

The Poverty of Sovereignty

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Abstract

Introduction

E. H. Carr once wrote that '[o]ne prediction may be made with some confidence. The concept of sovereignty is likely to become in the future even more blurred and indistinct than it is at present... It was never more than a convenient label.' Towards the end of his classic statement of IR theory he went on to argue that 'reason could demonstrate the absurdity of the international anarchy; and with increasing knowledge, enough people would be rationally convinced of its absurdity and put an end to it.'¹ In the sixty-odd years since its publication, Carr's foresight has been vindicated, but his faith in reason has not. Sovereignty has indeed become less distinct as a concept and more vacuous as a theory of political organisation, but it has nevertheless remained a central concept in IR theory and has therefore consistently hampered our ability to move beyond international anarchy either conceptually or in practice.

In this paper we use a recent re-statement of the virtues of sovereignty as a way in to arguments about its ethical, political, analytical and legal value. This text is the 2006 edited volume by Bickerton *et al*, *Politics Without Sovereignty: A Critique of Contemporary International Relations*.² In this work the authors mount a defence of political sovereignty in the face of what they see to be a novel pluralisation and diffusion of political power and accountability. They argue that recent disciplinary moves towards a post-sovereign paradigm of political action and analysis in IR are regressive since they fail to present an adequate political response to what they see as the loss of autonomy and the systematic erosion of political accountability that is prefigured in, *inter alia*, the rise of neo-liberal globalisation, the expansion of the authority of the EU, the failure of aid regimes, and the demise of sovereignty prefigured by each. Theoretically, the authors argue that the receding of sovereignty into the background of the lexicon of IR erodes our ability to locate and defend an adequate political power and agency in world politics, substituting a liberal and individualist ethic for the collectivist promise of their favoured Rousseauian approach to sovereignty.

In our view the work is reactionary in terms of its positioning in IR theory. It is often quite 'macho' in tone and often historically sloppy where it is not simply myopic,³ it is analytically weak and theoretically repetitive. It does not advance our knowledge of international relations, nor because of the stylised impressions they give of their adversaries, do the papers advance our knowledge of IR theory. In fact, we argue that this reaction to debates surrounding post-sovereignty is a sign of a regressive discipline. Chris Brown argues in the foreword to the volume that IR without sovereignty is nearly unthinkable.⁴ If we are to believe Carr that IR without

¹ Carr, Edward Hallett. *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations* London: Macmillan, 1946. 230, 26

² Bickerton, Christopher J, Philip Cunliff, and Alexander Gourevitch, eds. *Politics without Sovereignty: A Critique of Contemporary International Relations*. London: UCL, 2006.

³ For example, the Seattle protests were in 1999 not in 2000 as stated by Chandler. See Chandler, David 'Deconstructing sovereignty: Constructing Global Civil Society' in Bickerton *et al*, *Politics Without Sovereignty*, 158. The work is myopic by not placing the theory of sovereignty they defend in its nineteenth-century context. Had they done so the authors would surely have had to engage with some of the problems we outline here, namely those arising from closing down the history of the debate.

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sovereignty ought to be an imperative, this is a serious debate in which to engage IR theorists, and this is our contribution.

In this paper we do not seek to mount a defence of the positions Bickerton *et al* aim their mighty guns at, instead our aim is to restate the terms of this debate so that we might have a better platform from which others might be able to move beyond it. We conclude by pointing to an approach to the issue which has been wholly marginalised in IR theory and one which we will argue is pregnant with potential to significantly move our ideas forward.

The paper proceeds in the following way. In the next section we briefly summarise the arguments in favour of sovereignty articulated in Bickerton *et al*. We argue that their failure lies in advocating a nineteenth-century understanding of sovereignty as a universal panacea for myriad and contradictory contemporary political problems. We then return to Rousseau's conception of sovereignty taking from recent work⁵ in the history of ideas that undermines the rather slapdash and insensitive use to which Rousseau's conception of popular sovereignty is put by the authors. We then use this analysis to argue that the religious baggage within the genesis of the theory of popular sovereignty had serious implications for its evolution in international affairs.

In the second part of the paper we show that the religious exceptionalism of sovereignty became racist as it came to be articulated through the discourse of legal positivism and in relation to the colonialism of Britain and the US in the nineteenth century. Building on the jurisprudential work of Antony Anghie,⁶ we turn to the colonial encounter with the Native Americans, and British colonialism in Nigeria. We argue that Christian exceptionalism was central to the practical use to which sovereignty was put – and deliberately so. We argue that much contemporary confusion surrounding the sovereignty debate can be explained by the essentially *religious* character of sovereignty as a concept.⁷ Leaning on the work of Brian Schmidt⁸ We will also show that from its inception IR theory has been complicit in the justification and rationalisation of colonialism and that far from being an aberrant aspect of the discipline, the perpetuation of the sovereignty debate signifies that it remains a core aspect of its present.

In the final part of the paper we conclude that sovereignty ought to be jettisoned from the analytical and political lexicon of IR theory, and ultimately international law. Here we will demonstrate the poverty of sovereignty in theoretical terms by drawing on the preceding historical analysis. We argue that sovereignty is politically suspect,

⁵ See for example Black, Anthony. "Christianity and Republicanism: From St. Cyprian to Rousseau." *The American Political Science Review* 91, no. 3 (1997): 647-56. Mason, Pamela A. . "The Communion of Citizens: Calvinist Themes in Rousseau's Theory of the State." *Polity* 26, no. 1 (1993): 25-49. Gourevitch, Victor. "The Religious Thought." In *The Cambridge Companion to Rousseau*, edited by Patrick Riley, 193-246. Cambridge: Cambridge University Press, 2001.

⁶ Anghie, Antony. *Imperialism, Sovereignty, and the Making of International Law*. Cambridge: Cambridge University Press, 2005.

⁷ We do not however find Carl Schmidt's arguments on this matter to be helpful for our argument, mainly due to the authoritarian ethic it aspires to and the limited analytical purchase of the friend/enemy distinction. See Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Cambridge Mass.: MIT Press, 1985.

⁸ Schmidt, Brian C. *The Political Discourse of Anarchy: A Disciplinary History of International Relations*. New York: State University of New York Press, 1998.

normatively vacuous, analytically useless and legally indeterminate. Bickerton *et al* are adamant that sovereignty provides the best framework within which answers all the problems of contemporary world politics can be best framed – we find this belief to be inherently dangerous and their ideas ought to be resisted.

