Journal of Geography, Politics and Society

2020, 10(2), 10–15
https://doi.org/10.26881/jpgs.2020.2.02

BEYOND THE TERRITORIAL TRAP? THE GEOGRAPHIC EXAMINATION OF SOVEREIGNTY

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Citation

Derrick M., 2020, Beyond the Territorial Trap? The Geographic Examination of Sovereignty, *Journal of Geography, Politics and Society*, 10(2), 10–15.

Abstract

Sovereignty is now a key concept in geographic scholarship. However, sustained geographic investigation of sovereignty commenced only in the 1990s, after the collapse of the Cold War order. Early, important contributions to the interrogation of sovereignty were historical, providing rigor in understanding the dialectical relationship between space and politics in the development of the state system. By the close of the twentieth century, however, historical complementarity in important geographic tracts on sovereignty, conditioned by new geopolitics of post-communism, gave way to diverging prognostications among academic geographers on the contemporary and future nature and salience of state sovereignty.

Key words

sovereignty, geographic thought, nation-state system, territory.

Received: 23 June 2020 **Accepted:** 14 October 2020 **Published:** 20 November 2020

1. Introduction

The lineage of contemporary geographical interrogation of sovereignty can be traced back to two interrelated events: 1) the collapse of the Cold War order, and 2) the inability of prevailing international relations theory to explain those epochal changes. As Agnew (1994) argues in a seminal article igniting critical geographic inquiry into state sovereignty, mainstream International Relations theory was unable to anticipate or satisfactorily explicate the political-territorial transformations put in motion in 1989 because it set, and fell prey to, a "territorial trap" – a dominant understanding of the state system as an assemblage of mutually exclusive political entities delimited by sharply defined borders. Taking this constellation of discrete territorial states as a given, prominent IR scholars, according to Agnew, simply plotted out their patterns of commerce, peace, and war in terms that invoked balances of power or strategic hegemony, bilateral trade agreements and diplomatic relations; sub- and supra-state phenomena were assumed irrelevant. Agnew identifies the sine qua non of this essentially territorial vision:

> The total *sovereignty* of the state over its territorial space in a world fragmented into territorial states gives the state its most powerful justification. Without

this a state would be just another organization (1994, p. 60, emphasis added).

Thus, as the Berlin Wall fell, as the Soviet Union dissolved, as Czechoslovakia commenced divorce proceedings, as Yugoslavia conflagrated – as the "territorial trap" was exposed – so too was the concept of sovereignty was called on the carpet.

Yet, beyond offering the "powerful justification" designation, Agnew neglects to define sovereignty. He might have offered a definition similar to that presented by Knight:

> Sovereignty, or the unqualified competence that States prima facia [sic] possess, implies competency to control the territory and its contents and also relationships with other States through the totality of powers that States, under international law, have and may use (1994, p. 75).

Such a definition would have pointed out the two commonly recognized aspects of sovereignty, *internal* authority and *external* independence (see e.g. Krasner, 2001; James, 1984), while acknowledging its legal basis without uncritically affirming its ontological status (*prima facie*). Agnew instead juxtaposes the sovereignty of territorial states with the "defence of human, cultural, or ecological security" (1994, p. 60), implying the former is necessarily maintained at the expense of the latter. This appears to be the type of zero-sum thinking he assails in IR debates focused on either/or scenarios of the "persistence or obsolescence of the territorial state" (Agnew, 1994, p. 54). But even here the indictment against international relations might be overstated. As Philpott discusses, leading Cold War-era IR theorists did in fact exaggerate the utility of sovereignty while maintaining an exclusive focus on the territorial state:

> But by the 1970s and '80s some scholars had come to believe that states were losing control over the flow of money, goods, people, corporations, and information across their borders, and they started speaking of sovereignty in crisis (2001, p. 297).

In spite of these apparent contradictions, Agnew above all should be lauded for his clarion call for geographical investigation into the significance and meaning of sovereignty and the territorial state in different historical-political circumstances. The remainder of this article, following on Agnew's invocation, is comprised of a historically driven investigation of how academic geographers have interrogated the political norms of state sovereignty, illustrating how the historical concept in no way has remained static. Rather, as key works of scholarship by geographers have illustrated, what in this article is termed as the *locus of legitimation* of state sovereignty as a political-legal concept has shifted dialectically since the mid-seventeenth century vis-à-vis shifts in the evolution international state system as it arose in the wake of the Westphalian treaties. In particular, the locus of legitimation of sovereignty shifted alongside changing relationships between territory and peoplehood.

