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A genealogy of sovereignty

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Declaration

I, Zubaidah Al-Jubory, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date 15.12.2016

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Abstract

Passing through centuries, the concept of sovereignty has been carved out as the bearer of all that which modern political science is about, and constitutive to all that which modern politics can be known as. Sovereignty, whenever presented as a general concept or a property of individual states, is already a *given* to experience, semantically or empirically. This complicates the proceedings of political science inquiry into the nature of its objects.

This paper is not an attempt to answer the question of what sovereignty *is*. Rather, it is a presentation of the conditions of knowledge that provide sovereignty with substance, or make it knowable. It is the story of a concept by genealogical inquiry. As it is described here, the history of sovereignty resists a stable and teleological interpretation, highlighting epistemic discontinuity. This history refuses to fit sovereignty neatly into delimited contexts, and seeks instead larger discursive wholes, even as they appear in a different garb than the ones more commonly found in politics and academia.

The history presented in this paper dates back to the Middle Age, and from there it discerns how the source, locus and scope of sovereignty change with time and space. This translates into a chronological series of cumulative discourses, whereby sovereignty is distributed downwards from God to king, and then from king to people.

This paper finally concerns itself with history itself. Authority and power, sovereignty and legitimacy, are anachronistically employed and framed, by the aid of canonical texts, legitimate rule and supremacy within the modern state. These claims are disentangled and contextualized to reflect the conditions of knowledge of each of the periods discussed.

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1.0 Introduction

If there is one concept political science is well acquainted with, it is *sovereignty*. Typically, the locus of sovereignty within a political reality is within the domain of the state. The state becomes the very condition, the prime unit of analysis, whenever modern political science seeks to investigate such political phenomena as 'autonomy', 'democracy', 'justice', and 'identity'. In short, contemporary scientific inquiry into the political and the production of knowledge about political reality are intertwined with the notion of sovereignty, right from the start.

The aim of this paper is to investigate how the relationship between the not so inquired into concept of sovereignty and the more frequently inquired into concept of the state came to be a natural part of modern political knowledge. Specifically, what we seek to answer in this paper is: How has sovereignty come to be the defining property of the state?

Thus posed, the overall objective of this study is to provide a conceptual history of sovereignty. A historical overview will reveal the various conditions of knowledge, forcing us to see sovereignty in light of epistemic discontinuity and ceaseless exchange of opinions. A historical approach, furthermore, emphasizes the need to step out of a narrow temporal frame and stay open to rhetorical and inferential discursive wholes, even as they take a step beyond a strictly 'political' sphere. In this lies the ambition of discovering the genealogy of political science itself, preemptively by looking into the effective formation of truths across scholarly disciplines and philosophies.

There is now a shared sense across a number of fields, from geography to law and sociology, that the conventional understanding of sovereignty as unlimited and indivisible rule by a state over a territory and the people in it, and the state as the holder of the monopoly of legitimate violence, is in need of serious critical scrutiny (e.g., Camilleri and Falk 1992; Walker 1991; Murphy 1994; Anderson 1983; Biersteker and Weber 1996; Luke 1996; Hashmi 1997; Ong 1999; Mason 2001; Sidaway 2003; Stacy 2003).

This is a piece that embarks on an exploration of the philosophy of political ideas, and it is therefore best situated within this genre of history, not merely seeking out a sufficiently precise operational definition so that sovereignty can become a ready-made object of inquiry for

political science. Rather, this is an attempt to find out what sovereignty *is*, by asking *how* it has been spoken of and known throughout a period of time.

In all likelihood, most human societies have confronted problems of power and authority, as well as questions about territory and belonging. Within the regional context of European political thought, we can discern how the source and locus of authority is distributed downwards in a slow chronological series, ranging from God to king, and then from king to people. In modern political science, this knowledge is either dismissed as reminiscent of a past bygone with no relevance to today's world or, as is most often the case when scientists attempt to demystify sovereignty, answers tend uncritically to repeat premodern or early-modern formulae as a solution to contemporary problems. The story of sovereignty, as will be shown in the subsequent chapters, is linked to knowledge about the political in a relationship that is co-constitutive, whereby they implicate each other logically and produce each other historically. The underlying assumption of this claim is that knowledge is political, and politics is based on knowledge. Using old formulas to explain contemporary issues by projecting these to a presentist approach tends to eschew this relationship and inhibits productive and critical thinking.

It is within this framework we must understand our political concepts as ever fluctuating; constantly moving in certain directions more by unintended consequences than by intended ones. The question of sovereignty hence becomes a question of the implicit or tacit foundations of our political knowledge, which cannot be understood unless it is investigated for all its definitional shifts and changes over time, and stripped of all predetermined meanings or content. In the first chapter we will see that up until the thirteenth century a range of political outcomes were on offer for Europe as a whole. As a consequence of social transformation, a change in knowledge and an expansion of conceptual tools, the nation state gained prominence both in theory and as a reality. But it would take many more centuries before the term sovereignty could be attached to the state. The traditional worldview was wholly universal and the individual remained the legitimate bearer of inalienable sovereign rights well into the seventeenth century. But with a universal cosmos "all in pieces", shattered by all that was taking place in the years from the seventeenth century, accelerating in the nineteenth century before consolidating in the twentieth; the revolutions, mankind's eagerness for novelty, changes in economic organization and the impact of industrial innovations on infrastructure and militaries, all helped shift the source, scope, and locus of sovereignty.

The methodology applied in this paper is a genealogical method. The paper opens by addressing some of the implications of this approach. The succeeding chapter contains in-depth segments of three epochs termed the Middle Age, the Classical Age, and the Modern Age. Chronologically presented, the aim is here to enhance the understanding of what is behind the claim that sovereignty is conditioned by whatever knowledge is available at the time of conception. It is assumed that intellectual changes in the *mentalité collective* reflect a parallel change in conceptions of law and order, and by consequence where and how sovereignty is interpreted to reside. It is here implied that the issue of time and history throughout the Ages have enabled certain logical conditions that are heavily intertwined with identity formations, teaching us something about who we are and who are not a part of 'us', and as such may be posited as a friend or enemy. the paper also address contemporary political science, and particularly the issue of how we as students of international relations (henceforth IR) may benefit from extending our historical and philosophical knowledge. The view of this student is that IR has some severe shortcomings in regard to the inclusion of other disciplines, specifically history, and even more emblematic the role of philosophy in political thinking. Both exclusions have rendered the understanding of the present problematic. While the first has long been pointed out, most noteworthy by historical sociologists, the second has remained rather unspoken for. Against the advice of scholars such as Wight (2002), Hobden and Hobson (2002), IR theory continues to take for granted the very political units that define it as a discipline.

2.0 Methodology

“All concepts in which an entire process is semiotically concentrated defy definition; only something which has no history can be defined” (Nietzsche 2006: GM, II, 13, 53)

In his opening chapters to the *Genealogy of Sovereignty*, Jens Bartelson questions, aptly so, the inability of political science to do to our contemporaneity what Jean Bodin, Thomas Hobbes and Jean-Jacques Rousseau did to theirs (Bartelson 1995: 1). Bodin’s indivisibility, Hobbes’ social contract, and Rousseau’s macrocosm of man, are representations of a different age; their works vividly reflect the epistemic foundations of their own time. From a contemporary perspective, their elaborations on sovereignty stand before us as discontinuities of ontologies.

Discontinuities are the first of historical aberrations, along with conceptual reversals and changing metaphors. As noted by Friedrich Nietzsche, for every sort of history, the origin of the emergence of a thing and its ultimate usefulness are separate things entirely (Nietzsche 2006: 53) because what exists, everything, whether concepts, institutions or organs, is under constant re-interpretation and adjustment and re-directed to a new purpose. These processes obscure or completely obliterate the relation of ‘meaning’ and ‘purpose’ while the new function is a testimony, a *sign*, of what has become impressed.

Genealogy is a tool appropriate for capturing these changes. Where historians search for a continuous chronology of reason and the tracing of origins, a genealogist like Michel Foucault searches for “the scales that are sometimes very brief, distinct from one another, and cannot be reduced to single law or general model of consciousness” (Foucault 1977: 9). The genealogical method is a history not in terms of the present, but it is a history *of* the present, in terms of its past (Bartelson 1995: 7). The approach by which the present is evaluated is deconstructive, addressing itself precisely to that which is taken for granted or regarded as unproblematic by a scientific analysis. The principles of genealogy must necessarily reflect over the role of the historian’s account of these philosophers, theologians and academics, which entails being precise about the context, that is the changing propositional conditions of the discourses. The markers or ‘registers’ of such changes are the topoi, metaphors and vocabularies that are products of long processes of linguistic change, which help us distinguish one author from another, and (albeit with more difficulty), also help us identify languages (Pagden 1990: 19-41) and deconstruct the

elements behind such complexes of categorization of ideas as 'liberal', 'democratic' or 'humanism'. The historian's task is to identify in these new forms and combinations a specific unit-idea or social phenomenon (Lovejoy 2011). These categories, to be sure, are not permanent, but change according to the external circumstances they seek to describe (Pagden 1990: 99-123). Thus, assuming that Beaumanoir meant by sovereignty and Pufendorf spoke of the international system in the same manner we apply these terms today, is surely to go wrongly about it, since this would imply what Jens Bartelson calls a finalist and presentist history. In the first case, the present is a projection of the past, a narrating of history with some teleological end in sight. In the latter case, the possibilities and problems of the present are treated as readily available in a historical past (Bartelson 2009: 55). Instead, the aim is to understand the area of experience of the terms related to the modern state. This involves the dissection of the dialectic that sustains both the centrality and the ambiguity of the concepts dealt with at a given point in time, and incites a critical look at the practices of definition to the underlying assumptions that realize these concepts. In this view, discourse is not primarily a reflection of reality, but a way to construct reality, or make real the world itself. Concepts are therefore powerful tools of world-making, rather than innocuous efforts to grasp, conceptually, a material or physical reality that can be known independent of and 'outside' of us.

2.1 Limits and scope

The scope of this research is perhaps best viewed in the context of what it has not attempted to mimic. International relations theories have always claimed privileged knowledge of *sovereignty*, in a primarily state-centered understanding of the concept. This has resulted in ahistorical accounts, which genealogy at a later point has added history to. Others have been parochial on their accounts, giving prominence to the historical formation of states, while ignoring other important factors such as the significance of expansion and colonialism as a crucial factor to European dominance. Still others have attempted unacknowledged progressive philosophies of history, which genealogical approaches put back in their historical place (Aradau et al. 2014: 161).

Methodically positivist accounts of the social sciences can offer internal tests to objective data, validity and logic, reliability in the evidence and a myriad of modelling alternatives (Cresswell 2013: Ch. 8). The result is a rather appealing image of an ordered world. Interpretive methods question the very idea of the objective world, a logic which in Rousseauian terms burdens the art upon the outline and oppose good form to bad form, melodic to harmonic and sense for abstraction (Derrida 1976: 210). Genealogy is different from positivistic social science in that it does not attempt a general theory and aims for “acausal images of mutual constitution” (Connolly 2004: 342). Rather than a singular truth, post-modernists argue, there are likely to be as many truths as there are perspectives on any given issue (Devetak et al. 2012). Instead, contemporary critical scholars maintain, the truth of social, political, and moral questions is given through our methods of studying them.

Finally, whereas history has remained closed in its inferential about discourses, institutions, structures and agents, contemporary critical scholars subscribe sympathetically to Socratic irony, emphasizing the openness or serendipitous nature of their methods remaining “without a research program” (Salter and Mutlu 2013: 24). To have a research program is to endorse a political position and close off innovation, emancipation, critique, or discovery.

The first of limitations is my confinement to an exclusively Anglophone tradition. This is partly because of time limit. But it is equally true that a more concise historical account can only be given by examining the histories of individual linguistic communities one at a time.

