

Legitimacy limits Territory Territorizing Limits Legitimacy (judgment between State and Anti-State)

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Introduction

Modern political philosophers have discussed different aspects of moral and legal legitimacy of modern states. Different political, legal and constitutional legitimization of modern states have been included into discussions of political philosophy, from Hobbes, the father of modern theory of state, to Marx, Nietzsche and into the post-modern era and attracted the attention of many important modern philosophers. Philosophers like Michael Foucault and Habermas have discussed the legitimacy of states. According to their critical theory approach, political philosophy must seek to improve the rational criteria for the examination of the legitimization or lack of legitimization of states.

Habermas assumes that all views about legitimization could be criticized [1]. He holds that dialogue is a principle, prior to all other civic principles, used to determine the proper destiny of the polis. This primary principle is realized through communicative cooperation and the legal medium. In *The Post National Constellation* Habermas seeks the conditions for broader institutional pluralism [2]. He has a special social consensus theory which is not defined by conditional or theoretical assembly, but it is natural one that includes politico-legal orders, being derived from shared communication. According to Habermas those communicative rules and presuppositions can give legitimacy if only a distinction be made between a compromise among free individuals and that of conditional and coercive consensus [3]. For the legitimacy of states, Habermas turns to Marx rather than Weber. Accordingly, it is not enough for a state to uphold a *modus vivendi*, but it must be possess a legitimacy that is founded on convictions. He does not accept legitimization of law, merely due to being enforceable by established legal procedures.

The aim of this study is to open a critical and analytical discussion about state legitimacy in the context of globalized political theories to redefine the concepts of human rights, legitimacy and that of limits and territory. The transnational political order in which self-determination claimed to be the decisive criterion of democracy described though through legislation seem possible.

Obviously, the main legitimacy subject of concern is not political and social issues related to very social and political satisfaction or dissatisfaction of national citizen. I believe that a sufficient determination must carry non-conventional dimensions of power. This article would examine the presupposition of global legitimacy for both state and its anti-thesis, anti-state potential as far as operating within global domain of politics and is obviously a supposition based on a compromise among different groups of free individuals (or non-legitimacy when become an accusation term in return to the other part). Lack of consideration of the principle of legitimacy will result in precipitous judgment in both theoretical studies, as well as practical, of political sectors. It will be accompanied by incompatibility and contradiction in theory, creating doubts and chaos in political actions. In studying the principle of legitimacy, the borders of global powers, states and anti-states must be taken into consideration. Political scientists have

approached legitimacy though not efficiently as one of the important issues determining the study of the limits of power from foreign-state perspective, the global evolution of the state as well as of anti-state organizations. Legitimacy plays a central role in conflicts between states and anti-state organizations and state confrontation with new merging global threatening entities.

I

Martha Crenshaw regarded legitimacy as a critical problem in studying political violence and conflicts between states and terrorist or anti-state organizations, as each contest the other's legitimacy [4]. In order to be able to create a new definition of legitimacy we must regard all novel conditions of the global limits of territory. Political sciences, as well as social studies, must focus on the concept of territory as one of the crucial elements that determines the legitimacy of the state in the global context. Acquisition of political legitimacy is a territorial phenomenon which involves both states and counter state organizations and in such a way that the question of legitimacy becomes endangered from two controversial enemies.

We must listen carefully to Locke when talks about political importance of ethics. But how about the other side of the coin that is the ethical and moral characteristic of Politics?! Instead of negation, he disregards moral contents of politics or political legitimization [5]. In Essay concerning Government, political power deserves a right for compiling civil rules while these are the necessity of political or state power. Would this mean that legitimacy of powers is not reducible to moral legitimization? It can be said moral contents of social affairs have been interpreted by different social scientists and philosophers, so there are, some activities considered positive in some societies and countries, but are negative in others. So, let us disregard the moral dimensions of the debate for now.

