The London School of Economics and Political Science

Jurisdictional blurring: European trends and their implications for International Relations theory

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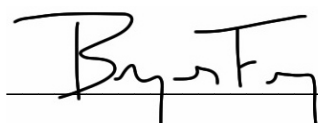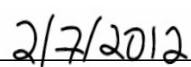
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Abstract

This thesis examines contemporary jurisdictional arrangements and how new and shifting forms of them impact the ability to map political and socio-political configurations, including the analytical and disciplinary tools used to examine them, into explicitly defined locations. More specifically, it asks how the jurisdictional arrangements found in modern Europe affect mainstream International Relation's core enabling conditions – most critically, that an international realm exists, that it is jurisdictionally different and clearly separable from domestic realms, and that it therefore requires its own conceptualization. The thesis contends that IR's ability to assume those things rests on a particular resolution to a "jurisdictional problematique" – on a specific answer to a "Who decides what, where, how, and over whom" question. While that resolution normally comes in a sovereignty-based form, sovereignty is determined to be merely one possible resolution and therefore simply one jurisdictional type.

In that regard, the thesis challenges IR's answer based on a thick examination of the European Union's (EU) political structures (e.g. its institutional rules, programs, policies, and the like) as well as its socio-political relationships (e.g. European citizenship). It considers four potential changes, and therein four jurisdictional possibilities in their own right – *breakdown*, *maintenance*, *stratification*, and *blurring*. The thesis determines that blurring best captures the complexities, variability, and the potentially conflicting and overlapping arrangements constitutive of Europe's jurisdictional environment. It also demonstrates that blurring is *a distinct, jurisdictional alternative to sovereignty* – a complex, process-based, but nonetheless operationalizable answer to the "Who decides what, where, how, and over whom" question. Those European findings are then placed into a wider perspective to illustrate global, jurisdictional variability. The thesis concludes by developing what blurring specifically and jurisdictional variability more generally entail for how one descriptively, analytically, and disciplinarily approaches modern political and socio-political life and thought. It determines that the question based, empirically sensitive foundations underpinning jurisdiction offer better ways to approach those issues than those typically used by IR – ways that better bring together theory and practice, that offer more appropriate and useful analytical procedures, and that help rethink disciplinary divisions in more sensible and efficacious ways.

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Abbreviations

CP	Comparative Politics
EB	Eurobarometer poll
ECJ	European Court of Justice
EFTA	European Free Trade Area
ENP	European Neighborhood Policy
ES	European Studies
EU	European Union
FCC	Federal Constitutional Court (Germany)
HRE	Holy Roman Emperor
ICC	International Criminal Court
IO	International organization
IR	International Relations
MNC	Multinational cooperation
QMV	Qualified majority voting
TCN	Third country national
TRIP	Teaching, Research, and International Policy survey
UN	United Nations
WTO	World Trade Organization

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Introduction – Challenging jurisdictional standards

Issues and questions

This thesis examines the nature of contemporary jurisdictional arrangements and how changes to them impact the ability to map political and socio-political structures and relationships, including the analytical and disciplinary tools used to examine them, into explicitly defined locations. More specifically, it explores whether the continuing growth and development of the European Union (EU) problematizes mainstream International Relation's core enabling conditions – most critically, that an international realm exists, that it is jurisdictionally different and clearly separable from domestic ones, and that it therefore requires its own conceptualizations.[1] The study challenges the assumption that all political and socio-political action can effectively be reduced to occurring along either statically clear domestic or statically clear international levels; that there is a domestic/international separation. It asks whether that division – indeed, any comparably clear-cut jurisdictional division – is increasingly problematic and, if it is, what new logics might be developed in its stead and what new descriptive, analytical, and disciplinary mapping procedures might be necessary.

In that context, the thesis takes as its basic starting point that a direct link exists between the empirical and conceptual boundaries of the political community and the study of international relations, as an academic field of enquiry and as real-world interactions.[2] It hypothesizes that a change in the nature of those boundaries as the result of a change in the nature of jurisdictional setups would call into question IR's starting assumptions. It would force it to reflect on whether it has the tools to cope with those challenges or whether the academic gymnastics required to maintain itself would stretch its foundations to such a degree that more substantive and substantial re-mappings would be necessary. Thus, the study is ultimately concerned with jurisdictional change and how

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[1] An understanding of mainstream IR is critical to this study. While chapter 1 lays out the precise conception used, for present purposes, it is thought to encompass realism, liberalism, the English School, and statist constructivism. Unless noted otherwise, "IR" and "international theory" mean "mainstream IR" and "mainstream international theory".

[2] Throughout this study, "international relations" (lower case) reflects the real-world interactions between political communities whereas International Relations/IR (upper case), reflects the academic discipline.

new and shifting forms of it impact the descriptive, analytical, and disciplinary maps IR has traditionally used to make sense of the political and socio-political worlds.

Jurisdictional starting points

To get at those issues and questions, the study focuses on and elevates the concept of "jurisdiction" and, more specifically, what it terms as the "jurisdictional problematique", to the forefront. While the precise definitions of both terms, including their relationships to other commonly used concepts such as power, authority, and sovereignty, are discussed in much greater detail in chapter 2, for the time being one can simply state that jurisdiction means "the administration of authority" such that the jurisdictional problematique is a debate over who administers authority, and what, where, how, and over whom they do so. As such, a particular type of jurisdiction reflects a specific resolution to the jurisdictional problematique – an answer to a "Who decides what, where, how, and over whom" question. And, insofar as one can imagine a number of distinct ways of resolving that question, one can also imagine a number of different jurisdictional types – again, a point returned to in chapter 2.

In offering that admittedly rudimentary understanding of both terms, it should be made clear that no matter the particular resolution to the problematique present in any specific circumstance, it (and therefore jurisdictional debates more broadly) is an unavoidable aspect of understanding the conduct of political and socio-political life as well as judging the appropriateness of the analytical tools one uses to examine them. Because genuine political and socio-political action represent more than power relations – insofar as they reflect at least minimal movement out of Hobbes' jungle via the development of some measure of systematized and legitimatized authority relationships – debates about both are contingent on some resolution to the problematique (Onuf and Klink, 1989: 52).[3] Whether one is talking about the relationships between sovereignty, the state, and IR or an alternative jurisdictional form, member-states, and the EU, because the dynamics of political and socio-political life are the underlying concerns, jurisdictional questions – *of some type* – are inevitably at play.

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[3] Chapter 2 establishes that authority and jurisdiction are related insofar as the former is thought to be conceptually more inclusive than the latter (hence the definition of jurisdiction as "the administration of authority").

With that in mind, and again foreshadowing the more detailed points made in chapter 2, the issue is what particular resolution to the problematique is critical for IR. Unsurprisingly, that leads directly to sovereignty. There are two important points to note at this stage – sovereignty as a type of jurisdiction and sovereignty's particular resolution to the problematique. In the first case, far from being the concept from which all other critical political and socio-political logics derive from or operate under the conditions of – whether authority or jurisdiction specifically or a more applied issue such as citizenship – sovereignty can be dismantled into more rudimentary, sub-components. Directly presaging that argument, Onuf (1991: 439) writes, "When sovereignty is sufficiently challenged it will decompose into the elements from which it fused centuries ago". As such, and in a reversal of the norm, this study argues that *sovereignty is a type of jurisdiction*, not a prerequisite for it.

In the second case, if sovereignty is a type of jurisdiction, it is also a type based on a very specific resolution to the problematique. Again, summarizing chapter 2's more developed conclusions, in situations of sovereignty, the problematique is resolved based on a single actor (who), holding exclusive and functionally complete jurisdiction (what), exercised via state agencies (how), within a territorially defined unit (where), and over all people within said unit (whom). Most critically for this study, the combination of those logics creates the conditions through which a domestic/international separation empirically forms and analytically makes sense. On one side, it creates the environment necessary to visualize what is viewed as an inside/outside defining political cleavage between states. On another side, it forms a socio-politically-based inclusion/exclusion separation between individuals (citizens) of different states.[4] When taken together, the tenets of sovereignty condition a domestic/international binary between the politics and the people of different states.

Extending on that last point, insofar as sovereignty structures the formation of inside/outside, inclusion/exclusion, and domestic/international separations, it also offers the means through which IR traditionally carves out its distinct subject matter. The ability to make those separations, and therein view political and socio-political structures and relationships as occurring along different levels, drives to the heart of IR's

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[4] The relationship between political and socio-political issues is fleshed-out in chapter 1. For present purposes, the former is thought to deal with the structures constituting the jurisdictional boundaries of a political community/state and the latter the relationships between the individuals populating them.

disciplinary separation from political science (chapter 2). While making such separations is not *necessarily* wrong or even problematic, problems potentially arise in situations of jurisdictional change; when the jurisdictional solution offered by the tenets of sovereignty no longer holds up due to the development of different jurisdictional forms. Put differently, the development of a jurisdictional alternative that does not abide by the particular constellation of jurisdictional logics offered by a sovereign form would risk throwing open assumptions about how one examines the political and socio-political worlds. It would produce a need to assess the nature of any alternative jurisdictional form as well as map its descriptive, analytical, and disciplinary outcomes.

In saying all this, it is worth noting, particularly at this early stage, that IR tends to treat sovereignty as both an empirical fact and an analytical device. It largely conflates a specific empirical condition – the sovereign state – with an overall analytical outlook and strategy – sovereignty-based leveling (Ruggie, 1993; Onuf, 1995). That setup may not always be problematic. In situations where sovereignty is the jurisdictional finding, it may make a great deal of sense. However, conflating the two risks reifying sovereignty in ways that prevent IR from detecting, and therein dealing with, jurisdictional change. While those sorts of issues are returned to in chapters 5 and 6, the critical take-away currently is that sovereignty, and with it state citizenship, allows for the formation of inside/outside, inclusion/exclusion, and domestic/international separations – those binaries being IR's normally sufficient constants. As such, changes to them would precipitate more general, rippling repercussions across the discipline.

One would be remised not to also make clear that arguing that sovereignty is a type of jurisdiction based on a particular resolution to the problematique, that that resolution allows for inside/outside, inclusion/exclusion, and domestic/international separations, and that IR requires those binaries is *not to reject their importance to international theory as such*. The crucial point is that sovereignty represents simply one possible answer to the "Who decides what, where, how, and over whom" question. Not only have there been historically different jurisdictional forms (chapter 2), but modern trends ranging from globalization to the EU are challenging assumptions that sovereignty is the singular, blanket resolution to the problematique. It is the precise nature of those challenges, and the changes produced, that this study is after.

Jurisdictional options

To look at and assess the nature of those potential jurisdictional challenges and changes, the study constructs a conversation between IR's enabling conditions on the one hand and the EU's political and socio-political operations on the other. In this dialogue, each side acts as the critical foil for the other – IR arguing from a perspective that the world is empirically, and therefore analytically, divisible into domestic and international zones based on sovereignty and state citizenship and the EU reflecting an instance of jurisdictional change and shifted political and socio-political geographies. Accordingly, chapter 2 lays out the logics behind adopting a jurisdictional starting point, why sovereignty ought to be considered a corollary of jurisdiction, and why international theory requires that jurisdictional form. Having done that, chapters 3 and 4 compare those assumptions against EU setups.

In the first case, chapter 3 looks at inside/outside from the context of European political rules, institutions, and programs paying particular attention to how they challenge a sovereign solution to the problematique – specifically the who, what, where, and how components of it. In the second case, chapter 4 turns to inclusion/exclusion and, from the context of European citizenship, asks whether the tenets of it alter what had been a state citizenship-based, socio-political cleavage between individuals of different states. It is largely concerned with the problematique's "over whom" clause. Put together, whereas chapter 3 looks at "the politics" in the context of inside/outside and chapter 4 "the people" in the context of inclusion/exclusion, the key concern for both is whether a non-sovereign resolution to the problematique is forming in Europe and, if it is, what its precise jurisdictional dynamics are.

To that end, the study considers four things that might occur to sovereignty in Europe, and therein four effects to the inside/outside, inclusion/exclusion, and domestic/international cleavages – *breakdown*, *maintenance*, *stratification*, and *blurring* (Table 1). Each option functions in two ways. On the one hand, each reflects an actionable event; it is an illustrative/descriptive portrayal of what is occurring to the specific cleavage at play. On the other hand, each also represents a jurisdictional product in its own right. For instance, breakdown is both a description of what might occur to inside/outside as well as, when taken to its logical conclusion, an updated resolution to

the problematique. While all of this is developed fully in the context of each option's actual consideration, it is useful to provide a brief sketch of them to structure the debate.

First, the maintenance option implies that the political and socio-political structures and relationships between EU member-states and European citizens remain largely international in conduct and nature. As the name implies, one would see the maintenance of the traditional inside/outside, inclusion/exclusion, and domestic/international binaries based on a sovereign resolution to the problematique. From a European Studies (ES) point of view (chapter 1), the perspective would largely correspond with arguments that view the Union more as an international organization (IO) – albeit a highly cooperative and advanced one – than as an emerging polity or some sort of *sui generis,* non-sovereign or post-sovereign actor (Moravcsik, 1998; Pollack, 2005). The maintenance option rejects fundamental jurisdictional changes are taking place in the EU, thereby implicitly accepting IR's interpretations about the nature of political and socio-political setups more generally.

Second, the breakdown option implies that what were previously internationally meditated relationships between sovereign states and the citizens populating them are uploaded to the Union in a way that creates a common European political inside inhabited by an integrated European populous juxtaposed against a non-European outside made up of non-European foreigners. From an ES point of view, this option largely envisions the EU as a, perhaps federal, but nonetheless consolidated, political system/polity (Hix, 2005; Pollack, 2005). Under it, the ability to define clear inside/outside, inclusion/exclusion, and domestic/international separations remains intact, just on a European scale. It might therefore be termed "sovereignty-redux". Holsti writes,

> [T]he idea is not to eliminate states as the essential form of political organization, that is to transcend the state system; it is, rather, to create a smaller number of states; a world of, say, a dozen regional states compared to one of 158 present units… (Holsti, 1985: 38).

That being the case, the only difference between the breakdown option and the maintenance one is the size of the units on each side of the separations. The resolution to the problematique (sovereignty) remains across both such that the options are effectively opposite sides of the same coin.

Third, the stratification option reflects the formation of a distinctively European-type and European-level of political structures and socio-political relationships – one that exists clearly and cleanly alongside existing domestic and international ones. In that sense, the inside/outside, inclusion/exclusion, and domestic/international separations would gain an additional European level, however the ability to visualize political and socio-political separateness more generally would remain. From an ES perspective, this view corresponds with certain variants of the multi-level governance approaches (Hooghe and Marks, 2003).[5] Thus, stratification purports to account for increased jurisdictional complexity simply by inserting a regional level of analysis into the existing framework (Yalem, 1977: 307). While this does challenge sovereignty, largely by stressing the need for greater functional sensitivities, it *does not challenge the usefulness of analytical leveling more generally*. As such, stratification ends up being a less radical challenge to IR than blurring.

Finally, the blurring option represents a situation in which jurisdictional claims cannot easily and systematically be divided into neat levels of analysis, whether domestic, European, or international. From an ES point of view, blurring generally corresponds with those who argue for treating the EU as *sui generis* (Rosamond, 2000; Pollack, 2005; Warleigh, 2006).[6] It challenges the accuracy of assuming that there are clear political and socio-political divisions due to, what turns out to be, the contextual, variable, and potentially conflicting and overlapping answers to the jurisdictional problematique present within the EU setup. By extension, it also challenges the efficaciousness of deploying an analytically leveled approach to studying the Union. Moreover, unlike the more static languages of "maintenance", "breakdown", or "stratification", the more active connotations – the verbal, grammatical form – of "blurring" reflects the process, rather than endpoint, based nature of the concept. That becomes critical in guarding against analytical and disciplinary stagnation and reification as well as ensuring an overall sensitivity to jurisdictional change (chapters 5 and 6).

It is worth noting, particularly given the focus the study ultimately places on blurring, that under it the issue is not whether the simplicities of the past have given way to novel,

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[5] This primarily in reference to what Hooghe and Marks (2003) term as "Type I" MLG.

[6] In saying that it offers a new perspective, it may be a case of "neo-ism" – the re-birth of an older jurisdictional arrangement (e.g. neo-medievalism) (Zielonka, 2006).

but still clear, logics. That would point towards stratification. The issue is whether EU arrangements create situations of complexity; scenarios in which classifying member-state relations as occurring along either domestic or international logics becomes problematized to the point that visualizing political and socio-political separateness more generally becomes both empirically harder and analytically less useful. Blurring therefore is the most radical jurisdictional alternative to sovereignty as it offers a wholly different, and not easily simplifiable, answer to the problematique. As a result, it challenges the basic analytical and disciplinary strategies normally deployed by IR.

Table 1 – Outcome-possibilities

	Definition
Maintenance	The EU does not generate substantial changes to any separation; inside/outside and inclusion/exclusion separations are both present in their classic forms; sovereignty and state citizenship divisions are unaffected; a clear domestic/international separation exists
Breakdown	The EU exists as a homogenous unit with a seamless inside; sovereign, inside/outside-forming borders breakdown being replaced by a new EU/non-EU one; state citizenship-based inclusion/exclusion separations breakdown between Europeans in the context of EU citizenship; sovereignty and citizenship divisions exist, however in updated European forms Inside/outside and inclusion/exclusion separations both exist, however in updated EU/non-EU forms; a domestic/international separation exists, however again in an updated European form
Stratification	The EU and member-states exist in a jurisdictionally stratified relationship based on clear functional divisions of labor; sovereignty is replaced by a dual federalist type setup EU citizens fall in-between state citizens and non-Europeans when it comes to formal and symbolic criteria of inclusion Inside/outside and inclusion/exclusion stratify through the addition of a European-specific layer; the domestic/international separation gains a European level
Blurring	EU and member-state jurisdictional lines face functional and spatial conflicts and overlaps; divisions between the member-states as well as the EU/non-EU zones are unclear and unstable; EU citizens are neither fully included nor excluded throughout the member-states; sovereignty and state citizenship do not exist Inside/outside and inclusion/exclusion undergo blurring; the domestic/international separation is blurring

Again, the following chapters deal with all four options in more detail and, in their present forms they are offered merely as snapshots of the study's overall movement. Nonetheless, even this basic picture ought to make clear that the heart of the study rests on using the EU as the means of exploring jurisdictional variation and how to make sense

of the results. Europe and European change act as the substantive, real-world evidence for assessing whether a new type of jurisdictional configuration is forming, if it is, how it interacts with existing thinking, and ultimately what sort of descriptive, analytical, and disciplinarily re-mappings might be necessary because of it.

Putting it together

With those points in mind, the study's core focus is on how contemporary EU developments affect sovereignty, what that means for international theory's ability to locate political and socio-political action at specific levels, and what new sorts of structures and relationships might arise. To that end, it rests on four sequential foundations of dialogue.

1. **What constitutes the jurisdictional problematique and why is it so important to understanding political and socio-political dynamics? What is IR's resolution of it?**

2. **What happens to sovereignty and state citizenship-based inside/outside and inclusion/exclusion separations, and together the domestic/international one, in the EU's context? Is there maintenance, breakdown, stratification, or blurring?**

3. **Based on that answer, what are the new jurisdictional dynamics? How is the problematique resolved? How does it interact with existing jurisdictional forms?**

4. **What sort of descriptive, analytical, and disciplinary re-mappings are necessary as a result of any possible jurisdictional change? How does that impact IR? What new debates does it entail?**

In laying out those four sets of questions, certain points warrant immediate clarification. First, assessing IR via a conversation with the EU does not rest on determining which international theory best explains European integration specifically or international relations more generally. While those issues are important, they logically only arise once determinations are made regarding the nature of the EU. Thus, as the methodology section found in the next chapter develops, the study's conclusions are largely meta-theoretical. Second, little interest is paid to normative debates, whether with respect to the "worth" of European integration specifically or of jurisdictional change more generally. Third, problematizing the standard necessitates a "So what" type question; if

the old jurisdictional solution is no longer viable, what replaces it? Though this study moves away from the problematique's traditional sovereignty-based resolution, and with it a unifying approach for all of global life, it does not accept the diametrical opposite either – a sort of undisciplined encyclopedism. Therefore, chapter 6 offers a set of descriptive, analytical, and disciplinary re-mappings based on the arguments made.

Structurally, the study has three thematic sections. The first section, which includes chapters 1 and 2, establishes the baseline standard against which EU changes can be assessed. Because the study is concerned with jurisdictional change, there is a critical need to establish a "what was" point of view – in particular, mainstream IR's underlying political and socio-political commitments. Thus, chapter 1 academically places this study into existing thinking, within both IR and ES, as well as lays out its underlying methodological tenets. Chapter 2 extends on those points, including the specific logics behind the jurisdictional problematique, the relationship of sovereignty to it, and why that all is critical to mainstream IR.

By establishing a "what was" point of view, the middle section – chapters 3 and 4 – problematizes that vision by offering a "what is" and therefore "what became" perspective. Chapter 3 focuses on the nature of political structures in Europe. The critical issue is whether inside/outside undergoes maintenance, breakdown, stratification, or blurring. In similar fashion, chapter 4 looks at socio-political issues through the lens of European citizenship. Again, the underlying concern is whether inclusion/exclusion undergoes maintenance, breakdown, stratification, or blurring. In each case, the goal is to use the EU's operationalized and established structures, rules, procedures, and experiences to assess the status of inside/outside and inclusion/exclusion binaries and, by extension, jurisdictional dynamics more generally.

The study's last section – chapters 5 and 6 – contextualizes the meanings of the findings made in chapters 3 and 4. Chapter 5 looks at the dynamics of, as it turns out, blurring in Europe. It defines it as a jurisdictional type as well as lays out what it entails for sovereignty and, more critically, legitimacy. The chapter also links blurring in Europe with a wider, global perspective. Chapter 6 then answers the critical "So what" question noted earlier by making sense of the new structures and relationships. It offers a series of descriptive, analytical, and disciplinary re-mappings in the context of blurring.

Lesson plans

In looking at these issues, the study challenges international theory to reflect on whether its core enabling logics hold-up under shifting political and socio-political geographies. In doing so, it yields important lessons for IR, but also jurisdictional dynamics more generally. These lessons, noted now, developed in the context of the study as a whole, and returned to in the conclusion can be grouped into four categories.

First, there are lessons to be drawn with respect to the relationship between jurisdiction and sovereignty. While the assumption has been that sovereignty is a jurisdictional form (the former being a corollary of the latter), that is far from an accepted conclusion. Indeed, as noted, the norm tends to be the jurisdictional debates arise only *within* a sovereignty-based setup (Shaw, 1986; Gordon, 2005). As such, the first lesson this study generates relates to the relationship between sovereignty and jurisdiction, including the parameters of each.

Second, there are the lessons to be derived from (and for) the European case; lessons relating to the sorts of jurisdictional changes that are taking place in Europe. In that context, the maintenance, breakdown, stratification, and blurring outcome-possibilities take on paramount importance. To determine which best fits contemporary EU dynamics, each is first developed in the context of political factors and inside/outside and then in the context of socio-political relationships and inclusion/exclusion. Jointly, one will see that the blurring conclusion is the most appropriate. One should note that, while that finding has direct impact on how one views the Union – whether one sees it as a polity, an IO, or *sui generis* – because this study is more interested in the outward effects of jurisdictional change, direct consideration of those EU specific findings are largely placed aside. Core lessons have more to do with *blurring* as found in Europe, and how to assess and categorize that sort of jurisdictional change, than with Europe itself.

Third, lessons can be draw with respect to what blurring means as a jurisdictional type, including its relationship with other key concepts like sovereignty and legitimacy. As one will see, blurring ends up reflecting a jurisdictional setup defined by neither traditional hierarchy nor anarchy. Because of that, legitimacy emerges as a potential "soft-spot" in systems of blurring and *the* critical debate when it comes to assessing its wider effects. Included in this process, lessons are also drawn regarding how blurring might fit into a

world in which jurisdictional structures may not be uniform; how it might fit into a world defined more by jurisdictional variability than singularity.

Finally, there are lessons to be learned with respect to how one descriptively, analytically, and disciplinarily maps a world in which blurring is both a reality in and of itself as well as an example of jurisdictional variability. One sees that the old ways of mapping are no longer appropriate such that certain shifts in focus and terminology are necessary to better describe, analyze, and study the contours and conduct of contemporary political and socio-political life and thought. As one will see, the re-mappings performed under the context of jurisdictional blurring prove beneficial – beneficial to the extent that they better bring together theory and practice; beneficial to the extent that they offer more appropriate and more useful analytical languages; and ultimately beneficial to the process of rethinking disciplinary divisions in more sensible and efficacious ways.

Conclusion

Altogether, this study offers a perspective on the jurisdictional nature of the Union as a means of challenging mainstream IR's underlying descriptive, analytic, and disciplinary beliefs. By developing a series of jurisdictional possibilities – breakdown, maintenance, stratification, and blurring – it also offers a schematic through which political and socio-political life and thought might be mapped. Insofar as blurring is the ultimate conclusion in the European case, the study develops an example in which the clean and clear descriptive, analytical, and disciplinary logics coming out of IR give way to more contextual and process-based mapping procedures. Accordingly, as is returned to in the conclusion of the study, both the procedures used to arrive at the blurring finding as well as the tenets of blurring itself prove critical to understanding an environment in which political and socio-political change are ever present possibilities. While the European case is used to develop the arguments made, both the finding arrived at (blurring) as well as the procedures used to arrive it (the importance of jurisdiction) prove valuable outside of the case. That, in turn reinforces the need to descriptively, analytically, and disciplinarily proceed in more humble and situationally attuned ways.

Chapter 1 – Where have we been? Where might we go?

Introduction

The empirical heart of this study is a debate over how EU political and socio-political structures and relationships challenge sovereignty's (and therefore IR's) resolution to the jurisdictional problematique. While always keeping that overarching concern in mind, it is nevertheless helpful to take a step back from that very specific debate to locate it and its objectives within the wider literature, including the methodological perspectives undertaken and advanced in this study. In those regards, this chapter has three main goals. First, it addresses the study's placement within the wider academic literature on the role of sovereignty, particularly those critical of its assumed role as the core, structuring concept of international relations (chapter 2). In doing so, the chapter outlines where that literature has gone and, in turn, where this study extends and refines it. It also develops why Europe proves to be a particularly interesting and relevant case. Second, the chapter looks at existing work on Europe and how ES has tended to study it. Again, in doing so, it develops where this study pushes, refines, and extends on those existing understandings. The chapter concludes by presenting the study's general methodological approach – with respect to its treatment of Europe, its vision of mainstream IR, and ultimately its overall conceptual commitments.

Where have we been?

Beginning with this study's placement within the wider academic literature, two issues immediately arise – where it fits into existing international thinking on sovereignty and change and why the European example is a particularly useful case. In looking at those questions, the goal is to situate the argument that ultimately is advanced into the standard thinking and, in doing so, make clear the areas of advancement and refinement it makes along the way. To foreshadow the position that is eventually arrived at based on an examination of the European case, the study finds strong parallels with existing thinking on the downgraded importance of sovereignty in international thought. At the same time, however, focusing on the EU offers a set of descriptive, conceptual, and methodological advantages either not present or not possible in the existing approaches. Accordingly,

and as becomes clearer below (and is returned to in chapters 5 and 6), while the study's empirical focus is the Union, the arguments developed and advanced through that analysis find wider support and impact. In other words, despite the study's regional focus, the conclusions advanced in it have both natural, global cousins as well as wider ranging academic effects.

One can begin by locating the study's goals within the wider literature, particularly one focused on the need to challenge sovereignty. Without delving too much into a topic that has garnered a good deal of attention, but that nevertheless has also not reached IR's mainstream core (see below), the crux of the matter is that it has become increasingly common to question whether sovereignty is the underlying, structuring factor of worldwide political and socio-political structures and relations. Those arguing from this perspective largely agree on the need to theorize – and here the exact terminologies tend to differ, but largely all operate under the same logic – what a post-sovereign/sovereignty-free/post-international/globalized world might look like (Rosenau, 1990, 2006; Scholte, 2000; Hobbs, 2000; Held and McGrew, 2002; Nye, 2011). Unsurprisingly, these studies often revolve around arguments about globalization.[1] In looking at them, the goal is not to advocate any specific model or position. It is simply to note the current state of affairs.

Across the range of globalization theory, there is general agreement that sovereign states are no longer the only significant jurisdictional forces in the global environment. Rather, states are increasingly seen as existing alongside other relevant actors, whether multinational corporations (MNC), global cities, regional bodies, traditional IOs, transnational social movements, and/or other sub-state and non-state agents (Strange, 1996; Sassen, 1999; Moreno, 2000; Nye, 2011). Indeed, it is precisely from that context that Strange (1996: 4) argues that, "The declining authority of states is reflected in a growing diffusion of authority to other institutions and associations, and to local and regional bodies...". It is also Nye's underlying point in noting the undeniable "power diffusion" process currently taking place in which power is shifting from states to non-state actors (Nye, 2011).

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[1] There is a diversity of approaches to globalization, many of which differ "in the details". What is presented is merely a general outline.

On the one hand, these alternatives disrupt sovereignty in and of themselves – whether via their specific affects on capital controls (e.g. MNC) or through mutually agreed-upon functional remits (e.g. the ICC). On the other hand, they also all tend to deal with the jurisdiction that they have in ways foreign to sovereignty. For instance, non-state actors are frequently functionally specific and non-territorially-based. Thus, the ICC deals only with the issues laid out in the Rome Statue (crimes against humanity, war crimes, and genocide), while the WTO's Dispute Settlement Body handles only trade disputes between member-states (Lipschutz, 2000: 91). [2] Moreover, their methods of administration vary greatly. For example, whereas a traditional IO might rely on mutually agreed-upon, formal rules, a leaderless public (e.g. 2011 Egyptian Revolution) might express itself in more organic ways through inter-personal connections and/or technological prowess. In the latter's case, the methods may not be state-based, hierarchical, or even formal, however they can be real and effective to the extent that authority is administered and therefore jurisdictional claims made (chapter 2).

In addition to these "tangible" effects, one also sees globalization's influences in more ideational ways – for example, through the development of a human rights culture and calls for the universalization of certain individual rights. In both cases, the goal is to make what happens within the borders of a state no longer the sole purview of that state. Moreover, and as a by-product of the communication and travel possibilities brought on by the Information Revolution, the ability to connect people across state and national borders has vastly increased. By lessoning distances between people, technology challenges traditional conceptions of territorial space, political allegiances, and national divisions. Insofar as it allows individuals to connect across nation-state boundaries, it frees them from static, one-dimensional locations. As evidence of this, one sees increases in non-national, non-state groupings (e.g. transnational social causes) as well as more universal, human-wide values (e.g. a human rights culture) (Rosenau, 2006).

From that context Rosenau makes a compelling argument that the socio-political interdependences accompanying globalization produce an expansion of individuals' "analytical skills" and "adaptive learning" (Rosenau, 1990). In simpler terms, as people

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[2] Certain areas may be more or less likely to be affected, as conceptualized through the "hard" versus "soft" politics division (e.g. security versus economics). Nevertheless, as Keohane and Nye (2001: 22-23) point out, strict issue hierarchies are inherently problematic as security issues do not always trump others concerns.

are exposed to global forces, such as the Internet, they are forced to develop the mindsets necessary to operate within such multidimensional mediums. In the process of doing so, they undergo "orientation shifts [that] enable them to be both more effective and more affective with respect to the demands they make upon their [growing and diversifying] collectivities" (Rosenau, 1990: 337-338). Put differently, as individuals become increasingly "multiperspectival" in their thinking, the spaces between them lessons as they become aware of the multitude of groupings "out there". Overtime, Rosenau's argument goes, they discover and build connections outside their traditional socio-political units, the result of which is the development of new, non-state collectivities that one might direct his or her allegiances to.

