Multilevel Governance and the Future of Sovereignty: 
A Constructivist Perspective

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Abstract

Multilevel governance presents a description of the contemporary political system in the European Union as one of overlapping authorities and imperfect gate keeping by state executives. By focusing on hierarchy structures that have emerged in the international system, hence rejecting the conventional anarchy/hierarchy dichotomy to distinguish domestic and international arenas, this appears to be a radical transformation of the familiar Westphalian system of modern sovereign states. At the same time, the institutions of sovereignty and statehood prove to be rather resilient. This paper explores the possibilities of giving account of this paradoxical situation by applying insights of social constructivism (notably Wendt’s interpretation thereof) to multilevel governance theories of European politics.

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Introduction

The European Union (EU) has come a long way since the idea of far-reaching co-operation, integration and unity was launched with the Briand Memorandum in 1930. It is generally presented as a unique system of governance, difficult to grasp in traditional International Relations (IR) conceptions about the modern state system and hence to be treated as \textit{sui generis}. Not surprisingly, research on European integration is organised in a separate field of European Studies. This field has basically from its emergence been dominated by what have become two leading doctrines, intergovernmentalism and supranationalism. In general the debate centres around the question whether European integration should be considered a unique form of interstate co-operation, with the EU being or becoming little more than an international regime, or whether it should rather be conceived as a supranational institution, with integration ultimately leading to the development of a sort of United States of Europe.

In the 1990s, the discussion about the uniqueness of the EU has gained another spur with the development of a new stream of theorising in European Studies. Instigated by insights from domestic and comparative politics, multilevel governance tries to escape the hitherto dominance of the debate between intergovernmentalism and supranationalism, providing what is considered a better description of the ‘nature of the beast’ (Risse-Kappen 1996). Rather than focusing on the process of integration (‘where do we come from, where do we go’), these new lines of thinking concentrate on the subject itself: the European Union as an institution. Consequently, it has changed position from \textit{explanandum} to \textit{explanans}. Rather than explaining the EU and European integration, their existence is taken for a social fact. Attention is moved from process to polity, to the consequences of its existence on politics and policy-making in general. As such the \textit{sui generis} character of the institution is kept in place. Multilevel governance entails a conception of the EU as consisting of “overlapping competencies among multiple levels of governments and the interaction of political actors across those levels” (Marks and Nielsen 1996: 2).

At the face of it, multilevel governance adheres to supranational, federalist assumptions, with the EU having become an independent actor in the process of policy-making. In that sense, the supranational institutions are more than just the sum of their composing parts. Yet multilevel governance theorists in fact do not dispose of states. Quite the opposite, as they argue that states will not only remain important actors, but even key actors in European politics (see for instance Marks, Hooghe and Blank 1995). Risse’s remark that multilevel governance should not throw away the baby with the bath water because intergovernmental decision-making is not completely abandoned in EU politics (Risse-Kappen 1996: 62-3) thus seems a bit premature. Multilevel governance does not by definition rule out the option of interstate negotiation – it only means it is but one among a variety of methods of policy-making. Nevertheless, the state is certainly weakened by European integration, is no longer considered to be the only significant actor, nor is it treated as a unitary actor. In multilevel governance a distinction is made between

\textit{Thus, the issue of sovereignty, however abstract, cannot be scuttled} ¹
the state as an institution and the state executives, who pursue their own interests – which do not by definition coincide with so-called ‘national interest’ (however defined). Moreover, the state as main actor is now involved in a network of complex interrelationships at the international (read: EU) level, as it is in domestic politics (Marks, Hooghe and Blank 1995).

This is linked to another key element of multilevel governance. The traditional distinction between domestic and international politics is eradicated by describing the international arena (that is, the EU-part of this arena) as one of hierarchy, thereby thwarting what used to be the rationale of the existence of domestic politics and international relations as two separate disciplines. National politics was the realm of hierarchical structures, whereas in the international arena anarchy used to rule (so to speak) (cf. Waltz 1979). This logic is reflected in the common conception of the all-organising principle of sovereignty.

Sovereignty is what links the international arena to the domestic by combining external sovereignty (independence from outside interference) with internal sovereignty (supreme authority over jurisdiction). In the traditional understanding of the so-called Westphalian system (as the supposed cradle of the international system of sovereign states) these elements of sovereignty are considered corollaries: “These two assertions are complementary. They are the inward and outward expressions, the obverse and reverse sides of the same idea” (Hinsley 1986: 158). In terms of international versus domestic politics this means that internal sovereignty is based on supremacy (hierarchy), whereas external sovereignty is based on formal equality (lack of supremacy, hence anarchy). In this context the Westphalian state system can be conceived to have double significance – fostering a distinction between domestic and international politics on the one hand, and at the same time providing the exclusive terms of reference to bridge the divide on the other (Caporaso 1996). As such Westphalia entails an international ‘living-apart-together’ of states, based on the doctrine of territorial exclusivity as defining element of their mutually recognised sovereignty.

Multilevel governance can be characterised as ‘the world turned inside out and outside in’ (Anderson 1996: 135), with emerging hierarchical or at least authority structures outside the state for one thing, and the undermining of intrastate hierarchical ordering by curtailing traditional representation via state executives for another (loss of gatekeeping role of state governments, see below). As such member-states seem to take to their heels at least one of the dual elements of the conventional notion of sovereignty as basis of the Westphalian system. At the same time multilevel governance explicitly keeps the state in place, which raises the question how these developments and emerging multilevel governance structures influence the sovereignty of the member-states of the EU.

In the early contributions to European Studies this was a relatively straightforward issue. Even though in principle both intergovernmentalism and supranationalism have a statist focus, albeit on different scales, their appraisal thereof is quite dissimilar. Intergovernmentalism argues that integration is merely an institutionalisation of close co-operation between member-states, who consciously give and take bits and pieces of their sovereignty (in areas of low politics) in order to improve the promotion of their national interests, including the protection of their sovereignty in areas of so-called high politics. Along these lines the EU is considered
as nothing but an international regime and European integration entails just a set of interstate bargains that strengthen the state (Milward 1992; Moravcsik 1994). Supranationalism, on the other hand, sees integration as an irreversible process which has progressed beyond the control of the member-states, leading to a loss of sovereignty and ‘hollowing-out’ of the state (Rhodes 1994, 1996), with as ultimate outcome the development of a suprastate structure – or, simply, a new state.