Sovereign power is a territory bound with the origin of legislation and the administrating of punishments. Jurisdiction of a state, a power to affect persons, property, and circumstances within its territory, become realize through certain acts of legislation, executive and judicial action. It is generally recognized that the jurisdiction of states is primarily territorial. Letting a state to have exclusive authority to deal with criminal issues occurring within territory. International law recognizes civil jurisdiction for national control. The international court recognizes that ICCPR extends to "acts done by a state in the exercise of its jurisdiction outside of its own territory" (ICJ 2004), saying that the limits of territory are not necessarily coextensive with the limits of the law yet does not indicate territory not become the subject of law. Each State Party undertakes to respect and to ensure all within its territory and subject to its jurisdiction the rights recognized in the international court [United Nations 2006: 4].

Whatever reason provides to the political power for its legislation, it rest on the convention for its rule while the citizen enjoys the right to decide obeying or not obeying laws. From political point of view, unlike ethical, judicial law is obligatory. From the perspective of the concept, law makers can reconsider their place in legislation. But still human rights, as individual or subjective rights, possess a judicial nature. Human rights are also ethical custom-like and naturally conform to human beings. Yet, the main subject of this right is legal and judicial. Yes, human rights and the freedom of human beings are political issues, due to the fact that they will be questionable conventional rights.

One should note that individual rights have been abstractedly determined by law. They are defined a priori to any human action. In his article "Are there any Natural Rights" Hart argued that special rights must presuppose general rights, i.s. an equal right to liberty [6]. In the United States citizens supposed to have certain fundamental rights against their Government, certain moral rights made into legal rights by the constitution. It would be wrong for the government to stop them from speaking even when the government believes that it will cause more harm than gain [7]. In Practice the Government of United States will have the last word on what the individuals' rights are, because its police will do what its officials and courts say. Concrete

right of individuals, however, are considered to be evaluated on the basis of this law and cannot be realized prior to human social deeds or actions. Indeed, they are both inevitable dual social aspects of human beings. There are no such a legal abstracted subjects outside of society, a fact that been disregarded by most Political philosophers and philosopher-scientists in Law. We have that a legitimization of the law leads to the respect of the law, but this respect will not yet immediately result in making individuals objectively obey legal requirements. As we pointed out earlier there should be distinctive line between legitimacy of law and morality of obligation. On the other hand, this kind of undertaking is not considered a necessity of logical terminology nor carrying moral legitimacy of the written law. Undertaking of law happens for person on the basis of major individual interests and social and practical purposes, without any essential need to respecting or even knowing its legitimization. Actually, the first step of the process to make people comply to rules is to make all people subject to the law, subjects to a legislation possessing permanent characteristics with unchangeable, metaphysical, religious and ethical nature.

Legislated rules shape the history of a society, nation and state, as much as this law will resist against historical changes. Political powers are established on the basis of conditional rules. Unlike natural laws, conditional or legislated laws are considered out of political powers as illusionary. In a perpetual company with power, legislated law deserves to show a unique reality that appears to transform itself into a state of natural law.

II

In combining legislated laws and legitimate political power, it is, therefore, not possible to infer the historical legitimization of a state or a political system merely through its constitutional law. Indeed, is it true that to possess law in a powerful state is different from that of a weak one. This is why a state will not intended originally territorialize or determine itself, in spite of law. The pragmatic consideration will be more helpful and more realistic than that of moral or abstractive evaluation of the constitution, through a summary vote of a “yes” or “no” choice device. Practical determination of a state would expand beyond temporal device of small voting boxes and deserves a kind of validity rather in more considerable space of time. Let us look at an example more closely. Let us take the constitutional legitimacy of the Islamic Republic of Iran and its republic constitution as revealed in its starting point. The permanent structural features of state legitimization in the Islamic republic of Iran owe meaningfully, in part, the canonical laws while its existential characteristic is determined by the will of referendum. The public origins playing in the field of legitimacy of State where as the current system now interpreted as other pivotal for legal constitution. Clearly, its legitimization of constitution as grounded in the constitution itself makes it possible to call it a constitutional government. While the fusion between the terms of “constitutional legitimization” and the jurisprudence legitimacy, regarded either secondary or formal, furnishes the origin of the constitutional legitimization for different parts conducting a historically new political hermeneutics in the context of which pragmatic search for canonical recognition combined with other constitutional devices, such as practical demonstration of national promise. Therefore the written constitution must not be taken as an absolute constitution. As I have stated in explaining textualization procedure of the constitution text, the ontological constitution reveals concretizing absolute through the act of political will of textualization which is prior to the written constitution.

