

**Marek Cichocki Presentation:
The Concept of Sovereignty - Contemporary Europe's Dilemma
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Outline

I.

The difficulty in defining the concept of sovereignty is significant. In contrast to other political concepts, such as democracy, republicanism, monarchy or representative government, the definition of sovereignty remains elusive. Indeed, some compare the elusive nature of sovereignty with that of a flame (Bartleson).

This is not to say that one cannot identify the main elements of the most prevalent definition of sovereignty, of which three appear especially crucial. Let us first consider sovereignty through the prism of law. In legal terms, sovereignty is seen as a phenomenon of centralized state authority which enacts irrevocable legislation and executes laws over a given territory (Hans J. Morgenthau). The second aspect is historical and associates the concept of sovereignty with the modern European political character initiated by the 1648 Peace of Westphalia (Hans Morgenthau, Torbjon Knutsen, Kal Holsti). Finally, the third element, derived from political science, relates the concept of sovereignty directly with the modern formula of a state as a form of rational and centralized governmental authority (Samuel Huntington). With the above three elements in mind we can now recreate the popular definition of sovereignty – which emerged in 17th century Europe in the wake of the Thirty Years' War – as the highest, centralized authority which enacts and executes laws over the territory of a state.

I believe that such a definition of sovereignty is too narrow and can easily be refuted. For example, the causal relationship with the Thirty Years' War and the Peace of Westphalia does not withstand critical analysis (Andreas Osiander). Associating sovereignty with the idea of the modern state leads to justified doubts over whether today sovereignty is relevant, given the clear deterioration of state structures in the wake of globalization. In both of these cases the concept of sovereignty is ensnared in history.

This is why the concept of sovereignty is rather like a reflection of a way of dealing with reality – or the disintegration of reality – as a basic politico-philosophical and politico-theological problem (Plato's *The Statesman*; St. Paul's Second Epistle to the Thessalonians). The concept of sovereignty reveals the constant inclination of human nature to counteract chaos, which is expressed in acts of unifying, restraining, caring, watching, enclosing and the concern for integrity. At the same time, the concept of sovereignty is not exclusively appropriate for characterizing these existential situations.

II.

The concept of sovereignty is a by-product of Christianity - its unwanted child. Christian Universalism was a revolution as seen from the perspective of the theretofore dominant political and philosophical tradition of antiquity. For some, Christianity definitely ushered in the end of ancient political thought (Arendt, Strauss). Christianity was equivalent to transcendent universalism, which in the case of St. Augustine, for example, led to complete political skepticism and diminished engagement in political activities. Between Heaven (God's Country, eternity) and Earth (an earthly state, absolutely historical and transient) there was not much room for the political underlunar sphere. Sovereignty thus depicted becomes a domain of God, not man.

That, however, changed as soon as Christianity assented to the idea that this so-called intermediate time between incarnation and the Second Coming was not merely a meaningless, void, materially homogenous period, but rather one that had to possess some purpose. The recognition that human time has meaning is equivalent to granting a place for politics within the framework of Christianity, a place which will subsequently become secular (Lowith, Schmitt). At least a few innovations accepted within the framework of the Christian world of ideas appear to be decisive to the formulation of the concept of sovereignty in Christian Europe. These changes took place in the context of the so-called nominalistic revolution which fully unfolded in the 14th century as an expression of medieval Christian universalism (Ullmann). Firstly, this meant a departure from the concept of time proposed by St. Augustine which generally allowed for only two levels of time – eternity (transcendence, God, omnipotence) and historicity (sin, disintegration, man). In such context no political sovereignty can be established. This is precisely why the appearance of the third dimension of time – known as *aevum*, the time of angels, and thus that of beings created but immortal – is so significant. *Aevum*, developed fully by St. Thomas Aquinas, allows for the reactivation of the ancient idea of earthly immortality. Man can create entities which become immortal (Kantorowicz). The second important ingredient is the idea of *persona ficta* (related to *aevum*) which was developed within the framework of corporate law by medieval jurists. According to this concept, the communal body becomes *universitas*, and although it is fictitious it can have rather real legal, financial, diplomatic and political consequences (Berman, Kantorowicz, Ullmann, Oakeshott). Finally, an enormous change is ushered in by the doctrine of the univocity of being, developed among others by Duns Scotus in the 14th century. It opens the possibility to transform the Christian free will – whose significance up until then had solely theological relevance as regards God and God's grace – into free political will. There exists the possibility of innovation and decisionism in human actions. Univocity assumes that beings do not have to be the way they are and that they can be changed (Marquard, Troeltsch). To sum up: the nominalistic revolution implied that man can create beings which can persist and aspire to immortality, beings having real internal and external consequences and which man can modify further, which in turn implies that they are subject to human innovation.