Two final caveats. Our aim here is to criticise the concept of sovereignty, not the state as an institution – though the latter depends on the former more than vice versa, both can exist in the absence of each other. Moreover, the two need to be kept separate since sovereignty, as we will argue is a legitimating theory of power while the state is an institution that can and ought to be reformed. Secondly, despite Bickerton *et al*'s insistence on the need for better solutions, we argue that what we need in IR is a better understanding of the problem. As such the paper deals only with the poverty of sovereignty and aims to show that by jettisoning the concept we gain better analytical and normative purchase on the real world.

'Sovereignty and its Discontents'

Bickerton *et al* argue that sovereignty is a political concept that relates to the 'power that emerges when people form an association for the purposes of action.' Not any association of course, but one that is state-like in form. In this way sovereignty 'enshrines' the 'autonomy of politics'⁹ and unites the wills of all citizens institutionalising a general will to oppose the private wills of individuals. By their analysis where sovereignty has anything to do with economic power, it is presumably about the control of resources by the state in opposition to these private interests.

Indeed, for sovereignty to have any meaning for the authors it must be about "absolute political power" (emphasis added)¹⁰, and following Runciman they argue that its distinct, state-like and irreducible quality makes the sovereign, but 'not peoples', uniquely able to go to war.¹¹ For the editors sovereignty performs an analytical function by determining what-is-what in world affairs, allowing them to count actors with their fingers as opposed to having to think through the nature of politics and political associations in a little more detail. Already we have seen that within the concept of sovereignty the authors have collapsed state, people, economic as political power and military command.

However, the authors claim that 'sovereignty means that an individual or group of individuals can always be held responsible for the political order',¹² arguing that for sovereignty to have meaning it must overlay a state-like institution. The origins of this institution, as well as a coherent theory of its current nature, are outside the analytical focus of the authors. This is unfortunate since what results is a rather unsophisticated acceptance of an institution whose history and purpose is precisely the point of any past discussions of sovereignty. Nevertheless, we believe it important to keep

⁹ Bickerton *et al* 'Introduction', 9

¹⁰ *Ibid*, p. 10.

¹¹ Unfortunately for the authors, Rupert Smith, one of the most pre-eminent British military commanders of the last twenty years, has recently argued in a work that has exploded onto the military-strategic scene, that 'War no longer exists'. His argument is that the industrial 'paradigm' of inter-state war that governs thinking in this area is, and has been since 1945, inaccurate. We are now in an age of 'war of the peoples'. Smith, Rupert. *The Utility of Force : The Art of War in the Modern World*. London: Allen Lane, 2005: 1.

¹² Bickerton *et al* 'Introduction', 11

sovereignty and the state separate, since one can and often does exist without the other. But the tendency for Bickerton *et al* is to conflate the two. To illustrate this, and to point to an example of the theoretical knots they tie themselves up in, Bickerton *et al* argue that:

As the representative of its citizens' general will, the sovereign state is universal, in that it allows all of its citizens to participate in politics within its own borders. Within the protective shelter of the sovereign state, all citizens are free to build the good life as they see fit. But the sovereign also violates his own promise, by limiting this universalising impulse.¹³

What is this universality if it is particular? Who is this sovereign? Was it Tony Blair or is it Gordon Brown? Is it Parliament? The People? Are we sovereign, you? Can individuals both follow their own wills and also be compelled by the state? Is this a contradiction – in fact a necessary one? These questions are, and always have been, inherent to the debate on sovereignty as we will show. The difficulty in answering them resides in the inherently vacuous nature of the concept itself and the tendency of theorists to use the term to mean exactly what they would like it to. As Sinclair and Byers have argued, statist and popular conceptions of sovereignty in the US (a distinction Bickerton *et al* conflate) tend simply to mean precisely what their authors would like them to mean – and invariably it suits the interests of the US.¹⁴

However, what the authors seek is to re-affirm is the absolute nature of political alienation that is also necessary to realise their conception of sovereignty. 'Individuals' they argue, 'must be able to abstract themselves'¹⁵, which is to say alienate their political autonomy to the state for the collective good. This is not an actual process of the creation of political power, but the abnegation of one's own in the interests of a principle of state sovereignty according to which the state can then justify its actions. Democratic processes thus legitimate this alienation. Political mandate is only ever tacit in mass democracies. What is vital is that individuals must willingly give up their autonomy, accept state coercion for some conception of the greater good, and this conception of the greater good can only be realised through, they argue, the institutions of the state, which ought then to be made sovereign.

The authors argue, that 'the concept of sovereignty is bound up with a particular idea of responsibility ... that human beings are the authors of their own destiny.'¹⁶ But this concept of destiny brings us to another line of argument. If our own destinies are no more possible to outline than they are to realise without some prior conception of a closed teleological history, ought we to assume that being free and responsible within the institutions of the state will always have positive outcomes? Of course if this is merely a figure of speech then it is utterly vacuous, but if we take this concept of 'destiny' seriously, which I assume the authors would want us to, this allows us to take the first steps towards the Rousseauian conception of sovereignty that the authors advocate. What we find here is that this concept of 'destiny', or 'providence' as Rousseau would have understood it, has been central to the concept of popular

¹³ Ibid

¹⁴ We will return to this point in the conclusion. See Sinclair, Adriana, and Michael Byers. "When US Scholars Speak of 'Sovereignty', What Do They Mean?" *Political Studies* 55, no. 2 (2007): 318-40.

¹⁵ Ibid: 14

¹⁶ Bickerton *et al*, *op cit*, 12

sovereignty since its original formulation, and without it, it becomes unjustifiable in our view.

The Relationship of God to Popular Sovereignty in Rousseau's Social Contract

In this section we want to make four brief points. First, following Pamela Mason and others, we argue that Rousseau's theory of the state is largely derived from his experience of Genevan Calvinism. Conventional readings of Rousseau's anti-religious and anti-clerical position miss the fact that his critique is of established organised religion as opposed to God and divine design, and in true Calvinist spirit he abolishes the Church in order to rebuild it – this time as the Sovereign State. Secondly we will argue that his famous letter to Voltaire outlines exactly how he saw the Social Contract as fulfilling Gods will on earth and how this had a nominally historical ontology – even if it was utterly ahistorical in practice. Third, we will argue that in reality the precise nature of this civil communion was, became, and still is utterly illiberal and produces the very contradiction it is designed to resolve – the state of nature. This was of course intentional and Rousseau saw that resolving the international anarchy was vital to realising Gods will. The contradiction the generated in his thinking was not resolved by Rousseau but by Kant and the revolutionaries. Rousseau's ideas were neither original nor inconsequential. They were developed during the colonial encounter and, like the work of Locke, Vattel, Grotius, Hobbes and others, were also used to justify it – in the case of Rousseau it was internal Jacobin imperialism that was justified and France was, centralised, homogenised and became 'civilizing' overseas. The following section will show how this occurred by reference to British and American colonialism. Our argument will be that the religious exceptionalism at the heart of sovereignty is the only feature which gives it its force.

