

A Search For Sovereignty

Cambridge University Press

This book, published in 1986, addresses questions concerned with a central normative principle in contemporary assessments of economic policies and systems. What does 'consumer sovereignty' mean? Is consumer sovereignty an appropriate principle for the optimization and evaluation of the design and performance of economic policies, institutions and systems? If not, what is a more appropriate principle? The author argues that the conception of consumer sovereignty has to be broadened so that it is not limited to the market mechanism but includes environmental, work and social preferences. However, even this version runs into serious difficulties as the principle of consumer sovereignty still relies on too subjectivist a conception of the interests of individuals to be suitable for the evaluation of economic institutions. An alternative basis for such evaluation is 'human interests' that are not contingent on particular economic systems, After considering various possibilities, a basic-needs approach is proposed and its use in economic evaluation illustrated. Author was formerly Advocate-General at the European Court of Justice in Luxembourg.

It can seem as though the Cold War division of Europe was inevitable. But Stalin was more open to a settlement on the continent than is assumed. In this powerful reassessment of the postwar order, Norman Naimark returns to the four years after WWII to illuminate European leaders' efforts to secure national sovereignty amid dominating powers.

This wide-ranging volume advances our understanding of law and empire in the early modern world. Distinguished contributors expose new dimensions of legal pluralism in the British, French, Spanish, Portuguese, and Ottoman empires.

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In-depth analyses probe such topics as the shifting legal privileges of corporations, the intertwining of religious and legal thought, and the effects of clashing legal authorities on sovereignty and subjecthood. Case studies show how a variety of individuals engage with the law and shape the contours of imperial rule. The volume reaches from Peru to New Zealand to Europe to capture the varieties and continuities of legal pluralism and to probe the analytic power of the concept of legal pluralism in the comparative study of empires. For legal scholars, social scientists, and historians, *Legal Pluralism and Empires, 1500-1850* maps new approaches to the study of empires and the global history of law.

This powerful reworking of the liberal tradition of international law uses Grotius as the vehicle for understanding coming challenges to the global commons. Fundamental problems of scarcity, sovereignty, anachronistic thinking, and territorial temptation are interwoven in historical and contemporary contexts to illuminate the tendency among states to share resources, but only when necessary.

This volume translates four chapters of Bodin's *Six livres de la république*, a vast synthesis of comparative public law and politics.

Colonial hierarchy and race fueled rapid militarization in the British Empire that shaped the violent course of the twentieth century. This innovative study reveals the colonial backstory of a century that witnessed total war, resulting in new political norms that enthrone 'national security' as the dominating feature of contemporary politics.

A collection of illustrated essays on sovereignty and political power in seventeenth- and eighteenth-century Europe.

These essays, drawn from the author's work since 1964, address three themes in American history in the century preceding the 1760s: authority in colonial British America; the

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political and constitutional development of these colonial entities; and shifting constitutional tensions within the empire. This book has four main themes: (1) a criticism of 'common law constitutionalism', the theory that Parliament's authority is conferred by, and therefore is or can be made subordinate to, judge-made common law; (2) an analysis of Parliament's ability to abdicate, limit or regulate the exercise of its own authority, including a revision of Dicey's conception of sovereignty, a repudiation of the doctrine of implied repeal and the proposal of a novel theory of 'manner and form' requirements for law-making; (3) an examination of the relationship between parliamentary sovereignty and statutory interpretation, defending the reality of legislative intentions, and their indispensability to sensible interpretation and respect for parliamentary sovereignty; and (4) an assessment of the compatibility of parliamentary sovereignty with recent constitutional developments, including the expansion of judicial review of administrative action, the Human Rights and European Communities Acts and the growing recognition of 'constitutional principles' and 'constitutional statutes'. This intellectually rigorous introduction to international law encourages readers to engage with multiple aspects of the topic: as 'law' directing and shaping its subjects; as a technique for governing the world of states and beyond statehood; and as a framework within which several critical and constructivist projects are articulated. The articles situate international law in its historical and ideological context and examine core concepts such as sovereignty, jurisdiction and the state. Attention is also given to its operation within international institutions and in dispute settlement, and a separate section is devoted to international law's 'projects': protecting human rights, eradicating poverty, the conservation of resources, the regulation of international trade and investment and the establishment of international order. The

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diverse group of contributors draws from disciplinary orientations ranging from positivism to postmodernism to ensure that this book is informed theoretically and politically, as well as grounded in practice.

