A POST-SOVEREIGN EPOCH?: GLOBALISATION AND THE SOCIAL

CONSTRUCTION OF SOVEREIGN SPACE

BY

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A Thesis
Submitted to the Faculty of Graduate Studies
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ABSTRACT

Sovereignty is an often maligned concept in the late twentieth century, generally due to a perception that globalisation is rendering the territorial borders of states irrelevant. Claims such as these often take for granted what sovereignty means, and because of this, fail to recognise its continued importance in international politics, and to the organisation of politics in general. An examination of traditional theories of sovereignty in international relations provides some important insights, namely that sovereignty needs to be seen as an abstract social principle; one that requires common understandings. When this insight is taken further, to conceive of the realm of international politics as a *social* realm, and therefore a realm that provides for the existence of intersubjective social institutions, sovereignty can be seen in a different light. Sovereignty can be conceptualised as a dynamic institution which exists due to the practices of states, consisting of the constitutive principle of exclusive territoriality and the various regulative rules which surround this rule to help to shape actors' expectations. When seen as such, it becomes apparent that this constitutive principle is not under attack due to globalisation, which really entails a shift in the regulative rules of sovereignty, not threatening the essential, constitutive dimension of sovereignty, exclusive territoriality. Such a conceptualisation, therefore, provides a better way to conceive sovereignty, one which can encompass both continuity and change; a transformational and a reproductive logic.

ACKNOWLEDGEMENTS

There's a feeling about that cause-and-effect may have been taken as far as it will go. That for science to carry on at all, it must look for a less narrow, a less . . . sterile set of assumptions. The next great breakthrough may come when we have the courage to junk cause-and-effect entirely, and strike off at some other angle.

Thomas Pynchon, *Gravity's Rainbow*

Social life is essentially practical. All the mysteries which mislead theory into mysticism find their rational solution in human practice and the comprehension of this practice.

Karl Marx, *Theses on Feuerbach*

Thought achieves more in the world than practice; for, once the realm of the imagination has been revolutionized, reality cannot resist.

G. W. F. Hegel

INTRODUCTION

The contention that the sovereign territorial state is in a period of decline due to the advent of globalising processes that seem to undermine its authority is given great prominence in contemporary discourse. The question is, how are we to assess such claims? Claims regarding the status of sovereignty in international politics are usually made without an investigation of sovereignty itself (often because the idea of what sovereignty entails is taken for granted, or is not seen as a fruitful pursuit). However, too often, these claims are put forward without thought towards how this taking-for-granted of the conception of sovereignty affects the outcome of these claims. Sovereignty is generally seen in a very basic manner that has been uncontested in the realm of International Relations until very recently. Sovereignty needs to be re-examined in order to be able to deal with these current claims regarding the sovereign state.

The thesis examines such current challenges to the sovereign state, and demonstrates that the conceptions of state sovereignty which they utilise in their analyses are inadequate for a satisfactory examination of the issues at hand. Through an analysis of sovereignty through the approach of interpretative social science, which puts stress on the intersubjectivness of meaning and a corresponding stress on the importance of social practice in the construction of shared meanings, sovereignty can be seen in a different light; as a norm that exists and changes through the practices of the actors in the international system. Such an approach puts an emphasis on the importance of conceptualising the international system as a social structure, and the importance of rules and norms that enable meaningful action within that structure. Sovereignty, it will be argued, is constituted through the practices of actors, and is best seen as the constitutive

norm of exclusive territoriality, which necessarily relies on the existence of surrounding rules to enable states to act. It is sovereignty as exclusive territoriality that plays the central role in international politics, in that it is *the* organisational norm of international politics, and the surrounding rules concern the scope of authority claims that exclusive territorial units can make. When conceptualised in this manner, the question concerning the demise of the sovereign state does not primarily concern what kinds of activity the sovereign state has exclusive control or authority over, which is what is stressed by much of this literature, but whether or not exclusive territoriality is a disappearing mode of political organisation.

To accomplish such an analysis, the argument is broken up into four parts. The literature dealing with the debate concerning globalisation and the sovereign state is first examined. This analysis emphasises that though a number of different areas are covered. specifically the debates surrounding the globalisation of economics, the increased interdependence of states, and transnational social movements, the manner in which sovereignty is conceptualised is constant throughout these analyses. It is specifically, though not always explicitly, conceptualised as concerning the freedom of action of states, and the ways in which globalisation, broadly defined diminishes such freedom, therefore diminishing sovereignty.

The second part offers an alternative way of conceptualising sovereignty by analysing the ways in which traditional theories of international relations have utilised this foundational concept. It is argued that theorists such as Morgenthau, Waltz, Bull and James all strongly contest the idea of sovereignty as freedom of action, and all imply that

it actually concerns something more fundamental: that sovereignty is a social principle which provides the precondition for international politics to exist at all.

The third part provides a critique of the traditional theories, and primarily deals with the ontological problems such theories present when trying to deal with a fundamentally social concept such as sovereignty. A framework that allows for intersubjective concepts, and emphasises the importance of the shared rules and norms that constitute social structures, as well as allowing for the role that agents in such structures have in creating structures through practice, is presented. With such a theoretical framework in place, sovereignty is then fit into this framework through the use of the idea of a social institution, as a set of constitutive and regulative rules that provide meaning for agents. Sovereignty is placed in this institutional structure by outlining the content of such rules; that the constitutive norm for sovereignty is exclusive territoriality, which also is surrounded by regulative rules which shapes agents expectations. The conceptualisation of sovereignty as an institution provides sovereignty with a more dynamic nature, in that it can be conceptualised as the foundational principle of international politics, while also encompassing change. Therefore sovereignty is imbued with both a reproductive and a transformational logic.

The fourth part re-examines the content of the globalisation debate through the framework of sovereignty as an institution. Through a specific analysis of one of the most prominent aspects of this debate, the influence of the world economy on the sovereign state, it is demonstrated that when examined through an institutionalist framework, sovereignty can still be seen to play an important role in world politics. This is specifically demonstrated by showing the changes in regulatory rules that have

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accompanied a shift towards a globalised economy, and how the exclusive territoriality of states remains the most important mode of political organisation.

Such an examination provides several insights. There is, first of all, the obvious result in providing a better understanding of sovereignty. As noted, the thesis contends that in analysing claims concerning sovereignty, one must examine the ways these claims effect the status of exclusive territoriality. Often, exclusive territoriality is not threatened as an organising principle by changes concerning the scope of authority that exclusive territorial units are endowed with. Indeed such changes are usually indicative of a larger change in social practice: that states have developed new regulatory rules concerning the issues at hand, and have shifted their normative expectations of each others behaviour.

In addition to such an improved analysis, an analysis which emphasises the importance of the fundamentally social nature of international politics also has interesting ramifications for its future study. When the international system is viewed as a social structure which consists of institutionalised sets of norms that both constrain and exist through the practices of agents, a better way of understanding continuity and change in international politics is found, that provides an improvement to the study of international politics.

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CHAPTER 1

GLOBALISATION AND THE "DECLINE OF SOVEREIGNTY": SOVEREIGNTY AS FREEDOM OF ACTION

The modern world is often seen as being in a state of profound transformation. The contention that sovereign states are no longer as important as they once were - in varying degrees of emphasis - is ubiquitous. This claim is described quite well by Walker and Mendlovitz: "partly empirical in character, it draws on the interpretation of observed trends and new political practices. Partly speculative also, it has become a vehicle of aspiration and hope as well as a warning of new dangers."[1] As this remark demonstrates, this "claim" is really a number of different kinds of claims, ranging from assertions about the gap between current theories of international relations and the actual realities of contemporary life, to extremely normative ones about the desirability of the current system of sovereign states.

Claims about the decline of the sovereign state, and the concept of sovereignty more generally, are most often made (and most effectively made) in the context of the concept of "globalisation," whether or not this is, in fact, the actual appellation used by those expressing this view. "Globalisation" is a frequently used concept in international relations that denotes a number of different ideas. Most broadly, it is meant to express a certain view of the world; a world that is expanding beyond the narrow confines of sovereign nation-states, linking economies, cultures and communities in an altogether new and novel manner. As Elkins states, globalisation is "the process by which ever

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larger proportions of the world's population become aware of the differences in culture, style of life, affluence, and other matters."[2] Globalisation is also more than this, for it also refers to the processes in which certain spheres of activity or certain groups or actors move beyond the nation-state in some manner.

Waters provides a useful definition of globalisation: "*A social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding.*"[3] This definition is of value due to its inclusion of many factors that are a part of globalisation (far to often just discussed in relation to the "global economy"), without necessarily stating its precise causes, which are open to debate.[4] Globalisation should be seen as a social phenomena, that is characterised by new relationships between individuals that makes borders no longer relevant. It must be stressed that this does not necessitate a process where the world becomes homogeneous, and in fact, is often conceptualised as a situation where as people come closer together, conflict and difference become even more emphasised and important.[5] As Sjolander summarises, "in essence, globalization needs to be seen as an

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[1] R. B. J. Walker and Saul Mendlovitz, "Interrogating State Sovereignty," in *Contending Sovereignties: Redefining Political Community*, ed. R. B. J. Walker and S. H. Mendlovitz (Boulder, CO: Lynne Rienner, 1990), 1.

[2] David J. Elkins, *Beyond Sovereignty: Territory and Political Economy in the Twenty-First Century* (Toronto: University of Toronto Press, 1995), 27.

[3] Malcolm Waters, *Globalization* (London: Routledge, 1995), 3.

[4] There are some interesting connections between the concept of globalisation and the concept of "postmodernity" (especially in its connotation of a new historical epoch). This idea, though not explicitly stated, is mapped out most interestingly by David Harvey and Fredric Jameson. See: David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Oxford: Basil Blackwell, 1990); and Fredric Jameson, "Postmodernism, or the Cultural Logic of Late Capitalism," *New Left Review* 146 (1984): 53-92.

[5] This is where a distinction between "globalism", essentially an ideological position that advocates a move towards a world government of some sort, and globalisation should be made. Globalisation is used to indicate new kinds of authority relationships that are not based on the model of the

economic, political, social, and ideological phenomenon which carries with it unanticipated, often contradictory and polarizing consequences."[6]

Globalisation, when conceived in a broad manner, includes a number of different trends discussed in International Relations; most importantly, the phenomenal changes in international political economy, the increasing interdependence among nations, the rise of importance of non-state actors, the growing importance of transnational social movements, and other types of "flows" across borders. All of these globalising trends are also ones which are put in the context of posing some sort of challenge to the sovereign state.

To gain some insight into the dynamics of the modern international system, these claims need to be examined more closely, in order to determine their accuracy or usefulness. The concept of sovereignty is generally not examined by proponents of such claims, and when so, not in much depth. Since sovereignty itself is often the issue at hand, its conceptualisation seems to be of utmost importance. When the conceptualisations of sovereignty utilised by the proponents of these kinds of claims - primarily from the areas of international political economy, complex interdependency theory, and examinations of transnational social movements - are examined, it can be seen that sovereignty is generally conceived in a manner that indicates that it means "complete autonomy" or "freedom of action". The question then becomes whether or not this is a useful or accurate way of conceptualising sovereignty.

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sovereign state, whereas globalism, advocates a move towards a world government that is still firmly entrenched in the idea of the sovereign state, with the ultimate authority merely placed at a higher level.

[6] Claire Turenne Sjolander, "The Rhetoric of Globalization: What's in a Wor(l)d?" *International Journal* 51 (1996): 604.

Sovereignty and the World Economy

The field of international political economy is where the greatest number of claims about the decline of the sovereign state emanate from. It is also the area where the effects of globalisation are most glaringly obvious. Markets, production, finance, and firms have become global, capable of moving and existing between states without much difficulty or cost. A typical example of such a claim is provided by Held and McGrew:

> The internationalisation of production, finance and exchange is unquestionably eroding the capacity of the individual liberal democratic state to control its own economic future. At the very least, there appears to be a diminution of state autonomy, and a disjuncture between the notion of a sovereign state directing its own future and the dynamics of the contemporary world economy.[7]

Technological innovations are usually seen as the heart of this. As Thomson and Krasner state, "the basic casual sequence is as follows: technological change leads to increased economic flows, which erodes state control."[8]

Often, claims about the effects of the international political economy on world politics are put in the context of old theories of international relations being inadequate for analysing the contemporary world. For example, Cox states: "the old Westphalian concept of a system of sovereign states is no longer an adequate way of conceptualising world politics."[9] These types of claims have much in common with ones that directly

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[7] David Held and Anthony McGrew, "Globalization and the Liberal Democratic State," *Government and Opposition* 2 (1993): 270-71. Quoted in: Mary B. Geske, "Sovereignty and Citizenship in Contemporary US Foreign Economic Policy," *Alternatives* 21 (1996): 195.

[8] Janice Thomson and Stephen D. Krasner, "Global Transactions and the Consolidation of Sovereignty," in *Global Changes and Theoretical Challenges: Approaches to World Politics for the 1990s*, ed. Ernst-Otto Czempiel and James N. Rosenau (Lexington, Mass.: Lexington Books, 1989), 196.

[9] Robert Cox, "Global Restructuring: Making Sense of the Changing International Political Economy," in *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey R. D. Underhill (Toronto: McClelland and Stewart, 1994), 52.

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refer to sovereignty, which indicates that they are both referring to a similar phenomena: the globalisation of economics has obvious effects on the capacities of state actions.

One of the first "challenges" to the sovereign state in the sphere of economics was seen in the multinational corporation (MNC). As Gilpin states, "some consider these powerful corporations to be a boon to mankind, superceding the nation-state, diffusing technology and economic growth to developing countries, and interlocking national economies into an expanding and beneficial interdependence."[10] MNCs are, quite basically, firms that own and manage economic units in two or more countries.[11] Vernon's provocatively titled *Sovereignty at Bay*[12] was one of the first detailed studies of this phenomenon, and examines the multinational corporation and its effect on the sovereign state, specifically in the context of US multinationals.

Vernon's basic argument is that MNCs effectively create a "better" way of selling goods and services for corporations, but they sit uneasily on the structure of long-established political and social institutions. They straddle borders and link assets from different national jurisdictions, and possibly undermine the capacity of the nation to work for the welfare of the people.[13] Vernon declares that "suddenly, it seems that sovereign states are feeling naked" and that "national sovereignty is drained of meaning."[14]

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[10] Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987), 231.
[11] Ibid.
[12] Raymond Vernon, *Sovereignty at Bay: The Multinational Spread of U.S. Enterprises* (New York: Basic Books, 1971).
[13] Ibid., 7.
[14] Ibid., 3.

The most important concern to sovereign states regarding MNCs are the effects on national economics in terms of economic control.[15] Some of these concerns include the ability of MNCs to be more sensitive to changes in local economics especially in terms of production sites and currency crises, the corresponding ability to be more flexible in being able to resist these problems, and the ability to resist regulatory nets of the country they are in if the will to do so is present.[16] As Vernon states, "the existence of options [for MNCs], irrespective of whether or how options are exercised, is disconcerting to some countries, especially for those that are accustomed to a sense of control."[17]

Vernon does not explicitly define what he means by sovereignty. It is quite obvious, however, that sovereignty is implied to mean some notion of particular capabilities over which the state has control, or, that the state is free to act in its interest. Vernon's argument suggests that the interests and responsibilities of nations have lost geographical tidiness, that MNCs have substantial economic power and are "not accountable to any public authority that matches it in geographical reach and that represents the aggregate interests of all the states the enterprise effects."[18] The result is, as he suggests in an update to his original work, that "governments are becoming reconciled to a modified concept of sovereignty in the economic field."[19]

A further challenge to the sovereign state is seen in the changing nature of production, both in terms of the markets for which goods are being produced, and where they are being produced. The globalisation of production is a consequence of structural

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[15] Ibid., 167.
[16] Ibid., 168.
[17] Ibid., 170.
[18] Ibid., 249.

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changes that affect global economics. In this area, the biggest change is due to technological factors. The accelerated rate in which products can be made is combined with the fact that these processes and products have shorter life-spans. In addition, the costs of researching and designing new technologies has risen. The result, as Strange states, "is that all sorts of firms that were until recently comfortably ensconced in their home markets have been forced, whether they like it or not, to seek additional markets abroad to gain the profits necessary to amortise their investments in time to stay up with the competition when the next technological advance comes along."[20] Furthermore, drastic reductions in the cost of communications technology has also added to the ease of this transition.

Structural changes have accelerated the shift from economies of scale to economies of flexibility. This new model of production is based on a core-periphery structure of production, as Cox describes it, "with a relatively small core of relatively permanent employees handling finance, research and development, technological organisation, and innovation, and a periphery consisting of dependent components of the production process."[21] The major difference is that the periphery, where products are actually produced, can be shifted as is necessary: "periphery components can be called into existence when they are needed by the core and disposed of when they are not."[22] Gilpin sums up this point by stating, "the multinational corporation and international

[19] Raymond Vernon, "Sovereignty at Bay: Twenty Years After," *Millennium* 20 (1991): 193.
[20] Susan Strange, "Rethinking Structural Change in the International Political Economy: States, Firms, and Diplomacy," in *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey R. D. Underhill (Toronto: McClelland and Stewart, 1994), 104.
[21] Cox, 47.
[22] Ibid.

production reflect a world in which capital and technology have become increasingly mobile while labour has remained relatively immobile."[23]

As suggested by Strange above, not only has structural change affected the way goods are produced, but also how markets are formed. As Toffler states, "this new system takes us a giant step beyond mass production toward increasing customization, beyond mass marketing and distribution towards niches and micro-marketing, beyond the monolithic corporation to new forms of organization, beyond the nation-state to operations that are both local and global."[24] This new kind of marketing therefore no longer places stress on local or national markets, but aims at different niches that do not necessarily fit into a tidy territorial logic. As Strange states, there is a "changed balance between firms working only for a local or domestic market and those working for a global market and in part producing in countries other than their original home base."[25]

The globalisation of production quite obviously changes the relationship between firms and the sovereign state. As Cox states, the restructuring of production has "made business less controllable by any single state authority."[26] Or, for another perspective, as Stopford and Strange put it, "states' positive power to harness internal resources is decidedly constrained when they try to influence where and how international production takes place. They find they can not direct, they can only bargain."[27]

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[23] Gilpin, 261.
[24] Alvin Toffler, *Powershift: Knowledge, Wealth, and Violence at the Edge of the 21st Century* (New York: Bantam, 1991), 24.
[25] Strange, 104.
[26] Cox, 47.
[27] John Stopford and Susan Strange, *Rival States, Rival Firms: Competition for World Market Shares* (Cambridge: Cambridge University Press, 1991), 14.

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Strange indicates that another major structural change affecting world politics and economics is the liberalisation of international finance.[28] The liberalisation of finance has led to a dynamic global financial market that is essentially free of control of the state, yet has profound effects on national economies. Since international finance is a symbolic, information based economy, it is primarily dealt with electronically. Drucker has noted that due to huge advance in communications technology, the "control of information by the government is no longer possible."[29] Governments can no longer control capital flows across national boundaries. Wriston has nicely summed up this problem: "Money goes where it is wanted and stays where it is well treated, and that's all she wrote. This annoys governments to no end. This huge pool of money is destabalizing. It can move instantly, and it does."[30] As Toffler states, the globalisation of finance "shifts power away from the central banks and individual nations, undermining sovereignty."[31]

The globalisation of economics has had profound effects on the sovereign nation-state and its capacities. Though it is obvious that most commentators do not see the eradication of the sovereign nation-state as the result of the globalisation of economics, it is obvious that some effect upon the state and its powers has been the result. The most moderate view is that there is a sort of balance required between the two. As Cox states, "some authors have envisaged the rise of the interdependence principle as implying a corresponding decline of the territorial principle, but the notion of a reciprocal interactive

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[28] Strange, 105.

[29] Peter F. Drucker, *The New Realities* (New York: Harper and Row, 1989), 258.

[30] Walter Wriston, "The Future of Money [Interview]." *Wired* 4.10 (October 1996): 201.

[31] Toffler, 418.

relationship of the two principles is closer to reality."[32] Heilbroner sums up this new

relationship quite succinctly:

> what emerges from this increasingly globalized pattern of production is a
> challenge to the traditional relationship between the economy and the
> state. The globalized market system stretches beyond the political
> authority of any single government. Faced with a network of connections
> that escape their powers of surveillance of regulation, national
> governments become increasingly unable to cope with the problems that
> arise from the intrusion of the global economy into their territories.[33]

All of the ideas discussed above explicitly or implicitly describe the state as being

changed in some fundamental way with the state sovereignty diminished in some manner.

Camilleri provides a summary of this view:

> there is an increasing divergence between the territorial constraints on the
> state and the international mobility of capital. As a consequence, large
> corporations have become less-dependent on the state for a wide variety of
> economic functions. On the other hand, national governments now operate
> within a global environment that severely limits their powers of
> information, regulation, and taxation, functions that are presumably central
> to the exercise of state sovereignty.[34]

Another view of this kind is provided by Wriston: "The nation-state is not about to

disappear. But the old concept of sovereignty, as governmental acts that cannot be

reviewed by any other authority, is no longer valid."[35] Sovereignty is equated with the

ability of states to act in a certain manner, to be, in effect, completely autonomous actors,

and it is this conceptualisation that is consistent, albeit implicit, in this body of literature.

Sovereignty and Interdependence

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[32] Cox, 54.

[33] Robert Heilbroner, *Twenty-First Century Capitalism* (Concord, ON: Anansi, 1992), 60.

[34] Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmented World," in *Contending Sovereignties: Redefining Political Community*, ed. R. B. J. Walker and S. H. Mendlovitz (Boulder, CO: Lynne Rienner, 1990), 27.

[35] Wriston, 202.

Interdependence, like globalisation, is a term that is used to cover a broad range of ideas. It is also seen as a consequence of the forces of globalisation. Primarily, however, it focuses on the ways sovereign nation-states are constrained by their ties to other states. In this sense, it obviously shares much with the literature above, and indeed its primary focus is on economics. However, it often remains much more state-centric in its analyses than the ideas offered in the previous section. In this sense then, it is often much more explicit about the effects of globalisation on state sovereignty.

Complex interdependency theory, as put forward by Keohane and Nye, is an attempt to put a more accurate theory behind the idea of globalisation.[36] Keohane and Nye seek to find a theory that coherently deals with the idea of interdependence, which they claim is a fairly imprecisely used term to describe a commonly held view of modern international politics.[37] Keohane and Nye define interdependence in world politics as something that "refers to situations characterised by reciprocal effects among countries or actors in different countries."[38] Their perspective implies that states do not always benefit from increased ties with other states. Interdependence will always involve costs, "since interdependence restricts autonomy."[39] The idea of costs involved with interdependence is analysed by postulating a more nuanced idea of power. In interdependence, power has a twofold characteristic: vulnerability and sensitivity. Sensitivity refers to the degrees of responsiveness that are possible within a given policy framework. Vulnerability is the

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[36] Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977).