Key geographic inquiries into the historically changing nature of sovereignty that took place in the 1990s were largely complementary in their enrichment of our understanding of the towering concept, especially the inherent spatiality of its political-legal core. However, with the advent of the new century, their understandings and arguments of the more contemporary and future natures of sovereignty assumed sharply differing trajectories, conditioned by diverging interpretations of in-the-moment dramas of post-communist political-territorial upheaval.

2. Data and Methods

This examination of the geographic interrogation of sovereignty employs a critical historical reading of important contributions to the development of scholarly inquiry and understanding of the key concept, one that remains a lynchpin in the international state system. Critical textual analysis of tracts produced by noteworthy geographers beginning in the 1990s illustrates sovereignty's changing ideological locus of legitimacy as the political-legal concept developed alongside the international state system. The critical historical methodological approach is utilized not only to point out how leading political geographers reconstructed what has become an accepted narration of post-Westphalian sovereignty through the Cold War, but also is utilized to help explain sharp disciplinary divergences in understanding and argumentation of the nature of sovereignty in the twenty-first century.

3. Results and Discussion

Taylor (1994; 1995) and Murphy (1996) most immediately took up Agnew's challenge, historicizing the nation-state as a political-territorial ideal. In the process of showing the constructed nature of the sovereignty, they not only unraveled some shibboleths of orthodox International Relations theory,[1] but also

[1] The work of these two has influenced subsequent IR analysis of sovereignty, informing, for example, Krasner's evolution from hardened realism (see e.g. Krasner, 1992) to a constructivist position (see e.g. Krasner, 1999; 2001).

helped to mold what is now academic geographers' predominant understanding of the development of international system.

A skeleton of that story follows. Medieval Europe, where sovereignty was concentrated in the throne of the Holy Roman Emperor, was characterized by "complex and overlapping" territorial arrangements (Murphy, 1996, p. 84), which gave rise to power struggles, competing sovereignty claims, and conflict that crescendoed in the Thirty Years' War. Hostilities were halted in 1648 with the Peace of Westphalia, which formalized the principle of *cuius regio, eius religio*. This noninterference principle devolved sovereignty's locus of legitimation to the heads of competing states, i.e. sovereign kings, often seen as divine-right rulers. Thus emerged from with the out of Westphalia what Taylor calls "interstateness" (1995, p. 3).

Following the Enlightenment, with its focus on reason and the individual and questioning of royal divinity, the French Revolution and its concomitant romantic nationalism represented a paradigm shift, what Taylor (1995, p. 5) calls a change from "interstateness" to "internationality." With this shift, sovereignty's locus of legitimation transferred from heads of state to "the people," i.e. national groups. From that point, "it became important to see political territories as reflections of nations" (Murphy, 1996, p. 97). While the centralized, proto-absolutist states of West Europe molded state-nations, Germany and Italy separately underwent a period of unification nationalism in the latter half of the nineteenth century.

Romantic nationalism found its ultimate expression in World War I, which laid to rest the moribund empires of East Europe and fed an ideology that combined claims to national self-determination and statehood: "…territory was equated with power and nations were seen as discrete social units whose members had the right to control their own affairs" (Murphy, 1996, p. 88). Sovereignty found its ultimate locus of legitimation: the discrete nation-state. Though incongruity between national and political borders contributed to the outbreak of World War II, status quo sovereignty was restored and protected until the fall of the Berlin Wall.

Though Taylor and Murphy contribute complementary geo-historical contextualizations of the international state system, and both acknowledge the growing challenges it faces at both supra- and sub-state scales, they reach differing conclusions on the future of sovereignty. Taylor claims that the principle is "sure to be abolished in any viable sustainable world. The competition engendered by states in their territories is ultimately a route to doomsday" (1995, p. 14). Specifically, he identifies ecological destruction, itself the consequence of economic competition among states, as inevitably compelling humanity toward a post-sovereign world (Taylor, 1994, p. 161). The Kyoto Protocol still years away, Taylor cannot envision an international order in which territorial states cooperate out of enlightened self-interest to counteract environmental annihilation, among other problems. At the core of Taylor's assertion is a rigid either/or conceptualization of sovereignty: He assumes that states, as "growth machines," inevitably will invoke the noninterference principle, as long as it is extant, for limitless economic expansion.

