

Arendtian Construal of the State and Sovereignty: An Extant Version Stance

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Abstract: The conception(s) of the State and Sovereignty is not new-fangled at any apposite construal outlook. However, this ought not to be deciphered to connote that an affinity to delve into their comprehension is futile. In this paper, there are a plethora of sub-themes that constitute these two themes of interest. Appertaining to the State, it is ordered by the constitutional structures which partake of proffering a delineating social identity as well as the legitimacy of the State action. Moreover, the society is construed to be the transitional sphere through which individuals can deliberate on varied issues as a sort of nourishment. State sovereignty is comprehended as vastly resounding along with invariant expressions. Varied schools' of thought such as the realists' interpret the State sovereignty from a pragmatist stance. It is in tandem with this department that the concern of whether sovereignty could suffer any brand of obliteration emerges. The interest of this exposition is to delve into the ambivalent nature of the State along with its co-reality, that is, sovereignty. The methodologies that were employed in the pursuit of possible rejoinder(s) to the foregoing problem were hermeneutic and critical approach. Arendtian proclivity to the State's and sovereignty viewpoints were interpreted and later on appraised with an avant-garde lens. It was realized that Arendt thought sovereignty besides autarchy to be the same in human endeavours by differentiating between an idea of rights and rights. Additionally, there ensues to be two sorts of sovereignty, to be precise, external along with internal sovereignties. The lingering enquiry at this juncture is the equipoise and nexus between internal and external sovereignty. Autocracy is by and largely vindicated as the need to surmount temporarily the weakness of dualistic or admixed or functionally separated forms of government. The facilitation is in determining the institution of a legitimate actor entitled to all rights along with privileges of statehood in addition to defining the underpinning strictures of rightful State action. It is germane to accentuate that legitimacy ought to be silhouetted by the construal of power as *the outright will's aptitude to bring into being as well as impose change on that which is* in the correlation between the State and sovereignty.

Keywords: Hannah Arendt, the State, sovereignty, transitional sphere, the annihilation of sovereignty, power.

I. INTRODUCTION

The disquisition intends to embroil itself into the varied facets of both Arendtian as well as extant notions of the State and sovereignty. The titillating issue is that of construing first and foremost Arendt's stance on these two

political along with legal co-realities and later on the bearing of this comprehension in our avant-garde milieus of maneuver. In pursuing the preceding concern, what ought to continuously be the condition sine qua non is the correlation between the State and sovereignty. For the other aspiration to be fruitful, hermeneutics and critical approaches are germane in cognizing the liaison amongst transitional sphere, nature of autonomy, the annihilation of sovereignty and the sorts of self-rule.

II. ON THE STATE

The inkling of the State is a multifarious, multi-criteria concept. In the present-day epoch, it refers to: a set of systematized institutions with a level of connectedness or cohesion; justifying shorthand descriptions of their behaviour in unitary terms; operating in a given spatial territory. The notion of the State further implies, an area populated by a considerable population structured as a distinct society. These institutions socially accredited function is to define and enforce requisite decisions collectively on the members of that society¹ and their existence creates a public realm distinguished from the sphere of private activity or decision making. Furthermore, each such State ought to correspondingly: claim sovereignty over social institutional as well as effectively monopolize the legitimate utilization of force within the given territory.² It ought to be in a position to describe members along with non-members of the society and regulate entry to as well exit from the territory; make strong conceptual or ethical claims to be advancing the common interests or broad-spectrum will of members of the society. Furthermore, be accepted as legitimate by significant groups or elements in the society, command bureaucratic resources³ to be capable of collecting taxation.⁴ Additionally, it should order government affairs effectively, given prevailing transactions costs;⁵ substantially regulate societal activities using a legal apparatus and government activities by modes of a constitution and be acknowledged as a State by other States.

The modern-day States ordinarily meet all these criteria simultaneously. Nonetheless, historically, this complex governmental form evolved gradually and to some extent, with particular facets emerging unevenly in diverse milieus and becoming indiscriminate over long time episodes. The processes of State formation have been

strongly influenced by many factors: the transformation from feudalism to capitalism, alterations in military technology, wars, revolutions, imitative effects, geopolitical situations, the rise of nationalism and liberal democracy and the experience of communism, fascism and other forms of outstanding governments in industrialized countries.

Contained by the defining physiognomies set out above, there can be numerous poles apart State variations, with different institutional arrangements. Conditions quite often arise where most defining features are present, on the other hand, one or several facets are missing or called in question creating intricate cases where the attribution of statehood becomes problematical. The multi-criteria nature of the notion, the intertwined web of historically specific pathways of State development in addition to variances in State forms have all contributed to considerable theoretical convolutions in reaching any wide agreement about how to define the State. As Walzer commented in a different context: 'History illustrates a great variety of arrangements and ideologies. Nevertheless, the first impulse of the philosopher is to resist the displays of history, the world of appearances as well as to search for some underlying unity.'⁶

There has been a noticeable affinity for theoreticians to fasten on to one or a few of the defining features above to ignore or de-emphasize others, relegating them to the level of associated aspects or corollaries of statehood. Alternatively, other authors try to identify a small subset of features which form the prime root of State power or eccentricity. Conflicting definitions of the State have thriven, however, they can expediently be grouped into two views. Philosophical approaches, the juridical literature influenced by the Roman law, Marxist State theory and evolutionary systems theory approaches have by and large adopted an *organic* outlook of the State.

Here, the State is comprehended regarding some moral purpose, human drive or social function which call for the coming into existence of a specialized sovereign body, operating in the procedures representative of modern States. For instance, sorting out the exercise of ultimate political power from the lineage or traits of particular individuals. Moreover, amalgamating political regulations as a substitute for retaining the manifold independent or incorporated centers of political autonomy found in feudal arrangements.

