

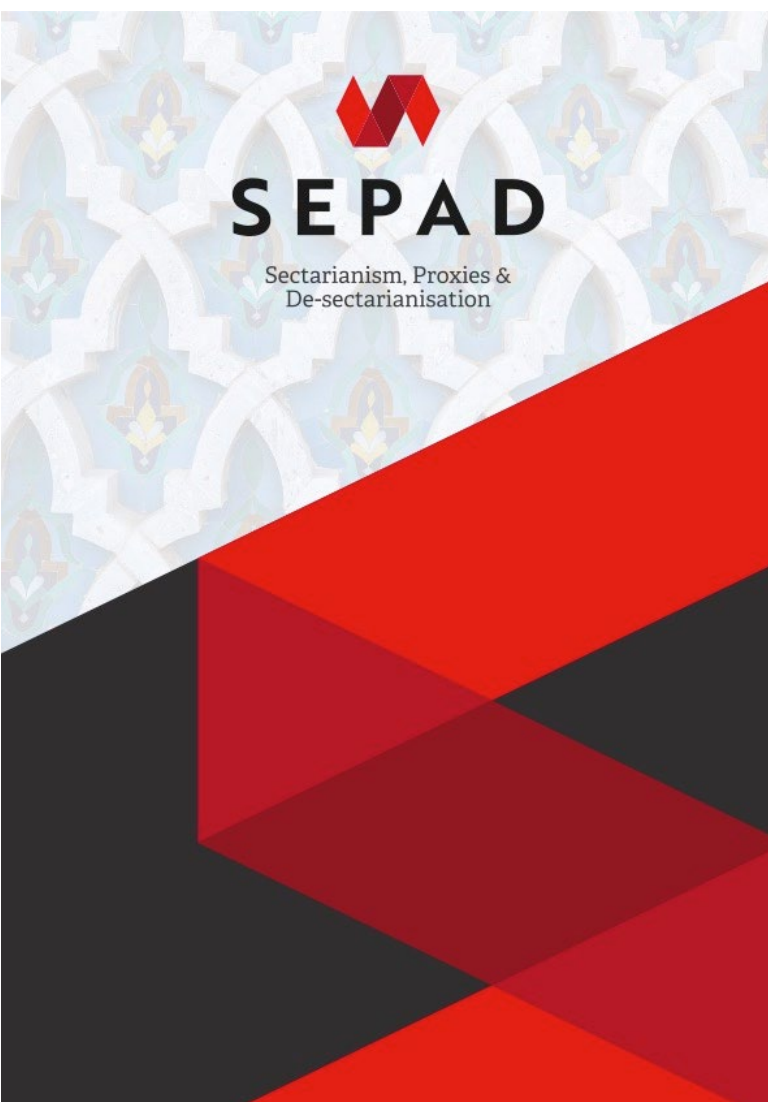
# The Arab Transformations WORKING PAPER SERIES

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**Sovereignty and its Discontents**

Editors:

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# SEPAD

## **Abstract**

This report brings together scholars from a range of disciplines to critically reflect on ideas of sovereignty and the state. This report draws on a workshop held at Lancaster University in the spring of 2023. We would like to thank all the participants in that workshop for their insightful engagement.

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## **Of emotion and existentialism: questioning sovereignty during genocide**

*Ruba Ali Al-Hassani*

In late June 2004, the occupying US force in Iraq “handed over” sovereignty to the newly installed Iraqi Governing Council, leaving me forever contemplative about the concept of sovereignty. What is this tangible form of sovereignty that can be handed over by an occupying force? What does it mean to hand it over after invading and committing crimes in a country once deemed sovereign, despite the violation of its people’s fundamental rights by both national and international bodies? What does it mean to maintain interventionism in a country to whom one has “handed over” sovereignty? Similar questions troubled me recently in light of the ongoing genocide in Gaza. In a recent interview (Novara Media, 2023), Rashid al-Khalidi stated that Palestinians were never “offered” sovereignty or a “fully independent, viable, continuous Palestinian state by any Israeli leader or by the United States. They were offered, however, autonomy under overall Israeli sovereignty and Israeli security control”. The same image of “handing over” sovereignty played in my mind. In both contexts, sovereignty sounds like something to be gifted or bestowed; a privilege granted by a superior, external power that claims authority through no direct relation to, or respect for, the people who have lived on the land for generations.

Indeed, the post-Westphalian understanding of sovereignty is rooted in this power dynamic. Former colonialist powers divided their colonies and “granted” them sovereignty, which would be regulated by a body of international law that upholds a set of myths surrounding European omnipotence and truths necessary to order their own existence and that of others (Al Attar, 2023). Academics in both the Political Sciences and International Law have taught their own versions of the mythology of International Law and its liberal values. Some academics have painted International Law as an apolitical moral compass while those in the Political Sciences and International Relations approach International Law as both a tool of politicking and maintaining order. I have listened to academics in these different disciplines explore sovereignty, and after much reflection on the current genocide in Gaza, I am now convinced that sovereignty, in itself, is a concept weaponized to order and maintain European and Western hegemony over the global majority. Sovereignty is an emotional and rhetorical construct weaponized to maintain order according to a subjective perspective of the world.

