state award appeared as a form in the medium of peace. The final legal rule (number 8) combines the two preceding clusters: a state prohibits its citizens to accept foreign state awards unless the Head of State allows it under exceptional circumstances. This norm is subsumable under neither purely peace nor purely power, but rather comprise both aspects inextricably. It first conforms to the structure of sovereignty because it bars a semiotic signifier of a foreign polity (the foreign award) from entering the country. But in a second step, it relativises this power-conforming rule by allowing the semiotic entrance of foreign awards if the Head of State grants an exemption.

5. Diplomacy’s self-prohibition: using awards and banning them simultaneously

Laws on state awards commonly contain both power-imposing and peace-striving aspects. The most intricate norm combines both – that is, it reflects a suspicion of foreign awards (but not of domestic ones), and requires an *agrément* from a high-level official organ before allowing their acceptance by local citizens. Such a norm not only reflects, but also invisibilises, the diplomatic peace-and-power paradox: it hides the paradox behind a sequence of ‘power-first’ (starting with a general prohibition of foreign signifiers) and ‘peace-later’ (proceeding with the

allowance of selected signifiers). The norm conceals the paradox through a temporal device (prior vs. posterior) and a social device (all countries vs. selected countries) but it cannot fully eliminate diplomacy's structural indeterminacy, an indeterminacy oscillating between the sovereign apprehension of a foreign threat and the display of interstate friendship.

The paradox lies even deeper. It is not merely about state awards but, rather, reflects the deep structure of the diplomatic system. Behind the indeterminacy of the paradox hides diplomacy's self-negation. This becomes visible once the domestic legal norm that prohibits citizens to accept foreign state awards is translated into the higher abstraction of the international sphere. With this doctrinal step, the addressee of the prohibition changes from a polity's subjects to the totality of sovereign states. The norm would thus be read not as a prohibition of individuals to accept foreign state awards, but as a prohibition of states to give state awards to foreign subjects.

With greater abstraction, the consequence becomes even more far-reaching. If one categorised the state award as a gift exchanged between sovereigns, then the principle prohibits states to exchange diplomatic gifts. But if diplomatic gifts signal peace between sovereigns, and if signals of peace between sovereign power holders are the sole domain of diplomacy, then the (mutated) norm equals, to the extreme, a prohibition of states to use diplomacy. But where would such a prohibition of diplomacy come from? As all international norms are made by the states themselves through interstate relational practices that aim to foster peace — that is, through diplomacy — that conjectural norm would itself draw from diplomatic practices of peace. The norm that prohibits diplomacy thus arises from diplomacy itself; it is a peace-generated norm that prohibits peace. And this self-negation is the ultimate end of the paradox, an end hidden in simple domestic rules about honourific orders.

All systems are grounded in a paradox which they invisibilise (or 'reconcile', 'harmonise', 'exceptionalise', to use terms from Kornprobst 2019a, 30). With regards to state award laws, the diplomatic system knows of various layers of invisibilisation. The case of state awards exhibits at least three such 'tricks'. One is variation: there is a plurality of states with a plurality of diplomatic tools and a plurality of state award laws and thus a plurality of combinations of legal norms, some of which may contain the peace-and-power paradox visibly while others hide it more effectively. Another device to invisibilise the paradox occurs through a temporal unfolding: a sequence of general prohibition first (power), followed by a selected allowance later (peace). For example, at time t_1 , countries enact a law prohibiting citizens to accept foreign awards, but allow an exception under certain conditions at time t_2 — as if what they first

apprehended as enmity turns later out to be amity. Cases when “any citizen [...] shall obtain permission of the Government“ prior to „receiving any honours or decorations from a foreign country” belong to this category (to cite Art. 19 of the *Nepalese Decorations Act 2064 from 2007*). In other words, the two opposing values of amity and enmity are identical — and herein lies the paradox; but by claiming the foreign award to signify enmity at t_1 but amity under certain conditions at t_2 , the paradox becomes invisibilised. A third device uses a social unfolding of the paradox; that is, the prohibition to accept foreign state awards from most countries but not from some other ones. To name one example (Governor-General of the Commonwealth of Australia 2019), Australia bans the acceptance of honours from other sovereigns (for they may signify foreign power) unless the honourific order comes from a list of countries specified in a regulation (as if they then ceased to signify foreign power).

There is a structural, ineliminable indeterminacy behind state awards, an indeterminacy pointing to the diplomatic system’s paradoxical function of enabling peace between holders of power. It is for this reason that ‘the aim of peace [cannot] be enforced ... without the threat of war’ (Hippler and Vec 2015, 15). As a consequence, in any diplomatic gift exchange, there will always be mistrust, always an apprehension of a foreign *animus dominandi*, always a parasitic trace of power and centralised capacities of physical violence. War is the ultimate constituent of diplomatic gifts, for war looms behind all diplomacy.

There is a temptation for diplomatic theories to avoid this paradox simply because the diplomatic system itself conceals it. It would be more fruitful not to circumvent the paradox but, rather, to uncover it and its invisibilisation in every single diplomatic communication. In the accreditation of an ambassador, in a conflictual argument in multilateral organisations, in the negotiation of peace treaties, in the declaration of war and in the exchange of diplomatic gifts; they all share the same media (peace and power) as they all operate in the diplomatic system which, in turn, operates secondarily after the political system in a constant structural coupling. The medium of the honourific state award is thus the same medium that operates in the declaration of war; and with the binary coding of peaceful/unpeaceful in mind, one may see that a state award bestowal can also be an unpeaceful act, as when China regards a Nobel Peace Prize bestowal on a dissident as an unfriendly inter-polity act, which may diabolically re-activate the invisibilised power component. Thus, even if state awards may seem highly ‘trivial’, the semantics of their laws across the globe point to their diplomatic significance, their latency of violent power forces, the need to apprehend them in a paradoxical mix of threat and

enmity, togetherness and amity, sovereignty and violent power, community and the love of peace.

Once a state confers its honours upon a foreigner of another country, this does not constitute ever-lasting amity between the two states. Rather, once the bestowal is passed, another response nourishing the bilateral tie will be awaited, lest the system suffers entropy. What is it that will happen? To remain on the seeming 'trivial' side of diplomacy, perhaps the Ministry of Foreign Affairs from the receiving country will issue a grateful statement about the award bestowal on Twitter; or perhaps some kind of other gifts will be given in exchange. The use of Twitter for diplomatic reasons and the conferral of other gifts, however, have been more often analyzed in terms of academic scholarship, and not in terms of the relevant laws. If the assumption of the sociology of knowledge mentioned above holds, then the semantic structures of legal documents and of scholarly investigations should correlate as much with the actual structure of diplomacy so that no difference should be found. Is it really the case that scholarly works on diplomacy on seeming trivial matters will likewise find the peace-and-power-paradox, even if they never made it explicit in this term? This is where the following section heads to.

V. SECOND EMPIRICAL INVESTIGATION: THE *MODUS OPERANDI* BEHIND ALL OF DIPLOMACY

1. Hypothesising a three-step sequence: invasion, mistrust, and positive emotions

What follows from all these findings with regards to the domestic laws on state awards? The assumptions about how the diplomatic system invisibilises the simultaneous presence of power (enmity, threat) and peace (amity, cooperation) may be abstracted into one single principle. Namely, the key device of invisibilisation, or of a de-paradoxification technique, may be the elicitation of positive emotions. For example, invisibilisation techniques that occur through a temporal or social unfolding convey signals of generous concessions. An expected response to this exceptional sign of amity would be gratitude, joy, appreciation, or any other positive emotion. This communicative operation conceals the more primary step of an underlying mistrust which was embodied in the prohibition.

The use of positive emotions is especially pertinent in the case of the state award conferral. The bestowals occur in festive settings, often in aesthetic embassy of presidential buildings, in a salon where a representative of the high-level elite lauds the recipients, one may shake hands with them and hear about one's merits to fully immerse into a solemn celebration of elevation, honouring, status-enhancement, thus fundamentally satisfying deeply human desires (Anderson, Hildreth, and Howland 2015).

The invisibilisation of the peace-and-power-paradox thus not only occurs through legal-semantic techniques like that of a temporal unfolding and a social differentiation, and not only through the mere fact of a plurality of polities serving as a kind of evolutionary variation (whereby the paradox appears here and there but not in other territories), but also, and perhaps most fundamentally, through emotional means. Summarising the findings from the former section on state awards, and translating the legal-semantic peace-and-power-paradox into a more operational (and less semantic) aspect, one may develop the hypothesis that all practices of diplomacy operate on the basis of a universal three-stepped mechanism (cf. Figure 8): First, there is always a semiotic movement of a sovereign polity into another polity's territory, a co-presence of peace and power eliciting the paradox of overlapping sovereignties. Second, this presence of a foreign sovereign in the immediate vicinity (or in the midst) of another sovereign sparks structural mistrust. Third, despite that mistrust, diplomacy succeeds situationally if it de-activates the mistrust by distracting participants from the power-component (threat,

sovereignty, harmfulness, enmity), which can be achieved by steering their focus onto aspects of peace (non-threat, togetherness, harmlessness, amity) – that is, through positive emotions.

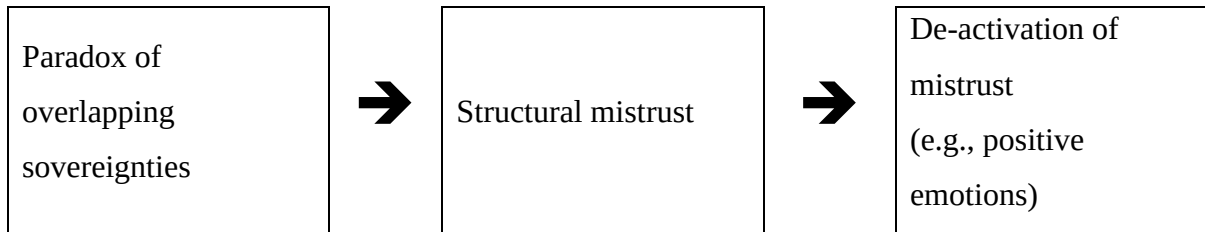


Figure 8: The three-stepped scheme assumed to underlie every episode in diplomacy.

This peace-and-power-paradox thus finds its operational translation in the paradox of overlapping sovereignties: Every diplomatic communication involves the deployment of a semiotic signifier of a sovereign entity into another sovereign's territory. This paradox of a constant 'semiotic invasion' (Lotman 2005, 215) in the name of peace underlines diplomacy's improbability.

Peace as a medium transforms this improbable setting into an actualisation, but it can only do so if diplomacy succeeds in hiding this paradox. Diplomacy must invisibilise the presence of power to deparadoxify itself. It attains this continuous self-deparadoxification by foregrounding a semantics of peace, friendship, non-threat and shared togetherness to the detriment of a semantics of war, enmity, threat and separateness. Diplomatic communication must thus 'trick' the addressee by 'distracting' them from noticing the power-component – for instance, by inciting positive emotions.

For the present purposes, the emotional terminology does not denote the actual psychic happenings in the minds and hearts of those involved in a diplomatic episode. Terms like 'emotions' and 'tricking' and 'distractions' and 'gratitude' should not be taken literally, at least not with reference to human consciousness and intent – it is entirely possible that diplomatic gift-givers do not intend any trickery at all, or that no sovereign gift-recipient has ever overlooked the power-component inherent to gift exchanges. The theory of social systems used here is not interested in psychic occurrences; what rather counts is communication. And the diplomatic system is structurally designed such that it communicates an aspect of invisibilisation ('emotions', 'trickery', 'overlooking' of a power-component) during gift-exchanges, regardless of what the humans involved really feel and think. For the present work, therefore, emotions are understood from the viewpoint of their communicative function (Wong 2020).

If the three-stepped approach is the way diplomacy operates in implementing its societal function, one may assume that this *modus operandi* holds true across time, space, substantial issue areas and political significance or alleged trivialities. It can be deemed to be an invariant aspect of diplomacy that remains constant despite an analyst looking at a huge variation of diplomatic occurrences. In validating this hypothesis, one could thus investigate highly heterogeneous phenomena of diplomacy so as to read into them this homogeneous structure with sufficient plausibility.

To test this hypothesis, this section will thus look at two areas of diplomacy that are completely different in terms of epoch, actors, and the objects used. Despite their heterogeneity, this section will try to extract the common, homogeneous underlying structure of the three-stepped approach. One of the issues relates to the use of Tweets (or messages in the social media platform Twitter, rebranded to X in 2023) in contemporary digital diplomacy; the other issue area looks at objects that have circulated across early modern inter-polity networks.

2. Method: systematic literature review of early modern diplomacy and digital diplomacy

The three-stepped scheme has so far been developed as a speculative assumption, with the hypothesis being that this abstract mechanism is present behind any event of the diplomatic system. The plausibility of this proposition can be probed with an attempt to detect the uniform pattern across highly heterogeneous practices of diplomacy. If one finds, therefore, (1) a semiotic overlapping of sovereignties, (2) the presence of mistrust, and (3) the situational deactivation of this mistrust across a wide range of different diplomatic encounters, then this finding would provide at least “a ‘feel’ for a theoretical argument by providing [...] concrete example[s] of its application” (Levy 2008, 6). Such a plausibility probe may thus draw from a “diverse case” method (Seawright and Gerring 2008, 300) which loosely examines instantiations from a wide range of different contexts that can nevertheless be assumed to share the same underlying operational mechanism.

To do so, the following will illustrate the hypothesis with a literature review spanning two distinct strands of diplomatic studies. One is the so-called New Diplomatic History (NDH) revolving around early modern diplomatic practices; the second one comprises studies on digital diplomacy, often focusing on the international political use of Twitter, or ‘Twiplomacy’, from the 21st century.

NDH provides the first sample of studies. NDH offers an approach which departs from the traditional historiographical preoccupation with world politics that relied on a state-centric lens revolving around great men and crucial moments of peace-or-war decisions. This classical view reduced diplomacy to a mere epiphenomenon of foreign policy, functionally tasked with the implementation of strategic goals and national interests. The agenda for a NDH, in contrast, calls for analysing inter-polity ties in terms of minuscule socio-cultural processes (Watkins 2008) so as to uncover the role of what would have formerly been regarded as irrelevant trivialities, such as gifts and ceremonials, or the agency of adventurers and other unofficial intermediaries across polities. Similar to the ‘practice turn’ in IR, it finds affinity to the “multi-sensual nature of diplomatic communication” (Rudolph 2016, 1) embedded within “a complex web of relations between material objects, human beings, and [...] spaces” that are imbued with “political, social, and legal significance” (Rudolph 2016, 13). This approach regards the diplomatic “transfer of objects [...] as] active tools of cross-cultural mediation and communication” (Um and Clark 2016, 4). An exemplary taxonomy of such objects could comprise a “painting on canvas or sculpture in bronze or marble [...] as well as] textiles, maps, prints, and tapestries” (Um and Clark 2016, 4). This newly acquired sensibility allows one to recognise that diplomacy is much more than the mere implementation of externally given foreign policy goals (Sowerby 2016). Rather, the task of ambassadors goes “beyond treaty making and alliances” (Heinsen-Roach 2015, 70) to comprise a wide range of seemingly apolitical activities – as embodied in the historical widening of the semantics of *negozio* as the diplomat’s task (Frigo 2008). This view justifies the observation that diplomacy in fact operates detached from politics (Sowerby 2016) – or, in systems-theoretical terms, that diplomacy has obtained a self-referential, operational closure and thus an autonomy from other societal systems.

The second sample of studies for the plausibility probe is provided by the research on digital diplomacy, whose main field of inquiry pertains to a specific use of the social media platform Twitter (Haman, Školník, and Čopík 2022). Similar to NDH, ‘Twiplomacy’ may be said to propel seemingly trivial aspects onto centre stage of international politics. A briefly worded message on Twitter, possibly containing images and jokes or emojis (Cornut 2022), may likewise be deemed insignificant from a viewpoint of the traditional war-and-military-and-coercion focus in IR. And yet, at a time when “MFAs [Ministries of Foreign Affairs] and governments [...] try to] stay relevant in the digital age” (Melissen and de Keulenaar 2017, 7), more than 90% of all countries boast an official Twitter presence, a phenomenon that has

diffused in a rapid tempo (Pavón-Guinea 2018) and that is now constantly used to enact political messaging visible to a global mass public. Similar to NDH, therefore, the literature on Twiplomacy has foregrounded a sense of autopoietic meaning-generation within the diplomatic system, one that does not adhere to traditional standards of political (in-)significance.

The two strands of literature thus study inter-polity encounters in highly distinct settings. They differ, *inter alia*, in terms of the historical era, of spatial dimensions, and of observed actors. While the NDH focuses on a period ranging from the 16th to 18th century, most of the investigations on digital diplomacy pertain to the 21st century; while the NDH frequently looks at encounters between Europeans and non-Europeans in what was then called the ‘New World’, digital diplomacy occurs in a virtual space accessible from all over the globe; while NDH encompasses a plurality of actors at a time when an ‘official’ role of diplomatists was not as formalised as today, digital diplomacy mainly focuses on state-led accounts of Foreign Ministries and related officials. It is due to this variance that the detection of a uniform pattern between NDH and Twiplomacy could amount to a ‘least likely’ outcome (Levy 2008, 12), which would corroborate the theoretical proposition of a uniform pattern underlying diplomacy across heterogeneous settings.

Given the abstract, universal nature of the theoretical proposition, the purpose of the plausibility probe is not to trace details of the mechanism in minute case studies, but rather to detect the overall three-stepped scheme across a wide range of different happenings operating under the label of diplomacy. The following thus merely serves to illustrate the theoretical claim in a rather cursory manner. Nevertheless, to ensure a certain degree of systematicity, the analysis draws from a search in *Web of Science’s Core Collection* using queries related to the two domains. First, a search for “new diplomatic history” (with quotation marks to ensure this very order of the words) in the field of “topic” undertaken in May 2021 led to 18 results. With the exception of a paper written in Dutch, all these publications were taken into account in the following analysis. Second, a search for “digital diplomacy”, “twitter diplomacy” or “Twiplomacy” (connected with the Boolean Operator ‘OR’) was likewise undertaken in *Web of Science* in May 2021. As the number of results reached 100 and was too high for a small plausibility probe, the query was narrowed down to the database’s subset of *Social Science Citation Index* (SSCI) and to the categories “Political Science” and “International Relations”. Subtracting three book reviews and one Turkish journal article, 13 articles remained. While also considering some other works related to the two fields, the following made sure to include the relevant results from the systematic literature search in its analysis.

3. Results: validating the tripartite sequence in various diplomatic settings

The survey of the literatures on NDH and digital diplomacy indeed indicates that both structural mistrust and a situational de-activation of this mistrust are inherent to highly heterogeneous episodes of diplomatic encounters, suggesting an underlying, semiotic overlap of sovereignties at play. This present section will first provide an overview of the various objects that undergo a political semiotisation such that they provoke the paradox of overlapping sovereignties, then show multiple instances of how structural mistrust is manifested in diplomatic encounters in the early modern era and in contemporary cyberspace, before it finally provides examples of diplomacy de-activating that mistrust through positive emotions.

a. The paradox of overlapping sovereignties

The literature of NDH comprises a wealth of various objects – be they individual persons, aggregate communities or material artefacts – that are observed as belonging to foreign polities while being present within another polity, thereby conceptually pointing to a sense of overlapping sovereignties. For instance, envoys both official and unofficial are semiotised into representatives of alien powers. Ambassadors find such semiotisation as well as women from high nobility who serve as potential candidates for dynastic marriages (Watkins 2008, 9–12), and the same mechanism operates below the aristocratic level to cover “merchants, missionaries, translators, brokers, officials and even renegades” (Tremml-Werner and Goetze 2019, 411). The foreign-semiotic nature of such “accidental diplomatic intermediaries” (van Gelder and Krstić 2015, 94) further extends to soldiers (Lindemann 2011, 298), businesspeople (Scott-Smith 2014b), artists and composers (Weaver 2018), or to captives of piracy (Heinsen-Roach 2015). As long as the diplomatic system observes humans, therefore, it semiotises them into signifiers of polities vis-à-vis other polities regardless of their societal roles. In addition, aggregates of human communities and legal persons are similarly reduced to strangers belonging to foreign polities, as in the case of royally sanctioned companies (Gottmann 2019) or religious orders (Osborne and Rubiés 2016, 319). Finally, the diplomatic system not only semiotises humans and their communities, but also material objects and other non-humans. This includes ships (Tremml-Werner and Goetze 2019, 407), art collections (Carrió-Invernizzi 2014, 607; Mori 2011, 8–9), letters (Osborne and Rubiés 2016, 321), the buildings of the diplomats’ residence (Lindemann 2011, 297), gifts, or, more generally, an indeterminate foreign culture (e.g., Giudici 2018, 319 with regards to humanism). Diplomacy thus becomes a “complex assemblage” (Herren and Löhr 2018, 536) of the organic and inorganic, of the

material and immaterial, of the official and unofficial, and beyond all such distinctions lies the fundamental structural pattern that whatever the diplomatic system communicates as relevant becomes imbued with a political semiotics.

