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SOVEREIGNTISM IN THE INTERNATIONAL SYSTEM: FROM CHANGE TO SPLIT

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Abstract: This article analyses the contemporary re-emergence of various and complex political claims founded on sovereignty (“sovereignism”). After discussing five historical stages in the evolution of sovereignty, it highlights three structuring features of the post-bipolar international system namely, a growing discrepancy between the affirmation of sovereign equality as a norm and its flawed empirical reality, the perpetuation of an institutionalised hierarchy that no longer reflects the international distribution of power, and the disruption provoked by globalisation, which enables marginalised actors to voice their concerns while provoking resistances on the part of others who feel threatened in their status and identity. Three distinct conceptions of sovereignty coexist as a result of these three structuring features: ‘neo-sovereignism’ (claiming the implementation of sovereign equality and protesting the rigidity of the international architecture), conservative sovereignty (seeking to preserve the international architecture by redefining sovereignty on normative grounds), and archeo-sovereignism (radically opposing the transnational dynamics of globalisation and picturing them as a threat). The encounter of these three incompatible conceptions of sovereignty, it is argued, is a relevant variable for explaining contemporary disorders.

Keywords: Sovereignty; neo-sovereignism; emerging Powers; globalisation; international system

INTRODUCTION

Sovereignty, a central concept in the history of political ideas, forms the frontier between international relations (the realm of the interactions between sovereign actors) and political theory (which deals more with internal sovereignty, its justifications and its expressions). Hence, discussions on the nature and the transformations of sovereignty pertain to both disciplines. While the concept of sovereignty was formulated by Jean

Bodin as “the absolute and perpetual power of a Republic”¹, it was later revisited by Hugo Grotius who questioned its indivisible nature². A considerable literature³ has explored various aspects of sovereignty including its ante-Westphalian origins and post-Westphalian generalisation, its systemic impact, its different understandings and contestations⁴, its ambiguous universalisation through the decolonisation process⁵ or its subsequent political and theoretical hegemony. While it is not the purpose of this paper to discuss these different approaches, their abundance raises a primary remark. It would be a hard task to identify a concept that has had such influence while being so extensively questioned that there is no consensus on its very nature. Sovereignty is indeed widely regarded as a “political fiction”⁶, a “social construct”⁷ or even an “organised hypocrisy”⁸. Yet, its establishment as the cornerstone of the international system has provided it with enormous historical and systemic weight.

This apparent incongruity is a consequence of sovereignty’s multiple status. In this paper we will consider it first as a theoretical construct elaborated by lawyers, second, as the conventional corner stone of the international system, and third, as the object of a systematised political claim. As a theoretical concept, sovereignty shapes the articulation between the national and international orders. As the cornerstone of the international system, it regulates the relationships between political units in the international system⁹. Finally, as a political claim (sovereignism or *souverainisme*), it may be regarded at the same time as a principle of domination that justifies power, and as a principle of emancipation from what is perceived as an external or illegitimate authority.

This threefold nature gives way to three aporia: sovereignty is a principle of order and conservatism as well as a principle of contestation; it may justify domination as well as emancipation; and it has had an enduring systemic reach while its substantive meaning is highly related to the contexts in which sovereignty claims are voiced. It is precisely this *transformative logic* that this paper seeks to expose, in order to provide a better understanding of contemporary forms of sovereignism. We thus propose a socio-historical approach of sovereignist claims, related to the contexts where they emerge. To that purpose, part 1 highlights the interactions between the meanings of sovereignty and the contexts where they emerge, by constructing a descriptive typology of the different categories of sovereignist claims and their relationships with the corresponding international systems. Part 2 analyses the categories of this typology by introducing the five major transformations of sovereignism and their respective international dynamics, which resulted in five steps in the history of the

1 Jean Bodin, *On Sovereignty. Four Chapters From Six Books of the Commonwealth* (Cambridge: Cambridge University Press, 1992 (1576)).

2 Hugo Grotius, *On the Law of War and Peace* (Cambridge: Cambridge University Press, 2012 (1625)).

3 See Robert Jackson, “Sovereignty in World politics: a Glance at the Conceptual and Historical Landscape”, in Robert Jackson (ed.), *Sovereignty at the Millennium* (Oxford: Blackwell Pub., 1999); Robert Jackson, *Sovereignty: the Evolution of an Idea* (New York: John Wiley & Sons, 2013).

4 Bertrand Badie, *Un monde sans souveraineté* (Paris: Fayard, 1999).

5 Bertrand Badie, *The Imported State. The Westernization of the Political Order* (Stanford: Stanford University Press, 2000).