All organic methodologies try to institute the indispensable quality of the modern State form, relying on logical argument. Most work follows some form of derivationist technique where the numerous defining features of the State are inferred from its essential purposes or functions within a broader social theory or philosophical apparatus. Much of this literature, especially in Marxist-influenced work, appears to reify the State, creating a unitary social actor to which massive social influence is consigned, however, whose explicit identification or inner workings often remain obscure.

The alternative mode is a methodological individualist view of the State as a compound set of public institutions or public officials, furthestmost frequently those at the central or national government levels alone or on the other hand of all designated governing organizations. This outlook preponderates in pluralist political science, mainstream economics, and historical sociology. It typically yields definitions of the State closer to *trait theory* techniques, which pursue to encompass or reorganize the entangled empirical corollaries of statehood.

The State has also been joined up in copious divergences with equally problematic contrasting terms. These contrasts attempt to clarify the essential core of stateness, nevertheless are usually not exhaustive and hence only aggravate definitional glitches. Typical of such false dichotomies is the State versus the individual contrast, which predominated in Anglo-American liberal thought from the end of the eighteenth century to the 1970s; the State versus civil society contrast in Marx's work, and parallel distinctions in Hegelian-influenced approaches. There was feeding through into the blanker State-centered versus society-centered elucidations of some contemporary neo-elite and novel institutional theory. Moreover, the domestic or welfare State versus the external or power State contrast which has sustained the post-war split between political science and international relations.

Each of these perspectives prioritizes some of the defining features listed above and de-emphasizes others. They point to diverse core elements of the State, the legal system for liberal approaches, the bureaucracy for neo-elite theory, the sphere of high politics for realist theory in international relations.

Hitherto, the State's task in liberal democratic societies remains the foremost enigma in current State theory. Analyzing the historical State of pre-democratic eras or State intervention under modern authoritarian regimes is relatively forthright. Where political power is concerted and regulated blatantly or observable by other power centers by wealth or military force or a secret police, for instance, acute hitches of maintaining the legitimacy of constraints on rulers from transactions costs, of achieving State rationality, *et cetera* may all occur. Typifying the State action and intervention is much more convoluted and enigmatic where a system of political decision making both formally vests ultimate control in the dispersed votes of citizens in addition to yet creates substantial power centers. The aftermath is institutions with an imperative gradation of autonomy, inertia, institutionalized dispositional biases, *inter alia*.

Correspondingly, the liberal democratic State claims unconstrained sovereignty over the social arrangements within its territory, hitherto binds itself formally with an apparatus of legalism and constitutionalism. In addition, in practice, the politically controlled and putatively sovereign liberal democratic State must border with a capitalist economy. It ought to operate in a culture where money is effectively a *dominant good*, transmutable into political power and social influence not just at national level, however, progressively on a global scale.⁷

Societies of States', as is contended here are ordered by constitutional structures. These complexes of metavalues define the social identity of the State and the broad parameters of legitimate State action. Hegemonic ideologies about the ethical intent of the State provide the justificatory foundations for sovereignty and generate norms of pure procedural justice. The latter exerts a profound influence on institutional design in addition to action, defining the *mentalities* of institutional architects and shaping the moral discourse that structures institutional production as well as reproduction. Constitutional structures are not all the same, since culture and history matter. Ideas appertaining to the moral purpose of the State display a discrepancy from one society of states to another, and they inform dissimilar norms of pure procedural justice. It is this variation, we argue, that explicates the divergent institutional practices of historical societies of states. States create central

institutions that reflect their social distinctiveness and as that identity changes, so too do rudimentary institutional practices.

According to Arendt, the prodigious and in the long run, perchance the utmost American origination, for instance, in politics *per se* was the unswerving obliteration of sovereignty in the body politic of the State. The discernment that in the sphere of human undertakings autonomy as well as totalitarianism are the same.⁸ The statement can profitably be put together with Hans Kelsen's 1920 *Die Souveranitätsvorstellung Freilich muss Radikal Verdrängt Werden*.⁹ He best explained this idea twenty-five years later, when he defined as formerly, sovereignty as the nonderivability of the domestic legal order from and its supremacy over all other sources of law, including and even in particular international law.

Under a sovereignty regime, international law gains its validity only for the reason that a domestic system so recognized it and the laws of other domestic systems, even more indirectly, are realized as valid only for the reason that are the requirements of international law. Sovereignty regimes are, thus, epistemologically solipsistic and politically even worse, potentially. A person whose political attitude is nationalism and imperialism will naturally be inclined to accept the hypothesis of the primacy of national law. A person whose sympathies are for internationalism and pacifism will be inclined to accept the hypothesis of the primacy of international law.¹⁰ The latter will, for that reason, strive for politically or morally at least to suppress sovereignty regimes.

Leaving for another occasion consideration of Kelsen's remarkable though not wholly convincing argumentation for this position, we note that the two perspectives, his and Arendt's, could be comprehended as entirely incompatible or as complementary. Arendt's statement is about the supposed historical fact, whereas Kelsen's is about a moral-political norm rather than a legal norm. An unconvincing way of reconciling them would be to enunciate that what is both fact and a norm in America is mere norm elsewhere and Arendt's appeal to *the long run* gives the impression to suggest such a liaison between a model and its desired normative influence. Nevertheless, it is vacillating that Kelsen would have thought that in the period of the rejection of the

League of Nations or at the time of the founding of the United Nations; Americans were not confronted with the same fateful recourse as other States.

