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Notre Dame Law Review V. 66

Sovereign God, Sovereign State, Sovereign Self

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Sovereignty is the vote. The union card. The insignia of membership in the club. Less exclusive than it once was, the club now encompasses much of the globe, and nonmembers continue to seek entry, often utilizing rather impolite methods to that end. Sovereignty remains the "essential qualification for full membership in international society, or to express the point more comprehensively, the qualification which makes a state *eligible* for full membership."¹ Sovereignty names an aspiration; serves as a goad to action; signifies an accomplishment; defines an opposition between the state and its society; and encodes a legal construction, namely, formal sovereignty.

Why is sovereignty so pervasive and so elusive? To address this comprehensively would take volumes, but I propose only to scratch the surface of things by looking at the way sovereignty continues to mark discourse in international relations, history, and current affairs. Then I will move to a series of speculative reflections on the continuing power of the concept of sovereignty. Finally, I will touch on a theme by no means original to me: sovereignty as a boundary-setting discourse—a way to divide theorizing about "domestic politics" from theorizing about the state and its "external" relations.² My aim over the long haul is to move toward a new discourse of sovereignty which would enable us to interrogate uncritical assumptions about sovereignty rather than to pose it as a problem and attempt to eliminate the concept.

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1 A. JAMES, SOVEREIGN STATEHOOD: THE BASIS OF INTERNATIONAL SOCIETY 7 (1986).

2 This requires introducing gender representations explicitly, for such representations proliferate in the story of sovereignty as a heroic saga, the bringing of order to a "domestic space." Let me add that there is no full-blown feminist alternative to sovereignty discourse, not unless one wishes to indulge in millenarian flights of fancy. But, what is not only possible, but also a vital necessity, is a recasting and a rethinking that may yield alternative performance requirements, that may compel political action in ways at odds with those historically characteristic of sovereign policies. One must ask whether state independence is so entangled with the modernist project of what Charles Taylor calls "self-responsible freedom and individual rights" that we abandon it at our peril. Sovereignty is a site of political and theoretical contestation, perhaps now more than ever in our bloody century.

SOVEREIGN SIGNS OF THE TIMES

A full page advertisement in The New York Times, August 22, 1990, stated: "Arab Americans support Independence and Sovereignty of Kuwait." The ad goes on to link "independence, sovereignty and territorial integrity." It was placed by the National Association of Arab Americans.

Political theorist Bernard Crick proclaims that there are crucial differences between power and sovereignty, and that it is but "vainglorious bluffing which has confused the two and caused shameful deaths."³ Warning to his topic, Crick lambastes sovereignty "as a greater curse and a source of more conceptual confusion than even Clausewitz's dubious doctrine. For even if one says that something called 'the State' is sovereign, it does not follow that this sovereignty *should* always be used or *can* always be used."⁴

But Crick's use of the conditional blunts the edge of his polemical sword; he says "if" there is something called "the State" and "if" it is sovereign. One is left with the impression that there must indeed be sovereign states, else why the fuss? It becomes clear that Crick is in the same bind as many thinkers outraged at abuses of sovereignty (in Crick's case, Margaret Thatcher's bellicosity in the Falklands—Malvinas affair); yet, Crick is unwilling to jettison the idea, because if a "whole country is threatened, sovereignty becomes meaningful: as in 1914-18 and 1939-45."⁵ Popular sovereignty turns out to be even better at the sovereign game than autocracy, being able to achieve more robust and enthusiastic degrees of mobilization. When people voluntarily act together, the formal mechanism of a sovereign state can then effectively counter an external foe.

In Michael Howard's *The Causes of War*,⁶ we find a defense of the nation-state and its corresponding sovereignty. Howard criticizes as excessive and tragic one of the moments of popular sovereignty Crick valorizes, namely 1914-1918. Howard would hold onto the concept of sovereignty for future use. To Howard, the "tragedy of 1914" evolved from the "later nineteenth-century apotheosis of the Nation State, together with the glorification of war which

³ Crick, *The Curse of Sovereignty*, THE NEW STATESMAN, May 14, 1982, at 6, col. 1.

⁴ *Id.* at 7.

⁵ *Id.*

⁶ M. HOWARD, THE CAUSES OF WAR AND OTHER ESSAYS (2d ed. 1984).

accompanied it"⁷ This, for contemporary Europeans, is an historical curiosity, almost impossible to conceive of today. (Save for Bernard Crick?) Howard, an erudite and temperate writer searching for the strongest possible intensifiers to score this rhetorical and analytic point against sovereign excess, excoriates "the grotesque and evil exaggerations of militaristic nationalism."⁸ He concedes that mistrust of the State is "the beginning of political wisdom."⁹ And yet, Howard argues that liberal optimism regarding "the reintegration of mankind in new political patterns which will transcend the old 'war system' and make possible perpetual peace"¹⁰ is misplaced, as "the nation State still remains the only mechanism by which the ordinary man and woman achieve some sense, however limited, of participation in, and responsibility for, the ordering of their own societies and the conduct of the affairs of the world."¹¹ For Howard, the alternative to the State is not a supra-staist order of peaceful integration by dis-integration, akin to a Lebanonization of political life.

In *The City of God*, St. Augustine writes:

For where can that lust for power in arrogant hearts come to rest until after passing from one office to another, it arrives as *sovereignty* [*summum imperium*]? Now there would be no occasion for this continuous progress if ambition were not all-powerful; and the essential context for ambition is a people corrupted by greed and sensuality.¹²

The distinctive mark of Roman life as a *civitas terrena*, a city of man, was greed and lust for possession, which presumed a right of exploitation. This became a foundation for human relationships, warping and perverting personality, marriage, the family, all things. Augustine writes: "For he who desires the glory of possession would feel that his power were diminished, if he were obliged to share it with any living associate [H]e cherishes his own manhood."¹³ Augustine's scorn for the *Pax Romana* knows no bounds. (I exaggerate. He does have some good words for Roman justice and order, imperfect as they were and have been, but the

⁷ *Id.* at 29.

⁸ *Id.*

⁹ *Id.* at 32.

¹⁰ *Id.*

¹¹ *Id.*

¹² ST. AUGUSTINE, THE CITY OF GOD 42 (D. Knowles ed. 1972) (emphasis added).