The written constitution reveals as a result of the act to concretize the Text [8]. In the absence of the legitimate political characteristic, the first one that is, legislated law will not be present. And if the state is not upheld legally, the system will not be deemed legitimate. A political system is selected by people, but not rendered legitimate by this selection process. Each state requires its own constitution and laws related to its will to power. The fact is that there is no judicial system without the primary approval of a state, as source of realization,

whether it possesses legitimization or lacks it. This is what we may observe throughout Europe or Asia, where we find different kind of democratic, liberal or socialist states. In cases where the legitimization will be caused merely by constitution, then it will be a big lie in the political history of humankind, because it is not possible to make referendum for or against a constitution, without a de facto existing political system within a defined territory. The permanent character of juridical competence must apply in the space of the territorial sovereignty. Thus we cannot apply a kind of conventional inside/outside logic to state/constitution, or vice versa, without considering the non-temporal principle of the territory.

So, it appears that any kind of state legitimization is related to political and military power of a given territorial state. When a state is willing to dominate another state, beyond its own territory, globalization dominates states within their own territories, a state's superiority over anti-states are via the territorializing through the use of power, as Jean Bodin and Machiavelli pointed out. This illustrates the dominating nature of the political power of human beings. Governing potentialities are inevitable, part of human nature. The main question, then, is whether natural sovereignty as legal and legitimate possible? And, is it legally advisable beyond the pure unconcrete moral standards to govern others or to accept others to govern one's self and within one's limitation of being? If we accept that in order to hold power or balancing it in society we need legitimization, then we need to accept the essential none-moral value of power and sovereignty. John Astin was correct in believing that the law originates from a prior power and is performed through punishment. This means that political power seeks any kind of tools to develop and extend itself, sometimes using legal instruments and legitimization for this purpose and sometimes using other illegal tools. The principle of democracy does not occur from a law system, but from democratic values of natural freedom. But human rights include the relations that result in a real recognition of others in its own territorial identity and sovereign.

The five thousand years-old Asian and European civilizations indicate that there would be no proper alternative for the state itself, especially in Asian societies, since the rejection of the state has led vast anarchism. But without taking into account the priority of the human societies and the people, how is it possible to talk about the legitimization of a political authority? The individual rights are not considered as having mere primarily moral privileges. Those who consider the main purpose of the law to apply to individuals have neglected the collective and the societal nature of political will and intelligence. National sovereignty comes after national will and social intelligence. According to Habermas, the legitimacy of the law rests on the participation of the people in rational discussions. This comment ignores the fact that the majority of the citizens have accepted this law without falling into conversation about it. The sample of anti-deduction of Habermas is his above statement. The historical preferring of political ideas shall be analyzed without interfering and entering into the political conversation. This is the result of a unification of existential and ethical reasons. Indeed, Habermas' comment resembles merely a call to an ethical maxim, rather than an indication of a preliminary conventional consensus.

Now it is important to notice recent potentialities in the global tensions in specific in the Middles East carries new theoretical options for analyzing human civil social experiences. In the context of globalization, state legitimization needs a new hermeneutic of legitimate power. Modern states must consider new meanings of power controlling, to defend themselves against the risk of the globalization of trade and terrorism, economy and stability, market, the development of big cities, the internationalization of private companies and be aware of the global ghost who expands its yet less custom known territory over, within and against traditional national sovereignty. Globalization has questioned, historical or geographical, national legitimization and prevents full realization of national will “ desire. As a result,’ modern responsibilities

imposed on states will be reduced by the unintentional extension of global functionalism and be a cause of the gradually weakening of legitimization.

