

10 How should sovereignty be defended?

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This chapter is a transcription of a round table discussion that took place at a conference at Columbia University, New York, on 2 December 2005. The discussion was chaired by Alexander Gourevitch. The discussion has been edited for the sake of brevity and clarity.

ALEXANDER GOUREVITCH: During the 1990s, the central question was how to reconceptualize, redefine, limit or otherwise curtail sovereignty. It was presumed that whatever positive one could say about sovereignty, the old absolutist conception had to go. The question, then, was always – how should sovereignty be criticized? It is therefore worth asking the question from the other direction – how should sovereignty be defended?

DAVID KENNEDY: Juridically, sovereignty has never been absolute. It's had a history of being, at once, a formal and an anti-formal conception; of being a unified idea and, at the same time, a bundle of rights to be parcelled out in a whole bunch of different directions. I would say, in the critical tradition of thinking about law, in which I would situate myself, there has been a sharing of disillusionment with the '90s project of eliminating or reducing sovereignty. Why might one want sovereignty back, after having spent all of the '90s getting rid of it? There are a series of desires that echo in that aspiration. And I'm sceptical, myself, about them. First, it's the desire for public capacity, as opposed to private capacity. Another would be the desire for local or national authority and autonomy against the forces of globalization, in particular, for national autonomy in the Third World against the forces of neoliberal globalization. Public capacity in the Third World against global forces of private economic activity. And then, finally, comes the desire for a place for politics as opposed to ethics, which we heard discussed this morning. We might hope sovereignty could return us to ideology and contestation and whatever politics is – a distribution or interest, instead of a discussion in the vocabulary of ethics that seemed much more the rage in the late '90s.

Now, if you said – quick, do you prefer the public to the private? The local to the global? Politics to ethics? I'd say – yeah, absolutely. And from that point of view, sovereignty would be great to bring back if it could bring back

local public politics. But once one understands sovereignty as a much more open-ended juridical and institutional form, it's less clear that its resurrection would be an easy path towards the public from the private. Sovereignty, also, is that which defines and protects the private; and has been for a long time, the source of not only national and local authority, but also, the vehicle through which globalization has occurred. It's not just a vehicle for politics, but also a vehicle for the definition of personhood in the ethical. So from that point of view, it's all mixed up. And it's less certain that getting rid of it or bringing it back is the way to redeem what one might find politically attractive. And the last thing that I'll say before we open it up to discussion is – so if sovereignty is not a good mark for how to get more public/local politics, and how to have less private/global/ethical denunciation, how might we proceed?

Here I have my own pet project. My own sense is that we actually don't have a very good map of our global governance system. We don't have an idea of how we're constituted, as a polity internationally – either legally or politically. Domestically, we think we're constituted by our constitution, which always struck me as an absurd idea; as a description of how our politics is actually constituted. But internationally, we don't even have that as a kind of basic description. And in trying to develop a map, I have been tinkering around with the idea that background norms and institutions, as well as the activities of experts in a variety of locations, are far more important than we have given them credit for being. The way things get done is there are actual people in actual institutions, organized into actual knowledge disciplines that make decisions that they experience. And you can tell by their expertise that such people allocate resources among people. One could, as a lawyer, as a political scientist, try to map who gets to decide what for whom, and who ends up getting the stuff and who doesn't – as a result of the decisions of which individuals and which institutions. If one focused on the actual activity of people making choices in institutions – whether it be economists or political scientists and so forth – rather than what the diplomats do, we might downgrade diplomacy and being the President to just being one of a whole bunch of different expert professions – probably not the most important one, and not the most important site for political activity. Redeeming public capacity and making testability of decisions real would mean entering into the terrain of institutional experts, a relatively old idea in both political science and sociology, to try to figure out how the experience in those institutions could be opened up to contestability.

Here, my own thought is that we go down the wrong road when we try to redeem sovereignty by investing those sites with the attributes we traditionally wanted to invest a nation-state with – namely, accountability and a politics of representation in voting. I'm all for having a public policy jury that decides everything, randomly selected; and they decide whether to go to war. And one could do a lot of things to open up the framework for decisions. But I'm much more interested in the whole decisionist tradition through

Nietzsche, Kierkegaard, Schmitt, Weber which might encourage us to seek ways to get these experts to experience politics as their vocation, in the Weberian sense. And therefore to experience themselves to be exercising responsible human freedom. To experience themselves as deciding in the exception or deciding as an exercise in discretion – rather than deciding out of their expertise. So for me, the question of redeeming sovereignty is redeeming the experience for experts located in professions across the globe, of deciding responsibly in human freedom. Rather than deciding as an exercise of their knowledge. Redeeming that experience and making it more available, would seem to me to be the policy proposal I would put on the table for those who are hoping sovereignty could be rebuilt.

MICHAEL DOYLE: The question is sovereignty. Can it be defended? My bottom line is that it should be and it probably can be. But I'd like to focus on what values are served by sovereign independence. Why would rational, informed individuals with the set of values that I'm going to mention in a moment, choose to establish a sovereign nation-state?