Murphy, though anticipating "significant change" in the international system, forecasts a basic continuity of the Westphalian ideal: "If the history of state-territorial ideas and practices tells us anything, it is that changes in arrangements and understandings occur, but that no one era represents a radical break with the preceding era" (Murphy, 1996, p. 109).[2] This calculus is grounded in a more nuanced understanding of sovereignty. Recognizing that the meaning of the principle has been in flux since its formalization in the mid-seventeenth century, Murphy distinguishes between *de jure* and *de facto* sovereignty. Indeed, it is clear that practically no state, even the most powerful, can perfectly fulfill the ideal of internal supremacy and external independence. Rather than taking a Manichean view of sovereignty, as Murphy implies, it would be more productive to look at the concept foremost as a question of degree. To paraphrase Orwell, all recognized states are (*de jure*) sovereign, but some are more (*de facto*) sovereign than others. To be a legitimate actor in the state system, an entity must pass over an ambiguous threshold of external and internal sovereignty. This strategic ambiguity is a necessary feature that allows the world system to respond to changing circumstances, including the ecological destruction feared by Taylor.

These divergent conclusions might well represent separate lessons drawn from the 1991 war against Iraq. The operation certainly produced conflicting evidence about the place of sovereignty in the post-Cold War era.[3] One the one hand, as Murphy

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[2] A counter thesis, one positing radical change, is presented at about the same time by Luke, who envisions a chaotic system in which "new subnational and supranational anarchies now permit agents of contragovernmentality, or un-stated sovran [sic] potentates, to contest the rules of in-stated sovereign powers" (1996, p. 491). Luke's position, unlike in his previous work (see footnote below), is supra-logical. His stated intent, in the spirit of Foucault, is to dismantle inadequate "linguistic frames" in order to pave the way for insights into new political-territorial conditions (Luke, 1996, p. 506).

[3] The significance of this conflict was discussed early by Luke (1991), who argues that Iraq's invasion of Kuwait illustrates

indicates, the liberation of Kuwait by a multistate, United Nations-sanctioned coalition can be viewed as systematic dedication to sovereignty as a principle governing international relations. On the other hand, as Taylor suggests, the United States-led war can be read as an expression of American hegemony at the service of economic elites keen on maintaining flows of global capital. These two divergent positions inform subsequent geographical interrogation of sovereignty.

By the late 1990s, a "soft" post-sovereignty consensus followed Murphy's lead in trying to develop an enhanced notion of sovereignty. For example, Austin and Kumar attempt to reconcile traditional sovereignty, defined as "monopoly over legitimate violence" (1998, p. 50), with power, defined as "control over outcomes" (1998, p. 56). Though the two historically have been conflated and located in the nation-state, increasingly mobile, large corporations assume more power as they transgress the authority of ostensibly sovereign states. To bridge the twain, the authors redefine sovereignty:

> The degree to which a state, other institution, or organization can coerce or otherwise intentionally (and significantly) influence the behavior of other participants in the world political system and have such behavior recognized and accepted by a significant number of participants in that world political system (Austin, Kumar, 1998, p. 58).

Though claiming to retain the state as a primary unit of analysis, Austin and Kumar, with this definition, place corporations and non-governmental organizations (NGOs) on an equal footing with the nation-state as sovereignty's locus of legitimation. Moreover, this definition erases the distinction between power and sovereignty, conflating the two but dislocating them from the state's exclusive possession. In effect, this definition un-states sovereignty, reducing it to mere power.[4] The upshot of this formulation is that it approaches justification of sorts, not simple explanation, of economic and other forces that breach lingering notions of absolute internal and external sovereignty.