Habermas identifies economical and administrative crisis as the beginning of the motivation and legitimization crisis. These kinds of crises will occur when current patterns of social and political values and traditional struggle mechanism are not sufficient in this part. Berthold Goldman, a man with his brilliant anticipations, asked lawyers to accept this fact and admit that international economical relation shall be free from influence and enforcement of states rules [9]. According to Habermas, globalization deconstructs the territory of nation-states and alters their control over space and time. Finally, nation-states will lose their power [10].

For most states, the acceptance of individual rights and freedom of this new system of global rights must not be taken as much dangerous as mummifying and dismantling of regional systems and nations in globalization process which carry the responsibility of maintaining the physical and spiritual life of the nation in a safe permanent. A focus on the freedom of individuals, coupled with less participation worldwide, regional and international disorders and their influences on human life will generate threats state power endangers it to control over its own territory.

The global shuttle of powers runs all across the territorial sovereignty recognized by all different parts of states. Global movement does not claim changing territory yet it may request a new geopolitical understanding of world stations according to the new political and economic emerging arenas. Globalization is derived from the term of global. It is obvious that political world, as well as political globe, is determined by place. Space is very effective substance in determining the human destiny in new millennium. Cradle and grave are placed on the earth, as places. Identity of human beings is realized and grows in a place. This identity, either individual or collective, is not clear, unless it becomes realizable in place. If perfection is gradually obtained for human and society, it must occur in place, and considered in territory, i.e., a country's place [11]. On the other hand, both of government and globalization have basically spatial characteristics. The meaning of a nation consists of a combination of realization and identification of human local needs and requests extended over broad wide of a particular territory. People with a specified common history will gather, while any method of realization of the historical will of the people will rejoin temporal social needs and identity itself will be related to a national certainty of possessing a territory. Territorial integrity must be respected by all states, because each state is in return identified with its own territory. Both political independence and territorial preservation represents one and the same identity, external and internal sovereignty. The security of citizens of a country and the conditions of a nation, in comparison to other nations, depends on it.

Never the less, this national identity is not restrictively subject to the government, because, internal loyalty of family or other social group activities may be accomplished without the presence of a government. The spirit of a nation is related to the geography of its people, combined with a specific race or races or other geographical potentialities. At a higher level, it spreads over language and religion, the historical will of people, and the potential values of race, language, religion and culture, accompanies nation to create a new construction of government. A country inhabits a recognizable territory with geographical boundaries. Indeed, geographical and historical ties are identified within the territory. The country is considered a space-nation, for different regimes, during various historical periods. Hence, the legitimacy of a state is mostly defined by its geographical and historical boundaries [12]. For the realization and the fulfillment of the national state, it is necessary that a nation be settled into certain geography and territory, rather than continuous assertion for historical arbitration. The meaning of the nation-state converges with that of country, although order, rule, city, citizenship, people, and nation are determined by land.

The space-nation is not considered entirely for its power, because security and integrity will not be fully attainable, in spite of all the security and military endeavors. Therefore, any state is destined to live despite its weaknesses or lacks of control over some of its domestic or foreign affairs as long as it deserves to have a determined territory. The non-temporal principle of territory will be represented as an ideal separation of nations as well as cause of concreteness of the authority and stronghold of ruling mechanism of the various states. International communication recognizes geographical limitation and national territorial integrity in international law, under Article 2 paragraph 4 of the UN charter. Let us again note that territorial integrity plays a regulative ideal in world order. It imagines, creates and maintains a semblance of order at the international level of this global system. Internal policies are concerned with land preservation or continuity, foreign policy having the same purpose, yet being considered from the broader perspective of international relations. Actually, the state's power and ability are related to the geopolitics potentialities in its territory. So it would not be possible to imagine a non-territorial state since sovereignty become safe guarded through pervasive territory building fluid and flexible or strangled and fixed. It is a necessity of global making of polities to protect frontiers against foreign threats of other peoples, a fresh example of which can be shown by Trump pretentious decision to build a boarder wall with Mexica.

