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A Theory of Changing State Bordering Practices**

Parker, Noel; Adler-Nissen, Rebecca

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Picking and Choosing the ‘Sovereign’ Border: A Theory of Changing State Bordering Practices

NOEL PARKER and REBECCA ADLER-NISSEN

Department of Political Science, University of Copenhagen, Denmark

We argue that the continued persistence of borders is an effect of their constitutive role for the many dimensions of a social particular. States cannot choose to have a border; but they can and do make choices amongst the materials available on the various planes of inscription for bordering. For contemporary states the planes have become increasingly disaggregated, in the sense that they do not fall into place at one and the same border. Thus, states have to pick and choose different articulations (often inconsistently) on different planes. We illustrate these ideas with instances, present-day and historical, of bordering. A corollary of there being more need to pick and choose is that articulations of sovereignty change. So, sovereignty is increasingly the material of ‘sovereignty games’, where sovereignty is used as a political instrument. In sum, our theory directs attention to state bordering on different planes of inscription.

INTRODUCTION: THE PUZZLING PERSISTENCE OF THE BORDER

It is a familiar assumption that globalisation transforms states’ discrete existence under what we can in shorthand refer to as ‘Westphalian’ order. As the most straightforward manifestation of the separate existence of states, borders are clearly implicated in this development. An early, radical position on this transformation was to contend that globalisation meant that the days of states’ discrete existence, and a fortiori their borders, were numbered. But most serious studies of globalisation soon adopted the view that states were not, in Michael Mann’s formulation, ‘dying’, so much as ‘diversifying’ under

Address correspondence to Noel Parker, Department of Political Science, University of Copenhagen, Øster Farimagsgade 5, 1353 Copenhagen K, Denmark. E-mail: np@ifs.ku.dk

changing circumstances.¹ Indeed, put in terms of borders and bordering, what R. B. J. Walker calls ‘the politics of the line’ remains very much with us.²

Whilst borders may have become more difficult to determine than they have been in the past, they seem certain to survive *in some form or other*. Increasing difficulty might well have its origin in the kinds of things that globalisation and integration theory have put the spotlight on: technological developments in transport and communication; economic, especially financial integration across state borders; trans- and supra-national legal regimes; transnational cultural, intellectual and human flows; and so forth. But maybe that only means that the surprising *continuance* of borders has to be formulated with those factors in mind.

Our purpose in this article is indeed to explore the continued persistence of *state* borders. Rejecting the idea that globalisation, or regional integration, etc., simply undermine state boundaries, we try to find a way through the wide variety of political manifestations taken by what appear as *state* borders. We aim to set up a theory of states’ ‘bordering practices’; extrapolate the implications; and then check its purchase on reality – primarily with the present-day examples of ‘sovereignty games’ in mind.

So how do states sustain their borders? The strategy of the paper is to propose a definition of boundaries where borders appear as a sub-category. On this basis, we envisage a field of actions which states can engage in. Then we will identify theoretically a range of possibilities as to *why* states *might* want to engage in ‘bordering’ – or, we will choose to say later, to ‘inscribe’ their borders. We then reformulate states’ difficulties with bordering as a condition resulting from ‘disaggregation’ between the various planes of inscription of their borders. Finally we take sovereignty games in Europe as an instance of when states engage in the types of action previously formulated in theory. The upshot of this is to indicate that our theory of bordering practices can cover a range of those contemporary practices which are untheorised in existing ways of looking at states and their borders.

The ‘Lines-in-the-Sand’ critical agenda calls for alternative epistemologies, ontologies and topologies³ to those promoted by ‘the politics of the line’. For some, this requires that we aim to deconstruct and challenge taken-for-granted assumptions about state borders guaranteeing order and justice.⁴ But in addition, the very persistence of a ‘politics of the line’ requires an explanation. The level of violence and repression, past and present, devoted to fixing and holding borders is plain to see.⁵ Indeed, there are good reasons why borders have been termed ‘scars of history’.⁶

But a fundamental theoretical inquiry needs to start from the inherent difficulty of discriminating *one identity*, be it that of a state or of anything else, from any other.⁷ So we begin with an assumption that discriminations are certain to be made, but nothing can be assumed as to the where or the how. In other words, no one particular border or one particular way that the

border is marked is certain. Thus, the amplified difficulties of the present era require a renewed account of the conditions of possibility of states' bordering practices.

THE PROBLEMATIC OF A THEORY OF BORDERING PRACTICES

Borders as a Sub-category of Boundaries

We need first to clarify what borders are. This can effectively be done by considering them as a more formalised and territorialised sub-category of 'boundaries' – a term which, significantly, can be used indifferently about various kinds of entity beside states: territorial, social, personal, etc., both collective and individual.⁸

We then need an abstract definition of a boundary. This we draw from a text by Grahame Thompson⁹:

Boundaries exist as linked *sites of difference* and local oppositions. Differences and local oppositions are 'connected up'; yoked together to form entities. Thus, boundaries exist 'before' entities. In principle, then, boundaries could exist without entities – they are simply sites of difference, neighborhoods of oppositions. Members and strangers only exist in relationship to boundaries, as several dimensions of difference are linked up, connected to form a boundary. Members are placed 'inside' the entity-to-be, indeed members are made up by the establishment of that boundary.

Thompson himself extrapolates some of the implications of this definition for our goal regarding the nature of borders, and hence for the actions of states. In a border so conceived there is much that is changeable. Any 'point' may disappear, *or* change form or meaning, with implications for the bounded entity of the (political) unit(s) lying on either side. The *mode* of articulation of 'points' in the boundary, or their connectedness may change, increase or fade. Furthermore, a boundary can be sustained or undermined from *either* side, implying that bordering will normally have implications for bounded entities on *both* sides.

In normal usage, all borders are boundaries, but not all boundaries are borders. Boundaries of personal space, for example, would need to be unusually explicit if one was to call them 'borders'. So the key step to make a boundary into a border is that it become more explicit, more evident, more formal, more thing-like. But states specialise in formality: from the grandeur of the monarch and the state buildings; to the legal and constitutional documents (so carefully prepared, revised and announced); to the meticulously drafted inter-state treaties; to the public offices in military, police and state service; to the public finances. All that adds up to the state's 'legitimate right to coercion within its territory'. A fortiori, it is natural that the actions

of states should be formalised and territorialised. So, we can say that state borders are particularly explicit and formalised boundaries, and that states are peculiarly well-adapted to engage in border-making that is solidier than 'mere' boundary-making.¹⁰

Bordering Practice

Our theory focuses on theorising *state* 'bordering practices': those activities engaged in by states that constitute, sustain or modify borders between states (principally their own, but effectively others' borders as well – primarily in cooperation with them, but sometimes by imposition). This is not to deny that *non-state* actors are relevant in our conceptualisation. Far from it: state bordering practices are to a large degree performed *in interaction* with other types of non-state actors, processes and organisations.¹¹ Furthermore, this kind of activity could be initiated from one side of a border or the other. Generally, indeed, such activities are *interactions*, including actions which entail discursive exchanges. But, even if bordering is in many instances performed by a mix of state and non-state actors, our attention here is primarily on bordering by states.

