Abstract

The paper makes the case that clarifying the relation between leadership and sovereignty is central to understanding the role of political leadership in politics, and to comprehending the lack of attention given to the question of leadership in mainstream strands of democratic theory. Specifically, the distinction I draw between ‘ruler sovereignty’ and ‘political sovereignty’ (Prokhovnik 2007) enables us to highlight the value and operation of leadership to politics, and to clarify what political sovereignty does in establishing the context in which questions about leadership are asked. ‘Ruler sovereignty’ concerns the identification of the ultimate authority to make law, subject to no higher authority, and coincides with the conventional idea of internal sovereignty in terms of the competence and capacity, authority and power of traditional legal and political sovereignty. However, the idea of sovereignty also operates to provide the conditional settlement of the content, parameters and limits for the conduct of politics within a political community, and the boundary between the political and unpolitical. This ‘political sovereignty’ in my sense (which differs from the traditional definition), expressing a background condition for political action to take place, is culture-specific. Ruler sovereignty is about creating order through law- and rule-making within a modern state in the Rechtstaat tradition, while political sovereignty in my sense is about how the negotiation of a space for politics is organised in the circumstances of a particular political society. It is the repository of political values that underlie ruler sovereignty – about the nature, scope and limits of politics, about what constitute legitimate questions and answers – which are expressed in laws, rules and policy orientations, as well as in social values and norms. The final section of the paper discusses the impact of ‘political sovereignty’ on political leadership.
Introduction

The idea of political leadership can be conceptualized as having at least three faces. The first is concerned with the conduct of elected governments within the state structures (including all the phases of policy-making from initiatives to delivery and rethinking policy) which provide governments with a framework of continuity. The second is concerned with party politics, electoral competition and appeal to the electorate. The third face relates to statesmanship on the world stage.

While challenges to the idea of political leadership in all three of its faces is nothing new, recent challenges seem particularly acute. The notion of the positive bond between leaders and led has traditionally been thought to give legitimacy to political leaders in the first and second faces. The idea of legitimacy provided the warrant for a modern democratic government’s policy-making programme and the sanction for the indirect nature of representative democratic processes. The continuing credibility of this bond in relation to the first face is thrown into doubt by high levels of citizen cynicism about neo-liberal economics and politics in modern states which prioritises profit and efficiency over social responsibility. In addition, forms of privatization and public/private partnership blur the scope for government accountability. It is also questioned in relation to the second face, by voter disaffection in the light of unease about the domination of political elites and the mediatisation of politics. With respect to the third face the notion has gained popularity over recent years (although clear evidence has yet to support it) that the theory and practices of disaggregated transnational networks of anti-capitalist social movements effectively challenge the model of traditional top-down nation-state based politics and political leadership with an ensemble of popular protest, while economic ‘globalisation’ curtails the role of statesmen in international politics by reducing the power of the states they represent.

In sum, traditional ideas of political leadership are under threat, in the first face through the challenge to the identity of the state, in the second through the challenge to the identity of the political process, and in the third through the challenge to the identity of international politics. More generally, the idea of politics occurring in autonomous spaces and practices outside mainstream formal channels, of alternative
forms of mobilization, and of post-representational forms of resistance, struggle and self-definition, challenges formal politics inside and outside the state of which political leadership is a key part.

Democratic theory has been concerned with the first face, theorizing accountability and scrutiny, with the second face in terms of questions of participation and representation, and with the third face through notions of cosmopolitan political institutions, international justice and a human rights regime. It is the second face which is primarily at issue here, although the proposal made here could also be discussed in relation to the first and third faces. What counts as adequate accountability and scrutiny, how definitions of these concepts change over time within a polity, and how those values are weighed up against other values such as government efficiency and success could also be discussed. Political leadership in the third face could also be considered, for instance in relation to the tension for political leaders between domestic and international agendas, or debates about Blair’s role in supporting US policy over Iraq.

Electoral competition in the second face of leadership in modern democracies involves a potentially volatile and dynamic process, in terms of concrete and/or symbolic governance, characterised by the contingency of voter preferences, uncertainty over electoral outcomes, and the risk of a government with unpalatable views. The commitment to pluralism which multi-party politics involves also contains dangers in striking an ever-tenuous balance between incommensurable positions and negotiating intractable differences. These features of volatility and uncertainty and their limits are figured differently in different polities.