In advancing this argument – that there are new jurisdictional actors and that the spaces between people have lessoned as the result of globalizing factors – problems, but also logical responses, arise. In the first case, there is an argument to be made that state citizenship and national bonds remain critical aspects of everyday life; that traditional inclusion/exclusion lines based on nationality remain prominent and poignant. Indeed, despite arguments to the contrary, it is clear that nationalism remains a powerful force (A. Smith, 1992, 2001; Walzer, 1994). In a similar vein, Halliday (2001: 498) notes, "If there is much truth in the saying that 'Travel broadens the mind', the opposite has also been known to occur". Put simply, it is questionable as to whether people and their bonds are as "universal" as globalization theory often makes them out to be.

Despite those concerns, Rosenau's (1990) argument (and those like his) remains convincing for a number of reasons. First, those arguing that there has been a proliferation of non-state groups tend not to assume a *complete* breakdown of traditional, national groupings. Rather, the key is to understand how the various groups interact and relate; the issues is how the new and the old mesh. This issue is returned to in the context of European citizenship in chapter 4. Second, discounting the possibility for *any* socio-political change short-changes the possibility for multi-loyalties and hybridized individuals – again a point returned to in chapter 4 (Risse, 2010). Finally, there is real evidence regarding the growth of non-state allegiances and of universal values (e.g. human rights). At the same time, however, the global consensuses that do occur tend to occur at a conceptual level with societies differing on implementation (Donnelly, 2007: 299-301). Thus, inter-national communication may foster core sets of right versus

wrong, but achieving those goals remains community based. As Walzer (1994) argues, global values tend to emanate through thick cultures such that people neither experience the same emotions at the same times nor all converge around a single vision. In moments of anxiety, societies reinterpret others' experiences through their own mind-sets. The commonalities formed through communication create the opportunities for linkages across national spaces without excising old identities.

With respect to the more politically focused challenges, there are again a number of potential problems with the globalization approach, but also responses. First, one might argue that sovereignty has always been an analytical device such that things have always been "messier" than might otherwise be assumed (Krasner, 1999). In that vein, some argue that modern globalization has pre-modern roots, the implication being that the changes brought on and reflected by it are overstated (Nicholson, 1999). Second, states undeniably remain highly significant political and socio-political actors. Not only do they continue to perform many critical functions for their citizens – health care, social security, education, security, and other high priority, high politic functions – but they also continue to engage in traditional forms of diplomacy with one another (Anderson, 1993; Hirst and Thompson, 1999). Third, even when states do cede a measure of jurisdiction, one might argue that they do so in classical principal-agent logic (Keohane and Nye, 1997). Finally, in the most basic sense, states continue to divide up the Earth's landmass. Jackson writes,

> It would be impossible for Microsoft or Toyota or British Petroleum to engage in business activities in different parts of the world without the permission and protection of particular states *whose territorial jurisdictions they necessarily must operate from* (Jackson, 2007a: 331, emphasis added).

Again, while all those criticisms have merit, they also all have responses. Starting with the idea that sovereignty has always been contested, it is true that globalization has premodern presages. Nevertheless, it is also clear that the velocity, viscosity, and variety of the contemporary form far outpaces previous configurations. Moreover, the costs associated with the contemporary variety – of using the globalizing technologies – has dramatically decreased thereby opening its potentials up to the masses (Nye, 2011).[3]

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[3] For instance, Nye (2011) acknowledges that neither technological advances nor their affects on politics are new – the printing press played a large role in the Reformation. What is exceptional about the present condition is that the costs associated with them have been radically reduced. It no longer requires large bankbooks to overcome collective action problems. Anyone can "get in the game".

Therefore, when debating globalization's role in empowering non-state actors the fundamental questions are not *when* it began or *whether* sovereignty has ever been pristine. The critical questions are how slow/fast the movements across state borders are, how thin/thick the connections between actors are, how few/many non-state, socio-political linkages there are, and how expensive/cheap making those connections have become. And, once those sorts of questions become the central concerns, there is general agreement that the velocity, viscosity, variety, and ease-of-entry into present forms far outpaces pre-modern variants (Rosenau, 2006; Nye, 2011).

Moving to the idea that states remain highly significant, and therefore that globalization is not as impactful as it is often made out to be, while it is true the states continue to divide up the Earth's land in a formal sense, *de facto* changes often presage *de jure* ones. The problem is, acknowledging and appreciating them is often incorrectly stymied due to engrained beliefs about what the system must look like (Wendt and Freidheim, 1995; Culter, 2001). After all, seeing change is understandably hard from a starting point that mandates that one look at an issue through a particular theoretical lens and disciplinary prism. Therefore, the goal is to create an approach less beholden to any particular set of analytical or disciplinary assumptions. This point is returned to in the context of the re-mapping procedures performed in chapter 6.

Moreover, Rosenau (1990: 273) notes that, despite theoretical debates to the contrary, there is a growing practical understanding that the complexities of the modern world are "more than states can manage". This has two follow-ups. On the one hand, it creates the possibility for jurisdictional conflict between states and non-state actors. For example, in most cases the ICC has "complementary jurisdiction" with member-states, meaning that it can only take-up a case if the latter is unable or unwilling and only over offences committed by nationals of member-states or for crimes committed within the territory of a member-state. Nevertheless, the Rome Statute grants specific rights to the international community, via the Security Council, to refer cases should a situation require it and even if the action takes place by a national of a state not party to the statute. As the recent Darfur referral illustrates, that creates the potential for fundamental jurisdictional conflicts between the Court and a state.

On the other hand, far from there being only conflicts, Rosenau (1990: 273) notes that states have also developed a wider "mutual acceptance" with respect to the importance and relevance of non-state actors. He writes,

> whatever the source of mutual acceptance, it seems clear that states have learned to live with a rival world in which they are active but over which they exert limited control, much as they may sometimes attempt to assert their authority in it (Rosenau, 1990: 273).

Thus, the underling point is that states and non-state actors each see each other as having roles to play within the global political and socio-political environment. There is practical agreement and acceptance of a division of jurisdictional labor.

Finally, while there are tendencies to highlight what is new, and in that sense the challenges and changes to sovereignty, there is also frequently acknowledgement that the new does not fully excise the old. Even Scholte (2000), who strongly advocates the need for a paradigm shift away from the state towards more global thinking, stresses that there are no instant transformation to be had. In that sense, because neither sovereignty nor states have fully gone away, any attempt to argue the globalization is ubiquitous is misguided. At the same time, however, and given the points just made, it is also incorrect to argue that sovereignty remains the sole arbiter of global political and socio-political life. Under those logics, Rosenau notes the possibility for a bifurcated system; the situational coexistence of, in his terms, a "multi-centric world" *and* a "state centric" one.[4] The possibility for this is picked-up in chapters 5 and 6 and in the context of jurisdictional variability. The point to keep in mind for the time being is that multiple jurisdictional processes might co-habit a common map – traditional international relationships in some areas and between some actors and non-sovereign forms in other areas and between other actors. How one descriptively and analytically deals with such a situation therefore becomes a critical debate.

Put together, there is an established literature associated with challenging the sovereignty standard, one largely centered on globalization. That being said, there frequently is an acknowledgment made that globalization does not permeate every political structure and socio-political relationship. States retain many of their customary roles and remain important factors in global life. Thus, whereas globalization theory may over-emphasize

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[4] Rosenau is unsure that bifurcation is the final settling point and merely offers it as a possibility. That being said, it is reflective of the point being made: globalization is neither ubiquitous nor unimportant.

a complete global flattening, and whereas some skeptics risk treating globalization simply as a poetic fad, it may be the case that change and continuity coexist. If that is true, the critical task is assessing the precise nature of that relationship – a task taken up in the context of the European example and developed under the descriptive, analytical, and disciplinary re-mappings coming out of it.

Where might we go?

Having offered the state of play, the second question noted in the chapter's introduction was where a European analysis fits into existing thinking and why it proves instructive. In the first case, which becomes clearest only after the analysis takes place, one sees that the arguments made in the European context find strong allegiances to many of the points just offered. In that sense, though the arguments developed are made for the European case specifically, they find natural cousins outside the region and through the globalization literature just noted. To be sure, that does not mean a direct extension of EU logics to the global context is always possible (see page 33). However, given the underlying ethos of the existing literature, there are clear indications that the challenges and changes defined and developed in the European sphere are not unique to it. Therefore, the context just offered help to establish both the supporters the study ultimately finds as well as the scope of its overall impact.

In the second case, which for present purposes is the more immediate point, the question is why a European examination is necessary at all given the existing commentaries on the challenges to sovereignty. In asking that, the point just made must be restated: this study ultimately agrees with much of the tenor and content of the globalization literature. At the same time, however, it also finds certain shortfalls that must be taken into consideration. These shortfalls illustrate both where existing thinking misses out on developing important elements of the changes associated with sovereignty as well as why the EU case offers a more targeted analysis and more instructive way forward.

To begin, the study finds three faults with the existing literature. First, there are issues of empirical support and analytical development. Because arguments pertaining to the decreased importance of sovereignty tend to be phrased in the context of globalization, and insofar as globalization is often stigmatized as a catchall term for any and all changes to the state-system, such perspectives risk lacking and/or risk being viewed as

lacking the sort of empirical evidence and analytical development thought to be necessary within the social sciences (Scholte 2000: chapter 2). To be sure, that does not mean that empirical support is never provided or that all studies lack analytical development (see pages 29-30). One may not even agree with the need for detached analysis and the hope for generalizability. For instance, critical theorists, many of whom argue for discarding sovereignty in favor of more universal jurisdictional forms, are certainly more concerned with political emancipation than performing the sort of "neutral" analysis that a positivist might be (Linklater 1998b). Nonetheless, the fact remains that arguments associated with globalization often risk being viewed more as political commentary than empirically driven, analytically revealing, academic observation and analysis (Rosenberg, 2000, Scholte, 2000). Scholte writes,

> Unclarity, imprecision and inconsistency in respect of definitions have produced a lot of confusion and stalemate in knowledge about, and response to, globalization…globalization is a malleable catchall term that can be invoked in whatever way the user finds convenient (Scholte, 2000: 49).[5]

Second, and linked to that first criticism, arguments about globalization often fail to offer firm perspectives on the exact nature of the jurisdictional setups replacing the sovereign ones. While globalization theory is good at pointing out the *challenges* that sovereignty faces, whether due to technological, political, or cultural change, it is often less successful in examining the precise nature of the jurisdictional alternatives supplanting it. For instance, in presenting his theory on post-internationalism, Rosenau openly admits that he is developing a model without direct empirical realization. He (1990: 3) writes, "What follows…consists of theoretical claims rather than empirical proof". Indeed, he is unsure what the final jurisdictional setup will look like, hence his four "potentials" for global order. In that sense, while there may be *attempts* at developing alternatives, they tend to be *potentials*, not examinable, operationalized realities.

To be sure, the inability to directly examine an empirical outcome may have been unavoidable insofar as such examinations were attempting to explain a chang*ing* world. As such, there was a certain unrealized/ongoing quality to many of the factors under investigation. Moreover, because Rosenau, and globalists like him, tend to operate on a macro scale, they also tend to be concerned with global trends. Therefore, there is an understandable need to maintain a certain "conceptual distance" at the expense of more

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[5] Scholte's intent in noting this issue is to remedy the problem.

applied, case-specific examinations. Nonetheless, while such studies may be successful in challenging their internal assumptions about sovereignty – largely that it is the core concept structuring modern political and socio-political arrangements – their arguments are frequently less productive when it comes to analyzing the precise jurisdictional dynamics of any operationalized, real-world substitute – again, because those substitutes were unavailable/unrealized at the time or because the cases that did exist proved too case-specific for a macro analysis.

Third, and in an amendment of the point just made, in those instances where an established jurisdictional alterative *did* exist and *was* made the focus, that typically meant dealing with a functionally specific agent, and therefore *either* political *or* socio-political change. To stress, that is not problematic if the underlying concern is the ICC. It becomes problematic, however, when jurisdiction and jurisdictional change are the underlying concerns. When they are the focus, an integrated analysis of political and socio-political aspects is indispensable given that sovereign setups condition *both* inside/outside (politics) *and* inclusion/exclusion (people) divisions (chapter 2). Thus, the ICC may challenge sovereignty by disconnecting the territorial/jurisdictional/functional congruency. However, because that fails to take into account both political and socio-political change, it is necessarily incomplete.[6]

One should be clear that no assumption is being made that a division of labor between political and socio-politically focused studies is inappropriate. Nor are any claims being made as to the quality of any previous studies. The point is that, because the cases in which an established jurisdictional alternative is examined have tended to proceed along either a political or a socio-political trajectory, they invariably present a fragmented picture of overall jurisdictional change. At the same time, while global focuses may pickup on both political and socio-political change, they generally do so at the expensive of in-depth examinations of established jurisdictional alternatives. What is needed is a case that provides an operationalized jurisdictional impacts to politics and people.

With those issues and problems as context, this study focuses on the EU both to deal with them specifically as well as for more independent rationales. One can start by outlining

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[6] For the same reason, those that focus exclusively on, for example, cultural globalization at the expensive of political change, are also skewed.

how a EU focus alleviates some of the problems associated with the existing methods. In doing so, it is worth repeating that this study finds faults with how many previous attempts have challenged sovereignty. It does not disagree with their intent, or even their outcomes. As one sees at the end of the study, the arguments presented largely align with many of the sentiments coming out of globalization thinking. Nevertheless, the study focuses on the EU case for three reasons.

First, to quell charges that the globalization literature lacks empirical grounding, Europe offers an established testing point for both debating challenges to sovereignty as well as for assessing the precise nature of the outcome of them. In the simplest sense, Europe is widely acknowledged as a hotspot for shifting political and socio-political geographies (Delanty and Rumford, 2005; Rumford, 2008). As such, it is a natural test case. In a more applied sense, Europe has an established continent via its treaties, rules, Court decisions, and the like (methodology section). It also has a large, independent academic record via ES (placement section). Accordingly, the EU has a defined, researchable, and established set of parameters through which one can challenge sovereignty, but also examine the nature of those challenges as an operationalized, jurisdictional alternative. Indeed, as noted in the introduction to this study as a whole, all four options considered – maintenance, breakdown, stratification, and blurring – represent both a challenge to sovereignty as well as a resultant jurisdictional form. Europe therefore offers what Rosenau lamented he lacked – an operational example of theoretic change.

Second, because the changes in Europe affect both political and socio-political factors, it offers an integrated view of jurisdictional change. It provides not only an extensive set of challenges to sovereignty in a general sense, but distributes them across political factors – via the jurisdictional changes contained within the treaties, *acquis*, Court decision, and the like – as well as socio-political ones – via its interface with individuals through European citizenship. Therefore, unlike the traditional issue-oriented approaches that have tended to focus on either political or socio-political change, the EU is a hotbed of both in simultaneous interaction. In that sense, a regional scope that affects politics and people and that has an operationalized core is preferred over globalization's conceptual openness and an issue focus's lack of generalizability.

Finally, the European case proves historically significant. It is noteworthy that Europe is the birthplace of the concepts that are undergoing potential world-changing

modifications. As is expanded on in chapter 2, the processes leading to the birth of sovereignty and the state-system are quintessentially European events. Moreover, the circumstances leading to them – a set of treaties ending a major war – are strikingly similar to the processes leading to a potential revision – a new set of treaties arrived at in the aftermath of another major war. Therefore, while focusing on Europe risks charges of Eurocentrism, the fact that Europe is both the cauldron of the state-system as well as a source of prospective problematizing is telling and should not go unnoticed.

Keeping those advantages in mind, there are of course challenges associated with the EU case – most obviously in terms of generalization. For instance, there clearly are areas that have not undergone jurisdictional change and remain sovereignty-defined. Moreover, even those instances in which globalization is taking hold, there are no assurances that it will take on the same dynamics and produces the exact same outcomes as in Europe. Indeed, as will become clearer in the following chapters, it does seem to be the case that the processes leading to European change as well as its on-the-ground jurisdictional dynamics are unique to it.[7] For that reason, Gerring (2007: 246) notes that it is "almost always easier to disconfirm a theory than to confirm it with a single case". The danger is that looking only at Europe fails to offer the scope necessary to develop a generalizable alternative to sovereignty.

While that concern must be taken into account, there nonetheless are responses to it. First, though the European case may be unique with respect to the challenges it levels against sovereignty as well as the exact jurisdictional format produced, given the global context provided, it finds natural allies. Just as there have been pre-modern alternatives to sovereignty (e.g. medieval jurisdictional arrangements, next chapter) there are also extra-European ones (e.g. globalization). While that does not mean that those alternatives are identical to the EU in form or in practice, and while the Union methodologically remains a single case, because it exists in a setup already known to be more complex and variable than sovereignty (and IR) make it out to be, the overall effects of European challenges should not be taken as unique to Europe.

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[7] For instance, insofar as the US security umbrella was critical to lessening the security dilemma and creating the conditions under which European cooperation could take place, and insofar that umbrella is absent globally, Europe's track may be irreproducible (Kagan, 2003). Similarly, as developed in chapter 4, Europe's historical conceptions of itself as a unity may not exist everywhere (Padgen, 2000).

Second, even if one rejects that any instances of jurisdictional change are/might occur outside of Europe, the changes in it remain relevant insofar as IR is still left with the task of dealing with a case that has undergone alteration. And, as the finding is blurring, IR is left with dealing with a situation that neither exhibits nor fails to exhibit a clean and clear domestic/international binary and that is neither anarchical nor hierarchical in setup. Because the tenets of blurring distort, rather than simply breakdown, maintain, or stratify that binary, they reopen what tended to be closed questions with self-assumed answers as to how political communities are structured and what analytical approaches one deploys to examine them. In that sense, one can acknowledge that the EU is a single, nonreplicable case while nonetheless maintain that the conclusions about it have more systemic importance. Caporaso (1997: 588) is therefore right to comment that, "Europe…will tell us a great deal about the appropriateness of our scholarly paradigms".

Third, the study acknowledges Gerring's point that it is easier to challenge through a single case than to build a replacement. Nonetheless, it maintains that it can ask whether the effects of the blurring in Europe are present in some form and to some degree in the wider global environment – again, not an unreasonable thing given the existing globalization literature as well as a historical context of jurisdictional variability (next chapter). That being said, the results may not fully negate the state model. The study does not dogmatically advance the EU's alternative jurisdictional form as doing so would risks reifying it just as IR reified sovereignty. Therefore, any new form that arises is treated less as an instance of "change as replacement" in which "new patterns replace old forms [and where] replacement means novelty" and more as "change as addition…in which old forms are simultaneously joined by new forms" or as "change as transformation" in which novel processes derive from older patterns (Holsti, 2002: 28-31). Whatever alternative form arises is assumed to exist in concert with sovereignty.

European placement

Given the focus this study places on the EU as the agent through which one might detect a changed resolution to the problematique, it is necessary to briefly note how its assessment differs from more traditional ES type analyses.[8] As such, it is helpful to point

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[8] For a good understanding of ES as a mode of enquiry, see Wallace 2000; Rumford and Murray, 2003; Jupille, 2005a, 2005b; Keeler, 2005; Rosamond, 2007a, 2007b.

out where ES has gone, and therein where this study allies/distances itself. In that regard, the ES literature can generally be divided into two basic camps. On one side, one strand has focused on *the process of integration* – on why integration has or has not occurred, and therein predicting its likelihood in the future. On the other side, an alternative strand has focused on *what the EU is an instance of* with the goal of assessing how that answer affects European politics/policy-making. In looking at these strands, the critical question is not which side is right and which side is wrong. The critical point is that, despite their different focuses, both have largely shortchanged discussions about how EU logics radiate outwardly and affect wider academic logics (in this case, IR). One can consider each side in more detail.

The first ES strand focuses on explaining the process of integration. A wide body of literature exists that attempts to apply a specific theory of international cooperation – both "unadulterated" IR and EU-specific – to the Union in an attempt to explain its integrative development. Thus, theories ranging from realism to constructivism have been offered to explain events as grand as why France, Germany, and the Benelux originally formed the Coal and Steel Community to negotiations as minute as the bargaining dynamics behind intergovernmental conferences (Hoffman, 1966; Grieco, 1995; Moravcsik, 1998; S. Smith, 1999, Pollack 2001). The underlying assumptions of those models *are* very different, however goals are largely the same – using a theory's thinking on the possibilities for international cooperation to explain why integration has or has not occurred (and therein predicting future dynamics). Leaving aside which model does this best, the common denominator is that integration is a phenomenon in need of explanation of which IR may have something useful to say.

To give an example, in a chapter relating IR and the EU, Andreatta (2005) starts sections on realism and liberalism by discussing how each theory's perspectives on international cooperation conditions its view on integration. She notes that whereas realists are generally skeptical about the possibility for cooperation given the constraints of anarchy, liberalism is more easily adapted given its beliefs in, among other things, the role of institutions in reducing transaction costs and generating mutual rewards.[9] From that context, Andreatta goes on to lay out how each model deals with specific aspects of

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[9] This is not limited to realism and liberalism. S. Smith (1999) argues that constructivism best explains integration. Nevertheless, even he remains primarily concerned with integration as a process.

European integration based on their own particular conceptual commitments. What that chapter, and IR-themed literature on the EU more generally, tends not to do is analyze how the product of those processes affects initial assumptions. IR is used to explain the process of integration without dealing with how the product of that process impacts starting assumptions.

In addition to "off-the-self" theories, IR has also lent its conceptual backbones to the development of EU-specific integration models. Rosamond (2000: 1) notes, "More often than not, integration theorists [trade] in the vocabulary of the discipline of International Relations". Without arguing in favor of any one, these models range from Haas's (1958) functionalism to Moravcsik's (1998) liberal intergovernmentalism to Grieco's (1995) voice-opportunity thesis. While each contains its own particular explanations for the reasons behind integration, as with the more traditional IR models, the focus of all of them largely remains on why cooperation has or has not occurred (and therein predicting future dynamics).[10] The more reflexive concern about how the product of that process affects starting assumptions is again absent.[11]

To be clear, these tendencies are not necessarily unexpected. Andreatta notes,

> Where most mainstream theories of international politics deal with states and their relations amongst each other, the European Union is neither a state nor a traditional alliance, and it therefore represents a heterodox unit of analysis…IR theory has a bias towards the explanation of broad phenomena it tends towards generalizations, while the European Union is, at least so far, a unique example of international cooperation and integration (Andreatta, 2005: 19).

At the same time, difficulty of incorporation is not justification for a lack of it. Moreover, given the importance of the EU globally, its jurisdictional logics need to be understood and dealt with in a systematic manner. Despite its oxymoronic phrasing, there is a need to address how "the EU has dealt with *its own international relations*, internally" (Hill and Smith, 2005: 8, emphasis in original). While IR has debated the Union's role in the international system (e.g. the Commission's competencies in the WTO), this has largely not been met with a willingness to examine the nature of intra-member-state

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[10] These models are not necessarily limited to the EU. Haas (1958) certainly was trying to develop a *general* theory of integration. Nonetheless, the point remains that there is a trend within ES to explain processes without reflecting on how their product affects starting points.

[11] For example, while liberalism intergovernmentalism and neo-functionalism differ, both share a meta-focus – explaining why integration has or has not occurred (Moravcsik, 1998; Tranholm-Mikkelsen, 1999).

relationships *for the explicit purpose of reflecting those findings back onto its initial assumptions*. Similarly, EU's solidarity has been discussed, however it too has generally preceded from a perspective of the "linkage between internal dynamics and external activity", *not the nature of those relationships themselves and how they impact jurisdictional starting points* (Hill and Smith, 2005: 8). All told, this study attempts to do just that, asking whether EU political and socio-political setups challenge the inside/outside, inclusion/exclusion, and domestic/international separations by offering a new solution to the problematique. Knowledge extends from the EU to IR.

Moving the second strand of ES literature, it has generally centered around two sequential questions – what is the EU an instance of and how does that influence European politics/policy-making (Pollack, 2005; Hix, 2005). In that regard, Pollack (2005) notes that the literature tends to proceed down one of three tracks – the EU is an instance of international cooperation (an IO) such that European politics/policy-making is internationally mediated; the EU is a polity such that European politics/policy-making is comparable to other political systems; or the EU is *sui generis* such that European politics/policy-making requires its own unique conceptualizations. Unsurprisingly, each way of defining the EU produces a different view of European politics/policy-making. To draw-out these points, the following sections offer more detailed schematics. They do so not to debate which is right and which is wrong, but to lay out where ES has gone and, in turn, where this study hopes to push it.

The first perspective, which generally links with the IR literature noted above, views the Union as akin to an IO (Milward, 1999; De Gaulle, 2003). Though it may be highly cooperative, innovative, and perhaps only understandable by non-rationalist theories, insofar as sovereignty-based logics continue to function and a structural division remains between the domestic realms of the member-states, the EU is simply an intense area of international cooperation. Unsurprising, European politics and policy-making are therefore seen as operating along internationally defined and constrained logics. Normative issues that might be seen critical to domestic communities (e.g. representative democracy) are generally deemed less important due to the structural limitations of the international system (Moravcsik, 1998, 2002). It warrants noting that while this point of view dominated early debates about the EU, it has given way to the comparative and *sui generis* perspectives (Keeler, 2006).

Approaching from an alternative perspective are those who view the EU as a polity and political system comparable to other polities and political systems. Pollack writes,

> A second approach…has rejected the application of international relations theory in favor of a comparative politics approach which analyzes the EU using off-the-shelf models of legislative, executive, and judicial politics in domestic politics (Pollack, 2005: 357).

The argument is that after decades of integration, institutional development, socialization, and community-building, member-state relationships have ceased being internationally determined and have become quintessentially internal to a European polity and political-system. Caporaso (1996: 30) writes, "The EU is simply assumed to be a polity, and analysis of policy-making within specific issue areas proceeds much as it would within a domestic politics".

One should be clear that this vision does not necessarily predict the formation of a strong, centralized unit and often stresses the EU's federated nature. Nevertheless, it maintains that the EU can function as a full-fledged political system with a distinctively "internal" realm of conduct without completely transforming into a traditional, territorial state. Furthermore, insofar as the Union has a distinctively internal realm, relationships occur within it and under its specific logics, not in an international space defined by international logics.[12] It is precisely from this point of view that Hix offers his rebuke to applications of IR writing,

> We may learn more from the ideas of Madison, Dahl, Easton, Rokkan, Olson, Lijphart, Schmitter, Rose and Majone than either from the likes of Morgenthau, Haas, Hoffman, Waltz, Keohane, and Moravcsik or from the likes of Lodge, Wallace, Wessels, and Nugent (Hix 1996:386).[13]

In similar regards, Hix (1994: 1) argues that, "Politics in the EU are not inherently different to the practices of government in any democratic system [and] ES' primary concern should be explaining and understanding the politics within it". Unsurprisingly, the key questions under this perspective tend to be governance type issues – institutional balances, legislative politics, executive rights, and/or judicial power. Similarly, because the EU is a polity with its own citizenry, it experiences the normative needs of any other

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[12] This does not mean that nationally-defined political communities cease to exist. It simply means that member-state relationships occur within a common, European political space not an international one.

[13] Again, Hix is not saying IR has no utility, just that the questions it tends to ask are different (and in his estimations less interesting for the EU) than those of CP. See chapter 6.

political community – for instance, questions of democracy and political contestation (Scharpf, 1999).

Prior to outlining the third possibility, it should be noted that there is nothing illogical about combining the first two approaches, arguing that some issues are internalized to a EU-as-polity while other remain intergovernmental to a EU-as-IO (Wallace and Wallace, 2000: 65-81). Without going into full detail as to how one determines which particular issues-areas belong in which category, those supporting such an approach generally agree that those areas in which the Commission has competencies, that the European Parliament (EP) has co-decision powers, and that QMV is used in the Council can be considered "internal" to a EU polity. Alternatively, those areas that require Council unanimity, where the Commission lacks full competencies, and where the EP does not enjoy co-decision powers are more intergovernmental (Peterson, 1999, Wallace and Wallace, 2000).[14] Withholding judgment as to the appropriateness of this outlook, it clearly offers nuances lacking in the either/or nature of the IO or polity points of view. At the same time, despite its willingness to shift views in issue contingent ways, it does not fundamentally challenge the ability to locate political and/or socio-political action *at some distinct level* – whether domestic or European or international (stratification argument, chapter 3).

The third way of defining the EU is often termed the *sui generis* approach (Caporaso et al., 1997; Pollack, 2005; Rosamond, 2000). Pollack writes,

> A third approach, typically labeled the governance approach, which draws from both international relations and comparative politics and which considers the EU not as a traditional international organization or as a domestic political system, but rather as a new and emerging system of "governance without government" (Pollack, 2005: 380).

While those operating from this perspective agree that the EU is a unique political phenomenon requiring its own language and own theoretical conceptualizations, their specific languages diverge along a number of tracks. For instance, a *sui generis* approach might depict the EU via metaphors of multi-level governance, neo-medievalism, or networks all of which contain their own nuances (Marks, 1993; Hooghe and Marks, 2003; Zielonka, 2006; Rumford, 2008). Irrespective of the (often significant) differences between such approaches, for the time being, the underlying point is that as a family and

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[14] While discussions may occur within EU institutions, and may even be acted upon using European tools, because relationships are intergovernmental, logics remain international.

broad heading, the *sui generis* perspective differs from both the polity and international ones – in the first case, it rejects that the EU is comparable to off-the-shelf political models and, in the second, it acknowledges that intra-EU relationships are not strictly international. As the name implies, the EU is a unique phenomena such that understanding its politics/policy-making requires equally distinct approaches.

Again, withholding judgment as to the correctness of any of those outlooks, *there is nothing analytically wrong with any of them*. Each offers an interpretation of the Union and then applies that outlook to European politics/policy-making.[15] At the same time, however, despite their differences, they all are largely common insofar as they all largely take an introspective view of the EU. The critical question always tends to be what the Union's structure (IO, polity, *sui generis*) reveals *about European politics/policy-making specifically*. Noting the partiality for introspection with ES, Warleigh (2006: 32) writes, "EUS scholars…been guilty of intellectual parochialism". Again, adopting such a perspective is not incorrect. However, and where this study moves away from it, is that it fails to consider what the EU experience might reveal about wider academic debates.

In making that point, a subtlety must be made clear. As one sees in chapters 3 and 4, this study *does* address what the EU is an instance of. It does undertake a thick examination of EU political and socio-political makeups. Nevertheless, in the context of the points just made, *its reasons for doing so are separate from those of traditional ES*. Asking what the Union is an instance of is done simply to assess whether a new jurisdictional form arises. That is why the starting point and focus is on the inside/outside, inclusion/exclusion, and domestic/international separations – not any specific EU rule or structure. The study examines the EU with the explicit intent of asking how the jurisdictional shifts seen in it affect the ability to map political and socio-political setups into separate levels. Understanding European change is therefore the entryway towards engaging wider debates about jurisdictional change.

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[15] One might combine the different interpretations based on historical stages, as Diez and Wiener (2009) do. They argue that the EU must be studied along historical phases, each of which contains a different empirical focus, a different theoretical toolkit, and therefore which spotlights a distinct intellectual goal. This is returned in to chapter 6.

Methodology – conceptual

To undertake these arguments, certain methodological elements – both conceptually and empirically hued – must be laid out. Beginning on the conceptual side, one must start by laying out the vision of IR used throughout the study and, specifically, what is meant by the "mainstream" moniker. This study considers realism, liberalism, the English School, and statist constructivism as IR's mainstream models due their conventionalism, widespread usage, and general importance within the discipline.[16] Prior to going to the details of why that is the case, a couple of things must be made clear.

