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Beyond hypocrisy?: debating the 'fact' and 'value' of sovereignty in contemporary world politics

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**Beyond Hypocrisy?:
Debating the “Fact” and “Value” of Sovereignty in Contemporary World Politics**

George Lawson and Robbie Shilliam

May 2009

Abstract

It is no exaggeration to say that sovereignty is the foundation both of International Relations (IR) as a field of enquiry and of international politics as an “actual existing” field of practice. Whether seen as the archetypal IR101 topic or in debates about the rights and wrongs of humanitarian intervention, the capacity of international organisations to exert control over significant spheres of international politics, or in discussions about the legitimacy of bodies such as the International Criminal Court (ICC), sovereignty appears as the central referent point of international politics. Over recent years, however, there has been considerable debate over both the substantive content (“fact”) and normative framing (“value”) of sovereignty. The former comes about as a result of a series of political, economic and security challenges which see states as assuming a role as “one-amongst-many” in an increasingly complex international topography; the latter stems from concerns about whether national states form the optimal site for the articulation of authority claims. This forum engages with both of these debates, focusing on how they relate to understandings of the emergence, development and possible emasculation of sovereignty in the contemporary world. In the introduction to the forum, we outline the ways in which scholars have contested the emergence of the sovereign state and examine the ethical issues surrounding the normative value of this form of rule. In the process, we lay out the ways in which the papers which make up this forum make uncomfortable, if important, contributions to the debate about the fact and value – or “is” and “ought” – of sovereignty in contemporary world politics.

Keywords

Sovereignty, historical sociology, political theory, international politics

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Beyond hypocrisy?

It is no exaggeration to say that sovereignty is the foundation both of International Relations (IR) as a field of enquiry and of international politics as an “actual existing” field of practice. For the former, sovereignty is the archetypal IR101 topic. Students entering the subject are informed that sovereignty emerged in Europe sometime around the mid seventeenth century before being exported to the rest of the world, often by force of arms, over the next few centuries. There may be disagreement over sovereignty’s precise point of origin (cf. Ruggie, 1983; Rosenberg, 1994; Spruyt, 1994; Krasner, 1999; Reus-Smit, 1999; Philpott, 2001; Osiander, 2001; Teschke, 2003), but the basic narrative remains intact: for IR – sovereignty is synonymous with the emergence of the modern state system and, as such, forms the generative grammar of IR as a distinct subject matter. For the latter, sovereignty is equally important. Only rarely do policy makers make a speech about international affairs without reference to sovereignty: it is at the heart of debates about intervention – potential or actual – in Iraq, Afghanistan, Darfur and Zimbabwe; it speaks to the capacity of the European Union (EU), the International Monetary Fund (IMF), NATO and other international organisations to exert control over significant spheres of international politics; and it undergirds discussions about the legitimacy of bodies such as the International Criminal Court (ICC), the status of “prisoners of war” in the “global war on terror” and the juridical space occupied by US military tribunals or practices of “extraordinary rendition”. Even when states *explicitly* intervene in other territories – whether through the brute fact of invasion or by subtler means of diplomacy and trade – they often do so by reference to why sovereignty can be suspended in special cases. As such, even when the norm of sovereignty is broken, it still appears as the central referent point of international politics. In short, sovereignty is a conceptual marker, normative frame and political tool without rival. It is IR’s font and altar.

Given the centrality of sovereignty to IR, it is no surprise to find numerous debates circulating around it: its place as ground-rule (Bull, 1984) or gibberish (James, 1984); its spread as a fundamental institution of international society (Watson, 1992; Buzan, 2004; Buzan and Little, 2010) or as a coercive standard of civilisation (Gong, 1984; Keene, 2002; Suzuki, 2009); and its emergence (Ruggie, 1983) and possible supersession in the contemporary world (Linklater, 1998; Habermas, 2001; Held, 2004). Over recent years, sovereignty has, once more, been at the centre of disciplinary debates. The emergence of practices like humanitarian intervention, the

extension of a human rights regime around the world, the growing voices of transnational indigenous movements in international organisations, the increasing interdependence of economies, and the rise of US hyperpower speak to a complex topography which has outgrown shorthands of formal equality and non-intervention. But even as sovereignty is seen to be on the retreat, there are pertinent reminders – not least amongst them the war in Iraq and the economic crisis instituted by the 2007 credit crunch – which speak to the continuing hold of sovereignty on international affairs. At the very least, sovereignty appears as a defensive wall against externally generated instabilities. And even as migration, travel, economic interdependence and technological exchanges serve to weaken national borders, so virulent strains of nationalism, locally rooted identities, and the renationalisation of state security and economic powers act to harden them.