This semiotisation, according to which objects are abstracted into signifiers of sovereign polities vis-à-vis other sovereign polities finds plausible application not only onto the early modern instances studied by NDH, but also relates to Tweets. Through social media, polities attain a wide circulation of their own presence (Barberá and Zeitzoff 2018, 121), thereby multiplying their semiotic representations across the world. Again, if millions of Chinese citizens had Twitter on their phones, the ‘foreign’ may be seen to semiotically spread across Chinese territory. With digital social media networks, signifiers of foreign polities are literally carried in people’s pockets around the world.

One may thus assume axiomatically that whatever the object deployed in diplomacy, be it a gift in the 16th century or a Tweet in the 21st century, it structurally signifies a sovereign polity. As the diplomatic system observes them as entering another polity’s territory, their deployment sparks the paradox of overlapping sovereignties. The hypothesis above suggested that this paradox elicits structural mistrust, but that diplomacy nevertheless succeeds if it knows to deactivate that mistrust situationally. How does this assumption find impressionistic evidence in the literature?

b. Principle of mistrust

Having garnered a heterogeneous set of objects united in their political-sovereign semiotics, can one find validation for the proposed principle that diplomacy structurally reacts with mistrust to foreign sovereign objects? NDH indeed attests to this assumption repeatedly. There is a sense of uncertainty, for instance, with regards to the presence of foreign envoys, as was the case especially in 1716 when the host ruler, Tsar Peter I., was away from St. Petersburg (Schedewie 2018, 699). The absence of the local power-holder, juxtaposed with the presence of representatives of foreign powers, particularly gave rise to general uneasiness. But even if the local ruler is present, an ambassador from another polity is always generally ‘considered ... as a potential spy’ (Osborne and Rubiés 2016, 322). This perception is engrained so deeply that it persists even when an individual ambassador may never have exhibited any suspicious behaviour. Given this generalised mistrust, the foreigner will always be observed to have their own interests that may run counter to one’s own polity’s – even if the foreigner does not occupy a formal role as an official representative of their polity, like the Dutch businessman Ernst van

Eeghen who sought active engagement as a private person in matters of nuclear security during the Cold War (Scott-Smith 2014a). In the absence of a well-institutionalised international society, the easiest way to cope with unknown foreigners is to subject them to enslavement (Heinsen-Roach 2015). A particular danger of the foreign presence (both official and unofficial) that is often expressed is that the strangers co-opt locals so as to spawn an ever-growing network of potentially disloyal communities within one's territory. Such networks may at least allow crucial information to circulate uncontrollably, as in the case of Jean-Louis Rigo who, in the first half of the 18th century, obtained news for the Dutch embassy in Istanbul from various groups 'ranging from Levantine merchants and Catholic missionaries to janissaries' (Baars 2014, 170). And it is through such personal ties that foreigners may spread their alien ideas and beliefs, necessarily smacking of strangeness and bad values (Mori 2011, 7). This often-latent resentment may at once mobilise violence, such as 'when a mob launched a full-scale attack' on a Catholic chapel in a foreign embassy in Lutheran Hamburg in 1719 (Lindemann 2011, 297). Even when it comes to arranging dynastic marriages across borders, such negotiations not only thematised love and beauty, but also "exposed differences in culture and religion that sometimes exacerbated the hostilities they were intended to resolve" (Watkins 2008, 12). Material objects likewise generate mistrust, even if the artefacts seem blatantly 'harmless', as is repeatedly attested with regards to an apprehended power asymmetry behind diplomatic gift-exchanges (Sievers 2021; Kustermans 2019). Whenever diplomacy observes the co-presence of two sovereigns, even if semiotised in material objects, mistrust arises; the frequent interception of diplomatic packages may further attest to it (Carrió-Invernizzi 2014, 608). In brief, the literature of NDH repeatedly demonstrates a mistrust against semiotic signifiers of foreign polities so ubiquitous and enduring that it seems to arise out of the diplomatic system's deeper background structure. The indestructible sense of threat emanating from the foreign presence, the lacking differentiation between the diplomat and the spy (Ebben and Sicking 2020), the uneasiness directed against alleged alien interests, the omnipresent fear against the stranger who may infest local networks, the apprehension of power behind seemingly non-instrumental artefacts – they all point to the structural mistrust inherent to a wide range of inter-polity settings.

There is an indication that Tweets are similarly treated. Despite all promises of digital diplomacy as a global enabler of democratic values, political analysts mainly focus on its systemic threats and security implications (Sotiriu 2015). In a telling analogy, Tweets are said to be deployed like weapons (Pinkerton and Benwell 2014, 15), carrying an ability to

“undermine previously stable diplomatic relationships” (Duncombe 2019, 104). The diplomatic use of Twitter can enact a kind of “soft balancing”, such as when governmental channels explicitly contest other countries’ policies (Papageorgiou and Vieira 2021). As Tweets can quickly go ‘viral’, they may “subvert and ridicule” otherwise mighty powers in a way that is beyond a government’s control (Pinkerton and Benwell 2014, referring to the case of the Falkland Islands). In other cases, there is fear that rebels utilise social media to communicate with foreign countries who could thereby aid them in their breakaway endeavours (Bos and Melissen 2019). More generally, foreign accounts on social media are feared to circulate their own narratives across the world rapidly (Surowiec and Long 2020, 184), thus propagating ideological values that may not always find wholehearted resonance from local rulers – such as when it comes to gender equality, feminism, or human rights (Jezierska 2021; Wright and Guerrina 2020; Vadura 2015). This ‘digital presence-expansion’ (Bjola and Jiang 2015, 72) of the foreign literally in the pockets of millions of a country’s citizens sparks mistrust, with the ultimate consequence that countries around the world have issued a blanket ban on the use of Twitter and other social media – as was done in China, Turkey, Egypt or Syria (Zeitsoff 2017, 1980).

The semiotic signifier of a foreign polity – be it a Tweet, a diplomatic gift or an early modern envoy – is thus always structurally apprehended as a source of uncertainty and danger to one’s own power, vested with hidden interests and disloyalty, an object from which to guard oneself, a target to be captured and attacked (Agamben 1998). With the entrance of the Other into one’s vicinity resembling a semiotic invasion’ (Lotman 2005, 215), it always has the potential to “unsettle and complicate previously tidy geopolitical categories” (Pinkerton and Benwell 2014, 12). And this mistrust is structural – it does not arise out of a specific episodic context, it may not even be felt psychologically, but it is always present in the internal meaning-generation of the diplomatic system. Even if the signifier itself seems highly trivial and harmless – be it a gift, a merchant, an aristocratic woman, a book, a chapel –, even if an ambassador has never exhibited suspicious behaviour, even if the majority of diplomatic Tweets are full of friendliness and positive wordings – even then does the sense of mistrust prevail because they cannot but systemically elicit the paradox of overlapping sovereignties.

It follows that diplomatic encounters of all kind are highly improbable. They are improbable because they conceptually violate the meaning of sovereignty, because they are received with structural mistrust, and because polities justify various counteractions against them. But despite this improbability of diplomacy, one can nevertheless observe diplomatic encounters

happening all the time. But how is it possible, what does the diplomatic system do to counter the paradox and mistrust, and to lower its own improbability?

c. Deactivation of mistrust via positive emotions

Given the principle of mistrust, how comes that diplomatic object-deployments nevertheless succeed so often? The above hypothesised that this is made possible through the foregrounding of a semantics of peace and the simultaneous invisibilising of power, or through a momentary de-activation of structural mistrust based on positive emotions. The literature on NDH indeed suggests that diplomacy often obtains thanks to emotional appeals and an activation of related physical-bodily reflexes. Thus, for instance, “a lavish formal dinner” with “[r]eal silverware and sumptuous courses” might trigger the possibility of an inter-sovereign meeting, as in the delicate encounters of local and foreign elites in the 1750s Cape Verde (Gottmann 2019, 432). The demonstrative performance of rites – always evocative of a feeling of togetherness (Durkheim 1976) – signals the acceptance of the Other and thus a positive emotional welcoming, especially if such ceremonials are connected to entries, audiences and feasts (Giudici 2018, 318). A frequent tool to signal peace is the diplomatic gift: It ‘tricks’ the sovereign Other into appreciating the material value and thus into ‘overlooking’ the power-component inherent to the gift (Osborne and Rubiés 2016, 327). While the abstract, systemic, sovereign-semiotic meaning of the gift does elicit structural mistrust, the concrete context of the gift-giving simultaneously invisibilises that structural meaning so as to de-activate any suspicions (Sievers 2021; Kustermans 2019). To heighten the probability of successfully achieving the paradoxical state of overlapping sovereignties, the flattering framing of one’s gifts as ‘tributes’ aids in insinuating rulers to allow the entry of foreign signifiers (Osborne and Rubiés 2016, 322). The good deed may merely be confined to verbal pleasantries, such as in the case of an amical conveyance of a congratulating message, providing a pretext for entering another polity’s embassy – and, therefore, for eliciting an overlap of sovereignties (Baars 2014, 163). Or one may evoke God and the togetherness of religiously grounded universal values so as to enable a foreign signifier, such as an embassy chapel dedicated to the exercise of a formerly forbidden religion, to be built (Lindemann 2011, 297). In marriage arrangements, it is love and beauty that entice a ruler to accept a foreign, peace-signaling signifier as in the form of an aristocratic woman to be bewedded (Watkins 2008, 12). In sum, even if the presence of a foreign semiotic signifier structurally elicits mistrust, this mistrust can be deactivated through food, rituals, gifts, deference, God and love – through emotional appeals, through bodily reflexes, or through other communicative devices that invisibilise the discursive presence of a

powerful and sovereign Otherness by foregrounding a semantics of peace and amity and togetherness.

In the case of Twiplomacy, one can detect a similar pattern. A large amount of official Tweets focus merely on “harmless” issues such as the promotion of one’s own culture (e.g., Belgium’s Tweets on the International Waffle Day; Lüfkens 2018). The addition of some cute emoji underlines the Tweets’ innocence (Cornut 2022). It is numerically rare to find confrontative contents in Twiplomacy; and if one does (Donald Trump provides many examples; Panke and Petersohn 2017), as a rule, other polities do not respond directly so as to avoid such globally visible quarrels. They more often react with humour (Kopper 2020; Adler-Nissen and Tsinovoi 2019), which again signals a retreat to peace rather than outright threats and power-plays. Further ways to signal peace in digital diplomacy may lie in the conferral of prestige when official accounts follow each other (Manor and Pamment 2019; Sevin and Manor 2019), or when they ‘like’ and ‘retweet’ other polities’ messages, or when they publicly endorse a foreign country’s policy on Twitter (as did Benjamin Netanyahu with Donald Trump’s plan to build a wall against migrants; Lüfkens 2018), or when they jointly celebrate a successful negotiation (e.g., when the Iran Deal was struck; Bjola and Manor 2018, 3), or when they coordinate social media campaigns (as the Nordic states did when the United States decided to leave the Paris Climate Agreement; Lüfkens 2018). Much of Twiplomacy thus revolves around the simple signal that one enjoys togetherness, that one endorses joint values, that one is harmless, peaceful, and a “friend in need” (Papageorgiou and Vieira 2021) – in brief, much of digital diplomacy consists of a mere conveyance of positive emotions.

This brief survey suggests that inter-state encounters are always united by a common structural mechanism inherent to the diplomatic system: Whatever the object deployed, they are always semiotic signifiers of a sovereign Other; they spark mistrust for this very reason; and the evocation of positive emotions of peace and harmlessness nevertheless enables their deployment into the foreign territory because peace invisibilises the presence of a foreign sovereign’s power. The uniformity of this pattern holds true across such a variety of phenomena that it holds together a multitude of episodes ranging from early modern object circulation to contemporary social media use.

4. Discussion: a uniform structure behind all of diplomacy

Highly heterogeneous happenings in diplomacy operate on the basis of a uniform, abstract scheme of a three-stepped event, consisting of (1) a ‘semiotic invasion’ in which an object

signifying a sovereign polity enters another sovereign's territory (the paradox of overlapping sovereignties), followed by (2) structural mistrust against the foreign signifier, and (3) a deactivation of that mistrust that often occurs through positive emotional and somatic appeals (e.g., humour, love, deference, food) or through other communicative devices that foreground peace, amity and togetherness while invisibilising power, enmity and sovereignty.

This uniform mechanism present behind the diplomatic deployments of 16th century items and 21st century digital diplomacy find their explanatory grounds in the theory of self-referential systems as outlined above. There is self-referentiality because it is the diplomatic system itself which constitutes the meaning of a movement of an object from one place to another as an occurrence in terms of sovereign semiotics. In face of an approaching object (be it an early modern envoy, a Baroque gift, or a contemporary Tweet), the apprehension of a foreign sovereign power behind that object is a communicative meaning constituted by the diplomatic system itself (i.e., the economic system or the system of healthcare would not project such meanings upon these phenomena).

This study not only contributes to a convergence of dissimilar strands of research (NDH and digital diplomacy), but it generally adds an abstract conception that may find application across all fields of diplomacy. For instance, the theory might shed light on the persistent mistrust inherent to many seemingly harmless objects used in diplomacy – such as against China's loan of the panda bears or its deployment of Confucius Institutes (Hartig 2013; Z. A. Huang and Wang 2020; W. Huang and Xiang 2019). This mistrust may persist even if one could empirically ascertain that power abuses via the medium of the panda bear or Confucius Institutes have remained numerically rare. The structural mistrust may also explain why, as shown above, dozens of countries prohibit their citizens to accept foreign state awards — even if no case is known in which an inter-polity state award conferral generated any harm. And if seemingly harmless objects deployed in diplomatic practices always signify sovereign power and thereby lose their harmlessness, if this political semiotics becomes engrained as “universals” within a “constellation of repertoires” from which leaders can pick so as to justify hostile actions (Kornprobst 2019a, 3), then it is not difficult to imagine how a Tweet could serve as a *casus belli* one day (Joseph 2020).

And yet – how comes that “aggressive warfare is illegal while foreign aid is not” (Baldwin 1971, 33), given that both are forms of power? The diplomatic practice of foreign aid is not only a form of power, but also of peace; and peace uses displays of positive emotions in

diplomatic encounters so as to invisibilise power. In fact, diplomacy often consists of gestures of harmless friendliness, and of rituals that are evocative of togetherness (Durkheim 1976) where no one can do ‘wrong’ (Aalberts et al. 2020) and which are “meant to signal shared values” by “conveying positive messages” (B. E. Goldsmith, Horiuchi, and Matush 2021, 1344). Some Ministries of Foreign Affairs seem to exhibit almost exclusively a type of behaviour that the traditional literature of IR might dismiss as ‘cheap talk’; for instance, the diplomacy of unrecognised *de facto* states in the post-Soviet realm (such as Abkhazia or South Ossetia) rarely goes beyond congratulatory telegrams which they send out on other countries’ Independence Days or similar occasions (Pacher 2019). The central role of food, of gifts, of honour, of amity, of God, of prayers, and of love, as observed in the analysis of the literature of NDH above, serves as equivalents to this harmless but functionally important show of peace-signals. Rather than devaluing this as trivial, one can recognise that it might reflect a structural need for diplomacy to de-activate or invisibilise an ineliminable mistrust arising out of the paradox of overlapping sovereignties.

Despite the validation of the hypothesis, theoretical blind spots and limitations remain. For instance, much of the literature on emotions in IR have focused on rather negative ones, like anger and fear (Wong 2021). This indicates that the presence of positive emotions as proposed in this section may not be exhaustive with a view to the possible repertoire of how diplomacy de-activates the structural mistrust; and that diplomacy itself is capable of bearing negative emotions without risking a full-fledged war. In other words, diplomacy allows system-internal conflicts to occur while still achieving the broader societal function of preventing inter-polity violence (Youssef 2020, 226–31). The interplay of negative emotions (which might point to the component of sovereign power and structural mistrust) and positive ones (which might point to the component of amical peace and de-activation of mistrust) may be reflective of the peace-and-power-paradox, but their detailed conceptual linkages could merit deeper theoretical elaboration.

The theory outlined here remained on a level of abstraction at which highly dissimilar objects were regarded as equivalents. However, this does not mean that one should not gloss over situational differences at a less abstract level. For instance, despite the functional equivalence between Tweets and early modern objects with reference to a specific problem (the problem of improbability of inter-sovereign penetration), they are also inequivalent with regards to other problems. If a given foreign policy goal is one of information-gathering, then Tweets may not be a suitable tool; an unofficial intermediary or an official diplomat may be more apt with

reaching that goal. But if a state simply wishes to signal a general commitment to further inter-polity peace and friendship, then a ceremonious gift and a Tweet congratulating another country on its Independence Day will both serve as equivalent devices.

Further research could investigate how the scheme identified above translates into contemporary settings of multilateralism: for instance, can the space of an international organisation be said to be invested with a semiotic meaning of overlapping sovereignties? And if not, is it a specific function of multilateralism that it overcomes the confinements arising out of diplomacy's inherent peace-and-power-paradox, a function similar to that of 'neutral' states that offer mediating services for foreign powers? And does a virtual space where digital conferences among diplomats take place carry the same function, or would such an equivalence be limited by the fact that "the show" of diplomacy actually "continue[s] offline, as well as online" (Eggeling and Adler-Nissen 2021, 7)?

The investigation merely offered a cursory plausibility probe. A more comprehensive empirical overview would be wished for in order to offer a more considerate (de-)validation. Such studies could draw from, for example, qualitative interviews with practitioners, or from case studies in minute, ethnographic details (Lequesne 2017; Nair 2021). It should also take into account settings of diplomacy that are beyond what could be called 'everyday' and 'mundane' encounters. For instance, it should find harmonisation with the more conventionally studied aspects of difficult 'frontline' practices at crisis-ridden settings (Cornut 2018) and inter-state negotiations that frequently include coercive elements (Kornprobst 2020). Another possibility would be to analyse the legal semantics in the international law of diplomacy so as to find the same pattern not only in 'trivial', non-legalised settings, but also in politically 'significant' occurrences.

Whatever the further research venues, the present section aimed to detect a universal scheme bridging together previously detached literatures in diplomatic studies. The convergence of digital diplomacy and NDH could potentially spark novel inquiries into the timeless structure of the diplomatic system, including with regards to the persistent mistrust against harmless things, and the promiscuous display of positive emotions that seems so ubiquitous to diplomatic encounters. The proposition of a sovereign semiotics and a (de-)activation of structural mistrust might serve as a small step towards understanding diplomacy holistically, especially in its treatment of the seeming trivial as significant.