I liked the description of sovereignty that David just gave us. The shorthand that I would use is sovereignty as the idea that the state has the authority to determine its own competence – the traditional *kompetenz/kompetenz* definition. States thus choose, to some degree and over time, whether they autarkic are or autonomous, on the one hand, or interdependent and codetermining, on the other. The process of choice is the essence of sovereignty.

Three major values are served by sovereignty that would induce rational individuals to choose sovereign national states. I draw upon old-fashioned thinkers like Mazzini, Mill and Weber, modern thinkers like Walzer and Lipsey, and some of my own earlier work. I want to combine normative and practical considerations, looking at interests that fit both. First, there are the expressive values that sovereignty can serve. Second, there are protective values. And third, there are material productive values. In short: identity, safety and wealth. My conclusion is that these are all interdependent, codetermining. There is a dynamic equilibrium among them and there is no simple choice, whether in one category or another.

With regard to expressive identity, I focus on the old slogan – to each nation its own state. The sovereign state, historically, has provided the mechanism that – for example, through compulsory education and public monuments – allows peoples to perpetuate their cultural identity. Empires have sometimes been tolerant, particularly if you think of the Ottomans. But the state has been a better guarantee – that is, if it's your own state – for promoting and preserving your culture. States, reciprocally, cultivate political culture. They do so by creating national or hegemonic churches and national or hegemonic languages. The French state instituted and the Academy regulated the *langue d'oïl*. Ireland, once independent, struggled to establish Erse. When the Croats, more recently, created a state, they set about creating

a Croatian language out of what was very recently before the Serbo-Croatian shared by all of Yugoslavia.

Mill once suggested that a singular national identity helps to stabilize states and serves as a foundation for democratic government. Mazzini famously said that when each nation is satisfied with its own state, international relations would tend to be more stable too. That's the good news for the expressive foundations of the nation state. The bad news, from the standpoint of expression, is that there are about 6,000 spoken languages still existing in the world. There are about 190 states. Clearly, if language remains a powerful font of identity, there's a dangerous gap in the equation of one nation, one state. Fifty-two per cent of these languages are spoken by fewer than 10,000 persons; so we might forget about them. But that still leaves us a very troublesome 2,600 currently unsatisfied, potential claimants on statehood. That's a serious problem. Maybe, as Michael Walzer suggested, rather than completing the project of 'one nation, one state,' we could try to complicate it through tolerance and institutional guarantee of self-administration – as sometimes has been achieved for religions.

The second is safety, the protective function. States protect nations from conquest and sometimes from destruction. Walzer has also speculated that if, in the first half of the twentieth century, the Armenians and the Jews had had their own states, those peoples would have been much safer. There's clearly something to that argument, even though we would have to acknowledge that independence per se is no absolute guarantee against genocide, one of the famous classical cases being the Athenians' destruction of the Melians, where all the men were killed and the women and children were enslaved. The Rwandans had a state; it fell into murderous hands. Some political societies have served as better forms of protecting sovereign independence than have others. We call the ones that fail, 'peripheries', in imperial historiography. Those that succeed in conquering them we have called 'metropolises.'

There appear to be systematic differences among them. Drawing on Weberian insights, in my book *Empires* I found that tribal societies and patrimonial societies tend to be very unsuccessful in defending themselves when they come in contact with metropolitan societies. Even though they are highly integrated – that is, they share local values – tribal societies tend to have an undifferentiated social structure which is a weak environment for advanced technology. It's also a weak foundation for cooperation amongst various tribes. Patrimonial societies are differentiated in terms of class. But they lack an integrated common identity. It's easy for them to collaborate. Again following Weber's argument, these kinds of societies are systematically vulnerable to failures of national sovereignty.

The states that tend to take them over are the metropolises, which are societies that are both integrated and differentiated and that, most importantly, have central states. These states are capable of mobilizing power in ways that are effective, at least compared to the tribal societies and the patrimonial

societies. Motivated by interests in commerce, investments and religion, empires expand to fulfil those interests.

Empires can achieve a stable peace. Gibbon once waxed poetic about the *Pax Romana* from the times of the Flavians to the Antonines. Those were good times to live – if you were an aristocrat with a large number of slaves. Empires did provide a degree of peace. On the other hand, we know they were bloody in their formation and very bloody as they fell apart.

Nation-states seem to have done a better job in protecting sovereign independence for a larger number of peoples. That's the good news connected with them. The bad news, of course, is that a system of nation-states is a system of anarchy, a potential state of war. That is dangerous; but under special conditions it need not be an actual condition of war. If Mazzini is right, nations can remain at peace if they are satisfied with their state boundaries; when, and if our defence theorists are right, defence technologies are dominant and distinguishable; and when liberal republics establish a separate peace among themselves.