Secondly, my investigation of sovereignty has been guided by the demands of genealogical method. The genealogical method is effective, starting with identifying something as problematic in the present and explaining their formation out of a past. The genealogical method is episodic and does not recount the past exhaustively, dealing instead with those episodes which are involved in the effective formation of that which was identified as problematic. The genealogical method, lastly, is exemplary, dealing not with examples for their trans-historical value, but only insofar as these examples are coherent and locally true to the point of view of their own time.

A final precaution regarding limitations is access. I have tried to the best of my abilities to obtain relevant documents for a first hand evaluation. When I could not gain access to the original documents, I have relied on interpretations made by other scholars. The consequences of this strategy are open to judgement by the reader, whom, I hope will find my use of these secondary data sensible.

3.0 The invention of the state from medieval universalism to international society of states

An independent category of human activity called politics was unknown in the early Medieval period. The political outlook of the Middle Age can be understood by taking into account the opinions of a wide variety of authors: politicians, philosophers, theologians, canonists, civil lawyers, a group of clerics and schoolmen known as ‘publicists’, and the various rulers of the time. All of them combined elements of theological, philosophical, legal and political categories of knowledge that could not at that time be separated. Conflicts over the proper orthodoxy and sovereignty over the respective domains of the two coterminous bodies, the Roman Empire and the Christian church, both divinely ordained but with essentially different if complementary spheres of influence (Richards 2014:13) were continuous.

The Renaissance publicists that came after the medieval writers had to deal with new issues: the rights and obligations of Europeans in their new colonies, about freedom of trade and of the seas, and about how to bring under some sort of rule of law the wars which racked a divided Europe (Mattingly 1955: 283). Conflicts of Continental Europe of the time, such as the Hundred Year’s War and the Wars of the Roses as well as the fracturing of Christianity had a destabilizing impact upon the foundations of medieval knowledge. Renaissance writers and philosophers, from Niccòlo Machiavelli to Jean Bodin, set out to reflect reality in the same way as a mirror reflected an image. The spirit of the time called into question the medieval celebration of the warrior virtues and invoking Renaissance self-fashioning (Greenblatt 2012).

Emblematically, throughout the late Middle Age and the Renaissance, sovereignty remained a mark of superiority or a sign of divine origin, known and disseminated by analogy, resemblance and exempla. It was a theory of statehood of a general kind, provided for by means of the organic metaphor, as it substituted for vague democratic allegiances, culture and politics (Bartelson 1995: 27). This theory proved incapable of reconciling the issue of nominalism posed by social changes, the wars between sovereign rulers, and the discovery of the New World.

These issues were transcended in new forms of knowledge, of artistic and philosophical efforts, which marked the shift from the Medieval Age and Renaissance to the Classical Age. The new methods transformed abstract concepts, such as power and interest, into knowable objects that could be methodically disconnected from the ruler and ruled. To Thomas Hobbes,

Baruch de Spinoza and Samuel von Pufendorf, the state had its origin in a preordained contract between men whose historical chronology could be projected inside the tabulation of a *mathesis*, an analytical order of interests in which the king and state are metaphors for one another, posed against an exterior. The separation between domestic and foreign policy is sustained by the language of state interest and by relegating warfare to a place outside an ordered inside. At this particular point in time, the *episteme* by which the possibilities of knowledge were carried by was “the analysis of wealth” (Foucault 2002: Ch 6). This understanding of state and politics became the very condition of description, characterization and taxonomy and a crucial part of the Classical Age knowledge formation.

Towards the second half of the eighteenth century and reified in the Enlightenment knowledge, the state slowly escaped from the fixity of the table finding its *maxims* instead in complex relations. First, the components of the state were redefined and the relations between them rested on an assumption of each component’s sovereignty. As Der Derian and et al. (1989) note, in this knowledge, man is made king, in charge of staking out his destiny both in knowledge and in action. In the same move, the morality that had been subordinated to politics in the Classical Age was once again brought to the fore, advancing the idea of state interest in the lines of a general interest in mankind and human society. Secondly, history became an identity bearer and constitutive of communities. Thirdly, these communities were differentiated, and made part of a system that had sovereignty as its organizing principle.

3.1 Early beginnings

At its most abstract level, high Medieval Christian society was a universal body conceived on the analogy of the human body and the human mind. The complex “isomorphic relations within the universal whole and between its component parts” (Bartelson 1995: 93) was sustained by the *corpus Christianum* allegory, where the Church occupied the space of the soul while the laity were the physical body, corporeal and perishable, quasi anima and corpus, uniting the *sacerdotium* and *imperium* respectively (Huff 2003). Conflicts over the proper orthodoxy and sovereignty over the respective domains of the two coterminous bodies, the Roman Empire and the Christian church, both divinely ordained but with essentially different if complementary spheres of influence (Richards 2014:13).

These ideas, and the symbols and exempla necessary to legitimate the power of medieval rulers, can be distilled from the mix of Roman and Greek mythology with Christian orthodoxy that provided the base of medieval knowledge. When in 1202, Pope Innocent III declared that *‘insurper cum rex superiorem in temporalibus minime recognoscat’*, he was merely giving legal expression to an already established idea since the Age of Constantine,- the idea of an emperor who had no superior in the temporal world (Ullman 1949: 4). The royals in return borrowed the divine nature attributed to Churchmen, the notion that words and agreements are holy and final, virtues, norms and values of the Canon law, and even the hierarchical and organizational structure of the Ecclesia (Grant 2001), to form secular counterparts

According to Ernst Kantorowicz (1997: 92), Roman authors Seneca the Younger and Flavius Vegetius Renatus (Vegetius) paralleled a papal *Christus in terris* with an imperial *deus in terris*, each with its respective possessions. From the *fisc*, as a derivate of “purse” taken from the private property of the king and referring to “the king’s purse into which the king’s money was received”, the lawyers proceeded to a more impersonal and public exposition of fiscal property. After elaborate discussions to whom this *fisc* belonged, its temporal nature as well as its terrestrial consequences, jurists found it both “perpetual and eternal” (Kantorowicz 1997: 185), contributing thus to articulate the concept of a sempiternal public sphere within the realm.

Facilitated by a division in time between the eternity of the heavens and the finite nature of temporal time, the pertinent and all-encompassing theory of duality (Ullmann 2013: 3) makes it possible to speak of the dual nature of Christ, the dual nature of the Pope and even the dual

nature of existing. The allegories and analogies produced within political knowledge, and such expressions as *corpus-anima*, *lex animate*, the embodiment of *congregation fidelium* in a single ruler, all operated for the maintenance of the *harmonia mundi*.

Within a mimetic Christological paradigm, the state had a divine mytho-sovereignty at its core (see Kantorowicz 1997, Bartelson 1995, Wilks 1964, Gierke 1987), where memory was understood as the word of God and legal documents were employed down to the tiniest protocol. In the context of ontology, this had three important implications. First of all, truth was already present, and anything outside this mode or source of knowledge was not regarded as knowledge. From the liturgical texts, forms of rulership and social organization could be and were justified (Bartelson 1995). Secondly, knowledge is analogous to analogies; the celestial order reflected ideal solutions to various earthly instances according to which the hierarchy on earth could be organized (Walzer 1967). In this there is an implicit understanding of a division of time. In the celestial, time is eternal, whereas in its earthly existence time is perishable, making life on earth implicit in a transcendental framework (Foucault 2012; Ricoeur 1984). Finally, the mimetic rulership was justified in liturgical texts, and its recipe for organization dictated by the celestial order, found a counterpart in the visual expressions of the same relationships. Coronation, and anointment, and burial ceremonies are examples (Schmitt 2005). Another good example is the frontispiece of the Achen Gospels, portraying emperor Otto II seated on an elevated throne bench with the Hand of God reaching from above, representing the mediator role of the imperial rulers between God and the community of men (Kantorowicz 1997: 64).

One of the most decisive moments between Pope and Emperor in the Middle Age took place in the 11th and 12th centuries, in what came to be known as the Investiture Controversy. The struggle came to an end in the 1122 signing of the Concordat of Worms, which formally separated the two powers. This is commonly viewed as a victory to the Church, in which extra-religious influences were drastically curtailed and the spiritual authority that emperors, kings and princes had previously claimed was withdrawn (Huff 2003: 123). Some interpret this struggle as a final realization of the papal claim to the *plenitudo potestatis* (Wilks 1964: 151). However, since it was a strict separation between systems of jurisprudence (Berman 2009) it is also possible to see the segregation between Church and Empire as a first step towards the creation of the state.

These events coincided with what Gierke (1987) simply calls the Reception. With it the idea that the *harmonia mundi* belonged to a strictly divine sphere was challenged. Now with access to Timaeus' inquiry "What is that which is eternally and has no becoming, and again what is that which comes to be but is never?" (Timaeus in Plato 360 B.C.: sec. 28C: p.87), medieval scholars were led to various conclusions over the "*telos*" and "*finis*" of the cosmos with the end result of bringing eternity within the grasp of a this-worldly reality. Secondly, in the dissemination of Aristotle's ethical and political works, conceptual resources were accessed and helped the replacement of the old order. Thirdly, in the revival of the Justinian corpus the trainees of laws found the unchallenged rights of the emperor to superiority in jurisdiction and his role as guardian of the Church (Holmes 2001: 190). Law became essential in the absence of religious doctrines.

That is not to deny the existence of non-subjective ordeal-based laws prior to this moment. Indeed, at no time in history did the peoples of Western Europe lack legal order or legally constituted authorities (Berman 2009: 49). An early example is the Germanic assemblies of the Germanic *moot* (Cantor 2015), and from the Germanic tradition stems the English word "right". Another example is Charlemagne's extensive use of the *missi dominici*, agents of the central administration that held annual courts in the various districts in which citizens could put forth complaints about local authorities (Strayer and Munro 1942: 96). In these procedures, someone's right is objective and subject to discovery by ordeals. The subsequent verdict is then *ius*. As for the non-continental England, the rule of Ethelbert that coincided with the reign of Justinian produced the oldest English laws, though not the first in Europe. *Lex Salica* of the Salian Franks of the German nations is older than anything the English have to show for, to be written in a vernacular or Anglo-Saxon, non-Latin language (Maitland 1984). It was during attempts of Justinian to codify law that the Roman Latin *ius*, came to mean something synonymous to law, *lex*.

These laws, to be sure, did not exist within a clearly defined field of jurisprudence but a combination of political and religious spheres. Jurisprudence continued to be a shared enterprise, and the various law-making bodies such as kings, bishops and corporations continued to issue new laws and hold courts well into the 16th century. With all these legal variations in place it is no surprise that what is anachronistically termed political in the Middle Age is what is expressed in law alone (Ullmann 1970). Especially interesting is the central role played by natural law. To

the Greek philosophers as well as the Roman emperors, natural law is simply the natural order of all living species, their behavior and the relations between them, human and non-human interaction. In thirteenth century logic, however, natural law is limited to human interaction, founding the idea of man as conducting his affairs in terms of a natural law. The Medieval scholars of this time, most of them churchmen who had attained the skill of reading and writing, laid the foundations that their successors could build on as the ultimate *standards* for accepting or rejecting a specific legal practice or principle (Berman 2009), emphasizing the idea of natural law as the apex of the legal order.