6 Elia R.G. Pusterla, *The Credibility of Sovereignty. The Political Fiction of a Concept* (Berlin: Springer, 2016).

7 Thomas J. Biersteker, Cynthia Weber, *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996).

8 Stephen D. Krasner, *Sovereignty: Organised Hypocrisy* (Princeton: Princeton University Press, 1999).

9 In spite of its contestation, in practice, by increasingly prominent sovereignty-free actors. See James N. Rosenau, *Turbulence in World Politics. A theory of Change and Continuity* (Princeton: Princeton University Press, 1990).

international relations. This theoretical argument aims to shed a new light on the nature of the sovereignist claims of contemporary emerging countries, addressed in part 3. While the sovereignism of emerging countries is commonly regarded as the comeback of a conservative approach to international relations, we argue that neo-sovereignism actually proceeds from the very evolution of the international system and contributes to its transformation. We are indeed witnessing a triple split of the concept of sovereignty and its political uses, reflecting the disconnection between the permanence of sovereign equality as a norm, the evolving distribution of power and autonomy in the system, and an institutional architecture which perpetuates the privileged statuses of a limited number of actors. As a result of this evolution, we identify three coexisting categories of sovereignist claims: neo-sovereignism, archeo-sovereignism and conservative sovereignism¹⁰. Their encounter, we argue, contributes to fuel current international disorders.

SOVEREIGNTY AS A DYNAMIC CONCEPT AND A CONTEXT-RELATED CLAIM

While sovereignty is generally regarded as the basic feature and the cornerstone of the modern international system, it is also the reference of a political claim (sovereignism). Sovereignism refers to a claim for emancipation which directly proceeds from its author's perception of the configuration of power in the international system. In this perspective, the meaning of sovereignist claims cannot be considered without reference to the system from which their authors seek to emancipate. Sovereignism's substantive nature is thus directly affected by the evolutions of the international system and the perceived repartition of power in this system. Arguing that sovereignist claims are context-related means, for instance, that their substantive meaning has varied from the bipolar context to the contemporary period, despite the continuous reference to the same concept and its apparently enduring systemic reach.

The impact of international contexts (whether systemic, historical or normative) on international politics has been underlined by Gary Goertz. In addition to their rather classically observed causational or obstructive effects, he developed the idea that contexts may weigh on the *meaning* of the terms that qualify international behaviour and formalise categories of relationships within the system¹¹. In the same line, we argue that sovereignty's substantive meaning is directly related to the characteristics of its systemic context. Indeed, while the hypothesis that sovereignty is the expression of a claim for emancipation is trans-historical, the forms of domination from which actors seek to emancipate evolve in relation to their respective perceptions of the system's configuration. Hence, the transformative

10 The "new sovereignism" discussed by Peter J. Spiro in a 2000 article, referring to US politicians and scholars' reluctant approach to international regimes (with the exception of free-trade agreements) and their attempt at preserving "American impermeability" from global requirements, would correspond to what is referred to as "conservative sovereignism" in the present typology. See Peter J. Spiro, 'The New Sovereignists: American Exceptionalism and Its False Prophets', *Foreign Affairs*, vol. 79, no. 6 (2000). (available: <https://www.foreignaffairs.com/articles/united-states/2000-11-01/new-sovereignists-american-exceptionalism-and-its-false-prophets>) (accessed 9 March 2016).

11 Gary Goertz, *Contexts of International Politics* (Cambridge: Cambridge University Press, 1994), p. 25 *et passim*.

meaning of sovereignty and sovereigntism cannot be fully grasped without a socio-historical analysis of the evolution of its contexts of expression. When sovereignty was affirmed by 14th century France, for instance, it was the expression of King Philippe IV Le Bel's claim for emancipation from Papal and imperial authority¹². In the XXth century, by contrast, anti-colonial leaders claimed sovereignty as a justification for their emancipation from colonial Powers.

When one given denotation of a sovereigntist claim becomes systemic¹³, it exerts feedback that contributes, along with other contextual factors, to re-shape the system's configuration¹⁴. Sovereigntim thus acts as a dependent variable which proceeds from the respective systemic configuration, but it also provokes feedback which contributes to the transformation of the system. It is for instance the integration of sovereigntist claims by colonised nations (understood as their demand for emancipation from colonial domination) that resulted in the construction of a post-colonial system based on the (failed) universalisation of the nation-state model and sovereign equality.

These feedback mechanisms inform us of the evolution of the international system. They shed light on the re-composition of sovereignty's substantive meaning and, at the heart of this study, on the transformation of the conditions and objects of sovereigntist claims. While we do not intend to claim that sovereigntist claims are a sufficient variable to explain all the transformations of international system, we argue that they should be considered as a noteworthy intervening variable. It should also be noted that the subsequent developments introduce a necessarily simplified vision of historical realities and should not confuse the reader in excluding the possibility of a superposition between different types of international systems, different denotations of sovereignty and different motivations for sovereigntism. Yet, we chose to distinguish five major sequences after the emergence of the Westphalian system, corresponding to five stages in the evolution of the international context and the corresponding emancipation claims. While these sequences and their succession are developed in part 2, it is important to underline some specificities characterising the contemporary period.

The international system has reached an unprecedented level of institutionalisation (through the tangible institutional architecture expanded with the UN after the Second World War, the reinforcement of international law and some innovations in its normative orientation, such as the responsibility to protect notion). This institutionalisation had the effect of comforting the ruling principles of the international architecture and the hierarchy which is reinforced by the dominant understanding of sovereignty¹⁵. But it has not prevented the international system and the distribution of capabilities to evolve in practice, under the combined effects of technological, social and economic transformations, stimulating the emergence of increasingly relevant actors – either emerging states or so-called sovereignty-free

12 The claim was voiced as a demand for "*summa superioritas*", the supreme authority which provides the kings with superiority over regalian powers. See Georges Minois, *Philippe le Bel* (Paris: Perrin, 2014).