Perhaps it would be illustrative to begin with Bickerton *et al*'s unflinching acceptance of Rousseau's argument that '[t]he sovereign, by the mere fact that it is, is always all that it ought to be.'¹⁷ This statement was 'terrifying' to William Rasch, whose own work *Sovereignty and its Discontents* they deign to cite here, but what strikes us, by contrast, are the religious overtones of this statement. This was far from rhetorical; it was, as we will show, a concession to the ultimate truth of religion – the existence and awful power of God and the argument that sovereignty takes us closer to Him. The question is how does Rousseau get to the point where he can argue that right human action brings us closer to God? The answer to this question has two parts. The first lies in his conception of sovereignty and the second in his philosophy of history.

As Pamela Mason has shown, the Calvinist theory of the church finds a distinct and profound echo in Rousseau's theory of the sovereign state and social contract. Genevan Calvinism was distinct in that it served two purposes that were uncommon in Europe as late as the time Rousseau was growing up. First of all state and church in Geneva were two sides of the same coin. They were both in conflict with Louis XIV and XV, the French state and Catholicism. Thus, for Geneva to remain independent implied both a doctrinal unity and a political unity. Interestingly, again unlike in the rest of eighteenth-century Europe, Calvinism had a degree of doctrinal purity in Geneva, that was not replicated elsewhere, but one of its key tenets is its authority structure and the immediacy of the individual's relation to god – unmediated by earthly power. Thus it is the structure of the Church/state which brings us closer to

¹⁷ Bickerton *et al*, 'Introduction', 4

God. 'One need only exchange the word "people" for "clergy" in Rousseau's note [in the chapter on the Civil Religion in the *Social Contract*], and exchange "communion" for "social pact," to recognise how deeply the social contract is patterned on the communion of the church."¹⁸ What Mason shows are the religious and political origins of Rousseau's ideas. These origins were hugely influential on Rousseau's childhood and the fact that he was an autodidact.

Alienation was also a vital component of Rousseau's social contract and one Bickerton *et al* repeat again with little reflection. Alienation in the Calvinist tradition was vital to redeeming one's prelapsarian human nature through the willing alienation of one's fallen human *amour propre* to the communion of the Church. Alienating one's self to God and contemplating how one might bring oneself into a closer union with God, through contemplation of our earthly fall and the redemptive doctrines of a particular social communion, is vital to Calvinism as doctrine and practice. Rousseau gives it his own twist by arguing that in the pre-social state of nature man is good but individuated, and civil society corrupts and thus it is the purpose of the popular sovereignty, the civil communion par excellence, to lead us back to our perfect natures. Alienation of our selfish individuality to God's bishops on earth, who by divine representation can then divine our best interests according to tight adherence to Calvinist dogma, is central to this. But this serves an important purpose because this alienation ensures the doctrinal unity of the social communion and unifies it against the Antichrist on their western borders. It also reinforced the idea that Genevans were God's chosen people and that the walls of their city were "the Sacred Walls of Zion", to use a quote from Mason's excellent analysis.¹⁹

As Rousseau argues in the final chapter of the *Social Contract* – 'On the Civil Religion',

There is therefore a purely civil profession of faith the articles of which it is up to the sovereign to fix, not precisely as dogmas of religion but as *sentiments of sociability*, without which it is impossible to be either a good Citizen or a loyal subject. Without being able to oblige anyone to believe them, the sovereign may banish from the state anyone who does not believe them; it may banish him, not as impious but as unsociable, as incapable of sincerely loving the laws, justice, and, if need be of sacrificing his life to his duty. If anyone, after having publicly acknowledged these same dogmas, behaves as if he did not believe them, let him be *punished with death*; he has committed the greatest of crimes, he has lied before the laws.²⁰

Rousseau's debt to the Genevan experience of Calvinism is striking here. Rousseau's work is perhaps the last place one would expect to find the Spanish inquisition, and

¹⁸ Mason 36

¹⁹ Mason, p. 33, cf. Black

²⁰ Rousseau, Jean-Jacques. "Of the Social Contract or Principles of Political Right." In *Rousseau: The Social Contract and Other Later Political Writings*, edited by Victor Gourevitch, 39-152. Cambridge: Cambridge University Press, 1997: 151 (emphasis added) cf. Rousseau, Jean-Jacques. "Considerations on the Government of Poland." In *Rousseau: The Social Contract and Other Later Political Writings*, edited by Victor Gourevitch, 177-260. Cambridge: Cambridge University Press, 1997: 184, 185. Here Rousseau argues that international marriages should be viewed as a problem for Polish nationalism and he argued that Polish identity should be based on a 'natural revulsion to mingling with foreigners.'

the legacy of this argument is quite horrendous and wherever religious exceptionalism has infused political communities death has followed. Where this exceptionalism has been secularised, death has followed. To some degree this might correspond with a communitarian instinct, but this instinct needs the modern state, as the authors rightly acknowledge, in order for the death we have witnessed since the French Revolution to be carried out.

However, for Rousseau, laws are both the thing which bind us together and bring us closer to God. It is thus imperative, if the Sovereign is to realise the will of the people – which is also the will of God – that the state be made homogenous in terms of language, law, culture, religion, and so forth. States must therefore have official religions, a unified and civic education system, a unicameral parliament and a single Lawgiver. As *Émile* sets out in some detail, individuals must also be educated from birth in the laws and customs of a society, either those already existing or those set down by the Sovereign. If we are to ensure social harmony, if we are to realise the sovereignty of the people, we must be crafted into a homogenous synergy. Thus,

Anyone who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were receive his life and his being [...] The more these natural forces are dead and destroyed, the greater and more lasting are the acquired ones, and the more solid and lasting is the institution [of popular sovereignty].²¹

The ideal society is therefore our transcendent salvation *in this world*, it is the institutional complex within which we can realise our harmonious natures and develop into the upright individuals God designed us to be; our destiny is thus God-given. Rousseau's aim was to show how the will of the people is the will of God – *vox populi, vox dei* – and his extremely illiberal attitudes towards human difference are explicable by his experience of Geneva and his abiding theism. Indeed, it is precisely what Bickerton *et al* leave out of their defence of sovereignty that Rousseau realised he needed in order to make it in the first place – Divine sanction.²²

But how does this play out on the international level? To understand what Rousseau wanted to do here we should turn to his famous Letter to Voltaire, written and published in 1756 in response to Voltaire's famous poem *The Lisbon Earthquake* in which Voltaire appeared to be attacking God for destroying such a centre of learning and culture and science for its irrational belief in reason and the mechanical laws of nature.²³ The issue revolved around the place of optimism and God in social life. Rousseau claimed in his response that Voltaire had been overly pessimistic. He argued that with the right civic communion we would be able to realise our natures in the fullness of time. He argued that "[t]he true principles of optimism [all is well] can be drawn neither from the properties of matter, nor from the mechanics of the

²¹ Rousseau, Jean-Jacques. "Of the Social Contract or Principles of Political Right." In *Rousseau: The Social Contract and Other Later Political Writings*, edited by Victor Gourevitch, 39-152. Cambridge: Cambridge University Press, 1997: 69

²² cf. Bakunin, Mikhail *God and the State*. Translated by Paul Avrich. New York: Dover Publications, 1970.

