

Hybrid Sovereignty in International Theory

Sovereignty is fundamental, but it is also contingent.¹

There is a contradiction at the heart of sovereignty. It is fundamental yet contingent; universal yet socially constructed. Practices of sovereignty have evolved to accommodate divisibility in sovereign functions. Yet, representations of sovereignty have remained static in assuming indivisible sovereign authority. This chapter forwards a new framework that hybridizes opposing positions across international theory, arguing that understanding sovereignty's contradiction is vital to its future and the future of IR.

As perhaps the key concept in international politics, sovereignty invokes equal parts apathy and contention. It is simultaneously “revered and reviled.”² Most IR scholars do not define sovereignty, preferring instead to get on with studying all the phenomena that sovereignty makes possible. However, for theorists of sovereignty, it remains a highly contested and ambiguous “sponge-concept.”³ Resultantly, sovereignty has many paradoxes. It stands for both absolute authority and freedom from absolute authority. Sovereign inequality makes hierarchy possible within a state and anarchy endurable among states.⁴ Sovereignty may inhere in a single person (e.g. Kim Jong Un), a group of persons (e.g. British Parliament), a dynasty (e.g. Bashir al Asad), a religious lineage (e.g. House of Saud), a founding document (e.g. US Constitution), nations within a state (e.g. Native American tribes), or a nation consisting of a state (e.g. Denmark). Popular sovereignty may be expressed through a social contract, general will, social compact, or institutional design.⁵ The people may participate directly (e.g. referendums), indirectly (e.g. electoral college), or not at all (e.g. North Korea). They may have only one shot to negotiate the terms of a sovereign contract or infinite shots.⁶ Sovereignty may be indivisible and held

¹ Patrick 2017.

² Aradau 2018.

³ Bartelson 1995: 237; Connolly 2005: 141; Kalmo and Skinner 2010: 1.

⁴ Brown 2010: 53.

⁵ Locke 1988 [1689]; Hegel 1991 [1820]; Hobbes 1996 [1651]; Rousseau 1997 [1762].

⁶ Hobbes 1996 [1651]; Rousseau 1997 [1762].

absolutely by one supreme ruler or may be divided among many ruling institutions.⁷ Sovereignty is constant and also changing.⁸

Nowhere is the paradox of sovereignty more evident than in its treatment by two formative thinkers in international politics. Stephen Krasner acknowledges that the 1648 Peace of Westphalia is a flawed origin story of sovereign statehood that in fact rolled back sovereign autonomy compared to the 1555 Peace of Augsburg, but he also creates a typology where “Westphalian sovereignty” is of paramount importance.⁹ Alexander Wendt argues that sovereignty should not be thought of as an attribute like a person’s height but also defines sovereignty as an “inherent attribute of states, like being six-feet tall.”¹⁰ Krasner has spent a lot of time thinking about sovereignty. Wendt is aware of the particularities of drawing up social facts. Neither are casual observers nor callous writers of international politics. Rather, their inconsistencies are symptomatic of wrestling with sovereignty as “one of the most difficult problems of modern political science.”¹¹

Indeed, scholars have outlined, contended, realized, rethought, reconsidered, relocated, historicized, contemporized, fragmented, and deconstructed sovereignty.¹² The various analyses of sovereignty “disagree about almost everything – what sovereignty is and where it resides, how it relates to law, whether it is divisible, how its subjects and objects are constituted, and whether it is being transformed in late modernity.”¹³ Researchers variously posit that one cannot meaningfully speak of sovereignty before the sixteenth or the nineteenth century.¹⁴ Some propose abandoning sovereignty in “the most urgent task for political theory.”¹⁵ But defenders of sovereignty retort that it “cannot simply be wished away.”¹⁶ Indeed, “those who would banish sovereignty as an outworn fiction are really only trying to shirk the whole problem of politics.”¹⁷ Thus, as a recent review on sovereignty surmised: “Far from watching sovereignty disappear as a useless trope, the discipline finds itself grappling with ever more nuanced and contradictory treatments and appraisals of sovereignty’s continued conceptual import.”¹⁸

This chapter refocuses the many disagreements about sovereignty to a contradiction expressed in two modes of analysis: *Idealized Sovereignty* and

⁷ Bodin 1992 [1576]; Madison, Hamilton, and Jay 2003 [1788].

⁸ Waltz 1979; Bartelson 1995.

⁹ Krasner 1993, 1999.

¹⁰ Wendt and Friedheim 1996: 246; Wendt 1999: 280.

¹¹ Korff 1923: 404.

¹² Morgenthau 1948; Thomson 1989; Walker and Mendlovitz 1990; Onuf 1991; Inayatullah and Blaney 1995; Osiander 2001; Lake 2003; Slaughter 2004; Bartelson 2006; Walker 2006; Kalmo and Skinner 2010; Glanville 2013b.

¹³ Wendt and Duvall 2008: 607.

¹⁴ Costa Lopez et al. 2018.

¹⁵ Kalmo and Skinner 2010: 1; Cocks 2014; Herzog 2020.

¹⁶ Bartelson 2011: 86.

¹⁷ Collingwood 1989: 106. On this point, see also: Bickerton, Cunliffe, and Gourevitch 2007.

¹⁸ Shinko 2017.

Lived Sovereignty. Sovereignty is idealized as foundational, universal, and solid in regards to who possesses sovereign authority (something singular and cohesive called “the state”),¹⁹ but sovereignty is also lived as contingent, socially constructed, and changing in regards to who discharges sovereign power (a whole variety of hybridized state, substate, suprastate, and nonstate entities).²⁰ The two modes offer different answers to the question: Is sovereignty divisible? *Idealized Sovereignty* answers “no.” *Lived Sovereignty* answers “yes.” The remarkability of sovereignty is that it accommodates both modalities. Jens Bartelson observes that

the relocations of sovereignty from God to kings, from kings to particular peoples, and then from these peoples to humanity as a whole have been made possible by the underlying assumption that the nature of political authority remains essentially the same irrespective of its source and locus, and this precisely by virtue of its inherent indivisibility.²¹

Thus, while sovereignty encompasses much more than indivisibility, I foreground indivisibility as the core feature at stake in developing theories of sovereignty given public/private hybridity in international politics, discussed more in the next chapter.

This chapter advances IR theory in three ways. First, it introduces the dual modalities of *Idealized* and *Lived Sovereignty* to organize diverse approaches to sovereignty. Moreover, it argues that the dual modality is key to sovereignty’s survival. David Lake remarks, “although sovereignty may be a social construct that changes over time, it is still perceived as a system-wide attribute inhering in all state members identically.”²² For Lake, this is a fault in constructivist theorizing. But the kaleidoscopic quality of sovereignty is actually necessary for its longevity. *Idealized Sovereignty* creates a conceptual anchor across time, while *Lived Sovereignty* changes what the concept means. Indeed, sovereignty as both stable maxim and unstable practice is “not a *confusion* in the idea of sovereignty – a misunderstanding to be eliminated by a sharper definition of the term. It is rather, the *zone of instability* that sovereignty inhabits.”²³

Second, the chapter reframes the terms of debate among leading scholars of sovereignty. The contradiction at the heart of sovereignty is ultimately a conflation

¹⁹ On sovereignty as indivisible, see: Morgenthau 1948; Waltz 1979; Hinsley 1986; Bodin 1992 [1576]; Hobbes 1996 [1651]; Philpott 1995; Jackson 1999; Krasner 1999; Wendt 1999.

On the universal foundationalism of sovereignty, see Collingwood 1989; Krasner 1995; Wendt 1999; Lake 2003; Bickerton, Cunliffe, and Gourevitch 2007; Chowdhury and Duvall 2014.

²⁰ On sovereignty as divisible, see Ruggie 1993; Murphy 1996; Agnew 2005; Slaughter 2005; Doty 2007; Duffield 2007; Cooley and Spruyt 2009; Avant, Finnemore, and Sell 2010; Best and Gheciu 2014; Phillips and Sharman 2015; 2020.

On the social construction of sovereignty, see Cox 1986; Kratochwil 1986; Kratochwil and Ruggie 1986; Walker 1990; Weber 1995; Biersteker and Weber 1996; Doty 1996; Wendt and Friedheim 1996; Ruggie 1998; Blaney and Inayatullah 2000; Reus-Smit 2001; Phillips 2007; Glanville 2013a; Patrick 2018.

²¹ Bartelson 2011: 93.

²² Lake 2003: 308.

²³ Connolly 2005: 141, some emphases removed.

between power and authority. Sovereignty may be “the possession by an actor or set of actors of exclusive authority over some domain of competence.”²⁴ Here, sovereign power is the management of some “domain of competence,” whereas sovereign authority is the exclusive claim to sovereign competence vis-à-vis others. For instance, while Robinson Crusoe may have sovereign control over the functioning of his island and thus exhibited sovereign competence, “it would be meaningless to say that [he] had sovereignty over his island. Sovereignty is about the *social terms* of individuality, not individuality per se.”²⁵ In other words, sovereign power is about what one does (achieving sovereign competence), but sovereign authority is about securing legitimation (claiming the rights to sovereign competence). There is no theoretical justification to assume one necessarily flows to the other. For some, “sovereign status implies at least some minimal degree of concentrated power.”²⁶ However, I argue that sovereign power exercised in and obtained through *Lived Sovereignty* is necessary but insufficient to meet the social terms of sovereign status set in *Idealized Sovereignty*. Thus, hybridizing *Idealized* and *Lived Sovereignty* highlights the challenge of translating power into authority and repositions opposing conceptions of sovereignty in IR as making different wagers about the feasibility of this translation.

