

SOVEREIGNTY: PERMANENCE OR SPECTRAL COMEBACK?

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1. The debate on globalisation has in large part been shaped by Western modern political geography. The map of the world is ordered around sovereign states, their borders and relationships. The subject of this geography is the sovereign state, which occupies the whole scene: relevant international relations are inter-state relations. It was Carl Schmitt's *The Nomos of the Earth* that provided us with the most vivid picture: according to Schmitt this world was the miracle of jurists. The state, i.e. sovereignty, kept civil war at bay, while ensuring healthy relationships between politics and economics. Politics ensured order and guaranteed the relative independence of economic interests, while at the same time offering its services in terms of order, stability and security. It is an idealised image of the world that rests on the evident removal of colonialism, which, however, is allowed to surface precisely in *The Nomos of the Earth*, where Schmitt speaks of the lines of amity as the boundaries between this ordered *nomos* and the lands to be conquered. Furthermore, this image of the globe is the one that was later used to measure the disruption caused by globalisation. According to this narrative the Economic overpowers the Political when the state ceases to be centre stage. Hence the task is to identify a new order able to restore the primacy of the Political over the Economic, or, conversely, to proclaim the extinction of the Political along with that of the state, which means assuming the economic order as the order of the world.

Pierre Dardot and Christian Laval's latest book *Dominer. Enquête sur la souveraineté de l'État en Occident* (2020) is an enquiry into Western sovereignty, one that aims to

complicate this pattern. On the one hand, it sets out to grasp the specificity of sovereignty and of political power relations, which makes it impossible to reduce sovereignty to economic relations; on the other, it is an attempt to complicate the idea that the Political occupies a superordinate position with respect to the Economic. If sovereignty is the relationship of power over people, *imperium*, true *domination* (in French), *summa potestas*, the relationship with things falls under the category of *dominium*, of property (2020, pp. 17-22). The rationale of *imperium* and that of *dominium* are heterogeneous, and it is this heterogeneity that makes it possible to articulate them together. State sovereignty has never dominated the economy: rather, it has ensured the development of the latter by granting protection and stability, in ways that differ depending on the historic period. The image of state sovereignty acting as a counterweight to property, of an *imperium* ruling over *dominium* is false: precisely because of its juridical-political specificity, the rationale of sovereignty generates the political order necessary for the full affirmation of the rationale of *dominium*.

The extensive historical and genealogical research presented in the book aims to illustrate the fact that the rationale of *imperium* cannot be reduced to *dominium*. In other words, it demonstrates the autonomy of the principle of sovereignty. This autonomy, however, does not result in a claim to the autonomy of the Political, but, on the contrary, in a radical contestation of the authentic politicity of sovereignty. Sovereignty is a theological-legal device whose function is to neutralise politics. It is precisely for this reason that on occasion it may be instrumental to economic interests. The critique of state sovereignty, on the other hand, gives shape to an entirely different political principle, one that informs plural, autonomous and 'generative' politics, alternative to the principle of unity and representation that constitutes sovereignty.

The first polemical target of this account is sovereigntism, and in particular leftist sovereigntism, i.e. the political and cultural forces that have sought to reactivate state sovereignty as a tool to combat neoliberal policies and stem the dismantling of social protections and the worsening of inequalities. The historical overview shows that the formation of capitalism and the centralisation of sovereignty have never been contradictory processes: on the contrary, the machine of sovereignty has served to ensure the conditions of possibility of capitalist accumulation and, when needed, to remove the social and political obstacles that the reproduction of those conditions encounters. The road to restoring sovereignty 'on the left' is therefore impracticable: the state can, in particular historical circumstances, as was the case of the welfare state in the 20th century, perform a function of economic planning

and limitation of property, but the rationale of sovereignty remains integral to the exploitation of labour power.