Let me turn to the production of wealth, the third value. Rational producers and consumers would also want a national sovereign state. It has long been recognized that the state provides important foundations for economies. It establishes and regulates money. It helps enforce contracts, allowing for the better realization of exchange value. It legislates property rights, so that producers will try to become owners. It creates limited liability, so shareholders will invest. It creates 'entity liability' so that creditors will lend. States can also realize public goods, under normal schemes of administration: street lamps, police, schools, et cetera. Putting these things all together is conducive to efficiency and growth.

Other economic values are not as friendly to nation-states. Your standard rational producers and consumers will want as few rent-seeking states as possible – perhaps, ideally, just one global state. For Lipsey, customs unions were second best entities, second best to multilateral free trade and flexible exchange rates. Thomas Friedman has announced that we are increasingly living in a flat world. But our expressive and protective selves do not allow us to live in a Friedmanesque world, in one world or even on a flat world. So the question then – for the political economist, and not the simple economist – is what is the most productive order that takes into account the kind of world that will, inevitably, have numerous sovereigns?

In a dangerous world where security is scarce, defence economics will mandate secure access to raw materials, protected markets, and thus tend toward continental-sized economies, with *Grossraum* states to match. In a much more peaceful world, on the other hand, with liberal peace or stable defensive technologies and where transportation is cheap, smaller national economies can be productive because free trading and investing are likely to be permitted. Our producers and consumers in these safe circumstances may still want their states to amalgamate economies into customs unions but only when the trade-creating effects outweigh the trade-diverting effects; and

when firms can take advantage of the dynamic possibilities of growth in a slightly larger market for both goods and factors. This tends to occur when two countries have equivalent technologies and roughly similar legal institutions and, yet, have different factor endowments and tastes. When economics and security go hand in hand, as in Europe during the Cold War, we will see an acceptance of a degree of amalgamation. But still probably far short of anything like a global state.

So let me conclude with three messages drawn from this very simple, first cut, at the analytics of national sovereignty. Statically, state sovereignty is useful for individuals who have the fears, interests and values that I've described. Dynamically, state structures interact with expressive, protective and productive interests, and vice versa for each. They are mutually constitutive. And thirdly, comparatively, political structures have changed over time. The nation-state or state sovereign is not a perpetual institution. The current regime of national sovereignty, however, is deeply embedded in the modern condition and not likely to disappear until it is replaceable.

JAMES DER DERIAN: I'm going to follow Michael Doyle's precedent here, put my cards on the table and hopefully open up some space for dialogue: I think that sovereignty is indefensible, and yet, as a contradiction, it remains indispensable.

My remarks will be framed by this contradiction as well as the belief that sovereignty is an illusion whose illusionary nature we've forgotten – which also happens to be Nietzsche's definition of the truth. Sovereignty is currently one of the most powerful truths out there, and I think we've right now invested a surplus of illusory beliefs in sovereignty. We believe sovereignty can keep us safe. We have national borders, armies, homeland security, bureaucracies, and technologies. All these instruments of sovereignty are empowered and legitimated by the assumption that just off shore is a turbulent world where anarchy lurks.

But this turbulence also comes from within, with the threat of global terrorism taking the place of the whole idea of a fifth column during the Cold War. But I would argue that this parochial worldview of the realists has recently taken some very hard knocks. Prior to 9/11, national borders were thought necessary and sufficient to keep enemies at bay; prior to our incursion into Baghdad we thought a triumphalist intervention was going to help bring peace and democracy not only to the Middle East, but also maintain and further our own sovereignty. And when we look at sovereignty in terms of its internal implications, we see a failure to protect and further the well-being of a population. We vividly saw how, in the case of Hurricane Katrina, emergency preparedness and all the intricate systems of protection failed to keep New Orleans safe and dry.

We need to recognize just how disastrous our faith in sovereignty can be. 9/11 is a disaster. Katrina is a disaster. Baghdad is a disaster. I think what we see in the unexpected and unprecedented nature of these events is that

sovereignty really fails to deliver on its promise. And I think what we have to recognize is the likelihood that local events will continue to be exacerbated, magnified, and amplified because of the interconnectedness of the current international global reality. It's going to be very hard to isolate dangers as they might once have been, and it's going to be very hard to keep on considering sovereignty as sacrosanct. Sovereignty cannot really cope with the global event. And of course, we haven't really discussed the role of an unblinking global media in all this. The spatial is losing out to the temporal. The accelerated transmission of information by multiple media means that distance has been shrunken by time.

This means that the protections implied by sovereignty – a spatial and temporal security – are also being reduced. So in the final analysis sovereignty is indefensible. I believe that the national accoutrements of sovereignty – especially the planning and preparation for worst-case scenarios – are actually contributing to the insecurities of the moment. I'm not talking about the classic security dilemma on which we all cut our teeth. But rather, the force-five hurricane, the terrorist attack, pandemic disease. We see this when the Homeland Security Director comes on national television and says the reason we couldn't adequately deal with these disasters is because they are 'ultra-catastrophes'. When people start to use these types of metaphors, it's a sign that the sovereignty of language itself is no longer adequate. Nietzsche somewhere calls language the prison house of reality; in this regard we see here how realism has become the 'supermax' penitentiary of reality.

