Chapter 2
Deconstructing Sovereignty

I

In compliance with what was introduced in Chap. 1, and in order to answer the initial question of this research, it is necessary to establish a shared, or *inter-subjective* (Agazzi 2001) understanding of abstract concepts, such as *sovereignty* and *Europeanisation*[1] in particular. This is necessary to answer the question on the impact of Swiss-EU bilateral relations on Swiss state sovereignty in the context of Europeanisation. As anticipated, this research moves also from the more general necessity of filling a longstanding gap within the existing IR literature that does not provide theoretical and methodological tools. This will allow the theory anTO d practice of sovereignty to be unified. Because of this gap, in the literature, but more seriously in political debate as well, it is impossible to avoid assisting the unopposed proliferation of *hypocrisy* concerning the presence and maintenance of sovereignty by given polities such as states. The common thought – often associated with the realist/neo-realist approach within IR studies (Campbell 2013: 226) – is attached to formalisms and rhetorical subterfuges according to which states are sovereign *until proven otherwise*. The paradox is that, in so doing, claims of state sovereignty are cunningly carpeted with objectivity while very actively employed to avoid the burden of proof (Walker 1987). The latter is even unloaded on any alternative analysis perhaps challenging state sovereignty but lacking in empirical evidence. Surprisingly, only the latter is accused of such luck, while the common thought mysteriously remains untouchable. In essence, it means that state sovereignty is taken as evident by default of counterevidence, and empirical breaches of state sovereignty are easily brought back to that hypocritical logic by claiming that they are *organised* by states themselves. Accordingly, even contemplating the eventuality of being factually impossible, sovereignty would therefore be an *organised*

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[1] Rosamond (2000: Chap. 1) and Radaelli (2000) warn against the risk of "concept stretching" often associated with the superficial use of the notion of Europeanisation.

hypocrisy, whereby states would be formally the undeniable organisers. Hence, the state's role in the organization of the hypocrisy of sovereignty would guarantee undeniable credibility to formal sovereignty. To understand the absurdity of the current situation that IR studies deal with in what concerns the debate on sovereignty, it would be enough to think of the example of so-called *failed states*. Indeed, following the hypocritical logic above, failed states would organise sovereignly their failure making a sort of mysterious political suicide; alternatively they would be perfectly and fully sovereign up to the infinitesimal instant and inexplicable event preceding their total failure in which everything suddenly collapses. Such interpretations obviously speak for themselves. Any rigorous attempt adopting a neutral axiology to answer the starting question cannot rest upon such ontological premises fundamentally preventing from and opposing any epistemological and heuristic advancement.

Moreover, claims of Swiss sovereignty are not immune from that hypocrisy,[2] and the case study of Swiss-EU relations therefore represents the ideal testing ground in order to look for means allowing not only theorising but also testing sovereignty, and particularly the *credibility* of Swiss claims of state sovereignty within Swiss-EU bilateralism. Consequently, the deconstruction of the modern hypocrisy of sovereignty must pass through prior questioning of the idea and use of sovereignty. It is very important to emphasise, however, that deconstructionism is not aprioristically chosen as "the" approach suitably adopted while performing this research – since this certainly would not correspond to the adoption of a neutral axiology. As will be shown, the use of this "deconstructionist approach" will be met throughout this and the next chapter and found by far the most pertinent in order to *unpack* sovereignty and make this concept empirically usable within this whole discussion that is aimed at finding a way to concretely test the presence of sovereignty.

In other words, as witnessed by the logical and argumentative structure of this and the following chapter, deconstruction has not been chosen as an option among several, but is shown to be the only means to reveal the hypocrisy of sovereignty and render justice to that concept by finding a *post-hypocritical* way to work with it. Indeed, that deconstructionist logic connects the theory and practice of sovereignty by deconstructing the hypocrisy of realism through a positivist test with quantitative data in response to which realism cannot continue to claim to be the only approach having a solid foundation without ever proving it nor making efforts to do so. Indeed, there is a need for this sort of post-hypocritical approach, not only with regard to the sovereignty issue, but also to the broader production of knowledge within IR, in order to corner and reveal once for all the heuristic inadequacy and closure of mainstream approaches hypocritically claiming their scientific and objectivity. Campbell expresses it introducing poststructuralism:

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[2] See for instance the possibility to vote again on the popular initiative "Stop mass immigration" described in Chap. 1.

These[3] focused mostly on articulating the meta-theoretical critique of realist and neorealist theories to demonstrate how the theoretical assumptions of the traditional perspectives shaped what could be said about international politics. What drove many of these contributions was an awareness of how other branches of the social sciences and humanities had witnessed significant debates about how knowledge of the world was constructed. Recognising that the dominant approaches to IR were unaware, uninterested, or hostile to such questions, the above authors sought to connect IR to its interdisciplinary context by introducing new sources of theory. […] For realism, the state marked the border between inside/outside, sovereign/anarchic, us/them. Accordingly, poststructuralism began by questioning how the state came to be regarded as the most important actor in world politics, and how the state came to be understood as unitary, rational actor. (Campbell 2013: 226)

In a nutshell, Campbell has the intellectual honesty and courage to question and investigate what is really at stake when approaching questions such as ours on the impact of Swiss-EU bilateralism on Swiss sovereignty. What sovereignty is apparently at stake when discussing Swiss-EU relations? Quoting Campbell once again, it is worth clarifying that:

Poststrucutralism was thus concerned at the outset with the practices of statecraft that made the state and its importance seem both natural and necessary. This approach is not anti-state, it does not overlook the state, nor does it seek to move beyond the state. In many respects, poststructuralism pays more attention to the state than realism because – instead of merely asserting that the state is the foundation of its paradigm – poststructuralism is concerned with the state's historical and conceptual production, and its political formation, economic constitution, and social exclusions. (Campbell 2013: 226)

More fundamentally, what would it mean for politics (international) the possibility of having apparent disjuncture between the state and its sovereignty? Why must states be sovereign at any cost, perhaps even at the cost of being blatantly hypocritical? Before answering such questions, we must answer the starting question. This fundamentally implies accepting the challenge of removing the convenient idea according to which deconstruction is just about being critical and creative while "The good positivist researcher needs to be, or learn to be logical, methodological, rigorous, precise and, in general, a numbers person – an accountant" (Merlingen 2013). As discussed in Chap. 1, by using this cliché, realists/neo-realists such as Krasner (1996) were able to cleverly disguise the emptiness of their empirical approach by shifting the focus on others.[4] In so doing, there has been a treacherous usurpation of terms such as *rationality* and *scientific* by econometers and accountants. Their argument is as follows: there is no evidence of sovereignty to be found anywhere, but such a lack of evidence is better and more reliable than anything else. Exposing such hypocritical use of positivism and deconstructing such hypocrisy therefore requires the use of empirical and methodological tools that are considered valid, as we will be able to ascertain later. If indeed used, positivism does not

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[3] Campbell refers to Ashley, Der Derian, Shapiro, and R.B.J. Walker (Campbell 2013: 226). George completes Merlingen's (2013) otherwise identical list of "pioneers" of poststrucutralism.

[4] "Think of Robert Keohane's distinction, in his presidential address to the International Studies Association, between rationalistic and reflective approaches and his admonition to reflectivists to get their act together" (Merlingen 2013).

necessarily confirm what is expected and is more convenient: the belief that positivism works alongside realism instead of being a form of interpretation like many others possible (Walker 1987). For the moment, the initial conceptual emphasis must therefore be put on sovereignty because it clearly corresponds to the central concept of this research. Accordingly, the initial questions to be answered are what exactly is sovereignty, and how can it be defined.

Sovereignty belongs to the many concepts that have helped to found political science. Furthermore, it is also at the core of philosophy, law, international relations, and other connected disciplines that broadly and deeply study sovereignty from different points of view. The interest in the study of sovereignty has grown recently, leading some to speak of a mini-renaissance (Lake 2003: 304). Despite the number and variety of studies on sovereignty, there is still an enormous – and somehow welcome (Ashley and Walker 1990) – intellectual difficulty in providing an ultimate definition or interpretation of it. Thus, sovereignty remains debated and discussed among scholars. The reason for these intellectual disputes is easily found. As argued by Bartelson, this concept is of fundamental relevance for political science because it is a sort of equivalent to the concept of *substance* in philosophy,[5] in particular when dealing with political phenomena having states as main actors (Bartelson 1995: 1–2). Its centrality is certainly due to its relation with the nature of political science itself.[6] Wendt and Duvall explain that: "Few ideas today are as contested as sovereignty, in theory or in practice. In sovereignty theory scholars disagree about almost everything – what sovereignty is and where it resides, how it relates to law, whether it is divisible, how its subject and object are constituted and whether it is being transformed in late modernity" (Wendt and Duvall 2008). Accordingly, Gallie's four conditions of essential contestedness perfectly apply to the sovereignty concept (Gallie 1955: 171–172). Since definitions of sovereignty can have *appraisive*, *complex*, *elusive*, and *evolving* characteristics,[7] it belongs to the category of "Essentially Contested Concepts" (Gallie 1955) which, by definition, hardly leave scholars indifferent. Furthermore, Gallie also provides a fifth, more general definition of essentially contested concepts perfectly fitting with sovereignty:

> For this purpose we should have to say not only that different persons or parties adhere to different views of the correct use of some concepts but that each party recognizes the fact that its own use of it is contested by those of other parties, and that each party must have at least some appreciation of the different criteria in the light of which the other parties claim to be applying the concept in question. More simply, to use an essentially contested concept means to use it against other uses and to recognize that one's own use of it has to be maintained against these other uses. Still more simply, to use an essentially contested concept means to use it both aggressively and defensively. (Gallie 1955: 172)

Consequently, it is not surprising to discover an already existing literature matching Gallie's definition of essentially contested concepts and sovereignty. Both Besson

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[5] On the importance of substance in philosophy, see Russell (1927).

[6] For instance, in the literature there is a consolidated historical linkage between sovereignty, state, and its building process (Strayer 1970; Dyson 1980; Hinsley 1966).

[7] These four adjectives refer to and synthesise Gallie's four criteria of contestedness.

and Sarooshi emphasise the variety of interpretations and definitions that this concept can engender (Besson 2004: 7; Sarooshi 2004: 1108).

Interestingly, Bartelson underlines the difficulty of using a unique definition of sovereignty when referring to two potentially diverging conceptual worlds, such as the empirical political science and the normative jurisprudence (Bartelson 1995: 15).[8] In Bartelson's perspective, conceiving sovereignty as an essentially contested concept may particularly become a sort of stratagem, opening up sovereignty to a wide field of applications. To this end, Walker (1992) criticises the essentially contestable nature of sovereignty on the basis of what Weber defines as a silence on the dynamic understanding of the concept itself (Weber 1992: 199). This mainly constructivist criticism emphasises not only the essentially contested nature of sovereignty, but also the volatility of the different socially, historically, and politically built conceptualisations of sovereignty, and whose understanding may not abstract from that of their particular *context*.[9] Moreover, Pauly and Grande mention two problems related to the contestedness of sovereignty, and to its often-misunderstood link with the state. There is an *aut aut* approach that has "tended either to conceptualize sovereignty in zero-sum terms (i.e., as fully present or entirely absent from a given political structure) or to treat modern states as evolved *entities* (where the state-sovereignty linkage is invariable and any evidence of change must be associated with the state decline)" (Pauly and Grande 2005: 9).[10] These risks pertain to the misleading practice of aprioristically studying sovereignty and the state as two concepts that are not only compatible per se, but even indistinguishable and inseparable.

Consequently, this discussion is structured to overcome two fundamental risks associated with the process of carrying out research. First, there is the mentioned risk of trivialisation, considering sovereignty as something more or less ontologically given and clear, that does not require particular theoretical efforts in the frame of a political analysis, such as that solicited by the initial question. As argued, the opposite is true since it is impossible answer the initial question without seriously taking care to establish what is to be investigated. In essence, this risk consists in not defining what is to be studied. Second, there is a risk of merging and confusing *sovereignty* and *state sovereignty,* which must be conceptually distinguished from

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[8] On this point, see also Jackson (2007: Chap. I).

[9] The *school of Cambridge* – see e.g. (Skinner 1996, 1998; Pocock 1975, 2009) – asserts the importance of taking into account the multidimensional context in which a given concept is embedded, or finds its origin and/or concrete application. As will be shown, this research will pay attention to this "intentionalist" approach by showing how some of the main theorists of sovereignty had situated intentions and wills.

[10] Pauly and Grande's argument deserves two comments. First, they confirm Stephen Krasner as the main referent of the second approach (Pauly and Grande 2005: footnote 17, p. 20). This important point will be further developed in the following parts of this research. Second, they evoke the methodological approach of the school of Cambridge: "To avoid such shortcomings, it is crucial to keep the concept of sovereignty in its proper evolutionary and comparative-historical context. The practices, expression, and even theoretical conceptualisation of sovereignty have changed over time, and we argue in this book that they continue to change" (Pauly and Grande 2005: 9).

one another. This is the risk of apriorism on the indifferentiation and indistinguish-ability between *sovereignty* and *state sovereignty*. This would be a problem of *endogeneity*. Investigating the ontology of sovereignty cannot aprioristically move from and limit itself to the state level. Generally, it is not up to a state to define what is sovereignty and what is a loss of sovereignty. Indeed, conceptually sovereignty could exist in the absence of the definition of sovereignty proposed and adopted by a certain state, and Swiss sovereignty at stake within Swiss-EU relations does not escape that logic. For instance, the definition of sovereignty cannot a priori be assumed to be necessarily based on a historically limited number of political experiences leading to the belief that archetypical sovereignty would simply correspond to either something like the most powerful sovereign state ever to have existed, or to the modern state authority *tout court*.[11] It is true that in order to answer the initial question, we must understand if and how a state *is* sovereign. However, whether and how a state *can* be sovereign needs to be defined. The assumption, according to which a state is – or can be – sovereign, cannot be taken for granted. Put differently, it cannot be assumed that sovereignty only exists in relation to the state and, particularly, to its modern form. To this end, it suffices to consider the issue from a linguistic point of view. State claims of sovereignty imply the need for a qualification of states in terms of sovereignty. Otherwise, states (or any other possible actor as well) would not claim sovereignty, but just statehood, or would even claim nothing at all since it would be very aware of its "being there", of its *Dasein*. Accordingly, instead of claiming to be a "sovereign state", a given state X would just claim to be what it is – a "state" – probably not claiming it through linguistic signs at all, but just through the act of *being*. Indeed, in a Heideggerian way, the state would exist and be present to itself thus having full knowledge and getting from this ontological fullness. On the contrary, dealing with state sover-eignty implies that another notion of sovereignty is external to that of statehood. Moreover, the notion of sovereignty is even expected to bring something valuable to that of statehood, otherwise it would not be claimed. Before such evidence, it is indeed imperative to determine whether sovereignty has an essence and of what kind, and how much of that possible essence there may be and is concretely borne by states claiming their sovereignty. In other words, it has to be questioned whether and how a state can be sovereign. This will help with explaining the ontological question of what sovereignty is.

It is important to point out that the essentially contestedness of sovereignty within academic debate, on the one hand, and the quest for the essence of sovereignty within this research, on the other, do not give rise to a naïve contradiction. As will be elaborated later, the *quid* consists of the *definition of essence* itself. Indeed, this work will explain how sovereignty does not have an essence consisting of the *presence* of given properties or qualities, but on their *supposed presence*. More precisely, the essence that is at stake here refers to the *reasons why* the presence of given properties or qualities of sovereignty are looked for. It means that the essence of sovereignty that is looked for within this work does not assume at all the existence

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[11] See Jackson (2007: 14–19).

of a presence, or "the presence of a presence", but of a *metaphysic of presence* (Heidegger 2002 [1962]; Derrida 2010) of sovereignty still all to seize, all to deconstruct. That is to say that the essence will consist of an essential will of and need for a presence of sovereignty, rather than on a real presence of sovereignty.

It is important to note that the essentially contested nature of a concept such as sovereignty constitutes an issue whereof the literature on the methods of the social sciences is aware. It follows the necessity of a serious effort of *conceptualisation.*[12] On the one hand, there is indeed the need for philosophical deconstruction of what separates us from correctly grasping the sovereignty issue. On the other hand, there is the need for the social sciences to produce somewhat useful analyses. This tradeoff must not lead to a philosophically trivial but empirically satisfying definition of a certain concept. There cannot be for example a first concept of sovereignty properly addressed and another one trivially simplified, depending on the circumstances. Therefore, this sort of genuine essentialist approach imposed by researching in the social sciences will meet the effects of deconstruction, and the sovereignty essence will be found to be immaterial and transcendental and resting upon the metaphysics of presence. However, the latter would not prevent us from finding a distinctive way to empirically apply it.

The definition of a concept can usually be given through *concept formation* (Mair 2008; Sartori 1970). Diverging conceptualisations may give rise to criticisms on the pertinence of the definition of a given concept.[13] Indeed, conceptualisations may differ in terms of pertinence or appropriateness: "However (and it is a big "however"), this does not mean that we are free to interpret the world in any way we choose. There are appropriate and inappropriate conceptual frameworks for interpreting any given experience" (Buckingham and Saunders 2004: 24). Mair also adds: "What must be avoided, however, is the notion that the concept can enjoy *any* meaning whatsoever. Because when we can have any meaning at all, then a concept can mean whatever anybody wants it to mean […][14]" (Mair 2008: 190).