Alongside contestation over the substantive content of sovereignty can be found corresponding questions regarding the continuing hold of sovereignty as a normative frame. Frequently, cosmopolitan theorists see sovereignty as a barrier to the emergence of a progressive form of politics in which national boundaries place no (or at least relatively few) restrictions on notions of political community (Held, 1995; Habermas, 2001; Fraser and Honneth, 2003; Fraser, 2008). Nor, these scholars argue, should national borders – whether real or imagined – act as barriers to policies geared at reducing poverty (Pogge, 2008), raising levels of development (Collier, 2007) or generating co-operative security communities (Beck, 2006). In this way, the increasing “thickness” of the international sphere as witnessed by the burgeoning remit of units of global governance, the extension of international law and the emergence of apparently robust international regimes stand as hallmarks of a cosmopolitan era which can eliminate “backward” ideas like sovereignty. However, just as there is fundamental disagreement over the substantive content of sovereignty in the contemporary world, so too are there sharp disagreements over the normative implications of a decline in sovereignty. Indeed, critics argue that imagining a world without borders may induce a concomitant decline in notions of solidarity and community, engendering a hollowing out of politics which is as counterproductive as it is naïve (Chandler, 2009). Equally importantly, claims about the need for emancipatory politics to bury ideas of sovereignty sit uneasily with those states, many of whom have experienced centuries of

imperialism, colonisation and other forms of exploitation, which see claims of national sovereignty as powerful bulwarks against foreign aggression (Lawson, 2008).

The place of sovereignty in contemporary world politics, therefore, can be seen as doubly contested: first, in terms of its salience as a substantive area of international politics; and second, in terms of its role as a normative frame of reference. Indeed, some of the core debates in the discipline concern critiques over how sovereignty has been understood theoretically and historically on the one hand, and over the ethical promise of the good life provided by – or subverted by – sovereign forms of rule on the other. Needless to say, few classical texts on sovereignty divorced the moral significance of the condition from its theorization. This forum engages formatively with these debates – ten years after Stephen Krasner’s (1999) landmark investigation of sovereignty as “organised hypocrisy”, it is time to revisit the hold of sovereignty on the international imagination. In order to situate the contributions within the vast literature on the subject, we first sketch the ways in which scholars have contested the emergence and facticity of the sovereign state, before moving on to examine the ethical issues surrounding the normative value of this form of statehood. The final section illustrates the specific ways in which the other articles in the forum contribute to our understanding of the “fact” and “value” – or “is” and “ought” – of sovereignty.

The fact of sovereignty?

If students of International Relations question the hold of sovereignty over the subject, they usually do so by reference to *when* sovereignty appeared: in the *cuius region, eius religio* (whose the region, his the religion) clauses instituted at the Treaties of Augsburg (1555) and Westphalia (1648) (Wight, 1992); in the inter-state wars and geopolitical struggles ushered in by the European military revolution of the sixteenth and seventeenth centuries (Gilpin, 1981; Mann, 1988; Tilly, 1992); in normative shifts associated with shifting understandings of territoriality (Ruggie, 1983), religious belief (Philpott, 2001; Nexon, 2009) and statehood (Reus-Smit, 1999); via fundamental shake-ups to the constitution of modern subjectivity (Walker, 1993; Weber, 1995; Bartelson, 1995); or in the development of private property rights and other processes associated with the emergence of industrial capitalism (Rosenberg, 1994; Teschke, 2003). When conducting these debates, IR scholars are effectively carbon-dating the discipline’s “big bang”.