¹³ *Id.*

Back to peace. Back to law. Back to empire? Presumably. But sovereignty doesn't go away in this vision; it is lifted upward. Sovereignty escapes the confines of the nation-state; of "primitive tribalism," to take up its rightful residence in the restored temples of the *imperium Romanum* or its twentieth century equivalent. Hill aims to reconcile universalism and particularism wholly in favor of universalism, under Western hegemony, of course. His reconciliation rearticulates a vision of political space in which differences have either been melted away or been absorbed within some universalized totality. For Augustine, for Michael Howard, I dare say for Vaclav Havel, Lech Walesa and other leaders of democratic independence movements countering the domination of the Soviet Empire, this prescriptive endorsement of a new and better *Pax Romana* is a recipe for fuzzy abstractness at best, for legitimization of hegemony at worst. Who, after all, sets the terms for the new universalism? How can such an escape from the perils of state sovereignty be especially meaningful in political institutions and life? There are voices of skepticism and concern which see real dangers in "the most dramatic rebirth of sovereignty in the post-war era."¹⁶ Charles Krauthammer's specific concern is German reunification, but his overall focus revolves around two intertwined concerns: (1) the brutal and artificial suppression of sovereignty in the post World War II era, and (2) the consequences of sovereignty at that era of suppression. Krauthammer says that when suppression is lifted, there might not be a salutary centralizing of more authority in the concept of "Europe" by diminishing "the sovereignty of each country." He warns, instead, of a veritable explosion of sovereignty and, ineluctably, a return to the desuetude balance-of-power system involving "twenty-nine sovereigns speaking forty-five languages."¹⁷ This route is "not just an anarchism, it is a prescription for instability."¹⁸ Empire, then, is but a temporary loose umbrella of Europe might be an ideal scenario, but as Ronald Steel warns in *The New Republic* self-determination is a

16 Krauthammer, *The German Revival: The Berlin Wall Comes Down Too Soon*, THE NEW

REPUBLIC, March 26, 1990, at 19, col. 2.

17 *Id.* at 20, col. 2.

18 *Id.*

critique predominates in Augustine's overall narrative.) Rome's *imperium* brought terrible grief to humankind: "Peace and War had a context in cruelty, and Peace won the prize." The Roman Peace "slaughtered the defenseless." Inventing the threat of wicked foreigners to justify their own wickedness, Rome's masters should have erected a statue to honor a new goddess, "*Invictus Aetna*," the evil alien, as she had served them so well.

Augustine's ire is also meted out against the Roman law of private property, particularly the absolutism of the *pater familias* who held sway over the household to the point of having the power of life and death over all its members, including his own newborn infants. The *dominus* possessed unreticent property rights, internally, domestically. Absolute dominion over a *domestic* arena was the mark of the sovereign *dominus*. For Augustine, this represented the mark of Cain. Domestic sovereign absolutism and the terrible sway of Rome both wore a masculinized face. The feminized, the female, requires the masculinized, the male, to be the bearer of both domestic and external order. Augustine suggested that the iniquitous "alien" took the form of a feminine force or principle, *Abna*, the unruly external She. Here the feminized representation was the unruly She who could disorder.

For David Hill, one-time United States Ambassador to Germany writing in 1917 and investigating against the evils of sovereignty, Rome is the Empire set on a hill, the longed-for universalism split apart by a now hopelessly sullied particularism. Hill celebrated that which Augustine had so masterfully condemned. For Hill, the *Pax Romana* embodied a "universal humanism" established by law, which ran counter to the "tribalism of primitive European races,"¹⁹ he claimed that the time had come for "universal humanism" to "reclaim its own and reassert the substantial unity of the human races" by revivifying "the splendid postulates of the Roman imperial organization of peace as a condition of human happiness."²⁰ The olive branch of peace, the Roman imperial ideal, is contrasted with the "right of the mailed fist," the *Kaiserlich* which led to "so many sovereignties, so many absolute autocrats."²¹

19 Hill, *The End of Sovereignty in the State in International Relations* 88 (R.

Cox ed. 1965).

20 *Id.*

sentation in sovereign discourse, a reversal occurs with much of the peace discourse of feminist universalists. For the thinking in this latter *genre*, the One is feminized and this logic of identity prevails over all other terms. This game requires the absolute otherness of the male in a manner analogous to sovereignty's dependence upon the otherness of the silent and absent female. The discourse of strong sovereignty in its classic formulation is a discourse of absolute mastery over internal space and independent vulnerability in the external zone of competing sovereignties. The discourse of universalism as embodied in yearnings for Empire or a feminist utopia is a discourse in which any internal/external divide melts away.

TRACKING SOVEREIGNTY

I move now from the contestability and instability of the sovereign signs I have noted to a modest project of historic excavation, bringing forward the many ancient tracks that lie just beneath the surface of the smooth, paved road of modern sovereignty in its full rhetorical elaboration. Sovereignty is an heroic and contradictory narrative. It is a story of civic peace and unity on the one hand, and of the necessity of war and state violence on the other. This narrative gained ascendancy and has held sway as a particular historic configuration, a response to concrete pressures and problems.

[Power] is indispensable to various ways of thinking about things—not only politics but God and the sacred. Political meanings in the West got layered over older, mythic understandings, potent images of ritual, taboo, the demoniac, the sacred. "Thing," says the Hebrew Testament, "is the power and the glory." This is reflected in the Oxford English Dictionary in which power as a characteristic of political or national strength is a usage dating from 1701, a "late use" claims the dictionary and one preceded by "a celestial or spiritual being having control or influence; a divinity."²⁰

This suggestion needs fleshing out, for if my hunch was at all correct, it means that claims to penultimate (or even ultimate) *potestas* (or power as domination, a notion essential to early modern theories of state sovereignty) are parasitic upon a singular, sovereign, masculinized deity for much of their force. This force forms

24 J. ELSTAIN, POWER TRIPS AND OTHER JOURNALS 140 (1990).

"flawed . . . principle for action," which encourages a kind of integral nationalism that is exclusionary and dangerous.¹⁹

Visions of a new and better *Pax Romana*, stripped of the unattractive features of dominion, continue to seduce thinkers and ideologues. One finds, for example, feminist peace theorists who preach a new religion of universalism by inverting the rankings and evaluations of "old war" theorists who might cling to a Roman-style *pax*. That is, they call for a benevolent, feminized peace against a malevolent, masculinized war-system.²⁰ A world of transparent harmonies, once sovereignty is eliminated, is a vision that itself rests on the very oppositions, hierarchies and repressions it seeks to displace. If, as Joan Scott has argued in her book, *Gender and the Politics of History*, the high politics of wars and states is a "gendered concept, for it establishes its crucial importance and public power, the reasons for and the fact of its highest authority, precisely in its exclusion of women from its work,"²¹ then the totalized version of feminist anti-state discourse functions as the perfect mirror to its diabolical twin. Feminized peace is a gendered concept generated in large measure by the masculinized war system. Each requires the other. Just as the *Pax Romana* institutionalized universalism by suppressing particularism, or blunting and normalizing the terms of its expression, so, too, do many contemporary versions of peace evangelizing seek to repress the "other"—whether "primitive tribalisms" or "masculinized sovereigns."