VI. THIRD EMPIRICAL INVESTIGATION : THE SEMANTICS OF INTERNATIONAL LAW IN ‘SIGNIFICANT’ ISSUE AREAS

1. Introduction: uncovering diplomacy’s paradox in international legal semantics

The first empirical subsection looked at a modal law of state awards that was inferred from a global survey of relevant domestic legal statutes. It led to a hypothesis of a threefold scheme underlying any diplomatic practices, namely that of (1) a semiotic invasion from one sovereign to another sovereign’s territory, (2) which leads to mistrust and (3) which in turn is invisibilised through techniques such as positive emotions. The second study conducted a literature review of object-circulations in early modern diplomacy and in contemporary Twiplomacy, finding the threefold scheme validated across the two issue areas.

These first two studies were already promising with regards to the discovery of a uniform paradox underlying a range of distinct diplomatic interactions. However, despite all their differences, the cases investigated so far are similar in the sense that they all pose seemingly trivial objects – state awards, early modern diplomatic gifts, and Tweets. They are not the stuff of high politics that is usually prevalent in mainstream accounts of diplomacy; rather, they seem part of the mundane and everyday that may ‘grease the wheel’ of a diplomatic infrastructure (Adler-Nissen 2015), but that is far from being eventful for inter-polity life. While the two sections found that they are, despite their seeming triviality, treated as if they were politically significant (thus indicating that the hypothesis of diplomacy as the unity of the trivial and significant may be true), this common finding may be due to their seeming triviality. Do seemingly significant issue matters likewise involve this common structure?

In addition, the analyses so far may encounter doubts regarding their pertinence to the diplomatic system. The modal law of state awards was generated using *domestic* documents, and not international ones; while arguments were offered as to why domestic sources were used and why they may nevertheless be used to extract commonalities across any inter-polity issue, it is possible that an objection may be formulated with regards to the blinding out of all the hundreds matters that are regulated in *international* legal documents. The analysis of early modern diplomacy and of Twiplomacy were completely devoid of any ‘hard’ (or legally positive) semantics, as it investigated merely secondary interpretations of those instances via a review of the scholarly literature. In other words, the texts that were subject to interpretation so far were not those that the diplomatic system itself centres upon – the central textual output of diplomacy, namely international law, has so far been left out.

One may thus turn towards a third empirical sub-study to test the hypothesis of a peace-and-power-paradox underlying all of diplomacy, an empirical investigation that will focus on documents of international law that regulate highly different matters of inter-polity life.

To test the hypothesis of a peace-and-power-paradox underlying all of diplomacy, the following will undertake an investigation focusing on various documents of international law that regulate highly different matters of inter-polity life. They will be regarded as issue areas of a certain political ‘significance’, for otherwise states would not have partaken in their multilateral regulation. International legal treaties offer, at least since the “treaty-making revolution of the nineteenth century” (Keene 2012, 475), “empirically observable references in inter-state behaviour” (Vec 2012, 668) as they embody a “juridification of international relations” (Vec 2012, 673). The assumption is therefore that the peace-and-power-paradox will be visible across highly different issue areas in the ‘significant’ part of the sample as well as in the ‘trivial’ one (only the latter of which has already been validated).

A particular emphasis lies in the heterogeneity of the issue areas (for the ‘significant’ part of the sample) and the variety of the countries (for the ‘trivial’ part of the sample) that will be looked at. The value of a comparison becomes visible when it is able to trace invariant structures across varied phenomena; the detection of homogeneity will seem all the more conspicuous the more heterogeneous the compared units are (Luhmann 1982, 313). Comparisons tend to reduce the observed objects into shells that are empty but for the *tertium comparationis*; what is inherently peculiar for the object will be analytically hollowed out. The key insight is then a similarity that is at least slightly surprising, one that is unexpected *a priori* due to the immense heterogeneity of the compared phenomena (Luhmann 1982, 313). It is because of this methodical demand that a complex and abstract theory like MST was chosen – the concepts soar into a high altitude that are so generalised that they can be respecified into a wide range of specific contexts.

As regards the first sample, why are international legal documents selected? Other textual sources likewise exist – such as the remarks of leading political elites, official press releases from Ministries of Foreign Affairs, diplomatic telegrams, the memoirs of former ambassadors, or other kinds of non-legal documents. These sources should not be devalued in their ability to convey structures of the diplomatic system – “[k]nowledge of how diplomats and leaders understand ‘their’ world can be enhanced by being attentive to the language they use and the

justifications they employ”, says Dunne (2020, 137) – but “[i]nternational law provides a [particularly useful] testing ground for these interpretive insights” (see also Wheeler 2000).

So, what is it that makes international law particularly interesting for the present purposes? Facing this question, one may think of law’s function for diplomacy to be one that solves conflicts. The fundamental mistrust inherent to diplomacy due to the paradox of overlapping sovereignties renders the system constantly conflict-prone. The propensity for conflicts carries consequences for the semantics and the structure of diplomacy. Any conflict could potentially disrupt the system’s further operations; it could spur the system towards higher contingency, heightening the risk of a mobilisation of organised physical violence, thus ushering in greater entropy. As the violent fights over ceremonial precedence in early modern diplomacy demonstrate, such conflicts may even be triggered by minor matters – that is, by seeming trivialities (Roosen 1980; Vec 1998; Stollberg-Rilinger 2019). With the growth of a conflict, the system would have to channel more and more attention towards it so that the conflict parasitically develops into a sub-system continuously sucking up resources of its host system. To avert this danger to their autopoiesis, systems can set up structures which limit conflicts by leading them into regulated processes. Social systems can, for instance, delegate their potentially parasitic conflicts towards the legal system. The conflicts’ communications then move towards law whose system uses the binary code of legal/illegal and issues process-based decisions legitimised in society (Baxter 2013). As the legal system takes over, the conflict loses its polarised tension, and the diplomatic system can spare its resources and capacities.

This is certainly an important function of diplomatic law. However, with regards to diplomacy, law – not just diplomatic law, but law that was generated through diplomacy, i.e., international law in general (the upcoming sample), or domestic laws that regulate inherently diplomatic matters (the earlier sample of state awards) – has another, more fundamental task. Diplomacy’s conflict-proneness prompts the system to develop expectations which are ‘normative’ since they are upheld even against factual violations. These expectations may be strengthened through a legal coding because law stabilises expectations, facilitates risk-absorption and pressurises participants towards conformity (Luhmann 1995b, 73–91). As any legalisation is accompanied by a meta-systemic reflection regarding risky expectations to be protected from factual disappointments via legally coded sanctions, one may expect international law to enshrine the system’s well-bred semantics. Laws which regulate diplomacy, and which are generated through diplomacy, therefore likely entail the system’s condensed reflections in the form of stable semantics whose analysis enables a better understanding of the system’s

structure and paradoxes. The semantics of international law may thus be assumed to inhere a controlled self-reflection of diplomacy. Finding one single principle within international law across different issue areas, extracting a uniform similarity across heterogeneous topics, will thus provide a marker of the system's unity.

Having repeatedly spoken about heterogeneous issue areas of diplomacy, this raises the question: what *are* the issue areas that one may analyse? The following subsection will tackle this preliminary question before one can go on with the semantic analysis of international and domestic legal documents.

2. Excursion: identifying issue areas of diplomacy

a. Towards a taxonomy of recurrent topics despite diplomacy's internal endlessness

Diplomacy inheres a topical endlessness: *anything* could become a theme of inter-polity interactions. In an elementary sense, no topic repeats itself because every single happening poses a novelty. In a less elementary and more structural view, however, one can identify similarities across distinct diplomatic events, invest them with common meanings, and thereby delineate clusters of themes that are repeatedly actualised.

If one was to list such recurrent issue areas of diplomacy, topics like investment treaties, dual citizenship, or cocktail parties in embassies may arise. Such a spontaneously generated list (Pelz 1988), however, may be overly contingent on the brainstormer's individually accrued knowledge; it is prone to blind spots, and certainly too *ad hoc*, or not systematic enough, to reliably produce a full taxonomy of diplomacy's current issue areas (Putnam 1988, 430). One could assert a complete coverage through high abstraction, such as by noting that diplomacy consists of measures short of war that may be divided into amicable and non-amicable practices (Kennan 1946); or one may classify international issue areas into security regimes, economic regimes, environmental regimes, and human rights regimes (Hasenclever, Mayer, and Rittberger 2000, 4). However, lacking clear-cut criteria behind the identification of the taxa, such lists are prone to incite fruitless discussions on whether and how to expand them (Albert and Buzan 2011, 413–14), and the wordings remain too vague to be used for further analyses of the concrete areas that diplomatic actors engage in.

But why would one need such a concrete taxonomy? One use case could be to identify neglected spots in the study of diplomacy. There may be a topic that is ubiquitous in inter-polity life, but one that hardly becomes an object of analytical treatment – the state award above

offered such an example. Without a systematically generated taxonomy, one will not know whether further blind spots exist. A taxonomy could also aid in mapping diplomacy, finding how specific themes are semantically concentrated in specific regions, potentially allowing for new insights regarding the spatial dynamics of world politics. A taxonomy may even be more useful in a temporal perspective: in a repeated iteration of taxonomy-creation, one may see how the system of diplomacy expands over time to creep into more and more issue areas (Garben 2019). This temporal view does not have to be a historical one oriented towards the past; it could also detect early signals of emerging themes for the diplomacy of the future. That way, Ministries of Foreign Affairs could better prepare for a (now less unknown) future, channelling their resources for efficient policy planning.

For the purposes of the present investigation, however, another reason to generate a taxonomy of diplomatic issue areas is pertinent – namely, to capture the full heterogeneity of the diplomatic system. On the one hand, this might help in analysing how diplomatic interactions differ by issue area. Much of the literature in IR so far seems to equate bilateral amity with dense trade ties, but countless of other issue areas exist, and it is possible that bilateral amity indicated via trade ties may not find its parallel in bilateral state award bestowal patterns. On the other hand, a taxonomy of heterogeneous issue areas of diplomacy could also offer a data basis for extracting common structures. “[W]e study statecraft all the time, but usually in fragmented and partial ways” (Goddard, MacDonald, and Nexon 2019, 305); would it not be worthwhile to look for the unity behind this manifoldness? Uncovering homogeneous patterns behind heterogeneous issue areas (which can only be done once these issue areas are known) would allow one to investigate the unity of diplomacy – the unity behind ambassadorial cocktail parties and negotiations on dual citizenship or peace treaties – leading to a more abstract and general theory of the diplomatic system.

So, how to generate a taxonomy of diplomacy’s issue areas? One possible approach would be to consult the literature on IR; one could then get the impression that inter-polity life only knows one single issue – namely the struggle for power (Vasquez 1999). Negotiating interstate peace in conflicted settings seems always on the agenda, alongside perhaps economic aspects like trade treaties. But violent conflicts and trade alone do not seem copious enough to approximate the premise of a heterogeneous, topically endless set of issue areas. One may thus complement this view with an ethnographic exercise, observing the happenings within Ministries of Foreign Affairs and embassies themselves (Lequesne 2017; I. B. Neumann 2013; Kuus 2013). An ethnographic observation would perhaps see less of negotiations and more of

cocktail parties or ceremonious state award bestowals. However, as isolated ethnographic exercises are confined to specific places and periods, this approach may not be able to capture the full repertoire of global diplomatic practices and topics.

A more comprehensive result could possibly be obtained with other methods, such as the ones suggested by the literature on issue salience in politics. That is, one could, for instance, survey relevant media reports to count the frequency of topics mentioned with regards to diplomatic happenings, using a typical category-coding procedure (Epstein and Segal 2000). But again, with such a method one cannot rule out a certain content bias – mass media operate according to their own rules that propel local and conflict-ridden topics to the centre stage. Much of diplomatic life, however, is too “uneventful and mundane” (Pouliot 2016, 9), too remote and aloof to acquire sufficient newsworthiness. And as media surveys measure issue *salience*, they naturally grasp only a tiny selection of topics rather than the whole population of thematic units.

Spontaneous brainstormings, ethnographic observations, or mass media surveys are not the only options available to capture the coverage of diplomatic themes. One could tap into the literature that sight and compare national repertoires of statecraft to condensate them into a global set of diplomatic topics. Such studies, however, exist only for a few countries so far (Haugevik and Sending 2020), and given that the discipline of IR inheres a regional bias concentrated on the Global North (Hendrix and Vreede 2019; M. C. Wilson and Knutsen 2022), the result of such a literature review will likely be skewed.

Another option could be based on the premise that practices of diplomacy regularly prompt states to conclude international treaties. One could thus analyse the contents of binding treaties to extract a taxonomy of their issue areas. A glimpse into a collection of Treaties and Topics in American Diplomacy (Snow 1894), for instance, could lead one to enumerate a list of issue areas covering neutrality, sovereign debt, commerce and navigation, cession of territories, migration, trademarks, consular relations, extradition, submarine cables, or fisheries. One might complement this taxonomy with the *United Nations Treaty Collection* which should contain an even wider breadth of diplomatic issue areas. However, not every topic of diplomacy is contractogeneous (Youssef 2020, 370) that it disembarks into a binding document of international law – think of state award bestowals –, and not every international treaty is deposited at the *United Nations Treaty Collection*.

There are certainly other, more replicable methods that may comprehensively identify the variety of issue areas that diplomacy engages in globally. If one was to assume that

governments as the primary source of diplomacy are the ones who offer the most authentic picture, then the focus should lie on official documents (rather than, say, surveying mass media reports). As the loftiest and highest-level and most programmatic document of a state's political semantics, perhaps a global survey of all constitutions may enable insights into the themes that states associate with diplomacy. The present excursion will indeed choose this path of a semantic analysis of the world's constitutions.

The following will describe the approach in more details. The results section will then describe the taxonomy thus found, a catalogue of six spheres of activities comprising 109 distinct issue areas. The discussion section then speculates about blind spots in the analysis of bilateral amity given the internal topical differentiation of diplomacy found, and it points to venues for further research regarding the complexity of the diplomatic system.

b. Method: the 'foreign' in the world's constitutions

Goal: clustering issues

To identify a heterogeneous range of issue areas that diplomacy regularly engages in, this paper conducts a semantic analysis of the term 'foreign' in the world's constitutions (Vec 2016). These foreign-associated themes are then coded into categories using a grounded theory approach, i.e., by assigning them a membership to broader classes iteratively until clusters of units exhibiting similar traits form. This was done manually rather than in a computational co-word or network analysis (Siems 2015), given that automated approaches in taxonomy-creation tend to lead to unsatisfactory results (Chung et al. 2002, 608). The clusters that formed with the manual coding would turn into taxa whose internal units are more similar to each other than they are to units in other taxa (Sokal 1986, 424). The final result is thus a taxonomy comprising diplomacy's areas of interest.

*Data sample: constitutional texts from the *Constitute Project**

The data source for this approach was *The Constitute Project* (Elkins et al. 2014) which offers structured, metadata-enriched English-language versions of the world's contemporary (and, partly, past) constitutions. To find the relevant passages, the English versions of all constitutions currently in force (of which *The Constitute Project* had 183) were queried with the term 'foreign'. The sample of rules that were subject to the coding can be accessed via *The Constitute Project* (The Constitute Project 2023).

This query led to 2.131 constitutional rules.

Content analysis and the coding of categories

Having found more than 2.000 paragraphs across 183 constitutions comprising the term ‘foreign’, they were, in a first reading, spontaneously attributed to broad spheres of activities (with a high degree of abstraction) and to categories (of lower abstraction) they relate to. If it seemed opportune, even less abstract sub-categories were used in the coding. For instance, when the Pakistani constitution from 1973 enshrines that the country respects Pakistani students in foreign countries and foreign students in Pakistan, this constitutional rule was attributed to the broad sphere of activity of ‘social issues’ and to the lesser broad category of ‘education’ as well as the sub-category of ‘student mobility’. And when the Lithuanian constitution from 1992 prohibits any weapons of mass destruction and foreign military bases on the territory of the republic, it was attributed to the broad category of ‘military’ and its category of ‘foreign troops’ and their stationing.

Some rules were not explicitly coded into categories. For instance, highly general references to the existence of a foreign policy or to the political post of a Minister of Foreign Affairs lacked specificity to be attributed to an issue area. In addition, once a category and sub-category was already set in place, they were not explicitly coded again when other constitutional rules likewise pertained to them at a later stage of the coding. There is thus no quantification as to which categories appeared with what frequency; the goal was simply to generate a catalogue of diplomatic issues without counting their numerical prevalence.

Clustering

The spheres of activity, categories and sub-categories that were created in this manner were repeatedly read and re-read, gradually re-written, partly merged and harmonised when they resembled each other, so as to generate a smaller number of clusters covering the global corpus of constitutions. This approach resembles the principles of a grounded theory whereby the observer successively comes up with concepts while studying the issue at hand, attributing them to categories and iteratively abstracting them until a conceptual framework arises.

All this was done intermittently between September and December 2021, with some revisions in early 2023.

c. Results: a taxonomy of 109 issues recurrently discussed in diplomatic interactions

Overview

In total, 2.131 constitutional rules across the constitutions of 183 countries were coded into 109 (sub-)categories across six major spheres of activities – protocolar diplomacy, political

institutions, law, military, social issues, and trade & economy. The sub-topics are highly heterogeneous. To name some examples, they include the eligibility of dual citizenship, the ownership of mass media, the passage of ships and vessels, the use of election ballots on other territories, the trans-boundary movement of toxic waste, the bestowal of state awards, the social ties among the Islamic *umma*, the support for worldwide Socialist revolutions, or the deployment of peace-keeping forces.

The following will enumerate the complete taxa by sphere of activity.

Protocolar diplomacy

Table 3 lists the thematic units that were mentioned in the world's constitutions with regards to formal diplomatic issues. They refer to protocolar aspects ensuring the rule-based functioning of diplomatic intercourse, thus forming the infrastructure of inter-polity life. The accreditation of diplomats is a prominent case in point. The constitutional articles referring to this issue area is usually embedded within a catalogue listing the competences of the Head of State, underlining the ceremonial, protocolar nature of this practice. A typical example would be Angola's constitution stating that "[i]n the sphere of international relations, the President of the Republic shall be responsible for [...] [a]ccrediting foreign diplomatic representatives". Related to accreditation, and thus to permanently residing foreign ambassadors, is that of their diplomatic premises. In Liberia, for instance, "[t]he Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities". Diplomatic premises are, in turn, connected to the legal concept of diplomatic immunity and inviolability, which are likewise mentioned as an issue area of diplomacy within the constitutions. In case the higher diplomatic level fails in living up to its functions, the (at least: honorary) consular level is regularly mentioned as a backup and thus another protocolar diplomatic institute. Other than permanently residing diplomats, there are also *ad hoc* diplomatic missions and summitry mentioned in the constitutions, e.g., when the Guatemalan President and Vice-President are constitutionally called to "undertake diplomatic or other missions abroad". It is not least for this purpose that the use of official honours and meritorious medals (or other gifts) are explicitly named in dozens of constitutions.

While a generic mention of an existence of a Ministry of Foreign Affairs was not merited its own locus in this taxonomy due to a lack of specificity, it was at least remarkable that the ethnicity of the minister was made a constitutional rule in Cyprus (as the Minister of Foreign Affairs may be of Turkish ethnicity). Speaking of ministries, formalities to be observed

regarding any requests from a foreign country's public administration were likewise regulated constitutionally. Global governance and international organisations are also named, loyalty to which were enshrined in numerous constitutions. One example is "Tajikistan, guided by the supreme interests of the people, may join commonwealths and other international organisations as well as withdraw from them [and] establish relations with foreign countries." Special cases of such organisations are supranational institutes like the European Union (as mentioned in some European Union Member States' constitutions), but also the Commonwealth (where some constitutions, like the Malaysian one, make sure that the term of 'foreignness' does not necessarily entail other Commonwealth countries). Some countries allow for a certain degree of sub-state diplomacy (like Portugal for their autonomous regions), and others endorse inter-parliamentary cooperation across borders (like the one of North Korea).

Table 33: Issue areas within the broader category of protocolar diplomacy identified with a semantic analysis of the term 'foreign' in the world's constitutions.

