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SOVEREIGNTY IN HISTORICAL INTERNATIONAL RELATIONS

Trajectories, challenges, and implications

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Sovereignty in International Relations (IR) is as fundamental as it is contested. And while historicizing sovereignty with a view to uncover the contingent character of the international system has been one of the major achievements of Historical IR (HIR) scholars, much of IR still takes the traditional understanding for granted. Yet, it has been one of the field's major contributions to a critique of the ahistorical rationalist understanding of international politics which until the mid-1990s was largely hegemonic within the discipline of IR. As I have argued elsewhere (Leira and de Carvalho, 2016), historicizing the emergence of the sovereign state through relying on much of the work undertaken in neighbouring disciplines such as historical sociology (see Go et al., 2021, in the present volume) and international political thought was one of the more successful wedges early constructivists were able to drive through the 'neo-neo' systemic construct (see Bruneau, 2021; Nøhr, 2021; both in this volume). As Jens Bartelson has noted with regards to sovereignty, 'Long gone are the days when its meaning was uncontested and its essential attributes could be safely taken for granted by international theorists' (2014: 251).

Until then, sovereignty had been treated as unproblematic and fixed, its definition more or less universally agreed-upon, and often with reference to an overall phrase like F. H. Hinsley's statement that 'at the beginning, at any rate, the idea of sovereignty was the idea that there is a final and absolute political authority in the political community; and everything that needs to be added to complete the definition is added if this statement is continued in the following words: "and no final authority exists elsewhere"' (1986: 25–26). From the early 1990s, such definitions became contested by historically oriented social constructivists seeking to demonstrate the contingent meaning of sovereignty through changing social constructions – relying both on contingent discursive articulations and at the same time producing changing distinctions between 'inside' and 'outside'.

Historicizing sovereignty required that the field abandon its 'creationist' creed in the birth of sovereignty as a result of the collective will of European sovereigns gathered in the Westphalian lands in 1648, for the myth of 1648 had long obscured the historical emergence of sovereignty in IR. Until the 1990s, 1648 had marked the boundaries of the historical imagination for generations of IR scholars. As the edifice of Westphalia started to crumble, so did the emergence of sovereignty appear as less straightforward, and its meanings in different historical contexts multiplied. The opening up of the Westphalian border undertaken by HIR scholars (see, for instance, Osiander, 1994, 2001; Krasner, 1999; Teschke, 2003; de Carvalho et al., 2011) went hand

in hand with inquiries into the origins of sovereignty and the historicity of international politics. Jointly, they brought to the fore important questions of historical methods and methodology in IR. For, although some traditions of thought in IR have felt the Westphalian straightjacket more lightly than others – claims about the continuities in thinking from Thucydides until today being a case in point – applying the modern framework of IR to distant historical cases is far from unproblematic.

Beyond Westphalia, the first attempt at defining ‘sovereignty’ is generally attributed to Jean Bodin (see Knutsen, 1997: 73), who in the late 1570s defined sovereignty as ‘the absolute and perpetual power of a commonwealth’, or (in the Latin version) as ‘supreme and absolute power over citizens and subjects’ (Bodin, 1992: 1). Furthermore, he claimed, ‘the main point of sovereign majesty and absolute power consists of giving the law to subjects in general without their consent’ (ibid.: 23). Bodin argued in 1576 that it was necessary to define sovereignty ‘because no jurist or political philosopher has defined it, even though it is the chief point, and the one that needs most to be explained, in a treatise on commonwealth’ (ibid.: 1). While Bodin claimed to have written the first philosophical statement on sovereignty, Bodin was nevertheless no legal innovator. In fact, most states in Europe had by that time severed or limited their authority ties to Rome if not in theory, then in practice. Bodin’s conceptual statement of sovereignty, then, albeit the first one of its kind in Europe, is best understood as an organized statement of the changes which had taken place with the transformation of medieval polities towards territorial/national states (see Costa Lopez, 2021 in this volume).