Third, the chapter proposes a different future for sovereignty. An increased diffusion of supra/nonstate sovereign competence has no obvious correspondence with an increased diversity in sovereign authority. In fact, it could lead to the opposite. While this might recall post-Cold War debates on whether state sovereignty is retreating²⁷ or resurging,²⁸ my contribution here is different in argument and implication. I do not seek to explain supra/nonstate influence on state power (operationalized as change in behavior or identity) but to argue that sovereign power is experienced in more diverse ways than sovereign authority allows. Converting sovereign power into authority relies on the social terms of legitimation or the ideas accepted as appropriate markers of sovereign status, which have come to include norms of nonintervention and policy independence.²⁹ I focus on the relatively less examined doctrine of indivisibility in *Idealized Sovereignty*, where indivisible claims to sovereign authority are exclusively recognized in “the state.” Yet, indivisibility does not capture *Lived Sovereignty*’s divisible performances of sovereign competence in state/nonstate relations. As such, the two modalities of sovereignty escape easy resolution, coexisting as dueling forces in international politics until a new ideational structure emerges that accommodates more divisible and nonstate terms of legitimating sovereign power as authority.

²⁴ Wendt and Friedheim 1996: 247.

²⁵ Wendt and Friedheim 1996: 247, emphasis added.

²⁶ Fowler and Bunck 1995: 16.

²⁷ Sassen 1996; 1998; Strange 1996; Gill 1998; Arrighi 1999; Falk 1999; Slaughter 2004.

²⁸ Spruyt 2002; Cohen 2006; Goldsmith and Wu 2006; Jackson 2007.

²⁹ Krasner 1999; Lake 2003; Finnemore 2004; Barkin 2021.

In the rest of the chapter, I first trace *Idealized Sovereignty's* indivisibility doctrine in early modern thought along with its durability in IR. I discuss how the ideational structure of *Idealized Sovereignty* appeared as both opportunity and constraint in the founding of the United States to highlight the stakes of contesting the indivisibility doctrine. Next, I turn to the divisible practices of sovereignty and recent IR scholarship on *Lived Sovereignty*. I keep this section relatively brief as the next chapter examines the varieties of hybrid relations within *Lived Sovereignty* in more detail. Finally, I present a hybridized framework where both *Idealized* and *Lived Sovereignty* serve as clashing focal points to recast the future of sovereignty.

IDEALIZED SOVEREIGNTY

In sketching the contours of *Idealized Sovereignty*, I follow Jens Bartelson's advice that "we should avoid the direct question of what sovereignty is, and instead ask how it has been spoken of and known throughout a period of time."³⁰ Early modern thinkers proposed legitimating secular sovereigns as representing indivisible, supreme, political authority. These ideas percolated to European and American polities from the sixteenth to the eighteenth centuries and acquired resonance as an ideational structure by the nineteenth century. By the twentieth century, the founders of modern international relations reified *Idealized Sovereignty* in order to carve out space for the discipline, a process that continues today.

Conceptualizing Idealized Sovereignty in Early Modern Thought

Early modern thinkers articulated absolutist indivisible sovereign authority for a gradually emergent "commonwealth" or "state." French theorist Jean Bodin wrote in 1576 that "sovereignty is the absolute and perpetual power of a commonwealth."³¹ Bodin argues that "persons who are sovereign must not be subject in any way to the commands of someone else."³² For Bodin, the sovereign, made after god's image, is infinite. Thus, "the prerogatives of sovereignty have to be of such a sort that they apply only to a sovereign prince. If, on the contrary, they can be shared with subjects, one cannot say that they are marks of sovereignty. . . . By logical necessity two infinities cannot exist."³³ Theorists have since come to interpret this as "a theory of ruler sovereignty," where "the high powers of government could not be shared by separate agents or distributed among them, but all had to be entirely concentrated in a single individual or group."³⁴ Bodin's conception of indivisible

³⁰ Bartelson 1995: 4.

³¹ Bodin 1992 [1576]: 1.

³² Bodin 1992 [1576]: 11.

³³ Bodin 1992 [1576]: 49–50.

³⁴ Franklin in Bodin 1992 [1576]: xiii.

sovereignty meant a division of sovereign powers, like in the United States, cannot “even be imagined” and would result in anarchy “worse than the cruelest tyranny.”³⁵ For Bodin, public authority rests in the sovereign (as monarch), requiring that “each individual and entire people as a body must swear to keep the laws and take an oath of loyalty to the sovereign.”³⁶ Quentin Skinner traces Bodin’s absolutist theory of the state to the divine right of Kings, which was challenged by populists who advocated sovereignty should “be possessed by the union of the people themselves.”³⁷

Thomas Hobbes was equally displeased with the populist notion of the people “united” in a body and the absolutist notion of the people passively obedient to a sovereign head. Instead, Hobbes argued that “when a multitude of men do agree and covenant, every one with every one” to authorize a sovereign “to be their representative,” they are transformed from a passive people to a body politic. However, “if sovereigns are representatives, what is the name of the person whom they represent?” For Hobbes, the “multitude so united in one person is called a commonwealth, in Latin *Civitas*” or the state.³⁸ Hobbes went even further than Bodin to secure stable legitimation for secular political power and move away from the “divine right of kings.”³⁹ For Hobbes, sovereigns “represent the state” in a “fictional” theory of the state enduring beyond sovereigns.⁴⁰ Hobbes theorized that “only through such sovereign representation could a public interest be distinguished from a shifting and unstable collation of private interests and their domination over (or conflict with) the interest of others. Here, *the public only becomes a public through its representation.*”⁴¹ Hobbesian sovereignty, in turn, argues this representation is “indivisible, unlimited and illimitable.”⁴² Hugo Grotius, the Dutch legal theorist, too conceived of “‘sovereignty as a unity, in itself indivisible’”. In this view, a state is either sovereign – or it is not a state.”⁴³

I want to pause here to recognize the blurred lines between theories of the state and sovereignty. Scholars have recognized that “it is almost impossible to discuss sovereignty without referencing the state.”⁴⁴ We know that the “concepts are so intimately related that the ambiguity affecting one of them necessarily spills over to the other.”⁴⁵ While my focus in this chapter is making sense of various theories of sovereignty, the implication is to also make sense of the state since “sovereignty and the state are mutually constitutive.”⁴⁶ However, I rhetorically use “sovereign power”

³⁵ Bodin 1992 [1576]: 92, 103.

³⁶ Bodin 1992 [1576]: 25.

³⁷ Skinner 2010: 30.

³⁸ Hobbes 1996 [1651]: 109.

³⁹ Kantorowicz 1957.

⁴⁰ Skinner 2010: 37, emphasis added.

⁴¹ Abrahamsen and Williams 2014: 246.

⁴² Hobbes 1996 [1651]: 81.

⁴³ Keene 2002: 44.

⁴⁴ Shinko 2017.

⁴⁵ Kalmo and Skinner 2010: 12.

⁴⁶ Jackson 1999: 454.

and “sovereign authority” rather than “state power” and “state authority” because I conceptualize sovereign as broader than state. Thus, I intend to analytically show “nonstate” forms of sovereign power while also acknowledging that only something cohering as “the state” is assigned sovereign authority and thus obligations for sovereign responsibility.

From its very creation, the doctrine of indivisibility faced challenges. The early modern theories of sovereignty found different expressions in European state-formation projects. During this period, England was “not so much a clear hierarchy as an interlocking matrix of commonwealths, churches, associations, communities, officeholders, agencies, and families.”⁴⁷ In the mid-sixteenth century, the struggle between the papacy and monarchy was confronted by declaring England “an ‘empire’, whose King possessed full and plenary jurisdiction in all causes, both secular and spiritual . . . [and] that the King, and not the Pope, was the supreme head of the English Church.”⁴⁸ Then, monarchical sovereignty came under pressure from parliamentary sovereignty. Starting in the 1640s, “the King increasingly came to be identified as an estate or constituent of the society along with the Commons and Peers, at last making it possible to conceive of the King in Parliament, or a mixed government, actually sharing an indivisible sovereignty.”⁴⁹ The basis for this was laid a century earlier with the 1553 case of *Wimbish v. Taillebois*, “when the King’s High Court of Parliament was gradually becoming the representative body of the nation,” marking an important “point in the transition of Parliament from a judicial to a legislative body.”⁵⁰ Yet, questions remained: “Parliament was the King in Parliament, but was its authority that of the King alone, which he chose to exercise only in Parliament, or that of a composite institution, the ‘King-in-Parliament’?”⁵¹ By 1688, the system was formalized with legislative and war-making functions accorded to Parliament such that “no judicial court could decide that an act of Parliament was contrary to any superior rule of binding power.”⁵²

Even as legal doctrine emerged to sort out the locus of sovereignty, the question was not so easily resolved. Parliamentary sovereignty was built on “the notion that the entire society was represented in Parliament.”⁵³ However, the “representational basis was always in danger of being forgotten and falling away, leaving the sovereign authority simply as the stark power to command.”⁵⁴ While continental theorists like Rousseau proposed versions of popular sovereignty, English legal scholars contended that “in the day-to-day workings of the state it was impossible for the people

⁴⁷ Stern 2011: 9.

⁴⁸ Goldsworthy 1999: 52.

⁴⁹ Wood 1998 [1969]: 347.

⁵⁰ Wood 1998 [1969]: 346–347.

⁵¹ Goldsworthy 1999: 53.

⁵² Adams 1922: 123.

⁵³ Wood 1998 [1969]: 347.