More relevant here is that it is very lucid that Arendt deems the American abolition of sovereignty to pertain to internal affairs only. *First*, for the reason that she explicitly avers that within the body politic and *second* for she even implies very rightly that the point or one of the points of forming a perfect union was to heighten outward autonomy. The duty was to bring together the recompenses of the monarchy in alien concerns with those of antiroyalism in national policy.¹¹ It would be incongruous to designate this as a fortuitous or thoughtless remark, given that the correspondence of its lunge with the intents of the writers of the amalgamation of several States (Federalism) had to be entirely clear to Arendt.¹²

To Kelsen, though, the suppression of sovereignty would imply that the supremacy of international law would be established vis-a-vis both the internal and external legal orders of States. More classically, then, he considered the external and internal dimensions of sovereignty to be inseparable.¹³ On the other hand, in his two cited works, assuming sovereignty, its suppression in the internal life of the state would be devoid of the gist. There is no way, by definition, that he can thus explore the internal constitutional conditions prerequisite for the abolition of sovereignty. Moreover, that is the strength of Arendt's reconstruction of American history or at least of the path that her reconstruction commences though hardly completes. If she does not explore what in the internal constitutional design's linkage to sovereignty promotes imperialism, Kelsen could not in principle do so.¹⁴ Entirely autonomous of his interpretations of sovereignty, Kelsen was hostile to the presidential government that will play a crucial role in the construing of as to the *raison d'être* of his stance; a form that he considered between democracy and autocracy and close to a monarchical form.

III. TRANSITIONAL SPHERE

Arendt has presented one of the most confronting as well as indeed the most fervent critiques of modern civil society in a whole series of books along with essays.¹⁵ Arendt's core thought merely mentioned antagonist is Hegel. Her attack is concentrated on the concept of society as an intermediate sphere of influence between

private in addition to public, family and political life. Society is a realm of mediations where private interests, activities, and institutions assume public roles while public institutions take on private housekeeping functions. Consequently, to Arendt, institutions such as Hegel's corporations and police do not stabilize and regulate the distinction of public and private but reasonably dissolve the sharp line between them and threaten the integrity and autonomy of both.

Unlike Hegel, Arendt does not pursue synthesis of modern society and ancient republicanism. Instead, she resolutely guards the model of conventional political ethos along with its sharp separation from the private (*Oikos*) sphere against modernity particularly the modern State bureaucracy and mass refinement. Her critique is a normative one underpinned by what is held to be the values of typical public life, concisely: political equality, public discourse, and honour beside private life, to be exact: uniqueness, difference, and individuality. Unlike that of Marx in 1843, whom she in numerous respects resembles, Arendt's is not an immanent criticism. The actual political reemergence and reinstitutionalization of these values call for an almost total rupture with all existing institutions.

History of decline from the emergence of society to mass society, perceived as more or less inexorable deprives modernity of its one admitted achievements, the development and enrichment of the private realm as a sphere of intimacy. Thus, like Walter Benjamin, Arendt consciously practices a form of redemptive criticism that for the sake of feasible future attempts to save some value facets of the past from the perceived disintegration of tradition including the tradition of early modernity.¹⁶

We examine Arendt's critique in detail for a plethora of *raison d'être*. *Firstly*, she will help us counterbalance the Parsonian conception by proffering rich insights into the dark side of the institutionalization of modern civil society. *Secondly*, the internal aporias of her analysis will help us illustrate that not even Arendt was able to base a modern theory of freedom on the abolition of civil society; she, too, is forced to assume, nevertheless unwillingly, the necessity of its preservation. *Thirdly*, a comparison with the early work of Reinhart Koselleck and Jürgen Habermas will countenance to demonstrate that in the modern universe one can make sense of

Arendt's normatively based project. The project gyrates around the concept of the public sphere, only if it is relocated around the intermediary sphere of the society that she sought to banish.

The conception of the societal in Arendt's text corresponds to the Hegelian *topos*, is undoubted, counterposed to both the political society of the ancient as well as the civil society of the modern liberals. While these two conceptualizations belaboured the public sphere in the case of the ancients and the private in the case of liberalism, the social realm, a creation of modernity obstructed by these two political philosophies entail an admixture along with interpenetration of the two realms and their constitutive principles.¹⁷ To construe the mixture, we must first analyze its components.

Arendt's theory of the public sphere, albeit systematized around a theory of action is derived from her comprehending of the model of ancient republics. She conceives of the *polis* as the organization of the people as it arises out of speaking in addition to acting together.¹⁸ Action, in turn, is grasped as the self-disclosure and even self-renewal of the actor through the medium of speech, feasible only in the presence of others who realize and hear besides hence are capable of establishing the reality of subjective expression.¹⁹ The action is thus continually interaction that both confirms the plurality of unique experience and personality as it institutes a communal universe, relating and separating human actors at the same time. The collective cosmos is the public sphere.

Action or rather an interaction is constitutive of the public sphere,²⁰ however, it is supposedly only power that can keep it in existence.²¹ Power, in turn, is defined as acting in concert on the bases of making and keeping promises, mutually binding one another, covenanting.²² Arendt's model of action stresses on the striving of the actor for the fame and even *immortality* that can be realized through dramaturgic self-presentation based on the rhetorical skill of finding the precise words at the exact twinkling.²³ Her concept of power points to action-oriented to normative principles that derive their force from the depth-structure of a form of communication founded on mutual recognition and solidarity.²⁴

Consequently, the concept of action can be construed as a wide-ranging anthropological constituent of the human condition, nonetheless, the concept of power along with it, a thoroughly institutionalized public sphere appears to require a republican model for its full actualization. Furthermore, Arendt does, in fact, link power more contiguously to political speech than to act in its primordial rhetorical sense.²⁵

The public sphere in Arendt's stance presupposes a plurality of individuals' unequal by nature which are, nonetheless, *constructed* as politically equal. According to her, the connotation of the *polis* as *isonomia*, to be precise, equality about the law is that of no rule in the sense of an absence of differentiation into rulers and ruled within the citizen body. Thus, the public sphere establishes a model of interaction tintured by noncoercive discourse among citizens who initially hold and freely exchange a genuine plurality of opinions. This model turns out to be somewhat restrictive. Underpinned by her assortment between action and work, *praxis* and *poiesis* respectively, Arendt at times go along with what she takes to be the Greek exclusion of legislation, the decision by voting and even the founding of cities from the properly public, political activities.²⁶