Jointly, these factors invoke a threefold process. Firstly, the pope was dispossessed of his Christ-like attributes so that there were two entities; Christ as the eternal sharer of the throne of God, and the mortal pope as a head of temporal, not mystical, church (Wilks 2008: 267). Secondly, still with religious tenets, the symbols of the sacerdotal monarchy were transposed to new secular polities and the religiously imbued *patria* came to equal Aristotelian *corpus morale et politicum* (Bartelson 1995: CH 4). By two consecutive strokes, starting with John of Paris and ending with William of Ockham (who formulated the razor argument), there was a concession that society could still be social and rational without the spiritual element. The Pope and his Universal Church, a *congregatio fidelium*, were omitted from the political space, conferred to a spiritual space instead (Wilks 2008: 91). As manuals of conduct, papal scriptures were replaced by rational and man-made laws. Unity and harmony of men, it was claimed, could only be achieved by a regeneration of society whereby political interests remained under one head independent of the Church (Alighieri 1309). Finally, the King, not the Pope, sat as the head of this new body politic (Gierke 1987: 63), holy as a hypothesis of an immortal semi-divine idea of law, and deriving his authority from human nature and reason as the symbol of the *legislator humanus*, an instance anticipating the introduction of proto-sovereignty of the Renaissance.

Before the Renaissance, sovereignty was never wholly detached of a *potestas limitata*. The absolutist theory of the Middle Age invariably recognized that the monarchy which is extolled to sovereignty was conditioned by the fulfilment of duty. The *status* of an organized community was preeminently the public and common welfare of the corporate body and its members (Post 1964: 310). John of Salisbury had made the end of the common good the moral reason of the state an obligation never to lose sight “of the weal of the others” (Gierke 1987: 25). As early as the twelfth century, he made the public consociation, the *universitas* and its ruler,

subject to rule of commutative justice. In the English context, Henry Bracton described the form of rule in a society with divided functions by the term ‘unicorporate’, referring to co-operating bodies of barons and king, maintaining that this was the best form of rule in terms of achieving justice (Maitland and Pollock 1899). In Bracton’s view, “the king”, although “below no man” and unable to wrong, be sued or punished, “is below God and law; law makes the king”¹ (Bracton 1915: Ch. 7-9; Maitland 1919: 100). What is meant by this is that the king is bound to obey the law, though if he breaks it, his punishment must be left to God. In the French context by contrast, the royal position seems unbridled in that the king himself or any other great lord to whom the counsel of the vassals have a distinctively subordinate position, have the responsibility for “keeping and having kept” the customs of his realm (Miller 1956: 294). These two legal frameworks, constitutionalism and absolutism, came to be the main variations of political regimes (Ertman 1997), demarcating northern and southern European states respectively (ibid: 21). Although in the Bractonian *De Legibus et Consuetudinibus Angliae* (c.1235) the designate of the law is an entire kingdom, and Beaumanoir’s *Coutumes de Beauvaisis* represents the first introduction of the notion of sovereignty within political discourse (Bartelson 1995: 88), this was written for a single *bailliage* (or village). Moreover, in both cases the kingly power remains a mode of *dominium*, not unlike the ownership of a chattel, the lordship, the tenancy, or that of land (Maitland and Pollock 1899: 300).

In the late Middle Ages the structure was clearly altering. Western Europe had acquired a richness of forms of corporate life and institutionalized habits which came to be challenged by the mutations of the feudal state and church inside the towns, the drift towards nationalism of especially the urban tradition of Italian cities, and the forms of citizenship which they harbored. “Along with fixity of particular relationships went a no less radical instability of the system as a whole” (Kiernan 1965: 27). Pressures in Christendom from the outside, separation between upper and lower levels of society, the impoverished nobles and the destabilizing effects of the uprisings were co-factors in the concentration of power. These tensions between classes and established structures are the opening scene of the Reformation for the Eastern part of Europe (Chadwick 2014). For the Western part of Europe, this coincided with a dying out of dynasties and the reluctance of big landowners to aid the crown, allowing Isabella of Navarre and Henry

¹ For a far-reaching discussion on the on the whole medieval concept of a ruler once at above and below the law, see Kantorowicz’ *Bractonian problems* (1941: pp. 81-192)

VII to claim the throne (Prescott 1854). By taking in all the smaller territorial units and regularizing taxation (Elias and Jephcott 1982), England and France went together and reinforced each other. In this regard, the burghers were crucial (Habermas 1991) in the matrix of modern capitalism (Poggi 1978), being less the creator of the state, and more a creation of the state.

In the sixteenth century more concrete discourse about the state and the powers of states arose in conjunction with State-building through war. Between the intervals of the Italian Wars, the French civil wars, the revolt of the Netherlands, the Anglo-Spanish war; and the Thirty Years' War engaged the whole of Europe in continuous fighting. The rulers were fighting over the configuration of the units, and yet as patriotic leaders, their standing armies and even they themselves were often foreigners (Thomson 1996). Capitalism bound the components of the new economically oriented state closer. Religion was another such factor and the enemies at home and abroad were thus termed pagan. Both these factors fused with colonial expansion which had the psychological effect of uniting the country over the glory of the king (Kiernan 1965: 35). The discourses of the sixteenth and seventeenth centuries on the liberty, rights and nature of agency (Brett 2003), the absolutist tone in the French theories of sovereignty, as well as the liberties and power of the Italian city-states, made the community subject to the body politic. The sovereign authority was the recognized monarch or ruling group. Bodin, to whom the first step towards an indivisible theory of sovereignty is attributed, came to capture the spirit of the Renaissance in claiming that "power to make the laws", which Bodin designates to the *majestas* "must be supreme" (de Jouvenel 2012: 182), subject only to the laws of God and Nature. While Machiavelli, as one of numerous others, he also described the virtues of a prince and described tactics for the maintenance and safe keeping of the state (Machiavelli 2010). Just as power was never wholly detached of a *potestas limitates* in the Middle Ages, the Renaissance writers univocally warned rulers against misusing their power, since this had the prospect of a *coup d'etat*. In any case, the absolutist theory is elaborated in the seventeenth century through the language of individual rights, where being the subject of the sovereign would necessarily mean an alienation of rights and the power of any people should thus reside in the community as a whole.

3.1.1 Making sense of community

Conflicts of the time, such as the Hundred Year's War and the Wars of the Roses as well as the fracturing of Christianity, caused a sense of crisis among the peoples of continental Europe. Both Catholics and Protestants, became conscious over the possibility that their theological system, the vast edifice of church and state, rested on a certain illusion: "(...) that social hierarchy, the distribution of property, sexual and political order bore no guaranteed correspondence to the actual structure of the cosmos" (Greenblatt 2012: 113). In *Utopia* (1516) Christian humanist Thomas More saw the existing state as organized, respectable robbery as the non-place where the moral values are transvaluated. The practice of war originates from a primordial corruption of man's relationship with nature is caused by greed of kings and idleness of the nobility. Ultimately, justice and peace hinges on property, as clearly the greed of the imaginary Nephelotes upon the Alaopolitanes shows (More 1516: 133). The institution of private property takes central precedence in the Classical Age.

By today's standards, the above-mentioned events, and others like the Augsburg treaty and the Peace of Lodi, each carries something international about it. While there is a system whereby "states are in regular contact with one another, and where in addition there is interaction between them sufficient to make the behavior of each a necessary element in the calculations of the other" (Bull 2012: 10), the term international did not exist at this stage. In the Roman *res publica* common law, a *koinos nomos* in Greek terms, between men, had been pronounced during the reigns of both Emperor Zeno and Justinian (Vander 1994). It has been tempting here to see Zeno, and later also Alexander the Great for their application of Stoic ideas, as advocates of some universal world-state. Yet as may be seen in the works of Badin (1958) and Vander (1994) these emperors refer to citizenship in a limited sense, to a limited part of the total community and there existed rather subjects than partners in terms of power sharing with the conquered communities. The Renaissance universal is the notion *ius gentium*, something resembling the Roman politician Marcus Tullius Cicero's *respublica totius orbis*, which is the political community of a universal mankind (Pagden 2003:174). It had been developing since the thirteenth century into a complex body of regulations governing the relationships among independent states. This law of nations did not derive out of these nations but was rather tacitly

implied by the rationality of natural law (Mattingly 1955), and most importantly it acquired precedence over the local legislative practices of individual nations.

In Renaissance knowledge there was a lack of distinction between exterior and interior, that is an absence of distinction of what is domestic and international. Combined with the idea of a universal order, this can partly explain the difficulties scholars faced when accommodating other forms of life within their political logics. The “affair of the Indies” for Francisco Vitoria, though only a small part of his total work, has earned him the reputation as the “father” of international law. That, however, is both a retrospective and anachronistic consideration if only for the above reasons. What is at stake in his lectures is rather the quest for a balance between the range of legal frameworks and a coherence of divine, civil and natural law. Relevant to our discussion, Vitoria found that even as barbarians, now aligned with heretics, engage in mortal sin, “(...) mortal sin is no impediment to the civil right of ownership, nor to true dominium” (Vitoria 1539: 241). Nor can one write them off as infidel or insane, which according to natural law would be grounds for barring the Indian aborigines from the exercise of true dominium, simply because they seem strange: “The barbarians are not prevented by this, or by the argument of the previous article, from being true masters. The proof of this is that they are not in point of fact madmen, but have judgment like other men. This is self-evident, because they have some order (*ordo*) in their affairs: they have properly organized cities, proper marriages, magistrates and overlords (*domini*), laws, industries, and commerce, all of which require the use of reason. They likewise have a form (*species*) of religion, and they correctly apprehend things which are evident to other men, which indicates the use of reason” (Vitoria 1539: 250). The conclusion then must be that all the kinds of societies, kinds of religions, kinds of practices, are expressions, distinctively human, of an enlarged and collective reason. Vitoria’s account however, is not, as might seem to be the case at first glance, a wholesale argument in defense of the natives. In total Vitoria finds seven irrelevant titles and eight relevant by which the barbarians can be subject to Christian rule (Vitoria 1539: 252- 291).

One of the forms of dealings of early modern Spanish Catholic clergy (Jesuit, Franciscan and Augustinian) with the indigenous inhabitants of Peru, New Spain (Mexico) and the Philippine Islands was as slaveholders. Juan Guines de Sepúlveda’s asserted in 1550 that war should be waged upon the American Indians and that they should be dispossessed on the grounds that they were natural slaves, practiced cannibalism, and were totally ignorant of the Christian

religion. To this, Batolomé de las Casas, a counter-Reformation contender who came to be known as “protector universal de todos los indios de América”, iterated that in prior experience between Christian and non-Christian societies, the Muslim societies as a case in point, declarations of war had been subject to systematic justifications. This practice had been made plain by Pope Innocent IV, making it clear that infidelity was not sufficient ground for him to authorize secular rulers to intervene in the affairs of these societies, unless adherence to natural law had been broken by the sinful practices of those societies (Bartelson 2009: 78). Despite that the Indian population (as they came to be known) were undoubtedly “subject to complete barbarism”, due to their ignorance of the Christian faith they had to be outside the jurisdiction of Christian authorities (ibid: 80). Yet, according to Green, this should not lead us to believe that the clergy opposed the institutional practice of slavery as such. As already mentioned, many of these religious affiliates were slaveholders. How the Church defined “just” and “unjust” depended among other things on its economic needs (Green 2013: 101). Casas’ essentially Stoic vision repeats some of the tenets apparent in the Vitorian account, which is a denial of the moral relevance of cultural difference. But there is a possibility of reading a vocabulary of assimilation in Casas: “Originally all nations were crude and barbarous; with time they will achieve civilization (*sic* such as ours)” (Todorov 1984: 167).