This volume is a sequel to the author's earlier work on the development of European theories of sovereignty and constitutionalism. Professor Franklin here explains a major innovation associated with the English Civil Wars. It was only now, he shows, that there finally emerged a theory of sovereignty and resistance that was fully compatible with a mixed constitution. The new conception of resistance in a mixed constitution was to enter the main tradition via Locke, who stood alone among major writers of the 1680s in holding that the effect of tyranny by any constituted power, even by the King alone, was entire dissolution of the government and the reversion of power to the general community. When this familiar position is read against the background of preceding constitutionalist theory, the Second Treatise reveals a new dimension of novelty and historical significance.

The emergence of international human rights law and the end of the White Australia immigration policy were events of great historical moment. Yet, they were not harbingers of a new dawn in migration law. This book argues that this is because migration law in Australia is best understood as part of a longer jurisprudential tradition in which certain political-economic interests have shaped the relationship between the foreigner and the sovereign. Eve Lester explores how this relationship has been wrought by a political-economic desire to regulate race and labour; a desire that has produced the claim that there exists an absolute sovereign right to exclude or condition the entry and stay of foreigners. Lester calls this putative right a discourse of 'absolute sovereignty'. She argues that 'absolute sovereignty' talk continues to be a driver of migration lawmaking, shaping the foreigner-sovereign

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relation and making thinkable some of the world's harshest asylum policies.

Why do political actors willingly give up sovereignty to another state, or choose to resist, sometimes to the point of violence? Jesse Dillon Savage demonstrates the role that domestic politics plays in the formation of international hierarchies, and shows that when there are high levels of rent-seeking and political competition within the subordinate state, elites within this state become more prepared to accept hierarchy. In such an environment, members of society at large are also more likely to support the surrender of sovereignty. Empirically rich, the book adopts a comparative historical approach with an emphasis on Russian attempts to establish hierarchy in post-Soviet space, particularly in Georgia and Ukraine. This emphasis on Post Soviet hierarchy is complemented by a cross-national statistical study of hierarchy in the post WWII era, and three historical case studies examining European informal empire in the 19th and early 20th centuries.

The first collaborative volume to explore popular sovereignty, a pivotal concept in the history of political thought.

A comprehensive political and design theory of planetary-scale computation proposing that The Stack—an accidental megastructure—is both a technological apparatus and a model for a new geopolitical architecture. What has planetary-scale computation done to our geopolitical realities? It takes different forms at different scales—from energy and mineral sourcing and subterranean cloud infrastructure to urban software and massive universal addressing systems; from interfaces drawn by the augmentation of the hand and eye to users identified by self—quantification and the arrival of legions of sensors, algorithms, and robots. Together, how do these distort and deform modern political geographies and produce new territories in their own image? In *The Stack*, Benjamin Bratton proposes that these different genres of

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computation—smart grids, cloud platforms, mobile apps, smart cities, the Internet of Things, automation—can be seen not as so many species evolving on their own, but as forming a coherent whole: an accidental megastructure called The Stack that is both a computational apparatus and a new governing architecture. We are inside The Stack and it is inside of us. In an account that is both theoretical and technical, drawing on political philosophy, architectural theory, and software studies, Bratton explores six layers of The Stack: Earth, Cloud, City, Address, Interface, User. Each is mapped on its own terms and understood as a component within the larger whole built from hard and soft systems intermingling—not only computational forms but also social, human, and physical forces. This model, informed by the logic of the multilayered structure of protocol “stacks,” in which network technologies operate within a modular and vertical order, offers a comprehensive image of our emerging infrastructure and a platform for its ongoing reinvention. The Stack is an interdisciplinary design brief for a new geopolitics that works with and for planetary-scale computation. Interweaving the continental, urban, and perceptual scales, it shows how we can better build, dwell within, communicate with, and govern our worlds. thestack.org

This original contribution to Indian history, focusing on contemporary and largely indigenous documents, introduces a set of concepts for the analysis of late Mughal rule. More specifically it examines the origins and development of the Maratha swardjya or 'self-rule' within the context of declining Muslim power. It traces the expansion of Maratha dominion to a process of fitna, a policy of 'shifting alliances' which was recurrent in the wake of Muslim expansion

throughout its history. The book gives an interesting perspective on Hindu-Muslim relationships in the pre-British period as well as on the nature of the Indo-Muslim state and its most important successor polity, on its capacity for change and development in the intermediate sections of society, the land-tenurial system, the monetization of the economy, and on the fiscal system.