Many theories of democratic politics are unable to account for these aspects of politics. The appeal to an overly-narrow and supposedly ‘neutral’ reason and a seemingly depoliticised standpoint are, to a greater or lesser degree, features of liberal, deliberative, aggregative and participative models. Democratic theorists (for instance in both the Rawlsian and Habermasian traditions) also tend to operate according to an abstract form of reasoning which leads only to universalized normative theorizing of ideal principles or to a retreat into proceduralism. Their ahistorical approaches fail to take account of the impact of cultural values, social
norms and political conventions in shaping the way politics is done in a specific polity. Many such theories are also often intent upon containing or regulating the way in which politics operates. Most forms of democratic theory have little to contribute to the meaning and understanding of the second face of political leadership. Some theories of deliberative democracy are more innovative in seeking to engage with political contestation and local political conditions but such ideas rely on a much-criticised notion of what counts as a consensus over ‘reasonable’ outcomes, and they do not supplant the problems associated with the mainstream representative system. The discourse on democratic theory is also in general reluctant to theorise political leadership in a positive sense, due to a predisposition toward promoting more effective bottom-up participation, citizen involvement and popular sovereignty, and resisting the claims of top-down schemes.

**Political sovereignty**

The distinction between legal and political sovereignty is one of the central dichotomies through which sovereignty is discussed in the mainstream discourse (along with internal and external sovereignty, *de jure* and *de facto* sovereignty, and constituent and ordinary power). According to this differentiation legal sovereignty resides in the supreme law-making body while political sovereignty identifies the holder/s of political authority and capacity to govern. However, the distinction is only a very narrow one since both sides of it concern ruler sovereignty in the context of a *Rechstaat* understood as a modern state based on law as a moral principle. Sovereignty understood in these orthodox terms does not have much to offer the renewal of discussion about political leadership.

The distinction between ‘ruler sovereignty’ and ‘political sovereignty’ focuses upon another difference and enables us to highlight the value and operation of leadership to politics. The term ‘ruler sovereignty’ can be used to sum up the two sides of the traditional legal and political sovereignty. ‘Ruler sovereignty’ concerns the identification of the ultimate authority to make law, subject to no higher authority, and coincides with the conventional idea of internal sovereignty in terms of the competence and capacity, authority and power to govern. However, the idea of
sovereignty also operates to provide the conditional settlement of the content, parameters and limits for the conduct of politics within a political community, and the boundary between the political and unpolitical.

This ‘political sovereignty’ in my sense (which differs from the traditional definition), expresses the background conditions for political action to take place, and is culture-specific. Ruler sovereignty is about creating order through law-making, rule-making and authority within a modern state in the Rechtstaat tradition, while political sovereignty in my sense is about how the negotiation of a space for politics is organised in the circumstances of a particular political society. It is the repository of background political values that underlie ruler sovereignty – about the nature, scope and limits of politics, and about what constitute legitimate questions and answers – which are expressed in a framework of laws, rules and policy orientations, as well as in social values and norms.

This idea argues that the political nature of the concept of sovereignty has been obscured in the modern state conception by the division of labour between internal and external dimensions. In the ‘internal’ discourse on modern sovereignty the emphasis has been either on analysing a depoliticised notion of authority or on prioritising legal over political sovereignty and promoting the Rechtstaat, and the discourse has largely understood political sovereignty very narrowly in terms of the highest authority to make law. The ‘external’ discourse has largely fixed upon political sovereignty very narrowly in terms of the agency of the sovereign body through its executive acting as an individual in relation to other states. In consequence, full recognition of the political work of sovereignty has fallen between the legal and international relations discourses.

This paper suggests that political sovereignty, as well as referring to the highest authority to make law and to ruler sovereignty, comprehends another, profoundly political task that we ask sovereignty to perform. Sovereignty is necessarily outside politics but it also establishes the sphere and condition of politics itself, the boundaries and limits of politics, and so the identity of the political unit. At the same time the settlement that sovereignty establishes is conditional and these functions are politically negotiable. The idea calls attention to the way the concept of sovereignty
is at the same time both political and unpolitical in this fashion. It is also clear that political sovereignty in this sense is a condition of the concept rather than a new conception of sovereignty.

Seeing one thing in terms of another, or understanding a thing by mapping it onto an already familiar pattern of meaning, is central to the work of metaphor in our lives. To add a level of complexity we can recognise that all metaphors play with the boundary metaphor, for the boundary between the two things metaphorically related is being disrupted. To add another level of complexity sovereignty is a metaphorical concept par excellence, because its meaning is constituted in a complex mapping process which conditionally establishes boundaries. The potency of the concept of sovereignty lies in part in its metaphorical potential. Black describes how ‘[t]hose metaphors which turn out to be successful establish a privileged perspective on an object or constitute “the” object and by doing so, disappear as metaphors’ (Black 1995, 15). This process whereby the metaphorical dimension of a meaning becomes invisible accurately expresses the way that sovereignty establishes the content and limits of politics as unpolitical.