It is not enough, however, to stress the complementary relationship between sovereignty and property, or the correspondence between the centrality of the state in public law and the centrality of property in private law. In their previous work, the critique of the supposed opposition between state and property led Dardot and Laval to identify the common as an autonomous political principle alternative to the distinction between public and private. In *Dominer*, the genealogical analysis of sovereignty does not limit itself to emphasising the complementary relationship between public and private rationale, as this analysis is articulated as a critique of the entire juridical-political theology constructed in the West around the state. Sovereignty came into being as the result of a process of centralisation that preceded the very formation of modern states. Already visible in the “papal revolution” (p. 85), after the year one thousand this process led to the formation of the Church as a juridical-political entity whose model developed by submitting the plurality of political forces and subjectivities to a process of forced unification. Dardot and Laval insist on the representative capacity of sovereignty, aimed at the construction of a united political body. The ‘mysteries of the state’ never dissolve in the plurality of subjects, let alone the multiplicity of interests. They insist, as we have seen, on the complementary relationship between the rationale of sovereignty and that of property, between state and interests. This complementarity, however, does not stem from the state being merely instrumental with respect to property: the legal construct of sovereignty is neither instrumental nor is it superstructural with respect to the economic structure. Sovereignty is indeed an autonomous juridical construct, rooted in the autonomy achieved by law and jurists in the passage from Church to state, in which the mysteries of ‘representational’ transcendence, with respect to particularities and differences of those being represented, were acquired by the ‘person’ of the sovereign.

The focus of the book is undoubtedly sovereignism and the temptation to view the state as the political principle necessary to ‘prevail’ over interests. The objection that Dardot and Laval raise to this position, however, is not centred on the weakness of sovereignty with respect to interests, or on the superstructural nature of the legal-political construct with respect to the economic structure. On the contrary, the point Dardot and Laval are making is that it is precisely the strength of sovereignty, which cannot be reduced to any other rationale, that continuously constructs and reproduces the supremacy of interests. Sovereignist positions, in other words, are right about the strength of the state, but wrong when they assume that the strength of sovereignty can be used

for emancipatory purposes, to defend freedom and equality. This misconception can be found in all the struggles and revolts of modernity that believed they could bend and use the state for revolutionary purposes. Indeed, the rationale of sovereignty has always obstructed any attempt to transform the political space, forcefully imposing unity and supremacy over and against all emergencies of plurality, of a freedom that does not coincide with property, of an equality that does not coincide with the levelling subordination to sovereign power. In other words, along with sovereignism, the target of the book is the entire history of modern statehood. Political models centred on pluralism, cooperative forms of association, mutualism, which have rejected the myth of state centralisation, are the only ones able to prevent a revival of sovereignty. The problem, in fact, is not sovereignism, but sovereignty, and criticising sovereignty does not mean explaining its fragility or its disappearance; on the contrary, the authentic critique of sovereignty must be based on the awareness of the permanence, centrality and primacy of sovereignty in modern political experience.

This issue explains both the specificity and the paradox of Dardot and Laval's position: their very rigorous anti-sovereignism is based on a theoretical argument that concedes, and, indeed, strongly supports, what the legal-political thought of sovereignty has elaborated when reflecting on itself: the uniqueness and the irreducibility of sovereign rationale. The book articulates an opposition to, and not a deconstruction of, sovereignty. Hence the strength, but also the problems, of their position.

2. Beyond the critique of sovereignism, the real critical target of the volume is the approach that understands this critique as a displacement of sovereignism's theoretical centrality, a deconstruction of its practice and of its ideology. According to Dardot and Laval, all the positions that have insisted on the governmentalisation of the state, on its lack of autonomy with respect to the plurality of governmental *dispositifs* and on the unprecedented configurations of the global market, miss the point: sovereignty not only is not relativised by globalisation but is one of the fundamental mechanisms that has produced globalisation. The fundamental theoretical error therefore consists in failing to grasp the specific nature of the rationale of sovereignty, in having identified its verticality with the networks of global governance. On the contrary, *Dominer* insists that what drives globalisation can only be understood by emphasising the constitutive role that state sovereignty has played in the very production of the global market. From a theoretical point of view, this position differs radically from critiques of legal-political sovereignty that attempt to relativise its claim to centrality. It is sig-

nificant that the authors also distance themselves from Foucauldian readings – an important element to grasp the theoretical sense of the book – even though Foucault remains a central reference in the critique of neoliberalism. Dardot and Laval write that while Foucault’s historicisation of the state is undoubtedly a fundamental contribution to the “critique of state and legal critiques of the state”, the conclusions Foucault himself draws from this historicisation are highly questionable. Foucault’s conclusions are, in short, useful to criticise the tendency of 20th century socialism and ‘state communism’ to view the state as a mere ‘instrument’ to be conquered and occupied in order to use it for revolutionary purposes: these critics regarded the state as a ‘transcendental’ entity present throughout history, and the only possible outcome of this line of reasoning was the idea that it is possible to “perfect the state machine”. In Foucault’s writings, however, the historicisation of the state also entails the relativisation of the principle of sovereignty, which ultimately means “bypassing” the issue (Dardot & Laval, 2020, p. 698). From a historical point of view, this leads Foucault to an extremely narrow conception of sovereignty, identified with feudal sovereignty alone, whereas, paradoxically, modern sovereignty falls under the categories of disciplinary power and subsequently of governmentality. A correct historicisation of the events that shaped the state thus seems to coincide with the very fading of sovereignty, and from a theoretical point of view this leads Foucault to “diagnose the contemporary disappearance of state sovereignty” (p. 268).