Sphere of activity	Category	Sub-Category
Protocolar diplomacy	accreditation of diplomats	
	diplomatic premises	
	diplomatic immunity	
	honourary consulates	
	diplomatic missions	
	state visits	
	honours and gifts	
	Ministry of Foreign Affairs	ethnicity of minister
	requests from foreign public administration	
	international organisations	supranational organisations
		European Union
		Commonwealth
	sub-state diplomacy	
	inter-parliamentary cooperation	

Political institutions

Table 4 lists topical units that pertain to the taxon of political institutions without necessary belonging to the structures of formal diplomacy. They often deal with non-amical aspects of inter-polity life, forbidding (presumably hostile) foreign interferences. They enshrine, for instance, incompatibility rules at the central political level, such as by prohibiting close ties

with foreign governments for people occupying a (domestic) political office. In general, they condemn treason. As the constitution of Haiti explains, “[t]he crime of high treason consists in bearing arms in a foreign army against the Republic [of Haiti], serving a foreign nation in a conflict with the Republic, in any officials stealing state property, entrusted to his management, or any violation of the Constitution by those responsible for enforcing it”. The degree to which trade unions and professional associations can be traced to alien countries (as mentioned, for instance, in the constitution of Andorra) may also merit a mention here, similar to rules that penalise foreign ownership or even editorship of a country’s internal mass media and presses (a topic under which propaganda can be subsumed as well). In Sweden, for instance, “[t]he owner of a periodical shall be a Swedish citizen or Swedish legal person”, albeit it “may be provided in law that also a foreign national or foreign legal person may be the owner of such a publication”. An official body gathering intelligence is admitted, while foreign espionage remains penalised.

Constitutions also refer to democratic elections that are to be conducted even when a country’s nationals live in foreign countries; they may then make use of embassies in order to cast their vote. Foreign elections on domestic soil are likewise an issue area that may arise in diplomatic relations. In Croatia, for instance, “suffrage shall be exercised in direct elections by secret ballot, wherein voters who do not have registered domicile in the Republic of Croatia shall vote at polling stations in the premises of diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they reside.”

Other rules accentuate a country’s unfettered sovereignty and inviolable borders. Sub-categories of this topic are that of occupation, annexation, mandate territories, imperialism, or colonisation. For instance, Timor-Leste’s lofty preamble proclaims the country’s independence “following the liberation of the Timorese people from the colonisation and occupation of the Maubere Motherland by foreign powers”. Finally, at least the North Korean constitution stresses how its country (and army) is to serve a Socialist revolution and class emancipation.

All these topics were subsumed under the category of political institutions, as they refer to the central branches of a state apparatus or to other institutions of public life.

Table 44: Issue areas within the broader category of political institutions identified with a semantic analysis of the term 'foreign' in the world's constitutions.

Sphere of activity	Category	Sub-Category
political institutions	incompatibility rules	political parties with foreign ties
		officials with foreign ties
	treason	
	associations	
	voting	election ballots
	borders, sovereignty	occupation
		annexation
		mandates
		imperialism
		colonialisation
		former colonies
		ownership, editorship
		propaganda
	intelligence	espionage
	socialism	class emancipation and
		revolution

Law

The next category is that of law. Table 55 lists the issues that pertain to this taxon, starting with human rights and social rights; for instance, “[f]oreign nationals enjoy in the Slovak Republic basic human rights and freedoms guaranteed by this Constitution”. Mexico is an example whose constitution mention social rights (for indigenous communities at least) that go beyond the integrity of one’s life and limb, as the state ought to “[e]stablish social policies to protect indigenous immigrants both in Mexican territory and foreign countries, through actions that assure farm workers’ labour rights, improve women’s health, provide special educational and nutrition programmes for children and young people belonging to immigrant families, ensure their human rights are respected and spread indigenous peoples’ culture.”

Beyond the invocation of basic rights, A general pledge to accept international law can sometimes be found in the constitutions; in Malawi, for instance, courts shall “have regard to current norms of public international law and comparable foreign case law”. International treaties are likewise named as an issue area of law associated with the foreign, sometimes mentioning domestic processes of ratification as the necessary complementary institution. For

example, the Egyptian President “represents the state in foreign relations and concludes treaties and ratifies them after the approval of the House of Representatives”. Other constitutions go further and mention the important role of peaceful dispute settlement in inter-polity conflicts and that of international courts in general. For instance, from Turkey, “[n]o citizen shall be extradited to a foreign country because of an offence, except under obligations resulting from being a party to the International Criminal Court”.

Countries also promise constitutionally that the government would assist its citizens in foreign (or international) courts: “The State [i.e., the Republic of Congo] has the duty to provide assistance to all Congolese citizens prosecuted before a foreign or international jurisdiction”. Speaking of which, homologation – or the recognition of foreign court rulings – is likewise an issue area of law, which may be expressly negated (e.g., “[n]o court of Solomon Islands shall be bound by any decision of a foreign court”; or, in El Salvador, “[n]o contract may be concluded in which the decision, in the event of controversy, is to be rendered by the courts of a foreign country”). The use of foreign languages at one’s domestic courts may also find constitutional permission, like in North Korea (“[j]udicial proceedings are conducted in the Korean language. Foreign citizens may use their own language during court proceedings”).

Table 55: Issue areas within the broader category of law identified with a semantic analysis of the term ‘foreign’ in the world’s constitutions.

Sphere of activity	Category	Sub-Category
Law	human rights	social rights
	acceptance of international law	
	treaties	ratification
	international courts	dispute settlement
	assist citizens in foreign or international courts	
	foreign court rulings (homologation)	
	languages at court	

Military

Table 6 enumerates the sub-categories found with regards to military matters that are associated with term ‘foreign’ in the world’s constitutions. That category starts with a generic mention of defence in general – for instance, “[t]he President of the Union [of the Comoros] is the Head of the Armies. He [sic] is responsible for the foreign defence.” Usually, the Head of State may also authorise “the presence of foreign troops in military exercises” in one’s territory, as the

constitution of the Dominican Republic puts it, but also the “passage of foreign armed forces through the national territory or the temporary establishment of foreign military bases” when they are warring parties (and not just exercising). There is also a general acknowledgment of what to do when facing an imminent threat of foreign aggression and war.

Joint military missions with other countries are also mentioned, alongside cooperative uses of one’s armed forces such as that of assisting partner powers. Hungary’s National Defence Council, for instance, shall decide on “the deployment of the Hungarian Defence Forces abroad or within Hungary, on their participation in peacekeeping, on their humanitarian activity in a foreign operational area, or on their stationing abroad” (peace-keeping operations, or PKOs, and technical assistance are thus named as sub-categories in the taxonomy).

Alliances form another part of constitutional military-related mentions, just as neutrality does (e.g., “Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance”). Finally, concerns about weapons of mass destruction can be found in numerous constitutions across the globe – for instance, in Lithuania, “there may not be any weapons of mass destruction and foreign military bases on the territory”.

Table 66: Issue areas within the broader category of military identified with a semantic analysis of the term ‘foreign’ in the world’s constitutions.

Sphere of activity	Category	Sub-Category
military	defence	
	military bases	
	war	
	foreign troops	transit
		stationing
	joint military missions	
	assisting foreign armed forces	peace-keeping operations
		technical assistance
	alliances	
	neutrality	
	weapons of mass destruction	

Trade & economy

Issues of trade and economy naturally transcend political borders; Table 7 lists the topical units pertaining to this field. Real estate and the foreign ownership of soil is one such issue

recurrently mentioned in the world's constitutions. Likewise, constitutions demand foreigners to pay taxes when they live in a given country; “[a]ll legal and physical persons, national or foreign who are residents of the Republic of Equatorial Guinea have the obligation to pay taxes [imposed] by law”, to name but one example. In addition, they pledge that problems of taxation are to be solved when two or more countries are involved in a person's taxable activities. Foreign debt and related aspects of accumulating a currency reserve, or monetary aspects with regards to currency exchanges are also to be found, just as the will to attract investments from foreign businesses or to accept aid from donors for economic development purposes.

When it comes to environmental issue areas, constitutions mention pollution and degradation as an area of concern, including the trans-boundary movement of hazardous waste. For example, the constitution of Benin writes that “[t]he transportation, importation, storage, burying and the discharging on the national territory of toxic wastes or foreign pollutants and any agreement relating to it shall constitute a crime against the Nation”; or the Haitian constitution states that “[n]o one may introduce into the country wastes or residues of any kind from foreign sources”. Namibia even mentions the particular case of nuclear waste in its constitution. A general concern for the safety of waters, including for the purpose of fishing, may likewise belong to this category.

Transportation issues also find their explicit reference in numerous constitutions, with shipping, air navigation, roads and general mentions of passenger traffic among its sub-units. As the ‘bad’ side of trade and economy, smuggling is mentioned a few times in the Indian constitution, with that of illicit drugs meriting its own sub-category, mentioned, for example, in the constitution of Venezuela with regards to the confiscation of matters arising out of “activities connected with unlawful trafficking in psychotropic and narcotic substances”.

Table 77: Issue areas within the broader category of trade & economy identified with a semantic analysis of the term 'foreign' in the world's constitutions.

Sphere of activity	Category	Sub-Category
trade & economy	real estate	
	tax	
	debt	
	currency reserve	
	aid & development	
	monetary flows	
	exchange rates	
	investment	
	environment	toxic waste & pollution
		nuclear waste
		fishing
		waters
	transport	shipping, vessels, ferries
		air navigation
		passenger traffic
		roads
	smuggling	
	drugs	

Social issues

The final category is that of social issues relating to people's lives, as listed in Table 8. They all inhere a migratory element, starting with categories denoting a state-sanctioned, power-enforced movement of people, namely extradition and expulsion and deportation, and, seen from the other side, asylum.

Other constitutional articles raise questions relating to citizenship, such as passports, dual nationalities, birthright citizenship, naturalisation, or statelessness. If migration itself merits its own category, it may include the sub-categories of diasporas, minorities, labour migrants, perhaps even slavery, but also prisoners in foreign countries. "Citizens resident in foreign nations enjoy the care and protection of the State", says the constitution of Guinea-Bissau in quite general terms, and with regards to slavery, another basic law writes that "any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or theft or any great crime or involved in debt) shall be free from the moment he

sets foot on Tongan soil for no person shall be in servitude under the protection of the flag of Tonga”.

Education may be listed as the next sub-category, comprising aspects of foreign languages, nostrification and the recognition of academic degrees obtained in foreign countries, student mobility in general, and the dissemination or rather reception of scientific knowledge (e.g., Mexico wishing to ensure the “generation, spreading and implementation of scientific and technological knowledge necessary for the country’s development”).

Other people-related issues relate to (cross-boundary) inheritances or to health security (e.g., the Brazilian constitution prohibits any “participation of foreign firms or capital in health assistance in the Country”).

Another aspect is religion which includes a special mention of the Islamic *umma* in the Iranian constitution, as the latter wishes to frame its foreign policy “on the basis of Islamic criteria, fraternal commitment to all Muslims, and unsparing support to the mustad’afun of the world”.

Other constitutions express benevolent words for cultural products, such as the basic law of Honduras which states that “[t]he State shall promote and support the dissemination of works of national and foreign authors that contribute to national development because they are legitimate, philosophical, scientific or literary creations”. Sports and family-matters (such as marriages to foreigners) round up this overall field.

Table 88: Social issue areas identified with a semantic analysis of the term 'foreign' in the world's constitutions.

Sphere of activity	Category	Sub-Category
social issues	extradition	
	expulsion, deportation	
	asylum	
	citizenship	passports
		dual citizenship
		birthright citizenship
		naturalisation
		stateless persons
		freedom of movement
	migration	diaspora
		minorities
		labour migrants
		slavery
		prisoners in foreign countries
		foreign languages
		nostrification
		recognition of academic degrees
		student mobility
		science and expertise
	education	
	inheritance	
	health system	
	religion	Islamic <i>umma</i>
	culture, literature	
	sport	
	family, marriage	

d. Discussion: the utility and limitations of the taxonomy

A co-word analysis of the term 'foreign' in the world's constitutions aids in generating a taxonomy of topics that are currently relevant for the diplomatic system. The catalogue comprises six major spheres of activities covering 109 different issues (60 categories and 49 sub-categories) which inter-polity ties routinely deal with.

This taxonomy differs from the usual lists of international issues since the methodical approach was more global, relying on official sources, without a pre-selection of the topical scope, thus

possibly allowing for a surfacing of issue areas that may be invisibilised in *ad hoc*-lists. With more than 100 categories, indeed, the result uncovers an almost unexpected wealth of issue areas. While for the contemporary study of inter-state ties, the dominant variable seems to be an economic one (operationalised in the monetary values of trade flows), and while for earlier historical studies perhaps inter-dynastic marriages might have been more important (Fichtner 1976; Sluga and James 2015), the current taxonomy shows that bilateral amity can be actualised in many more spheres of activities. The finding suggests that one may reconsider the definition of international amity (Koschut and Oelsner 2014); two states might be highly active in mutual student exchanges and in aiding each other during health crises – one may think of mask diplomacy during the COVID-19 pandemic (Verma 2020) – despite a lack of trade ties or high-level state visits. Should one not take into account peace-signaling activities in each of the 109 taxonomic units of diplomacy to assess the quality of an inter-polity tie? The taxonomy at least demonstrates that the analytical focus on solely one or two issue areas – that is, trade ties and perhaps security aspects – may be far from grasping the whole picture of diplomatic relations.

It is possible that an analysis of the intensity of bilateral ties by each issue area may reveal completely different patterns of diplomatic amity than a view based on military alliances or trade flows. Such a numerical taxonomy (Sneath and Sokal 1962) could aid in opening the discipline's eyes for the actual practices of diplomacy beyond hard security matters and brute economic flows. It is also possible that in some issue areas, a specific bilateral tie may seem strained, while the very same relation flourishes in other issue areas. With such a “simultaneity [...] of cooperation and rivalry” (Wilson Rowe 2020, 1), diplomacy may be able to enact multiple lanes of bilateral exchanges at the same time, with distinct quantifiable intensities of inter-state networks by issue area. This assumption resonates with empirical findings on, for instance, the distinct patterns that put a polity into a more central position within diplomatic networks in the offline versus the online world of ‘Twiplomacy’ (Manor and Pamment 2019). The taxonomy may thus aid in treading on the path towards a complex ‘diplometrics’.

Different samples of constitutions could yield different taxonomies, especially in a temporal view. A comparative-historical glance could analyse constitutions from the 18th and 19th centuries so as to demonstrate the degree to which the ‘foreign’ has gained in topical breadth over time, possibly indicating the growing autonomy of the diplomatic system. If one may hypothesise that the diplomatic system acquired its fledgling autonomy in the late middle ages or early modernity, as illustrated in the establishment of the first permanently residing ambassadors (Mattingly 2009), then one should even go deeper into the past; however, given

a lack of constitutions, it will be difficult to systematically trace the topics of diplomacy from the period before the 18th century. A literature review could offer some indications, such as in terms of a *droit de chapelle*, incognito travels from foreign monarchs, or of gifted relics and royal portraiture (Sowerby 2014; 2022; Trimble 1946; Ananieva 2019) – but the fact that one needs to resort to another method indicates that the data sample of constitutions is not a timeless one. Even for an analysis of the contemporary repertoire of inter-polity practices, constitutions alone may not offer a complete picture – diplomatic life is full of, say, stately dinners or cocktail parties or the official use of Twitter, but neither of these topics emerge as an issue area with the method used here.

Thus, the method inheres a fundamental limitation. Even for the contemporary study of diplomatic issue areas, the taxonomy may lag behind the actual dynamics of inter-polity practices since it relies on the rather slow (and verbally vague) data source of constitutions (Přibán 2006, 472). These basic legal documents carry with them a veneer of permanence and timeless stability, rendering them slow to change, if they are not declared to be completely unchangeable. This might explain why topics that were so salient in and after 2020, like global pandemics or cybersecurity or military implications of artificial intelligence-based tools, do not surface as a concrete issue area connected with the foreign (Johnson 2021; Drezner 2020; Carr and Lesniewska 2020). This limitation itself may invite further research, namely a comparison of the different tempi between systems, albeit the exact consequences of this heterotemporality (Hutchings 2008) is yet to be explored.

The taxonomy is thus time-contingent, subject to change, and some fields are obviously missing. Nevertheless, the study carries the potential for generating further hypotheses, such as in terms of how the speed of topical volatility may increase steadily with rapid societal changes. In addition, one may gain implications for practice, in terms of what kind of topics there are to watch out for, especially if one repeated the scraping of topics in a way that would render trends of upcoming themes visible. For other research purposes, one may investigate how national Ministries of Foreign Affairs adapt to changing saliences of international issues. How, in fact, are Ministries of Foreign Affairs usually differentiated in their organigrams – when they use a primarily regional differentiation, is this a good idea, or could one experiment by organising sections via a thematic rather than regional differentiation? Or is this not necessary, given that there are enough functionally defined line ministries that are also involved in external affairs? This would lead then to the question whether the taxonomy correlates with the availability of topically relevant federal ministries. And finally, what if the topical scope

expands relentlessly such that the state becomes overburdened because it cannot re-organise its Ministries accordingly, and lacks resources to recruit relevant experts? These are all rather speculative questions, but the fact that the study already found 109 distinct issue areas with which global diplomacy regularly engages does prompt one to be conscious of un-steerable evolutionary dynamics inherent to the diplomatic system.

While the taxonomy can be used to spark various research questions, the present work's intent is to use the result to ask whether every single of the topical fields contains universals of diplomacy, with the aim of capturing diplomacy's autonomous system boundaries.

3. The final sample: international treaties and other legal documents

On the basis of the former sub-section, one can finally select the legal documents that are to be subject of a content analysis with regards to the fundamental, uniform structure of the diplomatic system, namely the peace-and-power-paradox. To limit the scope and to avoid repetitions, the present work will be content to take just a minimum number of two or more (sub-)categories for each of the spheres of activities found above; not each of the more than one hundred (sub-)categories will thus be analysed, but merely a convenient sample where international legal documents are readily available.

Starting with the broad sphere of protocolar diplomacy, one of its sub-categories – honours and gifts – was already analysed with a survey of national laws regarding state awards above, and partly with the literature review on early modern diplomatic gifts in juxtaposition with official Tweets. The present section will look at three other sub-categories of diplomacy proper. The first one revolves around the accreditation of foreign diplomats, where the go-to source for this matter would be the *Vienna Convention on Diplomatic Relations* 1961. A closely related matter is that of (honourary) consulates; one may detect legal prescriptions on this aspect in the *Vienna Convention on Consular Relations* 1963. The final sub-category of protocolar diplomacy deals with international organisations. For this topic, the section uses the *Vienna Convention on the Representation of States in their Relationships with International Organizations of a Universal Character*, a multilateral instrument, but also the bilateral *Agreement between the United Nations and Austria regarding the Headquarters of the UNIDO*, as examples.

Moving away from protocolar diplomacy, the analysis will turn to four categories of political institutions. The first one concerns inter-polity borders, as analysed in the *Antarctic Treaty*, the *Korean Armistice Agreement*, and the *United Nations Convention on the Law of the Sea*. The second one deals with cross-border aspects of political elections, a topic that is partly regulated

in the *Convention on Participation of Foreigners in Public Life at Local Level* and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. The next category touches upon foreign propaganda, for which the *International Convention Concerning the Use of Broadcasting in the Cause of Peace* offers an example. Finally, the issue of information-sharing or espionage will be illustrated with the *ASEAN Convention on Counter-Terrorism*.

Following protocolar diplomacy and political institutions, the third sphere of activity is that of law in general. The analysis will look at the way international, or even supranational, courts operate according to the statutes of the ICJ and the ICC. In addition, the rules governing the creation of binding international treaties (based on the *Vienna Convention on the Law of Treaties* 1969) will likewise be looked at. Next, human rights and fundamental rights will be illustrated with the *International Covenant on Economic, Social and Cultural Rights*, and the *African Charter on Democracy, Elections and Governance*. International private law is a rich field, for which the *Hague Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions* will be drawn from. How the peace-and-power-paradox operates within a treaty regulating an aspect of inter-judicial cooperation will be looked at via the *Convention on the Taking of Evidence Abroad in Civil or Commercial Matters*. Finally, the *Hague Convention on Recognition and Enforcement of Foreign Judgments* will provide an example from the topic of homologation.