²³ See Cassirer, Ernst. *Rousseau, Kant and Goethe*. New York: Harper Torchbooks, 1963: 35-43

universe, but only by inference from the perfection of God, who presides over all”²⁴ Rousseau goes on to argue that what is needed is “a civil profession of faith” to work out the relationship of men to one another and to sanctify this relationship as God’s will. “This work, done with care, would be the most useful book ever composed, it seems to me, and perhaps the only one needful to men.”²⁵ There is a wry disingenuousness in then asking Voltaire to write this work when he was in all probability actually composing it himself.

The very individuality that is the pre-social ideal becomes the bane of international life when states were given personality and their actions rationalised *outside* society in international life. For Rousseau, this pre-social international anarchy must also become harmonious by constituting itself as a universal federation of civilised states.²⁶ The essay ‘The State of War’ is clear; this social state of all against all that Hobbes expounded is a rationalist fantasy and Rousseau is quite clear that the ‘sophist’ Hobbes was wrong to stipulate it as such.²⁷ All that was required was for states to be reformulated along the lines he suggested and then brought into a universal federation and all would be well – but Rousseau had no clear ideas as to how this might happen. As Tuck has argued, Rousseau could provide no solution to this normative problem he had inherited from Hobbes,²⁸ but many others did by arguing for universal republics, federations and, vitally, colonialism. It was only if all states were sovereign ‘republics’ that the federation of republics that Rousseau, Siyès, Kant and innumerable others advocated could be realised. Thus, our social providence, as Kant articulates with devastating clarity in his ‘Idea of a Universal History with Cosmopolitan Purpose’,²⁹ is to create in the world the providential sovereign states which alone could bring us closer to God.³⁰

Thus Bickerton *et al* are absolutely right when they claim that alienation is central to realising popular sovereignty. But it is only if we also accept rather vacuous teleological ideas like ‘destiny’ that we can accept the quite awful alienation that Bickerton *et al* would have us undertake in our own best interests (as all vanguards claim). But what would it mean and what sort of effects would we actually see if we were to do what Bickerton *et al* would have us do? What does popular sovereignty, when followed to the letter, create? Has sovereignty (indeed, has God) delivered on His promise? In answering this question, history is our only guide.

²⁴ Rousseau, Jean Jaques. "Letter to Voltaire." In *Rousseau: The Discourses and Other Early Political Writings*, edited by Victor Gourevitch, 232-46. Cambridge: Cambridge University Press, 1997: 240

²⁵ *Ibid*, p. 245

²⁶ See Rousseau, Jean Jaques. "From *Abstract and Judgment of Saint-Pierre's Project for Perpetual Peace*." In *International Relations in Political Thought: Texts from the Ancient Greeks to the First World War*, edited by Chris Brown, Terry Nardin and Nicholas Rengger, 425-27. Cambridge: Cambridge University Press, 2002.

²⁷ Rousseau, Jean Jaques. "The State of War." In *Rousseau: The Social Contract and Other Later Political Writings*, edited by Victor Gourevitch, 162-76. Cambridge: Cambridge University Press, 1997.

²⁸ Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press, 2001: 207

²⁹ Kant, Immanuel. "Idea of a Universal History with a Cosmopolitan Purpose." In *Kant: Political Writings*, edited by Hans Reiss, 41-53. Cambridge: Cambridge University Press, 1991.

³⁰ This reading of Kant allows us to see through conventional myths about his work in IR theory and see the logic of Martin Wight’s categorisation of his thought as ‘revolutionary’ even if Kant himself would have balked at it. See Wight, Martin, Gabriele Wight, and Brian Porter. *International Theory : The Three Traditions*. Leicester: Leicester University Press for the Royal Institute of International Affairs, 1991.

A Brief History of Sovereignty

According to Antony Anghie, sovereignty was defined through colonial confrontation between the western states and non western peoples.³¹ Western states (mainly those of Europe and the United States) defined themselves as sovereign only in relation to those non-European peoples that were not sovereign. Anghie argues therefore that any analysis of universal sovereignty is misleading, as it was (and as he points out is still) the preserve of the west. As we shall see later in this paper, the capricious use of the concept of sovereignty by western powers has led to organised communities, tribes and city states, that have aspired to membership of international society, being overrun by the 'sovereign' western states. In effect, imperialism has (and is argued continues) defined sovereignty: it is not a question of an international system based the equality of sovereign states, but merely a way of separating those states that can enforce their will by force, whether economic, military and political, and those that cannot.

The meaning of sovereignty its therefore traduced: open to differing interpretation, as with any word. What comes to mind is a passage from Lewis Carroll's *Alice Through the Looking Glass*: 'When I use a word', Humpty Dumpty said, in rather a scornful tone, 'it means just what I choose it to mean - neither more nor less'.³²

Rather than turn to the Revolutionary imperialism of France in the nineteenth century or the totalitarian Fascism of Germany in the twentieth century, we think it is just as plausible to look at how the discourse of sovereignty has been used by the British and Americans in the last two hundred years. The United States has always held an ambivalent position to the question of the sovereignty of other states. As far back as 1823, with the enunciation of the Monroe Doctrine, the United States has not brooked the interference by other states in the internal affairs of its neighbours in Latin America. Yet, at the same time it has practiced a selective method of recognising sovereignty, very much in line with its own political, military and territorial interests. For example, in 1823 the rights of tribes over their land was eviscerated by the US Supreme Court in the case of *Johnson v McIntosh*.³³ One of the parties claimed title to land through deeds given by the Piankeshaw tribe during the Revolutionary Wars of 1775-83. The other party claimed under a deed issued by the United States government after the war, and after the US government had forced the Piankeshaw off their land. Chief Justice John Marshall framed his judgment as a matter of international law and relied on the 'doctrine of discovery'³⁴ for his conclusions. Under this doctrine the occupying European powers had acquired the 'exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest. The Native American did not have title to their land, such that they could sell or otherwise dispose of as they chose. They could only validly convey it through the occupation of another power.'