The whole book hinges on this idea, as Dardot and Laval challenge contemporary theses that read globalisation as that which exhausts or integrally overcomes state sovereignty. Globalisation is not a linear process: it is not a natural process, nor is it a universal normative ideal. In other words, it is not a smooth space. The authors rightly insist on the elements of heterogeneity, of unordered and conflicting pluralism that emerge within the global space. From this point of view, they reconnect with the interpretations of globalisation that have highlighted the multiplicity of regulatory regimes, boundary lines and flows that constitute global space. By way of example, the references to ‘assemblages’ is significant, as a way of connecting heterogeneous elements, both state and non-state, proposed by Saskia Sassen, which Dardot and Laval refer to several times. With reference to an idea of globalisation as a homogeneous process, which became hegemonic in the 1990s following the fall of the Berlin Wall, embraced by all those who spoke of the ‘end of history’, Dardot and Laval rightly recall all the elements of complexity and non-linearity, starting with the evident and very persistent role played by the state in bringing about globalisation processes.

This reading is particularly useful to go back to the definition of neoliberalism, and to effectively problematise current interpretations. Dardot and Laval insist that neoliberalism is by no means the opposite of state rationale, and this is why the populist idea of using the state as a counterbalance to neoliberalism is doomed to failure. Neoliberalism rather uses the nation state to produce the conditions that render the balance of the market possible (p. 667 ff.). The market is only presented as a spontaneous order in the ideological construction of neoliberalism: indeed, in the heterogeneous neoliberal arena, many have explicitly referred to the role of the state, especially when it came to cracking down on the struggles of the working class. Emphasising this complementarity between statualism and neoliberalism is not only a strong argument against the illusions of populism but is all the more relevant today because it highlights many new elements and current transformations of neoliberalism. If indeed the classical image of neoliberal neo-government is characterised by a certain balance between control and freedom, whereby a space of autonomy is still maintained for subjects, contemporary authoritarian liberalism insists on elements of command, discipline and surveillance that seem to potentially do away with spaces of private autonomy of subjects. Dardot and Laval's reading shows how the state, far from 'waning' or vanishing, acquires an essential role in imposing the rules of supranational competition on a specific territory, and certainly helps to construct a more adequate interpretation of contemporary neoliberalism – one that is more accurate than the traditional image of neoliberalism as a force able to achieve a 'perfect' governmental balance between government and autonomy, control and freedom.

In this interpretation, however, the permanent role of the state is used against any hypothesis revolving around its governmentalisation. Or, more precisely, in this theoretical position the historicisation of the roles and forms of the nation state corresponds to the affirmation of the permanence of the rationale of sovereignty against all accounts based on its governmental transformation. Now, it is one thing to support the thesis that globalisation does not coincide with the disappearance of the state but entails its transformation. It is quite another to deny that this transformation also involves the rationale of sovereignty. If it is evident that no process of globalisation exhausts the function of the nation state, it is equally evident that it is difficult to think of a sort of 'permanent' rationale that would allow sovereignty to keep a distance from its own transformations and above all from its becoming functional to other rationales, which in global processes increasingly coexist and interact with the politico-legal rationale of sovereignty. Indeed, if one emphasises the historical specificity of the concept of sov-

ereignty, and takes its representative core seriously, its tendency to construct unity, the specifically legal abstraction that constitutes it as an ‘artificial body’ which cannot be made to coincide with the totality of individuals and interests, it is not possible to ignore how different the figure and function of contemporary nation-states are compared to the tradition of juridical sovereignty. Sovereignism itself recasts the *ideological* narrative of sovereignty with a ferocity that is proportional to the weakening of sovereignty’s *effective* power, its juridically ordering capacity. The risk of Dardot and Laval’s position is that by stressing that state rationale is the ‘enemy’, this same rationale ends up becoming absolute. The state is endowed with a kind of ‘mysterious’ quality even in the processes of globalisation, which in turn overshadows the fact that this apparent permanence of the state simultaneously turns its sovereign *soul* into a *spectre*. Alongside the idea that globalisation exhausts the state, and the one according to which the state persists in all its autonomy and strength, if one adheres to a non-linear, plural and composite vision of global space, a more sober position is that which views the permanence of the state as a modified *dispositif*, one that today is very different from traditional and autonomous sovereignty.