The Jesuit theologian Luis de Molina argued in print, which had come to existence at this point, against the “excesses” or “abuses” of slavery, deemed unjust and a clear violation of Natural Law, in the latter half of the sixteenth century. For him as others of his *colegio*, the primary issue with enslavement of Africans was the question of whether certain aspects of the practice of slavery were in accordance with Church or Canon law. At an early instance in the Renaissance period Jean Gerson had claimed *ius* to be a *facultas*. On the issue of slavery, Molina in his turn, by the distinction in passive and active rights, *ius in re versus ius ad rem*, could claim: “man is *dominus* not only of external good, but also of his honor and fame; he is also *dominus* of his own liberty, and in the context of the natural law can alienate it and enslave himself. It follows that a man who is not subject to the law sells himself unconditionally in some place where the relevant laws allow him, then that sale is valid” (Tuck 1981: 54). Therefore, there was no reason to suppose that “Aethiopians” were not voluntary slaves, getting themselves into that position for any sort of return, ranging from their lives to a string of beads. In reality this is the Vitorian theory, but without the niceties of humanism. It carries in it all the ingredients

for an ideology of mercantile capitalism, which it was undoubtedly to inspire in the successive centuries.

The accounts in this section and the preceding one are provided to drive home precisely what is meant by a general theory and to sensitize the ‘political’ language of the time. A general theory is general on each account; the particular can only be explained by being subsumed in the universal, states are units ranging from kingdom to village, monarchies are both cities and heavens, men and their societies can’t be told apart but are judged, and their rights and duties evaluated by an all-encompassing framework, and concepts are philosophically guided and applied interchangeably. The extreme case of this unsettled relation between concept and reality is synthesized in 3.2.3. This is worth keeping in mind as we move away from kingdom and king and their outer world. The final subsection contains many of the general concepts we have encountered thus far, but now in the light of subjective rights. There is a philosophical mystery, an *arcana imperii* of the state, not in plain sight, operating the relation between the sovereign and the subject. This is made clear by reading 3.1.2. and 3.1.3. consecutively.

3.1.2 The private and public spheres

In the Middle Age and the Renaissance period, jurisdiction remained overlapping, though there was a change in the canopy of actors and domains involved. One of the difficulties encountered by the kings of Medieval Europe was the absence of a distinction between the private and the public spheres. The German term *privat*, to be sure, appears as the equivalent to the English “private” only after the middle of the sixteenth century (Habermas 1991:11). Since the kingdom was identical with the king’s possession, the king’s household economy was the nation’s economy, and the king’s war, a disruption of *mund* or *firth*, was by implication the realm’s war (Berman 1978: 556). These “nations” do not refer to an individuated state in the modern sense and the discourses do not yet account for the relationship between fully individuated units. A realm of the political *res publica* still referred to a *civitas* of a medieval town, or an Empire when it is super-ordinated as the one true State or even *regnum*, which is hardly differentiated from provinces and urban communes (Gierke 1987: 97).

For their loyalty in battles, the king rewarded allied lords and officials with land, the primary currency for reward. After some time, the war officials obtained police and judicial powers, and thus they encompassed all ruling functions in their hands. Most directly comparable to landowners, they would later seize every opportunity to demonstrate their right and ability to rule and challenge the kings, conditions out of which “everywhere in Europe little kings grew” (Elias 1982: 278). These are typical signs of feudalism, summarized as public authority in private hands, the predominance of local government, and the fragmentation of political power (Strayer and Munro 1942: 116) that are to succeed the fall of the Roman Empire and become the norm, albeit with slight variation between East and West Europe, in the numerous kingdoms of the fragmented Europe. When the little kings (feudal lords) joined forces, otherwise fragmented local and regional powerholders could overwhelm those of the state (Tilly 1990: 69).

Nobles had, and frequently made use of, a legal right to wage private wars. With expanding trade, land ceased to be the main means of exchange, and was replaced by monetary transactions such as the use of golden coinage (Elias 1982: 284). A new class of professionals, acting as the king’s executive, could gather larger financial resources than those of any private person or community, making the king independent from the nobility when gathering armies (McKitterick and Fouracre 1995: 358). These, then, have been described as internal processes

related to expanding powers of government that would later lead to the demise of the feudal system and favor the absolutist monarchy (Poggi 1978: Ch. IV). In Saskia Sassen's case study of the expanded powers of the American federal government, the efforts of the Medieval German kings, seems astonishing: "What the Capetian kings developed in the Middle Ages (i.e the rise of the administrative state) America got to in the nineteenth century" (Sassen 2006: 130).

The "state" of the State was the principal subject of public law, and the supreme right and duty of the King was the maintenance and preservation of the *status regni* (Post 1964). Etymologically, this confounded the idiom "l'etat c'est moi", inviting the king to see himself not only as an indispensable ruler, but also the essence of the territorial State, long before the concept of *lo stato* appeared in Machiavelli's famous treatise (Post 1964: 335).

This process was marked by the rise of a distinctly aristocratic affluent class surrounding the king's court: "members of this multiform society speak the same language throughout the whole of Europe, read the same books, share the same taste, the same manners and have same style of living irrespective of the borders of their 'states'" (Elias 1982: 268). Theirs were ideals that pacified the chivalry and redefined nobleness. Most manifestly during the rise of the Florentine Renaissance and city states, this courtly-noble society interacted with the merchant burghers of these city states. These encounters fused humanism and early capitalism (Habermas 1991: 30) crystallizing in the Reformation. Their proponents actively applied parliaments and other sites of parlays to promote at a later stage the gains of private property. Although at this stage it is possible to speak of a "state" with a centralized administration, the communities of this state had to wait a near four hundred years for a transnational politico-commercial complex (Wallerstein 1979) accompanied by ideological engineering (Balibar and Wallerstein 1991), for the imagination of the nation state to come to realization.

If we regard this instance of allocation of resources (land, capital, class) as a condition that pushed forth the emergence of a specific type of citizen, then we shall do well in recognizing that what we have before us is an episode of what Engin Isin has termed the genealogy of citizenship (Isin 1997). This coincides with the first instance of a discourse on rights in European history in which *ius* assimilates *libertas*. The Romans had contrasted *libertas* and *ius*, emphasizing its natural, non-moral character. As described in Emperor Justinian's book of law, *Institutes*: "liberty is the *facultas* to do what one wants, unless prevented by force or *ius*" (Tuck 1981: 26). Martin P. Golding (1982) argues that Magna Carta had assimilated *iura* and *libertas*

as early as 1215 (Golding 1982). However, Tuck stands firm that Gerson had already done so by 1415, by demarcating *ius* as a *facultas* appropriate to someone according to dictates of right reason, *libertas* as a *facultas* of the reason and will, and *lex* as a practical and right reason. All this enabled him to treat liberty as a kind of *dominium*.

The various writers coming after Gerson, who according to Golding is the originator of a “full” natural rights theory, debated over whether this ownership to rights is alienable or not. Leaning towards alienability led to radical theories that permit revolution when government violates basic retained rights, while a conservative view by contrast tended to defend absolutism (Golding 1982; Tuck 1981: 82-119; on John Selden and his followers). This became an important precursor to the seventeenth century notion when larger political entities placed a considerable premium on a state’s ability to tighten its internal political ordering, to structure rule so as make it more unitary, continuous, and effective (Poggi 1978: 60).

The battleground upon which different rights are fought is the *Ständestaat*. The rise of the towns marked the entrance of a new political force into a system of rule, in which slaves and outlaws could become free and corporations had liberties of law making, regulation and administration. All of this came to define the sphere of citizenship in a way that was novel involving the creation or reactivation of centers of *solidary action by singly powerless individuals* (emphasis original) (Poggi 1978: 37). Both *Gefolgschaft* and *Genossenschaft* were distinct terms that denote awareness of certain interests for the *communis*, interests that were guarded by independent consuls charged with the task of keeping peace. City walls and urban militias aligned sovereign corporations, powerful merchant guilds in particular, as a natural ingredient of the sovereign cities in France, Germany and Italy. The kingdoms of Europe that arose simultaneously with the city states became hostile towards them, and cities became “the subjugated handmaiden of the great absolutist states” (Isin 1997: 126). By the fifteenth century the political and legal discourses on the city reached the conclusion that corporate power not prescribed by the king was neither legitimate nor legal, and by legal invention making it a *de jure* corporation and a subordinate body politic. This tells us that definitions of citizenship are amalgamous, and can exist outside a strictly national definition (Kymlicka 2003; Kymlicka and Norman 1994). The story is also a case in point to that which has been pointed out by Tilly (1990) of a resource extracting (labor, goods, money) and adjudicating state (ibid: Ch. 4) towards powerful monarchies and ultimately modern states.

3.1.3 Synthesis: tracing source attributed to sovereignty

“The state is invisible; it must be personified before it can be seen, symbolized before it can be loved, imagined before it can be conceived” (Walzer 1967: 194).

To interrogate the source of sovereignty means to engage with its foundations. The ultimate source of Medieval authority was laid down in the Petrine commission. With this the theory of government was a force descending down to king and pope, with the social body as a passive recipient of this transcendently authorized force. When law replaced scripture, the legitimacy of power and authority came to reside in earthly community (Ullmann 1970). This transition was supported by the reception of Greek philosophy and political writing. From this, the best forms of government could be deduced. The two choices on offer were to live in liberty or under a prince (Skinner 2009). Whereas Machiavelli and Bodin claim the source of authority is the monarch prince, Vittoria and Suarez saw the *universitas* of the people as the original bearers of supreme power (ibid: 329). Both Machiavelli and Bodin, the former by seeing law as potential to despotic construct, the latter by placing the king above the law, relegate politics a place outside of law. In the Classical age, the people and the ruler are one. Hobbes' Leviathan is a representation of “a Multitude of men, (...) made One Person” (Leviathan 2006: Ch. 16). The source of sovereignty in this case is an artificial personality who talks and acts in our name, and that only because the multitude have authorized this someone to represent it, in the interest of the common good. Building on this fictional state, Pufendorf, as well as Vattel were able to explain *l'Etat* in terms of a number of individuals joining together into a single ‘*Personne Morale*’ (Pufendorf 1706: 7.2.6; Vattel 1758). Externally the analysis of interest is the source of legitimate action and validity, replacing the former politics of passion for reason and exempla for truth. The first thing to be attacked by eighteenth century theorists is the subjugation of law to rule. Natural law is essential to both Pufendorf and Vattel to make sense of the shared interest nations have in maintaining peace. Modern political knowledge removes the passive and obedient citizen out of the moral state. In Rousseau, the general will constitutes and is constituted by unity, and the identity of state and people derives from the common source of a general will. Man has conquered a position as an active subject, making him the source of knowledge and author of the law instead of the king, while at the same time becoming a knowable object that can be differentiated, categorized and ordered. Foucauldians have framed

these practices as objects of biopolitics (Agamben 1998). Being a source of knowledge, Man is also in the front seat in writing history, in Kantian lines, with future, and progress, not the past, as the new concern. History is important only insofar as it is a history of man-proper, making anything universal dissident to political discourse (Ashley and Walker 1990).