For hard military issues, the fourth sphere of activity identified above, the analysis will turn to weapons of mass destruction exemplified in the *Chemical Weapons Convention*, but also to the way a transit of troops on a foreign territory may be regulated (in the *Agreement concerning social protection of servicemen of the armed forces of the Russian Federation and frontier troops of the Russian Federation and members of their families temporarily stationed in the territory of the Republic of Latvia pending their complete withdrawal*). In addition, the *Hague Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land* provides an illustration of how neutrality in a war setting is regulated, while the *NATO Treaty* will cover the topic of alliances. A final look will deal with peace-keeping operations, based on the *Security Council resolution 795 from 1992 on the establishment of a presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia*.

The fifth sphere of activity deals with social issues and people in general. There is an abundance of possible candidates for this sample. The section only allows for cursory analyses across

various sub-categories dealing with extradition (the *Inter-American convention on extradition*), dual citizenships (the *Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality*), the governance of international sport events (the *Olympic Charter*), asylum (the *Refugee Convention* 1951), the recognition of academic degrees (*Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region*), and prisoners in foreign countries (the *United Nations Model Agreement on Transfer of Foreign Prisoners and Recommendations on the treatment of foreign prisoners*).

The sixth and final sphere of activity encompasses anything related to trade and economy. Here, again, the corpora of international legal documents are quite voluminous so that one may select the sample from a rich population. For the present purposes, the sample will deal with issues of foreign investment (as enshrined in a model bilateral investment treaty from Kenya), cross-boundary tax-related problems (the *OECD Model Tax Convention on Income and on Capital*), toxic waste (the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes*), the regulation of airlines (the *Chicago Convention on International Civil Aviation*), and illegal drugs (the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*).

4. Method: content analysis to detect the peace-and-power-paradox

Having garnered a multitude of legal texts from heterogeneous issue areas – or 35 in total, covering roughly one third of all the (sub-)categories from the taxonomy above –, this work will analyse their texts through the lens of peace and power, hypothesising that each of them will inhere a dynamic of peace-yes-but-power or power-yes-but-peace, with the latter element (of peace or power) ultimately invalidating the former one (of power or peace). It is also expected that the legal rules contain techniques to invisibilise this paradoxical interplay.

In this content analysis, a textual passage will be coded as ‘peace’ in case there is a self-limitation of sovereignty, or states voluntarily ceding parts of their power, whereas a legal rule will be coded as ‘power’ in case it conveys an adherence on the notion of territorial exclusivity, a clinging on undiminished sovereignty. The content analysis will seek to find a paradoxical interplay of both, and thus a dissonance (Reinold and Zürn 2014) and certain self-negation of diplomacy, in every legal text to be analysed. “Efforts to build legal regimes often conflicted with strong political interests to avoid derogating sovereignty in essential fields” (Vec 2012, 664). This interplay of a cooperative regime-building and the non-derogation of sovereignty

may take the form of a yes-but-no-structure: yes, we wish to enact peace, yes, we do voluntarily diminish our sovereignty, yes, we are amical and dispense with our territorial exclusivity, but no, we will ultimately keep a sovereign reservation, no, we still adhere to our power-centred sovereignty into which no other state may intervene, and we nevertheless remain mistrustful towards others' potential hostilities. This structure of a yes-but-no may also appear in a form vice versa, that is, not just as peace-but-power, but also as a power-but-peace variant.

This yes-but-no-structure is not to be understood in the sense that the syntax of a given sentence is written in exactly that form; but it is a structure that may be inferred by juxtaposing explicit rules, or even implicit ones, in their logical context. The structure is thus one that can be hidden behind a larger corpus of text, and not one that is necessarily verbally obvious; rather, doctrinal efforts at unearthing a principle (of peace or power) with an exception (of power or peace, respectively) will be required (Vec 2011, 9).

Given the nature of this work as a dissertation without funding covering other researchers, this context analysis will be done by one person alone (without being able to capture an inter-coder reliability score and similar metrics that would be able to capture a general validity to the result obtained in a qualitative content analysis).

5. Results: the 'yes-but-no-structure' of international law

In analysing the legal semantics covering dozens of issues across heterogeneous topics ranging from asylum rights and peace-keeping operations to the accreditation of diplomats or the control of transboundary waste movements, one can detect in every single one of them the peace-and-power-paradox. They foreground a principle of peace and voluntary self-abrogation of territorial sovereignty in parts, but simultaneously emphasise their exclusive power-pretensions. The presence of peace is always accompanied by power; sovereignty diminishes at the same time as it increases; supranational dynamics are embraced by states in the very same act which underlines, once more and in solemn tones, the undestroyable sovereignty of the polities that constitute them. The fact that highly heterogeneous issue areas contain this very same principle points to a fundamental trait of the diplomatic system, one that was hypothesised in the theoretical part of this work, and one that seems – once again – validated by this empirical study of legal doctrines.

In the legal semantics analysed here, this principle takes the (often inferred) syntactic form of a 'yes-but-no', a certain 'peace-yes-but-power-too'-structure (or 'power-yes-but-peace-too').

The following illustrates this structure with examples from 35 international treaties covering various issue areas of the six spheres of activities identified above.

a. Protocolar diplomacy

Accreditation of foreign diplomats

To start with a rather extensive example, one may look at the *Vienna Convention on Diplomatic Relations* which enshrines the accreditation of foreign diplomats. Many of its rules condense the peace-and-power-paradox conspicuously.

For instance, Art. 2 allows for a very symbol of peace, namely permanent diplomatic missions, on one's own territory. It does nothing less than to sanction the improbability of a sovereign eternally hosting representatives of foreign sovereigns. This very symbol of peace is embraced – but only with the merciful granting by the powers: “The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.” In other words: peace, yes, but only if it lies within the will of the powers – a typical instance of the ‘peace-but-power’- or ‘yes-but-no’-structure, a structure which is paradox since peace and power, since ‘yes’ and ‘no’, mutually exclude each other.

Art. 3 par. 1 lit. b continues this structure in two ways. The first one embodies, again, a ‘peace-but-power’-structure, while the second one turns into a semantics of ‘power-but-peace’. The first one reiterates the peaceful embracing of diplomatic missions, but concretises their function such that they are to protect in the receiving State “the interests of the sending State and of its nationals” – selfless peace, yes, but only for the selfish purpose of power-exercise. The article goes on to allow for this selfish protection of one's own interests in another sovereign's territory, but “only within the limits permitted by international law”. Power-exercise is granted, but only when it is constrained by peacefully created laws.

Similar patterns are abundant in this treaty; Art. 4 par. 1-2 allows a country to send diplomats into other states (peace), but only with the host country's *agrément* or accreditation, the denial for which does not need to be justified with any reasons (power). Art. 5 par. 1 allows for the possibility that one Head of Mission is responsible for multiple states (peace), but only if none of the states object to it expressly. It thus implies the right to veto against a peaceful exercise, again without requiring any reasons (power). According to Art. 8 par. 2-3, members of a state's diplomatic staff may carry the nationality from receiving states (or of third states), which smacks of peace, but only if it is approved by the receiving state beforehand (and this consent can be withdrawn at any time), which now smacks of power. Art. 9 par. 1 reiterates the

fundamental peace-and-power-structure of the treaty: a sovereign may send any individual into another country as a diplomat, but the receiving state may declare that person as a *persona non grata* without stating any reasons; and in Art. 10, the possibility of having people (and their families and staff) heading diplomatic missions is again eyed, but their departures and arrivals shall be notified to the receiving state's Ministry of Foreign Affairs, which limits the peaceful exercise through a power-backed requirement that seems to teem with a fundamental mistrust.

Implicit semantics of a power-yes-but-peace are visible in Art. 16 and Art. 18 of the VCDR. They premise tacitly that there are power imbalances across states; however, the precedence in a given country's diplomatic corps is one that is not based on power, but on anciennity (Art. 16). Power is acknowledged, yes, but for formalities, the treaty adheres to peace. And Art. 18 enshrines that the procedure to be observed in each state for the reception of heads of mission shall be uniform in respect of each class – again, there are power imbalances, yes, but the VCDR demands equality: power-yes-but-peace.

In fact, whenever a seemingly peaceful rule is enshrined in the VCDR, one must not forget that the peaceful character of that practice was only possible because it was agreed upon (by consensus, i.e., with the veto-right of any participating state) in the VCDR in the first place. Such is the case with Art. 20, according to which “[t]he mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport” – an improbably peaceful right, but this was only possible since it was agreed upon in the VCDR. The same is true with regards to the Articles 22 to 25; they emphasise inviolability, tax exemptions etc., all of them highly peace-loving – but they were only possible due to sovereign states having agreed upon them. Peace, yes, but only under the condition of sovereign power binding themselves to that.

The VCDR does not end in offering further examples of the simultaneous presence of peace and power. Art. 22 par. 1 forbids agents of the receiving State to enter foreign diplomatic premises (again an improbably peaceful rule), but the head of the relevant premise's mission may revoke that prohibition by consenting to the host state's agents' entry. The diplomatically represented state thus primarily carries power, but may cede it in the name of peace.

According to Art. 26, a diplomatic staff has full freedom of movement and travel, but this is “[s]ubject to [the receiving state's] laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security”. In Art. 34, any diplomatic agent is

exempt from all dues and taxes from the receiving state, but that Article names numerous exceptions; Art. 41 par. 1 implies (again) the possibility of having diplomats with immunity and privileges stationed in a foreign country. However, “it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.” Immunity even prevails within a time of armed conflict, says Art. 44, but the receiving state must grant facilities so that the foreign diplomats can “leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.” In other words, during a time of war, peace prevails and power must be ceded to.

Diplomatic relations between states can be cut off, according to Art. 45, and missions can be recalled at any time, but, as lit. a states, “[t]he receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives”. A clash of power thus does not invalidate the maintenance of peace. And, as lit. b of that legal norm continues, “[t]he sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State”.

The final examples hardly express anything new. According to Art. 46, a sending state can “undertake the temporary protection of the interests of the third State and of its nationals”, but, of course, only with prior consent of receiving state. It again highlights a specific sequence of peace followed by power. And according to Art. 47, in the application of the provisions of the VCDR, “the receiving State shall not discriminate as between States”, adhering to an ideal of equidistant sovereign equality, but “it can claim that there are customs extending more favorable treatment to specific states”. As nothing is being said about the threshold of credibility of such claims, one may assume that the provision opens up a path for power-based considerations. There be peace, but power-based (arbitrary?) claims that might undermine the peaceful order of diplomatic equality likewise have a legal entry point. Peace, yes, but power too.

Peace and power appear in the same norms, but this paradoxical simultaneity of two contrasting sides of a distinction is invisibilised via legal techniques like mutual consent, national interest, the requirement to obtain agreement from another polity, the possibility to object to a practice without stating any reason whatsoever, the duty to notify the other party, or via the claim that

there are special customs that traditionally allow one to deviate from a given norm. The invisibilisation takes many forms – but they cannot fully eliminate the paradox.

Consulates

It is hardly a change in topic if one moves from diplomatic to consular relations, as regulated in the *Vienna Convention on Consular Relations*. To complement the aforesaid, one may quickly cite just four provisions with regards to the inter-state use of consulates. Art. 2 par. 3 knows of the possibility that diplomatic relations may be woefully severed for whatever power-arbitrary reasons; but peace can indeed continue, as a severance of diplomatic relations does not *ipso facto* involve the severance of consular relations. This distinction between the diplomatic and the consular realm invisibilises the peace-and-power paradox; and again, a clash of power does not invalidate the continuity of peace. Both can be active at the same time.

The next example follows a clear peace-but-power semantics. Namely, according to Art. 12 par. 1-2, inter-polity relations may be enriched with consular relations, but the receiving state can refuse to grant an *exequatur* (the consular analogy to the *agrément* in diplomatic relations) without giving any reasons. And according to Art. 17 par. 1, a consular officer can take up diplomatic duties in a country where there is no diplomatic mission of the sending state, but they would do so only without diplomatic privileges and immunities (and this non-granting of special rights is another technique that invisibilises the underlying paradox). The last example is offered by Art. 42: any country can arrest, detain or prosecute any foreigner – but doing so is accompanied by the duty to notify the relevant consul of the detained person's nationality. Power-wielding is to be expected, but only if it is constrained by a peace-adhering exercise.

International organisations

The present section will remain in Vienna by first looking at the *Vienna Convention on the Representation of States in their Relationships with International Organizations of a Universal Character*, and, secondly, by showing extracts of the agreement between the Republic of Austria and the United Nations which establishes the hosting of the UNIDO headquarters in Vienna.

The *Vienna Convention on the Representation of States in their Relationships with International Organizations of a Universal Character* largely contains similar norms as to the one on the accreditation of inter-state diplomats and consulars. Very generally, for instance, states may establish permanent missions (according to Art. 14), but: “[t]he size of the mission shall not exceed what is reasonable and normal”. In other words, there shall be peace, yes, but

not too much of it. Reading Art. 17, one may assume the existence of factual power hierarchies, but “precedence is determined by the alphabetical order of the names of the States used in the Organization”. There is power, yes, but the rules of precedence conceal power by foregrounding a more neutral and thus peace-inclined procedure of determining a certain order: power-yes-but-peace. Art. 18 demands that the states’ missions to international organisations “should be established in the locality where the Organization has its seat”, yes, but “with the prior consent of the host State, the sending State may establish a mission or an office of a mission in a locality other than that in which the Organization has its seat”. The international organisation and its host state thus yield their power in deciding on the missions’ locality, but in the name of peace, they allow deviations if needed. Art. 74 knows that the members of the states’ missions will likely stay in the host country to pursue their diplomatic work, yes, but they shall not acquire the nationality of the host state ‘solely by the operation of the law of the host State’. Paradoxically, therefore, diplomats are factual residents of a foreign state but are, simultaneously, not residents according to the local citizenship laws. This renders them extraterritorial to a certain degree. Speaking of which, Art. 77 par. 2 is aware that persons enjoying immunity may perpetrate a grave and manifest violation of the criminal law of the host state, yes, but it is the sending State which shall (if it does not waive the legate’s immunity) recall them, terminate their functions, or secure their departure. A sign of un-peace (the crime committed by a diplomat enjoying immunity) is to be restored by peace (not the host state, but the sending state enacts the punitive consequences). According to the next paragraph (Art. 77 par. 3), while the premises of the missions are inviolable, they shall not be used in any manner incompatible with the exercise of the functions of the mission. Notwithstanding the broad scope of interpretation, peace is here again restricted by power. The final example is taken from Art. 82 which allows non-recognised states or governments to come to the host State in order to nourish their diplomatic ties with the international organisation (very peaceful!), but this does not imply any recognition (very power-centred!).

The peace-and-power-paradox is thus present in many rules, but invisibilised through numerical thresholds (according to which the size of missions are to be “reasonable and normal”), through a neutral alphabetical order of precedence (similar to that of *anciennité*), through a duty of self-restore violations, through a functional definition of a mission, or through a lack of recognition. The invisibilisations enact new distinctions that prevent one to observe the paradox directly.

For bilateral issues regarding the hosting of international organisations, one may look at the *Agreement between the United Nations and Austria regarding the Headquarters of the UNIDO* from 1967 as one illustration, given that it applies “*mutatis mutandis*, to other offices of the United Nations set up with the consent of the [host] Government in the Republic of Austria” (section 45), whereby it offers a model for other kinds of similar agreements. For instance, if Art. III, Section 7 is explicit about the UNIDO’s headquarter being extraterritorial while it acknowledges that, Austrian laws apply (peace-yes-but-power, from the host state’s viewpoint), it finds an analogy in, say, Art. 12 par. 12 of the Agreement between Indonesia and ASEAN on hosting and granting privileges and immunities to the ASEAN Secretariat. Continuing with the UNIDO case, Art. III, Section 8, lit. a reiterates that Austrian laws apply, yes, but the UNIDO can enact regulations that are inconsistent with Austrian laws, in which case the UNIDO regulation prevails. In that way, the peace-yes-but-power-structure is followed by a power-yes-but-peace-structure, concealing a clear sequence and highlighting how there is no clear hierarchical primacy between the pursuit of power and the pursuit of peace. To read the same legal norm even further, while the UNIDO can enact regulations that prevail over Austrian laws that are inconsistent with them, there is a dispute settlement procedure in case Austria does not agree. And while UNIDO can enact autonomous regulations, it shall inform the Austrian government about it (Art III. Section 8, lit. b). Art. III, Section 9 renders the headquarter of the UNIDO inviolable; yes, but the international organisation must not allow its headquarter to be used as a refuge by persons who are avoiding arrest under Austrian law (or similar reasons). According to Art. V, Section 12, UNIDO may have to pay tariffs for gas, electricity, water or heat, if supplied by Austrian authorities or where the prices thereof are under their control; yes, but the host must supply the international organisation at tariffs not exceeding the lowest comparable rates accorded to Austrian governmental administrations. There is thus a certain power of the host state to obtain fees, yes, but it is peaceful enough to treat the international organisation in an equal footing. A similar rule is enshrined in Art. VII, Section 16, as the UNIDO may have to pay indirect taxes constituting part of the cost of goods purchased by or services rendered to the UNIDO – yes, but Austria will reimburse UNIDO for such taxes by the payment of lump sums. And while Austria may reimburse UNIDO for indirect taxes via lump sums, the UNIDO will not claim reimbursement with respect to minor purchases – again an interesting sequence of power-yes-but-peace, followed by peace-yes-but-power, which in turn is followed by another power-yes-but-peace. As regards an analogy to a *persona non grata*, Art. X, Section 21, lit. e remarks that specific persons working for UNIDO may be requested by the Austrian government to leave the territory in the event of an abuse of

the right of residence, yes, but only after a specific procedure that involves the approval by the Austrian Ministry of Foreign Affairs, followed by a bilateral consultation with the other member states' governments or a consultation with the Executive Director of the international organisation. Power can be yielded only after a peace-maintaining procedure. The final example is provided by Art. XV, Section 39, according to which the whole Agreement applies "irrespective of whether the Government [of Austria] maintains ... diplomatic relations with the States concerned and irrespective of whether the States concerned grants a similar privilege or immunity to diplomatic envoys or nationals of the Republic of Austria", yes, but in the end, a residuum of power remains hidden as, of course, Austria implicitly decides whether it permits the International Organisation on its territory.

The UNIDO example again shows techniques of invisibilising the peace-and-power-paradox, such as by dispute settlement procedures in case of conflicts, or by issuing norms that sequentially upholds one party's rules to prevail over the other which is then reversed in a different norm, implying a lack of a clear hierarchy, but also via other invisibilisation techniques such as a duty to inform, the concept of lowest comparable fees in return for the supplying of goods, or the involvement of multiple official bodies in a specific procedure that may result in a power-based exercise.

b. Political institutions

Borders

As regards contestations of stately borders, one may take the *Antarctic Treaty* as an example and cite its Art. IV with which the contracting states agree that they will rise no new claims for territorial sovereignty over Antarctica – which sounds highly peaceful – while, of course, in a power-clinging manner, territorial claims that already had arisen before the Antarctic Treaty was signed will not be renounced. The temporal distinction between past claims and future non-claims hides the paradox of a simultaneous peace-and-power-presence.

The tone of the Antarctic Treaty is similar to another example, namely the *Korean Armistice Agreement*. In Art. I, the treaty sets up a demilitarised zone between the two warring sides of Korea – a noble exercise that reeks of peace. This de-militarisation, however, remains (in a blatant paradox) under military control, namely the Military Armistice Commission, which is nothing but the embodiment of factual mobilisation of violent forces. In other words, an instance of peace is unmistakably an emanation of power.