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[12] An apparent and provocative exception to this finding is provided by Kalmo and Skinner's quotation (Skinner and Kalmo 2010: 1) of Jacques Maritain's provocative statement: "In order to think in a consistent manner in political philosophy we have to discard the concept of sovereignty" (Maritain 1969). However, this statement should probably be read in a different manner in the light of Maritain's wider thought. In *Man and State*, Maritain affirms that the "State is not and has never been sovereign" (Maritain 1998 [1951]: 195). His conclusion is based on an interesting combination of empirical observation (which state could really claim its historical absoluteness?) and logical speculations (sovereignty being an absolute, how could a state be sovereign and freely dismiss part of its absoluteness?). Maritain's approach anticipates the difficulty of matching the absoluteness of sovereignty with the much less absolute political practices.

[13] This is particularly true when adopting a deductive approach (Chevrier 2003: 55).

[14] Mair refers to Ball's reading of Hobbes' *state of nature* where "each individual is a monad, radically disconnected from all other individuals insofar as each speaks, as it were, a private language of his own devising. Because the concepts comprising these individual languages cannot be translated or otherwise understood, each speaker is perforce a stranger and an enemy to every other" (Ball 2002: 24). This perspective illustrates the necessity of accepting coexisting essentially contested conceptualisations of sovereignty as a first step to go beyond the common knowledge and definition of the concept itself. Yet, still perfectly in compliance with Feyerabend's openness

Therefore, an inter-subjective (Agazzi 2001) comprehension of sovereignty through an effort of conceptualisation and definition is an essential step to reach a theoretical argument comparable to and usable in respect of a specific reality to be investigated (Chevrier 2003: 55). Defining a concept thus firstly requires an intellectual effort – with axiological neutrality – to initially recognise and synthesise those aspects characterising different definitions (Quivy and Van Campenhoudt 1995: 120).[15] This work will therefore propose its own conceptualisation of sovereignty in order to possibly detect the essential properties of sovereignty, and, at the same time, overcome the possible incompleteness of competing definitions of sovereignty.[16] By *unpacking* (Radaelli 2000: 4) the sovereignty concept of all its irrelevant properties, this work proposes a precise determination of the sovereignty essence.[17] The acceptance of concurrent definitions of an essentially contested concept does not imply the pliable renunciation to establish a comprehensible and inter-subjective (Agazzi 2001) comprehension of sovereignty. Despite the awareness that "Sometimes there are no easy answers, and no clear definitions seem possible, in the sense that there is not even a single specific property that can be incontestably associated with the concept" (Mair 2008: 180),[18] there is still the idea that "getting the concept right is difficult but also essential" (Mair 2008: 178). Renouncing the conceptualisation of sovereignty would imply the a priori renunciation to discuss it, given that "concept formation stands prior to quantification" (Sartori 1970: 1038). Indeed, in compliance with the mentioned need to challenge and corner hypocritical arguments and prejudices arising from mainstream approaches – having conveniently renounced the discussion surrounding sovereignty in depth – this research – and its conceptualisation of sovereignty particularly – can neither indulge in trivial definitions of concepts, nor naïvely lay itself open to criticism by using intellectual sophistry chargeable with uselessness. This would then be easily and too conveniently negligible given the subsequent lack of empirical applicability. On the contrary, it is important to solve the problem that "you will see considerable value in poststructuralist IR while at the same time feeling a bit underwhelmed by the tools it gives you. Let's unpack this ambiguity" (Merlingen 2013). To this end, Sartori explains:

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to new theoretical ideas, there must be a quest for a way to avoid knowledge and science progressing randomly.

[15] Gallie's apparently pliant approach to the coexisting interpretations and definitions of sovereignty should not mislead. As Feyerabend explains: "we want to analyse, to explain, to justify, and perhaps occasionally to correct the "common knowledge" (which may also be the scientific knowledge of the preceding generation) by relating it to new theoretical ideas rather than to interpret such ideas as new ways of talking about what is already well known. […] this is also the way that a reasonable theory of knowledge invites us to take" (Feyerabend 1965: 269).

[16] This assumes the possibility of being able to establish a heuristic hierarchy between conceptualisations of sovereignty.

[17] Radaelli applies the "unpacking method" to Europeanisation. The method consists of determining what Europeanisation is by discarding what it is not (Radaelli 2000: 4). *Unpacking* a given phenomenon also consists of removing the symbolic aspects associated with it. This activity may also be called *phenomenological reduction* or *bracketing* (Collins and Mayblin 2011: 59; Creswell 2007).

[18] Mair refers here to Gallie (1955).

Traditional, or the more traditional, type of political science inherited a vast array of concepts which had been previously defined and redefined – for better and for worse – by generations of philosophers and political theorists. To some extent, therefore, the traditional political scientist could afford to be an "unconscious thinker" – the thinking had already been done for him. […] However, the new political science engages in reconceptualisation. (Sartori 1970: 1033–1034)

In a similar fashion, Goertz reiterates the frequent mistake committed by researchers of forgetting the conceptualisation part of a piece of research (Goertz 2006: 1–24), emphasising the necessity of firstly overcoming the limits of the aprioristic semantics of the research object.[19] As with Mair, Goertz grounds the legitimacy of conceptualisation on the need for an empirical applicability of a given concept.[20] "Moreover, the lack of a clear or even workable conceptual definition at the beginning of the project often makes it more difficult to explain to others what precisely the research involves" (Mair 2008: 180).

Having noted the importance of making a concept applicable empirically, it is still necessary to establish a way to avoid proceeding randomly. As previously stated, discarding unessential properties of a concept is a good starting principle (Quivy and Van Campenhoudt 1995: 120) for concept formation, although it is difficult to apply. As suggested by the literature on research design in the social sciences, a good criterion to establish some kind of scientific hierarchy between all potential definitions and conceptualisations of an essentially contested concept can be based on *generalisation* (King, Keohane, and Verba 1994: 35; Sartori 1970). This implies the possibility to apply a certain conceptual framework to as many empirical experiences as possible thus increasing the reliability of the conceptual framework itself. The methodological question as to how to proceed might thus be answered by using Sartori's *ladder of abstraction* (Sartori 1970) as described by Mair:

In brief, Sartori divided concepts into three levels – high, medium and low – in which the degree of generality or abstraction of the concept is related to the range of cases which it covers. The more concrete the concept, the narrower the range of cases. […] when we move from a narrower to a wider range of cases, it follows that we have to make our concepts more abstract – we have to lighten them in order that they may travel farther. If we fail to do this, we run the risk of what Sartori calls "concept stretching", that is we end up stretching the original concept beyond sensible limits in order to accommodate or fit the new range of cases. […] By following Sartori's rules of concept formation, we therefore learn where on the ladder of abstraction we're standing, and when it is necessary to go up and when it is necessary to go down. (Mair 2008: 178)

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[19] "My analysis thus cuts both ways: it finds that some of Sartori's claims must be seriously qualified; it also finds that many quantitative measures do not fit well with the concepts they are supposed to reflect (Goertz 2006: 3). […] In short, I propose a causal, ontological, and realist view of concepts. It is an ontological view because it focuses on what constitutes a phenomenon. It is causal because it identifies ontological attributes that play a key role in causal hypotheses, explanations, and mechanisms. It is realist because it involves an empirical analysis of the phenomenon" (Goertz 2006: 5).

[20] As seen, this empirical-oriented approach to conceptualisation may apply to both sovereignty – see for instance Thomson (1995) and Litfin (1997) – and Europeanisation – Radaelli (2000, 2003).

Answering the starting question on the impact of Swiss-EU bilateralism on Swiss sovereignty forces us to deal with abstract and contested concepts such as Europeanisation and sovereignty in particular. Thus, we are at the top of Sartori's ladder of abstraction. Philosophically, though problematic, this abstraction may even be welcome in order to conduct research in the social sciences. The evident consequence of such a situation corresponds to what has been renamed the *ladder of generality* (Collier and Mahon 1993: 846), and consists of dealing with a trade-off between extension and intension. Briefly, in order to compare more cases (emphasising extension), it is necessary to decrease the different properties that make cases non-comparable (neglecting intention) and vice versa. Notwithstanding, this point does not represent an insurmountable obstacle for this work.

Supposing that it may exist, the very essence of sovereignty that this research is seeking will in all probability have a rather limited number of *essential properties*. They would be at the same time the *sine qua non* and *extensive* properties of sovereignty. Consequently, despite favouring extension rather than intension, any possible definition of sovereignty that will be developed will fundamentally aim at "bridging the gap" (Thomson 1995) between sovereignty theory and practice. To this end, the determination of the essential properties of sovereignty will be obtained by referring to their *classical* rather than *radial* categorisation (Collier and Mahon 1993: 849). Accordingly, only those properties belonging to the primary category of sovereignty in a typical Sartori conceptualisation structure will be considered essential. The radial alternative providing "a family" of properties potentially alternating at the secondary level of conceptualisation is not heuristically satisfactory to determine a sovereignty essence.[21] In order to "bridge the gap" between sovereignty theory and practice, Sartori's approach to concept formation is perhaps more challenging,[22] but also preferable to favour empirical applicability. Indeed, this approach helps to create the conditions to compare what sovereignty is in theory, and what it is in practice, thus working as a sort of Weber's *ideal-type* (Weber 1997b), or a comparative heuristic tool. As Sartori explains: "My focus is conceptual – about concepts – under the assumption that concepts are not only elements of a theoretical system, but equally tools for fact-gathering, data containers" (Sartori 1970: 1052). Mair confirms the same idea that conceptualisation, faced with abstract and contested concepts like sovereignty, becomes the unavoidable and only applicable first step of any research. The successive downward movement along the ladder of abstraction represents then the only way to escape the situation created by the essentially contested nature of a concept:

> Without first understanding what "citizen", or "nation" or "state" or whatever means – the core meaning – we can never fully understand how and why one particular meaning of "citizen", "nation" or "state" differs from yet another particular meaning. In other words we must start

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[21] Collier and Mahon's radial categorisation prevents us from defining the *sine qua non* properties of sovereignty since providing a family of floating properties of sovereignty rather than a real core of *necessary* properties.

[22] Mair considers Sartori's approach more demanding than Collier's in terms of strictness of the categorisation of properties (Mair 2008: 2).

with the "one" meaning, at the top of the ladder of abstraction, and then climb down to the "many" meanings, at the lower levels, and in particular contexts. And we must make sure not to fall off the ladder entirely and end up in a situation where "any" meaning becomes acceptable. (Mair 2008: 191)

Consequently, this research proceeds by considering coexisting and concurrent definitions of sovereignty, emphasising their common elements.

Indeed, even if sovereignty is contested per se, nothing prevents attempts to detect the lowest common denominator of the different theories of sovereignty through the *deconstruction* of their processes of conceptualisation. Indeed, the process of concept formation of different theories of sovereignty may overlap on some common properties and detecting them would allow the essence of sovereignty to be defined. To this end, Runciman's words on how to approach the history of ideas are particularly appropriate. Hence, this work will, initially, duly and necessarily: "highlight the different contexts in which the various authors were writing, and seek to identify some of the particular historical controversies with which they were concerned. I do want to try to draw some broader lessons that cut across these differences of context" (Runciman 2008: 13). This means that after paying due tribute to the mentioned approach typical of the school of Cambridge, there is still the idea "often associated with the philosopher and historian of ideas Leo Strauss, […] that the deep truths about politics exist beyond and beneath immediate context, which serves merely as a mask for these timeless ideas" (Runciman 2008: 15). Runciman – referring to the issue of political hypocrisy – continues with a comment sounding as evocative and introductory of many aspects further developed also within this research. "Straussians see a line of thought that runs from Plato through Machiavelli and Hobbes up to the present, containing certain truths about the need for political lies" (Runciman 2008: 15). That is to say, the deconstruction of the different conceptualisations of sovereignty could help to detect an essence fundamentally different from that of Aristotelian essentialists. Indeed, the hypothesis of a sovereignty essence neither assumes nor implies a material essence, and the concept of "essence" itself must be understood in its deconstructionist posture. As explained, this deconstructionist approach tries to avoid falling into the trap of a generic and all-inclusive sovereignty definition, corresponding to a broad-spectrum of *essential* and *unessential* properties of sovereignty all put together indiscriminately. In visual terms, the essential ontology of sovereignty pursued and adopted by this work can be imagined as the overlapping area of a Venn diagram, where all the definitions and conceptualisations of sovereignty would intersect. The properties presented in that area are somehow the result of a *generalisation* and become the *sine qua non* sovereignty properties. At the same time, that overlapping area could have an ontological status similar to that of Derrida's immaterial depiction of *logocentrism* characterised by a *metaphysics of presence* and an irreducible *presence-absence* (Derrida 1997 [1974]).

However, it is absolutely crucial to realise that using deconstruction also means the refusal of any deconstructionist apriorism and adoption of a neutral axiology. This means that a true deconstructionist quest for the essence of sovereignty cannot assume any apriorism. It follows that a deconstructionist posture must also question any possible apriorism associated even with poststructuralism and deconstruction.

This is why concept formation and its deconstruction are so important at this stage and must be duly considered. As Bartelson argues, the disagreement of authors on the definition of sovereignty "depends less on the divergent accounts of the world, and more on the ontological status implicitly accorded to concepts by these authors" (Bartelson 2006: 463). Conceptualising is therefore fundamental in order to grasp the apex of the matter and find an appropriate answer to the abstract question, "what is sovereignty?" that evolves to the perhaps even more explanatory question "why sovereignty?". Why is sovereignty conceptualised in *that* way? Answering these questions is crucial in order to then move towards the empirical context of the starting question and use those answers to test the issue of Swiss sovereignty in the context of its relations with the European Union.

It was helpful to point out how the initial generalisation of essential properties of sovereignty within the overlapping area on a Venn diagram is the integral part of the broader deconstruction of sovereignty. Indeed, detecting an abstract lowest common denominator of essential properties of sovereignty can result in the use of the logic of the structural invariants. However, even if this may possibly allow for generalising the presence of essential properties of sovereignty, the latter certainly neither implies the necessary presence of sovereignty, nor of a *material* sovereignty. Consequently, the existence and presence of the essential properties of sovereignty neither produce the effect nor imply that sovereignty is and can be present.

II

The nomenclature used in this part requires clarification in order to detect the essential properties of sovereignty. As mentioned, this work's adoption of a neutral axiology consistently emphasises the distinction between *essential* and *unessential* properties present in the different conceptualisations of sovereignty. Indeed, deconstructing sovereignty precisely requires contemplating the possibility of deconstructing deconstruction. Ergo, at least essentialism certainly cannot be discarded a priori. From this section forward, the dichotomies *essential/unessential* and *permanent/accidental* will be alternated. This semantic choice is based on a logical reason since the former essential/unessential dichotomy provides an adequate means to deal with in vitro discriminations between the properties of deductive conceptualisations of sovereignty. The permanent/accidental dichotomy, for its part, answers the problem of the situatedness or ebeddedness – or the time/place origin of given conceptualisations of sovereignty – in order to take the *anti-naturalist critique* (Bevir and Kedar 2008) seriously. The latter *criticism* is sceptical of Sartori's and Collier's concept formation arguing that the detachment of any given conceptualisation from its situatedness, or from the situatedness of the scholar, is impossible (Bevir and Kedar 2008).[23] Accordingly, confronted with situated con-

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[23] Bevir's interpretivism moves from the logic of unpacking concepts by assuming the hermeneutic foundation of political science as a discipline. This approach is therefore similar to that of the School of Cambridge (Bevir 1999).

ceptualisations of sovereignty, and applying the *invariant structural* logic (Lévi-Strauss 2001 [1955], 2003 [1958]), a property of sovereignty is considered as essential only if common to all the conceptualisations of sovereignty at any time and place. In this structuralist perspective – despite this important semantic distinction – there is a complementary function between these two essential/unessential and permanent/accidental dichotomies. The former investigates the possible *function* of properties of sovereignty by taking into account the essentialist concerns; the latter investigates the possible *contextual relation* of properties of sovereignty emphasising the structuralist approach. Put differently, the essential/unessential dichotomy underpins the abstract ontological quality of the observed properties, while the permanent/accidental dichotomy refers to the concrete phenomenological approach used to recognise the time/space constancy of given ontological properties of sovereignty.[24] Both dichotomies allow concrete discriminations between the properties of sovereignty.

The potential interweaving between a certain theoretical conception of sovereignty and its time/place specificities (Walker 1991) requires the capability to discard the "just historically-issued" elements of sovereignty from the permanent – and somehow also essential – ones. Walker for instance argues the impossible denial – since primitive tribes and Greek city states, until the contemporary social and political situation – of the mutual influence between the history and theory of sovereignty (Walker 1991: 448–449). To this end, the historical evolution and redefinitions of the sovereignty principle show by definition the influence that history and context had on the sovereignty concept, as Walker affirms (1991: 449).

It follows that a sovereignty property may certainly not be essential if not historically constant as well. Given that "Conceptual historians start with the assumption that concepts ought not to be detached from the political discourse within which they are embedded. This is because concepts constitute such discourse" (Onuf 1991: 427), historical steadiness of a given sovereignty property constantly present in temporal and spatial terms is certainly required in order to start addressing the essence of sovereignty.[25] For something to have essence it must be present constantly. Essence is by definition expected to grasp the *necessary condition* of existence and presence, or the *sine qua non* property – or properties – as in Sartori's thought.

At this point, the deconstruction of sovereignty leads to the challenging of positions such as those of Bartelson and Walker, respectively emphasising the random path (Bartelson 1995: 246), and the just historically constructed nature of sovereignty

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[24] This underpins the relation between phenomenology, ontology, and hermeneutics often associated with Heidegger's thought (Fornero and Tassinari 2002: 645–669).