But as multilevel governance appears to present something in between, rejecting the ‘either-or’ discussion with interstate bargaining and transnational coalition building as mutually exclusive options (Risse-Kappen 1996), and regarding the EU as an intermediate arrangement in its own right (Anderson 1996), where does it stand on the issue of sovereign statehood? Can the member-states still be considered sovereign if the locus of political control has shifted and is not exclusively on state level anymore? If so, what does this say about the principle of sovereignty? If not, how does this influence the status of statehood in the EU? It is not replaced but it is not the same either – how can it be characterised?

This paper will argue that multilevel governance theory considers sovereignty along positivist lines, conceiving the existence of sovereign statehood as a matter of fact. This practice is in correspondence with the conventional understanding of the Westphalian corollaries of supreme authority and independence based on territorial exclusivity. Such an interpretation of the existence of states suggests that ‘sovereign statehood’ is essentially a descriptive concept, whose meaning consists in a corresponding state of affairs that can be measured and determined. Yet the alleged core elements of sovereignty seem hard to reconcile with the context of multilevel governance, with its overlapping authorities and shared competencies among a variety of actors at a variety of levels. A deliberation of sovereignty and state identity along constructivist lines ostensibly provides a more fruitful approach to reconcile multilevel governance trends with the prolonged existence of states. Such a deliberation reads sovereignty and statehood as institutional facts based on intersubjective understandings, rather than existing independently as empirical facts. In short, constructivist approaches can be described as conceiving international reality as being built by ideational as well as material factors, which are both time and space-bound. In this particular context it holds the view that “… states reproduce the international system by their actions and are reproduced themselves as states by [due to] this very system. Hence, instead of obtaining ontological status by the construction of (neorealist) theory, the state itself is at stake, at least in principle” (Jachtenfuchs 1997: 43). A constructivist approach might thus be able to clarify the observation that “[o]ne does not have to argue that states are on the verge of political extinction to believe that their control of those living in their territories has significantly weakened” (Hooghe and Marks 2001a: 27).

Let me emphasise from the outset that the focus on states must not be read as a normative argument of some kind, an idealisation of ‘the state’ as the ultimate organisation of political power, nor as a prediction of the resilience of states and sovereignty per se, and certainly not when this comes close to conceiving states as inexorable beings. In theory there is nothing eternal or inherently supreme about the state as organisation of political power. Rather this paper’s statism stems from the observation (and ensuing fascination) that despite all the
discussion to the opposite, and despite of internationalising and globalising developments of which multilevel governance is but an element, as for now states remain very much on the scene, both in EU context and beyond. It is “… the complex and contradictory character of contemporary patterns of fragmentation and integration, including those at work in so many contemporary states, [which] often seems quite at odds with the account of political possibility expressed in the account of state sovereignty that has seemed so elegant and persuasive to the modern imagination” (Walker 1991: 446), and this paradox begs for some exploration and clarification. In an attempt to do so, refuge is sought with social constructivist approaches to international relations.4

Main aim of this paper then is to explore how to tackle the coexistence of multilevel governance structures with the prolonged sovereignty of member-states. After all, when it comes to the crunch, member-states can still appeal to their vital national interest and sovereign status. Thus I maintain a focus on the nature of the sovereign state within its radically changing environment in EU-context. In an attempt to clarify this paradoxical situation, I argue that a social constructivist approach might provide helpful insights with its focus on the nature of social reality, including the construction of identities. In what follows, attention will first be turned to an elaboration of the multilevel governance approach. There is an extensive collection of literature on multilevel governance structures in the EU context, but this paper will for the greater part be based on a recent book by Hooghe and Marks (2001a), which sets out to elaborate the essential features of the model by bringing together several strands of writing.5 Special focus will be on their understanding of the (changing) nature of sovereignty. Some parallels are drawn with neomedievalism in International Relations (IR) theory, before attention is turned to social constructivism in order to analyse sovereign statehood as an institution on the basis of Wendt (1999). This book can be considered one of the most extensive elaborations to date of social constructivism, with a special focus on the international states system (cf. Smith 2001; Guzzini 2000; Paul 1999). This part of the analysis will be quite comprehensive, as it will turn out that there are some catches with Wendt’s approach to sovereignty. Nevertheless, a constructivist approach will prove to be clarifying for the analysis of the paradoxical coexistence of sovereign statehood in a multilevel governance context. By applying such an approach, multilevel governance is linked back to process, rather than conceived independent thereof (see also Christiansen, Jørgensen and Wiener 1999). This paper should be envisaged as a first elaboration of the potentialities of a merger between multilevel governance theories and social constructivism to analyse the condition of sovereign statehood within EU-Europe.

**Multilevel governance and sovereignty – the positivist way**

Drawing from a wide collection of literature on multilevel governance, Hooghe and Marks have distilled what they consider its three characterising elements (2001a: 3–4).6 First, rather than being monopolised by national governments, decision-making competencies are shared
by actors at different levels. Ensuing, supranational institutions are deemed to have become actors in their own right, playing an independent part in policy-making (rather than functioning merely as agents of national governments). Secondly, a new mode of collective decision-making has emerged, resulting in a significant loss of control for national governments. And thirdly, the traditional separation of domestic and international politics has been undermined because of transnational associations, developed for instance by subnational governments that operate in both national and supranational arenas. Therefore these arenas should be understood as being ‘interconnected’ rather than ‘nested’. Overall one can speak, they argue, of a tripartite shift of authority away from national governments, upwards as a result of European integration; downwards because of subnational empowerment and sideways, to for instance public/private partnerships (Hooghe and Marks 2001b: 3). Consequently, states are only one among a variety of actors influencing decision-making at a variety of levels.

Thus basically multilevel governance comes down to the observation that, contrary to the claims of intergovernmentalism, supranational institutions increasingly have an independent impact on policy-making within the jurisdiction of the member-states. Subnational governments have gained in importance too, resulting in ‘imperfect gatekeeping’ by national governments between what used to be separate arenas of domestic and European politics. The traditional lines of communication and representation via state executives have been cut back, as multilevel governance opens up multiple points of access for interests, thus blurring the clear-cut separation between domestic and international politics. Indeed they are claimed to have become almost seamless in EU context (Hooghe and Marks 2001a: 28, 78). What clearly distinguishes multilevel governance from supranational approaches, however, is that it does not regard the EU as (developing into) a state. The idea is not one of governance above the state (which would mean a reconstitution of the state with all its constituents on a higher institutional level), but rather of governance beyond the state (Jachtenfuchs 1997). That is, ‘beyond’ in its ‘inclusive’ sense, as ‘more than’ rather than ‘past’.