First, and as the next chapter suggests, while the four models differ greatly, they share certain meta-theoretical assumptions. That being said, *they are highlighted and treated as mainstream first of foremost due to their conventionalism, widespread usage, and general importance to IR*. In other words, they are not selected due to any perceived conceptual commonalities they share – commonalities that post-modern models, for instance, may not (and likely do not) share. Second, no claims are made that they represent IR's only models. That is certainly not the case (Burchill et al., 2005). Finally, no claims are made that classifying them as mainstream implies correctness. Again, the argument is that their conventionalism, widespread usage, and general importance in the field justifies treating them as mainstream.

A case-by-case, argument supporting the mainstream classification follows, however the Teaching, Research, and International Policy (TRIP) survey provides a good quantitative starting point (Jordon et al., 2009).[17] The 2009 study surveyed 2,746 IR scholars across ten countries asking them a series of question about the disciplinary status of IR – three of which are particularly relevant for this study. First, when those surveyed were asked what percentages of their introductory IR courses were devoted to a specific theory, when adopting a specific outlook, realism, liberalism, and constructivism topped the list and were the only models registering double-digit percentages (22, 19, and 11 percent respectively). Second, when asked about their own theoretical allegiances, of those

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[16] The vision of IR presented risks charges of ethnocentrism, in large part due to a reliance on Anglo-American authors. Nevertheless, as Hollis and Smith (1990: 16) note, while the discussion may take on a Anglo-American focus, it does so as mainstream IR originates from those regions.

[17] An updated TRIP study was released in January 2011, however contained findings only from the US academic community. This study uses the 2009 survey insofar as it offers a global perspective.

adopting a paradigmatic approach, realism, liberalism, and constructivism again topped the list (18, 17, and 17 percent respectively). Finally, when asked what percentage of IR literature one estimated as falling under a particular paradigm, realism, liberalism and constructivism again won out (30, 28 and 21 percent respectively).

The one family not falling into the top three places in those questions, yet treated as mainstream by this study, is the English School. The School registered only an aggregate 6 percent for the first question, 4 percent for the second, and 7 percent for the third. Nevertheless, when limited to UK scholars, it was either the highest or second highest percentage across all three questions (Jordon et al., 2009: 18, 31, 41). That is significant as the UK was considered the second most vibrant zone of IR thinking outside the US.

While the survey provides initial evidence as to why classifying realism, liberalism, the English School, and constructivism as mainstream under a conventionalism rubric is proper, recognizing the limitations of purely quantitative arguments – those numbers reveal more about centrality, than acceptance – it is important to offer more case-by-case support. Beginning with realism, it is clear that since IR's establishment it has occupied a central position. First, virtually every IR textbook and introductory course begins with a survey of it (Hollis and Smith, 1990: 27; Jordon et al., 2009: 41). Second, it has played a dominant role outside academia, particularly in foreign policy, decision-making circles. Third, IR's alternative models generally all construct themselves in juxtaposition to realism. Jarvis (2000: 25) notes that, "Realism…is in large measure the *rasion d'être* for the emergence of postmodern perspectives in the discipline". While realism has faced challenges, it remains the point of critical contrast for other international theories such that it "must be a part of the analytical toolkit of every serious student of international relations" (Donnelly, 2005: 54).

Like realism, liberalism is treated is mainstream. First, liberalism appears early on in most all introductory IR textbooks, reading lists, and publications (DiMuccio and Cooper, 2000: 186). Indeed, in a large-n study of IR journal articles, Walker and Morton (2005) found that it has surpassed even realism as the most widely cited model. Its models are also commonly applied in tangential fields (e.g. international economics) (Keohane and Nye, 2001). Second, liberalism's influences extend beyond academics and into policy circles. For instance, its use of game theory in modeling nuclear dynamics has been particularly influential (Waltz and Sagan, 1995). Finally, as Keohane (1988) made

clear in his 1988 Presidential Address to the ISA, liberalism forms one pillar of the "rationalist family" of international theory (the other being realism) – a pillar that provides the discipline with a well-defined research agenda vis-à-vis debates about international regimes and cooperation.[18]

The study also considers the English School as mainstream. As noted, the School is predominantly British, perhaps calling into question its inclusion under a conventionalism metric. Nevertheless, it is important to recognize the wide-ranging impacts of Wight's (1991) three-model typology of IR and Bull's (1977, 1979) work on anarchical societies – both seminal texts to the English School specifically and IR generally. Furthermore, questions about international law and humanitarian intervention – central debates in modern international politics – frequently occur under the shadow of the School's logics. For instance, while not always in name, the School's solidarist/pluralist cleavage features heavily in questions ranging from the appropriateness of NATO's intervention in the Balkans to the usefulness of international legal institutions such as the ICC (Charney, 1999; Jackson, 2000; Wheeler, 2001; Altman and Wellman, 2004). Thus, despite its British foundations, the School's wider-ranging, knock-on impacts reflect its conventionalism such that this study is comfortable treating it as the most articulated encapsulation of the society-related trends within IR.

Finally, the study considers constructivism as mainstream IR. In saying that, a degree of nuance is necessary. On the one hand, constructivism's importance to IR is clear. Referencing an argument made by Keohane, Krasner, and Katzenstein, S. Smith (2004: 501) stated in his 2003 ISA address that, "The current situation in the discipline [is] a new debate between rationalism and constructivism". On the other hand, because constructivism is primarily an ontological approach advocating the importance of socially and intersubjectively defined knowledge, it experiences a large degree of internal heterogeneity. As a result, one is often confronted with a question of which constructivism one is speaking of at any moment. In a survey of it, Reus-Smit (2005: 188-212) notes that it often proceeds down three distinct trajectories – systemic/statist,

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[18] That point is critical as Keohane (1988: 392) made it in the context of arguing that "reflectivists" (by which he meant post-positivists), "[Would] remain on the margins of the field, largely invisible to the preponderance of empirical researchers, most of whom explicitly or implicitly accept one or another version of the rationalist premises". While not fully agreeing with that marginalization, his point was that until reflectivism develops a clear research agenda, rationalists would continue to dominate IR.

unit-level, and holistic. While the approaches share a social ontology, they differ in underlying focus – the systemic variety (Wendt) stressing state interactions, the unit-level (Katzenstein) the relationship between domestic norms and international preferences, and the holistic (Kratochwil) the dynamics of change.

While acknowledging this heterogeneity, the study focuses on the systemic/statist variety commonly associated with Wendt. It does this not because it considerers that vision correct and the others wrong (its goal is not assessing the efficacy of any one theory). Rather, it treats statist constructivism as mainstream because IR tends to view it as the most influential and conventional strand. Not only did the ISA award Wendt's *Social Theory of International Politics* its book of the decade prize, but the text increasingly appears as the core outlining material for constructivist thinking more generally within introductory IR courses (Wendt, 1999; Jordan et al., 2009: 18). Similarly, the TRIP study found that Wendt's name tops the list among those surveyed when asked who has produced the most interesting scholarship in the past five years and ranks second when asked whose work has been the most influential over the last 20 years/whose work has most influenced their own research (Jordan et al., 2009: 45-47). For those reasons, statist constructivism is considered the final mainstream model.

Having made those technical points, the question arises as to the theoretical allegiance of the study itself. Prior to directly answering that, a few points must be laid out. First, as hinted at earlier, the goal of the study is not to determine which theory best explains international relations; it is not to demonstrate that realism is somehow "better" than liberalism. Nor is it to address which international theory best explains the EU. Rather, its goals are meta-theoretical centering on whether there is a need to study international relations as a distinct political and socio-political endeavor. As chapter 2 develops fully, because the mainstream theories share certain meta-commitments, such as to the domestic/international separation, the critical question is what happens should that commitment fail to materialize. In that sense, the study is less concerned with the "traditional questions in International Relations [about] how bounded communities interact…[and more concerned] with the neglected and prior issue of how boundedness is constituted in the first place" (Linklater, 2007: 53).

Second, just as the goal is not to assess which theory best explains international relations, its method of analysis is not primarily one of theory testing. The study does not examine

the mainstream theories in juxtaposition to the EU and its operation in an attempt to determine which best explains the Union's political development. Rather, by establishing that all four theories share an implicit commitment to sovereignty, and therein state citizenship, the key questions have to do with assessing whether the underlying tenets of sovereignty are present in the European context – an analysis in which no assumptions are made that sovereignty must exist.

With those points in mind, the study nonetheless does maintain certain outlooks with respect to how it approaches that overall debate – primarily its intent to remain paradigmatically open by upholding a measure of skepticism with respect to any one theoretical model as well as by questioning that which otherwise might seem immutable. Indeed, this overall outlook is a logical offshoot of the study's meta-theoretical bent (Devetak, 2005). As Walker (2000: 27) intonates, by not aligning itself with anyone model, one can maintain a "willingness to open up questions about the character and location of politics that the practices of sovereignty insist[s] are already answered". In that context, there are certain conceptual perspectives that can be brought forward, including a commitment to theoretical self-reflection, an awareness of reification, and a belief in the contingency of knowledge.

First, the need for self-reflection flows from recognizing that theoretical practice is often embedded in the phenomena under examination; theory and practice are not wholly separate endeavors. On the one hand, failing to realize that theory is not a neutral product arrived at from some Archimedean standpoint fails to control for the dangers of analytical and disciplinary reification and stagnation (Devetak, 2005). [19] On the other hand, by recognizing that theory and practice are not separate, this study recognizes the need for conceptual self-reflection. Because sovereignty is not treated as a "fact" whose meaning is arrived at from some neutral position, but rather as a concept whose meaning is embedded into the theories seeking to analyze it, the study can be critical about it. In other words, it can acknowledge sovereignty without being beholden to it. As the following chapters make clear, sovereignty as an empirical finding and sovereignty as analytical tool are separate things – a distinction that IR does not always make. Therefore, self-reflection comes by way of asking whether IR's enabling conditions

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[19] The argument is not that all of IR fails to recognize the link between theory and practice. Jackson (2000: 57) notes that the English School's humanism acknowledges it. The point simply relates to how this study approaches the discussion.

really work in the ways that IR tells itself that they must; whether the mainstream theories are relics born of a different empirical age held onto simply out of analytical and disciplinary need.

Second, by stressing the need for self-reflection, the study is also cognizant of, and endeavors to guard against, analytical stagnation and reification. To be clear, stability in language and concept is not necessarily bad. By stabilizing both one is able to debate them and their effects in logical, often helpful, ways (Thaddeus Jackson and Nexon, 1999: 300). Nevertheless, insofar as self-reflection is necessary, there is an implicit recognition that languages and concepts are not eternal. Again, that does not mean that they might not be highly stable. The state and sovereignty certainly are durable ideas. Nevertheless, theories cannot presume that languages and concepts always existed in a certain way. As Peterson, pejoratively, notes,

> Once in place, oppositional dichotomies act as a filtering device that 'imposes' ways of think that show how we 'know' reality, including how we act in ways that effectively 'produce' that reality – at the expense of alternatives rendered visual/real through alternative linguistic filters (Peterson, 2000: 64).

Applying this logic to IR, insofar as the mainstream theories claim to offer explanations and/or understandings of international relations, they also tend to reify the existence of a domestic/international cleavage as the means of creating the international realm so integral to their enquiries (chapter 2). While they may be correct that the international realm is a long-lasting structure, they are incorrect to reify a specific empirical finding as an analytical structure. Indeed, it is hard for IR to be critical of sovereignty, or the international realm, if its theories start from the presumption that there is a fundamental need for both.

Third, the study accepts a measure of contingency in knowledge. If knowledge is embedded in the prevailing discourse, then all knowledge is "situated knowledge" (Rupert, 2003: 186). As such, "facts" gain meaning primarily in relation to the ideas and language surrounding them. On a small scale, that means the domestic/international separation is significant mainly in the context of the theories and languages surrounding it.[20] On a larger scale, then "once upon a time, the world was not as it is"; the

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[20] This does not mean "real-world" events are unimportant; they simply need interpretation. Thus, "The power statist discourse combining sovereignty, territoriality and citizenship, to which the idea of the nation

inside/outside, inclusion/exclusion, and domestic/international binaries are contingencies rooted in specific ways of thinking (Walker, 1993: 179). To stress, that does not hollow those devices out in a post-modern way. It simply means "opposing theoretical positions which stress political necessity and historical inevitability, and which fail to enlighten human subjects about the existence of alternative political arrangements" (Linklater, 1998b: 21-22). As such, the argument is against boundary fixing, not the possibility for boundaries at all.

In making all those points, certain dangers arise. First, theorizing about theorizing places one at an uneasy crossroad in which one risks losing "any clear sense of what the discipline [IR] is about, what its core concepts are, what its methodology should be, [and] what issues and central questions it should be addressing" (Hoffman, 1987: 231). To be clear, this study recognizes that danger. It recognizes that greater complexity is not always met with greater analytical usefulness. And, as is returned to in chapter 6, it accepts Hay's (2010: 23) point that, "[As social scientists] [o]ur task is not to hold up a mirror to reality – and, hence, to reflect its ontological complexity—but to build and trace narrative paths through it". In that sense, for IR, the concern has always been achieving a level of analytical purchase on an *undoubtedly* complex reality.

Nevertheless, making jurisdiction the starting point in order to increase empirical accuracy ends up being analytically and disciplinarily necessary, appropriate, and impactful. One must deal with change and incorporate complexity if change and complexity are necessary – even if that upsets existing presumptions and/or compels greater contextualization. Of course, finding the proper balance between empiricism and analyticism may be simpler said than done. And there are always dangers of undisciplined encyclopediaism. However, those risks should not dissuade one from tackling the possibility that changing jurisdictional arrangements require substantial and substantive descriptive, analytical, and disciplinary reconfigurations. While further comments in those regards are saved for chapters 5 and 6, the point is that complexity need not be poetic fad and arguments for it need not arise from political praxis. One can disturb, disrupt, and re-build in constructive ways.

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was subsequently added *made various efforts to give expression to different forms of political organization seem stumbling and incoherent*" (Linklater, 1998b: 29, emphasis added).

Second, a belief in situational knowledge risks descending into anti-foundationalism. In that sense, as noted, a measure of stability in concept and language is not necessarily a bad thing (S. Smith, 1995: 20-30; Thaddeus Jackson and Nexon, 1999: 300; Jackson, 2000: 52-55). Indeed, by treating all knowledge as historically contingent, how one draws any academic conclusions is difficult as everything becomes conditional. Jackson and Sørenson (2003: 249) argue that, if everything is self-referential then "there can be no true academic disagreements and controversies". Nevertheless, it is precisely because of that potential problem that this study stresses the need challenge the norm with thick, empirical analysis (via the EU case) as well as to offer a set of descriptive, analytical, and disciplinary reassessments. In that regard, the study accepts the argument that criticism without reconstruction is as problematic as stagnation and/or reification.

Finally, all of this risks being seen as nothing more than a normative dream. There is often an assumption on the part of globalization theorists, and those critical of sovereignty more generally, that more universal structures are somehow automatically "good". Nevertheless, as Jackson and Schweller note, it is questionable as to whether any updated jurisdictional constructions are normatively "better" than sovereignty-based ones (Jackson, 1992; Schweller, 1999). For instance, targeting Linklater's (1998b) critical assessment of the Westphalian state and hope for post-Westphalian communities Jackson (1992: 274) argues that "[He] provides no philosophical basis [for adjudicating] cases of conflict between cultures, which are bound to arise…". Similarly, Schweller (1999) argues that Linklater presents nothing more than "fantasy theory". By advocating a form of political universalism without providing any guidance as to why such an arrangement is normatively better than state particularism, the argument is that, at best, Linklater is being dogmatic and, at worst, replicating the very problems they attribute to traditional theory – embedded biases and immutable knowledge.

With that in mind, if the goal is to question latent assumptions, one must prevent the mistakes of that which one criticizes and not impose a new vision or create new reifications. As such, a fine, but firm, line is drawn between questioning the relevance of the domestic/international separation, debating jurisdictional change, and ascribing normative worth to any updated structure. While the study recognizes the fineness of that line, it is secure in its belief that it can examine transformation without imparting normative worth to any updated configuration. In other words, questioning IR's core

assumptions via an analysis of the EU counterpoint is not about prescribing a new path. Rather, it is about defining a jurisdictional alternative and how its political and socio-political consequences might be understood. The normative issue of whether that alternative is "better" than its precursor is placed firmly to the side.

Methodological – empirical [21]

Having laid out the study's conceptual orientation, one can turn towards why Europe – and specifically the EU – is the focus. To begin, it is worth repeating the points made earlier with respect to why the European case is appropriate. First, the EU is widely acknowledged as a hotbed of jurisdictional change with a well developed, researchable, and operationalized core. Second, the EU deals with political and socio-political factors, both of which are critical to debating the challenges to sovereignty. Third, Europe is the historical source of sovereignty. As such, it offers a particularly poignant case.

If those are the reasons that Europe is the key case, it is necessary to go into more detail regarding the type of evidence considered. As has been argued, the study's primary concern is the analytical status of IR's enabling binaries. Accordingly, the focus is logically on the empirical structures most closely associated with them. For inside/outside, one is drawn to the structures governing the dynamics and configurations of political action – the EU's institutional rules, ECJ decisions, and the like. For inclusion/exclusion one is drawn to Europe's socio-political aspects and therefore European citizenship. This separation of "politics" and "people" should not be taken as to imply that sovereignty necessitates state citizenship in a causal sense (or vice-a-versa). They are, no doubt, mutually supportive processes such that political outcomes are at least partially conditioned by socio-political relationships (again, vice-a-versa). As one will see in the following chapters, politics and people are examined separately as each tugs at a slightly different concern, as reflected in the contextual differences between "inside/outside" and "inclusion/exclusion". Moreover, despite any structural separations that are made, both strands ultimately come together in the context of the study's consideration of the domestic/international separation.

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[21] These methodological issues are returned in the context of the specific issues under investigation in the two empirical chapters.

In making those points, it should also be made clear that "Europe" is a more inclusive term than "EU Europe." While the varying usages throughout this study is largely semantic, the Union is the ultimate focal point as it is the acknowledged center-point to any discussion on European politics as well as a key critical case in wider debates about jurisdictional change. That does not mean non-EU issues are never important. However, when and where they are, it is reasonable to assume that if they are of fundamental significance, they will be caught-up in any analysis of the Union.

Under those broad parameters, two further technical points need to be made clear. First, the study acknowledges that because the Union is an ongoing process it is potentially problematic to assign everlasting meaning to it. At the same time, that limitation must be balanced against the study's desire to overcome a core criticism of critical of much globalization literature – a lack of empirical evidence. Consequently, a balance is struck. On the one hand, the empirical portions of the study are told based on largely documentary evidence – official EU reports, directives, decisions, and, where appropriate, public opinion surveying – up to and included the Lisbon Treaty. Using Lisbon as the endpoint makes sense both as it is the first treaty revision after the failed – and highly symbolic – constitutional attempt as well as due to its stated goal "to complete the process started by the Treaty of Amsterdam and by the Treaty of Nice". In doing so, the study forgoes consideration of inter/intra member-state/institutional deliberations. Little interest is paid to how the Union arrives at a given policy. Political rhetoric and legislative bargaining may be important to the policy-making process, however they are less important to analyzing how established and operationalized rules impact the inside/outside, inclusion/exclusion and domestic/international separations.

On the other hand, while focusing on enacted rules shields the study from being overly conceptual, the problem of freezing the EU at a particular moment remains. As an example of this, Ansell (2004: 245) argues that EU is a hybrid institution. In doing so, however, he rhetorically asks whether that hybridity "stable" or simply a "transitional" stage between intergovernmentalism and federalism. Ansell is concerned with whether his analysis simply "catches" the EU during an intermediary, and therefore temporary, stage. In much the same way, this study faces a concern over whether its examination offers nothing more than a slice of the EU's wider evolution – a concern likely to be exaggerated under a blurring finding.

Though that is a concern, the study also recognizes that the EU's legislative process limits the possibilities for quick, radical change. Whether one takes an intergovernmental or a neo-functionalist reading of it, each side maintains that there are high barriers to effecting significant transformation – an intergovernmentalist stressing vetoes and Council unanimity and a neo-functionalist the "Community Method" and inter/intra institutional checks (Wallace and Wallace, 2000). Thus, whatever rules that exist are not treated as haphazard decisions or fleeting irregularities. Again, that does not mean that they are immutable. Treating them in such a way would reify them in the same ways IR does the state. However, contemporary European arrangements can be treated as trends – trends that are stable insofar as they arise out of the Union's collaborative processes, but also trends that need always exist in the same ways. While the EU's current structures are taken to be reflective of the Union's general movement, they are not viewed as foundational – a fact that becomes critical in chapter 5's discussion on the importance of process, not end-point, based arguments as well as the conclusion's one current challenges to EU setups.

Conclusion

Put together, this chapter, paired with the introduction, introduced the topic of the study, provided an outline of its key questions and themes, located it within existing thinking, and provided its overarching methodological outlook. In doing so, the chapters established that the central issue guiding the study as a whole is the shifting nature of jurisdiction, witnessed through an examination of Europe, and how that affects the descriptive, analytical, and disciplinary maps IR has traditionally deployed to understand international dynamics. Given those broad goals, the next chapter develops what is specifically meant by jurisdiction and the jurisdictional problematique. In doing so, it examines sovereignty and why it ought to be considered a corollary of jurisdiction. All of that offers the context for analyzing IR's analytical and disciplinary necessities.

Chapter 2 – Jurisdiction, sovereignty, citizenship, and IR

Introduction

Logic dictates that assessing change – of any type – requires establishing perspectives both on "what was" as well as "what became". In order to examine the sorts of jurisdictional changes coming out of the EU experience, and therein their effects on IR, one must first establish the baseline standard against which change can be assessed. In that regard, this chapter extends on the points developed in the previous one, particularly with respect to the importance of jurisdiction as the undergirding concept of analysis and why a sovereignty form of it enables IR's analytical and disciplinary structures. In that sense, this chapter's central purpose is to establish firm perspectives on "the old" in order to contextualize the subsequent examination of "the new".

To add a degree of specificity to each of those objectives, the chapter is divided into two main sections. The first half extends the argument introduced in the previous one – that jurisdiction and the jurisdictional problematique are the core issues at play in any analysis of political and socio-political life. It both makes clear why a starting point and a language of jurisdiction is helpful and necessary in such analyses as well as why sovereignty ought to be defined as a specific type of it. To do each of those things, the chapter proceeds along two mutually supporting lines. First, it offers an analytical schematic for analyzing each concept. It then uses that schematic to conceptually define jurisdiction and sovereignty (as well as power and authority). Second, the chapter backs up that conceptual framework with a set of historical examples. As one sees, while jurisdictional debates are unavoidable parts of political life, sovereignty is not a necessary ingredient for political action. Moreover, sovereignty is defined as a corollary of jurisdiction. Sovereignty is therefore viewed as a type of jurisdiction.[1]

In offering that analysis, a word of initial clarification is necessary with respect to the sequence the chapter takes in examining these issues and, in particular, its separate

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[1] To be clear, as page 60 establishes fully, this is not to say that jurisdictional questions might not also arise within a context of sovereignty (e.g. the jurisdiction of courts *within* a sovereign state). The question is whether jurisdictional debates might also occur fully outside of sovereign setups.

assessments of the political and socio-political consequences of sovereignty. The chapter looks first at the relationship between jurisdiction and sovereignty largely from a "political" point of view. The focus is more on the structures governing the configurations and dynamics of political action – broadly defined – than it is on the people impacted by them. That being said, by establishing a rubric of sovereignty, socio-political factors – factors in which the focus more fully rests on people and how they relate to a given political setup – are then considered. And, under the context of sovereignty, that largely occurs through a framework of state citizenship and inclusion/exclusion.

As noted in the previous chapter, this sequence of analysis *should not be taken as to imply that sovereignty necessitates state citizenship*. Again, they are, no doubt, mutually supportive processes. Politics and people are examined separately insofar as each tugs at a slightly different concern (see below). While the trends ultimately do come together in the context of the domestic/international separation, for clarity's sake the chapter deals first with the more overtly politically structuring aspects of sovereignty and how they related to jurisdiction and then applies the outcome of that analysis to the associated socio-political components.

If the first half of the chapter offers a firm appreciation of jurisdiction, why sovereignty ought to be seen as a type of it, and ultimately the sovereignty standard ("the old"), the second half of it links those findings back to IR. It addresses why sovereignty is critical to the discipline – both in a general sense as well as in the context of the four mainstream IR models. The chapter argues that despite the vastly different vision of and hopes for the international realm coming out of each of those models, each must subscribe to a belief in the existence of a definable and a distinct sphere of international action. And, insofar as the ability to do that analytically relies on the domestic/international binary coming out of sovereignty's resolution to the jurisdictional problematique, they each require inside/outside and inclusion/exclusion separations. In making these linkages, one should be clear that the intention is to define the counter lines of IR as field of academic enquiry and not to assess the appropriateness of any individual model.

By defining IR's enabling conditions, the chapter illustrates both why the discipline functions in the ways that it traditionally does, but also why those conditions may be problematic in instances of jurisdictional change. Arguing that IR has a common set of

assumptions shared by its mainstream models may not be particularly surprising. However, ascertaining precisely what and where those crosscutting commonalities are does open the door towards assessing whether that DNA contains inherent genetic flaws and how a changed domestic/international cleavage might trigger mutation. And, returning to the point made at the outset, that sets the stage towards debating whether the EU lobs any formidable ammunition at those genes and, if it does, what forms do they take, what changes do they mandate, and what new ways forward might be found.

Jurisdictional starting points

If one accepts for the time being that IR requires sovereignty as sovereignty provides the structure for the inside/outside, inclusion/exclusion, and domestic/international separations at the heart of its disciplinary foundations – an assumption neither uncommon nor farfetched – the question that arises is why this study finds it necessary to elevate jurisdiction to the forefront at all. In other words, if the study ultimately accepts that IR and sovereignty are inextricably linked – linked to the point that the former disciplinarily requires the latter to make sense – then why is defining sovereignty as a type of jurisdiction important in the first place? If sovereignty offers the structural conditions, and therein the conceptual groundings, through which it is possible to visualize a domestic/international separation, why is making it a jurisdictional type significant to overall understandings of IR in the first place?

In initiating what is a reasonable line of thinking, it should be clearly stated that *this study is not rejecting the importance of sovereignty to IR*. Indeed, the second half of the chapter seeks to demonstrate that very point; it argues that that despite their individual theoretical divergences, the four mainstream theories all require it. At the same time, however, as presaged in chapter 1, this chapter does setout to illustrate that sovereignty is simply one type of jurisdiction and simply one resolution to the problematique. It does so in an attempt to demonstrate that while jurisdiction is an ever-present aspect of political and socio-political life, sovereignty it is neither an inevitable fact nor a necessary ingredient. The issue is whether, far from being the most basic concept from which all other critical political logics derive from (or operate under the conditions of), sovereignty can be dismantled into more rudimentary sub-components. To illustrate that, the chapter examines its relationship with other commonly used terms within IR, most notably

power, authority, and jurisdiction. In each case, the primary interest is the conceptual "inclusiveness" of each term.

In doing that, as one sees fully below, sovereignty becomes a specific expression of more inclusive, conceptual building blocks. The chapter argues that sovereignty is a corollary of jurisdiction; it is a jurisdictional type based on a precise constellation of processes. Again, going back to the point spurring this discussion, that in no way negates the importance of sovereignty to IR. Neither this chapter nor the study as a whole finds any contradiction between sovereignty as non-elemental and sovereignty as vital to international theory. De-mystifying it does, however, allow for an examination of its development over the *longue durée.* And that opens the door towards debating whether non-sovereign jurisdictional setups exist in modern Europe.

In addition to that overarching reason for highlighting jurisdiction, three further rationales are important. First, on a terminological level, making jurisdiction the critical concept forgoes certain stigmas associated with the term "sovereignty." As is well known, there are wide-bodies of literature from diverse disciplines that attempt to analyze certain perceived challenges to sovereignty by re-branding it. Thus, one frequently encounters terms such as "softened sovereignty", "non-territorial sovereignty", "floating sovereignty", "sovereignty-free", and/or "pooled sovereignty" (Rosenau, 1990; Waever, 1995; Wallace 1999; Agnew, 2005).

To be clear, no claims are made as to the appropriateness of the logics subsumed under those headings. Nonetheless, if one accepts that sovereignty is a jurisdictional type based on a specific constellation of factors, it stands to reason that sovereignty *as a term* lapses when any component of that constellation changes. While on first glance that may seem radical, it gains nuance insofar as sovereignty's terminological death does not necessarily mean the downfall of any specific sub-component of it – hence the logics contained under the terms noted above are not necessarily wrong. Their terminology is at fault.

Second, on an empirical level, approaching sovereignty via a discussion of jurisdiction allows one to assess its solution to the problematique over a much larger and longer historical panoramic. Because IR tends to treat sovereignty as its enabling condition, it also heuristically dates itself to Westphalia. Doing so, however, self-excludes considerations of pre-sovereign, jurisdictional structures – which both fails to reflect on

those structures in their own right, but also risks short-changing the specific processes that make sovereignty itself distinct. Thus, while this study ultimately accepts that sovereignty and state citizenship allow for the inside/outside, inclusion/exclusion, and domestic/international separations at the heart of IR, it disagrees that they are timeless concepts. The sovereign state is not a "sacred unit beyond historical time" and one should not be trapped by such an assumption (Agnew, 1994: 65). Introducing it from a perspective of jurisdiction – *a term that etymologically pre-dates it* – therefore allows one to track the arrangements prior to it as well as the specific nature of the shifts leading to it. The nature of those shifts underlies the typology used to assess jurisdictional change in modern Europe.

In making that point, one should stress that if sovereignty is simply a jurisdictional type, it is not essential for the conduct of political or socio-political life. Extending on the point made in the introduction, because political and socio-political action represent more than mere power relations – because, as Onuf and Klink (1989: 52) aptly note, "wherever there are politics there are limits" – while offering some resolution to the problematique is necessary, a sovereignty-specific form of it is not. Accordingly, and as the historical sections that follow make clear, political and socio-political life are feasible absent sovereignty. And that highlights the critical role played by jurisdiction in examining the multitude of arrangements that might exist.

Finally, on a methodological level, defining sovereignty as a corollary of jurisdiction illustrates the contingency of the former in light of the variability of the latter. And that sets the stage for European changes. Opening the door to the historical contingency of sovereignty removes some of the revisionist pressures on the European focused chapters insofar as EU processes are not seen as changing a here-to-forth timeless concept. Rather, by demonstrating that jurisdiction has not always functioned in the ways that sovereignty tells IR it must (and, as it turns out, that IR tells sovereignty it must), the EU counterpoint is merely a modern instance of a pre-modern debate. Returning to Holsti's (2002: 28-31) point, alterations are therefore less instances of "change as replacement" and more instances of "change as addition" or "change as transformation". If there are changes to sovereignty, those alterations are occurring to a concept that has historically already varied.

Core concepts

Having outlined why a jurisdictional entryway makes sense, one can turn to the trickier issue of why sovereignty ought to be considered a derivative of it. To flesh that out, it is helpful to expand the debate to four concepts – *power*, *authority*, *jurisdiction*, and *sovereignty*. Power and authority are relevant insofar as both frequently find themselves adjoined to sovereignty and jurisdiction. For instance, one often encounters the terms "sovereign power" and/or "sovereign authority" as well as "jurisdictional power" and/or "jurisdictional authority." Sovereignty is important for obvious reason. Jurisdiction enters the debate as the study's key theme. Indeed, it should be noted that the term is conspicuously absent from most standard IR texts and discussions, the assumption being that it matters only within a sovereignty-based setup and therefore is not of great concern to international theory as such. As a practical example, a keyword search of ISA programs from 2000-2010 finds that whereas "sovereignty" appeared in, on average, 6.45 panel headings a year (the highest being 2008 and 2012 with 12 each), "jurisdiction" appeared just three times *in total* (once each in 2002, 2003, and 2010). Moreover, in looking at the titles of the papers, "sovereignty" appeared, on average, 42.45 times a year with "jurisdiction" coming in, on average, just 1.63 times.