IV. NATURE OF SOVEREIGNTY

The State sovereignty is generally comprehended in highly categorical and invariant terms. Realists assume that self-sufficiency is an empirical categorization of the State, that the State resolves for itself how it will deal with both its inner and outer glitches.²⁷ More socially inclined theorists treat sovereignty as the foundational organizing principle of international society, the precept by which specific political units are identified and licensed as legitimate actors on the international stage. In both cases, sovereignty is assumed to have a fixed import. Whether in practice or principle, self-government is taken to denote the absolute authority of the state within its borders and the absence of any higher authority outside those borders. Alan James delves into this subject matter by accentuating that, sovereignty may be perceived as a moat, cutting the State off from constitutional subordination to other States, thus, expressing the fact of its own constitutional independence.²⁸

Most authors admit that the practice of sovereignty never matches the purity of this conception, nonetheless, they maintain that it remains a theoretically powerful assumption, the indispensable point of departure for

comprehending the politics of anarchy. The dawn of international relations, according to Bull is the existence of States or self-determining political societies, each of which possesses a régime and declares autonomy in liaison to a specific percentage of the earth's surface and an exact fragment of the human populace.²⁹ A recent wave of constructivist erudition has antagonized this categorical appraisal of sovereignty. Instead of treating self-sufficiency as an unambiguous quality of statehood or a definitive benchmark of international society, constructivists argue that autonomy is a variable, social and essentially instituted regime.³⁰

The traditional approach has been to acknowledge and then bracket variations in the practice of sovereignty to assume practical uniformity and conceptual consistency for the sake of theory building. Constructivists insist that our reading of international politics will be handicapped until we recognize that sovereignty is a functional category whose empirical contents are not fixed but evolve in a mode reflecting the active practical consensus among coreflective statesmen.³¹ Giving flesh to this acumen, a wealth of studies have appeared that explore the socially constructed, historically contingent nature of sovereignty. These range from Ruggie's investigations into the world-historical transition from heteronomous to sovereign systems of rule, through Jackson's, Barkin and Cronin's and Thomson's analyses of significant shifts in the connotation of sovereignty in the modern era, to Bartelson's genealogical history of the conceptual discourse of power.³²

In a variety of approaches, all of these studies are concerned with the constitutive relationship between the State and sovereignty. The mode of the sense of authority is negotiated out of interactions within intersubjectively identifiable communities and the variety of patterns in which practices construct, reproduce, reconstruct and deconstruct both state and sovereignty.³³ Despite emphasizing the different connotation of sovereignty; its contingent nature as a historically grounded practical discourse constructivists have continued to treat sovereignty as the basic structuring principle of international society. By employing the idea of constitutional structures to conceptualize the normative foundations of global community, we have not only embedded the principle of sovereignty into a broader complex of constitutive meta values, but there has also been an assigning of it a secondary, dependent value. The stance is not intended to deny that sovereignty is the fundamental

organizing principle of our present society of states or that it was any less imperative in structuring the ancient Greek, Renaissance Italian or absolutist systems.

Somewhat, it is to acknowledge what sovereignty is as an organizing principle, precisely, no more or no less. It is a standard that specifies how power and authority will be systematized, a model that mandates territorially demarcated and autonomous centers of political authority. There is nothing in the principle of sovereignty, though, that specifies why power and supremacy should be structured in such a fashion; the only technique to rationalize this form of political organization is by appealing to a set of higher-order values that sovereign States are thought to realize. Moreover, the legitimacy of the sovereign state rests on values other than the principle of sovereignty.

There has been the utilization of the concept of the moral purpose of the State to conceptualize these justificatory values and have suggested that dissimilar hegemonic as about the moral purpose of the state have given sovereignty poles apart denotations in unlike historical contexts. This conceptual move is intended to facilitate a more urbane and systematic construing of the normative foundations of international societies, and to enable us to comprehend their divergent qualities as well as their similarities.

According to David Strang, sovereignty is comprehended as a social status that facilitates States as participants within a community of mutual recognition.³⁴ Emancipation is, thus, considered the principal identity value of the international life world, the constitutive principle that empowers centralized, autonomous political units as legitimate social agents. A clearer construing of the nature of social identities and of the communicative practices surrounding their production and reproduction reveals, however, that this assumption is logically problematical. All human actors both individual and collective have social identities that enable them to operate in a world of complex social processes and practices. Like other constructivists, here, the definition of social distinctiveness is the sets of connotations that an actor ascribes to itself while taking into account the perspective of others, that is, as a social object.³⁵

Social identities, as opposed to other corporate eccentricities, are defined by intersubjective, socially sanctioned and institutionalized gist that define the nature and purpose of agents and agency in a given social context.³⁶ Such identities fulfil a variability of social-psychological *telos*. Most decisively, they proffer actors with central motives for action. Here, the facet of veracity is in two senses. In a purposive sense, McCall and Simmons contend, social identities provide the primary source of plans for action, informing an actor's objectives as well as the strategies they formulate to achieve them.³⁷ In a justificatory sense, social identities provide the foundation on which action can be rationalized, providing actors with a reason for being and acting, a *raison d'être*. For instance, a doctor's social identity implies certain forms of action, such as prescribing drugs and doing surgery but also gives reason and sense to those actions.