Still it appears that Marks and Hooghe distance themselves more explicitly from intergovernmentalism, contrasting multilevel governance to state-centric approaches. In fact multilevel governance and state-centric theories are presented as two basic alternative conceptions (see for instance Marks, Hooghe and Blank 1995, 1996). It should be noted that despite this juxtaposition and notwithstanding the terminology of governance (in distinction to government), multilevel governance can still be considered a statist approach. After all the state is not only regarded as one of the relevant actors, but still a key actor in European policy-making. As such, multilevel governance seems to be something in between intergovernmentalism and supranationalism. Yet the question is what kind of (sovereign?) state Hooghe and Marks conceive compatible with the emerging multilevel governance structures, transforming the interstate anarchy through the development of hierarchical structures beyond the state? Can sovereignty be something in between too?

The terminology of hierarchy in the international system could be misleading insofar as it suggests some sort of linear, pyramid-like structure of sub-supra-relations, while multilevel governance does not by definition consist of such clear-cut and top-down relationships. The traditional sandglass model of nested arenas (with the state as gatekeeper at the floodgate) has
so far not been replaced by a pyramid structure on top of the state (akin to a federalist structure). The authority structures seem far more complex, flexible, overlapping, crosscutting networks of governance, far more post-modern if you wish (cf. Wallace 1999). Thus ‘hierarchy’ in multilevel governance context should be interpreted in the sense that it challenges anarchical character of the international system – ergo in terms of Waltz’s anomaly versus hierarchy dichotomy. Hooghe and Marks (2001b) indeed distinguish between multilevel governance-visions type I and type II, with the latter connoting a patchwork of polycentric authorities (far from hierarchical) and the former coming close to federalism (hence more hierarchical, with authority moving both upwards and downwards, away from the state). They emphasise that these types should be considered distinct, but not mutually exclusive. In fact, they argue that both types can be located in contemporary EU.

Multilevel governance theories are thus directed towards providing an overall picture and analysis of power structures at different stages of policy-making, offering a ‘sophisticated descriptive metaphor’ of the EU a polycentric polity (Rosamond 1999). Focus of attention for Hooghe and Marks is actual authority, rather than formal competencies. This also counts for their notion of sovereignty. While recognising sovereignty as a core element of statehood (to which characteristics like centralisation, functional differentiation, mediation of internal and external affairs are added), they explicitly reject a minimalist Weberian conception of sovereignty as a monopoly on the legitimate use of force (Hooghe and Marks 2001a: 5-6). For this would mean that member-states uphold ‘ultimate sovereignty’, as they continue to assert a monopoly on use of force within their respective jurisdictions. The EU does not dispose of an army or police force to enforce compliance to EU law and policies. Coercive control over populations remains with states. “Analyses of the ultimate sovereignty of Member States and the sanctions available to the EU under extreme circumstances have an air of unreality about them because, under present and foreseeable circumstances, they remain entirely hypothetical” (Marks, Hooghe and Blank 1996: 352). Nevertheless, Hooghe and Marks emphasise that for the sovereignty question political and economic sanctions should be taken into consideration too, as these constrain member-states and their room to manoeuvre to a considerable degree (Hooghe and Marks 2001a: 6). Thus implicitly they reject the view that sovereignty is preserved, for this does not square with what they call the ‘empirical realities’ in the EU.

In a similar manner they would reject a reading of sovereignty along formal, legislative lines, as they criticise state-centric approaches for focusing solely on legal authority as the decisive resource, whereas attention should be paid to more diverse a basis of resources, including information, expertise, legitimacy and the like. They also defy the intergovernmentalist argument that states are still in control as it is them that are the sole parties to treaties. This might be the case, so they argue, but for one thing, member-states have lost exclusive control over the process of treaty negotiation and ratification. Moreover, treaties are not the sole determinants when it comes to institutional exercise of competencies (Hooghe and Marks 2001a: 6-8; Marks, Hooghe and Blank 1995: 5-11).
Rather than on monopoly on use of force or formal legal authority, Hooghe and Marks thus seem to focus on political control as a core defining element of sovereignty. Individual states cannot be said to have sustained their former authoritative control over individuals in their respective territories with important areas of decision-making having been shifted to supranational institutions, hence diluting sovereignty and weakening the state. Nevertheless, member-states remain ‘deeply entrenched in the EU and play the major role in determining the basic institutional setup’ (Hooghe and Marks 2001a: 45) and national state actors still command significant relative power, compared to its European, transnational and subnational co-actors. To date, national state sovereignty has not made way to a European sovereign state.

This alludes to how Marks and Hooghe do not seem to be able to reconcile (and in fact pay little attention to) the paradoxical developments of weakening of the state in the course of European integration on the one hand, and the prolonged existence and continuing importance of the state as actor, both domestically and internationally, on the other. This was not the aim of their project either, but still constitutes a legitimate question. Hooghe and Marks do reject reification of the state, by advocating the acknowledgement of states as social institutions, varying in degree of differentiation from their environment, as well as in degree to which they may (and can) act coherently. In this line, they suggest that “[i]f states are viewed as sets of commonly accepted rules that specify a particular authoritative order, then one should ask how such rules may change over time, and whether and how they will be defended” (Hooghe and Marks 2001a: 74). This seems to connote to a conception of member-states as regime-like entities in the context of the EU. Yet with the advance of institutional feature way beyond the original design, and the development of a huge body of shared norms and commonly accepted rules and decision-making procedures, the EU is more than just a regime. It is at the very least a ‘saturated’ regime’, founded on the core institution of the ‘embedded acquis communautaire’ (Christiansen, Jørgensen and Wiener 1999: 539). Besides, with a sole focus on rule-bound behaviour, and the assumption of states as self-interest maximising actors (hence with constant identities and interests, cf. Krasner 1983), regime theory has been deemed little promising when it comes to clarifying ongoing transformations in the relations between member-states and international institutions, and emerging multilevel governance structures.

However, Hooghe and Marks do not seem to answer the question posed themselves. Their focus remains first and foremost the locus of political power – when the chips are down, which actor is ‘in (sovereign) control’? Everything revolves around (a limitation of) the capacity to determine policy outcomes. They examine this reallocation of authority by an empirical analysis of policy documents with regard to the levels of decision-making across a variety of issue areas as well as different phases of policy-making. Considering a right to veto as the ‘ultimate instrument of sovereignty’, they conclude that decision-making procedures in the EU exemplify ‘sovereignty in retreat’ (Hooghe and Marks 2001a: 28, 17). This actually reminds of Waltz’s definition of sovereignty (who, as leading voice of neo-Realism, is a positivist par excellence). He links sovereignty to a capacity of the state “… to decide for itself how it will cope with its internal and external problems” (Waltz 1979: 96). Overall it appears that Hooghe and Marks indeed apply a conventional, positivist approach to sovereignty,
emphasising the ‘empirical realities’ of policy making in the EU. Yet as will be elaborated below, a comprehension of sovereignty as a social construct, existing merely by virtue of (state) practice to accept this institutional fact for real, might be more helpful when trying to untangle the paradox related to emerging multilevel governance structures in the states system in EU-Europe.