Not seldom do international contracts which seek to ensure greater co-operation through the self-mitigation of sovereignty start with lofty articles that emphasise the inalienability of every state's sovereign power. The *United Nations Convention on the Law of the Sea* (UNCLOS) is an apt example; after outlining definitions in Art. 1, the treaty underlines the full sovereignty of each contracting state. However, when it comes to the object of UNCLOS, i.e., “[t]he sovereignty over the territorial sea”, the convention enshrines that this sovereignty “is exercised subject to this Convention and to other rules of international law” (Art. 2 par. 3). The limitless sovereignty is self-limiting itself, a paradox that is invisibilised in a sequence of an implicit re-affirmation of that concept followed by its explicit constraint. And while sovereignty may be subject to UNCLOS and other rules of international law, what is left unsaid is that, of course, sovereignty itself can change the law or declare international rules to be irrelevant for a given polity.

A key aspect of the UNCLOS is that while it affirms a coastal state's sovereignty over its territorial waters, it diminishes the sovereign ideal of impervious boundaries by allowing every polity a right of innocent passage through other countries' territorial waters (Art. 17). Again, this structure of an affirmed sovereignty, yes but actually no amounts to a fundamental statement of the peace-and-power-paradox.

One may continue this line of thought by acknowledging the right of innocent passage, but this right only lasts “so long as it is not prejudicial to the peace, good order or security of the coastal State” (Art. 19 par. 1); the vague wording seems to put the definition of peace, good order or security into the disposal of the coastal state, but this sovereign decision over definitions is again constrained since Art. 19 par. 2 puts forth a catalogue of reasons that limit the scope of interpretation (albeit its vague wordings may be deliberately ineffective in doing so).

According to Art. 20, submarines likewise enjoy the sovereigns' right of innocent passage. However, in this case, innocence must be demonstrated conspicuously since the submarines are required to navigate on the surface and to show their flag when they are in another sovereign's territorial waters. The peaceful scenario of innocent passage is thus accompanied by the power-imposed duty to make oneself visible. In addition, the UNCLOS allows states to enact more detailed rules on innocent passage in national laws – however, as Art. 21 par. 3 states, they are to give publicity to such laws. And when security reasons demand, then coastal states may activate their power so as to suspend innocent passages in its area temporarily; but

this is to be done in a ‘peaceful’ way in the sense that this suspension ought to occur without any discrimination (Art. 25 par. 3).

As the whole convention has more than 300 articles plus numerous, partly large annexes, one could list many more examples here. However, the provisions above may have been telling enough, so that one may abridge the digression here to let some space for other issue areas of diplomacy exhibiting the same peace-and-power-paradox.

Foreign elections

As regards the issue area that combines foreigners and political elections, one could take a look at the Council of Europe’s *Convention on Participation of Foreigners in Public Life at Local Level*. In general, it does allow foreigners to vote (which seem to embody a sense of peace), but only on the local level (which means that power is used so as to temper the peace-loving dynamic of full inclusion of foreigners). The peace-and-power-paradox may be read further into Art. 9, par. 1 to 3 of the convention, as they rule that foreigners may participate in public life at the local level, yes, but that this can be restricted if the restriction lies in the “interests of national security, territorial integrity or public safety”. Peace, yes, but only with power-laden reservations.

When it comes to external voting, or the ability of migrants and diasporas to vote in their country’s elections while staying abroad, not a specific convention could be found, albeit the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* enshrines in Art. 41 the right of migrant workers (and families) “to participate in public affairs of their State of origin and to vote and to be elected at elections of that State”; and “the States concerned shall [...] facilitate the exercise of these rights”, albeit all of this ought to happen “as appropriate and in accordance with their legislation”.

Propaganda

The *International Convention Concerning the Use of Broadcasting in the Cause of Peace* is a brief treaty in which the parties promise to prohibit the circulation of any information via mass media which may incite to war.

Given the brevity of the treaty, just one example of a peace-and-power-paradox shall be named. According to Art. 3, the contracting states “stop without delay within their respective territories any transmission likely to harm good international understanding by statements the incorrectness of which is or ought to be known to the persons responsible for the broadcast”. One key criterion seems to be that of *incorrect* information. While this substantial intent is

peaceful, the procedural provision (in Art. 7) foregrounds power dynamics since, in case of a dispute, the disputing parties themselves determine (or rather: negotiate “through the diplomatic channel”) whether a broadcasted information was “incorrect” or not.

The paradox is thus being invisibilised by differentiating a substantial peace-commitment from a procedural provision which foregrounds power. Peace is intended but implemented through power-determined dynamics.

Espionage / information-sharing

It seems that international agreements on information-sharing for states’ intelligence purposes are themselves cloud in secrecy, so that an apt treaty on that topic could not be easily found for the present purposes. Instead, one may look at treaties that seek to mobilise the international will to counter terrorist threats, such as the *ASEAN Convention on Counter-Terrorism*. While aiming at inter-state cooperation to counter transnational terrorist activities, the convention starts, in Art. III and IV, with an emphasis on the preservation of national sovereignty. Peace shall be pursued, but only when one can first agree solemnly that each of the peace-pursuers are powerful sovereigns. One can find a reflection of this peace-and-power-paradox also in Art. XII which enshrines that the parties shall “afford the widest measure of assistance in connection with investigations or criminal proceeding” internationally, albeit this shall occur only “in conformity with their respective domestic laws” – peace, yes, but the national power’s will prevail.

c. Law

International courts

ICJ

It seems a great achievement for the cause of peace that diplomatic efforts could bring into reality a court that is above the control of single states, issuing binding decisions through independent judges at the International Court of Justice (ICJ). One of the marks of their independence is that they are “elected regardless of their nationality” (Art. 2); but the next article (Art. 3 par. 1) qualifies this statement such that “no two of whom may be nationals of the same state”. This is nothing less than a paradox – a provision of blinding oneself towards nationality issues followed by a nationality-centred rule.

While judges are repeatedly attributed high independence and the court repeatedly stated to be non-political, Art. 31 par. 2 of the ICJ statute rules that “[i]f the Court includes upon the Bench

a judge of the nationality of one of the parties, any other party may choose a person to sit as judge”. The view of judges to be independent “regardless of their nationality” is thus contradicted again. While there are good arguments for the practicality of such contradictory provisions, semantically speaking one can interpret this paradox in light of the hypothesised peace-and-power-dynamics.

A further example from the ICJ Statute seems to progress towards higher supranationalism – for according to Art. 36, states can declare any (!) question of international law to fall under the ICJ's jurisdiction (Art. 36 par. 2 lit. b). However, this lofty option is conditional upon reciprocity, meaning that all parties involved in a conflict must agree with that view in order to establish the court's competence. In other words, peace is again conditional upon power.

ICC

To continue with (seemingly) supranational courts whose rulings on questions of international law are binding upon state parties, one may now look at the International Criminal Court (ICC). While (international) criminal law might thus be said to be supranationalised, Art. 1 of the ICC's statute clarifies that the ICC itself is but *complementary* to national criminal jurisdictions. This means, as Art. 17 par. 1 lit. a and b remark, that the ICC may have jurisdiction in some special cases, but a case may be deemed “inadmissible” where it “is being investigated or prosecuted by a State which has jurisdiction over it”. As a consequence, the ICC ought to respect it when “the State has decided not to prosecute the person concerned”.

Furthermore, as Art. 18 par. 1-4 enshrine, the ICC must notify the relevant states before commencing an investigation; and that state can inform the court that it is investigating anyway, which can be re-viewed by the ICC Prosecutor only after six months. And if the court then determines a case's admissibility to the ICC, a state which claims jurisdiction over the case can still challenge it (Art. 19 par. 2 lit. b). Note the constant interplay of peace and power and peace and power. This dynamic continues: while a state can challenge a case's admissibility (which pauses the investigation), that challenge shall be made “at the earliest opportunity” (Art. 19 par. 4-5; 7) so that a slow tempo of government (i.e., a retarded power) may be overthrown by supranationality (i.e., by a quick tempo of peace), and the final decision will be made by the Court itself anyway: Art. 19 par. 7-8 knows that a challenge by a state pauses the investigation, but allows the Prosecutor in exceptional cases to nevertheless investigate. This is quite a sequence of multiple peace-but-power-and-power-but-peace-semantics.

Some other seemingly supranational powers of the ICC are mitigated by power-reservations. Art. 4 par. 2, for instance, allows the ICC to “exercise its functions and powers [...] on the territory of any State Party and” – now comes a surprisingly supranational part – “and on the territory of any other state”, but – and now the supranationalism is bound to sovereign power – the latter is only possible with a “special agreement”.

In another example, the ICC can increase the number of judges (Art. 36 par. 2 lit. b), but two thirds of the members of the Assembly of States Parties must approve it. This smacks of peace-but-power; the next qualification adds a power-but-peace-component when it implies that the Assembly of States Parties must approve an increase in the number of judges of ICC, but with a 2/3 majority, meaning that a state could find itself in a minority position and must therefore accept the increase in the number of ICC judges even against its will.

Similar to the rules that determine the eligibility of persons to be elected as judges at the ICJ, candidates for ICC judges shall be anyone with high competence – a wording in Art. 36 which seems to blind out any other societal considerations (including power-based issues such as nationality or sovereignty). However, candidates must be nominated by a State party (Art. 36 par. 4), rendering governments to remain the ultimate decision-makers. Peace, yes, but power, one may say; but while candidates for ICC judge positions must be nominated by state parties, the actual election occurs by secret ballot: power, yes, but peace. And not to forget that “[n]o two judges may be nationals of the same State” (Art. 36 par. 7). The contradiction inherent to this rule in juxtaposition to the fact that candidates are to be selected without any power-based considerations whatsoever was already commented above with regards to the rules governing the ICJ.

Treaty creation

The *Vienna Convention on the Law of Treaties* is likewise rich in peace-and-power-paradoxes. For instance, while states can accede to, or sign or ratify international treaties so as to bind themselves to inter-state cooperative obligations, any state can, in principle, formulate reservations (Art. 19) unilaterally. Peace is enacted with the unilateral reservation of power. And while states may express such reservations, this right is not necessarily unlimited, as treaties can forbid or restrict them to specific ones, and as a reservation must not be incompatible with the object or purpose of the treaty. In certain cases, other parties shall even accept the reservations (Art. 20, par. 2 and 3). Art. 46, par. 1 allows states to invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its

internal law regarding the competence to conclude treaties, which invalidates its consent, but this is without any consequence when that violation was manifest and fundamentally important. While *pacta sunt servanda* may serve as a fundamental principle of any legal order, Art. 54 allows states, with consent, to terminate or withdraw at any time. When the power-yielding is so unbound that diplomatic relations between party states are severed, Art. 63 still clings onto peace by having the treaties continuing to be valid; however, this is not the case when the existence of diplomatic or consular relations is indispensable for the application of the treaty. A final example can draw from Art. 65, par. 1 and 2, according to which any party may raise an objection when another party notifies it of a defect in its consent to be bound by a treaty, or a ground for impeaching the validity of a treaty – but this possibility is limited in time, as it one may do so only up to three months after the notification.

Human rights and social rights

The *International Covenant on Economic, Social and Cultural Rights* contains rights that implicitly bear a certain universality, but, as Art. 2 par. 3 makes clear, the universality is limited since developing countries are allowed to not guarantee the economic rights to non-nationals. What is inherently peaceful and sovereignty-transcending can thus be restricted via the wielding of sovereign power. In addition, with the help of Art. 4, the rights (of individuals) may be limited for the purpose of promoting the general welfare in a democratic society, which further diminishes the universality of those rights. According to Art. 8 par. 1 lit. a, everyone shall have the right to form trade unions and to join the trade union of their choice – but this right may be restricted if it is “in the interests of national security or public order or for the protection of the rights and freedoms of others”. In abstract words, power dictates when peace can be enacted. And while the Economic and Social Council, one of the main bodies of the United Nations, may submit recommendations regarding a given country’s situation in implementing social and economic rights, these recommendations are only allowed to be “of a general nature” (Art. 21) – perhaps in the name of peace, that is, to not disturb a polity’s power.

Similarly, the *African Charter on Democracy, Elections and Governance* states in Art. 18 par. 2 that the Commission of the African Union may send advisory missions to assist parties for strengthening electoral processes – but the state concerned must be consulted beforehand. And according to Art. 25 par. 1 to 3, while a state may be suspended from the African Union when there was an unconstitutional change of governments there, the African Union shall nevertheless maintain diplomatic contacts. This distinction between (an un-peaceful) suspension and (a peaceful) maintenance of diplomatic contact invisibilises once again the

peace-and-power-paradox by implying two distinct levels of inter-polity channels, one of which harbors peace while the other harbors power-yielding.

International private law

There are numerous treaties that pertain to international private law, or to that subfield of law which regulates whose legal sources are applicable in cross-boundary contexts. The conflict of different national laws is to be solved through some principles that can be found in many of the conventions negotiated and signed in The Hague. The *Hague Convention on the Conflicts of Laws Relating to the Form of Testamentary Dispositions* offers one example, whose Art. 7 is exemplary of a recurring peace-and-power-paradox in this issue matter. According to that norm, the convention regulates conflicts of laws, yes, but the application may be refused “when it is manifestly contrary to *ordre public*”. Thus, peace is maintained through regulating the conflict of laws, but only under the ultimate reservation of a power-activation.

Inter-judicial cooperation

The *Convention on the Taking of Evidence Abroad in Civil or Commercial Matters* (or, in brief, the *Hague Evidence Convention*) creates the right of states to send “letters of request” (to obtain evidence for use in judicial proceedings) to other states (a sign of peace), but such a letter should be written in the language of the authority requested (which could be read as a sign of power), according to Art. 4, and the requested authority can object to the request if it considers that the request does not comply with the provisions of the Convention (Art. 5), another sign of power. In addition, the requested state applies its own law as to the methods and procedures to be followed (Art. 9) following such a letter of request. But this power-clinging rule is itself limited in the name of peace – for while the requested state applies its own law and procedures, the person concerned may refuse to give evidence insofar as they have a privilege to refuse under the law of the state of execution or under the law of the state of origin (Art. 11). Another power-based limitation of the cooperative instrument of the convention is that the state of execution may refuse if the execution does not fall within the functions of the judiciary in the state of execution, or if the state considers that its sovereignty or security would be prejudiced thereby (Art. 12). Again, power can be granted if it is willed – by power. And according to Art. 21 lit. a, a diplomatic officer may take evidence in a foreign country regarding their own nationals, but only if this is not incompatible with the law of the state where the evidence is taken. Unsurprisingly, all concessions of peace are immediately restrained by some power-assertion.

Foreign court rulings (homologation)

The *Hague Convention on Recognition and Enforcement of Foreign Judgments* seems to broadly regulate the peaceful impetus of homologation, but, as Art. 2 enumerates, there are seventeen issue areas that are not part of the scope of the convention. The exceptions offer a legal technique to invisibilise the norm's simultaneous presence of peace and power. Art. 12 par. 4 allows a party to seek recognition or apply for enforcement, but the document must be in an official language of the requested State (or accompanied by a certified translation). Again, peace is accommodated to, but only to the extent it does not offend a polity's power. This is, to be clear, not a judgment regarding the 'moral' value of the norm; it simply offers yet another example of how peace and power are present at the same time.

In general, as Art. 7 par. 1 lit. c makes clear, while the treaty is indeed about recognising and enforcing foreign judgments, recognition or enforcement may be refused if it "would be manifestly incompatible with the public policy of the requested state", including "situations involving infringements of security or sovereignty of that State". Or a state can have "a strong interest in not applying this Convention to a specific matter" and simply declare it to give this opt-out practical force (Art. 17) – albeit, to limit this power-arbitrariness in the name of peace, the declaration shall ensure that the declaration is no broader than necessary and that the specific matter excluded is clearly and precisely defined (Art. 18 par. 1). States may also declare, according to Art. 19 par. 1, that the convention shall not apply to judgements arising from proceedings to which the state or a natural person acting for that state, or a government agency of that state (or a natural person acting for one) is a party. In other words, while the convention inheres a peaceful impetus, it is manifoldly limited by power considerations.

d. Military

Weapons of mass destruction

The *Chemical Weapons Convention* tells its parties in Art. par. 2 that chemical weapons are to be destroyed (for the greater good of peace), but it does reserve significant space of power-considerations: the destroying is to be undertaken by each state itself, and not by others. There is a peaceful intent in terms of a self-diminishing of sovereignty, but the sovereign itself decides on the mechanism of this self-diminishing.

Art. IX par. 2 allows one to raise concerns about another state's compliance, but the concern must be discussed through mutual consultations among the states themselves. In other words, there is no supranationalisation: peace is here but fully bounded by power.

Finally, Art. XVI par. 2 allows state parties to withdraw from the convention; but only for specific reasons. Power can be exercised, but only on the basis of peacefully ascertained justifications (which, in turn, could be practically constructed by the state in a vague way, leaving some room for power).

Transit of foreign troops

The *agreement concerning social protection of servicemen of the armed forces of the Russian Federation and frontier troops of the Russian Federation and members of their families temporarily stationed in the territory of the Republic of Latvia pending their complete withdrawal* offers an interesting anomaly, a unique case among all the treaties analysed here. It is the only treaty in which no peace-and-power-paradox can be explicitly read out. For, strangely, the whole agreement reeks of peace from Latvia's side in an almost excessive way. Intriguingly, while the legal wording of the agreement seems immensely peaceful and peace-loving – Latvia does pretty much everything for the Russian troops, with almost nothing in return –, a political interpretation would possibly label this treaty as 'imperialist', if one does not blend out the non-legal, practical power-imbalance in their bilateral relations. Thus, the peace-and-power-paradox is not absent, but merely implicit: There is so much peace from Latvia's side towards Russia, but this peace only results from a stark power imbalance.

Neutrality

In contrast to the bilateral Russian-Latvian example, the multilateral *Hague Convention respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land* from 1907 again offers numerous explicit peace-and-power-paradoxes. As if following a conventional reflex, Art. 1 starts with stating that "[t]he territory of neutral Powers is inviolable" (and may one assume that the same is true with regards to belligerents' territories?). Art. 5 seeks to maintain peace when it states that a neutral state "is not called upon to punish acts in violation of its neutrality", but it allows for power-activation when "the said acts have been committed on its own territory". Peace comes first, but a single condition suffices to justify power.

Having in mind the notion of inviolability of a neutral's territory from Art. 1, one will read, thirteen articles later, that a neutral power nevertheless "may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material". According to Art. 19, "[r]ailway material coming from the territory of neutral Powers ... shall not be requisitioned or

utilized by a belligerent” (but also vice versa), “except where and to the extent that it is absolutely necessary”, whatever the latter term means – and this “whatever” opens the scope for political power-plays. But again, whenever power is opened up, peace must step in: “It shall be sent back as soon possible to the country of origin”, the Article notes further, and “[c]ompensation shall be paid by one Party or the other in proportion to the material used, and to the period of usage”. Conditional norms, the duty to pay compensation, and the legal term of ‘absolute necessity’ invisibilise diplomacy’s fundamental paradox here.

Alliances

To cite a famous case of a legal regulation of a military alliance, the *NATO Treaty* has as its objective the pursuit of peaceful and friendly international relations; and so as to achieve this objective, the parties “will maintain and develop their individual and collective capacity to resist armed attack” (Art. 2 and 3). It could hardly be made more explicit that peace is a product of power, and that to heighten peace across the world, power must be propped up.

Peace-keeping operations

The *Security Council resolution 795 (1992) on the establishment of a presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia (FYROM)* may serve as one example representing any other peace-keeping (and similar) operations. The principle is simple. Art. 2 establishes the operation, but this was done only because FYROM's Head of State himself requested so; international or supranational peace will intrude a sovereign's territory only when the sovereign rules so decided based on their power.

e. Social issues

Extradition

The *Inter-American convention on extradition* ensures (according to its preamble) that crime does not go unpunished; but this peace-ful intent can only be made through formal extradition procedures that sovereign states agree upon with all their power. Extradition (and, by extension, peace) is thus made possible; but only under the condition that the requested state may deny that request (Art. 2 par. 3) such that after that denial, no extradition request may be made again for the same offense (Art. 18); and not when the requested state determines that the offense is persecuted for "political" reasons (Art. 4 par. 4); and only under the emphasis that extradition does not inhere any limitation on the right of asylum (Art. 6). The peaceful intent gets qualified by many powerful limitations.