In his view of the future of democracy and of post national systems, Habermas warns us against the territorial trap in the theorization of politics, a famous phrase quoted from John Agnew (1994): that states have exclusive power within their territories as represented by the concept of sovereignty, that domestic and international spheres are distinct, and that the borders of the state define the borders of society, so that the latter is conditioned by the former. The modern geopolitical imagination to which Agnew refers is one that relies upon, and reproduces a familiar story about the birth and the subsequent development of the sovereign territorial state in early modern Europe at the end of religious wars of the 17 th Century. Accordingly territorial states were prior to society and its formation, yet in rarely determined condition [13].

Habermas' theory of globalization disregards the principle of territory or belonging into one concrete space of world, which must be taken as the most geographical undertaking of politics in different kind of states, states of various historical class or kind of foundation. This ignorance may be judged as considering impossible evacuating governments from geography. Indeed the territorial facts have resulted into variety of military blocks and powerful governments throughout the classical and the modern worlds. These blocks existed during First and the Second World War, as well as during and after the Cold War eras. New territories, e.g., in the Balkans and Sarajevo, were carved out of preexisting blocks, each state having a defined land and boundaries possessing geographical privileges within an intended territorialized destiny.

Thus we may conclude that constitution is determined by the territorial characteristics of the land, more than that of the population. People live on a land. It is not possible to find people that do not have a land; even Palestinians have the dream of their land. David Sack assumes that territorial rules are considered as instruction for state and making it more powerful. For, if violence, violence crowned by fate, is the origin of the law, then, it may be easily supposed that where the most extreme violence exists, i.e., over life and death, it occurs in the legal system, the origins of the law being manifested fearsomely into territory of existence. In the exercise of violence over life and death, more than in any other legal act, the law reaffirms itself. But in this very violence something rotten in the law is revealed, above all to a finer sensibility, because the latter knows itself to be infinitely remote from conditions in which fate might imperiously have shown itself in such a sentence. 14 These kinds of rules create the state, through political sovereignty, power or citizenship. Space and social order will disappeared, without the territorial rules, the land rules, such as “cars there”, “workers here”, “citizens here”, “tourists, emigrants and refugees” and etc. [15].

As a state is created within a territorial space, and several climatic and natural limitations restrict it as an occupied land, so this natural situation will be the cause of expanding invasion over other states. This essential characteristic of a state, as a possible invader of another state, is the result of its own territorial delicacy. A power must discover and cover other territorial powers. It must know how to limit them, degrade and push them aside, or leave them dead without a territory and even let them finally disappear. Connolly refers to the etymology of the concept of territory as deriving from the Latin root *terrere*, which means to frighten or terrify. From here, Connolly suggests that territory can be thought of as “land occupied and bounded by violence”. Hence, to territorialize is “to establish boundaries around [territory] by warning other people of” [16]. This etymological connection between territory and violence is also identified by Barry Hinds. Here, it indicates the weakness of control over the natural, climatic, territorial boundaries and one’s own people.

Remember when, in Brest-Litovsk, the great historical Political thinker of Russia during the communism era, Leon Trotsky said that each state is created on the basis of power and ability.

According to Hegel, the power and force of a state were very holy and transcendent. Its power is considered as the highest human power. Actually, it is not just a positive or constructive factor, but also a negative or deconstructive one, when it is a potential threat to a state. Thus, power is situated at the highest level, inciting to subdue other powers that try to resist or reject its rules [17]. Although the power of a state is not just related to its capability of invasion, to force and domination, it is also related to its ability to counter threats posed by other states and to prevent others subduing it.

Anyway, state power is considered categorically as the ability for the purpose of attending to develop other territorial characters through retaking share of what other states are able to possess or interested to obtain. As long as it is determined by its status among other ones, then it would be righteous for different states in global time to consider new understandings of territorial characteristics. In this part, a state seeks its protection, through saving it against all territorial unfriendly powers. In the context of globalization, national consciousness is trying to take a worldwide spirituality and modern globalized states seeking development of broad national identities. Hence, state historical realization seems tantamount to national consciousness of territorial development. As national identity shall accompany by weaken, failure and lack of territorial consciousness, then final state is weak and precipitate. The legitimacy of a state is always coextensive with the national promise or public will as we noted earlier, but we must add the fact that the nation state recognized by the national consciousness of the people realizes itself according to a specific conscious territory.