Bodin’s definition is first and foremost concerned with domestic sovereignty; ‘external’ sovereignty in the sense of there being no authority above sovereigns is deducible from domestic absolute power. His definition has nevertheless exerted a great deal of influence on how the sovereignty of the state has been understood. We hear echoes of it in Hinsley’s definition above, and as Cynthia Weber has argued, the common understanding of sovereignty in IR has long been ‘taken to mean the absolute authority a state holds over a territory and people as well as independence internationally and recognition by other sovereign states as sovereign state’ (Weber, 1995: 1).

The aim of the current chapter is to discuss the work done in HIR on sovereignty, with a view to provide an understanding of the significance of this research to the wider field of IR, and give a brief overview of the current state of the art, in order to identify key challenges and opportunities for future research. I start the chapter by discussing some more traditional takes and contextualize them within the broader discipline of IR, before turning to more current scholarship. On the basis of these, I offer some reflections on sovereignty within the field, and the state of IR in light of this research.

Destabilizing sovereignty

The conceptual centrality of sovereignty in IR cannot be overstated. Generally understood as the principle creating domestic authority, sovereignty is at the origin of the inside/outside divide, making it constitutive of the (modern) international. As Poggi has argued, ‘the state’s sovereignty and its territoriality, jointly produce a most significant consequence: the political environment in which each state exists is by necessity one which it shares with a plurality of states similar in nature to itself’ (1990: 23). Thus, the concept sovereignty is generally taken to consist of three distinct features, supreme authority, (territorial) limits, and external recognition. Jointly, these are conceptually constitutive of the state. Sovereignty therefore is generally understood as the constitutive pillar of international politics, as it is the principle which renders international politics among primarily territorially sovereign entities possible. While defining the formal autonomy

of the state as the basic unitary actor, the principle of sovereignty also demarcates the spatiality of the units which constitute the system. Thus, while conceptually creating the main units of international politics (the 'inside'), it also produces the international environment (the 'outside'). Moreover, John Gerard Ruggie (1993) forcefully established the norm of sovereignty as quintessentially modern, demarcating the break between the medieval non-territorial order and the modern order based on distinct functionally similar territorial units.

Before turning to more contemporary takes on sovereignty in HIR, let us run through how sovereignty has been treated by IR traditions. Classical Realists such as Morgenthau have seen sovereignty as the root and *sine qua non* of the anarchical character of the international system. To be sure, Morgenthau defined sovereignty as 'a centralized power that exercised its law-making and law-enforcing authority within a certain territory' (1995: 299). Sovereignty, as we see, is closely interlinked with the conditions of possibility of the international (state) system. In fact, it is this territorialization of political authority, according to Morgenthau, which leads to the 'decentralization, weakness and ineffectiveness' of supra-national institutions (ibid.: 300; see also Williams, 2004). But while Morgenthau assumed the continuity of the doctrine of sovereignty from the end of the sixteenth century to contemporary international politics, other Realists such as E. H. Carr have held that one should not assume the immanent character of sovereignty, as few concepts remain unchanged. Thus, Carr argued, while sovereignty had always been a contested principle which emerged at the break-up of the *respublica Christiana*, it was 'likely to become in the future even more blurred and indistinct than it is at present' (1964: 229–230). Neorealists, on the other hand, have tended to underplay the contested character of sovereignty. Assuming the congruence between territory, population, and authority into the sovereign state as the central actor in international politics, Kenneth Waltz derived his (descriptive) understanding of the sovereign state from the anarchical states system: 'To say that the state is sovereign means that it decides for itself how it will cope with its internal and external problems' (Waltz, 1979: 96). In consequence, neorealists do not provide a conclusive account of the emergence of the concept of sovereignty, nor do they acknowledge its historically contingent character (see the discussion in Biersteker and Weber, 1996: 6; see also Barkin and Cronin, 1994). Conversely, neoliberal scholars have focused little on sovereignty, turning instead to 'a description of the "erosion" of state sovereignty, often confusing it with a reduction in state capabilities for independence and autonomy' (see the discussion in Biersteker and Weber, 1996: 7).