[25] To this end, before the following consideration of the functionalist approach to correctly define sovereignty, Quaglioni explains: "It is possible to understand how in a functionalist approach to sovereignty (at the same time oriented to catch its "essence") the concept, immanent to any process of power requiring juridical formalisation to obtain legitimacy, adopts different appearances only in its historical becoming and in accordance with situations historically determined, but detains its "truth" in an original and reality primordial to any social and political development, as a regulatory criterion of internal and external relations of power" (Quaglioni 2004: 6 – Translation from the original text in Italian).

(Walker 1991: 448). In particular, Baterlson's conceptual choice of matching sovereignty and knowledge by emphasising their relation and mutual influence is not necessarily contested – despite Carr's criticism defining "hazy" some of Bartelson's historical and philological choices and interpretations since they risk resulting in an excessively self-confident conclusion (Carr 1997). Gould and Onuf explain the improvability of Bartelson's argument:

> Modernity in its turns arises from historicising of knowledge. […] However convincing the connections in this sequence may be to some readers, they tell us a good deal less about modernity than about the resistance to the dominant conditions of knowledge instantiated by René Descartes, valorised by Immanuel Kant, operationalized as positivism, institutionalised by the rise of the discipline, and criticised by the likes of Foucault. In *The Order of Things,*[26] Foucault assessed modernity by reference to the development of three human sciences – biology, philology, and economics – and the conditions of knowledge common to all of them. He left out the science of law and the state, and so does Bartelson. The triumph of positivism in social theory, legal practice, and the organisation of the state creates the overwhelming impression that modernity and sovereignty somehow stand outside history. On this remarkable state of affairs, Bartelson has almost nothing to say. (Gould and Onuf 1997: 332)

This is to say that a genealogist reading of sovereignty may certainly be heuristically satisfactory in order to grasp given properties of sovereignty which were added or have disappeared along the way, and that would correspond to the unessential/accidental properties as defined by this book's vocabulary. Consequently, approaching sovereignty as a concept with a *permanent essence* would be still possible. Indeed, paraphrasing Weber's statement, it is evident that Bartelson's position is that sovereignty deals with *interpretations* (Weber 1997a: 229). Nevertheless, it is unclear why sovereignty would be an exclusive product of interpretations. Moreover, not only could interpretations of sovereignty possibly follow an essentially constant and recurring process or simply somehow overlap with one another, but their *constant* presence could also paradoxically indicate a permanent/essential property of sovereignty, such as that of *always* giving rise to interpretations. Bartelson quotes Nietzsche[27] to affirm that "only that which has no history can be defined" (Bartelson 1995: 13). Syllogistically, having the conceptualisations of sovereignty historical variation, the definition of sovereignty would be impossible. However, Bartelson does not explain why it is possible to affirm – once and for all – that all the theoretical elements constituting the essence of sovereignty would be subject to historical changes. To this end, Pauly and Grande emphasise the heuristic limits of the "Recent path-breaking constructivist analysis […]" (Pauly and Grande 2005: 10), emphasising the exclusively historical dimension of sovereignty and also confirming the mentioned importance of answering the research question by avoiding the provision of pretexts for the instrumental use of the rhetoric about the empirical inapplicability of critical approaches within IR.

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[26] See Foucault (1973).

[27] See Nietzsche (1969 [1887]). However, Nietzsche's "anti-essentialism" cannot be taken for granted. In particular, the concept of *eternal return* or *eternal recurrence* (and of *eternity* itself) is compatible with the possibility of concepts, decisions, events, behaviours, and other events always repeating over and over again and somehow outside history (Fornero and Tassinari 2002).

There is, of course, the risk that analysts can push such thinking to an extreme position. Sovereignty cannot simply exist in the eye of the beholder, for the political dynamics of objective coercive capabilities and the mutual recognition of legitimate claims to rule have always been central to empirical processes of the building, decline, and transformation of the state. [...] Still, our collaborative research strongly suggests that state sovereignty has become both more abstract and more complex, since its inception. (Pauly and Grande 2005: 10–11)

Accordingly, they highlight the risk associated with a just historical approach that could erroneously leave aside a-temporal trends and sovereignty properties, such as *abstraction* and *complexity*. Moreover:

Sovereignty can be divided and transformed without losing its substance. On this ground, we can remain open to the possibility of an internal transformation of sovereignty, and the emergence of different institutional forms, both of which can be seen to be different stages in the development of modern states. (Pauly and Grande 2005: 11)

Accordingly, sovereignty has certainly a historical dimension, but at the same time, a possible core of a-historical and permanent essential properties. Bartelson's argument remains valid in respect of the ambition of providing an all-inclusive definition of sovereignty, and of all its empirical and historically tight properties, beyond, or whatever the historical context. Indeed, with the aim of defining the essential and permanent sovereignty properties, Bartelson's genealogical and historical approach is an adequate and helpful methodological tool to discard many unessential and accidental properties of sovereignty, given that sovereignty is certainly not expected to present only conceptual stability and continuity. Hence, history matters in the understanding of sovereignty. However, by focusing on a deconstructionist quest for a *generalisation* of the lowest common denominator of sovereignty, the historical approach helps but does not suffice and must be overcome in the sense of not having a "just historical" approach. Accordingly, Onuf warns about the general risk of adopting extreme positions:

Conceptual historians choose to emphasise change for reasons that are extrinsic to their concern for political argument and its constitutive effects. [...] Perhaps conceptual historians are prompted to emphasize change because so many scholars seem biased in favour of stability and continuity and because the presence of change often seems more difficult to explain than its absence. (Onuf 1991: 427)

In both cases, defining sovereignty on a purely interpretative basis or, to the contrary, as being a just *a-temporal* concept in all its properties, would probably be a naive mistake. Indeed, the classic realist conceptualisation of sovereignty described by Bartelson also presents heuristic elements useful to this work:

[...] the belief that sovereignty is a permanent feature of political life is nourished by a *realist* view of concepts, according to which classes of objects exist independently of our descriptions, and instead condition their possibility. To the realist, conceptual change is much more like a thematic variation of an underlying core meaning that remains basically the same across time and space. (Bartelson 2006: 464)

However, as is the case for a just historical and interpretative approach, this work's quest for an essential ontology of sovereignty does not find full proximity

with the just classical realist approach, which is also unsatisfactory. It suffices to say that realist sovereignty apparently *existing independently of descriptions* could precisely rest upon a description. For example, it will be shown how associating sovereignty, and its study, to the only historical birth and affirmation of modernity and of the nation-state model – in accordance with a well-grounded academic tradition matching sovereignty and modern state (Hinsley 1966; Jackson 2007) – would certainly represent an incomplete approach. As mentioned, neither a purely constructivist, nor a purely realist approach, are entirely satisfactory in heuristic terms.

Adopting the vocabulary of legal theory to the study of sovereignty, this work has indeed an *essentialist* approach (because looking for the essence of sovereignty refuses the prejudicial denial of that possibility) although not even a priori excluding the heuristic complementarities[28] of non-essentialist interpretations, especially when the latter are able to "inquire, in the style of Kelsen, the archaic forms of sovereignty" (Quaglioni 2004: 13 – Translation from the original text in Italian). These alleged distinctions – such as that between essentialism and anti-essentialism – may in reality be only artificial and removed through deconstruction.[29] Consequently, the possible essential properties of this work's conceptualisation of sovereignty will be of a *realist* sort more abstract than realists intend. Indeed, there may be a reality to be revealed at the same time within and beyond realism.

Hence, the classical realist idea of sovereignty as the institutionalisation of the modern nation-state is perhaps unessential since already located at a lower level than atop Sartori's ladder of abstraction. Indeed, with the adoption of the *longue durée* approach (Strayer 1970; Braudel 1993; Merriam 1900) it already appears that there is no reason for excluding the presence of forms of sovereignty pre-existing the conceptualisation of sovereignty associated with the modern nation-state, as will be further discussed. To this end, in its current form, the realist refusal of the constructivist approach to sovereignty emphasises the applicability of the historical argument of *path dependence* (Krasner 1988). However, realism neither sufficiently considers the foundational reasons for that primary focalisation, nor explains the historical appearance of conceptualisations of sovereignty such as the realist itself. On the contrary, the latter could be based on a-temporal and permanent political necessities, making sovereignty independent from contextual changes. Therefore, the traditional realist conceptualisation of sovereignty as something necessarily associated with the modern state is not only unable to reject the constructivist argument but also paradoxically confirms it. How would the realist approach explain

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[28] On that complementarity, Suganami grasps a crucial ontological connection between Schmitt's essentialism and Kelsen's non-essentialism: "The conceptions of sovereignty advanced by Schmitt and Kelsen appear far apart; yet they are, in their own ways, trying to make sense of their common experience of the social universe in which the practice of sovereignty is deeply embedded. One way to express this point may be to say that the two legal theorists' differing conceptions of sovereignty are commensurate at the level of their social ontology" (Suganami 2007: 523).

[29] Indeed, deconstruction may reveal the possibility of a more original *presence* of just (metaphysical) processes of distinction through the logic of *différance*. "For Derrida, the deconstruction of the metaphysical dream of presence entails the affirmation of difference and deferral, in a word, *différance*" (Attell 2015: 6).

the initial appearance of sovereignty without risking falling into a purely historical and constructivist argument?[30]

Similarly, not even a pure constructivist approach is entirely satisfactory. Barkin and Cronin consider sovereignty as being too often conceived as a static concept, especially when emphasising its legal content[31] (Barkin and Cronin 1994: 107) and mention the difficulty in defining sovereignty: "Moreover, the *essence* of sovereignty is rarely defined [...]" (Barkin and Cronin 1994: 107). Hence, they adopt a constructivist approach thus showing that variables like territories and populations – supposed to change throughout history – matter in shaping historical conceptualisations of sovereignty. They conclude that sovereignty is devoid of essence, being just a (dependent) *variable* and not a *constant*. Consequently, they interpret the historicity of sovereignty as evidence of its dynamic evolution thus proving its floating and indefinable nature. This inductive approach, widespread within constructivism, presents a problematic point: "We are not suggesting that the state/national distinction is the only or even the most important element of change in the legitimation of sovereignty. We suggest only that it is an important one that can illustrate one way in which understandings of sovereignty can change" (Barkin and Cronin 1994: 108). Indeed, this quote shows and acknowledges how an inductive approach could engender a theoretically limited and narrow heuristics of sovereignty that could consequently too quickly come to exclude essentialism since not even really facing that possibility. The focus on given contextual peculiarities – such as the struggle within the dominant model of the modern sovereign state/nation – could neglect its marginality in respect of more abstract properties of sovereignty however ignored while paradoxically present also in that same context, but not epistemologically considered. That is to say, you could miss a whole galaxy if you were to limit yourself to look for only a single star. Still prosaically, a stone is just a stone if left alone, but it could be intrinsically different if part of a mosaic.

Moreover, that the quest for a sovereignty legitimation itself, exclusively originating within a given scope, among those possible, between state and national sovereignty belongs to and illustrates the *heroic practice* within IR described by Ashley:

> The heroic practice is as simple as it is productive. It turns on a simple hierarchical opposition: a dichotomy of sovereignty versus anarchy where the former term is privileged as a higher reality, a regulative ideal, and the latter term is understood only in a derivative and negative way, as a failure to live up to this ideal and as something that endangers this ideal. [...] Anarchy signifies a problematic domain yet to be brought under the controlling influence of

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[30] The realist match between the sovereignty of an invariable substance historically appeared only in relation with the modern state and too easily excludes the possible relation between sovereignty and politics *tout court*. On this point, see in particular Loughlin's discussion about the ontology of politics with precise interpretations of Weber, Schmitt, and Machiavelli's thoughts (Loughlin 2004: Chap. III). See also Lipping's discussion on the necessity of a shift towards a new paradigm of sovereignty, one more "open" and able to answer deeper ontological questions on sovereignty, such as those issued from the now unconvincing match between modern state and sovereignty (Lipping 2010).

[31] For instance, this legal approach to sovereignty characterises Morgenthau's realism (1985).

a sovereign centre. Disciplined by this heroic practice, modern discourses of politics […] are disposed to invoke one or another sovereign presence as an originary voice, a foundational source of truth and meaning. […] Looking upon global politics, participants in this discourse observe the absence of an arching sovereign presence capable of imposing a unique and coherent rational narrative of order. […] And so, calling upon the heroic practice, they do what must be done if modern discourse is here to proceed: they find a sovereign presence that must itself be immunised from reasoned criticism because it must be taken to be the principle of reasoning discourse itself. They "find" the sovereign state. (Ashley 1988: 230–231)

Constructivism may thus become problematic if unable to recognise the, perhaps abstract, but also permanent features characterising the contexts of sovereignty under inspection, as Ashley's post-structuralist reading suggests. In reality, it is not by chance that Ashley speaks of a *presence that must itself be immunised*. Indeed, the (not only) realist emphasis on the *necessary presence* of sovereignty represents a crucial aspect to consider when looking for essential sovereignty. The necessary presence, or the necessary aim of (permanent) presence of sovereignty despite its (permanent) absence could indeed be an essential and permanent property of sovereignty that constructivism would fail to grasp.

To summarise, considering, for instance, sovereignty as somehow legitimate, or to be legitimated, or just the object of modern disputes between socially constructed states/nations, already represents an apriorism not located on the top of Sartori's ladder of abstraction. On the contrary, this research considers that sovereignty – whether observed at an empirical level or not – may include, at the same time, essential/unessential and permanent/accidental properties. Following Sartori's classic logic of concept formation – rather than Collier's radial one – and through *deconstruction*, both unessential and accidental properties of sovereignty must be discarded. Therefore, starting from the top of Sartori's ladder of abstraction is not a choice, but a necessity. Unessential properties of sovereignty will indeed be discarded if not on the top of the sovereignty ladder of abstraction. It can thus be concluded that this work – in accordance with the literature – recognises sovereignty as having *malleable*[32] forms, but not for this avoids the task of deconstructing apriorisms by testing whether there is an abstract lowest common denominator corresponding to a sovereignty essence.

III

This section reviews five concepts often associated with sovereignty, namely (i) *coercion*, (ii) (Westphalian) *statehood*, (iii) *territory*, (iv) *anthropocentrism*, and (v) *symbols*. These concepts will be discussed because they represent particularly revealing examples of properties erroneously considered as essential and permanent

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[32] See Ilgen's edited book (2003).

in regards to sovereignty.[33] Even though mainly focusing on these five concepts, it can certainly not be excluded that other concepts could also provide additional examples of unessential and accidental properties of sovereignty wrongly assumed as essential. As is obvious, there is not here the possibility of treating all the possible unessential concepts, but those discussed are selected for three reasons: (i) their particular presence within the literature on sovereignty; (ii) the fact that they are automatically taken as essential without any real debate; (iii) their common use to illustrate a conceptual problem that applies to the case of Swiss-EU relations. In particular, the latter point refers to the need to illustrate that these five properties contribute to determine the political rhetoric on sovereignty of which Swiss claims of sovereignty within the Swiss-EU relations do not escape. Consequently, through deconstruction of the phenomenological dimension of their conceptualisations, it will be argued that none of them belong to a possible essential ontology of sovereignty that may be found atop Sartori's ladder of abstraction. Indeed, as previously explained, to possibly find the essence of sovereignty, it is necessary to proceed by deconstructing that which belongs to sovereignty because of the *collective subjectification* (Shaw 2008: 9) of unessential and accidental properties. It should not be forgotten that this book's neutral axiology approaches deconstruction also as a means to perhaps deconstruct possible myths concerning the presumed lack of essence for the concept of sovereignty. It follows that a real deconstruction must start from basic questions and then pass through a decisive rejection of biased anti–essentialism. As stated, it is all to understand what is meant by essence, since this term does not necessarily imply its *physical* rather than *metaphysical* nature.

At this initial stage, there are two key questions. Why are there unessential or accidental components of sovereignty, and where do they come from? An overall answer to these crucial questions has been provided by the *radical* or *operative constructivism* (Seidl 2004) emphasising *autopoiesis* (Maturana and Varela 1980; Luhmann 1986) as a typical process that gives rise to concepts.[34] Accordingly, concepts would have a sort of self-powered ability to develop themselves in any direction starting from any initial ground. Indeed, similar to the botanical image of the *rhizome* – that is used by Deleuze and Guattari (1983, 1987) and corresponds to the horizontal unground stem of a plant – sovereignty would be able to develop itself from any of its already existing components or nodes:

> A rhizome may be broken, shattered at a given spot, but it will start up again on one of its old lines, or on new lines…Every rhizome contains lines of segmentarity according to which it is stratified, territorialised, organised, signified, attributed, etc., as well as lines of deterritorialisation down which it constantly flees. (Deleuze and Guattari 1987: 9)

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[33] To this end, Walker speaks of a classical literature contributing to the building of a sort of mythical belief associating some peculiar properties to sovereignty (Walker 1991).

[34] "The general theory of autopoietic systems forms the foundation of the theories of psychic and social systems […]" (Luhmann 1986: 173). "The system operates by means of the continual reproduction of the difference between self-reference and external reference. That is its autopoiesis" (Luhmann 1992: 78).