3.2 The Classical Age

In the section above we have outlined ideas that under the influence of classical antiquity are the ideas that were “to possess and divide mankind from the sixteenth until the nineteenth century” (Maitland in Gierke 1987: vii). For it was precisely the heritage of a great cosmic chronology of a previous age that was shattered, and the uniformity and one-pointed direction in each of its point were poised to classification and spread across multiple arrays. During the first decades of the seventeenth century, the general theory of the state is replaced by a new theory of the state (Bartelson 1995: 138). The new theories and methods on how to interpret the world are introduced and empirical experiments and observations made for the new avenue of discovering the truth (Collstedt 2014: 154). Heavily influenced by the experience of religious and civil wars that ensued the Reformation, philosophers and historians in attempting to theorize what they witnessed during these events as they accumulated into a Thirty Years War (1618-1648), manage to bring to the fore a theory of state interest as an autonomous branch of political knowledge (Bartelson 1995: 140). In the process, Revolution and civil war became expropriated by the state. By drawing on some previous disorder contaminated by civil war, rhetorical exempla and uncivilized ‘*passions naturelles*’ (Hobbes 1651: Chapter XVII, 7), the sovereign is introduced into knowledge as the vanguard of peace, a source of all representations and guarantor of perpetual stability, all within an absolutist scheme. It is at this point that the Renaissance theory diverges from the Classical, in the former origin and form occupied the theoretical space, in the latter the sovereign, since he conditions knowledge of both (political) world *and* language cannot himself be represented within the same analytic knowledge and reasoning: “the sovereign escapes representation and disappears in front of our eyes” (Bartelson 1995: 152). Sovereignty remains from this moment on, due to its axiomatic proposition, closed to analysis. All classical states come to share a minimum requisite, namely that of being sovereign. Their identity as sovereign means they are qualified as objects of knowledge. Awakening in the Classical world like a sleeping giant, reason finds chaos and disorder everywhere (Foucault 2012) and embarks on a rational ordering of the social world. By being known as objects, states become the creation of a science of states. In the first period of its birth, the science of states knows only one method of analysis; the *mathesis*. The new theory of the state relegates the question of origin and form of

political communities to a secondary position within political discourse, and sovereignty a primary. First, rather than attributed to a political entity on the basis of an already manifest indivisibility, classical sovereignty becomes itself ‘sovereign’, creating as a principle of *individuation* its own necessities (Bartelson 1995: 137). Secondly, as a principle of *differentiation*, in classical sovereignty, there is a ‘great difference betwixt the state, and the government of the state’ (ibid: 138). Third, as a principle of *order*, sovereignty has the power to define the domain of objects of an autonomous discourse, a science of states, that makes individuated states accessible to classification (ibid: 139). The new science of the state employs as its prime tool of analysis the *mathesis*, in which states share the minimum criteria of being sovereign. This minimum criteria makes them knowable and by consequence objects and subjects for enumeration and comparison. This seventeenth century epistemic turn, empirical in outlook and problem-solving in its objectives, is a political technology for dealing with concrete problems of foreign policy.

The ideas that formed the basis of a general theory of the state quintessentially occupied with the question of origin and form of the body politic in the preceding centuries, were replaced by a knowledge primarily based on representation and mathematical constructability. The new scientific revolution not only shapes the discursive practice of states and relations between states, but becomes itself site and object of scientific and philosophical exploration. A Cartesian skepticism throws doubts on ways of obtaining knowledge in the previous centuries, including a general refutation of Aristotelian logical abstraction. Since the sixteenth century furthermore, a tradition was established against using the mythological and rhetorical historiography of the exempla as useful clues to truth or as predications of historical recurrence and future events. For Descartes, it becomes imperative ‘that in our search for the direct road to truth we should not occupy ourselves with any object about which we are unable to have a certitude equal to that of arithmetical and geometrical demonstration’ (quoted in Mittelstrass 1979: 598). By applying a *mathesis universalis* “we reduce intricate and obscure propositions to more simple ones” (ibid: 599). With a similar emphasis on rationality, Leibniz’ *lingua universalis* follows a logical

method of deduction with an explicit aim to provide philosophical and scientific analysis by systematically linking linguistic constructions with mathematical and logical methods².

Thus, what was altered in the seventeenth century in the succession from Medieval to Classical epistemology was the general arrangement of statements, and their successive arrangements in particular wholes. Foucault (2012) describes the shift in the sciences in general: “it was the way in which one wrote down what one observed [...] and created a perceptual process; it was in the interplay of subordinations between describing, articulating into distinctive features, characterizing, and classifying; it was the reciprocal position of particular observations and general principles; it was the system of dependence between what one learnt, what one saw, what one deduced, what one accepted as probable, and what one postulated” (Foucault 2012: 63). For one thing, the principles, the normative thesis by which something was judged to be representative, with its emphasis on non-inferentiality and certitude, fostered a thoroughly epistemological approach to the study of the world that was seen to be in keeping with the mechanical philosophy (Livingstone 1990: 367). The harmonious relation between words and things are no longer guaranteed by a divine order of the world. Now it is in the lacuna of the analysis of representation and the theory of sovereignty coincide and mutually reinforce each other. This normative thesis has for the last three hundred years, in one shape or another, kept various disciplines of the early modern science tied to inductive impulse and empirical parsimony, a not wholly undisputed approach to epistemological knowledge. The amendment of ordering has foundational bearings in political science theories. First, society is ordered, now in the forms of a social contract between men. Yet such a contract hinges on a pre-established communicative bond. By this bond, consensus on the principles of political philosophy could be founded (Pagden 1990). Hence, the theoretical innovation of the classical writer; our social life is constructed around signs and in order to signify something, a sign must represent what it signifies. In this context, the works of the most prominent philosophers of this age, Hobbes, Locke and Pufendorf, who in IR tradition are applied without attention to their contextual frameworks, by no coincidence devote so much labor to the problem of language. In a most axiomatic way language is social and society cannot exist without language: “[...] without the

² The idea that it is possible to organize our language and its concepts to coherent wholes is not a new one. The Port-Royal (Chomsky 2006) grammarians are one notable 17th century example. For an illumination of the Cartesian tradition in Hobbes, see W. Molesworth (1840), *The English works of Thomas Hobbes*.

invention of which (language) there would be no more understanding of a Republic, society, contract, peace than that between lions, bears or wolves”³ (Hobbes 2006: Ch. IV, 29).

³ The original French text reads: “Mais la plus noble et la plus profitable de toutes les autres inventions fut la PAROLE, qui consiste en des *dénominations* ou *appellations*, et en leur connexion, au moyen de quoi les hommes enregistrent leurs pensées se les rappellent quand elles sont passées, et, aussi, se les déclarent l'un à l'autre pour leur utilité mutuelle et leur communication, invention sans laquelle il n'y aurait pas eu entre les hommes plus de République, de société, de contrat, de paix qu'entre les lions, les ours et les loups”.

3.2.1 Discourse of wealth

Perhaps one of the first signs of social transformation and alteration of power structures is that, in the course of the seventeenth and eighteenth centuries, princes strove to ally themselves closely with the estate, as the estate was being replaced with new collectivities called *class* (Poggi 1987; Sassen 2006). We may see the development of a “legitimate” system of laws and regulations that privileged the owners of productive capital (Sassen 2006: 101), a first instantiation of what was to become the liberal state, most so in the case of seventeenth century England. With it there opened up what was once an *arcana imperii* of the state, the jurisdiction and privilege of a sole ruler over matters of state and society, to renegotiation between many parties (Poggi 1978: Ch. IV, 60- 85); a reason why it will not make much sense within classical knowledge to say for instance that a hereditary king should obey a different political rationality than a usurper, or that an aristocracy should be governed according to different principles than a monarchy. The state had its ideal in a preordained contract between men, which depended on the presence of a sovereign. In this the state and the king were metaphors for one another.

The significance of the bourgeoisie has been discussed by an inexhaustible list of scholars. From one point of view, this class stood for a mercantilist mind-set, i.e. the sign money changed from wealth to value (Postone 1995);⁴ valuing money tends to mediate a form of market competition and production wholly dependent on labor. Besides being a source of differentiation within a society, a point has been made between the significance of the bourgeoisie class and the formation of national unity. The argument goes that in other parts of the world with similar material economic growth, we do not see the emergence of a state system. Thus, the emergence of a “partially autonomous” state is an outcome of material conflicts between bourgeoisie and aristocracy (Wallerstein 1974: 355). These political tensions created not only mercantilist policies, various taxing schemes, fees on trade goods aimed at national production, but also to the idea of public enrichment (Sassen 2006: 87). However, we have yet to reach the stage where an entire population is the designation for this demand of public enrichment. It is rather the well-being of the privileged that is the focus of demands. Incidentally, in Locke these privileged few found their justification against any infringement by the supreme power of the legislative, on

⁴ In this book Postone is discussing Marx’ *Grundrisse* in which the category of value is that it expresses both a form of social relations, while simultaneously being a particular form of wealth, a distinction that is “the foundation of bourgeois production” (Postone 1995: 24).

their property: “in all states and conditions”, says Locke, “the true remedy of force without authority is to oppose force to it” (Locke 1988: 72). Once removed of its context, these lines justified revolt *tout court* (Bourne 1969). Others still see a fundamentally individualist teaching, claiming that he “showed himself the determined enemy of the idle poor” (Locke and Laslett 1988: 43). Still some have argued that a search for an absolute authority in Lockes’ popular sovereignty is unwarranted. This is not only because there exists no such absolute entity in Locke, but most importantly because it overlooks the problem in the conclusion that between modern liberal states and individual and popular sovereignty, reigns harmony where in fact there exists political as well as theoretical tension (Scott 2000).

In the Classical Age, the discursive formation of economics as a strategy distinguishable and novel in the Classical Age remains a threshold of positivity. For all its links with ‘neomercantilism’ and ‘utilitarianism’: its concept of value, its application of signs such as the coinage sign applied in the Analysis of Wealth, representation or *mathesis*; its discursive role in the practice of emergent capitalism or its appropriation on the part of the bourgeoisie (Foucault 2012: 207). Though these may all have inspired the epistemology of the nineteenth century political economy, each must be seen as a unique discursive practice. Seeing economics in its contemporaneous setting enables us to distinguish a system of rule comprising legitimate special dominion, one that is not necessarily territorial. In particular, the English case whereby sectors of society, that is the bourgeoisie, for all their inclinations towards free trade as a stimulus for a new expansion of commerce and production, found in the Parliament a place to challenge absolutism and legitimate a new form of government. Their activities, now linked on a world scale, generated innovations in the institutional infrastructure as well as operational capabilities (Sassen 2006: 97). In this case, the rise of the bourgeoisie also means the rise of civil society. In their capacity as capitalist entrepreneurs and autonomous rule-setters within trade (Poggi 1798: 78-79), the bourgeoisie was initially supported and endorsed by the absolutist monarchy. While they did not defy the monarchy directly, they nevertheless came to transform it drastically.

The second attribute to classical sovereignty was a principle of *differentiation* between the state and the government of the state. It is a principle aimed at capturing a spatiality of authority fought forth not over territory, but through agents who manage flows through space (Agnew 2005: 442), challenging head on the notion of indivisibility attached to the concept of sovereignty. The notion of spatial authority challenges the definition, internalization, and

enforcement of people and things into “proper” locations (Cunningham and Heyman 2004: 293) within bounded territory. Nor does power, whether economic, social or coercive and material, easily identify with a single ruler (Thomson 1996). It is a generic attribute not too unfamiliar in our modern world where various public and private collectivities divide what to Locke was the property “which God gave to mankind in common” (Locke 1966: 1; Locke 1988: Chapter 5, pp. 18-28).

3.2.2 Interest of the state

The seventeenth century epistemic turn has absorbed and rendered obsolete the general theory of the state, its focus on form and origin is now relegated a secondary position. With the Reformation, the Medieval struggle “to organize the whole of the western Christendom on the basis of a universally accepted interpretation ended” (Morall, quoted in Sassen 2006: 42). Instead society is premised on a social contract, a fragile identity of interest between king and his state. The social contract implied a division between domestic and external policies, which in the grid of representation, *interstate* interests gained a logically different and higher order than *intrastate* interests (Bartelson 1995: 190-91).