In response to this decision, certain native American groups adopted a western legalistic framework for the status of their tribes. The Cherokee, which already

³¹ See Anghie, Anthony, *Imperialism, Sovereignty and International Law* Cambridge University Press, 2005.

³² Carroll, Lewis, *Alice through the looking Glass*, London, 1872.

³³ *Johnson v. McIntosh* (21 U.S. (8 Wheat.) 543 (1823)).

³⁴ *Ibid* at p.147.

described themselves as a 'nation' within Georgia gained a written constitution and asserted sovereignty over 'its land.' Yet in response to these developments the Georgia State legislature declared the Cherokee laws and customs void, and the Federal Congress passed legislation compelling the Cherokee to move westward across the United States. Thus, the Cherokee nation was moved to seek relief in the US Supreme Court on the basis that they, as a sovereign nation, had entered into a treaty with the United States assuring them land rights, and that the actions of Georgia were in breach of those treaties. In the case of *Cherokee Nation v Georgia*,³⁵ Chief Justice Marshall declared that the Cherokee Nation was 'a domestic, dependant nation', one that was in a 'state of pupilage' like that of 'a ward to his guardian', and thus was not a true 'foreign nation.'³⁶ Thus, the Cherokee had no legal existence and as such could not assert treaty rights before the court. What the US Supreme Court was doing was no different to that which the Spanish had done in earlier centuries, and the British had done in the 19th century. The Court was holding itself out as the arbiter of what was civilised and subject to full rights guaranteed by international law, and conversely, who or what was not. Even when the Cherokee adopted the clothing necessary to be recognised as a state, a nation on equal, or at least comparable, to that of the United States, the Supreme Court could introduce terms such as 'dependency' and 'pupilage' to describe the indigenous population and back up their decisions with superior fire power.

At almost the same time as the government of the United States was defining sovereignty to further its own ends, similar debates were taking place concerning the inhabitants of Africa, particularly in the Niger Delta that would result in the creation of new states, and phenomena that would be repeated throughout Africa.

Nigeria is an artificial construct; created by British administrators. Its very name was donated by Dame Flora Lugard, the wife of the first Governor-General of Nigeria, Frederick Lugard. Like much European interaction in Africa in the early to mid 19th century, the British presence in the area around the Niger Delta was made necessary because of trade. Up the early 19th century, this trade was largely based on the flow of slaves. The abolition of the slave trade in 1807 coincided with a rising demand for palm oil, a key lubricant vital to the machinery of the on-going industrial revolution. British traders in the years up to 1840 thus became a semi-permanent fixture in the trading ports of the Delta, often dealing with African middlemen who had knowledge of the interior in which many traders feared to tread. In a sense, this followed the pattern of the slave trading years and the legacy of this period was extremely visible. In addition to the large number of merchants shipping palm oil to Liverpool and Glasgow, there was, stationed in the Fernando Po from 1827, a squadron of the Royal Navy whose express purpose was to pursue and intercept ships, owned by other European countries, that continued to transfer slaves.

To facilitate this mission to end the slave trade, Freetown was *converted* into a colony of the British Crown, and a small judicial body, the Court of Mixed Commissions was established, to try the captains of slave ships and set free slaves. This court was distinct and separate from those under the jurisdiction of local chiefs. By 1849, the first Governor of the colony had been appointed by the British government to the

³⁵ *Cherokee Nation v Georgia* 30 U.S. 1, 5 Pet. 1, 8 L. Ed. 25 (1831).

³⁶ *Ibid* at p.56.

Bights of Bonny. The consul was not the head of the various British communities of the Oil Rivers. His office was rather,

a tribunal to which they [the British traders] could appeal when the local government broke down, that is, when their trade was endangered. He had been appointed to regulate the 'legal trade' in the Bights of Benin and Biafra.³⁷

This tribunal introduced British judicial processes into African society, whereas prior to 1884 'The consular power was [...] not absolute and the choice of whether or not it accepted his authority still lay with the African community'.³⁸ Demand for palm oil was growing exponentially, from 25,000 tons imported into Britain in 1845 to 30,000 tons by 1853³⁹, and Consul John Beecroft's new ostensible role was to keep a watchful eye on the British traders in the Niger Delta, mediating between the traders and African leaders and ensuring good practice.

The idea of a British consul becoming involved in local disputes itself caused friction between various local chiefs. These chiefs were heads of organised communities, namely Nembe, Bonny, Elem, Kalabari and Orika all along the Niger Delta, settlements that have subsequently been described as 'city states'. The city-states divide broadly into two political groupings – monarchies *and* republics. The former included Bonny, which was the economic and political centre of the Niger Delta and had been ruled by a monarchy that dated back to the mid-fifteenth century. After the end of the slave trade, these city states soon became the 'trading houses' for the new African export of palm oil.

The leader of Bonny King George Pepple soon came into conflict with British traders over access to the African interior, where the British feared to go, and in 1856 he was exiled, temporarily, by Consul John Beecroft. In his absence, a new vigorous leader, Ja Ja emerged. The son of slaves, Ja Ja, established a new city state in 1869, that of Opobo, that would come to dominate the production and sale of palm oil selling it directly to the British and restricting trade by controlling access to the interior. The problem of access to trade and routes remained. It became clear that British interests would be better served if Ja Ja was removed, but arguments had to be devised to legitimise it.

The question was, were these city states sovereign? In answering this question what must first be taken into consideration is the general development in international law during this period. This was the era of legal positivism. John Austin wrote that, contrary to the universal nature of international law espoused by Grotius, the sole source of international law were states through the implementation of legal instruments. The philosophy of positivism provided the primary jurisprudential resource for the jurists of the late 19th century. Naturalism provided that the sovereign administered a system of natural law by which it was bound. Positivism, by contrast, asserted that not only did the sovereign administer and enforce the law, but that law itself is the creation of sovereign will. The sovereign is thus the foundation of positivist jurisprudence. Thus the traditional universal customs of international law:

³⁷ Jones, George, *The Trading States of the Oil Rivers*, Oxford University Press, 1963, 79.

³⁸ Ibid 81.

³⁹ Parl.Pap.1854, LXV(296), Quantities of Palm Oil imported into UK, 1844-53.

