

Sovereignty In Fragments The Past Present And Future Of A Contested Concept

Brexit traces the implications of the UK's projected withdrawal from the EU, placing short-term political fluctuations in a broader historical and social context of the transformation of European and global society. This book provides a forum for leading Eurosociologists (broadly defined), working inside and outside the UK, to rethink their analyses of the European project and its prospects, as well as to reflect on the likely implications for the UK.

A timely, thought-provoking and innovative reappraisal of the core actors on the international stage: states.

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

This book uses constitutional analysis and theory to explore the transformation of Europe from the post-war era until the Euro-crisis. Authoritarian liberalism has developed over these years and, as the book suggests, is now perhaps reaching its limit. This book uses history and theory to reveal the EU's journey and highlight future challenges.

How does a nation become a great power? A global order was emerging in the nineteenth century, one in which all nations were included. This book explores the multiple legal grounds of Meiji Japan's assertion of sovereign statehood within that order: natural law, treaty law, international administrative law, and the laws of war. Contrary to arguments that Japan was victimized by 'unequal' treaties, or that Japan was required to meet a 'standard of civilization' before it could participate in international society, Howland argues that the Westernizing Japanese state was a player from the start. In the midst of contradictions between law and imperialism, Japan expressed state will and legal acumen as an equal of the Western powers – international incidents in Japanese waters, disputes with foreign powers on Japanese territory, and the prosecution of interstate war. As a member of international administrative unions, Japan worked with fellow members to manage technical systems such as the telegraph and the post. As a member of organizations such as the International Law Association and as a leader at the Hague Peace Conferences, Japan helped to expand international law. By 1907, Japan was the first non-western state to join the ranks of the great powers.

The Sovereignty of Human Rights advances a legal theory of international human rights that defines their nature and purpose in relation to the structure and operation of international law. Professor Macklem argues that the mission of international human rights law is to mitigate adverse consequences produced by the international legal deployment of sovereignty to structure global politics into an international legal order. The book contrasts this legal conception of international human rights with moral conceptions that conceive of human rights

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as instruments that protect universal features of what it means to be a human being. The book also takes issue with political conceptions of international human rights that focus on the function or role that human rights plays in global political discourse. It demonstrates that human rights traditionally thought to lie at the margins of international human rights law - minority rights, indigenous rights, the right of self-determination, social rights, labor rights, and the right to development - are central to the normative architecture of the field.

Constitutionalism has become a byword for legitimate government, but is it fated to lose its relevance as constitutional states relinquish power to international institutions? This book evaluates the extent to which constitutionalism, as an empirical idea and normative ideal, can be adapted to institutions beyond the state by surveying the sophisticated legal and political system of the European Union. Having originated in a series of agreements between states, the EU has acquired important constitutional features like judicial review, protections for individual rights, and a hierarchy of norms. Nonetheless, it confounds traditional models of constitutional rule to the extent that its claim to authority rests on the promise of economic prosperity and technocratic competence rather than on the democratic will of citizens. Critically appraising the European Union and its legal system, this book proposes the idea of 'functional constitutionalism' to describe this distinctive configuration of public power. Although the EU is the most advanced instance of functional constitutionalism to date, understanding this pragmatic mode of constitutional authority is essential for assessing contemporary international economic governance.

This work explores how colonial India imagined human and divine figures to battle the nature and locus of sovereignty.

The field of comparative constitutional law has grown immensely over the past couple of decades. Once a minor and obscure adjunct to the field of domestic constitutional law, comparative constitutional law has now moved front and centre. Driven by the global spread of democratic government and the expansion of international human rights law, the prominence and visibility of the field, among judges, politicians, and scholars has grown exponentially. Even in the United States, where domestic constitutional exclusivism has traditionally held a firm grip, use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U.S. Supreme Court. The trend towards harmonization and international borrowing has been controversial. Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts, that seems far from the case in constitutional law. Can a parliamentary democracy be compared to a presidential one? A federal republic to a unitary one? Moreover, what about differences in ideology or national identity? Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context? Is it perilous to compare minority rights in a multi-ethnic state to those in its ethnically

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homogeneous counterparts? These controversies form the background to the field of comparative constitutional law, challenging not only legal scholars, but also those in other fields, such as philosophy and political theory. Providing the first single-volume, comprehensive reference resource, the 'Oxford Handbook of Comparative Constitutional Law' will be an essential road map to the field for all those working within it, or encountering it for the first time. Leading experts in the field examine the history and methodology of the discipline, the central concepts of constitutional law, constitutional processes, and institutions - from legislative reform to judicial interpretation, rights, and emerging trends.

Christopher Rossi's Whiggish International Law refreshes English School and Cambridge contextualist concerns for historical abridgment as jurists and scholars revive complexities and discussions of international law's turbulent history in the Americas.