[37] Ibid., 4.

[38] Ibid., 8.

[39] Ibid., 9.

availability and costliness of alternatives - the ability to remove oneself from a given framework.[40]

Keohane and Nye do not presuppose that the world is in a complete state of complex interdependence. They are creating a model for examining a certain condition of world politics that is sometimes present. This model is contrasted with realism, which they claim is inadequate for analysing these kind of situations: "the assumptions of political realists . . . are often an inadequate basis for analysing the politics of interdependence.[41]

There are three main characteristics of complex interdependence: the existence of multiple channels which connect societies - interstate, transgovernmental, transitional; the absence of hierarchy among issues where, unlike realism, military security does not dominate the agenda; and that military force is not used when complex interdependence prevails.[42] In terms of the present analysis, the most important of these ideas are the first two - the existence of multiple channels and the absence of a hierarchy of issues.

The existence of multiple channels describes a fairly standard observation about modern international politics; that "the participation of large and dynamic organisations, not controlled by governments, has become a normal part of foreign as well as domestic relations."[43] This idea is important to the sovereign state in terms of how states are linked together. As Keohane and Nye put it: "these actors are important not only because of their

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[40] Ibid., 13.
[41] Ibid., 23.
[42] Ibid., 24-25.
[43] Ibid., 26.

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activities in pursuit of their own interests, but also because they act as transmission belts, making government policies in various countries more sensitive to one another."[44]

The absence of a "hierarchy of issues" is also quite important to a conceptualisation of state sovereignty. When many issues of importance to a state are seen as tied up with one another, and, furthermore, when domestic issues are also foreign policy issues, it "illustrates how governments' policies, even those considered merely domestic, impinge on one another."[45] The implication is that states are constrained domestically by "foreign" policy decisions of their own, and by those of other states.

Though Keohane and Nye rarely mention the idea of sovereignty, the fact that they are using the traditional realist model (characterised as seeing unitary rational actors as the basis for world politics) as a foil for their theory implies that they see the sovereign state as undergoing some sort of change under the condition of complex interdependence. When they state that "interdependence limits autonomy,"[46] and that to analyse the range of choice available to states under complex interdependence, "one would have to analyse the effect of contemporary patterns of interdependence on state autonomy,"[47] they are making a specific claim about the nature of the state: that interdependence takes away the autonomy of the sovereign state.

Rosecrance takes the idea of interdependence further to suggest that there is actually a choice states make between two competing conceptions of international

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[44] Ibid.
[45] Ibid.
[46] Ibid., 9.
[47] Ibid., 223.

politics: an interdependent trading world and a conflictual military-political world.[48] Rosecrance begins with the idea that the sovereign state is no longer interesting: "The notion of the state as a sovereign unit, dependent in the final analysis only on itself, has largely captured intellectual fashion. But today, no state can aspire to the degree of independence such concepts have entailed."[49] Rosecrance develops a model quite similar to Keohane and Nye's, in that he contrasts two models of world politics; a vaguely realist one, which he refers to as the military-political world; and the trading world, which is based on interdependence.

In the military-political world, nations are arranged in terms of power from strongest to weakest. States in this world are homogeneous in form. They do not perform a variety of functions, they all seek territorially based objectives. Because of this striving for power through territory, states often come into conflict, and therefore, there is a continual recourse toward war.[50] As described by Rosecrance; "military-political and territorial states are homogeneous competing countries. Each seeks to secure hegemony and seek self-sufficiency from foreign control."[51]

The trading world is characterised by states that are organised according to function. As Rosecrance states, "they recognise that the attempt to provide every service and fulfil every function of statehood on an independent and autonomous basis is extremely inefficient, and they prefer a situation which provides for specialisation and

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[48] Richard Rosecrance, *The Rise of the Trading State: Commerce and Conquest in the Modern World* (New York: Basic Books, 1986).
[49] Ibid., xi.
[50] Ibid., 23.
[51] Ibid., 28.

division of labour among nations."[52] Objectives of states may be similar. but the outcomes will be different: "each may seek to improve its position, but because nations supply different services and products ..... they come to depend upon each other."[53] Interdependency also means that nations no longer compete militarily. War interrupts trade, and therefore is to be avoided: "Trading states recognise that they can do better through internal economic development sustained by a world-wide market for their goods and services than by trying to conquer and assimilate large tracts of land."[54]

These two "worlds" are ideal types. He discusses the fact that they are never really completely present; one is usually emphasised over the other. He sees two main versions: a world where states put war before trade, in that they see trade as a palliative measure in between the wars that decide the fate of the nation; and states that put trade before war but see military force as a necessary option to avoid invasion.[55]

Though he does not see the possibility of these two worlds as existing in a pure form, he definitely privileges the idea of the trading world (obviously because of its postulated lack of conflict and higher standard of living) - and in some ways, sees it as the only possible future. For example, he states that "modern technology, transportation, communication, and international sources of energy bring nations into greater contact. They can not avoid interaction and are required to deal with one another." This implies that interdependence is growing, and that states will have to deal with it. As he further

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[52] Ibid., 24.
[53] Ibid.
[54] Ibid., 25.
[55] Ibid., 30.

states: "Further increases in interdependence will probably have the effect of raising the costs of war and diminishing the barriers to trade."[56]

While Keohane and Nye are less than explicit about state sovereignty in their analysis, Rosecrance is clear. Sovereign states are part of the military-political world and are independent autonomous actors. As he states:

> the Westphalian conceptions that each separate nations should be sovereign and independent - while they continue to have relevance and application in the field of international law - are disastrous if taken literally by statesmen or their publics. For nations to act as if they were totally sovereign means that each nation should strive to control; of the whole world - a totally malign and anachronistic notion.[57]

The sovereign state is an autonomous agent, acting only in its own interest, unrestrained.

Interdependence is a product of globalisation; the effect on sovereign states of transnational forces which must be taken into account when making policy. What mainly differentiates this literature from the literature on globalisation in international political economy is that the state, though constrained, is still seen as the primary actor in international politics. Other actors gain importance, especially economic actors, however, the focus is still on the policies of state.

As has been indicated, sovereignty, as conceptualised by theorists of interdependence, is equated with total autonomy or freedom of action. Where interdependence is present, the sovereign state is seen as undergoing a fundamental change. It can no longer act on its own and is constrained to some extent by the actions and decisions of others. This claim is nicely summed up by Rosecrance: "it has continued to capture the imagination of statesmen and peoples long after the territorial state retained

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[56] Ibid., 32.

sovereignty in any effective sense. That conception, of each state-unit acting like a little atom, self-sufficient and autonomous, is belied by recent history."[58]

Sovereignty and Transnational Social Movements

Transnational social movements are movements that somehow defy the normal territorial logic of sociality. This can range from something as simple as a community that exists across borders, to political movements that are global in scope (e.g. environmental movements), to other movements or "flows" across borders. The common feature, however, has to do with the sovereign state. The types of effects these movements are seen to have on sovereignty also cover a broad spectrum: from sovereign states being seen as undesirable, in that new forms of community exist, or that more just political systems could exist with their eradication, to the more radical claim that the existence of transnational social movements undermines the idea that the system of sovereign states is an accurate way of conceptualising international politics.

There is a fairly long history of disparaging the sovereign state as an immoral conception in itself.[59] However, in the context of globalisation, the normative dimension of arguments concerning the sovereign state is a bit more subtle. This becomes not a call for the destruction of the sovereign state as an immoral entity, but the realisation that something better could exist beyond the state, or with some changes in the state itself. Falk has long been associated with the pursuit of more humane approaches to

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[57] Ibid., 42.

[58] Ibid., 190.

[59] See, for example, F. H. Hinsley, *Sovereignty* (London: C. A. Watts and Co., 1966), chap. 6.

governance,[60] and has also commented on the importance of transnational social movements in this pursuit. Falk notes that there are three distinct kinds of movements which pose a challenge to the state, which he refers to as "evasions of sovereignty": evasions across boundaries; evasions within boundaries; and evasions beyond boundaries.[61] These different kinds of evasions are not necessarily in opposition to the state, but are distinct from it. They are important because they are "transnational and international linkages that build up a body of practice and engender new patterns of loyalty."[62]

Evasions across boundaries are transnational in character, and evade sovereignty in the sense that they challenge the idea of territorial loyalty: "in a planetary context all people everywhere have a right to seek out any government to act for peace, justice, and environmental quality."[63] Evasions within boundaries consist of acts by citizens against the government - in terms of changing policy or a call for a broader revision of official policy. As Falk states, these evasions "respond to the call of a global ethos, and circumvent to some degree control over civil society by the state."[64] Evasions beyond boundaries come in two forms: behavioural patterns that exist beyond the reach of the state as well as the delegation of some of the state authority to international organisations or institutions.[65]

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[60] For a recent example, see Richard Falk, *On Humane Governance: Toward a New Global Politics* (University Park, PA: Pennsylvania State University Press, 1995).

[61] Richard Falk, "Evasions of Sovereignty," in *Contending Sovereignties: Redefining Political Community*, ed. R. B. J. Walker and S. H. Mendlovitz (Boulder, CO: Lynne Rienner, 1990), 70.

[62] Ibid.

[63] Ibid., 72.

[64] Ibid., 74.

[65] Ibid., 75.

Another claim of this type is put forward by Bateson, in the context of an "emerging global civilisation."[66] Bateson sees the forces of globalisation as creating a growing sense of awareness of the common dangers people face. As people gain cross-cultural commonalties in their systems of meaning, they also gain a common civilisation, based on the small commonalties they share. As Bateson states: "a viable form of world order must be pieced together from only partially shared systems of meaning, crossing over individual cultural diversity."[67] The type of world order that could be pieced together from these fragmented commonalties could not possibly be anything like the sovereign state (for example, a world government, which would share with the sovereign state a centralised source of authority). As Bateson sums up, this approach

> would suggest that changes in patterns and possibilities of communication are creating a new civilisation - a pattern of commonality not expressed as sovereignty - and that the emergence of the states system was in fact a way of compensating for a paucity of interaction between, and even within, the emerging states, a level far short of the level we have today. We must question the assumption that the ideas that are most widespread today are the most useful or represent the deepest truth.[68]

These two authors provide an adequate example of the normative dimension of transnational social movements and the sovereign state. It can be seen that, in both cases, sovereignty is primarily associated with the idea of authority. In Falk's case, it concerns the legitimacy of authority in light of transnational social movements. As Falk states: "in order to remain effective, the state must give way to a variety of such alternative ordering frameworks; the more willingly and forcefully it does so, the more its legitimate sphere of

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[66] Mary Catherine Bateson, "Beyond Sovereignty: An Emerging Global Civilization," in *Contending Sovereignties: Redefining Political Community*, ed. R. B. J. Walker and S. H. Mendlovitz (Boulder, CO: Lynne Rienner, 1990), 145-158.
[67] Ibid., 146.

authority can be sustained."[69] Bateson discusses authority in a different context: that sovereignty represents centralised, unambiguous authority, which can not be sustained in the modern world: "sovereignty - in the sense of an unambiguous locus of power and authority as the basis of social organisation."[70]

The idea that the actual conceptualisation of world politics as "international" relations is misguided has been implicit in many of the above arguments. However, it has been taken even further within the context of transnational social movements. This idea is taken furthest by proponents of postmodern theory, which primarily examine the problems of creating borders and boundaries between anything.

Campbell has focused on this gap between "reality" and theories of international relations, and comments that "international relations must address the basic question of whether it is adequate as a mode of understanding global life given the increasing interruption of accelerated and non-territorial contingencies upon our political horizons."[71] The increased amount of "flows", in the modern world contests borders and put the state into question. The problem is that traditionally, international relations theory has focused on a spatial analysis that has privileged geo-politics and has been overly focused on the state, even when "non-state" actors are brought in.[72]

This focus on the state as the central actor, even when other actors are introduced, is characteristic of the "sovereignty problematic" in which theorists of international

[68] Ibid., 157.

[69] Falk, "Evasions," 76.

[70] Bateson, 151-52.

[71] David Campbell, "Political Prosaics, Transversal Politics, and the Anarchical World," in *Challenging Boundaries: Global Flows, Territorial Identities*, ed. Michael J. Shapiro and Hayward R. Alker (Minneapolis: University of Minnesota Press, 1996), 9.

relations are enmeshed. This "problematic" is characterised by three ideas: that there is a centre stage from which most relationships can be governed (i.e. a supreme central authoirty); that the site of power can only be occupied by one source of authority; and that the presiding source of authority has to be easily recognisable.[73] These characteristics of the "sovereignty problematic" are quite similar to those expressed by Doty. who postulates that theories of international relations are stuck in a "territorial trap"; a specific spatial imagery that affects the way that world politics is comprehended. Doty puts forth three assumptions associated with this "trap": that states are fixed units of sovereign space; that the domestic/international dichotomy is unproblematic; and that states are spatial containers of societies."[74] What is emphasised by both these authors is that the sovereignty problematic entails the idea of inaccuracy of a single authoritative power existing within an enclosed territory.

Doty bases her argument on an empirical case of a "flow," of illegal immigration. Her central argument is that state responses to illegal immigration derive from dynamics which theories of international relations cannot comprehend.[75] This is put in the context of the assumptions discussed above, and implies that illegal immigration cannot be understood by the dynamics of the sovereign state. As Doty states, "in an increasing era of globalisation, in which movements of money, goods, services, and human beings are subject to dynamics not controlled by the sovereign state, these assumptions are also

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[72] Ibid.

[73] Ibid., 18.

[74] Roxanne Lynn Doty, "The Double-Writing of Statecraft: Exploring State Responses to Illegal Immigration," *Alternatives* 21 (1995): 172.

[75] Ibid.

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mutually disabling."[76] Global migration disrupts this spatial imagery, because it "destabilises the authority of the sovereign state."[77] Everyday world-wide, thousands of people defy the state's power to control their movement and this fact highlights the contingency of the state's authority and control over its spatial domain."[78]

Ashley also provides a similar position in his reading of what he refers to as the "anarchy problematique."[79] He starts from the premise that traditional theorists of international relations take "the fact of anarchy", and its opposite concept, sovereignty, as a foundational truth. As he states, "they start from the premise that the world is to be understood not only in terms of the absence of a central agency of rule but also in terms of the presence of a multiplicity of states, each understood as a sovereign entity presiding over its respective national society and making decisions in the interests thereof."[80] Ashley primarily focuses on a main problem of this characterisation of sovereignty (and anarchy), similar to Campbell and Doty, that this simply does not represent world politics accurately, in that states are not the sovereign presences that theorists claim them to be. Ashley notes that this becomes particularly obvious when transnational actors are added to state-centric theories, because this threatens to undo the most important of the key principles of the "anarchy problematique: "the representation of the state as a well-bounded rational unity and agency of reasoning action having at any moment its own identifiable interests and authoritatively controlling some significant set of social

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[76] Ibid., 172-73.

[77] Ibid., 173.

[78] Ibid., 183.

[79] Richard K. Ashley, "Untying the Sovereign State: A Double Reading of the Anarchy Problematique," *Millennium* 17 (1989): 227-262.

[80] Ibid., 227.

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resources."[81] As Ashley further asserts: "thanks to this discourse's incorporation of the sovereign voices of nonstate actors, any attempt even to depict the state as a sovereign identity in its own right is immediately revealed for what it is - one among any number of possible representations, all equally arbitrary and each writable only through the manifestly political exclusion of others."[82]

Campbell, Doty and Ashley all have a quite similar conceptualisation of sovereignty - it means an autonomous actor, territorially enclosed with absolute authority. It should be noted that the idea of sovereignty is seen as being part of the discourse of international relations, in that it is an interpretation of the world that frames how we look at the world. This is why their discussions of sovereignty are used in the context of a critique: they want to show that realities of modern life tend to undermine or problematise this vision of sovereignty. The idea of the autonomous territorially enclosed actor just does not hold - flows of people, ideas, and money, for example, subvert and contest bounded space - the dichotomy of inside and outside is contested by these movements.[83]

Kuehls provides an example that combines most of the above concerns with an explicitly normative concern about environmental ethics with a conception that ecopolitics is a flow that cannot be explained by the "territorial trap." Kuehls deals with a specific transnational social movement, ecopolitics, from the perspective that ecopolitics

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[81] Ibid., 248.

[82] Ibid., 251.

[83] One important aspect of the debate concerning sovereignty that is refined by postmodern thinkers is the idea of sovereignty as implying a certain kind of spatial organisation. As Doty states: "globalisation implies the negation of boundaries suggesting a realm of activity where borders have increasingly little or no meaning." "Flows," as Doty further states, "imply a fluid and deterritorialized understanding of space." Doty, 178.

defies the logic of the sovereign state, occupies its own space and is in need of an ethic.[84]

Kuehls notes that sovereign territorial space fails to contain ecopolitics: "The ecology of rainforest flows across the broader lines of the sovereign territorial space of Brazil, perhaps extending the 'territory' of the rainforest in ways that confound the discourse of sovereignty."[85]

Kuehls compares ecopolitics with the globalisation of capital that has been discussed above. Capital "exists within the lines of sovereign territory while exceeding these lines in multiple directions, thus demonstrating the limits of sovereignty to fix, code, regulate, control its territory."[86] He contends that both capital and ecopolitics occupy a smooth space as opposed to the striated space of state. Greenpeace is used as an example of an organisation that exists outside of the striated space of the state: "It operates in a space that blurs the distinction between matters of public and private, national and international significance."[87]

Kuehls views sovereignty in a quite similar manner to those above. It is equated with the absolute authority or autonomy of the state. As he asserts: "if sovereignty is rule over a specific territory, but the physical effects of political decisions made in one sovereign territory spill over into other sovereign territories, is not the sovereignty of these various territories subverted."[88]

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[84] Thomas Kuehls, *Beyond Sovereign Territory: The Space of Ecopolitics* (Minneapolis: University of Minnesota Press, 1996), xvii.
[85] Ibid., x.
[86] Ibid., 40.
[87] Ibid.
[88] Ibid., xi.

The above authors all conceive of sovereignty in a similar manner; namely it is the idea of a bounded space with one authority contained within it, and sovereignty essentially manifests itself through the power of the state to control movements over its borders. Though there are obvious differences between those who see transnational social movements as a means to move beyond the nation state for the promotion of a new order. and those that are just engaging in a critique of how we conceptualise the world, their conceptions of sovereignty are the same: sovereignty means freedom of action.

Conclusion

Globalisation is definitely an important phenomenon in international politics. Its effect on the sovereign state is definitely an issue of great import for understanding the contemporary world. Those who discuss the idea of globalisation often posit, implicitly or explicitly, that it does have a powerful effect on the sovereign state. What is interesting. and necessary, is to see how this diverse group of authors conceptualise sovereignty since sovereignty is the issue at hand, and therefore its conceptualisation is of utmost importance.

Sovereignty itself is a notoriously ambiguous concept, one which, until recently had not received much attention in the field of International Relations, even though it is one of the foundations of the state, the primary unit of analysis. It is in this context that Walker has referred to sovereignty as "an essential uncontested concept."[89] In the context of globalisation, sovereignty is generally seen as the idea of the state as an autonomous actor, with absolute authority in the domestic realm, and free to act in the international

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realm. The effect of globalisation on the sovereign state is generally seen as either taking away some of the state's authority, authority over a certain area of decision-making or, as untenable in this kind of environment.

The commonality between all of the discussions above is quite interesting. All of the above scholars posit, in some manner, that the existence of phenomena which the state cannot maintain an absolute control over, undermine state sovereignty in some fashion. Globalisation primarily concerns the erosion of the importance of borders, and consequently, any type of phenomenon, or "flow", that can permeate the state is seen as contributing to its demise. This is an explicit conceptualisation of sovereignty as an inviolable realm of control. Sovereignty implies that states have the freedom to do what ever they want internationally, and have complete control over all activities within (and consequently leaving or entering) their borders. The question becomes whether or not this is an accurate way of describing sovereignty, and therefore must lead to examination of alternative conceptualisations.

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[89] R. B. J. Walker, "Sovereignty, Identity, Community," in *Contending Sovereignties: Redefining Political Community*, ed. R. B. J. Walker and S. H. Mendlovitz (Boulder, CO: Lynne Rienner, 1990), 159.

CHAPTER TWO

TRADITIONALISTS AND SOVEREIGNTY: SOVEREIGNTY AS LEGAL CONDITION FOR THE POSSIBILITY OF THE INTERNATIONAL

Sovereignty is an important foundational concept for traditional conceptions of international politics. This is due to the fact that the primary focus is on the activity of states; the sovereign state is the most important actor in the international system. Sovereignty itself therefore often has a crucial place in the works of many theorists. As was demonstrated in the previous chapter, those who see state sovereignty as being eroded in some fashion by the forces of globalisation tend either not to discuss explicitly or elaborate upon the concept of sovereignty, or tend to engage in a criticism of what they perceive this traditional position to be, which often seems to be an oversimplified straw position, primarily employed in order to make some polemical point.

Traditional approaches to international relations take sovereignty quite seriously, as it is a concept that is a first principle of the international system. Therefore, it is important to understand the ways in which these approaches conceptualise sovereignty. in order to see if they will help to illuminate some of the problems that seem to arise with the way the critics conceptualise sovereignty. An analysis of the history of the concept, which developed specifically out of political theory, provides a starting point, as it helps to clarify where the concept arose from, as well as the persistent problems it has encountered. An examination of Morgenthau and Waltz will demonstrate some of the traditional ways in which sovereignty has been conceptualised in international relations theory, with further sophistication provided by Bull and James. An examination of these theorists' insights into sovereignty will enable a comparison to the views of those in the

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previous chapter, demonstrating convincingly that much of what commentators have said about the link between sovereignty and globalisation is unfounded, due to a profound misconceptualisation of sovereignty itself.

A Brief History of Sovereignty

The modern conception of sovereignty developed out of the need for a way of reorganising the situation that had developed in Medieval Europe with the development of a new form of political organisation. The gradual concentration of political power in regional kingdoms created a need for a new kind of political authority to replace the former, which was based on the overlapping hierarchies of authority.[90] The concept of sovereignty was therefore conceptualised in response to a new political reality that had developed: the centralised state. As Hinsley remarks, "in a word, the origin and history of the concept of sovereignty are closely linked with the nature, the origin and the history of the state."[91]

Sovereignty, in Hinsley's classic definition, is: "final and absolute political authority in the political community. . . . and no final and absolute authority exists elsewhere."[92] Sovereignty in international relations theory has often relied on this seemingly straightforward definition, however, without the idea that there is a great deal of substance that must be added before it makes any sense at all. Simply stated, the term authority is even harder to define than sovereignty itself, and much of the debate

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[90] Hinsley, 99-100.
[91] Ibid., 2.
[92] Ibid., 26.

concerning sovereignty revolves around the issue of authority itself. This becomes quite apparent when one looks at the historical development of the concept of sovereignty.