⁵⁴ Wood 1998 [1969]: 348.

themselves to exert sovereign power, for the essence of sovereignty was the making of law: the sovereignty had to be concretely legal, not simply theoretically political.”⁵⁵ For these theorists, sovereignty was a question about obedience, following John Austin’s definition of a sovereign as “a determinate person who, without a habit of obedience to another, receives habitual obedience from the bulk of a given society.”⁵⁶ English scholars resisted popular sovereignty by separating the exercise of sovereign authority from the possession of it: “the king, peers and commons did not possess sovereignty but merely exercised it; sovereignty was possessed by the State.”⁵⁷ England’s juridical move of tying the state to sovereignty resembled France’s solution of locating sovereignty in the nation. Both the Declaration of the Rights of Man and Citizen and the 1791 French Constitution “took the ground of national sovereignty and made king, legislature and judiciary a part of the nation.”⁵⁸ Even in American divided government, as discussed in the next section, the doctrine of indivisible sovereignty was accommodated in “the people” as otherwise the nascent state “would be like a monster with more than one head, continually at war with itself.”⁵⁹ This doctrine, known as *imperium in imperio* (“empire within an empire”), made repeated appearances in Revolutionary America.

Early modern thinkers used indivisibility to resolve the challenge of “transfer[ring] elements of transcendent authority to the temporal realm without appealing to a divine will or to a cosmic order within which human communities were embedded.”⁶⁰ Sovereignty had to maintain a sufficiently indivisible order for its unifying function independent of previous forms of authority. Philosophers and legal theorists in the seventeenth and eighteenth centuries tied sovereignty to a unified entity like an abstract person, the state, the nation, or the people. Tracing this early intellectual history reveals that “whether thought to be upheld by an individual or a collective, or embodied in the state as a whole, sovereignty entails self-presence and self-sufficiency; that which is sovereign is immediately given to itself, conscious of itself and thus acting for itself.”⁶¹ Political theorist Wendy Brown observes how in *Idealized Sovereignty*, “the state can be divided, disunified, subordinated, even captured, and still survive. Not so political sovereignty, which, is finished as soon as it is broken apart.”⁶² Bartelson connects the two together: “the indivisibility of sovereignty is thus a necessary condition of the unity of the state.”⁶³ To show the practical import of these abstract ideas, I next discuss how the early modern positions on sovereignty ricocheted across the grand experiment of founding America. The

⁵⁵ Wood 1998 [1969]: 346.

⁵⁶ Willis 1929: 440.

⁵⁷ Willis 1929: 440–441.

⁵⁸ Willis 1929: 439.

⁵⁹ Wood 1998 [1969]: 346.

⁶⁰ Bartelson 2011: 87.

⁶¹ Bartelson 1995: 28.

⁶² Brown 2010: 70, emphasis removed.

⁶³ Bartelson 2011: 85.

American debates on how to situate a divisible government within the indivisibility doctrine offer one of the earliest examples of the emergence of *Idealized Sovereignty* as an ideational structure.

Experimenting with Idealized Sovereignty in the Founding of America

George Washington, the first American president, derided “the monster of sovereignty.”⁶⁴ John Adams, the second president, referred to sovereignty as “the greatest Question ever yet agitated.”⁶⁵ It never received a coherent answer. Historian Gordon Wood argues that theories of “sovereignty pervaded the arguments of the whole Revolutionary generation from the moment in the 1760s when it was first raised through the adoption of the federal Constitution in 1787.”⁶⁶ Examining the founding of America reveals how accommodating *Idealized Sovereignty’s* indivisibility doctrine within a divisible federal arrangement was central to the US Constitution.

Sovereignty in the founding of the United States featured three key moments of transformation. First, the colonies asserted independence against the British Parliament and king. Second, the newly formed confederation of states resisted a strong central government. Third, the states adopted a stronger federal structure in the US Constitution. In each of these three moments, some of the same actors took opposing positions on how to think about sovereignty. Revolutionaries arguing for indivisibility became Federalists promoting divisibility. However, even though the forms of government changed, the Americans derived the social terms of legitimating sovereign authority from European doctrines of indivisibility.

In the first moment of transformation in the revolutionary era, American colonists developed claims based on the indivisibility doctrine against the British. Sir William Blackstone’s landmark *Commentaries on the Laws of England*, published in 1765, argued that there must be in every state “a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty, reside.”⁶⁷ John Adams echoed Blackstone in his diary that “in all civil states it is necessary, there should some where be lodged a supreme power over the whole.”⁶⁸ In 1768, Benjamin Franklin wrote that “no middle doctrine can be well maintained . . . [Either] Parliament has a right to make *all laws* for us, or it has a power to make *no laws* for us.”⁶⁹ In the *Massachusetts Gazette*, Tory Daniel Leonard argued for staying with the Crown, declaring that “two supreme or independent authorities cannot exist in the same state,” since “it would be what is called

⁶⁴ Adams 1922: i.

⁶⁵ John Adams, March 4, 1773, Butterfield 1961, Vol. 2: 77.

⁶⁶ Wood 1998 [1969]: 345. The following section is indebted to Wood’s history of the founding of America. I thank Logan Strother for introducing me to this literature.

⁶⁷ Blackstone 1765, Vol. 1: 49; Adams 1922.

⁶⁸ John Adams, March 4, 1773, Butterfield 1961, Vol. 2: 77.

⁶⁹ Benjamin Franklin, March 13, 1768, Smyth 1905, Vol. 5: 115.

imperium in imperio, the height of political absurdity If then we are a part of the British empire, we must be subject to the supreme power of the state which is vested in the estates of parliament."⁷⁰ Adams responded by agreeing with Leonard on the indivisibility principle but asserted its implications meant "that our provincial legislatures are the only supreme authorities in our colonies."⁷¹ Alexander Hamilton amplified in a pamphlet: "A supreme authority, in the Parliament, to make any special laws for this province, consistent with the internal legislature here claimed is impossible; and cannot be supposed, without falling into that solecism, in politics, of *imperium in imperio*."⁷²

Importantly, the Americans did not dispute the idea of parliamentary sovereignty, just its location in Britain as opposed to the colonies. Samuel Adams, cousin of John Adams, argued that "the legislative of any commonwealth must be the supreme power."⁷³ But to the British, "unable to conceive of the empire as anything but a single community with a final undivided authority located somewhere, all such distinctions were absurd and ultimately would lead to the dissolution of the union between England and America."⁷⁴ Exposing the weakness of the representational link to sovereignty that the British Parliament had advanced in the "King in Parliament" system a century earlier, the British now "put less and less emphasis on American representation in Parliament, virtual or otherwise, and instead stressed the logic of sovereignty itself."⁷⁵ In 1774, when the First Continental Congress met in Philadelphia, Thomas Jefferson circulated an essay listing grievances, arguing that "we do not point out to his majesty the injustice of these acts," but instead that "the British parliament has no right to exercise authority over us."⁷⁶ In 1775, British writer Samuel Johnson retorted:

In sovereignty there are no gradations. There may be limited Royalty . . . but there can be no limited Government. There must, in every society, be some power or other from which there is no appeal; which admits no restrictions; which pervades the whole mass of the community; regulates and adjusts all subordination; enacts laws or repeals them; erects or annuls judicatures; extends or contracts privileges; exempts itself from question or control; and bounded only by physical necessity.⁷⁷

Johnson referred to sovereign indivisibility as "the primary and essential condition of all political society."⁷⁸ The Americans agreed. In the 1776 Declaration of Independence, the Americans "found the doctrine of sovereignty unassailable and

⁷⁰ Leonard 1775.

⁷¹ Adams 1775.

⁷² Alexander Hamilton, "The Farmer Refuted etc.," February 23, 1775, Syrett and Cooke 1961 Vol. 1: 82.

⁷³ Adams 1771.

⁷⁴ Wood 1998 [1969]: 349.

⁷⁵ Wood 1998 [1969]: 348.

⁷⁶ Thomas Jefferson, "A Summary View of the Rights of British America," 1774.

⁷⁷ Samuel Johnson, "Taxation no Tyranny," 1775.

⁷⁸ Samuel Johnson, "Taxation no Tyranny," 1775.

made it in fact a major weapon in their argument.”⁷⁹ For Wood, sovereignty “was the single most important abstraction of politics in the entire Revolutionary era. Every new institution and new idea sooner or later had to be reconciled with this powerfully persuasive assumption that there could be but one final, indivisible, and incontestable supreme authority in every state to which all other authorities must be ultimately subordinate.”⁸⁰ However, the same weapon created a problem in the success of a young United States.

In the second moment of transformation, the same arguments for indivisible sovereignty that the revolutionaries lobbed against England were now turned onto the Americans themselves by the newly independent states in the Articles of Confederation. The Albany Plan, a pre-independence movement under Benjamin Franklin, organized two branches of government in a “Grand Council” and a British “president General.” The Grand Council had the ability to tax and conduct relations with Native Americans. But the Albany Plan failed, in part because the colonies did not want to share sovereignty with a central institution. Franklin again took charge in drafting the “Articles of Confederation and Perpetual Union” in 1775. The Articles created a “sovereign, national government, and, as such, limited the rights of the states to conduct their own diplomacy and foreign policy.”⁸¹ But unlike the Albany Plan, the 1781 Articles of Confederation did not give the central government the right to tax, which could aid in raising a military to keep British forces at bay. Samuel Adams told the Carlisle Commission in 1778 “that in every kingdom, state, or empire there must be, from the necessity of the thing, one supreme legislative power, with authority to bind every man in all cases the proper object of human laws.”⁸² The Articles instead “provided for a one-house legislature, a weak executive, no national power of taxation, a lack of standard currency, and voting by state.”⁸³

The American confederacy also privileged popular sovereignty in the states. This soon created problems as state legislatures “were becoming simply the instruments and victims of parties and private combinations, puppets in the hands of narrow-minded, designing men.”⁸⁴ The states rushed to condemn the excesses of popular sovereignty where “binding instructions from local districts fomented by ‘a directing club or committee’ would prove to be ‘a dangerous Jesuitical *imperium* in *imperio*’ and make the legislature ‘as a body contemptible.’”⁸⁵ In Massachusetts, a rebellion led by Daniel Shays in 1786 against excessive state taxation on indebted

⁷⁹ Wood 1998 [1969]: 353.