To define and relate the terms, the chapter tracks three interrelated metrics – scope, number, and method.[2] Scope reflects the extent to which power, authority, jurisdiction, or sovereignty is exercised. As such, it has connotations of both spatial range and functional competencies. Number, which relates to scope, centers on the quantity of decision-makers, including the autonomy of them. Finally, method refers to how power, authority, jurisdiction, or sovereignty is expressed; its mode of execution. Taken together, tracking how each core concept operates along each metric allows one to examine which is the conceptually most inclusive, and thereby which are derivatives of the others (Table 2).

Beginning with power and authority, one may be tempted to write-off their varying usages as semantic such that each term ultimately denotes the same thing. Nevertheless, MacCormick makes clear that while they are related, they define different phenomena. In the first case, he argues that power describes the relationship between two or more actors

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[2] One will realize that these metrics correspond with the jurisdictional problematique – number with "who", scope with "what", "where" and "over whom", and method with "how". The study starts with number, scope, and method as they offer a more generic and terminologically assessable entry point.

and indicates the capacity of one to make the other do something it would otherwise not do – whether that means compelling it to perform/not perform an action that it might otherwise have/have not been taken or by preventing cognition of all the possible choices that might have been available (MacCormick, 2004; Lukes, 2005).[3]

As it relates to the metrics, as a concept, power lacks a necessary spatial scope. Being relational, it could be as limited as that of parent in a household or as broad as a superpower over the globe. Similarly, it lacks a necessary functional scope. An actor could have power over a particular issue or over a whole host of them. Second, just as there is no necessary scope, there is no pre-determined number (though being relational logically requires more than one). One can easily imagine two, three, or more actors competing with one another over common issues in common spaces. Finally, there is no necessary method of execution. Even when limited to a state context, power might be hard in some cases and soft in others (Nye, 1990). Similarly, power might be expressed in observable, unobservable, or behavioral ways (Lukes, 2005).[4] Irrespective of the specifics, however, across all three metrics, power is conceptually open.

If power is the relational capacity to make another do something that they would otherwise not do (or, at least limit the practical and/or cognitive choices available to them), authority replicates that definition, however roots it in a normative – a legitimizing – order. It is therefore a derivative of power (Onuf and Klink, 1989: 152; Rosenau, 1990: 186; MacCormick, 2004: 861).[5] To be clear, saying that authority has

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[3] The understanding of power advanced in this study highlights its relational aspects. That being said, alterative interpretations might be given. For instance, Lukes cites Arendt's consensual understanding in which power is linked "the *res public*…[where people] behave nonviolently and argue rationally" (Arendt, 1970: 56; Lukes, 2005: 33). While Lukes believes such a conceptualization is "rationally defensible", he notes that it risks being of less value than a relational understanding. "Focus[ing] on the locution 'power to', ignore[s] 'power over'. Thus power indicates a 'capacity', a 'facility', and 'ability', not a relationship. Accordingly, the conflictual aspect of power – that fact that it is exercised *over* people – disappears altogether from view. And along with it there disappears the central interest of studying power relations in the first place – an interest in the (attempted or successful) securing of people's compliance by overcoming or averting their opposition" (Lukes, 2005: 34).

[4] In this case, the question arises as to how one identifies the mechanism of power if it either prevents an action from being taken (e.g. is unobservable) or is behavioral (e.g. is rooted in social forces/institutional practices that prevent an issue from entering the political arena). While these issues are critical to understanding power *as the independent concern*, they are less relevant to understanding its relationships to the other key terms. Indeed, while a behavioral view may differ from more traditional relational formulations, in either case, the number, scope, and method metrics seem to be open.

[5] One might note that the difference between power and authority may be academic insofar as an actor might have authority – for example, to make a law – without having the means – the power – to enforce it. Nonetheless, the conceptual difference remains accurate.

normative roots reveals nothing about the nature of those groundings. While in contemporary political communities it tends to be territorial and democratic, its basis could be religious, ethnic, or something else entirely. Thus, saying that authority is the normative expression of power simply means that there is a legitimating factor of some sort. With authority,

> The question is not so much who can in fact do certain things, but who has the right to do so, whose rules or commands ought to be obeyed if issued on certain subjects and following prescribed procedures, who has a position defined by some normative order empowering them in this normative rather than factual sense to lay down what others must receive as, for them, valid or binding norms or reasons for action. Then what is in issue is authority, power in its normative form (MacCormick, 2004: 861).

Given that, one can return to the scope, number, and method metrics. First, while as a *concept* authority lacks any necessary spatial scope – it could be as limited as a parent's authority in a household or as extensive as a religion's over all parishioners – insofar as it has a normative underpinning, in *practice* it has constraints based on that foundation – parental authority based on custom or religious authority based on faith. A similar situation occurs with respect to its functional scope. Authority is open in theory, but defined in practice based on the particular normative order at play. Second, there is nothing inherent to authority that mandates a specific number of them in a given circumstance. It is just as easy to imagine one authority over all things and in all places as multiple authorities sharing authority over different things in different places. Nevertheless, in practice, there are again likely to be limits based on the normative underpinning present. Finally, authority's mode is theoretically open – it might be hard in some instances and soft in others, formal in some cases and informal in others. However, it is defined in practice based on the legitimating structures in operation. Taken together, authority's scope, number, and method variables are open in theory, but are limited in practice by a normative order. They are therefore "under-defined" variables.

In understanding the relationship between power and authority, the question becomes which is appropriate for the issues underlying this study. On one side, each has been used in international discourse. On the other side, each denotes a different thing. However, because this study is more interested in questions of right – who has the right to exercise political rule – not brut fact – who has the power to do this or that – it is more concerned with authority than power. Indeed, because power is relational, it is also border resisting, a fact that would seem to negate the very possibility of defining inside/outside,

inclusion/exclusion, or domestic/international binaries. While states may engage in so-called "power politics" in their day-to-day interactions, they implicitly rely on the normative underpinning provided by, as it turns out, sovereign equality (and with it territorial boundedness) to structure the international system itself (Bull, 1977). While the strength and types of those underpinnings may be debated, insofar as there is an international system at all, authority, not power, is the critical concern.

In accepting that authority is the issue, the question moves to the relationship between it and jurisdiction and sovereignty – including why this study privileges jurisdiction. One can start by defining jurisdiction, a term that literally means "to speak the law." As noted, it is typically viewed as a state based, sovereignty contingent phenomenon. Shaw defines it as,

> The power of the state to affect people, property and circumstances and reflects the basic principle of state sovereignty, equality of states and non-interference in domestic affairs…Jurisdiction is a vital and indeed a central feature *of state sovereignty* (Shaw, 1986: 342, emphasis added).

Similarly, Gordon (2005: 5) defines jurisdiction as "the legal authority of the state", having both "prescriptive" (rule-making) and "enforcement" (rule-implementation) qualities. It "evokes a certain geography, one that articulates the scope of state sovereignty in territorial terms". Thus, the conventional approach is that a state "speaks the law" within its territory based on its sovereignty. Jurisdiction is the legal personification of the sovereign state.

In offering that definition, and prior to challenging it, two provisos must be made. First, this study is not blind to the fact that jurisdictional questions have been applied outside the state context – for example, in international law. Nonetheless, where and when this has occurred, the assumption has tended to be that a state's jurisdiction is either extended to the territory of another based on need (e.g. extra-territorial rights for diplomats) or is concluded between states as sovereign jurisdictions (e.g. a contractual relationship) (Shaw, 1986: 342-371; Raffo et al., 2007: 16-18). In either case, the state remains the enabling unit such that "the internal and external sources of law [remain] traced to the 'will of the sovereign'" (Wind, 2001: 90).

Second, the traditional jurisdiction-within-sovereignty vision is not wrong and no claims are being made that jurisdictional issues cannot arise within state contexts. They can and

do, whether in the context of a judicial system (e.g. court jurisdictions) or among political actors (e.g. separations of powers between legislatures and executives). For that reason, the real issue is whether jurisdictional debates might *also* occur outside of the structuring conditions found in sovereignty setups. And, again, given that the term's literal meaning is "to speak the law" as well as that it etymologically pre-dates both sovereignty and the state it seems reasonable to at least open the door to the possibility that jurisdiction might be unbolted from both.

Accordingly, returning to the three metrics, like authority, the scope of jurisdiction is under-defined. On the spatial side, it is possible to enable rule-making/rule-enforcing programs along a number of spatialities – for example, universally, nationally, religiously, or culturally. Similarly, there is nothing inherent to it that implies an actor must have jurisdiction over all issues. Nevertheless, unlike power, but like authority, because speaking the law implies a legitimation process, in practice both scope types would function through normative limits. Second, the number of actors having jurisdiction within a unit or over a function is under-defined. While in theory there are many options – one can imagine multiple jurisdictions "speaking" with their own voices over a common issue or a single one "speaking" to everything and everyone within a territory – in practice the normative dynamics at play mandate specific number dynamics. [6] Finally, in a specification from authority, jurisdiction carries strong connotations of administrative development – of rule-making and rule-enforcement mechanisms. Administration could take place in any number of ways – through courts, norms, parliaments, and/or executives. In that sense, authority and jurisdiction are related to the point that jurisdiction is considered "the administration of authority". Nevertheless, as a term and a concept, jurisdiction is privileged due to its firmer translation of authority into practice.

With that in mind, the jurisdictional problematique introduced in the study's introduction forms as a debate over final scope, number, and method orientations. As noted, because political and socio-political life requires limits, the goal is about defining the contours of the administration of authority. It is about finalizing jurisdiction's functional scope (an issue of "what"), its spatial scope (issues of "where" and by implication "over whom"),

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[6] This may produce empirical conflicts between different jurisdictions over a similar issues/the same person, however that does not affect the concept as a whole. See chapter 4.

its number (an issue of "who"), and its method (an issue of "how"). In that regard, the problematique represents the under-definitions inherent to jurisdiction. It is a debate over "Who decides what, where, how and over whom". It therefore reflects the under-defined nature of jurisdiction-the-concept and acts as an extension of the metrics used to assess it. Because resolving it in some way, shape, and form is inescapable to political and socio-political life, the problematique is at the heart of all political and socio-political analysis.

Having defined and related power, authority, and jurisdiction, one can turn to sovereignty. To reiterate, this chapter is not trying to re-imagine it. It is simply attempting to define it as a jurisdictional type. Starting with scope, sovereignty is thought to occur within a territorially bounded area (Agnew, 1994, 2005). In that territory, the sovereign is assumed to have jurisdiction over all issues and all people. There is a congruency between territorial, functional, and jurisdictional scopes. Second, sovereignty generally implies the presence of a supreme and autonomous source of jurisdiction.[7] The sovereign has final say inside its territorial borders and is therefore logically independent from other like units. MacCormick (2004: 859) notes, "[I]f one ruler were in effect the overlord of another, that other would cease to have sovereignty". Finally, due to its statist links, the method of administration utilized in sovereign contexts is thought to occur via formal and delineated state agencies internally and ensured by clear and stable territorial borders externally (Hertz, 1956, 1968).

Put together, sovereignty contains a clear scope, number, and method – territorially and functionally complete (scope), exclusive (number), and state agencies (method). Indeed, those logics can be seen as the legitimating underpinnings necessary for the stabilization of the under-defined qualities inherent to jurisdiction. Sovereignty is a normative system based on its specific views on the appropriate extent of jurisdiction. Sovereignty provides a specific resolution to the problematique – the "who" being the single, autonomous sovereign, the "what" being all functions, the "where" being territorial, the "how" being state agencies, and the "over whom" being the people within said territory. Whether in the context of the three metrics or the problematique itself, sovereignty is a specific means of administering authority. Jackson (1999: 432) writes, "Sovereignty is the basic

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[7] A sovereign might federalize his or her jurisdictional, however a hierarchy would remain (Ansell, 2004).

norm, *grundnorm,* upon which a society of states ultimately rests. If states were not sovereign political life would have to rest on a different normative foundation".[8]

It is important to note that the understanding of sovereignty developed has three related, but subtly distinctive, aspects (Branch, 2011a: 14). First, sovereignty functions as an "actor type" via its depiction of who the legitimate political player is – the sovereign. Second, sovereignty functions as a means of "system-wide organization", its tenets effectively dividing and organizing the Earth up into domestic insides juxtaposed against an international outside. Finally, it has a "systemic functionality" effect based on sovereign equality and non-interference principles; it is a functional cog in the system's overall execution. While these three aspects combine to offer a holistic understanding of sovereignty, it is important to keep the distinctions in mind throughout the following discussion as each hints at a different aspect of it and, therefore, of its importance to IR.

Table 2 – Core concepts

Concept	Definition	Scope	Number	Method
Power	The ability to make another do something that it would otherwise not do (whether via direct coercion or structurally/cognitively limiting potential choices)	Open	Open	Open
Authority	Power with a normative grounding	Under-defined; open in theory, normative limitations in practice	Under-defined; open in theory, normative limitations in practice	Under-defined; open in theory, normative limitations in practice
Jurisdiction	The administration of authority	Under-defined; open in theory, normative limitations in practice	Under-defined; open in theory, normative limitations in practice	Rule-making and rule-enforcing mechanisms
Sovereignty	Territorially-based jurisdictional form in which a single actor claims exclusive jurisdiction over all functions and people within a territory	Territorial; functionally complete; territorial/functional/jurisdictional congruency	Single (supreme; independent from like units)	State agencies/bureaucracies

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Non-sovereign jurisdiction

By conceptually relating the core terms, one can now turn towards offering a historical context. In doing so, the concern is illustrating that a different answer to the problematique existed prior to sovereignty as well as reiterating the specific processes leading to a sovereignty-based resolution of it. As a methodological note, the sections are used heuristically and are not offered as formal historiographies. As is developed below, they all contain certain academic obfuscations. Nevertheless, "by selecting specific points in space and time that can be considered typical of a particular formation," one can track how critical elements – in this case, jurisdictional configurations – are assembled and disassembled across time (Hoffman, 2008: 665). By doing that, one gains insight into the tipping-points that prompt movement from one stage to another.

It is useful to begin the discussion visually with the widely accepted point that the modern international map – a map hanging in every elementary school classroom and depicting states in starkly different colors separated by firm black borderlines – is very different from the political maps of medieval Europe (Jackson, 2007b; Branch, 2011a, 2011b). Jackson writes,

> [Medieval Europe] was not a territorial patchwork of different colors, which represented independent countries under sovereign governments whose population exhibit distinctive national identities. Instead [it] was a complicated and confusing intermingling of lines and colors of varying shades and hues (Jackson, 2007b: 27).

From a retrospective perceptive, it is easy to understand the point being made – prior to sovereignty, Europe did not exist as a series of distinct states separated by sovereign borders. Indeed, acknowledging that something existed before sovereignty, but tending not to care insofar as it was not sovereignty, has been a tactic often taken by IR (Rengger, 2000). Placing that point to the side for the time being, while medieval Europe may have lacked sovereignty, jurisdictional structures were not absent. To that end, understanding what forms existed prior to sovereignty is critical to both de-reifying it as well as illustrating what lead to it.

Thus, it is well established that there were multiple authority sources, and therefore multiple jurisdictional actors, in Latin Christendom (Mattingly, 1988; Holzgrefe, 1989; Brown, 2002; Jackson 2007). As the name implies, on the largest scale there was the Catholic Church where, as matter of faith, God claimed complete and supreme

jurisdiction. In that sense, popes were thought to wield both temporal and spiritual swords and, with them, jurisdiction over all people, all matters, in all lands, and over all of time. While a pope might lend his earthly sword to secular rulers, jurisdictional supremacy technically rested with him. God spoke the law in its entirety and no border could retard it.

While *in theory* the pope claimed universal jurisdiction, *in practice* he co-existed – often uneasily – with other jurisdictional agents. For instance, in addition to the Church there was the Holy Roman Empire – a mixture of kingdoms, principalities, cities, and other sub-units – led by the Holy Roman Emperor (HRE). One might be tempted to think of this as early federalism; the Church ceded certain temporal rights to the HRE, but maintained overall preeminence. However, the story was hardly so clear-cut. Jackson (2007: 36) notes that while the Church claimed the papacy was a *"regnum"* superior, the HRE claimed the office of *"sacerdotium"* and with it earthy dominance.[9] This disagreement was not merely rhetorical, as highlighted by the investiture conflicts between Henry IV and Pope Gregory VII (Mattingly, 1988).

These complications and competitions were not limited to popes and HREs. The latter faced jurisdictional battles in their own right with landed nobilities, many of who claimed hereditary, jurisdictional entitlements. Loughlin (2003: 57) notes that while the HRE was "the suzerain of suzerains and the seignior of seigniors," that implied supremacy over only "those best placed to disobey", not everyone and everything in the empire. Furthermore, the empire itself co-existed with *regnas* – "islands of local political authority" – controlled by landed kings and queens (Jackson, 2007b: 25). These, in turn, co-existed with their own sub-actors – nobilities, cities, and guilds. In the end, all the various actors – popes, HREs, kings/queens, cities, guilds, and nobles – claimed their own unique jurisdictional gambits based on their own individual rationales. While in theory the Church formed the top of a hierarchy, in practice there was jurisdictional competition. Sovereignty in the Middle Ages, as Zielonka (2006: 11) notes, "was not seen as an absolute concept".

Given the number of actors, it is hardly surprising that they also all claimed their own jurisdictional scopes; the "what" "where", and "over whom" components varied and

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[9] The HRE did not deny God was supreme, just that he lent his temporal sword directly to him.

even overlapped. Setting the stage, Brown (2002: 35) notes that the medieval era lacked "firm and fixed political borders denoting separate territorial jurisdictions…Europe was a cosmopolitan Christian world". His statement highlights two key points. On the one hand, despite the competition, the Church played a key role in the era's political structure. According to Christian doctrine, God's jurisdiction was universal – spatially and functionally. In a doctrinal sense, the Church claimed jurisdiction over everyone, everything, everywhere, and in all of time. In a more applied sense, popes formulated, interpreted, and executed the tenets of canon law independently and supremely.

On the other hand, and while acknowledging the discrepancy with the point just made, because the Church shared the political stage, the other actors of the era claimed their own spatial and functional jurisdictions. The exact nature of what they individually were is less important than what they all were not – neither territorially nor functionally complete. In the first case, the territorial scopes of *regna* kings and queens related more to personal power and prestige than clearly demarcated geographic coordinates (Kratochwil, 1986; Mayall, 1990; Ruggie, 1993; Branch 2011a, 2011b). This is not altogether surprising given that the *regna* often lacked territorial cohesiveness. Jackson (2007: 27) points out, "Peripheral parts were scattered, like islands, among the territory of others rulers; core parts were perforated and interrupted, like lakes, with the intervening jurisdiction of other authorities".[10] Moreover, the borders that did exist functioned as "large zones of transitions" more akin to Roman *limes* than clearly demarcated and defended borders (Ruggie, 1993: 150).[11] To draw an analogy, the jurisdictional scope (the "where") of any *regna* king/queen was like tossing a stone into a pond – it radiated and rippled outwards from a center dissipating with distance. It was difficult to determine when one was inside or outside – territorially or jurisdictionally – of one *regna* or another.

The inability to make clear territorial divisions also made the distinction between international and domestic law nonsensical. Holzgrefe (1989:14) notes, "[T]he modern distinction between domestic and international law was…unknown. Law was either

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[10] Even in the limited circumstances in which a *regna* had a degree of boundedness – whether due to natural geography or historical longevity – it was neither automatic nor the norm.

[11] Kratochwil (1986: 35) elaborates on the concept of *limes* writing, "The Roman Empire conceived the *limes* not as a boundary, but as a temporary stopping place where the potentially unlimited expansion of the *Pax Romana* had come to a halt. The political and administrative domain often ended beyond the wall or stayed inside it".

peculiar to one community (*jus civile*) or common to many (*jus gentium*)." While there were means of commutation between the different actors – whether between kings and queens or the HRE and the Empires' various regions – these were dictated more by custom and privilege than by the rights of automatous equals, as is the case in modern diplomacy (Branch, 2011a: 13). Indeed, the notion of the resident ambassador or permanent embassies did not exist in any developed sense (Holzgrefe, 1989: 13).

In the second case, there were also differing, potentially overlapping functional scopes; the "what" and "over whom" aspects of the problematique had divergent, even intersecting, answers. Borrowing Ruggie's (1983: 274) term, jurisdictional structures were "heteronomous", comprised of a "lattice-like network of authority relations". For instance, given the number of jurisdictional actors, there was the real possibility that more than one actor might simultaneously claim jurisdiction over the same issue or even the same person – the Church by canon law, a *regna* by civil codes, and a guild by its trade rules (Breuilly, 2001: 33). In saying all that, it should also come as no surprise that the various jurisdictions operated along different methods; they had different "how" answers to the problematique. Mattingly (1988: 19) cites three main types – ecclesiastical, feudal, and imperial.

Viewed together, the plurality of actors, their varying spatial and functional scopes, and their different methods of administration meant that the "Who decide what, where, how and over whom?" question had a complicated, contextual answer. Jurisdictional lines crossed and re-crossed such that it was hard to visualize zones of jurisdictional clarity. While conceptions of inside/outside were not absent – the feudal system exemplified class borders and Latin Christendom rested on a Christian/non-Christian distinction – where and when such divisions existed, they were not based on mutually exclusive, functionally complete enclaves of territorially-based jurisdiction. While that did not make political life impossible, it did mean that none the three meanings linked to sovereignty – as actor type, as system organizer, or as system functionality – were in play. Jurisdiction was a complicated matter that did not offer clean-cut definitions as to what was inside – territorially or functionally – or outside – territorially or functionally – of an actor's domain. Because of that heterogeneity, determining who was deciding what, and where, how, and over whom they were doing so, was a highly complicated, contextual process.

Sovereign jurisdiction

If medieval jurisdictional borders were unclear and overlapping, the growth of sovereignty is seen as initiating a process in which they territorialized, exclusivized, and stabilized to form the real-estate imagery common to the modern map.[12] While the precise historical reasons prompting the shift from the medieval to the modern are important, because this study is more interested in the fact that they took place and took hold, they are somewhat placed aside in favor of the overall outcomes.[13] Nonetheless, in saying that, it is common within IR to heuristically treat Westphalia as the tipping-point in which modern conceptions of sovereignty arose and, in doing so, "simultaneously created two orders, a domestic one and an international one" (Caporaso, 1997: 581).[14] Westphalia is treated as the point in which the sovereignty resolution to the problematique comes into play.

The classic story is that Westphalia granted individual princes within the Holy Roman Empire the right to determine the religious denominations of their realms and, by doing so, set into motion a process that would progressively replace the medieval era's mixed jurisdictional setup with a territorially-based, functionally complete sovereign one. In that regard, the key sovereignty enabling concept is generally understood to be the principle of *cujus regio ejus religio* or "whose realm, his religion". Viewed in the abstract, the idea is rather simple – the ruler of a region decides its religion. However, on a deeper level, by institutionalizing that as the norm of European relations, Westphalia did two revolutionary things.

First, to operationalize the principle, one had to give firm shape to the regions themselves. If rulers were to meaningfully gain the right to determine the religion of

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[12] The real-estate imagery is particularly telling insofar as emerging sovereigns often viewed their territory as akin to legal property and the system as a map of property ownerships (Kratochwil, 1986).

[13] Any list of why such a transformation took place would include both empirical events (e.g. the Reformation, shifts in warfare, bureaucratization) as well as ideational ones (e.g. political theoretic developments spanning from Machiavelli to Hobbes and Locke).

[14] The Westphalian story contains certain historical obfuscations (Krasner, 1999; Osiander, 2001; Kuus and Agnew, 2008; Straumann, 2008). For instance, Osiander (2001: 264-268) notes that freedom to make religious determinations applied only to Christian denominations and, even at that, was often limited by constitutional agreements between regions. Despite all this (correct) criticism, Kuus and Agnew (2008: 96, emphasis added) still note that, while "the Westphalian ideal of sovereignty…has always been just that: an ideal…*mainstream theories of [IR], whether realist, neo-realist, or idealist, take the territorial state as their starting point*".

their realms, there was a logical imperative to demarcate the parameters of them; there was a need to clearly demarcate and map territorial spaces (Hertz, 1956, 1968; Branch 2011a, 2011b). As evidence, and in some senses even as a cause it, Branch notes the shift from verbal to visual mapping that took place. Whereas during the medieval era territory tended to be defined verbally via travel time or personal narratives, the visual mapping opportunities offered under modern cartography allowed for much greater detail and yielded more homogenized units. In making that point, Branch goes so far as to argue that those new mapping technologies were necessary elements in the shift from the medieval to the modern jurisdiction form. He writes that the technologies

> [A]ltered the ideation framework of political interaction, driving and shaping the creation of sovereign states defined exclusively by linear boundaries and homogenous territorial claims within those lines. Maps and their use were not epiphenomenal to political transformation, but rather were a necessary—though not sufficient—condition of the transformation of the international system (Branch, 2011a: 2).

Second, if territorial borders divided the Earth into mutually exclusive enclaves, those lines gained their political importance insofar as they were treated as contemporaneous with a ruler's jurisdiction. Returning to the *cujus region ejus religio* principle, because that it ostensibly gave rulers supremacy over religious determinations within their territories, it freed them to make those determinations without interference from outsiders. And, what began with religious supremacy overtime expanded to include all functions and all people within a region-come-state (Mayall, 1990; Onuf, 1991; Shaw, 1997; Wind, 2001). The logics begun at Westphalia initiated a larger and longer process leading to the formation of the Weberian state – a sovereign unit whose ruler has functionally complete, jurisdictional supremacy within a defined territory. [15] Jurisdictional borders became territorial, territorial borders became jurisdictional, and, within them, a sovereign claimed exclusive rights. Spruyt writes,

> The modern state is very unique, for it claims sovereignty and territoriality. It is sovereign in that it claims final authority and recognizes no higher source of jurisdiction. It is territorial in that rule is defined as exclusive authority over a fixed territorial space. The criterion for determining where claims to sovereign jurisdiction begin or end is thus a purely geographic one. *Mutually recognized borders delimit spheres of jurisdiction* (Spruyt, 1994: 34, emphasis added).[16]

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[15] This maturation process was, of course, more complex than depicted here (Shaw, 1997; Wind, 2001). For instance, Shaw (1997: 86) notes four phase of change 1648-1815, 1815-World War I, World War I-present. Nonetheless, the overall argument remains that states progressively consolidated their sovereignty.

[16] It may be the case that a state cannot practically express its jurisdiction throughout its territory. Nevertheless, that does not necessarily mean a formal loss of sovereignty (Jackson and Rosburg 1982,

In saying all of this, certain points need clarification. First, there are a number of ways of determining the physical location of a state border. However, *how* one makes those determinations has very little impact on a border's *jurisdictional* importance (Elden, 2010, 2011).[17] Second, and relatedly, how open or closed a border is also has very little relevance to its jurisdictional meaning. For instance, a border might be hard in the sense of military fortifications or soft in the sense of passport controls. However, neither affects its jurisdictional nature. Third, when locations have changed, whether due to war or systemic events (e.g. de-colonization), these shifts have largely remained cosmetic, not altering the jurisdictional/territorial/functional congruency. Finally, while there have been changes in the number of states comprising the international system as well as the system's polarity, prior to the mid-twentieth century, neither profoundly challenged the notion of states as the core actors. Rosenau (1990: 109) writes, "The system neither fragmented into small-scale units nor consolidated into a single, unitary actor". Viewed together, the importance of state borders comes from their assumed overlap with jurisdictional scopes. "Whatever the historical transformations, states and state-systems, exhibit certain regularities across time" (Walker, 1993: 91).

Jurisdictional forms

Given these two visions – the jurisdictionally messy pre-sovereign setup and the jurisdictionally clear sovereign one – the question becomes what specific changes underlie the shift from the former to the latter. On the one hand, it seems sensible to return to the scope, number, and method metrics. Were one to do this, one *would* detect the key shifts – scope would become territorial and functionally complete, number would become singular and exclusive, and method would link to state institutions. On the other hand, because the study is interested in why *sovereignty* is important IR, and therein how Europe affects that vision, it seems more useful to shift to a typology geared specifically towards it as the jurisdictional starting point. Doing so does not make it timeless, but it does highlight its conceptual clarity and academic pervasiveness.

Krasner 1999). Moreover, none of this is to deny that sovereignty was/is messy. However, as Held (2002b: 163, emphasis added) makes clear, "Acknowledging the complexity of the historical reality should not lead one to *ignore the structural and systematic shift that took place from the late sixteenth century in the principles underlying political order*".

[17] For instance, during the Westphalian era, rulers were generally more concerned with their own interests than the make-up of those populating their lands. This changed with nationalism and popular sovereignty such that the borders of the nation, the state, and the people become normatively linked. See below.

Accordingly, and in conjunction with its conceptual definition, a sovereignty form of jurisdiction rests on basic four logics – *exclusivity, territorialization, congruency, and overall clarity and stability.* First, sovereignty rests on the fact that a ruler is assumed to have *exclusive* jurisdiction within a territory. As such, the sovereign is logically independent from other like units. Second, sovereignty is fundamentally a *territorial* concept; it occurs within territorially defined units. Third, it is a functionally complete concept. A sovereign is assumed to have sovereignty over all functions and all people within a specific territory. As such, there is jurisdictional, territorial, functional *congruency*. Finally, sovereignty occurs within a largely *stable* setup based on *clearly* demarcated territorial borders. All four aspects define sovereignty as a jurisdictional type and all four reflect its particular resolution to the jurisdictional problematique.[18]

Table 3 – Jurisdictional types

Jurisdictional system	Definition	Sovereign metric	
Medieval system	A jurisdictional form in which jurisdiction is mixed between and across actors, spaces, and functions in potentially conflicting manners	**Exclusive**	No
		Territorialized	No
		Congruency	No
		Stability/clarity	No
Sovereign system	A jurisdictional form in which jurisdiction is territorial bounded, held by ruler with excusive jurisdiction over all functions and people in said territory; a jurisdictional form defined by clear, stable, and concurrently territorial/jurisdictional/functional borders	**Exclusive**	Yes
		Territorialized	Yes
		Congruency	Yes
		Stability/clarity	Yes

People and politics

Having developed a conception of jurisdiction and sovereignty, as well as the relationship between them, the missing piece is the role of individuals. On the one hand, the assumption has been that the problematique's "over whom" clause is implicitly resolved territorially; those in a state's territory fall under its jurisdiction. On the other

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[18] Despite arguments to the contrary, sovereignty is not an economic concept. Jackson (1999: 432) writes, "Sovereignty is not an economic notion… The expression of 'economic sovereignty' is a conflation of two different concepts that are best kept in separate compartments".

hand, while that assumption remains true in a practical sense, it is necessary to fully establish how sovereignty deals with the people component. Indeed, as Hurrell (2007: 127, emphasis added) notes, "[States] demarcate not just abstract units of administration, *but communities that are supposed to share both an identity and a legitimate political purpose*". While the political structuring aspects of sovereignty are critical, they matter only to the extent that they affect individuals.

To look at those issues, it is important to probe what sovereignty entails for the socio-political bonds between people and their political communities. And, in making that the focus, the critical concept understandably becomes citizenship – what it is, what sovereignty entails for it, and why a state-based form of it is important to IR. Offering perspective on those issues opens to door towards debating what sort of socio-political challenges European citizenship generates and how they feed into jurisdictional change. Rosenau writes,

> Individuals have become, both as group members and as citizens, a major battleground on which states, governments, sub-national groups, international organizations, regimes, and transnational associations [and the EU] compete for support and loyalties, thereby posing for them choices that cannot be easily ignored and that serve as both a measure of global change and challenge to global stability (Rosenau, 1990: 213).