This image of a rhizome[35] suggests the idea of a random and changeable (and perhaps never-ending) construction of the concept of sovereignty through historical and geographical segmentation. Notwithstanding, already in accordance with one of Deleuze's first contributions (Deleuze 2004), *trends* or *repetitions* among all these unpredictable differences[36] are detectable. On the one hand, to the advantage of this research, this interpretation may possibly explain, for instance, the existence of different, but also similar, conceptualisations of sovereignty. On the other hand, such similarities between rhizomatic configurations seem to still exclude the *ontology of an origin of sovereignty* as grasped by Duns Scotus' logic of the *univocity of being* (Fornero and Tassinari 2002: 1163), which Deleuze addresses.[37] Indeed, whether Deleuze or Guattari emphasise the rhizomatic building process of a concept like sovereignty, Duns Scotus' theological approach assumes the existence of a somehow *pre-rhizomatic*, single, and unitary moment when there is a unique (and somehow homogeneous, or of the same *genus*) essence of the concept. Accordingly, many individual forms of sovereignty would still share a single property that is thus common to each since they are primary, or "indi*genous*". On the contrary, repeated patterns – in time and place – of rhizomatic forms of sovereignty are not sufficient to recognise and determine the essential properties of sovereignty. Rhizomatic developments, despite sometimes overlapping, could indeed correspond to the random phenomenological appearance of similarly unessential and accidental properties of sovereignty, while only the possible recognition of primal (i.e. pre-rhizomatic) properties would allow constituting the initial essence of any conceptualisation of sovereignty. The existence of a primal (i.e. pre-rhizomatic) essence of sovereignty has, therefore, still to be determined. Accordingly, this potential ontological univocity of the essence of sovereignty, beyond its phenomenological time/place *situatedness*, may only be proven by using an adequate heuristic tool. To this end, Deleuze's concept of *repetition* at first implicitly suggests the still potential existence of a concept essence, and then the possible logic on which to ground the use of a proper heuristic tool of investigation. As Deleuze says:

> However, a concept can always be blocked at the level of each of its determinations or each of the predicates that it includes. In so far as it serves as a determination, a predicate must remain fixed in the concept while becoming something else in the thing (animal becomes something other in man and in horse; humanity something other in Peter and Paul). This is

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[35] On Deleuze and Guattari's rhizome, see Colombat (1991).

[36] These trends or repetitions may, for instance, be represented by the frequent and widespread presence of the nation-state model in relation with the concept of sovereignty.

[37] The univocity of being as conceived by Scotus – mainly oriented to the question on God's existence – states the correspondence between essence and existence and between that which is supposed to exist and that which really exists because it would be impossible to determine what does not exist before having conceptualised what exists (Williams 2002). Deleuze reproaches Duns Scotus that "There has only ever been one ontological proposition: Being is univocal. There has only ever been one ontology, that of Duns Scotus, which gave being a single voice. We say Duns Scotus because he was the one who elevated univocal being to the highest point of subtlety, albeit at the price of abstraction" (Deleuze 2004: 44).

why the comprehension of this concept is infinite; having become other in the thing, the predicate is like the object of another predicate in the concept. (Deleuze 2004: 13)

Deleuze provides an interpretation that sounds much more essentialist than might appear at first glance. The constant presence of changes of a concept can indeed represent an essential origin of it.

Deleuze speaks of predicates that he matches with concepts. More precisely, the latter contain the former. Concepts such as sovereignty may therefore have rhizomatic ramifications following unpredictable paths, but clearly have ramifications. Indeed, concepts constantly have predicates that are submitted to historical and temporal fluctuations, *in the object*. But concepts undoubtedly have predicates, which means they have precise characteristics that are those of predicates themselves. Furthermore, Deleuze clearly speaks of predicates *serving* as a determination, while becoming different in the thing. The emphasis on the *functioning* of predicates – basically understood as both function and service – must be duly accounted for because they are of utmost importance. In grammar, predicates are indeed the fundamental elements of sentences having the function of defining the activities, conditions, and qualities of subjects (Devoto and Oli 2012). This means that predicates *serve to declare* a condition consisting in *the ability of doing given actions* or *owning given qualities*. In philosophy, predicates are even more precisely defined in respect to their etymology from the Latin verb *praedicare. Praedicare*[38] indeed means to say beforehand, to mention in advance, to anticipate, but also and foremost, to say something solemnly, or to *go on record as saying*.[39] In short, predicates, have very similar (if not the same) meaning of that *apophantic* (or *apophansis*) adjective used by Aristotle's (Aristotle 2002 [350 BC]; Agamben 2011) and so greatly influencing Husserl's and Heidegger's phenomenology (Heidegger 2002 [1962]; Zahavi 2003). Predicates are *apophantic* because they correspond to that logical enunciation whose truthfulness, *in the object*, *in the thing*, is subject to a subsequent verification. In other words, predicates can either be true or false, and they are exactly equivalent to declarative sentences of an argument, of a statement, that "[i]n elementary logic […] are either true or false" (Garrett 2012: 1).

Consequently, by reading Deleuze, it seems clear that seeking a *material essence* of a concept may be naïf. Predicates, indeed, do not necessarily find correspondence *in the object*. They function as a way to enunciate that intention in need of finding correspondence with a concrete articulation. There is a *gap*, a *discrepancy*, a *difference*, between what the concept is supposed to include and its following concrete being. The same could be said for the concept of sovereignty. "Sovereignty is not a natural phenomenon but a social creation – the result of choices made by men and women located in a particular social and political order" (Alfred 1999: 62). However, and this is a big however, attention should probably not be put on the material essence of a given concept, but on its purely ideal essence as a *functional*

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[38] *Praedicare* is composed of the preposition *pre* – before – and the verb *dicere* – declare, say, devote.

[39] Accordingly, it is here important to anticipate, and then leave aside for a while, how the most solemn enunciation, or commitment, is, by definition, the *promise*.

(or *causal*) foundation. Indeed, by attributing many characteristics of rhizome to Foucault's *dispostif* (Deleuze 1992), Deleuze implicitly suggests adopting Foucault's method of observing functional purposes and conditions, leading to both the appearance and use of a given concept.

By extension, this suggestion seems to point towards the use of a heuristic approach able to catch and determine the *reasons* for having sovereignty. Clearly, the latent hypothesis supporting this proceeding would consist in the hope that there could be permanent and essential causal reason(s) leading to the creation of the concept of sovereignty and representing the sovereignty essence itself. In other words, it can be hypothesised that sovereignty could, on the one hand, have a varying phenomenology through history producing a mix of essential and unessential properties randomly dispatched within its different conceptualisations. On the other hand, there could also be a primal phenomenological origin, in causal terms, thus giving rise to the following rhizomatic series of events. This hypothesis must not be charged with circularity. Indeed, asking the "*what is sovereignty?*" question, thus investigating the phenomenology of sovereignty to determine its essence, may reveal unessential properties leading to the belief that there is no essence. However, investigating the phenomenological circumstances under which the phenomenon of sovereignty takes place means also and foremost asking the "*why sovereignty?*" question, that is different. Put differently, sovereignty might not have a *material* but a "*functional*" substance. Similarly, sovereignty might not have a material but a functional origin. "Functional substance or origin" concretely means that, in order to determine the possible existence of a sovereignty permanent and pre-rhizomatic essence of sovereignty, it is necessary to ask what the sovereignty concept is in fact for.

This means that in order to answer Sartori's "what is?" question, it is necessary to answer the parallel "why?" question. Indeed, the answer to the "what is?" question is first of all absolutely necessary to answer the starting question on the effect of Swiss-EU bilateralism on Swiss sovereignty. This is to say that it would not make any sense worrying about the possible effect of a given X on Y without knowing the variables under inspection. At the same time, asking the starting question is per se evidence of a phenomenological concern still yet to clarify. Put differently, perhaps once understood what sovereignty is, why would such a thing be so very important? Why would it be that crucial to preserve the sovereignty of a polity such as the Swiss state? These unavoidable questions lead clearly to fundamentally question the *function* of sovereignty and reason for its presence. Why does sovereignty exist, why does it appear? Why do we have a phenomenology of sovereignty? Is there a need and necessity for sovereignty? What kind of higher need does the presence of (perhaps also rhizomatic) conceptualisations of sovereignty (try to) satisfy? Is there a crucial need for sovereignty coming before and perhaps even giving rise to its unpredictable ramifications? Is this need permanent in time and space? It cannot be excluded that, as in Deleuze's perspective, sovereignty as a concept could be discovered as being void of a unique substance, but it could however be grounded

on a unique functional phenomenology, or functional origin.[40] Focusing on the possible detection of a-historical and a-temporal *repetitions* of the need(s) for sovereignty, it can indeed be hypothesised that the essential ontology of sovereignty would perhaps rest upon *a reason for* having sovereignty, or on a *functional reason*, rather than a material property. Indeed, sovereignty may perhaps exist because of its functional necessity. If there is a sovereignty *essence*, the latter could be closely related to its essential *function*.[41] The question thus arises, why sovereignty? In other words, is sovereignty necessary and to what end? Why should Switzerland worry about a thing like sovereignty, even more so if it is ultimately elusive? Which need must Switzerland meet, like other states, through the claim of its sovereignty? Why is it so important for Switzerland to be sovereign and why does Switzerland not seem to want to do without such a thing? Prokhovnik presents this point in a very effective way: "The question that underpins the debate is whether sovereignty is a necessary feature of politics and political community" (Prokhovnik 2008: 15).[42]

The best tool at our disposal to answer these questions investigating the foundational reasons for sovereignty is provided by Derrida's *deconstruction*. Indeed, deconstruction helps to determine whether the number of properties commonly associated with sovereignty may in reality be part of (potentially rhizomatic) structures grounded on more essential elements, or reasons, or needs, of sovereignty that have to be revealed. The use of Derrida's deconstruction is thus here conceived in a way that Joyce's quotation of Derrida himself correctly grasps: "The challenge of thinking about sovereignty, for Derrida, is to think about "*sovereignty legitimately deconstructed here, but claimed there*"; a thought of the "*necessity of a strategy that, without relativism, does battle here against a sovereignty to support it elsewhere*"" (Joyce 2010: 14).[43] This is a very compelling way to say that, prosaically,

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[40] This quest for a perhaps immaterial determination of sovereignty recalls and is consistent with Kant's categories of the substance and cause of matters (Kant 1999 [1781]; Ferraris 2011: 26–28). The substance of many accidental space/time events rests upon someone's permanent category of the understating of those events. The cause is thus that pure thing that allows having a permanent understanding of accidental events. Kant's crucial intuition thus suggests focusing not on sovereignty as an object, but as the result of a subjective causal understanding. Not surprisingly, one of Kant's successive categories is that of *necessity*, inspired by, and introducing in economy of this research, the reference to Aristotle's *function argument*.

[41] This perspective evokes Aristotle's *function argument* developed in Nicomachean Ethics, where it is affirmed that function is the reason for the form of matter (Aristotle 2003 [350 BC]). See Korsgard's presentation of two keys to the reading of Aristotle's function argument confirming the idea of possibly finding (or founding) a pre-rhizomatic essence of things based on their function (Korsgaard 2008: Chap. 4). Despite having now assumed that sovereignty may also not have a material substance, and that its substance may also be submitted to time/space rhizomatic fluctuations, its *essential* form, whether existing, could depend on the will of functional satisfaction of prior needs. This reference to Aristotle does not mean affirming that this need must necessarily have a natural rather than artificial origin – in accordance to the well-known Hume's distinction (Mordacci 2003: 176–184).

[42] On the question about the relation between sovereignty and community see Nancy (1991, 2000) and Joyce's reading (2013).

[43] Joyce quotes two statements of Derrida that are here in italics (Derrida 2002: xix).

deconstruction does not (necessarily) mean and imply abandoning sovereignty, but defining it, doing justice to it. This ontological re-definition is necessary here to (*re*) establish sovereignty elsewhere and is stringently related to the wide debate concerning the understanding of the past, current, and future *sense* of and *reason* for sovereignty.[44] Generally speaking, without prior definition, sovereignty may indeed be all manner of things and deconstruction takes charge of defining essential sovereignty in order to give and do justice to its existence. Asking the starting question on Swiss sovereignty, would simply not make any sense if there were no available notion of sovereignty to be defended, maintained, eroded, modified, or simply, affirmed, or if there were not a previous understanding of what sovereignty is in its essence. Thus, deconstruction will be used to recognise and discard the unessential and accidental properties of sovereignty neither allowing the "what is sovereignty?" and "why sovereignty?" questions to be answered.

In order to answer these questions, it is worth addressing preliminarily how and why the quest for an essential ontology of sovereignty is compatible with the use of deconstruction. In accordance with what has been explained above, the starting point to address this problem is that deconstruction means neither *relativism*, nor *nihilism*. This is not the occasion to go into detail on this unfortunate cliché,[45] but the logic here adopted is similar to that inspiring Derrida's reading of Saussure's work on linguistics.[46] As mentioned, it is important to ponder the way and extent to which deconstruction and essentialism are here compatible. Accordingly, the fundamental risk not looking for the essence of sovereignty is that of aprioristically conceiving such a quest as a matter of inclusion/exclusion or presence/absence. Indeed, Derrida's deconstruction of Saussure's structuralism goes through the identification of *undecidables* (Derrida 1981) that Saussure is unable to avoid: "The linguistic object is not defined by the combination of the written word and the spoken word: the spoken form alone constitutes the object" (Derrida 1997 [1974]: 30). To this end, Derrida says:

> Once more, then, we definitely have to oppose Saussure to himself. Before being or not being "noted," "represented," "figured," in a "*graphie*," the linguistic sign implies an originary writing. Henceforth, it is not to the thesis of the arbitrariness of the sign that I shall appeal directly, but to what Saussure associates with it as an indispensable correlative and

[44] For a good introduction to the current debate on sovereignty, especially *post-sovereignty* or *late sovereignty* in the context of the European Union integrative process, see MacCormick (1993, 2010).

[45] In Joyce's quotation of Derrida above, the latter clearly rejects and distances himself from relativism. This is a very important aspect to note in order to avoid misunderstanding the sense of deconstruction and, more broadly Derrida's philosophical project. Similarly, deconstruction has not to be confused and associated, or even reduced to, nihilism or scepticism (Glendinning 2011: Chaps. II and III). Similarly, matching the study of sovereignty and Derrida's deconstruction does not even mean contesting and refusing the normative suitability of the sovereign state (Guardiola-Rivera 2010: 35).

[46] Derrida mainly addresses his reading of de Saussure's *Writing and Difference* (2010) and *Of Grammatology* (1997 [1974]). It is important to reckon that Derrida's reading of Saussure's should neither be taken as Saussure's work in itself, nor as its only possible interpretation, as correctly affirmed in recent times by Daylight (2011). On this see also Attell (2015: Chap. 1).

which would seem to me rather to lay the foundations for it: the thesis of *difference* as the source of linguistic value. What are, from the grammatological point of view, the consequences of this theme that is now so well-known (and upon which Plato already reflected in the *Sophist*)? By definition, difference is never in itself a sensible plenitude. Therefore, its necessity contradicts the allegation of a naturally phonic essence of language. It contests by the same token the professed natural dependence of the graphic signifier. That is a consequence Saussure himself draws against the premises defining the internal system of language. He must now exclude the very thing which had permitted him to exclude writing: sound and its "natural bond" [lien *naturel*] with meaning. (Derrida 1997 [1974]: 51–52)

This reading of Saussure "draws above all on Derrida's identification of an *irreducible undecidability* and instability within the structure of texts, that is to say, on Derrida's emphasis upon the impossibilities rather than possibilities of stable meaning […]" (Attell 2015: 20). Indeed, this quotation underpins an important point closely related to sovereignty. Moreover, Saussure includes sovereignty within those ideas that can be represented trough speech. The latter can be the object of scientific study that, on the contrary, does not make sense do in respect to writing. In other words, writing is not *included* within the field of natural things. To this end, Derrida is arguing that the reason for including speech as a natural event is the same then used to exclude writing (i.e. *difference*). In so doing, Derrida explains how the binary opposition "either/or", that distinction between the naturalness of speech and unnaturalness of writing is arbitrary. More correctly, it is metaphysical. Indeed, both of them require the presence of a *metaphysics of presence*, of *natural presence*.

> It is precisely these concepts that permitted the exclusion of writing: image or representation, sensible and intelligible, nature and culture, nature and technics, etc. They are solidary with all metaphysical conceptuality and particularly with a naturalist, objectivist, and derivative determination of the difference between outside and inside. (Derrida 1997 [1974]: 72)

It must be kept in mind that the compatibility between essentialism and deconstruction derives from the latter's ability to grasp the *essential presence of essentialism* within the former. Put differently, deconstruction of linguistics reveals the prior *will* (or intention and, why not, promise) of finding a *natural unitary essence* of linguistics itself. The presence of such a will however reveals, at the same time, both its phenomenological essentialism and structuralism. The "*need for*", the "*will of*" essence (its *intention*, its *promise*) is essential, while the essence itself is unessential. But how can we have an unessential essence? This is precisely what Derrida calls *undecidability*. As will be elaborated later, it is in any regard certain that the latter is in no doubt essential to the existence of something in its spectral dimension. Indeed, deconstruction is not a "negative structuralism" – as in Gasché's argument (Gasché 1994) quoted by Attell (2015: 20) – where undecidability fundamentally equals the structural impossibility to know, either by proving or denying, any presence. Derrida's undecidability has a positive value in the sense of positively revealing the creation of the conditions for spectrality, or the spectre of presence otherwise impossible. For instance, why does a balance incline towards two opposing sides if the weights used are equal? The answer is irrelevant for deconstruction except for the fact of observing and revealing an essential *need for* and *will of* having *a reason* for the two different, contradictory (?), if not surreal,

movements of the balance. Therefore, the positive value of deconstruction matches the need for a reason for things with the detection of its poietic power based on a sort of fear of emptiness, of the *empty space* (i.e. the *horror vacui* or *kenophobia*) due to the possible lack of reason. Therefore, although in the spirit of philosophical criticism (Attell 2015), Agamben provides an important key to the reading to understand the essentialism of deconstruction by saying: "This is what deconstruction does, positing undecidables that are infinitely in excess of every possibility of signification" (Agamben 1998: 22). Later Agamben adds: "The prestige of deconstruction in our time lies precisely in its having conceived of the entire text of tradition as being in force without significance, a being in force whose strength lies essentially [*emphasis*] in its undecidability […]" (Agamben 1998: 36).