**Neo-medievalism**

The picture presented by multilevel governance of member-states as part of a complex structure of authority that ‘escapes our conventional understanding of statehood’ (Hooghe 1996b: 15) bears a resemblance to what in IR theory has been called ‘post-modern statehood’ or ‘neomedievalism’. At one point, Hooghe and Marks mention parallels with feudalism as well, with “[b]oth the feudal and the European political orders [being] characterized by multiple spheres of legitimate authority and by a corresponding propensity for individuals to have multiple, rather than exclusive, political identities.” (Hooghe and Marks 2001a: 45, and table 2.1). Neomedievalism was discussed by Hedley Bull in the 1970s in his *Anarchical Society*, using it to speculate about a modern and secular equivalent of the universal political organisation as operated in medieval Western Christendom. In this system no ruler or state was supreme over a given territory cum population, and authorities were shared with both vassals underneath and with Pope and Emperor above. Apart from the theocratic foundation of authority, making an absolute return to the medieval mode far-fetched, “…it is not fanciful to imagine that there might develop a modern and secular counterpart of it that embodies its central characteristic: a system of overlapping authority and multiple loyalty” (Bull 1995 [1977]: 245).

If the modern Westphalian state is characterised as unitary, with the sovereign state as the ultimate centre of authority, both nationally and internationally, then post-modern states operate “…within a much more complex, cross-cutting network of governance, based upon the breakdown of the distinction between domestic and foreign affairs, on mutual interference in each other’s domestic affairs, on increasing mutual transparency, and on the emergence of a sufficiently strong sense of community to guarantee mutual security” (Wallace 1999: 506). One element of post-modern statehood is that sovereignty is considered to be increasingly ‘held in common’, “…pooled among governments, negotiated by thousands of officials through hundreds of multilateral committees, compromised through acceptance of regulations and court judgements” (Wallace 1999: 519). The once pivotal rule of non-intervention has been replaced by more or less legitimised mutual interference in each other’s domestic affairs, and the sacrosanct Westphalian principle of sovereign rule based on territorial exclusivity has been abandoned.

Indeed, when Bull was visionary discussing a qualified return to medieval structures of political organisation, he conceived such a system of overlapping authorities to signify the end of sovereignty. As a matter of fact, he defines a neomedieval form of universal political order as one where states share their authority to such an extent that ‘the concept of sovereignty cease[s] to be applicable’, and is ‘recognised to be irrelevant’ (Bull 1995 [1977]: 246, 256). It
can be wondered what there plausibly could be left for the concept of sovereignty, if the state is indeed in the process of loosing both its authority to the inside and its ‘hard-shell’ towards the outside (Christiansen 1994)? The emerging multilevel governance structures with a sharing of authority with actors above and below the state at the face of it seem to cut right through the sacrosanct sovereign heart of member-states. And yet again, the persistence of the doctrine of sovereignty can hardly be overlooked either. Ergo, while Bull was right in his anticipation, he seems less so in his conclusion. Presumably this is a consequence of his (positivist) conception of states and sovereignty as more or less empirical entities and features – i.e. “… independent political communities each of which possesses a government and asserts sovereignty” (Bull 1995 [1977]: 8).

Such a parallel to (a recurrence of) medieval structures in any case concedes that, contrary to the not uncommon idealisation of the Westphalian state – after all, even when rejected, it still serves as terms of reference (Caporaso 1996) – and despite of its inertia, the sovereign state should not be mistaken for a ‘natural’, consequently unchangeable, being (Anderson 1996). Reification misses the crucial point. As Walker stresses, sovereign statehood, with its ‘patterns of inclusion and exclusion’ should be conceived as the historical innovation it is. Irrespective of its appearance of naturalness and ensuing inevitability, sovereignty must be understood in the context of complex political practices of modern states, who are far from natural or inevitable themselves. In order to try and demystify and comprehend ‘the minute rituals through which states are constantly made and remade’ (Walker 1991, 1993), social constructivism provides some clarifying insights.

**A social constructivist approach**

Point of departure for social constructivist approaches is a fundamental distinction between the natural and the social world. Whereas the former consists of physical, ‘brute’ facts, the latter exists first and foremost by virtue of ‘institutional facts’, i.e. “… facts that are only facts by human agreement” (Searle 1995: 12). As such social constructivism distances itself from a positivist ontology: “… even our most enduring institutions are based on collective understandings, … they are reified structures that were once upon a time conceived ex nihilo by human consciousness … [which] were subsequently diffused and consolidated until they were taken for granted” (Adler 1997: 322, italics in the original).

This appreciation of international relations as a ‘social reality’, constructed by means of human conventions and intersubjective understandings, forms the basis of Wendt’s constructivist approach to international politics (Wendt 1999). In a nutshell it comes down to a notion of state identities and interest being constructed by structures, consisting of (i) shared knowledge; (ii) material resources; and (iii) practices (Wendt 1995: 73). Structures, in turn, are not exogenously given but emerge through process (interaction). It is through interaction and practice that shared meanings rise, which create structures that successively affect behaviour, and, foremost, constitute identities. Thus, key structures are intersubjective and social rather than material, and as such have no existence apart from process. Still this does not mean that subjectivity is all there is to it in world politics: “The key here is recognizing that materiality is
not the same thing as objectivity. Cultural phenomena are just as objective, just as constraining, just as real as power and interest. Idealist social theory is not about denying the existence of the real world.\[11\] The point is that the real world consists of a lot more than material forces as such’ (Wendt 1999: 136, italics in the original). There is indeed something connoting to ‘reality’, but more than from physics it stems from social action – the objectivity of social structures depends on shared knowledge rather than mere firm facts. Hence institutional facts are objective in the sense that they exist independent from individual preferences, evaluations or moral attitudes (Searle 1995: 27, 2-3).

Subsequently, structure has no meaning outside of (state) practice to accept certain concepts and institutions as basic rule in international politics – more than distribution of power (cf. Waltz 1979) it is the ‘distribution of knowledge’ (Wendt 1999: 140) that determines how states relate and act towards each other. Thus, there is a real world out there, and what is more, it can be known too. As such social constructivism combines a non-positivistic ontology (do social structures have an objective existence?) with a positivistic epistemology (the possibility of objective knowledge of structures through falsifying theories against evidence) (Wendt 1999: 90; see also Smith 1996).