The term *bordering practices*¹² is especially able to embrace present-day uncertainties. For it poses something *before* any determinate border: namely, the *activities which have the effect* of (in the words of the earlier formulation) 'constituting, sustaining or modifying borders'. 'Practices' necessarily include a range from the most explicit and active to subtler and/or passive activities so as 'to constitute . . .', etc. Thus, 'bordering practices' cover not only actions plainly *intended* to 'border' (e.g., incorporating Jerusalem as the capital of the state of Israel) but also less prominent activities whose side-effects include constituting and/or reconstituting, etc., borders. An instance of the latter would be agreeing on common standards for the railway line running between Germany and France; for this amends the functioning of transit across the formal border between the two countries. Note also that in any particular instance, activities may be more or less *successful* in achieving their pre-set goals, and may, likewise, be more or less *intentionally* pursued by the given actors.

Given the above definitions, we can plot the *range* of instances for what might be included in 'bordering' against levels of 'activeness'. The range is considerable. From concluding a military action so as to clear and fence a border, to its reversal in a treaty of union with the neighbouring state; from meeting those approaching the border with warning signs or threats, to reorganising administration of movements across the border more smoothly – with or without invisible monitoring of vehicles or persons; from amassing troops and defences at the border, to jointly reorganising transit, to opening the border and closing the control posts. All these, and more could be 'bordering practices': that is, practices which 'constitute, sustain or modify

borders'. Hence the range embraces 'border-making', 'border-sustaining' and *de*-bordering actions under the term 'bordering practices', where all may or may not have the character of the border directly in their sights.

The Functions of Borders/Boundaries

Borders are, as we have already observed, a sub-category of 'boundaries'. So, we can determine a lot about the character of borders via the idea of boundaries – hence the slash between the two words in our sub-title. But we must bear in mind that borders would exhibit plainer manifestations than boundaries – such as fences, supervision, official records and so on. Insofar as borders are a sub-category of boundaries, it can safely be assumed that the competent agents' gains or losses are similar for sustaining, etc., boundaries as for sustaining borders. Only more so. For, if the difference is primarily that borders are more manipulable and more manifest, they will be easier *instruments* for the activities of making or modifying boundaries – especially for activities on the part of states. Hence, we can usefully ask: What functions can borders/boundaries fulfil for states and state actors seeking to make, modify or sustain them?

In the post-World War II environment of suspicion for all forms of nationalism, the *positive functions* of borders were rather passed over. The functionalism of Mitrany and the neo-functionalism of Lindberg and Haas, assumed that discriminations between nation-states were fundamentally irrational, and the functional future lay in leaving that kind of thing behind. Karl Deutsch's work in the 1950s likewise found the pursuit of security for individual nations to be *dysfunctional*, so that the future again lay in overcoming the gaps between nations. Taking a historical view on security in the 1980s, Kratochwil realised that state borders may *have been* functional in former times, while holding that they were less and less able to function to ensure security in the post-colonial world. Kratochwil quotes Luhmann approvingly on the principle of the functionality of boundaries, to the effect that borders are functional in themselves, even though they may or may not fulfil the functions accorded to them¹³:

Boundaries (and *a fortiori*, borders) 'reduce the points with the environment, thus allowing the internal conditioning of various relations with the environment. Only where boundaries do exist, relations between system and environment can increase their complexity, their differentiation and their controlled mutability'.

In spite of the late twentieth-century scepticism on borders, we are entitled to theorise about the positive functions of borders, and their utility to state agents promoting them.

We can first observe that borders help fulfil *epistemological conditions*. Borders produce particular conditions for understanding 'reality'. We who

are inside the border are also expected to possess greater knowledge of insiders than of outsiders, which in turn reduces uncertainties regarding our common knowledge on the inside. The border is frequently a bulwark sustaining commonly agreed *measures* of reality (such as national-currency measures for inflation or relative welfare). The border slices the world up into different pieces of reality that we cannot know equally well. That increases as well the *plausibility* of any assertion regarding the circumstances, gains or losses *within* our border. Hence, other things being equal, borders help promote the idea that there are fewer uncertainties in communications between insiders by comparison with communications with those on the outside. This leads to an assumption that we will be able to agree on the terms used to evaluate changes and preferences – even the order of priorities, which is a pre-condition of political decisions. Put in a nutshell, the border provides conditions for greater certainty and agreement for those within it.

Thompson also makes explicit an *ontological* claim for the border/boundary which is implicit in post-structuralism's prioritisation of differences as against commonalities: namely, that '... borders exist "before" entities ...' – that is to say, borders are ontologically prior to specific entities. Borders help constitute the way we conceive the world. This can be demonstrated, *inter alia*, on the basis of the epistemological claims above. For those epistemological consequences of boundaries provide key *ontological* pre-conditions for the continuity of the given social particular as an integrated entity; and hence also for its identity.¹⁴ The 'fact' of the border helps produce shared understandings of the identities of particulars, both internal *and* external to the particular itself. This includes understandings of *internal* variations and sub-categories (constituencies, classes ...) *between* insiders/members of the given social particular. The self-identities of members and sub-categories are grounded in, and thus far validated, by seeing those particulars in relation to each other.¹⁵ Likewise, the boundary sustains any determination of the collectivity (the 'nation', or whatever it may be) whose interests may be the basis for decisions and actions on its behalf. This, as Rokkan noted,¹⁶ is especially significant in democratic collectivities, where a large self-aware *demos* is postulated as the ground for decisions that need to accord in some way with the preference of an indeterminable category, the ordinary mass of the people.

The above ontological effects of borders yield yet further consequences. For borders provide *pre-conditions for determinations* of the situation of insiders *relative* to outsiders: claims regarding presumed and/or potential different conditions (be it better or worse) for insiders than for outsiders.¹⁷ The same could be said of any impression of greater/lesser (or potentially greater/lesser) welfare than outsiders. Only with these kinds of claims and impressions in place, can an additional, politically important category of knowledge have meaning: assertions about potential improvements or

deteriorations in conditions for the inside.¹⁸ If the existence of the subjects who experience comparative well-being were not given, we would not find meaning in headlines such as 'Danish schools worst on PISA tests'.¹⁹ A fortiori threats which it may be necessary to protect against.

From this last finding, we may further extrapolate that borders help provide *conditions for decisions* as to what is of value. And that is what makes possible 'actorness'. The boundary's epistemological, evaluative and decisional effects are needed for decisions to be made on the part of a collective particular, and hence for actors to act on its behalf – and, a fortiori, for states to be constituted as actors. These decisional frameworks underpin indicators of benefit or dysfunction agreed upon for the inside. They define parameters for actions in relation to others, both inside and outside.²⁰ Finally, borders and boundaries clarify who may participate in any decision made in the name of the collective whole. In short, boundaries are a precondition for decision and action at the level of the constituted whole – especially where decision-making is undertaken in a 'constitutionalised' manner, such as in a constitutional democracy.

We have thus proceeded from a minimal characterisation of the border/boundary to a specification of functions fulfilled by possessing, maintaining or modifying border/boundaries. Those, we deduce, are functions of the border, which underpin the various choices regarding borders, together with bordering practices by states.

The possibility of meeting an 'Other' is always implicit in the activity of inscribing a line of difference. But the ironic corollary of such meetings is that while the Other can be initially experienced as, precisely, 'Other', at the same time he/she/it/they open the question of whether they are indeed *different*, and hence to what extent the given identity determined by the border is stable.²¹ Insofar as those on the far side are determined as an 'Other' – independent, different, alien – the border implies the risks and perpetually re-establishes a degree of certainty in relations to what lies outside. But the issue can never be definitively closed. We can see this in migratory border movements, wherever human movements are constructed as a group of 'intruders' with demands, entitlements to charity, alien language, unknown culture, or whatever.²² As contemporary state borders become more variegated, awareness of such movements must constantly raise the issue of the distinctness of the collective identity which it is the overall function of state bordering practice to resolve.