13 Discussions on the different evolutionary paths followed by social structures and historical or juridical semantics, as well as their interactions, can be found in Niklas Luhmann, *Gesellschaftsstruktur und Semantik: Studien zur Wissenssoziologie der Modernen Gesellschaft* (Frankfurt a. M. : Suhrkamp, 1980).

14 David Easton, *A Systems Analysis of Political Life* (New York: Wiley, 1965).

15 Richard H. Cooper, Juliette Voinov Kohler, *Responsibility to Protect, The Global Moral Compact for the 21st Century* (New York: Palgrave Macmillan, 2009).

actors¹⁶ (transnational firms, identity entrepreneurs or other aggregated individuals). This situation has given way to the unprecedented coexistence of three systems: sovereign equality remains affirmed as a norm, the institutionalised international architecture preserves the preeminent status of previously established Powers, and globalisation *de facto* provides a more significant role and autonomy to actors that were previously considered irrelevant.

There have been past occurrences of disconnection between the institutional architecture and the systemic context, most notably during the Cold War. Yet, the contemporary situation is unique as it is characterised by the superposition – and the claim for domination – of three conflicting conceptions of sovereignism, whose ramifications are developed in part 3. First, ‘new’ actors (emerging countries, along with civil societies and other sovereignty-free actors) have acquired enough momentum to claim emancipation from an institutional architecture that falls short of reflecting their perceived systemic role. Second, previously established Powers aim to preserve this institutional architecture, in spite of its increasingly patent disconnection from the globalised system, as it is their only way of preserving their status. Third, actors who perceive their identity as being immutable and consubstantial with their position in the system, feeling threatened in their essence by globalisation’s transnational dynamics, seek to retreat from the dynamics of globalisation and radically oppose them. The contemporary international system is thus characterised by the growing disjunction between three irreconcilable types of sovereignist claims, referred to as ‘neo-sovereignism’, ‘conservative sovereignism’ and ‘archo-sovereignism’ in the subsequent development.

TRANSFORMATIONS OF SOVEREIGNTY

Let us go back to the concept of sovereignty. It is affected by a strong and decisive contradiction, as it is really the corner-stone of the main models of international order while at the same time being an unstable notion which is constantly varying and changing in its meaning. The contradiction can be easily explained. Sovereignty is conceived against a potential domination, whereas the domination patterns are not lasting and change in their nature according to the issues of the moment. The sovereignty paradigm is not stable because the international arena is perpetually changing, because its application to the domestic order is changing, because the main international issues are also in permanent transformation. Sovereignty is much more a ‘cloud’ than a ‘clock’, that is to say it must be considered, according to Popper’s categories, as an elusive substance, rather than a fixed and permanent mechanism¹⁷. We may thus discriminate between five incarnations of the sovereignty concept in modern history – the Westphalian moment, the national-Westphalian sequence, the colonial time, the bipolar context and the post-bipolar era. Each of them matches a specific issue which is providing a particular meaning to the concept, while shaping different sovereignist claims. Obviously, these moments are not clearly separated, and their succession was messy, contradictory, turbulent, resulting in periods of

¹⁶ Rosenau, *op. cit.*

¹⁷ Karl Popper, *Objective Knowledge. An Evolutionary Approach* (Oxford: Oxford University Press, 1972).

overlapping, or even steps backward. We present them as an hypothesis which sheds light on the effect played by the changing context on the substance of the concept.

International Sequences of Sovereignty

A broad conception of the ‘Westphalian moment’ covers the state-building process in Western Europe and corresponds to the first stabilisation of the concept of sovereignty. The Westphalian peace was concluded in 1648, but its premises trace back to the end of the Middle Ages when the state was constructed as a way of emancipation from the imperial and the pontifical domination. Before generating an institutional order, sovereignty was then conceived as a claim, a kind of rebellion, or a protest against an established political order dominated by the Empire and the Church. When he mentioned sovereignty, French king Philippe IV was striking up a war cry against the Pope or the Emperor rather than thinking about a new international order¹⁸. Claims and demands were structuring the international arena much more than institutions. The resilience of this first conception of sovereignty is particularly remarkable, as it reappears at any moment of the international history, and even still now among the Palestinian or Kurd peoples. This protest, oriented towards the main classical attributes of sovereignty, has generated the first sovereign institutions, such as territoriality (fixing the horizons of an emancipative orientation), *jus plenum* (a description of the new competence of the sovereign power), differentiation (in the form of secularism against the Pope, or pre-national and anti-imperial against the Emperor). This institutional achievement appears as the culmination and the materialisation of this first sequence. Sanctioned by Jean Bodin’s famous definition of sovereignty as an ultimate power¹⁹, it led to Grotius’²⁰ and then Hobbes’ conceptualisation²¹.