Still Wendt does not advocate ‘ideas all the way down’. Following Searle he considers brute (material) facts as a necessary condition for institutional (social) facts to develop, and as such the former are ontologically prior to the latter (Searle 1995: 55-56; Wendt 1999: 110; Wendt and Friedheim 1995).\[12\] But to emphasise the notwithstanding importance of ideas, Wendt states that it is at least ‘ideas almost all the way down’ (1999: 20). He rejects the (neo)Realist reifying premise of ‘a state = a state = a state’, hence can be taken as given, an independent variable and an ahistorical black box. On the contrary, identities and interests are to be considered as inherently relational and, consequently, changeable. Which at the same time should not be read as them being highly flexible and fluctuating. Quite the opposite, as structure, once developed, tends to support certain behaviours while discouraging others. Intersubjective constructions confront actors as ‘obdurate social facts’ (Wendt 1994: 389). This non-malleability of social structures is reinforced by actors having an interest in stable identities, and subsequently intersubjective understandings and expectations are self-perpetuating (Wendt 1992: 411).

Irrespective of explicitly rejecting neo-Realist statism, conceived as blackboxing, Wendt’s can still very much be considered a statist approach (as he happily admits too) for states do indeed remain central to his theory. It is statist insofar as he believes that, at least in the medium run, sovereign states will remain the main actors in the international system, not in the least since they remain extremely jealous of their sovereignty (Wendt 1994: 385). This does not necessarily challenge the relational character of identities of actors in the international system, as, so he asserts, transition to new structures of global authority will (have to) be moderated through the sovereign state. As such, Wendt still considers state identity and interest as dependent variables and advocates ‘historically progressive statism’ (1992: 425).
Essentially, interaction can be considered to influence these identities in two differing ways. Again, there is a close connection between what actors do and what they are. On the one hand, both interaction and identity play an important role in the status quo-ness of sovereign states. Not only as homeostatic structures but also as social identities, states can be considered self-fulfilling prophecies. This is not just because of an interest in self-preservation, but even more so because of process. Interaction does not merely bring about identities in the first place, but sustains them consequently. While it may very well be that states are committed to egoistic identities, and that structures constituting them are rather resilient, this has little bearing on the fact that they are continuously in process: when states are communicating they are not only pursuing selfish goals, “[t]hey are also instantiating and reproducing a particular conception of who they are” (Wendt 1999: 341) and so participate in joint constitution of their identities and counter-identities. As such it should be comprehended that even when identities and interests remain relatively stable, this very constancy is endogenous to interaction, not exogenous (as for instance rational choice and regime theorists assume). 13

Identities are always in process, always an achievement of practice and thus the boundaries of the Self are always ‘at stake’. And this is where the second dynamic of interaction comes into the picture. For precisely because identity and interests remain dependent variables in process, this allows for collective identities to emerge from co-operation. This holds that as a result of interaction and shared meanings a sort of ‘super-ordinate identity’ would develop, above and beyond the state, blurring the boundary between Self and Other and generating interests being defined on account of Us as a team. It should be noted that this does not only refer to such a ‘visible’ (for symbolised) collectivity as the European Union. Also membership of the ‘society of states’, with the accompanying norms and institutions (one of the most fundamental ones being sovereign equality), forms a collective identity if states adhere to them not out of pure self-interest, but because they have internalised the norms and identify with them. This also follows from the conventional definition of ‘international society’ in IR theory, that is a setting in which states are “… conscious of certain common interests and common values, [and therefore] form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions” (Bull 1995 [1977]: 13).

**Sovereignty a la Wendt**

Wendt’s analysis could be useful in the foregoing discussion about multilevel governance, post-modern statehood and sovereignty, not in the least because of his statist approach and his focus on how state identity is constituted and reinforced, as well as can be transformed, through interaction. So where and how does sovereignty fit into the identity-picture? Wendt employs the conventional distinction between internal and external sovereignty, the former defined as ‘the supreme locus of political authority in society’, the latter as ‘the absence of any external authority higher than the state’ (constitutional independence), in other words ‘exclusive authority over some domain’ (Wendt 1999: 206-8; Wendt and Friedheim 1995: 698). Important emphasis is on the legitimacy element of authority. Sovereignty is about right, not might, about
authority, not autonomy. That is autonomy per se, for internal authority (thus in relation to domestic society) would connote (relative) autonomy in relations with fellow-states.

While sovereignty can only become a right when it is recognised by fellow-states (and as such is contingent), Wendt claims it has a different face as inherent feature of statehood as well. In that respect it is part of the essential state or ‘the state-as-such’ – that is “… what all states in all times and places have in common” (Wendt 1999: 201) – and an element of the so-called corporate or pre-social identity, with the state as a self-organising homeostatic structure. The five features of the essential state thus defined are (i) an institutional-legal order; (ii) a monopoly on the legitimate use of force; (iii) sovereignty; (iv) society; and (v) territory. He emphasises that these elements should be considered a ‘fuzzy set’, with none of them being essential but at the same time tending to cohere in homeostatic clusters, which consequently allows for transhistorical and transcultural generalisation. Rather than a tool to analyse ‘real historical states’, Wendt points out that the ‘essential state’ should be conceived as the rump material for analysing the international system (1999: 201). But how many and which of the elements of this fuzzy set are necessary as a minimum for an entity to pass as a state? Surely ‘territory’ by itself would not be sufficient? Moreover, how do these elements relate to each other? Does not sovereignty in his definition of exclusive authority over a jurisdiction imply most of the other elements, at least to a certain extent? In relation to the discussion of emerging multilevel governance structures in EU context, the question is indeed whether these five elements still come together. And how these relate to the sovereignty issue.

Nevertheless, sovereignty is first and foremost part of a state’s social, or role identity. Role identities do not derive from intrinsic properties, but exist only in relation to others, who vice versa possess relevant counter-identities. Shared expectations and collective understandings are pivotal – role identities cannot be enacted unilaterally. Thus when sovereignty is spoken of as a status granted by fellow-states by means of recognition, it is a state’s role identity that is on the table. It is recognition (as intersubjective understanding) that makes sovereignty, besides a supposed feature of individual states, an institution shared by many, turning the property into a right.

Overall, this entails a rather ambiguous picture of the relationship between statehood and sovereignty, as on the one hand the latter is part of a state’s role identity, hence fundamentally social and contingent, while on the other sovereignty is considered one of the features composing the homeostatic structures of state (hence intrinsic). At the face of it, this seems to square with the traditional distinction between external and internal sovereignty. After all, internal sovereignty conceived as supreme authority within state borders is first and foremost inward looking, while external sovereignty as (constitutional) independence from outside interference, thus from other states, is inherently relational and social. However, things are a bit more complicated as Wendt argues the possibility of external sovereignty even when lacking recognition by fellow-states, of empirical sovereignty without juridical sovereignty (1999: 209). Ensuing, this would connote to external sovereignty without authority, and (paradoxically?) ‘external’ sovereignty as intrinsic to states, rather than contingent. Thus, a
state would be able to exert or indeed have external sovereignty ‘on its own’ and recognition is not a necessary condition for sovereignty.