To HIR, the most useful and pertinent studies of sovereignty were initiated by the constructivist push in the mid-1990s, most notably with the works of Jens Bartelson, J. G. Ruggie, Cynthia Weber (as noted above), and R. B. J. Walker. Taking as their point of departure the inherently constructed nature of sovereignty, these authors all took upon themselves to understand the effects of discourses on authority and sovereignty. Tracing the genealogy of sovereignty, Jens Bartelson famously made the case that the concept of sovereignty should be understood as integral to neither the internal nor the external sphere of politics. Rather, Bartelson argued, it is what makes the distinction between the two spheres of politics possible. Thus, sovereignty is best conceptualized, as Bartelson argued, as a frame or *parergon* which 'cannot be a member of either class. It is neither inside, nor outside, yet it is the condition of possibility of both. [T]here is a ceaseless activity of framing, but the frame itself is never present, since it is itself unframed' (Bartelson, 1995: 51). What sovereignty frames, then, is a matter of historical contingency.

Such a take resonated well with R. B. J. Walker's warning that 'the very attempt to treat sovereignty as a matter of definition and legal principle encourages a certain amnesia about its historical and culturally specific character' (1995: 166). Focusing on change not only laid bare the social construction of sovereignty, but also showed the extent to which making sense of sovereignty, then, required a historical perspective. As a case in point, Daniel Philpott's *Revolutions*

in Sovereignty (2001) tied the emergent sovereign state to the process of the reformation. As Biersteker and Weber (1996: 11) argued, 'neither state nor sovereignty could be assumed or taken as given, fixed, or immutable'. Rather, they argue, the socially constructed character of sovereignty can only be grasped if we 'make an effort to separate state and sovereignty' and consider 'the constitutive relationship between state and sovereignty; the ways the meaning of sovereignty is negotiated out of interactions within intersubjectively identifiable communities; and the varieties of ways in which practices construct, reproduce, reconstruct, and deconstruct sovereignty' (ibid.: 11–12). In terms of studies of sovereignty, the late 1990s and early 2000s represented a moment of collective reckoning about sovereignty, as witnessed by the sheer volume of works published on sovereignty. Together with Stephen Krasner's (1999) and Andreas Osiander's (2001) work on rebutting the myth of the immaculate conception of sovereignty at the Peace of Westphalia in 1648, these works represented a genuine watershed in studies of sovereignty in IR. Together, they ascertained the need for seeing sovereignty not as a neutral principle for territorial demarcation between states, but a social construction which, in different contexts, affected international politics in different ways.

Sovereignty, history, and International Relations

While still remaining a central object of inquiry in HIR, there have been fewer recent studies devoted solely to the concept of sovereignty. Rather, more recent work has gone in the direction of highlighting the effects of specific constructions of sovereignty, contextualizing sovereignty alongside other (non-territorial) forms of organizing political authority, and problematizing the extent to which sovereignty as understood in the West really is all that constitutive of international politics. Broadly speaking, recent HIR contributions to sovereignty can be grouped in four categories according to their main concern: (a) empires and international hierarchies, (b) law and degrees of sovereignty, (c) territoriality and practices of sovereignty, and (d) the impact of different understandings of sovereignty on the international system and IR.