Dual citizenships

As regards dual citizenships, the *Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality* seeks to achieve greater unity (according to its Preamble and Art. 5 par. 1), but unity among states seems to be the great barrier against an important principle of that convention: namely, that people are required to fulfil their military obligations only in relation to one country. This is an interesting take – multiple states agree upon an issue, knowing that this agreement distributes persons such that they may feed into another state's military resources (which, in turn, may be directed against oneself). This constellation offers an exercise of the peace-and-power-paradox in its finest form.

Art. 1 par. 1 allows anyone to acquire another country's nationality, but only if they lose their former one. Achieving greater inter-polity unity may thus not be done by having people carrying nationalities from, say, all roughly 200 states across the globe. With a view towards an intriguing thought experiment, one may ask: why not?

Art. 8 par. 1 is interesting in terms of the usual international legal treaty structure. It permits reservations to the Convention; but not any arbitrary ones, but rather only those listed in an Annex (but who guarantees that these reservations are not made arbitrary?). According to Art. 12 par. 1-2, the Convention is in force indefinitely; but it also states that denouncing the Convention is possible. And while denouncing the Convention is possible, this denouncing shall enter into force only one year after the date of receipt by the Secretary General of such a notification (Art 12 par. 3). These are very general instances of a peace-and-power-paradox on the level of the design of treaty obligations in international law.

Sport

With regards to the organisation of international sports, one may cite just a few articles from the *Olympic Charter* that outline the paradoxical interplay of peace and power.

For instance, Art. 27 par. 3-6 enshrine that National Olympic Committees (NOCs) must preserve autonomy and resist political pressures, but at the same time, the norm does wish an NOC to achieve harmonious relations with governmental bodies. And while governments shall not designate any members of a NOC (according to Art. 28 par. 4), a NOC may, at their own discretion (of course!), elect representatives of public authorities as their members. And NOCs are approved by the IOC Executive Board (Art. 30), but the NOCs must belong to independent states recognised by the international community, and their name must reflect the territorial extent and tradition of the country. Whatever that means (e.g., with regards to Kosovo, Taiwan,

or South Ossetia), it certainly does not make the peaceful character of sports more apolitical; it rather seems to invite the entry of power-considerations. Here, again, peace is enabled only by power.

Asylum

With regards to asylum law, perhaps one may cite just one example from the *Refugee Convention* 1951, namely Art. 2 which allows for the acceptance of refugees from foreign countries – but only such that the refugees now carry obligations towards that new country. While this norm seems straightforward, systemically speaking it does reflect an underlying structure of peace-and-power.

Recognition of foreign academic degrees

The UNESCO-deposited *Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region* is a treaty that deals with the nostrification and recognition of foreign academic degrees. In a diplomatically explicit wording, the contracting states intend to promote their joint action in this area “in the cause of peace and international understanding” to achieve a better use of their educational, technological and scientific potential (Art. 2 par. 1). The convention aims for that peaceful state in principle, but allows states to refuse it when a “substantial difference” can be found with regards to “general requirements for access to higher education” (Art. IV.1 and Art. VI.1). Indeed, some countries issued a declaration or reservation at the time of ratification, according to which “[t]he Republic of Austria [to name one example] will recognise the certificates, studies, diplomas and degrees, covered by this Convention, provided that the level and content of the foreign education courses and examinations correspond to the level of comparable Austrian courses and examinations”. And “[w]hen implementing this Convention, the Republic of Austria will recognise only those educational and higher educational institutions that correspond to equivalent Austrian institutions.”

In another example of a yes-but-no-structure, Art. VI.5 allows for a recognition of higher education qualifications issued by foreign educational institutions operating in its territory; this, however, can be made contingent on specific requirements of national legislation. The instance of peace (having foreignness on one's own sovereign territory) is made subject to power-considering mistrust.

Prisoners in foreign countries

The *United Nations Model Agreement on Transfer of Foreign Prisoners and Recommendations on the treatment of foreign prisoners* allows for a cross-national transfer of prisoners, but by doing so, it emphasises mutual respect for sovereignty in the very beginning of the treaty (Art. I par. 2). It seems that the language of diplomacy cannot but emphasise the fiction of impervious states borders (sovereign power) when its purpose is to call upon trans-boundary movements (the diminishing of sovereignty in the name of peace).

In addition, the model treaty provides that a transfer of prisoners into other countries shall be possible only if the offence is punishable in both states (Art. I par. 3). This rule opens the room for arbitrary power-yielding: a country can simply claim that it would interpret the actions of those prisoners in a way that it would not pose a punishable offence, an interpretation which could not be overruled by any external authority in a binding manner. The document allows for peace, but cannot rule out the final say of power.

f. Trade & economy

Investment

So far, this section traced the peace-and-power-paradox within various international legal treaties pertaining to the social spheres of protocolar diplomacy, political institutions, law, military, and social issues; one may now turn to the final sphere of activities, namely trade and economy, so as to detect the same structure within such matters as well.

With regards to cross-boundary investments, a starting point for an analysis of legal semantics may be offered by so-called bilateral investment treaties (BIT). Many countries have issued their so-called model BITs which they use as a basis for inter-state agreements. They are rather generic, and here one may list some examples of the peace-and-power-paradox exemplified in the Kenyan Model BIT, to take a randomly picked treaty.

Art. 2 permits foreign investments, but encourages the use of local resources – peace is permitted, but power preferred. Art. 3 acknowledges that the current treaty is a specific one, but that it must ensure a ‘most favoured nation’-treatment. Art. 5 generally forbids expropriations against foreign investors, but under conditions of a ‘national interest’, and with compensation, such acts of confiscation may take place. While the BIT lists many legally narrow criteria that are to be fulfilled to legitimise an expropriation, in the end, despite the attempt at invisibilising power, blatant power-use cannot be fully deterred. Art. 8 remarks that it is possible for the state to require a visa even for foreign investors, but that the state should

give sympathetic consideration to investors from a contracting party – power recedes in the name of peace. According to Art. 11 lit. d, dispute settlements shall be undertaken at the ICJ, but that this shall not be done when the President of ICJ is a national of a contracting party. Peace can take place, but only if there is not too much of power. And while investments are to be encouraged following Art. 12, this shall not be the case when it is against the country's “essential security interests”.

Toxic waste

According to the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes* and its Art. 4 par. 2 lit. b, countries should ensure adequate disposal facilities for the environmentally sound management of hazardous wastes, but only within their own territorial boundaries. That is, states ought to be peaceful, but only if it does not touch upon others' power-precincts.

A similar structure of yes-but-no becomes visible in other provisions of that convention. For instance, while the exporting state shall notify other state before the movement of hazardous waste (Art. 6 par. 1-2) in a fulfillment of a peace-demand, the importing state can yield its power and simply deny permission. This paradox may be invisibilised behind the apparent technical reasons that could be perceived to justify such a denial; but the treaty offers an example of a more obvious contradiction: states shall co-operate their regulations and policies regarding waste (Art. 10 par. 2 lit. c), but this is subject to their national laws. In other words, while states are called upon to harmonise national laws according to the principles of that international treaty, this change in national laws can be limited by the (changeable!) national laws themselves, as if the latter cannot be changed even though they are the very objects called to be changed. The intricate sequence of this legal doctrine invisibilises the interplay of peace and power.

A final example offers Art. 26. According to that provision, no reservation or exception may be made to this Convention, but states may declare (however phrased or named) that they wish to read the Convention in a way that achieves a harmonisation of its domestic laws with the provisions of this Convention. This rule simply offers another entry point for power-based considerations in a generally peaceful treaty.

Tax

The *OECD Model Tax Convention on Income and on Capital* acknowledges that a person can live in multiple states, but one of the treaty's main purposes is to nevertheless semiotise that

person into one single state. For example, the person liable to tax in a country is defined as the 'resident' in case they have a domicile or residence or place of management or anything similar in that country. In case a person has domiciles (or residences or places of management) in two countries, Art. 4 par. 2 specifies that "he [sic] shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests)". If the criteria of permanent homes or vital interests cannot be determined in a clear-cut manner, then "he shall be deemed a resident only of the State in which he has an habitual abode". And if that likewise does not lead to clarity since they have a habitual abode in both states (or in neither of them), then "he shall be deemed to be a resident only of the State of which he is a national". And even if this nationality question remains ambiguous, then "the competent authorities of the Contracting States shall settle the question by mutual agreement". At any price, therefore, a person should only be liable to tax in one single state, as if to uphold the fiction of people living only within the shut, impermeable borders of a caged, sovereign territory. And if that fiction turns out to deviate from the reality of pervious boundaries and multi-stateness, the treaty seeks to semiotise this noisy reality into the primacy of a sovereign unity. And if the multi-level criteria of undertaking this semiotisation, as agreed upon diplomatically in that document of international law, fails to find a solution – i.e., if peace fails – then peace itself determines that sovereignty (or power) is to prevail in resolving the issue at hand.

The former again exemplified a Yes-but-No-structure, affirming the possibility of multi-statenesses in people's biographies, but negating their ultimate reality for the diplomatic system. Another example is posed by Art. 26 par. 2, which peacefully allows for an information-sharing among states. However, the information are dedicated only for tax-related use, and must occur under secrecy, which can be understood as a yielding of power to curtail that peace-concession. Peace, yes, but only under the narrow confines determined by power.

Airlines and transport

The *Chicago Convention on International Civil Aviation* highlights in its very beginning, in Art. 1, that every state has full sovereignty over its territory. However, it cannot grant an exclusive right to another state regarding permission to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory (Art. 7). If this is the case, does the full sovereignty as exclaimed in Art. 1 still hold? Or does

this synopsis of multiple articles contradicting each other reflect an invisibilisation of the peace-and-power-paradox?

According to Art. 16, airplanes from other contracting states may land in a country's airport, but authorities have the right to search the aircraft of the other contracting States on landing or departure, and to inspect certificates etc. And despite the emphasis on full sovereignty cited in Art. 1, Art. 33 asks the states to recognise “certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered” – how unsovereign a state can be!

With Art. 35 lit. b, each state can, "for reasons of public order and safety", prohibit the carriage of certain articles on an aircraft, but only if it is non-discriminate. But with Art. 38, each state can deviate from ICAO's technical standards, but this must be notified to ICAO; again, a legal obligation to notify other states is used to conceal the peace-and-power-paradox. And while the ICAO seemingly deals with purely technical issues, delegates at ICAO actually represent their states, and while advised by technical experts, the experts do not have a vote, only the state representatives have (says Art. 48 lit. b). Power-actors are the ones that determine how peace is to be implemented.

Drugs

The very final and brief example shall be provided by the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*. Its Art. 2, albeit too general to offer executable guidance for practice, is quite telling in its contradictory semantics. While explicitly calling for an inter-state cooperation in fighting illicit traffic of narcotic drugs, whereby the states “shall take necessary measures, including legislative and administrative measures” (par. 1) to do so, this obligation shall only be done in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States (par. 2). The convention thus starts with emphasising sovereignty and a country's exclusive control over its territory. Peace must be fulfilled through diminishing sovereignties, but such peaceful exercises cannot but start with underlining the countries' full sovereignty and power.

6. Discussion: peace and power grow simultaneously

Heterogeneous issue areas across international law underlie a homogeneous structure of a paradoxical peace-and-power-interplay, or a semantics of a sovereign self-diminishing of sovereignty under the reservation of a restorable sovereignty. This structure is certainly not the

outcome of power-political forces, but rather that of a system that works against the foregrounding of power – that of diplomacy. The finding thus confirms that there is a separateness in the functions between politics and diplomacy even if they are co-present in the legal semantics. And since the discovery of the peace-and-power-paradox in the international legal semantics is in line with the same structure in the domestic laws on state awards across the globe, and in non-legalised matters of diplomacy as exemplified in early modern gift-giving and contemporary digital diplomacy, this section also corroborated the hypothesis of a unified system of diplomacy. As the earlier empirical studies found traces of the peace-and-power-paradox in seemingly trivial settings of diplomacy, while the present section found them in seemingly significant issue areas, one may summarise the result such that within diplomacy, and from a system-internal view, the trivial and the significant are indistinguishable from each other. In other words, diplomacy unifies that distinction.

The significant and the trivial are thus not to be weighed against each other in the way of zero-sum games. Instead, peace increases at the same time as power increases. Sovereignty diminishes at the same time as sovereignty is replenished. The greater the diplomatic action scope, the greater also the area for which sovereignty can be claimed. Amity proceeds such that the suspicion of enmity arises. Both go hand-in-hand. There is neither an “end of diplomacy” (Leguey-Feilleux 2009, 1) nor an “end of politics” in sight (Schedler 1997). That the diminution of sovereignty equals its corroboration, or that the expansion of diplomacy is the expansion of politics may sound paradoxical – and this paradox is being invisibilised in the ‘yes but no’-structure of diplomatic semantics.

The examples were merely illustrations of that structure based on a convenient sample of quickly available international treaties based on the taxonomy of issue areas identified above. The study was therefore not complete in its coverage. However, one may assume that the paradoxical structure is so pervasive that other issue areas and their international legal documents would likewise contain that pattern. One could think of, for instance, the societal issue area of international postal services which apparently have not entered any constitutional documents with the term of ‘foreign’ yet, which is why it was not part of the present study’s sample. If one looked at the founding treaty of the General Postal Union, one would find, in Art. 3, the possibility for all member states to deviate from a given standard (regarding a postal object’s size of 25 centimes) – a rule which seems to embody power because it allows any state to act as it wills – but only within a span that was agreed upon *ex ante* and multilaterally (ranging between 20 and 32 centimes) – a condition which embodies peace because the

sovereign will limit itself into this pre-determined range. Again, even in an issue area not covered by the taxonomy above, one can find a similar peace-and-power-paradox invisibilised within a range of normed sizes.

One could certainly undertake more analyses with regards to the semantics of international legal treaties (such as on the self-invisibilisation of that paradox due to the legal system's impetus to seek coherence; cf. Reinold 2021), and think of further hypotheses based on the verbal structure of the paradox. For instance, perhaps a greater proliferation of a linguistic pattern reflecting 'power-but-peace' instead of 'peace-and-power' could indicate a process of supranationalisation taking place (albeit the rise of supranationalism would mean that sovereign reservations expand as well). The ICC Statute seems to be a case in point. But such a generation of assumptions for future research requires a more systematic linguistic investigation of this matter.

It is now time to provide a synopsis after having tested a hypothesis of the peace-and-power-paradox in three distinct empirical investigations; one inducted a model law of state awards, or of a seemingly trivial but ubiquitous practice of diplomacy which is nevertheless treated as significant; the second study dealt with other seemingly trivial diplomatic phenomena across time, namely digital diplomacy and early modern gifts, to find the same pattern of the trivial being treated as significant in this peace-and-power-paradox; and the third one detected that very structure within a broad range of seemingly significant issue areas of inter-polity legal treaties. The following will provide a summary of the findings.

VII. CONCLUSION: THE TRIVIAL IS SIGNIFICANT IN DIPLOMACY

1. Summary

Across centuries and in highly disparate issue areas, in various inter-polity relations and with regards to all kinds of objects, diplomacy inheres one aspect that remains invariant: the paradox that it signifies both peace and power, and the impetus to foreground the notions of peace in overcoming the power component. This is a structure visible with regards to early modern objects of diplomatic encounters, the contemporary use of digital tools for the fostering of international relations, the domestic laws of state awards across the world, and international legal treaties covering multiple dozens of themes and topics. The presence of both peace and power in a single operation is paradox as peace denotes the mutual inactivation of power centres; consequently, the legal semantics take on a ‘yes-but-no’-syntax in the sense that states, yes, do commit themselves to mitigate their claim to sovereignty, but no, they do not fully renounce their ultimate hold on power with which they can at any time and arbitrarily ignore the commitment. Behind every self-commitment lies the sovereign reservation. Cooperation and latent conflict, trust and mistrust, amity and enmity, peace and power seem to increase simultaneously with each such international legal treaty. And in every happening, diplomacy’s *modus operandi* seems to be this: By semiotically signifying the movement of one sovereign into another sovereign’s territory (the operational translation of the peace-and-power-paradox into the paradox of overlapping sovereignties), it encounters structural mistrust which needs to be overcome, often via positive emotions. The fact that there is this homogeneous mechanism across highly heterogeneous instantiations of diplomacy points to the unity of the system – and this unity comprises both seemingly significant issue areas for world politics, but it is equally true for allegedly trivial matters.

Diplomacy thus transcends the trivial/significant-distinction. This transcending suggests that the distinction is ultimately an observation from an external system, namely the system of politics; within diplomatic operations themselves, in contrast, there is an apolitical lens at play. And this non-political side seems more illuminating when it comes to explaining diplomatic practices than the political lens. For diplomacy, the trivial is just equally significant so that the two values cannot be distinguished from each other. Both a seemingly significant and a seemingly trivial issue may serve as a *casus belli*. There is mistrust against both because trivialities also inhere power, and both will be welcomed trustfully because the significant also signifies peace. The trivial nurtures peace, fulfills this important societal function of

invisibilising power-forces just as well as the significant does. The ultimate distinction diplomacy works with is not trivial/significant, but rather that of system/environment, or diplomacy/non-diplomacy. Whatever is in the positive side of that distinction is, for diplomacy, significant – there is no triviality among its internal operations. And diplomacy is nothing less than the unity of the politically trivial and the politically significant with regards to inter-polity happenings.

2. Comparison with the existing literature

The present work corroborated the assumption of a separateness between diplomacy and politics. Despite even statistically robust evidence that diplomatic practices do not “merely [reflect] their states’ more traditional ‘hard power’ (i.e., military) resources” (B. E. Goldsmith, Horiuchi, and Matush 2021, 1343), or despite game-theoretical propositions that so-called ‘cheap talk’ diplomatic statements follow trajectories that are unexplainable with an assumed primacy of political power (Trager 2010, 347), the separateness between diplomacy and politics is an insight which still contrasts the prevailing view in IR. Instead, the literature usually devalues diplomacy to a mere implementation of politics; it overlooks not only the fact that diplomacy systematically inheres the tendency to deviate from politics, or that diplomacy can operate without any political guidance, but also the observation that politics implements diplomacy as well. Most works in the strand of ‘diplomatic studies’ focus more on power-centred (ergo, political) dynamics rather than the power-less, apolitical flow inherent to the vast majority of diplomatic happenings. Some may see 70% diplomatic operations at play in international negotiations, and 30% internal politics; others guess it is fifty-fifty, according to some interviews conducted with diplomats (Putnam 1988, 429). But inter-system relations are not zero-sum issues – for diplomacy, everything (100%) is diplomatic, while for politics, everything (100%) is political.