Our realist planning can only accommodate the expected, the local, the imaginable, and, in turn, we see an atrophy of other important human capabilities for dealing with the unexpected, the unplanned, the unimaginable. We put too much faith in sovereignty and its instruments of power. We see the stultification of an intelligence agency still working within the idea of impermeable borders. We see the lack of imagination in our war gaming, and the hubris of the revolution in military affairs that says you can do 'quick-in, quick-out' interventions. So I see sovereignty now as part of the problem, not the solution.

The problem is compounded because so many of the effects of global events can't be measured in the ways of causality and rationality upon which sovereignty is based. According to complexity theory, the flapping of a butterfly's wings somewhere in the southern hemisphere can create a force-five hurricane. Sovereignty cannot keep pace of new global threats that operate in a nonlinear fashion and produce quantum effects. It's old, antiquated machinery trying to keep up with new immaterial effects. How can sovereignty deal with the CNN-effect, let alone the Al Jazeera-effect that we see operating in Baghdad? Or the Nokia-effect, as we saw operating in the 7/7 London terrorist attack?

What we see in operation is what organizational theories call negative synergy. Sovereignty actually contributes to the negative synergy of complex networks: the very solution that is supposed to stop the cascading effects

actually acts as a force multiplier. It creates a negative synergy of automated bungling, like we witnessed in Baghdad and with Katrina. Every new complex technology and network produces its own form of accident. And in the interconnectedness that's been created by an information revolution, we cannot depend upon sovereignty to keep us protected. Global events defy sovereign management. And indeed, if anything, sovereignty – in the way that organizational theorists talk about normal accidents – contributes to what I call 'planned disasters'.

So that's my view of sovereignty. And in response to something that came up in the last discussion, the final reason I think why sovereignty is not up to global tasks is because we are not in a unipolar world. I think the bi-polar days, despite what Ken Waltz would like us to believe, are long gone. And we are not moving towards a multi-polar world. I think we are moving towards a configuration that most closely resembles a 'hetero-polar' world. And by 'hetero-', as opposed to 'multi-', what I want to accentuate is the difference of actors operating in a complex matrix rather than a competitive system. This new configuration of power is based on the capability of super-empowered actors to utilize new networks to multiply their impact. So the notion of a sovereignty based on the management of symmetrical threats – or at least formally-comparable threats in a state-bounded form – is antiquated. I think that we have to reassess global dangers in light of new actors and drivers that gain advantage through networked technologies. So, my final statement is that sovereignty has become a disaster waiting to happen.

JACK SNYDER: If Karl Marx were invited to our panel today, he would have reiterated what he was already saying in the 1840s: that the state is all washed up as a system for organizing politics. As the neo-Marxist Eric Hobsbawm wrote, in a good but poorly timed book on nationalism that came out in 1990 just as Yugoslavia was breaking up in a fit of nationalist violence, in a highly-interdependent, globalized world, nationalism is washed up because it's obsolete.

Yet, as we've learned since 1990, we've had the rise of many state-seeking nationalist movements. Everybody wants a state. Now, why is that? The simple answer is that states are the most effective organizational form for providing social order, security and an institutional context in which economic growth can occur. Current social science shows that the quality of state institutions are crucial for providing these things that everyone wants. If Steve Krasner were here, one of the things that he might say about sovereignty in the era of interdependence globally – and he has said it in print – is that strong states are needed to create effective international institutions, to make global interdependence work. In other words, strong states that have effective institutions for state-to-state cooperation are needed to make the world 'flat', as Thomas Friedman's recent book title puts it. If my colleague, Al Stepan were here he might say, as he does from time to time, 'no state, no democracy'. Finally, if I were here, I might talk about my research with my

colleague, Ed Mansfield, on the increased probability of war when transitions to democracy happen in places that have weak state institutions.

I recently attended a conference convened by a group of constructivist international relations scholars on the topic of failed states and state building. The conference asked why the international community is trying to build states in places where it's been shown that states just don't work. In places where state institutions are either weak or nonexistent, there are all sorts of non-state networks and actors, ranging from drug lords to NGOs, that are the real stuff of politics and economics in these regions. So the question that was posed was – why not focus on such networks as the basis for political order rather than building the state? At the end of two days of discussion, no one in the room had been able to show how this might work. We all left the room convinced that the solution is to try to build strong and effective states.

There is, however, a danger in propping up failing states. Ann Hironaka has just published a book from Princeton University Press, *Neverending Wars*, which shows how the sovereignty system props up weak states that would have otherwise been eliminated. Since 1945, there's been a very strong norm against conquest. As a result, there's been a low rate of state death. There have been relatively few international wars and even fewer conquests. This has propped up states that would otherwise have been driven out of business. We have, as a result, more failed states and more civil wars.

Despite this, my prescription is not to get rid of the sovereignty system. Instead, it is to use humanitarian intervention and neo-trusteeship when necessary, until strong and effective states can be built in the areas where they are now lacking.

ALEXANDER GOUREVITCH: I'd like to open up for questions. I'm sure there are many, as there are many interesting issues on the table.