This book analyses in depth the distinctively Scottish themes in the work of Sir Neil MacCormick, the world-renowned legal philosopher and prominent Scottish public intellectual who died in 2009 after holding the Regius Chair in Public Law and the Law of Nature and Nations at Edinburgh University for 36 years.

MacCormick's work, and works about MacCormick, attract both a domestic and an international audience. Readers will gain an understanding of how MacCormick's Scottish roots, interests and commitments coloured his work - both his distinctively Scottish writings and the overall intellectual outlook that informed his broader legal and philosophical writings. The book provides a well rounded appreciation of the Scottish dimension in MacCormick's thinking and writing. It focuses on a number of prominent Scottish themes in MacCormick's work and life and is structured around four key themes: 1) the nature and identity of a legal system; 2) sovereignty, European integration and Scottish independence; 3) the legacy of the legal and political thought of the Scottish enlightenment; and 4) the role of the academic in the Scottish public sphere.

This book argues that the introduction of popular sovereignty as the basis for government in France facilitated a dramatic transformation in international law in the eighteenth century.

Grounded firmly in the disciplines of law, this collection explores the twin elements of continuity and change in conceptions of sovereignty in recent times. The collection as a whole illuminates the enduring strength of sovereignty as a foundational concept and the continuing widespread appeal of sovereignty as an idea.

The essays in this volume explore the theories and practices of sovereignty in the context of state-building in the early modern Northern and Southern Low Countries. The book approaches this historical debate from three angles: (1) political theoretical, (2) legal, and (3) politico-historical.

This book is a collection of essays by leading practitioners of modern European intellectual history, reflecting on the theoretical and methodological underpinnings of the field. The essays each attempt to assess their respective disciplines, giving

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an account of their development and theoretical evolution, while also reflecting on current problems, challenges, and possibilities.

This book investigates the emergence, the dissemination and the reception of the notion of 'state fragility'. It analyses the process of conceptualisation, examining how the 'fragile states' concept was framed by policy makers to describe reality in accordance with their priorities in the fields of development and security.

Contributors investigate the instrumental use of the 'state fragility' label in the legitimisation of Western policy interventions in countries facing violence and profound poverty. They also emphasise the agency of actors 'on the receiving end', describing how the elites and governments in so-called 'fragile states' have incorporated and reinterpreted the concept to fit their own political agendas. A first set of articles examines the role played by the World Bank, the OECD, the European Union and the G7+ in the transnational diffusion of the concept, which is understood as a critical element in the new discourse on international aid and security. A second set of papers employs three case studies (Sudan, Indonesia and Uganda) to explore the processes of appropriation, reinterpretation and the strategic use of the 'fragile state' concept. This book was originally published as a special issue of *Third World Quarterly*.

This book is a critical inquiry into sovereignty and argues that the meaning and functions performed by this concept have changed significantly during the past decades, with profound implications for the ontological status of the state and the modus operandi of the international system as a whole. Although we have grown accustomed to regarding sovereignty as a defining characteristic of the modern state and as a constitutive principle of the international system, *Sovereignty as Symbolic Form* argues that recent changes indicate that sovereignty has been turned into something granted, contingent upon its responsible exercise in accordance with the norms and values of an imagined international community. Hence we need a new understanding of sovereignty in order to clarify the logic of its current usage in theory and practice alike, and its connection to broader concerns of social ontology: what kind of world do we inhabit, and of what kind of entities is this world composed? This book will be of interest to students of International Relations, Critical Security and International Politics.

This book explores the growing importance of subnational diplomacy by examining the state of California. As the fifth largest economy in the world, California's tribes, counties, cities and the state itself are changing the shape of diplomatic theory and practice and defining what it means to be a 'global' state. As both a theoretical text and a practical guide, this book offers a current snapshot of California, then connects this narrative to the fundamental international relations concepts of diplomacy and sovereignty and the working assumptions of professionals in the field. Through interviews with those representing all of the entities of the state - as well as the diplomats sent to the United States to represent the interests of their home countries - Holmes creates what she calls the 'vertical axis of diplomacy', providing context and depth to a (re)emerging form of diplomacy, increasingly relevant in this pandemic moment.

"This study is a revised version of the doctoral dissertation that I defended at the University of Oxford in December 2011."--Page xi.

How does globalisation affect the ability of human rights to constrain power? The contributions to the volume tackle this question in various areas of human rights and international law calling for rethinking of the structure and functioning of human rights.

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

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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.

Offers new insights into the works of Machiavelli, Shakespeare and especially Hobbes by focusing on their use of rhetoric.

Describes how assumptions about the nature of war have shaped our understanding of the modern world and the role of war within it.

Sovereignty in the Age of Global Terrorism: The Role of International Organisations analyses the role of international organisations in adopting counterterrorism measures after 9/11 and the impact of these measures on the sovereignty of their Member States.