With that introduction, one must begin with a brief narrative on the evolution of citizenship. As was the case with sovereignty, this historical context is not offered as a formal historiography. Rather, it is used descriptively to demonstrate that the construction and content of citizenship is not pre-determined. Accordingly, Heater (1990) begins a wide-ranging text on the concept noting that citizenship requires a degree of sophistication that simpler notions, such as loyalty, lack. He (1990: 2) argues that citizenship requires an individual to understand his or her role "entitles status, a sense of loyalty, the discharge of duties and the enjoyment of rights not primarily in relation to another human being, but in relation to an abstract concept". From that, he tracks its development, beginning with the Greek *polis* moving through the Roman Empire and ending with the state. Forgoing the details of this evolution, by historicizing citizenship, Heater establishes its variability, both in constitutive units (*polis*, empire, state) as well as execution (Greek as limited and participatory, Roman as open and passive). He therefore rejects those who define it solely in reference to the state (Brubaker, 1992; Miller, 2002). Linklater writes of Heater,

[He] argues that citizenship need not be confined exclusively to the rights and duties that individuals have as members of particular sovereign states. Citizenship…can be associated with any geographical unit stretching from the city to the whole of humanity (Linklater, 2007: 101).

At the risk of negating the point just made, it is nonetheless also clear that the birth, development, and totalizing project of the modern sovereign state made *state citizenship* the standard. The dawn of sovereignty, the growth of individual rights, and the development of nationalism all contributed to a process in which citizenship came to be regarded as the relationship between an individual and his or her nation-state. This ought not be surprising. If the Earth was divided along sovereign lines, it was sensible to develop a method of socio-politically locating individuals amongst those units. Writing during that seminal era, Bodin notes,

[What] makes a man a citizen [is] the mutual obligation between subject and sovereign [in which] faith and obedience are exchanged for justice, counsel, assistance, encouragement, and protection…Foreigners…being subject to the authority of another, [have] no part in the rights and privileges of the community (Bodin, 1967: 19-21).

Accordingly, state citizenship relies on division, particularism, and, in the most general sense, the lack of a socio-political amalgamating agent. Because all polities are bounded communities, and insofar as there are multiple states, there are multiple citizenships. Noting this dynamic, Linklater (1998b: 189) writes, with great simplicity, "Citizenship has been central to the politics of inclusion and exclusion". For the included citizen, it has meant "the right of political participation, duties to other citizens and the responsibility for the welfare of the community as a whole" (Linklater, 1998b: 184). For the excluded foreigner, it has meant a lack of analogous rights and responsibilities. "Individuals left the state of nature by granting each other determinate rights and duties, the rights and duties of citizens. Between their respective political associations, however, the state of nature continued to exist" (Linklater, 2007: 18).

Citizenship in concept

With that historical context, one arrives at a two part-conclusion. First, as a concept, citizenship is not static. The units constituting it as well as its execution have varied. Second, while dynamic, the importance of sovereignty has made the state form the norm. In light of this duality, the issue is finding a metric that accommodates its dynamism, but that also provides an essential typology. To do this, the study uses Wiener's (1998)

formulation. Wiener argues that rather than providing a one-shot definition of citizenship that may be valid in a given situation, but is not generalizable or adaptable, one should work with and within its dynamism. On the most rudimentary level, she argues that citizenship reflects the relationship between an individual and a polity – whether that polity is a *polis,* an empire, a state, or the EU. That relationship then gains its substantive content and meaning based on a triad of conditioning variables – rights, access, and belonging. Rights relates to the privileges of membership, access to the rules for acquiring status, and belonging to identity. Put together, citizenship forms in the context of the concrete practices accompanying it.

It should be acknowledged that this method runs contrary to two common alternatives, one that attempts to extract general understandings from a specific historical make-up and another that tries to define citizenship via sets of normatively significant attributes. While each has a place in citizenship studies, each fails to provide an adequate understanding. In the first case, Olsen (2008: 19) notes there is a tendency to "take Marshall's historical tri-partite model of rights as the template for citizenship in theoretical terms; to define it *solely* in reference to the possession of certain civil, political, and social privileges". The problem is, a rights-as-citizenship definition overlooks Heater's variability arguments. It overlooks the fact that the rights underlying Greek and Roman citizenship were not the same as those highlighted by Marshall's study of 20th century Britain. Therefore, either each reflects a fundamentally different concept or a more flexible definition is required.

In the second case, attempts have been made to define citizenship through a specific theoretical tradition – for instance, a liberal conception (Rawls), a republican vision (Miller), or a cosmopolitan standpoint (Linklater). In each case, each model tends to stress one particular aspect of citizenship based on its own normative commitments. Thus, liberals generally stress the importance of civil and social rights, republicans participation, and cosmopolitans interconnectedness. While one can debate between these visions, the problem with all of them is their reliance on a particular normative underpinning. Because each model presents itself as the most desirable version, each risks short-changing alternative aspects of it – liberals participation, republicans rights and identities, and cosmopolitans the stickiness of nationality. A conceptualized definition offers a fuller, more adaptable, albeit more situational, metric.

In saying all that, a conceptualized definition rooted in a set of practical variables, not established properties, does face its own challenges, most notably that it is so flexible that it reduces citizenship to an empty signifier. Noting this potential, Bellamy (2004: 3) writes, "To be recognizable as accounts of citizenship, conceptions must share certain common…conceptual features". While Bellamy is correct that to be useful a concept must have certain standardized features, it is precisely because of that potential criticism that it must be made clear that a contextual understanding does not hollow citizenship out in a post-modern way. Defining it as the relationship between an individual and a polity, conditioned via variables of rights, access and belonging, simply means that understanding it requires viewing it in practice. It retains a core set of meanings however appreciating them, and it, requires viewing them, and it, in context.

State citizenship

Having offered a conception of citizenship, one can turn to the state type implicitly assumed and relied on by IR (Table 4).[19] Returning to Wiener's individual, polity, and their relationship components, it is clear that everyone, regardless of race, religion, gender, or nationality is an individual. Individuals both provide for and take from their communities. They provide material resources, such as labor, as well as abstract ones, such as cultures. They also demand certain things, ranging from protection to education. While group rights, such as for minorities, have increasingly entered the political lexicon, the traditional focus of state citizenship remains the individual (Jackson-Preece, 2005).

The second variable, the polity, has historically varied, however since its inception the state form has been the dominant type. In the broadest sense, a state provides laws and governance, external borders, and traditionally monopolizes the legitimate use of force. Furthermore, states are thought to have a common culture, normally viewed through the nation (whether civically or ethnically based) (A. Smith, 1992, 2001; Zimmer, 2003). To be sure, states exist alongside other units – both sub-state and non-governmental. Similarly, they operate in era in which their abilities to control their borders – territorial, financial, and cultural – has diminished. Nonetheless, while states face many challenges, in all cases they are seen as necessary for traditional *state* citizenship.

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[19] Using Wiener (1998) to layout a statist perspective does not mean her conception is statist. It is done simply to provide a substantive starting point. Furthermore, because the study is ultimately concerned with broad-based, conceptual understandings, it utilizes ideal-types.

Given all that, citizenship reflects the relationship between an individual and a polity – what Wiener (1998) terms "citizenship practice." In the state context, that has meant the relationship between an individual and his or her nation-state. In this relationship, a citizen might demand the right to vote. Reciprocally, a state might demand military service. Moreover, who has citizenship is a decision left to the state, a decision typically involving debates about national identity. In saying all this, and whatever the specifics dynamics are, state citizenship is singular insofar as it is between *an* individual and *a* state. While this does not preclude multiple citizenships, even in such cases the relationship remains between *an* individual and *a* state. There are simply more of them.[20] State citizenship gains formal substance through the rights, access, and belonging variables. They are the adjustable scales mediating and regulating "a process-oriented or dynamic notion of citizenship" (Wiener, 1998: 9).

The rights variable can be viewed along Marshall's civil, political, and social categories. In his study of Britain, Marshall (1950) argued that as the state began monopolizing power in the 17th century, individuals began demanding certain privileges – first civil then political and finally social. Civil rights relate to individual freedoms and institutionally link to courts. Political rights focus on suffrage and link to parliaments. Social rights connect to economic and social security and traditionally link to education systems, heath care and the like. For Marshall, the civil-political-social rights progression forms the core meaning of citizenship. While this study does not accept that definition, both for the reasons outlined above as well as Turner's (2001) more targeted points, it does use its categorization as a framework for assessing the allocation of rights.[21]

In the state context, typically only citizens enjoy full civil, political, and social privileges. Jenson (2007: 55) writes, "Citizens have rights and responsibilities within the frontiers of a polity; non-citizens and denizens do not have the same rights". This does not mean that non-citizens do not enjoy any civil or social protections. However, when and where they do, they likely do based on human rights and/or liberal norms, not citizen-status. Furthermore, non-citizens generally have few political rights (Koopmans et al., 2005: 31). Brubaker (1992) goes so far as to argue that states restrict non-citizen rights as a

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[20] This may create practical problems, but does not alter one-to-one dynamics (Kovács, 2006).

[21] Turner (2001) argues that Marshall's understanding fails to establish the causal mechanisms underlying the evolution of rights or to differentiate between active/passive types

means of forging citizen bonds based on rights differentiations. In more concrete terms, though a French, American, or Chinese citizen is protected equally under the law in the UK, lacking British citizenship, none could vote for a Member of Parliament.[22]

Turning to the second variable, if rights relate to the privileges of membership, access deals with whom they apply too.[23] Bauböck (2004) defines three types – internal, internal in reference to external, and external. Internal access relates to those who have citizenship status and whether they have the resources to utilize their rights – for instance, knowledge of voting procedures. Internal in reference to external pertains to resident aliens – those legally in a state, normally long-term, who are not citizens. External deals with the process of acquiring citizenship. External rules vary on a state-by-state basis, however are traditionally governed through either *ius solis* – access based on territorial birth – or *ius sanguinis* – access based on ethno-cultural criteria – codes (Brubaker, 1992).[24] Despite any differences in access rules, the locus of citizenship remains the state with access decisions flowing from it alone.

The final variable, belonging, deals with the reciprocal ties joining an individual to a community – "the point[s] at which 'we' end and 'they' begin" (Migdal, 2004: 5).[25] In the state context, it has normally centered on nationality – irrespective of whether it is more civic or ethnic (Delanty, 2007: 65).[26] To be clear, nationality matters "both in the narrow passport-holding sense…and the more complicated notion of identity" (Jenson, 2007: 56). Thus, an individual might demonstrate it by singing an anthem, celebrating a patriotic day, or expressing a cultural heritage. Or he or she might experience national

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[22] States differ on the exact rights they provide citizens and non-citizens. In the first case, a citizen of a liberal democracy likely has more political rights than one of a dictatorship. Nevertheless, both likely differentiate between citizen/non-citizen ones. In the second case, states differ on the rights they provide non-citizens. Again, however, states likely provide different ones to citizens than to non-citizens.

[23] Access and belonging are related, however for this study access is treated legally and belonging symbolically.

[24] A de-/re-ethnicization process may be occurring in which traditionally civic-minded states are moving towards *ius sanguinis* codes to deal with un-integrated immigrants and classically ethnic states are shifting towards *ius solis* laws due to a combination of liberal values and nation/state congruence (Joppke, 2003). In either case, however, access remains state-based.

[25] None of this means that communities are homogenous and, as Wiener (1998: 30) notes, "[N]umerous studies have stressed, these boundaries [racial, gender, ethnic] often impede full membership even from a position within a community". Nevertheless, the point highlights that citizenship is not simply about rights and is buttressed against and enhanced by symbols, myths, and identity related components.

[26] Citizenship and nationality are not necessarily contemporaneous, however "in most contemporary dictionaries the two terms connote indistinctively the conditions for and of membership in a nation-state" (Stolcke, 1997: 62).

belonging more internally, via a willingness to die for one's nation or imagined kinship with co-nationals (Anderson, 1991). In the end, nationality both defines groups as internally one as well as externally separates them from others. "[The] community is defined in terms of a nation-state [and] nationality provides citizens with 'a common world of meanings' that are explicitly linked to a political unit capable of acting on them" (Bellamy and Warleigh, 1998: 459).

Viewed together, the three constitutive elements and the triad of conditioning variables form a contextualized understanding of citizenship. A statist perspective defines it as the relationship between an individual and a state. Citizens enjoy full civil, political, and social rights. Non-citizens, while possibly enjoying many civil and social ones, are generally excluded from political ones. Moreover, where and when they have privileges, it is due to human rights and/or liberal norms, not citizenship status. Access is regulated on a state-by-state basis and reflects a singular individual-state bond. Belonging defines the reciprocal, national ties between individuals and their communities. Those not meeting access or belonging criteria are excluded. Put together, state citizenship creates "a conceptually clear, legally consequential, and ideologically charged distinction between citizens and foreigners" (Brubaker, 1992: 21).

Table 4 – State citizenship

Individuals	Universal, everyone	
Polity	State	
Individual-state relationship	Rights	Based on citizen-status
	Access	State determined; nationality component
	Belonging	Reciprocal ties joining an individual to a community; a function of nationality

Inside/outside and inclusion/exclusion

The sections above collectively reflect a picture of "the old" and, in particular, an image of sovereignty-based political structures and state citizenship based socio-political relationships. In the first case, sovereignty was defined as a jurisdictional type, offering a specific resolution to the problematique based on commitments to territorialism, a territorial/functional/jurisdictional congruency, a supreme, autonomous ruler, and overall stability and clarity of construction. In the second case, state citizenship was seen to divide individuals up amongst sovereign states. In that sense, is a logical complement to

sovereignty.[27] Irrespective of what one thinks about the normative appropriateness of this vision, in accepting its broad story or, at least acknowledging as Walker (1993: 131) does that it has become "all-pervasive", the issue moves to why both trends are critical to IR. There are again two interrelated sides – the role of sovereignty in constructing of an inside/outside separation and the role of state citizenship in producing an inclusion/exclusion one.

Starting with inside/outside, sovereignty fosters a separation between the states as a matter of organizational structure as well as endows that structure with a particular system functionality. In the first case, when sovereignty's constellation of processes are combined, they produce an organizational structure in which jurisdictional, territorial, and functional borders are congruent, clear, and stable and where the sovereign is assumed to have exclusive, autonomous rights inside those borders. If a border is "a line of demarcation [that] creates a distinction between an inside and an outside", then because sovereignty defines its borders as concurrently jurisdictional, territorial, and functional, it creates a series of mutually exclusive enclaves of territorially-based, jurisdictional significant insides and outsides (Delanty, 2006: 187).

For that reason, state borders are inherently Janus-faced. They simultaneously face inwardly at a state territorially defining its zone of jurisdictional conduct as well as outwardly differentiating it from other states. They organize a system of jurisdictionally meaningful, territorially-based, and functionally complete inside/outside divisions. Agnew notes, "[The] merging of the state with a clearly bounded territory" reflects "the geographical essence of the field of international relations" (Agnew, 1998: 80). Walker follows up by pointing out that,

> Problems of international relations…are usually framed in terms of *differentiations of political space*. They emerge from the geo-political separation of territorial communities in space. (Walker, 1993: 61, emphasis added)

In the second case, that organizational effect also has a functional component; a sovereign resolution to the problematique not only structures an inside/outside division,

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[27] Again, as noted earlier, questions of functional logical may arise – for instance, does sovereignty necessitate state citizenship or does state citizenship necessitate sovereignty? While that sort of question is important in building a precise historical narrative, it is less important to the issues at hand insofar as it is their combination that IR has traditionally seized on. In other words, whichever way the causal arrow flows, both factors condition the domestic/international cleavage so critical to international theory.

but it also mandates a particular functionality to the each side of the binary. Knutsen (1997: 3) dubs this as the "twin notions" of sovereignty. On the inside, sovereignty allows for domestic jurisdiction by legitimizing political rule based on the specific tenets of its resolution to the problematique. It allows for jurisdictional debates (in the traditional, intra-state sense) to take place because it already legitimized wider systemic rules based on its four tenets. On the outside, because sovereignty grants supremacy within a given territory, it logically mandates equality and non-intervention principles between sovereigns. It therefore prevents analogous jurisdictional opportunities between units. The outside is deemed anarchic (Wight, 1978: 102; Milner, 1991). [28] The organizational and functional aspects of sovereignty therefore combine to generate the contrast between inside/domestic and outside/international – the former allowing for jurisdictional opportunities and the latter having an ordering problem.[29]

Given the link between sovereignty and inside/outside, it is also understandable that the state becomes the assumed container of political life (Caporaso, 2000; Ferguson and Mansbach, 2002; Cherlino, 2006; Beck, 2007). Whether in terms of the allocation of public goods, claims to homeland security, or democratic expression, states are treated as ready-made analytical building blocks. Walker (1993: 169) notes, "Once state sovereignty is defined as a centering of power/authority within a given territory, the way is open for emphasis on other things, like justice and law, freedom and social progress". Through that, methodological statism arises – a starting point that holds that whatever political or socio-political process one is interested in can be neatly bundled through the nation-state prism (Beck, 2007; Rumford 2008).[30] This becomes critical as, "The way in which sovereignty is comprehended by scholars performs a large role in constructing a

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[28] As one sees below and in the context of liberalism, the English School, and constructivism, anarchy does not necessarily mean cooperation is impossible or that a degree of order unachievable. Is simply means that where and when either occurs, they occur through sovereignty's structuring conditions. As such, one is really talking about cooperation under *anarchy* or *anarchy* being "what states make of it". In both cases, the assumption remains that there is a distinctly anarchic, international realm in which the structuring logics of sovereignty prevent analogous jurisdictional relationships from forming.

[29] In saying all this, inside/outside is significant for separate, but interrelated, reasons. On the one hand, it is a matter of organization and functionality. On the other hand, just as inside/outside generates the physical conditions for IR, IR perpetuates them through its own models; it is as much a producer as a consequence of inside/outside (see below) (Hansen, 1997: 320-325). Accordingly, if inside/outside is both a cause (a keystone) and an effect (a product) of IR, should it be challenged, that would generate serious descriptive, analytical, and disciplinary problems.

[30] Methodological statism/nationalism is not a value judgment, but a taken-for-granted belief that nation-states boundaries are the natural containers of politics and people (Beck, 2007).

particular ontology of international politics" – in this case, one dominated by states as primary unit (Schmidt, 1998: 454).

One should note that, none of that means there is an impenetrability between insides and outsides (Milner 1998, Moravcsik 1998). Nor does it mean that there might not be a degree of hypocrisy when it comes to respecting another's sovereignty (Krasner 1999). Nor does it reveal anything as to the precise dynamics of insides (e.g. governmental types) or the outside (e.g. realism versus liberalism). It simply means that, in principle, just as sovereignty *organizes* a jurisdictional structure of particular, domestic insides separated from an international outside, it also endows each side of the setup with a different *functional* logic. Therefore, while state borders may organizationally appear as simple lines on maps, their functional value comes from the twin notions of sovereignty.

Turning to the citizenship side, if "[t]he primary good that we distribute to one another is membership in some human community," then citizenship is self-evidently critical to the construction of socio-political geographies (Walzer, 1983: 31). At the same time, insofar as there is a plurality of states – none of which has universal membership – there is a plurality of citizenships. Moreover, insofar as "everybody is at some point in time subject to the territorial sovereignty of a state," state citizenship necessarily produces lines of inclusions and exclusions between individuals of different states (Bauböck, 1994: 207). Wiener writes, "The politics of modern citizenship have contributed to establishing the modern inside/outside balance in global politics with states as the most powerful elements" (Wiener, 1998: 27).

That proves critical for IR insofar as it illustrates the Janus-faced nature of state citizenship. On one side, its significance for the development of internal socio-political bonds is critical in two ways. First, citizenship creates "powerful justification[s] for the existence of separate nation-states and for obligations owed to them rather than to humankind in general" (Hurrell, 2007: 127). In other words, it further supports the inside/outside separation coming out of sovereignty by linking it with a comparable socio-political one, both formally via rights and symbolically via nationality. Second, Halliday (2001: 447) argues that the dangers of the international system mean that, "[N]o state can survive and compete in the international arena without the promotion of a sense of national identity and purpose domestically". Therefore, the bonding and legitimating effects of state citizenship foster the stability of states and, in turn, of the system.

On the other side, the construction of internal constituencies only comes by way of dividing individuals into different citizenries. Just as citizenship is integral to the construction of the American, French, Japanese or German citizen, it is equally important to the idea that an American might travel to France or a German to Japan. And, it is those interactions, and all practical things that go with them (e.g. passports, embassies, border control), that generates, constitutes, and conditions the inter-citizen and inter-citizenry spaces constitutive of international relations. By populating states, in the most basic sense, state citizenship creates the possibilities for interactions between citizens of different states. And that produces the descriptive, analytical, and ultimately disciplinary opportunities to examine the logics underwriting those interactions. State citizenship is engaged in both the politics of home and the politics of abroad such that "[t]he contradiction between men and citizens [can be] regarded as the critical problem of international relations (Linklater, 1982: 25).

In realizing that state citizenship is exclusive, and that most everyone is subject to location within a state, its importance to IR is therefore readily apparent. Simply put, it fashions an inclusion/exclusion cleavage that, when conjoined with sovereignty and inside/outside, creates and structures the spaces through which a domestic/international separation forms. Rosenau writes,

> Global politics, national politics, bureaucratic politics, and local politics are separate enterprises *only to the extent that individuals maintain a separation among their roles in the various systems and conduct themselves accordingly* (Rosenau, 1990: 213, emphasis added).

It is also why, to the extent that citizenship cannot maintain such separations or people are unwilling to operate through them, serious problems arise for the feasibility of defining an inclusion/exclusion binary. For example, it is why anomalies to the state system, such as refugees and national minorities, are particularly thorny issues for IR. Indeed, it is telling that Haddad (2004) defines refugees as "individuals between sovereigns" and Guibernau (1999) minorities as "stateless nations".

The domestic/international separation and IR

View together, IR's ability to presume an international realm – to define a domestic/international separation – relates directly to its capacity to define inside/outside and inclusion/exclusion dichotomies. Onuf (1995: 44) writes, "Two analytic foci, or

levels of abstraction have long satisfied [IR] observers' need[s]" – the domestic and the international. Again, the historical evidence supporting the formation and existence of these separations is strong. Nevertheless, irrespective of the exact empirical evidence/configurations present at any given historical moment, one is hard-pressed to define an international realm without first assuming inside/outside, inclusion/exclusion, and therein domestic/international splits. That also means, as Keating (2003: 192) notes, "[A]ny suggestion that [the sovereignty-based, domestic/international separation] may be transcended is sometimes seen as a threat to the discipline itself".

If a discipline requires a central object of concern that is defined in such a way that makes it real and non-reducible to other related fields, for IR that has typically been achieved through its belief that there is a distinct international realm of action with an ordering problem.[31] Knutsen (1997: 3, emphasis in original) writes, "Theories about international society distinguish themselves from other political theories by being preoccupied with human behavior in an *anarchical society*". To that Jarvis (2000: 17) adds, "For there to be theory in International Relations…without first defining the domain of *international* politics would be altogether pointless". As Knutsen and Jarvis both imply, to satisfy the disciplinary need for a defined, definite, and non-reducible object of enquiry, IR assumes a domestic/international separation as the means of constructing a distinctive international realm of action.[32] And, doing all that, as pointed out, relates directly to the ability to construct inside/outside (sovereignty) and inclusion/exclusion (state citizenship) dichotomies.

To illustrate this more fully, one can return to the mainstream theories, arguing that despite their different visions of and hopes for the international realm, each operates under the common assumption about, and need for, a sovereignty-based, domestic/international separation. First, realism's reliance on this separation is well known (Milner, 1991). Whatever sort of realist one is, there is general acceptance that there is a distinct realm of international action and that that realm has an ordering problem. As an example, Waltz's (1979) three-level imagery creates levels of analysis whose make-ups and operations are non-reducible. While for him structural constraints

[31] For that view on disciplinary, see Durkheim, 1951, 1982, 1984; Lukes, 1982; Wagner, 2009.

[32] Once established, one can imagine IR debating the nature of the problem itself, as some normative, critical, and post-modern perspectives do (Beitz, 1979; Walker, 1993; Brown, 2000, 2002; Peterson, 2000; DiMuccio and Cooper, 2000). Nevertheless, these are not mainstream approaches as defined.

explain why certain methods are repeatedly used, irrespective of which level one focuses on, the setup as a whole is contingent on independently operating images and autonomously definable levels. Again, there may be good reasons for accepting this imagery under sovereignty. However, and irrespective of those reasons, in order to objectify the international realm and make it distinct, realism must assume the levels; it must assume a domestic/international split. That is why "the ontological givens in the international system are Westphalia states, understood as unitary rational actors operating in an anarchic setting…" (Krasner, 2001: 21).

Second, like realism, liberalism also relies on the domestic/international separation coming out of sovereignty and state citizenship. While often caricatured as an attempt to provide a more positive conception of international life than realism, and irrespective of how well one thinks it has been in accomplishing that goal, liberalism accepts realism's core assumptions regarding the definability of an international realm and its anarchical nature. Though it attempts to offer a more optimistic vision of international order by providing a set of logics open to cooperation under anarchy, because it assumes sovereign states are the key players, it too implicitly relies on inside/outside, inclusion/exclusion and domestic/international separations. Keohane writes,

> International regimes *should not be interpreted as elements of a new international order 'beyond the nation state.'* They should be comprehended chiefly as arrangements motivated by self-interest: as components of systems on which *sovereignty remains a constitute principles* (Keohane, 1984: 63, emphasis added).

One should be clear that liberals do believe that domestic preferences can influence international outcomes, for instance in a two-level game type scenario (Milner, 1998, Moravcsik, 1998). Nevertheless, this is done largely with the hope of better explaining the links between domestic preferences and international outcomes, not for debating whether there is a distinct international level itself. While there is cross-level theorizing, cross-level theorizing does not question the separateness of the levels themselves.

Third, the English School, as Wight (1966) laid out, was developed to provide a "via media" between the perceived harshness of the realist-inspired international system and the utopianism of world-society perspectives. The School's theory of international society acknowledges and accepts sovereignty, and therein its organizational consequences, but nonetheless attempts to explain the historically high levels of global stability. For example, it accepts that sovereign states are the key units, that state

pluralism has normative worth, and that states exist in anarchy. Nevertheless, it rejects that that necessarily produces a dangerous, security-driven system. Bull (1977: 53-55) argues that simply because the international realm has an ordering problem, that does not make things like limiting violence, upholding rights, or ensuring contracts any less important. For that reason, he views the realm more as an international society than system.

> A society of sates (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions (Bull, 1977: 13).

To be clear, Bull is *not* saying that to have order, international society must be analogous to domestic communities. He explicitly rejects the domestic analogy viewing it as one of realism's great misnomers. Rather, he argues that international society is a distinctively *anarchical* society; because states have predictably common interests, a self-regulating setup can form. Order is a by-product of mutually beneficial norms that all states respect, both in the sense of agreeing with them and abiding by them. In that sense, the School differs from realism as it finds a role for norms in international life. However, because it does not challenge the existence of an international realm or it is anarchic nature, it too relies on the belief that an international realm exists and is fundamentally different from domestic ones. Like realism and liberalism, it rests on a domestic/international binary.

Finally, and perhaps most controversially, constructivism also relies on a domestic/international separation. On the one hand, unlike the previous models, Wendt's (1992, 1999) starting point is that the structure of the international system is not predetermined or even material. The system neither necessitates a given set of preferences nor arises independently from the units constituting it. Rather, the structure and the units forming it are mutually constituted. State identities and preferences affect the structure of the system just as much as the structure of the system affects state identities and preferences. And, because ideas and identities help drive preferences, international politics is – at least partially – conditioned by the endogenously generated ideas and identities of the states themselves (Wendt, 1999: 139).

It is important to note that Wendt does not discount the possibility of states acting based on security concerns. Nor does he reject the idea that states might view one another as others. Constructivism is not the panacea for conflict. Rather, its contribution lies in the

nuance that, when states do act based on security interests, just as when they act based on a logic of appropriateness, they do so based on the particular orientation of a socially defined anarchy and not a set of structurally predetermined material logics. Anarchy is, in Wendt's (1992) famous words, "what states make of it". It "gains meaning by the kind of people and communities who live in it…flux[ing] between a confrontational Hobbesian orientation and more civilized Lockean and Kantian types based on the level of corresponding identities" (Wendt, 1999: 257).

In those ways constructivism clearly differs from realism and liberalism. Moreover, it differs from the English School by way of its social ontology on how norms arise and affect preference formation. Nevertheless, it does not mark a radical departure from assumptions about a definable international realm of action based on claims to sovereignty. First, Wendt acknowledges that his task is to provide a theory of *international* politics that is more cognizant of the effects social meanings have on *international* life. He (1999: xiii, emphasis added) states in the introduction to his seminal work that his goal to develop "a theory of the *international system* as a social construction".

Second, Wendt admits that he shares many realist assumptions about the nature of the international system. In a response to Mearsheimer's influential article on the problems with liberal institutionalism, Wendt (1995: 72) states that he "share[s] all five of Mearsheimer's 'realist' assumptions including that international politics is anarchic…a commitment to states as units of analysis, and to the importance of system or 'third image' theorizing". While he goes on to reject many of Mearsheimer's beliefs as to why the system exists in the way that it does and what that entails, those criticisms are not levied at the importance of sovereignty, states, or the reality of an international sphere as such. For that reason, Bickerton et al. (2007: 28) are clear in their contention that Wendt's constructivism treats sovereignty as "an institution" and the international realm as "behavior regularity based on shared understandings". Similarly, Thaddeus Jackson and Nexon (1999) argue that Wendt operates under an interactive form of "substantialism". While the attributes (e.g. identity) of a state may change as the result of interactions, its core setup remains intact insofar as it exists prior to any relations/interactions.

Finally, just as Wendt assumes the reality of an international realm, he also assumes it has an ordering problem. While he views the realm as a social construction and therefore alterable, even his most well ordered version of it maintains a separation between domestic realms by stopping short of predicting a universal state. He (1999: 299) writes, "Real assurances [in Kantian anarchy] come not from a Leviathan who enforces peace through a centralized power…but from shared knowledge of each other's peaceful intentions and behavior". Constructivism opens the door for a transformed international sphere, however it does not dispute the reality of it. Like realism, liberalism, and the English School, it accepts the existence of a distinctly international realm.

Put together, the four mainstream theories each offers a different vision of and hope for the international realm: realism views it as security driven, liberalism as an arena ripe for cooperation and institution building, the English School as an anarchical society, and constructivism as a social creation. Despite those differences, however, each shares a common presumption of and a need for an international realm.

> Realists, neorealists, institutionalists, neoliberals, statist constructivists, and others are to be commended for trying to analyze the world as it is, *but their state-centric blinkers make it impossible for them to perceive the full spectrum of political reality. The glasses behind their eyes are focused on statist never-never land* (Ferguson, 2000: 202, emphasis added).

None of this is necessarily shocking, particularly given Cox's (1981: 129) point that problem-solving theories must assume a degree of fixity to the world in order to "fix limits or parameters to a problem". Moreover, as noted, there traditionally have been strong empirical foundations for assuming the existence of distinctly domestic and international realms. Finally, the debates between the various theories are not unimportant or ill guided. The point simply is that because *the theories all assume the domestic/international cleavage coming out of sovereignty's resolution to the problematique, the debates between them are fundamentally intra-IR conversations*.

> [T]here are disputes as to how that [international] world operates. There are disputes about what part of that world are more important or weight or casually significant than others. In the IR field, Realists may believe that material factors, like the distinction of military capabilities matter more than ideas. Constructivists may believe otherwise. But the world itself is not under dispute. Both have the same basic picture in mind when they refer to the international states-system (Deibert, 1997: 174).