Sovereignty provides the architecture within which other political concepts operate and so works as a master concept in this sense. The cluster of concepts involved in the meaning of sovereignty includes authority, legitimacy, and power; politics, law, economics, government, a constitution, social values; democracy, participation, citizenship; rule of law; freedom, equality, individuals; choice, respect, autonomy, independence. Sovereignty also relies on recognition in a more complex way than other political concepts do. The successful working of sovereignty depends on the recognition of its distribution, coordination, allocation, and architecture functions, as well as on the recognition that the meaning of sovereignty is also constituted by the meaning of the things that make it up. It also depends on the recognition that all of this does define the political architecture. The role of recognition here also leads to sovereignty’s function in forming the identity of the ‘whole’ to a greater or lesser extent. Order, cohesion, and stability also follow from a successful setting up of sovereignty’s properties and conditions within the polity.
The idea that sovereignty is exercised through claims to sovereignty points to the way that sovereignty is not just a discursive practice rather than an institutional ‘fact’, and is not just about the importance in authority relationships of making claims rather than asserting power. The idea of sovereignty as a claim also spells out the political nature of sovereignty, the way a claim is tentative, can be made against the grain of the dominant order, may be a point of contestation, a demand to be heard, or an assertion for inclusion.

One of the perceptions that arises from such observations is that different conceptions of sovereignty shape political reality very differently and that sovereignty has a massive effect on the way we conceive politics. An important attribute at the core of the concept of sovereignty follows from the manner in which the category of sovereignty occupies a ‘neutral’ position outside of politics and would be invalidated if thought to be partial to or captured by particular interests, and yet it is also deeply political in regulating the negotiation of the norms and processes of political life in a particular society through a claim that is conditionally-stable. As a result, all ‘lived’ conceptions of sovereignty, because they are maintained by the fragile mechanism of recognition and because they are political, are immanent, on-going and highly charged. The fragility of political sovereignty inheres in the tentativeness of reliance on recognition, in the way recognition is not given once and for all but needs regular reaffirmation, in the job of politics to negotiate indeterminacy, the way politics is conducted within rules and parameters which are partly tacit, as well as in the shadowy, not fully acknowledged meaning that sovereignty must have on a day-to-day basis.

We can use a transcendental argument to derive this characteristic of sovereignty from the character of politics itself. If we can take politics reasonably unproblematically to be among other things the search for social cooperation, the articulation and negotiation of contestation and difference, and the designation of political identity, then sovereignty is a condition of and for politics, in two ways. We use sovereignty to specify the boundaries of politics, for instance in the end or limits to politics in Schmitt, the condition of politics in Spinoza and Rousseau, the elimination of politics in Hobbes. In addition sovereignty helps to define (the nature of) politics and political practice in any particular society, through its links with a constitution, the
kind of law and the importance given to it, the dominant political mentality, where the
boundary between participation and dissent is set, customary ways of doing politics,
and the sense of political identity. It also regulates norms, in social values, rules
regarded as obligatory and usually practised, customary conduct, moral beliefs,
standards that constitute the identities of actors, as well as in patterns of behaviour
that arise from fear of sanctions (Philpott 1999, 573).

Definitions of sovereignty which highlight ‘supreme authority’ only point to the
extreme case, and so are only partial definitions. On a day-to-day basis sovereignty is
much more importantly the repository of political values. This means that there are
three tiers involved here rather than just two. The view that sovereignty involves a
legal face in laws and a political face in the system of party politics and government,
leaves out of the equation the crucial glue provided by background social norms and
values which in a sense express the constituent power of the people.

In practical terms the conventional meaning of political sovereignty designates a very
limited notion of politics. It is a politics in terms of a given set of liberal democratic
institutions and procedures (contested elections, a multi-party system, a free press, the
rule of law, religion located in the private realm, a neutral public realm, liberal
pluralism), focused on the legitimacy of the supreme law-making body. This narrow
conception of politics leaves out of the picture of the political the still-active context
out of which these institutions and processes have congealed, the changing patterns
and changing impact of social values and norms that sustain it (for well or ill – look
for instance at the debate about voter disenchantment and the erosion of support for
political parties), the volatile forms of popular energy and social movement (such as
disability politics and pro-hunt campaigns in Britain) for contesting the settled
channels in which established politics is conducted, and the issue of the political
identity of the polity. Furthermore, just as the different theorists in the canon on
sovereignty allow different roles and meanings for politics, so different political
societies have different approaches. Politics and theorists may enable and facilitate
politics, prevent and erase popular politics, rein in and control politics in particular
ways, align politics with the identity of the nation state, reduce political questions to
ones about economics, technology, morality or religion, or critique and dismiss the
value of politics. The narrow conception of politics also sidesteps the way in which
politics is the business of negotiating indeterminacy, and about making decisions about what counts as politics, the conditions under which politics operates, and the terms in which it is performed. The ‘political sovereignty’ highlighted here is about the overlooked but crucial importance of these kinds of background and second-order factors.