For sovereignty is considered to be IR's moment of intellectual conception, marking the advent of an order which, it is argued, first placed meaningful constraints on interference in the "internal" affairs of states. As such, sovereignty is to IR what modernity is to other social sciences – its leitmotif.

The attempt to date sovereignty is, therefore, an important one. Indeed, the shorthand of "Westphalia" to describe both modern and "normal" inter-state relations is one employed by both academics and policy makers alike. Likewise, the degree to which we understand the current political order as post-Westphalian relies on a prior assumption about how Westphalian the order was in the first place. And Westphalia is certainly important in as much as it is a representation of a political imaginary which posits the formal, reciprocal recognition by nation-states of the political sovereignty of other like-units, in other words the process by which composite polities became caged within a territorially limited, relatively autonomous, centrally demarcated political unit – the nation-state. At the very least, so the argument goes, Westphalia provides a hegemonic story for how political imaginaries have developed over the last few centuries, with "post-Westphalia" acting as the leading edge of emancipatory possibilities within the contemporary era.

However, there are a number of problems with this standard script, not least the consideration that formal sovereignty – the generative grammar of the Westphalian states-system – has been consistently subject to convention, contract, coercion and imposition (Krasner, 1999). It is clear from the historical record that Westphalia has usually been a luxury restricted to the great powers – certainly those in the colonies who appealed for the right to national self-determination based on the recognition of formal sovereignty tended to find their petitions falling on deaf ears. It was only after the Hague Conference of 1899 that attendance at international conferences included non-Europeans, and it was only at the second Hague Conference of 1907 that Europeans were outnumbered by non-Europeans. At the Paris Peace talks of 1919, Robert Lansing (in Chandler, 2003: 29), the US Secretary of State, commented critically on President Wilson's avocation of the principle of self-determination,

The more I think about the President's declaration of the right of self-determination, the more convinced I am of the danger of putting such ideas into the minds of certain races. It

is bound to be the basis of impossible demands and to create trouble in many lands. What effect will it have on the Irish, the Indians, the Egyptians, and the nationalists among the Boers? Will not the Mohammedans of Syria and Palestine and possibly Morocco and Tripoli rely on it?

Wilson himself saw self-determination as extendable only to Central Europe and pressured delegates in the League of Nations to reject Japan's request to include a clause on racial equality in its charter (Lauren, 1996; Ambrosius, 2007). The Bolshevik Declaration of the Rights of the Toiling and Exploited People, published in January 1918, may have extended principles of rights to the non-West but it was only after the birth of the United Nations that the principle of sovereign equality became more widely recognised. In this sense, sovereignty – both in terms of legitimate authority and in terms of power capabilities – was a partial game during the modern period, a principle which has been recognised, both in *de jure* and *de facto* terms, only relatively recently (Chandler, 2003).

One might even say that until relatively recently, the broader dynamic instituted by the formation and break-up of empires was much more important to the development of the modern world than the integrity of Westphalian sovereignty. Indeed, world politics in the modern era has largely been oriented around a complex system of hierarchy – differentiated by time and place – in which various metropolises have subordinated their congeries (Hobson and Sharman, 2005). Within this system, authority has been parcelled out in a procession of authority relations, or as Jack Donnelly (2006) prefers, as variations of “hierarchy in anarchy”. Throughout the early modern period, various “confetti empires” (Teschke, 2006), curious public-private hybrids, competed in the formation of hierarchical multi-states systems around the world, practising diverse strategies of spatialisation and territorialisation which brought much of the world within their compass. The subsequent formalisation of land and sea empires, and their break-up during the twentieth century produced post-imperial orders, at least in some parts of the world, which ironically enough, required the sanctioning authority of imperial powers – what Niall Ferguson (2005) calls the “imperialism of anti-imperialism”. In this way, Britain repackaged its former colonies as “overseas territories”, granted citizenship rights to its residents, acknowledged the right to self-determination, and supported programmes of modernisation, both political and economic, as long as the overarching relationship between the former colonial master and newly

“independent” states remained one of dependence. It was only after the end of the Second World War that empires became widely delegitimised as a form of political authority and imagination, and even then, the post-colonial breaking of European empires required sponsorship by a superpower. The Soviet Union ran an informal empire throughout the Cold War in which claims for national sovereignty were regularly engulfed within broader claims of political authority, by force if necessary (Wendt and Friedheim, 1995). France, Portugal and other European states maintained formal empires until the 1970s, and continue to retain dependencies today.