The ‘national Westphalian moment’ is quite different, as it is more related to domestic than international features. It addresses the birth of a national or even popular sovereignty, as it appears at the beginning of the democratisation process, during the nineteenth century. Obviously, sovereignty was still a claim, but oriented at this time against a *domestic* opponent. The target was then the absolutist state and legitimism, and its frame was to be found in the nation in process of being created. But in the meantime, international relations were substantially modified. The map of the world was no longer based on *state* territories but on *national* territories and the self-determination principle got the major role as an international dynamic. Moreover, national cohesiveness became an important resource in the international competition. War was no longer an inter-state competition but an inter-national rivalry. *Jus plenum* is then less relevant than national will as an achievement of this new order.

The ‘colonial time’ opens a new way. The target is no longer a simple hegemon, nor an absolutist rule. It is a combination of the two, and added to the ‘civilisation

18 Joseph Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1973).

19 Bodin, *op. cit.*

20 Grotius, *op. cit.*

21 Thomas Hobbes, *Leviathan or the Matter, Forme, and Power of a Common Wealth Ecclesiasticall and Civil*, ed. by Ian Shapiro (New Haven: Yale University Press 2010 (1651)).

standards'. In other words, sovereignty was then challenging an international order based on an inequality of cultures and civilisations. Henceforth sovereignty is conceived as an unstable balance between the re-appropriation of the Western state model and a cultural contesting self-assertion. Pan-Asiatic conferences took place in Japan and thereafter in India just after the First World War, while the first pan-African conferences were held during the colonial exhibition in Paris, in 1900. In 1926, the first pan-Islamic conference was hosted by Al-Azhar University in Cairo, just before a second one was held in Mecca and a third one in Jerusalem. The sovereign claim was then based on challenging the colonial order and mobilising the principle of a people's right to self-determination.

For these reasons, this third step once again somewhat blurred the traditional international game. On one hand, the self-determination process was separated from the territorial principle, despite the influence of international law and international institutions. Closely related to self-determination, sovereignty was then mobilised by many political and cultural entrepreneurs to legitimate separatist movements and to entail a real secessionist process, as it took place in Katanga, Biafra, South-Sudan, Somaliland or elsewhere. Mixing cultural considerations and sovereignty achievement, the process often resulted in deadlock, such as with the Kurd or Tamil separatists' claims. On the other hand, the sovereignty principle changed drastically by leaving its political specificity and merging its original political dimension with cultural references. Non-Western sovereignisms are tainted with culturalism, paving the way to an endless competition between secular nationalist leaders and fundamentalist entrepreneurs.

The 'bipolar context' shifted the lines. Sovereignty was then closely associated with power and had to be defined in view of the super-Power hegemony. In this new perspective, sovereignty acquired two new meanings. First, it was closely associated with power and was appreciated according to the ability of a state to acquire or maintain its 'status' in a world which was clearly dominated by the two super-Power condominium. At the time, the concept of 'limited sovereignty' was taking shape in the diplomatic language while sovereignty was no longer based on a legal recognition but on a power capacity²². But the concept acquired a second meaning, by referring to some players' reluctance to take part in the bipolar game and to lose their identity through alignment with one camp or the other. Sovereignty was then underlining an opposition between a lasting alliance, which would contain sovereignty, and symmachy, which rather refers to fighting a common enemy jointly without prejudice to the duration and the intensity of the alliance. Sovereignist claims then referred to self-affirmation or even anti-imperialist foreign policies, and they appear first of all as a reluctance to participate in the bipolar system.

This reluctance can be observed in some allies' free rider strategy (France under Charles de Gaulle's leadership, China with Mao Zedong, Yugoslavia with Tito or Romania with Nicolae Ceauşescu). This posture was mainly expressed through the concept of 'national independence' and appeared as a 'restored sovereignty', picturing sovereignty as a status which is supposed to be protected. The same orientation can be found among a rising 'Third World' which emerged following decolonisation and strove to escape a new kind of submission. The Bandung

22 Christopher Daase *et al.*, *Recognition in International Relations* (London, New York: Palgrave Macmillan, 2015).

conference is an iconic expression of this mobilisation that shaped this new vision of sovereignty as protection against power and alignment, as it was clearly claimed by the Indian Prime minister Jawaharlal Nehru. This tradition was consolidated through the Non-Aligned Movement, opened by the Brioni Declaration on 19 July 1956, which brought together Nehru, Sukarno, Nasser and Tito who shared the same reverence for sovereignty. The presence of the Yugoslavian leader bridged the Third World arena and the reluctant allies of the bipolarised camps.

The '*post-bipolar era*' finally broke with an outdated construction: as sovereignty can no longer be defined as a way of containing a hegemony which does not work any more, it is now conceived through the autonomy expected by the middle Powers which have henceforth emancipated from the super-Power control. Among rising Powers, the new context paved the way for achieving their own autonomy while the fighting states are increasingly autonomous in running the conflicts in which they are involved. The "reluctant sheriffs"²³ are less and less capable of monitoring international conflicts taking place at its periphery. The United States fails in pressuring Israeli governments to ease the colonisation process, while Russia's ability to control the pro-Russian Ukrainian fighters or the government of Damascus has decreased.

Moreover, the globalisation process is strongly challenging the hard core of the concept of sovereignty by promoting a world of interdependence in the economic, political and cultural realms²⁴. In this trend, globalisation triggers an *archeo-sovereignist* claim, depicted as a populist anti-globalisation protest, a *conservative sovereigntism*, which seeks to maintain as such the institutionalised inter-State system, as well as a *neo-sovereigntism* which strives to promote a new kind of autonomy in a competitive world.