In this way, then, sovereignty is a key means of setting out the degree of space allotted to politics (how much participation, dissent, contestation), as well as the ways in which politics is habitually expressed (the formal institutions and informal forms it habitually takes, what kind of ‘street’ politics is tolerated, and politics at national, regional, local, and international levels). Political sovereignty in this sense sums up the normative purpose and identity of the political form. It is also a power, in Morgenthalau’s sense, the power of meaning imposition. Part of the meaning of political sovereignty here is that, in establishing the boundary between the political and the unpolitical, sovereignty functions as the principle beyond which there is no appeal to a more ultimate set of rules, and yet that boundary is only conditional and can be contested and re-formed.

Both of the ways in which sovereignty is a condition of and for politics set out sovereignty as unpolitical. Where a conception of sovereignty is generally accepted within a political society, its definition of the political/unpolitical boundary will be unpolitical and its specification of the definition and scope of politics within the polity is unpolitical. Moreover, the specific content of both these settlements will vary considerably from one polity to another across time and space. One of the things sovereignty enables, through a conditionally-settled claim, is the establishment of a stable link between rulers and ruled, and among the ruled, and it can do this precisely because it offers a settlement of what can and cannot be done by politics in a particular society. However (and this is the second part of the matter), as well as functioning to specify politics, the limits of politics and the unpolitical, conceptions of sovereignty and the effects of sovereignty will at times be contested and are challenged, and so become political. As Schmitt recognised, ‘we know that any decision about whether something is unpolitical is always a political decision, irrespective of who decides and what reasons are advanced (Schmitt 1985, 2, emphasis in original). By ‘political’ Schmitt means that this is the realm of
intractability and conflict, and of priority over the legal. This point deserves to be underlined in a culture in which the meaning of sovereignty in particular is taken by many political actors and academic writers alike to have a wholly ‘off-limits’, fixed and universal meaning which ignores ‘empirical tendencies’ (Walker 1993), and which in practice acts to sustain patterns of privilege and exclusion.

Sovereignty marks out one version of the public/private distinction, in regulating the distribution of political, legal, and economic (and religious) power and the architecture of public institutions. Moreover, political sovereignty as specified here (in terms of the parameters, content, and limits of the political) is a precondition for politics to operate effectively. It is the necessary framework in which political moves can be meaningfully heard, understood, responded to, or contested. This is because the meaning of political activity is not a given, natural occurrence, but a human and social construction, and one which can be constructed according to different norms, principles and expressed in different procedures.

Sovereignty is political and unpolitical at the same time, which seems contradictory but isn’t. It is one of the functions of sovereignty to stabilize the meaning and content of politics, where that meaning and content are always to be invented in any particular polity, and yet sovereignty settlements are necessarily formal, fixed, bloodless. The way in which sovereignty is both political and unpolitical renders its definitive meaning elusive and mysterious. Fassbender (2003, 115) refers to the way that sovereignty, over ‘the centuries…has acquired an almost mythical quality’, and this is not just the cloaking of power that Foucault draws attention to. However, this mystery is not one that can or even needs to be solved. Rather political sovereignty in this sense is a settled and stable condition at the core of the constitution of the meaning of sovereignty (although also one which needs regular reaffirmation or reform and one which is precariously dependent on recognition, as described earlier), and it can be either (or both) benign and put to malign use, in domination. It is part of the very concept of sovereignty itself to hold together that sovereignty is political but also outside politics. At the same time, identifying this attribute of sovereignty discloses a fugitive and transgressive quality in the meaning of the concept. As Brown notes, sovereignty contains ‘multiple yet incommensurable truths’ and ‘challenges received authority – goes against the doxa’ (Brown 2002, 238). We take
it for granted that sovereignty at some abstract level functions to regulate politics but we also forget its own link to the political realm.