These considerations on the *need for* and *will of* having *a reason* for sovereignty necessarily lead to the investigation of the fundamental question of why sovereignty? Hobbes' answer eloquently proposes to escape the *state of nature* "where every man is enemy to every man" (Hobbes 1996 [1651]: 88–89), and "the life of man [is], solitary, poor, nasty, brutish, and short" (Hobbes 1996 [1651]: 88–89). On this functional reason, Hobbes grounds the justification of his, *representative* (Loughlin 2004: 54–55) conceptualisation of sovereignty whose main property consists of the attribution of the office of coercive power to an authoritarian sovereign. Hobbes creates the *impersonal office*[47] of sovereignty in order to escape natural violence. This sovereign office has a coercive and violent authoritarian component that should be acceptable to anyone since it allows for an escape from the state of nature. It follows that the coercion (and violence[48]) of the sovereign authority becomes a property attributed to Hobbes' conceptualisation of sovereignty.

However, this property is unessential and accidental. It is certainly true that the association between the office of sovereignty and coercion has a deep and robust background. In this regard, Shaw illustrates how Hobbes' ontology of sovereignty –

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[47] Loughlin explains the "impersonality" of Hobbes' sovereignty: "Hobbes' great achievement was to have provided us with the first unequivocally modern conception of the state. It was a governmental authority differentiated not only from the people who established it, but also from the personality of office-holders" (Loughlin 2004: 55). "This concept of office transforms our understanding of public power: in a strict sense, power vests not in the individual but in the office itself" (Loughlin 2004: 79). Therefore, there is an important difference between *sovereign* and *sovereignty*: "The absolute authority of Hobbes' sovereign is in no sense personal; the sovereign occupied a public office charged with maintaining order and promoting the common good" (Loughlin 2010: 78).

[48] Hobbes' coercion must not be confused with any possible meaning of violence. It is indeed compatible with both Benjamin's notions of "law-making" or "law-preserving" forms of violence following the establishment of, either natural or positive, law (Fraser 2007: 128). Hobbes' coercion is generally compatible with an instrumental use of violence done by the sovereign to achieve some preferable *ends*. It is less immediate to determine if and how Hobbes's coercion wants, and is able, to catch the sense of that original constitutive violence of sovereignty described by Agamben (1998). Derrida's distinction between ""worst" (original) and "lesser" (secondary) violence" (Fraser 2007: 135) better describes Hobbes' coercion that belongs to the second category of violence "regulating what is permissible and what is not within political communities" (Fraser 2007: 135).

and the parts of rhizome born from that ontology – regularly implies the presence of coercive violence in the concrete exercise of the sovereignty office (Shaw 2008: Chap. 2):

> There are certainly many other theorists with whom one might begin […]. Hobbes famously wrote from within the chaos and violence of civil war in England; *Leviathan* was first published in 1651. This context defines what is at stake in his project: he wrote with an intense focus on how the horrific violence he saw around him might be contained. […] He wrote, in other words, to establish order, to argue for a basis for shared forms of political authority capable of stemming bloodshed. As such, his text contains an implicit analysis of the source of the conflicts around him, as well as a prescription for how authority might be constituted differently. (Shaw 2008: 17)

This quotation emphasises the link between the contextual origin of Hobbes' sovereignty and its normative intent, that is the limitation of violence within society.[49] It is therefore understandable that empirical manifestations of the sovereign office giving rise to forms of coercion – such as the one against indigenous people in Shaw's analysis (2008) – could be brought back to Hobbes' theory of sovereignty. Hobbes' theory of sovereignty is therefore inclusive – and heuristically explicative – of those conceptualisations of sovereignty accepting and producing coercion, or law-preserving sovereign violence, as a good means to control natural violence. Indeed, Shaw normatively argues:

> For those who accept sovereignty's necessities, for those who consider that, despite its violences, it is the best we can hope for and remains the necessary precondition for political life, such a decision might nevertheless be cause for celebration. It establishes a mechanism through which one of the past violences of sovereignty might be addressed and to some extent remedied, and it does so without compromising the integrity or authority of sovereign power. (Shaw 2008: 177)

Shaw also adds:

> They [*states*] must produce, and reproduce, their sovereignty, in part through convincing others – their citizens, other states, global institutions – of its existence and legitimacy. Although sovereignty is frequently assumed to be natural and given, as we saw in Hobbes' text this itself is an effect of how sovereignty works, how the practices of sovereignty encourage us to see the world in a particular way and to believe in the inevitability and necessity of this way of seeing the world. We do not have sovereign states because they are inevitable and necessary, but because their inevitability and necessity have been produced; we have been and must continue to be convinced of them. (Shaw 2008: 39)

Interestingly, Shaw's reading of Hobbes' thought confirms that sovereignty may depend on some kind of necessity or need, but also implicitly suggests the existence of at least *another*, perhaps more essential, ontology of sovereignty. The latter would be different from Hobbes' and potentially devoid of his coercive approach. In particular, Shaw argues that there is a debatable and rather *structuralist* assumption

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[49] Hobbes considered the characteristics of human nature and behaviour as fixed. The instauration of an effective sovereign would thus not change the human behaviour per se but the behaviour in the social context. Sovereignty would lead people, motivated by rationality and prudence, to see new convenience in respect of agreements, laws, and other forms of social arrangements (Rawls and Freeman 2007).

considering *sovereignty* and *political life* as indivisible. Violence and coercion associated with the exercise of the sovereign office would therefore represent the "regrettable necessity" however allowing the preferable existence of "civilized practices" such as those of political life (Shaw 2008: Chap. 3) and politics *tout court*.

Shaw is overall right to consider coercive violence as an unessential property of sovereignty based on the accidental rizhomatic edification due to the historically embeddeddness of Hobbes' conceptualisation.[50] Indeed, even remaining on a structuralist level of analysis, coercion (and its presence within the exercise of the sovereign office) meets examples of accidentality and unessentiality. This is unequivocally the case when considering Lévi-Strauss' *Tristes Tropiques* where native people certainly have a head person or leader (or the person exercising the impersonal sovereign office) who is, however, unable to produce any form of coercion (Lévi-Strauss 2001 [1955]). His role as sovereign splits the linkage between sovereignty and violence, probably based on the Western traditional image of sovereignty as a powerful mean of coercion.[51] Lévi-Strauss' interpretation of that sovereign is certainly more similar to a faithful servant rather than to a commander-in-chief. Such an alternative experience and depiction of political life inevitably challenges the assumption matching sovereignty and coercion. Moreover, by acknowledging a strong link between sovereignty, power, and authority, Peters affirms that the respect of an authority (such as for instance the *sovereign authority*) is not necessarily based on the presence and use of coercion (Peters 1967), thus confirming that coercion is not a necessary condition for the existence of sovereignty.[52] Even if traditionally attributed to Hobbes' conceptualisation of sovereignty, coercive violence is uncommon to and unable to explain the time/place conceptualisations of sovereignty. Indeed, it is impossible to distinguish Hobbes' theory of sovereignty from the historical influence of the belligerent context he was experiencing. Accordingly, the

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[50] However, readings of Hobbes' sovereignty would today provoke forms of coercive violence inconsistent with Hobbes' project of violence eradication (Shaw 2008).

[51] Alternative readings of Hobbes' sovereignty deserve attention. In this regard, Fitzpatrick (2010) and Pavlich (2010) propose compelling examples of readings of Hobbes's sovereignty suggesting non-violent and non-coercive conceptions of the exercise of the sovereign office. Probably Hobbes did not conceive the right of rebelling as necessary because he assumed violence to be absent from the ideal exercise of the sovereign office. Hobbes' sovereign is not accountable because of benefiting from the presence of prior consent: "The state's right of command and the subjects' duty of obedience are the result of "consent", the circumstances individuals would have agreed to if there had actually been a social contract" (Held 2006: 61). In Hobbes' logic, having obtained prior consent, why should the legitimate sovereign exert violence and why would subjects disobey the sovereign having the legitimate 'right-ordering' authority? As de Jouvenel argues: "It is an idle question whether the formation of associations was due to violence or deliberate choice. All that was needed for their formation was that some one man should feel within him a natural ascendancy and should then inspire others with trust in himself" (de Jouvenel 2011 [1957]: 31).

[52] See La Boétie's concept of *libido serviendi* (Montaigne and La Boétie 2012 [1580 and 1574]). The latter rests upon an *ante litteram* use of political psychology leading to affirm that subjects' obedience may be due and related to pleasure. As Galli explains (2011: 173), La Boétie believed in a natural mechanism according to which subjects are just desirous to obey the (sovereign) power.

sovereign violence and coercion associated with Hobbes' sovereignty are probably more related to his ontology of human beings and politics, also historically situated, rather than to that of sovereignty specifically. According to Pavlich, Hobbes did not exclude alternative scenarios in which politics and human conditions could express themselves in different forms:

> But it is precisely in this defence that one can isolate how Hobbes opens to the prospect of politics beyond existing structures, just as he did while witnessing a deeply consequential civil war. […] The contingency of the "artificial" covenant renders the arrangements between people historically specific; and it is precisely because of such contingency that sovereignty politics becomes possible. It also suggests how Hobbes might consider politics beyond historical incarnations thereof. (Pavlich 2010: 35)

On this basis, the coercive function of the sovereign office cannot be generalised as a property common to any conceptualisation of sovereignty at any time and place.[53] Further elements confirm it. Indeed, last but not least, coercion may be absent from conceptualisations of sovereignty and of the sovereign office adopting religious perspectives. As Dworkin explains (Dworkin 2006: 36), some religious leaders have for instance an almost incontestable (and absolute) sovereign authority over doctrine, but the way they exert this sovereign authority is certainly not coercive. In particular Dworkin refers to Catholicism as an example of religion based on an *epistemic* authority with no impact on *physical* coercion (Dworkin 2006: 36). Accordingly, it can be concluded overall that coercive violence is not an essential and permanent property of sovereignty, but just a rhizomatic accidental edification possibly issued from an initial pre-rhizomatic lowest common denominator, or essence of sovereignty, that must still be determined.

Before moving on to the next property under discussion, there is something of Hobbes' conceptualisation of sovereignty that might be kept in mind in order to determine the essence of sovereignty. There is a *fictional dimension* in the reason Hobbes provides for justifying the need for sovereignty. Indeed, the *state of nature* to which Hobbes refers to in order to explain and justify the necessity of sovereignty[54] indicates the speculative nature of his reasoning:

> But though there had never been any time wherein particular men were in a condition of war one against another, yet in all times kings and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms, and continual spies upon their neighbours, which is a posture of war. (Hobbes 1996 [1651]: 87)

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[53] Derrida adds: "It follows that law, sovereignty, the institution of the state are historical and always provisional, let's say deconstructible, essentially fragile or finite or mortal, even if sovereignty is *posited* as *immortal*. It is posited as immortal and indivisible precisely because it is mortal and divisible, […]. So that if sovereignty is, as Hobbes says, the "Soule of the Commonwealth" (Hobbes 1996 [1651]: Chap. 21, "Of the Liberty of Subjects"), this soul is an artificial, institutional, prosthetic and mortal soul: it lasts only as long as law, sovereignty, and the state are able to protect fearful subjects against what is causing them fear" (Derrida 2009: 42).

[54] Hobbes' *state of nature* would allow artificial solutions to solve natural dilemmas on how to develop social and political interactions (Veca 2010: 24).

Fundamentally, Hobbes argues that sovereignty must be *concretely* established in order to satisfy a *hypothetical* need.[55] Indeed, the need to be satisfied through the constitution of the sovereign office could potentially be real – so real were Hobbes' concerns and needs for peace and social order. However, without a real experience of life in the state of nature, it is logically and empirically impossible to prove that sovereignty functions as a good means to escape from that hypothetical condition. Given that Hobbes' state of nature is mere speculation, how can it be stated and proven that something alleged as real such as sovereign authority deletes something that might be only virtual (and perhaps unreal)? The unreal, the fictional, may be something that has disappeared or not have existed at all, independently from the presence and action of the sovereign office. Consequently, Hobbes' theory of sovereignty does not delete concretely the state of nature, but it *concretely helps to believe* that the state of nature disappears thanks to the establishment of the sovereign authority. Sovereignty is indeed used as a *functional narration* to justify established authority on the basis of the *apparent* satisfaction of a *real* need.[56] However, it is very important to stress that this apparent satisfaction of a concrete need, thanks to the presence of a sovereign authority, can neither be proven nor denied. This narrative acquires a positive status like that of a *spectre*, neither present nor absent *in reality* but very present *in the mind*. To this end, Barbour pertinently recalls Schmitt's admiration for Hobbes: "Of course Schmitt admired Hobbes, and in more than one place cites with approval Hobbes' axiom *auctoritas non veritas facit legem*" (Barbour 2010: 86). Not by chance, Barbour mentions Schmitt's idea of an authority that emanates from nothingness (Barbour 2010: 85).[57] To summarise, this reading of Hobbes' sovereignty allows excluding coercive violence from the possible essence of sovereignty, but also suggests sovereignty as being used to support and posit, without evidence,[58] the functional legitimacy of a given authority.

Coercive violence in Hobbes' theory of sovereignty is not a unique case of unessential/accidental properties of sovereignty often taken as essential. *Statehood*, or the *modern state* (especially in the Westphalian sense) is another important, but also accidental and unessential property, wrongly matched with sovereignty. Even if sovereignty is closely associated with the advent of modernity and difficult to

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[55] "This is sometimes called hypothetical consent (or a hypothetical contract) – consent that would give in a imagined situation that does not match reality" (Hyams 2008: 16).

[56] "[…] John Rawls suggested that Hobbes' circumstances are those providing a way of doing political philosophy consisting in pacifying dividing conflicts and promising an order to reduce mutual uncertainty between members of the *polis*. We are thus in the kind of extreme circumstances in which politics show their intrinsic association with fear and scarcity" (Veca 2010: 25 – Translation from the original text in Italian).

[57] This may not only affect the legitimacy of speculative consent but the wider legitimacy of positive law (Korsgaard 1996). See Dworkin's argument synthesised by Hyams (2008: 16–17).

[58] "[…] Hobbes' fictional theory (as I shall call it) is basically intended to furnish a means of judging the legitimacy of the actions that governments undertake" (Skinner 2010: 37). On the fictional dimension of Hobbes' theory of sovereignty, see also Runciman (2008: Chap. 1).

separate from the modern state (Loughlin 2004: 73–77), Beaulac's *nominalist*[59] approach to sovereignty explains how the Westphalian state is one of those tools allowing "international society to explain its genesis to itself" (Beaulac 2004: 186). Accordingly, the Westphalian state is a sort of myth with normative implications concerning what a nation-state and the international system ought to be (Beaulac 2004). In fact, the Westphalian state provides the mythical conviction that state and sovereignty would, could, and even ought to, correspond to one another perfectly,[60] thus producing the idea of the *impenetrability* of sovereignty (Strang 1996: 23). This encouraging interpretation of the international system was favoured by the presence of centralised and stable political structures. Therefore, just as with Hobbes' sovereign authority, Westphalian sovereignty functionally promoted *the belief* in the possibility of establishing an (international) order.

However, the recent literature not only challenges the correspondence between *statehood* and *sovereignty* (Barkin and Cronin 1994; James 1999; Caporaso 1996, 2000), but also encourages the split of that linkage: "On this view, our passing beyond the sovereign state is to be considered a good thing, an entirely welcome development in the history of legal and political ideas" (MacCormick 1993: 1). Indeed, the Westphalian conception of state is charged with delegitimation of non-Western forms of state and sovereignty (Strang 1996: 25). It follows that the Westphalian conception of modern sovereignty resting upon a *territory*, a *population*, and a *stable and independent government* (Strang 1996: 23) – risks corresponding to an ethnographic and historical prejudice.

In this historical perspective, on the one hand, Loughlin explains how there were forms of sovereignty preceding the establishment of its purely modern conceptualisation that appeared with the modern-state but clearly distinguishes between modern and pre-modern sovereignties: "During the middle ages, sovereignty was used simply to signify a superior" (Loughlin 2004: 74). Once the historical differences in terms of governmental and technological capabilities are considered, thus distinguishing between the two kinds of sovereignty respectively characterising the middle age and modernity, the pre-modern *superior* appears to be not comparable to the modern *sovereign*. In other words, pre-modern sovereignty would thus be superior, but not sovereignty in the modern sense. On the other hand, the common ambition to *superiority* characterising both modern and pre-modern sovereignty must not be neglected and underestimated.[61] Indeed, there is no reason to consider the (modern) state as the only historical context in which forms of sovereignty have occurred.

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[59] "[…] the belief that sovereignty is undergoing profound change is greatly facilitated by a nominalist view of concepts since, according to this view, concepts are nothing but general names that we use to constitute different classes of objects as distinct from each other. To the nominalist, conceptual change is therefore a matter of sharp historical discontinuities between different classificatory schemes of our own making" (Bartelson 2006: 463).

[60] Osiander argues: "I contend, however, that the discipline theorises against the backdrop of a past that is largely imaginary. I show here that the accepted IR narrative about Westphalia is a myth" (Osiander 2001: 251).