Lest entrenched within a comprehensive intricate of higher-order values, the precept of sovereignty cannot alone arrange for the State with a lucid communal distinctiveness, nor has it done so in history. Reign, analogous to distinct autonomy, is not a self-referential worth proficient in individualistically proffering actors with essential details for an act. We at this point accentuate that sovereignty has no purposive content. Shorn of reference to some other higher-order values, it cannot independently inform plans of action or strategies to achieve them. Furthermore, the principle of sovereignty provides an inadequate justificatory fountain for action. If one behaves in a manner that annoys, frustrates or merely affects those of the others, they are entitled to enquire about why such a fashion of conduct. Asserting one's independence or liberty cannot engender an adequate response, as they can immediately enquire why the entitlement to such freedoms. At this point, one must ground his claims to independence in some other deep, socially recognized identity values.

Taken to an extreme, this would comprise appealing to intersubjective values that define what it implies to be a fully realized human being. Similarly, when states are forced internationally to justify their actions, there comes the point when they must outstrip mere assertions of sovereignty to more foremost and essential values that warrant their status as centralized, autonomous political organizations. The clarification is an essential facet of international communicative action, and historically it has entailed an ordinary moral discourse that grounds

sovereign rights in deeper values that define the social identity of the State. We are entitled to possess and exercise sovereign rights for the reason that we are ancient polises, renaissance city-States, absolutist monarchies or modern liberal polities.

Recognizing that the identity of the state is grounded in a larger complex of values than simply the organizing principle of sovereignty is the first stride in formulating a more congenial constructivist account of basic institutional practices. For these values not only define the terms of legitimate statehood, they likewise provide states with substantive whys and wherefores for action, which in turn exert a profound influence on institutional design and action. What is more, the values that ground sovereignty have varied from one society of States to another, generating contrasting rationales for state action and transformed basic institutional practices?

V. ANNIHILATION OF SOVEREIGNTY

What did Arendt's famous statement mean? It is indeed not problematic to discover why she thought sovereignty and tyranny were the same in human affairs. Arendt realized that the discourse of sovereignty comprising popular sovereignty as the claim to control, rule and assert jurisdictional supremacy by an entire, single political instance within a territorial body politic. Self-government is construed as a matter of the assertion of the will, as the command and ultimate discretion of an uncommanded commander who is *legibus solutus* the source of law and so unbound by law, thus, arbitrary, hierarchical, leveling, homogenizing and solipsistic by definition.³⁸ To her, the discourse of sovereignty is profoundly antipolitical. It is the discourse of rule and domination that is a projection from the sort of dominium typical of paternalistic rule over a household. Its unifying logic encompasses the attempt to conjure an approach to the ineluctable contingency and plurality of political action and the public sphere.

The concept of freedom associated with the idea of sovereignty is freedom of the unimpeded will, uncompromising self-sufficiency and mastership divorced from the action in concert.³⁹ It is liberty, to be precise, freedom of choice, ultimately in a monological sense, as opposed to political freedom in a republic, a concept that is inseparable from acting and speaking in the public sphere.⁴⁰ Thus, sovereignty, that is rule and

politics, to be exact, no rule is antithetical; the former is soliloquy, the latter communicative or at least interactive. The former involves the solipsistic freedom and assertion of the will and as such is antithetical to freedom, plurality and the exercise of political judgment by a multiplicity of actors communicating, deliberating and acting together in concert.

Sovereignty involves command and obedience; it is an institution of rulership and political hierarchy, not equality.⁴¹ Supremacy is, thus, antithetical to the rule of law, *political* plurality and the existence of counterpowers, equal citizenship and ultimately constitutionalism itself. Accordingly, independence, at least in internal matters, is unbridled discretion, that is, tyranny presently grasped as a dictatorship. Arendt, also, comprehended sovereignty as by definition absolute and linked irrevocably to an embodiment model of representation and hence locatable in one single political instance. It makes no variance whether sovereignty is asserted by the king, by a parliament or in the name of the people. In every case, this discourse unleashes the attempt to appropriate it by a solitary representative instance and as a result, leads to tyranny and the abolition of politics and the rule of law.

For Arendt, the discourse of popular or national sovereignty does not circumvent this dynamic, as evidenced by the case of the French Revolution, for it too is perforce a discourse of the will, in this case, the indivisible general will, which must be unitary and homogeneous.⁴² Will and power set above the law as the source of law can refer to the people as well as to the king. The attempt of continental democratic theory and practice, from Rousseau to Sieyes and Carl Schmitt, to put the sovereignty of people in the place of the king being involved. The correlate that as the constituent power, the people are before and unbound by law, henceforth able to amend the constitution through a revolution when they so will. In Arendt's view too, popular sovereignty as the revolutionaries construed it led inexorably to what Claude Lefort has christened the embodiment model of representation first articulated by Sieyes.⁴³

Since the people cannot rule directly in modern society, their sovereignty must be represented. A single political instance could embody Peoples' autonomy, be it an assembly, a committee or a president, who, as sovereign

representative, tends to appropriate the political for itself or himself, to the exclusion of all other actors. The upshot is equally disastrous for political plurality and freedom as it would be under absolute monarchical sovereignty. Accordingly, the continental theory of popular sovereignty and especially the concept of constituent power, is a receipt for arbitrariness, populist distortion of republican principles. An invitation to an institutional organ, be it the legislative assembly or the executive, to claim to embody the will and unity of the people, ultimately undermining both the rule of law and political freedom.

The discourse of popular sovereignty is, like monarchical sovereignty, associated with the absolute and with unity and hence ultimately incompatible with constitutionalism. Accordingly, Arendt wanted to be done with the discourse of self-rule altogether. She wanted to keep the place of sovereign power empty.⁴⁴ It is quite noteworthy to affirm that, given her own normative theory, this train of thought does not tautologically put Arendt in opposition to external sovereignty. In the aforesaid sense, *first*, for the reason that presenting a united front toward the outside does not, despite the contrary logic of Carl Schmitt's argument in *Concept of the Political*,⁴⁵ exclude the public. Deliberative interaction is domestically of equal citizens who initially disagree as long as mechanisms are allowing the generation and enforcement of collective decisions.