The challenge posed by empires and imperialism which coexisted alongside the newly emerging territorial sovereign norm has been one of the more fruitful areas in which scholars from HIR and related disciplines have contributed recently. The work of Lauren Benton, for instance (see especially 2009), has contributed to discredit overly Eurocentric accounts highlighting the traditional understanding of the European origins of sovereignty and the spread of the international system from Europe (see also Adelman, 2009; Fitzmaurice, 2014). In processes of establishing uneven imperial rule, Benton shows the extent to which sovereignty was not a fixed norm, but changed according to circumstances and its application to anything but universal. This work dovetails the critical work of Shogo Suzuki on the expansion of international society and the socialization of Japan into international society during the Meiji period (2005; see also Hui, 2021). Suzuki provides a crucial antidote to an all too often Eurocentric discipline. Focusing on the expansion of the state-system beyond Europe, Suzuki points out that 'the Japanese imperialist response directly contradicts the English School conception of a 'universal' socialization of states that promotes mutual respect for independence and territorial integrity' (2005: 138; contrast with Watson, 1992). In so doing, he questions the commonplace assumption about the 'arrival' of international society in other parts of the world, and the progressive role of international society by pointing out that it is misguided in assuming that 'cooperative norms were transmitted to other (non-European) states in the course of the expansion of European International Society' (ibid.: 143). The work of David Armitage could also be mentioned here, as he makes the case taking the global context of the emergence of sovereignty into account by showing the extent to which the emergence of sovereignty hinged as much upon successful declarations of

independence from groups previously subjected to imperial rule as on its European prehistory (Armitage, 2012). The insistence of these scholars on the global context of the emergence of sovereignty has in turn contributed to question one of the main tenets of sovereignty, namely territoriality and its spatial dimension. As a case in point, Benton mentions the fact that Bodin gives little attention to and does not even mention territory in his tracts on sovereignty. Benton notes that this omission was no oversight on Bodin's part, but that his view instead was 'consistent with an early modern construction of sovereignty as spatially elastic. Because subjects could be located anywhere, and the tie between sovereign and subject was defined as a legal relationship, legal authority was not bound territorially' (2009: 288).

The inherent open-endedness of territory and ongoing efforts of sovereign states to territorialize their lands have long been highlighted by political geographers (see Strandsbjerg, 2010; and Elden, 2013). A few studies have taken on the exploration of how sovereign states territorialized space and what the consequences of this process were for the state. Karl Appuhn (2009), for instance, has emphasized the extent to which state's attempts at mastering space contributed to the formation of the state itself. Appuhn shows how Venice's need for lumber drove the Venetian Republic to develop new and innovative techniques for governing nature, changing in the process the relationship between the Republic and the space surrounding it. Through the development and implementation of novel techniques of governance and administration of forests, Venice became 'inextricably entwined with its mainland state' developing from an insular city state to a regional state (2009: 1–19). In showing how this change took place, Appuhn problematizes political space and the techniques to govern it, showing how these changes happened gradually and how they were the result of processes of gradual imposition and resistance. In fact, he argues that between 1471 and 1548 the gradual imposition of new techniques and modes of administration on the governance of forests and the 'imposition of laws restricting local practices' gradually gave these innovations, and Venice's rule over forests far beyond its centre, a taken-for-granted quality. Appuhn's focus on problematizing territory echoes the work of Chandra Mukerji on the Gardens of Versailles through which she has shown how processes of imposing state rule on the land – territorialization – contributed to shape and change France's practices of territorial governance. In order to 'claim and manage a vast and complex territory', she argues, 'place and power had to be allied in a new way' (Mukerji, 1997). The state initiated a vast series of campaigns aimed at increasing the knowledge about its lands (see also Carroll, 2006, for an example of this). Problematizing the taken-for-grantedness of territory – which has gone hand in hand with sovereignty – has also been the subject of a few studies, and promises to be one of the avenues along which HIR scholars focusing on sovereignty beyond European shores can contribute to the ongoing debates between political theorists and global historians. The work of Jordan Branch comes to mind here as it nicely straddles the divide between critical approaches to the European story while also providing key insights into the global dimension of these processes. On the one hand, Branch shows how European notions of political space and territory were inherently problematic and hinged upon their cartographic representations (2013), while on the other, he has demonstrated how key innovations in the European business of rule were in fact devised in colonial settings and entered European practice through imperial veins (Branch, 2012).