Whether the location of the sovereign is a prince, a queen, a parliament, an expression of the general will, the state, a constitution, a set of powers distributed to different institutions which check and balance each other, Stalin, or Leviathan, what they all do, behind the particulars of what they do, is establish (by word or deed or both) the content, character and limits of politics, and in doing so they are both unpolitical and political. This is so for both ancient and modern conceptions of sovereignty. Sovereignty is an important feature of politics itself. It is because sovereignty performs this role that we can then go on to say, for instance, that sovereignty is about establishing the relation between ruler and ruled. We have lost sight of this link between sovereignty and politics because in studying political concepts in political theory, we rarely talk about politics and the political. We take politics as a given and it gets erased. Moreover, there is a strong case for arguing that sovereignty changed in the modern period, not just because of the rise of the modern sovereign state, but also because of a change in how politics was done. Sovereignty is an effect of politics as well as acting to regulate politics. Starting with politics makes sovereignty look much more comprehensible.

It is useful to take a step back from questions of who has the power to act in the name of the collectivity, who has the ultimate legal authority, who has the power to coerce on behalf of the whole (the questions into which discussions of sovereignty are often immediately reduced), and to consider the habitual and conventional procedures and rules through which politics is conducted and which define its limits, and to note the political character of those things. By identifying how sovereignty is both unpolitical and political, it then makes sense that at the level of these questions of the locus of effective power, legal authority, and power to coerce, there can be very different conceptualisations of sovereignty, the coupling of state sovereignty with the dominant liberal popular sovereignty being only one.

The spectre and long shadow of ruler sovereignty figures strongly in writers who see the state as dangerous and all-powerful and is taken up by Foucault in his conception of sovereignty as allowing a form of oppressive power relations. The idea of popular
sovereignty has not banished the association of sovereignty with overpowering and
tyrranical government. This notion of ruler sovereignty remains a powerful threat,
from James II to Louis XIV to Napoleon to dictators of the twentieth century. The
idea of political sovereignty presented here focuses on something very different.
Rather than aligning sovereignty with one side of the dichotomy formed by the
burden of unjust and burdensome government against the political power inhering in
‘the people’, political sovereignty in this sense calls attention to the implicit but
ongoing work that is done in shaping the parameters of political debate in all polities.

This property of sovereignty goes to the heart of the sovereignty concept. It fills in
the meaning behind the definition of sovereignty as supreme authority, or as Bellamy
puts it, ‘some ultimate adjudicator of all conflict in a world where consensual
agreement on the right and the good cannot be counted on’ (Bellamy 2003, 171).
Bellamy’s conception, like the one put forward here, sees sovereignty as something
we ask to perform a political function for us. This idea of the function of sovereignty
in designating the meaning and limits of politics thus gets beyond the definition of
sovereignty in terms of questions about ‘the proper exercise of power’. It also
provides a way of getting beyond the fixation with the state as the concept that
presupposes ‘that central authority is a necessary condition for the existence of
political order’ (Bartelson 2001, 171).

The content, parameters and limits of the political that political sovereignty provides
covers both Chryssochoou’s constitutive principles, the ‘conditions of shared rule’,
and the normative commitments, the ‘search for the common good’ (Chryssochoou
2002, 343). The condition for sovereignty outlined here also resembles in some ways
the idea of ‘normative order’ that Neil Walker uses in his distinction between ‘ruler
sovereignty…the will to power as the source of normative order’, and ‘rule
sovereignty…normative order as the source of power’ (Walker 2003a, vii). It also
represents one way of spelling out Neil Walker’s contention that the different ways in
which sovereignty can be operationalised (for instance identified by Krasner as
domestic sovereignty, interdependence sovereignty, international legal sovereignty,
and Westphalian sovereignty) gain their coherence from a ‘common derivation from a
deep core claim to know and order the world in a particular way’ (Walker 2003b, 8).
Huysmans also sets out a political reading of sovereignty which, like the one delineated here, identifies a core function of sovereignty underlying its surface effects. He observes that (state) sovereignty is ‘not first of all a principle of international law or a condition of territorially bound authority’ but is rather, at a deeper level, ‘a specific matrix that defines parameters that structure variations in the imagination of what constitutes proper politics’. In this scheme, sovereignty is pre-eminently ‘a matrix of framing questions of the political’, for ‘fixing’ in place the scope, meaning and limits of unity and law. It follows that issues such as ‘the withering away of the state or the loss of control over societal flows by public authority’ are not challenges to sovereignty if they do not defy the orthodox settlement of the political. Rather, reworking and challenging sovereignty goes much deeper than these phenomena and ‘has to be interpreted as reworking and challenging the particular way in which the matrix frames the possible imaginations of the political’ (Huysmans 2003, 226). Huysmans goes on to argue that the idea of the ‘spectre of sovereignty refers to the difficulty, if not the impossibility, of escaping the matrix of sovereignty when imagining the political’ (Huysmans 2003, 211), in other words the difficulty of rethinking politics outside the dominating state sovereignty form. Here Huysmans has in mind the specific problems for rethinking politics and sovereignty in the context of the modern state form and the realist construction of international relations.