It would therefore be a mistake to interpret border practices on the part of states as only a 'rational goal' in the sense implied by rational choice theory. That is to suppose that the border/boundary can provide gains which actors can anticipate and will hold desirable, such that they may adopt particular courses of action to attain them. Rather, the border emerges as a *condition of possibility* for being constituted as an entity *or* as an actor capable of formulating desirable outcomes and pursuing them. In other words,

the continuity of the boundary is a condition for the continuous identity of the whole whose interest is to be pursued by any 'rational decisions' more narrowly understood. We believe, however, unlike the options for a rational choice as normally understood, action in pursuit of the goal of sustaining or modifying the articulations of the border will feed back upon the very identity of the actor who pursues it. A border of *some* kind is a precondition of being an actor, but in many actions the border itself is in play. So there may be no consistent actor-identity between inception and completion of the course of action undertaken. In this sense, the rational-choice model operates only on the surface of what is happening when activities that regard bordering are decided upon.

The special status of the gains of the border/boundary – as conditions of possibility – means, furthermore, that we cannot formulate a choice for actors *to possess a border or not*. Bordering *in some form* is unavoidable for actors to be actors. Supposed 'gains' postulated for having a border underdetermine the activities of border-making and/or modifying. Borders are conditions of possibility of decisions; because bordering activities underpin conditions where the identity of the social particular is sustained or modified. Social particulars that share knowledge, values, identity and hence interests, rely on their borders/boundaries in order to possess those dimensions, and likewise to be actors (or, for that matter, to be the objects of action by others). Activity, deliberate or otherwise, to modify or reformulate their borders/boundaries will yield the gain of continuous existence in some form or other, even though sometimes modifying its articulations.

INSCRIBING BORDERS

Whether to have some kind of border or not cannot be the choice, as borders for states are precondition for the possibility of choice. Why that should be so thorny for them has been recently articulated with a Derridian insight by Nick Vaughan-Williams.²³ States are perpetually embroiled in *biopolitics* by their efforts to control human persons *through* their domination of territory. Under the heading of 'Alternative border imaginaries', this leads Vaughan-Williams to evince a concept of 'the generalized biopolitical border', primarily in the light of Agamben's account of the fundamental biopolitical nature of state sovereignty. But this is pursued with a take on *all* discriminations, derived from Derrida's early work²⁴ – that of Agamben included. In Derrida's deconstructivist understanding, no discrimination of *any kind* can be final.

If states are involved in combining government of territory together with government of persons, then they cannot rest content with any established determination of their borders as final. States cannot live *without* borders, but cannot afford to abandon the business of determining and *re-determining*

borders. So, rather than looking at any supposed state decision to have borders, we should be looking for variations in *articulations of the borders* that states make. An analytically powerful point of departure would be the *different* materials, physical as well as symbolic, that need to be drawn upon in any determination of borders. In a word, we should study the ways in which states 'inscribe' their borders. We make the categorisation of planes that follows for analytical purposes. This is a limited set of more-or-less independent fields, which need to be examined separately to get a purchase on the different ways that states can 'pick' their borders. These planes, we contend, provide a grid through which we can understand bordering practices by states. In short, a state's choices concern *which* planes to inscribe their borders upon, and *how* to formulate inscriptions that will be 'read' as intended by the various addressees inside and outside.

It is relatively straightforward to draw up a list of familiar fields of state activity which may also be understood as planes for the 'inscription of borders', and which we can go on to use in a grid to observe states' bordering practices. The most obvious is to build on *topography*. A border may be drawn upon the territorial plane: e.g., a mountain ridge or water course that is be modulated from a mere topographic feature to a border. That there is bordering *activity* at work here can be seen from the change in meaning that crossing the given topographic feature then undergoes: from 'trading across' (when a single market is agreed), for example, to 'smuggling' (when a good is declared illegal). In a different register, drawing a boundary around one area of sea together with certain waterways divides zones of *movement* that are subject to different treatment – as, for example, spatial differentiation between Roman commerce and non-Roman zones of barbarism and conflict.²⁵

Familiar also, but less straightforward conceptually or politically, is inscription upon *economic relations*. The difficulty here is that these have always been at one and the same time *marked by*, but not fully *subject to* states' border inscriptions – and states themselves have been parties to that. States have long sought to *channel* economic relations around the presupposition of their borders. In doing this, they have accepted (both in practice and in theory) that economic relations have an autonomous dynamic, including the possibility of evading the given state border. The perpetual choice that states have between banning a trade across the border and charging a toll on it illustrates the tension. This is ostensibly the clearest instance of duality arising from the duality of inside with outside. Political issues about what can, or should, be inscribed by states on the plane of economic relations are the stuff of modern liberal states' political and economic debate primarily because the policies arrived, even while softening it, always *mark* the border.²⁶ Furthermore, it is a border that different kinds of outside will have a hand in: market forces, business elites, foreign powers, border-overstepping social processes of all kinds.

Export and import tolls are payments that *permit* the movement of goods across a *state* border, with a share going to the state. International organisations such as the WTO are established by treaties between *bordered* states which affirm what their borders will or will not restrict movements. Increasingly integrated production and commerce at world and/or regional levels has recently altered the balance between *inscribing divisions* and *managing movement* along state borders; but that has definitely not abolished the state's role.²⁷ The border does not disappear when international trade is liberalised; properly speaking, it is a condition of trade being 'international'.

The nexus between economic activity and topographic borders brings us face to face with a further duality central to the nature of the border. The border may be *inscribed* territorially, but it is *manifest* in human behaviour. As Foucault puts it in reference to territory, when introducing precisely the layered *complexity* of the relationships involved²⁸:

If it is true that sovereignty is basically inscribed and functions within a territory, and that the idea of sovereignty over an unpopulated territory is not only a juridically and politically acceptable idea, but one that is absolutely accepted and primary, nevertheless the effective, real, daily operations of the actual exercise of sovereignty point to a certain multiplicity, but one which is treated as the multiplicity of subjects, or [as] the multiplicity of a people.

As we extend our list of planes for inscription further, we progress to those where inscription upon their domestic populations by states-as-actors is more and more intangible. That is to say: we meet this tension within the spatiality produced by bordering more and more as we formulate further planes for inscription. Whereas topography operates directly upon territory with corollaries for human beings, many of the planes we describe below operate alone upon human *bodies*, or even human *consciousnesses* with a view to constituting the spatially bounded entity.