In our view an account in the role of the state – which has certainly not vanished, as the state plays an important part in the processes of globalisation – requires a critique of the principle of sovereignty: both as a normative attempt and as a tool for the description of the role and function of the state. If according to Dardot and Laval the state is always sovereign, and neoliberalism itself is ultimately constructed as a product of the political force of sovereign states, it is precisely this permanence of the principle of sovereignty that should be overturned, both in order to gain a more disenchanting view of the state, and to better articulate the political question regarding the relationship between transformative forces, social movements, subjectivity and the state. Dardot and Laval’s invitation to free the forces engaged in current transformations, which oppose neoliberalism, from the fetishism of the state tradition, is undoubtedly valuable: but breaking with the ‘fetishism’ of the state means not adhering to its juridical mode of representation, simply overturning it, but relativising it, dismantling it, just as the historical processes of globalisation continuously dismantles it in order to reassemble it in another form. The problem, as is evident in the case of South American populism and its relationship with social movements, is no longer the invincible force of the sovereign *reductio ad unum* that targets the plurality of expressions of the political principle of the ‘common’, because it is not the ‘totalising’ force of the state that has crushed movements. On the contrary, it is its weakness, its becoming functional to the different forms of

capitalist accumulation, its inability to cope with the processes of global financialisation, that has led to the defeat of the populist experiments and attempts to ‘re-appropriate’ the state, in some cases also followed by furious and repressive corruption. The state has proved to be ‘un-appropriable’ from below – the old Stalinist belief that the bourgeois state could be turned into a socialist state simply by seizing power, a belief that Dardot and Laval rightly challenge throughout the book – not because it crushes the ‘bottom’ with its vertical and homologising way of operating, but because it is not an instrument that can be used to oppose financial accumulation. Not because it is ‘too’ sovereign, but because it is not sovereign at all. Not because its artifice imposes its representative functioning on plurality, but because political representation has proven to be incapable of the very *reductio ad unum* sovereignty rests on and ends up being distorted by its becoming functional to production.

3. Dardot and Laval’s contestation of sovereignty, which conceals the fact that it has become functional to capitalist accumulation and reaffirms its abstract difference from governmentality, ends up reinforcing the traditional account of modernity while it seeks to overturn it. According to this account the political and legal sphere asserts its *real* ‘transcendence’ over the economic sphere, not simply an *ideological* claim to autonomy and superiority. This separation is foundational throughout *Dominer*, which claims there is no continuity between the ‘mysteries of the state’ and the governance of the economy. The point is that this is precisely the origin of ‘fetishism’, the separation between the juridical artifice and its subjects, its ‘representative’ persons and the relational and cooperative fabric that constitutes production. There are many convincing passages in *Dominer* that retrace the various stages of the rise of a politics of production (and of women and men as labour-power, productive power) against the ‘sovereign’ fetish (Dardot & Laval, 2020, p. 493 ff.). Every time the revolutionary forces are overwhelmed by the rationale of sovereignty, Dardot and Laval seem to respond by reaffirming the force of a political principle which is autonomous with respect to production: only a political principle of the ‘common’ that is autonomous with respect to the economic paradigm of production can prevent revolutions from falling prey to state paranoia and the *reductio ad unum* of the sovereign mechanism. This, however, actually means reaffirming the modern conception of politics, one that views it in terms of *absolute difference* and *abstract autonomy* from production. It is precisely the new assemblages shaped by the unstable and plural processes of globalisation in which value and command, state and capital are intertwined, that allow us to experiment with strategies that go beyond

fetishism: not only the fetishism of the state, which has already been greatly weakened, but the modern fetishism of a Politics abstractly distinct from the modes and forms of production. Only a politics of production (together with organisational and institutional forms that respond to the new ways in which forms of life and *dispositifs* of production intertwine) can give life to institutions 'beyond the state', realistically positing not the unchangeable permanence of sovereignty, but the radical transformation of the state beyond the fetish of 'pure' politics.