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 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.

Evaluates the challenges and changes that the Belt and Road Initiative brings to China in international law and governance.

This book provides a comprehensive history of the 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.

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

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This exciting new text brings together in one volume an overview of the many reflections on how we might address the problems and limitations of a state-centred approach in the discipline of International Relations (IR). The book is structured into chapters on key concepts, with each providing an introduction to the concept for those new to the field of critical politics – including undergraduate and postgraduate students – as well as drawing connections between concepts and thinkers that will be provocative and illuminating for more established researchers in the field. They give an overview of core ideas associated with the concept; the critical potential of the concept; and key thinkers linked to the concept, seeking to address the following questions: How has the concept traditionally been understood? How has the concept come to be understood in critical thinking? How is the concept used in interrogating the limits of state centrism? What different possibilities for engaging with international relations have been envisioned through the concept? Why are such possibilities for alternative thinking about international relations important? What are some key articles and volumes related to the concept which readers can go for further research? Drawing together some of the key thinkers in the field of critical International Relations and including both established and emerging academics located in Asia, Europe, Latin America and North America, this book is a key resource for students and scholars alike.

In 2011, the United Nations Security Council adopted Resolution 1973, authorizing its member states to take measures to protect Libyan civilians from Muammar Gadhafi's forces. In invoking the "responsibility to protect," the resolution draws on the principle that sovereign states are responsible and accountable to the international community for the protection of their populations and that the international community can act to protect populations when national authorities fail to do so. The idea that sovereignty includes the responsibility to protect is often seen as a departure from the classic definition, but it actually has deep historical roots. In *Sovereignty and the Responsibility to Protect*, Luke Glanville argues that this responsibility extends back to the sixteenth and seventeenth centuries, and that states have since been accountable for this responsibility to God, the people, and the international community. Over time, the right to national self-governance came to take priority over the protection of individual liberties, but the noninterventionist understanding of sovereignty was only firmly established in the twentieth century, and it remained for only a few decades before it was challenged by renewed claims that sovereigns are responsible for protection. Glanville traces the relationship between sovereignty and responsibility from the early modern period to the present day, and offers a new history with profound implications for the present.

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

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deconstructionist hypothesis stating that there is nothing to worry about but the belief there is something to worry about. Derrida's deconstruction of sovereignty allows indeed one to grasp the fictional essence of sovereignty based on the metaphysics of presence. The presence of self-positing sovereign ipseity is fictional since absent in the present, but spectrally present in the belief of its presence to come. Sovereignty is a matter of credibility, or the credible promise of a normative statement to come. Hence, the book challenges the realist/neorealist argument stating that states are credibly sovereign until proven otherwise and explains that the debate on state sovereignty calls for the unveiling of this hypocritical epistemology cunningly disguised as an objective presence. Swiss-EU relations thus become the cornerstone to not only theorise but also test sovereignty and deconstruct the two ontological and epistemological sides of the same coin, or the modern hypocrisy of sovereignty. This deconstruction constitutes the very problématique of any attempt to understand whether and how a state can be sovereign and solve the problem as to how to neutralise the *différance* and identify the difference between credible and incredible claims of sovereignty. This problématique connects the theory and practice of sovereignty innovatively, providing positivist evidence on the arguable credibility of the Swiss claim of sovereignty and confirming the presence of a theological dimension within politics.

Many conflicts throughout the world can be characterized as sovereignty conflicts in which two states claim exclusive sovereign rights for different reasons over the same piece of land. It is increasingly clear that the available remedies have been less than successful in many of these cases, and that a peaceful and definitive solution is needed. This book proposes a fair and just way of dealing with certain sovereignty conflicts. Drawing on the work of John Rawls in *A Theory of Justice*, this book considers how distributive justice theories can be in tune with the concept of sovereignty and explores the possibility of a solution for sovereignty conflicts based on Rawlsian methodology. Jorge E. Núñez explores a solution of egalitarian shared sovereignty, evaluating what sorts of institutions and arrangements could, and would, best realize shared sovereignty, and how it might be applied to territory, population, government, and law.

Dieter Grimm's accessible introduction to the concept of sovereignty ties the evolution of the idea to historical events, from the religious conflicts of sixteenth-century Europe to today's trends in globalization and transnational institutions. Grimm wonders whether recent political changes have undermined notions of national sovereignty, comparing manifestations of the concept in different parts of the world. Geared for classroom use, the study maps various notions of sovereignty in relation to the people, the nation, the state, and the federation, distinguishing between internal and external types of sovereignty. Grimm's book will appeal to political theorists and cultural-studies scholars and to readers interested in the role of charisma, power, originality, and individuality in political rule.

A study of political possibilities in the era of modern imperialism, from the perspective of the sovereign state of Hyderabad.

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