What is the wonderful dynamism of a historical state built on such territorial awareness? Like what can be observed in other social phenomena, states find their continuity in basic implicit historical consensus, but fulfillment of this consensus does not result merely from a pure democratic circumstance. Actually, the state’s continuity is due to the fundamental consensus tied with the lonesome existence of the state. However, it is important to project the “other” as limit meaning and as origin for developing a state. Though state creation of legitimate power is internal and a valuable factor, it is not possible without a confrontation with other states. The term of “others” disrupts the state’s functional character and angers the normal course of things. This will occur much faster with globalization’s external potencies and anti-state unconditional forces which are now part of the third millennium power structures.

We must remember the fact that the term “state” been used by Machiavelli in *The Prince* as territorial sovereign government. Indeed, a state will complete and compile collective decisions, by governing. A system and a state will maintain life through the act of governing. On the one hand, government is more rational in different circumstances which reflect the image of decision-makers of a state. By determining civic duties and controlling public institutions, army, police,

etc., the state is viewed as the monstrous conscious territory of government, being realized within a territory aims to transform territory in its own history. Now, if state has a territorial primary characteristic, the political engineering of the state transforms the territorial identity and the history of state mirrors the total destiny of its territory.

III We must add that Global construction of policy no longer been attributed merely to the power of states. Those unlawful, hostile and deconstructive organizations, all gotten worldly reputations now by the favor of globalized media, acting against the formal government in different parts of the world, enjoy form the similar miniature of organization power formed of different collocations of minds and bodies. These non-state structures of powers have completed their special political actions so strong which deserve to contain sometimes historical impressions. As we see the concept of state presupposes the enemy concept disclosed internal as well as external. Therefore, the historical will to have territory is a general concept covers both state and non-state activities.

So the will is by nature prior to order and seeks legitimatization as much as possible by order and revolution yet does not prevent anti-state movement and transcends all hetero-globalization partners. The political communication of those organization, which I phrased long times ago, just at the night after September 11, as “anti-state” entities, obey a high-level center (supreme committee, revolution or leadership council, etc.), in spite of the partial independence allowed to its agents in performing its activities. These kinds of organization will resort into aggressive activities for the purpose of demonstrating their power. Here, I need to emphasize the term “demonstrative power”. According to Weber, legitimate force is just for state though the structure of policy is not limited to it. State been able to restrict power into itself yet recognizes the similar power for the other states. But, how can one account for the exception of power used by anti-state organizations, such as those responsible for September 11, 2001, which was historically so impressive Habermas remembered as a widespread awareness of living at a turning point in history [18]. Like state, anti-states resort to force in the performance of certain social actions. J.H.

Scheer believes anarchist and anti-state activities performed by individuals are related to their questioning of the government not having been answered [19]. Classifying of anti-state activities and unconstitutional actions as underground performance of aggressive activities no longer would be theoretically useful. It may be meaningful, for the purpose of maintaining their interest. There are decentralized activities of autonomous units, within anti-state emblems whose general function is to limit the space/ power of the state, or making globe smaller for the dominative purposes of the global states. Although riot and chaos not proclaimed a prerequisite of anti-state activities, they are a preferred political strategy to undermine the territorial power of legitimate institutions.