Furthermore, it is also the case, *second*, for Arendt never described or imagined external politics as political in her demanding sense of the term. That may leave her and us with the lamentable inference that, in external affairs too where States are often perceived as brands of super-individuals or supermen, analogous to H. L. A. Hart's *Concept of Law*.⁴⁶ Sovereignty is tyranny at least concerning States incapable of full clout, a deduction Arendt gave the impression to draw in the context of late-nineteenth-century imperialism.⁴⁷ Starved of insisting or at least settling on either of the two apparent remedies implied by Kelsen's quest to abolish sovereignty; world government and sovereign equality.

The conceptual link between external and internal sovereignty is nevertheless strong, despite Arendt's concept of the political that appears to disunite it. There is much to recommend the historically dominant view in legal theory, articulated by Carré de Malberg, for instance, that internal and external sovereignty must be treated as

inseparable and even identical.⁴⁸ According to this view, a State indeed could not be supreme at home if it had a state that was its external superior, whose legislators or decision makers could then use whatever advantages they had to dictate the foreign policy of the dependent state to dictate its internal policies as well. The means of violence used to enforce each is the same, even if, for pragmatic elucidations, they are utilized in one case and not the other. Leaving aside when the break occurred, the Canadian federation, for example, was not sovereign as long as Canada was under a colonial status. The East and Central European satellites of the Soviet Union were also not sovereign at home.

VI. SORTS OF SOVEREIGNTY

A sovereign State is a supreme political organization that has not only inferiors internally, that is, supremacy but also at most equals externally, precisely, independence. Inequality externally vitiates the supremacy internally. Conversely, can a state be at least equal to all others abroad if it is not supreme at home? The classical theory would have denied this also, and this is another reason for the inseparability of external and internal sovereignty. Nevertheless, how could then Arendt imagine that external sovereignty could be erected and maintained in America without internal ascendancy?

In her spirit, Arendt's determinations can be saved from a thoughtful contradiction only by the distinction insisted on by Carré de Malberg, that between *state* and *organ* sovereignty.⁴⁹ Such a distinction was fudged by the theorists of absolutism or monarchical sovereignty, however, became crucially imperative to make, according to Carré de Malberg, in the epoch of national or popular sovereignty, when the body of the whole could not rule directly and claims that it could do so would inevitably lead to usurpation.

An *organ*, that is, a person, an assembly or an institution could exercise all the powers of sovereignty that Jean Bodin assigned alternately to the State and its organ, the monarch. Nevertheless, there may be and ought to be, according to Carré de Malberg, under national sovereignty, if not Bodin, Thomas Hobbes and John Austin's State sovereignty short of such an organ. It is more or less the latter that was the epicenter of Kelsen's understanding of sovereignty and even of the sovereign State, as the supremacy of the domestic legal order,

though he wrongly neglected the problem of organ sovereignty in total. Arendt did not distinguish between state and organ sovereignty,⁵⁰ on the other hand concerning internal affairs, her fire is directed almost exclusively against the latter. Likewise, it is only organ sovereignty that the Americans banished in her reconstruction.

Accordingly, the American State is sovereign concerning the outside, on the other hand, about the internal life of the republic, at least no organ, institution, person or power holder ever has undivided supremacy, complete legal independence. Each is under the law and checked by other powers. If it were otherwise, as Carré de Malberg argued, national or to the Americans, popular sovereignty would be confiscated in the act of usurpation by a mere branch or organ of power. Organ sovereignty is a modern dictatorship or as Arendt anachronistically asserts, tyranny. Note that state sovereignty is compatible with Arendt's communicative conception of the political and is implicitly treated as such in *The Origins of Totalitarianism*. The preceding is so for the reason that the idea of the State's law is supreme no more excludes the public, deliberative interaction of equal citizens than does external sovereignty.

The reasons are partly the same as in the case of external sovereignty since in state sovereignty the external and internal are proximately linked and according to some are even identical. It is ostensibly otherwise with the concept of organ sovereignty. To cognize how Arendt came to concentrate on that issue devoid of using the actual concept and locate the domains from which she thought it must be banished, it is essential to uncover Carl Schmitt's direct or since she has not left us with the needed references indirect role in her train of thought. Starting from attacks on sovereignty by positivists such as Carré de Malberg and Kelsen, Schmitt admitted that the traditional concept based on the omnipotence of the hidden Supreme Being was political theology the wrong political theology.

Sovereignty, which continuously presupposes representation by and personalization in an actor or an organ capable of decision, necessitates a different political theology with the marvel or the extraordinary as its central concept.⁵¹ In consequence, Schmitt came to concentrate on two extraordinary contexts in which sovereignty

organ sovereignty capable of decision reappears in the modern world, revolutionary constitution making and States of constitutional exception.⁵² He had no problems with affirming both as dictatorships, the sovereign and the commissarial, both of which overcome all divisions and separations in the structure of power and temporarily all limitation by law. To Arendt, this way of thinking, which she had to know well from the 1920s when it was advanced both in the form of pamphlets and more severe studies became, noticeably, unacceptable and even reprehensible given her political conception to which we have already alluded. Her conception of the political in *Human Condition* already stood the Schmitt of *The Crisis of Parliamentary Democracy* on his head by adopting the deliberative model derided by the latter as the normatively preferred one.

In *On Revolution*, Arendt's strategy was to use the Americans against Schmitt whose stand-in textually is Sieyes' interpreted in the same one-sided manner of Schmitt himself.⁵³ It is demonstrable that Sieyes had strong American influences on him; that he accepted the idea of a sovereign constituent assembly with the plenitude of powers reluctantly that he had two concepts of the nation. One under the law while the other in the state of nature, *inter alia*; and that he was continually pursuing some model for constitutional guardianship and was uncomfortable with applying the doctrine of sovereignty to the constituent power as well.