Frequently associated with the topographic plane is that inscribed by *coercive force*. For, in effect, that often means to draw a border between one zone where the power of one organised *coercive* force holds sway, and the next zone. Though seemingly close, the topographic and the coercive planes are in fact distinct – as can be seen from the historical evolution in the topologies implicit in the practice of coercive force. To amplify this last point: the armed forces of a modern, Western state are likely to act primarily in concert with those of other states. Each formally belongs in a distinct topographically bounded territory; but they will hardly act to enforce the border *between their territories*. Arranging coercive forces along the national boundary has largely ceased in some areas of the world. Notably, within the European Union where the creation of the 'Schengen border-free zone' has led to the abolition of border control within the Schengen territory. More

generally, there has been an evolution over the longer term from 'protecting a national territory' by fixed garrisons of armed personnel; to 'defending the open seas' by a roaming capacity to interdict movements; to 'holding air-space' by an ability to observe and intrude over a zone way beyond the given topographic border.²⁹

Normally, à la Weber, formalised statehood is represented on a plane of *legitimised* coercive force. Borders help states to mark the monopoly of the legitimate threat of violence through the *combination* of military/police forces and a plausible claim that its use is 'legitimate'. For Western states, it has been crucial to divide territorially demarcated zones of mutual exclusive legitimate coercion – in other words, to demarcate activities between different state sovereignties.³⁰ In the eyes of other sovereign states, *effective* coercive control over the domestic population has been a longer standing requirement for formal recognition than legitimacy within the domestic population *themselves*.³¹

That form of inscription of the border interconnects with another: the *jurisdictional framework*, whereby territories and/or activities are deemed to fall within the territorially defined remit of formalised rules and procedures. Again, in essence, this plane is distinct from the previous one. While the territorial-legal is rooted in authority congruent with a bordered space covering all those present and all events within, jurisdiction per se can have other ranges: such as personal (referring to authority over a person, regardless of their location – e.g., in a number of Western countries, sexual relations with minors) and subject-matter jurisdictions (referring to authority over the topic of the matters involved – e.g., torture). It is evident from extra-territorial legislation, as well as from international trade law, that the jurisdictional plane can easily have a range different from a state's effective legitimate coercion.

Linguistic commonalities can clearly mark sites of difference by drawing a border around one group that speaks 'the same' language and the others. This plane has always been more awkward to inscribe any border at all, as linguistic practices easily escape close control from above – as the oddity of the notion of 'incursions' by one language into another indicates. Not that that has prevented states and national-minded intellectuals from making the attempt by formulating correct rules for national languages.³² The device of a *lingua franca*, or of a sacred language, has frequently provided an alternative plane on which to inscribe a different border – for example, Latin in bordering early Western Christendom from the heathen world.

More recently, the development of rights for linguistic minorities within and across states has re-enforced the idea that linguistic commonalities help constitute borders in a way that is *not* consistent with *state* sovereignty. Language rights have become an issue of contention within several European countries, and as a consequence also between neighbouring states. Disputes have arisen in some countries where the status of the state language has been perceived as threatened in regions where minorities are present in numbers

and perhaps also in political life. As part of this process, the Council of Europe adopted The European Charter for Regional or Minority Languages (ECRML) in 1992 to protect and promote historical regional and minority languages in Europe. The Charter protects linguistic minorities and may also function as a way for state authorities to achieve a ‘margin of appreciation’ – for instance over street names and other topographical indicators.³³ Hence, while linguistic boundaries were earlier an important instrument in the hands of *state* authorities to create national cohesion, the Charter works as a way of qualifying linguistic border-drawing by states.

Cultural proximities constitute a related, yet perhaps more still difficult plane for states to operate upon. ‘External intrusion’ into supposedly distinct national cultures is so widespread that most national orders exhibit profound difficulty in associating national identities with cultural commonalities.³⁴ To draw a border around one group such that it has ‘the same’ cultural reference points (written literature, musical and dance styles, habits of socialising) relative to others has proved difficult since the inception of nations. The unexpected extension of cultural Americanisation under the auspices of ‘European’ cultural policy is a striking example of the perverse effects on this plane of border inscriptions. It cannot even be seen to have an origin in the will of another, ‘external’ actor – often referred to in shorthand as ‘Hollywood’. As Kroes argues, Americanisation is not simply passive assimilation at the behest of the outsider.³⁵

Not only states, but also supranational bodies may seek to take a stake in cultural policy. Notably, the European Union has sought to create European Union citizens with a shared, transnational civic culture, related to their shared rights (such as the all-important right of movement across national borders), and even – more controversially – shared symbols, such as the European Union flag. As Moreira presents it, the cultural policy of the EU is organised around three pillars, which may not be consistent with each other: economic benefits of transnational cooperation; transnational awareness of European heritage; and union citizenship.³⁶ The ultimate goal of EU cultural policy is to strengthen the sense of belonging to the EU, which is necessarily transnational.

The conundrum of ‘local knowledge’: Knowledge, a concept which intersects cultural commonalities, can just as clearly mark distinction across a border. Some things are characteristically known amongst those on the inside and not known to those on the outside. The ‘conundrum’ is this: Whether certain items, or types of knowledge can be said to ‘belong’ to one or other side of a boundary determined by whoever will most readily acquire it? We comfortably accept that some prior conditions – training, experience, no less than milieu, etc. – can be desirable, *or even necessary* to achieve certain categories of insight, scientific, artistic or otherwise. Conversely, we expect knowledge to be communicable *across* boundaries, ergo *not* confined to one side of any border. Nonetheless, regardless of difficulties it implies for the

principle behind our rationalist epistemology, items of knowledge certainly have a place on the list of the planes where borders can be inscribed.

Instances of the difficulties of universal versus national 'knowledge' are seen from international and supra-national bodies, such as the members of the OECD. Again, the OECD's so-called 'PISA'³⁷ tests offered the example of cross-state, universalised comparisons of national education systems, and of the perverse effects of creating any 'universal' standards for knowledge. Comparing reading, mathematics and science literacy of fifteen-year-old students in thirty-one countries implied the creation universal of items of knowledge. But they have travelled with difficulty – due not only to language barriers, but also to different national traditions and ways of categorising and classifying the world.³⁸

A further instance of the ambivalence of bordering knowledge is provided by the ranking system of international journals.³⁹ The 'universal' rankings became policy-relevant nationally in the 2000s, due to the marketisation of higher education and the increased mobility of students.⁴⁰ For administrators and politicians, the quantitative social-scientific information provided by these lists has become an indispensable part of policy-planning. Yet, as tools of symbolic power, ranking-lists reinforce pre-conceived ideas for certain users. For others, university rankings have become part of the global higher education landscape. They present a certain state of affairs as inevitable, shaping reality in the field of higher education. The universal values have contributed to the creation of a new 'status economy', which sets policies in higher education and innovation.⁴¹ Global hierarchies and norms are now reproduced, and further legitimised, by a variety of research institutions specialising in the production of information in terms of these hierarchies. They are funded by nation-states or media corporations. Due to their global coverage and high visibility, these lists are causing significant shifts in national policies to keep up with similar policy scripts and the myth of modernity that is part of its power.⁴² With their common norms and beliefs about causality, these symbolic-power tools portray the world in a uniform manner. The figures produced and the perceptions of 'competition' that they communicate tend to lock state policy actors in, leaving little room for policy alternatives.⁴³

Disaggregation of Borders/Boundaries

We take this to be a minimal list of different planes for inscribing state borders. At the least, it is enough to take us further to the next claim that our theory of state bordering is founded on. We have been accustomed to group all these distinct planes together without further ado, and expect that specific outcomes at the territorial, economic, coercive, legal, linguistic, cultural and knowledge planes will fall into place alongside each other, corresponding to nation-states' borders. Their comfortable aggregation has indeed been

palpable evidence of the solidity of national-state identities. States, in particular, have been accustomed to bundle together distinct planes of bordering, and hence to assign them to one internally coherent set that can comfortably be undertaken by one actor, namely the state itself.