The two key dimensions of this underlying matrix that structures the meaning of sovereignty, according to Huysmans, are the creation of unity in an inherently plural world, and the way sovereignty is tightly connected to the rule of law, a ‘particular technique of governing the conduct of free individuals’ (Huysmans 2003, 210-11). He notes that in the state sovereignty paradigm both these dimensions of the matrix of sovereignty are territorialized so that, for instance, the first dimension defines ‘a plural international system of sovereign states’. Huysmans identifies the problematic nature of the second dimension in the context of the state model, not just in that it sets up a gap between normal rule and exceptional rule and maps this gap onto an internal/external dichotomy, but also because of the tension between legality and legitimacy, law and politics – as he puts it the ‘tension between the law circumscribing the proper way of politics and politics circumscribing the proper rule of law’ (Huysmans 2003, 226).
Like Schmitt’s theory, this notion emphasises the political nature of sovereignty and sees the political and unpolitical aspects of sovereignty as central to its meaning. Strong highlights this aspect of Schmitt’s work. He notes that sovereignty ‘is what Schmitt calls a Grenzbegriff, a “limiting” or “border” concept’. In other words, sovereignty for Schmitt ‘thus looks in two directions, marking the line between that which is subject to law – where sovereignty reigns – and that which is not – potentially the space of the exception’. As Strong underlines, according to Schmitt, to ‘look only to the rule of law would be to misunderstand the nature and place of sovereignty’ (Strong 2005, xx-xxi). Like Schmitt, the performative character of the meaning of political sovereignty developed here is seen as important, though here the performativity lies in the way sovereignty is a process, constructed through specific forms of politics, rather than resting in the decisionist act of the sovereign President.

However, this notion differs from Schmitt’s theory in several key respects. Schmitt is committed to a state conception of sovereignty, places great weight on a dichotomous friend/enemy distinction, and regards the nub of politics as contestation. In contrast, the political sovereignty outlined here is compatible with a relational conception involving a variety of polity forms and interrelations, and with politics understood as being as much about social cooperation as about conflict. Moreover, the key to sovereignty for Schmitt lies in identifying he who decides on the exception in the context of the threat of social disintegration. The proposal put forward here sees sovereignty more broadly, and post-theologically, and focuses primarily on challenges (such as from feminism or anti-racist politics) that fall short of the kind of political crisis experienced in Germany under the Weimar Republic. The notion developed here is also political in a more thoroughgoing way, in contrast with the perspective of Schmitt which keeps at the forefront the inadequacies of the legal order. At the same time the current proposal does not valorise liberal constitutionalism, so despised by Schmitt. As a result, the characterisation of sovereignty sketched here has the capacity to move beyond Schmitt’s problematisation of sovereignty.

The meaning of political sovereignty developed here also throws light on the question of the division of labour in a modern polity between sovereignty and a constitution. Although sovereignty and constitutionalism are closely aligned concepts, it is
sovereignty which we invest with the function of deciding what is political and the boundary with the unpolitical. Rob Walker rightly insists that sovereignty is ‘a highly complex and variable practice’ rather than being just ‘an inert constitutional principle’ (Walker 1999, xiii). We use a principle of sovereignty, expressed in the idea of a formal constitution, to effect a distribution of powers, a coordination of institutions and processes, an assignment of entitlements, and an allocation of values. Bellamy and Castiglione note Jon Elster’s definition of the functions of constitutions, and this list reinforces the sense of the closeness or overlap between the two concepts. From ‘a purely technical point of view written constitutions have three main functions: (1) to define and protect rights; (2) to establish a map of political powers; and (3) to fix the procedures for constitutional revision’ (Bellamy and Castiglione 1997, 597).

However, while sovereignty and constitutionalism are contiguous and in some sense overlapping political concepts, a constitution does not account for all the work that we ask political sovereignty to do for us. A constitution does not have to have, in itself, a guiding principle – it is political sovereignty in this sense which provides this. It is political sovereignty which sums up and provides the conditionally settled political identity of a polity as a whole, and without this support a constitution will be a dead letter. Moreover, while some theorists of cosmopolitanism put forward the idea of replacing sovereignty with constitutionalism, the problem with this proposal, as Schmitt understood, is that jurisdicational bodies are precisely not in a position to offer a decision in problematic cases that the law cannot adjudicate on. Where the problem is political, legal instruments (legal process, laws, the constitution) are impotent.