While sovereignty in the imperial enterprise has been, as noted above, one of the key recent contributions, it has also highlighted the extent of the contingency of the legal dimension of sovereignty. Benton, for instance, highlights the importance of what we today would call 'quasi-sovereignty' to imperial agents and governance. She shows how while full sovereignty was only used for imperial polities, units within empires were often granted degrees of sovereignty (2009). We find this questioning of the indivisibility of sovereignty also in the work of Andrew Phillips and Jason Sharman (2020) who have, for instance, sought to highlight multiple forms

of political organization during the early modern period, emphasizing both the imperial character of global polities as well as the quasi-sovereign role played by trading companies. Yuan Yi Zhu has in a similar vein (2020) shown the continuous application and use of concepts such as 'semi-sovereignty' and 'suzerainty' beyond European shores – concepts hitherto reserved to if not medieval times, then at least medieval Europe (see Costa Lopez, 2020, for a discussion). Finally, relating to the legal dimension of sovereignty, Christian Reus-Smit (2013) has rethought the role of the rights of individuals (as opposed to sovereign states). A similar take can be found in Luke Glanville's *Sovereignty and the Responsibility to Protect* (2014) in which he offers a new reading of the political theory of sovereignty linking it to the rights of individuals, and making the case that the absolute character of sovereignty has been overstated (on the political theory of the state, see also Devetak, 2021 in this volume).

As these contributions all make clear, sovereignty is not only historically contingent in terms of its effects, but also much less absolute, much less indivisible, and much less territorial than what the traditional understanding of sovereignty as the modern concept *par excellence*; the concept that *ipso facto* turned the medieval suzerain order into a modern state-system. These studies go a long way to point this out, and to some extent do offer new understandings, much work remains if we are to understand the workings of this concept constitutive of the discipline.

Rethinking sovereignty; rethinking IR?

The challenge that remains, then, is not only rethinking the place of sovereignty within the discipline, but perhaps also rethinking the discipline without (absolute) sovereignty (the reflections take Costa Lopez et al., 2018 as point of departure). Kathleen Davis recently offered a new take on how concepts such as sovereignty contributed to making history and time intelligible through periodizations, insisting on the extent to which medieval concepts were not supplanted by sovereignty but in fact continued to influence our understanding of history and international relations (2017). Thinking sovereignty beyond Westphalia and thinking IR beyond sovereignty is crucial for relocating and recalibrating the scope of applicability of the discipline. But whereas sovereignty is a modern idea and IR as a consequence may suffer from an embedded modernism, it does not follow that the scope conditions of IR need to be limited to modern international relations. On the contrary, as the studies discussed above show, the interest of thinking of sovereignty and international relations beyond Westphalia and beyond the West is precisely that it forces IR to abandon its modernism and broaden its own conceptual apparatus, and broaden its spatial gaze. The centrality of sovereignty for making sense of IR means that any discussion of the term is inextricably bound with difficult questions about the discipline, its possibility, and its scope conditions (see the discussion in Bartelson, 2006). Addressing these not only challenges established for periodizations such as the mythical 300 years of Peace of Westphalia (1648–1948), which Leo Gross (1948) then saw giving birth to a new order based on the UN Charter of 1948, but also questions and extends the geographical scope of the discipline beyond the West.

The main push in terms of historicizing sovereignty was addressing the temporal myopia resulting from the strong persistence of the myth of Westphalia. The constructivist push towards historicizing sovereignty discussed above was important, as it paved the way for a series of inquiries into the historical emergence of sovereignty, all seeking to abandon the 'big bang' account of Westphalia (see de Carvalho et al., 2011 for an overview). Although the constructivist avalanche of works on sovereignty around turn of the millennium contributed quite successfully to historicize and denaturalize sovereignty, making temporal variations in sovereignty explicit by showcasing how sovereignty has had different meanings at different times, it did so within the confines of a traditional narrative of sovereignty, largely leaving the *spatiality* of these

contestations untouched. In consequence, as Jens Bartelson has noted, these accounts inadvertently ‘reinforce[d] some of the most persistent myths about the origin of sovereignty, and [...] obscured questions about the diffusion of sovereignty outside the European context’. As such, he continues, ‘while international society was premised on equality and nonintervention, non-European peoples were excluded on the grounds that they were uncivilized, or that their political institutions did not fulfil the requirements of sovereign statehood. Hence, they could be legitimately subjected to imperial rule by European powers’ (2014: 251). As noted above, recent studies have taken the relay from an earlier generation of scholars who were more concerned with the meanings of sovereignty and its role in international relations than in seeking out sovereignty in new worlds.