There remains only one issue – the issue of borders. The significance of borders to sovereignty in its modern sense is often juxtaposed with the contemporary integrated Europe without borders (Zielonka, Wind). Borders are understood above all in their legal sense as the limits of a specific, sovereign legislative system or in their political sense as the bounds of authority of a given sovereign government. However, borders also possess a deeper significance as seen from the perspective of every political identity: they symbolize the discovery of what is beyond oneself, of what is external. For this reason one can assume that

sovereignty is possible only under the condition of discovering that which is external and that which in reality is – or at least potentially is – a different, sovereign reality. The approach to that which is external and internal specifically through completely different definitions of borders is what distinguishes the concept of sovereignty from the concept of imperial hegemony. For an empire, there exists only that which is internal while that which is external does not possess an ontological status. An empire is monistic in its approach towards the outside world while sovereignty by its nature must accept ontological multiplicity, a pluralism of beings. Otherwise it loses the ability to differentiate between that which is internal and that which is external (Bartleson).

III.

Such an approach to the issue of borders reveals a pluralistic perception of the political world comprised in the concept of sovereignty, its pluriverse (Schmitt). This, in turn, brings us to the basic problem of the relationship between sovereignty and universalism. For it is this relationship that appears to be central to the current argument involving sovereignty in Europe.

The contradiction between pluralism and particularism inherent in the concept of sovereignty on the one hand and the prevalent concept of universal empire on the other is obvious and apparent throughout the European tradition. Consider the pluriverse of the Greek city-states versus the *universum* of Alexander the Great based on the globalism of Zeno of Citium's stoicism, Pax Romana versus local patriotisms (such as that of the Jewish state), the *res publica christiana* of the Holy Roman Empire versus particular national monarchies, enlightened Europe conceived of by Napoleon as Hegel's *Weltgeist* ("World Spirit") versus democratic nation-states of the 19th century and finally the idea behind huge geographic areas and European integration versus the right to self-determination in the 20th century.

Every universalist political proposition throughout history has possessed its own grand revolutionary ideology which it attempted to implement. In antiquity that ideology was stoicism, subsequently replaced by Christianity, then the Enlightenment and Hegelianism which in turn bore Marxism and finally Pan-Europeanism. At their core, all of these ideologies promised the abolishment of ontological pluralism and of the separation between the internal and the external as the sources of conflicts, evil, suffering and injustice. The sovereignist, self-determinist stance advocating independence was in turn a way of defying universalism, an expression of the will to restore borders between the internal and the external, an affirmation of ontological pluralism in politics.

One of the most interesting contemporary writings on this issue appears to be the polemical *On Tyranny* by Leo Strauss, including his correspondence with Alexandre Kojève.

The present European dilemma involving the concept of sovereignty relies, on the one hand, on extinguishing the real possibilities behind European universalism: hardly anyone still believes in the power of integration (its momentum wilted after the 2004 Eastern bloc enlargement, although it may still be sufficient to take in the Balkans), or in neo-liberal universalism, or in the end of history, or in the vitality of European Christendom. European universalism is dying. On the other hand, only a select few European states – including France, the United Kingdom, Germany, the Scandinavian countries, Russia and the increasingly distant Turkey – still possess the capability to restore the basic features of European sovereignism. Meanwhile, it would appear that a rebirth of sovereignism is

currently the only means to avoid a situation whereby the entire European continent becomes a power vacuum in the global context.

References:

- Jens Bartelson, *A Genealogy of Sovereignty*, 1995
Harold J. Berman, *Law and Revolution*, 1983
Samuel Huntington, *Political Order in Changing Societies*, 1968
Ernst H. Kantorowicz, *The King's Two Bodies*, 1957
Hans J. Morgenthau, *Politics Among Nations*, 2006
Michael Oakeshott, *On Human Conduct*, 1975
Andreas Osiander, *Sovereignty, International Relations, and the Westphalian Myth*, 2001
Carl Schmitt, *Der Nomos der Erde*, 1997
Leo Strauss, *On Tyranny*, 1961
Walter Ullmann, *The Development of the Medieval Idea of Sovereignty*, 1949
J.H.H. Weiler, *Marlene Wind, European Constitutionalism Beyond the State*, 2003
Jan Zielonka, *Europe as Empire*, 2006