Onuf has noted that sovereignty as known today has come down to us through a number of conceptual antecedents, one of which can be traced back to the Roman empire.[93] The concept of *imperium* is typically translated as "supreme administrative power", "rule", and "dominion"; it also meant "empire" (as in *imperium populi Romani*, "the Roman people's Empire").[94] As Hinsley notes, this concept is definitely important in the formulation of the modern conception of sovereignty, but was not in fact the same, as it did not "denote a political and territorial community governed by Rome. It was a power to rule which was conferred by the Roman people on its highest officials."[95] As the Roman Empire developed (specifically in the second century CE), the Emperor came to be the sole holder of *imperium*; a reflection of the fact that absolute power was now held by the Emperor. As Hinsley states, "the central doctrine in relation to the Emperor's position was . . . that he was above the law; and by the law was now meant the codes, customs, and constitution of the society itself. These are the essential elements in the theory of sovereignty."[96]

After the fall of the Roman Empire, Europe was divided into different overlapping hierarchies of authority, and eventually dominated overall by Christianity. It was not until the end of this period, when the situation started to become less stable, that a new conception of organising political authority was necessary. Machiavelli is often seen as a

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[93] Nicholas Onuf, "Sovereignty: Outline of a Conceptual History," *Alternatives* 16 (1991): 435.
[94] Ibid.
[95] Hinsley, 37.
[96] Ibid., 41.

progenitor of the concept of sovereignty (though it must be stressed that he did not have an idea of sovereignty himself), since it was he who first developed the idea of statecraft. Also, as Onuf notes, the two other important conceptual antecedents came out of the republican tradition from which Machiavelli was writing: *majestas*, meaning the awe-inspiring formality and dignity of some political arrangement, which was related to the Medieval idea of the Great Chain of Being; and the notion of "popular sovereignty", the idea that rulers must be responsible to the body politic in some manner.[97] Though often criticised for promoting a doctrine that called for the ruler to essentially do whatever he wanted, Machiavelli was actually proposing a theory which united the ruler with the community in the body politic. The seemingly arbitrary and immoral acts that Machiavelli was promoting for the prince, as Hinsley states, "were justified in the interests of the body politic which was made up of the prince and the community together."[98]

Bodin's *Six Books of the Republic*, published in 1576, some 60 years after *The Prince*, is usually seen as the first modern articulation of sovereignty. Though the idea of supreme authority was present in Roman times, as shown above, it is essential to the concept of sovereignty that the ruler have a particular relation to the community, which the Romans were lacking. Bodin worked within the context of civil and religious wars in France, and desired to somehow bring harmony back to the political community. He succeeded by utilising the approach Machiavelli had started, but by rejecting his solution.[99] Bodin agreed with Machiavelli that the only way to return order was to postulate some sort of absolute authority in the political realm; one that was itself above

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[97] Onuf, 435.
[98] Hinsley, 111.

the law (that is positive law, and not necessarily divine law). Bodin differed, however, in that he saw that the body politic was composed of both ruler and ruled, therefore creating a sense of obligation on both sides of the equation.[100] This idea of the integration is essential, for it stresses the idea of the ruler as being legitimate as well as being restrained to a certain degree. Though the idea of restraint was seen by some as a contradiction, it was essential to Bodin in distinguishing the absolute authority of the sovereign from a doctrine of mere absolutism. As Hinsely states, "at a time when it had become imperative that the conflict between rulers and ruled should be terminated, he realised . . . that the conflict would be solved only if it was possible both to establish the existence of a necessarily unrestricted ruling power and to distinguish this power from an absolutism that was free to disregard all rules and regulations."[101]

With the publication of *Leviathan* in 1651, Hobbes clarified most of the theoretical difficulties that Bodin had encountered; primarily the contradiction that sovereignty could be legitimised in a contract between "the people" and "the prince". Hobbes saw this notion as contradictory, in that there could be no contractual basis for putting limits on the sovereign power.[102] Hobbes solves this by stating that the sovereign absorbs the will of the people through a covenant which creates the sovereign for the sole purpose of protecting their lives - the covenant is thus between the people to grant their will to the sovereign, or, as Hobbes puts it, "to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of

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[99] Ibid., 120.
[100] W. J. Stankiewicz, "In Defense of Sovereignty: A Critique and an Interpretation," in *In Defense of Sovereignty*, ed. W. J. Stankiewicz (London: Oxford University Press, 1969), 15.
[101] Hinsley, 125.

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voices, unto one Will."[103] With this formulation, people make a covenant with each other in order to protect their own lives, and once made, the only real obligation the ruler has is to preserve the lives of the people, to stop the war of all against all.[104]

Leviathan not only clarified the position of sovereignty, it firmly established the concept as central in European political thought, not that everyone agreed with it. There were two main points that continued to be debated after Hobbes: a renewed argument concerning the location of sovereignty, i.e. in the people, ruler, or abstract state; and also arguments concerning the legitimate scope of state power.[105] It was not until Rousseau's *On Social Contract* was published in 1756, that Hobbes' formulation was reformulated in an adequate manner, i.e. it was not diluted, nor did it turn into a pure absolutist theory. Rousseau revived Hobbes' thesis, but changed one element: he made it yield the exclusive and omnipotent authority in the people or community. As Hinsley states, "unlike Hobbes he equated the state with the body politic of the people that was formed by the social contract between associated individuals, reducing government, the rulership, to a mere commission."[106] This formulation fundamentally changes the two points described above: the location of sovereignty is now in "the people", and the scope of authority is now determined by the people, in an abstract sense. As Rousseau states, "the sovereign, formed solely by the private individuals who compose it, neither has nor can have any interest contrary to theirs; consequently, the sovereign power has no need to give a guarantee to the subjects, because it is impossible for the body to harm all its

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[102] Ibid., 142-43.
[103] Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (London: Penguin, 1968), 227.
[104] Hinsley, 143.
[105] Ibid., 145-49.

members."[107] Though sovereignty had continued to be reformulated in various ways since Rousseau, his statement is basically the last word on the issue: it cannot be outdone.[108]

Immanuel Kant provides another important addition in the development of sovereignty, for it was from Kant that the notion of sovereignty that is in practical use toady was derived. Kant agreed with Rousseau's notion of popular sovereignty, but he saw that the practical needs of the community entailed that the popular will be absorbed into a legislative body. As Reiss notes, for Kant, "sovereignty resides or originates in the people which ought to possess legislative power. However, a monarch could possess it as a representative of the people in a derivative form."[109] Kant was concerned primarily with the state's legal basis, and from this investigation declared that the only legal form of state was a constitutional one. Kant thought, as Hinsley states, men "must substitute for the theoretical sovereignty of the people and the actual sovereignty of the executive state the sovereignty of a notional state which was equivalent to the law or even law of reason."[110] This is the path the concept of sovereignty has taken ever since.

This brief history of sovereignty has so far focused on what is usually referred to as the internal aspect of sovereignty, in order to demonstrate some of the difficulties surrounding the concept. These difficulties primarily revolve around two concerns: the location of sovereign authority; and the scope or limit of sovereign authority. However, in international relations, the focus on sovereignty is generally on the consequences of

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[106] Ibid., 153.

[107] Jean-Jacques Rousseau, *On Social Contract*, in *Rousseau's Political Writings*, ed. Alan Ritter and Julia Conway Bondanella, trans. Julia Conway Bondanella (New York: Norton, 1988), 94.

[108] Hinsley, 154.

[109] Hans Reiss, "Introduction," in *Kant's Political Writings*, ed. Hans Reiss, trans. H. B. Nisbet, 2nd enlarged edition (Cambridge: Cambridge University Press, 1991), 24-25.

sovereignty externally, essentially the problem of how politically autonomous

communities relate to one another. As Kratochwil sums up,

> the term was originally developed as a construct for justifying internal
> hierarchy. In opposition to the privileges and freedoms of feudal society, a
> supreme authority was created in the person who was "absolved" from all
> internal laws, though subject to natural law. Sovereignty thus ended the
> "anarchy" of medieval society by making all members "subjects" to a
> central authority. But, "sovereignty", conceived as exclusive internal rule
> made is also necessary to conceive of the relationships among "persons of
> sovereign authority."[111]

Though these "internal" concerns are of importance, in the relations between

states, the idea of sovereignty is made much simpler, as the problem just becomes the

logical corollary to internal exclusivity, that of no overriding authority externally. As

Hinsley states, "in the international context the theory of sovereignty had never implied

more than the claim to independence—that it has only denied that there exists above the

community a supreme power of the kind which, within the community, it has been its

purpose to sustain."[112]

"External sovereignty", became problematic when relations between states started

to develop in a manner that made this an issue.[113] Discussions of the external dimension

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[110] Hinsley, 156.

[111] Friedrich Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989), 251-52.

[112] Hinsley, 158.

[113] Bartelson points out that one must be careful in transposing a thoroughly modern notion of the divide between "internal" and "external" back on the past, as he believes most histories of sovereignty that focus on international relations have done. Concepts should be made contextual to some degree, that one must try to understand the specific political and discursive environment within which a concept is utilised, or be guilty of a rather implausibly ahistorical argument. With this concern in mind, it is still possible and necessary to examine the development of the traditions of the "external" component of sovereignty, if only because those in the field of international relations often contextualize themselves into the framework of such a tradition. Bartelson's criticism has much to do with the poststructuralist historiographical approach he utilises, but his warnings should not be taken lightly, as he demonstrates quite ably that sovereignty has

have, for the most part, revolved around the very practical issue of how to regulate relations between communities that are politically independent. Though these different approaches have differed throughout this period of development, they come in three main groupings which rely on how inter-state relations themselves are conceived. Bull describes these three categories as Hobbesian, Kantian, and Grotian.[114]

The Hobbesian notion is, quite basically, that there is no adequate basis for maintaining relations between states, as sovereignty logically entails that there is no over-arching authority above states, and consequently, states are left in a moral and political vacuum. In this view, the only moral or legal goals which can be pursued are those of the state itself.[115] This tradition is generally considered to be the predecessor of the realist tradition in international relations.

The Kantian view maintains that there is a dedication to other human beings that transcends the particular communities they belong to. In the Kantian view, as Bull states, "the dominant theme of international relations... is only apparently the relationship among states, and is really the relationship among all men in the community of mankind - which exists potentially, even if it does not exist actually, and which when it comes along will sweep the system of states into limbo."[116]

The Groatian tradition is basically a compromise between the two. It entails that there is an obvious and necessary social bond between sovereign states, but that their

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implied different ideas of "internal" and "external" at different times. See Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995), especially chap. 1 and 2.

[114] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (New York: Columbia University Press, 1995), 23. Of course, these broad categories were derived from a number of different positions that developed over the centuries. For a full acount see: Hinsley, chap. 5; and Bartelson, chaps. 4-6.

relations are not and cannot always be peaceful. As Bull points out, "the particular international activity which, on the Grotian view, best typifies international activity as a whole is neither war between states, nor horizontal conflict cutting across the boundaries of states, but trade - or, more generally, economic and social intercourse between one country and another."[117]

External sovereignty has most generally been conceptualised as the problem of compelling sovereign states, from whatever perspective one takes, to somehow behave properly. Due to this, the primary focus has been on the action and practise of states, and therefore has been most generally discussed in terms of law. The focus on law in the international realm in terms of sovereignty is interesting, because it is precisely there that Morgenthau, in his classic analysis of international politics, focuses his attention.

Traditionalists and Sovereignty

Morgenthau is seen as one of the founders of realism in international relations, with his focus on describing an empirically based theory of international politics that examines the relations of states in terms of interest and power.[118] Morgenthau's theory is usually seen as the exemplar of the Hobbesian tradition, with it focus on political reality: as he states, "this being inherently a world of opposing interests and conflict among them, moral principles can never be fully realised, but must at best be approximated through the

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[115] Ibid., 24.
[116] Ibid.
[117] Ibid., 25.
[118] For the basic outline of Morgenthau's theory, see: Hans Morgenthau, *Politics Among Nations*, 5th ed. (New York: Knopf, 1978), chap. 1.

ever temporary balancing of interests and the ever precarious settlement of conflicts."[119]

This is further reflected in his conception of morality and constraint on state action. that

there is an "ineluctable tension between the moral command and the requirements of

successful political action."[120] Basically, Morgenthau believed that states must act in

order to survive, which may or may not be in touch with the abstract, universal moral

principles; "interest defined in terms of power" is the key to examining international

politics.[121]

Morgenthau is also one of the few scholars who devote a large portion of their

major work to the concept of sovereignty. Morgenthau believed that sovereignty was a

much misunderstood principle, at least in his time, mostly because too much focus was

placed on the fact that sovereignty did much to undermine a strong notion of international

law. Instead he focues on its important role in maintaining the international system. As he

states, "despite the brilliant efforts of a few outstanding scholars, there is much confusion

about the meaning of the term, and about what is and what is not compatible with the

sovereignty of a particular nation."[122]

Morgenthau goes on to discuss sovereignty specifically in this context, to attempt

to show how sovereignty fits into the framework of international law, and also, to show in

what way sovereignty is affected by international law. He explicitly defines sovereignty

as "the supreme legal authority of the nation to give and enforce the law within a certain

territory and, in consequence, independence from the authority of any other nation and

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[119] Ibid., 3.
[120] Ibid., 10.
[121] Ibid., 5.
[122] Ibid., 307.

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equality with it under international law."[123] Sovereignty therefore makes the idea of international law problematic, for to have it exist in any strong sense would obviously undermine the legal authority of the state. As he states, the rules of international law "are, as a matter of principle, binding only upon this who have consulted to them."[124]

He goes on from this rather obvious point to demonstrate something quite important, that there are rules of international law that do not owe their existence to consent. They are the pre-condition of the existence of a multi-state system. As he states:

> Rules of this kind are binding upon all states, regardless of their consent. .
> . . Their binding force does not affect the sovereignty of the individual nations. Indeed, it makes sovereignty as a legal concept possible. For without the mutual respect for the territorial jurisdiction of the individual nation, and without the legal enforcement of that respect, international law and a state system based upon it could obviously not exist.[125]

Though it is not exactly clear how sovereignty itself as a legal principle fits into this (i.e. is the principle of sovereignty a guiding legal principle of the same sort, or is it only made possible as a consequence of some other principle), however, it is made clear that there are common principles of the international system that must be respected, or else it would not exist at all.

Morgenthau believes that sovereignty should be seen as synonymous with the concepts of independence, equality, and unanimity. Independence, as he states, "signifies the exclusion of any other nation."[126] The sovereign state is independent in terms of managing its own internal and external affairs. Equality also flows from the idea of supreme authority, in that, "if all nations have supreme authority within their territories,

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[123] Ibid., 313.
[124] Ibid., 308.
[125] Ibid., 308-309.

none can be subordinated to any other in the exercise of that authority."[127] The legal equality of sovereign states is merely a logical corollary to the principle of sovereignty. Unanimity refers to the principle that all nations have an equal say in the international community, regardless of population, size, or power. This is a corollary of equality, if all nations are equal, then all nations have unanimity.[128] From this, it is obvious that sovereignty, for Morgenthau, is a very legalistic concept, which not only means that a sovereign state is autonomous, but also that sovereignty requires certain obligations, particularly in terms of respecting others' sovereignty. For example, as he states: "it is important to recognise not only the absence, in common international law. of any limitations upon foreign policies of individual nations, but the positive duty, imposes on all nations by common international law, not to interfere in the conduct of the foreign affairs of all other nations."[129]

Having shown what sovereignty is, he goes on to demonstrate what sovereignty is not, in order to clear up some of the misunderstandings often associated with it. Sovereignty is not the freedom from legal restraint, in that legal restraints which affect the freedom of action of a state do not necessarily affect its sovereignty. As Morgenthau states, "it is not the quantity of legal restraints that affects sovereignty, but their quality. A nation can take upon itself any quantity of legal restraints and still remain sovereign,

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[126] Ibid., 310.
[127] Ibid.
[128] Ibid., 311.
[129] Ibid., 310.

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provided those legal restraints do not affect its quality as the supreme lawgiving and law-enforcing authority."[130]

Sovereignty is also not the freedom from regulation from international law of those matters which are traditionally left up to domestic jurisprudence. As Morgenthau states, "the relation between the matters international law regulates and those which it does not concern itself is fluid. It depends upon the policies pursued by the individual nations and upon the development of international law."[131] What becomes most important to consider is whether or not a particular policy had been consented to - i.e. if international laws that concern matters normally considered the jurisdiction of domestic law, sovereignty remains intact if these laws have been consented to.[132]

Sovereignty also does not concern the equality of rights and obligations under international law. This can be demonstrated in the obvious example of peace treaties. which often impose large disabilities on the vanquished. One-sided treaties place certain obligations in terms of limitations on capacities of states, but do not affect their sovereignty.[133]

Sovereignty also has nothing to do with actual independence in military, political. economic or technological matters. As Morgenthau states, "the actual interdependence of nations in those matters and the actual political, military, and economic dependence of certain nations may make it difficult or impossible to pursue independent domestic and foreign policies, but it does not normally affect their supreme lawgiving and law-

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[130] Ibid., 311.
[131] Ibid., 312.
[132] Ibid.
[133] Ibid.

enforcing authority within their own territory."[134] Capabilities of nations will affect the kinds of options states have in determining policy, but the authority to make such decisions is still intact. As Morgenthau concludes, "the actual inequality of nations and their dependence upon each other have no relevance for the legal status called sovereignty."[135]

With what sovereignty is not adequately established, Morgenthau goes on to describe what actually would affect sovereignty, namely, when, somehow, the supreme authority to make and enforce laws is somehow removed, either internally or externally.[136] As he states, " a nation cannot lose its sovereignty by limiting its freedom of action through the conclusion of a great number of international treaties, it will have lost its sovereignty if its freedom of action no longer extends to this fundamental law giving and law enforcing functions without which no government can under contemporary conditions maintain its authority within the national territory."[137]

Morgenthau's elaboration of the concept of sovereignty is primarily undertaken to show that obligations to international law do not necessarily violate the idea of sovereignty. He explicitly demonstrates that sovereignty entails nothing more than having lawgiving and enforcing authority over a specific territory, and therefore, sovereignty has nothing to do with the actual abilities of states to act, or in terms of what kinds of actions they can perform. Furthermore, some obligations are essential to the possibility of the existence of sovereignty as a legal principle, for example principles of non-intervention

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[134] Ibid.
[135] Ibid., 313.
[136] Ibid.
[137] Ibid., 316-17.

and respect for the territory of other nations. What this essentially means, though it is not made explicit, is that sovereignty has to be a social concept, and cannot properly exist without other sovereign states that also recognise and legitimise its existence.

Waltz, as the exemplar of neo-realism, attempts to provide a more scientifically rigorous theory of international politics, which leads him to examine international politics specifically from a structural perspective. Waltz's view is, basically, that international relations theory has too often relied upon reductionist accounts in its attempts to understand international politics. By this he is specifically referring to the examination of causes at the level of the state, or, by examining unit level causes.[138] Waltz believes that a more rigorous theory would describe international politics from the level of structure. the international system, and would leave out unit level causes entirely. Sovereignty plays a crucial role in this framework, which will emerge from a discussion of his theory, but is not addressed itself at any length.

Waltz begins his examination by describing what he means by a system: "a system is composed of a structure and interacting units. The structure is the system wide component that makes it possible to think of the system as a whole."[139] He then goes on to describe the three important attributes of structure: the principle by which it is ordered; the specification of formally differentiated units; and the distribution of capabilities among the units.[140]

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[138] Kenneth Waltz, *Theory of International Politics* (Boston: Addison-Wesley, 1979), chap. 2 passim.

[139] Ibid., 79.

[140] Ibid., 82 and 88.

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In the context of international political structure, the first dimension, ordering principles, is characterised by anarchy, in that there is no authority above the units themselves. As Waltz states, "the parts of the international political system stand in relations of co-ordination. Formally, each is the equal of all the others. None is entitled to command; none is required to obey. International systems are decentralised and anarchic."[141] In order to explain this idea, and the problem that seems to come about, the idea of order without order, he relies upon a microeconomic analogy. Microeconomic theory assumes that markets (i.e. structure) are created through the interaction of self-interested firms (i.e. units). Markets, once developed, then constrain firms to act according to market principles. In international politics, unit interaction (self-interested units) also creates structure that constrains them through organising principles, in this case anarchy. As Waltz states, "from the coaction of like units emerges a structure that affects and constrains all of them."[142] The main structural constraint imposed by the ordering principle is, therefore, the idea that states must fend for themselves; it is essentially a "self-help" system.[143]

The second structural feature is that of unit differentiation. Waltz contends that this refers to the function performed by the units within the systems. An anarchic ordering principle assumes the sameness of the units involved, and therefore, according to Waltz, this second dimension "drops out", in that he believes that structure can only change through a switch in organising principles (e.g.. a switch from anarchy to hierarchy).[144]

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[141] Ibid., 88.
[142] Ibid., 90.
[143] Ibid., 104.
[144] Ibid., 93.

Though this dimension "drops out" in Waltz's analysis, it is important because it is where

the concept of sovereignty comes in. Sovereignty is implied in the sameness of the units:

as Waltz states. "to call states 'like units' is to say that each state is like all other states in

being an autonomous political unit. It is another way of saying that states are

sovereign."[145] Waltz does not elaborate much upon this notion of sovereignty, except in

order to make a point similar to Morgenthau's concerning sovereignty as "freedom of

action":

> The sovereignty of states has never entailed their insulation from the effects
> of other states' actions. To be sovereign and to be dependent are not
> contradictory conditions.....To say that a state is sovereign means that it
> decides for itself how it will cope with its internal and external problems,
> including whether or not to seek assistance from others and in doing so
> limit its freedom by making a commitment to them.[146]

Sovereignty, for Waltz, plays a rather important role, even if it is understated.

Sovereignty, in effect is the foundational concept of his theory, in that it needs to be

present, in some manner, for the ordering principle of anarchy to be coherent. The

sovereign state must be the agent who interacts to create the concept of structure that

Waltz postulates. Therefore, to some degree, sovereignty, and the dimension of

"differentiations" in general, play a larger role in his theory than he gives due.[147]

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[145] Ibid., 95.

[146] Ibid., 96. The third dimension, which is not crucial for the present discussion, is the distribution of capabilities among units. This dimension becomes important because since the functions of states are similar, differences arise mainly from distribution of capabilities. Waltz makes it quite clear that by examining capabilities he is not falling prey to the reductionism he despises: "The distribution of capabilities is not a unit attribute, but rather a system-wide concept." (Ibid., 98) The distribution of capabilities is a relative measure of power in the system, measured by comparing the capabilities of units.

[147] This is also noted by Ruggie, who further argues that Waltz misconceives what differentiation means in general, and its importance in explaining structural change. See John Gerard Ruggie, "Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis," in *Neorealism and Its Critics*, ed. Robert Keohane (New York: Columbia University Press, 1986), 142-48.

