

S – Sovereignty

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The concept of ‘sovereignty’ is without a doubt one of the key notions in Russia’s political, including foreign policy, narrative.

‘Sovereignty’ is, above all, a formula that is used in political rhetoric, that is, in public discourse identified as a political one. Mentioning sovereignty is a way to assert a demand, to warn about possible losses or stress the need for restoring it.

The meaning of the word ‘sovereignty’ is clear: it denotes supreme power. Therefore, whoever is believed to hold this power, at least verbally, is sovereign in his state. In international relations, sovereignty means recognition, at least verbal, of the independence of the sovereign authorities of a country from external political forces and other states, and more precisely, of the independence of the internal sovereigns of one state from the internal sovereigns of other states. Statements that “such and such country is a sovereign state” mean that the decisions made by the supreme authorities of that country have not been dictated by the supreme authorities of other countries.

But this is where the problems begin. International law and international organizations can be a problem for those who make sovereign decisions,

and national sovereignty can be a problem for international law and international organizations. The ways of putting problems and solving them change over the years, and while in the 2000s and a little later we often heard that the time of classical sovereignty had passed and the concept itself could be considered almost obsolete, the situation changed in the middle and late 2010s. American sovereignty means that Americans have control over their own government. Given this, says John Bolton, “advocates of ‘sharing’ or ‘pooling’ U.S. sovereignty with international organizations (...) are really saying we should cede some of [that] sovereignty.” This, he continues, “is unquestionably a formula for reducing U.S. autonomy and reducing our control over our own government.”¹

Bolton was consistent. He attacked not only Barack Obama, globalists, and global governance in all its forms, but also the very idea of international law, and pointed out, quite sagaciously as time proved, that the role and limits of international law and sovereignty would become key issues for debates in the coming years.²

What are the main attributes of sovereignty? First of all, sovereignty is clearly a *territorial phenomenon*. Sovereign territory, that is, the territory where power holds and where laws apply, is the intuitive obviousness, something for politicians and political publicists to lean on. Robert Jackson defined the sovereign state as “an authority that is supreme in relation to all other authorities in the same territorial jurisdiction and that is independent of all foreign authorities...”³ In principle, territory can be sealed with a fence and barbed wire, and the skies above it can be closed and guarded with various weapons...

The same is true of people. People live in a certain territory, and it is not without reason that the concept of the territorial state includes the concept of *physical force*, violence against the body which is within reach and which, for the sake of sovereign power, can be limited in its movements, subjected to sensitive punishment or, on the contrary, provided with food, warmth, and means of transportation. But it is neither punishment nor

¹ Bolton, John R., 2010. How Barack Obama is Endangering Our National Sovereignty. *Encounter BroadSides*. Kindle Edition. Loc. 21 ff.

² Ibid. : Loc. 161.

³ Jackson, Robert, 2007. *Sovereignty: Evolution of an Idea*. Cambridge, UK: Polity, p. 104.

encouragement nor support as such that matters. The *living body* is what matters. The bodies make up a population, a nation, citizenry that in most modern countries have been declared the bearers of sovereignty and the inalienable source of power.

So, as we can see, sovereignty without a doubt extends to *people as a bodily entity* since they stay in an essentially sealable territory. It applies to them as objects because they are exposed to direct physical impact. Sovereignty also applies to inanimate objects that can be said to be owned and controlled by the state, as well as to the rules determining how bodies and objects could be impacted. The people usually live in a certain territory, which seems quite obvious, and make up a solidarity community that determines itself. Such is the idea of popular sovereignty, with the concept of “body politic” embedded in it, no matter what it is called.

This is a metaphor, of course, but without the bodily metaphor all the obviousness and traditional intuition of sovereignty seem meaningless.

All criticism of sovereignty one way or another challenges this basic metaphor and related concepts.