[61] It should be said that in the Middle Ages sovereignty was not *simply* used to identify a superior, but was *already* used in that way. Indeed, Derrida's distinction between superior/inferior, or the

Distinguishing between, on the one hand, modern state sovereignty and, on the other, pre-modern non-sovereign political superiority seems a risky, and perhaps arbitrary, way of proceeding. Indeed, the risk consists of confusing historical changes of governmental capabilities related to (the modern) sovereign office with the broader societal role played by the constant presence of a constant essence of sovereignty. Aristotle's definition of the state is an appropriate starting point to better grasp this point.[62] In that definition, it is hard to deny the presence of at least archetypical forms of political association (i.e. families, colonies, cities, states etc.) in which an evident form of *proto*-sovereignty can also be recognised. In particular, Aristotle sees authority as an answer to the constant desire of satisfying some good. "But, if all communities aim at some good, the state or political community, which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good" (Aristotle 2012 [350 BC]: Book I; Part I). Moreover, de Jouvenel not only provides – by borrowing Sandel's (2010) lexicon – an *aspirational*[63] conceptualisation of sovereignty aimed at some (public) good, but pertinently proposes an a-historical understanding of the origin of "The various kinds of [political] associations" (de Jouvenel 2011 [1957]: 33) closely related to a theory of sovereignty.[64] Accordingly, the essential properties possibly composing and giving rise to the essence of sovereignty cannot be assumed to be exclusive of the state in the modern sense. In addition, the current debate on sovereignty must not be forgotten: the possible appearance of post-modern forms of government, power, and authority allows wondering whether sovereignty has (and ever had) something to do with the traditional definition of modern state sovereignty (Negri 2006; Lipping 2010).

On these same bases, the essentiality of the territorial property of Westphalian sovereignty can also be discussed. Philpott defines sovereignty as a "supreme authority within a territory" (Philpott 2001: 16); yet, a territory defined in a narrow geographical and physical sense, is another unessential and accidental property of sovereignty, just as coercion is. Accordingly, Kantorowicz refers to the rise and birth of sovereignty in the context of the Middle Ages thus showing the unessential and accidental link between sovereignty and territoriality. At that time, *secular* sovereignty required a perennial dimension to ensure its continuity. Bartelson refers to Kantorowicz to explain: "the question of the proper locus of supreme authority involved a continuous exchange of the concepts, symbols, insignia and legal axioms

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conviction and concrete ability to be the superior, the *superans*, is crucial to understand sovereignty today (Derrida 2005, 2008; Regazzoni 2008).

[62] "Every state is a community of some kind, and every community is established with a view to some good […]; For that which can foresee by the exercise of mind is by nature intended to be the lord and master, and that which can with its body give effect to such foresight is a subject, and by nature a slave; hence master and slave have the same interest" (Aristotle 2012 [350 BC]: Book I, Part I and II).

[63] See Edyvane (2012).

[64] "Let us return to the infancy of human aggregates. We have already seen that personal ascendancy is their efficient cause. Conversely, the final cause of the authority brought about is to assure the continuance of the aggregate and make co-operation certain" (de Jouvenel 2011 [1957]: 33).

of authority between the church and secular authority […]" (Bartelson 1995: 92). Therefore – when establishing the early modern form of nation-state leading to the following Westphalian summit – secularism adopted the mechanism typical of the church based on the use of symbols as *loci* of sovereignty. The secular authority (at that time the king or the emperor) opted for symbols as a source of perennial sovereignty as the Church had already done before. Both secular and religious sovereignties initially used dynasties as their specific symbols of perennial sovereignty. Indeed, Kantorowicz indicates the split of the King's body into two parts as a forced choice to provide physical immortality to the mortal body of the King. The result was thus the birth of a secular dynasty used as an immortal body able to compensate the impairment and vanishing of the sovereign mortal body (Kantorowicz 1957). The dynasty thus became the symbolic and physical *locus* of sovereignty with ambitions to permanence and eternity. Notwithstanding, such ambitions remained unsatisfied because something was lost when shifting from the sovereignty of the church towards secularism. The birth of a dynasty required the parallel settlement of a variety of symbolic instruments able to sustain the immortality of the dynasty itself. In this regard, the religious dynasty had the advantage of not depending on the creation of a *physical* locus of sovereignty (i.e. the geographical territory), while the secular dynasty quickly developed dependence on it. The reason for these differences is simple. Religious sovereignty had indeed the function of promising the possibility to believe in a metaphysical order being mostly transcendental and immaterial (Miglio 2011: 116–117). On the contrary, secular sovereignty had to satisfy a need for order within the limits of the physical world. This distinction between metaphysical and physical needs that sovereignty was called to functionally satisfy has important implications. If religious sovereignty could perhaps exist otherworldly, and thus independently from the presence of a physical territory,[65] the secular dynasty's body was still not much less perishable than the individual body of the King if separated from a physical territory. Secular sovereignty thus discovered a problem that religious sovereignty did not have. As Bartelson explains, this problem was due to the "perennial contest between ecclesiastical and lay power" (Bartelson 1995: 92). In fact, catholic doctrine – in which the Pope has always been the sovereign authority as the Vicar of Christ on earth – is by definition *meta*physical and does not necessarily require a physical and geographical territory to exist.[66] On the contrary, secular state sovereignty, in particular in its modern Westphalian form, was unable to similarly remain independent from the necessity of a physical (and geographical) territory. Despite being both religious and secular, sovereignty was able to create the impersonal sovereign *offices* – the pontificate and dynasties are both impersonal and therefore different from Weber's charismatic and highly perishable sovereign authority (Eisenstadt 1968) – they were called to satisfy deeply

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[65] Foucault's notion of *pastorat* presents a form of religious power and sovereignty where territory plays a marginal role (Foucault 2004).

[66] The territory of the Vatican City State represents the secular and political power of the Roman Church on earth, but does not represent a *sine qua non* condition for the existence of a higher sovereignty of Christ on earth.

different needs. Religious sovereignty aimed at satisfying a need for transcendent and eschatological order, while secular sovereignty took charge of promising the satisfaction of immanent and very concrete needs mostly belonging to the physical world. What clearly distinguishes religious and secular authorities is thus the field that their respective sovereign authorities are supposed to rule.

Skinner's genealogy of the state (Skinner 2010) grasps this profound difference. Modernity revealed that the specific property of states did not necessarily rest upon the presence of a perennial sovereign authority (similar to that of Vattel's *personne morale* or Rousseau's *persona ficta* (Skinner 2010: 38 and 42; Rousseau 1968 [1762]), but upon the very concrete governmental abilities of the state. Indeed, the secular modern state was thus expected and called to intrinsically distinguish itself from the religious authority proposing transcendental answers to concrete and sensory needs. In this regard, referring to the rise of the classical utilitarianism's conception of the state,[67] Skinner says: "Launching his tirade, Bentham announces that "the season of Fiction is now over" (Bentham 1988 [1776]: 53), and that the time has come to ground legal arguments on observable facts about real individuals, and especially on their capacity for experiencing, in relation to political power, the pain and restraint and the pleasure of liberty" (Skinner 2010: 41).[68] Similarly, the state sovereign authority had to become something other than the religious sovereign based on metaphysical and transcendental arguments and promises. Consequently, the Westphalian nation-state mandatorily started to be profoundly linked to the presence of a territory in which a number of symbolic elements could successively be built (Gelber 1997: 102) in order to prove the physical satisfaction of concrete needs. Sovereignty (in its religious form) can, and could, therefore exist without a territory even in a period dominated by the international Westphalian

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[67] For Skinner this conception was widespread since "commonsensical" (Skinner 2010: 42).

[68] Bentham's argument illustrates the modern will of abandoning a transcendental idea of sovereignty to embrace a positivist one. This approach to the doctrine of sovereignty reminds us of Hobbes' one even if "Bentham did not demand that the sovereign be a single person or even a single public body, although in practice this would most likely be the case. […] What was essential for Bentham was that the authoritative source of law was publicly and habitually recognised as a source of valid rules that could guide actions and give rise to stable patterns of expectations" (Kelly 2009: 354). Accordingly, it is possible to wonder whether Bentham's intent is really positivist as it aims at being, or still maintains a transcendental connotation. His emphasis on the (purely speculative) concept and availability of *stable expectations* (Kelly 2009) founding and giving positivist legitimacy to law cannot be read without considering the more recent Schmittian lesson: "Unlike the normal situation, when the autonomous moment of the decision recedes to a minimum, the norm is destroyed in the exception. The exception remains, nevertheless, accessible to jurisprudence because both elements, the norm as well as the decision, remain within the framework of the juristic" (Schmitt 2005 [1922]: 12–13). Put differently, Bentham's trust in legal positivism is much more appropriate to fix and evaluate the criteria of the governmental legitimacy, but not those of sovereignty. As for Schmitt, sovereignty deals with autonomous decisions that are neither stable nor predictable within the legal norm itself. Bentham's legal positivism suggests the possibility of being sovereign by just observing the empirical reality to learn and fix the patters of behaviour providing the highest public utility, but this is government. Sovereignty necessarily deals with the prior (and still transcendental) choice (or decision) concerning what is the highest utility. Bentham misses the foundational difference between government and sovereignty.

system. Interestingly, in order to edify the credibility of their sovereign authority, secular authorities even wanted to officialise, and insisted on, the non-territoriality of religious sovereigns because the territorial foundation of the former had become one of the few prerogatives they could advocate to distinguish themselves from the latter (Foucault 2004: 31 and 173). "For instance, beginning with the Peace of Westphalia, leaders chose to surrender their control over religion because it proved too volatile. Keeping religion within the scope of state authority undermined, rather than strengthened, political stability" (Krasner 2001: 24). Hence, religious symbolic dynasties, such as Popes within the clergy, exert their spiritual sovereignty beyond their physical territoriality,[69] whereas secular symbolic dynasties (e.g. the Savoy dynasty) – despite still existing – do not exert their sovereignty anymore because they lack a physical territory to rule.

To summarise, both Church and secular Westphalian sovereignties were built thanks to the use of symbols often referring to a *locus* of sovereignty. However, only the secular Westphalian sovereignty necessarily adopts a physical definition of that locus. The religious sovereignty of the Church survives independently from the presence of a physical territory because its *locus* of sovereignty is possibly more related to the second Westphalian criterion, or that of a population, in the broad sense of a community of believers, but not to the presence of a physical territory. The ambiguity of the term *locus*, only by extension referring to a population of subjects, and not necessarily to a physical territory, leads to the conclusion that territoriality – strictly speaking – is not a permanent and essential property of sovereignty, but just of a secular, Westphalian, modern conception of sovereignty, as the recent literature suggests.[70]

Consequently, as stated by Beaulac, Westphalian sovereignty as a whole is a conceptualisation of sovereignty among other possible conceptualisations and not a pre-rhizomatic and essential one. Indeed, similar to the whole nation-state building process, it includes unessential and accidental properties such as territoriality. Like in a synecdoche, in which parts of the whole represent the whole itself (De Caprio and Giovanardi 1995: 42), discovering that the *sine qua non* properties of Westphalian sovereignty are not equally necessary properties of an essential definition of sovereignty, leads one to conclude that Westphalian sovereignty is, all in all,

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[69] Jesus Christ's statement (and claim of sovereignty) in the dialogue with Pilate affirms the transcendental nature of his Kingdom: "Jesus answered, "My kingdom does not belong to this world. If my kingdom did belong to this world, my attendants (would) be fighting to keep me from being handed over to the Jews. But as it is, my kingdom is not here"" (St John 2013 [70–100 AD]: 18:1–40.19:1–42). In this regard, the earthly sovereign office of Christianity, the Pontificate, has the mandate to rule and make decisions whose effects are not necessarily evident in the physical world, but supposed to be binding and effective in the transcendental and metaphysical Kingdom of God, or Kingdom of Heaven: "I also say to you that you are Peter, and upon this rock I will build My church; [...] and whatever you bind on earth shall have been bound in heaven, and whatever you loose on earth shall have been loosed in heaven" (St Matthew 2002 [70–100 AD]: 16, 17–19, 46–47).

[70] "The preceding analysis suggests that the unbundling of territoriality is a productive venue for the exploration of contemporary international transformation. Historically, as we have seen, this is the institutional means through which the collectivity of sovereigns has sought to compensate for the "social defects" that inhere in the modern construct of territoriality" (Ruggie 1993: 171).

unessential and accidental.[71] If the properties A, B, and C are by definition *necessary conditions* of X (in this case the Westphalian sovereignty), and the question is whether or not X is an essential part of α (i.e. the *constant* sovereignty), the discovery that at least one of A, B, and C is unessential and accidental makes the whole X also unessential and accidental with respect to α.[72] The application of the structural invariant logic indeed prevents us from generalising territoriality to all the conceptualisations of sovereignty.

In addition to Hobbes' conceptualisation of sovereignty, it is important to highlight the presence of a *functional dimension* that is common to both the religious and Westphalian sovereignties. Despite referring to different fields of application, both sovereignties claim their ability to rule. Similar to Hobbes' sovereignty resting upon a functional narration justifying the established authority thanks to the satisfaction of concrete needs, religious and secular sovereignties commonly promise their ability to rule and satisfy such needs. Indeed, secular sovereignty claims its ability to rule *hic et nunc*, while religious sovereignty claims to do so in the afterlife. Nevertheless, they similarly claim their ability to satisfy, sooner or later, in one way or another, those concrete needs.

There is however a dramatic difference between secular and religious sovereignties. They claim to be able to satisfy needs radically different in terms of concrete expectations. Both Hobbes' justification of sovereign authority through the use of the *state of nature* fiction, and the religious promise of *post morte*m ability to satisfy needs are *empirically incontrovertible*. On the contrary, secular sovereignty takes charge of promising the functional satisfaction of needs whose concrete satisfaction in this world is (and must be) possibly accountable, accounted, and, consequently, also potentially controvertible. This important aspect specifically associated with modern sovereignty must be kept in mind and will be discussed further.

For the moment, it is worth dwelling on the fact that another property associated with Westphalian sovereignty is *population*, and is an essential and permanent one. Although true, this record is required to be slightly nuanced because it does not exclusively refer to an *anthropological* definition of population. In fact, sovereignty requires the presence of a population, but not necessarily of a *human* one.

> Anthropocentric sovereignty might seem necessary; after all, who else besides humans, might rule? Nevertheless, historically sovereignty was less anthropocentric. For millennia Nature and the gods were thought to have causal powers and subjectivities that enabled them to share sovereignty with humans, if not exercise domination outright. Authoritative belief in non-human sovereignties was given up only after long and bitter struggle about the "borders of the social world" in which who/what could be sovereign depends on who/what should be included in society. (Wendt and Duvall 2008: 608)

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[71] To this end, Marshall's (2012) investigation of the mythical and *idealist* origin of the Westphalian and post-Westphalian narratives tests a *spatial thesis* through which he proposes a "Westphalian moment" in which "territory [starts to appear] as the sole basis of international political order" (Marshall 2012: 3).

[72] However, it does not mean that the other properties of Westphalian sovereignty taken singularly (e.g. B and C in case that A was previously found unessential) cannot be essential and permanent.

Despite reluctance,[73] it is impossible to consider sovereignty as only involving a *human* population. Based on the overall unessential Westphalian conceptualisation, sovereignty could probably be associated with an exclusive humanisation of the population experiencing it. As seen, the typical prerogative of modern sovereignty rests upon the delimitation of the sovereign experience within the borders of the physical world in which human beings expect their needs to be satisfied. But this modern secular sovereignty is not itself representative of the essence of sovereignty. Indeed, sovereignty has in some cases implied the presence and involvement of non-human entities, such as divinities for example. As will be elaborated, populations belong to the essential properties of sovereignty, but its human qualification has not been permanently met all through history. On the contrary, "This analysis leads to a relational concept of sovereignty" (Loughlin 2004: 65), that, instead of necessarily humanising the population experiencing sovereignty, attributes precise roles to the actors that, within a given population, create sovereignty itself. This point will also be developed successively when more closely discussing the essential and permanent properties of sovereignty (such as population itself) rather than deconstructing those that are unessential, as we are currently doing.[74]

At this stage, the arguments used to deconstruct coercion, statehood, and territory – and also to evoke the need to return later to the issue of population – could have implicitly suggested the presence of a recurrent property of sovereignty consisting in the frequency of symbols of sovereignty, or *symbolism tout court*. The Papal coat of arms, or that of a dynasty, the crown of the king, the flag of a country, the territory of a state, and other signs, could all be seen as recurrent symbols of sovereign authority. Thus, do symbols mandatorily accompany sovereignty, or does sovereignty need symbols to be constituted? The answer is negative because symbolism also belongs to the category of unessential properties of sovereignty. Indeed, despite the undeniably frequent presence of symbols related to many instances of sovereignty, that presence remains accidental to sovereignty. Symbols (may) help to maintain sovereignty, but not to found it. Sovereignty does not need symbols to be constituted. Concretely, there are no permanent symbols of a sovereign, nor is sovereignty permanently founded and accompanied by symbolism. The first part of this statement is for instance consistent with Hobsbawn's studies on nationalism (Hobsbawn 1992). Nationalisms, that clearly deal with claims of sovereignty based on national arguments emphasising ethnicity, culture, territory or language (Shorten 2008) are grounded on a number of floating entities not providing fixing criteria of nationhood:

> Hobsbawn suggests that attempts to establish objective criteria for nationhood have failed because they try to fit historically novel, emerging, changing, and far-from universal entities into a framework of permanence and universality. Even criteria such as ethnicity, cultural traits, and a common history are "themselves fuzzy, shifting and ambiguous". (Doty 1996: 125)

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[73] "With respect to sovereignty, at least, anthropocentrism is taken to be common sense, even in political theory, where it is rarely problematized" (Wendt and Duvall 2008).