Even during the post-Cold War era can be found debates over the continuing hold of empire as a form of rule, both as regards the scale and scope of US power (Ikenberry, 2002; Mann, 2003; Ignatieff, 2003; Cox, 2004), and the extent to which polities such as China, India and Russia should be understood as nation-states or as (post) imperial spaces. Moreover, the rise of “international administrations” that govern post-conflict zones, such as in the former Yugoslavia and East Timor, can best be seen as a redux version of the mandate system of the League of Nations (Bain, 2003). The mandate system was perhaps the first occasion where international institutions had full access to the interior of societies (Anghie, 2002). Under this system, the populations in the remnants of the German and Ottoman empires were governed according to where they fell on a racialized line of progress from savagery to civilization. And although the current version of mandate-rule does not directly justify administration according to racialized typographies, nevertheless the new articulation holds assumptions that echo John Stuart Mill’s arguments over intervention and colonization (Jahn, 2006), not least that the “good” life cannot be cultivated amongst those who do not display the laws and mores adequate for the task. In these cases, so the argument goes, the “correct” form of order and rule must be delivered by external agents. And such considerations can also be said to apply to the field of peacekeeping (Paris, 2002), where actions have sometimes been justified, at least by European voices, as *positively* imperialist in character (e.g. Cooper, 2002; see also Biccum, 2005).

In sum, therefore, the modern era has seen the development of multiple states-systems which live off the presence of imperial guarantors. As such, the international realm, both during the modern era and further back in history (Kaufman et al eds., 2007), can better be characterised in terms of imperial or hegemonic hierarchy rather than by sovereign equality (Watson, 1992; Cooley,

2005). Indeed, the principal question in IR now appears to be less geared at establishing the importance of hierarchy to world historical development than in exploring the various logics under which different forms of hierarchy operate (Nexon and Wright, 2007). The key point is that the broader age of hierarchy/empire subsumes the Westphalian moment within its canvass, leading us to see the logic of reciprocal sovereignty bounded or caged within the nation state as both recent and limited. As such, if we are to speak of a Westphalian political imaginary, we should recognise that it has reached its zenith rather than its nadir in the post-Cold War world, a period in which state sovereignty – both as aspiration and practice – has become much more extensively available than in previous epochs. For those who fought so long for freedom from the yoke of European empire, particularly in the Third World, Westphalian state sovereignty has often served as both a source of emancipation and as a first line of defence against fundamental sources of inequality, whether these are historical, economic or geopolitical in origin. As a result, attempts at building broader dialogic and institutional forums beyond the nation-state will continue to run up against some all-too-real obstacles. Witness, for example, the centrality of notions of sovereign authority to the debates about trade, development, aid and security that constitute the quotidian stuff of politics within the UN system, or somewhat more gruesomely, to the ongoing conflict in Iraq.

The value of sovereignty?

Running simultaneously to these debates over the *substantive* content of sovereignty can be found contestation over the very *desirability* of modern sovereignty as the telos of human development. In fact, in modern history, issues of political representation, economic redistribution and cultural recognition were not always delineated cleanly within bounded sovereign states, but often went across and between them via processes of revolution and counter-revolution (Halliday, 1999; Lawson, 2005). Broader notions of political community flourished and multiplied, such as the Islamic *umma* (Roy, 2006), pan-racial movements (Shilliam, 2006), various regional and pan-regional formations (such as the Bandung “moment”) (Berger, 2004), anti-colonial internationalism including the Tricontinental movement (Young, 2001), transnational diasporic communities (Clifford, 1994), international women’s movements (Rupp, 1997), indigenous groupings (Morgan, 2007), and, of course, liberal cosmopolitanism itself (Held, 2004). In this sense, even if we do accept the Westphalian order as predominant

after 1945, we must also accept that there were rival forms of political legitimacy and justice during this period, for example the emergence of global civil society as invested in the human rights regime (Nash, 2009). It is illustrative to note that the formation of the UN institutionalises these contradictions, recognising as it does both formal Westphalian sovereignty as vested in member states, and the universal sanctity of human rights (Brown, 2006).