So too, for the early Modern age, the realm of the European state or empire remains geographically indeterminate and historically fluctuating, its peripheral frontiers only nominal in character (Lie 2004). The concept of geography is slowly changing, as a result of new discoveries and a new understanding of territory, as well as given a new meaning to the non-territorial spaces of oceans. The pairing of politics and territory to be sure, begins with the “grasping of space as calculable” (Elden 2005). The science of geography was of course fueled and further advanced by the establishment of nautical institutes and Spanish and Portuguese explorations of the seas (Livingstone 1990). The mushrooming of geographical information, was not only depicting the ocean by the two consecutive cartographical innovations in the drawing of rhumb lines and arched ocean regions (Steinberg 2009: 483), but with Christopher Columbus, the ocean began to be depicted in a third manner, namely, as a space of differentiated and functional routes. Thus, if not earlier, than definitely by the seventeenth century, any connotation of the *oikumene* and its quasi-mythological Antipodes (Bartelson 2009), or Virgil’s and Dante’s *Oceanus* stopped being the frontier by which the “world state” was bounded (Pagden 2002: 42). Instead, the ocean was depicted in close relation to a legal designation as *res extra commercium*, a legal designation purporting the ocean as trade routes rather than barriers. During the wars fought over these territories, a new principle of reciprocal sovereignty was not easily accepted and created further wars. In this context, the specifying of power domains, the very ontology of the units (Koselleck 2004: 14) reasoned the war’s cause. This is the precursor of an autonomous realm of ‘politics’ which revealed itself a century later with the Peace of Westphalia (Ruggie 1993: 162). But for the time being, under the guise of seventeenth century form of politics, a new

understanding of territorial and maritime spaces arises. Warfare is not over the nature of the units, but rather their territorial configuration. Both the Wars of Succession and the Seven Years' war are representative of this trend, bearers of a change from frontiers to boundaries (Ruggie 1993:163; Kratochwil 1986). These interstate conflicts have rendered all previous feudal and religious jurisdictions obsolete, that is, "the classical state transformed inner conflict of interest to external conflict of interest (...) the classical state *domesticated* what was *foreign* to it, it assimilated all that was alien to its prehistory of religious and civil war" (Bartelson 1995: 191), making external warfare as much a royal prerogative as an antidote to the fearful return of internal unrest. Initially revolution was a "physico-political" concept and its naturalistic guise derived directly from the cycle of starts, among which since Copernicus, even the earth could be counted. Deriving from Copernicus' (1543) circular movement of the celestial bodies Hobbes could describe the political events of the time, going back and forth from upheaval to restoration, in circular motions (Koselleck 2004: 46). Louis LeRoy in turn made the observation that all forms of political association were ultimately limited and imbued with rise and decay: from monarchy to aristocracy to oligarchy only to be displaced by democracy to ochlocracy where no one ruled anymore and the way to individual rule was open once more (Koselleck 2004:45). In LeRoy's understanding, the circulation of political forms and social change is negative, as it was in the seventeenth century. Revolution, as the certainty of the changing seasons, brings with it nothing new under the sun. It is a rather natural part of the order of things and defined progression and transition. Later the word revolution came to contain elements of civil war and was consciously employed as a metaphor for long-term sudden political events and upheavals.

The new discoveries enter the political discourse through the interest of the state. From the navigational improvements, the "search for gold and silver wherever it could be found" (Frank 1978, quoted in Sassen 2006: 85), had contributed to a power discourse oriented by the term "wealth". In the first instance the discourse emphasised the substantive rationality of the prince, who must stay wealthy in order to be able to be fearsome and be able to protect himself.⁵ It is then up to the likes of Grotius (1608) to raise opinions on matters not only of disputes, such as that between the Kingdom of the Spaniard and the subjects of the United Netherlands (ibid), but equally to emphasise that "navigation is free to all persons whatsoever" (ibid: 35), by an

⁵ "if he is wise he ought not to fear the reputation of being mean, for in time he will come to be more considered than if liberal, seeing that with his economy his revenues are enough, that he can defend himself against all attacks" (Machiavelli 1512: Chapter XVI, 64).

appeal first to the Natural Law and next to “the specific and unimpeachable axiom of the Law of Nations” (ibid: Ch. 1). Although the realm of the prince had regularly been dependent on long-distant trade, this turned in the latter half of the sixteenth century into long-distance pillaging (Sassen 2006: 84). The competition for accumulation of wealth, to be sure, found its moral ground in a Calvinist doctrine of the Reformation that interpreted commercial success as sign of a divine selection.

3.2.3 Synthesis: tracing locus of authority

“Sovereign is he who decides on the exception” (Schmitt 2005: 5).

The question of locus is concerned with whom sovereignty resides inside the state. In the Middle Age locus was elaborated by exchange of metaphors and continuously shifting between church and secular authority. As Augustinian time is brought down to earth, universal authority has the locus. In the Classical age, sovereignty is attributed to a nominal state. In Modernity, the locus is a community of social compact that is sovereign over itself.

What is encompassed by sovereignty is from the vantage point of its locus a number of essential components. First, a unity, either concentrated or dispersed in the social body, must be metaphorically formulated. In the definition of the political order the concept of sovereignty is but a supplement and indivisibility exists prior to international engagement. To be united means two things. First, it refers to a contractual sublimation which becomes the voice with which a state talks to its neighbours. Next according to classical political theory, it signals the conservative bias of international political theory by being internally democratic, a divisible manifold where a plurality of voices should be listened to.

Another essential component is for this unity to reside within, and by implication also over, an already demarcated territory. According to Bull, the state asserts sovereignty ‘in relation to a particular portion of the earth’s surface’ (Bull 2012: 8). The distinction between within and over, is one of hierarchy. In the first (national) sovereignty is anterior to borders (Aron 2003), in the second sovereignty is posterior to territory (Herz 1957). To Morgenthau and Herz a loss of territory is a loss of sovereignty, while in the theories of Waltz since territory is a legal and political derivative of sovereignty it necessarily lessens or strengthens by conditions of agency and dependence on other political orders.

The locus of sovereignty is also the story of how power concentration and personalized sovereignty, conquest of land and wealth, and subjugation of populations. Later, in Modernity, power concentration gives way to power dispersion through social reform as much as through revolutions (Wallerstein 1974). International political theory unproblematically treats the locus of sovereignty as a constant, preferably as that which resides within the state, and one of the conditions of outward agency. Whatever practical and ontological shift take place, social reforms

and revolts, rise and demises are portrayed as the gradual consolidation of states rather than for instance signs of system transformation, which would be natural starting point of Marxist theories.

3.3 The Modern Age

With the advent of Modernity, the *mathesis* with its fixed identities and differences, its subordination of being to the grid of representation and the strict intersection between objects and words, is gradually deprived of its power to organize reality. The new object of knowledge in this reorganization is Man; to attain knowledge of man is to attain knowledge of the possibility of knowledge. From Giambattista Vico and Emmanuel Kant onwards, fixed identities in the grid of representation and a passive human mind are replaced for an active sovereign who is himself responsible for his representations, concepts and the world he inhabits. The unending quest for origin of society, gaining now prominence, ends and begins with language. Realizing this, Vico's *New Science* sets out the concrete principle to truth and certitude of history: "the philological proofs which follow both confirm their own authority by reason and at the same time confirm their reason by their authority" (Vico: §§ 358-360). Language, from having posed resemblance in the Middle Ages and Renaissance and representation in the Classical Ages, takes on the task of explaining identity and origin: "We think in language (...)" and just like the signs in algebra the discovery of new truth and ideas is in the connections between the words (Herder and Forster 2002: 49). Language and nation not only share the same organic and profoundly historicized mode of being, but being the expressions of one another, they also share the same identity which conditions a mode of knowledge as well as the cohesion of a nation (Bartelson 1995: 200). Hence, according to Herder "each nation speaks in accordance with its speech, and "the nation took cognizance of a matter, the nation named the matter" (ibid:50). Condemning this tradition and the historicizing of man, by allegory to a man fallen in love, Nietzsche states: "whatever he does perceive, he perceives as he has never perceived before- (...) All his valuations are altered and disvalued; there are so many things he is no longer capable of evaluating at all because he can hardly feel them anymore" (Nietzsche 1983: 64). In all his enchantment, he is too weary to take a step outside or reflect on the circle he inhabits, in the condition – in a dead sea of oblivion - he is at least to be just in his narrow-mindedness, ungratefulness to the past, blindness to dangers and deafness to warnings. The so-called truths of the new sciences are in fact a making of history in its own terms, one that has man at its foundation as well as its effect. The diversification of language is from Jean-Jacques Rousseau to Johan Gottfried Herder, also the breaking of

mankind, replacing natural unity for artificial difference (Derrida 1976: pp. 151-345). “Prejudice is good” exclaims Herder, “for it renders *happy* (Italic original) (...). It forces people to their center, makes them firmer on their tribal stem” (Herder 2002: 297). When recounted in the dialectic of conflict the theory of the modern state becomes an essentially *finalist* theory where the state is understood as a historicized being, traversing as it were through history in a succession of conflicting mutations until reaching its inner perfection and cohesion. Conversely too, history as a study becomes the history of nations and states, of peoplehood and territorial claims, fixed origins and social institutions within geographical limits. For Vico as for Savigny, science of history is the sole path and the only place to obtain knowledge (Arendt 2013), inspiring both Weber’s macrosociology and the field of international political theory pioneered by Edward Hallett Carr and Hans Morgenthau.

3.3.1 State ethics and purpose

Where in the Classical century the contractual origin of the state had been implicit within representation, from the time of Charles-Louis de Secondat Montesquieu's *L'Esprit des loix* (1748) this form of government is replaced with organic content and matter. Laws are a compilation of human experience and history, based on the universal and diverse nature of men, conditioned by local variations, and must have as their optimal goal to preserve an individual's freedom (ibid: Book 1). Empirical beings are the organic structures related to underlying forces and causes, embodying origins, and can be studied on the basis of their historicity (Bartelson 1995: Ch. 6). The paradoxes of the communities man is to inhabit in Modernity are apparent, as we can understand from Montesquieu's reasoning, right from the start. The first of paradoxes is the objective Modernity of nations to the historian's subjective antiquity. The second is the formal universality of nationality as a socio-cultural concept versus the irremediable particularity of its concrete manifestations, such that, by definition 'Greek' nationality is *sui generis*. Thirdly, the political power of nationalism suffers from philosophical poverty and even incoherence (Anderson 1983: Ch. 4). Although the two may seem identical, it is only later this community of deep-seated cultural and linguistic identity is cross-fertilized with the more abstract and transcendent concept of a territorial state (O'Callaghan and Griffiths 2002: 218-222) borne out by dialectic of conflict and wars of independence (ibid: 220). The dialectic of conflict arises since within the organic whole, the *body politic*, reintroduced by Rousseau as the first to denote the combination community and territory (Rousseau 1920: 24), between man and man, as between nation and nation there are conflicting interests. Unity according to Rousseau, Kant and later also as we'll see Friedrich Hegel is sovereign precisely because of the assimilation of each of the individual's rights, by legal schemes and institutions, into a source of a general will, which itself is sovereign. By implication, sovereignty of the people is the foundation of the sovereign state⁶. But most importantly, the objective general will must be internalized as subjective will and recognized by man or else the identity and indivisibility of the sovereign state cannot be imagined or realized. It is the task of the lawmaker to discover the best rules of society and

⁶ The paradox of this relation is well captured in Connolly (1988): The (Rousseaudian) general will does not aim merely at generating several outcomes in each issue area each conforming to its criteria of generality and demanding a single true will applicable to all and in this virtue of generality and singularity, the agent with the contrary view is imperfectly virtuous until he corrects his own will (p.64).

“constrain without violence and convince without persuading” (Rousseau 1920: 21). Finally, the general will, insofar as it has become the uniting idea and identity of the compact, is what sets a state apart from the larger whole that is composed of all the states combined.

