

## Sovereignty

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### Abstract:

*Sovereignty was never quite as vibrant as many contemporary observers suggest. The conventional norms of sovereignty have always been challenged. A few states, most notably the US, have had autonomy, control, and recognition for most of their existence, but most others have not. Even for weaker states sovereignty remains attractive. Although sovereignty might provide little more than international recognition, that recognition guarantees access to international organizations and sometimes to international finance. In various parts of the world, national borders still represent the fault lines of conflict. The most important impact of economic globalization and transnational norms will be to alter the scope of state authority rather than to generate some fundamentally new way to organize political life.*

### Full Text:

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The idea of states as autonomous, independent entities is collapsing under the combined onslaught of monetary unions, CNN, the Internet, and nongovernmental organizations. But those who proclaim the death of sovereignty misread history. The nation-state has a keen instinct for survival and has so far adapted to new challenges -even the challenge of globalization.

### The Sovereign State Is Just About Dead

Very wrong. Sovereignty was never quite as vibrant as many contemporary observers suggest. The conventional norms of sovereignty have always been challenged. A few states, most notably the United States, have had autonomy, control, and recognition for most of their existence, but most others have not. The polities of many weaker states have been persistently penetrated, and stronger nations have not been immune to external influence. China was occupied. The constitutional arrangements of Japan and Germany were directed by the United States after World War II. The United Kingdom, despite its rejection of the euro, is part of the European Union.

Even for weaker states-whose domestic structures have been influenced by outside actors, and whose leaders have very little control over transborder movements or even activities within their own country -sovereignty remains attractive. Although sovereignty might provide little more than international recognition, that recognition guarantees access to international organizations and sometimes to international finance. It offers status to individual leaders. While the great powers of Europe have eschewed many elements of sovereignty, the United States, China, and Japan have neither the interest nor the inclination to abandon their usually effective claims to domestic autonomy.

In various parts of the world, national borders still represent the fault lines of conflict, whether it is Israelis and Palestinians fighting over the status of Jerusalem, Indians and Pakistanis threatening to go nuclear over Kashmir or Ethiopia and Eritrea clashing over disputed territories. Yet commentators nowadays are mostly concerned about the erosion of national borders as a consequence of globalization. Governments and activists alike complain that multilateral institutions such as the United Nations, the World Trade Organization, and the International Monetary Fund overstep their authority by promoting universal standards for everything from human rights and the environment to monetary policy and immigration. However, the most important impact of economic globalization and transnational norms will be to alter the scope of state authority rather than to generate some fundamentally new way to organize political life.

### Sovereignty Means Final Authority

Not anymore, if ever. When philosophers Jean Bodin and Thomas Hobbes first elaborated the notion of sovereignty in the 16th and 17th centuries, they were concerned with establishing the legitimacy of a single hierarchy of domestic authority. Although Bodin and Hobbes accepted the existence of divine and natural law, they both (especially Hobbes) believed the

word of the sovereign was law. Subjects had no right to revolt. Bodin and Hobbes realized that imbuing the sovereign with such overweening power invited tyranny, but they were predominately concerned with maintaining domestic order, without which they believed there could be no justice. Both were writing in a world riven by sectarian strife. Bodin was almost killed in religious riots in France in 1572. Hobbes published his seminal work, *Leviathan*, only a few years after parliament (composed of Britain's emerging wealthy middle class) had executed Charles I in a civil war that had sought to wrest state control from the monarchy.

This idea of supreme power was compelling, but irrelevant in practice. By the end of the 17th century, political authority in Britain was divided between king and parliament. In the United States, the Founding Fathers established a constitutional structure of checks and balances and multiple sovereignties distributed among local and national interests that were inconsistent with hierarchy and supremacy. The principles of justice, and especially order, so valued by Bodin and Hobbes, have best been provided by modern democratic states whose organizing principles are antithetical to the idea that sovereignty means uncontrolled domestic power.

If sovereignty does not mean a domestic order with a single hierarchy of authority, what does it mean? In the contemporary world, sovereignty primarily has been linked with the idea that states are autonomous and independent from each other. Within their own boundaries, the members of a polity are free to choose their own form of government. A necessary corollary of this claim is the principle of nonintervention: One state does not have a right to intervene in the internal affairs of another.