Bull situates himself in the Grotian tradition described above. As stated, it is a sort of middle ground between the Hobbesian and Kantian, for it recognises both the fact of conflict between states, as well as the necessity of the existence of some unifying principles between states - not just from the demands of ethics, but in terms of the very existence of an international system. With this focus on the states also comes the recognition of sovereignty as an important concept, even though it is not discussed at great length.

Bull's theory is primarily concerned with the idea of order, and of how order exists at the international level. As has been demonstrated, this was also of concern to Waltz, who shows the only sense of order that exists internationally is anarchy. Bull thinks this is a bit misleading, in that basic rules of coexistence must also exist, but not only at the level of international law, but as more generally accepted principles. As he states

> order . . . does depend for its maintenance upon rules, and in the modern international system (by contrast with some other international systems) a major role in the maintenance of order has been played by those rules which have the status of international law. But to account for the existence of international order we have to acknowledge that the place of rules that do not have the same status of law.[148]

Bull believes that the international order is not just a system, which is merely a term "employed simply to identify a particular kind of international constellation," but a "society of states", where there exists conscious common values between the participants in the system of states.[149]

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[148] Bull, xvii.
[149] Ibid., 11.

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Bull's idea of order is quite specific, in that it does not merely mean that social life has a methodical pattern. Order refers to a certain way of organising social life such that it promotes certain goals or values.[150] He goes on to list the goals or values which are particularly important to social life - or at least minimum requirements for it to exist as such: life should be secure against death or bodily harm; promises or agreements must be kept; property must remain stable within limits, i.e. it is subject to challenge, but not without limit.[151] With this definition, international order then is "a pattern of activity that sustains the elementary or primary goals of the society of states, or international society."[152]

When Bull introduces his idea of "international society". he also first mentions the importance of sovereignty. This is brought out in his discussion of what constitutes a state: "independent political communities each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth's surface and a particular segment of the human population."[153] He goes on to make the usual distinction between internal and external sovereignty, internal being supremacy over all other authorities within a territory, and external meaning the independence from outside authorities. He also makes a further distinction between normative and factual sovereignty. Normative sovereignty refers to a political community which makes a claim to the right of sovereignty, and may even have external support in this claim, but cannot exercise it in practice. Factual sovereignty is what "true" states possess, in that they can actually

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[150] Ibid., 3-4.
[151] Ibid., 4.
[152] Ibid., 8.
[153] Ibid.

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exercise their supreme authority. As Bull claims, a state which "cannot assert this right in practice, is not a state properly so-called."[154]

With what a state is established, Bull continues to describe the features of international society: "A society of states (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with another, and share in the workings of common institutions."[155] Bull further mentions that a common feature of historical international societies is that "they were all founded upon a common culture or civilisation, or at least on some of the elements of such civilisation: a common language, a common epistemology and understanding of the universe, a common religion, a common ethical code, a common aesthetic or artistic tradition."[156] Bull thinks it is possible to see a common culture in contemporary international society, which is essentially the Western culture of modernity that has been forced on much of the rest of the world. As Bull states, "it is important to bear in mind . . . that if contemporary international society does have any cultural basis, this is not any genuinely global culture, but is rather the culture of so-called 'modernity'. And if we ask what is modernity in culture, it is not clear how we answer this except by saying that it is the culture of the dominant Western powers."[157]

Bull describes some of the common rules that are part of the contemporary international society. He offers examples that are drawn directly from the minimal

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[154] Ibid.
[155] Ibid., 13.
[156] Ibid., 15.

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preconditions for society described above: the limitation of force against each other (promise of safety) - wars must only be waged for just cause and when fought, within limits; the honouring of agreements - *pacta sunt servanda* is the principle in international society which fulfils this function; respect of each other's claims to independence (respect for property) - sovereignty represents the protection of property.[158] He also includes a number of other goals that are part of international society: the preservation of the system itself; maintaining the independence or sovereignty of individual states; and peace.[159]

It is important to show that Bull has specifically included sovereignty as a principle of international society. It is essential for the existence of international society, as it represents one of the main features such a society would need to exist: the preservation of stable property rights.[160] As Bull states, "the goal of stability of possession is reflected in international society not only by the recognition by states of one another's property, but more fundamentally in the compact of mutual recognition of sovereignty, in which states accept one another's spheres of jurisdiction: indeed, the idea of sovereignty of the state derived historically from the idea that certain territories and peoples were the property or patrimony of the ruler."[161]

Bull goes on to answer some objections to his theory, through a demonstration of historical international societies that have existed, and by providing some examples of

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[157] Ibid., 37. This comment also importantly recognises that concepts like sovereignty are specifically Western concepts that have been accepted, in some manner, by the rest of the world.

[158] Ibid., 13, 18.

[159] Ibid., 16-17.

[160] It is interesting that Bull makes the comparison of sovereignty to property rights, as this is an argument expanded upon by Ruggie, who seeks to demonstrate how new thinking about property rights, developed to its fullest by Locke, was a factor in the transition from a heteronomous system of authority to the sovereign system. See Ruggie, "Continuity and Transformation," 142-146.

[161] Bull, 18-19.

rules that do function well in contemporary international society. Nonetheless what is of main interest here, since it is clear he conceptualised sovereignty as a rule of sorts, is to establish how he theorised the function of rules and shared institutions that are essential for international society.[162] Bull claims that the maintenance of order presupposes common interests amongst those involved. Rules provide guidance to the type of behaviour which promotes common interests, and common institutions provide an effective regime of rules.

For Bull, "rules are general imperative principles which require or authorise prescribed classes of persons or groups to behave in prescribed ways."[163] Bull is careful to demonstrate that rules should not just be thought of as formal entities like international law. As he states, "rules may have the status of law, of morality, of custom or etiquette, or simply of operating procedures or 'rules of the game'."[164] Furthermore, rules can be worked out without formal agreement or verbal communication For example, rules commonly start off as operational principles, then slowly develop into the status of international law.[165]

Bull describes a number of different "complexes of rules": the normative constitutive rules of society itself, which identify the international realm as a society of states; rules of coexistence; and rules that regulate co-operation.[166] It is important to note that Bull considers sovereignty to be a part of the "rules of coexistence", and particularly a part of the rules that stabilise the state's jurisdiction: "at the heart of this complex of

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[162] See Ibid., chap. 2 passim, for these arguments.
[163] Ibid., 52.
[164] Ibid.
[165] Ibid., 64.

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rules is the principle that each state accepts the duty to respect the sovereignty or supreme jurisdiction of every other stare over its own citizens and domain, in return for the right to expect similar respect for its own sovereignty from other states."[167]

Rules must be effective and generally followed or else are not of much use. Bull contends that most effective rules are carried out by institutions. Institutions must not be thought of as a merely formal organisation. As Bull states, "by an institution we do not necessarily imply an organisation or administrative machinery, but rather a set of habits and practices shaped towards the realisation of some common goals."[168] According to Bull, institutions should perform the following functions in order to make rules effective: rules must be made; rules must be communicated; rules must be administered; rules must be interpreted; rules must be enforced; rules must to be legitimised; rules must be capable of adaptation; rules must be protected.[169] Some important institutions he lists as examples: balance of power, diplomacy, the managerial system of the great powers, and international law.

Bull regards sovereignty as something crucial to international society itself, for it fulfils the criteria of protecting property rights in some manner. What is not made explicit, however, is how sovereignty, or these criteria that form the basis of society, fit into his scheme of common interests, rules, and institutions. Though it is conceptualised as a particular type of rule, it is not really established how it is developed as a rule. Sovereignty seems to be taken as a given in some manner, in that it seems to pre-exist in

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[166] Ibid., 65-66.
[167] Ibid., 67.
[168] Ibid., 71.
[169] Ibid., 54.

the state, and then consequently has rules built around it for its protection internationally. However, what is crucially important about Bull's theory is that sovereignty, and other rules are given an inherently social manner, in that it is shown that they are common rules that need to exist for the contemporary conception of society to actually exist. As Bull puts it, "rules and institutions are part of the efficient causation of international order, that they are among the necessary and sufficient conditions of its occurrence."[170] In this sense, Bull's theory is in some ways an extension of Morgenthau's, in that he is explicit about how common rules are vital to international order, that rules that limit the action of the states are not detrimental or unimaginable, and they are necessary for the very possibility of order itself.

James is one of the first realist thinkers to address sovereignty in great detail. His study of sovereignty[171] attempts to address the problems he has seen in traditional examinations, which he believes are primarily derived from political philosophy. James believes that most of the problems concerning sovereignty stem from the fact that most of the theorising has concerned the internal nature of the state. Sovereignty from this angle means "the presence, within a governed political community, of supreme legal authority - so that such a community can be said to possess sovereignty, or to be sovereign, if it does not look beyond its own borders for the ultimate source of legitimacy."[172] He tries to approach sovereignty from a different angle. For James, sovereignty is "the 'essential

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[170] Ibid., 71.
[171] Alan James, *Sovereign Statehood: The Basis of International Society* (London: Allan and Unwin, 1986).
[172] Ibid., 3.

qualification for full membership' in international society, or, . . . the qualification which makes the state eligible for membership."[173]

James believes that examining the actual practices of states is the best method for discovering the importance and relevance of sovereignty in international relations. As he states, "it is state practice that provides the basis for the claim that sovereignty is what makes an entity eligible for admission to international society."[174] By this he specifically means that one must examine what occurs to allow states into international society - i.e. what changes in a state when it gains an international capacity - to determine what sovereignty entails.[175]

The states that make up international society have several commonalties: they are all territorially based - each exclusively represents an area of the globe; each state is occupied by a population; and each is occupied by official representatives - a government.[176] What clearly delineates actors that are part of international society and those that are not is the fourth commonality: sovereignty. As James states, "there is a clear line between the two groups and that the distinguishing characteristic of the international group is their unanimous claim to the individual possession of sovereignty."[177] James goes on to examine some examples of territorial entities that become sovereign, in order to see what they gain in order to receive this attribute. In examining this question, James determines that "constitutional independence" is the

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[173] Ibid., 7.
[174] Ibid., 8.
[175] Ibid., 22.
[176] Ibid., 13.
[177] Ibid., 15.

required situation for membership in international society. He therefore concludes that *"sovereignty equals constitutional separateness."*[178]

James goes on to qualify this statement somewhat. He states that constitutional independence merely means that states have the right to decide upon their own internal policies, as well as decide what they want to do in the international realm. As he states, "they may take advise and assistance from outside, and may make promises to other states or international organisations about their internal behaviour. But, there is no question of another state taking decisions for them or disallowing their decisions by virtue of that other state's superior constitutional fact."[179] Sovereign states may make links to other entities, as long as they are not constitutional ones. However, as James points out. this does not imply that sovereign states are free to do whatever they want: "That is not to say that they, more than any other, have legal freedom to do what they like. They have obligations under international law, just as they have rights."[180] Sovereignty entitles a state to the freedom to make its own decisions, but does not free it from its obligations under international law.

Sovereignty as constitutional independence has three main features: it is a legal. absolute, and unitary condition. It is a legal condition in that the creation of a constitution makes sovereignty a legal matter; it is founded on a legal condition. As James points out, sovereignty "expresses the point that the state's constitution is not subordinate, in law, to that of any other state."[181] Sovereignty is an absolute condition in that a nation is either

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[178] Ibid., 24.
[179] Ibid.
[180] Ibid.
[181] Ibid., 39.

sovereign or it is not: it is a qualitative not quantitative position. James points out that the idea of sovereignty as "absolute" has been often misinterpreted to mean absolute control or authority, which he believes is misguided. As he states, it is "very difficult for people to get away from the idea that the phrase 'absolute sovereignty' only refers to a relational context, where its use would indeed be inappropriate in that it implies that the sovereign state concerned is able to manipulate its international relationships in accordance with its own will."[182] Absolute sovereignty merely refers to the idea that states are constitutionally independent, with no qualifications attached to this independence. Sovereignty is also, a unitary condition, in that it cannot be divided. The internal and external dimensions of sovereignty merely imply that it is like a coin, with two different faces, none the less, indivisible.[183]

James' purpose is to firm up the concept of sovereignty to give it a more tangible, legal basis. By conceptualising it as the criterion for entrance to international society, thereby making it foundational for the very idea of international society (though this is never made explicit - i.e. international society seems to exist before sovereignty in James' work), James is able to look at how, or by what practices, states do become members of international society. Through a useful look at actual practices of states (indeed this is one of the greatest virtues of this work), James concludes that constitutional independence is essential for sovereignty. In some ways, he is building on Bull's foundation, in that he utilises the idea of an international society, and then finds a concrete basis for sovereignty. Though his conceptualisation of sovereignty as constitutional independence

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[182] Ibid., 49.
[183] Ibid., 50.

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is definitely different from that of most traditional thinkers, the other ideas contained within are not. Sovereignty is essential for states' participation in the international system, sovereignty does not have anything to do with the states' being able to do whatever they want, and states are restricted by obligations to international law.

The commonalties between the writers discussed above are of crucial import. They all have stressed one particularly important point; sovereignty does not mean anything about the actual freedom of action that states have. This means the actual capabilities of states obviously can differ, and, perhaps more importantly, the idea of consenting to legal agreements does not entail a "loss" of sovereignty. This latter point is taken farthest by Bull, and those influenced by him, in that he demonstrates that common rules of action are in fact essential to international society.[184] Sovereignty is a more abstract principle that merely has the connotation of "equality" or "independence". Sovereignty is a necessary precondition for the existence of the international system, and therefore has an inherently social character. As Hegel said, over a century ago, "without relations with other states, the state can no more be an actual individual than an individual can be an actual person without a relationship with another person."[185] For a shared legal principle of sovereignty to exist, it entails a mutual agreement of some sort that it does exist: sovereignty requires common understandings.

Sovereignty as Legal Condition versus Sovereignty as Freedom of Action

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[184] A point also made by Morgenthau, in a more restrained manner, in his discussion of "common laws" of the international system, which he demonstrates as essential, and do not need to be consented to.

[185] G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), 367.

With this exposition of traditionalist thoughts on sovereignty, the difference between the views of traditionalists and "decline of sovereignty" proponents are made explicit. It is a question of sovereignty as freedom of action versus sovereignty as a legal condition. What needs to be further explicated is why the realist critique has much merit.

Fowler and Bunck, in their recent contribution to the examination of sovereignty in international relations, come to a similar conclusion about the different conceptualisations of sovereignty in the field of international relations.[186] They make a conceptual distinction between "chunk" and "basket" theories of sovereignty. Chunk theories correspond to the traditional view discussed above, in that they are "absolute" in the sense described by James: sovereignty is something a political entity has, or it does not.[187] Basket theories, "associates sovereignty not so much with found juridical equality as with degrees of practical political inequality."[188] The basket view, then, corresponds to the conceptions held by the decline of sovereignty writers, in that sovereignty is viewed as a particular bundle of competencies that can be removed and added. Sovereignty is thus a quantitative property, that can be increased and lessened by degrees.

Where the basket approach fails is that sovereignty ceases to be an important principle in ordering the international system, and becomes merely a question of powers a state has or doesn't have. Whether a state had or is losing sovereignty is almost always posed in a manner that examines whether or not "absolute authority" holds in some manner. As James has demonstrated, this absolute nature is misunderstood when thought

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[186] Michael Ross Fowler and Julie Marie Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (University Park, PA: University of Pennsylvania Press, 1995).
　　　[187] Ibid., 65.

of in this fashion. He is right to see the absolute as a property, rather than a particular way the state functions.

However, this argument needs to be taken a bit further. "Absolute authority" is not only misunderstood in this manner, it is also misunderstood in terms of how authority should be conceptualised. The absolute authority which is postulated with any definition of sovereignty is often seen in operative terms: that absolute authority means absolute control, not just the power to make authoritative decisions concerning rule-making.[189] As Connolly points out, authority has often been misconstrued as a sub-category of power - one form of the equation A gets B to do something they would otherwise not do.[190] As he demonstrates, authority is more about the idea of "voluntarily obeying a command because one thinks it is the proper thing to do even if it is against one's interests."[191] Absolute authority then concerns an ultimate arbitrator of rules, and not necessarily an ultimate coercive power.[192]

The actual empirical problem with conceptualising absolute authority as absolute control is that it ignores the fact that the competencies of sovereign states have changed historically.[193] As Biersteker and Weber point out, "the modern states system is not based on some timeless principle of sovereignty, but on the production of a normative conception that links authority, territory, population (society, Nation), and recognition in

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[188] Ibid., 70.

[189] Janice Thomson, "State Sovereignty and International Relations: Bridging the Gap Between Theory and Empirical Research," *International Studies Quarterly* 39 (1995): 216.

[190] William Connolly, *The Terms of Political Discourse*, 3rd ed. (Princeton: Princeton University Press, 1993), 107.

[191] Ibid., 109.

[192] It can be seen here how Onuf's conceptual antecedents, mentioned above, come into play, especially the idea of *majestas* and *imperium*.

[193] Thomson, 216.

a unique way and a particular place (the state)."[194] The idea that what states have control over is changing does not necessarily pose a challenge to state sovereignty. As Thompson states, "what some observers take as signs of eroding sovereignty are merely changes in the norms or rules delineating the legitimate forms of functional authority and means of enforcing those rules."[195]

As can be seen from the above discussion of sovereignty in the internal realm, in the classical political theory elucidation of the concept questions of scope of authority have long been problematic. Absolute authority merely means that there is some sort of final place for political decisions to be made. It does not necessitate control or power over everything. The traditional view of sovereignty, then, has the merit of recognising how important sovereignty is as an abstract legal principle that provides a precondition for the existence of the international system, instead of merely being the provider of a bundle of competencies that can be removed with the consequence of diminishing the importance of sovereignty.

Conclusion

A re-examination of traditional theories of sovereignty yields some important insights, especially concerning the ideas of freedom of action and the social nature of sovereignty. Once sovereignty is seen as a concept that is essentially social, in that it requires obligations from other actors in the international realm for it to exist in any manner, it also becomes clear that sovereignty is not about freedom of action; it is about a

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[194] Thomas J. Biersteker and Cynthia Weber, "The Social Construction of State Sovereignty," in *State Sovereignty as Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber (Cambridge: Cambridge University Press, 1996), 3..

recognition of equality or independence that is essential for the very idea of the international (whether conceptualised as a "system" or a "society").

The challengers of sovereignty have consistently not represented the traditional position of sovereignty accurately (or at all), and as a consequence, their commentaries on the continuing relevance of the sovereign state need to be re-evaluated. The insights of the traditional theories must be included in such an analysis, as this will contribute to a better understanding of the problems at hand. However, it cannot be taken for granted that the traditional theories are entirely unproblematic, especially since, as has been noted, often the conceptualisations of sovereignty that are put forth are hardly explicit. This necessitates a further critical examination of these theories before the issue of globalisation and sovereignty can be returned to.

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[195] Thomson, 225.

CHAPTER 3

SOVEREIGNTY, RULES AND INTERNATIONAL SOCIAL STRUCTURE: SOVEREIGNTY AS INSTITUTIONAL NORM

Sovereignty, as seen by traditionalist international relations scholars, is an essentially social principle that provides the basis of international relations, or, more forcefully stated, is the precondition for the existence of the inter-national. Sovereignty exists as a principle which provides a basis for the independence or equality of states, and as such, requires obligations form other actors for it to be meaningful in any way. However, the idea that sovereignty must be social in some manner is often ignored by these writers themselves. Nonetheless, it is implicit in their work, and, furthermore, is their essential insight into the nature of sovereignty.

However, the traditionalist position has some problematic drawbacks. The most troublesome stems from the necessarily social nature of sovereignty, which cannot be adequately conceptualised by the writers in question. As Kratochwil and Ruggie have pointed out in the context of realists and international regimes, an ontology that requires an inherently social or intersubjective nature also requires an epistemology which can allow for intersubjective meaning, which none of these writers have.[196] This leads to a general problem in conceptualising rules and norms themselves, particularly in terms of their creation and their compelling power.

This lack is often reflected in the problems traditionalists have with conceptualising how sovereignty itself functions within their theoretical frameworks. As

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[196] Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on the Art of the State," *International Organization* 40 (1986): 764.

has been shown above, all of these writers mention sovereignty as being essential in some manner, but generally end there in fitting it into their conceptual scheme. This is especially true with Waltz, who does not even attempt to explain how crucial sovereignty really is to his framework. Sovereignty is just assumed to be there. This is where the charge of ahistoricism lodged by postmodernist critics often comes in.[197] It is not that traditionalists are insensitive to history, which is completely inaccurate if one looks at Bull's work. It is that the way sovereignty is conceived leaves no room for the possibility of change. Sovereignty is shown to be essential for the existence of an international system or society, but is usually assumed into the framework described: it is prior to their theorising. This assumption ignores an examination of how sovereignty came into being, how it functions as a rule, and how it can change and itself absorb changes in the practices of actors in the international system.

The essential problem that needs to be addressed then is to elucidate a more useful conception of sovereignty, and to demonstrate a theoretical viewpoint that allows for intersubjective ontology, and, as a consequence, intersubjective meaning: a version of international social structure that allows for intersubjective meanings and a transformational logic. This will then permit an examination of how international society could be better conceptualised to allow for a clearer understanding of rules, norms and practice in international politics. Finally, this will also allow for a clearer understanding of sovereignty itself; an essentially socially constructed institution, consisting of the constitutive rule of exclusive territoriality, and a number of regulative rules that account

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[197] See for example: R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), chap. 4.

for how understandings of sovereignty have changed throughout its history. Sovereignty

can then be properly conceptualised as the precondition of the very existence of the

international, but a concept which is not itself immune to change.

International Social Structure and Interpretative Social Science

Charles Taylor has quite thoroughly demonstrated that common values and

understandings are essential for a society to exist. As he states,

> common meanings are the basis of community. Inter-subjective meaning
> gives a people a common language to talk about social reality and a
> common understanding of norms, but only with common meaning does
> this common reference world contain significant common actions,
> celebrations, and feelings. These are objects in the world that everybody
> shares. This is what makes community.[198]

It has been shown that realists or traditionalists conceive sovereignty in such a manner. in

that they demonstrate that it must exist as a shared rule or norm, i.e. a common

understanding between states for the very possibility of the existence of international

relations as hinted at in the subtitle of James' book. Ruggie and Wendt furthermore both

note that sovereignty implies a condition of sociality between members, because it

requires mutual recognition for it to mean anything at all.[199] As Wendt and Friedheim

state, "the institution of sovereignty is maintained by state actors treating each other as if

they were sovereign, and to that extent depends on a social process."[200] Sovereignty, then,

is not only important for international relations as a principle that allows the very

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[198] Charles Taylor, "Interpretation and the Sciences of Man," in *Philosophy and the Human Sciences: Philosophical Papers vol. 2* (Cambridge: Cambridge University Press, 1985), 39.

[199] Ruggie, "Continuity and Transformation," 146.; Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992): 412-15.