It is vital, however, to repeat that the different planes of inscription of the border are *theoretically* distinct: for that shows that the alignment of the planes cannot be *taken for granted*. In other words, it is *not necessarily* the case that inscribing a border in terms of any one plane (territory enclosed, economic ties sustained, linguistic practices in common, or whatever) will produce a border congruent with that produced on other planes. It follows that over the course of history, we must expect to find many instances where the border in the different planes is not ‘aggregated’. And the histories of the welding of territory and population by rising modern states already point to how difficult it has been in the past to achieve something like an aggregation of the border on distinct planes.⁴⁴

Our formulation that ‘it is not necessarily the case that inscribing a border in terms of any one plane will produce a border congruent with those produced in other planes’ expresses the problematic of state bordering practices in different terms. It also provides an explanatory schema for what indeed appears *prima facie* to be happening. For, the difficulties of the border as expounded in our introduction can be formulated as a *disaggregation* of those ‘planes’ upon which boundaries may be inscribed. The range of phenomena referred to as our starting point under the titles of ‘globalisation’ and ‘integration’ can be seen from the perspective of state bordering activity as inscription. Whereas one agent (one state) on its own could earlier plausibly inscribe a single boundary along different planes that might be aggregated fairly easily; recent developments have progressively magnified the potential for *disaggregation* between the borders on distinct planes upon which borders may be inscribed.

Yet, whilst conditions for bordering may change, the underlying assumptions have remained. The familiar circumstances referred to suggest, then, it is trickier than it formerly was to attain an ‘aggregated’ border on the different planes. Instances are easy to find – and we have seen some already. Yet, the necessity for states to engage in bordering in the terms set out in the second part remains. We can postulate that state bordering practices continue, but they are exercised in an environment where states themselves are increasingly under pressure to *manoeuvre amongst disaggregated* planes, upon which they may inscribe their borders.

‘PICKING AND CHOOSING’ SOVEREIGN STATE BORDERS

We have developed an account of how various territorial and functional state borders do not necessarily correspond (do not ‘aggregate’), and how

the capacity to alter them may lie with various forces and authorities, which can overlap. While the various planes on which state sovereignty is inscribed do not fit neatly on top of each other, states have not surrendered their will or all of their capacity to act on, or manipulate their border inscriptions. Thus we arrive at an account of the arena where states⁴⁵ will 'pick and choose' the border: not the *presuppositions*, but the *expressions* of their borders. Given the wider environment, their best option is often to amend the way that their border is *articulated*, that is to make a choice of *how* to inscribe *which* versions of their borders. To complete the picture, two final additions can be made: the historic consequence of this for the dominant concept of state sovereignty; and how states currently adapt inscriptions of the border(s) so as to have them 'read' optimally from the state's point of view – that is, to convey the given states' preferred meaning to the various *addressees* of the inscriptions.

State Sovereignty and 'Disaggregated Planes'

When we talk about the sovereign state and its many planes of bordering, we need to contrast this with received international law definition of the sovereign state as a *territorial* entity:

A state is an entity that has a defined territory and a permanent population, under the control of its own government, and that engages in, or has the capacity to engage in, formal relations with other such entities.⁴⁶

From this perspective, sovereignty is the *exclusive* right to exercise, within a *specifiable territory*, the functions of a government and be answerable to *no higher authority*. For a state to be a sovereign in this way, it is necessary to specify a territorial border: to inscribe a border on the topographic plane. But sovereign statehood also entails inscribing other types of borders. The requirement of a 'permanent population' thus refers to topological⁴⁷ manifestations in a demarcated social group – normally, with bounded economic practices, security expectations, culture, language, knowledge and, in sum, identity. Finally, this ideal requires a 'government', i.e., formal and effective decision-making capacity over that area/population/set of practices – an idea traditionally linked to the Weberian notion of a monopoly of the use of legitimate coercive force. In this conception of the state, the different planes are indeed *assumed* to aggregate, i.e., to be congruent with each other. The demarcation of the population and its practices is expected to fit the territorial border, which will follow the demarcation of formal and political competences and decision-making processes. Thus, the aggregation of border inscriptions appears indispensable for the received idea of the state sovereignty.

Sovereignty is often discussed as a Western construction, an invention, due to European philosophers, kings and jurists. Yet, when viewed from our perspective on state bordering, it is clear that disaggregated borders and authority have a longer history, and that bordering is central to most accounts of political authority across time and space. In Europe, not only did there exist earlier forms of sovereignty,⁴⁸ there was a long evolution after this to reach the standard, specifically modern conception of territorial sovereignty. This was intimately associated with the development of specifically modern secularity⁴⁹ and identity.⁵⁰

Outside Europe, as anthropologists were the first to bring to our attention, the picture is even more varied.⁵¹ Japanese political history provides an example of this.⁵² During the Tokugawa period (1603–1868), Japan was, by Western standards, a nation *without* absolute, fixed borders or clearly defined sovereignty. The emperor in Kyoto was merely a symbolic suzerain; actual governmental power within the main islands was divided between the Tokugawa shogunate (*bakufu*) and about 270 autonomous daimyo domains (*ban*), while the peripheries – Hokkaido and its environs to the north, the Ryukyu Islands to the south – were subordinated to the Japanese polity yet not considered to be integral parts of it.

While early modern Japan's borders may appear ambiguous in hindsight, 'at the time they formed a coherent system in which social status ordered groups within the core polity while notions of civilization and barbarism defined identities in the core and periphery'.⁵³ In a formation that resembles European feudalism, status-, power- and identity-bordering was quite distinctive. Yet this system could express a claim to political borders, making it possible for the Japan of the Tokugawa period to fit in with foreign relations in the modern nation-state system. Borders were inscribed quite differently from what we expect of 'modern' states: linguistic and values borders were uppermost in preserving Japan's isolation from close involvement with Western societies; yet decentralised power could be effective in bringing territorially extended authority over the rural population. Holding this 'Japan' of power-holders together was a demanding culture of dignity for the military elite, which valued the emperor's *imprimatur* above all.

Even though the border is central to Western state-building, the image of the state as a bordered power container⁵⁴ is theoretically problematic and empirically misleading. In the course of the twentieth century, many additional, at first sight aggregated, planes have been even added to the territorial. Bauman describes the resulting structure as a 'tripod of sovereignties', built on the territorial groundwork, which has latterly had to be abandoned.⁵⁵ The spatio-temporal construct 'state sovereignty' is elegant and time-honoured, but problematic. Whilst it cannot be wholly dispensed with, it no longer reflects the ways authority and power are organised. At the time of the early modern transition from late feudalism, state sovereignty

might have been the answer rulers were looking for. Nowadays, states are intersected by many border-infringing processes.

The non-aggregation of the borders is challenging the received view of the sovereign status of 'sovereign'-state borders. But, we argue, whereas the received view of sovereignty has yet to be fully or formally abandoned, in reality states can nonetheless be expected to adapt the realities of *non*-aggregation. States will manage the circumstances so as to articulate their border differentially and so retain the ability to discriminate, control (or avoid control), and take responsibility (or avoid it), for some of the articulations which are on our earlier list. In the European Union, for example, we see developing forms of picking and choosing when it comes to the idea of force and territory. These activities cash out in cross-border cooperation between national police authorities in the EU member states when they combat drug- and car-smuggling, human trafficking and child pornography.

The abolition of border controls provided for by the Schengen agreement arguably produced a 'security deficit', which enabled 'perpetrators of criminal acts to move as freely as law abiding citizens'. So, the Schengen agreement was amended to allow for 'hot pursuit' across borders (where police are pursuing a criminal who is on the run). This allows police officers from one member state to cross the border and operate inside the territory of another member state, provided that they coordinate their activities with the national police authorities.⁵⁶ Today, the EU member states have joint border patrols, joint surveillance operations and joint investigation teams. There is increasing exchange of information and pooling of equipment; national police forces have direct access to other member states' fingerprint, DNA and vehicle registration databases. Within the EU there is no such thing as a 'power container state' when it comes to the use of legitimate force over territory.