Sovereigntisms' Feedback Effects on International Systems

These five configurations have respectively exerted a strong feedback on the international system and contributed to shape their successive configurations. Sovereignty must be considered here in the two faces of a dependent variable and of an independent variable. The *Westphalian* conception of sovereignty has fuelled an inter-state system, given a new meaning to the principle of territoriality and established war as the structuring dynamic of the international arena. As states are defined as sovereign units, they are considered free of any rule in their own competition and, as a result, fighting states are perceived as the normal conditions of the international game. As Charles Tilly points out, war-making and state-making are naturally merging²⁵. In the same perspective, the Westphalian conception paved the way for the elaboration of an international public law which grew up as a sovereigntist law, introducing in it a founding contradiction in that states are

23 Richard N. Haass, *The Reluctant Sheriff. The United States after the Cold War* (New York: Council on Foreign Relations Press, 1997).

24 Jan Aart Scholte, *Globalisation. A Critical Approach* (London, New York: Palgrave, Macmillan, 2000).

25 Charles Tilly, 'War Making and State Making as Organized Crime', in Peter Evans, Dietrich Rueschemeyer, Theda Skocpol (eds.), *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), pp. 169–187.

committed to the implementation of international law... but in a sovereign manner, which makes it inevitably unachieved. This contradiction, furthermore, split the new European culture into two streams: one, inspired by Thomas Hobbes²⁶, which made sovereignty absolute, by that devaluing international law, as is the case in the American political culture. The second, inspired by Grotius²⁷, reassessed the role of the law for granting peace and trade, and paved the way to multilateralism. This lasting tension is probably the direct result of the complexity of the first model.

The 'national Westphalian model' substituted an inter-national for an inter-state system. The self-determination principle introduced peoples and societies in a game which was previously an inter-dynastic game. Two main impacts should be considered. The international competition then drew its legitimacy not from the 'raison d'Etat', but from a national will, according to a rule which strongly weakened the political instrumentality of sovereignty. Instead of being a means of international competition, sovereignty became an end in itself. Indeed, sovereignty did not relate any more to territoriality but to nations, marking a significant milestone in the decolonisation process. The sovereignty principle, which was invented as an asset for consolidating the international role of the prince, was suddenly in a situation of weakness in the international arena by becoming the instrument of peoples and societies²⁸. In the meantime, the national Westphalian model destabilised the European map and opened the way to an instability fuelled by the permanent contradiction between national sovereignty and territoriality²⁹.

The 'colonial moment' went further in this direction. It created a falsely universalised world, by introducing the territoriality principle in Africa and Asia and by extracting it from its own history. It thus gave rise to an ambiguous relation between nation and ethnicity. It also tinkered with a new conception of sovereignty which aimed to legitimise colonial domination. The General Act of the Berlin Conference on the European colonisation of Africa (26 February 1885) referred to the "sovereignty rights' of European powers on African territories" (art 5, 6, 7, 8) and endorsed its first Westphalian meaning right at a time when the national Westphalian model was taking shape. This strong contradiction initiated the anti-colonial mobilisation whilst mixing imitation of the Westphalian model in the state building project and the use of the national Westphalian model as a matrix of protest³⁰. This risky combination later fuelled a proliferation of failed states among the newly independent states.

The 'Cold War model' significantly reconciled sovereignty and power, while granting a special importance to camp and bloc policy. This regression of national sovereignty particularly affected middle Powers since their level of power was not high enough for pretending to a real sovereignty. Germany and Japan were the main victims of this new context, in spite of their growing economic capacity. France and the United Kingdom opted for two opposite strategies. The former chose to promote a policy of 'grandeur' driven by General de Gaulle, mixing influence and national independence. The latter opted for a status of privileged ally, in order to recover a

26 Hobbes, *op. cit.*

27 Grotius, *op. cit.*

28 Reinhard Bendix, *Kings or People, Power and the Mandate to Rule* (Berkeley, Los Angeles: University of California Press, 1978).

29 Bertrand Badie, *La Fin des territoires* (Paris : Fayard, 1995).

30 Badie, *The Imported State, op. cit.*

minimal level of power and momentarily regain a part of its sovereignty, particularly as a nuclear military Power.

The ‘post-bipolar era’ confirms this orientation, as power has lost a part of its efficiency when facing the new international issues and new conflicts³¹. While power was previously confiscated by a small number of States (in fact, the two super-Powers), in this new sequence, power tends to retract on an increasingly limited capacity. In this context, *status* tends to be substituted to sovereignty. Such a shift deeply modified the conditions of the new international relations³², while the new construction of sovereignty got, as we shall see, a more symbolic dimension.

FEATURES OF THE CONTEMPORARY SPLIT

Since the institutionalisation of the international system, the normative fiction of sovereign equality has been hampered in practice by the perpetuation of an international hierarchy which is reinforced by this system. More recently, however, the challenge posed by globalisation to the traditional expressions of power has given way to a new context where this hierarchy is increasingly contested. The three conflicting features of the contemporary system – normative equality, institutionalised hierarchy, globalisation – each produce their own forms of resistance and the subsequent types of sovereigntist claims. Due to their unprecedented superposition, the post-bipolar context is characterised by the unsettling encounter of three conflicting understandings of sovereignty and sovereigntist claims, resulting in a chaotic situation.