Rob Walker has argued that sovereignty generates a number of typical problems: the tension between universalism and particularism; and defining international relations in terms of the presence or absence of primary actors (sovereign states).²² But the system itself is defined by an absence of sovereignty. The discourse of state sovereignty makes claims to sovereign identity—"the One is separate from, superior to, and generative of the Many, the Other, the Different . . ."²³ If that One is a masculinized repre-

19 Suel, *Pax Sovietica*, THE NEW REPUBLIC, Jan. 21, 1991, at 18, col. 2.

20 See Warnock, *Partnership Is a Killer: What People Confront About Peace and Justice Should Know*, in REVIVING THE WEB OF LIFE: FEMINISM AND NONVIOLENCE 20 (P. McAllister ed. 1982); Smithka, *Feminism and Peace Theory: Women as Public Citizens*, in IN THE INTEREST OF PEACE: A SPECTRUM OF PHILOSOPHIC PERSPECTIVES (1990).

21 J. SCOTT, *GENDER AND THE POLITICS OF HISTORY* 48-49 (1988).

22 Walker, *State Sovereignty, Global Capitalism, and the Remaking of Political Space*, in WORLD UNDER STUDIES PROGRAM OCCASIONAL PAPERS No. 18, 1 (1988).

part of what Frederick Jameson might call our historically constituted political unconscious. This force might also help to account for the surplus meaning of sovereign and state.

The notion that God is Sovereign and utterly transcendent is central to Judaeo-Christian metaphysics: "God created the heaven and the earth from a formless void. There was darkness over the deep, and God's spirit hovered over the water. God said, 'Let there be light,' and there was light. God saw that the light was good, and God divided light from darkness."²⁵

We all know the story, and we recognize its power, even if we do not share it as a guiding cosmology, as Western Christendom once did. God's sovereignty is perpetual, absolute, indivisible. From God's sovereignty comes the "right of dominion over his creatures, to dispose and determine them as seemeth him good," writes Elisha Coles in an 1835 work on *Practical Discourse of God's Sovereignty*.²⁶ Coles notes: "There can be but one infinite; but one omnipotent; but one supreme; but one first cause; and He is the author of all."²⁷

The Reverend Professor John Murray, speaking at the First American Calvinistic Conference in 1939, notes with unassailable logic (given the assumptions with which he begins) that

the moment we posit the existence of anything independent of God in its derivation of factual being, in that moment we have denied the divine sovereignty. For even if we should grant that now, or at some future point, God has assumed or gained absolute control over it, the moment we allow the existence of anything outside of His fiat as its principle or origination and outside of His government as the principle of its continued existence, then we have eviscerated the *absoluteness* of the divine authority and rule.²⁸

God's right is coterminous with His sovereign power: it is a right of dominion, rule, possession, "all-pervasive and efficient . . . omnipotent and undefeatable."²⁹ Human beings are subject to God's sovereign dominion. God's all-pervasive sovereignty misses nothing, attends to everything. This vision of metaphysical realism,

²⁵ Genesis 1:1-4.

²⁶ E. COLES, PRACTICAL DISCOURSE OF GOD'S SOVEREIGNTY 24 (1835).

²⁷ *Id.*

²⁸ Murray, *A Biblical Theological Study*, in THE SOVEREIGNTY OF GOD, OR THE PROCEEDINGS OF THE FIRST AMERICAN CALVINISTIC CONFERENCE 25 (J. Hoogstra ed. 1939). Murray spoke in a biblical theological study about the sovereignty of God. *Id.* at 26-27.

²⁹ *Id.* at 28.

dependent upon a monistic conception of truth, dominated sovereignty talk for centuries, laying the basis for the juristic conception of the state. Political theorist Carl Schmitt writes:

All significant concepts [are so] not only because of their historic development—in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver—but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts.³⁰

Consider Jean Bodin's discussion of sovereignty as the *sumum imperium*, that which can neither be delegated nor divided: "Sovereignty is that absolute and perpetual power vested in a commonwealth which in Latin is termed *majestas*."³¹ Bodin further states that "it is the distinguishing mark of the sovereign that he cannot in any way be subject to the commands of another, for it is he who makes law for the subject, abrogates law already made, and amends obsolete law."³² Political theorist Susan Buck-Morss adds: "The rationale of modern sovereignty owes much to the inventive fantasy of philosophers."³³ If she is right, Bodin (with Hobbes close on his heels) is among the most inventive. Bodin and Hobbes are each implicated in "the birth of ideology, . . . the peculiarly modern habit of justifying political acts by reference to abstract, metaphysical ideals."³⁴ To Hobbes,

the only way to erect such a Common Power . . . is to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills . . . unto one Will . . . This is more than Consent, or Concord; it is a real Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, 'I Authorize and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give the Right to him, and Authorise all his Actions in like manner' This is the Generation of that great Leviathan, or rather (to speak more reverently) of that Mortall God, to which we owe under the

³⁰ C. SCHMITT, POLITICAL THEOLOGY: FOUR CHAPTERS ON THE CONCEPT OF SOVEREIGNTY 36 (G. Schwab trans. 1985).

³¹ J. BODIN, SIX BOOKS OF THE COMMONWEALTH 25 (M. Tooley trans. 1967).

³² *Id.* at 28.

³³ S. Buck-Morss, *Democratic Sovereignty: A Contradiction in Terms* 8 (unpublished manuscript).