[200] Alexander Wendt and Daniel Friedheim, "Hierarchy Under Anarchy: Informal Empire and the East German State," *International Organization* 49 (1995): 699.

possibility of inter-national relations, it also implies a condition of sociality between sovereign states.[201]

The question then becomes how does one conceptualise such a society. Waltz and Bull provide two answers; one that conceives sociality as a structure that conditions actors towards certain behaviour, and one that demonstrates the actors roles in creating these meaningful sets of rules. A more thorough examination of these alternative conceptions of international social structure[202] will demonstrate some of the fundamental problems with them, and will lead to an examination of a third perspective, provided by an interpretative social science that can rectify the important limitations of the traditional theories.[203]

Waltz postulates a notion of structure that places certain constraints on the actors, i.e. the ordering principle of anarchy. This should be considered, in some sense, a social structure, because, in accordance with the microeconomic analogy he utilises to explain structure, unit interaction creates structure. As Waltz states, "structures emerge from the coexistence of states. No state intends to participate in the formation of a structure by

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[201] This fact creates an odd methodological problem: the concept of sovereignty itself demonstrates that there is such a thing as international society, yet some examination of international society, or social structure is also necessary for the analysis of sovereignty. The manner in which it is approached here is that the demonstration of what an adequate theory of social structure is required first, because it will assist in understanding how a society of states without sovereignty could perhaps be examined - that is, how a structure with agents should be conceived needs to be conceptualised before the actual properties of the structures and agents themselves.

[202] The term "international social structure" is here used in order to distinguish it somewhat from Bull's "society" and Waltz's "structure", or perhaps, more accurately, to combine the two concept into something more useful..

[203] Another methodological problem encountered is the problem with making an analogy between states and individuals as agents in a social theory. Though this anthropomorphism is at times problematic, it seems a justifiable method, in that, as Wendt has stated, "substantively, states are collectivities of individuals that through their practices constitutes each other as 'persons' having interests, fears, and so on." Wendt, "Anarchy," 397, n. 21. States and their representatives are still collectivities, and the community of

which it and others will be constrained. International-political systems, like economic markets, are individualist in origin, spontaneously generated, and unintended."[204] Waltz's conception of social structure, then, is the unintended result of the interaction of states; the outcome which is a structure which constrains actors behaviours.

Waltz's notion of structure is important as an attempt to bring a strict structural theory to international relations. However, it has some serious flaws, two of which are important here. The first entails the nature of the structure, which Waltz explains in terms of a microeconomic analogy. The problem with this way of looking at structure is that it entails that actors are constituted prior to the structures that they exist in. That, essentially, the sovereign state is in existence before the structures that constrain it. As Ashley points out, "the state is *ontologically* prior to the international system. The system's structure is produced by defining states as individual unities and *then* by noting the properties when several such unities are brought into mutual reference. For the neorealist, it is impossible to describe international structures without first fashioning a concept of the state-as-actor."[205]

Hollis and Smith point out that it is not really a problem that Waltz sees structure as being defined by pregiven units as long as the structure, in a sense, takes on a "life of its own", in that it is imbued with causal powers.[206] As they state, "it is no obstacle in

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state leaders and others who participate in international relations are substantively what make up the community, and therefore, the analogy is fruitful.

[204] Waltz, 91.

[205] Richard K. Ashley, "The Poverty of Neorealism," *International Organization* 38 (1984): 240.

[206] Whether or not Waltz imbues his structure with casual powers is debatable, since he tends to rely on an examination of what states do instead of what structures do. In order for his theory to be truly structural, as Hollis and Smith argue, it must have structure as a causal mechanism. See Martin Hollis and Steve Smith, *Explaining and Understanding International Relations* (Cambridge: Cambridge University Press, 1991), 114-15.

treating a system as an entity with causal powers that it emerged from an original set of units and their relations."[207] This seems to be correct, but it leaves in question whether or not the given units need to have some sort of social relations in order to exist in the first place - sovereign states do not come out of nowhere.[208]

This problem of sovereign states being prior to theorising *is* essentially important, because it demonstrates that though Waltz sees sovereignty as something that is fundamental to his conception of social structure, he provides no basis for how sovereignty could possibly be established as a principle of international society. As Wendt notes, conceiving social structures as such "sees system structures in the manner in which they appear to states—as given, external constraints on their actions—rather than as conditions for the possibility of their actions."[209] To conceptualise structure as something that provides a "condition for possibility" of action (which is how sovereignty needs to be conceptualised) rather than a constraint on action requires an ontology that provides for intersubjectivity, which Waltz, by theorising states as atomistic individuals before he conceptualises structure, obviously does not have.

The second important criticism essentially extends from the first one, in that by conceiving structure as something created by pre-existing units, and then by

[207] Martin Hollis and Steve Smith, "Beware of Gurus: Structure and Action in International Relations," *Review of International Studies* (1991): 401.

[208] Kratochwil has remarked that Waltz's constant use of the microeconomic analogy is also rather spurious, in that "markets are probably the social institution which are most dependent upon normative underpinnings. While markets are anarchical in the sense of lacking central decision-making institutions, it is unimaginable that they could function without the common acceptance of the convention of money, without the protection of property rights, and without the institutions of promising and contracting, governed by practice type rules." Friedrich Kratochwil, *Rules Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989), 47.

conceptualising structure as a constraint on the actions of actors, there is no room for the possibility of system change. Waltz conceives change as only being able to occur at the first principle level of system, that of ordering principles.[210] The problem is that there is no way for an organising principle to change unless the agents can affect it in some manner. As Ruggie points out, "the problem with Waltz's posture is that, in any social system, structural change itself ultimately has no source other than unit-level processes. By banishing these from the domain of systemic theory, Waltz also exogenizes the ultimate source of systemic change. . . . as a result, Waltz's theory of 'society' contains only a reproductive logic, but no transformational logic."[211] By having a strict notion of structure, Waltz banishes the importance of the practices of actors in changing structures even though, essentially, his theory is based on the premise that agents created structure in the first place.

Waltz's conception of social structure is fundamentally flawed because it has no way to account for the state, its main unit analysis, either in terms of how it is constituted, or in terms of its own practices. Structural change is essentially impossible, because state practice is entirely restrained by structure, and the state itself is assumed to exist before the system, and therefore is an ontologically primitive agent; an agent that itself cannot change. If social structure importantly relies on the existence of common principles that need to be understood intersubjectively by agents, Waltz's theory definitely cannot encompass such an understanding, in that common understandings, such as sovereignty,

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[209]Alexander Wendt, "The Agent-Structure Problem in International Relations Theory," *International Organization* 41 (1987): 342.
[210] This is because he has banished the second level, the differentiation of units, as being important in any way.

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are assumed into agents, instead of being principles that agents are socially engaged in defining.

Bull has provided an alternative conception of social structure that differs fundamentally from Waltz, in that he explicitly wants to determine the pre-conditions for the existence of the international system, primarily in terms of the existence of international order. As he states, "to account for the existence of international order we have to acknowledge the place of rules that do not have the status of law."[212] This of course is an explicit call for a conceptualisation of common understandings which make up any sort of society. Bull recognises the need to be able to conceptualise common institutions of international life (e.g. balance of power, diplomacy, and of course, though only briefly mentioned, the concept of sovereignty) to be able to understand the idea of international order.

The main problem with Bull is that he has a similar ontological commitment to atomistic individualism as Waltz, and ends up not being able to account for such shared principles. This is exemplified by his self-proclaimed "Grotian" approach to international politics, which is meant to form a middle ground between the Kantian and Hobbesian conceptions. The Grotian approach sees sovereign states as the principle actors in international politics, however, not in terms of conflict but in terms of the society they form.[213] Though the rules and institutions of society are seen as the most fundamentally

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[211] Ruggie, "Continuity and Transformation," 152.

[212] Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. (New York: Columbia University Press, 1995), xvii.

[213] Ibid., 25.

important part of international relations, the sovereign state is still conceptualised as an unproblematic agent.

This can be primarily seen in Bull's account of this main agent. Bull claims that "the starting point of international relations is the existence of states, or independent political communities each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth's surface and a particular segment of the human population."[214] The problem with this account is that latter on, he declares that sovereignty should be considered a "rule of coexistance"; that it is "the principle that each state accepts the duty to respect the sovereignty or supreme jurisdiction of every other state over its own citizens and domain, in return for the right to expect similar respect for its own sovereignty from other states."[215] This creates a contradiction in Bull's framework. Sovereignty exists before international society, in that it is a major constitutive principle of the state, but it is later given an explicitly social nature, in that it requires tacit acceptance by other states for it to mean anything.

To restate this, the problem is not necessarily with the idea that sovereign states are the most important "reality" in international politics, it is the idea that they are to be assumed into the framework of common rules and norms. Kratochwil has pointed out that Bull and other Grotians grounding was in international law, and in particular natural law, which is what fundamentally creates this problem. The problem came when, as Kratochwil puts it, "this perspective became disengaged from its intellectual roots when,

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[214] Ibid., 9.
[215] Ibid., 67.

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in jurisprudence, a shift to a voluntaristic conception of law occurred."[216] The idea that law is "voluntaristic" basically means that agents have to be seen as creating the law and other institutions and consenting to them. This is why it is understandable that Bull pays so little attention to the development of background norms like sovereignty: they just cannot be accommodated by his individualist framework. So, although Bull does have a commitment to the kind of society that would accommodate common understandings, his rather fuzzy conceptualisation of how such understandings come into being reveals a commitment to a form of atomistic individualism, where units take priority to social structure.

Wendt has been a major critic of previous attempts to create an adequate conception of social structure in international relations. Wendt also provides a third example of a theory of social structure that attempts to rectify the problems that both of the above examples contain. He tries to get out of the bind that both of these theorists are in. Waltz, on the one hand, provides a structure that evolves out of already sovereign states, which leads to the establishment of a strict, causal structure, that is essentially, unchangeable. On the other hand, Bull gives emphasis on the actors constructing meaningful institutions that are part of any society, but ends up not able to give the institutions as much force as they require. Wendt, through the use of structuration theory, tries to provide a middle ground, by allowing for the mutual construction of both actors and social structure. In effect he is trying to create a situation where actors are not

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[216]Friedrich Kratochwil, "The Embarrassment of Changes: Neo-realism as the Science of Realpolitik Without Politics," *Review of International Studies* (1993): 75.

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pregiven, in that they can be constructed by structures, while also granting that agents have the ability to change structures through their own practices.

Wendt starts his analysis through an examination of the "agent-structure problem"; the problem with deciding whether or not agents create the structure they are in, or if structures fundamentally create and coerce the agents acting within them. Wendt believes that the most important aspect to resolutions of this problem is ontological, in that once one decides which is more important to examine, an implicit epistemological viewpoint comes with it.[217] As Wendt states, making one of the elements ontologically primitive, as Bull and Waltz do, tends to lead to causal explanations of unit behaviour, either through structures that constrain action, or through agents whose identities are predetermined. The opposite to this are social theories which put equal emphasis on agency and structure, and therefore tend to "generate agent-explanations that are, broadly speaking, 'interpretive'—that is, cast in terms of the goals, beliefs, and self-understandings of agents."[218]

Wendt broadly categorises the latter theories as "constructivist", who "share a cognitive intersubjective conception of process in which identities and interests are endogenous to interaction, rather than a rationalist-behaviourist one in which they are exogenous."[219] Such a theory can therefore provide the basis for the conceptualisation of

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[217] Wendt, "Agent-Structure," 339. This is almost exactly what Taylor says concerning the social sciences inability to account for intersubjective meaning. This is due to a focus on problems surrounding epistemology - that the assumed model of inquiry rests firmly on a notion of atomistic individualism. For example, he states, "the issue at root here is an epistemological one, and, hence, cannot but be relevant to our conduct of enquiry. We might say that it is an ontological issue that has been argued ever since the seventeenth century in terms of epistemological considerations which have appeared to some to be unanswerable." Taylor, "Interpretation," 17.
[218] Wendt, "Agent-Structure," 340.
[219] Wendt, "Anarchy," 394.

intersubjective norms - in essence it can provide an adequate foundation for the type of theory that Bull was trying to create.

Wendt goes on to demonstrate his own particular brand of constructivsm, through the use of structuration theory. This theory takes agents and structures to be fundamental to the social world, yet tries to conceptualise their relations a manner that makes neither one a static entity. As he states, "structuration theory says something about what kinds of entities there are in the social world and how their relationship should be conceptualised, and as such provides a conceptual framework or meta-theory for thinking about real world social systems, but it does not tell us what particular kinds of agents or what particular kinds of structures to expect in any given concrete social system."[220]

The basic premise of this kind of theorising is an emphasis on the practices of agents as being essential to social structure. Agents are defined by structure, gain their self-understanding through structures, but also affect structures through their own practices. As Wendt summarises, "structuration theory, then, conceptualizes agents and structures as mutually constitutive yet ontologically distinct entities. Each is in some sense an effect of the other; they are 'co-determined'. Social structures are the result of the intended and unintended consequences of human action, just as those actions presuppose or are mediated by an irreducible structural context."[221]

Wendt's theory is an excellent starting point to create a social theory of international relations that is essentially interpretative, in that it can adequately conceptualise the idea of common meaning, because its ontology of agents as engaged in

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[220] Wendt, "Agent-Structure," 355.
[221] Ibid., 360.

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practices which determine their identities allows for such a conception. Wendt's major failing, however, is due to a contradiction in his own framework. He relies upon the theory of "scientific realism" for the philosophical background to his approach. Scientific realism is basically a naturalistic philosophy whose main premise is that unobservable entities, such as social structures or the internal structure of atoms, can be postulated as ontologically real if their effects can be seen.[222]

Wendt believes this important in order to back up his conception of structure, in that it gives a background for conceiving structure as ontologically real, and gives it firm, causal powers. However, in so doing, it belies the ability to conceive of intersubjectivity, through a commitment to a rather mechanistic and causal version of structure. As Hollis and Smith point out, "practices show themselves in the actions whose meanings relate to practices. However this relation is analysed hermeneutically, it is not the relation of cause and effect."[223] Essentially, one cannot claim to have a naturalistic version of social structure and still claim that this structure has an intersubjective character. As Hollis and Smith further state,

> scientific realism, being geared towards an ontology of mechanisms, makes such accounts [of social worlds with intersubjective meaning] relevant by treating them as crucial stages in the mechanical processes which make the world go round. . . . To preserve naturalism, the scientific realist must either subordinate the interpreted social world to external mechanisms and forces or inject similarly hermeneutic elements into 'outsider' accounts of nature, . . . contrary to the initial notion of objectivity.[224]

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[222] See Wendt, "Agent-Structure," 350-55.

[223] Hollis and Smith, "Beware," 410.

[224] Ibid., 407.

The abandonment of scientific realism, however, does not limit the possibilities of the type of theory that Wendt has suggested. Bourdieu, who is incidentally described by Wendt as a "structurationist", and Taylor, have effectively argued for a quite similar version of social theory that does not rely on the idea of naturalism, and in fact, are quite opposed to it.

Taylor claims that Bourdieu's notion of "habitus" is ideal for explaining the types of norms that, as he states, are "quite unformulated, or only in fragmentary form."[225] Bourdieu's notion of habitus, as described by Calhoun, Lipuma and Postone, is remarkably similar to Wendt's proposed theory of structuration. As they state, "the habitus is at once intersubjective and the site of the constitution of the person in action; it is a system of dispositions both objective and subjective. So conceived, the habitus is the dynamic intersection of structure and action, society and the individual."[226]

Bourdieu describes the habitus as a "system of structured, structuring dispositions, . . . which is constituted in practice and is always oriented towards practical functions."[227] The habitus is itself structured by practices, but also itself structures practices. As Calhoun, Lipuma, and Postone, state: "Bourdieu treats social life as a mutually constituting interaction of structures, dispositions, and actions whereby social structures

[225] Charles Taylor, "To Follow a Rule," in *Philosophical Arguments* (Cambridge: Harvard University Press, 1995), 171.

[226] Moishe Postone, Edward LiPuma, and Craig Calhoun, "Introduction: Bourdieu and Social Theory," in *Bourdieu: Critical Perspectives*, ed. Calhoun et al. (Chicago: University of Chicago Press, 1993), 4.

[227] Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1990), 52.

and embodied (therefore situated) knowledge of these structures produce enduring orientations to action which, in turn, are constitutive of social structures."[228]

What distinguishes Bourdieu's theory from the one that Wendt proposes, is that it does away with an analysis of cause and effect, which cannot incorporate intersubjective meaning, and, furthermore, leads to a mechanistic version of social structure. As Bourdieu states, "through the habitus, the structure of which it is the product governs practice, not along the paths of mechanical determinism, but within the constraints and limits initially set on its inventions."[229] Habitus, then, provides a way of governing practices that is not mechanical, yet does not allow for just anything to happen through the absolute freedom of action of individuals. As Bourdieu further states: "because the habitus is an infinite capacity for generating products - thoughts, perceptions, expressions and actions - whose limits are set by the historically and socially situated conditions of its production, the conditioned and conditional freedom it provides is as remote from creation of unpredictable novelty as it is from mechanical reproduction of the original conditioning."[230]

Bourdieu's conception of habitus, a "generative principle of regulated improvisations,"[231] provides a social theory that can encompass the important elements of tacit norms and a reproductive and transformational logic.[232] However, this leads to an

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[228] Calhoun et al., 4. Cronin's description of habitus is also useful: "an immediate bodily awareness of the potentialities and constraints of situations of action and an automatic adaptation to them." Ciaran Cronin, "Bourdieu and Foucault on Power and Modernity," *Philosophy and Social Criticism* 22 (1996): 66.

[229] Bourdieu, 55.

[230] Ibid., 55.

[231] Ibid., 57.

[232] It is important to note that of course, like any theory, Bourdieu's has its own problems, but does in fact seem to provide an improvement on Wendt's structuration theory, as well as being a good starting place for analysing international society. Hollis and Smith's warnings about gurus should not be taken

important question: what kind of methodology is necessary for this kind of enterprise. As both Wendt and Taylor have suggested, ontology affects the epistemology and thus the methodology that one must utilise.[233] Wendt, as stated above, demonstrates that ontologies that tend to take either agency or structure as ontologically primitive tend to rely on positivistic modes of analysis, that cannot and need not take into account the kind of intersubjective meanings necessary for the alternative to this.[234] As has been pointed out, Wendt's commitment to naturalism also leads to a similar methodological approach, that sees the examination of cause and effect as the omega of explanation. Another approach, which has been mentioned marginally in the above discussion is needed. As Hollis states, "if the stuff of the social world is sufficiently unlike the natural, then casual explanation may have to yield to interpretative understanding."[235]

An intersubjective ontology leads to a different kind of framework of analysis, one that is essentially interpretative or hermeneutic. This is due to the fact that the analysis of meaningful actions relies on a methodology that must attempt to interpret these action or practices in some manner. As Taylor states:

> Inter-subjective meanings, ways of experiencing action in society which are expressed in the language and descriptions constitutive of institutions and practices, do not fit into the categorical grid of mainstream political science. It allows only for an inter-subjective reality which is brute data identifiable. But social institutions which are partly constituted by certain

ways of talking about them are not so identifiable. We have to understand
the language, the underlying meanings, which constitute them.[236]

What becomes important then is an examination of the meanings which constitute social

institutions. This must be done through an analysis of the actual practices of the actors or

agents involved, because, as Taylor states: "The meanings and norms implicit in these

practices are not just in the minds of the actors but are out there in the practices

themselves, practices which cannot be conceived as a set of individual actions, but which

are essentially modes of social relation, of mutual action."[237]

The mode of analysis involves an interpretation of the meanings involved in the

practices of actors. As Taylor remarks, a successful interpretation is one which "appeals

throughout to our understanding of the 'language' of expression, which understanding

allows us to see that this expression is puzzling, that it is in contradiction to that other,

and so on, and that these difficulties are cleared up when the meaning is expressed in a

new way."[238] Neufeld clarifies this notion: " 'Making sense' of the social world, then,

involves a process of 'testing' the adequacy of a proffered 'reading', that is, (1) of the

'web of meaning' in terms of the concrete social practices in which it is embedded, and

(2) of the 'coherence' of observed social practices in terms of the 'web of meaning'

which constitutes those practices."[239]

Hollis sums up the methodology of the interpretative approach quite succinctly:

"Methodologically, the intersubjective route to understanding is to identify the

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[236] Taylor, "Interpretation," 38.
[237] Ibid., 36.
[238] Ibid., 17.
[239] Mark Neufeld, "Interpretation and the 'Science' of International Relations," *Review of International Studies* (1993): 48.

constitutive and regulative rules of the relevant 'game' (institution, practice, 'form of life'), exhibit the associated normative explanations and thus understand action as the doing of what is normatively expected in a situation structured by the rules."[240] What remains, then, is to give an analysis of rules, in terms of how they work and how they should be conceptualised in international relations.

Rules, Norms and International Social Structure

Rules and norms are a fundamental part of "social structure" as described above.[241] It is through the establishment of rules and norms that agents engage in meaningful behaviour, and, furthermore, are even able to behave at all. As Kratochwil states, "rules and norms link individual autonomy to sociality. On the one hand they leave each actor free to decide for himself/herself which goals to pursue - even to break the rules - while on the other hand they safeguard the conditions of social coexistence."[242] In the context of the present discussion, that of an examination of sovereignty, the type of rule or norm that needs to be examined further is one that has a "deep" basis, in that it accounts for much of "international life."[243] This kind of rule, or set of rules is best conceptualised in terms of an "institution", which are, as Giddens states, "the most deeply-layered practices constitutive of social systems."[244]

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[240] Hollis, 159-60.

[241] As Giddens states: " 'structure' refers to structural property or, more exactly, to 'structuring property', structuring properties providing the binding of time and space in social systems. I argue that these properties can be understood as rules and resources, recursively implicated in the reproduction of social systems." Anthony Giddens, *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis* (London: Macmillan, 1979), 64.

[242] Kratochwil, *Rules, Norms and Decisions*, 70.

[243] "Deep" referring to the nature of these types of rules as constitutive principles; that they are, in essence, preconditions for the possibility of certain social arrangements.

[244] Giddens, 65.

As a starting point, it is useful to look at Wittgenstein's contribution to the conception of rules. Wittgenstein, quite basically, compared the learning of language to learning the rules of a game; for example, he states that "language games are the forms of language with which a child begins to make use of words."[245] He further points out that "the term 'language-game' is meant to bring into prominence that the speaking of language is part of an activity, or of a form of life."[246] This idea of "forms of life" is what usually links Wittgenstein's theory as having further implications for social life in general, in that each "form of life" has its own set of rules that are essential for meaning. As Hollis and Smith state, "Wittgensteinians [believe] that all social activities must have some constitutive rules because actions have a meaning which behaviour lacks. Social action can occur only where there is a rule followed, thus identifying what is going on. Rules are constructed by agreement or convention, even if tacitly or, at the extreme, unconsciously."[247]

Constitutive rules "define the game" being played, while regulative rules help to determine possibilities within it.[248] It is also quite important that rules are not created and then once and for all permanent; they are an ongoing result of practice. As Hollis and Smith state, "the rules are not fully specified in advance of all situations that will arise. So, whether we are thinking of constitutive rules which define the game or of regulative

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[245] Ludwig Wittgenstein, "The Rejection of Logical Atomism," chap. in *The Wittgenstein Reader*, ed. Anthony Kenny (Oxford: Basil Blackwell, 1994), 46.