⁸⁰ Wood 1998 [1969]: 345.

⁸¹ Department of State. 2021. “Articles of Confederation, 1777–1781.”

⁸² Adams 1778.

⁸³ Library of Congress. 2021. “Creating the United States.”

⁸⁴ Wood 1998 [1969]: 369.

⁸⁵ Wood 1998 [1969]: 373.

farmers and laborers threatened the stability of the confederation. Benjamin Rush, one of the signers of the Declaration of Independence, summed up in 1787:

The people of America have mistaken the meaning of the word sovereignty: hence each state pretends to be *sovereign*. In Europe, it is applied only to those states which possess the power of making war and peace—of forming treaties, and the like. As this power belongs only to congress, they are the only *sovereign* power in the united states.⁸⁶

As states faced challenges to their sovereign authority, a new constitution with a stronger central government became necessary.

Thus, in the third moment of transformation, the Americans attempted a new constitution that accommodated a divisible federalist government structure within the strictures of indivisibility. Before the 1787 Constitutional Convention in Philadelphia, James Madison argued that “a sovereignty over sovereigns, a government over governments, a legislation for communities, as contradistinguished from individuals,” was “subversive of the order and ends of civil polity.”⁸⁷ But then Madison “had become a thorough nationalist, intent on subordinating the states as far as possible to the sovereignty of the central government.”⁸⁸ Madison along with George Washington drafted the Virginia Plan, which created a bicameral national legislature with a veto over state laws along with proportional representation. A New Jersey Plan, which called for a unicameral legislature with equal votes of states, also had support. Eventually, the delegates compromised on equal representation in the Senate and proportional representation in the House. All the while, the Americans did not have any precedent for dividing sovereignty between a strong federal government and the states. While the British “King in Parliament” system effectively divided sovereign authority between the monarch and Parliament, the Americans did not have a monarch or the fiction of the Crown at their disposal. Instead, theirs was the first experiment in nonelitist sovereign authority enshrined in a constitution.

Meanwhile, the Antifederalists adopted the same language the Federalists had used as Revolutionaries by rejecting divisible sovereignty. William Grayson from Virginia protested: “I never heard of two supreme co-ordinate powers in one and the same country before. I cannot conceive how it can happen. It surpasses everything that I have read of concerning other governments, or that I can conceive by the utmost exertions of my faculties.”⁸⁹ George Mason agreed: “These two concurrent powers cannot exist long together. The one will destroy the other.”⁹⁰ Madison countered that the Constitution was “not completely consolidated, nor is it entirely federal,” but rather “of a mixed nature,” made up “of many coequal sovereignties.”⁹¹ Antifederalists remained unpersuaded. According to Wood’s interpretation of the

⁸⁶ Benjamin Rush, “Address to the People of the United States,” January 1787.

⁸⁷ James Madison, *Federalist Papers* No. 20, December 11, 1787.

⁸⁸ Wood 1998 [1969]: 472–473.

⁸⁹ William Grayson, *Elliot 1836–1859*, Vol 3: 281.

⁹⁰ George Mason, Virginia Ratifying Convention, June 4, 1788.

⁹¹ James Madison, Virginia Ratifying Convention, June 5, 1788; June 14, 1788.

debates, sovereignty was “the most powerful obstacle to the acceptance of the new Constitution the opponents could have erected.”⁹² Ultimately, the prevailing argument belonged to James Wilson, who asked in the Pennsylvania Ratifying Convention: “For whom do we make a Constitution? Is it for men, or is it for imaginary beings called states?”⁹³ Wilson argued: “In all governments, whatever is their form, however they may be constituted, there must be a power established from which there is no appeal, and which is therefore called absolute, supreme, and uncontrollable. The only question is: where is that power lodged?”⁹⁴ Wilson referred to Blackstone’s *Commentaries* and rejected the source as the state legislature, federal government, and even the constitution itself. Instead, Wilson claimed that sovereignty “remains and flourishes with the people . . . as the fountain of government.”⁹⁵ Wilson’s formulation became the Federalist position: “state legislatures could therefore never lose their sovereignty under the new Constitution, as the Antifederalists claimed, because they never possessed it.”⁹⁶ The move was similar to the French solution of locating indivisible sovereignty in a unified “nation,” happening around the same time.

Revolutionaries, Colonists, Founding Fathers, Confederates, Federalists, and Antifederalists, all treated *Idealized Sovereignty*’s indivisibility doctrine as an opportunity and a constraint in their struggle for a new America. In other words, they regarded *Idealized Sovereignty* as an ideational structure. Of course, the question of how to accommodate divided American sovereign authority within *Idealized Sovereignty* was not finally settled by the new constitution. Notably, the Civil War was fought over states’ authority to preserve slavery. The US Supreme Court in the following centuries generated a “process of de-sovereignizing the states” by striking down sovereign mandates, for instance of requiring exclusive English-language instruction in schools, regulating the size of loaves of bread, or school segregation.⁹⁷ “States’ rights” remains an important rallying cry in American debates ranging from election management to abortion to gun control. Indeed, “there is little consensus in the United States about what sovereignty actually entails.”⁹⁸ However, we can still appreciate that the indivisibility doctrine was central to American political development.

The early modern European and American political experiences show that even though the indivisibility doctrine was violated almost as soon as it was proposed, indivisibility nonetheless created a baseline around which arguments about sovereignty came to be socially adjudicated. The discussion thus far underscores that *Idealized Sovereignty* assumes indispensability because “it draws together a cluster of

⁹² Wood 1998 [1969]: 529.

⁹³ Adams 1922: 151.

⁹⁴ James Wilson, Pennsylvania Ratifying Convention, November 24, 1787.

⁹⁵ James Wilson, Pennsylvania Ratifying Convention, November 24, 1787.

⁹⁶ Wood 1998 [1969]: 531.

⁹⁷ Willis 1929: 467–473; Aleinikoff 2002.

⁹⁸ Patrick 2018: 8.

values including order, terms of membership, status, legal equality, coexistence, pluralism, and respect, and there is no other ‘world-wide political institution that can perform that service for humankind.’”⁹⁹ It is in this sense that I refer to *Idealized Sovereignty* as an ideational structure that emerged from early modern political theorists and solidified in the ensuing state-making projects. I now turn to how *Idealized Sovereignty* also serves as a potent structural resource in modern IR.

Idealized Sovereignty in IR

Foundational scholars draw on early modern thought in constructing sovereignty as an organizing principle for IR. Hans Morgenthau argues, “the conception of a divisible sovereignty is contrary to logic and politically unfeasible.”¹⁰⁰ He promotes “the sovereign” as “a centralized power which exercised its law making and law enforcing authority within a certain territory.”¹⁰¹ F. H. Hinsley settles on the classic definition of sovereignty as “the idea that there is a final and absolute political authority in the political community . . . and no final and absolute authority existed elsewhere.”¹⁰² IR approaches to *Idealized Sovereignty* as a state attribute promote sovereign authority as indivisible, public, and territorial-based.¹⁰³ As such, “a polity cannot be a little bit sovereign.”¹⁰⁴ Even critics of absolutist sovereignty admit that “if sovereignty is divided, it loses its distinguishing trait.”¹⁰⁵

Idealized Sovereignty also appears in IR as an international institution, where members grant each other “immunity from external interference”¹⁰⁶ with “the exclusive authority to intervene coercively in activities within [one’s] territory.”¹⁰⁷ Therefore, “when states recognize each other’s sovereignty as a right then we can speak of sovereignty not only as a property of individual states, but as an institution shared by many states”¹⁰⁸ that in fact constitutes them *as* states.¹⁰⁹ In a “sovereignty cartel,”¹¹⁰ sovereignty’s institutional status is “alive and well among both the more powerful and less powerful states.”¹¹¹ Therefore, “so long as many in the society of states view sovereignty as contributing to world stability, security, and peace, the concept will remain a sturdy foundation for the superstructure of international politics.”¹¹²

⁹⁹ Shinko 2017.

¹⁰⁰ Morgenthau 1948: 364.

¹⁰¹ Morgenthau 1948: 341.

¹⁰² Hinsley 1986: 26, emphasis original.

¹⁰³ Jackson 1999: 439–440.

¹⁰⁴ Lake 2003: 306.

¹⁰⁵ de Witte 2006: 518.

¹⁰⁶ Thomson 1995: 219.

¹⁰⁷ Philpott 2001: 18.

¹⁰⁸ Wendt 1999: 280.

¹⁰⁹ Onuf 1991: 430–431.

¹¹⁰ Barkin 2021.

¹¹¹ Lyons and Mastanduno 1995: 265.

¹¹² Fowler and Bunck 1995: 164.