In the history of the relation between state and nation, indivisible sovereignty is the foundation of a triple characteristic: “the participation of all those governed in the state under the double form of conscription and universal suffrage, the coincidence of this political will and of a community of culture, and the total independence of the national state with regard to the external world” (Aron 2003: 295). The causal links between nationalism, citizenship and sovereignty conflate whatever tension there might be between state and nation. Lost now to the depths of history it becomes difficult to question the scope of sovereignty or the essentially ontological query of how space and time became redolent of identity. As Lie states, premodern polities were horizontally and vertically integrated which is why the ideal of one state, one people has not materialized (Lie 2004). Citizenship, which is inherently unstable (Matheson 1897; Kymlicka 2003), takes in the nation form a narrative, which attributes to these entities the continuity of a subject (Balibar and Wallerstein 1991: Ch. 5). The high rhetoric of duty to and glory of the nation did its part in effacing the differential experience by generation or gender, class or religion and forging a generational identity (Fussell 2009). The language of blood and soil, geography and history, biology and culture crystallizes categories of the national as natural units of social classification and fuel imperialist enthusiasm. But that is not to say that the triumph of patriotic nationalism was total by World War II. The nightmare of mass killing alienated equally many people from the ideal of nation and energized antimilitarist and counter-nationalist ideals (Becker 1977). More intensively and extensively than the jargon of war itself is the politicization process.⁷ Contrary to the view of Locke’s rigid “identity of consciousness” (Locke 1841: 223), where faculty of memory underpins the unity and continuity of the self, it is possible to see identity as something indefinable and impermanent. In Modernity and with politicization of identity Locke’s consciousness is seized by the collective memory united by symbols of the nation; landmarks, buildings, mountains and rivers, places and monuments were saturated with meaning with heroes populating national myths. Nature was nationalized and nation was naturalized (Kaufmann and Zimmer 1998). The politicization as we know it by Benedict

⁷ I am here using this term in the same way Ruggie (1975) applies it to the issue of technology and international organizations: in its broader and more classical sense of making something political, denoting the process whereby phenomenon are brought into the political domain and their future course shaped according to public consideration.

Anderson began precisely when traditional agents of cultural transmission, elders and wise-men, declined in significance and formal institutions of school and media promoted a shared national field of meaning and memory (Anderson 1983). Secondly, the expansion of the liberalist and civic rights to all citizens, in that positioning *Gesellschaft* against *Gemeinschaft*, destroyed former social bonds and ties of authority taken for granted in earlier societies (Hobsbawm 1983). Without it followed a standardization of administration and law that, with schooling transformed the people and peasants into citizens (Weber 1994). Finally, in naturalizing citizens and schemes of national identification, the replacement of frontiers for borders is complete, and the age of dynasties and empires (Kratochwil 1986) are but of an age long gone. The excessive resorting to technology hides many of the problems of what nationalizing identities actually entail; whether in terms of territorial security dilemmas and surveillance (Bonditti 2004) or management of bodies in a Foucauldian ‘panopticon’ (1977) of the interior, or as posed in a security-life dispositif for the protection of a political imagination (Muller 2010: Ch.5). What is forgotten in the process is an expression formulated by Hume in the eighteenth century and repeated by the existentialists and postmodernists, such as Jean-Paul Sartre, Virginia Wolf, and Franz Kafka: “the identity which we ascribe to the mind of man, is only a fictitious one” (Hume 1739: Book 1, p.259). Rather than a unitary entity, and dislodged from the collective memory which underpins unity and continuity there is plenty of selves that have “a ‘Self’ Which is Not One” (Edwards and Hogarth 2010) belonging in no strict sense to either class, ethnicity or nationality.

3.3.2 Relations between states

In the modern, eighteenth century, the order of the state contingent to the seventeenth century is replaced by a society of states. The theory of value and its appreciative transformation into wealth defined in a continuum of representation of natural beings in adjacency and corresponding needs of the Classical episteme (Foucault 2002: 224) ceases to be the foundation of knowledge and begins to appear artificial. The zero-sum nature of the classical power reliant on comparison of individual attributes, such as trade surplus of each state, is not enough to Gabriel Bonnot de Mably. By his accounts power is relational and a state's role defined as a *puissance dominante* or *puissance rivale* and *function* within a larger context is what counts: "it is a gross error to conclude (...) that the ruling power (*sic dominante*) should always make new acquisitions" as these would harness more hatred and "be a new motive for its rival to be unjust" (Mably 1758: 51). In Mably's treatise the analogy that was a crucial component of medieval knowledge and came under heavy criticism during the Classical Age, regains in this modern philosophy of the state, a binding role, this time between relations rather than between beings.

Henceforth both the sovereign state and the international system are established within the field of empirical beings as logically and historically interdependent (Bartelson 1995: 189). The value of this reorganizing of reality cannot be underestimated; for out of this society, what was still inaccessible to the Classical analysis of states which recounted an outside only by reference to universal Christianity and unity expressed in terms of law, the international now emerges out of the preceding nominalist absolutism. To purport universality of mankind and temper the social evil, Emmerich de Vattel (1758) reinstitutes natural law, as something universally obligating. Although each state has the right to decide its own conscience, in fulfilling duties of natural law it is possible to achieve "a perfect equality of rights between independent nations" (ibid: 164). The state's duties are hierarchically arranged in Vattel, first to accommodate and provide the comforts of its citizens, then next, and only to protect the internal liberties, comes the defense against external violence (ibid: Ch. 2). Additionally, where the seventeenth century had remained silent on the question of reality and fiction that permeates the contractual relation, with Jean-Jacques Rousseau the social condition of war is real. However, the state of nature is not in itself a state of war and savagery as Hobbes suggested it to be. The war results from the emergence from that state, as societies of distinct (national) cultures,

religions and laws: “[...] became still more fatal to these great bodies than it had been to the individuals of whom they were composed. Hence arose national wars, battles, murders, and reprisals, which shock nature and outraged reason; together with all those horrible prejudices which class among the virtues the honour of shedding human blood.” (Rousseau 1754: 30). Seeing “how much less the difference between man and man must be in a state of nature than in a state of society” (ibid: 22), it is a peculiar conundrum man finds himself in: the human species by having traded particular war within for generalized war without, suffering the inconveniences of both social order and the state of nature without finding security in either of them. This is especially true, and now as part his criticism of the seventeenth century answer to forms of rule, in absolutist century and its subjugation of law to force, wherein “the legislative authority and the sovereign power (were put) into the same hands”(Rousseau 1920: 21).

Since the relations inside state is chronologically and ontologically analogous to that of the relations between states, that “the actions of individuals (...) may be recognized in the history of the entire species” unwittingly guided in their advance along a course intended by nature (Kant 1784: 17), the international sphere is the stage where enmeshment, emulation and socialization takes place. According to Kant, actual states are a result of the fact that the history of man is also a history of war and disorder. The evils of war, as Kant understands it stem from the unrestricted freedom of states in external relations with other states (Kant 1795). This antagonism, or unsociability of Man, “becomes the cause of social arrangement founded in law” (Kant 1784: 4th proposition) where man is author of law in a civil condition. The site of the civil condition or the civil contract according to the first definitive article for perpetual peace, is the republican state. This view explains how universal reason can be linked to local truths and connotes the influence of Rousseau’s macrocosm of man on Kant, it makes for the “conditions of possibility” for the progressive “organization of the citizen on earth within and toward the species as a system which is united by cosmopolitical bonds” (quoted in Harvey 2013: 23). As military intervention has become more prominent a feature of the international landscape post-Cold War, this view would provide the political, moral and legal writings with justification (Hurrell 2013: pp 196 – 218) bearing as it does the stigma of the emancipation from the evils of war.

This dialectic of external relations becomes the very starting point of Georg Wilhelm Friedrich Hegel’s definition of the state: “A mass of people can call itself a state only if it is

united for the common defense of the totality of its property” (Hegel et. al 1999:67). From Hegel onwards unity is derived “not so much from a bond which still exists as from the memory of an earlier one” (ibid 58). Replacing the cultural and social bond as a symbol of unity, the health of a state reveals itself in the turmoil of war: “(...) in war the strength of the association between all the individuals and the whole is displayed, both in the extent of the demands which this association has managed to impose on individuals and in the worth of what the latter are prepared to do for it (...)” (ibid: 59). By uniting around one sovereign “in a situation of crisis, whether in external or internal affairs it is around the simple concept of sovereignty that the organism and all the particular spheres of which it consisted rally” (quoted in Bartelson 1996: 218), with the consequence that all other previously legitimate functions are sacrificed. This predates somewhat Hans Morgenthau’s realism, but especially Carl Schmitt’s state of the exception. From Hegel we learn that external legitimacy rests on the recognition by other states, and by virtue of being recognized the state gains self-consciousness (ibid). This becomes visible when different analytical traditions explain international relations primarily in terms of behavior of states or in relation to the structure of the international system. On the one hand states are presumed to act autonomously, according to their own self-interest. On the other hand, the international system is claimed to have no overarching authority through which conflicts of interest can be resolved (Walker 1991: 454).

3.3.3 Synthesis: tracing scope of authority

The lord did not say “I’m custom”, but the Lord said “I’m Truth” (Pope Innocent quoted in Bartelson 1995:94)

The question of scope is a question of the objective conditions of the state’s unity. In the sixteenth century, the New World and what is outside the continuous state was outside the scope of the general theory of the state; the universal and unified body politic constituted ultimate scope of authority. In the classical age, scope is embedded in the concept of interest, and the individual and his community are metaphors for one another. In this way, the interest of the state is the interest of the individual. In the freeze of time, as we find it in the *mathesis*, interest is what counts as a historical event, and the measure of relations between states.. In the modern, the state and community remain a metaphor for one another; sovereignty is an expression of the general will, and a *common* interest.

This common essence of the state is the starting point, the very scope, of modern theories of the state. Ultimately, from the formation of the state to its consolidation, it is the presence of Man within it which makes the state intelligible as an agent (Bartelson 1995: 40), a consecration of military means of the territory to one ruler. But rather than taking space as a physical fact, inquiring into the spatialization of politics or the politics of spatialization, territory is instead taken for granted in the conjunction of man-state, rather than man space histories (Koselleck 2000; Elden 2005).

For international politics theory, an ontologically primordial political unity of the state is an integral part of its foundation, and is unquestionably the necessary condition of the larger whole of the international system. Where traditionalists, Aron, Bull or Wight, take the breaking up of Christendom as the starting point of international relations, Waltz’ theory is strictly ahistorical, explained with reference to sovereignty as the most basic and essential unit. The system is anarchic and anarchy emerges out of coaction between like-units. The explanatory scope of this theory is everything that looks international since dawn of history until the present (Keohane 1986). Both these approaches imply the *givenness* of sovereignty in international political theory, the normative base of which is inherited in the contractual theories. Cultural homogeneity of nationalism is the highest degree of association, or in the words of Wight:

“Modern man in general has shown stronger loyalty to the state than to church or class or any other international bond ... A power is a modern sovereign state in its external aspect, and it might almost be defined as the ultimate loyalty for which men will die today” (Wight 1978: 25). As it is slowly naturalized and deproblemitized, the whole array of epistemic and ideological questions in post-war theorizing of sovereignty is “silencing”, in regards to both reality and contextual understanding (Walker 1991).

4.0 Discussion: Kinds of politics

Modern political identities are fractured and dispersed among a multiplicity of sites, sites that have become containers of identity and culture by accounts of the modern state institution. Contemporary political life seems to be characterized both by the proliferation of particular identities, and by the construction of shared modes of entanglement and participation. State sovereignty is faced with a sense of novelties and acceleration that are pushed forth and challenged by world politics and human identity. The dual nature of world politics, ordered into external and internal spheres, conflates analysis of agents, legitimacy and spatial grounds involved in the production, exchange and distribution of these accelerating conditions. History, since the time of Kant and Vico, has been a history of states, and since Hegel and Herder of national identity and interests that have expropriated any useful analysis of territory, property, abstract space and time beyond the sovereign jurisdiction of the state. The fractured territory of the Cartesian coordinates have offered a persuasive view of the political identities contained in them, which we have come to know only by reference to class, ethnicity, nation, race and so forth. Herein lies the ethical role played by sovereignty, as the binding *parergon* between universal and particular, two ethically opposed but ontologically implicated spheres of political being. Theory has reacted slower than usual in capturing the level of practical successfulness of this organization.