³⁴ *Id.*

Immortal God, our peace and defence . . . And he that carryeth this Person, is called Sovereign, and said to have Sovereign Power; and every one besides, his Subject.³⁶

Hobbes goes on to enumerate the Sovereign's rights which are his powers: to judge all opinions, to name all names, to defend all as "a thing necessary to Peace, thereby to prevent Discord and Civil Wars,"³⁶ Hobbes, and before him, Bodin, helped to give "centralizing monarchies the basis they required in legal and political theory."³⁷ But they were also working off of, and appropriating to their own purposes, a whole body of pre-statist sovereign theory penned by defenders of the papacy as the site of a *plenitudo potestatis*, a plenitude, an untrammelled amplitude, of power. Writes Antony Black:

It now seems clear . . . that much of this was already created for them by papal theory. Certainly, long before this period, Roman imperial doctrine had been used by national kings and territorial princes to justify the overriding of positive laws, and a centralized system of legislation and appointment. Papal doctrine both endorsed this . . . and also supplied something of the more abstract and more generally applicable notion of Bodin.³⁸

The difference between the earthly enumerated powers and God's is that the earthly Sovereign, although untrammelled in his power in the temporal space that is History, is subject to God's grace or punishment. But having taken unto himself all the features of the deity, save personal immortality (although the kingdom is perpetual, hence immortality is in some sense assured), there is precious little constraint in the world of Bodin and Hobbes on the sovereignty of the absolute *dominus* over a bounded earthly territory, a vast domestic space. His is the power and the glory, the *plenitudo potestatis*.

Before Bodin and Hobbes had penned their classics, the peace of Augsburg (1595) had imbedded the principle of *cuius regio eius ius* in German treaty law. Luther had unleashed more

35 T. HOBBES, *THE LEVIATHAN* 237-28 (C.B. Macpherson ed. 1968).

36 *Id.* at 153.

37 A. BLACK, *MONARCHY AND COMMUNITY: POLITICAL IDEAS IN THE LATER RENAISSANCE*

25 1430 (1970). Some may credit that Hobbes is no metaphysician. This may be so, but what Carl Schmitt (*see supra* note 30 and accompanying text) calls the "decisionist cast" of Hobbes' thinking remains both personalistic and archibureaucratic.

38 Black, *supra* note 37.

than he knew, helping to set in motion a theory of self-sovereignty by that "mirrors the sovereignty of the state." I put it this way in *Women and War*:

Luther prepares the way for the political theology that underlies the emergence of the nation-state. Its full-blown dimensions become more visible in seventeenth-century calls for holy wars, providentially enjoined so that tyranny might be banished and the True Godhead worshipped . . . Following the excesses of Europe's religious wars, the crusading ethos does not disappear; it regroups, taking shape as the popular beliefism and militarism of the nineteenth century, feeding notions of sovereignty as a secular mimetic of a God, which is the ultimate Law Giver whose commandments must be obeyed and whose power to judge is absolute. Similarly, the triumphant state cannot be resisted, nor its will thwarted.³⁹

Bodin and Hobbes justified sovereign absolutism when States: (a) face situations of near chaos, and must guarantee order and civic peace, at whatever the price (unsurprisingly, state action in this context takes on the force of an *imperium*); or (b) rediscover "from Roman law . . . the concept of absolute [sic] private property and the simultaneous emergence of mutually exclusive territorial state formations."⁴⁰

The great modern classics in political theory were produced in response to a "legitimation crisis." To John Ruggie, Rome transmuted the conception of sovereignty in the form of the Emperor's *imperium* to the Middle Ages. But this did not really germinate meaningfully until legists, mostly French, crystallized the idea of state sovereignty with discursive and meta-historical justification. Those legists drew from one theory of what Rome had, in fact, decided.⁴¹ One brief example involved a statement of Bologna University (famous for its law school) in 1443, updating Roman law to the present moment:

There is one Judge, from whom the final decision of cases comes, lest with many judges contending, and no one supreme, litigations would never be finished. Also, no family, no community, no kingdom can remain in its full *status*, unless it has one supreme ruler, because from divisions of heads there easily

39 J. ELSTAIN, *WOMEN AND WAR* 196 (1987).

40 Ruggie, *Community and Transformation in the World Polity: Toward a Neoinstitutional Synthesis*, in NEOLATINISM AND ITS CULTURES 144 (R. Koehne ed. 1986).

41 *Id.*

lue sovereign power to any of the component communities of Christendom, including pope and emperor, gives way to the situation of a perpetual, supreme power, a king's body which could not be dismembered. There is no limitation in the law of God or of Nature. The Sovereign is the final judge. Presumably God will sort things out in eternity.

We have arrived at the standard narrative, the classical theory. Sovereignty is indivisible, inalienable. It defines the supreme, the task: it involves civic order, identity, and images of well-being or danger. According to Charles Merriam's *History of Sovereignty Since Rousseau: Studies in History, Economics and Public Law*, sovereignty "finds its source in an original contact and abides permanently in the body politic, the creature of the compact."⁴⁶ Sovereignty shifts from King to State, and this State "can no more alienate its sovereignty than a man can alienate his will and remain a man."⁴⁷ Rousseau protects sovereignty in this way through his postulation of the alienability of the general will. The State and sovereignty are united. Ultimately enacted as a politics of terror in the French Revolution, popular sovereignty constituted internal enemies on par with external foes. The Jacobin Committee of Public Safety, identifying its will with the general will, declared that everyone outside the Popular Sovereignty was an enemy, fit only for swift and sure punishment by the sword. After all, Robespierre, in a speech on December 3, 1792, declared that Louis was a "traitor to the French nation," and his death would be forever celebrated and consecrated as "a salutary terror of the justice of the people."⁴⁸

Sovereignty, in this scenario which Buck-Morass calls the ur-form of revolutionary terror, explodes its traditional boundary-defining function, and creates a world in which the law of external force applies to foreigners and the law of justice (with such limiting cases as slaves, for example) applies to citizens. Arnold Brecht refers to the concept of sovereignty as a boundary-maker, particularly after the 1648 Peace of Westphalia.

46 C. MERRIAM, HISTORY OF SOVEREIGNTY SINCE ROUSSEAU: STUDIES IN HISTORY, ECONOMICS AND PUBLIC LAW 35-35 (1900).

47 *Id.* at 33.

48 RECIDIVE AND REVOLUTION: SPEECHES AT THE TRIAL OF LOUIS XVI 138 (M. WALTER ed. 1974). See also F. FURET, INTERPRETING THE FRENCH REVOLUTION 53 (E. FORSTER trans. 1981).

arises division and schism among the members."