Accordingly, on every conceivable level of internal politics, the American framers discerned rather than unified power. First and foremost, they truly distinguished legalized and tamed the constituent power itself. Instead of conceiving that revolutionary power in the state of nature, they located it in organized bodies. Instead of making the organized bodies of the people as the source of both power and law, they separated the two dimensions and conceived themselves to be at all times under the law. Furthermore, Arendt could have added, instead of fashioning a constituent assembly with the plenitude of powers, unchecked or checked only by a plebiscite, they constructed a many-stage, dualistic constitution-making effort where the drafting assembly was supposed to recommend only.

When it came to the constituted powers, the division of powers entangled their segmental diversity while the separation of powers entails their functional disparity. According to the Madisonian formula of blending

sovereignty between the States and the federal union, sovereign powers monopolized by absolute monarchies and some American state legislatures were shared among these instances. Arendt is a staunch advocate of federalism and even States' rights and remained so even though she perceived the misuse of the principle both in the period before the Civil War and in the period of the civil rights movement.⁵⁴ As far as we can tell, the idea that the Americans dispensed with sovereignty appeared first in the famous *We Think Misguided* essay on Little Rock (1959). Here, Arendt identified and defended the States' rights principle as that of the division of power and the fervour that the division of power fortifies the body politic. That was not the American experience with the doctrine and states' rights were only one version of the idea of division of power and federalism to national sovereignty if not to the sovereignty principle as such, but it has also been, repeatedly, a source of disunity and deep conflict.

Arendt, nevertheless, called the doctrine one of the most authentic sources of power for the republic as a whole.⁵⁵ How that worked, she never tried to demonstrate beyond entirely abstract considerations about the supposed nature of power, which unlike strength increases when it is divided. As late as the epoch of Watergate, Arendt defended the principle and quite implausibly, realized the enormous growth of federal power at the expense of states' rights as an issue to which movements of civil disobedience should respond.⁵⁶ While less is articulated about the separation of powers, the Montesquieuan scheme, reinterpreted it regarding checks and balances, is likewise consistently presented as actually a framework for the enhancement and increase of power. The erstwhile could be a stretch, then again in effect, this argument, partially right and partially wrong, served among other things as the riposte to Schmitt's presidentialism and within that his second extraordinary context in which organ sovereignty inevitably reappears as the state of exception, war, and internal emergency.

VII. CONCLUSION

If one pays attention to Arendt's deliberations in *The Origins of Totalitarianism*, it turns out to be clear that her claim about the collapse of the nation-state is a constant attack on the terminology. As well, principles of the foremost State in addition to sovereignty theorists of the Weimar Republic, who alleged that they could create a

State order on the theory of the national will as the solitary authentic benchmark. The construal led to the folkloric abhorrence that was predominant in the 1920s and 1930s, and that made communication between the political entities dreary, if not intolerable.

The postulation of the homogeneousness of a nation started the deassimilation course that held not only political conflicts in store, nevertheless, correspondingly shrank a nation's sovereignty on issues such as emigration, naturalization, nationality, and expulsion. Unilateralism in enquiries of security and public safety as an expression of State sovereignty ended practically in the inability of the nation-state to act and, consequently, enforced it similarly to liquefy its constitutional foundation devoid of disentangling the predicament. Due to the gargantuan forfeiture of clout, numerous European States had relinquished the nation-state as a form of government long before World War Two and had instead either instituted totalitarian, fascist or authoritarian regimes or had replaced the parliamentary constitutional State with a party dictatorship.

Furthermore, the salient matters that have been deliberated in this chapter have buttressed the preceding sentiments in some modes. It has been realized that the State is systematized by the constitutional structures which engender it with both the social identity in addition to the legitimacy of its action, to be precise, State action. The society which constitutes part and parcel of the State regarding groundwork as well as a *teleological* dimension(s), serves as an intermediary realm. The nature of the sovereignty is couched in exceedingly uncompromising and invariant *lexes* as this is manifest in the diverse schools of thought such as the realists, whose objective at this juncture is the pragmatic interpretation of sovereignty.

Arendt thought sovereignty and fascism to be the same in the human goings-on. The construal of this enunciation could be palpable when an autopsy of the taxonomy of ascendancy is carried out, siring both external and internal hegemony. The concern here matures into that of the equilibrium between internal and external supremacy. On the interrogations of the purpose(s) of autocracy, there ensues a grasp of its chief role of vanquishing temporarily the weakness of dualistic or admixed or functionally separated categories of government.

The idea of sovereignty attracts certain inconsistencies: the right to self-determination, deassimilation and denaturalization, rightlessness and human rights. On this absurdity of human rights, there is a construing of the nation-state failure to realize human rights. The illustrious contributory stature on the doctrine of human rights is associated with Arendt through her aptitude to enquire about the right to have rights. Constitutional structures facilitate the provision of the orders that define in addition to giving identity to both national and international societies. Likewise, this determines the institution of a legitimate actor entitled to all rights along with privileges of Statehood in addition to defining the groundwork parameters of rightful State action.

Constitutional structures of the society of the States' determines the nature of its elementary institutional practices. Additionally, the State being linked to sovereignty as political as well as legal siamese twins raises the probe into the sovereign inequality, whereby, the concern is whether there is equality in sovereignty both in principle and practice. In the long run, legitimacy related or interrelated outlook(s) grow into being ostensible, such as, what founds legitimacy, what is legitimacy's *modus operandi* in addition to what is it all about meta legitimacy, *inter alia*.

End Notes

¹ Bob, Jessop, *Sovereign Statehood: The Basis of International Society* (London: Allen and Unwin, 1986), p. 341.

² Max Weber, 'Politics as a Vocation', in M. Weber, *Essays from Max Weber*. Translated by H. Gerth and C. W. Mills (London: Routledge & Kegan Paul, 1948), p. 78.