AUDIENCE MEMBER: [Professor Kennedy] in your book, you make a very good point about international law in a political context. But it seems to me that the rule of experts and expertise that you're talking about, actually would do exactly the same thing. And perhaps going back to sovereignty, as the question suggested, might be a more effective way of addressing the point that you raised in the book.

DAVID KENNEDY: I think we have a couple of different conversations going on here. One is the question of whether the existing governmental apparatus, administrative outfit, the modern, well-developed state is a good idea or not. Should we be trying to generalize it over the whole world? And it seems to me that Jack has got to be right – that the answer is, a lot of times it is a good idea. Especially when it's functional to one of the purposes that Michael was putting on the table. It seems to me, the answer to that has to be 'sometimes'. Sometimes it is and sometimes it's not. It's hard to figure out. It requires

a great deal of context-specific political analysis; and also, of course, knowing what you're in favour of. So for some people in some groups, having a state that can bring about, that can meet, those functions would be really useful. For others, having those functions met won't be what they had in mind; and for them, it would actually be a bad idea to have a state that is efficient in providing them. So that's going to be a classic question of, it seems to me, politics and constitutional design.

Then there's a second conversation that gets mixed up with the same word, which is – is some general concept like sovereignty a good general conceptual description of our overall international system? And here, I agree with James Der Derian, that the system has no central logic anymore. If there ever was a central system where there is central sovereignty logic, there is no such central logic at the moment.

I think where I differ with James in that part of the conversation is about how we might interpret wacko post-modern theory for international relations. The part of your presentation that I would like you to comment further on is the part where the effort to describe what was going on turns super-metaphorical. It's a fluid, hetero-normative plural, atmospheric generality. And I'm all for that. That sounds right to me. Compared to the well-organized, formal structure that you could put on a chart, that sounds right. But I think what's elided in that is the actual work of actual people who put that together. And from inside the law, everything is some whacked-out, bizarre, fluid thing. So a corporation is not a Chevron. Chevron is nowhere. Chevron is a trademark that's been licensed here, and a mine that's been parcelled out this way. A set of shares that have been sold here, and a set of risk obligations that have been mortgaged over there.

So the idea that the entity is a fragmented, fluid set of capacities and permissions and prohibitions is something that's very familiar in our economic order. And it's also very familiar in our political order. And it's something whose structure can be studied and mapped and where people in Chevron decide things about whether they're going to pay taxes in Nigeria or whether they're put all the losses from their fleet in Nigeria, so they don't have to pay taxes. Those kinds of decisions, it seems to me, focusing on them as moments of global governance. So the people who are governing, it seems to me, are the experts in all of those locations. We can ask them what they're doing. We can ask them why they thought it was a good idea. And we can study the process by which they shift responsibility from one to another, so that they all imagine that they are not the place where responsibility happens. That's a very useful kind of sociology of the actual decision making. So the answer to the question – how would I map it? I would map it that way – by going into the locations where people decide things with consequences for other people. And ask them why they thought they had the power to do that. Why they thought that was the right way to decide it. And why they didn't experience themselves as ethically responsible for the consequences.

MICHAEL DOYLE: States tend to be the dominant entity in international society not because every individual wants his or her own state, or every single group its own state; but instead, because states are the residual, default form of effective protection against other states. And even though you might not want to create your own state, it's very difficult to achieve security if you're just a free-floating member of civil society in some geographic spot.

It's not as if states are good and perfect. We know all of their flaws. States are the entities that commit genocide, exploit, and disrespect. It's just that other institutional forms that have been developed through history or that are available today – like large criminal enterprises, or churches or other forms of enterprises – don't do key things that many individuals, at least collectively, want to have done for them, which are to protect their sense of identity and provide physical protection from threats and to provide a framework in which they can engage in productive activities that are sufficiently reliable, that over the long term it will produce growth.

Nor is it the case that states will always be with us. There's no reason why we shouldn't imagine that some day, through vast improvements in communications – maybe through an identity that really is transnational, maybe through innovations in institutional design that we haven't fully taken on board – we will get a better system. It's just that it's very difficult to see right now, what that better system would be that would meet the kinds of threats and dangers that we experience today. So I don't want to defend a nation-state as a good thing. All I would want to say is that we can imagine much less secure, protective and productive institutions.

JAMES DER DERIAN: I think I'll try to respond to David Kennedy's point because I think there's this conceit, and sometimes a riposte, that if there are no subjects, in the sense of sovereign states or individuals, there can be no rights. Without the sovereign state there can be no human rights, or any protections granted to groups of people with a common identity. That's the world being invoked here, as opposed to my metaphorical language about it. And yet, simultaneously we hear about the virtualization of the corporation. We hear about the virtualization of war. We hear about the virtualization of the economy.