This distinction between empirical and juridical sovereignty is drawn from Jackson and Rosberg (1982), although strictly speaking they discuss empirical and juridical statehood, later to be supplemented by the analogue positive and negative sovereignty (Jackson and Rosberg 1986; see also Jackson 1990; 1992). Juridical statehood is ‘essentially an international attribute’: “The juridical state is both a creature and a component of the international society of states, and its properties can only be defined in international terms” (Jackson and Rosberg 1982: 12). The core of the argument is that the rules of the sovereignty game have changed since the process of decolonisation, rendering recognition by itself (thus apart from empirical statehood, i.e. ‘demonstrable capacity, positive fact, the state as credible entity’ (Jackson and Rosberg 1986: 26)) a sufficient condition to acquiring the status of statehood, or rather ‘quasi-statehood’. In addition, they argue that empirical qualifications on their own account cannot constitute a state without the juridical attributes that in turn can only be bestowed by (recognition by) other states. Wendt thus turns their line of reasoning upside-down, when he considers recognition rather an extra, and certainly not a necessary condition for statehood. As such, Jackson and Rosberg would accuse him of Eurocentrism for assuming that empirical statehood is more fundamental than juridical and that the internal is prior to the international in state formation, is at odds with the African experience. Moreover, it can be questioned whether sovereign statehood in general can be conceived as such a matter of fact as to exist independent from recognition, as will be discussed below. It is precisely the quality of statehood as an institution which could be helpful in our discussion about multilevel governance.

As such, this ambiguity with regard to sovereignty in Wendt’s analysis seems to be underplaying the institutional character of both statehood and sovereignty. Indeed, his notion of the essential state, as well as the possibility of external sovereignty minus recognition, leads Wendt to argue that despite its social traits, sovereignty (as property rather than right) does not presuppose relationships with other states, and states as such are ontologically prior to international society. He mentions the first encounter of the Aztecs with the Spanish as an example to clarify this point of external sovereignty without recognition (Wendt 1999: 244, 208). Yet, it can be wondered, is it possible to speak of external sovereignty, when technically speaking there is (can be) no (notion of) ‘outside’, before the Other is met? External sovereignty towards whom? As Wendt acknowledges elsewhere, with reference to Robinson Crusoe, it makes little sense to speak of sovereignty as ‘exclusive authority’ over space when there are no other actors from whom this authority needs to be distinguished or excluded (Wendt and Friedheim 1995). Indeed, claims of external sovereignty “… presuppose a specific audience – an international society which recognized the distinction between internal and external as valid and acts upon the belief in the existence of that distinction.” (Werner and de Wilde 2001: 288).

This conceptualisation of sovereignty as both intrinsic and contingent to state-actors is somewhat puzzling. However, it seems to be a consequence of an indistinctness with the relationship between identity and interaction. In his previous writings, Wendt was more
explicit in conceiving sovereignty as merely social, ‘not an intrinsic feature of state agency but one possible social identity’ (1994: 393) a state could have, and an ‘accomplishment of practice’ (1992: 413), following from his statement that identity could only develop through and from interaction. But a difficult point is whether and how it is indeed possible to participate in interaction without some pre-existing identity? This dilemma is implicitly captured in the remark that “[s]overeignty norms are both presupposed by and an ongoing artifact of practice” (Wendt 1992: 413, italics added TEA). Which comes close to a chicken-and-egg-argument. Wendt turns to material substrate of agency (that is the organisational apparatus of governance), combined with a desire to survive, as the constitutive features of the state before interaction. As homeostatic structure this entails a sort of pre-social (corporate) identity from which interaction could progress and identity could be developed.

Without discussing how these material substrates come into being, and where this desire (to avoid terminology of interest?) to survive stems from, Wendt ignores processes inside the state(-to-be) that would result in the development of the organisational apparatus of governance. Treating the domestic realm as a black box, state identities are to a certain extent kept outside the analysis, allowing the assumption of a relatively stable state. This alludes to how Wendt does not pay attention to how (presocial) identities come into being in the first place – lacking a notion of how Self and Other are constituted. Ergo, “Wendt’s world is one where ‘exogenously given’, and ‘pre-social’ agents act on the basis of their rump material constitution”, this being “human nature for individuals, and a set of five material givens for state actors.” (Smith 2000: 160, 162). Sovereignty presumably is one of these givens, to a certain extent at least. Hence Wendt can be accused of bringing rationalism in through the back door.

Although Wendt himself suggests to be advocating a ‘weak or essentialist constructionism’ (read constructivism) (1994: 385), it comes rather close to a rationalist assumption of ontologically primitive units with given interests (Paul 1999; Smith 2000), and, almost blasphemy from a constructivist point of view, reification (Doty 2000). For in the final analysis Wendt does not seem to be able to move away from the state as, if not a ‘natural, god-given being’ than at least somehow inevitable as homeostatic structure. Interestingly enough, Wendt does not deny the latter accusation, but argues that “… we can and have to be constructivists in one respect while reifying in another”, given the ‘empirical reality of self-organisation’ (2000: 175). Yet, again, this seems to reveal a western bias - the mentioned reality of statehood in Sub-Saharan Africa is far from a case of self-organisation. Quasi-states came first and foremost into being as juridical entities. Indeed other forms of self-organisation than sovereign statehood have been reality in the past (such as empires, city-states, tribes). It should be noted that it is quite explicitly that Wendt neglects internal processes. After all, so he argues, his analysis is one of the international system. And while the homeostatic structures are internal social constructs themselves, that is constructivism on a different level (Wendt 1999: 244-5). Still, he seems to do away with internal processes too easily, insufficiently taking into account how this bears effect on his analysis of the international system.

Thus it seems problematic to distinguish between what Wendt calls ‘individuality per se’ and the ‘social terms of individuality’, at least in the way he defines this distinction. In line with
his notion of the ‘state-as-such’, the former connotes to the self-organising properties of the sovereign state as homeostatic structure, existing independent of and prior to the international system. The terms of individuality, then, refer to the features of the Self that depend on recognition by the Other, thus involving intersubjective understandings (Wendt 1999: 181-3). Yet, as it can be questioned whether states indeed exist prior to (and thus essentially independent of) international society, it could be argued that this distinction should be redefined as to concede that the institution of sovereign statehood is endogenous to process, existing on account (and by grace) of intersubjective understandings. Thus the individuality per se of (Westphalian) states rather consists of the mutual recognition of their juridical status, their very being, as sovereign states (hence acknowledging their quality as institutional facts) – with the terms of individuality connoting to the elements of sovereignty as a ‘highly open-ended’ and ‘indeterminate’ (Wendt, 1994: 388) institution of the states system. This renders the separation between corporate and social identity far less clear-cut than Wendt implies.