[74] In particular, Loughlin's question will be answered: "But if sovereign is a relational phenomenon, which is the determinative relationship – that between the state and the people, or the between sovereign and subject?" (Loughlin 2004: 65).

Symbols of (national) sovereignty do vary in a random way and do not entail some kind of general pattern of symbolism. In this regard, Fontenelle's analysis of ancient fables – that he considers a naïf source and vector of popular ignorance – invites to distinguish between *ancient* and *modern* symbols (Fontenelle 2001 [1724]). Fontenelle suggests the possibility of distinguishing between symbols of cosmogony – like those of the ancient Greek myths (Mancini et al. 1993: 6–11) – and modern scientific ones.

However, Fontenelle's argument is also full of a positivist mythology concerning the rationality of modern symbols and is therefore easily contestable by referring to examples of subjectivity (Shorten 2008: 43–44) within modern symbols such as for instance those inspiring Herder's romantic ethnic nationalism (Lukaszewski 1985). Herder's is an example of a modern use of symbols certainly resting upon a *mythical* and *imaginary* dimension not that much different from the use of symbols typical of the ancient cosmogonic approach. Consequently, it seems now rather difficult to identify any real difference between ancient and modern symbols of sovereignty, and this record would seem to confirm the hypothesis concerning their permanent presence in relation to sovereignty. If a constant presence of symbolism accompanies different forms of sovereignty in time and place, this will possibly lead to the conclusion that symbolism is a permanent and essential property of sovereignty, whatever the particular form of sovereignty in question.

However, it is important to explore the functional reason for this so frequent match between sovereignty and symbolism. Even if at first sight, especially adopting an inductive approach, symbolism could be seen as a permanent property of sovereignty, this conclusion is weak when taking into account recent empirical evidence. "The discrepancy between the simple symbols of national sovereignty and the realities of governmental and economic crises is so great that both publics and their leaders are likely to be increasingly disillusioned by the symbols as the realities worsen. The symbols do provide psychic satisfaction […]" (Rosenau 1997: 227). Rosenau's statement on the weak credibility of symbols is extremely important because it is a reminder that the current debate on sovereignty is per se revealing of the inadequacy of considering symbols as an essential property of sovereignty. Indeed, the research question on the sovereignty of Switzerland in the frame of EU relations reveals itself that Swiss sovereignty could be gone and be where there are no apparent symbols of sovereignty instead of being and staying where there are, namely in Switzerland.

In this regard, Negri explains the kind of process leading to the deployment of a differently factual sovereignty going beyond what is presented through symbols.[75] Referring to UN actions, Negri's approach explains how sovereignty may indeed be

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[75] "[…] the concept of sovereignty (traditionally linked to national determination) has already been profoundly modified by United Nations legal experts; then, in its most recent phase, the exclusivity of the concept and its articulation in the context of the international law have been profoundly de-structured. This perspective, […], leads to the conclusion that the classical concept of national sovereignty has been, if not abandoned, then at least profoundly de-structured to the point that is no longer definable in Westphalian terms" (Negri 2010: 205–206).

located where there is no symbolic structure of sovereignty (yet).[76] As a matter of fact, sovereignty does not need a symbolic structure to appear and exist, and its possible foundation and subsequent presence may in all probability precede the certainly useful appearance of a varied collection of symbols. Marshall's (1939) analysis clarifies this point by affirming that in many theoretical conceptualisations of sovereignty there is the presence of symbolism. However, this presence is not a *necessary precondition* to sovereignty, but a practical technique to *maintain* sovereignty. Accordingly, Marshall's perspective helps to find an explanation to the fundamental functional question as to why sovereignty may have symbolism. The answer is that the latter may help to *maintain* the formerly established sovereignty. Indeed, Marshall analyses symbols often related to sovereignty, such as "popular sovereignty", "free contract", "liberty", "the withering state", and "the ideal of unity", and considers them an integrative part of the sovereign's propaganda (H.W.S. 1939: 357). Accordingly, the sovereign tends to alternate the use of symbolic propaganda and the use of force in order to maintain his superior position: "A sovereign will fight, will use force, when it believes that its prestige in politics through the symbolism of law is not equivalent to its real strength"[77] (Smith 1939: 155). If it is therefore true that symbols often accompany theoretical conceptions and empirical manifestations of sovereignty, they are instruments of sovereignty maintenance and management rather than foundation.

Moreover, the presence of a symbol of sovereignty says nothing conclusive on the "what is sovereignty?" and the "why sovereignty?" questions. Indeed, the symbol describes and witnesses the presence of sovereignty, but does not constitute it. To this end, the etymology of the word symbol dissipates any hope concerning the possibility of attributing foundational prerogatives to that concept. Indeed, *symbol*[78] originally indicates the identification mark obtained by irregularly cutting a given

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[76] Considering Negri's argument in the light of the broader thought of Hardt and Negri concerning the *passages of sovereignty* (Hardt and Negri 2000), it is possible to observe a discrepancy between having sovereignty and just keeping a symbolic image of it. Furthermore, challenging the territoriality of sovereignty and its match with statehood – for instance still present in Bull's analysis (Bull 2012 [1977]: 19 and 196) – Hardt and Negri argue that "We need to recognize first of all the crisis of political relations in the national context. As the concept of national sovereignty is losing its effectiveness, so too is the so-called autonomy of the political. [...] Consensus is determined more significantly by economic factors, such as the equilibria of the trade balances and speculation on the value of currencies. Control over these movements is not in the hands of the political forces that are traditionally conceived as holding sovereignty, and consensus is determined not through the traditional political mechanisms but by other means" (Hardt and Negri 2000: 305). Accordingly, the UN would have its own sovereignty and shares it also with other non-state actors. This analysis illustrates how sovereignty can already be attributed to actors that do not produce symbols of sovereignty at all.

[77] Conceiving symbols as one of the two main weapons in the sovereign's hands to keep intact his dominant position not surprisingly brought to associate Marshall and Machiavelli's traditional pragmatism of the councilman of the prince (Roucek 1939).

[78] In Latin *symbŏlum*: the check mark, the identification mark. It derives from the ancient Greek *sýmbolon* that means *symbállō* (to match, to put together, to make corresponding, composed by *bállō*, I put, and the prefix *syn-*, together) (Cortellazzo and Zolli 1999; Devoto and Oli 2012).

piece of material (e.g. wood, stone, a ring, card, etc.) into two parts. One of these two irregular parts is given to the owner of something (e.g. a lump sum of money, a right, or any other possible part of a contract, etc.) in order to prove its ownership through the present and future ability of matching its half part of the whole piece with the other one left in custody. The functional reason for symbols thus rests upon the necessity of proving, and, by extension, celebrating the existence of something that actually already exists independently from the presence of the symbol itself. Consequently, it is possible to see how symbols, by definition, have the function of acting as a means to prove, and perhaps also advocate, the property of something that, as said, exists independently. Hence, it is certainly possible to conclude that symbols are not an essential and permanent property constituting sovereignty.[79]

To conclude and put in a wider perspective the main findings of this chapter, coercion (Westphalian), statehood, territoriality, anthropocentrism, and symbolism may all be considered as unessential properties accidentally associated with sovereignty. This record necessitates the continued quest for the essential and permanent properties of sovereignty. Indeed, this finding allows one to already place better the context of the overall research question. The question on the impact of Swiss-EU bilateral relations on Swiss state sovereignty in the context of Europeanisation is therefore not a matter of coercive power, of territories in peril or flags furled. Indeed, what is emerging as part of this discussion on the risk of losing sovereignty is something far more complex and essential and the sovereignty itself that it is at stake must be well understood in order to avoid the trivialisation that, although politically and academically convenient, does not really contribute to resolving the issue. Accordingly, the next step will raise the bar of this still deconstructive proceeding by revealing the very essence of sovereignty. It should not be forgotten that speaking of an essence does not presuppose the adoption and reproduction of traditional assumptions concerning essentialism itself and the nature of that essence. The latter indeed can be determined only through the adoption of deconstruction and must not be conceived in accordance with a traditional meaning of *essence* as in philosophical (and political) realism/neo-realism. This is to say that the essence of sovereignty that will be discussed in Chap. 3 could destabilise those looking for a just material and physical definition of it, but also comfort those who want to do justice to the concept of sovereignty. The deconstruction of sovereignty deals with Derrida's already mentioned idea of a "*sovereignty legitimately deconstructed here, but claimed there*"; a thought of the "*necessity of a strategy that, without relativism, does battle here against a sovereignty to support it elsewhere*" (Joyce 2010: 14). The common thought – often associated with the realist/neo realist approach (Campbell 2013: 226) – is attached to formalisms and rhetorical subterfuges according to which states are sovereign *until proven otherwise*. It is therefore time to see whether it is possible to support a deconstructed notion of sovereignty elsewhere and give justice to it by answering the starting question of this research without

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[79] Another matter is sovereignty conceived as a *myth*, as a *normative statement*, or as *myth of normative statement* – as rapidly evoked when by referring to Beaulac's argument. As said, this will require further attention.

using affordable but unsatisfactory simplifications. Indeed, there is a fundamental will to understand sovereignty at any cost, without resorting to any shortcut and grotesque use of its caricatures.

References

Agamben, Giorgio. 1998. *Homo sacer: Sovereign power and bare life*. Trans. Daniel Heller-Roazen. Stanford: Stanford University Press.

Agamben, Giorgio. 2011. Séminaire "Je le veux, je l'ordonne !" Archéologie du commandement et de la volonté, à l'Université Paris 8, 3ème séance, Paris.

Agazzi, Evandro. 2001. Débats autour de la science. *Sciences Humaines (Hors série)* 31: 58–62.

Alfred, Taiaiake. 1999. *Peace power righteousness: An indigenous manifesto*. Toronto: Oxford University Press.

Aristotle. 2002 [350 BC]. *Categories and De Interpretatione*, Clarendon Aristotle series. Trans. with notes and glossary by J.L. Ackrill. Oxford: Oxford University Press.

Aristotle. 2003 [350 BC]. *The Nicomachean ethics*. London: Penguin Classics.

Aristotle. 2012 [350 BC]. *Politics*. Trans. Benjamin Jowett: IndoEuropeanPublishing.com [The Internet Classics Archive].

Ashley, Richard K. 1988. Untyng the sovereign state: A double reading of the anarchy problematique. *Millennium – Journal of International Studies* 17: 227–262.

Ashley, Richard K., and Rob B.J. Walker. 1990. Reading dissidence/writing the discipline: Crisis and the question of sovereignty in international studies. *International Studies Quarterly* 34(3): 367–416.

Attell, Kevin. 2015. *Giorgio Agamben – Beyond the threshold of deconstruction*. New York: Fordham University Press.

Ball, Terence. 2002. Confessions of a conceptual historian. *Redescriptions: Yearbook of Political Thought and Conceptual History* 6: 11–31.

Barbour, Charles. 2010. Exception and event – Schmitt, Arendt, and Badiou. In *After sovereignty – On the question of political beginnings*, ed. Charles Barbour and George Pavlich. London/New York: Routledge.

Barkin, Samuel J., and Bruce Cronin. 1994. The state and the nation: Changing norms and the rules of sovereignty in international relations. *International Organization* 48(1): 108–130.

Bartelson, Jens. 1995. *A genealogy of sovereignty, Cambridge studies in international relations*. Cambridge: Cambridge University Press.

Bartelson, Jens. 2006. The concept of sovereignty revisited. *European Journal of International Law* 17(2): 463–474.

Beaulac, Stéphane. 2004. *The power of language in the making of international law. The word sovereignty in Bodin and Vattel and the myth of westphalia*. Leiden: Martinus Nijhoff.

Bentham, Jeremy. 1988 [1776]. *A fragment on government*, ed. J.H. Burns and H.L.A Hart. Cambridge: Cambridge University Press.

Besson, Samantha. 2004. Sovereignty in conflict. *European Integration online Papers (EIoP)* 8(15): 1–50.

Bevir, Mark. 1999. *The logic of the history of ideas*. Cambridge: Cambridge University Press.

Bevir, Mark, and Asaf Kedar. 2008. Concept formation in political science: An anti-naturalist critique of qualitative methodology. *Perspectives on Politics* 6(3): 503–517.

Braudel, Fernand. 1993. *Grammaire des Civilisations*. Paris: Flammarion.

Buckingham, Alan, and Peter Saunders. 2004. *The survey methods workbook – From design to analysis*. Cambridge: Polity Press.

Bull, Hedley. 2012 [1977]. *The anarchical society – A study of order in world politics*. 1995 XV ed. London: MacMillan.

Campbell, David. 2013. Poststructuralism. In *International relations theories – Discipline and diversity*, ed. Tim Dunne, Milja Kurki, and Steve Smith, 223–246. Oxford: Oxford University Press.

Caporaso, James A. 1996. The European Union and forms of state: Westphalian, regulatory or post-modern? *JCMS: Journal of Common Market Studies* 34(1): 29–52.

Caporaso, James A. 2000. Changes in the Westphalian order: Territory, public authority, and sovereignty. *International Studies Review* 2(2): 1–28.

Carr, David R. 1997. Reviewed work: A genealogy of sovereignty by Jens Bartelson. *The American Historical Review* 102(2): 422–423.

Chevrier, Jaques. 2003. La spécification de la problématique. In *Recherche sociale: de la problématique à la cueillette des données*, ed. Benoît Gauthier, 51–81. Québec: Presses de l'Université du Québec.

Collier, David, and James E. Mahon Jr. 1993. Conceptual "Stretching" revised: Adapting categories in comparative analysis. *The American Political Science Review* 87(4): 845–855.

Collins, Jeff, and Bill Mayblin. 2011. *Derrida – A graphic guide, introducing*. London: Icon Books.

Colombat, André Pierre. 1991. A thousand trails to work with Deleuze. *SubStance* 20(66: Special Issue: Deleuze & Guattari): 10–23.

Cortellazzo, Manlio, and Paolo Zolli. 1999. Il nuovo etimologico. In *DELI – Dizionario Etimologico della Lingua Italiana*, ed. Manlio Cortellazzo and Michele A. Cortellazzo. Bologna: Zanichelli.

Creswell, John W. 2007. *Qualitative inquiry and research design*. Thousand Oaks: Sage.

Daylight, Russell. 2011. *What if Derrida was wrong about Saussure*. Edinburgh: Edinburgh University Press.

De Caprio, Vincenzo, and Stefano Giovanardi. 1995. *Letteratura Italiana – Storia Autori Testi Strumenti*. Milano: Einaudi Scuola.

de Jouvenel, Bertrand. 2011 [1957]. *Sovereignty – An inquiry into the political good*. Cambridge: Cambridge University Press.

Deleuze, Gilles. 1992. What is a dispositif? In *Michel Foucault, philosopher: Essays*, ed. Timothy J. Armstrong. New York: Routledge.

Deleuze, Gilles. 2004. *Difference and repetition*. London/New York: Continuum International Publishing Group.

Deleuze, Gilles, and Félix Guattari. 1983. *Anti-Oedipus: Capitalism and schizophrenia*. Minneapolis: University of Minnesota Press.

Deleuze, Gilles, and Félix Guattari. 1987. *A thousand plateaus: Capitalism and schizophrenia*. Minneapolis: University of Minnesota Press.

Derrida, Jacques. 1981. Plato's pharmacy. In *Dissemination – Translated, with an introduction and additional notes, by Barbara Johnson*, ed. Jacques Derrida, 61–171. Chicago: The University of Chicago Press.

Derrida, Jacques. 1997 [1974]. *Of grammatology*. Baltimore: Johns Hopkins University Press.

Derrida, Jacques. 2002. *Without Alibi*. Trans. Peggy Kamuf. Stanford: Stanford University Press.

Derrida, Jacques. 2005. *Rogues: Two essays on reason*. Trans. Pascale-Anne Brault and Michael Naas. Stanford: Stanford University Press.

Derrida, Jacques. 2008. Incondizionalità o sovranità – L'università alle frontiere dell'Europa. In *Jacques Derrida – Incondizionalità o sovranità*, ed. Simone Regazzoni, 29–45. Milano: Mimesis.

Derrida, Jacques. 2009. *The beast and the sovereign*, vol. I, ed. Goeffrey Bennington. Chicago: University of Chicago Press.

Derrida, Jacques. 2010. *Writing and difference*. Oxon: Routledge.

Devoto, Giacomo, and Gian Carlo Oli. 2012. *Il Devoto-Oli: Vocabolario Della Lingua Italiana*. Firenze: Le Monnier.

Doty, Roxanne Lynn. 1996. Sovereignty and the nation: Constructing the boundaries of national identity. In *State sovereignty as social construct*, ed. Thomas J. Biersteker and Cynthia Weber. Cambridge: Cambridge University Press.

Dworkin, Ronald. 2006. *La democrazia possibile – Principi per un nuovo dibattito politico, Campi del sapere*. Milano: Feltrinelli.

Dyson, Kenneth H.F. 1980. *The state tradition in Western Europe*, ed. Robertson Martin. Oxford: Oxford University Press.

Edyvane, Derek. 2012. *Civic virtue and the sovereignty of evil, Routledge studies in contemporary philosophy*. Oxon/New York: Routledge.

Eisenstadt, Shmuel N. 1968. *Max Weber on charisma and institution building*. Chicago: The University of Chicago Press.

Ferraris, Maurizio. 2011. *Kant e l'Illuminismo, Capire la filosofia – La filosofia raccontata dai filosofi*. Roma: La Bilbioteca di Repubblica – L' Espresso.