Everything solid seems – to go back to Karl Marx – to be melting into thin air, because of globalization and because of other virtualizing forces at work. And yet, we cling to sovereignty as a principle that stands outside of this reality. Well, if this is true, I think reality is a nice place to visit, but I'm not sure we can live there. I believe that there is a disconnect, between all of these virtualizations and our need to cling to these hard and fast notions of sovereign subjects. It just doesn't correspond to reality. This does beg the question: where are your ethics? Well, ethics is not some sort of set of principles or commands that exist outside of subjectivity. They are prior to and part of the construction of our own subjectivities. In that sense, it's an ethics of care. It's an ethics of responding to the other that gives us the means to live together – without

reliance upon a sovereign authority. So there is an ethics, a code of responsiveness that is as much a part of the constitution of our identities as it is a means of existing peacefully through differences.

And how would you map this? Go to our website¹ at the Watson Institute. We have created a visual, analytical tool where we disaggregated security. We have human security, group security, national security, international security, global security as the horizontal axis. In the vertical we have basically proliferated the notion of what constitutes a threat, to take us outside of the narrow realist purview. And the threats shift according to what level of analysis you're operating from. It's a visual, analytical, and metaphorical tool. It's very much a beta-product and we're looking for people to respond on our Watsonblog about it. It's a work in progress, but it's our attempt to visualize a hetero-polar matrix.

JACK SNYDER: I think the realist justifications for the sovereignty system are mostly dead. Namely that the sovereignty system is needed to regulate competition among states. I think the real core in justifying the sovereignty system nowadays has to be liberal pragmatism, namely the view that the only effective institution for guaranteeing democracy, rule of law, and human rights is a well-ordered state. Some might argue that the International Criminal Court, Human Rights Watch, the Ban The Landmine campaign, the World Trade Organisation, or enlightened multinational corporations can somehow guarantee these things that we value. But I think that's empirically wrong in the present and the foreseeable future. So, that's why I say – two cheers for the sovereignty system.

AUDIENCE MEMBER: I was surprised to hear such a focus on the panel on questions of nationalism, and the question of the extent to which every nation should have a state or not. It seems to me, that nationalism is one force that is absent in contemporary international relations, at least compared to the historical past. It seems like there was a brief upsurge, a nationalist moment at the end of the Cold War, and the disintegration of some states. But beyond that, there doesn't seem to be any nationalism the way it existed in the past.

JACK SNYDER: It was asked, why should we be talking about nationalism here? In my view, nationalism is not the cause of all the conflicts in the world. Some are opportunist conflicts driven by the availability of resources that can be plundered in weakly governed environments. That qualification aside, nationalism is one of the major causes of the conflicts that we are seeing right now. Three of the four most recent nuclear-proliferating states wanted nuclear weapons mainly for reasons associated with nationalism. Nationalism is also implicated in suicide terrorism. Robert Pape tells us that suicide terrorism happens when an elected regime is occupying the national territory of some other group, and opponents of the occupation come to believe that suicide terrorist attacks are the most effective means to get

the occupying power off their back. That sounds like a form of nationalism to me.

Nationalism drives not only the post-communist wars. In addition, ethnic dominance struggles between Hutu and Tutsi are about nationalism: which ethnic group controls the coercive power of the state. We've seen ethnic autonomy movements. We've even seen a World War I style conflict between Ethiopia and Eritrea, which was in part about consolidating the nationalisms of those states. So the question is, can the sovereignty system manage nationalism? One could take the view that it is an inherent flaw of the sovereignty system that nations are often mismatched with state boundaries. In this view, the only solution is to come up with some other system of governance that doesn't depend on somehow getting a match between the governance unit and the cultural unit, between the state and the nation.

But no one has offered a plausible proposal to accomplish that. Consequently, the best strategy for the time being is to try to tinker with the way the sovereignty system works in order to head off nationalist conflicts. One technique is to build strong, impartial states that can administer their territory in ways that guarantee the rights of the national minorities on their territories. Another is for strong, wealthy democratic states to continue to do what the European Union has been doing – namely, create incentives for other states to moderate their treatment of nationalities as a condition for getting the benefits of membership or trade.

JAMES DER DERIAN: First, one clarification – I never said that the world was too complex to understand. My point was that the world is getting too complex and too interdependent for any single rational actor or a single sovereign state to manage this state of affairs on its own. It was an argument for multi-lateral action, to get beyond the notion of unilateral actor or even a coalition of the willing. We need multidisciplinary approaches just as we need multilateral actions to cope with global issues. On the relationship between justice and sovereignty, I think this is a key question. I was schooled by Hedley Bull to historicize this as a relationship between justice and order. Can you have order without justice? Justice without order? You quickly learn that there were other formal organizations of power that provided justice before the sovereign state claimed to have a monopoly on it. Now, by trying to cure the disease of 'global terrorism' through sovereign actions, we've produced a worse effect, an auto-immune response that will be remembered by historians long after the initial attack of 9/11 has been forgotten. Historians will remember the tragic consequences of the Patriot Act, the war in Iraq, the erosion of civil liberties and the promotion of fear. And of course, they will remember the incredible loss of standing of the United States in the world community.