Characteristics of the New Context

The legal uniformity of the international system, inherited from the post-Second World War and post-Colonial period, was reinforced by the end of the bipolar system. The quest for national sovereignty and sovereign equality, then understood as national self-determination and resulting in anti-colonial claims, led to a global expansion of the nation-state model. This process resulted in the transformation of political entities, through their alignment on the conventional norm of a sovereign and institutionalised nation-state bounded by fixed territorial borders, which is also a condition for their international recognition³³ and existence. In practice, it also provoked a diversification of the forms of political systems commonly labelled as sovereign nation-states, opening a first breach on the substantive meaning of this notion³⁴.

A noticeable evolution found its roots in the foundation of the United Nations and was reinforced after the 1990s, which saw an increasing institutionalisation

31 Mary Kaldor, *New and Old Wars. Organised Violence in a Global Era* (Stanford: Stanford University Press, 2000).

32 Thomas J. Volgy, Renato Corbetta, Keith A. Grant and Ryan G. Baird (eds.), *Major Powers and the Quest for Status in International Politics* (London, New York: Palgrave, Macmillan, 2011).

33 Thomas Lindemann, Erik Ringmar, *The International Politics of Recognition* (London: Routledge, 2011).

34 Badie, *The Imported State*, *op. cit.*

of the international system. Two increasingly obvious inconsistencies resulted from this process. First, a disconnection between the reference to state sovereignty and its institutionalised practice, second, a disconnection between the structure of domination perpetuated by this institutionalised system and the changing international reality. The first disconnection emerged as early as the initial debates on external sovereignty and the foundation of international law, which proclaimed the principle of sovereign equality among states, while the international reality was practically never such. Some states were always 'more [sovereign] than others', as the systemic organisation reflected variations in the repartition of power rather than sovereign equality. Yet, the disconnection between the sovereign fiction and its less-than-perfect reality was never as manifest as with the foundation of global institutions. Indeed, the latter proclaimed and engraved in the stone of international conventions the previously implicit aim of regulating international relations based on the principle of sovereignty. Meanwhile, it also institutionalised the domination of the most powerful actors. The disconnection is quite obvious between the proclaimed principle (implemented in the principle of equal representation and vote at the UN General Assembly) and its institutionalised limitation (illustrated by the right of veto of the five permanent members of the UN Security Council). This contradiction has been justified on practical or political grounds³⁵, yet, it introduces a strong case for the objection of actors who consider this institutionalised domination as illegitimate and contrary to the definition of sovereign equality. Contention has been particularly vocal since the actors benefiting from this institutionalised dominant position have attempted to impose a normative conception of sovereignty, thus associated to a 'responsibility' understood as respect for a number of norms that are in line with their own political systems and their respective definitions of the role of international institutions, such as with the notion of 'Responsibility to protect'. It is not surprising that this discrepancy between norms and practice fostered remonstrations. Yet, the emergence of a significant opposition had to wait for potential contesters to gain enough momentum.

The transformative factor was the erosion of traditional forms of power and the emergence of new (state and non-state) actors in the post-bipolar globalisation. This evolution was the necessary condition for the emergence of protest against the confiscation of dominant positions by few actors who no longer are unquestionably the most prominent players at the world level. In this context of an encounter between the global or multi-centric world and the traditional or interstate system³⁶, three phenomena are relevant from the perspective of this article. First, globalisation produces its own forms of resistance (formulated as emancipation claims) on the part of the state-actors who see it as a threat to their centrality in IR and seek to sustain the traditional system. Such resistance creates a tension around the notion of sovereignty, which is thus constructed by these actors as not only the conventional founding principle of the international system, but also as an end to achieve in international politics³⁷. Second, the transformations provoked by globalisation and the evolution

35 Thomas G. Weiss, David P. Forsythe, Roger A. Coate, Kelly-Kate Pease, *The United Nations and Changing World Politics* (Boulder, CO: Westview Press, 2014) ; Thomas G. Weiss, "The Veto: Problems and Prospects", *e-International Relations* (27 March 2014, available: <http://www.e-ir.info/2014/03/27/the-veto-problems-and-prospects/>) (accessed 8 March 2016).

36 Rosenau, *op. cit.*

37 This phenomenon also appears in the notion of 'responsibility to protect', which subordinates sovereignty to the implementation of international norms.

of the global economy facilitate the emergence of new actors. The latter are enabled and legitimated in their questioning of an international architecture which not only contradicts the sovereignty principle, but which also no longer reflects an accurate hierarchy of power in international relations. The gap is thus twofold: between the norm and the institutional architecture that claims to implement it, and between this existing architecture and the reality it initially institutionalised.

It is thus the encounter of three dimensions of the contemporary international context, and the actors they frustrate, that produce three different and coexisting types of sovereignty (see Table 1). These three dimensions are the norms on which the international architecture claims to be based (the institutionalised fiction of sovereign equality), the reality of the institutionalised international architecture (a privileged position for actors who dominated this institutionalisation process) and the transformative effects of globalisation (the emergence of new actors contesting the institutionalised hierarchy).