Feyerabend, Paul K. 1965. On the "meaning" of scientific terms. *The Journal of Philosophy* 62(10): 266–274.

Fitzpatrick, Peter. 2010. Leveraging Leviathan. In *After sovereignty – On the question of political beginnings*, ed. Charles Barbour and George Pavlich. London/New York: Routledge.

Fontenelle, Bernard Le Bovier de. 2001 [1724]. Oeuvres complètes. In *Corpus des oeuvres de philosophie en langue française*, ed. Alain Niderst. Paris: Fayard.

Fornero, Giovanni, and Salvatore Tassinari. 2002. Le filosofie del Novecento. In *Economica*, vol. 2, ed. Sandro d'Alessandro. Milano: Paravia Bruno Mondadori Editore.

Foucault, Michel. 1973. *The order of things: An archeology of the human sciences*. New York: Vintage Books.

Foucault, Michel. 2004. *Sicurezza, territorio, popolazione – Corso al Collège de France (1977–1978), Campi del sapere*. Milano: Feltrinelli.

Fraser, Nancy. 2007. Special section: Transnational public sphere. Transnationalizing the public sphere: On the legitimacy and efficacy of public opinion in a post-Westphalian world. *Theory, Culture & Society* 24(4): 7.

Galli, Carlo. 2011. *Manuale di storia del pensiero politico*, IIIth ed. Bologna: Il Mulino.

Gallie, Walter Bryce. 1955. Essentially contested concepts. *Proceedings of the Aristotelian Society* 56: 167–198. New series.

Garrett, Brian. 2012. *Elementary logic*. Durham: Acumen.

Gasché, Rodolphe. 1994. *Inventions of difference: On Jacques Derrida*. Cambridge: Harvard University Press.

Gelber, Harry G. 1997. *Sovereignty through interdependence*. London: Kluwer.

Glendinning, Simon. 2011. *Derrida – A very short introduction*. Oxford/New York: Oxford University Press.

Goertz, Gary. 2006. *Social science concepts – A user's guide*. Princeton/Oxford: Princeton University Press.

Gould, Harry D., and Nicholas Greenwood Onuf. 1997. An archeology of sovereignty. Review by Jens Bartelson. *Mershon International Studies Review* 41(2): 330–332.

Guardiola-Rivera, Oscar. 2010. What comes after sovereignty? In *After sovereignty – On the question of political beginnings*, ed. Charles Barbour and George Pavlich. London/New York: Routledge.

Hardt, Michael, and Antonio Negri. 2000. *Empire*. Cambridge/London: Harvard University Press.

Heidegger, Martin. 2002 [1962]. *On time and being*. Trans. Joan Stambaugh. Chicago/London: The University of Chicago Press.

Held, David. 2006. *Models of democracy*, 3rd ed. Cambridge: Polity Press.

Hinsley, Francis Harry. 1966. *Sovereignty*. New York: Basic Books.

Hobbes, Thomas. 1996 [1651]. *Leviathan*. Cambridge: Cambridge University Press.

Hobsbawn, Eric J. 1992. *Nations and nationalism since 1780*. Cambridge: Cambridge University Press.

H.W.S. 1939. Reviewed work: Swords and symbols. The technique of sovereignty by James Marshall. *The Journal of Philosophy* 36(13):357.

Hyams, Keith. 2008. Political authority and obligation. In *Issues in political theory*, ed. Catriona McKinnon. Oxford/New York: Oxford University Press.

Ilgen, Thomas L. (ed.). 2003. *Reconfigured sovereignty. Multi-layered governance in the Global Age*. Aldershot: Ashgate.

Jackson, Robert. 2007. *Sovereignty, key concepts*. Cambridge: Polity Press.

James, Alan. 1999. The practice of sovereign statehood in contemporary international society. *Political Studies* 47(3): 457–473.

Joyce, Richard. 2010. Sovereignty after sovereignty. In *After sovereignty – On the question of political beginnings*, ed. Charles Barbour and George Pavlich. London/New York: Routledge.

Joyce, Richard. 2013. *Competing sovereignties, GlassHouse book*. Oxon/New York: Routledge.

Kant, Immanuel. 1999 [1781]. *Critique of pure reason*, ed. Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press.

Kantorowicz, Ernst H. 1957. *The king's two bodies: A study in medieval political theology*. Princeton: Princeton University Press.

Kelly, Paul. 2009. Bentham. In *Political thinkers – From Socrates to the present*, ed. David Boucher and Paul Kelly. Oxford/New York: Oxford University Press.

King, Gary, Robert D. Keohane, and Sidney Verba. 1994. *Designing social inquiry*. Princeton: Princeton University Press.

Korsgaard, Christine Marion. 1996. The normative question. In *The sources of normativity*, ed. Onora O'Neill. Cambridge: Cambridge University Press.

Korsgaard, Christine Marion. 2008. *The constitution of agency – Essays on practical reason and moral psychology*. Oxford: Oxford University Press.

Krasner, Stephen D. 1988. Sovereignty: An institutional perspective. *Comparative Political Studies* 21(1): 66–94.

Krasner, Stephen. 1996. The accomplishments of international political economy. In *International theory: Positivism and beyond*, ed. Steve Smith, Ken Booth, and Marysia Zalewski, 108–127. Cambridge: Cambridge University Press.

Krasner, Stephen D. 2001. Sovereignty. *Foreign Policy* 122: 20–29.

Lake, David A. 2003. The new sovereignty in international relations. *International Studies Review* 5(3): 303–323.

Lévi-Strauss, Claude. 2001 [1955]. *Tristes tropiques*, Terre humaine. Paris: Pocket.

Lévi-Strauss, Claude. 2003 [1958]. *Anthropologie structurale*. Paris: Pocket.

Lipping, Jüri. 2010. Sovereignty beyond the state. In *Sovereignty in fragments – The past, present and future of a contested concept*, ed. Hent Kalmo and Quentin Skinner. Cambridge: Cambridge University Press.

Litfin, Karen T. 1997. Sovereignty in world ecopolitics. *Mershon International Studies Review* 41: 167–204.

Loughlin, Martin. 2004. *The idea of public law*. Oxford/New York: Oxford University Press.

Loughlin, Martin. 2010. *Foundations of public law*. Oxford: Oxford University Press.

Luhmann, Niklas. 1986. The autopoiesis of social systems. In *Sociocybernetic paradoxes – Observation, control and evolution of self-steering systems*, ed. Felix Geyer and Johannes van der Zouwen, 172–192. London: Sage.

Luhmann, Niklas. 1992. The concept of society. *Thesis Eleven* 31(67): 67–80.

Lukaszewski, Jerzy. 1985. *Jalons de l'Europe, The Redbooks*. Lausanne: Jean Monnet Foundation for Europe.

MacCormick, Neil. 1993. Beyond the sovereign state. *The Modern Law Review* 56(1): 1–18.

MacCormick, Neil. 2010. Sovereignty and after. In *Sovereignty in fragments – The past, present and future of a contested concept*, ed. Hent Kalmo and Quentin Skinner. Cambridge: Cambridge University Press.

Mair, Peter. 2008. Concepts and concept formation. In *Approaches and methodologies in the social sciences*, ed. Donatella Della Porta and Michael Keating, 177–197. Cambridge: Cambridge University Press.

Mancini, Giorgio, Stefano Marzocchi, and Giambattista Picinali. 1993. *Corso di Filosofia*, ed. Salvatore Veca. Milano: Bompiani.

Maritain, Jacques. 1969. The concept of sovereignty. In *In defence of sovereignty*, ed. Wladyslav Stankiewicz, 41–64. New York: Oxford University Press.

Maritain, Jacques. 1998 [1951]. *Man and state*. Washington, DC: Catholic University of America Press.

Marshall, James. 1939. *Swords and symbols: The technique of sovereignty*. Oxford: Oxford University Press.

Marshall, Tom. 2012. *Exploring Westphalian and non-Westphalian politics: Aleatory materialism and the significance of Westphalia for political philosophy and international thought*. Millennium annual conference 2012 – Materialism and World Politics, London.

Maturana, Humberto, and Francisco Varela. 1980. *Autopoiesis and cognition: The realisation of the living*. Dordrecht: Reidel.

Merlingen, Michael. 2013. Is poststructuralism a useful IR theory? What about its relationship to historical materialism? *E-International relations*. Accessed 24 Apr 2015. http://www.e-ir. info/2013/05/08/is-poststructuralism-a-useful-ir-theory-and-what-about-its-relationship-to-historical-materialism/

Merriam, Charles Edward. 1900. *History of the theory of sovereignty since Rousseau*. New York: Columbia University Press.

Miglio, Gianfranco. 2011. *Lezioni di politica – 1. Storia della dottrine politiche*. Bologna: Società editrice il Mulino.

Montaigne, Michel de, and Etienne La Boétie. 2012 [1580 and 1574]. *Montaigne selected essays with La Boétie's discourse on voluntary servitude*, ed. James B. Atkinson. Trans. James B. Atkinson and David Sices. Indianapolis/Cambridge: Hackett Publishing Company.

Mordacci, Roberto. 2003. *Una introduzione alle teorie morali – Confronto con la bioetica*, Campi del sapere. Milano: Feltrinelli.

Morgenthau, Hans J. 1985. *Politics among nations: The struggle for power and peace*, VIth ed. New York: Knopf.

Nancy, Jean-Luc. 1991. *The inoperative community*. Minneapolis: University of Minnesota Press.

Nancy, Jean-Luc. 2000. *Being singular plural*. Stanford: Stanford University Press.

Negri, Antonio. 2006. *Fabbrica di porcellana – Per una nuova grammatica politica*, Campi del sapere. Milano: Feltrinelli.

Negri, Antonio. 2010. Sovereignty between government, exception and governance. In *Sovereignty in fragments – The past, present and future of a contested concept*, ed. Hent Kalmo and Quentin Skinner. Cambridge: Cambridge University Press.

Nietzsche, Friedrich. 1969 [1887]. *On the genealogy of morals*. New York: Vintage Books.

Onuf, Nicholas Greenwood. 1991. Sovereignty: Outline of a conceptual history. *Alternatives* 16(4): 425–446.

Osiander, Andreas. 2001. Sovereignty, international relations, and the Westphalian myth. *International Organisation* 55(2): 251–287.

Pauly, Louis W., and Edgar Grande. 2005. Reconstituting political authority: Sovereignty, effectiveness, and legitimacy in a transnational order. In *Complex sovereignty: Reconstituting political authority in the twenty-first century*, ed. Edgar Grande and Louis W. Pauly. Toronto/Buffalo/London: University of Toronto Press.

Pavlich, George. 2010. On the subject of sovereigns. In *After sovereignty – On the question of political beginnings*, ed. Charles Barbour and George Pavlich. London/New York: Routledge.

Peters, Richard Stanley. 1967. Authority. In *Political philosophy*, ed. Antony Quinton. New York: Oxford University Press.

Philpott, Daniel. 2001. *Revolutions in sovereignty – How ideas shaped modern international relations*. Princeton/Oxford: Princeton University Press.

Pocock, John Greville Agard. 1975. *The Machiavellian moment: Florentine political thought and the Atlantic republican tradition*. Princeton: Princeton University Press.

Pocock, John Greville Agard. 2009. *Political thought and history: Essays on theory and method*. Cambridge: Cambridge University Press.

Prokhovnik, Raia. 2008. *Sovereignty, history & theory*. Exeter: Imprint Academic.

Quaglioni, Diego. 2004. La sovranità. In *Politica*, ed. Massimo L. Salvatori and Francesco Tuccari. Roma/Bari: Edizioni Laterza.

Quivy, Raymond, and Luc Van Campenhoudt. 1995. *Manuel de recherche en sciences sociales*, IIth ed. Paris: Dunod.

Radaelli, Claudio M. 2000. Whither Europeanization? Concept stretching and substantive change. *European Integration online Papers (EIoP)* 4(8): 1–31.

Radaelli, Claudio M. 2003. The Europeanization of public policy. In *The politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaelli, 27–56. Oxford: Oxford University Press.

Rawls, John, and Samuel R. Freeman. 2007. *Lectures on the history of political philosophy*. Cambridge: Harvard University Press.

Regazzoni, Simone. 2008. Introduzione – Al di là della pulsione di potere – Derridà e la decostruzione della sovranità. In *Jacques Derrida – Incondizionalità o sovranità*, ed. Simone Regazzoni, 7–25. Milano: Mimesis.

Rosamond, Ben. 2000. Theories of European integration. In *The European Union series*, vol. XI, ed. Neill Nugent and William E. Paterson. New York: Palgrave Macmillan.

Rosenau, James N. 1997. *Along the domestic-foreign frontier – Exploring governance in a turbulent world, Cambridge Studies in International Relations*. Cambridge: Cambridge University Press.

Roucek, Joseph S. 1939. Reviewed work: Sword and symbols. The technique of sovereignty of James Marshall. *The Annals of the American Academy of Political and Social Science* 205: 171.

Rousseau, Jean Jacques. 1968 [1762]. *On the social contract*. Harmondsworth: Penguin.

Ruggie, John G. 1993. Territoriality and beyond: Problematizing modernity in international relations. *International Organization* 47(1): 139–174.

Runciman, David. 2008. *Political hypocrisy – The mask of power, from Hobbes to Orwell and beyond*. Princeton: Princeton University Press.

Russell, Bertrand. 1927. Substance. *Journal of Philosophical Studies* 2(5): 20–27.

Sandel, Michael. 2010. *Giustizia*, Campi del Sapere. Trans. Tania Gargiulo. Milano: Feltrinelli.

Sarooshi, Dan. 2004. The essentially contested nature of the concept of sovereignty: Implications for the exercise by international organizations of delegated powers of government. *Michigan Journal of International Law* 25: 1107–1140.

Sartori, Giovanni. 1970. Concept misformation in comparative politics. *The American Political Science Review* 64(4): 1033–1053.

Schmitt, Carl. 2005 [1922]. *Political theology – Four chapters on the concept of sovereignty*. Chicago: University of Chicago Press.

Seidl, David. 2004. *Luhmann's theory of autopoietic social systems*, Tech. Rep. 2004–2, Munich Business Research paper. Munich: Ludwig-Maximilians Universität München.

Shaw, Karena. 2008. *Sovereignty and political theory – Indigeneity and political theory*, Routledge issues in contemporary political theory, Ith ed. London/New York: Routledge.

Shorten, Andrew. 2008. Nation and state. In *Issues in political theory*, ed. Catriona McKinnon. Oxford/New York: Oxford University Press.

Skinner, Quentin. 1996. *Reason and rhetoric in the philosophy of Hobbes*. Cambridge: Cambridge University Press.

Skinner, Quentin. 1998. *Liberty before liberalism*. Cambridge: Cambridge University Press.

Skinner, Quentin. 2010. The sovereign state: A genealogy. In *Sovereignty in fragments – The past, present and future of a contested concept*, ed. Hent Kalmo and Quentin Skinner. New York: Cambridge University Press.

Skinner, Quentin, and Hent Kalmo. 2010. Introduction: A concept in fragments. In *Sovereignty in fragments – The past, present and future of a contested concept*, ed. Hent Kalmo and Quentin Skinner. New York: Cambridge University Press.

Smith, T.V. 1939. Reviewed work: Swords and symbols: The technique of sovereignty by James Marshall. *Harvard Law Review* 53(1): 154–156.

St John. 2013 [70–100 AD]. Holy Gospel of Jesus Christ according to Saint John. In: Evangelizo. org. http://dailygospel.org/M/AM/

St Matthew, the Evangelist. 2002 [70–100 AD]. The Gospel of St Matthew. In *William Tyndale's New Testament*. Ware: Wordsworth Editions Limited.

Strang, David. 1996. Contested sovereignty: The social construction of colonial imperialism. In *State sovereignty as social construct*, ed. Thomas J. Biersteker and Cynthia Weber. Cambridge: Cambridge University Press.

Strayer, Joseph R. 1970. *On the medieval origins of the modern state*. Princeton: Princeton University Press.

Suganami, Hidemi. 2007. Understanding sovereignty through Kelsen/Schmitt. *Review of International Studies* 33(3): 511–530.

Thomson, Janice E. 1995. State sovereignty in international relations: Bridging the gap between theory and empirical research. *International Studies Quarterly* 39(2): 213–233.

Veca, Salvatore. 2010. *La filosofia politica*. Roma/Bari: Edizioni Laterza.

Walker, Rob B.J. 1987. Realism, change, and international political theory. *International Studies Quarterly* 31(1): 65–86.

Walker, Rob B.J. 1991. State sovereignty and the articulation of political space/time. *Millennium – Journal of International Studies* 20(3): 445–461.

Walker, Rob B.J. 1992. Gender and critique in the theory of international relations. In *Gendered states: Feminist (re)visions of international relations theory*, ed. V. Spike Peterson. Boulder: Lynne Rienner.

Weber, Cynthia. 1992. Reconsidering statehood: Examining the sovereignty/intervention boundary. *Review of International Studies* 18(3): 199–216.

Weber, Cynthia. 1997a. Reviewed work: A genealogy of sovereignty by Jens Bartelson. *The American Political Science Review* 91(1): 228–229.

Weber, Max. 1997b. *The methodology of the social sciences*. New York: Free Press.

Wendt, Alexander, and Raymond Duvall. 2008. Sovereignty and the UFO. *Political Theory* 36(4): 607–633.

Williams, Thomas. 2002. *The Cambridge companion to Duns Scotus*. Cambridge: Cambridge University Press.

Zahavi, Dan. 2003. *Husserl's phenomenology*. Stanford: Stanford University Press.