MICHAEL DOYLE: On nationalism, I would agree with the points that Jack has made about the developing world. But I would also say that even though

nationalism takes different forms, it still has a strong resonance in the developed world. American politics in recent years has reflected a form of nationalism. We saw an exultation in the successes of American troops, which is most importantly understandable, but on the other hand, reflective of a desperate identification that had much to do with some of the harder forms of nationalism in the past. So, despite the salience of broad principles of human rights and democratic institutions and free markets, there remains a nationalist underlay, even though it takes this civic form that I think is still very powerful in the United States. And we shouldn't underestimate it.

In Europe, there has been more attenuation of those nationalist fires. But when Europeans were pressed to decide on the European constitution, there was pushback from the European – that is, French, Belgian, Dutch – peoples that made the new constitutional project unviable. Now, it may have been just that it was poorly explained and poorly designed. But there looked as if there was a pushback of nationalism on the European side. So, together with the nationalisms that we see very powerfully in the developing world, nationalism is not an absent phenomenon, even in the developed world.

With regard to justice and sovereignty – sovereignty is both a condition and an obstacle to justice. Sovereignty helps achieve domestic justice. It's a condition, but not a guarantee. Sovereignty can help, also, to shield genocide. But it can be the condition that avoids free riding, and assures that taxes are paid and distributed in a way that pursues genuine public purposes. The very success of domestic sovereignty is the reason why we don't have global law and order, global sovereignty. This is why the poor in a rich country can be taken care of, with all the problems we know still, but the global poor remain without the hope of genuine assistance even though they are more disadvantaged than the domestic poor within any society. Indeed, the international system is structured in a way that even the rules of fair play, with regard to trade and others, are systematically biased in favour of the rich. So, state sovereignty is a condition, I think, of domestic justice, though not a guarantee, by any means. But it's also a condition of international injustice.

DAVID KENNEDY: Alex, I think a pragmatic defence of sovereignty is the only kind that really makes sense. So, yeah, I'm not interested in a theoretical defence of whatever it would mean – sovereignty on the moon, or some other society than we actually live in, in some time other than the one we're actually in. But that doesn't mean that in defending it, one should adopt the viewpoint that there is a particular nation taken for granted, and a particular general will taken for granted, whose purposes we can assess in relationship to the efficacy of sovereignty.

If you look at the history of sovereignty over the last 150 years, it's a mixed story. There was something emancipatory about getting everybody jammed into a nation-state with a passport. And there was something that was really terrible about it. And it was quite different for people in different locations. So my own assessment, looking at the Third World at the

moment of decolonization was that the idea of self-determination and that what they should have is sovereignty – was a disaster. And it was a disaster in part because it made them and us imagine that there was a divorce between public and private authority, and between here and there responsibility. The idea of separation that was brought about was a kind of ideological crippling of our capacity for moral and political imagination over the last fifty years that has made global poverty more intractable and difficult to deal with. So from that point of view, it seems to me the idea is 'all right, let's think of some new form that it could have'. And here, I find the analogies from property and its fluid reorganization helpful. Imagine that if sovereignty were a thing that you could parcel out in a lot of different ways, where there was a standard openness to buy in. So, imagine, if you wanted a global politics that was more inclusive. Here are some concrete examples of what one could do. You could say – the European Union should make a standing offer of admission. So they have changed regimes all over the place, in Eastern and Central Europe, one could argue about whether or not that was imperialistic or well done, or poorly done. But if I wanted to change the regime in Iraq, I would much rather the Europeans did it by membership in the European Union. It would have cost about the same amount – than when we did it, in the way that we seem to typically do it. And so, a standing offer of admission to the European Union – for Egypt, for Palestine, for Israel, for Morocco.

Or maybe Massachusetts could do a deal with Canada, or Brazil. One could do this without getting rid of sovereignty. Or imagine if everybody was issued not a passport and a citizenship, but a one-time, anywhere-in-the-world five-year residency visa that went with it – exercisable anywhere. You could regulate it, but still, the idea would be – one could imagine the citizenship dimension of sovereignty that we talked very little about, in a way that put much more emphasis on mobility and fluidity. Or imagine, as one does in the suburban context, if every citizen of a suburb around New York had three votes that they could cast in any election in the metropolitan area that they cared about. Then you would have people who were working in the city, but living in the suburbs, able to have some role in urban politics. Imagine that globally. Everybody gets three votes that they can cast in any election around the world that they care about. There are lots of things one could do, within this context, that would be far more radical and upending, and would expose far more the processes of decision-making than the discussions that we have been able to imagine within the framework of sovereignty as we know it now.

AUDIENCE MEMBER: My thoughts to the panel – cheer up. There is an overwhelming sense of the horrors of the world. I was really struck by the last defence of sovereignty, that seems to be the community of the at-risk, the solidarity of the victims. I wonder what happens to the solidarity of the public good? And how could that exist, really, without the capacity for self-reflection and consideration that is political life? And that could exist in a global world.

But at the moment, that's on the moon. I think, right now, actual political public goods can only be really estimated within existing polities. And I'm interested in the future, in the year 8000. But right now I'm looking at the year 2005.