One might add that the mainstream theories may be value-free when it comes to their actual application. Whether they really are or not is a separate argument that this study

does not wish enter. What this study does not concede is that their *constructions* are value-neutral. Each is value-laden to the extent that each functions through certain meta-parameters – assumptions about the inside/outside, inclusion/exclusion, and domestic/international binaries. Therefore, no matter how sophisticated the models are, so long as they remain within IR's disciplinary bubble, they rely on its enabling conditions. Prior to any "real-world" theorizing taking place, they must assume the existence of an international realm. They might – and do – differ on whether that realm is structural or social. They might – and do – debate whether that realm is conflictual or more well ordered. Nevertheless, they all maintain that the international realm is real, discernable, distinct, and in need of explanation and/or understanding.

Disciplinary sides

Brought to its fruition, all of this structures the commonly held assumption that IR deals primarily with the interactions between political communities and political science the construction of and dynamics within those units. In saying that, this study is under no illusion that disciplinary borders are pristine (Dunn, 1948; Beitz, 1979; Walker, 1993; Elshtain, 1995; Palan, 2007). Dunn (1948: 142) correctly notes that,

> The boundaries that supposedly divide one field of knowledge from another are not fixed walls between separate cells of truth, but are convenient devices for arranging known facts and methods in management segments for instruction and practice (Dunn, 1948: 142).

At the same time, however, the political science/IR divide is relevant to the extent that it *has* traditionally been viewed as significant, whether in terms of institutional structures, professional organizations, and/or overall academic world views (Hollis and Smith, 1990; Milner, 1991; Deibert, 1997; Ferguson, 2000).

In that regard, if a discipline represents "the tools, methods, procedure, exempla, concepts, and theories that account coherently for a set of objects or subjects [and which] organize and concentrate experience into a particular 'world view'", political science is normally viewed as highlighting questions concerning the nature of the political community (Klein, 1990: 104). Hix (2005: 9) writes, political science rests on understanding "the processes of government, politics and policy making". Underlying that belief, Wight (1991: 1) defines political theory, as a brand of political science, as "speculation about the state".

While states differ on the particularities of their governance structures, national make-ups, and ways of life, as political units, all are thought to be common insofar as all are viewed as separate from one another. The sovereign state offers a "spatial resolution…[and] a very powerful, even elegant, answer to the deeply provocative question as to how political life is possible at all" (Walker, 1993: 64). Under its conditions, political science's core task has therefore been to better explain, to better understand, and to normatively evaluate the contours of them, the relationships within them, and, ultimately, whether there are prospects for changing them.[33]

If political science's task has been to explain, understand, and evaluate the makeup of the state, and the political and socio-political setups within them, IR's concentration has been on the interactions of those units within an international system thought to have an ordering problem (Wright, 1955; Hollis and Smith, 1990; Olson and Groom, 1991; Knutsen 1997). Therefore, as a discipline, IR has generally forgone questions concerning the construction of states, opting instead to offer explanations and understandings on the nature of their interactions – interactions assumed to take place in "an objective reality set apart from other human practices" (Onuf, 1989: 14). Accordingly, and in contrast to his definition of political theory, Wight (1991: 1) defines IR as "speculation about the society of states, or the family of nations or the international community".[34]

In saying that, certain nuances must be allowed for. First, none of that means that IR requires a particular internal arrangement of a state. States might be democratic and sovereign or autocratic and sovereign. In either case, sovereignty, not internal governmental type, is the necessary feature. Second, arguing that IR rests on a core, disciplinary need – an international realm with an ordering problem – does not mean that it lacks breadth. One sees a broad array of topics, ranging from foreign policy analysis to international economics to arms control, operating within its rubric. The point is noting their crosscutting linkage – understanding policy/economics/arms control *in an international realm*. Third, saying IR is not concerned with the nature of the political

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[33] The argument is not that political science is limited to the state. Nor is it that states exist in isolation. Globalization dispels the notion of pristinely independent units. The argument is simply that, since its formation, the state has formed the key type of political community and therefore has been the focus.

[34] In this sense, Claude (1968: 1, emphasis in original) notes that Bentham's "unfortunate adjective 'international' obscures the fact that our concern is with inter-*state* affairs". While this study is willing to concede that point, it is less concerned with having a semantic debate than with the well-established understandings within the discipline.

community does not make internal issues wholly beyond its remit. Constructivism's focus on identities certainly opens the "black box". Nevertheless, the assumption is that such things matter insofar as they permit fuller understandings of *international* interactions. There is little challenging of the political and socio-political separateness coming out of sovereignty-as-jurisdiction more generally.

Finally, the study admittedly constrains itself to mainstream IR and, at that, operates under a traditional reading of it – a reading that is generally thought to flow from a particular understanding of the First Great Debate (Wright, 1955; Hollis and Smith, 1990; Olson and Groom, 1991; Knutsen 1997). That being said, revisionist scholars argue that a re-reading of IR's birth may offer a better framework for understanding its evolution – particularly one less tied to a domestic/international separation (Schmidt, 1998, 2002; Long and Schmidt, 2005). That potentially becomes important insofar as it may make any EU alterations more reflective of a "back to the future" scenario than novelty. Withholding judgment as to the correctness of that line of thinking for the time being, traditional understandings of IR are the most common as well as are the contexts through which the mainstream theories developed. Therefore, while it is important to note the revisionist strand as context, because this study focuses on mainstream IR, reinterpreting its foundations prior to laying out its logics risks prejudging established positions.

With all that in mind, the disciplinary separation between the two fields is commonsensical. One mode of enquiry deals with the units (the trees, political science) and the other their interactions (the forest, IR). The danger is, however, by limiting its focus to the international and by foregoing substantive discourse on the nature of the unit itself assuming it to be the sovereign state, IR reifies both in problematic ways. This is a prime reason Hobson (2002) calls IR "historophobic", "chronofetished", and "tempocentric". It is also why Walker (1993: 37) notes that "[t]here can be no meaningful reference to a tradition of international relations theory without specifying what one means by a tradition of political theory". While there may be a diversity of ways of looking at the international realm, those differences are internal to IR as they rely on the ability to separate out a distinctively international zone of action. They rely on a sovereignty-as-jurisdictional belief. For that reason, it is problematic to speak of international relations as a reality or IR as a mode of enquiry prior to sovereignty and the

separatist tendencies it initiated. Deibert (1997: 169) writes, "[IR] focuses on ideas within a shared vocabulary rather than on the vocabulary as a whole. As a result, [there is] little or no way to examine it critically, let alone escape from [its] 'conceptual jails'".

From this context one can bring the discussion back to the study's wider concern of whether EU arrangements challenge IR's disciplinary needs by problematizing what are assumed to be separable concepts. By defining IR – its meta-commitments and mainstream models – one has the standard ("the old") against which one can assess European challenges and changes. Therefore, the issue shifts towards examining whether, and therein how, sovereignty and state citizenship change in the context of European integration. The issue is whether Europe offers a non-sovereignty resolution to the problematique, and how that affects existing conceptions of the inside/outside, inclusion/exclusion, and the domestic/international separations – and ultimately IR itself. While Waltz (quoted in Jarvis, 2000: 142) may be correct that "International Relations cannot be a theory of everything," the question is how appropriate and how useful its mainstream core remains in the context of jurisdictional change. And, as one sees in the subsequent two chapters, that means examining whether European political and socio-political structures and relationships affect a breakdown, maintenance, stratification, or blurring of IR's enabling cleavages.

Chapter 3 – Inside/outside in Europe

Introduction

Together, the previous two chapters established the roles played by sovereignty and state citizenship in constructing inside/outside, inclusion/exclusion, and domestic/international separations. In doing so, they argued that those separations were necessary, though not necessarily sufficient, factors for mainstream IR's ability to carve out a distinct area of international action and research. Moreover, as noted, that entire process was critical for this study insofar as it offered a vision and presented a baseline standard of "the old" – albeit one interpreted through a language of jurisdiction and in the context of the jurisdictional problematique. By providing that standard, the issue now moves to one of change. More specifically, the focus becomes appreciations of "the new" as the means of tracking and tracing the precise nature of the jurisdictional shifts leading from one stage to another.

In that regard, the next two chapters focus on European political and socio-political structures and relationships – this one on political structures in the context of the inside/outside binary and the next one on socio-political relationships in the context of the inclusion/exclusion separation. In both cases, and in making the transition to the European focused sections of this study more generally, the critical question is whether an alternative resolution to the jurisdictional problematique is arising and, if it is, what its exact nature ends up being. For this chapter specifically, the issue is the nature of European jurisdictional structures, their relationship to sovereignty, and ultimately whether they produce a breakdown, maintenance, stratification, or blurring of the inside/outside binary (Table 5). To examine which occurs, the chapter compares the core structuring logics of sovereignty – exclusivity, territorialization, congruency, and clarity/stability – against EU setups.

The chapter has five sections. First, it revises why Europe is the critical case, what differentiates this study's use of it from more traditional ES points of view, and lays out the key methodological issues at play. Second, the chapter develops the four possible impacts to inside/outside – the breakdown, maintenance, stratification, and blurring

options. Establishing those baselines sets the standards of analysis for the empirical sections that follow. Accordingly, third, the chapter analyzes EU structures. It uses the four possible effects as guideposts, considering breakdown and maintenance as pair and subsequently stratification and blurring (also as a pair). The chapter concludes by drawing the metaphorical lens back out and noting the key jurisdictional updates coming out of the analysis. Conclusions are drawn with respect to the inside/outside binary as well as sovereignty's resolution to the problematique.

Sovereignty revisited

Prior to getting into the heart of the chapter and whether there is breakdown, maintenance, stratification, or blurring, it is helpful to briefly revise why Europe is the focus, how this study's approach differs from more traditional ES perspectives, and the methodological logics it deploys. To begin, as noted in chapter 1, this study focuses on Europe generally and the EU specifically for three key reasons. First, it does so to quell charges often leveled at the globalization literature, mainly that it lacks empirical grounding. Aside from being an acknowledged hotspot for shifting political and socio-political geographies, the EU is an established, critical test case with a clear, researchable core − a core, one might add, useful for debating *challenges* to sovereignty as well as assessing the *operationalized* effects of them. Second, the changes witnessed in Europe occur across political and socio-political factors. It therefore offers an integrated view of jurisdictional change. Third, Europe is the historical birthplace of the concepts that are potentially undergoing world-changing modification. As such, it offers a particularly salient case.

In remembering why Europe is the focus, it also important to remember what this study is not attempting to do. Whereas traditional ES approaches have tended to examine the EU as either an aberration in need of explanation (to explain integration) or as an entity whose character (IO, polity, *sui generis*) is important only insofar as it affects understandings of European politics/policy-making, this study analyzes the EU as a means of challenging IR's prevailing wisdoms. While that admittedly opens the door towards addressing "What is the EU an instance of", and therefore the possibility for European specific conclusions, the more immediate concern is on how those findings radiate outwardly and affect standard jurisdictional presumptions. In that sense, the study is more concerned with the influences EU change has on wider political and socio-

political debates than with the EU itself. Indeed, when all is said and done, it does not enter discussions as to the best way to terminologically classify it.[1] It is also why the emphasis is on how EU structures challenge inside/outside (and inclusion/exclusion) – not those structures in their own right.

Having made those points, a few methodological notes must be expanded upon, beginning with the base-line definition of the "Europe" under consideration. First, as has implicitly been the case thus far, insofar one is concerned with jurisdictional issues one is most concerned with political, not cultural or sociological, debates. That does not mean that such factors never influence politics. Religion certainly played a key political role in medieval Europe. Nevertheless, saying that the Church mattered during that era is *really* saying that it exerted definable, jurisdictional effects. The same is true in the present context. To the extent that this chapter is concerned with challenges to sovereignty, it means assessing those factors that produce definable jurisdictional influences. And that entails looking at the EU's politically oriented policies, programs, structures, and rules.

Second, in saying that "Europe" is the concern, one is understandably drawn to the EU – again, not why or how its forms, but its existing policies, programs, structures, and rules and their cumulative impact on sovereignty and inside/outside. As already noted, "Europe" is a more inclusive term than "EU Europe." Nevertheless, using the Union as the focal point makes sense as it is the acknowledged center-point to any discussion on *European* politics. Moreover, it is a key case in wider debates about jurisdictional change. That does not mean non-EU issues are unimportant. However, when and where they arise, it is reasonable to assume that if they are of fundamental significance, they will be caught-up in any analysis of the Union. In saying all that, one should also remember that the EU is offered only as a modern example of a pre-modern debate, such that the processes it highlights are not necessarily unique to it.

Finally, because the primary concern is the nature of the changes to inside/outside, what that reveals about sovereignty, and therein the emerging alternative jurisdictional form *not any specific EU policy, program, structure, or rule*, one must take a holistic view of the Union. Indeed, focusing on a single issue or set of issues risks biasing the study

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[1] In that sense, the terminological debates that inevitably arise – for instance, whether the EU is a neo-medieval empire or an instance of multi-level governance – matter only insofar as they reflect jurisdictional change. They are not considered as independent interests.

towards its/their particular effects. Accordingly, the empirical examples that are highlighted, whether in support or refutation of a given outcome-possibility, are chosen due to their saliency in relation to it. For instance, the strongest examples are cited to support breakdown.[2] While that does not mean every example of support is cited, the critical cases are such that one has the pertinent evidence to draw overall conclusions. Moreover, because the study considers and progresses through all four options – options that together represent the scope of feasible inside/outside arrangements – determining which is the most appropriate becomes a process of logical induction.

Jurisdictional options

One can return the four possible effect to the inside/outside dichotomy. In outlining them, three key points must be kept in mind. First, the examination begins "imminently" from a starting point of sovereignty (Devetak, 2005: 144). The debate is how European jurisdictional arrangements impact the pre-existing, IR-assumed, sovereignty-based cleavage – a cleavage rooted in the particular quadripartite constellation of jurisdictional logics underpinning sovereignty. Second, each of the options represents a specific descriptive effects to inside/outside. Each is an actionable event; an illustrative portrayal of what could occur to the inside/outside binary. Third, and in the context of the point just made, each of the four options also ends up representing a jurisdictional outcome in its own right. For instance, breakdown is both a description of what might occur to inside/outside as well as, when taken to its logical conclusion, an updated resolution to the problematique in its own right. In considering each of the possibilities, in the first instance, each describes a specific effect to inside/outside. However, in the second, each also represents a distinct jurisdictional outcome. In the final analysis, those outcomes are the most important.

One can now outline the tenets of each option. Beginning with breakdown, its underlying descriptive position is often reflected in a variety of rhetorical imageries – Europe as "monotopia", as a "single space", or "without frontiers" (Rumford, 2008). The belief is that as integration progresses, sovereign borders will progressively melt yielding a homogenous, European inside. Rumford writes,

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[2] As chapter 1 noted, the focus is on documentary evidence up to and including Lisbon.

> [A] single, *common space* within which all constrains to the movement of goods, peoples, services, and money have been removed…Europe [would be] increasingly interconnected and its various component parts (member states, sub-national regions) [would be] *seamlessly woven* together (Rumford, 2008: 33, emphasis added).

On a technical level, for breakdown to occur, claims to jurisdictional exclusivity would remain, however would have to shift to a Union-defined level. Thus, what were previously the exclusive rights of sovereign states would collapse *and fully upload* to the EU.[3] Second, one would see a complete functional transference from the state sphere to the European one. As such, an updated congruency between the EU's jurisdictional and functional borders would form. Third, territory would continue to define spatial scope, however would relate to membership-defined, territorial borders. Finally, all of this would produce a largely stable and clear unit, particularly with respect to the location of the Union's membership-come-territorial borders. In offering this picture, it is important to note, as Wind (2001: 122) does, that under breakdown, "[W]e would be back on 'highway one' with the traditional state-centric inside/outside logic just at a new higher European level" (the outside being the non-EU world). The size/scale of the unit constituting one side of the division would change, however *because jurisdiction would still occur along logics of exclusivity, congruency, territorialization, and clarity/stability*, a "sovereign-redux" dichotomization would remain.

If breakdown predicts the development of a common European space, maintenance is the polar opposite. For it to be the conclusion, one would have to see a continuation of traditional sovereign state logics – a possibility, one might note, that should not and cannot be excluded *ex ante* given the historical stability and viability of the state and sovereignty. In offering this option, as noted in chapter 2, one should be clear that it does *not necessarily prevent bridges from being formed between the state and European levels* – for instance, in a two-level game or principal-agent type fashion (Milner 1998; Moravcsik, 1998; Milward, 1999). Nevertheless, to the extent that states maintain control over the entrances/exits of those bridges/functional bodies, a state-based, inside/outside separation would still function.

The third possibility is stratification. Under it, the basic contention is that instead of having a single, binary inside/outside separation, sovereignty would give way to more complex formulations, thereby effectively allowing an inside(state)/outside(non-state),

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[3] This would not necessarily deny federalism, but would make the European level the highest jurisdiction.

inside(European)/outside(non-European) separation to develop.[4] For it to occur, a number of things would be required. First, exclusivity, and therein claims to functional congruency, would have to stratify across member-state and European levels, likely in an issue contingent manner. Member-states and the EU would therefore each have exclusive jurisdiction over some, but not all, issues. Second, spatial scopes would remain territorial, but would again likely be issue contingent. Thus, when a member-state has jurisdiction over an issue, its jurisdiction would apply within its territory. Conversely, when the EU has jurisdiction, its jurisdiction would apply within its membership-defined territory. Third, all of this would occur along clear and stable lines, both in terms of which functions exist at which level as well as overall membership borders.

In theoretical terms, this perspective largely predicts what Hooghe and Marks (2003) call "Type I multi-level governance" and Schutze (2007) dubs as "dual federalism". Whatever one calls it, however, the basic point is that sovereignty would lapse as its quadripartite constellation of logics would not materialize. At the same time, because jurisdiction would functionally divide between the state and EU locations in clear, stable, and functionally and territorially coherent ways, *the ability to visualize distinct levels of jurisdictional action would persist*. Stratification accounts for the "increasing complexity…by inserting a regional subsystem level of analysis" (Yalem, 1977: 307).

The final possibility, blurring, reflects the most dramatic shift away from inside/outside and sovereignty by rejecting the possibly for clearly and cleanly dividable and boundable jurisdictional locations. In doing so, it questions the possibility of viewing political action along neatly structured analytical levels of analysis (Ruggie, 1993; Onuf, 1995). For blurring to be true, as with stratification, one would have to see movement away from sovereign exclusivity. However, whereas stratification predicts the formation of new, clear, and accepted issue-based jurisdictional divisions, and with them updated congruencies between state/EU functional jurisdictions and their respective territories, blurring rejects such clear and simple divisions and overlays. Moreover, it expects a high degree of ambiguity when it comes to territorial/membership borders – for instance, the division between EU and non-EU zones. Thus, juxtaposed against the connotations of stability and clarity found under the stratification option, blurring predicts volatility and complexity regarding the location of territorial, and therein jurisdictional, borders.

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[4] Stratification is open to more than two levels. The number is less important than the overall logic.

Finally, blurring expects a growing saliency of de-territorialized challenges – challenges that defy the EU/non-EU border, such as those brought on by globalization. Put together, blurring envisages descriptive, and by extension analytical, murkiness when it comes to the ability to make clean and clear differentiations between jurisdictional insides and outsides. Rumford writes, "European space is not only increasingly networked internally but distinctions between inside and outside, European and non-European have also become blurred" (Rumford, 2006: 160).

Table 5 – Outcome-possibilities – inside/outside

	Definition	Sovereign metric
Breakdown	The EU exists as a homogenous unit with a seamless inside; sovereign, inside/outside-forming borders breakdown and are replaced by a EU/non-EU one	Exclusive (EU-level)
		Congruency (EU-based)
	Inside/outside is present, however between EU/non-EU; sovereignty exists, however in an updated European form	Stability (EU borders)
		Territorialized (member based)
Maintenance	The EU does not generate substantial changes; member-states maintain their sovereignty.	Exclusive (states)
		Congruency (states)
	Inside/outside present in its classical formation; sovereignty is unaffected	Stability (states)
		Territorialized (states)
Stratification	The EU and member-states are in a stratified relationship based on clear functional divisions of labor and associated territorially-based divisions; EU/non-EU division is clear	Shared (EU & members)
		Non-congruent division of labor
	Inside/outside undergoes stratification; sovereignty does not exist being replaced by a dual federalist structure	Negotiable, but stable/clear
		Territorialized (member-states & EU)
Blurring	European and member-state jurisdictional lines face potential functional conflicts and overlaps; territorial based jurisdictional divisions between the member-states themselves and EU and non-EU zones are unclear and unstable	Unclear (EU & member-states)
		Non-congruent division of labor
		Unclear, not stable
	Inside/outside undergoes blurring; sovereignty does not exist	De-territorialized

Having outlined the options, the task now moves to determining which is the most appropriate. The chapter considers them in pairs – breakdown/maintenance together as they represent opposite sides of the same coin and stratification/blurring together as they both reject sovereignty, but disagree over the clarity and stability of the resulting situation. In each case, the sections first consider the reasons for supporting a particular

option. The chapter then moves to the problems with it via an analysis of an alternative choice. Final conclusions are therefore arrived at inductivity, starting with breakdown and progressing all the way to blurring.

Breakdown/maintenance

With those options as guidance, beginning with breakdown, there are *prima facie* reasons for supporting its tenets. On the simplest level, the EU has repeatedly cited a desire to create a "common European home" and a "Europe without frontiers", both of which imply a measure of European homogeneity and cohesion. Similarly, with the enactment of Lisbon, the EU was transformed into a "single legal personality" able to, for instance, negotiate and enter into international agreements and exert itself as a consolidated, legal entity therein. For Cremona that proves critical as it implies and imparts a measure of cohesion to the Union as an actor in the international system.[5] Indeed, in offering much longer history of what she calls the "emergence of an international identity for the EU", Cremona (2011: 261, emphasis added) notes that while the Union has always had international roles to play, "*until Lisbon*, there had been ambiguity surrounding the legal personality of the Union itself".

On a more applied level, much as been made about the EU's institutional bodies, the rules governing them, and their abilities and prerogatives to act outside traditional, state structures – for instance, the Commission and its powers of initiation and enforcement, the use of qualified majority voting (QMV) in the Council, EP co-decision prerogatives, and European Court of Justice (ECJ) created doctrines (see below) (Wallace and Wallace, 2000; Hix, 2005). Alongside those institutional matters, the *acquis communautaire* contains the familiar list of EU controlled policy areas. On an issue-specific level, it lays out specific areas in which the Union has exclusive jurisdictional competencies – for instance, with respect to the functioning of the internal market. Underpinning that is the fact that full participation in the Union's rule-making and rule-enforcing mechanisms requires a state to be a fully acceded member. In other words, to

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[5] As an example of this and of the Union's view of itself as a consolidated international actor, Cremona notes that in the 2008 *Kadi* case the ECJ annulled the EU's implementation of a UN Security Council anti-terrorism sanctioning regime resolution based on its own, internal procedures and property protection standards (Cremona 2011: 261Weiler 2008, de Búrca 2010). In other words, the EU, via the ECJ, acted as a consolidated agent in invalidating the Security Council regulation – which for Cremona exemplifies the Union's status as a "single legal personality" and consolidated international identity.

be completely inside the EU's jurisdictional sphere, one must be a member-state – key as that reflects the formation of a membership-based EU/non-EU division. Therefore, prior to a single, real-world decision from being made, the EU's internal, institutional structures and rules appear to upset sovereign exclusivity as well as create an updated membership-based political space.

These logics easily extend to the EU's more specific programs, ranging from monetary policy and European Monetary Union (EMU) to movement and Schengen. Schengen offers a particularly salient example given that it deals directly with the construction/deconstruction of borders, in both the physical (e.g. movement checkpoints) as well as the jurisdictional (e.g. the loss of unilateral border control) senses. On the physical side, Article 21, Title II of the Schengen Border Code requires that member-states dismantle border checkpoints between one another. The Code reads, "Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out". That, in conjunction with the free movement provisions provided by EU citizenship (next chapter), reflects a substantive and substantial dismantling of state-based fortifications and a shift towards European control.

On the jurisdictional side, Schengen also mandates common entry provisions (e.g. the Schengen visa) as well as creates a common external fortification system (e.g. the Schengen Information System, Frontex) (Bigo, 2005; Vaughn-Williams, 2008). In both cases, control over the entry/exit provisions between member-states into the area is no longer the exclusive domain of any one state. Those rights shift to Europe, prompting Balibar (2002: 78) to note that the borders of any one member-state are "increasingly representative of all others" and Guild (2006: 71) to write that the "traditional concept of the state as an area around which one can draw a line of sovereignty in red ink no longer applies to the EU". In short, and as both of those statements reflect, the Agreement appears to shift a Schengen state's entry/exit sovereignty – the ability to control its borders in both the physical and jurisdictional senses – to the European level. And that points to a breakdown of state exclusivity and territoriality in favor of *European* control over *European* territory.

In addition to the institutional and program specific changes, one must note the particularly significant role played by the ECJ in affecting state sovereignty and with it inside/outside. An influential strand of ES literature argues that the ongoing

constitutionalizing process of the Union treaties – a process occurring under the ECJ's stewardship – has progressively sapped the sovereignty of the member-states and uploaded many of their once exclusive prerogatives to the Union (Wallace, 1999; Wind, 2001, Stone Sweet, 2010).[6] For instance, frequent reference is made of the ECJ-created, EU bolstering legal doctrines of direct effect, supremacy, exclusivity, and preemption (Chalmers, et al. 2010). As a specific example, Wallace (1999: 510) notes that the supremacy doctrine – which in essence places EU law hierarchically over and above that of national law in cases of conflict – represents "the most radical infringement of the accepted concept of sovereignty" in the EU's entire setup. Caporaso and Jupille use the critical (in the methodological sense) case of the UK and its long-held principle of parliamentary supremacy to illustrate the significance of the changes brought-on by ECJ doctrines and the constitutionalization process. They write,

> [A]s the EU [has become] progressively constitutionalized, it has injected its substance and procedures into the UK's constitutional order…[T]he United Kingdom has struck a sovereignty bargain in which it *has traded the autonomy of parliament in return for membership in the EU* (Caporaso and Jupille, 2004: 87, emphasis added).

One must be clear that none of this means that there are never disagreements over the ECJ's powers specifically or the hierarchy of legal rules more generally (see below). There have been tense relationships between the ECJ and national constitutional courts, most notably in the Czech Republic, Poland, and Germany. Moreover, no state has yet fully accepted a "European constitutional sovereignty" position (Chalmers et al., 2010: 190). Nonetheless, as Chalmers et al. (2010) are keen to note, the established norm tends to be one of acceptance of EU rules. As such, when an issue exists on the Union level, where European law exerts itself, and where no fundamental constitutional conflicts exist, member-states generally comply with Union rules.

> [Member-states] are willing to grant EU law authority subject to it not violating certain national taboos. Their assertion of national sovereignty is rather an assertion of the power to put ultimate safeguards into action rather than an assertion of regular control of the application of EU law (Chalmers et al., 2010: 204).

Viewed in these ways, across institutional, program specific, and legal fields there is evidence that state-based sovereignty breaks down and, in its stead, an amalgamated

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[6] Caporaso (1997: 582) defines constitutionalization as "a process whereby the treaties entered into by member states…become relevant for the individuals with those states…[It] captures the transformation of an intergovernmental organization governed by international law into a multitiered system of governance founded on higher constitutional law".

European political space takes hold. Indeed, after upwards of 50 years of integration, those processes have arguably become internalized to the preferences structures – to how states determine their distinct "national" interests – of the member-state. As Ruggie writes, "The constitutive processes whereby each of the [27] defines its own identity – and identities are logically prior to preferences – increasingly 'endogenizes' to the existence of the other[s]" (Ruggie, 1993: 172). To reiterate, *none of this negates sovereignty or inside/outside*. It simply enlarges the parameters of each creating a European inside separated from a non-European outside. If that is truly the case, in principle, IR could simply replace the individual member-states with the EU in its models and "get on with its subject matter." While it may have trouble explaining how member-states initiated substantive cooperation programs in the first place – it may have trouble explaining the process of integration – once they did, dealing with the outcome would be less problematic.

The problem with this entire vision is that while it is accurate in and of itself, it is also a highly selective, highly biased reading of the EU and its broader meanings. It intentionally focused on those factors supporting breakdown at the expense of alternative arguments. While there is nothing analytically wrong with highlighting those factors, or the breakdown option as a possibility more generally, when it comes to a holistic analysis of the Union there are also good reasons for rejecting them and it. In other words, there are good reasons for potentially supporting the maintenance, not the breakdown, option.

In that regard, it is clear that not all issues fall within EU competencies and, for those that do not, member-states generally maintain their exclusive jurisdictional rights over them (Wallace and Wallace, 2000; Hix, 2005). For instance, it is a long-standing truth that the EU lacks exclusive jurisdiction over most foreign and defense policies. Moreover, despite Lisbon calling for the establishment of an external action service, the creation of a High Representative for Foreign Affairs and Security Policy, and making the EU a single legal personality, member-states continue to setup national embassies, exchange ambassadors, and engage in other forms of classical diplomatic practice more generally – including with one another.[7] To be sure, member-states do talk about foreign

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[7] Cremona (2011: 262) amended her pervious statement on the transformation of the EU by making clear that the EU is not a member of the United Nations as only states are eligible for full membership status. It does have permanent observer status.

and defense policy in EU forums. They may even feel certain Euro-socialization effects because of them (K. Smith, 2003). And, there have been limited EU-lead peacekeeping mission. Nevertheless, because these things occur outside the Union's exclusive competencies and do not utilize QMV within the Council, member-states maintain their national vetoes. Thus, and in a more general sense, insofar as not all functions exist on the EU level, and where they do not member-states largely maintain their excusive jurisdiction, inside/outside cannot be said to be fully broken down and state sovereignty negated.[8]

In addition to this functional argument, one might also take a different reading of the status of the EU treaties. For instance, not only does Lisbon allow for member-states withdrawal from the Union via Article 50, but also the ECJ is not formally integrated into national legal systems.[9] Indeed, with respect to the latter of those points, as Chalmers noted earlier, no state has accepted unconditional European constitutional sovereignty. In that sense, the ECJ and its created doctrines might be seen along classical principal-agent logics. From this point of view, the Court and all its associated doctrines are not so much sovereignty-reducing institutions but the

> [M]ost readily available and most effective solution to the problems of incomplete
> information and incomplete contract that would otherwise have hindered cooperation
> in the EC…a neutral surveillance agent controlled by the principles (Garrett and
> Weingast, 1993: 178).[10]

Outside the ECJ's case, Glencross (2007: 11) notes that because there are no EU treaty ratification processes prescribed by the Union, member-states are free to choose their own methods – including the usage of the national referendum. And that, he argues, "embod[ies] the autonomy of member states in choosing how to deal with the political challenge of integration". Thus, insofar as the member-states determine the extent of their own EU obligations based on their own particular methods, they would seem to maintain, at the least in situations of emergency, their traditional sovereign prerogatives.

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[8] This argument is not limited to foreign and defense areas and extends to a host of other non-EU competency areas. See Hix, 2005 for a complete breakdown of issue-area divisions.

[9] No assumptions are made that these visions are correct, and there certainly are feasibility issue regarding the possibility for withdrawal. The point is that breakdown has not gone unchallenged. Whether that means maintenance, however, may not be the case as the stratification/blurring debate highlights.

[10] The argument tends to be that member-states have allowed the ECJ to amass power to both overcome incomplete contracting problems common in building a common market as well as because ECJ rules generally "accord with the interests of the powerful States…German and France" (Garret, 1992, 556-559).

The effects of the EU's supposedly boundary-breaking programs may also be more limited than otherwise assumed. Returning to the Schengen example, Hix notes that while the Amsterdam Treaty formally incorporated Schengen into the *acquis*, it did so in a largely intergovernmentalist way. As such, it is questionable to the extent that "Europe" really controls any one Schengen's states borders. He writes,

> The *Council, acting by unanimity*, became the main executive body…and the Schengen secretariat became part of the *Council's general secretariat*. While the ECJ was granted jurisdiction over some decisions, decision-making in this area remains highly secretive. The EP has *no formal right of consultation*, and the Schengen protocol *explicitly excludes the ECJ from exercising jurisdiction on matters of law and order or internal security* that arise from the Schengen Convention (Hix, 2005: 436, emphasis added).

