Sovereignty: Responding to Anghie and Aravamudan

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These are two fantastically interesting papers, rich and parallel in many ways, with lots of intricate differences between them. If we had infinite time behind a veil of ignorance, we could discuss them at good length.

There is a parallel already in the conversation this morning in which we could say the general ideas that Florian Hoffman put forward methodologically in the last panel were to Balakrishnan Rajagopal's comments, as Srinivas Aravamudan's paper is to Antony Anghie's comments. They are parallel projects in many methodological ways, but they differ in relatively similar ways.

Rather than go into all the internal nitty-gritty, I thought I would put a couple of questions on the table that we might find it useful to talk about: a set of questions that look back, and a set of questions that look forward.

First, why are we interested in sovereignty in the first place? What's this about? Sovereignty, we could say, is the word that we use to describe how we are governed. Where power is: who is on the top, who is on the bottom; who is on the inside, who is on the outside; who gets to decide; what do they get to decide about; how much public capacity is available; who can contest what. Those things are the forms that politics takes in some particular form, in some particular moment.

Both of these papers advance the thesis that it changes over time; that the way the globe organizes politics is different in the sixteenth century than it is in the nineteenth century than it is in the twentieth century, which is quite useful because we might be able to change it in the twenty-first century. If, for no other reason, we might be wanting to think: "Well, how are we going to organize politics in the globe?"

Now, they differ in their description of how it got started and where the periods begin and end. And they differ in whether the form of global politics was forged in the colonial encounter in a political project, or forged in a moment of ideas: Hobbes brought it up. But if these things are a form of politics for the whole globe, both need to be thought up and they need to get made.

So, somehow, in some time, they thought up a way of organizing the whole world into some set of nation-states where everybody would be a citizen of a nation-state. Politics would be conducted either inside nation-states or between them. And in a very different way, religions would be internalized, cultures would be national, and so forth. That took two hundred years to think up and two hundred years to make real in the world as a form of understanding how things got going.

Both of these papers are concerned with finding the diabolical aspects of that organizational scheme, and how those diabolical aspects were somehow present at the creation. Either in the internal splitting of the idea or in the forms of power relations that were present when Columbus sends back this astonishing letter.

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And both papers suggest that something happened in the twentieth century to break that up but not destroy it. So in the twentieth century, the system of nation-states, each absolute within its sphere, fell apart but not in ways that were altogether good.

So the League of Nations that Tony Anghie describes talks about a new form of political life that has more social dimensions. It has a kind of friendlier face. It is much more a question of more-or-less than on-or-off. It is progress towards becoming a sovereign. It is not that you are civilized or uncivilized. Now we have a kind of trajectory. You could get more civilized as things went along.

It is all much more a question of administering the social and economic side of life than deciding the political culture. And I think that is also something that Srinivas Aravamudan was contemplating when he describes the new Foucaultian governmentality. There was this way of organized politics in the nineteenth century. It was fundamentally transformed in the twentieth, yet some problems remain.

So here are the questions looking back at that—whether one emphasizes it in a sort of more materialist way, the way Tony Anghie does, or a more idealist way, the way Srinivas Aravamudan does—was there a logic to it? Do these things have a logic? Is it an iron cage? How bad is it, really? Can we get out of it? Are we just in a moment of a funk waiting for the next thing to happen? Or are we in some long, four hundred year diabolical prison, in which actually the form of policy is: you can change it but you can't get rid of it. You can relativize it, but that doesn't help. And what is the significance looking back on the differences within the idea? Is that the key to unlocking it? Or is that the thing that really makes it terrible? So when we look back on the history of these moments, how stuck are we?

That would be my first set of questions.

But the real questions that I'm much more interested in are: I don't think we're that stuck. So I actually think one of the things we learn from both your papers is that new modes of global political life come undone across some number of years and new ones are invented. And let's imagine that we're at a moment of the undoing of one, and we're waiting—it may not happen in our lifetimes—to find out what the next one will be that will be consolidated. What are we for? So what form of global political life, what form of sovereignty would we like to see thought up and then made real?

So I would say I have a couple of ideas that I would put on the table. I would like to see a form of sovereignty in which the capacity to articulate and defend heterogeneity was high. And that might mean the nation-state could be the vehicle. Cities could be the vehicle for that. But I'm for a system emphasizing insides rather than outsides. Now, that needs to be figured out how you want to organize that, but I don't want the collapse of identity into some global thing. I want the capacity for experimentation, difference, and heterogeneity to survive.

Do you think that's a good idea? Bad idea? When we make up sovereignty for the twenty-first century, is that going to be just some new colonial thing or what?

Secondly, I would like to see a global political culture with lots more social inclusion among and across cultures. Well, how are we going to do that? People should be able to vote in different countries. People should, instead of being citizens of one country, get born with a passport and a lifetime once-only visa. I don't know what, but what are the forms of sovereignty that you're imaging as able to be more inclusive and more defensive of real heterogeneity than the colonial one that you're criticizing?