In sum, the disaggregation of the planes of bordering does not so much stymie the bordering practices of sovereign states as much as it provides a broader palette for inscription on distinct planes. New kinds of bordering, and more specifically of articulating borders, are an integral part of the contemporary transformation in global and regional authority. Especially in Europe, there is constant jockeying between levels of authority about ways that states may and may not articulate their borders. By examining how states 'pick and choose' their borders, we are now better able to grasp how modern statehood manifests itself and sovereignty is articulated.

Who Conveys What to Whom?: Bordering as a 'Sovereignty Game'

The notion of disaggregated planes redirects sovereignty, and a fortiori state bordering practices, away from claims to the permanent possession of certain qualities. It moves states towards the activities recently characterised as

sovereignty games: that is to say, the instrumentalisation of claims to legal and political authority by states and other actors in the face of globalisation, regionalisation and international legal regimes.⁵⁷ If we consider bordering as inscriptions upon diverse planes, the ‘game’ consists of picking the optimal modes of inscription of the border that are available. This often implies manipulating domestic and foreign audiences.

Let us first consider who engages in bordering practices. As R. B. J. Walker notes,⁵⁸ traditional International Relations theory sees state-players severally or collectively as sovereign bordering actors. Courts, both national and international, may be seen as such bordering actors when it comes both to inscribing and challenging state borders in the legal realm. The EU provides instances of state institutions, notably member states’ constitutional courts, defending their national legal order with reasoning that nonetheless points *away from* it, and *towards* the collective decision of all the member states. This has been particularly striking during the 1990s and 2000s where the treaty revisions have become increasingly controversial and politicised.

On 26 November 2008, for example, the Czech Constitutional Court handed down a unanimous opinion finding that the Lisbon Treaty was compatible with the Czech constitutional order.⁵⁹ The decision was one of the most significant decisions in the Court’s history and had EU-wide implications. Underlining the necessity of European integration in the globalised world, the Court resorted to the concept of ‘pooled sovereignty’. The Court noted that

it is more a linguistic question whether to describe the integration process as a ‘loss’ of a part of sovereignty, or competences, or, somewhat more fittingly, as, e.g., ‘lending, ceding’ of part of the competence of a sovereign. . . .

[The] transfer of certain state competences that arises from the free will of the sovereign and will continue to be exercised with the sovereign’s participation in a manner that is agreed upon in advance and is reviewable, is not *ex definitionem* a conceptual weakening of the sovereignty of a state, but, on the contrary, it can lead to its strengthening within the joint actions of an integrated whole. The EU’s integration process is not taking place in a radical manner that would generally mean the ‘loss’ of national sovereignty; rather, it is an evolutionary process and, among other things, a reaction to the increasing globalization in the world. (See paras. 104 and 109 of the Judgment)

The decision reflects picking and choosing under circumstance where the planes on which borders are inscribed have become disaggregated. It also harks back to the point made in the Introduction to the effect that bordering is not an action, but an *interaction*. For alongside their endorsement of ‘pooled sovereignty’, the Court gave voice to a more traditional notion of

sovereignty, stressing that the Lisbon Treaty explicitly enables a member state freely to withdraw from the Union.⁶⁰

Indeed, states' bordering practices always involve communicating, often selectively and strategically, to various audiences inside and outside the border. The activity of inscribing a border cannot be seen as complete unless account is taken of the meaning *conveyed* by the inscription. Different constructions with the same border-inscription may be associated with different addressees. No politically intelligent attempt to inscribe a border can be made, therefore, without an awareness that different 'audiences', 'readerships' or 'publics' may interpret the inscription differently. Actors engaging in bordering must therefore seek to control this variable. Thus states will seek to define, or even to keep separate, distinct audiences to whom they intend distinct messages.

This dimension is often evident in what Adler-Nissen refers to as the 'organized hypocrisy' of EU member states vis-à-vis their own publics as against their Brussels colleagues.⁶¹ One of the most radical challenges to the idea of clearly delineated populations is the 'free movement of people', one of the four core freedoms of the EU. Yet unsaying the free mobility of persons across EU borders also helps structure national discourses of bordering. For some states, the Schengen regime (abolishing controls and checks at national borders between EU member states) is so problematic that they have negotiated opt-outs, national treaty exemptions, which at first sight seem to reinstall the border. When the United Kingdom was granted an opt-out from the Schengen agreement this exemption appeared to be absolute. For a significant majority on the British domestic scene, led by Conservatives and other Eurosceptics, the British Schengen protocol appears to constitute a guarantee of the survival of the British nation.⁶² However, despite the weight put on the British Schengen exemption, the UK has not opted out at all of the principle of free movement. It is only British border control which has been safeguarded through the treaty protocols. Hence, the UK is just as bound as the other member states to respect the rights granted to EU citizens moving across the border to live in the UK and receive the same social benefits and rights as any British citizen. Articulating a particular form of identity border – i.e., identity demonstrated by differential control of people, and symbolic rehearsal of Britain's status as an island – has protected the image of the British nation. These various bordering practices help to refurbish a useful fiction of national unity, and to fabricate a united identity despite apparent political disagreements over the EU issue. But it has not prevented British and Irish companies from benefiting from the cheap labour forces moving in from Poland and other Eastern European countries, and provided British and Irish citizens with the possibility of enjoying their pensions in Southern Europe.

Another instance of picking and choosing can be found in the field of legal jurisdiction. In the context of European integration, a question often

posed concerns how far a state can delegate competencies to international and supranational authorities and still remain a state. This question directs our attention to a crucial element in state bordering practices: the drawing of lines between competences – in itself a major concession to the realities of disaggregation. Regulating the relationship between the competences of national authorities and supranational authorities such as the EU, involves a sort of *constitutional* picking and choosing. This is how one may understand the recent decades' toing-and-froing between national constitutional courts and the European Court of Justice over how to interpret the relationship between the EU treaties and national constitutions. Despite appearances, this is not a zero-sum game, in which the supra-national wins what the national loses, or vice versa.

We can see this in the case of the Czech republic, amongst others. When Czech President Vaclav Klaus refused to sign the Lisbon Treaty (thus prompting the court decision referred to above), he raised the question of whether the Lisbon Treaty is compatible with the limits of Czech legitimate political and legal authority. Apart from making it possible for the Czech Republic to receive extra concessions (e.g., legal guarantees in relation to the Charter on Fundamental Rights securing continued control over ownership of the Czech territory), his opposition served the purpose of asserting for the benefit of the domestic political audience the overall jurisdiction of the Czech Republic within its legal border.⁶³ President Klaus was re-cycling sovereignty in its traditional form as independence: as an autonomous, fixed capital, capable of annulling decisions that have led to its careless dissipation.⁶⁴

The European integration process provides us with a range of examples where states pick and choose to inscribe their borders on different planes. This can be a more-or-less political exercise. What is more important is the fact that the disaggregation of planes can lead states to become more political in their bordering practices. Although sovereignty games do not fundamentally change the idea of the sovereign state – in fact they may sometimes even strengthen the appearances of it – they indicate a more fluid relationship, as states move to articulate their separate identity in diverse ways, between any state in question and the outside. Practices of bordering – or more particularly practices that imply how the border should be thought of – play a central role when states engage in sovereignty games.