Three Types of Sovereignty

‘Conservative sovereignty’ is in the line of the Westphalian vision, completed with more than a sprinkle of the former colonial conception. As the main instance, Western foreign policies refer to a traditional conception of a state-centred world in which every unit is claiming the right ultimately to make their own decisions. In the meantime, old Powers are keen to consider that they have ‘special responsibilities’ to intervene in the domestic affairs of some other members of the international community. These special responsibilities may be based on different principles, either on the ‘meta-sovereignty’ implied by the collective security doctrine, or on a post-colonial vision granting special rights to some states which are actually constituting an oligarchy or a club. They may then implement what is presented as a ‘mission’ to fight against evil (as exposed in neo-conservative discourses) or consider themselves to be committed to historical references or responsibilities, as France did when intervening in Mali or in the CAR, as well as Russia in the Ukraine. In this conservative conception, globalisation should remain confined to being an exclusively economic phenomenon without any political relevance in inter-state relationships.

Facing this conservatism, a ‘neo-sovereignty’ emerged, especially among rising Powers, relying on the new profile of the globalised world. This neo-sovereignty is clearly pre-empted by the interests and values of states coming from a dominated status and now pretending to play a major role in the new global order. According to this orientation, neo-sovereignty can be described through six specific features: self-affirmation, self-protection, new mutualism, anti-hierarchy assertion, protest and flexible norms.

Self-affirmation appears as a coming back to the historical origins of sovereignty. All the rising Powers have to reconquer their sovereignty after a colonial or a para-colonial moment, made of capitulations, territorial concessions or tutorship. This national affirmation is more affective and emotional than competitive. It is generally built on a humiliation of memory, such as China’s mobilisation of centuries of

humiliation³⁸ and its informal ‘National Humiliation Day’ which might be considered as a prominent assertion of its sovereignty.

Self-protection refers to a foreign policy that is based on the principle of territorial integrity, rather than an extensive global diplomacy. China is much more concerned with the respect of what its leaders consider as its own borderlines than prompt to get involved in the various conflicts which take place anywhere around the world. The ‘non-acting’ principle (*Wuwei*) even appears as one of the cornerstones of the Chinese foreign policy. More globally, the principle of non-interference in national affairs is considered as a basis of the new international order, as is regularly claimed by the Chinese, Indian, South African or Brazilian diplomacies³⁹. Such a permanent assertion results in a strong reluctance to external (even multilateral) military interventions as a way of regime change or even of conflict-solving or war containment. Brazil, China and India abstained when the UN Security Council passed Resolution 1973, which opened the way to a multilateral intervention in Libya. South Africa only approved it under pressure from the African Union. Brazil and China abstained when Resolutions 940, 944, 948 and 964 SCR passed in 1994, although it aimed to restore Haitian progressive leader Jean-Bertrand Aristide. When Beijing approved Resolution 794 on Somalia, its representative argued that, as no government was ruling this failed state, no sovereignty was in position to be violated⁴⁰... In this ‘self-protection’ policy, the rising Powers are particularly sceptical of the ‘responsibility to protect’ principle (R2P). They strove to limit its pretensions during the 60th anniversary summit, while Brazilian foreign minister Antonio Patriota suggested amending it by promoting the idea of a “responsibility ‘while’ protecting”⁴¹. A Turkish scholar, Mojtaba Mahdavi, also coined the concept of “responsibility for justice” (R4J) which puts R2P in a post-colonial perspective⁴².

New mutualism fuels a significant solidarity among rising Powers: neo-sovereignism does not imply any isolationism or a ‘closed foreign policy’. Instead of the competitive sovereignty which clearly sprang from the Westphalian model, this new model considers a strong cooperation among states which are standing at roughly equivalent levels of development and sharing similar histories. We can for instance observe a clear trend in former Brazilian President Luiz Inácio Da Silva (Lula)’s diplomacy to promote cooperation among ‘Southern countries’, solidarity with the Arab world celebrated by frequent Summits between South American and Middle East leaders, or with African countries, as well as meetings of China and African countries. In the meantime, rising Powers promote cooperative associations, such as IBSA (India, Brazil, South Africa) and BRICS (Brazil, Russia, India, South Africa) in order to voice common visions and policies on major international issues.

38 Orville Schell and John Delury, *Wealth and Power: China’s Long March to the Twenty-First Century* (New York: Random House, 2013).

39 Sean W. Burges, *Brazilian Foreign Policy After the Cold War* (Gainesville: University Press of Florida, 2011); David M. Malone, *Does the Elephant Dance? Contemporary Indian Foreign Policy* (Oxford: Oxford University Press, 2011).

40 Frédéric Ramel, “794 (1992) : Somalie”, in Mélanie Albaret, Emmanuel Decaux, Nicolas Lemay-Hebert and Delphine Placidi-Frot (eds.), *Les Grandes Résolutions du Conseil de Sécurité des Nations Unies* (Paris : Dalloz, 2012), pp. 170–180.