Such a constructivist conception of sovereign statehood, appreciating its quality as an institutional fact, and as such inherently endogenous to process, could be helpful in our attempt to clarify ‘what’s going on in Europe’ in terms of sovereignty and multilevel governance.

Multilevel governance and sovereignty – the constructivist way

Recalling, multilevel governance approaches provide a descriptive analysis of emerging structures of policy-making in the EU. While the main focus is on the relationship between member-states and international institutions, relatively little attention is paid to its bearing on the sovereignty of the respective states. If at all, Hooghe and Marks interpret sovereignty foremost along the lines of the supreme locus of political control, autonomy and exercise of actual authority. This focus on the ‘empirical realities’ of politics reveals a positivist approach to the sovereignty issue. Whereas Hooghe and Marks distance themselves from supranationalism, and explicitly reserve a key role for member-states in the policy process, sovereignty is clearly undermined by multilevel governance when benchmarking it against effective and exclusive control. By applying a positivist approach their analysis cannot give adequate account of the paradox of the resilience of sovereign statehood within the emerging hierarchical structures in the European arena.\(^\text{15}\) As such, point of departure of this paper was that to perceive multilevel governance merely in terms of decline or extinction of the state is drawing conclusions too quickly, ignoring the continuing importance of states as actors on the international stage, and underestimating the inertia of existing structures. To depict current developments as a matter of life or death of the state connotes a failure to appreciate, as well as masking the extent to which more than just a quantitative restructuring, a qualitative reshaping of statehood, territoriality and sovereignty is underway.

So how can Wendt’s constructivist approach to international relations be helpful in clarifying the aforementioned paradox? By regarding both identities and structure as endogenous to process, and taking sovereignty to be an indeterminate social construct, based on shared understandings and interaction, social constructivism has indeed a better chance to reconcile
and give account of multilevel governance and post-modern statehood developing parallel to
a continuing significance of the principle of sovereignty. Nevertheless, it turns out that there
are some rather serious catches with Wendt’s analysis. The initial appeal of his statist approach
proves to be an Achilles heel at the same time, from a constructivist perspective at least. The
weakest link is foremost his claim of the presocial state and identity prior to interaction. This
‘weak constructivism’ seems particularly unsatisfying in the context of multilevel governance.
For it brings us back to square one: how to reconcile sovereignty as exclusive, supreme
authority and an inherent quality to states, with the patchwork of overlapping and intermeshing
authorities in multilevel governance Europe. Moreover, it is not really clear how Wendt’s five
features of the ‘essential state’ relate to his earlier claim of ‘historically progressive statism’.
While he stresses that the elements should be considered a fuzzy set, he lacks clarity as to how
many and which of the elements are necessary as a minimum for an entity to pass as a state.
This is indeed rather ambiguous as Wendt explicitly rejects the probably most straightforward
prerequisite of recognition.

But we do not need to go all the way down with Wendt in order for his analysis to be useful
for our elaboration. Helpful remains his discussion of social identity of states, and the
ensuing disclosure of the relation between interaction, institutions (embedded intersubjective
understandings) and identity. If we try and escape from the weak social constructivist element
and draw the line a bit further by suggesting that the very individuality of states is a social
quality dependent on the international society and their fellow-states, this could enhance our
discussion about sovereign statehood within multilevel governance structures.

In this context the focus should first be on the intersubjective meanings that emerge
through interaction and constitute both states and their sovereignty, and which despite of,
as well as due to, process are rather obdurate social facts. Obdurate, indeed, but still social
(institutional) facts and hence invariably in process, dependent on practice and as such always
‘at stake’. Here we can quote at some length from Wendt’s most famous article, Anarchy is
What States Make of It, where he states this point quite clear:

“Sovereignty norms are now so taken for granted, so natural, that it is easy to overlook the extent to
which they are both presupposed by and an ongoing artifact of practice …. If states stopped acting
on those norms, their identity as ‘sovereignty’ would disappear. The sovereign state is an ongoing
accomplishment of practice, not a once-and-for-all creation of norms that somehow exist apart from
practice … [I]ndeed, once a community of mutual recognition is constituted, its members … may
have a vested interest in reproducing it. In fact, this is part of what having an identity means. But this
identity and institution remain dependent on what actors do: removing those practices will remove
their intersubjective conditions of existence.” (Wendt 1992: 41)

Thus, basically, as long as states accept and act upon each other as being sovereign, they are. In
essence, this is what their individuality entails. Thus when Walker claims that “[a]s a practice
of states, it [sovereignty] is easily mistaken for their essence” (1991: 458), my suggestion
would be that it is not mistaken for being their essence, but rather that this essence does not
exist apart from practice and mutual understandings. On the contrary, the essence of sovereign
statehood is easily mistaken for being exogenous to process and independent from practice. Which indeed seems to be where Wendt draws a blank with his discussion of sovereignty as an inherent feature of the ‘essential state’. Ensuing, it is rather futile to analyse whether member-states of the EU are still ‘really sovereign’ – for “the reality of sovereignty consists in its use and acceptance” (Werner and de Wilde 2001: 304). However, this does not do away with the fact that the social terms thereof may change, without necessarily pouncing upon a state’s (sovereign) individuality. For both individuality and its social terms are constituted and reconstituted through practice.

In terms of multilevel governance this means that it can be pictured as an emerging structure – polity, institutional arrangement among public (and private) actors – and process or practice (discourse) at the same time. Or, in more accurate constructivist phrasing, an emerging intersubjective structure due to and endogenous to process and practice. This enhances an understanding of multilevel governance as a result of (and continuously dependent on) interaction.

Both dynamics of interaction as discussed by Wendt are at work in the EU context. On the one hand, European integration can be conceived of as an instance of collective identity formation among its member-states. Interaction and mutual understandings bring about certain institutional arrangements (intersubjective systemic structures) – here, supranational institutions and multilevel governance structures – which in turn have a bearing on the boundaries of Self, that is on creation of new identities. It should be noted that this would be the case even if intergovernmentalism would be correct in its claim that European integration is but a far-reaching institutionalisation of co-operation among sovereign member-states. After all, even when identities and interests remain relatively stable, this constancy is still endogenous to interaction. But the fact that boundaries of Self are always ‘at stake’ is even more apparent in case of multilevel governance. One point in this matter is, for instance, the claim that supranational institutions have an independent say in policy-making. After all, this seems to touch upon the very foundation of the sovereign being of member-states. And still, these remain very resilient at the same time.