Despite the historical existence of this plethora of projects, many believe that with the development of the European Union we stand at the threshold of an extra-territorial and multi-level universe of political communities, in which nation-states, regional organisations and international organisations overlap (Held, 2002). This debate has prompted extended exchanges about the nature of the supposed transformation in European sovereignty, in particular over whether this new era holds the potential for an emancipatory transformation in the rights and duties of the political subject away from the strictures of territorial exclusivity. For many researchers, the European Union stands as an exemplar of the politics of the possible (e.g. Archibugi, 2008) with subsequent debate focusing on the broader salience of Jürgen Habermas' thesis of a "postnational constellation" (Habermas, 2001; Borowiak, 2008; Kumar, 2008; Wilde, 2007). Indeed, critical theorists rooted in the Frankfurt tradition, if often unsympathetic to the current shape of the EU, tend to see it as containing the potential for dismantling the political straightjacket that fractures the global dialogic community (Beck, 2006; Honneth, 2009).

The Global War on Terror has further raised the stakes of this debate. Since 9/11, talk has been rife of the decline of the West (Anderson et al, 2008) and the break up of the Transatlantic Community itself (Cox, 2005). The Transatlantic Community – as the quintessential example of a robust "security community" – is often considered to be the protector and cultivator of Western civilization. Indeed, NATO has long held the promise, at least for some, of reaping the dividends of a "democratic peace" in international affairs (Deutsch et al, 1957). In turn, the nerve centre of the community has often been understood to reside in the "special relationship" between Britain and the US (Danchev, 1996), with NATO and the OEEC (now OECD) constituting its military and economic sinews. However, the bridge between the United States and Europe seems to have weakened (perhaps to the point of collapse) because it cannot bear the weight of two (apparently) different forms of foreign policy – the Hobbesian and the Kantian (Kagan, 2002) – which are

rooted in divergent power capabilities and, increasingly, distinct world views. For some luminaries (e.g. Habermas and Derrida, 2006), the distinctiveness of a European public sphere offers hope for a form of world citizenship that can be extended outwards to subsume within it the unilateralism and belligerency of the United States (see also Fraser, 2005). Indeed, the progressive, cosmopolitan values of the European public sphere could inform the composition of an EU foreign policy that exercises a transformative “normative power” eschewing the poles of a realist proto-superpower and an idealist “EUtopia” in order to promote the conditions necessary for the emergence of world citizenship (Rosecrance, 1998; Manners, 2008; Dunne, 2008). And such views are not merely academic, but evident amongst the wider European foreign policy intelligentsia (e.g. Solana, 2005; Leonard, 2005). On the other hand, a sense of a “democratic deficit” has developed over the organisation and functioning of the EU, in particular its elitism, one manifested in recent votes against a European Constitution combined with a general lethargy towards the institutions of the EU themselves (Follesdal and Hix, 2005). There are also increasing concerns over the EU’s own flirtations with hyper-power and, indeed, with the notion of empire (Münkler, 2007), albeit only in the sense of what the President of the Commission, José Manuel Barroso, calls a specifically “non-imperial” empire (Waterfield, 2007).

These trends should be seen within a broader sense of disillusionment with – and detachment from – the international institutions of global governance (Held and Koenig-Archibugi, 2003). Indeed, these trends are only intelligible if one remembers that the abiding normative meaning of modern sovereignty was popular in intent, centring upon the right of peoples to self-determination. Taking this line of reasoning to its logical conclusion, one might say that the rising tide of antipathy in much commentary – liberal and otherwise – towards the notion of a final authority in political life is an abrogation of collective responsibility, and with that, of political agency itself (Bickerton, Cunliffe and Gourevitch eds., 2007). In other words, the transfer of political will from the sovereign state to an amorphous “international community” does not solve abuses of power by the state, but rather dissolves political accountability. In this sense, the sovereign state is emerging as just one normative frame within an increasingly fractured international political space, one whose normative “value” is reducing and, in turn, inducing a concomitant watering down of notions of political engagement, popular mobilisation and collective action.