More recently, sovereignty has come to be associated with the idea of control over transborder movements. When contemporary observers assert that the sovereign state is just about dead, they do not mean that constitutional structures are about to disappear. Instead, they mean that technological change has made it very difficult, or perhaps impossible, for states to control movements across their borders of all kinds of material things (from coffee to cocaine) and not-so-material things (from Hollywood movies to capital flows).

Finally, sovereignty has meant that political authorities can enter into international agreements. They are free to endorse any contract they find attractive. Any treaty among states is legitimate provided that it has not been coerced.

#### The Peace of Westphalia Produced

#### the Modern Sovereign State

No, it came later. Contemporary pundits often cite the 1648 Peace of Westphalia (actually two separate treaties, Munster and Osnabruck) as the political big bang that created the modern system of autonomous states. Westphalia -which ended the Thirty Years' War against the hegemonic power of the Holy Roman Empire-delegitimized the already waning transnational role of the Catholic Church and validated the idea that international relations should be driven by balance-of-power considerations rather than the ideals of Christendom. But Westphalia was first and foremost a new constitution for the Holy Roman Empire. The preexisting right of the principalities in the empire to make treaties was affirmed, but the Treaty of Munster stated that "such Alliances be not against the Emperor, and the Empire, nor against the Publick Peace, and this Treaty, and without prejudice to the Oath by which every one is bound to the Emperor and the Empire." The domestic political structures of the principalities remained embedded in the Holy Roman Empire. The Duke of Saxony, the Margrave of Brandenburg, the Count of Palatine, and the Duke of Bavaria were affirmed as electors who (along with the archbishops of Mainz, Trier and Cologne) chose the emperor. They did not become or claim to be kings in their own right.

Perhaps most important, Westphalia established rules for religious tolerance in Germany. The treaties gave lip service to the principle (*cuius regio, eius religio*) that the prince could set the religion of his territory -and then went on to violate this very principle through many specific provisions. The signatories agreed that the religious rules already in effect would stay in place. Catholics and Protestants in German cities with mixed populations would share offices. Religious issues had to be settled by a majority of both Catholics and Protestants in the diet and courts of the empire. None of the major political leaders in Europe endorsed religious toleration in principle, but they recognized that religious conflicts were so volatile that it was essential to contain rather than repress sectarian differences. All in all, Westphalia is a pretty medieval document, and its biggest explicit innovation-provisions that undermined the power of princes to control religious affairs within their territories-was antithetical to the ideas of national sovereignty that later became associated with the so-called Westphalian system.

#### Universal Human Rights Are an

## Unprecedented Challenge to Sovereignty

Wrong. The struggle to establish international rules that compel leaders to treat their subjects in a certain way has been going on for a long time. Over the centuries the emphasis has shifted from religious toleration, to minority rights (often focusing on specific ethnic groups in specific countries), to human rights (emphasizing rights enjoyed by all or broad classes of individuals). In a few instances states have voluntarily embraced international supervision, but generally the weak have acceded to the preferences of the strong: The Vienna settlement following the Napoleonic wars guaranteed religious toleration for Catholics in the Netherlands. All of the successor states of the Ottoman Empire, beginning with Greece in 1832 and ending with Albania in 1913, had to accept provisions for civic and political equality for religious minorities as a condition for international recognition. The peace settlements following World War I included extensive provisions for the protection of minorities. Poland, for instance, agreed to refrain from holding elections on Saturday because such balloting would have violated the Jewish Sabbath. Individuals could bring complaints against governments through a minority rights bureau established within the League of Nations.

But as the Holocaust tragically demonstrated, interwar efforts at international constraints on domestic practices failed dismally. After World War II, human, rather than minority, rights became the focus of attention. The United Nations Charter endorsed both human rights and the classic sovereignty principle of nonintervention. The 20-plus human rights accords that have been signed during the last half century cover a wide range of issues including genocide, torture, slavery, refugees, stateless persons, women's rights, racial discrimination, children's rights, and forced labor. These U.N. agreements, however, have few enforcement mechanisms, and even their provisions for reporting violations are often ineffective.