The King becomes Emperor in his Kingdom and the formula *non rex imperator in regno suo* is laid on.⁴⁵ Writes Raymond Aron:

Absolute sovereignty corresponded to the ambition of kings eager to free themselves from the restriction Church and Empire imposed upon them, medieval residual. At the same time, it permitted condemning the privileges of intermediate bodies: feudal lords, regions, cities, guilds—privileges which no longer had any basis if the sovereign's will was the unique source of rights and duties."

Just a reminder at this point if my musings concerning the metaphysical traces imbedded in the full-blown theory of sovereignty have any force, the genealogy of the concept predates Rome, and is nested, instead, in the powerful and pervasive construction of God's sovereign dominion over what would have remained a formless void had he not exercised his omnipotent volition. The Sovereign God gets displaced in the early modern theory of sovereignty. The Sovereign God takes up residence at a much greater remove than He had for Medieval Europeans, where God's sovereignty was incessantly enjoined as a brake on the King's designs.

Finally, Bodin's and Hobbes' notions of sovereign abolition were also bolstered by the heteronomy (good word) or hopeless fragmentation and chaos (negative characterization) of medieval Europe, divided as it was into many kingdoms under an overreaching if underdrawing (pardon the neologism) Holy Roman Emperor. This weak leadership, with the Pope meddling, was the most often cited explanation of the need for sovereign states. The medieval system of rule was, in Perry Anderson's words, "a patchwork of overlapping and incomplete rights of government . . . inextricably superimposed and tangled" with "different judicial instances . . . geographical interwoven and stratified . . . plural allegiances, asymmetrical suzerainties and anomalous enclaves" abounding.⁴⁶ Is this any way to run a continent? The Thomistic denial of abso-

45 A. BLACK, *op. cit.* note 37, at 16 (quoting *Bohemiae University for Engineers*, in DEUTSCHE RECHTSGEBERTUNG, XVII, 162 (1443)); see also Ullmann, *The Development of the Medieval Idea of Sovereignty*, 64 ENG. HIST. REV. 1 (1948).

46 P. ARON, *Peace and War: A Theory of International Relations* 738 (R. Fox trans. 1966).

47 P. ANDERSON, *Lineages of the Absolute State* 20, 25 (1974).

Within a country's boundaries no law counts other than that issued by the sovereign, be it prince, parliament or people—no higher law, no imperial law, no divine law, no natural law. There is no appeal to any higher court, no arbiter, avenger or ultimate guardian of peace and justice.⁴⁹

This is the legal freedom "of every sovereign country in the regulation of its own *domestic* affairs." People "cling to the magic" of this conception, Brecht notes wistfully.⁵⁰ This conception can turn upon the people themselves, should the popular sovereign will find among the ranks of the people enemies akin to external hostilities.

Yet those (myself included) who lament the excesses of sovereignty, whether in autocratic or popular forms, cannot do without it. All critiques, if they are to have any bite, must take it on as a point of reference, if not as a starting point. The least interesting treatments of this theme are those that condemn sovereignty and go on to construct a fantasy world that would come into being were sovereignty dissolved altogether. This is not possible. What is possible is to criticize those theories which treat the state and sovereignty as an unproblematic unity. Or, following the lead of James Tully, to take matters a step further and link up the reigning juridical notion of the state to a legalistic construction of the self. Tully characterizes juridical theorizing as the "dominant ideology" of modern political thought, and argues that it contains the following elements:

The state is represented as an independent, territorial monopoly of political power. Political power is the right to kill in order to enforce universal rule of either objective right or subjective rights, such as rights, natural law, common good, tradition, majority will, modernization, or the constitution. Political power is exercised either directly by some sovereign body (monarch, community as a whole, elite) or indirectly by some representative body . . . to whom power is either delegated or alienated by a sovereign body . . .⁵¹

Russell Hardin, encapsulating the judicial view, notes that what rights are to individuals, sovereignty is to states, and that national sovereignty is "merely the external analog of the internal

49 Brecht, *Sovereignty*, in *WAR IN OUR TIME* 58, 64 (H. Spier & A. Kahler eds. 1999).

50 *Id.* at 75 (emphasis added).

51 Tully, *The Pen is a Mighty Sword: Quentin Skinner's Analysis of Politics*, in *MEANING AND CONTEXT: QUENTIN SKINNER AND HIS CRITICS* 7, 17-18 (1988).

domestic sovereignty.⁵² Similarly, Terry Nardin associates the juridical theory with the sovereignty of nations and of selves.⁵³ I will return now to the theme of sovereign states and selves.

F. H. Hinsley can live with all of this. Sovereignty has triumphed, he insists, because it more or less had to. The concept was "sooner or later unavoidable" because "men have thought of power in terms of sovereignty," or at least came overwhelmingly to think this way given the "primary need to ensure effective exercise of power, the more so as the growing complexity of the community was serving to emphasize the importance of the state."⁵⁴ To Hinsley, we have little choice but to stick with sovereignty for one very basic reason:

The internal mechanism of the modern body politic would grind to a halt if the assumption that there was a final and absolute authority within it were to be abandoned. In international practice, the existence of a sovereign authority within the separate community is universally recognized as the essential qualification of its membership in the international community . . .⁵⁵

The state is "sovereign in the domestic context" and this sovereignty qualifies it for that agonistic arena, the international system. Harold Laski articulated in 1921 that the "orthodox theory of sovereignty" in fact coerces the parts "into a unity" and thereby places itself "at the disposal of the social group which, at any given historic moment happens to dominate the life of the state."⁵⁶ Laski's qualifiers fall out of most accounts of the standard narrative. Sovereignty is beautified and one does not, laments Laski, inquire into the purposes for which this particular order is maintained. Indeed, the United States Supreme Court has, from time to time, joined the heavenly chorus. Take these words of Justice Sutherland in 1936: "Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure without a supreme will somewhere. Sovereignty is never held in suspense."⁵⁷

52 R. Hardin, *Popular Sovereignty and International Intervention* 17 (unpublished manuscript).

53 T. Nardin, *Sovereignty, Self-Determination and International Intervention* 17 (unpublished manuscript).

54 F. HINSLEY, *SOVEREIGNTY* 215 (1986).

55 *Id.*

56 H. LASKI, *THE FOUNDATIONS OF SOVEREIGNTY AND OTHER ESSAYS* 28-29 (1921).

57 *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 316-17 (1936).