And finally, where is the space for political life that you want? One way to think about that is who can contest what in what form, and who gets to participate, and so forth.

But neither of you are constitutionalists in that way; you're both a little bit more in the decisionist tradition, as Srinivas would call it.

My sense of framing the issue would be: I would like to see a sovereignty that encouraged the experience of responsible decisions by individuals for one another. So I would like to see us construct an institutional framework and spread—through hegemonic projects of imperial domination—the capacity for people to experience responsible human freedom about the arrangements of the states in their social life. And I am actually in favor of that, not just for myself, but for everybody.

So I want to build a new, global, sovereign world in which more people have the experience that they are not being driven by the system, or their ideology, or whatever, but they are free to decide.

Well, what are you guys for? In the alternative to this iron cage that got put in place from Hobbes through the colonial world up to now, I don't think that we're going to escape it in the sense of escaping the power of domination, which seems to be the bad guy of Tony Anghie's story. Or the need for an organizing idea that will be incoherent, which seems to be the bad guy of Srinivas Aravamudan's story. I believe we have domination and incoherence with us forever. But I still think we can organize our political world in different ways in different centuries, and I could be for some of them and against others.

So one thing that I think all the papers share is a sense that completing the project of following international law and human rights, and so forth, is not the answer. Maybe it's better than not doing that within a particular context; maybe it provides some focus for resistance. But if we're thinking about what kind of political life we want to have, and what should be the role of international law and international legal thinking in political philosophizing in making it, we're not saying that the highest form, or even a particularly good form, is the form achieved by international law, the Atlantic Charter, human rights. So I think Tony Anghie's comment at the beginning—that is something that seems to me is shared among all of us.

Now the question is: which parts of that need to be blown up in order to get some forward movement at the level of ideas and also at the level of institutional structures?

We've got somebody with a story about the institutional structures of colonial rule and then we have somebody with a story about the development of political theory. And then we have me saying, "What are we going to do?" It is very hard to have that kind of a conversation and that's what the Rapoport Center is great at. Let me give you a model of how that works.

It seems to me that you say, "Well, there's something that you find out of your work in political theory—that just being represented is not the whole way to figure out how to get people to participate." And then you think, "Wow." That reminds me of something in Tony's work: where just turning all of these uncivilized cultures into people who could be represented in the League of Nations through self-determination turned out not to be a form of freedom, but a form of locking everybody up in a third world state.

Now, I don't know those are logically connected, but they remind me of each other in some way. And then I think, "All right, now what that says to me," as a constitutional guy, "is that many of the ways in which we think about how to solve the problem of global politics is by improving our global constitution." Maybe I'm not thinking about this in a creative enough way because I was just thinking, "how do we get more people at the table? How we do have more inclusion? How do we get more rights? How do we get more participation?"

And I hear Tony Anghie saying, "That's not enough. I'm repeating the maneuver of bringing the colonial world in." I hear Srinivas Aravamudan saying, "You're not doing a triangulation," whatever he means by that. What it makes me feel is that we're at, and might be at, a kind of 1648-style moment.

Let's imagine that we're not reshuffling the deck chairs on the *Titanic* of the Atlantic Charter. Let's imaging that we're trying to figure out what the limits are of a hundred year long effort to qualify nineteenth century sovereignty with a more relativized legal rule and think beyond it in a way that would protect people's experience phenomenologically of decisional freedom, rather than their institutionally arranged participation. Now I can say that but how do we do it?

That seems to me what is productive about this kind of conversation is that it opens us up to noticing how much of our political world would need to be rethought if we wanted it to be socially inclusive, heterogeneous, and free. How do we solve this problem?

In terms of economics, for me, capitalism is a legal structure just like sovereignty. So if we said sovereignty is a description of how we're governed, it is also a description of the space in which economic life happens and the legal structures in the background of which people bargain with one another over scarce resources.

And so in that sense, that's one of the reasons why I don't care that much about participation. I'm much more interested in the capacity to experience responsible freedom because that actually speaks to me also about the kind of experience of economic self-sufficiency that gives one that experience.

It is amazing that there was a time in which the structures that we now take to be natural didn't exist. That's the thing; it's hard to keep that in mind, that there was a moment before people thought that the horizon of possibility for politics was to get the nations into a more harmonious frame, in which the thing was organized differently.

I think one of the things that is really terrific about your two papers is to take us back, in a way, and Tony Anghie's book also, to that first moment and to reacquaint ourselves with the fact of how much we, as a society globally, have changed, particularly when looking over a slightly longer horizon. For me, there's a real hope in that. So your papers are both kind of downers on exploitation and all that. But for me, there's a hopeful side to it too, which is that it was possible to reinvent global political life. And that it could be done again is an amazing message, and it could be done better or worse, which I think is something that also emerges from each of those papers.