As an ideational structure, *Idealized Sovereignty* “empowers states vis-à-vis people” and nonstate actors.¹¹³ The purpose of *Idealized Sovereignty* is “to express and realize the principles that make a state a particular state.”¹¹⁴ Thus, “sovereignty is articulated and legitimized within a given knowledge, and by which a given knowledge is articulated and legitimized through a given concept of sovereignty.”¹¹⁵ Sovereignty is also the rare concept actively used outside the academy. *Idealized Sovereignty* is deployed by those who produce and consume sovereign myths, such as leaders, “citizens, non-citizens, theorists, and diplomats.”¹¹⁶ We conjure *Idealized Sovereignty* in abstract symbols, ideologies, promises, visions, five-year plans, party platforms, pro-sovereignty caucuses, policy justifications, and media discourses. Through *Idealized Sovereignty*, we collectively imagine the sovereign state into existence.

Scholars have also complicated sovereignty as multifaceted within *Idealized Sovereignty*. E. H. Carr warned that “sovereignty is likely to become in the future even more blurred and indistinct than it is at present.”¹¹⁷ Robert Jackson captures the malleability of *Idealized Sovereignty* as “Lego: it is a relatively simple idea but you can build almost anything with it, large or small, as long as you follow the rules.”¹¹⁸ More generally, studies have remarked on departures from de jure or legal sovereignty in de facto or effective sovereignty.¹¹⁹ In this vein, Krasner outlines four different types:

Domestic sovereignty, referring to the organization of public authority within a state and to the level of effective control exercised by those holding authority; *interdependence sovereignty*, referring to the ability of public authorities to control transborder movements; *international legal sovereignty*, referring to the mutual recognition of states or other entities; and *Westphalian sovereignty*, referring to the exclusion of external actors from domestic authority configurations.¹²⁰

John Agnew also introduces different sovereignty regimes based on a consolidated or open view of territoriality and a stronger or weaker central state authority.¹²¹ For David Lake, “domestic hierarchy and international anarchy are flip sides of the same coin” in a continuum on variations of domestic sovereignty from alliance to empire.¹²² These various taxonomies innovate by relaxing standard assumptions of strict territoriality, external autonomy, and separating control from recognition. But they also leave unquestioned the indivisibility doctrine in *Idealized Sovereignty*.

¹¹³ Thomson 1994: 5.

¹¹⁴ Inayatullah and Blaney 1995: 13.

¹¹⁵ Bartelson 1995: 7.

¹¹⁶ Biersteker and Weber 1996: 18.

¹¹⁷ Carr 1981 [1939]: 230.

¹¹⁸ Jackson 1999: 431.

¹¹⁹ Murphy 1996.

¹²⁰ Krasner 1999: 9; emphasis added.

¹²¹ Agnew 2005: 445.

¹²² Lake 2003: 305.

Representations of sovereign indivisibility in *Idealized Sovereignty* are sticky despite divisible arrangements of sovereign governance. For Luke Glanville, this is “the product of a tendency of scholars to write the present into the past and to either misunderstand or simply ignore sovereignty’s rich history.”¹²³ But as Bartelson notes, “while theories of popular sovereignty later shifted the locus of sovereignty from kings to people, they did so without questioning the indivisibility of sovereignty.”¹²⁴ Janice Thomson too observes, “state control has waxed and waned enormously over time, regions, and issue-areas while the state’s claim to ultimate political authority has persisted for more than three centuries.”¹²⁵ The Hobbesian “genesis of the people as a public required a corresponding recognition by the public authority – the sovereign state – that its end must be to represent the public as the constituent power of the people.”¹²⁶ *Idealized Sovereignty* may be a “political delusion,”¹²⁷ but it has endured to become a “potent political weapon.”¹²⁸

Indeed, *Idealized Sovereignty* maintains a powerful hold on popular imaginations by promoting sovereignty as zero-sum.¹²⁹ Leaders go to war for *Idealized Sovereignty*. People demand to leave political unions for *Idealized Sovereignty*. Secessionist movements couch their claims in *Idealized Sovereignty* despite economic repercussions of sovereign statehood, as seen recently in Quebec, Catalonia, and Puerto Rico.¹³⁰ Donald Trump’s 2016 campaign promise to “defend America’s sovereignty and always put America first” profited from *Idealized Sovereignty*.¹³¹ Trump mentioned sovereignty twenty-one times in his first address to the United Nations (UN) General Assembly in 2017. By contrast, Barack Obama’s first UN speech in 2009 mentioned sovereignty just once. The Trump administration used sovereignty to justify putting migrant children in cages across its Southern border, withdrawing from the Paris Accord on Climate Change, and criticizing the North American Treaty Alliance (NATO).¹³² Meanwhile, Britain’s 2016 vote to leave the European Union presented the referendum as “about the supremacy of Parliament.”¹³³ Anticipating these undertones, a British judge articulated in 1990: “Our sovereignty has been taken away by the European Court of Justice. . . . Our courts must no longer enforce our national laws. They must enforce Community law.”¹³⁴ The day of the Brexit referendum, a survey of 12,369 voters showed that the number one motivation for 49 percent of Leave voters was that “decisions about the UK should

¹²³ Glanville 2013b: 14.

¹²⁴ Bartelson 2011: 92.

¹²⁵ Thomson 1995: 214.

¹²⁶ Abrahamsen and Williams 2014: 246.

¹²⁷ Cocks 2014.

¹²⁸ Morgenthau 1948: 341.

¹²⁹ Heller 2019.

¹³⁰ Fowler and Bunck 1995: 17.

¹³¹ White House 2019.

¹³² Patrick 2017.

¹³³ Pritchard 2016.

¹³⁴ Denning 1990: 48, as quoted in Ringeisen-Biardeaud 2017.

be taken in the UK.”¹³⁵ Indeed, “for Brexiteers, sovereignty is something that a State has wholly or not at all, and which may thus not be shared or divided.”¹³⁶

Trump and Brexit are not instances where sovereignty, vanished in the post- Cold War era, returned with a vengeance.¹³⁷ Instead, *Idealized Sovereignty* remains a powerful ideational structure as it is both “historically generated and generative of particular understandings of what counts as community, authority, legitimacy, and agency.”¹³⁸ Sovereign status, in turn, “creates the very possibility of a political subject, while discounting other subjects as nonpolitical.”¹³⁹ If the aim is to reclaim “sovereignty to resist global power structures,”¹⁴⁰ then we must begin outside the modality of *Idealized Sovereignty*.

LIVED SOVEREIGNTY

Lived Sovereignty more closely reflects the actual experiences of producing sovereign power. Rather than idealizing sovereign authority as being exclusively represented in the indivisible “state” or “people,” *Lived Sovereignty* constitutes the diverse practices of accomplishing sovereign competence in divisible arrangements.

Evolution in Sovereign Functions

Lived Sovereignty begins from the premise that sovereign functions are ever-changing. Sovereigns have been deemed responsible “for the protection of the safety and security of subjects, citizens, religious and national minorities, foreign nationals, and entire populations.”¹⁴¹ Aristotle points out “three parts of a state, one in deliberating and taking counsel; another in creating officers and establishing the duties of each; and the third in rendering justice.”¹⁴² Bodin identifies the necessary “marks” of a sovereign as: “who gives law to all his subjects, makes peace and declares war, provides all the officers and magistrates of the land, levies taxes and exempts whom he pleases, and pardons persons who deserve to die.”¹⁴³ Bodin combines rule-making and enforcement with functions like taxation.¹⁴⁴ For Hobbes, sovereign power is to judge “peace and defence” and “opinions and doctrines”; make “rules of propriety and of good, evil, lawful, and unlawful”; decide “all controversies which may arise concerning law”; make “war and peace

¹³⁵ Ringeisen-Biardeaud 2017.

¹³⁶ Ringeisen-Biardeaud 2017.

¹³⁷ Cha 2016.

¹³⁸ Aradau 2018.

¹³⁹ Aradau 2018; See also Edkins and Pin-Fat 1999.

¹⁴⁰ Aradau 2018.

¹⁴¹ Glanville 2013b: 19.

¹⁴² As rendered in Bodin 1992 [1576]: 47.

¹⁴³ Bodin 1992 [1576]: 48.

¹⁴⁴ Franklin in Bodin 1992: xvii.

with other nations” and “levy money”; choose “all counsellors, ministers, magistrates, and officers; rewarding and punishing”; give “titles of honour”; “coin money, dispose of the estate and persons of infant heirs, and have preemption in markets.”¹⁴⁵ Hobbes too distills three marks of sovereignty: controlling the military, raising money, and governing doctrines.¹⁴⁶

Drawing from these theorists, we may argue that sovereign functions are those that organize violence, markets, and rights. However, even in these general realms, the specific nature of sovereign power is contested in two ways. First, sovereign functions change over time in content and salience. For instance, trash collection was not a sovereign function in the eighteenth or nineteenth century, but is widely seen as one today.¹⁴⁷ In modernity, “the state’s increasing concern with productivity, health, sanitation, education, transportation, mineral resources, grain production, and investment was less an abandonment of the older objectives of statecraft than a broadening and deepening of what those objectives entailed in the modern world.”¹⁴⁸ Taking care of wounded soldiers went from nonexistent before the nineteenth century to an integral part of international humanitarian law in the twentieth century. Managing the rights of foreigners have evolved from simple expulsions of merchants in war during the early modern period to complicated visa regimes today. Second, even widely accepted functions do not contain self-evident criteria for *how* sovereigns should organize violence, markets, or rights. For instance, sovereigns can organize economic relations along a spectrum of invisible to visible hand or provide different tiers of welfare benefits. Such variation in the conduct of sovereign politics is precisely what informs differences in regimes, political economies, and legal cultures. It is hard, then, to say anything universal about sovereign functions.