Anti-state does not appear merely as an enemy inside teasing for deconstruction or decreasing the power of territorial state. Here, the prime target is rather the destruction of the territorial concept of state legitimacy or let us say the territorial legitimacy. In addition, there are anti-state disciplinary powers type of which described as non-territorial deconstructive political entities which are at less territorial branded of political actions in favor of which state anticipate the future of globalization in ambiguous. Connolly, Hinds, and Walker thus emphasize a deep connection between borders, territory, and the law triad and violence that is not only etymological, but also historical, structural, and colonial. As Hinds reminds us, the territorial order of states often fails to domesticate terror: when states do not have a monopoly on the legitimate use of force: when terror is used as an instrument of policy by a state against its own people or other states' population, when there are disputes over the government of a population that are under the jurisdiction of another state, “While terror may sometimes pose a threat to the territorial order of state, the possibility that territory and terror derive from the same

Latin root suggest that it might also be an integral part of this order's functioning". For Hindes, terror and territory are intrinsically linked, not just because territorial impulses imply violence to those who are deemed not to belong, but also because the threat of violence is also imminent to those who do belong through the regulation of conduct using fear [20].

The political philosophy corresponds with the relatively autonomous criteria of other antithesis. We may accept the idea that the specific political distinction that is the basis for all potential activity and impulses is the distinction between friends and non-friends or enemies.

According to Schmitt the only source of legitimacy is the sovereign decision to distinct friend and enemy. But any other political entity other than state may possess such a power to decide a particular state as an enemy. Schmitt thinks that the distinction provides one with a definition in the sense of a criterion rather than something definitive or substantive. The distinction between friend and enemy denote the highest possible intensity of a union or separation of an association or dissociation [21]. We think that the distinction above does not uncover a scientific estimation of the story unless be tied immediately with the border among and that is territory. The criterion of the territory comes into play when political enemies will to struggle. The enemy does not attribute the counter as a morally evil or with an aesthesis ugly face rather take it as some dangerous to its identified sovereignty. The dangerous comes from the territory itself, a predetermined political cause that swallows both and allows both good and ugly distinctively to pay for. It says which legitimacy belongs to outside and which belongs to inside boarder.

Therefore, the kind of legitimacy proclaimed by anti-states in their social struggle does not necessarily be conflicted in nature with the legitimacy of states. Of course anti-state organizations would like to challenge conventional legitimacy of state as much as possible while as ultimately are engaged in a search for legitimization. 22 These two are not exclusively negating the other.

Remember the terrorist organization like chin fen in common entitled for the long struggle of losing, gaining and bargaining legitimacy sketched out through international as well as domestic political activities. Obviously anti-state individuals and groups who are deprived of constitutional legitimization or rights seek natural law, resembling deconstructive nature of the invaders against state. This kind of power is a part of legitimization, such as state power, but it represents a symbol of a natural legitimate right. On the basis of Hobbes's point of view, human rights for creating riot are related to their natural rule of law. According to natural rule, human beings have the right to resist against the government, "If there are any moral rights at all it follows that there is at least one natural right, the equal right of all man to be free" [23]. We remember Marx takes away legitimization from state and restricts it to revolution. Nonetheless, generally defined as crude but naturally legitimate activities of anti-state in global time could be compared to other certain historical events not authorized by moral law caused by territorial states.

In the context of globalization, anti-state organizations perform crudely like a bureaucratic state, depriving human beings of their desired ambitions. It is not very difficult to identify unmoral actions of anti-state organizations, for example, the Taliban and Daech suicide attacks in Afghanistan, Iraq or Pakistan. With such dramatic actions, anti-state actors seek freedom, although it did not explicitly grow out of social consensus. Unfortunately, Habermas' analysis of anti-state activities is totally insufficient. He does not consider the natural roots of deconstructive activities which lead him to overlook the political motifs of religious fundamentalism [24]. Comparatively these deconstructive unconventional powers have determined in oppositeness with other territorial Powers [25]. Anti-state activities against different states do not ask for any recognition or any pragmatic support by all counterpart concrete land while try to increase resistance potentialities outside as well as inside borders. It is not easy to re-determine any

power, either positive or negative in this battle. Locke considers in human being the right to revolt against the government.

Hereby, we can conclude that anti-state activities has its special political subjects, about power as like as state does such where no will of people become subject of its power.