**Political sovereignty and political leadership**

Clarifying the relation between leadership and sovereignty is central to understanding the role of political leadership in politics, and to redressing the neglect of political leadership in mainstream strands of democratic theory. The mainstream notion of sovereignty as ruler sovereignty has little to offer the understanding and rethinking of political leadership. Ruler sovereignty, while paying lip service to the role of the people as pouvoir constituent, accents a hierarchy of law-making and the top-down authority by elites to govern in pouvoir constitué. The effectiveness of political
leadership in all its faces can be enhanced by recognizing the way political sovereignty operates.

One example of a polity in which there was a robust consciousness of, though not necessarily reflection upon, the role of political sovereignty in defending a specific way of conducting politics is found in the United Provinces in the seventeenth century (Prokhovnik 2004). The Dutch defended their notion of the complex autonomy of the different provinces, their loose polycentric confederal system, and their mode of consensual politics, and as a result had a clear and successful sense of political leadership, particularly under the De Witt government.

Political sovereignty as described here has a range of practical consequences for the second face of political leadership. The idea of political sovereignty throws into perspective the depleted agency of current political leadership practices and a way to reinvigorate that agency. Reflection on the meaning of political leadership is enriched by considering how political sovereignty regulates politics and casts the conditional boundary between the political and the unpolitical. It promotes debate about the conceptual vocabulary of politics, enriches the business of governing, gives greater meaning to elections, and highlights government misreadings of citizens’ political values. It enriches the understanding and so the practice of politics, decreases the tension between government desire to suppress dissent and citizens’ (or subjects’) desire to participate in political decision-making. It revitalizes the bond between leaders and led, elite and masses, re-energises the notion of legitimacy, and underlines the normative aspect of politics. It restores the importance of constituent power to the conduct of ordinary power, and demonstrates how this distinction plays a key role in conditionally settling the boundary between what counts as political and what is regarded as unpolitical. The rest of the paper briefly outlines these points.

Articulating the role of sovereignty in establishing the architecture of the content of politics and boundaries of the political promotes reflection on politics within a political society, prompted by political leaders. In most modern western societies such a level of reflection is lacking, political debate nearly always revolving around particular policies, cases, events, and figures. Explicit awareness of the role of political sovereignty could lead to a valuing of politics as political and the specificity
of political leadership. Such a proposal marks a course between rationalist social engineering and Oakeshottian conservatism. It encourages a more open and critical appreciation of the political while also acknowledging the profound importance of custom, tradition and practices in shaping the conduct of politics in a particular polity.

Reflection on the nature of political leadership within a specific polity, brought about through the use of the notion of political sovereignty, also refers to the sharpening up of the conceptual vocabulary of politics and so of political debate. What ‘charisma’ in political leaders means in the context of a particular polity and what gender values it taps into can be pinpointed. The gendered dimension of political leadership more generally comes into focus. How ‘the people’ are conceptualized, whether ‘the people’ are regarded as homogeneous, and how ‘the people’ differs from ‘the masses’ can be described more accurately. The relationship between ‘the people’ and the political elite, how that distinction aligns with the one between rulers and ruled, whether it is only the elite who take effective part in politics, whether they exercise a monopoly of power, and how the elite is constructed can be analysed more clearly.

What counts as good leadership in a prime minister or president (taking a firm line, being conciliatory, forming a united front within the governing party, having spokespersons act on your behalf or making a personal intervention), and what counts as leadership in a leader of the opposition (setting out a distinctively different agenda, copying the governing party’s agenda, claiming to be more youthful, or more wise) can be more effectively gauged. What role is accorded to ‘public opinion’ and how it operates can be highlighted. What kind of relationship between leaders and led is most successful (patriarchal and hierarchical, empowering and populist, distant or hands-on) and how leaders take decisions on behalf of the led can be examined. How the boundary is constituted and understood between compliance, obedience and acts made through voluntary obligation on the one hand, and oppression, coercion and domination on the other, can be explicated. How the difference between fair and unfair taxes is accounted for, can be explored. The roles of and balance between symbolic and concrete political action can be studied. The levels, and limits, that are tolerated of disenchantment, cynicism, apathy, and low voter turnout can be considered.
The political reading of sovereignty advanced here articulates the contexts in which decisions are taken on the nature and scope of the political (where those things are not naturally or neutrally given), and as providing a certain latitude for the expression of difference as well as of a sphere of commonality and equality. The active side of this is, as Fassbender notes, that sovereignty is invoked in practice most often in a political rather than legal fashion, when claims are being made ‘for a change of the status quo, or claims to power’, and the ‘clearest manifestation’ of the ‘impulse to power’ is still war (Fassbender 2003, 141). Sovereignty is in this sense a threshold concept, invoked when claims are being made on it or in its name. Fassbender attests to the political, ‘untamed’, character of sovereignty, notwithstanding the efforts of ‘legal science to domesticate the notion and define it as the legal autonomy of a state under international law’ (Fassbender 2003, 142).