One more brief restatement of the classic theory: (a) internal-ly, sovereignty is the power to order a domestic arena (the word "domestic" implies that such order has already been achieved), and, (b) externally, sovereign powers exist in a system of at least theoretical independence and equality, whose relations are controlled by principles which are the reverse of those which comprise the internal structure of states, according to the strong or classical construction of sovereignty.

A modified defense creates, or sees, an analogy (if not a homologous) between juridical terms of internal and external rule. Such an analogy also exists even in the classical account of Roman legal subjectivity which lodges in two carriers: the single *pater familias*, the force of command or will in law, and *ius*, derived from a *populus romanus* construed as a unified subject, just as the *pater familias* was the "sole, self-determined, and in their sphere sovereign representative[s] of right," so the "multiplicity of equal wills" composed of all multiple "fathers" culminated in a center of "common legal subjectivity," the will or voice of abstract, collective personality.⁵⁶ Traces of this construction appear in all modern theories of sovereignty—this despite William Sapiro's claim in the *New York Times Magazine* that sovereignty as supreme authority has an historic meaning, now lapsed: "I hesitate to include a fourth meaning, of a husband in relation to his wife, which is as obsolete as meanings get."⁵⁷

Gender disappears in standard defenses of the standard account nor does it show up in many recent and critical treatments of sovereignty. There is one very large hint that gender has something to do with the classic formulation of sovereignty, namely, the use of the term domestic in discussions of the supra-domestic, the international. The domestic arena is peculiarly the arena inhabited by women; it is a particular power-site. I am not implying that women are, or ever have been, wholly powerless within the domestic boundary, but they have been engaged in a complex set of mediations that did not take place on an even playing field, so to speak, particularly when the dominant domestic discourse culminated with the terrible *pater familias*, at least in theory. In practice, many Roman fathers appear to have been decent fellows.

56 See Otto Gierke's difficult but valuable discussion in O. GIERKE, ASSOCIATIONS AND LAW, THE CLASSICAL AND EARLY CHRISTIAN STAGES 96-97 (1977).
57 Sapiro, *supra* note 51, at 6.
58 See Otto Gierke's difficult but valuable discussion in O. GIERKE, ASSOCIATIONS AND

The word comes from the Latin, *domesticus domus*, and it means, according to the dictionary, "of or pertaining to the household or family, as domestic duties." To domesticate is to tame. This suggests that the domestication of the household is a central, if untheorized and submerged, feature of the discourse of sovereignty. Under Roman private law, the father had absolute possession and rule over his dependents, his subjects. As we have already seen, Roman private law was reinscribed in the laws of sovereign states in the West.

What I am suggesting is that the critical notion of sovereignty as a boundary-defining discourse alerts us to the continuing effects of a particular configuration (the citizen/the alien; the family/far/the foreign; inside the polity/outside the polity), but does not go far enough. It suffers a failure of nerve or conceptual imagination that is in some sense gendered by continuing to suppress recognition of another boundary, that which severs politics from nonpolitics, namely, the polity of the household. That divide, the exercise of dominion in that arena, has been central to the full-blown, historic discourse of sovereignty. Women are a very significant absence in sovereign talk.

Let me flesh this out a bit more. Recall, if you will, the preoccupation, indeed the obsession, of sovereign-discourers with a united will. There must be one final voice, one final will, brought to bear against cacophony and chaos. As God's will is singular, so must be the Sovereign's, whether Hobbes' Leviathan or Rousseau's General Will. For Plato, the head of a household, the statesman, and the ruler possess the same essential kind of authority, but in different degrees. Aristotle does not separate authority by types (the power of a husband and master in the household is not identical to the political leader), but man is "naturally a ruling slave is given." For Bodin, the family lacks perpetual and absolute sovereignty, being a "right ordering of a group of persons owing obedience to the head of a household," but a commonwealth is the right ordering of a number of families by a sovereign power.⁵⁸ The two are analogized, and within the family, as within the commonwealth, authority is singular and patriarchal. The power, authority, and command a husband has over his wife is "al-

60 ARISTOTLE, THE POLITICS OF ARISTOTLE 13 (E. Barker trans. 1962).

61 J. BODIN, *supra* note 51, at 6.

both "nominally" free.⁶⁶ He insists that a worldwide community of interest, of willed right, is both possible and desirable. It is perhaps unnecessary to point to what gets suppressed—cultural differences, disguised domination, the list goes on.⁶⁷ I have but scratched the surface of this matter. I will conclude by not really concluding; rather, I shall offer intimations of fruitful ways to continue with this fascinating matter, the awe-full might and lingering impact of Sovereignty on our imaginations and identities. I offer below a number of possible directions for fruitful re-imagining:

RETHINKING POWER

I've already made several sabs at this. In an earlier writing, I drew upon Hannah Arendt (as do many current critics of reified images of state power), noting her attempt to rescue politics from war by separating power from violence. "By confining the crude instrumentalism of violence with power, defined by Arendt as the human ability to act in concert and to begin anew, we guarantee further loss of space within which authentic empowerment is possible. In this way violence nullifies power and symmetrizes political being."⁶⁸ Arendt's argument is fine and provocative, as is her insistent use of the metaphor of natality to characterize new and fragile political beginnings. But Arendt is by no means unproblematic, not so much because she was disinterested in feminism as a *genre*—that, after all, is her prerogative—but because, when it comes to relations between states, she opts for the Hobbesian view of war of all against all. We have wars because of "the simple fact that no substitute for this final arbiter in international affairs has yet appeared on the political scene."⁶⁹ To be sure, she goes on to decry the sovereignty of the state as the source of this Hobbesian rule, but that is as far as she goes, despite the fact that she declares the "identification of freedom with

66 J. ELIASHIN, *supra* note 65.
67 J. ELIASHIN, *The Problem with Peace*, 17 MILLENNIUM: J. INT'L STUD. 441, 447 (1988).