Examines and compares diplomatic practices and normative change in the African Union and ASEAN. What would constitute a definitively "green" state? In this important new book, Robyn Eckersley explores what it might take to create a green democratic state as an alternative to the classical liberal democratic state, the indiscriminate growth-dependent welfare state, and the neoliberal market-focused state—seeking, she writes, "to navigate between undisciplined political imagination and pessimistic resignation to the status quo." In recent years, most environmental scholars and environmentalists have characterized the sovereign state as ineffectual and have criticized nations for perpetuating ecological destruction. Going consciously against the grain of much current thinking, this book argues that the state is still the preeminent political institution for addressing environmental problems. States remain the gatekeepers of the global order, and greening the state is a necessary step, Eckersley argues, toward greening domestic and international policy

and law. The Green State seeks to connect the moral and practical concerns of the environmental movement with contemporary theories about the state, democracy, and justice. Eckersley's proposed "critical political ecology" expands the boundaries of the moral community to include the natural environment in which the human community is embedded. This is the first book to make the vision of a "good" green state explicit, to explore the obstacles to its achievement, and to suggest practical constitutional and multilateral arrangements that could help transform the liberal democratic state into a postliberal green democratic state. Rethinking the state in light of the principles of ecological democracy ultimately casts it in a new role: that of an ecological steward and facilitator of transboundary democracy rather than a selfish actor jealously protecting its territory.

This text provides a broad critical review of the various empirical and theoretical traditions in social psychology.

A study of the relationship between international media regulations and efforts by nation-states to assert sovereignty and shape media at home and abroad.

Examines the relationship between imperialism and international law.

Describes the emergence of the territorial state and examines the role that cartography has played in

shaping its linear boundaries.

Bertrand de Jouvenel examines the relationship between the distribution of power and the creation of an ethical society.

It is widely recognized that times of national emergency put legality to its greatest test. In such times we rely on sovereign power to rescue us, to hold the danger at bay. Yet that power can and often does threaten the values of legality itself.

Sovereignty, Emergency, Legality examines law's complex relationship to sovereign power and emergency conditions. It puts today's responses to emergency in historical and institutional context, reminding readers of the continuities and discontinuities in the ways emergencies are framed and understood at different times and in different situations. And, in all this, it suggests the need to be less abstract in the way we discuss sovereignty, emergency, and legality. This book concentrates on officials and the choices they make in defining, anticipating, and responding to conditions of emergency as well as the impact of their choices on embodied subjects, whether citizen or stranger.

This collection of essays focusses on the following concepts: sovereignty (the unique, intangible and yet essential characteristic of states), statehood (what it means to be a state, and the process of acquiring or losing statehood) and state responsibility (the legal component of what being a state entails). The unifying theme is that they have always been and will in the future continue to form a crucial part of the foundations of public international law. While many publications focus on new actors in international law such as international organisations, individuals, companies, NGOs and even humanity as a whole, this book offers a timely, thought-provoking and innovative reappraisal of the core actors on the international stage: states. It includes reflections

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on the interactions between states and non-state actors and on how increasing participation by and recognition of the latter within international law has impacted upon the role and attributes of statehood.

In an increasingly interdependent world, states resort to an array of regulatory agreements to deal with problems as disparate as nuclear proliferation, international trade, species destruction, and intellectual property, while threatening military or economic sanctions in order to deter noncompliance. This book argues that this approach is misconceived, and proposes a new model of treaty compliance. Copyright © Libri GmbH. All rights reserved. The book examines trends in American literature and sheds new light on the legal history of race relations during the Progressive Era.

The first exploration of how Mussolini employed population settlement inside the nation and across the empire to strengthen Italian sovereignty.

