

Cambridge University Press
978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested
Concept
Edited by Hent Kalmo and Quentin Skinner
Index
More information

## Index

absolutist theory of the state, 27-30 Bodin, Jean, 49, 51-2, 66, 68-9, 223 Afghanistan, 104 Les Six Livres de la République, 28-9, 186 Agamben, Giorgio, 200 body politic, 28 Bosanquet, Bernard, 42 aid programmes, 106 Alesina, Alberto, The Size of Nations, 171 Bosnia, alternatives when sovereignty rules Allan, T.R.S., 160 failed to provide desirable outcome, Almain, Jacques, 33 98-9 analytical approach to identify meaning of Botero, Giovanni, 31 Bramhall, John, 34 sovereignty, 47 Angell, Norman, The Foundations of Breaking of Nations (Cooper), 97 International Polity, 43 Brownlie, Ian, 121, 123 Bull, Hedley, 65, 74 Ankersmit, Frank, 43-4 Answer (Hayward), 29-30 Bynkershoek, Cornelius van, 75, 79 apparition, as aspect of sovereignty, 49 Aquinas, Saint Thomas Cajetan, Thomas, 92 just war, 66-7 Carré de Malberg, Raymond, 21, 137-9, legitimate authority, 91-2 153 Arendt, Hannah, 23, 203, 214 China, promotion of sovereignty, 101 comparison with Schmitt on thoughts cluster concepts, 152 on 'the political' Collingwood, R.G., 2 scarcity of, 190-3 Combacau, Jean, 142 Arian controversy, 195-7 Commentaries on the Laws of England Armstrong, Kenneth, 158 (Blackstone), 40 Augustine of Hippo, Saint, 89 complementary empire-state, 65 Austin, John, 41, 154, 156-7 constituent power, and exception, 216 Austinian positivist sovereignty, 156-8 Constitutional Council of France, 136 - 7authorization of sovereign, meaning of, 36-7 contested concepts, 152 Ayala, Balthazar, 70, 72-3 contracting out of state functions, 106-8 Baldus de Ubaldis, 223 Cooper, Robert, 102 Baltic States, endurance of the identity, The Breaking of Nations, 97 124-5, 231-2 Coquille, Guy, 52 Baranger, Denis, 13 criminality, and pre-modern states, 104, Bartelson, Jens, 2, 14, 201, 236 105 Bartolus de Saxoferrato, 223 Czech Constitutional Court, Lisbon Bellamy, Richard, 15 Treaty, 129-30 bellum iustum, see just war bellum solenne, 73-4, 78-9 d'Aube, François Richer, 38 Bentham, Jeremy, 40-1, 156-7 Dacres, Edward, 28 Bèze, Theodore de, 33 de Wilde, Jaap H., 7 Blackstone, Sir William, 40 Defoe, Daniel, 154 Boccalini, Traiano, 32-3 delegation of power, 55

264



More information

Cambridge University Press 978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested Concept Edited by Hent Kalmo and Quentin Skinner Index

Index 265

Deleuze, Gilles, 215, 216 democracy, and sovereignty, 134 democratic Rechtsstaat, 169 Democratic Republic of Congo, 104 Dicey, A.V., 154, 173-4 Discourse of the State Ecclesiasticall (Downing), 30 divine right of kings, 29 domestic sovereignty, 96 Downing, Calybute, 30 Downing, George, 76–7 Doyle, Michael, 86 Duchhardt, Heinz, 75-6 East Timor, mixed tribunals, 107 Elshtain, Jean Bethke, 84–5 Just War against Terror, 85 emanation, 55 English common law, 160 Epron, Quentin, 52 estates, 31 Estonia, endurance of identity, 124-5 EU arrest warrants, 178 European Court of Human Rights, 43 European Court of Justice, 126-7 European Union, 18-21 and crisis of the State, 132-3 and Rechtsstaat deviations from legality, 173-5 equality of citizens before the law, 182 - 3EU arrest warrants, 178 extradition, 178-9 fundamental rights, 177-8 remedies against infringement of rights, 181-2 separation of powers, 179-80 as post-modern world, 102-3 compromising members' Westphalian/ Vattelian sovereignty, 97 de facto political or economic independence of members, 134 democratic deficit, 134 difference from confederation, 140–1 legality of UK withdrawal, 162 national sovereignty of member states, 183 - 5need for legal concept of sovereignty to describe member states, 134, 150 by assessment of powers possessed and exercised by states, 135-7, by examination of concepts used in language of law, 137-9, 141-50 prevalence of European law, 144-50 right of states to withdraw, 166–8