The tragic and bloody disintegration of Yugoslavia in the 1990s revived earlier concerns with ethnic rights. International recognition of the Yugoslav successor states was conditional upon their acceptance of constitutional provisions guaranteeing minority rights. The Dayton accords established externally controlled authority structures in Bosnia, including a Human Rights Commission (a majority of whose members were appointed by the Western European states). NATO created a de facto protectorate in Kosovo.

The motivations for such interventions-humanitarianism and security-have hardly changed. Indeed, the considerations that brought the great powers into the Balkans following the wars of the 1870s were hardly different from those that engaged NATO and Russia in the 1990s.

## Globalization Undermines State Control

No. State control could never be taken for granted. Technological changes over the last 200 years have increased the flow of people, goods, capital, and ideas-but the problems posed by such movements are not new. In many ways, states are better able to respond now than they were in the past.

The impact of the global media on political authority (the so-called CNN effect) pales in comparison to the havoc that followed the invention of the printing press. Within a decade after Martin Luther purportedly nailed his 95 theses to the Wittenberg church door, his ideas had circulated throughout Europe. Some political leaders seized upon the principles of the Protestant Reformation as a way to legitimize secular political authority. No sovereign monarch could contain the spread of these concepts, and some lost not only their lands but also their heads. The sectarian controversies of the 16th and 17th centuries were perhaps more politically consequential than any subsequent transnational flow of ideas.

In some ways, international capital movements were more significant in earlier periods than they are now. During the 19th century, Latin American states (and to a lesser extent Canada, the United States, and Europe) were beset by boom-and-bust cycles associated with global financial crises. The Great Depression, which had a powerful effect on the domestic politics of all major states, was precipitated by an international collapse of credit. The Asian financial crisis of the late 1990s was not nearly as devastating. Indeed, the speed with which countries recovered from the Asian flu reflects how a better working knowledge of economic theories and more effective central banks have made it easier for states to secure the advantages (while at the same time minimizing the risks) of being enmeshed in global financial markets.

In addition to attempting to control the flows of capital and ideas, states have long struggled to manage the impact of international trade. The opening of longdistance trade for bulk commodities in the 19th century created fundamental cleavages in all of the major states. Depression and plummeting grain prices made it possible for German Chancellor Otto von Bismarck to prod the landholding aristocracy into a protectionist alliance with urban heavy industry (this coalition of "iron and rye" dominated German politics for decades). The tariff question was a basic divide in U.S. politics for much of the last half of the 19th and first half of the 20th centuries. But, despite growing levels of imports and exports since 1950, the political salience of trade has receded because national governments have developed social welfare strategies that cushion

the impact of international competition, and workers with higher skill levels are better able to adjust to changing international conditions. It has become easier, not harder, for states to manage the flow of goods and services.

## Globalization Is Changing the

### Scope of State Control

Yes. The reach of the state has increased in some areas but contracted in others. Rulers have recognized that their effective control can be enhanced by walking away from issues they cannot resolve. For instance, beginning with the Peace of Westphalia, leaders chose to surrender their control over religion because it proved too volatile. Keeping religion within the scope of state authority undermined, rather than strengthened, political stability.

Monetary policy is an area where state control expanded and then ultimately contracted. Before the 20th century, states had neither the administrative competence nor the inclination to conduct independent monetary policies. The mid-20th-century effort to control monetary affairs, which was associated with Keynesian economics, has now been reversed due to the magnitude of short-term capital flows and the inability of some states to control inflation. With the exception of Great Britain, the major European states have established a single monetary authority. Confronting recurrent hyperinflation, Ecuador adopted the U.S. dollar as its currency in 2000.

Along with the erosion of national currencies, we now see the erosion of national citizenship—the notion that an individual should be a citizen of one and only one country, and that the state has exclusive claims to that person's loyalty. For many states, there is no longer a sharp distinction between citizens and noncitizens. Permanent residents, guest workers, refugees, and undocumented immigrants are entitled to some bundle of rights even if they cannot vote. The ease of travel and the desire of many countries to attract either capital or skilled workers have increased incentives to make citizenship a more flexible category.