[246] Ludwig Wittgenstein, *Philosophical Investigations*, 3rd ed., trans. E. M. Amscombe (New York: Macmillan, 1973), 11.

[247] Hollis and Smith, *Explaining and Understanding*, 179.

[248] Hollis and Smith, "Beware," 405.

rules which facilitate it, the players are, to some extent, constructing the rules as they go along."[249]

This notion of rules is a good starting point for the conceptualisation of the role of deep rules in international relations. However, it must be emphasised that this needs to be fit into the interpretative framework outlined above. For if rules are going to be seen as more than just "constraining" prescriptions, they need to be viewed from an interpretative framework. As Kratochwil states,

> many legal prescriptions are rather enabling rules that set actors free to pursue their own goals. Rule-following is therefore not a passive process in which the impact of rules can be ascertained analogously to Newtonian laws .... Actors are not only programmed by rules and norms, but they reproduce and change by their practice the normative structures by which they are able to act, share meanings, communicate intentions, criticize claims, and justify choices. Thus, one of the most important sources of change, . . . is the *practice of the actors* themselves and its concomitant process of interstitial law-making in the international arena.[250]

The use of "constitutive" and "regulative" rules has been put to use in International Relations literature in the idea of "institutions". Indeed, both Krasner and Thomson have utilised this notion for the purposes of analysing sovereignty.[251] As Krasner states, "an institutionalist perspective regards enduring institutional structures as the building blocks of social and political life. The preferences, capabilities, and basic

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[249] Hollis and Smith, *Explaining and Understanding*, 200. It must be noted that Wittgenstein's use as a social theorist is somewhat limited, primarily due to the rather questionable nature of his own views on this aspect of his theory, in that it requires some ingenuity in applying his framework to the social world, as he primarily analyses meaning in language. Onuf provides a critique of Wittgenstein's social theory in: Nicholas Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia, SC: University of South Carolina Press, 1989), 43-52.

[250] Kratochwil, *Rules, Norms and Decisions*, 61.

[251] Stephen D. Krasner, "Sovereignty: An Institutional Perspective," in *The Elusive State: International and Comparitive Perspectives*, ed. James A. Caporaso (Newbury Park, CA: Sage, 1989); Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994), chap. 1.

self-identities of individuals are conditioned by these institutional structures."[252] An

institution should be seen as a set of constitutive and regulative rules which govern

practice within a specific domain.

Though this framework for analysing institutions is quite useful (as will be shown

in the case of sovereignty) the manner in which Krasner utilises this conception is

problematic. Krasner, though trying to go beyond a conception of international politics

that does not "problematise" the state, falls back upon a notion of institution that

essentially still relies upon a pre-existing state as actor creating the institution. This can

be seen by the fact that Krasner primarily sees institutions in their restraining nature, and

avoids conceptualising the manner in which they are productive. For example, he states:

> the explanation for how institutions or enduring patterns begin is no
> different from explanations for policy change or other more transitory
> phenomena. Such explanations are not inconsistent with an institutionalist
> perspective. But an institutionalist perspective suggests that they must be
> supplemented with an examination of how pre-existing structures delimit
> the range of possible options.[253]

This means that the origins of institutions can be understood through a traditional "actor-

oriented" analyses, and, furthermore, the instituionalist analysis only adds on this analysis

the conception of how institutions delimit the choices of actors. Institutions, then, are all

product and unproductive.

Thus Krasner, and similar analyses, as Wendt and Duvall state, "treat sovereignty

in the same way they treat other international institutions, that is, almost entirely as

constituted by the choices of preexisting state actors, rather than as constitutive of those

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[252] Krasner, 70.
[253] Ibid., 83.

actors."[254] Sovereignty, for Krasner, is conceptualised through an institutional framework. but one that will not allow sovereignty to be conceptualised as a productive institution, in that it is necessary for the precondition of the international, not the consequence of an already existing body of states. What this leads to is a conception of institutions which only can be seen as shaping the choices of individual states, and not as fundamental sets of intersubjective understandings which provide a basis for meaningful behaviour. As Wendt states, "sovereignty is an institution, and so it exists only in virtue of certain intersubjective understandings and expectations: there is no sovereignty without an other."[255] The key is the idea of "expectations", which is an essentially social understanding. Sovereignty is not just a constraint on an individuals action (though it can partly be this), it also provides a basis for the expectations of how others will act - and in this sense is a social norm.

The framework utilised by Thomson is definitely more useful, in that it explicitly allows for a conceptualisation of "sovereignty as an institution that defines and empowers the state."[256] As described by Thomson, the constitutive dimension of sovereignty is "the claim to ultimate or final political authority in a particular political space."[257] The regulative dimension involves the scope of authority claims made by the state. This dimension, as she states, "delineates the specific functions over which the state as

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[254] Alexander Wendt and Raymond Duvall, "Institutions and International Order," in *Global Changes and Theoretical Challenges: Approaches to World Politics for the 1990s*, ed. Ernst-Otto Czempiel and James N. Rosenau (Lexington, Mass.: Lexington Books, 1989) 57.
[255] Wendt, "Anarchy," 412.
[256] Thomson, 14.
[257] Ibid.

legitimate authority can legitimately claim authority."[258] Therefore, sovereignty as an institution has a deep constitutive principle which remains relatively unmodified through time, and a regulative dimension which accounts for its changing nature.

An analysis of sovereignty, then, must examine the basis of the constitutive dimension, and, furthermore, how it could possibly change, as well as a description of how regulative rules are instituted. Wendt states that "the sovereign state is an ongoing accomplishment of practice, not a once and for all creation of norms that somehow exist apart from practice."[259] In line with this, the starting point of an analysis of institutions that is consistent with the idea of social structure described above, involves an analysis of the practices of states. As Wendt and Duvall state, "the analysis of international institutions . . . . must ultimately begin with an analysis of the practices and self-understandings of the agents. . . . all practices presuppose institutions (otherwise they would be mere 'behaviours' rather than 'practices'), and all institutions presuppose practices (otherwise they would not exist at all)."[260]

Sovereignty as Exclusive Territoriality

Though often invoked as part of sovereignty, the idea of the "territoriality" of sovereign states is a rarely examined concept in the literature of International Relations.[261] As mentioned above, the importance of territoriality to sovereignty, and, more specifically, *exclusive* territoriality, cannot be over-emphasised. Though it has

[258] Ibid., 16.
[259] Wendt, "Anarchy," 413.
[260] Wendt and Duvall, 63.
[261] The one classic exception is: John Herz, "The Rise and Demise of the Territorial State," *World Politics* 9 (1957): 473-93.

received some notable recent formulations,[262] it has yet to be properly worked into the framework of sovereignty as an institution.[263]

Territoriality is a form of spatial organisation, and as such is fundamentally important to how people conceptualise their world. As Sack suggests, "space is an essential framework of all modes of thought. . . . space, in conjunction with time, provides a fundamental ordering system interlacing every facet of thought."[264] However, as Harvey states, "we rarely debate their meanings; we tend to take them for granted, and give them common-sense or self-evident attributions."[265] Space is an important dimension which determines how individuals view their place in the world, and therefore requires further examination. As Foucault states, "space predetermines a history which in turn reworks and sediments itself in it. Anchorage in space is an economico-political form which needs to be studied in detail."[266]

The territorial form has been a dominant way of organising political life. However, the type of territoriality associated with sovereignty, *exclusive* territoriality, is

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[262] This has been most apparent in postmodernist discussions of international relations, the main shortcomings of which are that they tend to focus on the limitations of territorial spatialisations within the discipline of International Relations, instead of seeing it as a broader social phenomenon. See, for example: Walker, *Iniside/Outside*, chap. 6; and John A. Agnew, "Timeless Space and State-Centrism: The Geographical Assumptions of International Relations Theory," in *The Global Economy as Political Space*, ed. Stephen Rosow, et al (Boulder, CO: Lynne Reinner, 1994). The account of territoriality offered below relies extensively on Ruggie's incisive 1993 article, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47 (1993): 139-174, though it will be shown that others, both in the field (Walker) and out (Harvey, Murphy, Sack), have also drawn similar conclusions.

[263] Thomson, for example, who utilises a similar framework, only goes on to discuss a particular regulative element of sovereignty, the establishment of state control over organised violence. See Thomson, *Mercenaries*, passim.

[264] Robert David Sack, *Conceptions of Space in Social Thought* (Minneapolis: University Of Minnesota Press, 1980), 4.

[265] Harvey, 201.

[266] Michel Foucault, *Power/Knowledge* (New York: Pantheon, 1980), 149.

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specifically modern.[267] Ruggie has demonstrated how the modern state system of mutually exclusive territorial entities, as developed in Europe, differed fundamentally from previous state systems. As he states, "the distinctive feature of the modern system of rule is that it has differentiated its subjective collectivity into territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion. As such, it appears to be unique in human history."[268] Other types of political communities have existed, and, furthermore, the possibility of differently differentiated communities can be imagined. Ruggie notes that these can fall into (at least) three different possibilities: systems of rule that are not territorial at all; systems of rule that are not territorially fixed; systems of territorial rule which are fixed, but are not mutually exclusive.[269] For example, Kratochwil notes that in nomadic communities, organisation and rights are based territorially, but not on a fixed territory: "In such nomadic communities, the right to move prevails over the right to camp, and 'ownership means in effect the title to a cycle of migration'."[270]

The question remains of how this conception of exclusive territoriality developed, especially in terms of how this particular spatial ontology has come to dominate modern political organisation. One of the most important developments was a series of

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[267] A definition of territoriality is provided by Sack: "*the attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area.*" Robert David Sack, *Human Territoriality: Its Theory and History* (Cambridge: Cambridge University Press, 1986), 19.

[268] Ruggie, "Territoriality," 151.

[269] Ibid., 149.

[270] Friedrich Kratochwil, "Of Systems, Boundaries, and Territoriality: An Inquiry into the Formation of the State System," *World Politics* 39 (1986): 29. Sack provides a further example: "What can be said about Chippewa territorial organization? It is clear that as an entity the Chippewa occupied a vast area. But their habitation was never clearly bounded and fluctuated from year to year." Sack, *Territoriality*, 7.

fundamentally new ways of conceptualising social life. Ruggie points out the importance in shifts in the "epistemic dimension of social life" - which he refers to as "social epistemes".[271] Ruggie adopts this idea from Walzer, who states that "symbolic systems set (rough) limits to thought, supporting certain ideas, making others almost inconceivable."[272] As Walzer further states, "the image is prior to understanding or. at any rate, to theoretic understanding, as it is to articulation, and is necessary to both."[273] Social epistemes, then, entail new symbolic systems that set limits to thought, but do not necessarily constrain the possibility of thought, which enable the possibilities of new types of political organisation.

In the context of this above idea, Ruggie states, "the demise of the medieval system of rule and the rise of the modern resulted in part from a transformation in social epistemology."[274] This is similarly noted by Walker, who states: "It is in precisely this historical-intellectual context that we can see the emergence in post-Renaissance Europe of the linkage between ideas of state sovereignty and a sense of inviolable and sharply delimited space."[275] Two transformations seem of particular importance in this change in social epistemology: the doctrinal change of the "rediscovery" of Roman private property laws, and the perhaps more important introduction of "single point perspective" in the visual arts, exemplified in the changes in mapmaking in the Renaissance.

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[271] Ruggie, "Territoriality," 157.
[272] Michael Walzer, "The Role of Symbolism in Political Thought," *Political Science Quarterly* 82 (1967): 196.
[273] Walzer, 194.
[274] Ruggie, "Territoriality," 157.
[275] Walker, 129.

Ruggie claims that the principle of exclusive territorial rule can only be seen to appear with the rediscovery of the conception of absolute private property found in Roman law. Ruggie states that the "chief character of the modern concept of private property is the right to exclude others from the possession of an object."[276] This contrasted with the medieval principle of usufructure, the prevailing concept of property right, which meant the "right of enjoying the use and advantages of another's property short of destruction or waste of its substance"[277] Usufructure entailed multiple titles to the same piece of land, as well as carrying specific social obligations. This meant that the medieval system was fundamentally different from the modern system. As Ruggie states,

> this was quintessentially a system of segmental territorial rule; it was an anarchy. But it was a form of segmental territorial rule that had none of the connotations of possessiveness and exclusiveness conveyed by the modern concept of sovereignty. It represented a heteronomous organization of territorial rights and claims - of political space.[278]

Absolute property rights of the individual were reflected in the idea of the exclusive territorial authority of states.[279] What is important is that both of these concepts also entailed new forms of sociality. They give rise to a social collective of "possessive individualists," for whom, as Ruggie states, "the social collectivity is merely a contrivance calculated to maintain the basic mode of differentiation and to compensate

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[276] Ruggie, "Continuity and Transformation," 143.

[277] OED; see Ibid., 142.

[278] Ibid., 143.

[279] A quite similar comparison between sovereignty and liberal sovereign individualism can be found in: Naeem Inayatullah and David L. Blaney, "Realizing Sovereignty," *Review of International Studies* 21 (1995): passim.

for the defects of a system so organized by facilitating orderly exchange relations among the separate parts."[280]

Ruggie argues that even more important to the modern conception of sovereignty, to the concept of exclusive territoriality, was the invention of single point perspective in the visual arts. This was a fundamental change in spatial differentiation, which represented a "much broader transformation in social epistemology that reached well beyond the domains of political and economic life."[281] The importance of "ways of seeing" is ably described by John Berger: "seeing comes before words. It is seeing which establishes our place in the surrounding world; we explain that world with words, but words can never undo the fact that we are surrounded by it."[282]

Single point perspective differed from former ways of visual representation, in that it contrasted with the previous method of representing images from various angles, as well as the practice of corresponding size to social importance. As Sack describes the previous mode of representation, "the concept of space in painting was overwhelmed by position and size. The size of the object and its position in the painting indicated something of its importance but nothing of its location in a geographical reality."[283] As Berger states, describing the new, "perspective . . . centres everything on the eye of the beholder. It is like a beam from a lighthouse - only instead of light travelling outwards, appearances travel in. . . . Perspective makes the single eye the centre of the visible world.

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[280] Ibid., 145. The concept of "possessive individualism" is from C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1962).
[281] Ruggie, "Territoriality," 158.
[282] John Berger, *Ways of Seeing* (Harmondsworth: Penguin, 1977), 7-8.
[283] Sack, *Territoriality*, 85.

Everything converges on the eye as the vanishing point of infinity."[284] Sovereignty was the political expression of the newly discovered single-fixed viewpoint, and the application of a new perspective to the spatial organisation of politics. As Ruggie states. "political space came to be defined as it appeared from a single fixed viewpoint."[285]

The effect of this change in perspective in the visual arts can be further seen in the change in mapmaking in the Renaissance. In line with the techniques of the visual arts. pre-perspective maps tended to attempt to place the viewer within a certain social context. rather than providing a somewhat empirical representation. An example of this old style of mapmaking is described by Sack: "In one important series of medieval representations, . . . the earth was divided into three regions, Africa, Asia, and Europe, and these were joined at the center in Jerusalem. The import of this conception was that wherever one actually is located in physical space is immaterial unless one is at the center in the heavenly city, Jerusalem."[286] This approach to mapmaking changed, however, with the adoption of the single point-perspective. As Sack contends, "within the context of perspective painting the events to be depicted were literally painted into a pre-existing coordinate system that represented space itself. Perspective painting and Renaissance cartography reinforced each other."[287]

The effects of this switch were enormous. As Harvey states, "As a result, it seemed as if space, though infinite, was conquerable and containable for the purposes of

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[284] Ibid., 16.
[285] Ruggie, "Territoriality," 159.
[286] Sack, *Territoriality*, 85.
[287] Ibid., 86.

human occupancy and action."[288] Maps could now provide the basis for delimiting territory for certain ends, for, as Harvey describes, "maps, stripped of all elements of fantasy and religious belief, . . . had become abstract and strictly functional systems for the factual ordering of phenomena in space. . . . They defined property rights in land, territorial boundaries, domains of administration and social control, communication routes, etc. with increasing accuracy."[289] This new technical ability, based on a new idea of spatial organisation, provided the basis for a new way of ordering communities.

While the changes in social epistemology were of great significance in the development of the exclusive territoriality of the concept of sovereignty, the practices of states and their rulers of course also accompanied this transformation. As Walzer notes, "political images and their analogues have, in fact, a double source and a double susceptibility: their rise and fall are related first to cultural change in the broadest sense, to new philosophies, theologies, and technologies; and secondly to political change, to new social problems and new methods of organizing and controlling human activity."[290] A change in the conceptual framework only changed the possibility of envisaging different ways of organising political life; this change is not a causal agent.

Herz notes that "the transition from medieval hierarchism to modern compartmentalized sovereignties was neither easy, nor straight, nor short."[291] Both Herz and Tilly note the importance that the consolidation of control over legitimate violence

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[288] Harvey, 246.
[289] Ibid., 249.
[290] Walzer, 200.
[291] Herz, 475.

played in the development of the modern state.[292] Herz emphasises this in terms of the creation of a "hard shell," protecting the state from external invasion. As Herz states, "before old or new sovereigns could claim to be recognized as rulers of large areas, it had to be determined how far, on the basis of their new military power, they were able to extend their control geographically."[293]

Tilly demonstrates how the pursuit of power and control caused rulers to monopolise the control over violence, within their territories, while, furthermore, the pursuit of war caused rulers to set up systems of extraction in order to raise capital for these endeavours. This lead to the entrenchment of substantial bureaucracies to regulate taxation, police forces, courts, and account keepers, therefore solidifying the existence of exclusive territorial states.[294] Therefore, one of the factors in the consolidation of states was the unintended consequence of the rulers' search for power - that the need for capital to invest in warmaking inadvertently led to the elimination of ones rivals within a given territory , in order to have a greater capacity to extract resources.[295]

However, this is not entirely accurate, as the expansion of rule was not the only kind of activity that was being engaged in. Ruggie notes that material changes to the environment in the mid-fourteenth century "altered the matrix of constraints and opportunities for social actors, giving rise to different situation of strategic interaction among them."[296] This lead to a number of different possibilities for political

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[292] Ibid.; Charles Tilly, "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. P. B. Evans, et al. (Cambridge: Cambridge University Press, 1985).

[293] Herz, 477.

[294] Tilly outlines an "ideal sequence" of the classic European state-building experience: Tilly, 183.

[295] Tilly, 181.

[296] Ruggie, "Territoriality," 154.

arrangements, one of which was the territorial state. Spuryt notes the city-state and city-league were also political forms that had developed during the early period of state-building, and that eventually, through a process of competitive relations, the sovereign state became the dominant political institution.[297] This is mentioned to demonstrate that the modern state was not necessarily functionally determined by an expansion of power, be it military or economic.[298]

Exclusive territoriality developed through a complex historical process, where the gradual development of the consolidation, and the eventual domination of the territorial state[299] was combined with a profound transformation of how individuals viewed their place in the world: it was a fundamental shift it spatial ontology. This has established exclusive territoriality as an essential norm in the background of international society - the constitutive dimension of sovereignty. As such, it has played a large role in the continuing relevance of the sovereign state in the contemporary world. As Murphy states, "the modern territorial order pervades so much of our lives that we rarely think about its roles in shaping our spatial imaginations."[300] It is not just, as some postmodernists have suggested, that we have idealised a spatial form that does not exist in an empirical sense;

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[297] Hendrick Spuryt, *The Sovereign State and Its Competitors: An Analysis of Systems Change* (Princeton: Princeton University Press, 1994), chap. 8.

[298] This point is emphasised by Ruggie: Ruggie, "Territoriality," 156.

[299] This is not meant to be a definitive statement of the physical process of the development of the modern state. Needless to say, the literature on European state-building is quite enormous, complicated and contentious. However, despite disagreements among scholars, particularly concerning the exact causes of this new development, the territorial state did develop during this period, and by sometime after Westphalia, was the dominant political actor in Europe. For excellent analyses of this process, see: Spuryt; Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970); : Charles Tilly, *Coercion, Capital, and European States: ad 990-1990* (Oxford: Basil Blackwell, 1990); Charles Tilly, "Reflections on the History of European Statemaking" in *The Formation of National States in Western Europe*, ed. Charles Tilly (Princeton: Princeton University Press, 1975).

it is that we view the world with this ideal in mind. To borrow a phrase from Wittgenstein: "The ideal, as we think of it, is unshakeable. You can never get outside of it; you must always turn back. There is no outside; outside you cannot breathe.—Where does this idea come from? It is like a pair of glasses on our nose through which we see whatever we look at. It never occurs to us to take them off."[301]

The Regulative Dimension of Sovereignty

The constitutive dimension of sovereignty - exclusive territoriality - gives a basis for how agents are differentiated from one another. As Ruggie states, "the distinctive feature of the modern system of rule it that it has differentiated its subject collectivity into territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion."[302] Though this spatialisation has remained constant throughout the modern period, sovereign states have not. As Murphy states, "during the succeeding centuries, sovereignty as a systemic notion was repeatedly thrown into crisis when social, technological, and economic developments challenged the theoretical and functional bases of particular territorial arrangements. Understandings of the meaning of sovereignty as a principle of international relations changed with each of these crises."[303]

The regulative dimension of sovereignty is what accounts for the changes in practices of sovereign states. As Thomson describes it, this dimension "delineates the specific functions over which the state as legitimate authority can legitimately claim

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[300] Alexander B. Murphy, "The Sovereign State as Political-Territorial Ideal: Historical and Contemporary Considerations," in *State Sovereignty as Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber (Cambridge: Cambridge University Press, 1996), 103.

[301] Wittgenstein, *Philosophical Investigations*, 45.

[302] Ruggie, "Territoriality," 151.

authority."[304] Therefore, the regulative dimension exists to determine what a legitimate "move" in the game being played is. If the notion of rules and social structure are taken seriously, one can see that the regulative dimension is the part of social structure which determines what kinds of actions are legitimate within the institutional limits (i.e. exclusive territoriality) that are given. This does not imply that the rules are static. As has been previously stated, rules are instituted through the practices of actors, within the confines of the fundamentals of the given social structure.