In terms of Wendt’s analysis this is a consequence of the second, seemingly reverse and more ‘conservative’ dynamic of interaction, which is just as much at issue in the European setting. This is the aspect of interaction through which actors ‘instantiate and reproduce’ a conception of who they are. As a ‘joint constitution of identities and counter-identities’ their interaction sustains their existence as sovereign states. Thus, while interaction in terms of multilevel governance influences the identities of member-states, this does not pounce upon their individuality as such, because of a simultaneous (and stubborn) sovereignty discourse. While discourses are never completely closed or fixed, and always in process, this can have two opposite effects: on the one hand it makes them vulnerable to change, but on the other it can reinforce them. Sovereignty as an institution can then be conceived as a ‘sedimented discourse’ – a discourse that as a result of political and social practice has become relatively permanent and durable (Howarth 1995: 127-8, 132). In the course of their interaction member-states are still constituting and reconstituting their mutual identities as sovereign states. Which
is one rather blunt reason why, despite of the independent influence of EU institutions and the extensive transfer of competencies to supranational actors, sovereignty to date has not made way for a European sovereign state (Wæver 1995; Werner and de Wilde 2001). A constructivist reading of the endurance of sovereign states within ostensibly incompatible and undermining multilevel governance structures justifies a preliminary conclusion that “insofar as sovereignty is a matter of collective intentionality, in the final analysis, so, too, is its future” (Ruggie 1998: 870).
This paper is part of a PhD-project which analyses the existence of postmodern states in Europe on the one hand, and quasi-states in Sub-Saharan Africa on the other, as supposed exemplars of withered sovereignty and ostensibly providing evidence of the end of the Westphalian system of sovereign states. Its main aim is to further our understanding of the creation, prolonged existence and extinction of sovereign states as members of international society and subjects of international law by applying constructivist approaches to IR theory. The ‘essence’ of sovereignty as an institutional fact is scrutinised by analysing state practices and the discursive framework in which the institution of sovereignty flourishes.

Notes

1 Wæver (1995: 416)
2 International regimes are usually defined as “… sets of implicit or explicit principles, norms, rules, and decision making procedures around which actors’ expectations converge in a given area of international relations” (Krasner 1983: 2)
3 For other (calls for) constructivist approaches to EU studies, see foremost Christiansen, Jørgensen and Wiener (1999); also Jørgensen (1997), Pollack (2001), Risse-Kappen (1996) and Journal of European Public Policy 6(4), 1999
4 At the same time it has to be acknowledged that this is not an innocent enterprise itself – by focusing on the state, this paper in a sense helps to reproduce the state. Theory is not neutral, and facts are always theory-laden.
6 The following section is for the greater part drawn from Hooghe and Marks (2001a) and Marks, Hooghe and Blank (1995).
7 In order to come to terms with the hybrid type of entity the EU presents, Schmitter suggests a new conceptualisation of potential endpoints for the EU polity: stato/federato, condominio, confederatio and consortio (see f.i. Schmitter 1996). Focus of this paper, however, is not to envisage possible institutional designs as endpoint of the integration process, but to explore how we can account of the endurance of the institution of sovereignty within a multilevel governance context, as developed in contemporary EU-Europe.
8 Reification can be defined as “…the apprehension of the products of human activity as if they were something else than human products – such as facts of nature, results of cosmic laws, or manifestations of divine will. Reification implies that man is capable of forgetting his own authorship of the human world, and further, that the dialectic between man, the producer, and his products is lost to consciousness. The reified world is … experienced by man as a strange facticity, an opus alienum over which he has no control rather than as the opus proprium of his own productive activity.” (Berger and Luckmann 1991 [1966]: 106, italics in the original)
9 See also Jachtenfuchs (1997) and Wæver (1995). Hooghe and Marks (2001b) briefly point at parallels between type II multilevel governance and ‘premodern governance’. For a critical analysis of the (neo)medieval analogy see Friedrichs (2001).

idea-(l)ism, not to be confused with Idealism in IR theory. The latter being the normative, liberal doctrine dominant in the discipline in the interbellum, which focused on progress, foremost how to promote peace and create a better world, and as such stood at the cradle of the League of Nations in 1920 (see for instance Dunne 1999); ergo, idealism in social theory does not entail Idealism in IR theory (Wendt 1999: 24)

Searle defines brute facts as physical facts, existing independent of human institutions, while institutional facts are facts by human agreement, that are objective in the sense that they exist independent from individual preferences, evaluations or moral attitudes (1995: 27, 2-3).

According to Wendt this is precisely where the shoe pinches when it comes to the inability of state-centric systemic IR theory to explain transformation in the international system. Rather than statism (which is often singled out as the culprit), it is realism (with its sole focus on material power, that is counting (atomic) bombs and guns) and rationalism (which treats identity and interest as independent, exogenous variables) that are the core problem (Wendt 1994: 393-4). It has been questioned whether Wendt is indeed able to avoid materialism and rationalism himself (see below, as well as the forum on Wendt as published in Review of International Studies 26(1), 2000)

Even this distinction seems taking the corner too close, when contemplating that internal sovereignty ultimately is a sovereign status ‘granted’ by a population (notion of popular sovereignty, see f.i. Hinsley 1986: chapter IV) and in that sense is just as social and relational as external sovereignty. For a discussion of different audiences whose approval is needed for successful claims to sovereign statehood, see Werner and de Wilde (2001). Wendt does indeed acknowledge how states are internal social constructs too. However, this is constructivism at a different level and can, in his account, be bracketed when analysing the international system (1999: 244)

Further research is required to analyse whether other authors on multilevel governance apply similar positivist approaches to the sovereignty issue.

It should be examined how other social constructivists deal with the catches identified in Wendt’s analysis and whether they are able to offer more satisfying solutions than falling back on presocial identities and the ‘essential state’ as homeostatic structure.

Although this seemingly clear prerequisite of recognition in turn brings about questions as to recognition by whom? Can a state be recognised by a single state – which would create the awkward situation that a state exists and does not exist, depending on which fellow-state it is facing? Would such an entity have international personality in international law? And how about rights and duties that come along with the status of statehood?

Realising, however, that this brings the problem of interaction without (presocial) identity back in.

In this sentence he adds “…their identity as ‘sovereignty’ (if not necessarily as ‘states’) would disappear” (italics added) – this addition is omitted here for I tend to disagree on that point.
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