CONCLUSION

States do not choose whether to have a border or not. Yet they have a range of possibilities when it comes to how they inscribe their borders in different materials, or 'planes' (territorial, economic, legal, cultural, etc.). In this article, we have argued that a central corollary of the current degree of

'disaggregation' between planes of bordering is the selective approach to state authority manifested in a will to 'pick and choose the sovereign border'. Consequently, rather than asking to what degree the state is withering away and whether absolute sovereignty is a thing of the past (as globalisation theory might do), a theory of state-bordering practices needs to look at the interplay of the different *functions* of borders which states will seek to fulfil by articulating the border as different *planes of inscription*.

We began by arguing that borders should properly be understood as a sub-category of boundaries, which we determined to be pre-conditions for numerous aspects of the existence and continuity of entities – including a fortiori states. We explored the character of the border further by showing how it will fulfil a range of functions – epistemological, ontological and/or decisional – in the existence and continuity of any collective particular. For states, we argued, these functions will be fulfilled by 'inscribing' borders which inhibit or channel movement in terms of some kind of medium, symbolic as well as material. That medium ranges from topology to culture and knowledge. Thus, our theory is primarily interpretative. That is, it identifies what we should be looking for in states' articulations of their borders. While it remains the case – as ever – that states may get to pick and choose the topographical placing of the border, we have presented a case for focussing attention rather on how states articulate border inscriptions to maintain their identities as sovereign.

On different planes, different border inscriptions help constitute a particular topography of each state, a separate social identity for each state, an economic room for manoeuvre, etc. These different inscriptions do not necessarily correspond; indeed, they are semi-autonomous. Thus, what happens to one border inscription on one plane (e.g., economic) does not straightforwardly affect another plane (e.g., cultural). This disaggregation is of course not new. But, we have argued, the ways states articulate their borders has had to become more variegated.

Our final section discusses, primarily in the context of European integration, how those theoretical findings in various sovereign state bordering practices serve not only to uphold sovereign states as a meaningful notion, but also work in more subtle ways to integrate state sovereignty with international organisations and other non-state actors. Seen from the point of view of states, this selective approach to 'the outside' can be instrumentalised in 'sovereignty games'. In some cases, the various border claims constitute symbolic bulwarks against absorption in the Other: rehearsing – despite the dramatic changes taking place – an image of the state with full political and legal authority over its people, territory, money, etc. By focusing on this picking and choosing we understand how states may change as well as how they continue to seem sovereign.

NOTES

1. Michael Mann, 'Nation-States in Europe and Other Continents: Diversifying, Developing, Not Dying', in Gopal Balakrishnan (ed.), *Mapping the Nation* (London: Verso 1996) pp. 281–316.
2. R. B. J. Walker, *After the Globe/Before the World* (London: Routledge 2010) ch. 6.
3. We take topology to cover the science of examining the possibilities latent in shape or the concepts of that science. Topography/topographical, by contrast, refers to the actual indicators which drawn on territory, maps, etc., to determine different segments of space.
4. Michael J. Shapiro 'Moral Geographies and the Ethics of Post-Sovereignty', *Public Culture* 6 (1994) pp. 479–502; Walker, R. B. J. *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press 1993).
5. Introduction to Thomas H. Wilson and Donnan Hastings, *Border Identities: Nation and State at International Frontiers* (Cambridge: Cambridge University Press 1998); see article by Antia Mato Bouzas in this issue.
6. Vladimir Kolossov, 'Border Studies: Changing Perspectives and Theoretical Approaches', *Geopolitics* 10/4 (2005) pp. 606–632.
7. John Ruggie, 'Territoriality and Beyond. Problematizing Modernity in International Relations,' *International Organization* 1/1 (1993) pp. 139–174; Yale H. Ferguson and Richard Mansbach, 'Post-Internationalism and IR Theory', *Millennium: Journal of International Studies* 35/3 (Sep. 2007) pp. 548–549; Noel Parker, 'From Borders to Margins: A Deleuzian Ontology for Identities in the Postinternational Environment', *Alternatives* 34/1 (2009) pp. 17–39.
8. For a review of the evolution of border studies, including the variety of meanings applied to the notion of 'border', see Kolossov (note 6).
9. Grahame F. Thompson, 'The Fate of Territorial Engineering: Mechanisms of Territorial Power and Post-Liberal Forms of International Governance', *International Politics* 44/5 (2007) p. 15.
10. By actions of states, we include here actions by officers of the state, presumed representatives of the state, or the state *as such*.
11. To drive this point home, see George Gavrilis, *The Dynamics of Interstate Boundaries* (Cambridge: Cambridge University Press 2008).
12. Nick Vaughan-Williams, *Border Politics: The Limits of Sovereign Power* (Edinburgh: Edinburgh University Press 2009) ch. 1.
13. Friedrich Kratochwil, 'Of Systems, Boundaries, and Territoriality: An Inquiry into the Formation of the State System', *World Politics* 39/1 (1986) pp. 27–52. An instance of this 'controlled mutability' appears in an interesting recent study of the Andes. Even if borders are opened, that does not necessarily imply that persons or goods will flow more easily; new forms of control may be more efficient in *hampering* trans-border flows than those that served closed borders (Anne-Laure Amilhat Szary, 'Are Borders More Easily Crossed Today? The Paradox of Contemporary Trans-Border Mobility in the Andes', *Geopolitics* 12/1 (2007) pp. 1–18).
14. See also David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press 1998).
15. The entirety of the Hegelian philosophy is characterised by the enterprise of understanding the integrity of the parts and the whole together, which for Hegel is the essence of any ethical justification.
16. Stein Rokkan, *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan Based on His Collected Works*, ed. by Peter Flora, Stein Kuhnle, and Derek Urwin (Oxford: Oxford University Press 1999) chs.1 & 2.
17. These gains and losses are of course often differentially distributed between insiders.
18. This formulation is written solely in terms of perceptions regarding outsiders that are articulated and communicated *between insiders*. In reality, such formulations may also be generated (*both* positively and negatively) amongst outsiders or between outsiders and insiders. All these can be arenas for discussion can lend themselves to evaluations of the relative fortune or worth of insiders as against outsiders, together with any threats posed to the well-being of insiders.
19. These were tests organised by the OECD for 15-year-olds in industrialised countries, which caused great heart-searching in Danish political and governmental circles in 2004. See also note 38.
20. Which parts of the collective particular will impact on, or be impacted upon, by the actions under consideration (e.g., deciding to lower duties on a specific product, or to agree on some measure of social protection) has likewise to be understood in the light of that kind of framework.

21. This is the object of analysis for what Kapuscinski calls the 'philosophies of dialogue'; Ryszard Kapuscinski, *The Othello* (London: Verso 2008) p. 68f.

22. On illicit flows, see widely differing sources ranging from Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. by Simon Critchley and Richard Kearney (London: Routledge 2001) pp. 3–24; to Schendel, Willem van, and Itty Abraham, *Illicit Flows and Criminal Things* (Indiana University Press 2005).

23. Nick Vaughan-Williams, *Border Politics: The Limits of Sovereign Power* (Edinburgh: Edinburgh University Press 2009) especially ch. 5.

24. *Limited Inc.* (1988 – a collection of translations of prior works) and *Positions* (1972) are common points of reference in critiques of political thinking grounded in Derrida's early thought.

25. R. Brian Ferguson and Neil L. Whitehead (eds.), *War in the Tribal Zone: Expanding States and Indigenous Warfare* (Santa Fe, New Mexico: School of American Research Press 1992); Christopher Kelly, *Ruling the Later Roman Empire* (Cambridge, MA: Belknap 2004) ch. 4.