³ Max Weber, *Economy and Society* (New York: Bedminster Press, 1968/1978), pp. 212-226.

⁴ Alois Joseph Schumpeter, 'Crisis of the Tax State', *International Economic Papers*, Vol. 4 (1954):5-38.

⁵ Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988).

⁶ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Oxford: Blackwell, 1983), p. 4.

⁷ *Ibid.*

⁸ Hannah Arendt, *On Revolution* (New York: Penguin Classics, 1963); Andrew Arato and Cohen Jean, "Banishing the Sovereign? Internal and External Sovereignty in Arendt," *Constellations*, Vol. 6, no. 2 (2009):1-25.

⁹ Hans Kelsen, *Das Problem der Souveranitat*, (Tubingen: J.C. B. Mohr, 1920/1928), p. 320.

¹⁰ Hans Kelsen, *General Theory of State and Law* (Cambridge: Harvard University Press, 1945), pp. 383-388.

¹¹ Arendt, *On Revolution*, *Loc. Cit.*, p. 152.

¹² Arato, A. and Jean, C. "Banishing the Sovereign? *Loc. Cit.*, 1-25.

¹³ Kelsen, *Das Problem der Souveranitat*, *Loc. Cit.*, p. 38.

¹⁴ Kelsen, *General Theory of State and Law*, *Loc. Cit.*, p. 301.

¹⁵ Cf. Hannah Arendt, *The Origin of Totalitarianism* (New York: Barnes & Noble, 1951).

¹⁶ Cf. Jürgen Habermas, "Walter Benjamin: Consciousness Raising or Redemptive Criticism", in *Philosophical-Political Profiles* (Cambridge: Massachusetts Institute of Technology Press, 1983).

¹⁷ Hannah Arendt, *The Human Condition* (New York: University of Chicago Press, 1958), pp. 23-24.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, p. 50.

²⁰ *Ibid.*, p. 198.

- ²¹ *Ibid.*, p. 200.
- ²² Arendt, *On Revolution, Loc. Cit.*, p. 75.
- ²³ Arendt, *The Human Condition, Loc. Cit.*, p. 26.
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*, pp. 26-27.
- ²⁶ *Ibid.*, pp. 194-195.
- ²⁷ Kenneth Waltz, *Theory of International Politics* (New York: Random House, 1979), p. 96.
- ²⁸ Allan James, *Sovereign Statehood: The Basis of International Society* (London: Allen and Unwin, 1986), p. 39.
- ²⁹ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977), p. 8.
- ³⁰ Janice E. Thomson, *Mercenaries, Pirates and Sovereigns* (Princeton: Princeton University Press, 1994), p. 13.
- ³¹ Richard K. Ashley, "The Poverty of Neorealism." *International Organization*, Vol. 38, No. 2 (1984):225–261.
- ³² John Gerard Ruggie, "Continuity and Transformation" and "Territoriality and Beyond" (1993).
- ³³ Thomas J. Biersteker and Weber Cynthia, "The Social Construction of State Sovereignty." In *State Sovereignty as a Social Construct*. Edited by Thomas J. Biersteker and Cynthia Weber (Cambridge: Cambridge University Press, 1996), pp. 1-21.
- ³⁴ David Strang, "Contested Sovereignty: The Social Construction of Colonial Imperialism." In *State Sovereignty as a Social Construct*. Edited by Thomas J. Biersteker and Cynthia Weber (Cambridge: Cambridge University Press, 1996), pp. 22-47.
- ³⁵ Alexander Wendt, "Collective Identity Formation and the International State." *American Political Science Review*, Vol. 88, no. 2 (1994):384–395.
- ³⁶ *Ibid.*
- ³⁷ George T. McCall and J. L. Simmons, *Identities and Interactions* (New York: Free Press, 1966), p. 69.
- ³⁸ Arendt, *On Revolution, Loc. Cit.*, pp. 30-31.
- ³⁹ Arendt, *The Human Condition, Loc. Cit.*, p. 234.
- ⁴⁰ Arendt, *The Origin of Totalitarianism, Loc. Cit.*, pp. 143-171.
- ⁴¹ Arendt, *On Revolution, Loc. Cit.*, pp. 30-31.
- ⁴² *Ibid.*, p. 156.
- ⁴³ Claude Lefort, "Permanence du theologico-politique," *Essais sur le politique* Paris: du Seuil (1986).
- ⁴⁴ *Ibid.*
- ⁴⁵ Cf. Carl Schmitt, *The concept of the Political* (New Jersey: Rutgers, 1976).
- ⁴⁶ H. L. A. Hart, *The Concept of Law* (New York: Clarendon Press, 1961), pp. 215-221.
- ⁴⁷ Arendt, *The Origin of Totalitarianism, Loc. Cit.*, pp. 269-270.
- ⁴⁸ Raymond Carré de Malberg, *Contribution to General Theory of the State* (Paris: Editions Dalloz, 1922/2004), pp. 199-410.
- ⁴⁹ *Ibid.*
- ⁵⁰ Cf. Arendt, *The Origin of Totalitarianism, Loc. Cit.*, 1951.
- ⁵¹ Schmitt, *The concept of the Political, Loc. Cit.*, 1976.
- ⁵² Cf. Carl Schmitt, *Die Diktatur* (Berlin: Duncker & Humblot, 1922).
- ⁵³ Cf. Pasquale Pasquino, *Sieyes et l'invention de la constitution en France* (Paris: Editions Odile Jacob, 1998).
- ⁵⁴ Hannah Arendt, *Crises of the Republic* (New York: Penguin Books Ltd., 1973), pp. 75-77.
- ⁵⁵ Hannah Arendt, "Reflections on Little Rock" (1959), in *Responsibility and Judgement* (New York: Schocken, 2003), p. 210.
- ⁵⁶ Hannah Arendt, *Civil Disobedience* (New York: Schocken, 1970/1971), p. 75.

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