Conclusion: The Metaphysical Elements of Sovereignty

Abstract

The metaphysical essence of Justice-As-Sovereignty is revealed in a dialectic model that integrates the four systematic policy precepts representing the rules of adjudication, change, and local/universal recognition. No longer relegated to the status of “organized hypocrisy,” sovereignty becomes the “genuine” product of the evolution of international law from its genesis in social convention. The state becomes simply one of a number of possible social constructions available for the continued stability of international society as it evolves within a unique strategic environment that is not a state of nature but a transition from the “rule of convention” to the “rule of law.” As a result of the application of Hume’s philosophical-policy as legal design, the essence of Justice-As-Sovereignty is revealed as the logical source of the definition of practical reason as utility.

From the vast interdisciplinary literature on the concept of sovereignty, at least three points of agreement emerge. First, sovereignty is the keystone of the international legal system.

Of all the rights that can belong to a nation, sovereignty is, doubtless, the most precious…¹

“Sovereignty” is undoubtedly a key concept of international law. It has been appropriately described as “the supreme political characteristic” and “the central legal formula” of the international system.²

…sovereignty constitutes the unthought foundation of political knowledge…³

The territorial integrity of States, this great principle of peace, indispensable to international stability…has today acquired the character of a universal and pre-emptory norm.⁴

So long as many in the society of states view sovereignty as contributing to world stability, security, and peace, the concept will remain a sturdy foundation for the superstructure of international politics.⁵
Second, general agreement exists that sovereignty is a complex idea with multiple definitions that seem to work at odds with one another, lessening the utility of the concept, and according to Eli Lauterpacht, the rational and decisional use of the term.

to invoke the concept of national sovereignty as in itself a decisional factor is to fall back on a word which has an emotive quality lacking meaningful specific content. It is to substitute pride for reason.\textsuperscript{6}

Sovereignty as supreme authority, which is independent of any other earthly authority, may be said to have different aspects.\textsuperscript{7}

The term sovereignty has been used in…different ways….\textsuperscript{8} [which] are not logically coupled, nor have they covaried in practice.\textsuperscript{9}

Sovereignty,…is not a single norm, but an institution comprising several sometimes conflicting norms, and is associated with a bundle of properties….\textsuperscript{10}

But sovereignty sorely needs definition. Its tortuous evolution since its first recorded usage in the thirteenth century renders quixotic the attempt to find a single, specific, historically valid formulation.\textsuperscript{11}

Third, sovereignty is treated as a creature of context and in continuous evolution in response to the empirical conditions of the international legal and political environment.

Throughout the course of history, the meaning of sovereignty has undergone important changes and transformations…\textsuperscript{12}

…no particular characteristics inhere in the concept of sovereignty, but…its nature depends very much on the customs and practices of nation-states and [the] international system.\textsuperscript{13}

Sovereignty thus reveals itself as an idea that, on the one hand is constant over time, but on the other hand is subject to significant variation in its historical manifestations.\textsuperscript{14}

Conceiving of sovereignty as caught up in an endless process of becoming\textsuperscript{15}…sovereignty is…a continuous rather than…a dichotomous variable. And its movement along the continuum between the convenience-of-the-states extreme and the states-are-obliged-to-go-along extreme is…shaped by situational, domestic, international and legal determinants.\textsuperscript{16}…Supplemented by situational and domestic determinants, in short, the international milieu also appears to be contributing to movement toward the states-are-obliged-to-go-along extreme of the sovereignty continuum.\textsuperscript{17}

Sovereignty has many different aspects and none of these aspects is stable. The content of the notion “sovereignty” is continuously changing, especially in recent years.\textsuperscript{18}

Hume’s philosophical-policy can integrate these three points of agreement within a single metaphysical model, so that the multiple definitions deciphered by positivists can be tied together as dimensions of a single timeless and universal conceptualization of Justice-As-Sovereignty that is nonetheless