Although government involvement in religion, monetary affairs, and claims to loyalty has declined, overall government activity, as reflected in taxation and government expenditures, has increased as a percentage of national income since the 1950s among the most economically advanced states. The extent of a country's social welfare programs tends to go hand in hand with its level of integration within the global economy. Crises of authority and control have been most pronounced in the states that have been the most isolated, with sub-Saharan Africa offering the largest number of unhappy examples.

### NGOs Are Nibbling at National Sovereignty

To some extent. Transnational nongovernmental organizations (NGOs) have been around for quite awhile, especially if you include corporations. In the 18th century, the East India Company possessed political power (and even an expeditionary military force) that rivaled many national governments. Throughout the 19th century, there were transnational movements to abolish slavery, promote the rights of women, and improve conditions for workers.

The number of transnational NGOs, however, has grown tremendously, from around 200 in 1909 to over 17,000 today. The availability of inexpensive and very fast communications technology has made it easier for such groups to organize and make an impact on public policy and international law—the international agreement banning land mines being a recent case in point. Such groups prompt questions about sovereignty because they appear to threaten the integrity of domestic decision making. Activists who lose on their home territory can pressure foreign governments, which may in turn influence decision makers in the activists' own nation.

But for all of the talk of growing NGO influence, their power to affect a country's domestic affairs has been limited when compared to governments, international organizations, and multinational corporations. The United Fruit Company had more influence in Central America in the early part of the 20th century than any NGO could hope to have anywhere in the contemporary world. The International Monetary Fund and other multilateral financial institutions now routinely negotiate conditionality agreements that involve not only specific economic targets but also domestic institutional changes, such as pledges to crack down on corruption and break up cartels.

Smaller, weaker states are the most frequent targets of external efforts to alter domestic institutions, but more powerful states are not immune. The openness of the U.S. political system means that not only NGOs, but also foreign governments, can play some role in political decisions. (The Mexican government, for instance, lobbied heavily for the passage of the North American Free Trade Agreement.) In fact, the permeability of the American polity makes the United States a less threatening partner; nations are more willing to sign on to U.S.-sponsored international arrangements because they have some confidence

that they can play a role in U.S. decision making.

### Sovereignty Blocks Conflict Resolution

Yes, sometimes. Rulers as well as their constituents have some reasonably clear notion of what sovereignty means-exclusive control within a given territory-even if this norm has been challenged frequently by inconsistent principles (such as universal human rights) and violated in practice (the U.S.- and British-enforced no-fly zones over Iraq). In fact, the political importance of conventional sovereignty rules has made it harder to solve some problems. There is, for instance, no conventional sovereignty solution for Jerusalem, but it doesn't require much imagination to think of alternatives: Divide the city into small pieces; divide the Temple Mount vertically with the Palestinians controlling the top and the Israelis the bottom; establish some kind of international authority; divide control over different issues (religious practices versus taxation, for instance) among different authorities. Any one of these solutions would be better for most Israelis and Palestinians than an ongoing stalemate, but political leaders on both sides have had trouble delivering a settlement because they are subject to attacks by counterelites who can wave the sovereignty flag.

Conventional rules have also been problematic for Tibet. Both the Chinese and the Tibetans might be better off if Tibet could regain some of the autonomy it had as a tributary state within the traditional Chinese empire. Tibet had extensive local control, but symbolically (and sometimes through tribute payments) recognized the supremacy of the emperor. Today, few on either side would even know what a tributary state is, and even if the leaders of Tibet worked out some kind of settlement that would give their country more selfgovernment, there would be no guarantee that they could gain the support of their own constituents.

If, however, leaders can reach mutual agreements, bring along their constituents, or are willing to use coercion, sovereignty rules can be violated in inventive ways. The Chinese, for instance, made Hong Kong a special administrative region after the transfer from British rule, allowed a foreign judge to sit on the Court of Final Appeal, and secured acceptance by other states not only for Hong Kong's participation in a number of international organizations but also for separate visa agreements and recognition of a distinct Hong Kong passport. All of these measures violate conventional sovereignty rules since Hong Kong does not have juridical independence. Only by inventing a unique status for Hong Kong, which involved the acquiescence of other states, could China claim sovereignty while simultaneously preserving the confidence of the business community.

### The European Union Is a New Model for

#### Supranational Governance

Yes, but only for the Europeans.