In the wake of "humanitarian" interventions in Serbia and Iraq, "soft" post-sovereignty has given way to a current "harder" position. An important article by Agnew (2005) is emblematic. He contends that *de jure* sovereignty is a ghost, as attested to by Guantánamo Bay and other American military operations acting "worldwide with scarcely a nod to local claims of territorial sovereignty" (Agnew, 2005, p. 438; see also Reid-Henry, 2007).[5] In lieu of the legal/reality distinction, Agnew proposes the concept of *effective sovereignty*, which he argues is not necessarily territorial. He develops a typology of four current sovereignty regimes, discussing currency policy as illustration (2005, pp. 445–456):

1. A *classic* sovereignty regime combines consolidated territoriality and strong central state authority. China, controlling its currency rates within its borders, embodies this regime.
2. An *integrative* sovereignty regime combines consolidated territoriality with weaker central state control. The European Union (EU), consolidating currency control internally, exemplifies this regime.
3. A *globalist* sovereignty regime combines open territoriality with strong central state control. The US, whose dollars undersign a bulk of the international financial network, embodies this regime.
4. An *imperialist* regime combines open territoriality and weaker central state authority. South America, where national currencies have been replaced by US dollars, typifies this regime.

Though national currency certainly is an attribute of sovereignty, it also is a mechanism of power. Indeed, in his analysis, Agnew too appears to conflate sovereignty with power and/or control. His goal very well might be to expose sovereignty as an insidious fiction, a blanket for power, as he suggests in an expanded book-length examination of the topic (Agnew, 2009). If so, he deserves praise for uncovering power mechanics. But his analysis, like that of the "soft" camp, makes a mistake in measuring sovereignty only in terms of compliance or non-compliance. Neglected is the normative function the concept of sovereignty plays in framing everyday politics that in turn shape our territorial imaginings and practices.

the declining importance of the territorial state, as the Kuwaiti government was able to use financial networks to transfer its bank reserves to other nodes in the capitalist network, thereby evading capture by Saddam Hussein. Both Agnew (1994) and Murphy (1996) address this piece in developing their arguments.

[4] Other geographers by the late 1990s had tried to dislodge sovereignty from the state. See, for instance, Sucharov (1998) for an attempt to delineate between state sovereignty and pan-national sovereignty.

[5] Additional forces, including the denationalization of currencies, environmental externalities, and terrorist networks further reveal the fictive nature of territorial sovereignty, according to Agnew (2005; 2009).

4. Conclusions

Rather than being dismissed as an ontologically chaotic concept, as geographers have already urged us to do with "culture" (see, e.g., Mitchell, 1995) and "economy" (see, e.g., Castree, 2004), *de jure* sovereignty should be retained if only for its power as an *idea*, an *idea* empowered by its grounding in questions of legal constitutional authority over territory (Philpott, 2001; Lake, 2016). The continuing power of this idea is recognized for several interrelated reasons. First, the territorial nation-state retains its importance in shaping identity (Storey, 2017). Notions of post-sovereign cosmopolitanism (see e.g. Held, 2004; 2013), attainable only by a small global elite, remain alien to the mass of humanity. Second, as Agnew rightly recognizes, historically there has been a very positive correlation between the development of democracy and the nation-state. Naïve at best is the notion that a post-sovereign international system would be any more just than the current order (Agnew 2005; 2009). Third, shifting norms associated with sovereignty will condition how state actors attempt to justify their claims in territorial conflicts, as seen in disputes over Crimea (Charron, 2016), Kashmir (Osuri, 2017), Nagorno-Karabakh (Borgen, 2007; Blakkisrud, Kolstø, 2012), and multiple other examples in Eurasia (Kofanov et al., 2018) and beyond (Caspersen, 2013). Fourth, weaker countries, recognizing that sovereignty's banishment likely would benefit the more powerful states, often see sovereignty as a "resource to be cultivated and exploited" (Peterson, 1998, p. 179). Fifth, as the integrationist EU becomes more state-like, the negotiation of sovereignty between Brussels and the member nations will ensure greater responsiveness and representation (Moisio, 2006; Paasi, 2016). And, sixth, sub-state indigenous groups will continue to post sovereignty claims (Ranco, Suagee, 2007; Diver, 2018). Negotiating these claims could lead to new forms of multilayered governance more accommodating of regional cultural difference.

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