supremacy of EU or member states' national law, 126-8 external sovereignty, 65-6 failed states, 103-4 as deviation from conventional sovereignty, 97 Falk, Richard, 16 Filmer, Sir Robert, 29 force against force, 218, 219 formal Rechtsstaat, 172 Foucault, Michel, 8, 215, 216 fragmegrative space, 22 France, empowerment of laws and the sovereign, 147-50 free states, 32–3 French constitution (1946), 141-2 Gauchet, Marcel, 9 general theory of the State, 115 Gentili, Alberico, 72, 73 German Constitutional Court, 227 Geuss, Raymond, 199 global community, 82, 87 global empire, 82, 86-7 globalization, and sovereignty, 241 - 2governance, 216-21 Gratian, 89 Gregory of Nazianzus, 196 Grotius, Hugo, 65, 68, 70-5, 92-3 habit of obedience, 156-7 Hardt, Michael, 15, 202, 203 Hart, H.L.A., 119-21, 127-8, 160 Hayward, John, 30 Answer, 29-30 Hegel, Georg Friedrich Wilhelm von, 19 Heller, Agnes, 190 herrschaft, 137, 144-50 Hinsley, F.H., 2, 10 Hobbes, Thomas, 34-7, 56-8, 156, 186-7, 198 Hobhouse, L.T., 42 Holland, Philemon, 32 Holocaust, 213-14 Hong Kong, alternatives when sovereignty rules failed to provide desirable outcomes, 99 Hostiensis, 90 House of Commons, power of, 159 Hubner, Martin, 38 Huguccio, 90 Hussein, Saddam, potential control over oil prices, 110



Cambridge University Press 978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested Concept Edited by Hent Kalmo and Quentin Skinner Index More information

## 266 Index

incompletely theorized agreements, 3 in contemporary just war theory, indivisibility of sovereignty, 137-8, 142-4 83 - 8Indonesia, contracting out of customs rethinking in response to collection, 106 contemporary challenges, 94-5 Lesaffer, Randall, 77 institutional theory of law, 158 interdependence, 5-7 Leviathan (Hobbes), 34-7, 56-8, 156, international law 186-7, 198and negotiation of treaties, 225-7 Lewis, G.C., 3 and sovereignty, 205-6, 207 Liberia, 104 and state creation, 116 external authority in core government as construction of the imagination of agencies, 106 well-situated lawyers, 229–30 Lipping, Jüri, 23 international legal sovereignty, 96 Lisbon Treaty, 129-30 international sovereignty, and international Lithuania, endurance of identity, 124-5 law, 139 Locke, John, Two Treatises of Government, invincible error, 72 59–62, 69 Isidore of Seville, 89 Loyseau, Charles, Traité des Seigneuries, 51 iusta causa, 66-7 Luhmann, Niklas, 205 Jackson, Robert, 16 MacCormick, Neil, 21, 22, 133 James I, king of England, 224 Machiavelli, Niccolò, 28, 210 James VI and I, 29 Maitland, F.W., 42 James, Alan, 12 Mangold-ruling, 176 Jellinek, Georg, 115–18 Marchart, Oliver, 190, 191 Just and Unjust Wars (Walzer), 83-4 Marek, Kristina, 124 iust war Maritain, Jacques, 1 current problems with, 81-2 material Rechtsstaat, 172-3 mixed tribunals, 107 duties imposed upon neutrals, 74–5, 77 - 8modern world, countries, 100 historical development of, 66-71 Montevideo Convention (1933), 126 justification on both sides, 71–2 Morgenthau, Hans J., 23 objective justice, 72 Mouffe, Chantal, 189 subjective justice, 72 Mozambique, contracting out of customs collection, 106 Kellison, Matthew, 29 multitude, 15 Kelsen, Hans, 118, 126, 222, 224 Kennet, White, 38 nation, 28 Klesmann, Bernd, 71 Negri, Antonio, 15, 16-17, 202, 238 Knollys, Richard, 28-9 North Korea, nuclear weapons, 108 Koselleck, Reinhart, 188 nuclear weapons, threats from, 108-9 Koskenniemi, Martti, 4, 8, 73-4 Kosovo, mixed tribunals, 107 Observations (Parker), 33 Krasner, Stephen, 6, 18, 19, 201, 233 Öffentlichkeit, 23, 186, 194, 200 and theology of the Trinity, 195-7 Lansing, Robert, 5 distinction from public sphere, 197 Laski, Harold, 11, 42 oil resources, nationalization of, Latvia, endurance of identity, 124-5 226 - 7Le Bret, Cardin, 51 optimum sovereignty, 171 Traité de la Souveraineté du Roi, 53 organized hypocrisy in current political life, 96 Le droit des gens (Vattel), 38, 39-40 Le Relationi Universali (Botero), 31 of sovereignty, 98 Lefort, Claude, 195 legal approach, 4 Palonen, Kari, 190 legitimate authority parallax gap, 192-3 and the right to war, 82-3 Parker, Henry, Observations, 33