Although intrinsically ‘critical’ (for lack of a better term), the constructivist works on sovereignty from the 1990s still largely reproduced the Eurocentrism of a view that saw innovations in political thought as grounded in the political practice and thinking of a European core which then spread beyond European shores. As noted above, recent approaches (see for instance, Benton, 2009; Branch, 2012) have sought to address this by highlighting the extent to which global interactions and currents of people and thought formed the context of these innovations. Such works have done much to extend the spatial scope of IR through historically sound analyses, also paving the way for understanding sovereignty, its changing meanings and effects within a broader and less Eurocentric spatiality. These studies also dovetail with works on the applicability of sovereignty beyond Europe, such as Kang (2010) who has argued that in the Early Modern period a particular instantiation of sovereignty was at play in the context of a hierarchical tributary system, or Zhang, who has sought to prove that an ancient Chinese state-system in the eighth century BC already operated with an institutionalized, if not legally formalized, notion of sovereignty (2003: 47). The research agenda ahead seems clear: to what extent is sovereignty a concept with European origins, or is it rather born out of the myriad of global interactions which came to characterize an ever expanding world?

Yet, while this does bring the agenda forward, it seems to me that more recent studies of sovereignty have also left something behind. Where it is clear that current work on sovereignty has been freed from the Westphalian straightjacket, it seems to me that they have also abandoned some of the key concerns of HIR scholars and with it lost some of the critical potential of these approaches. More specifically, current work seems less preoccupied with the changing meanings of sovereignty and their effects than with contrasting sovereignty to other forms of authority.

Heralding the chapters which follow in the present handbook (Heiskanen, 2021; Spanu, 2021), I also believe that the relative lack of attention given to the relationship between sovereignty and identity in current work should be addressed, as this tension may hold the key to many challenges that have confronted our past and current predicaments, and are bound to challenge us in the future. In a time where potentially violent forms of identity politics are making their mark across the globe, it may seem curious that this aspect does not figure more prominently in current studies of sovereignty. Excavating this dimension from the writings of the late 1990s may thus be one of the more fertile grounds for future historical inquiries into changing meanings of sovereignty and their effects. As Roxanne Doty wrote, one cannot understand the meaning allocated to sovereignty at any given time, nor the construction of the inside/outside boundary, without taking historically contingent practices into account (Doty, 1996: 121–122). Rather than conceiving sovereignty as neutrally demarcating the ‘location of the foundational entity of international relations theory’, sovereignty ought to be seen as a ‘site of political struggle’, namely ‘the struggle to fix the meaning of sovereignty in such a way as to constitute a particular state – to write the state – with particular boundaries, competencies and legitimacies available to it’ (Weber, 1995: 2–3).

Together, recent studies of sovereignty from a historical perspective open up a space for rethinking not only the origins of sovereignty in practice and theoretical terms, but also how more foundational questions about the nature of the polities inhabiting this world affect the type of relations they entertain between themselves. What's at stake in approaching sovereignty is no less than the scope conditions of international relations as our discipline has made sense of them. The traditional story of the emergence and spread of sovereignty has tended to obfuscate the extent to which sovereignty in fact is far from a neutral delimitator of political authority, but a powerful political tool. By focusing on the process through which sovereignty is imposed across multiple spaces and temporalities, we may finally move away from seeing sovereignty as principle and uncover sovereignty as politics.

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