68 See Eliashin, *Reflections on War and Political Discourse*, 13 POL. THEORY 39 (1985).
69 See H. ARENDT, *ON VIOLENCE* 5 (1969). The question before the Court in *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 459 (1793) The answer: Amendment XI to the Constitution. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." U.S. CONST. amend. XI. H. ARENDT, *supra*, at 6.

followed by both divine and positive law to be honorable and right,⁷⁰ and the father alone has a "natural right to command,"⁷¹ standing as he does in the image of God, the Father of all things.⁷² Hobbes gives dominion to both husband and wife, but the family lacks sovereignty and is not, for him, a major concern. The masculinized face of the Sovereign is retained. This "personal-ization of sovereign power arose out of a continuation of the argument from unity and peace It achieves this purpose by providing a point of resolution for the conflicts arising with a society.⁷³

Even liberal theorists like Locke or Bentham who are not preoccupied with sovereignty, and who reject strong dominion theories in the patriarchal tradition, remain concerned with who shall have the final say in matters of dispute. Although the master of the family does not possess the legal power of life or death over any member of his family (*pax Romana* law and Bodin), some degree of order is needed. In a case of marital dissolution, rule "naturally falls to the Man's share as the abler and stronger."⁷⁴ Bentham, too, settles competition between man and wife by lodging final say in one party—there cannot be a divided will—and, as the man is almost everywhere the stronger of the two, the final willing belongs to him. This preoccupation with the will and willing and final say is but one entry point into the discourse of sovereignty as a gendered enterprise.

Not is that most grand of all liberal theories, Immanuel Kant, exempt from a search for a unified will that, in his view, will eliminate the very possibility of conflict. There is a free-flow between Kant's domestic/public world, and his prescription for a transparent world of perpetual peace. Just as the husband's proprietary right in the wife is fully compatible with her freedom and equality (that is, possession is retained but deodorized), so a world of peace will be attained only if the correct form—republican civil constitution—is attained.⁷⁵ Kant finds a community of interest in the possessed "phenomenal" wife, because she and her husband are

62 *Id.* at 10.

63 *Id.* at 13.

64 A. BLACK, *supra* note 57, at 67.

65 See the discussion of Kant in J. ELIASHIN, *MEDITATIONS ON MODERN POLITICAL THOUGHT* 21-35 (1987). For a full elaboration of these general points, see J. KANT, *CITIZENSHIP OF PEACE* (N. Smith trans. 1958) and J. KANT, *THE METAPHYSICAL ETHICS* (J. Ladd trans. 1985).

THE SOVEREIGN SELF AS A PROBLEMATIC ENTITY

To deconstruct the sovereign state is one thing; to go after visions of the sovereign, autonomous self is quite another, although I am persuaded the two are essentially linked. A few scattered, representative examples: (1) "To say that a state is sovereign means that it decides for itself how it will cope with its internal and external problems, including whether or not to seek assistance from others and in doing so to limit its freedom by making commitments to them."⁷⁴ (2) "It is by virtue of their autonomy, or their capacity to act freely, that *citizens* are constituted as members of a state and as bearers of rights. It is this capacity of the citizen that gives rise to the sovereignty of the state."⁷⁵ There is a growing body of feminist work that challenges the predetermined identity of the self as sovereign, questioning the view of rationality it valorizes, and so on. Is the thinking self really disembodied, ageless, sexless, and transcendent of historic particularity, as Kant claimed? What is the status of the self of rational choice theory? And, ironically, even as this feminist challenge continues, what about the dominant discourse of abortion as untrammelled choice, shoring up the boundaries of self-sovereignty as possession, even claiming property and ownership rights in the self?

To some extent, the sovereign self is both problematized and reified in feminist discourse. This bears further examination. The strong deconstructive route is not the way to go here; it is too blithe, too thin, to sustain anything approaching a compelling account of the subject/citizen. But there is plenty of room for critique, for examining, in Kirby McClure's words, "the complicity between the sovereign subject and the sovereign state in modern political theory," and going on to indicate that the statist imperatives to which such a theory of political agency is linked may not, in the long run, best serve feminist concerns—concerns which are quotidian in nature and thus fall outside the too-narrow frame of the "sovereign subject as a privileged political agent."⁷⁶ This problematic construction fails to capture any of the richness of the

74 Walter, *Political Structures*, in *NEOREALISM AND ITS CRITICS* 70, 90-91 (R. Keohane ed. 1986).
75 M. Connally, *Sovereignty and Citizenship in American Immigration Law* 10 (unpublished manuscript).
76 K. McClure, *Deconstructing Pluralism: Of Subject and Sovereignty on the Camp of Post-Modernity* 11 (unpublished manuscript).

sovereignty" to be "perhaps the most pernicious and dangerous consequence of the political equation of freedom and free will." She further adds that the "famous sovereignty of political bodies has always been an illusion, which, moreover, can be maintained only by instruments of violence, that is, with essentially nonpolitical means."⁷⁷ This is a terribly undifferentiated feature to Alexander's political thought, as is her claim that the Constitution of the United States knows nothing of sovereigns or sovereignty. In making this claim, she cites Justice Wilson's comment in 1793 that "to the Constitution of the United States the term sovereignty is totally unknown. There is but one place where it could have been used with propriety."⁷⁸ (Wilson has the Preamble to the Constitution in mind.) But, even in that place it would not, perhaps, have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves sovereign people of the United States. But, secretly conscious of the fact, they avoided the ostentatious declaration.

Nineteen years later, Chief Justice Marshall ostentatiously asserted that "The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction"⁷⁹ Clearly sovereignty is part and parcel of our own repertoire of political and juridical concepts. But the matter is open to contestation. Indeed, Sanford Levinson notes the 1793 case *Trigg v. Pennsylvania*, which identified the Constitution with "the sovereign will of the people," and declared, in effect, that oppression could be mandated through constitutional forms.⁸⁰ Does the United States version of democratic sovereignty carry the signs of sovereign will (*populus*, *populus*), of *summum imperium* and ultimate *potestas*, or is some other notion of power percolating in this construction? If so, is it that version of democratic sovereignty which seeks and valorizes (pace Madison and Hamilton and Lincoln, for that matter) some transparent harmony between the voice of the people and the exercise of political power?

70 H. ARENDT, *BETWEEN PAST AND FUTURE* 164 (1980).
71 H. ARENDT, *supra* note 66, at 6.
72 School Exchange v. McFadden, 11 U.S. (7 Cranch) 116, 136 (1812).
73 S. LEVINSON, *CONSTITUTIONAL FAITH* 67-68 (1968).

culturized politics to which feminism has given rise. This construction disallows the he or she who embraces it in its unrelenting version to enter into debates concerning identity politics, including so-called arguments from "difference." What is required, in other words, is putting flesh on the bones of Arendt's stark declaration, "If men wish to be free, it is precisely sovereignty they must renounce."⁷⁷

A POLITICS SANS STRONG SOVEREIGNTY?