Parliament (UK)

history of, 88–94



More information

Cambridge University Press 978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested Concept Edited by Hent Kalmo and Quentin Skinner Index

Index

ability to repeal or amend earlier law, extradition, 178-9 fundamental rights, 177-8 ability to bind future Parliaments, 161 remedies against infringement of rights, 181-2 sovereignty of, 158–9 separation of powers, 179-80 Patriarcha (Filmer), 29 Peace of Westphalia, 97-8, comparison with rule of law, 173-5 see also Westphalian/Vattelian importance of, 169 sovereignty multiplicity of approaches to, 170-1 Peterson, Erik, 196 origins of concept, 171-3 Philosophical Theory of the State recognition, as aspect of sovereignty, 48-9 (Bosanquet), 42 recta auctoritas, 66-7 Piirimäe, Pärtel, 13-14 recta intentio, 66-7 Plessner, Helmut, 199 Regan, Richard J., 85-6 political societies, 156-7 Regional Assistance Mission to the political sovereignty, 156-7, 231-5 Solomon Islands (RAMSI), political, the, distinction from politics, 106 - 7Relation (Sandys), 31 189-90 politics, distinction from the political, Right and Jurisdiction of the Prelate, and the 189 - 90Prince (Kellison), 29 popular states, 30-1 Romans, transition from monarchy to free populist theory of the state, 31-3 state, 32 Rosanvallon, Pierre, 15 Posner, Richard, 109 post-modern world Rosenau, James, 22 countries, 100 Ross, Alf, 1, 19, 120, 147 European Union, 102-3 Rousseau, Jean-Jacques, 8-9 post-sovereignty, 151-2, 168 Contrat Social, 62-3 Praet, Patrick, 23 Runciman, David, 201 pre-modern world challenges to rest of world, 104-5 Sagan, Scott, 108 countries, 100-1 San Francisco Charter, 207 failed states, 103-4 Sandys, Edwin, 31 gap between state capacity and state Sattelzeit, 188 responsibilities, 105-6 Schilling, Theodor, 126-7 Schmidt, Georg, 65 threats posed by, 110-13 energy supplies and prices, 110 Schmitt, Carl, 20, 23, 70, 71, 157, 198, support for terrorist activities, 109 203, 208, 224, 235 comparison with Arendt of thoughts on weapons of mass destruction, 'the political' 190-3 108 - 9Prime Minister (UK), power of, 159 The Concept of the Political, 194-9 Public Goods, Private Goods (Geuss), 199 Schwarzenberger, Georg, 5 Pufendorf, Samuel von, 15-18, 38-40, Scotland, interpretations of British 69-70,79constitution, 159 pure fact approach, 4 secession, 116 Shaw, Jo, 152 Qualified Majority Voting (EU), 163-7 Sidgwick, Henry, 41 Ragguagli di Parnasso (Boccalini), 32-3 Sierra Leone, 104 mixed tribunals, 107 Rawls, John, 45 Six livres de la république (Bodin), 28–9, Raz, Joseph, 174 186 Size of Nations (Alesina and Spolaore), realm, 28 Rechtsstaat and European Union Skinner, Quentin, 12–13, 15–16 deviations from legality, 173-5 Slaughter, Anne-Marie, 17 equality of citizens before the law, slave, definition under Roman law, 32 182 - 3social constitutionalism, 205, 206-7 EU arrest warrants, 178

souveranität, 137, 141–2

267



Cambridge University Press 978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested Concept Edited by Hent Kalmo and Quentin Skinner Index More information