One of the most common ways to challenge state sovereignty is reinterpret the metaphor of body politic, that is, to call into question the connection between the state and the people’s body politic. If a “population” is obviously heterogeneous and the territory on which it lives is large, such population rhetorically ceases to be considered a people, as there is no longer any obvious collective body behind it, but there is one behind other, usually smaller, groups, the homogeneity of which is confirmed by language, religion, genuine or fictitious common origin and other such factors. The logic of integration of people and territory, the logic of sovereignty remains but shifts to smaller entities.

Another way to challenge state sovereignty is to reject the collective body politic in favor of the individual as a genuine, intuitively undeniable, and credible living being. This brings us to the idea of the individual’s natural rights, in the name of which one can assess, question, and challenge the rights of any community, and above all, of course, of the traditional sovereign state. Modern international law already places individual rights above those of the political community. The protection of human rights makes up the core of international law, in which it is not always possible to

keep balance between respect for human rights and respect for the principle of sovereignty. But the critics of sovereignty are consistent, and they go even further, foreseeing a “global legal order” for entire mankind in the future. For example, Rafael Domingo dissolves the state almost completely in a long list of communities between the family and humanity: “Like a family, humanity is a natural entity, not just cultural.”⁴

Finally, the third way is radical deterritorialization of the social.

Modern means of communication eliminate distances. At the very beginning of the 20th century, Georg Simmel was astute enough to notice that money was defeating space. If you have money, you will get goods that were previously unavailable, and events in the world of money will affect one another, even if stock exchanges are far from each other.

As electronic means of communication make their way not only into economic but also everyday life, the role of traditionally understood physical space has been constantly shrinking. Ideas and cultural models (for example, educational systems, methods of news presentation and much more) cross state borders without being physical objects, that is, strictly speaking, not so much cross them as exist beyond them, in another dimension. New spatial entities such as “world cities” organize territories differently and become nodes in the global communication system, which exist, on the one hand, within the body of states, but on the other hand, in a very special, autonomous mode.

International organizations and international legal regulations they produce clearly require implementation in territories. This has produced the well-known concept of “R2P” (Responsibility to Protect), which was widely discussed by international lawyers in the early 2000s. This concept takes human needs as a starting point and shifts the focus from the rights of the state to its duties (and responsibility), thus transforming the concept of sovereignty.⁵

In all these cases, traditionally understood sovereignty is eroded and may if not disappear altogether than at least be limited even more than before. But are these arguments so flawless? On the one hand, we see that

⁴ Domingo, Rafael, 2010. *The New Global Law*. N.Y.: Cambridge University Press, p. 117.

⁵ Klabbers, J., Peters, A. and Ulfstein, G., 2010. *The Constitutionalization of International Law*. Oxford: Oxford University Press, p. 184.

space, body and sovereignty cannot be preserved in the habitual formats. But then what is the reason for the success of movements that can literally be called reactionary, that is, appear as a reaction to the far-reaching processes of globalization and policy deterritorialization?

Perhaps the question of sovereignty should indeed be raised in a new way. There are several reasons for that. **Firstly**, it needs to be separated completely from the idea of collective body that has some special, privileged naturalness compared to other collective entities. The point is not that the state has no preferences in this respect, but that it will lose this war of rhetoric in the modern world to other rising communities and their claims. Radical rejection of this rhetoric does not undermine the state, but it undermines its opponents' claims.

Secondly, states must double-check what can and what cannot be within their area of responsibility. Claiming rights where the state is not able to show responsibility is not the best tactic and the worst strategy of all.

Thirdly, states will have to assume that they continue to be a unique means of solidarization and mobilization in their inherited, traditional territories, but, unlike the existence of the state, neither solidarity nor mobilization is permanent. Roughly speaking, governments and courts, the army and the police exist even when they annoy and antagonize the majority, not being able to control even what they see as a prerequisite for their existence, be it information, flows of goods, migration, cultural innovations, or something else. But this relative helplessness of the state should not mislead anyone if, at a critical moment, it can use bans, sanctions, physical threats and total propaganda to restore sovereignty in its original sense, at least temporarily and partially. As Karl Schmitt said a century ago, "the rule proves nothing; the exception proves everything." Sovereign is the one who decides on the exception.