Such a politics exists in that rich body of thought, much of it written by Central Europeans over the past several decades, theorizing civil society in opposition to an authoritarian, sovereign state apparatus. The alternative posed to state-privileging sovereign discourse is not a cleaned-up version of Rousseauian popular sovereignty. Here the writings of Adam Michnick and Vaclav Havel are especially important. Theorizing about democracy, Michnick seeks to hold tradition and change in tension with one another; he wishes to mediate the claims of community and individual freedom. His world is a world in "permanent conflict between conservatism and contestation" and if the state, in the name of sovereignty, intervenes in favor of one or the other, "pluralism is destroyed."⁷⁸ Havel writes of politics as "practical morality, . . . as essentially humanly measured care for our fellow humans."⁷⁹

Havel never uses the word sovereignty in any essay; nor has he, to my knowledge, launched into sovereign discourse since his election as President of Czechoslovakia. A closer look is warranted. One theorist who has elaborated an alternative to statist versions of sovereignty is a noted Polish philosopher, currently residing in Rome, who has addressed this theme repeatedly. "The state is firmly sovereign when it governs society and also serves the common good of society and allows the nation to realize its own subjectivity, its own identity."⁸⁰ Insofar as I grasp this version of sovereignty, it is located neither in the state *per se*, nor in some unmediated construction of the sovereign will of the people; instead, it is in the various associations of civil society in dialogue with one

⁷⁷ H. ARENDT, *supra* note 69, at 165.

⁷⁸ Michnick, *Towards a Civil Society: Hopes for a Polish Democracy*, *TIMES LITERARY SUPPL.*, Feb. 19, 1988, at 188, 198.

⁷⁹ V. HAVEL, *LIVING IN TRUTH* 155 (J. Vlodavac ed. 1987).

⁸⁰ T. ASH, *THE USES OF ADVERSITY* 59 (1989) (excerpts from a homily in 1985 at Jaana Gora).

another as subjects, which loosely translates into a sovereign state whose only legitimate existence is to see that rules are followed and the various loci of human social existence protected and served. The co-existence of overlapping, porous sovereignties is assumed and rights inhere in communities and groups, not solely in sovereign selves. Thus more power devolves to mediating institutions, or flows from them than in statist constructions. The self is neither the fully sovereign, abstract, legalistic Kantian subject *nor* the decentered, fragmented, chameleon-like self of some deconstructive account. One irony of such accounts is that, in the name of loosening things up, one often finds instead a politics that pushes toward an absolutism of the particular. This winds up being little different in practice from the absolutism of the juridical subject. Both sorts of selves take their cases to court, so to speak, rather than into democratic dialogue. The chastened version of sovereignty I point to is protective of plurality internally and cosmopolitanism externally. The possibility of agreement and alliance is always open. Civil society and the state are not collapsed. But the state is not a hard-shelled, impermeable entity. It exists in an international society in which sovereignty is necessarily limited. States are nested in wider societies, in strategic cultures, if you will. Attunement to *this* stubborn reality lends itself to a complete, contextualized analysis, wholly at odds with the austere, dehistoricized and thoroughly lamentable penchant for formal modeling, for obsessive "number crunching," that continues to flourish in the study of international relations—perhaps a latter-day version of Nero fiddling as Rome burns.

I conclude with yet another beginning, a final sign of the times: In *The New York Times*, Friday, March 30, 1990, front page, left column, the headline read: Lithuania Offers to Discuss a Vote on its Sovereignty. The headline writer used the potent word, sovereignty, although it was unclear that the leaders of "this republic's embattled independence movement" used the term itself. Perhaps they did. But the words that recur throughout the article are "secession" and "independence." Mr. Landsbergis, the Lithuanian President, indicated all matters were negotiable with Moscow, save "independence." *The New York Times* reporter, Francis X. Cline, however, encoded "independence" as "sovereignty" in the body of the text as well.⁸¹

⁸¹ Cline, *Lithuania Offers to Discuss a Vote on Sovereignty*, *N.Y. Times*, Mar. 30, 1990, at

At stake in this observation is not whether, in fact, the Lithuanians are immersed in the discourse of sovereignty, but that *The New York Times* clearly is. Its headline writer and reporter-on-the-scene in the Baltic republics could think of no more powerful and definitive name for a drive towards freedom from the imposition of foreign domination. If statehood remains an essential qualification for membership in international society, is sovereignty essential to statehood? Do the Lithuanians want independence or, as *The New York Times* insists, sovereignty? What difference does it make? Perhaps the difference between life and death.

Post-Lecture Discussion

SPEAKER: JEAN BETHKE ELSHTAIN
MODERATOR: JOHN H. ROBINSON
SPEECH: "SOVEREIGN GOD, SOVEREIGN STATE, SOVEREIGN SELF"
DATE: MARCH 2, 1991

Professor Robinson: It seems that what Ms. Elshtain has done is to ransack history for a set of propositions leading to a powerful conclusion. First, cosmos has been thought to be better than chaos for some time now, since day one you might say. Or, to use her own language, symphony is better than cacophony. Second, there is a need for what I would like to call salience to achieve either symphony or cosmos, which is the Greek word for order. Now the question is: How salient does the salience have to be? The thrust of the question is: To what extent does salience require unity? This is the universalism/particularism issue that Professor Elshtain refers to.

As I understand Ms. Elshtain's work, she finds that sovereignty, as classically understood, leverages off of the recognized need for a salience and asserts or takes too much. This is where we conflate power with violence without understanding what we are up to. What she wants to do, in accord with a significant Polish figure now living in a nation inside the city of Rome, is to understand sovereignty functionally, such that the purpose that it serves determines the limit of the claim of sovereignty in any case. This would give us a relatively new notion of sovereignty. If we accept and understand this notion of sovereignty, it would provide a context in which the kinds of questions that we have been addressing at the conference over the past two days would be more resolvable than they are under sovereignty classically and rigidly understood.

Participant: It is interesting that the noted philosopher residing in Rome, as well as other philosophers, are all coming out of a tradition of philosophizing that is very much in tension with the State. Also, there are people who came out of a set of political recognitions where they suffered the deprivation of overweening state sovereignty, and, at the same time, they suffered the dislocations of not having viable civic identity.