Moreover, while under ideal conditions the Agreement may remove internal border controls, Busch and Krzyanowski (2007: 121) are keen to note that states can unilaterally suspend the open border provisions for security reasons via Articles 22 and 23 of the Border Code. That possibility has proven to be more than a paper tiger. For instance, Italy suspended Schengen's open borders during the 2001 G8 to exclude potential rioters – EU citizens or not – from Italian territory. Therefore, in the context of Articles 22 and 23 of the Border Code, states retain significant jurisdictional prerogatives over entry/exist issues – at least in situations of emergency.

Finally, there is evidence that Schengen fails to create an outer-border around its members, something both logic and semantics dictate is necessary for a European "inside." For instance, and somewhat paradoxically, the EU has attempted to lessen the Agreement's exclusionary nature for certain non-EU citizens through a border-resident permit program, via Regulation 1931/2006. While there may be very good economic and normative rationales for pursuing such a policy, it prompts Zielonka (2006: 145) to note that it also makes the idea of a clearly defined, separation forming border "more a matter of rhetoric than reality". In short, by lessoning Schengen's exclusionary effects, it also negates the idea of a EU/non-EU borderline.

Extending on that point, breakdown faces problems in the context of EU territory and therefore membership. On the one hand, breakdown wants to see the formation of a homogeneous European political space. The implicit assumption is that Europe's spatial scope is membership based – to be inside its jurisdictional space, whether in terms of rule-making or rule-enforcing, one must be a *member*-state. On the other hand, EU

membership is a vastly more complicated issue. For instance, not all EU members participate in all EU programs, whether due to opt-outs (e.g. the UK and EMU), transition periods (e.g. newly acceded member-states), or a failure to meet certain requirements (e.g. Romania and EMU). In those contexts, Glencross (2007: 9-10) argues that those institutional differences may actually be reflective of state sovereignty, what he terms "sovereignty assertions as a state's right to a special status". To similar effect, not all of the EU's various programs impact jurisdictional issues in the same ways. Schengen-Europe – its members, its processes, and its jurisdictional impacts – is very different from EMU-Europe – its members, its processes, and its jurisdictional impacts. For those reasons, intra-EU program diversity negates the notion of a homogenous, internal European jurisdictional space.

Similarly in logic, formal Union membership is not necessarily required for being – at least partially – inside Europe's jurisdictional sphere. For example, non-acceded states are frequently included in the Union's space through quasi-membership agreements, ranging from the extensive (the European Economic Area (EEA)) to the specific (EU-Swiss) to the preparatory (European Neighborhood Policy (ENP)) (K. Smith, 2005; Grant, 2006; Palmer, 2008; Wallace, 2009). Lavenex and Schimmelfennig and Lavenex (2004, 2009) also note that the Union increasingly engages in what they term as "external governance" or the transfer of Union rules to associated, non-member states. Forgoing the details for the time being (they are returned to on pages 116-117), these programs and membership diversities clearly highlight the non-congruency between jurisdictional and membership-come-territorial borders. And that contradicts the idea of a clear, European-based inside/outside border.

Finally, one must also take note of the global context. On the one hand, breakdown is meant to reflect the collapse of state sovereignty and the replacement of it with an analogous EU version. Sovereignty and inside/outside would be upheld, simply on a EU/non-EU basis. On the other hand, walling off insides from outsides *of any size* is problematic due to increasingly saliency of de-territorialized, globalizing challenges. As returned to below, whether in the context of transitional organizations, human rights, capital flows, or global risk, there is an increasing mismatch between the EU's territorial borders and its ability to close itself off to a non-EU outside world (Bigo and Walker, 2007; Vaughan-Williams, 2008; Beck, 2009). For that reason, breakdown makes the

mistake of assuming it can simplistically replace methodological statism with a sort of methodological Europeanism. After all, given that the essence of globalization is its de-territorialized effects, it seems just as problematic to assume that EU borders can compartmentalize them, and thereby create an outer European wall, as it is to assume that state borders can.

In saying that, one might question the extent to which global factors really affect jurisdiction. For instance, as noted in chapter 1, some argue global forces only occur within in a world sustained by states and state structures (Jackson, 2007b). To similar effect, Krasner (1999: 13) argues that "a state can be recognized as a juridical equal by others and still be unable to control movements across its borders". While both of those criticisms have merit, there are also responses. First, there has been a proliferation of binding global institutions, such as the ICC. Second, Krasner seems to be targeting the informal aspects of globalization. Nevertheless, even he admits that a loss of control may force formal sovereignty alterations (Krasner, 1999: 13-15). Indeed, the UK's 1970s EC applications, despite its sovereignty concerns, might be seen as an example in which British economic woes forced formal changes. Finally, and most simply, not everyone is so skeptical about globalization's impacts (Rosenau, 1990, 2006; Tuathail, 1998; Scholte 2000; S. Smith 2001). S. Smith (2001: 224) writes, "*Contra* Krasner, I do believe that globalization is transforming sovereignty…".

Put together, there are clear problems with breakdown. As such, one re-arrives at the initial issue of how to understand jurisdiction, and therein inside/outside, in Europe. Given the arguments against breakdown, one is understandably tempted to draw the completely opposite conclusion and argue that sovereignty and inside/outside are maintained in their traditional forms. Indeed, many of the previous sections' arguments pointed in precisely that direction. That fact that states maintain autonomy across a host of core issue areas and preserve opt-out, suspension, and even withdrawal prerogatives all appeared to support a maintenance conclusion. Were one inclined to accept that line of thinking, one might be tempted to compile a ledger – one point for maintenance each time an issue remains at the state level, one for breakdown each time one Europeanizes – to determine which side the system leans further to.

The problem with such an approach is, however, that it never really addresses the nature of inside/outside. First, there are a whole set of issues that did/do not support breakdown

or maintenance – such as membership conflicts and globalized, de-territorialized challenges (see below). Second, insofar one needs a ledger at all, neither breakdown nor maintenance applies seamlessly, prompting one to ask whether jurisdictional debates are really organized in the neat and tidy ways both need them to be. Because exclusivity, congruency, territorialization, and clarity/stability never line up at either location (member-state or EU) as sovereignty-the-concept requires, *sovereignty is not the operative term*. Individual aspects of it may apply in certain circumstances, however because its precise constellation of logics never forms and never lines up, it is not the underlying concept at play. Finally, by recognizing that, one also recognizes that jurisdiction – the conceptual precursor to sovereignty – ought to be made the key concept of analysis. Because it is a more inclusive notion, it offers the conceptual space necessarily for classifying for Europe's political diversities. And, in realizing that, one is free to move beyond the either/or nature of breakdown/maintenance towards stratification/blurring. With it, the critical question becomes one of overall stability and clarity of structure.

Stratification/blurring

There is evidence that points directly towards a stratification conclusion. First, with respect to competency issues, member-states maintain exclusive jurisdiction over a host of functions and, when they do, do so within their traditionally defined, territorial borders. However, as was also established, the EU has gained exclusive jurisdiction over a host of other issues and, where it does, generally does so within its membership-defined territory. Thus, France institutes French tax laws within French territory while the EU administers European competition law within the Union's territory. Accordingly, just as there is a jurisdictional/territorial inside/outside separation between member-states with respect to national tax law, there is an analogous binary between the Union and non-EU zones with respect to European competition law. In each case, the EU and member-states are co-equals in an issue-based division of labor. Schutze (2007) dubs this "dual federalism" while Hooghe and Marks (2003) term it "Type I multi-level governance". Whatever one calls it, however, the critical point is that once freed from the assumption that there must be a *functionally complete,* territorial/jurisdictional congruency, as was the case under sovereignty and therefore under both the breakdown

and the maintenance options, a statist inside/outside division can be maintained and a EU/non-EU one can be added.[11]

Second, stratification gains support due to the Union's differentiated memberships, By recognizing that there does not have to be a homogenous European jurisdictional space, stratification is open to the possibility that there might be diverse sets of jurisdictional locations within Europe. In other words, it allows for the fact that there might be EU-Europe, EMU-Europe, and Schengen-Europe – and all the practical differences contained therein – all at the same time.[12] Indeed, and whatever the precise language and details are, the "core-periphery", "concentric circles", and "multi-speed" metaphors often cited in the ES literature all epitomize the need to move beyond inside/outside's binary nature and utilize more functionally attuned setups (Lavenex, 2011). By recognizing that there is not necessarily a homogenous European space, at least on the surface stratification allows for the jurisdictional diversity that exists.

In saying all that, three points need highlighting. First, stratification creates the conceptual space needed for a re-leveled inside/outside division *by accepting that there need not be an overlay between territorial, jurisdictional, and functional borders*. Just as one is free to define a jurisdictional (not sovereign) inside/outside separation between member-states when an issue is outside the EU's competencies, one is free to define a jurisdictional (again, not sovereign) one between Union and non-Union members when an issue is within its competencies. Second, despite being issue-based, jurisdiction, territory, and inside/outside remain related as *jurisdictional scopes still play out along territorial scales* – in the case of the member-states via their traditional territorial borders and in the case of the EU via the combined territories of its members. Finally, the assumption throughout all of this is that the *separations between the various locations and functions are stable and clear*. While there may be multiple membership types and issue contingent competencies, the lines separating both are assumed to be readily apparent and exhibit an overall durability. Stratification therefore depicts a setup in

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[11] Based on this, one could return to the ledger imagery to layout which functions exist on which levels. However, whereas the breakdown/maintenance ledger was primarily geared towards logics of generality – "In general, the Union functions this or that way" – under stratification each level would be independently valued. As such, its purpose would not be to determine which side has more competencies, but to illustrate that each side jurisdictionally dominates in some, but not all, areas.

[12] Of course, this point gains further support in the context of London's 2011 veto of French/German treaty revision plans in light of the 2011 debt crisis and all the resultant talk of two-speed Europe (Parker and Barker, 2011). See the concluding chapter.

which the either/or nature of inside/outside, the territorial/functional/jurisdictional congruency, and the notion that there must be a single, contiguous zone of sovereign action (and with all that that there must be *either* breakdown *or* maintenance) all give way to a functionally attuned system in which both member-states and the EU have distinct zones of jurisdictional action.

Without denying the nuances stratification offers, the issue remains whether the structuralism inherent to it offers the best approach. By shifting away from a sovereignty-based jurisdictional form, stratification *is* willing to expand the number of possible jurisdictional levels. As such, it *is* an improvement over the binary, either/or nature of breakdown or maintenance. However, even in overcoming their limitations, the perspective remains wed to the idea that jurisdictional locations are clearly and cleanly defined such that they can be analytically treated as separate from one another, whether in terms of which functions exist at which level or the membership lines of the various locations themselves. The difficulty is, and as the remainder of this chapter makes clear, the existence of unambiguously defined and divided jurisdictional locations in Europe is more problematic than it otherwise may seem. And that makes blurring the best conclusion.

To start, stratification needs there to be a clear functional division of labor between jurisdictional locations. The difficulty is that is not always the case and, in practice, member-states often disagree on the scope of Union jurisdiction. There are, of course, instances in which the EU and the member-states each have exclusive jurisdiction over a particular issue, just as Schutze's dual federalist model implies. Moreover, there are cases of defined, shared competencies – areas that allow the member-states to make and enforce rules to the extent that the EU has not legislated. Thus, on the surface, there do seem to be clear, functional divisions of labor between the EU and member-states. Indeed, as noted, in theory, even areas of *shared* competencies appear to have jurisdictional standards attached to them; member-states are free to make their rules to the extent that the EU has not legislated (Stone Sweet, 2010).

Nevertheless, and where this setup gets more complicated than a language and logic of stratification would seem to allow for is when that all is put into practice. In other words, problems arise and conflicts potentially occur when those theoretical claims of clean and clear functional divisions play-out on an on-the-ground level. Despite attempts to create

unambiguous, functional divisions of labor, member-states and the Union often disagree on whether a particular issue ought to fall within the latter's jurisdiction or not – if for no other reason than the member-states are historically used to having control over *all* functions. There are conceptual and empirical sides to this point.

On the conceptual side, Stone Sweet (2010) notes that member-state/EU functional conflicts generally occur in three main instances – when the EU/ECJ chooses to apply treaty law to areas formerly thought to be in the national domain due to a "spillover" effect of established Union competencies (e.g. telecommunications, air transport); when the Court evokes provisions to and of a higher "constitutional status" and, in doing so, carves out legal positions on functions that might otherwise fall outside the EU's formal functional remit; or when the ECJ holds that specific policy dispositions are required by treaty law. [13] In pointing out each of those possibilities for conflict and overlap between the member-states and the EU, and again despite all the formal attempts to create clean and clear competency lines, Stone Sweet's argument is that the EU, largely via the ECJ, has nonetheless managed to carve out significant jurisdictional prerogatives in areas that might otherwise formally fall outside of its functional remits. And that, as the following empirical examples establish more directly, creates the possibility for conflicts and overlaps between the EU and the member-states on particular functional issues.

Accordingly, in moving to the practical side, one can look at a number of examples of conflict and overlap between the member-states and the Union over particular functional issues. For instance, much has been made of a 2003 German case, finalized in the so-called *Mangold* judgment, in which the ECJ negated a German labor law having to do with age-discrimination in employment matters (Schiek, 2006; Herzog, 2008; Kokott, 2010). Forgoing the litany of legal details contained in it, the basic debate was over whether the ECJ (and therein the EU) overreached its functional jurisdiction by negating that German law as labor markets and social policies formally fall outside of the Union's

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[13] To this, one might add there are also areas in which the development of jurisdictional hierarchies between member-states and the EU is not even the goal. For instance, the Open Method of Coordination (OMC) represents a jurisdictional approach in which "common action at EU level is no longer synonymous with further formal transfer of competencies, and with the development of homogenous and binding political solutions" (Borras and Jacobsson, 2004: 199). Moreover, the relationship between the various actors is not fixed, predetermined, or even stable. The formation of a neat division of jurisdictional labor is not the primary goal. One might argue that the OMC is not really jurisdictional insofar as it is informal, however the fact remains that under it authority is being administered, just based on mutual agreement. Jurisdictional claims are therefore made, albeit in informal and non-hierarchical ways.

competencies (and therefore remain in the member-states' domains). In advancing precisely that argument, former German president Roman Herzog (2008) writes that, "[The] case clearly demonstrates to what extent EU regulation and EU jurisdiction…interfere in the governing of these [labor market and social policy] core [state] competences". He goes on to argue that in justifying itself the ECJ resorted to a "somewhat adventurous construction" to invalidate the German law – "constitutional traditions common to the member states".

In advancing that line of thinking, Herzog effectively mirrors Stone Sweet's point regarding when functional conflicts between member-states and the EU might arise; in this case, when the ECJ claimed rights and evoked provisions in domains that it might otherwise not have had jurisdiction over based on claims to and of a higher constitutional status (general non-discrimination ideals). One should be clear that, while the German Federal Constitutional Court (FCC) ultimately upheld the European decision – it dismissed the constitutional claim against the ECJ – the case illustrates the conflicts and debates that might arise over particular competency issues in the context of the EU's complex legal system. Moreover, and perhaps more critically as one sees in relation to legal pluralism, developed below, it also implicitly opens the door towards imagining the legal havoc that might have resulted had the FCC reached an alternative decision and rejected the ECJ ruling.

One should be clear that the sort of legal conflict seen in the *Margold* judgment is not an isolated occurrence. Returning to Stone Sweet's conceptual points, member-state/EU disagreements have also proven common in instances in which the Union claims jurisdiction in an area that it would otherwise be formally restricted from due to its interpretation of the tangential affects that area might have on an issue within its competencies (as noted above, a sort of "spillover" functionality claim/process). To give an example of this, a 2003 Commission directive (Directive 2003/33) restricted tobacco ads in local newspapers citing an "inten[t] to protect public health". However, because the EU lacks formal healthcare competencies, the official legal justification used and cited later on in the relevant directive was based on "internal market" rationales, which of course do fall within the EU's control.[14] Viewing this linkage as overly artificial, the

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[14] More specifically, if one member-state banned such ads, the argument was that that would effectively prevent foreign newspapers from being sold in that member-state, thereby impacting the functioning of the internal market. Under that logic, EU jurisdiction was deemed appropriate.

German government sued, though the case was eventually dismissed. Similarly in logic, a 2005 ECJ decision allowed for more European control in criminal law as it pertained to environmental protections, all the while stating that, "Neither criminal law nor the rules of criminal procedure fall within the Community's competencies" (Case C-176/03). As with the ad ban, the ECJ justified its actions based on competencies that it did have – in this case, environmental regulation – and the need to properly execute them.

As these examples illustrate, jurisdictional conflicts and overlaps do potentially arise in the context of Europe's complex legal structure – largely, as one sees more fully below, due to the fact that the various actors in that system (member-states and the EU) all tend to view themselves as independently authorized jurisdictional actors. And, from the member-states' perceptive these conflicts and overlaps are generally seen as the unjustified seizer of traditional state sovereign rights. Herzog writes,

> The ECJ deliberately and systematically ignores fundamental principles of the Western interpretation of law, that its decisions are based on sloppy argumentation, that it ignores the will of the legislator, or even turns it into its opposite, and invents legal principles serving as grounds for later judgments. *They show that the ECJ undermines the competences of the Member States even in the core fields of national powers* (Herzog, 2008: 5, emphasis added).

Again, in raising this issue and offering these examples the point is not that Germany (or any other member-state) did not ultimately abide by any particular ECJ ruling; they did and, as Chalmers noted earlier, always tend to. Rather, the point is that while *in theory* there may be clear competencies lines, *in practice* those lines are often less well defined and frequently called into question. And that, at the very least, illustrates the debates at play and the problems with the clarity of divisions assumed under the stratification option. Moreover, the argument gains even more relevance in the context of European legal pluralism, to which the chapter now turns.

Taking a step back, the breakdown/maintenance debate implied that the Union's legal system either gains or fails to gain full supremacy over the member-states. Moreover, dual federalism implicitly assumed that, while there might be more significant actors, there ultimately are clear standards for determining legal hierarchies, such as between the EU and member-states when it comes to a particular competency. As such, whether from the context of breakdown/maintenance or from that of stratification, the assumption was that "in the legal domain…integration is an 'all or nothing' process'" (Weiler quoted

in Wallace, 1982: 65). Someone – the EU or the member-states – *had* to sit atop a clearly established jurisdictional order.[15]

The problem is that legal integration has proven to be a much messier process, whether due to conflicts over the ECJ's powers, debates over competencies, or the deep-seated sovereignty concerns of the member-states (again, as pointed out above). Underpinning that messiness is the fact the various entities in the European legal system – whether the member-states themselves or a EU body like the ECJ – all tend to individually assume themselves independently relevant and empowered. As such, the potential for conflict and overlap between them based on their countervailing legal opinions is an ever-present possibility (MacCormick, 1995; Wind, 2001; N. Walker, 2002). N. Walker terms this a form of "epistemic pluralism" and uses it to highlight both the multiple jurisdictional organs that do exist as well as their individual interpretations of themselves as independently sanctioned and empowered actors (N. Walker, 2002). That is not to say there are *never* methods of resolving disagreements between them. As Chalmers (2010: 205-207) notes, there are. Moreover, a status quo of acceptance by the member-states of the EU has developed. Nevertheless, because the actors in the system all tend to be informed by their own institutional placement within that system, there are no assurances that legal processes *alone* will always be sufficient. The possibility for conflict and overlap, as the examples cited above made clear, are ever-present possibilities.

It is important to note, as MacCormick (1995: 264) does, that the jurisdictional debates that might arise in the EU system – again, such as those pointed out in the previous section – tend not to arise due to an "absence" of legal rules, but "a superfluity" of them. To stress, this is for no other reason than the various actors all claim their own unique jurisdictional rights – for the EU, as expressed via the supremacy of EU law and, for the member-states, their traditional state sovereignty prerogatives.[16] To give an example of how this all plays out, despite ECJ mandates about the supremacy of EU law, the Czech Constitutional Court has stated that it will intervene against the Union if it does not act in accordance with its principles as a "democratic law-based state" (Chalmers et al., 2010: 222). Similarly, the FCC has made the transfer of jurisdictional to Europe conditional on

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[15] In technical terms, this corresponds with a monist/hierarchical approach to law (N. Walker, 2002)

[16] MacCormick (1995: 265) follows up by noting that none of that is "logically embarrassing" as "the answers are from the point of [each] different system".

the protection of the rights laid down in Basic Law such that "if [those] rights are infringed, the court insists, *it can reclaim them*" (Economist 2009, emphasis added).[17] In those contexts, Kokott (2010: 101) notes that it is that sort of legal pluralism that creates the potential for conflicts and overlaps between member-states and the EU over particular issues; conflicts and overlaps rooted in the difference between the "protection-of-sovereignty-approach of the [FCC and other constitutional courts] and the integration-oriented approach the [ECJ/EU]." Because under legal pluralist reading "who" is jurisdictionally supreme is not necessarily clear and might depend on one's institutional placement, it is hard to speak of a final legal arbiter. The door is therefore always open towards jurisdictional overlap and conflict.

While all of this may be practically problematic, especially from a starting point that assumes that there must be a hierarchy of legal norms (as breakdown, maintenance, and stratification implicitly all do), once one moves away from sovereignty towards jurisdiction, the setup immediately becomes less conceptually awkward. Of course, as Wind (2001: 193) notes, it may compel one to address whether the complexities of the EU legal system require an updated vocabulary in which jurisdictional systems can coexist under conditions of jurisdictional competition. However, *that does not negate the possibility for jurisdiction absent sovereignty*. Indeed, it is from the context of those complexities – complexities that highlight the plethora of legal actors and their independent and potentially conflicting and overlapping opinions as to their jurisdiction remits – that MacCormick (1995: 264) writes, "The most appropriate analysis of the relations of legal systems [in the EU] is pluralistic rather than monistic and interactive rather than hierarchical". It is also Wind's (2001: 193) argument in dubbing the EU's legal system as "polycentric comprised of multiple jurisdictional centers".

View together, because jurisdiction is not vested in member-states or the EU exclusively and because none exists in clear supremacy to all others in all cases there is the possibility for legal conflict and overlap between them. Separating jurisdictional insides from outsides becomes harder as where one is within the system impacts one's vision as

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[17] As a practical example, while a 2009 ruling by the FCC in the *Lisbon* Case allowed Germany to go forward with ratification of the treaty, Kokott (2010: 100) notes that the Court also made clear that any parliamentary act approving it "will be seen as compatible with Basic Law only if it takes into account the safeguards established by the [FCC]…the Act approving the Treaty of Lisbon must be interpreted in conformity with the Constitution".

to the appropriateness of any action. And all of that seems far more in line with blurring than breakdown, maintenance, or stratification. Writing from outside the EU's context, but on a related topic, Hofstadter conceptualizes the thought process well. He writes,

> A fascinating area where *hierarchies tangle* is in government—particularly in the courts. Ordinarily, you think of two disputants arguing their cases in court, and the court adjudicating the matter. The court is on a different level from the disputes. But strange things can start to happen when the courts themselves get entangled in legal cases. Usually there is a higher court which is outside the dispute…*But what happens when there is no higher court[?]…The irony is that once you hit your head against the ceiling like this, where you are prevented from jumping out of the system to a yet higher authority, the only recourse is to forces which seem less well defined by rules, but which are the only source of higher-level rules anyway…the general reaction of society* (Hofstadter 1999: 692-693, emphasis added). [18]

Moving on from legal structures, given the attention paid to Schengen earlier, one would be remised not to note that it too exhibits blurring elements. While under optimal conditions the Agreement supported breakdown, the institutional rules, the possibilities for suspension, and the lack of a firm, external border problematized full adoption of that perspective. As such, it would be easy to argue for a logic of generality – "In general, Schengen does this or that." The problem is, as with the legal sphere, the Agreement effects are more complex than breakdown, maintenance, or stratification allow for. For instance, Article 45 of the Schengen *acquis* specifically mandates that hotels and other accommodations register all foreigners – including European citizens – upon arrival. To be sure, a registration requirement is not the same as a fortified checkpoint. Nevertheless, it does support Balibar's (2002) more wide-ranging claim regarding "the ubiquity of borders" in modern Europe. She writes,

> Some borders are no longer situated at the borders at all, in the geographico-politico-administrative sense of the term. They are in fact elsewhere, wherever selective controls are to be found, such as, for example, health or security checks (Balibar, 2002: 84).

In that sense, if borders matter due to their practical impacts, not their abstract location, insofar as Schengen diffuses them throughout a European space, when and where one is inside or outside of them becomes a lot less clear; borders become "everywhere and nowhere" (Balibar, 2002: 78). In that vein, Rumford writes, "There are many borders in our midst but about which we have no awareness unless we are the recipient and target of the bordering practice" (Rumford 2008: 42). View in those ways, Schengen's effects,

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[18] This is why, as chapter 5 develops, legitimacy debates become so important in blurring systems.

and European bordering processes more generally, seem more in line blurring, than breakdown, maintenance, or stratification.

Shifting away from the Union's rules and picking up on a point made previously, stratification also short-changes the global context. The fact is, insofar as there are global challenges, they are by nature de-territorialized and universal, constrained by neither state territorial nor EU membership borders. On the one hand, one might be tempted to shirk this point by noting that not all issues are globalized (just as some are not Europeanized). As such, there simply is a "global level" to the stratification argument. On the other hand, and though that may be true, because the interest is how those factors that *are* globalized impact inside/outside, one can both acknowledge that not all issues are global and hold firm that those that are, are boundary-defying. Beck's (2007) work on global risk offers an illustrative entry-point. He starts from an assumption that much modern day risk exhibits fundamentally de-territorialized qualities that no state has the wherewithal to unilaterally address or bracket-away. He (2007: 287) writes, "Global risks [Chernobyl, 9/11, the swine flu] tear down national boundaries and jumble together the native with the foreign".

With that in mind, there is little reason to expect that a bigger, yet still fundamentally territorially-based unit, will be able to bracket out global threats. Because they are by definition non-territorial, they will no more respect EU borders than state ones. One sees evidence of this in the EU's case. In a study of the Frontex program, Vaughan-Williams argues that if a border is a place where control takes place, then

> The activities of Frontex in practice challenges commonsensical notions about the location of the border that separates the internal from the external realm. Such a control on a subject's movement increasing takes place hundreds of miles away from member-states' territorial and the geopolitical edge of the EU. This 'off-shoring' of the border complicates the geopolitical imaginary of the EU as an entity with a readily identifiable as inside; paradoxically the inside is projected externally (Vaughan-Williams, 2008: 67).

He goes on give examples of that process, noting that EU policing frequently occurs far removed from Union territory – off the waters of Mauritania, Senegal, and Cape Verde – in an attempt to deal with the de-territorialized challenge of migration. Similarly, he notes that surveillance planes from Finland and Italy are increasingly penetrating deep into African territory to deter would-be migrants from even starting journeys to the EU.

As those examples illustrate, the question understandably becomes, where does EU jurisdiction stop? When is one inside/outside of Europe?[19] In the context of Frontex's activities, the answer appears to be that the Union's formal, membership-come-territorial borders do not overlay with its jurisdictional ones such that it is hard to determine when one is firmly inside or outside of it (Bigo, 2000; Bigo and Walker, 2007). One might add that, the more de-territorialized threats proliferate, the more likely the jurisdictional/territorial-come-membership overlap is likely to unbundle. To visualize what is occurring, and in talking about Frontex specifically, Bigo and Walker develop the concept of the Moebius strip. It has clear similarities with blurring. They write,

> It is impossible in a Moebius strip to define once and for all what is inside and what is outside. No one can identity, whether objectively or even consensually, the location of an edge differentiating once and for all the internal and external. In relation to the ingrained assumptions of so much political analysis, it challenges any claim that there must be a sharp line differentiating self and other, friend and enemy, state and state, or state and international system (Bigo and Walker, 2007: 736).

To conclude, one can examine EU membership itself. The previous perspectives on the European jurisdictional form all implicitly assumed that membership determined the spatial scope of EU jurisdiction. Jurisdiction remained territorial, but that territory was based on the territory of those on its membership scrolls. While stratification allowed for more than one membership type, and therefore was an improvement over the binary nature of breakdown/maintenance, it also assumed that there was a clarity and stability to those memberships. The difficulty is, the membership borders defining the EU's various jurisdictional spaces are much less clear and must less stable than stratification needs them to be. The distinction between EU and non-EU – and all that implies – is blurring.

First, with respect to clarity, the EU's plethora of association programs – ENP, Swiss-EU, and the EEA – soften the EU/non-EU division. To be sure, that softening has traditionally been the Union's explicit goal, particularly as a means of preventing a post-Cold War divided continent. However, the effect of that decision has also been that who is jurisdictionally inside versus jurisdictionally outside the Union is frequently a matter of degree (K. Smith, 2005; Grant, 2006; Palmer, 2008; Wallace, 2009; Lavenex 2011). In that context, as noted earlier, the EU also increasingly engages in what Lavenex and Schimmelfennig (2994, 2009) termed as "external governance". While varying in form –

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[19] To be sure, the EU may be more *effective* than states in dealing with global risk, however as the extra-territorial activities of Frontex illustrate, even EU walls are insufficient.

it might be hierarchical, networked, or market based – the underling affect is a de-linking of EU membership from its jurisdictional gambit. Using accession papers as the metric for deciding when a state is jurisdictionally inside or outside of the EU is therefore problematic. Outside is, very often, at least partially inside.

Second, there are issues of stability. Despite the EU's attempts to develop stable halfway houses, associated, non-EU states frequently find themselves unsatisfied with "less than" or "all-but institution" approaches. For example, while the ENP is formally enlargement neutral (in no small part due to the Union's desire to shirk inside/outside decisions), in practice the Union tends to view it simply as an instrument to forge closer ties with neighbors. The difficulty is that ENP associates tend to see the program as a necessary, but preliminary step to accession (Palmer, 2008: 16). In that context, K. Smith argues that just as EFTA did not stave off accession for long, the ENP appears to be lagging behind aspirations in many of its members (K. Smith, 2005). As a result, the EU's, often intentional, ambiguity with respect to membership decisions creates an unstable, outer border – especially from the perceptive of those on the "outside".[20]

That fact feeds into broader questions of enlargement, as a policy and as a question of "to whom". On the policy side, enlargement has been a constant feature of the Union's development, with some going so far as to call it the EU's *raison d'état* (Fierke and Wiener, 1999: 722). That being the case, today's outside might easily become tomorrow's inside. Moreover, just as today's outside might be tomorrow's inside, the reasons for moving an outsider to the inside have varied. Rationales for previous enlargement have ranged from geopolitics to economics to rhetorical entrapment (Schimmelfennig and Sedemeier, 2005). Because the Union's membership borders are under constant negotiation – because they lack permanency – determining a clear inside/outside line becomes more tedious and less clear.

Enlargement as a policy ties into enlargement as a question of "To whom?" (Schimmelfennig and Sedemeier, 2005; K. Smith, 2005; Grant, 2006; Diez 2006; Palmer, 2008; Wallace 2009). On the one hand, the Union's founding documents declares it open to all "European states", which both allows for enlargement itself as well

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[20] There have been calls for better halfway houses – a European Commonwealth, or deep free-trade areas (Grant, 2008: 65). However, again, none of these guarantee stable gradations to membership.

as conditions a binary: to be an EU member, one must be a *European* state. On the other hand, no firm conception of what being "European" meant was provided. While the assumption was that Europe shared certain commonalities – a fact that helped underwrite integration as a whole – what those commonalities were was/is less clear (Pagden, 2002).