## 268 Index

sovereign	state
as a representative	endurance of the identity, 122–5
meaning of authorization of, 36–7	genealogy of term
representing whom?, 35-6	absolutist theory, 27–30
exception, 211–16	Hobbes' fictional theory, 34-7
sovereignty	mid-18C onwards, 40-4
abstraction into 'exceptionality', 207-8,	populist theory, 31–3
see also sovereign exception	Samuel Pufendorf, 38-40
ambiguity between legal and political,	legal definition of, 118–21
154	legality of emergence of, 114-15
and de facto political or economic	to reintroduce the fictional theory, 44–6
independence, 134	state creation
and globalization, 241–2	as being part of question of defining a
and juridical vocabulary, 225–7	state, 118–19
and military power, 235–8	as matter of fact not law, 117–18
and multiple frames of legal reference,	as similar to the act of incorporation,
128–31	118
and power, 223–4, 225	by delegation by another state, 116–17
as 'absolute and perpetual', 225	by international law, 115–16
as a historical topic, 228–9	by reliance on the law of the newborn
as a liminal concept, 114, 222	state itself, 117
as argument over allocation of power,	date of birth being dependent on
7–10	perspective, 121–2
as central to politics, 2	state practice, August 1658 Swedish attack
as contested cluster concept, 152–5	on Denmark, 75–9
as contested concept, 1	state/status of rulers, 27–8
as unified phenomenon, 47–8	Stern, Klaus, 173
association of land with, 125–6	Suárez, Francisco, 29, 233
biopolitical transfiguration, 205, 206	De bello, 67–8
comparison with human rights, 54	subsidiarity, 175
conflicts between normative orders,	Sunstein, Cass, 3
153–4	Supernova (imagined global network),
core elements of, 96	240–1
definitions, 2–3, 214	Sweden, attack on Denmark in August
evolution of rules and practices of,	1658, 76–9
97–8	1030, 10 3
identifying marks of, 52–4	Taiwan, alternatives when sovereignty rules
in context of Öffentlichkeit, 200–4	failed to provide desirable outcomes,
legal/political nature of, 3–4	99
metaphysical approach to identify	Thoma, Richard, 172
meaning of, 47	Thompson, Helen, 65
multiplicity of vocabularies, 222–5	Toulmin, Stephen, 85
need for historically informed analysis,	Traité de la Souveraineté du Roi (Le Bret),
10–12	53
need for redefinition, 186–9	Traité des Seigneuries (Loyseau), 51
objects of ascription, 153	Troper, Michel, 21
of contemporary countries, 99–101	Tully, James, 2–3
organized hypocrisy of, 98	runy, james, 2 9
self-evidence of, 56–7, 59	UK sovereignty, and EU membership,
	158–63
sociological understanding of, 229–31	
unity vs plurality, 14–18	unitary approach, 13 United Nations
Spinoza, Baruch, 210 Spolaore, Enrico, <i>The Size of Nations</i> ,	
171	impact on sovereignty, 139–40, 205–6, 207
Spruyt, Hendrik, 18	Responsibility to Protect, 105
staatsgewalt, 137	universitas, 33
siddisgowdii, 191	umversitas, JJ



More information

Cambridge University Press 978-1-107-00004-9 - Sovereignty in Fragments: The Past, Present and Future of a Contested Concept Edited by Hent Kalmo and Quentin Skinner Index

Index 269

Walker, R.B.J., 10

USA

2006 National Security Strategy, 112 promotion of democracy over sovereignty, 101

Vattel, Emer (Emerich) de, 75, 94, 97

Le droit des gens, 38, 39–40,

see also Westphalian/Vattelian
sovereignty

Vienna Convention, impact on sovereignty,

140

Villa, Dana, 191

Vitoria, Francisco de, 71-2, 92, 233

Wade, H.W.R., 160, 162 Walker, Neil, 155

von Mohl, Robert, 172

Walzer, Michael, 83–4
Ward, P.W., 9
weapons of mass destruction, threats
from, 108–9
Weber, Cynthia, 11
Weigel, Georg, 86
Weiler, Joseph, 19
Werner, Wouter G., 6–7
Westphalian/Vattelian sovereignty, 79–80,
96, 97
criticisms of, 64–5, see also Peace of
Westphalia
Willoughby, Westel, 125
Wolin, Sheldon, 189–90

Žižek, Slavoj, 192