...is transmuted into positive law, when it is adopted as such by the courts of justice, and when the judicial decisions fashioned upon it are enforced by the state. But before it is adopted by the courts and clothed with legal sanction, it is merely a rule of positive morality.⁴⁰

In many instances it was not morality, but military force that the positivist perception of international law was promulgated by. Increasingly, the city state and tribes of the non-western world were deemed to be not sovereign, their histories as independent political entities ignored. Yet legal historians who doubted the positivist view of international law, such as Sir Henry Maine, had convincingly demonstrated that previous political communities abided by a system of law that did not, in any way, conform to the definition of law outlined by Austin.⁴¹ The historical record provided compelling evidence that rules 'were issued and obeyed in ancient political communities without the presence of a commanding superior wielding coercive physical force'.⁴²

It followed that if a treaty were signed between two states concerning a matter, then that was, in the least, indicative of what constituted international law at that time, and that the parties to the treaty were recognised as subjects of international law themselves. It was in these circumstances that the British Consuls and traders and active city state chiefs came into conflict and this was the discourse through which it was resolved.

In the years immediately prior to 1884, British traders were increasingly concerned by the incursion of French traders into the Niger Delta. A consolidation of British interests had already occurred with the merger of several competing firms into National African Company (NAC) in 1879. In response to the French incursions, the British Consuls, at the behest of the NAC, sought to insert a degree of protection of the British trading position, into treaties with native chiefs. In essence these protectorate treaties sought to forbid native chiefs from having trading relationships with any other traders apart from their longstanding British ones.

Under the treaty the British sought to control the external relations of the relevant city state that was party to that treaty. Yet, the very ambiguity of the text of the treaties allowed for different interpretation. There were references to free trade, the propagation of Christianity, and the entitlement of British to levy taxes or 'comey'. This was the naked usurpation of 'sovereign' rights of the putatively autonomous states. Ironically, the very act of signing the protectorate treaties by their kings or chiefs imbued the city states with sovereignty.

As such the kings could question the scope of the treaties, but King Ja Ja of Opobo (as he was now known) remained suspicious of the implications of the word 'protection' in the official instrument establishing the protectorate regime, The West African Order in Council, of 1885. He demanded a written definition of 'protection' from the British Consul Edward Hewitt, as a pre-condition of signing the treaty. Hewitt replied:

⁴⁰ Austin, John, *The Province of Jurisprudence*, Noonday Press, 1954: .31.

⁴¹ Maine, Sir Henry Sumner, *Ancient Law: Its connection with the Early History of Society and Its Relation to Modern Ideas* (1st American Edn), C.Scribner, 1864.

⁴² Schmidt, Brian, *The Political Discourse of Anarchy*, State University of New York Press, 1998, 104.

I write as you request with reference to the word 'protection' as used in the proposed treaty that the Queen does not want to take your country or your markets, but at the same time is anxious that no other nation should take them. She undertakes to extend her gracious favour and protection, which will leave your country still under your government.⁴³

Duly reassured, and believing himself to have a personal bond with the Queen, who had given him a sword and scabbard in 1879 as a reward for helping Britain, Ja Ja also managed to have clauses relating to promoting Christianity and free trade removed from the agreement. He thus retained control of much of the interior palm oil trade. This caused resentment amongst the denizens of the National Africa Company, especially as Ja Ja's income was estimated at £300,000 per year.

Thus the terms of the protectorate were torn up, or at the very least reinterpreted. In 1886, the new British Consul, Harry Johnston, invited Ja Ja to meet him on board the ship HMS Goshawk. The latter refused, fearing for his safety, but finally went under the following safe-conduct guarantee: 'I hereby assure you that no matter whether you accept or reject my proposals tomorrow no restraint will be put on you...you will be free to go as soon as you have heard the message of the government'.⁴⁴

Once on board Ja Ja was given the alternatives of submission for trial, or leaving the ship, in which case he would be considered at war. Left no choice, he was exiled to Accra in neighbouring Ghana. Johnston's actions pointed to the fiction that Britain's protectorate over these states was one under which their internal sovereignty was guaranteed. Johnston pursued a policy of replacing traditional forms of government with 'Governing Councils' of his own design in which the British Consul rather than the King was executive head.⁴⁵

The overthrow of King Ja Ja came in the aftermath of the Berlin Conference of 1885. At this meeting of the leading European powers, there was agreement that Africa would be divided into spheres of influence. The method for doing this would be the implementation of the protectorate agreements on a wider scale. Thus the head of the judiciary in Britain, was moved to give a definition of protectorate. Lord Selborne explained that a:

Protectorate is the recognition of the right of the aboriginal or other actual inhabitants to their own country, with no further assumption of territorial rights than is necessary to maintain the paramount authority and to discharge the duties of the protecting power.⁴⁶

Yet in effect, the implementation of a protectorate was little more than the acquisition of land by a legal fiction. In the year of the Congress of Berlin, Joseph Thomson, a young Scottish naturalist, was despatched by Sir George Goldie, chairman of the

⁴³ Consul Hewitt to King Ja Ja, 1 July 1884, enclosed in Ja Ja to Salisbury, 5 May 1887, F.O.84/1862, quoted in Anene, J.C., *Southern Nigeria in transition 1885-1906*, Cambridge University Press, 1966, 66.

⁴⁴ Burns, Sir Alan, *History of Nigeria* London, 1956, 149.

⁴⁵ Anene. *Southern Nigeria*, 132.

⁴⁶ Memo by Selborne, 3 January 1885, quoted in W.R. Louis (ed), *France and Britain in Africa*, New Haven, 1971, 209.

National African Company, on a secret mission to the capitals of the Sokoto caliphate. Sultan Umar of Sokoto was the legal, and in large measure effective, sovereign of the great *theocratic* empire of ‘Uthman dan Fodio’; the Emir of Gwandu, since the death of the founder, had been recognised as viceroy of the western provinces, though the Sultan exercised not only ultimate sovereignty, but direct supervision of state security and foreign relations.⁴⁷

Thomson returned to Goldie with treaties dated 1st and 13th June 1885, in which the rulers of Sokoto and Gwandu respectively conferred on the Company their ‘entire rights, absolutely, to the country on both sides of the River Benue and Kworra for a distance of ten hours journey inland, or such other distance as they may desire, from each bank of both rivers throughout the dominions’.⁴⁸ The authenticity of these treaties by which powerful rulers seemed to concede so much, is clearly questionable. When Staudinger, a young German naturalist deputising for Flegel as bearer of the Kaiser’s gifts, was received by the Sultan on 30 December 1885 he was told that, when Thomson’s party

had wanted to acquire land, he [the Sultan] had roundly refused this demand. He would not sell them one inch of the lands under his sovereignty which were inhabited by Muslims, still less would he relinquish the right to trade to any single person; his markets would be free for all peoples.⁴⁹