The state is for people, unless it would not be able to represent and introduce territorial destiny for the most part. The state is not a special kind of society but rather the broadest possibility of social politics recognized by having autonomous laws. Nonetheless politics as history shows is prior to state covers state activity as well as other social non-state activities since it got far wider through determination of polis as well as state. So a territorial society would have a particular unity beyond sovereigns. If we regard state formation to be reducible to a social entity, then the state, from one side, and society, from another side, both indicate a combination, shall be called territorial society. Therefore, there would not be a complete definition of historical state possible merely on the basis of nation's temporal developing will unless surround its territory.

It is obvious that globally consensus of human right not deserved become a permanent or valid replacement for the kind of unity being appeared in nation- state politicum imagina. The reason for this is that civic unity is derived from vital collective identities, whereas global unity focuses primarily on the ethical rather than the territorial generalization of human rights (Once Habermas described the unity of the global citizens as reactionism). The above-mentioned unity develops global solidarity by fighting against the violation of human rights and preventing the violation of human rights by various states. We hereby conclude that Habermas is optimistic about realization of this global unity. There may be no structural obstacles for the purpose of developing national civic unity into a global federative one, yet one should note that the political culture of global society does not participate of common ethical values sufficiently, what is most essential for a global society. Human intelligence generally tends to global unity. Meanwhile, in civil societies of different parts of the world, national sensibilities are going to preserve very effectively regional and national identities. New political systems and foundations will fail to perform effectively basic political duties, as a result of lack of modern construction of national consciousness. Turning back to the authentic territorial values preserves from the potential treats of the global modernization of societies. Habermas' point of view on global state has several contradictions which would require further discussion. Speaking generally, I believe, however, that the political value of legitimacy of the global state is lower than the one of the national state. Also I believe this territorial cautiousness is the most important challenge of societies in coming half century. The global state is not the possessor of an effective political principle higher or nobler than territorial one.

Apparently, there is a main deficiency in desires and wills of national states so far that a meaningful position of global state may not be proved merely by these weakened wills. At least, it is not possible to attribute originality to these global alternatives, compared to the ones one observes at the local level of the state. The idea of state never contains all the fundamental facts about Asian societies and the related political subjectivities, although investigating Asian history will be incomplete without studying the more broad application of the idea of territory.

Nonetheless we can't think the idea of state in historical-political analysis shall be omitted. Indeed, malicious extremism against global unity cannot be hampered without letting the powerful idea of territory reiterate its role.

1 .Habermas Jürgen Legitimization Crisis, Translated by Thomas McCarthy (Boston: Beacon Press, 1973), p.100.

2 . Jürgen Habermas The Postnational Constellation: Political Essays Translated and edited by max Pensky, The MIT press, 2001.

3 . Legitimization Crisis, p.188.

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- 14 . Walter Benjamin *Selected Writings Vol. 1*. Harvard University Press, 2004: 242 emphases added.
- 15 . Sack Robert David, *Homo Geographicus*, p. 90. As we pointed out, the legal system will not be merely analyzed by considering ethical issues in human rights or government (such as Rousseau’s concept of social contract).
- 16 . *Philosophy in time of terror: Dialogues with Jürgen Habermas and Jacques Derrida* by Giovanma Borradori. *Conflict, identity and economic development: Ireland and Scotland, (600-1939)*, edited by S. j. Connolly, R. A. Houston and R. J. Morris, Preston, Carnegie Pub, 1995, Connolly 1995: xxii.
- 17 . Hobbes, Cambridge, The University Press 1928, p. 26.
- 18 . *Philosophy in time of terror: Dialogues with Jürgen Habermas and Jacques Derrida* by Giovanma Borradori. *Conflict, identity and economic development: Ireland and Scotland, (600-1939)*, edited by S. j. Connolly, R. A. Houston and R. J. Morris, Preston, Carnegie Pub, 1995, Connolly 1995: xxii.
- 19 . John H. Sheer “Legitimacy in The Modern State” in *Legitimacy And The State*, Edited by William Connolly, New York: New York University Press, 1984, p. 127.
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