The forum

Taken together, the four contributions to this forum offer important insights into one of the most important issues in international politics – the formation, development and, potentially, the emasculation of sovereignty both as substantive arena and as normative frame. The articles are intended to be read alongside, but also constructively against, each other. The first two essays take up the problem of the *substance* of modern European sovereignty by exploring how historical sociological accounts of the relationship between state and empire problematise, or at least re-contextualise, claims regarding the putative radical transformation of sovereignty as a form of rule. The second set of articles highlights both the practical and *normative* ambiguities regarding the contemporary direction of post-Westphalian governance, raising questions about the ethical appeal of alternative forms of rule to the sovereign state. At the heart of all four pieces lie major points of contestation regarding the history, theory, integrity and normative significance of sovereignty: the connections between imperialism and, indeed, globalisation to debates about sovereignty; the degree to which the shift away from national frames of political community towards international and supranational bodies induces a sense of public anomie; and the relationship between public and private, political and economic, material and ideational in the origins, development and (possibly terminal) decline of sovereignty.

In the first article for the forum, John Hobson examines the extent to which sovereignty emerged within a European crucible, arguing that the origins of the modern states system are rooted less in pristine, endogenous, Western developments than in multiple interactions between peoples over the global *longue-durée*: traders, policy makers, militaries, scholars and so on. This exchange of ideas and practices (“resource portfolios”) engendered a complex international sphere upon which Western intellectuals and policy makers later inscribed a “civilisational line of apartheid” which divided the world into West and East, light and dark, civilised and barbarian. For Hobson, sovereignty acted as the lodestone for this binary – where Western powers reserved sovereignty (indeed hyper-sovereignty) for themselves, they imposed limited, conditional sovereignty on the “rude and unruly” peoples of the East. And these practices, Hobson contends, endure in contemporary notions of human rights, humanitarian intervention and the like. In the second contribution to the forum, Andrew Baker extends Hobson’s argument by exploring the

ways in which British identity during the twentieth century was bifurcated between notions of empire and national sovereignty. Intriguingly, Baker argues, empire acted to constrain British autonomy as rival centres of power – particularly in the white dominion countries – exerted considerable leverage over British policy, including appeasement. Equally intriguingly, Baker contends, state power in Britain only became centralised *after* World War Two as British shed its imperial commitments and became enmeshed in various multilateral (principally European and Atlanticist) political networks. Indeed, far from being the exemplar of a rational, bureaucratic modern state, contemporary Britain is a “post-colonial” invention born from its pre-World War Two imperial experiences.

Both Hobson and Baker raise fundamental questions about the origins of sovereignty and, in particular, *when* and *where* sovereignty can be said to have emerged. The two remaining articles in the forum – by James Heartfield and Chris Bickerton – continue these themes. Heartfield explores the decline in national sovereignty in Western Europe since World War Two, particularly vis-à-vis the emergence of the European Union as a legitimate site of political authority. Rather than encroaching on formal *de jure* sovereignty, Heartfield sees the European project as filling a vacuum generated by the retreat of national institutions from public life in the face of declining levels of trust, lower levels of public participation in formal politics, and reduced levels of contact between elites and mass publics. In the final paper for the forum, Chris Bickerton complements Heartfield’s analysis by examining changes to notions of sovereignty in post-communist states since the end of the Cold War. Bickerton demonstrates the ways in which EU enlargement and other pressures to “internationalise” have reduced the legitimacy of national political actors. As a result, a gap has emerged between ruling elites, formal political institutions and publics, one with alarming consequences for the future of participatory democracy and active citizenship in Eastern and East-Central Europe. Bickerton’s piece, like the others in the forum, exposes some uncomfortable truths regarding one of the core issue facing scholars, students and practitioners of international politics in the contemporary world – the question of whether sovereignty continues to serve as the primary articulation of political rule and, if not, what alternatives there are to its hold as both substantive arena and as normative barometer. The contributions promise no ultimate resolution to these thorny questions, but they do shed light on one of IR’s most enduring concerns.

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