An excellent example of this dimension can be found in the problem that official ambassadors faced when the principle of exclusive territoriality started to become a reality. The problem was that ambassadors were to represent their official territory, but were to do so from within another territory, thereby making their status rather questionable. As Ruggie states, "no space was left within which to anchor even so basic a task as the conduct of diplomatic representation without the fear of relentless disturbance, arbitrary interference, and severed lines of communication."[305] The problem manifested itself in medieval Europe, where embassies were commonplace; a privileged means of communication granted to groups of certain social status. The problem arose with the rise of the sovereign state, when the embassies began to be the representatives of particular states. The temporary solution was to grant more immunities to ambassadors, however, this came to be inadequate when religious values became at stake. This was the "embassy-chapel" question, which, quite basically, involved the question of what to do when the ambassador and host country had different religions; neither wanted to commit

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[303] Murphy, 82-83.
[304] Thomson, *Mercenaries*, 16.

heresy by accepting the other. The problem was solved by introducing the idea of extraterritoriality. The ambassador resided on a space which was considered to be the home country's soil; small portions of alien soil existing within a country was the only way sovereigns could communicate.[306] Ruggie states that "what we might call an 'unbundling' of territoriality (of which the doctrine of extraterritoriality was the first and most enduring instantation) over time has become a generic contrivance used by states to attenuate the paradox of absolute individuation."[307]

Another example is found in the de-legitimation of extraterritorial violence. Thomson argues that an essential change in the institution of sovereignty took place in the nineteenth century: the clarification of the authority of the state over non-state violence. Before this institutional change, the state sanctioned or permitted non-state violence, which, at the time existed in many forms. Armies and soldiers were often multinational, and violence was basically a commodity. As Thomson states, "violence, which for three or four centuries was an international market commodity, was by 1900 taken off the market" and furthermore, that "sovereignty was redefined such that the state not only claimed ultimate authority within its jurisdiction, defined in geographic terms, but accepted responsibility for transborder violence emanating from its territory."[308]

The hiring and legitimisation of nonstate violence - i.e. actors such as mercenaries who would fight, but whom were not necessarily loyal to the sovereign - had proven highly effective in securing state interests in the early period of state building (roughly

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[305] Ruggie, "Territoriality," 151.
[306] This account is taken from Ruggie: Ibid., 164-65.
[307] Ibid., 165.
[308] Thomson, *Mercenaries*, 19.

from the 16th to the 18th centuries.)[309] Eventually, however, specific nonstate actors started to threaten the authority of sovereign states. As Thomson indicates, "the unintended consequence of authorizing nonstate violence was the empowering of individuals to act independently of their home state."[310]

Thomson found that states began to target certain forms of nonstate violence once they became problems between states: "the state's right to authorize nonstate violence per se was not addressed. Instead, particular practices were eliminated as they provoked interstate conflicts."[311] The targeting of specific forms eventually led to the establishment of a norm against the use of nonstate violence. As Thomson states, "nonstate actors may have been eliminated on an individual, ad hoc basis, but the state's assumption of authority over one aspect of nonstate violence led to an upward spiral in which the state gained control of other forms of violence beyond its borders. Once begun, this process did not allow for the reversal of state control, only its expansion."[312] The notion that a norm was established through the practices of states, leads Thomson to conclude that this particular example has important consequences for the study of international norms. As Thomson states, "it suggests that important norms are unintended consequences of interstate interaction."[313]

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[309] Ibid., chap. 2.

[310] Ibid., 68.

[311] Ibid., 105.

[312] Ibid., 146.

[313] Ibid., 152. It should be noted that though this example is quite interesting, Thomson's study seems to neglect the idea that there is also a regulative shift over this time period concerning the legitimate role of force in the international system. The use of force shifted from a legitimate way to gain territory to something that was a last resort, i.e. only available for self defence. It would be interesting to incorporate this idea further with Thomson's example.

Another example of the regulative dimension of sovereignty can be seen in the changing nature of principles of legitimacy of states. Legitimacy is a crucial aspect of sovereignty, and is also a part of one of the most often asked questions concerning sovereignty: how does a territory become sovereign?. Bull and Wight have importantly documented the ways legitimacy has changed throughout the different eras of international society, though not explicitly through the framework of sovereignty as an institution which is utilised here. When sovereignty is seen as a social institution, which relies on the reciprocal actions of other actors for its composition, it is obvious that legitimacy is incorporated into the institution of sovereignty itself. The principle of legitimacy is a part of the regulative rules of sovereignty, which nicely demonstrates how the constitutive principle of exclusive territoriality is need of other rules in order to determine legitimate "moves" in international politics.

In the eighteenth and nineteenth centuries, Christendom began to have less influence on international affairs, and international society began to develop. As Bull states, "references to Christendom or to divine law as cementing the society of states declined and disappeared, as did religious oaths in treaties."[314] The state was also more fully articulated, and quite importantly, as Bull states, in this period, the concept of sovereignty became a "basic rule of coexistence within the states system."[315] As demonstrated above, the rise of the territorial state was a rather complex process, involving new conceptions of political space, as well as the accompanying move towards the realisation of this conception. Sovereignty was originally "granted" to states with

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[314] Bull, *Anarchical Society*, 32.

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actual power. Herz uses the example of Philip the Fair, whose lawyers stated that the king

was to be "emperor in his realm" (*rex est imperator in regno suo*) and could no longer

"recognise any superior" (*superiorem non recognoscens*). This was the beginning of the

course in which, eventually, (as Herz quotes Charles McIlwain as saying), "Independence

de facto was ultimately translated into a sovereignty de jure."[316] This can be seen in the

writings of Leibniz, writing soon after the Peace of Westphalia, describing how to

properly conceptualise sovereignty internationally, he states

> The French too, I think, when they are discussing matters concerning the
> law of nations - peace, war, treaties - and call some persons sovereigns, are
> not speaking of free cities, or of lords of tiny territories which even a
> wealthy merchant might easily buy for himself, but of those larger powers
> which can wage war, sustain it, survive somehow by their own power,
> make treaties, take part with authority in the affairs of other peoples.[317]

The formation of sovereign states was based on a state's actual capacity to involve itself

in international affairs. As Herz states, "the decisive criterion thus is actual control of

one's 'estates' by one's military power, which excludes any other power within and

without."[318]

Two types of international legitimacy existed during this time. Until the French

Revolution, the principle of legitimacy was dynastic, concerned with the status and claims

of the rulers.[319] This was the principle of prescription, the "ancient custom viewed as

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[315] Ibid., 35.

[316] Herz, 476.

[317] Leibniz, *Caesarinus Fürstenerius*, in *The Politcal Writings of Leibniz*, ed. and trans. Patrick Riley (Cambridge: Cambridge University Press, 1972), 116. The importance of Leibniz was noted by Herz: Herz, 478-480. Herz uses "a little known text" of Leibinz', the "Entrtiens de Philarete et d' Eugene sur le droit d' Ambassade," which is a French summary of his major work on sovereignty, *Caesarinus Fürstenerius*.

[318] Herz, 479. It must be noted that Herz uses this historical information to try and demonstrate that this idea, that military power is of primacy in sovereignty, is still applicable.

[319] Martin Wight, *Systems of States* (Leicester: Leicester University Press, 1977), 153.

authoritative claim founded on long use."[320] As Martin Wight states, "nothing is more remarkable about international history up to the French Revolution than the regard for prescriptive right."[321] After the Revolution, the prescriptive principle became superseded by a popular principle, concerned with the consent and the claims of the governed; as Wight states, "the sovereignty of the individual prince passed into the sovereignty of the nation he ruled."[322] This was the principle of self-determination, the instrument of which became the plebiscite. This principle of legitimacy has continued to this day.

One crucial point to make, is that these principles of legitimacy concerning sovereign states, only applied to the states of Europe. Sovereignty is a European invention, and the conventions surrounding it were developed in the context of the European international society (and this is also why Bull refers to it as "European"). As Bull states, "as the sense grew of the specifically European character of the society of states, so also did the sense of its cultural differentiation from what lay outside: the sense that European powers in their dealings with one another were bound by a code of conduct that did not apply to them in their dealings with other and lesser societies."[323] Eventually, however, the European society of states did expand itself, in terms of extending the idea of international society to other state systems. Europe had been expanding since the fifteenth century, however, this expansion did not result in the development of an international society until much later. The European states were expanding for purposes of trading, for the spread of Christianity, and, occasionally, for the formation of military

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[320] OED.
[321] Wight, 158.
[322] Ibid., 153.
[323] Bull, 32.

alliances.[324] This led to the eventual exchange of diplomatic representatives, recognition of common interests, and the eventual acceptance in non-European states of the principle of sovereignty.[325]

After World War II, a new principle of legitimacy developed, still based upon self-determination to some extent, however, made somewhat simpler. As Wight states, "the new principle appeals essentially neither to history, language or culture. . . . The new principle of legitimacy has two elements. It asserts firstly the right of the majority within the frontiers prevailing at the given moment, and secondly the right of territorial vicinity."[326] Basically, this makes self-determination dependent on existing borders, therefore decreasing the different types of claims to sovereignty various groups can have. This principle only, makes sense, however, when it is put in the context of a fundamental new principle of the international society: anti-colonialism.

The post-World War II anti-colonial principle that was adopted by international society can be seen in the acceptance of many states that did not really fill many criteria traditionally associated with statehood. Wight states that "the tendency of international law has been to make recognition of new states dependent upon ascertainable fact, namely whether the community has a government exerting effective authority throughout the whole of its territory, and for it to be granted on considerations of expediency, not of principle."[327] However, in this anti-colonial context, this ceased to become important. As Robert Jackson states, describing the quite recently founded sub-Saharan African states,

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[324] Hedley Bull, "The Emergence of a Universal International Society," in *The Expansion of International Society*, ed. Hedley Bull and Adam Watson (Oxford: Claredon Press, 1984), 117.

[325] This is sketched out more thoroughly by Bull: Ibid., passim.

[326] Wight, 168.

they are "juridical artefacts of a highly accommodating regime of international law and politics which is an expression of a twentieth-century anti-colonial ideology of self-determination."[328] A new principle of legitimacy that is consistent with the anti-colonial principles of international society had developed.

The legitimacy of sovereign states, as documented by Bull and Wight, has always depended upon common understandings of other states, and is borne out in practice through their reciprocal actions. It is not difficult to see how this principle fits into the institution of sovereignty. Legitimacy is an important feature of sovereign states, explaining how states become sovereign as well as how they continue to justify themselves, that has changed throughout the centuries, but has not changed the essential nature of sovereignty; exclusive territoriality remains of utmost importance.

These examples indicate some ways in which the regulative dimension of sovereignty makes it a dynamic institution, in that it adapts to changes in the practices of actors that are within the bounds set by the institution - i.e. they do not violate constitutive principles. They demonstrate specific examples of how the institution of sovereignty has adapted to changes in practices of the actors, and as a consequence, changed the collective meanings of actions as well as the expectations for the actors involved.

Conclusion

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[327] Ibid., 158.

[328] Robert H. Jackson, "Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World," *International Organization* 41 (1987): 519.

Sovereignty, as a mode of social differentiation, requires a social analysis, and, therefore, a societal approach to international politics is necessary for its proper conceptualisation. Sovereignty requires the intersubjective understanding of agents in order for it to be meaningful. As a consequence of this type of ontology, it has been demonstrated that sovereignty needs to be analysed through an interpretative analysis, which emphasises an analysis of the rules that structure meaningful behaviour. Sovereignty exists socially as an institution which provides a basis for the identities of actors, and meaningfully structures their behaviours.

The constitutive dimension of sovereignty developed through a series of social relations of the actors, initiated through a conceptual shift and, reciprocally made real by the actions of rulers. The constitutive dimension of sovereignty is, therefore, a social construction, in that it was established through practices of the actors interacting within an older structure, who, through a series of material and conceptual shifts recreated political life, by constituting a new actor, the sovereign state. This principle is maintained through the reinforcement of practices in which agents act as if they were sovereign. As Wendt has stated, "if states stopped acting on those norms, their identity as 'sovereigns' (if not necessarily as states) would disappear."[329]

Since this principle of exclusive territoriality automatically entails a social nature, the regulative dimension merely shows the results of a society of sovereign states interacting, and the need for the institution of sovereignty to respond to the practices of actors, through the development of new norms of conduct which arise within the context

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[329] Wendt, "Anarchy," 413.

of sovereignty. As has been shown, this can primarily be analysed in terms of what the state has regulative control over. However, this notion essentially has to do with agents' expectations. Exclusive territorial units assume that their sovereignty will be respected, and when new events arise that challenge, or change this relationship, new sets of norms arise according to how actors deal with these problems, within the framework that is given.

This provides an excellent framework with which to analyse contemporary problems involving sovereignty. For it needs to be demonstrated how new events affect the meanings and practices of political actors in terms of sovereignty. In essence, it must be demonstrated that a new set of events that are supposedly eradicating the importance of sovereignty are, somehow, changing fundamentally the constitutive nature of what sovereignty means. This would have to entail a demonstration that exclusive territoriality is fundamentally challenged as an organising principle, that, such a challenge could not be incorporated into a set of institutionalised, regulative norms.

CHAPTER 4

SOVEREIGNTY AND THE CHALLENGE OF GLOBALISATION: THE DEVELOPMENT OF NEW INSTITUTIONAL RULES AND THE PRESERVATION OF EXCLUSIVE TERRITORIALITY

The conceptualisation of sovereignty as an institution, a set of institutionalised constitutive and regulative norms, allows for a better analysis of the role of sovereignty in the modern world. Since sovereignty, as a mode of political organisation, is often conceptualised as being under attack in the modern (or perhaps more accurately, postmodern) world due to the forces of globalisation, the way in which sovereignty as an institution copes with the phenomena of globalisation is essential for understanding the role of the state in international politics.

In order to examine the effects of globalisation on the institution of sovereignty, it is essential to examine the practices of states. An examination of state practice in the development of globalisation, as well as reactions to it demonstrates not only the role states have played in creating and legitimising globalisation, but also demonstrates the changes in regulative rules that determine the scope of legitimate action in which states engage. An examination of reactions to globalisation also indicate whether or not the constitutive rule of sovereignty - exclusive territoriality - is effected. An analysis of sovereignty in the modern world through the framework of sovereignty as an institution has the advantage of being able to conceptualise the possibility of changes in the legitimate behaviour of states (i.e. changes in regulative rules) without necessarily diminishing the importance of sovereignty as a mode of political organisation (i.e. the continuing importance of exclusive territoriality as a constitutive rule).

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It is in this context that an examination of the effects of the globalisation of economics will be examined. Though globalisation should be seen as a larger phenomenon, which also encompasses culture, the effects of the world economy on the institution of sovereignty will be focused upon, due to the fact that the greatest number of claims about the demise of the sovereign state emanate from concerns about economics. It will be argued that though the globalisation of production and finance have had profound effects on the state, these effects are not the mere products of forces beyond the state that they must acquiesce to. The globalisation of the economy was legitimised by the state, and involves a series of new ways in which the state deals with economic power that is incorporated into the regulative rules of sovereignty, and, therefore, does not challenge the constitutive rule of exclusive territoriality as a political organising principle.

This examination demonstrates the dynamic nature of sovereignty, its ability to shift as circumstances dictate, especially in the absence of new metaphors of political organisation.[330] Without such new ways of imagining political life, the essential core of sovereignty, the constitutive rule of exclusive territoriality, remains fairly stable, while the regulative rules which determine legitimate state actions change as new arrangements in world politics necessitate.

Sovereignty and the World Economy: Changes in the Regulative Dimension

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[330] It is of course important to note that globalisation as a discourse in fact provides new metaphors of spatial organisation. Interestingly, however, these are rarely political metaphors, they are merely postulations of the new spatial realities of the world economy, the postulation of the existence of a secluded space where footloose capital dwells. This could indicate that globalisation does not necessarily help to provide new ways of imagining the way people occupy space, or, even more practically, could possibly be organised.

The idea of an increasingly globalised economy, where transnationalised capital and production can be shifted on a whim, is often put forward as causing a decline in the sovereignty of states. Generally, what this means is that the state has lost or divested itself of certain powers, essentially leaving it powerless to control one of its most important functions, the national economy. In other words, micro processes (transnational economic links) are having a destabilising effect on macro structure (sovereign states). This argument can also be extended to demonstrate that the globalisation of firms and finance is not only damaging to the power of the state, but also characteristic of new forms of spatiality, thereby eroding the borders of the state as well.[331]

However, when sovereignty is seen as an institution whose regulative norms can be transformed by the practices of state actors, some different conclusions may be reached. The globalisation of the economy has indeed been a profound force in the contemporary world, and also had some effect on the state. However, it is questionable the degree which the state is effected by this force, in that it was a key player in the globalisation of the world economy. An examination of the practices of states in terms of the creation of the world economy and how certain governing functions have been given up by states and been invested in new international regulatory bodies will help to demonstrate that sovereignty is still a crucial institution in contemporary world politics.

Commentators generally point to the expansion of international finance in the past twenty-five years in order to demonstrate the creation of a global market; one which puts unavoidable constraints on states and erodes sovereignty. However, the importance of

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[331] A characteristic argument can be found in Elkins' work. See Elkins, passim.

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international finance is neither an inevitable consequence of globalising forces nor unprecedented. As Thomson and Krasner state, "it is critical to recognize that this is not a new development and that these markets have only been able to develop within a broader institutional structure delineated by the power and policies of states."[332] The role of states in promoting and legitimating such an order must not be discounted, and in fact is crucial for demonstrating the continuing relevance of sovereignty.

Examining the post-World War II era, Helleiner notes three ways in which states promoted and assisted the globalisation of financial markets: through the liberalisation of capital controls; through refraining to impose more effective controls on capital movements; and by preventing major financial crises.[333] States played an obvious role in easing controls on capital movements. An example of this was the US and British support for the Eurodollar market in the 1960s. Although this market is usually described as "stateless", as it is a place where financial operations are conducted in non-local currencies without national restrictions, Helleiner notes the importance of state involvement:

> Britain provided the physical location for the market, permitting it to operate in London free of regulation. U.S. support was equally important because American banks and corporations were a dominant presence in the market in the 1960s. Although it had the power, the United States chose not to prevent them from participating in the market.[334]

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[332] Thompson and Krasner, 203.
[333] Eric Helleiner, *States and the Reemergence of Global Finance: From Bretton Woods to the 1990s* (Ithaca: Cornell University Press, 1994), 8.
[334] Ibid., 82.

Though the use of capital controls in the 1960s was still commonplace, as they had been prescribed in the Bretton Woods agreement, the promotion of the Eurodollar market by the US and Britain led to a move away towards a less restrictive financial order.

The further liberalisation of finance in the 1970s can be seen as essentially a result of the failure to put in place a more effective system of capital controls. Though there was a drive by Japan and Western Europe to create such a system, it was politically difficult to implement, as it faced opposition by a major state: the US. The US opposed the implementation of such controls due to the fact that policy makers saw the promotion of a liberalised financial system as a way to retain its position in the world. As Helleiner states: "administration policy makers hoped to take advantage of U.S. dominance in international financial markets to encourage governments and private investors to underwrite U.S. policy autonomy."[335] Other opportunities to impose capital controls occurred in the 1970s, however, similar political reasons prevented their implementation. Along with the US reluctance due to its dominance in international finance, there was also a broader shift in policy-making and business circles away from Keynesianism, towards neo-liberalism and financial openness.[336]

Financial markets have always been unstable, and prone to major fluctuations that are potentially devastating to the system. As Cox states, "global finance is in a parlously fragile condition. A calamitous concatenation of accidents could bring it down."[337] Helleiner notes that this vulnerability in international finance is countered by the fact that

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[335] Ibid., 122.
[336] Ibid., 144.
[337] Robert Cox, "Global *Perestroika*," in *Approaches to World Order* (Cambridge: Cambridge University Press, 1996), 301.

states underwrite the system by providing assistance when crises occur. As he comments. "states have prevented such crises through international lender-of-last-resort activities as well as international regulation and supervision."[338] The recognition of the importance of states in underwriting the international financial system attests to the fact that states themselves are active promoters of current globalisation trends.

The recognition that states have played a crucial role in supporting economic globalisation is meant to demonstrate that the state has relinquished certain regulatory powers in order to promote such an order. It is not that states have been unaffected by globalisation, it is that certain powers have been divested and placed in other institutions. This points to a change in the regulative rules of sovereignty. Certain powers of regulation that states have been relinquished in some sense, for better or worse. It is obvious that this means that the state has lost some of its former powers to regulate the economy. This can particularly be seen in terms of national debts. As Cox states, "as the proportion of state revenue going into debt service rises, governments have become more effectively accountable to external bond markets than to their own publics. Their options in exchange rate policy, fiscal policy, and trade policy have become constrained by financial interests linked to the global economy."[339] However, despite this fact, the state still retains important powers related to the economy. As Harvey summarises, "the nation-state, though seriously weakened as an autonomous power, nevertheless retains important powers of labour disciplining as well as of intervention in financial flows and markets,

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[338] Helleiner, 188.
[339] Cox, 299.

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while becoming itself much more vulnerable to fiscal crisis and the discipline of international money."[340]

Much of the power that states autonomously held in terms of financial discipline has been invested in multilateral institutions. Though effectively free of the state, firms still require social institutions for their basic functionings, a well as other systems of regulation and arbitration, that states have partially provided through a number of multilateral institutions, and through the formation of new legal institutions.

In terms of social institutions, one of the most essential for economic exchange is the establishment of secure property rights. As Thomson and Krasner state, "without secure property rights market activities would be constrained because of uncertainty about the possessor's right to sell the commodity and the threat to achieve transfers through force and coercion rather than voluntary exchange."[341] Private property rights need to be upheld by states, as they contain the most developed set of legal mechanisms for handling such rights - which are often prescribed in constitutions (as in the example of the US). Though some power over the world economy has been divested and placed in multilateral regimes, these regimes nonetheless owe their existence to states upholding and maintaining stable property rights. As Sassen states, deregulation is "a crucial mechanism for handling the juxtaposition of the interstate consensus to pursue globalization and the fact that national legal systems remain as the major, or crucial, instantation through which guarantees of property rights are enforced."[342] As Thomson and Krasner further state,

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[340] Harvey, 194.
[341] Thomson and Krasner, 214.
[342] Saskia Sassen, *Losing Control?: Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996), 25-26.

"without stable property rights enforced by national governments, international regimes would have been meaningless."[343]

However, this is not to suggest that transnational legal regimes that are not under the jurisdiction of the state do not exist. In fact, the globalisation of certain economic functions has also entailed the creation of "globalised" legal practices which help to regulate business practices at this level. Sassen points out that these functions can be readily seen in international commercial arbitration, as well as in the different institutions that provide credit rating and advisory functions.[344] International commercial arbitration now provides the leading method of resolving transnational business disputes, by providing, in essence, a private justice system. However, it is still interesting to note how this legal regime is based on specifically American legal principles, which have been transferred, primarily through the preponderance of American involvement in the world economy and the influence of American corporate lawyers.[345] In some ways, this demonstrates how these legal regimes still need to be entrenched in some kind of system that is legitimated by the state (or perhaps in this case, at the very least, dominated by the legal culture of a particular state). Furthermore, the existence of international arbitration does not really challenge state authority that extensively, as it merely provides an easy, and less messy way of settling legal disputes. It is, in essence, a minor regulatory shift.