Twenty years ago, Radon (2004) argued that sovereignty is a political emotion, referring to many different belief systems over time. While it maintains relevance over time functionally as an organizing principle, and politically as a symbol of national self-identity, it motivates political mobilization towards recognition and legislation. Sovereignty is thus not an objective fact, contrary to what International Law and its purveyors claim. It is an emotion reflecting beliefs of not only nationhood, but also ideologies that maintain a form of exceptionalism distinguishing not only a nation, but also a region, from another. In defence of Radon’s argument that sovereignty is a political emotion from critics who treat emotion as “irrational



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fluff”, I return to Theodore Kemper’s Structural Theory of Emotion. Kemper defines structural emotions “...as those that result from a relatively stable power-status relationship. This is not to say that such structures are frozen. Ongoing interaction will result in immediate outcomes that will tip the structure in one direction or another, but these will often be slight and only transient changes” (Kemper, 2006, 97). Kemper argues that emotion results immediately from ongoing interaction in power-status terms within structures—socio-political or otherwise. Social and other forms of mobilisation, thus, are emotional responses to structural issues where power dynamics promote the ascendancy of one party over another, aiming to change them. When the United States “handed over” sovereignty to Iraqis in 2004, it decided that Iraqis are now *allowed* to feel independent, but with contingencies. When Israel did not “offer” sovereignty to Palestinians during their long history of negotiations, it refused to *allow* them to feel like a nation united and imposed contingencies for a weak and managed sense of autonomy under Israeli control. Sovereignty, and its surrounding dynamics, are all about emotion and subjectivity.

As the global solidarity with Palestine movement grows, various questions emerge around sovereignty and the structures put into place to protect its subjectivity in International Law. Why is it that some countries are allowed to draw and expand their borders, while others cannot? Who has the right to defend their land and peoples, and who does not? Who is allowed to violate established international norms and who is not? Whose emotions must be protected on account of free speech, and whose emotions must be violated in the name of free speech? Where do we draw the line between national and popular sovereignty, and where do they overlap? Can a state be sovereign if its people are not? Can a people’s rights be protected if they are not recognized as a sovereign state? Most importantly, who dominates the narrative around sovereignty, and what language is “best” to maintain this narrative? In fact, who decides what language is “best” for narratives around sovereignty?

The social and emotional construct that is sovereignty is shaped by the rhetoric used to justify it in legal and political form. Rhetorical sovereignty emerged in the last two decades as an “ideal principle”, the “beacon” by which peoples seek the paths to agency, power, and community (Lyons, 2000, 449). It is the “inherent right and ability of peoples to determine their own communicative needs and desires...to decide for themselves the goals, modes, styles, and languages of public discourse” (*ibid*). This type of sovereignty is a direct response to rhetorical imperialism or “the ability of dominant powers to assert control of others by setting the terms of debate” (*ibid*). The terms of rhetorical imperialism, according to Lyons (2000, 453), are definitional, for they “identify the parties discussed by describing them in certain ways” (*ibid*). I would argue that rhetorical sovereignty is also emotional, as it defends the “inherent right and ability of peoples to determine their own communicative needs and desires...to decide for themselves the goals, modes, styles, and languages of public discourse” (*ibid*). This type of sovereignty is about the story being told, its analysis/interpretation, the language and tone used, the parties involved...and its reception. When the words of the global solidarity with Palestine movement are policed and now criminalized in some Western states, a response is natural. Rhetorical sovereignty over a nation’s right to self-defence and to exist begs the question, “On account of whom?” A global movement is asking important questions

around the extent to which a government's sovereignty is sacred and why a people's sovereignty is repeatedly denied.

In a recent interview (Fresh Squeezed! The Opinio Juris Podcast, n.d.), Noura Erakat discussed the rhetorical trap that revolves around Western notions of statehood and sovereignty. To deviate from post-Westphalian notions of statehood and sovereignty, we still refer to them as a starting point of comparison; there is no escaping that, even if we try to begin elsewhere. This is akin to how Third World Approaches of International Law orbit around Eurocentric international legal theory to challenge it (Al Attar, 2022; 2020; 2021). Rhetoric may sometimes feel like endless circling, and this is exactly how I feel about conversations around sovereignty. Much is being published on the subject, and challenges are proposed...but where do they begin? In the same interview, Erakat explained a “sovereignty trap” in which Palestinians find themselves, where they need Israel's recognition of their sovereignty in order to gain it. This applies to colonized peoples all around the world—from Turtle Island to Oceania. To truly feel sovereign, one needs others to recognize it. If we consider this from the perspective that sovereignty is a political emotion, this dynamic resembles gaslighting in a relationship. One's emotions are not recognized, and in fact, denied and reshaped through power and status-infused manipulation. If it is not recognized, it is treated as unreal and non-existent.

On a similar note, a question arises in every conversation about colonizer-vs-indigenous sovereignty: “If these people are indeed indigenous, at what point in history did they have sovereignty?” If we are to follow the post-Westphalian understanding of sovereignty, no one and nothing would pre-exist the fragile sovereignty of colonialist empires. This means the complete erasure not only of peoples, but of history in its entirety, to maintain a fragile sense of sovereignty whose existence relies on this erasure. To interrogate and challenge this erasure of history, our approach to sovereignty must change. Legal and political rhetoric and pedagogy must change. The law—international law from which post-Westphalian sovereignty emerged—has always been transactional, wielded by those in power to their advantage. It preserves the status quo, privileging certain actors over others, and we see this in international courts that prosecute only certain governments, but not others for war crimes. International Law's “historical contingency combines with its structural logic to adumbrate a reality that some live and that many more suffer” (al Attar, 2021, 148). While international law is transactional, it is also existential; it ultimately shapes how we see ourselves and how we see others.

The rhetoric around the ongoing genocide in Gaza is charged because sovereignty, as emotional as it is, is existential. Rhetorical sovereignty determines which lives are not only sovereign, but also defensible and grievable (Butler, 2004). It humanizes and dehumanizes. It is emotional, political, personal, and existential. If sovereignty is anything, it is emotional and rhetorical first—weaponized accordingly—and everything else second.



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