26. Michel Foucault, 'Security, Territory, Population', trans. by Graham Burchell (London: Palgrave 2007) ch.13.

27. Paradoxically, even creating tax havens to provide a particular regime for liquid wealth, amounts to a commercialisation of sovereignty, using the territorial insulation of the given state for the purposes of trans-nationalising capital and *increasing* economic integration across borders; Ronen Palan, *The Offshore World: Sovereign Markets, Virtual Places, and Nomad Millionaires* (Ithaca and London: Cornell University Press 2003).

28. Michel Foucault, *Security, Territory, Population*, trans. by Graham Burchell (London: Palgrave 2007) p. 11.

29. Paul Hirst, *Space and Power: Politics, War and Architecture* (Cambridge: Polity 2005).

30. Clifford Geertz relates a story from a Dutch anthropologist on the attitude in the colonies before the Dutch arrived to impose their conception of a border: 'The Dutch, who wanted, for the usual administrative reasons, to get the boundary between two petty principedoms straight once and for all, called in the princes concerned and asked them where indeed the borders lay. Both agreed that the border of principedom A lay at the farthest point from which a man could still see the swamps, and the border of principedom B lay at the farthest point from which a man could still see the sea. Had they, then, never fought over the land between, from which one could see neither swamp nor sea? "Mijnheer," one of the old princes replied, "we had much better reasons to fight with one another than these shabby hills.'" (*Negara: The Theatre State in Nineteenth-Century Bali* (Princeton, NJ: Princeton University Press 1980) pp. 24–25).

31. David Armstrong, *Revolution and the World Order: The Revolutionary State in International Society* (Oxford: Clarendon 1993) chs. 2 & 3.

32. Miroslav Hroch, *The Social Interpretation of Linguistic Demands in European National Movements*, EU Working Paper No. EUF 94/1 (Florence: European University Institute 1994).

33. See also Gudmundur Alfredsson, 'Frame an Incomplete Painting: Comparison of the Framework Convention for the Protection of National Minorities with International Standards and Monitoring Procedures', *International Journal on Minority and Group Rights* 7 (2000) pp. 291–304.

34. Uffe Østergaard, *Europas Ansigter, Nationale Stater og Politiske Kulturer i en Ny, Gammel Verden* (Copenhagen: Rosinante 1992).

35. Rob Kroes, *If You've Seen One, You've Seen the Mall Europeans and American Mass Culture* (Urbana: University of Illinois Press 1996).

36. Juan M. Delgado Moreira, 'Cohesion and Citizenship in EU Cultural Policy', *Journal of Common Market Policy* 38/3 (2000) pp. 449–470.

37. See note 19 above.

38. Aletta Grisay, 'Translation Procedures in OECD/PISA 2000 International Assessment', *Language Testing* 20/2 (2003) pp. 225–240.

39. In the USA, evaluations of graduate programmes started already in 1920s and a ranking of US colleges was published already in 1983. The university rankings made their way to the UK in the 1990s.

40. Lee Harvey, 'Rankings of Higher Education Institutions: A Critical Review', *Quality in Higher Education* 14/3 (2008) pp. 187–207.

41. Simon Marginson, 'Open Source Knowledge and University Rankings', *Thesis Eleven* 96 (2009) pp. 9–39.

42. John W. Meyer, John Boli, George Thomas, and Fransisco Ramirez, 'World Society and the Nation State', *American Journal of Sociology* 103/1 (1997) pp. 144–181.

43. Tero Erkkilä and Ossi Piironen, 'Politics and Numbers: The Iron Cage of Governance Indices', in Raymond W. Cox III (ed.), *Ethics and Integrity in Public Administration: Concepts and Cases* (Armonk: M.E.Sharpe 2009) pp. 125–145.

44. A classic historical study of how this operated in nineteenth-century France is Eugen Weber, *Peasants Into Frenchmen: The Modernization of Rural France, 1870–1914* (Stanford, CA: Stanford University Press 1976); Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley and Los Angeles: University of California Press 1989) is another. Apart from the more general Foucault account – referred to earlier – one should also list Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Cambridge: Polity 1996); and Christer Jönsson, Sven Tägil, and Gunnar Törnqvist, *Organizing European Space* (London: Sage 2000).

45. Other bodies can also attempt to do so, either in competition or in cooperation with states; but our topic remains states.

46. *Third Restatement of the Foreign Relation Law of the United States* (Philadelphia: American Law Institute 1986) § 201.

47. See note 3 above.

48. Andreas Osiander, 'Before Sovereignty: Society and Politics in Ancien Régime Europe', *Review of International Studies* 27 (2001) pp. 119–145.

49. Daniel Philpott, 'The Religious Roots of Modern International Relations', *World Politics* 52/2 (Jan. 2000) pp. 206–245.

50. Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press 1995).

51. Two path-breaking anthropologists' studies of other societies' notions of sovereignty and the border, appeared in 'Political Definition: The Sources of Order', in Clifford Geertz (ed.), *Negara: The Theatre State in Nineteenth-Century Bali* (Princeton, NJ: Princeton University Press 1980) pp. 11–25; and Frederik Barth (ed.), *Ethnic Groups and Boundaries* (London: Allen and Unwin 1969).

52. David L. Howell, 'Territoriality and Collective Identity in Tokugawa Japan', *Daedalus* 127/3 (1998) pp. 105–132.

53. *Ibid.*, p. 105.

54. Anthony Giddens, *The Nation-State and Violence* (Berkeley: University of California Press 1987) p. 120.

55. Zygmunt Bauman, 'Europe of Strangers', Seminar Paper, Transnational Communities Programme, 1998. For a historical overview on a larger canvas, see Martin van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press 1999).

56. Rebecca Adler-Nissen, 'Behind the Scenes of Differentiated Integration: Circumventing National Opt-Outs in Justice and Home Affairs', *Journal of European Public Policy* 16/1 (2009) pp. 62–80.

57. Rebecca Adler-Nissen and Gammeltoft-Hansen Thomas (eds.), *Sovereignty Games: Instrumentalizing State Sovereignty in Europe* (New York: Palgrave 2008).

58. R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press 1993).

59. Decision of 26 Nov. 2008, case No. Pl. ÚS 19/08 (published as No. 446/2008 Coll.). The English translation is available at <http://angl.concourt.cz/angl_verze/doc/pl-19-08.php>.

60. Petr Bříza, 'The Czech Republic: The Constitutional Court on the Lisbon Treaty Decision of 26 November 2008', *European Constitutional Law Review* 5 (2009) pp. 143–164.

61. Rebecca Adler-Nissen, 'Organised Duplicity: When States Opt Out of the European Union', in Rebecca Adler-Nissen and Gammeltoft-Hansen Thomas (eds.), *Sovereignty Games: Instrumentalizing State Sovereignty in Europe* (New York: Palgrave 2008) pp. 81–103.

62. Antje Wiener, 'Forging Flexibility: The British 'No' to Schengen', *European Journal of Migration and Law* 1/4 (1999) pp. 441–463.

63. Along the same lines, the German Constitutional Court continues to argue that despite the surrender of sovereignty and the ECJ's claim that EU law trumps national law, the German Constitutional Court remains the final arbiter in case of conflicts between German constitutional law and EU law. Moreover, the German government remains 'Herren der Verträge' (master of the treaties).

64. Pierre Rosanvallon, *La démocratie inachevée* (Paris: Gallimard 2000) pp. 427–428; Jeanne Morefield, 'States Are Not People: Harold Laski on Unsettling Sovereignty, Rediscovering Democracy', *Political Research Quarterly* 58/4 (2005) pp. 659–669.

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