JAMES DER DERIAN: I'd like to address the question about cheering up. Well, let's face it, we're in an academic setting. We are here to be pessimists of the intellect, not optimists of the will, as Gramsci put it. I am sure that we all, in our own lives and in other ways try to combine the two. I know, for instance, that the people on these panels wear two hats, working with the United Nations or doing pro bono work in international law. Some even are in the business of nation-building. I think that our assigned task was to cast a bit of pallor over sovereignty. I don't feel bad about it. That said, I think sovereignty is ethically indefensible, but I act on the premise that it is pragmatically indispensable at this moment. So we're all, in this regard, realists of the intellect, idealists of the will. But I think you must, in the absence of any sort of robust imaginaries in current political discourse, use metaphor, use language, use whatever means possible to form alternatives from past historical examples or future possibilities. Finally, I want to put on the table a peculiar character of sovereignty that we haven't really plumbed. In my mind, sovereignty is like a George Romero film. It's got the quality of the undead. I feel like it's been dead for a long time, but doesn't know it. It's got this vampire quality and I just don't know how to kill it. I don't know where the wooden stake is.

MICHAEL DOYLE: With regard to the issue of the minorities. The grim scenario is that every nation demands its own state, which means that revolution is not over, even in Europe. But that's obviously a grim scenario. A better scenario involves federalism, as has been suggested by the questioner. The hope is that, by having a federal structure where we complicate the world rather than complete the world of nation states (the phrase comes from Michael Walzer) we will provide various forms of effective protection short of secession that recognize multiple identities. That is the hope for the Catalans, for Germans in Northern Italy, for East and West Germans; the creation of a broader identity so that one identity doesn't have to fully merge.

European success is not readily replicable. The horrible circumstances of World War II, the U.S. Cold War protectorate over Europe, Europe's highly-advanced technological structure, its shared inter-dependent history – all played a role. It's not clear that this can be repeated around the world. Their success does not reach all the nationalities. It's not yet sure for European Turks.

David also raised interesting questions about identity at the national level. I certainly wouldn't want to celebrate it as any kind of a harmony that doesn't exist. James, most eloquently, brought up the Katrina example. And that gives us two messages. Number one – when the police force disappeared, looters came out. Communal solidarity was weaker than some thought. Some

of the looters stole for survival; they had to feed their family. Others saw it as an opportunity. That the state broke down temporarily, in New Orleans, is a bad sign. You take away the police, and you discover there's no unity. Number two, I thought it was very interesting that the press called the individuals who fled and were taken out of New Orleans, 'refugees'. But they insisted upon being re-labelled as 'evacuees'. Even populations that have been neglected, in some cases exploited – demand that their national membership be recognized, that they deserved better, that they were part of a national community, and yet they weren't receiving what was due to a member over and above the protection that international law awards to foreign refugees.

JACK SNYDER: On the question of whether there can be some preferred alternatives to propping up the sovereign state systems, one possibility would be some kind of a solution that doesn't rely on the territorial administration and control of territory. And I think that that's a non-starter because there has to be a monopoly of violence for any good thing to follow. So if you're going to have territorial administration, who's going to do it? A sovereign state? Or should we return to some kind of permanent direct rule by emissaries from the international community such as colonialism or permanent trusteeship? That didn't work so well when we did this in the past. And it's not likely to return, because the kinds of places that once were colonized now have nationalism, literacy, the diffusion of small arms, which raises the costs of doing it, so that nobody wants to do it. Direct colonial-style rule is also less attractive because we now have free trade, and there are ways to extract resources from these parts of the world without occupying the territory and running it politically. Some might argue that terrorism increases the motive to go back to permanent direct rule, but as we have learned in Iraq, attempting direct rule abroad simply gives rise to terrorism, rather than preventing it.

DAVID KENNEDY: On Katrina – I think that we in the Northeast really don't understand the extent to which people see the government's failure in New Orleans as another reason not to have government, and to cut taxes even further. I think we just don't get the fact that government ineptitude is, in part, the reason that people want to build down the government and not respond by building it up. We are living in the wrong-colour state to get it, in some way.

I want to just return to a couple of ideas about sovereignty. I think the sovereignty we need to understand is a sovereignty that's both associated with the separation of public and private life, and with their interaction and intermediation. That's associated both with the idea of 'I'm a citizen of Germany' and also with the idea that we know how to have foreigners living in our midst, Turks who are part this and part that. That's associated both with the idea of national, territorial integrity and autonomy; and with the idea that

there are a whole series of ways in which the authorities over different territories overlap. And we constantly want to forget that, and remember only the side of sovereignty that's associated with we are us and you are them, we have territorial authority and we are public capacity. Sovereignty is also about mixing and matching. And so, to understand the forms of life that create bad results in the world, we have to understand and map out the ways in which, in a system that's both clear and murky at the same time, power is exercised by people.

Note

1 The website James Der Derian is referring to can be accessed at HTTP: <www.watsoninstitute.org/gs/Security_Matrix/>