In 1886, the National African Company was granted a Royal charter and was renamed the Royal Niger Company, with wide ranging administrative, but ambiguously defined powers that amounted to sovereignty. However, in December 1899 these powers were removed when the British Crown issued a formal unilateral (and in the strict sense, illegal) declaration of protectorate over the Lagos interior. At the same time the Niger company’s territory below Idah was taken over by the Niger Coast protectorate, now renamed the Protectorate of Southern Nigeria, under Sir Ralph Moor. The protectorate of Northern Nigeria, with Frederick Lugard as High Commissioner, assumed charge on 1 January 1900, directly administering the Niger Company’s territories north of Idah.⁵⁰

Thus it was only in 1900 that the sovereignty of the disparate regions of Nigeria was formally eviscerated. In practice, it had occurred some 15 years earlier. By 1913 the country of Nigeria was formed out of the plethora of city states and other communities. The author Ben Okri likened the country to ‘several babies who were joined at the hips. They were all different, they had few resemblances, their hues were dissimilar and they were severely antagonistic to one another.’⁵¹

⁴⁷ For the institutions of the Empire, see Last, D.M *The Sokoto Caliphate* 1967. On the position of Gwandu, S.A Balogun, Gwandu Emirates in the Nineteenth Century, with special reference to political relations PhD thesis, University of Ibadan, 1971 esp..320-1.

⁴⁸ Hertslet, E. *The Map of Africa by Treaty* 3rd edn London, 1909 Vol.1 pp.122-4. The text quoted is that of the Gwandu treaty; the Sokoto treaty differs only slightly.

⁴⁹ Staudinger, P, *Im Herzen des Haussalander* Berlin, 1889 .321.

⁵⁰ Flint, J.E, Nigeria: The Colonial Experience From 1870 to 1914 in *Colonialism In Africa 1870-1960 Vol.1 The History and Politics of Colonialism 1870-1914* L.H Gann & P. Duignan (eds) Cambridge University Press, 1969, .243.

⁵¹ Okri, Ben *The Songs of Enchantment* Doubleday, 1993, 14.

This antagonism spilled over only six years after Nigeria attained independence in 1961 when Biafra attempted to secede. The sovereign unity upon which the modern state was supposed to be founded was shown to be a sham, unable to sustain the myriad nations within the state's artificially constructed borders. As a result of this Nigeria has lapsed on more than one occasion into military dictatorship, and has seen the benefit of its vast natural resources, notably oil, siphoned off by ruling elites.

Control of Nigeria was imposed in order to secure trade. Sovereignty was used in two ways. First to create a political order and then to overrule it. In Iraq, to which we will now turn, control of the country was assumed in the aftermath of war. Like Nigeria, Iraq is an artificial construction, largely the creation of an acting British Civil Commissioner in Baghdad, Arnold Wilson, at the end of the First World War. When the Ottoman Empire finally crumbled in the aftermath of the war, the region that was to become Iraq consisted of three separate provinces, the vilayets of Basra, Baghdad and Mosul. Wilson argued that including the Kurds of Mosul in a new country would help to reinforce the minority Sunnis against Shia domination.

According to Wilson, 'There was no real desire in Mesopotamia for an Arab government...The Arabs would appreciate British rule'⁵². He and his assistant Gertrude Bell drew up a scheme for a unitary Iraqi state with almost no local consultation, ignoring those who advised against yoking together Assyria and Babylonia, Sunni and Shia.

At a conference in Cairo in March 1921, it was decided to offer the throne of the country to Prince Faisal, a member of Hashemite dynasty, that had been sympathetic to Britain since the First World War. Presided over by the Naqib of Baghdad, the Council of Ministers, invited Faisal, a Sunni Arab, as a 'guest of the nation' and on July 11 unanimously adopted a resolution declaring him King. This coincided with the most dangerous potential rival to this new style constitutional monarch, Sayyid Talib of Baghdad, being quietly deported to Ceylon for daring to use the slogan 'Iraq for Iraqis'⁵³

Under the 1922 treaty between Iraq and his Britannic Majesty, the basic provisions of the Constitution of Iraq were provided for, and Britain undertook to 'support and assist' the 'armed forces' of the King of Iraq, when this was necessary, and to provide guidance and advice to the King of Iraq – who agreed to 'fully consult' with Britain on how to manage the economy and finances of the country.⁵⁴

Though ostensibly a sovereign state Iraq remained very much under the influence of Britain, particularly through the position of the Iraq Petroleum Company which was partly owned by the British government, until the Hashemite dynasty was overthrown in 1958. After this, the government of Iraq was vested in a series of military strongmen until, once again, sovereignty reverted to a western power, in this case the United States, after the overthrow of Saddam Hussein in 2003.

⁵² Fromkin David *Peace to End All Peace: Creating the Modern Middle East, 1914-1922* London, 1991, 453.

⁵³ Ibid .507.

⁵⁴ Treaty Between His Britannic Majesty and His Majesty the King of Irak, Signed at Baghdad, 10 October 1922, in Wright, Quincy *Mandates Under the League of Nations* University of Chicago Press, 1930, .595.

Technically, sovereign was transferred back to the Iraqis by the interim American authority, in June 2004. Yet in what sense is Iraq sovereign? Can Iraq ask foreign troops to leave the country? Can it renegotiate treaties signed with western oil companies? Does the government have the writ to impose law and order in the country at large? Even if it did, could it?

To all these questions, the idea that sovereignty has, or could have any real practical role is ludicrous, as are the pronouncements by George W. Bush that sovereignty resides with the Iraqi people. It is a vacuous abstraction as it has been for much its history. Understood as a social contract, sovereignty has been traduced, whether by the imperial powers, or by the imposed domination of a Sunni elite in a state of several nations *in their own interests*. Attempts to suppress these different nations has led to the outbursts of violence that we now bear witness to.⁵⁵

Conclusion: The Poverty of Sovereignty

Bickerton *et al* criticise and claim to debunk arguments in IR theory which claim that sovereignty is either ‘morally dangerous, conceptually vacuous or empirically irrelevant.’⁵⁶ These arguments by an ‘unholy alliance’⁵⁷ of detractors (ironically and paradoxically making the defence of sovereignty, like repelling Napoleon’s forces of revolution, a Holy or Divine calling) converge on the idea that, empirically, sovereignty no longer exists. In the absence of a belief in the Divine sanction of sovereignty, it is arguable that sovereignty never existed in the first place. Indeed, in one of the most perceptive comments in the volume, James Der Derian argues that despite claims and counter claims, the concept of sovereignty has failed to deliver on its promise which might lead one to argue that it was never capable of delivering on it in the first place simply because its guiding assumption – the existence of an authorial God – is without empirical basis.