Yet, sovereign functions are treated as self-evident. Consider Jason Sharman’s study of microstates like the Seychelles, which he considers “remarkably close to the sovereign ideal.”¹⁴⁹ Microstates have rented or sold their sovereign prerogatives, including diplomatic recognition (e.g. Nauru negotiating with China on Taiwan), passports and formal citizenship (e.g. a St Kitts and Nevis passport is available to those investing \$400,000 in real estate), tax havens and corporate citizenship, and artifacts like stamps and coins.¹⁵⁰ Deborah Avant also paraphrases Oliver Williamson’s “sovereign transactions” to consist of “foreign affairs, the military, foreign intelligence, managing the money supply and, possibly, the judiciary.”¹⁵¹ If there was nothing distinctive about sovereign functions, however inconsistently

¹⁴⁵ Hobbes 1996 [1651]: 113–115.

¹⁴⁶ Hobbes 1996 [1651]: 115.

¹⁴⁷ I thank Sammy Barkin for this point.

¹⁴⁸ Scott 1998: 52.

¹⁴⁹ Sharman 2017: 569–570.

¹⁵⁰ Sharman 2017: 571–572.

¹⁵¹ Avant 2005: 47.

agreed-upon, then microstates would have no market for their “sovereign” artifacts or services.

Ultimately, the evolution of sovereign functions “codifies a historically specific answer to historically specific questions about political community.”¹⁵² *Lived Sovereignty* emphasizes that *what* is sovereign cannot be easily settled. Per Richard Ashley, “the empirical contents [of sovereignty] are not fixed but evolve in a way reflecting the active practical consensus among coreflective statesmen who are ever struggling.”¹⁵³ However, the struggle has meaning only if we assume that the imperative to demonstrate sovereign competence is a necessary feature of international politics. For the purposes of this book, I focus on sovereign competence in the domains of violence, markets, and rights, achieved through various public/private hybrid relations in *Lived Sovereignty*.

Conceptualizing Lived Sovereignty

In *Lived Sovereignty*, a “sovereign state” is inseparable from a “nonsovereign society.” Timothy Mitchell characterizes a “state effect” where “the power to regulate and control is not simply a capacity stored within the state, from where it extends out into society. The apparent boundary of the state does not mark the limit of the processes of regulation. It is itself a product of those processes.”¹⁵⁴ A “sovereign state” is the accomplishment of various sovereign functions, needing continual reproduction. In *Lived Sovereignty*, performances of sovereign competence are diffused over many agents, state and nonstate. As mentioned in the book’s opening, US sovereign competence for war-making in Iraq and Afghanistan relied on contractors and troops. Giorgio Agamben also argues that the sovereign decides the exception.¹⁵⁵ In *Lived Sovereignty*, the sovereign may decide the exception, but it is not guaranteed that *one* sovereign will make *one* exception. For instance, church agents exert sovereign exception when granting sanctuary to those facing deportation.¹⁵⁶ *Lived Sovereignty* involves multiple, often contradicting, exceptions emanating from a variety of sources rather than “a specific person or body of persons whose actions are equivalent to the actions of the state.”¹⁵⁷

Consider James Scott’s *Seeing Like a State*, which has multiple meanings embedded in the title that connect to *Lived Sovereignty*.¹⁵⁸ First, Scott studies *how* a state sees, like its surveillance, as tied to capacities of state power. Second, *what* a state sees in its built environment is about projecting state power. Third, Scott tells us *why* a state sees in the kinds of subjects produced by state power. Scott emphasizes that

¹⁵² Walker 1990: 173.

¹⁵³ Ashley 1984: 272, fn101.

¹⁵⁴ Mitchell 1991: 90.

¹⁵⁵ Agamben 1995.

¹⁵⁶ Lippert 2004, as paraphrased in Aradau 2018.

¹⁵⁷ Kalmo and Skinner 2010: 15.

¹⁵⁸ Scott 1998.

seeing like a state means getting into the details of the how, what, and why of state vision. Extending this analysis, *Lived Sovereignty* asks: *Who* sees like a state? How does a divisible source of sovereign power affect the other dimensions?

While *Idealized Sovereignty* sustains the doctrine of indivisibility, *Lived Sovereignty* asks: “What if the absolute and indivisible political authority implicit in this story about state sovereignty and its presumed territorial basis is problematic to begin with?”¹⁵⁹ From this view, “it is no less a paradox that the standard conception proclaims sovereignty to be indivisible even as it divides sovereignty along internal and external dimensions.”¹⁶⁰ *Idealized Sovereignty* attributes the social terms of the boundaries of sovereign authority as resting with “the state,” which bestowed with indivisible qualities interacts with other sovereign states. When operating within the modality of *Idealized Sovereignty*, carrying out sovereign functions beyond the state would not register as recognizably sovereign at all. Instead, nonstate sovereign performances would bring “the end of sovereignty and the beginning of some fundamentally different post-sovereign arrangement of world politics.”¹⁶¹ But if we conceive of *Lived Sovereignty* as another coequal modality of sovereignty, then divisible sovereign relations are not playing a different game than *Idealized Sovereignty*. Instead, in *Lived Sovereignty*, sovereign competence is maintained by a rotating cast of public/private performers who together prop up a “sovereign state.”

Michel Foucault refers to the coproduction of sovereign power as reflecting a government rationality or “governmentality.”¹⁶² For Foucault, “power is not founded on itself or generated by itself,” meaning that power is not self-generating and must be accomplished.¹⁶³ Foucault urges a focus not on what power *is*, but on what power *does*.¹⁶⁴ A Foucauldian perspective in *Lived Sovereignty* means taking seriously multiple sites of sovereign power such that the category of “nonsovereign” loses analytical bearing. Instead of upholding artificial public/private dualities, Foucault urges the examination of how “private” excludes particular forms of sovereign power from being visible. Thus, those “who hold that the state is being marginalized by other kinds of agents . . . overlook the way in which states are working *through* these other agents.”¹⁶⁵

By conceptualizing *Lived Sovereignty*, I nod to Mitchell, Foucault, and Scott. However, I do not promote any one theorist or theoretical framework in advancing *Lived Sovereignty*. Instead, I treat *Lived Sovereignty* as the diverse relations necessary for producing sovereign power that is remarked upon from a range of theoretical

¹⁵⁹ Agnew 2005: 440.

¹⁶⁰ Onuf 1991: 432.

¹⁶¹ Jackson 1999: 434.

¹⁶² Foucault 2007: 108.

¹⁶³ Foucault 2007: 2.

¹⁶⁴ Foucault 1980: 52.

¹⁶⁵ Neumann and Sending 2010: 1, emphasis added.

perspectives. I cohere these insights into a modality to better organize global sovereign politics.

Lived Sovereignty in IR

IR scholarship on social construction has been attuned to the dynamics of *Lived Sovereignty*. Glanville maintains, “the ‘traditional’ meaning of sovereignty is not as foundational and timeless as is commonly assumed.”¹⁶⁶ Wendt argues that “the sovereign state is an ongoing accomplishment of practice, not a once-and-for-all creation of norms that somehow exist apart from practice.”¹⁶⁷ Critical perspectives have long complicated sovereignty’s intellectual trajectory.¹⁶⁸ Bartelson traces how “sovereignty and knowledge implicate each other logically and produce each other historically.”¹⁶⁹ For Biersteker and Weber, “rather than proceeding from the assumption that all states are sovereign, [they] are interested in considering the variety of ways in which states are constantly negotiating their sovereignty.”¹⁷⁰ Spruyt demonstrates that the sovereign state’s win over other institutional forms was not inevitable.¹⁷¹ Thomson shows how sovereign legitimation screened out nonstate actors from the international system.¹⁷² Osiander questions if Westphalia really brought about sovereign equality.¹⁷³ Even Krasner, who is more comfortable with *Idealized Sovereignty*, does not assume sovereignty is perfectly applied: “There is no single definition of sovereignty because the meaning of the term depends on the theoretical context within which it is being used.”¹⁷⁴ There is thus a robust tradition in IR of both reifying sovereignty as indivisible authority and also critically challenging this conception.

IR research has also empirically analyzed the diverse and divisible sovereign arrangements in *Lived Sovereignty*. Cooley and Spruyt examine contractual sovereign agreements and describe sovereignty as “a bundle of rights and obligations that are dynamically exchanged and transferred between states.”¹⁷⁵ Phillips and Sharman study how heterogeneous actors in the Indian Ocean with differing statist, imperial, and corporate forms create a stable regional order.¹⁷⁶ In another study on company-states, such as the Dutch and English East India Companies, Phillips and Sharman assert that “the current international system may be exclusively composed of sovereign states, but that does not mean it was built by them.”¹⁷⁷ Avant, Finnemore, and

¹⁶⁶ Glanville 2013a: 79.

¹⁶⁷ Wendt 1992: 413.

¹⁶⁸ Weber 1995; Edkins and Pin-Fat 1999; Grovogui 2002; Teschke 2003; Walker 2004; Doty 2007.

¹⁶⁹ Bartelson 1995: 5.

¹⁷⁰ Biersteker and Weber 1996: 11.

¹⁷¹ Spruyt 1994.

¹⁷² Thomson 1994.

¹⁷³ Osiander 2001.

¹⁷⁴ Krasner 1995: 121.

¹⁷⁵ Cooley and Spruyt 2009: 4.

¹⁷⁶ Phillips and Sharman 2015: 8.

¹⁷⁷ Phillips and Sharman 2020: 16.