41 Derek McDougall, “Responsibility While Protecting. Brazil’s Proposal for Modifying Responsibility to Protect”, in *Global Responsibility to Protect*, Vol. 6, No. 1 (2014), pp. 64–87.

42 Mahdavi Mojtaba, ‘A Post-Colonial Critique of Responsibility to Protect in the Middle East’, *Perceptions*, Vol. XX, No. 1 (2015), p. 28.

The anti-hierarchy orientation should be considered as another legacy of the past. Sovereignty was shaped in Europe as emancipation from the Empire, but also as the source of an equal competition among states. Neo-sovereignism is, on the contrary, a new way for claiming the right to compete with traditional Powers which considered themselves as forming a club of rulers. With the exception of China, all the rising Powers question the composition of the UN Security Council, and all of them have had harsh words against the G8 (or G7) and the various contact groups which are constituted around the main Western Powers for dealing with major international crises. New sovereignism is thus less connected to power and more related to autonomy.

For the same reason, neo-sovereignism is blended with protest and goes back to the origin of the concept, stressing its emancipative dimension which tinges it with some marks of populism, as with Hugo Chavez' 2006 discourse against the United States, denouncing "the sulfuric smell" which he claimed George W. Bush had left at the UN tribune... In a broader sense, this sovereignism has a 'tribunician' orientation as it pretends to use the rising Powers' voice in order to make barely audible the recriminations brought by marginal and less developed states.

Finally, neo-sovereignism is locked within a strong contradiction. On the one hand, it expects firm rules for containing old Powers and strengthening the sovereignty rights, on the other hand, it advocates soft and flexible norms in order to protect the independence of every member of the international community. This complex vision commonly bears on international negotiations and complicates the integration of rising Powers into new international conventions.

'Archeo-sovereignism' differs from both the conservative and the neo visions. It is much more radical than the former, and, contrary to the latter, it is strongly oriented against globalisation. The conservative version of sovereignism aims to maintain its rule on the world, while archeo-sovereignism plans to contest its globalised orientation and is well received as an emblem by all those suffering from the transformations of the world. Archeo-sovereignism then fuels European far right parties' discourses, such as the Front national in France, the Lega Nord in Italy, the Dansk Folk Party in Denmark, some civil society movements like Pegida in Germany, and it also inspires the postures of some European governments as in the case of Hungary or Poland. It pleads for a retreat of nations into their borders and claims the sovereignty principle as the main pretext for turning away migrant people. It crosses the line into xenophobia, sometimes antisemitism or islamophobia, strategically basing sovereignty on identity or even on ethnicity.

Table 1: Three coexisting types of sovereignism in the post-bipolar context

Contemporary types of sovereignism	Conception of sovereignty	Claim	Protest	Approach of globalisation
Neo-sovereignism	Self-affirmation	Equality	Hierarchy	Pragmatic
Archeo-sovereignism	Specificity	Identity	Globalisation	Antagonist
Conservative sovereignism	Normative	Hierarchy	Emergence of challengers	Selective

Encounter between Three Types of Sovereigntism

The main question now is to consider how these different meanings of sovereignty can coexist and interplay on the international arena. Obviously, international relations have never before been affected by such a discrepancy of meanings among their agents when referring to the very concept that is ruling the game. This is due to an impressive accumulation effect, through which such different meanings were blended over time. This ambiguity is particularly strong when we consider the ‘new international conflicts’. In the Ukraine, Western Powers, Russia and pro-Russian militias do not refer to the same conception of sovereignty. The contrast is much more impressive when we take into account the Syrian conflict, in which actors coexist who give different meanings to the same concept and one of them, ISIS (Islamic State in Iraq and Syria) officially rejects the concept whilst using some of its material attributes (territory, administration, army, currency or taxes).

In such a context, sovereignty is clearly losing its regulation capacity in the international game. Steven Krasner has pointed to four attributes which enabled this ‘organised hypocrisy’ to serve as a common rule⁴³. None of them is currently operational as they are from now on either partly rejected or refer to different meanings. As previously mentioned, the Westphalian conception of sovereignty, which was supposed to contain any kind of external interference, is interpreted, and even understood, differently by the players. The international legal sovereignty is commonly challenged by the increasing number of non-state actors and failed states, while traditional states and rising Powers do not give them the same meaning. Domestic sovereignty is undermined by the growing role of ethnicity, militia, warlords and violence entrepreneurs, and interdependent sovereignty is collapsing due to the increasing autonomy and capacity of intra-state movements.

For these reasons, the sovereignty principle is less and less considered as a rule. Meanwhile, we are going back to its origins and rediscovering it as a way offered to the actors for redefining their own status in an international arena in transition. Sovereignty is then more a protest than the basis of real institutions, whatever the substance of this protest is (against deviances and protests with conservative sovereigntism, against a changing world and its changing rules with archeo-sovereigntism, against the institutionalised hierarchy with neo-sovereigntism). When interplaying, these three kinds of claims lose an increasing part of their legitimacy and are increasingly considered as the ‘evil of the other’. Worse, the diversification of sovereignty’s meanings is highly conflictual as it enables actors pertaining to each category to oppose, through their respective conception of sovereignty, what the others define as the core of their own sovereigntist claim.

43 Krasner, *op. cit.*