By way of conclusion we wish to draw out some of the key problems with the concept of sovereignty from the preceding analysis.

Sovereignty is Analytically Useless

Our argument lends support to Suganami who has argued that a ‘nominalist’ approach to sovereignty, one unconnected to the actual historical legacy of the concept cannot tell us very much about the structure of power in the contemporary world order. Taking Krasner to task, Suganami argues that neither the domestic autonomy implied in his Westphalian model of sovereignty nor the international autonomy necessitated by it, ever even existed in the so called Westphalian era.⁵⁸ Indeed, this is a problem

⁵⁵ Similarly, the vacuity of sovereignty can be applied to Palestine. Once again, there is the spectre of an artificial state being created, namely Israel, this time arguably for noble reasons, but once again with disastrous consequences. Palestine remains a nation progressing towards the ideal of statehood, yet the idea that there is any semblance of sovereignty is laughable. A government elected in the Palestinian authority through a democratic process is simply ignored by the international community at large and actively fought against by Fatah which *is* supported by the international community.

⁵⁶ Bickerton *et al*. ‘Introduction’, 4

⁵⁷ *Ibid*, 1

⁵⁸ Suganami, Hidemi. "Understanding Sovereignty through Kelsen/Schmitt." *Review of International Studies* 33, no. 3 (2007): 513

that numerous commentators on Rousseau's thought have also highlighted.⁵⁹ But Rousseau solves this problem by ultimately saying it is the Lawgiver that ought to be sovereign, infused with the mandate of the democratic process, but the larger the polity, the fewer the number of law-givers. It is for Rousseau an inverse ratio, much as it was for the Calvinist clergy and the role of Governor generals and the executive power of presidents and Kings throughout history. This simply will not do.

In actual political practice sovereignty lies exactly where its cheerleaders would have it lie whereas in fact it simply does not exist. Neither the people nor the prince has ever *actually* been sovereign. Sovereignty is a discourse of power that legitimates political practices not by reference to forces and principles immanent to this world, but ultimately by reference to the authorial power of God. Sovereignty is therefore analytically useless, not because we believe the sovereign state has been superseded, but because it is impossible to say with any degree of accuracy where sovereignty lies in the first place or whether a sovereign state has ever actually existed. A secular conception of sovereignty is *always already compromised* by the plurality of sovereigns, by the necessity of the un-sovereign other to constitute the sovereign, by the sheer contingency of social power and by the social, political, economic, cultural and religious structures that enable and constrain the actions of the people that would be sovereigns. The state is a far more viable analytical concept and one which we should retain divested of its theistic and absolutist cloaks, since it provides purchase on the nature of social reality, of power relations and a possible object of viable critique. Divested of sovereignty it becomes the culmination of human action and thus open to human change once more. Historicised it is contextualised and can be shown to have changed markedly over time, to have had very real and disastrous effects on our lives and also can be shown to be a largely pernicious force in (international) society.

Sovereignty is Politically Counter-Productive

Sovereignty is politically counter-productive, or, put another way, sovereignty might be said to be politically flawed as a concept. We would argue that this is *not* because it is immoral but because it erodes the very thing it purports to support and demand for its realisation – autonomy and self-government. Alienation, no matter how it is spun, is precisely that. It is not the exercise of our free wills. The discourse of sovereignty justifies ignoring the opinions of those who disagree with the state. It also justifies killing those who would actively resist the encroachments of the sovereign state.

As Benedict Anderson has sought to remind us, early post-colonial movements were *anti-statist*,⁶⁰ and given the legacy of the state in these areas it is easy to see why this would be so. Arguments to the effect that modern post-colonial states are somehow liberated also elide the fact that their social elites are and have been (where they have not yet been deposed by western forces or undermined by local populations) Western puppets. We can only hope that the exceptionalism of struggles against foreign

⁵⁹ See, for example, Talmon, J. L. . *The Origins of Totalitarian Democracy*. London: Secker and Warburg, 1952. Talmon, J. L. *Political Messianism: The Romantic Phase*. London: Secker and Warburg, 1960.

⁶⁰ Anderson, Benedict. *Under Three Flags: Anarchism and the Anti-Colonial Imagination*. London: Verso, 2005.

oppression are cast in terms that avoid the discourse of sovereignty and all it implies for it is undoubtedly the case that this will merely replicate the failures of the past. Sovereignty has failed as a political project – the challenge for IR theorists is to resist the reactionary views of Bickerton *et al* and continue.

Sovereignty is Morally Vacuous in a Secular or Multi-Faith Society

Why ought we to accept the state's claim to be the final point of '*absolute*' authority in a given society? In what sense is this moral? For Rousseau, and it is arguable that his was the most articulate expression of what has the potential to be an infinitely varied theory, justice was providential as opposed to immanent. But in the historical absence of any providential pay-off it seems alienation is simply handing over our autonomy to someone else who deigns to assume that he or she knows what is best for us. This is not moral in mass societies like ours where our tacit consent is routinely used and abused in the interests of causes that are not our own.

In a secular society, a society where the arrogance of religion has been expunged from politics, bargaining and cooperation are a persistent feature of political life. We have to accept contingency, difference, pluralism and *the absence of a final point of authority*. This is in fact the precondition of politics as such, whether we understand it as institutional or theoretical and we need to re-build our political institutions to reflect this. First up for the wrecking ball must be the discourse of sovereignty.

In conclusion we would argue that sovereignty as both theory and practice is a malignant blight on our history and future. We would follow Richard Tuck who has argued the following:

The international arena has been the laboratory for testing liberal political ideas [especially sovereignty] since their invention, and what happens in it seems to suggest that the government of real political entities is incompatible with a clear notion of human autonomy; at least one Kantian (Robert Paul Wolff) has duly drawn the conclusion that the only genuinely Kantian political theory [of autonomy] is anarchism, though few modern liberals have followed his lead.⁶¹

It would of course have made E. H. Carr baulk that anarchism might be the solution to international anarchy. But that is how it is with the history of ideas and their future – they are contested. It is the fact of the absence of a transcendental order, of a final point of authority or a providential purpose to history that we need to look to those systems of thought that have always been based on these ideas. Anarchism stands alone in this regard. This paper is thus the first stage in clearing the rubble so that we might better understand the terrain in which anarchism might be brought forward. The broader project will have to be left for another time.

⁶¹ Tuck, Richard. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. Oxford: Oxford University Press, 2001, 229-30. cf. Wolff, Robert Paul. *In Defence of Anarchism*. Berkeley, Calif.: University of California Press, 1998.