The political make-up of the contemporary world changes with such rapidity that few attempts have been made to consider with adequate care, the nature and value of the concept of sovereignty. What exactly is meant when one speaks about the acquisition, preservation, infringement or loss of sovereignty? This book revisits the assumptions underlying the applications of this fundamental category, as well as studying the political discourses in which it has been embedded. Bringing together historians, constitutional lawyers, political philosophers and experts in international relations, *Sovereignty in Fragments* seeks to dispel the illusion that there is a unitary concept of sovereignty of which one could offer a clear definition. This book will appeal to scholars and advanced students of international relations, international law and the history of political thought.

This book provides a comprehensive history of the

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emergence and the formation of the concept of sovereignty in China from the year 1840 to the present. It contributes to broadening the history of modern China by looking at the way the notion of sovereignty was gradually articulated by key Chinese intellectuals, diplomats and political figures in the unfolding of the history of international law in China, rehabilitates Chinese agency, and shows how China challenged Western Eurocentric assumptions about the progress of international law. It puts the history of international law in a global perspective, interrogating the widely-held belief of international law as universal order and exploring the ways in which its history is closely anchored to a European experience that fails to take into account how the encounter with other non-European realities has influenced its formation.

A Search for Sovereignty approaches world history by examining the relation of law and geography in European empires between 1400 and 1900. Lauren Benton argues that Europeans imagined imperial space as networks of corridors and enclaves, and that they constructed sovereignty in ways that merged ideas about geography and law. Conflicts over treason, piracy, convict transportation, martial law, and crime created irregular spaces of law, while also attaching legal meanings to familiar geographic categories such as rivers, oceans, islands, and mountains. The resulting legal and spatial anomalies influenced debates about imperial constitutions and international law both in the colonies and at home. This study changes our understanding of empire and its legacies and opens new perspectives on the global history of law.

A Search for Sovereignty Law and Geography in European Empires, 1400–1900 Cambridge University Press

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As the Oslo Peace Process has given way to the violence of the second intifada, this book explores the continuing legacy of Oslo in the everyday life of the Israeli-Palestinian conflict. Taking a perspective that sees the Israeli-Palestinian conflict as a conflict over the distribution of legal rights, it focuses on the daily concerns of West Bank Palestinians, and explores the meanings, limitations and potential of legal claims in the context of the region's structures of governance. Kelly argues that fundamental contradictions in the process through which the West Bank has been ruled and misruled have resulted in an unstable mixture of legality, fear and uncertainty. Based on long term ethnographic fieldwork, this book provides an insight into how the wider Middle East conflict manifests itself through the daily encounters of ordinary Israelis and Palestinians, offering an evocative and theoretically informed account of the relationship between law, peace-building and violence.

Jens Bartelson provides a critical analysis and conceptual history of sovereignty, dealing with philosophical and political texts during three periods. In modern international law, permanent sovereignty over natural resources has come to entail duties as well as rights. This study analyses the evolution of permanent sovereignty from a political claim to a principle of international law, and examines its significance for a number of controversial issues such as people's rights, nationalization and environmental conservation. Although political discussion has long focused on the rights arising from permanent sovereignty, Dr Schrijver

argues that this has been at the expense of the consideration of the corollary obligations it also entails. His book thus identifies directions sovereignty over natural resources has taken in an increasingly interdependent world and demonstrates its relevance to debate on foreign-investment regulation, the environment and sustainable development.

Adopting a global approach, Fitzmaurice analyses the laws that shaped modern European empires from medieval times to the twentieth century.

This book provides a new approach to the historic treatment of indigenous peoples' sovereignty and property rights in Australia and New Zealand. By shifting attention from the original European claims of possession to a comparison of the ways in which British players treated these matters later, Bain Attwood not only reveals some startling similarities between the Australian and New Zealand cases but revises the long-held explanations of the differences. He argues that the treatment of the sovereignty and property rights of First Nations was seldom determined by the workings of moral principle, legal doctrine, political thought or government policy. Instead, it was the highly particular historical circumstances in which the first encounters between natives and Europeans occurred and colonisation began that largely dictated whether treaties of cession were negotiated, just as a bitter political struggle determined the significance of the Treaty of Waitangi and ensured that native title was made in New Zealand.

An innovative analysis of international rules and rule-

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making in the Global South, focusing on the increasing interventionism of regional institutions.

Sovereignty, originally the figure of 'sovereign', then the state, today meets new challenges of globalization and privatization of power.

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