The existence of credit rating agencies like Moody's also provide a way the world economy remains regulated beyond the level of the state. Sassen points out that they have become a crucial mechanism of governance in the world economy, in that they fulfil an

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[343] Thomson and Krasner, 216.
[344] Sassen, 14.

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important role in contributing to "the effort to create viable systems of co-ordination and order among the powerful economic actors now acting globally."[346] Rating agencies are important in their role in providing a form of governance to the world economy. However, it should be noted that this is not a new phenomenon. Moody's has existed for quite some time, and in fact, in 1920 rated the bonds of 50 different governments for raising money in US capital markets.[347] This merely demonstrates that the use of credit rating agencies by national governments is not unprecedented, and should merely be seen as a small regulatory shift, not a major challenge to sovereignty.

In addition to transnational institutions and the social guarantees provided by states, there are also important multilateral institutions in which states have invested regulatory power. These kind of institutions provide governance that is legitimated and indeed backed up by the state, even if it entails the disempowerment of states' capacities to perform certain regulatory functions over the economy unilaterally. This in itself is also not a new development. As Hirst and Thompson note, "governance mechanisms for the international economy have been in place over almost the entire twentieth century, in one form or another."[348]

The International Monetary Fund (IMF) provides an example of such a mechanism. The IMF was set up as a key institution of the Bretton Woods agreement, whose main function was to help in the smooth operation of the post-war financial system, and as well provided a central symbol of the "liberal internationalist approach to

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[345] Ibid., 19.
[346] Ibid., 26.
[347] Ibid., 42.

world order, an approach that aimed at a happy medium between unregulated global capitalism and nationalistic mercantilism."[349] After the breakdown of the Bretton Woods fixed exchange rate system, the IMF remained an important institution in the international system; an indication that though the Fund was perhaps not as powerful as it was intended to be, states still saw it as playing an important role in helping to regulate their vision of a liberal internationalist economic system. As Pauly states, "national-policy makers decided not to abandon Fund surveillance in the post-Bretton Woods monetary system. To the contrary, in the context of an extensive revision of the Fund's Articles of Agreement, they significantly expanded its formal scope, even if, once again, they did not match that mandate with substantive or exclusive political authority."[350]

This suggests once again that globalisation in the economic sphere (which in this instance would be represented by the freeing up of international finance in the post-Bretton Woods era), is legitimised by the practices of states, who through the establishment of international institutions have put certain regulatory functions outside of the authority of the state. This was not done because globalisation was imminent. It was the consequence of pursuing policies that promoted the liberalisation of international finance. Though there is often a weak commitment to this regime, its continuing presence

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[348] Paul Hirst, and Grahame Thompson, *Globalization in Question: The International Economy and the Possibility of Governance* (Oxford: Polity Press, 1996), 49.

[349] Louis W. Pauly, "Promoting a Global Economy: The Role of the International Monetary Fund," in *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey R. D. Underhill (Toronto: McClelland and Stewart, 1994), 206.

[350] Ibid., 209.

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and expansion demonstrates "that the norms promoted by the Fund remained preferable to the most obvious alternatives."[351]

Another important example of a mechanism of governance is provided by the way international banking and securities are regulated. Though these are often seen as unregulated areas of international finance (particularly by those who promote theories about the end of sovereignty), as Coleman and Porter point out, "recent developments in international financial markets have led nation-states, working through several key international organizations, to construct international regimes for international banking and international securities markets."[352] In these areas, two institutions are of fundamental importance: the Bank of International Settlements (BIS) which provides a forum for central bankers of the G10[353] and banking regulators to deal with problems of international banking (particularly in the Basle Committee on Banking Supervision); and the International Organisation for Securities Commissions (IOSCO).

The Basle Committee was formed in 1974 to respond to banking crises in Britain, Germany and the US in the early 1970s, and is centred around the BIS, set up in 1930 to help to reduce international financial instability that could possibly be caused by a deregulated global financial order.[354] The regulations and norms that were set up in this framework, as Helleiner points out, "did much to diminish problems of collective action involved in maintaining global financial stability by changing expectations, providing

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[351] Ibid., 205.

[352] William D. Coleman and Tony. Porter, "Regulating International Banking and Securities: Emerging Co-operation Among National Authorities," in *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey R. D. Underhill,(Toronto: McClelland and Stewart, 1994), 191.

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information, and institutionalizing cooperation among central bankers."[355] The Basle

Committee, though often seen as weak when compared to a central hierarchical governing

mechanism, nonetheless has managed to secure widespread adherence to its regulations.

by both states and banks. As Coleman and Porter state, "the Committee's strength and the

institutionalisation of the international regime are indicated by the widespread

compliance despite considerable cost for some banks, especially those from the US and

Japan."[356]

The existence of the BIS centred regime for international banking supervision

provides another example of states' support and legitamation of globalisation. By

relegating some regulatory powers to a multilateral organisation, states have promoted the

existence of the world economy that is still partially on their own terms. As Hirst and

Thompson state, "the Basel Committee responded to demands made elsewhere - by both

governments, through their central banks, and commercial companies involved in the

financial intermediation activity itself."[357] The financial innovation that was unleashed in

the liberalisation of financial markets was a response to a sense of loss of control that was

felt by financial institutions coping with this new environment.[358] States which had

played a role in the unleashing of this financial openness needed to assist in providing a

way to make it more stable by putting some of their power into a multilateral regulatory

institution. As Hirst and Thompson further state, "what we have then is not totally

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[353] The G10 refers to the United States, Canada, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, Sweden, the Netherlands, Belgium, and Switzerland (which joined after the initial formation of the group).

[354] Helleiner, 16; Coleman and Porter, 197.

[355] Helleiner, 17.

[356] Coleman and Porter, 199.

unregulated markets but an elaborate system for the detailed management of international financial transactions."[359]

While the BIS provides a fairly strong framework for regulating international banking, the IOSCO is not quite as successful. This regime includes over 91 different regulatory agencies from around the world who are dedicated to co-ordinating the regulation of international securities markets.[360] This regime is not quite as successful as the BIS due to a number of deficiencies: primarily that it has had to rely too heavily on a single state, the US; and also, because so many different organisations are involved in its operation, it often lacks a coherent strategy for adding new projects to its framework.[361] Despite some of its weaknesses, IOSCO has "contributed to a significant strengthening of regulation, ... and there is every reason to assume that rules will continue to develop and enforcement mechanisms provided."[362] This nascent regulatory regime provides another example of a way in which regulatory powers of the state are invested in multilateral institutions, which provide a means to continue to promote and stabilise the world economy.

The above analysis demonstrates that globalisation is not a force that exists on its own, and forces the state to change in order to encompass it. Rather, globalisation has been actively promoted by states; the consequence of which has been for states to relegate certain regulatory powers, i.e. pieces of the regulative dimension of sovereignty, to other

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[357] Hirst and Thompson, 132-33.
[358] Ibid., 133.
[359] Ibid., 134.
[360] Coleman and Porter, 199.
[361] For further elaboration on these problems, see: Ibid., 199-200.
[362] Ibid., 200.

places. These have included both multilateral international institutions such as the IMF and BIS, as well as market based institutions exemplified by ratings agencies and transnational legal enterprises. The primary types of regulatory powers that have been "given up" concern the complete control over the national economy, primarily manifested in the idea that macroeconomic adjustments are difficult for governments to engage in unilaterally. Certain regulatory powers that once were under the sole surveillance of the state have been invested in multilateral regulatory regimes that consist of a number of different agents, not just states.

In more abstract terms, this means that essentially, states have collectively agreed to give up certain powers, which in turn change expectations concerning valid actions in the international system. Economic globalisation has changed the expectation that states are the sole regulators of economies, that new markets and financial mechanisms have developed, through a permissive environment provided by states, and as a consequence, states are expected to act in accordance with the news rules of sovereignty; certain specific regulatory functions are handled through new mechanisms.

Sovereignty and Challenges to Exclusive Territoriality: The Dominance of the Constitutive Dimension

The discussion of the globalisation of the economy and its relation to sovereignty has so far focused on the role that states have played in the process of globalisation and the ways in which states have relegated certain regulative dimensions of their sovereignty to other actors and multilateral organisations. Though this is an important part of the analysis, what is fundamentally important is to demonstrate that exclusive territoriality is not affected as the organising principle of the state. Essential to this is a demonstration

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that while certain elements of *control* have been given up, exclusive territoriality still remains the way the state expresses *authority*.

It is important to note that the world economy needs to be conceptualised as a "space", which in some ways exists separately from the territorial space of the nation state. The existence of transnational micro-economic links creates a spatial area that is tied to the nation-state, but exists differently. As Ruggie has described it, "these links have created a non-territorial 'region' in the world economy—a decentered yet integrated space-of-flows, operating in real time, which exists alongside the spaces-of-places that we call national economies."[363]

Though this region does indeed exist, it does not necessarily pose a challenge to sovereignty, in the sense that it is possible for exclusive territoriality to remain as the ordering political principle while other spatial forms exist. As Ruggie states, "the long term significance of this region . . . may reside in its novel behavioural and institutional forms and in the novel space-time constructs that these forms embody, not in any direct challenge it poses as a potential substitute for the existing system of rule."[364] As has been demonstrated, there are a number of interesting (perhaps "novel") international institutions that have come into being in order to deal with such a space, but it remains to be demonstrated that exclusive territoriality itself still remains the dominant way of conceptualising political life.

The primary criticism of the view that the exclusive territoriality of sovereignty is still important is that the existence of transnational space fundamentally punctures the

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[363] Ruggie, "Territoriality," 172.
[364] Ibid., 173.

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exclusive territoriality of the state, allowing for formerly impossible "flows" of information, money, ideas and people. As Agnew states, "both states and non-state actors now operate in a world in which national boundaries have become culturally and economically permeable to decisions and flows emanating from networks of power not captured by representations of space."[365] There are several problems with this kind of view. First, as has been already been demonstrated, it confuses the state initiated relegation of powers to international and transnational regulatory regimes with the loss of authority. The shifting of regulatory powers to different agencies that are outside the state, thereby limiting autonomy over certain issue areas does not necessarily indicate a loss of exclusive territoriality as an organising principle.

Second, and linked to the first point, is that this is a spurious way of conceptualising the social space of exclusive territoriality. This conception does not imply that the state occupies an inviolable realm, i.e. "flows" do not necessarily undermine the social space of the state. This becomes especially clear if some historical perspective is taken. A number of scholars have noted that in terms of the amount of flows, both in international trade and finance, are quite similar to those in the late 19th century.[366] As Krugman puts it, "it is a late 20th-century conceit that we invented the global economy yesterday."[367] As Thomson and Krasner further point out,

> huge increases in the absolute volume of world trade, international capital movements, and multinational manufacturing are taken as indicators of declining state control. If these observation are put into the context of

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[365] Agnew, 103.

[366] For example, see: Thompson and Krasner; Paul Krugman, "The Localization of the World Economy," in *Pop Internationalism* (Cambridge: MIT Press, 1996); and Hirst and Thompson, chap. 2.

[367] Krugman, 207.

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domestic activities, it is not clear that international flows are relatively more important today than they were a century or more ago.[368]

Though in some ways this point is contentious (primarily because intelligent observers of the world economy often point to the fact that it is not the quantity of transactions that is important, but the quality),[369] it still leads to the important fact that "flows" have existed in other periods of time, and these flows did not undermine the state in any fashion. States have continuously have had to deal with such flows. As Thomson and Krasner state, "states have always encountered difficulties in trying to control at least some transboarder movements."[370]

The final problem with such an analysis is that it tends to ignore the ways in which transnational economic spaces need to rely on national *social* spaces for political underpinnings. As Drainville points out, especially referring to the analyses of observers on the left, "spatially informed analyses of the world economy have remained incomplete. Indeed, . . . these analyses have continually focused on transnational capital itself, and they have assumed that where it exists as a class for itself, a corresponding social space

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[368] Thomson and Krasner, 198.

[369] There is currently a growing debate over the actual importance of globalisation and the world economy. Thos who see it as fundamentally important often state that current models of international trade and finance used by economists simply are not useful in this debate. Sceptics point to the fact that the numbers used by proponents of globalisation often do not add up, and when the evidence is examined, world economic activities do not overwhelm national economies by any stretch of the imagination. For excellent discussions by the respective positions see: Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996); Cox, "Global Perestroika"; Philip Cerny G., "Globalization and Other Stories: The Search for a New Paradigm For International Relations" *International Journal* 51 (1996): 617-637; Paul Krugman, *Pop Internationalism* (Cambridge: MIT Press, 1996); Hirst and Thompson.

[370] Thomson and Krasner, 216. This idea of flows as being problematic to the state is also discussed by Doty in terms of illegal immigration. The argument utilised above is equally applicable to this realm as well. In fact, the very fact that states retain immense powers over immigration, that are essentially uncontested demonstrates that these "flows" undermine nothing, and in fact reinforce the importance of exclusive territoriality..

also exists."[371] What this basically implies is that though there is indeed a "space" where transnational capital dwells it is not a social space. Drainville notes that the problem in such analyses is that the conceptualisation and recognition of transnational capital often assumes that it exists as a social space without actually examining it further. It should be added that this is also problematic with other analyses that see the sovereign state as disappearing. This view implies that new social spaces have taken place of the nation-state when nothing of the sort has occurred.

One way of examining this is by noting that the global economy lacks an idea of citizenship; a specifically political way of being a member of a community.[372] As Drainville notes, "there are, in the age of the new world order, no citizens *of* the world economy, only national citizens *in* the world economy."[373] This is due to the fact that the world economy relies on the political underpinnings of national states for its existence. As Drainville states, "although truly organized globally as a productive venture, the world economy remains socially rooted in the space of the nation-state, and politically dependent on the ability of states to strike social compromises."[374]

The importance of citizenship is also discussed by Sassen, but in terms of how a conception of "economic citizenship" has the potential to transform the space of transnational economic links. As Sassen states, "as an institution crucial to governing and accountability in national states, citizenship may also play a crucial role in governing the

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[371] André C. Drainville, "Of Social Spaces, Citizenship, and the Nature of Power in the World Economy," *Alternatives* 20 (1995): 52.
[372] Both Sassen and Drainville have emphasised the importance of citizenship in the debate around globalisation. Sassen, chap. 2; and Drainville, passim.
[373] Drainville, 60.
[374] Ibid.

global economy."[375] This points to the fact that though the global economy exists as a new space, it is the exclusive space of certain financial actors, and not a space where citizenship exists. Drainville takes this to fundamentally mean that the global economy is "built as a private preserve of the bourgeoisie, a walled enclave with no political points of access."[376] Sassen argues that by creating a form of economic citizenship the possibilities of this space could be transformed, that could allow for accountability the way citizenship in national states provides similar powers. However, the necessity of this kind of citizenship is perhaps overstated, especially if one believes that the importance of this realm is in, in some ways, exaggerated. As Drainville notes, "transnational capital is no more hegemonical than Orange County suburban houseowners hiding behind electrified fences and protected by private security guards."[377]

Another way this issue can be examined is through the way citizenship manifests itself through the relationship between state and society. One of the most important shifts in the relationship between state and society in this century was the recognition that the state should play some role in the welfare of its citizens. Though this idea of the "welfare state" is currently under attack, it is interesting to note the relationship between the expansion of social safety nets and the expansion of the world economy. As both Rodrik and Heilbroner note, the expansion of social services goes hand and hand with globalisation - they are complementary forces.[378] This is due to the fact that nations that are highly open to the global economy have had to create safety nets in order to reduce the

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[375] Sassen, 32.

[376] Drainville, 71.

[377] Ibid.

impact upon their citizens. As Heilbroner points out, "even in those nations, such as Sweden, where policies of substantial income redistribution and social welfare were introduced, the aim of its 'socialistic' measures was always to test the outer limits of capitalism, not to cross over into the uncertain terrain of a revolutionary postcapitalist society."[379] The expansion of social spending complements the globalisation of the economy.

However, as governments start to cut back on social spending in a time when it is politically unpopular, societal support for globalisation is also challenged. As Rodrik states, "if the vital role that social insurance played in enabling the postwar expansion of trade is neglected and social safety nets are allowed to dwindle, the domestic consensus in favour of open markets will be eroded seriously, and protectionist pressures will soar."[380] Ruggie has pointed out that this problem has not gone unnoticed, even in circles that are usually not in favour of increased social spending. He points out that both the *Economist* and the *Financial Times* have recently supported policies that increase benefits to workers (i.e. social spending) in order to maintain the current era of capitalist growth. As Ruggie notes, "both realise that the extraordinary success of post-war international liberalisation has hinged on a domestic social compact between state and society. Both see that this social compact is everywhere fraying; and both fear that if it unravels altogether, so to will international liberalisation."[381] These ideas merely point to the fact that globalisation

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[378] Heilbroner, 66; Dani Rodrik, "Sense and Nonsense in the Globalization Debate," *Foreign Policy* 107 (Summer 1997): 25-27.

[379] Heilbroner, 66.

[380] Rodrik, 27.

[381] John Gerard Ruggie, "At Home Abroad, Abroad at Home: International Liberalisation and Domestic Stability in the New World Economy," *Millennium* 24 (1995): 523.

is indeed dependent on the state for striking social compromises with its citizens. and therefore also further exposes how socially vacant the "space" of the global economy is.

These three problems with the idea that transnational micro-economic links are undermining the territoriality of the state, lead to the conclusion that exclusive territoriality still remains the dominant way of organising political life. Since exclusive territoriality is a form of spatial organisation, it is primarily manifested in a certain way of thinking about the world, what Ruggie has referred to as a "social episteme."[382] Though the existence of new spatial forms may contribute to a transformation of collective social imaginations, the indications above are that these spaces have not emphasised a new way of thinking about political organisation, which would be fundamental to such a shift.

Conclusion

Two important ideas emerge from this discussion of sovereignty and the globalisation of economics. First, the view of globalisation as an autonomous force, primarily manifested in technological changes that threaten the authority of the state, is far too simplistic to describe what is going on. A cursory glance at the role of the state in promoting the world economy suggests that a more nuanced approach is necessary. Such an approach recognises that states are involved in social processes by which certain regulatory powers are given up and invested in transnational and international multilateral

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[382] Ruggie, "Territoriality," 157.

regimes, in accordance with the change in principles guiding international economic life: namely a switch from Keynesianism to the promotion of liberal internationalism.[383]

The second and related idea is that the sovereignty of nation-states is still an important principle in world politics, and that the core of this principle, exclusive territoriality, is a mode of political organisation that is not threatened by the existence of new micro-level transactions in the world economy. This is particularly exemplified in the fact that though transnational economic links provide a new way of conceptualising space - as a deterritorialised region - it does not do much towards creating new metaphors for the reorganisation of political life. This is particularly manifested in the ways in which transnational economic actors rely on the spaces of nation states for the legitimation of their social functions.[384] The institutional transformation of sovereignty (i.e. a change in regulatory rules) is demonstrated by the actions of states, which act in accordance to these new regulatory rules, but still within the framework of action delimited by sovereignty; that is, they still act in ways which demonstrate that sovereignty matters, the "game" is still being "played".

While this analysis has emphasised that globalisation has implied changes in capacity of states, while still recognising the continued importance of exclusive territoriality, it also allows for the possibility of the transformation of the concept of

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[383] This does not mean that the state can just "decide" that it no longer wants to promote these principles and shut down the world economy. It is suggested here that the promotion of globalisation has changed certain capabilities of the state, and cannot easily get them back.

[384] Another example of this, not discussed above, is the interesting research done by Pauly and Reich, indicating that MNCs are profoundly affected by their national cultural institutions, primarily in the ways that their business is conducted (e.g. in terms of their approaches to research and development, overseas investment, and intrafirm trading). For further details, see: Louis W. Pauly and Simon Reich, "National Structures and Multinational Corporate Behaviour: Enduring Differences in the Age of Globalization," *International Organization* 51 (1997): 1-30.

sovereignty (or more accurately, the abolishing of the concept). If the rhetoric of globalisation succeeds in providing a transformation of the way in which individuals view their world, there is of course the possibility that political life could undergo a radical change. However, despite the prevalence of the rhetoric of globalisation, there still remains quite a gap in the possibilities of such a transformation of political life, not only due to the lack of interesting metaphors, but also due to how reliant upon the political structure of the state globalisation seems to be. As Drainville states, "political transformation in the world economy is not only incomplete, but it relies both on the confinement of political and social relationships to the space of national social formations and on the capacity of states to structure political participation."[385]

The analysis of the globalisation of economics is also equally (and perhaps more so) applicable to other areas of globalisation, especially those concerning culture. This is primarily represented by the flow of ideas and people across borders. It has been shown that such micro-links do not necessarily have a profound effect on exclusive territoriality, in the sense that exclusive territoriality does not concern the absolute control of access to its space; exclusive territoriality is not meant to imply an inviolable realm of control. It concerns a particular way of organising political authority, that political authority is exclusive to a certain territory, that there is a place where final decisions are arbitrated. This is essentially a question of *authority*, not of *control*. The question one must ask concerning such flows is whether or not they contribute to a new way of organising political authority, and furthermore, to a new social (and spatial) ontology. This is indeed

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[385] Drainville, 70.

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open to debate, and obviously is a great deal more difficult to answer than the question of whether or not certain "flows" permeate the state.

Globalisation has definitely influenced changes in the institution of sovereignty, but not in the way that is usually put forward. Globalisation exists as a force that has been legitimated through state practice, which initiates a change in the institution of sovereignty. It is not that globalisation caused states to change or that states caused globalisation. There has been an dialectical interaction between the two that has caused the institution of sovereignty to undergo a transformation that does not challenge its core principle. The exclusive territoriality of the state has not been undermined - and perhaps has been reinforced.

Such a conclusion has several implications study international politics. It has the obvious implication that it is possible to conceptualise sovereignty as a dynamic institution, encompassing both a transformational and reproductive logic, therefore being better able to demonstrate the ways in which sovereignty has survived over the centuries. The analysis of the effects of globalisation on sovereignty can easily be extended to other areas that posit similar theses about the "decline of sovereignty" due to some force or another.

Perhaps even more importantly, this study of sovereignty has demonstrated the importance of the use of a social theory of international politics. Through re-examining some of the important traditional theories of international politics, it has been demonstrated that international politics has been primarily conceived as a social realm, that relies on the importance of common understandings that are provided by the rules and norms embedded in social institutions. When combined with a methodological

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approach that allows for the proper conception of social life (i.e. an interpretative one). such an approach allows for new ways of understanding continuity and change in international politics. The importance of intersubjective social institutions lies in their dynamic ability to shape actors expectations as well as provide the means for actors to engage in practices that could fundamentally change such institutions.

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