Sell assemble a framework for diffuse global governors with varied authority without reducing the stakes to the sovereign state's survival.¹⁷⁸ Best and Gheciu consider the return of different practices to constitute "the public" in global governance.¹⁷⁹ Doty explores vigilantism at the US–Mexico border as sovereign actions.¹⁸⁰ Duffield regards developmental aid NGOs as "petty sovereigns."¹⁸¹ (I deal with this literature in more detail in the next chapter where I focus more squarely on the forms of hybridity within *Lived Sovereignty*.)

Scholars have focused on the implications of sovereign power's diverse sources in *Lived Sovereignty*. Early inquiries centered on whether the state is disappearing or *Idealized Sovereignty* is declining, as summarized by this statement: "Over the past half-century, the monopoly of [Westphalian sovereignty] attributes by nation-states has been severely compromised by growing transnational flows, neoliberal rationality, international economic and governance institutions, and postnational and international assertions of law, rights, and authority."¹⁸² A typical conclusion was that "although nonsovereign actors may seem to be crowding the stage, the sovereign states remain the chief protagonists in the international drama."¹⁸³ Yet, as UN Secretary-General Boutros Boutros-Ghali observed: "A major intellectual requirement of our time is to rethink the question of sovereignty – not to weaken its essence, which is crucial to international security and cooperation, but to recognize that it may take more than one form and perform more than one function."¹⁸⁴ In this vein, using a Foucauldian framework, Iver Neumann and Ole Jacob Sending study nongovernmental organizations and international organizations to argue that "transformations entailed by globalization do not result in states losing their power, but that the rationality of governing shifts—resulting, for example, in the emergence of a global-level governmental rationality that reconstitutes the meaning and significance of sovereignty."¹⁸⁵ For Neumann and Sending, "while sovereignty has been universalized as the central *form* of institutionalized political authority, it does not determine the *contents* of political rule at the national or global level."¹⁸⁶

Finally, *Lived Sovereignty* is also reflected in IR's "practice turn."¹⁸⁷ From this perspective, "it does not make sense to say that an institution – such as international law or multilateralism or sovereignty – structures or secures a certain order. It is the continual use or performance of the material and symbolic resources that are recognized as being vested in these institutions that helps produce and reproduce

¹⁷⁸ Avant, Finnemore, and Sell 2010.

¹⁷⁹ Best and Gheciu 2014.

¹⁸⁰ Doty 2007; Aradau 2018.

¹⁸¹ Duffield 2007, as paraphrased in Aradau 2018.

¹⁸² Brown 2010: 22.

¹⁸³ Fowler and Bunck 1995: 20.

¹⁸⁴ Fowler and Bunck 1995: 70.

¹⁸⁵ Neumann and Sending 2010: 2.

¹⁸⁶ Neumann and Sending 2010: 6, emphasis original.

¹⁸⁷ Adler and Pouliot 2011.

certain orders.”¹⁸⁸ Sending, Pouliot, and Neumann’s edited volume on diplomatic practices shows that “sovereignty is produced and reproduced (and transformed) through changing diplomatic practices, whereby recognition as a competent participant (diplomat) hinges on deploying or enacting some strategies and roles that reproduce the state as a recognized sovereign.”¹⁸⁹ In analyzing sovereignty as practice, one should “focus on the relations inside a given social configuration.”¹⁹⁰ I adopt this methodology for showing *Lived Sovereignty* in the empirics, as I elaborate in the next chapter. But I also retain how sovereignty is represented in *Idealized Sovereignty* as an ideational structure in the hybridized framework introduced later in this chapter.

The actual experience of sovereignty relies on divisible public/private practices to construct a “sovereign state effect.” Such a *Lived Sovereignty* perspective has gained ground in IR. But this literature has not theorized how divisible practices of sovereign power are perpetually in productive friction with representations of indivisible sovereign authority. In other words, how can IR theory make sense of both Blackwater and Brexit?

HYBRID SOVEREIGNTY

This chapter so far conceptualized *Idealized Sovereignty* as the stylized representations of indivisible sovereign authority and *Lived Sovereignty* as the divisible performances of sovereign competence. I now hybridize *Idealized* and *Lived Sovereignty* in a new framework.

Hybridity reflects being multiple things at once. Hybrid cars run on a combination of electricity and fuel. They are neither fully electric nor gas, but both are essential to their operations. Biology references hybrids in cross-breeding (liger as lion and tiger) or hybridity in maturation processes (caterpillar to butterfly). Hybrids proliferate the political world as well. In a “mixed market economy,” states organize political economy as a combination of market control and deference to mobile capital.¹⁹¹ “Competitive authoritarianism” describes regimes with competitive elections but without broad protection of civil liberties or a reasonably level-playing field.¹⁹² Contemporary transitional justice features various hybrid tribunals and peace-building institutions.¹⁹³ In New Public Management, public service delivery may be carried out by firms, nonprofits, or government-created entities with a corporate status like Fannie Mae and Freddie Mac.¹⁹⁴ Similarly, one can explore “hybrid rule” where market forces

¹⁸⁸ Sending, Pouliot, Neumann 2015: 7.

¹⁸⁹ Sending, Pouliot, Neumann 2015: 17.

¹⁹⁰ Sending, Pouliot, Neumann 2015: 10.

¹⁹¹ Hall and Soskice 2001.

¹⁹² Levitsky and Way 2010: 7.

¹⁹³ Millar 2014.

¹⁹⁴ Denis, Ferlie, and Van Gestel 2015.

engage in national security.¹⁹⁵ While hybrid phenomena are not hard to find, the conceptualization of hybridity itself is scarce.¹⁹⁶ In the aforementioned studies, political scientists variously describe new hybrids or revisit old amalgamations to then evaluate these forms against more traditional varieties. Thus, the standard approach is to present and analyze hybrids as mixtures. However, I am interested in the condition of *being* hybrid or hybridity itself.

Hybridity has been conceptualized most usefully in cultural and diasporic studies, but even there its definition is contested and “maddeningly elastic.”¹⁹⁷ Still, I take my cues from hybridity in the cultural construction of postcolonial identity as a “difference ‘within,’ an ‘in-between’ reality.”¹⁹⁸ In an in-between reality, subjects assume multiple identities and characteristics. Cultural pluralism offers resources beyond a single origin. Postcolonial identity draws from both the former colony and metropole at once. In this way, hybridity enables postcolonial subjects to choose from a menu of options. But hybridity also engenders a constant negotiation of being in-between and the contestation from not belonging to one or the other.

Food offers one example. Chicken tikka masala, a dish featuring Indian tandoori spices in a European-inspired creamy tomato sauce, is often considered the “national dish” of Britain. Yet, many Indians are puzzled by the fusion as well as the formulaic “tikka masala” moniker added to other dishes: paneer tikka masala, cauliflower tikka masala, and so on. Chicken tikka masala’s hybridity has helped elevate its Western status by offering it more resources to draw from: the dish appears friendly to Western palates while still seeming “exotic” enough. Moreover, chicken tikka masala has been further hybridized with Western cuisine. One can now order chicken tikka masala pizzas, calzones, and tacos. But this hybridity is also contested by traditionalists who reject the appropriation, mocking the Western impulse to “tikka masala” everything.¹⁹⁹ Hybridity exceeds preestablished categories and hence invites disciplining. Perhaps over time India will come to embrace chicken tikka masala and reconfigure the categories. Or the dish itself might change when adopted by Indians, as some chefs acknowledge in the United Kingdom: “Chicken tikka masala does exist in India, but with a completely different recipe—with onion, tomatoes, ginger, garlic and coriander and hand pounded spices—unlike the tomato creamy version we serve.”²⁰⁰

This book is not about food, but chicken tikka masala helps highlight the analytical potential of hybridity for politics. Paul Gilroy’s sociological history, *The Black Atlantic*, captures “the inescapable hybridity and intermixture of ideas” in the transatlantic movements of people, ideas, and culture, where hybridity appears as “narratives of

¹⁹⁵ Hurt and Lipshutz 2016. There is also a global governance literature that engages with public/private hybridity, which I regard in more detail in the next chapter.

¹⁹⁶ Lottholz 2017.

¹⁹⁷ Kraidy 2005: 3.

¹⁹⁸ Bhabha 1994: 19; Canclini 1995.

¹⁹⁹ Ruane 2018.