There are multiple advantages to an illumination of diplomacy as a system that operates autonomously from politics. It broadens the analytical purview and adds explanatory power to phenomena that have hitherto remained in a blind spot – most importantly, the seemingly ‘trivial’ loses its insignificance as a scholarly object. One can now better appreciate the function of diplomatic trivialities, understand their evolutionary achievements and why the ‘uneventful’ spread across the globe, become aware of its ubiquity, yet also consider the risks that can be actualised if trivialities fail to be reproduced or to be accommodated to. Diplomacy’s central paradox and its constant need to invisibilise this paradox adds new facets to the understanding

of inter-polity matters – for instance, catchphrases like “mutual understanding” and “shared values”, ritualistic-decorative settings of diplomatic ceremonies teeming with positive emotions of togetherness are not ends for themselves, but rather symptoms of diplomacy’s necessity to overcome structural resistance. Analyses of inter-polity happenings should not fall into the trap of overlooking the fact that (at least) two systems operate simultaneously and autonomously from each other; thus, the “normative power” (Manners 2002) Europe that is focused on diplomatic peace can, without any contradiction but simply with reference to another system, be understood as a traditional great power whose ambitions clash with that of other military-yielding polities (Gretskiy, Treshchenkov, and Golubev 2014; Izotov 2019). Diplomacy and politics are simply separate systems with distinct functions and media (peace and power) whose interplay is to be invisibilised lest the paradox hampers any further operation. And with the modern systems theoretical instrument which departs not from humans acting as diplomats but rather from the system/environment-distinction, the analytical purview gets broadened so that not just “practitioners”, not just officials, not just humans, but also, in line with Actor-Network-Theory, animals and state awards can come to “represent” polities as well. The theory is in fact so generalised and abstract that it seeks to detect a function for every single phenomenon within diplomacy. A state award will thus be analysed in terms of the function it fulfils for the overall system. This method is different than, say, the prevailing approach in “new materialism” (Connolly 2013) which likewise seeks to overcome an epistemological anthropocentrism, but which is mainly about having an object sparking our creative associations with regards to a system, using focused reflections as provoked by materials – ultimately a non-empirical, non-reproducible method for generating research questions with the help of biographical randomness.

This article thus translated the self-referential dynamics of diplomacy, as demonstrated by some of the ‘practice turn’ and related strands of the IR literature, into a systems theoretical terminology. The ‘principals’ of diplomacy are political bodies and actors outside of diplomacy (Youssef, 2020: 305). And not only do politicians demand specific performances from diplomacy, but also *vice versa*, so that diplomacy may likewise be regarded as a ‘principal’ to politics. The finding also resonates with the field-centric literature, as ‘power’ is understood not in the traditional hierarchical constellation from a ‘top’ to ‘bottom’ anymore (with politics at the peak and diplomacy as the subordinate) but that it is rather processed in two different systems based on autonomous, system-internal logics (Adler-Nissen, 2013; Pouliot, 2016). Nevertheless, the present work departs from the existing literature by emphasising this

separateness between the two systems more explicitly and with consequential concepts, rather than just illuminating in a latent manner how diplomacy deviates from political rationalities.

3. Issues of external validity and of a theory-empirics-divide

The empirical cases supported the premise of diplomacy's autonomy by demonstrating how the trivial/significant-distinction becomes invalid when viewed with reference to a system functionally tasked to ensure inter-polity peace. The detection of a common structure of a peace-foregrounding and power-invisibilising semantics, the detection of a common *modus operandi* across highly distinct issue areas across time and space may bear a plausibility so high that the empirical investigations' internal validity would not face too many questions. However, one limitation of the present work may lie in its external validity: perhaps one could spot an analogy to the peace-and-power-paradox in non-diplomatic matters as well. While the present work treated diplomacy as a unique societal realm given its communications' attribution to power-centred polities, it is not to be ruled out that, since power diffusely circulates in non-political and non-diplomatic settings as well, other documents exhibit similar semantics. Perhaps works on the philosophy of law, or negotiations on party coalitions intending to form a government, or investment contracts between two enterprises, or a prayer of a priest addressing God, or love letters among dating couples may contain a similar structure of two distinct entities seeking to accommodate to the other (an analogy to peace) while retaining their own separate autonomy (an analogy to sovereign power). Indeed, social psychologists do suggest that universal human needs revolve around the two aspects of physical safety, or the protection from external threats, and the need to reach out to others so as to gain from cooperative behaviour (Rathbun et al. 2016, 125). And if these two conflicting basic needs are analogies to peace and power, then what the present work labelled as the peace-and-power-paradox may not be ubiquitous solely in diplomacy, but throughout society at large. The question of diplomacy's *differentia specifica* then remains open as ever before – albeit one will be able to clarify this matter with the systems theoretical concepts of function, medium, and binary code.

That being said, the present work introduced a rather elaborate theoretical construct to capture diplomacy as an autonomous and autopoietic system, having spelt out various concepts of modern systems theory that hardly re-surfaced in the empirical section afterwards. Examples include the notion of diabolic peace, that of the binary coding of peaceful/unpeaceful (rather than peace/war), the observation of long-tailed distributions of a given country's bilateral ties,

or the evolutionary dynamics that can better explain the global spread of seemingly trivial tools of diplomacy than other theories. The three empirical sections did not touch upon all these systems theoretical notions that had been mentioned in the theoretical section, but rather remained focused on discovering a single underlying structure of a paradoxical peace-and-power-presence in highly heterogeneous settings so as to demonstrate how the trivial/significant-distinction is transcended by diplomacy. This asymmetry of a heavy, elaborate theory versus a rather one-sided empirical section is a consequence of the ambition to describe the unity of diplomacy in terms that are as coherent and theory-tested as possible. The assumption of the unity of diplomacy was to be well-grounded, it was to be reconcilable with MST, as only then would it be worthy of being tested – albeit the empirical testing now remained content with the overall general macro-assumption on diplomacy's autonomy and unity, without delving into the micro-aspects of the theoretical construct. The smaller concepts were nevertheless necessary to illustrate how the *theoretical* claim could withstand closer scrutinies. The dia-bolic workings of peace was the other side of its sym-bolic nature; the binary coding fosters the system's autopoiesis and closure; the long-tailed distributions illustrated a function of the trivial and diplomacy's overall function that is operational even in non-strategic bilateral relations; and the excursion into the evolutionary dynamics added another theoretical layer in highlighting the significance of the trivial. All these notions formed facets of a theoretical construct that was aimed to be as coherent and self-contained as possible, even if they did not materialise in the empirical sections later.

A final limitation to be discussed here may lie in the potential criticism of a 'methodological nationalism', or "the assumption that the nation/state/society is the natural social and political form of the modern world" (Wimmer and Glick Schiller 2002, 302). The present work's theoretical approach assumed that there is a semiotic structure inherent to diplomacy which attributes every system-internal occurrence to a state. Such an approach may seem wrong given that "[e]ven when political rule is territorial, territoriality does not necessarily entail the practices of total mutual exclusion which dominant understandings of the modern territorial state attribute to it" (Agnew 1994, 53). However, the methodological nationalism and the territorial trap that can be observed here is not a product of the individual researcher's bias, but rather an inherent characteristic of the diplomatic system itself. It arises from the fact that the system of diplomacy *per definitione* revolves around interactions between sovereignty-claiming entities. The attribution of humans, objects, events, and any actants to specific polities is not reflective of the researcher's inclinations, it is not a decision undertaken by the author so

as to perpetuate state-centric biases, but rather an attempt at elucidating the underlying mechanics of diplomacy from an analytical standpoint. Methodological nationalism and its semiotic structure are indeed present, albeit not within the second-order observation at the level of the analysis, but rather within the research object, within the diplomatic system and its first-order observers, so that it was indeed the research object's system's étatism that was captured here. And this correlate of the present work's result is one that should be able to be reproduced via systematic methods such as that of textual analyses of international legal treaties.

4. Practical implications: the inflation of peace and a loss of legitimacy

Having summarised the key findings, having discussed some of the work's contribution to the IR literature, and having briefly stated a few possible limitations to the present approach, one may now ask whether the theoretical claim here carries any implications for practice. Perhaps one such aspect is that the production of superfluous peace-signals is a necessary task of diplomacy, just as every function system of world society ought to create such redundant 'free-floating resources' (Eisenstadt 1963). Without the abundance of, say, money, one could not freely allocate economic resources to any area as required (including to diplomatic personnel which might be required spontaneously, such as in *ad hoc* crisis settings). Without the abundance of power, one could not have the capacities to enforce new decisions whose content is not known beforehand (such as a diplomat's initiative to enact a new cultural exchange programme). Without the abundance of educationally attained competences, one could not have a spare pool of possible employees who could take on professional roles required by organisations (such as that of a human resources manager who oversees the personnel of a Foreign Ministry). Without the abundance of diagnosis, one could not take for granted that society's participants remain largely intact to serve as the 'infrastructure' of all kinds of systems (meaning that healthy diplomats are needed in order for peace-production to continue in its autopoiesis). And without the abundance of peace, insecurity would prevail, with every single function system needing to replace diplomacy. A functionally differentiated society can 'count' on peace to abound – otherwise it would not have established a diplomatic system and given it operational closure to spread autopoietically across the whole world society.

While a repertoire of diplomatic trivialities – quick and cheap practices that any sovereign can mobilise towards any other polity at any time, as needed or even if not needed but simply for the sake of amity – aids in generating this *superfluum* of peace for society, there is also a danger hidden in this excess production. Namely, there may be the risk that a focus on trivialities in

diplomacy may delegitimise the system's operations in society at large. In other words, diplomacy not only needs to produce an abundance of peace, but it also needs boundaries. Peace may be inexhaustible and must be reproduced constantly, but this is not to say that its value remains constant. Diplomacy should not expand uncontrollably. And it is here that one might recognise a valid system-internal function of the distinction between the significant and trivial. It is possible that diplomacy can use this external distinction as an internal and reflexive semantics to create an asymmetry in peace-productions, limiting its own tendency to expand with what may be societally regarded as trivialities, while focusing on the significant.

There is no scarcity in polemics against diplomacy (Aron 1966, 58). Some argue that it is nothing but a "waste of public funds" (Sofer 1988, 205), finding it dysfunctional since it places "greater emphasis on petty protocol matters, such as meeting ministers at the airport, than on the substance of the diplomat's job" (Sanders 1989, 420). Its pre-occupation with pure formalities like the shape of a table or rules of precedence, and the way diplomacy treats them so seriously that disagreements about them could potentially (and indeed historically did) cause violent conflicts (Roosen 1980; Wolff 1985; Osborne 2007), fuels the view that diplomacy is inherently immoral, harmful, and, paradoxically, fully identical with war (Sofer 1988, 197). While the present theory's terminology can explain why the trivial is treated as significant and thus can even spark wars (because the trivial *is* significant in diplomacy), this does not mitigate the Utopian wish of ultimately abandoning diplomacy as a superfluous institution in an eternal setting of peace. The Utopia often takes the form of a single world polity – for without multiple polities, what function remains for diplomacy?

The risk of diplomacy losing its broader legitimacy at large is one that emerges out of the fact that it always operates in both peace and power. Every diplomatic operation symbolises the unity of actualised peace and latent power. There is always a hidden trait beyond the *prima facie* feasible, always the structurally invisibilised but not fully eliminated sense that the diplomatic operation holds available a reservoir of unused but forceful possibilities. And the medium can be provoked by resistance ("this is not peace!") or be exposed in its 'trivial' (merely 'symbolic', 'ritualistic') quality, being questioned what power-rationale is actually intended behind that peace-form. Flags and parades are not that trivial (Luhmann 2002b, 35; Billig 1995). Behind them may loom a strategic plan to wield power against any resistance (Luhmann 2002b, 36), even if the peace-form seemed trivial at first. And all this raises the issue about "too much" or "too little" use of peace, with the danger that peace may undergo inflation or deflation. The current tendency is the former.

This can be exemplified with the rapid emergence of digital diplomacy which parallels the broader “accelerationism” (Hom 2020, 217) of contemporary society.² With greater speed of diplomacy, the system risks losing capacity to handle its own complexity (Der Derian 1990). “Under the condition of high complexity, time becomes scarce” (Luhmann 1976, 142); that is, strands of new peace-mediated communications may arise that are never continued because the diplomatic apparatus lacks resources for overseeing them (Amoureux 2020, 175). On a fundamental level, the problem that arises from an ever speedier and ever abundant, ever cheaper and ever quicker diplomacy is entropy – or an increasing uncertainty over the next event because expected responses may fail to arise (cf. Surowiec and Long 2020; Kessler and Lenglet 2020). And greater systemic velocity may be accompanied by new repertoires of quick-and-cheap practices. Variations of ‘digital embassies’ may attest to this new abundance (Bengtsson 2011; Tammpuu and Masso 2018). This rapid proliferation, in turn, could result in diplomatic fatigue (Eggeling and Adler-Nissen 2021, 5) and an ‘inflation’ of peace (Parsons 1963). The rapid pattering of digital peace-signals hardly reaches the emotional intensity that could be achieved through immersive rituals of diplomatic peace (Collins 2004). Embassy-based celebrations of national holidays, or splendid conferrals of precious state awards, or the solemn unveiling of a monument amidst a multi-day state visit are just a few examples of grand interaction rituals (Pacher 2018) that can linger on for so long that these peace-events even become a ‘chronic’ condition to some of their participants (cf. Palestrino 2022). Replacing grand ceremonies with brief Tweets or distant video calls without physical co-presence ‘de-energize[s]’ diplomacy (Wæver and Bramsen 2019, 11) and highlights the need for IR theory to consider the (dis-)embodied experience of peace (Väyrynen 2019; Eggeling and Versloot 2022) – for, with diplomatic rituals going digital and thus emotionally bland, will there not be a ‘missing sense of peace’ (Bramsen and Hagemann 2021, 539)?

Too much of peace may not be healthy for society after all. The external distinction of significant/trivial may aid diplomacy in regulating its own peace-production such that it creates less peace-symbols in total, but more seemingly significant ones. The significant/trivial-distinction thus turns out to be not functionless – at least: not lacking a positive function for diplomacy.

² Note that parts of this paragraph are due to appear in an article in *Security Dialogue* (Nishikawa-Pacher forthcoming).

5. Future research venues

This issue about diplomacy needing boundaries could offer a worthwhile research venue for further studies. One could first start with reviewing how the diplomatic *status quo* is uncritically being upheld in the literature of IR and diplomatic studies, suggesting that adopting the practitioners' view, as advocated in the 'practice turn', may not lead to optimal analytical outcomes. There are numerous indications that points to such a diagnosis. For instance, an analyst may claim that "[t]o take part in this [diplomatic] *illusio*, diplomats in embassies need to know as many people as possible, at different levels and positions in the state apparatus of the host country and within civil society at large" (Cornut 2018, 727) – and it seems that sometimes scholars fall into the illusion as well, at least when they claim that these facts are normatively needed. Diplomatic meetings "are *long and dense affairs. We typically meet for hours*, Ambassador Jakob reflects on a meeting he recently attended: *not everybody is always interested in every single item on the agenda. So, people are doing other things too: reading their mails, giving instructions to their staff, getting input from their capital, thanks to the technology we now have*. But there are also issues with this: *it is now much easier to be overwhelmed and get distracted from the 'real work'*" (Adler-Nissen and Eggeling 2022, 647). In other words, some aspects of diplomatic life have no boundaries such that they can become purely overwhelming, tiring, and exhausting. As the authors further state, "[d]iplomacy as a profession has never fully accepted the distinction between public and private life. Stationed abroad, attending and organising social gatherings, diplomats have juggled different spheres of life for hundreds of years"; they reference other scholars (Towns, Kreft, and Niklasson 2017, 196), including one who suggested that "while the personal is public for diplomats, given all the representation and personal touches needed, there is also a private realm 'that does not come into play at all'" (Adler-Nissen and Eggeling 2022, 654, citing I. B. Neumann 2005, 91).

But there is no compelling reason to maintain the *status quo*; in fact, it may not be healthy for the individual diplomats to continue this lifestyle. Ambassadors claim that it is a necessity to join a hundred parties every month simply because this is their job. But the arguments are ultimately tautological, as they justify normative necessity by purely factual practices. Is there really a need? What if there are ambassadors who do not go to any parties at all? Even with normal working hours that does not involve any evening parties, diplomats can produce enough forms of peace to continue peaceful inter-polity relations. In fact, if there are no diplomatic parties across the globe for three months, as an experiment – and there was indeed a natural experiment with the COVID crisis – diplomacy would nevertheless not lose its function. The

status quo is a particular conundrum for those employed to undertake diplomatic work while entertaining other time-consuming societal duties, like raising a family – with all the gendered implications regarding the costs to one’s health and emotional life (Kostadinova 2022; Fellegi, Kočí, and Benešová 2022). Uncritically claiming that the cocktail party-lifestyle is a necessity that must be continued is one that cannot be supported with the theory foregrounded here. Further research could address this issue more systematically and offer suggestions of how to limit an unhealthy expansion of diplomacy creeping into its employees’ private lives.

Limiting the number of evening attendances a diplomat attends per month may not be the optimal labour law solution for Ministries of Foreign Affairs, but it offers an interesting thought experiment with regards to how to monitor such a rule. In such a hypothetical world, diplomatic parties and their guests would be documented systematically, leading to a structured list of such happenings across the world, which would accrue dozens, if not hundreds, of data points per day and various thousands of observations after months and years. One could then generate “diplometric” analyses based on such seeming trivialities. This may sound novel and utopian; but in fact, offering data on public activities is a pledge that governments all over the world have already promised (‘International Open Data Charter’ 2015). So-called open governmental data of this kind already abound in some issue areas (Nikiforova 2021). Open governmental data are not only of interest in terms of their content, but their format is also to be prepared for large scale analyses. That is, they are supposed to be provided in a FAIR manner, with FAIR denoting an acronym which calls those data to be trivially findable, trivially accessible, trivially interoperable, and trivially reproducible – in other words, made for machine-readable, quick and uncomplicated big data analyses (Wilkinson et al. 2016).

However, whether Ministries of Foreign Affairs around the world have already jumped on this wagon of providing open governmental data remains unexplored. A spontaneous browsing of the current websites of such ministries – if dedicated websites even exist at all – suggests that this is not the case. Open data portals, or online hubs created by governments to centralise their open data, likewise do not indicate too many data on diplomatic activities. Even the presence of embassies, their addresses, or the accredited persons (or at least the number of accreditations) cannot always be found, and if there are such lists, they are provided in a format that is not machine-readable (like a PDF rather than an Excel list). In other words, the state of open data for analyses of diplomacy seems bleak, as compared to officially collected data on, say, demographic developments, trade, GDP, earthquakes, or water quality. Other than the alleged importance of ‘secrecy’ in foreign affairs (which is often just a claim that lacks

substantiation, cf. Putnam 1988, 445; Sofer 1988, 202), there is no compelling reason why data on diplomatic activities like embassies, accreditations, state visits, honourific award bestowals, evening parties, or state-sponsored art exhibitions abroad should not be made public.

What would large-scale data about diplomacy's seeming trivialities (and, of course, significant practices) tell the scholarly world? Some exploratory investigations suggest that unexpected patterns may be traced, such as the fact that *de facto* states, or polities that claim sovereignty without widespread recognition, often initiate official communication with countries that have not recognised their sovereignty (Comai 2017). Transnistria's honourific state award conferrals (Pacher 2020b), or Abkhazia's and South Ossetia's press releases of their Foreign Ministries' websites all show this behaviour of reaching out to non-recognising entities (Pacher 2019). Such data can then spark new theoretical endeavours that try to answer why such anomalies, or at least unexpected happenings, occur. Another example, not yet published but currently under investigation by the present author in collaboration with Japanese scholars, is that monitoring data on state award bestowals by Japan could likely serve as an 'early warning system'. Regression analyses of the recipients' countries point to a few 'over-bestowed' as well as 'under-bestowed' countries; for instance, the U.S. seems 'over-bestowed', indicating that they are a disproportionately important ally to Japan, while the People's Republic of China is highly 'under-bestowed', indicating a herd of 'un-peace' where peace-signals are statistically lacking. Patterns like these are reminiscent of how the European Union's official high-level documents on its Neighbourhood Policy strangely 'under-mentioned' Russia consistently, long before Russia's annexation of Crimea in 2014 (Beauguitte, Richard, and Guérin-Pace 2015). Mere mentions of other countries in press releases or other official statements of public bodies, or perhaps in semi-official channels such as social media (Manor and Segev, n.d.), may seem trivial – but they do indicate diplomatically important (and thus societally significant!) dynamics. If such data were available for every single country in multiple issue areas of diplomacy, could one not create an automated, global monitor that identifies regions where peace is wanting – or where there may be even too much of peace?

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