The European Union (EU) really is a new-thing, far more interesting in terms of sovereignty than Hong Kong. It is not a conventional international organization because its member states are now so intimately linked with one another that withdrawal is not a viable option. It is not likely to become a "United States of Europe"-a large federal state that might look something like the United States of America because the interests, cultures, economies, and domestic institutional arrangements of its members are too diverse. Widening the EU to include the former communist states of Central Europe would further complicate any efforts to move toward a political organization that looks like a conventional sovereign state.

The EU is inconsistent with conventional sovereignty rules. Its member states have created supranational institutions (the European Court of Justice, the European Commission, and the Council of Ministers) that can make decisions opposed by some member states. The rulings of the court have direct effect and supremacy within national judicial systems, even though these doctrines were never explicitly endorsed in any treaty. The European Monetary Union created a central bank that now controls monetary affairs for three of the union's four largest states. The Single European Act and the Maastricht Treaty provide for majority or qualified majority, but not unanimous, voting in some issue areas. In one sense, the European Union is a product of state sovereignty because it has been created through voluntary agreements among its member states. But, in another sense, it fundamentally contradicts conventional understandings of sovereignty because these same agreements have undermined the juridical autonomy of its individual members.

The European Union, however, is not a model that other parts of the world can imitate. The initial moves toward integration could not have taken place without the political and economic support of the United States, which was, in the early years of the Cold War, much more interested in creating a strong alliance that could effectively oppose the Soviet Union than it was in any potential European challenge to U.S. leadership. Germany, one of the largest states in the European Union, has been the most consistent supporter of an institutional structure that would limit Berlin's own freedom of action, a reflection of the

lessons of two devastating wars and the attractiveness of a European identity for a country still grappling with the sins of the Nazi era. It is hard to imagine that other regional powers such as China, Japan, or Brazil, much less the United States, would have any interest in tying their own hands in similar ways. (Regional trading agreements such as Mercosur and NAFTA have very limited supranational provisions and show few signs of evolving into broader monetary or political unions.) The EU is a new and unique institutional structure, but it will coexist with, not displace, the sovereign-state model.

Want to Know More?

For some examples of the conventional view that sovereignty is a mechanistic process that constrains state behavior, see Hedley Bull's classic *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977) and Robert Jackson's *Quasi-states: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990). The most forceful recent presentations of the constructivist perspective, which emphasizes the importance of ideas, are Alexander Wendt's *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999) and John Ruggie's *Constructing the World Polity: Essays on International Institutionalization* (London: Routledge, 1998).

More skeptical views about the impact of sovereignty on state behavior can be found in Stephen D. Krasner's *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999) and Michael Fowler and Julie Marie Bunck's *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (University Park: Pennsylvania State University Press, 1995).

Hendrik Spruyt's *The Sovereign State and Its Competitors* (Princeton: Princeton University Press, 1994) and Charles Tilly's *Coercion, Capital, and European States, AD 800-1700* (Cambridge: Blackwell Publishers, 1992) emphasize economic and military considerations in their excellent historical analyses of the evolution of the sovereign-state system. Quentin Skinner's *The Foundations of Modern Political Thought, Volume 2, The Age of Reformation* (Cambridge: Cambridge University Press, 1978) is a superlative treatment of the relationship between the ideas of the Reformation and the development of the modern state.

Paul Gordon Lauren offers historical insight into international efforts to safeguard human rights in *The Evolution of International Human Rights. Visions Seen* (Philadelphia: University of Pennsylvania Press, 1998). For a treatment of the almost forgotten Versailles minority-rights regimes established after World War I, see Inis L. Claude Jr.'s *National Minorities: An International Problem* (New York: Greenwood Press, 1969).

Margaret Keck and Kathryn Sikkink investigate the growing significance of transnational nongovernmental organizations in *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998), and Jeremy Rabkin discusses the anxiety they provoke in *Why Sovereignty Matters* (Washington: AEI Press, 1998). Anyone interested in globalization and its national political underpinnings must read Kevin H. O'Rourke and Jeffrey G. Williamson's *Globalization and History: The Evolution of a Nineteenth-Century Atlantic Economy* (Cambridge: MIT Press, 1999).

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