Focusing on the under-acknowledged form of ‘political sovereignty’ throws light on the way the conduct of government business as well as contests for leadership take place within (largely tacit) rules and understandings about how politics is done, what counts as political, and what is beyond the political. Also, governments are not in control of political sovereignty and can misread what counts as political. Governments are constantly testing out, stretching, or reinforcing the tacit conventions and values about how politics is done, and the boundary between the political and unpolitical. Recent issues in British politics all confirm this, such as the Commons vote over renewing the Trident nuclear deterrent, the long process under the Blair Government considering options for the reform of the House of Lords, the revelation of the major political parties being financed through secret loans as well as from registered donations and the cash for honours affair, government responses to the fuel protest, pro-hunting protests, and Fathers for Justice protests, and the restrictions placed on street protest against a new animal testing laboratory at Oxford University.

One effect of this political function that we ask sovereignty to perform for the polity is to provide legitimisation for the polity. The way in which legitimacy is granted or achieved is often shrouded. We see the performativity of the election, the coronation, the popular assembly, but there remains a gap between such acts and the polity they are said to legitimise. With the kind of political sovereignty analysed here the gap is
narrowed or eliminated for we can see the correspondence between the dominant or commonly-understood (if not universally agreed) norms and values about the conduct of politics and the settlement about the content and parameters of the political, the agreed area of (even if ever more symbolic) contestation and political negotiation.

Leadership contests, paradigmatically in the form of general elections, can be seen as periods of collective drama when political sovereignty is critical and is invoked (either explicitly or implicitly) in two ways. The legitimacy of political leaders to represent constituent power, and the move from politician to leader, derives in part from the recognition and sanction by voters and elites that such persons can be authorised to perform the roles of ruler sovereignty. Leadership contests are also concentrated periods when politicians either make claims to best reflect the settled conventions governing political debate and action, or claims that those conventions need to be challenged and redrawn and that a particular potential leader is best able to perform this task. The important process of articulating such claims, which plays a crucial role in the creation of political leaders, concerns the affirmation or contestation of the conditional political sovereignty settlement. Governments can also misread what counts as political, for instance when the French government initially dismissed rioters in the banlieue of Paris in 2005 as mere criminals and trouble-makers, and when Thatcher sought to impose the poll tax in Britain in the late 1980s.

While the ‘political sovereignty’ outlined here has a strong functionalist element, it much more importantly has a strong normative dimension. Determining the notional content of politics and placing the boundaries of politics at a certain point are outcomes of normative thinking about relations amongst individuals and groups within the polity, participation and dissent, equality, democracy, multi-party electoral contestation, and politics as progressive and transformative or conservative and constrained in the liberal sense. Answers to all such questions are the upshot of political debate within a larger or smaller group and are expressed in a dominant set of values, either open to further contestation or exercising an oppressive hegemony.

Finally, the political property of the concept of sovereignty identified here provides a deeper understanding of the distinction about sovereignty highlighted for instance by Franklin (1981) in relation to Locke, between constituent power and ordinary power.
The meaningfulness of the link between the power of the people as the ultimate lawmaking authority and the legislative, executive and judicial branches of government, depends precisely upon the successful conditional settlement holding the specific content given to politics and the border between what is political and what is unpolitical. This is a key function we ask sovereignty to perform.

One practical consequence that follows from the way the ordinary and constituent power distinction is made in modern polities is the decision in democracies about whether that distinction and connection is expressed in direct or representative form. Neil Walker also notes illuminatingly that, in Foucault’s terms, ‘sovereignty expresses both the power that enacts law and the law that restrains power – (political) ruler sovereignty and (legal) rule sovereignty – pouvoir constituant and pouvoir constitué’.

Walker makes the case that for ‘many, including Foucault, this double claim is testimony to the conceptual incoherence of sovereignty’. However, as Walker argues, it can also be viewed more constructively, as the ‘conceptual key to sovereignty as a dynamic process of mutual constitution and mutual containment of law and politics’. If the term sovereignty is taken as ‘expressive reminder’ (Walker 2003, 19-20) of the interdependence and mutual underpinning of law and politics, then the paradox dissolves.

Bibliography