Our political world, according to ‘experts’ on order, consists of rational states who act according to a general will of some internal mass, whose interests are univocal and indivisible: “all societies recognize these goals and embody arrangements to promote them” (Bull 2012: 4). Yet, as the cases in David Campbell’s (1998) Bosnian experience, identities represented in exclusively ethnic terms may seem rather opaque, as this one lady expresses “I am a Muslim, but I didn’t know it before the war” (ibid:1), a war to be sure that legalized the independence of Slovenia, Croatia, and Bosnia out a formerly united Yugoslavia. These accounts reflect the constitutive function sovereignty has of the political reality that upholds it – a distinctively modern aesthetics and ethics of what exists and what is real. A similar case of divided interests and identities is seen in the demands of the seventeen autonomous communities in Spain (Ninet and Mateu 2008) that don’t easily coincide with the state’s set of standards regarding the scope and execution of this autonomy. Prior to becoming a quasi-federal monarchy, Spain had

experienced intense ethno-political violence. The two driving forces behind the transition to democracy and the instalment of the new Constitution in the 1980's, the Army and the Monarchy, had conflicting ideas regarding the content of the new reforms (Conversi 2002).. The complex of multicultural states and intercultural citizens (Kymlicka 2003: 148) is one reason for why the idea of a bounded nation seems more and more of a fiction. From a “governmobility” perspective, as a question of who imbues mobility with power (Massey 2005; Cresswell 2006) and allows alternative forms citizenship (Urry 2000, 2012), efforts to “cleanse” populations (in the Eugenicist sense) and keep foreigners out seem all the more absurd; as mobile technologies rather than surveillance and security should guide interpersonal social relations (Bærenholdt 2013). Finally, the hypothesis of internal peace and external anarchy is grossly discounted in the horrific and extreme cases of atrocities. Of all examples that can be called upon to illustrate tenuous relations between people and ruler, one in particular stands out in modern history. The most notable European experience that defies a presumed internal order hypothesis is of course Hitler's Nazi regime and its ethno-religious cleansing of Jews.

Another issue that has attracted the attention of researchers is the lines on the map that divide up and delimit political units. The notion of national border is simply too simplistic a solution for any multicultural confinement; “despite the common belief that sovereignty is clear and indivisible, the world is littered with cases of compromised sovereignty. Enclaves, exclaves, protectorates, and autonomous regions are all forms of government that do not fit the Westphalian mold of a single state controlling people within a well-defined territory” (Bryant 2013: 1). Thus far, geographers have presented the most convincing aberrations of the Westphalian aspect of Krasner's (1999) four sovereignties. On closer examination, the lines on a map become border margins with multiple zones and layers. One example of this is the so-called ‘sensitive spaces’ (Dunn & Cons 2014) situated directly on borderlines without really belonging to any one state. In critiquing Agamben's near totalizing sovereign, Elisabeth Dunn and Jason Cons allude to sites such as disaster areas and refugee camps, where sovereignty is a project in constant danger of failure. But, as they come to discover, order is still obtained and new forms of power emerge in spite of being situated in disputed borderlands (Dunn and Cons 2014). Another example, a canonical one in this regard, is Lattimore's study (1962) of frontiers, which discusses borderlands as ideal passages of nomad societies and buffer zones as natural delineators between peoples rather than the socially constructed borders. Terms such as frontier and transitional

territory offer alternative accounts of how people can still be “a people” without settlement, offering valuable insights into alternative understandings of property and resource use as well.

The last challenge that defies internal coherence and harmony comes as the effect of globalization. We shall present a few examples in the following, based on two observations defined in negative and positive effects. From a negative point of view, the effects of globalization may destabilize relations between the ruler and the ruled. As observed in the postcolonial context, the European interest in resources on the African continent had the effect of mobilizing regional militaries and increasing episodes of interventions (Sidaway 2000). The growing range of actors involved in these interventions resulted in “excess” forms of authority, as J.D. Sidaway (2000) explains, creating exceptional states and poor frameworks for rules of functioning. Such examples, where spatial demarcation is permeated and internal power structures and rights eschewed as result of external economic forces, can be multiplied in the manifold, and become particularly acute when cases of indigenous groups and local communities are taken into consideration. Whether in Brazil (Borrini et al. 2004) or for the Arctic Inuit (Shadian 2010), the idea that justice can be pursued inside the state is challenged. The Inuit case provides an example where a single-state solution to problems is substituted with a cooperative initiative between multiple states, involving non-government organizations and individuals (Shadian 2010), both of which are regularly unaccounted for in the state-centrist theories of international relations. With Inuits spread across a number of states, furthermore, this case is a good illustration of the non-compatibility of affiliations of identity and Cartesian borders. Included in the globalization package are also ideas and ideals, and a neo-liberal free market economy has been amongst the most powerful. In the Syrian case as explored by Lisa Wedeen (2013), an ideology of “the good life” and related economic policies turned out to be a challenge to societal stability. From a more empowering stance the New World Order theorists present two alternatives of a reduced role for states in governing. The first is liberal institutionalism with the prospect of states ceding their power to a global institution, but still remaining sovereign over a territory and people. In this alternative, the state, in relation with WTO or IMF for instance, is not disappearing, though it may be disaggregating (Slaughter 2010: 185). A more extreme variant is “the new medievalism” alternative, which sees the end of the nation state. Both alternatives share a shift away from the state – up, down, and sideways – to supra-state, sub-state, and above all non-state actors. Anne-Marie Slaughter’s “judicial globalization” is a case in

point (1999). Other non-state actors are described in Margaret Keck's and Kathryn Skikkink's "Activists without borders" (2014). Peter Haas (1992) explores a similar idea of how decision-makers define state interests and formulate policies to deal with complex and technical issues in cooperation with "epistemic communities". Keck and Skikkink (2014) take this idea to the international level, where a web of networked scientists, experts and advocacy networks practically transform the practice of national sovereignty. Their success lies in their "framing" of issues and promotion of norm implementation, and calls for proper behavior (Keck and Skikkink 2014; Katzenstein 1998).

Internal sovereignty is legitimized with reference to what is externalized at its moment of birth. On the international level it is presumed, there is anarchy in terms of absence of authority and a 'state of nature' condition. The *absence* of a centralized agency relies on the assumption of the sovereign *presence* of domestic societies. Sovereign states are the solution turned into a necessary condition of outward agency. Phrased differently, it is only by being acknowledged as such that a sovereign state can take part in the state-centric "project" (Wendt 1999: 10; Giddens 1986). In this, sovereignty is both constitutive as well as being the problem to overcome. Thus international relations are defined by presence of sovereign states as primary actors and by the absence of a sovereign power/authority governing the system itself.

Against the anarchy hypothesis, theories, particularly from the constructivists and liberals have emphasised the role that norms plays in changing behavior of the states. Alexander Wendt argues that self-help and power politics do not follow logically or causally from anarchy. Definitions of our enemies, friends and foes, are defined inter-subjectively and by changing practices and process a change in the intersubjective knowledge that constitutes the system will follow. In sum, "anarchy is what states make of it" (Wendt 1992). The point is taken further in Iver B. Neumann's investigation of changing diplomacy practices. The article serves as a good illustration of the potential effect of the culture and behavior of one (small) state in altering the rules of the game (Neumann 2002). Adding to Neumann's discursive analysis, Vincent Charles Keating and Jan Ruzicka show that behavior leaning towards hedging strategies creates an atmosphere of trust, and that hedging strategies are also the criteria by which trust relations can be measured, showing that "states have the ability to transcend the security dilemma" (Keating & Ruzicka 2014:755). Trusting relationships suggest the potential for transformation in political relations even under the conditions of anarchy.

The rise of international legal organizations in the period immediately preceding World War I challenged the philosophy of states and the extent of their sovereignty. The Hague conferences and conventions extensively limited the rights of sovereign states to engage in wars (Keefer 2006). While these focused on arms control and legitimacy of military action, the Court of International Justice established by the League of Nations had the power to make tribunal judgments that could override the jurisdictions of individual states (Slomanson 2010). Institutionalists have further alluded to the normative effect of international law, especially in cases where “international behavior is consistent with international law, even in the conduct of hostilities between states” (Simmons 2000: 819). Subtle acknowledgments of the *pacta sunt servanda* principle, and a general prescription to international norms and rules, are recognized in interstate interactions. In addition there are cooperative arrangements in formalized institutions between states (either UN or EU). Both are evidence of the ethical consciousness of the international community and indicate a détente strategy, rather than competition and rivalry in the international sphere.

Various regimes, whether on human rights (Hernández-Truyol 2005), monetary affairs (Simmons 2000) or security (Walker 1990), “refer to a set of mutual expectations, rules and regulations, plans, organizational energies and financial commitments, which have been accepted by a group of states” (Ruggie 1975: 570) and lead to the conclusion that international behavior is indeed more institutionalized than we might think (Haggard & Simmons 1987: 492). These interactions fuse exterior anarchy and domestic hierarchy. Interdependence transforms not only the nature of the international, but, as Hernandez-Truyol (2005) pointed to in the context of human rights and Walker did by heterogenizing and offering multiple interpretations of the security concept, they also changes the direction of domestic politics. Complex interdependence suggests that these contacts and changes that derive from them need not be monopolized by states at all. This has long been the assumption of international political economy (Buzan 2012: 8) in analyses of multi-corporate or transnational corporations, though Keohane and Nye (1977) extend this interdependence across a number of other fields normally attributed to state control.

5.0 Conclusion

Once upon a time, the world was not as it is, in terms of the ontological foundations of its social and political configuration, ideals and identities. Through several centuries, the concept of sovereignty was gradually carved out as the bearer of all that which modern political science is about, and constitutive to all that which modern politics can be known as, in the words of politicians and philosophers alike. The taken-for-granted patterns of inclusion in and exclusion from the political must be understood as reflections of historical innovation, starting with the collapse of feudal hierarchies and the delineations of the flat Euclidean spaces of modernity. The historical revision of politics and sovereignty can be traced back to the nascent days of Christianity, with the gradual adoption of many of the traits of the secular Empire as Ecclesia grew and engulfed all political concepts. Finally, a formal division took place to settle the jurisprudence between *sacerdotium* and *imperium*. Until the seventeenth century, however, the two spheres of jurisprudence continued to be the roots of both havoc and order, causing wars and inspiring peace, across the European continent. In this initial phase, the puzzles of the Medieval theologians regarding claims of men in general and those of citizens in particular, places as well as puzzles of temporality that were solved by dualisms of time and space. In the 4th century, Augustine of Hippo had theorized the eternity of God. Now eternity was firmly established on earth rather than in heaven, and havoc and judgment day was slowly subjected to the rationale of men rather than destiny. The discursive practices over these issues were strictly limited by a general theory of the state; that is a theory ontologically tied to a universalist framework, articulated, disseminated, produced and reproduced by an endless series of analogies and allegories, or a ‘mobile army of metaphors’ to borrow a phrase from Nietzsche (1954). In this, no new knowledge was produced and events and episodes remained tied into a circular relationship between resemblance and exempla. This is where the change later occurred in the discourse on sovereignty, somewhere between the end of the sixteenth and the beginning of the seventeenth century. In the Classical texts, these dichotomies turned into discourses about continuous life of political beings existing inside the state, and transitory life outside the state. With reference to the positivism of what is inside it becomes possible to depict a disordered outside, made possible by a sharp distinction in space. The social contract articulated by early modern theorists was directly inspired by this spatial consciousness. With the contract, the idea of progress was firmly

located within the sovereign polity, and barbarism outside of it. In modernism, the international becomes the precondition and is itself constituted by a distinctively modern arrangement of identity and difference, the outcome of which is the nation state. By implication, a common language hinges on an arbiter, and conversely the arbiter is himself created by language.

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