²⁰⁰ Digby 2021.

historical entanglement.”²⁰¹ For Gilroy, hybridity exists both “uneasily” and “unashamedly” in the Black Atlantic.²⁰² I carry this cultural sensibility throughout the book when using hybridity as a conceptual lens to analyze how things come together by inhabiting multiple meanings at once. While cultural studies initially proposed hybridity as a “third space,”²⁰³ recent applications treat hybridity not as “a third term that resolves the tension between two cultures, but rather holds the tension of the opposition and explores the spaces in-between fixed identities through their continuous reiterations.”²⁰⁴

When such a conceptualization of hybridity is applied to sovereignty, it allows us to see how *Idealized* and *Lived Sovereignty* fit together. Each form is individually insufficient to meaningfully capture sovereignty, but when hybridized they become jointly necessary to generate sovereignty in world politics. Figure 1.1 presents this hybridized framework of sovereignty. Hybridity makes sense of the duality in the chapter’s epigraph that “sovereignty is fundamental, but it is also contingent.” Sovereignty’s “association with absoluteness, inevitability and indispensability is what convinces its supporters that a world without it is untenable, while it gives its most radical critics pause and in frustration they call for its elimination, as if merely the word itself was the problem.”²⁰⁵ Sovereignty’s interlocutors confront two related questions: How can something so fundamental to international relations be so contingent? And how can something so contingent on international relations be assumed as so fundamental? Hybridity enables an answer to these questions by introducing the two modalities of sovereignty as acting in concert. Sovereignty is

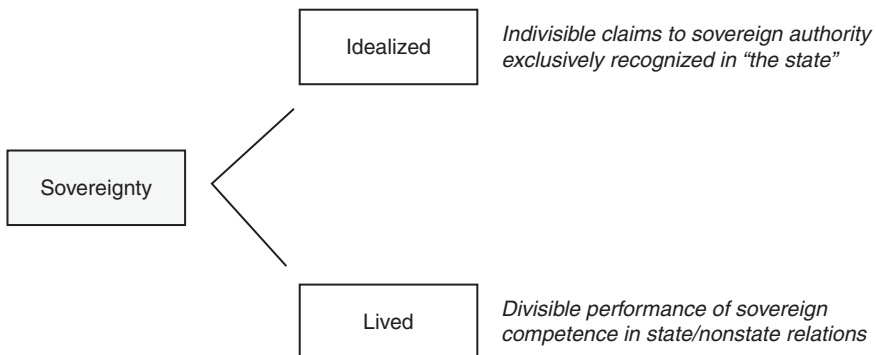


FIGURE 1.1 Hybrid sovereignty

²⁰¹ Gilroy 1993: xi, as cited in Kraidy 2005: 57–58.

²⁰² Gilroy 1993: 61, 99.

²⁰³ Bhabha 1994.

²⁰⁴ Lemay-Hebert and Freedman 2017: 5.

²⁰⁵ Shinko 2017.

both idealized as indivisible and lived as divisible at once. The implication is that while IR should undoubtedly depart from ahistorical adoptions of “traditional Westphalian sovereignty,”²⁰⁶ the field should not abandon *Idealized Sovereignty* as something fictitious to be replaced with only studying *Lived Sovereignty* as a more “real” version of sovereignty. Hybridity emphasizes that both forms are important and are simultaneously held in suspension vis-à-vis each other.

Consider there is a frontstage and a backstage to sovereignty.²⁰⁷ *Idealized Sovereignty* is the frontstage projecting absolute indivisibility that is a useful political resource to draw an audience. *Lived Sovereignty* is the backstage keeping the show running with divisible sovereign practices. Even though the actual practices of sovereign competence use diverse agents and vary across national contexts in *Lived Sovereignty*, as a social claim to political authority, sovereignty is sustained as indivisible within the ideational structure of *Idealized Sovereignty*. Moreover, the hybridized framework encompasses both Brexit and Blackwater. Brexit might not make sense in *Lived Sovereignty*, but it does in *Idealized Sovereignty*. Blackwater might not fit in *Idealized Sovereignty*, but it does in *Lived Sovereignty*.

Since hybridity situates *Idealized* and *Lived Sovereignty* in suspended dialogue, changes in how sovereign power lives can lead to changes in how sovereign authority is idealized. The contingent expressions of sovereignty is a core contribution of the social construction approach in IR: “Throughout the course of history, the meaning of sovereignty has undergone important change and transformation – from the location of the source of its legitimacy (in God, in the monarch, or in a people) – to the scope of activities claimed under its protection.”²⁰⁸ This book exemplifies this perspective in the empirics, for instance by noting in Chapter 6 that Amnesty International’s transnational advocacy as a feature of *Lived Sovereignty* expanded the sovereign compact in *Idealized Sovereignty* to include the realization of universal rights. Ideals certainly evolve by being exposed to diverse practices and “off performances.” But the changes might not keep pace with each other. Even historically attuned scholars remark on an unchanging *Idealized Sovereignty*: “In the history of sovereignty one can skip three hundred years without omitting noteworthy change.”²⁰⁹ Another proposes that dominant understandings of sovereignty have historically fluctuated between a “systemic view” with “a commitment to the integrity of an existing territorial order” and an “anarchic view” that privileged “an exemption from any such commitment.”²¹⁰ But even in this historization, the state as an indivisible unit is treated as the preferred holder of sovereignty.²¹¹

²⁰⁶ Osiander 2001; Glanville 2013a, b.

²⁰⁷ Goffman 1956.

²⁰⁸ Biersteker and Weber 1996: 14.

²⁰⁹ Philpott 1996: 43.

²¹⁰ Murphy 1996: 87.

²¹¹ Murphy 1996: 88–89.

The changing or unchanging dynamics of sovereignty represent a major debate among IR scholars, especially Krasner and his critics. Glanville summarizes:

The challenge for the student of sovereignty is not to determine a timeless definition of the meaning and rules of sovereignty but to explore the ways in which sovereignty has been socially constructed and reconstructed over time. Indeed, Krasner provides abundant empirical evidence for such an exploration, though he refuses to admit that his evidence points to anything other than hypocritical breaches of a static model that has never really existed.²¹²

The social construction approach privileges tracing “processes through which entities such as the state are constituted and how constitutive norms such as sovereignty become established and evolve over time.”²¹³ Krasner for his part imbues sovereignty with a “certain resilience and ability to tolerate alternatives,” while allowing that sovereignty should not be viewed as an “organically related, inseparable set of rules.”²¹⁴ But he is unwilling to make the jump from changes in practices of sovereign competence automatically resulting in the legitimation of sovereign authority beyond the state. The constructivists are correct that the social terms of *Idealized Sovereignty* are neither given nor timeless; they must be perpetually reproduced. But Krasner’s position too has merit. It took two and a half centuries to collectively imagine beyond the sovereign as a literal embodiment of divine will to an assembly of sovereigns. It might take longer still to fully jettison the doctrine of indivisibility and its potency for a new divisible *Idealized Sovereignty*. Indeed, even scholars wishing to escape *Idealized Sovereignty* are still caught in its reification. As mentioned in the chapter’s introduction, Lake critiques constructivists for still assuming sovereignty “to be an absolute condition.”²¹⁵ But when developing a continuum of domestic sovereignty by weighing security, economy, and political relationships of one state to another, Lake qualifies: “One could also weight issue areas differently. Clearly, some issues are more central to the claim of sovereignty than others.”²¹⁶ If IR stopped idealizing sovereignty tomorrow, it would not eliminate how sovereignty operates in the world as an ideational structure promoting the early modern doctrines of indivisibility. As the previous discussion on the founding of America demonstrated, the indivisibility doctrine in *Idealized Sovereignty* did not lose its value even in the throes of revolution and experimentation, despite being terribly inconvenient. Thus, “ignoring the significance of sovereignty assumes that ideas and beliefs are simply the outcome of circumstance, not also shapers of circumstance.”²¹⁷ As such, while pursuing a social constructionist approach, I retain a focus on *Idealized Sovereignty* so as not to reject the power of ideas in international politics.

²¹² Glanville 2013b: 16.

²¹³ Phillips 2007: 67.

²¹⁴ Krasner 2001b: 248; Shinko 2017.

²¹⁵ Lake 2003: 308–309.

²¹⁶ Lake 2003: 312, fn6.

²¹⁷ Murphy 1996: 87.

Rather than resolve the debate, hybrid sovereignty centers on the tensions between seemingly fixed doctrines of sovereign authority against changing practices of sovereign power. Where for Krasner this disconnect between ideas and actions means sovereignty is an “organized hypocrisy,”²¹⁸ the conceptual lens of hybridity leverages the disconnect to reveal what is at stake in sovereign politics. Not all political power constitutes authority, conceived socially as the “right to rule.”²¹⁹ In hybridity, sovereign politics unfolds precisely in the suspension between reified sovereign authority and contingent sovereign power. Seen in this light, the “ambiguity of sovereignty has historical depth; it is not the result of conceptual confusion born out of a persistent misunderstanding of its ‘true nature.’”²²⁰ Hybridity turns our analysis to the contested dialogue between the ideational structure of sovereignty and its varied lived realities, pivoting to consider new challenges for managing sovereignty: Would the strain between *Idealized* and *Lived Sovereignty* result in a sovereign breakdown? In other words, would the front and backstage performances result in completely different shows? The rest of the book works through these implications of hybrid sovereignty.

CONCLUSION

This chapter theorized sovereignty as the interplay of two contrasting modalities. In *Idealized Sovereignty*, sovereign authority is represented exclusively in “the state” per the doctrine of indivisibility developed by early modern theorists and reified in conventional IR theory. In *Lived Sovereignty*, achieving sovereign competence involves divisible practices of state and nonstate actors in a variety of social relations. We would do a disservice to sovereignty’s complexity if only one of the two modes persevered in analyses of sovereignty. Instead, the chapter intervened in major IR debates to argue that sovereignty should be hybridized. This overarching framework will guide the ideal-types of public/private hybridity in the next chapter and the empirical analyses in the remainder of the book where hybrid sovereignty is necessary to build a global empire (Chapter 3), go to war (Chapter 4), regulate global markets (Chapter 5), and protect rights (Chapter 6). The empirical chapters uncover varied public/private relations in *Lived Sovereignty*; however, the political stakes of these hybrid relations only come into focus when counterposed with *Idealized Sovereignty*. All along, this chapter reminds the reader that such coproduction of sovereign power does not transform into sovereign authority by *fiat*. Instead, there is a productive tension between *Idealized* and *Lived Sovereignty* that makes them hugely powerful shapers of international politics. Ultimately, hybrid sovereignty recognizes both lived sovereign competence and idealized representations of sovereign authority as critical to addressing sovereignty’s many paradoxes.

²¹⁸ Krasner 1999.

²¹⁹ Raz 1990.

²²⁰ Kalmo and Skinner 2010: 11.