The EU has developed certain rules to help dictate enlargement decisions – for instance, the Copenhagen criteria in the context of Eastern enlargement. However, those requirements were more about defining the political, economic, and social conditions necessary for enlargement than with what "being European" means.[21] (If those were all that mattered, all liberal democracies would become potential members.) As such, one is still left with what "being European" entails. The problem is, there is no agreement as to the answer to that question. Some impart a geographical meaning, only to find that they then argue over what those dimensions are (K. Smith, 2005: 769; Grant, 2006: 13). Others replace culture with geography, only to find that they soon disagree on its content. And yet still others view enlargement as a normative tool of foreign policy. *Irrespective of which side of these debates one agrees with*, their existence illustrates the ambiguity regarding "Who is European?". Until there is an agreed to final frontier, inside/outside will be neither stable nor clear. As Bigo (2005: 51) whimsically notes, "Uncertainty lies at the heart of European identity".

Jurisdictional updates

Putting this altogether, one arrives at the blurring conclusion with respect to the status of the inside/outside division in Europe. While breakdown, maintenance, and stratification were each considered and each made valid points when viewed in isolation, the contradictions between them made blurring the most appropriate option. Given that, and given the descriptive effects to the inside/outside cleavage found under the blurring option, the question becomes what one can say about its significance as a jurisdictional outcome specifically. Therefore, to take a step back, thus far blurring (indeed all four of the options) has primarily been used as a means of illustrating the nature of the change that the inside/outside binary is undergoing; it is blurring. Nevertheless, as noted at the outset of the chapter, each of the four options also represents a distinct mode of

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[21] It is easy to exclude politically suspect states. However, if Ukraine reforms its political system, it is less likely they will be satisfied with an all-but approach. The question then becomes: Are they European?

jurisdictional action in their own right. Consequently, and in the context of the descriptive effects rendered, the task becomes addressing what blurring means jurisdictionally; what is its resolution to the jurisdictional problematique. While a complete analysis of that is taken up in chapter 5, it is clear that blurring presents a different set of logics than sovereignty.

First, under blurring, the "who" aspect of the problematique varies as it includes both the member-states as well as the EU as jurisdictional agents. Second, under blurring, "what" determinations shift between those various actors in potentially conflicting and overlapping manners, a point reflected in the debates between the member-states and the EU (particularly the ECJ). Third, under blurring, "where" determinations, whether due to the proliferation of global threats, debates over enlargement, or practices of external governance, are unclear and unstable issues. Fourth, under blurring, "how" lacks established standards, whether in the context of how EU rules are laid-down (e.g. directives versus decisions) or the means through which jurisdiction is exercised more generally (e.g. OMC versus external governance). Finally, under blurring, "over whom" lacks clarity, as the enlargement and external governance debates demonstrates (also next chapter). Together, the operation of the European system illustrates a jurisdictional setup that is not sovereignty-based. While some attempt to graft a name to this situation – Europe as a borderland, as neo-medieval, as a maze – for this study the primary interest is in illustrating the effects on inside/outside, not offering the EU a specific title.

In opening the door towards defining and developing blurring as a jurisdictional form, one should be clear that at this stage the goal is not to argue what all that means for jurisdictional debates specifically or IR more generally – again, those tasks are left for chapters 5 and 6 respectively. Rather, it is to make clear that blurring describes an effect to inside/outside and, in doing so, appears to offer a new set of positions on resolving the problematique. In saying that, and to foreshadow the points made in those future chapters, that all ultimately proves so interesting as well as so potentially problematic insofar as it challenges sovereignty's resolution to the problematique in ways that necessitates descriptive, analytical, and disciplinary re-mappings. In short, while blurring replaces sovereignty in Europe, it does not do so in a way that it can be "unproblematically" slotted into sovereignty-vacated maps. Its tenets and logics end up

necessitating more substantial and substantive re-mappings – re-mappings to both help depict blurring itself, but also ones that allow for wider jurisdictional variability.

Table 6 – Jurisdictional types – Europe

Jurisdictional type	Definition	Metric	
Sovereign system	A jurisdictional form in which jurisdiction is territorial bounded, held by ruler with excusive jurisdiction over all functions and people in said territory; a jurisdictional form defined by clear, stable, and concurrently territorial/jurisdictional/functional borders A clean, clear, and stable inside/outside binary exists.	**Exclusive**	Yes
		Territorialized	Yes
		Congruency	Yes
		Stability/clarity	Yes
European system	A jurisdictional form that lacks firm territorial boundedness, clarity, and stability; a form in which jurisdiction is neither functionally complete nor rooted in a single actor; a form in which jurisdictional prerogatives potentially conflict and overlap between actors and were the mode of execution varies The inside/outside binary is blurring.	**Exclusive**	No
		Territorialized	No
		Congruency	No
		Stability/clarity	No

In the end, therefore, the blurring finding provided in this chapter proves significant for the study as a whole due to relationship between inside/outside, the domestic/international separation, and IR. The key take away is not that European states managed to cooperate. The key take away is that that *cooperation has not produced jurisdictional clarity*. Simply put, it is increasingly difficult to visualize a clean and clear sovereignty-based, inside/outside separation among Union members. Again, final conclusions regarding the systemic effect that has on political structures, and what new ways forward might be developed, are reserved for chapters 5 and 6. Nevertheless, even at this early stage, a blurring inside/outside and with it the formation of a alternative resolution of the problematique offers initial evidence as to the fundamental challenges sovereignty-based mapping faces in Europe and therein the new types of descriptive, analytical, and disciplinary maps that might be necessary.

Chapter 4 – Inclusion/exclusion in Europe

Introduction

Having developed a conception of inside/outside and jurisdiction under EU logics, the study shifts gears towards an examination the domestic/international separation's second core component – inclusion/exclusion. Whereas the previous chapter looked largely at the EU's political influences, this one examines its influences on the socio-political placement of people within the European system. It examines the interplay between the state citizenship standard developed in chapter 2, European citizenship, and inclusion/exclusion. [1] The critical question is whether EU citizenship produces a breakdown, maintenance, stratification, or blurring of the ability to determine whether an individual is considered included or excluded from a given political community. Understanding socio-political relationships is critical, as Rosenau (1990: 213) noted earlier, insofar as the separations between domestic, European, international, and even global politics are relevant only to the extent that people maintain such separations amongst themselves and act accordingly. To the extent that they do not, cannot, or will not, one has cause to question the descriptive appropriateness and the analytical usefulness of operating along and through such levels.

To determine which of the four outcome-possibilities is the most convincing, the chapter is divided into four sections. First, it briefly revises the conception of state citizenship developed in chapter 2. In the process of doing so, it also reviews some of the key methodological issues at play. Second, the chapter summarizes the key tenets of European citizenship, both what it entails as well as who has access to it. Third, as done in the context of inside/outside and sovereignty, the chapter defines each of the four outcome-possibilities, this time in the context of citizenship and inclusion/exclusion. Fourth, informed by those options, it juxtaposes the tenets of state citizenship against the European form asking whether there is breakdown, maintenance, stratification, or blurring. It does so through an analysis of the formal rights components as well as the symbolic issues of belonging constitutive of EU citizenship. The chapter concludes by

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[1] The terms "European citizenship," "EU citizenship," and "Union citizenship" are used interchangeably. Similarly, the terms "national citizens" and "state citizenship" are used interchangeably.

considering the jurisdictional outcomes of that finding. Together, it acts as an extension of and counterpart to the previous one, shifting the focus from politics to people.

Citizenship revisited

Prior to examining EU citizenship directly, it is useful to recall this study's approach towards citizenship more generally and state citizenship specifically. In the first case, the study operates under Wiener's conceptualized framework, defining citizenship as the relationship between an individual and a polity conditioned by a triad of variables – rights (civil, political, and social), access, and belonging. In looking at that conception, two sub-points are critical. First, if citizenship is the relationship between a polity and an individual, it is not necessarily state based – even if the state variety has been the most prominent. There is therefore nothing to conceptually prevent a non-state agent, like the EU, from developing its own version. Second, citizenship includes both a formal, rights based component as well as symbolic issues of belonging. Any analysis that does not account for both factors is incomplete.

Given those points, in the second case, while technically open to any sort of polity, the state variety – state citizenship – has been the most prominent. As chapter 2 noted, it was a logical outshoot of the politically structuring and dividing effects of a sovereign setup. In that regard, state citizenship defines the relationship between an individual and a state. In this relationship, a citizen has the state's full cadre of rights (civil, political, and social) based on his or her citizen-status. Moreover, the state possesses the sole authority to make access decisions; in deciding who has accesses and who fails to access their citizenship. Finally, all of that is rooted in a certain understanding of belonging – nationality (whether civically or ethnically based). Put together, insofar there are multiple states none of which has universal citizenship, state citizenship necessarily creates lines of inclusion/exclusion. The question is how European citizenship affects that state citizenship based, inclusion/exclusion dynamic.

To be clear, *the issues raised in this chapter relate only to the impact the development of EU citizenship has on the relationship between a Union citizen and a member-state other than his or her national one* – the French/EU citizen in Britain or the Hungarian/EU citizen in Italy. While the EU increasingly occupies itself with third country national (TCN) issues, the focus is on Union citizens specifically as their relationship to the EU

and the member-states logically should be the most developed given that they are both actors' core constituencies. Therefore, in the event of a blurring conclusion, one can be assured that it pertains to a population that ought to be considered the most "established" in the European system, not a group whose position is, *a priori*, less clear.

To look at the possible changes, the chapter examines the formal and symbolic aspects of EU citizenship – again, the formal aspects dealing with civil, political, and social rights and the symbolic ones questions of belonging/identity. As one sees below, access to European citizenship itself is not included in the analysis insofar as determinations on it are fully state-based. Accordingly, *one assumes from the outset that the individuals in question have EU citizenship*. Where and when access considerations *do* become important is in the context of whether or not any given European citizen has *equal access* to a given member-state's rights as compared to a national citizen. In that sense, questions of access ultimately underpin the entire rights based discussion.

Methodologically, the focus for the formal sections is documentary evidence, largely the Union's own rules up to and including Lisbon. For the symbolic questions, the chapter draws on public opinion polling, via Eurobarometer (EB) statistics, as well as the major theoretical debates from the literature. In either case, little concern is given to how EU citizenship arose or the intra/inter institutional debates underpinning its evolution. Nor does the chapter enter normative debates over the desirability of it. The concern is simply whether Union citizenship produces a breakdown, maintenance, stratification, or blurring of the ability to determine whether any EU citizen is considered included or excluded from any member-state other than their own.

European citizenship

Prior to going into the interpretive task of assessing the influences of European citizenship on inclusion/exclusion, it is necessary to provide its empirical content (Meehan, 1993; Wiener, 1998; Bellmay, 2004) (Table 7). To begin, the Commission's Fourth Report on Citizenship states, "The importance of Union citizenship lies in the fact that Union citizens have **genuine rights** under Community law" (Com(2004)695: 4 emphasis in original). EU citizenship therefore provides rights *based on citizen-status*, not economic activity or normative values. The Report goes on to cite that its substance

is found both formally, via four expressed treaty rights (originally A8, now A20), as well as through supplementary and applied privileges peppered throughout the *acquis*.

Starting with formal rights, A20 has four linked privileges – freedom of movement/residency (A21); EU-wide participation in local and EP elections (A22); diplomatic and consular protection (A23); and a right of petition to the EP or EU Ombudsman (A24).[2] While A20-A24 contains the privileges linked with the formation of EU citizenship, they are not the only elements. Guild notes,

> As the [Treaty on European Union] provides that citizens of the Union shall enjoy the rights conferred by the treaty there does not appear to be any reason why those rights are limited to those set out in Article 8 EC itself. Indeed, the wording clearly suggests that all rights conferred by the treaty, in whichever paper, are conferred on citizens of the Union (Guild, 1996: 31-32).

In that regard, one can identify a number of applied privileges including, but not limited to, a right of response from the EU in one's native language, a right to work in the EU civil service, gender equal pay, and consumer protections. Moreover, Article 18 formally prohibits discrimination on the basis of nationality as applicable throughout the treaty, which includes Title X's social policy chapter. Similarly, the ECJ has interpreted A20 as implying certain social protections (see below). Finally, the Charter of Fundamental Rights, brought into legal force under Lisbon, both restates A20-A24 as well as contains sections on dignity, freedom, solidarity, equality, and justice.

Having outlined that content, the question moves to whom it applies; who accesses European citizenship. Formally speaking, A20 mandates that "every person holding the nationality of a Member State shall be a citizen of the Union" (Lisbon 2008). Therefore, Union citizenship is a *derivative of national citizenship* and it is the *prima facie* decision of each member-state to determine their citizens. One must stress that member-states differ on domestic citizenship regulations. Nevertheless, the Commission (Com(2004)695: 5, emphasis in original) is clear that, "Union citizenship depends on national rules as regards **acquiring and loss of citizenship**". When there have been conflicts, such as in the 1992 *Micheletti* case, the ECJ (cited in Shaw, 1997) has supported the mutual recognition position stating that, "It is not permissible for the legislation of a Member State to restrict the effects of the grant of nationality of another Member State". For those reasons, Closa (1995: 510) describes EU citizenship as "a

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[2] As is noted below, A21, A23, and A24 are classified as civil rights and A22 as a political one.

derived condition of nationality" and Bauböck (2004: 220) likens it to Corinthian temple of separate national columns supporting a European roof. Implicit to all of this is that there are no EU-specific access rules. Access is contingent on naturalizing in one of the EU-27. By extension, member-state nationals are EU citizens regardless of their affections towards Europe.[3]

Table 7 – European citizenship

Individuals	Member-state citizens	
Polity	EU-sourced, member-state experienced	
Individual-polity relationship	Rights	A20-A24; Charter of Fundamental Rights; applied EU law
	Access	Member-state nationals
	Belonging	Member-state nationalities

Citizenship options

With that summary of EU citizenship as guidance, one can now outline the four outcome-possibilities. First, for breakdown, European citizenship would have to fully replace state citizenship as the critical inclusion factor amongst EU member-states. Member-states would no longer differentiate based on the national citizenship of Union citizens when it came to access to rights. Moreover, a general sense of common Europeanness would replace individual nationalisms throughout the Union. The EU citizen would be fully included throughout the member-states based on their EU citizen-status, a fact underpinned by a sense of collective Europeanness.

Second, on the flip side, for maintenance to work, EU citizenship would have not to significantly affect the relationship between member-states and non-national, EU citizens when it comes to either rights or belonging determinations. While there might be cosmetic changes, national exclusions would ultimately remain more pertinent and poignant. That being the case, as was true with inside/outside, maintenance and breakdown are effectively opposite sides of the same coin. They debate the size/scale of

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[3] Belonging *does* become important when it comes to determining whether or not EU citizens are considered symbolically included or excluded throughout the member-states. The point here is simply that feelings towards Europe are not necessary to formally have EU citizenship.

the units constituting the inclusion/exclusion division, but not the possibility for drawing it or its binary quality.

Third, for stratification to be the conclusion, one would have to see a distinct level of European inclusion forming. More specifically, one would see a level of European citizenship rights forming along side of, but distinct from, national citizenship ones. One would also have to see a level of Europeanness arising, but again one that would exist separately from national identities. Consequently, while this option would add nuance to inclusion/exclusion by predicting the formation of a specifically European level of inclusion when it came to both rights and belonging determinations, *it would not affect the ability to locate individuals at some distinct layer more generally*. As noted in the previous chapter with respect to political stratification, citizenship stratification would effectively account for the increased socio-political complexity produced by Union citizenship by inserting in a regional level of analysis between the existing domestic and international levels. It would not, therefore, fundamentally problematize the inclusion/exclusion separation.

Finally, blurring reflects the most radical challenge and a wholesale transformation of the inclusion/exclusion separation coming out of state citizenship. For it to be the conclusion, one would have to see a rejection of dividable, containable, and boundable citizenship locations, and therein an inability to compartmentalize individuals into analytically neat positions based on either rights based or symbolic criteria. For rights, one would have to see European citizens simultaneously endowed and not endowed with the same rights of a national citizen. For belonging, one would have to see, to borrow Risse's term, more as a "marble cake" identity construction than a "layer cake" one (Risse, 2002, 2010). Together, the effects of blurring problematize the inclusion/exclusion separation by rejecting the possibility for clearly dividable, containable, and boundable citizenship locations – formally or symbolically.

To determine which of these options is the most convincing, the chapter undertakes a process identical to the one used in the previous chapter and in the context of inside/outside. It starts with arguments for and against the breakdown/maintenance pair. Having done that, it then progresses to the stratification/blurring couple. In doing this, one should note that the chapter considers the formal and symbolic aspects of EU citizenship separately, starting with the former and moving to the latter. It does this

simply for clarity's sake. Taken together, the sections progress through the various options across the formal and symbolic aspects and dynamics of EU citizenship to inductively reach a conclusion.

Table 8 – Outcome-possibilities - inclusion/exclusion

Breakdown	European citizens have the same rights a national citizens throughout the member-states; there are no nationality-based right differentiations for EU citizens; Europeanness replaces nationality in issues of belonging; a new European/non-European inclusion/exclusion division forms
Maintenance	EU citizenship fails to significantly affect the relationship between member-states and non-national EU citizens; national/non-national divisions remains
Stratification	European rights exist alongside, but separate from, national ones; Europeanness forms, but is distinct from nationality; a distinctly level of European inclusion arises; an included(state)/excluded(non-state), included(European)/excluded(non-European) separation forms
Blurring	Wholesale problematizing of the inclusion/exclusion separation; rejection of dividable, containable, and boundable citizenship locations; inability to compartmentalize individuals into analytically neat locations based along either formal or symbolic criteria

Breakdown/maintenance – formal

Looking at formal structures in the context of breakdown/maintenance, there are *prima facie* reasons to support each side's underlying tenets. Beginning with breakdown, civil rights, and A21 specifically, Shaw (1997, 2002) argues that including freedom of movement/residency into A20 disassociated it from the economic logic of the single market and recast it as a civil right. Thus, whereas previously freedom of movement/residency was a precondition for economic integration, the Treaty on European Union legalized it as an expressed privilege of Union citizenship. If A21 is the right's broadest formulation, Directive 2004/38 defines its execution. It establishes, among other things, that Union citizens, by virtue of that citizenship, are free to move, work, travel, study, or reside throughout the EU-27 without substantial hindrances. For example, a EU citizen may live in any member-state for up to three months with the only condition being the possession of a valid identity card or passport. Should a EU citizen wish to reside for longer than that, he or she is free to do so, however faces certain status-based rules. Nevertheless, as the Directive makes clear, in all cases A21 is an un-qualified privilege such that "The fundamental and personal right of residence in another

Member State is conferred directly on Union citizens by the Treaty and is not dependent upon having fulfilled administrative procedures".

Given all that, there is cause to think that A21 breaks down state-based movement/residency privileges by de-linking them from state citizenship status. For instance, Soysal (1994, 1996) argues that because Union citizens are free to move, reside, study, and work throughout the EU without needing visas or work-permits, A21 effectively negates the relationship between national territory and citizenship. She (1996:19) writes, "EU citizenship itself breaches the link between the status attached to citizenship and national territory, by conferring rights which are not necessarily located in a bounded nation-state". Extending on and further supporting Soysal's contention, Marko (1998: 369) writes that under A21, "It is no longer [the member-states'] ultimate power or 'sovereign' right to decide freely who is allowed to enter their territory and to stay there". Indeed, as evidence of the real-world impacts of A21, a 2010 EB report (#294) found that 89 percent of respondents knew about their A21 rights with eight million EU citizens and their families residing in member-states other than their own and millions more travelling without hindrances. Therefore, based on those numbers, the legal-conceptual points noted by Soysal and Marko find real-world support.

Second, breakdown also finds support from A23's provisions.[4] It provides that,

> Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by diplomatic or consular authorities of any Member State, on the same condition as the nationals of that States. Member State shall establish the necessary rules among themselves and start the international negotiations required to secure this protection (Lisbon 2008).

That being its broadest formulation, Decision 1995/553 operationalizes the right. Article 5, Section 1 of it lists assistance possibilities in cases of death, serious accident, illness, arrest or dentition, victims of violent crime, and repatriation. Furthermore, Section 2 states that, "The diplomatic representatives or consular agents serving in a non-member State may…come to the assistance of any citizen of the Union who so requests it in other circumstances", thereby leaving the door open for aid not expressly noted in Section 1. Putting that all into context, a 2006 Commission Green Paper (Com(2006)712) noted that

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[4] Following Stein (2002: 282), A23 is classified as a civil right. "[A23] contains a civil right, the content of which as well as its respect and application in a given case might be decided upon by the Court of Justice".

the then EU-25 were uniformly represented only in three states – the US, China, and Russia. Moreover, a 2007 memo (Com(2007)767) stated that there are 10 countries in which no member-state is represented and 17 with only one, including popular tourism destinations like the Bahamas, Barbados and the Maldives. As those numbers reflect, and as Stavridis and Thouez (2001: 166) point out, A23 appears to be "potentially a right worth having".

With that background, as was the case with A21, there are again reasons for believing that A23 removes member-state nationality as a relevant factor in diplomatic and consular assistance decisions. For instance, Decision 1995/553 clearly states that, "Diplomatic and consular representatives which give protection shall treat a person seeking help *as if he were a national of the Member State which they represent*" (emphasis added). Laying-out how that might work, Geyer challenges one to,

> Imagine you are spending a pleasant summer vacation at a beach resort on some Caribbean island and you suddenly realize that your passport, credit cards and all your cash is gone…Imagine that in [this] case your home country does not have diplomatic or consular representation…At least in theory *there should not be reason for despair as every EU citizen has the right to be protected by the diplomatic and consular authorities of all the EU member states* (Geyer, 2007: 1, emphasis added).

Thus, the underlying point Geyer is making is that the Hungarian/EU citizen in Jamaica – where Budapest is not represented – in need of diplomatic or consular assistance is free to go to the German embassy – which is represented in Kingston – and be treated as if he or she were a German national. In such a situation, the relationship between the German embassy and the Hungarian/EU citizen would, at least according to A23/Decision 1995/553, be one of full access and full inclusion. The statist inclusion/exclusion divide would effectively breakdown as the Hungarian/EU citizen, *based specifically on his or her EU citizen-status*, would gain equivalent standing as the German national.

Third, and last for the expressed civil rights, A24 grants EU citizens a right of petition to the EP or EU Ombudsman. More specifically, it gives individuals the right to lobby the EP on issues of general need, to make grievances, or to request clarifications on positions of public interest. Furthermore, it allows one to complain to the Ombudsman over issues of maladministration by Union institutions, apart from the ECJ. To be clear, unlike A21 and A23, which are reserved specifically for Union citizens, A227 and A228 of Lisbon grant anyone legally residing or having an office in the Union's territory petition

privileges. Therefore, there are no nationality-based restrictions such that, in its limited context, it appears to be a fully post-national privilege.

Having discussed civil rights and breakdown, one can turn political ones. A22 states,

> Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he *resides, under the same conditions as nationals of that State* (Lisbon 2008, emphasis added).

In laying that right out, it is important to note that because political participation is often viewed as *the* critical factor in forging ties between individuals and their governments, to the extent that A22 truly alters traditional state provisions regarding political rights, it would be a highly significant departure from the norm and a major challenge to the state-based inclusion/exclusion binary (Linklater 1998a, 1998b). And, there is evidence that exactly such a scenario is occurring.

On the most basic level, A22 mandates that local and EP participation rights must be granted to European citizens "under the same conditions as nationals of that State" (Lisbon 2008) On a more applied level, in operationalizing local participation specifically, Directive 1994/80 continually establishes equivalencies between the rules governing national and EU citizens.[5] Article 8, Section 2 of the Directive states that, "In order to have his name entered on the electoral roll, a voter…shall produce *the same documents as a voter who is a national*" (emphasis added). To similar effect, Article 4, Section 2 establishes that if a member-states' rules mandate that "its own national may vote or stand as candidates only in the basic local government unit in which they have their principle residence…*[EU] citizens' shall also be subject to this condition*". As both those sections make clear, *member-states cannot establish different local participation rules for nationals and Europeans*.[6] The Hungarian/EU citizen living in France is subject to the same rules for voting and running in local elections as the French national.

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[5] The focus is on local participation as they deal directly with domestic communities. While not denying the importance of EP rights, they do not have the saliency of domestic elections insofar as they are "not seen as engaging in a direct way with how [people] govern themselves" (Shaw, 2002: 15)

[6] As a comparison, member-states have granted participation rights to non-national, non-Europeans. However, when and where they do so, they generally have not created an equivalency between the rights of the non-citizen and the national. Non-Europeans requirements "go beyond the normal conditions for their own nationals" (Geyer, 2007: 7).

Again, it should be stressed that if political participation is the core method of linking individuals to their governments, then A22 represents a radical break from the state citizenship-sourced political rights perceptive highlighted earlier. Moreover, because local politics are often the most visible in the lives of voters, dealing with things such as trash collection, parks, and road conditions, the right is far from window-dressing. By incorporating Union citizens into the local decision-making processes of member-states on an equal basis as nationals, A22 appears to breakdown the state citizenship based inclusion/exclusion structure in a highly significant way.

Having examined civil and political rights, one can turn to social ones. On the one hand, social rights are not formally expressed in the context of A21-A24. On the other hand, as Guild (1997) made clear, there is no reason to think EU citizenship rights are limited to those articles alone. In that regard, social rights can be found in a combination of treaty provisions, the Charter of Fundamental Rights, and applied EU law (Hix, 2005: 256; Chalmers, 2007: 597-603). For instance, by prohibiting discrimination on the basis of nationality as applicable throughout the treaty, A18 guarantees rights including, but not limited to, equal access to schooling, housing, and social security. Moreover, the Charter states commitments to a similar set of values, again ranging from education to personal dignity. Finally, Leibfried notes the importance of applied EU law.

> Lost amidst the noisy fights over the Social Charter and the Social Protocol has been the quiet accumulation of EU constraints on social policy connected with market integration. The last four decades have witnessed a gradual, if incremental, expansion of EU-generated rights, and especially, court decisions that have seriously eroded the sovereignties of the national welfare-state and have overlaid European welfare-states with a new mobility-driven and competition-friendly regime (Leibfried, 2005: 256).

Put together, despite not formally being included in the context of A20 rights, it is clear that the EU has dealt with the social rights of its citizens. Indeed, from those contexts, Chalmers (2007: 597) goes so far as to write that, "The effects of EU citizenship have been felt most dramatically in the field of social rights".

With that in mind, there again is evidence of breakdown. For instance, in the context of A18's non-discrimination provisions, A153 places workers' health and safety within the EU's competencies and framing Directive 1989/391 operationalizes practical coordination. Thus, employers must adhere to certain safety standards for their workers

regardless of those workers' nationality.[7] To similar effect, and again in A18's context, A153 grants the Union coordinating powers over certain aspects of national social security regimes and Regulation 1971/1408 operationalizes practical coordination.[8] Thus, member-states cannot nationally discriminate when it comes to sickness or maternity leave, invalidity, pensions, survivors' care, occupational injuries, unemployment, family benefits, and/or death grants. While in all cases member-states retain formal control over their national social security schemes, they must respect the principle of equal treatment regardless of nationality in the application of them.[9]

> EU citizen residents in another Member State are entitled to a range of social benefits on the same basis as a state's own nationals…includ[ing] substance allowances, allowances facilitating access to the employment market and tax breaks (Chalmers, 2007: 590).

For the German doctor or the Spanish foreman it matters little if their patients or employees are German or Spanish, French or Greek. They must treat each equally *because of their EU citizen-status*.[10]

When viewed across the civil, political, and social fields, there clearly is evidence of a breakdown of state-based inclusion/exclusion. There is evidence that member-state nationality ceases to be an important factor in the allocation of certain core civil, political, and social rights. That being the case, one is tempted to conclude that a new, European/non-European division forms based around EU citizenship (the assumption being that there is a non-European division).[11] Nevertheless, and as one might have predicted given the argument offered in the previous chapter, while the story just told is accurate in and of itself, it is also incomplete. It highlights the aspects of EU citizenship that support breakdown at the expensive of alternative points and alternative readings. Consequently, and when viewed from those alternative perspectives, just as there were

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[7] These rules establish minimums. While that may lead to a race to the bottom, they are nationally neutral.

[8] Regulation 2009/120 updated 1971/1408 to ensure more efficient operations.

[9] In other words, while EU citizens have equal access, the Union does not create a single assurance scheme. Johnson (2005: 202) notes, "A severed limb does not result in equal compensation in France and Greece". Nevertheless, whatever the compensation in each state is, it must be the same for all workers.

[10] The examples provided are not exhaustive and are offered merely to establish that across a host of core social rights areas EU rules appear to disassociate allocation from nationality.

[11] While this study does not, one could also challenge breakdown due to the fact that TCNs increasingly are gaining analogous rights as EU citizens. That would negate the EU/non-EU division.

prima facie reasons for supporting breakdown, there are also *prima facie* reasons for arguing against it and supporting maintenance.

Returning to A21, it is clear that EU citizens gain a large degree of movement inclusion rights. Indeed, the very idea of a mobility of labor is a center-point of the Union's ethos. Nevertheless, and without denying that such privileges have opened up, national differentiations remain. For instance, Directive 2004/38 mandates that students looking to study in member-states other than their own for longer than three months must prove comprehensive health insurance as well as sufficient resources so to not become a burden on the assistance systems of the host member-state. Similarly, member-states retain the right to restrict movement based on public policy, security, or health concerns. Indeed, both Italy and Finland have rules on the books regarding the expulsion of EU citizens who commit crimes of a certain gravity (Com(2008)840/3: 8). While the ECJ has been clear that resources violations alone do not allow for deportation and that heath and security restrictions must be proportional and individually applied, *the possibility for national discrimination cannot be ignored* – irrespective of how ineffectual they may be. Member-states can still exclude EU citizens based on their member-state nationality.

In addition to those possible derogation issues, there are also transposition problems. A 2008 Commission report (Com(2008)840/3: 6) found that, "The overall transposition of Directive 2004/38/EC [A21's key directive] is rather disappointing. Not one Member State has transposed the Directive effectively and correctly in its entirely". The report then goes on to state that 12 member-states transposed the "sufficient resources" clause "incorrectly or ambiguously" – critical insofar as it is one of the admittedly few rationales that a state might cite as justification for the exclusion of an EU citizen. Indeed, insofar member-states are left to interpret the clause individually, it is hard to argue that it impacts inclusion/exclusion consistently throughout the EU sphere. It therefore also is hard to argue that A21 breaks down nationality-based movement/residency provisions.

Turning to A23, on the surface breakdown again appeared to be a logical argument. However, it too encounters serious problems on a deeper reading. To start, Geyer (2007: 4) notes that, "Nothing is more disillusioning than a right that only exists on paper [and] does not materialize when it is needed most". Under that logic, breakdown fails in its relationship with international law. Under the principle of *pacta tertii nec nocent nec*

prosunt as well as Article 35 of the Vienna Convention on the Law of Treaties, treaties are binding only to the parties subject to them (Dugard, 2006). Non-EU states have no obligation to respect EU provisions, which is, understandably, particularly important in the context of exercising diplomatic and/or consular protections. Dugard writes,

> Third States are not bound to respect any of the provisions contained in treaties and conventions in force within the European Union and are not obliged – and with respect to diplomatic protection are unlikely – to accept protections by States that are not the State of nationality of an individual EU citizen. A "citizen" of the European Union is not a national of all member States of the European Union, which means that European Union citizenship does not fulfill the requirement of nationality for the purpose of diplomatic protection (Dugard, 2006: 10).

In that context, because under international law diplomatic protection, as distinct from consular assistance, applies only between a state and its nationals, state citizenship is the critical qualifier. It is by virtue of nationality alone that diplomatic protection can be exercised (Künzli, 2006: 88).[12] Therefore, there is no guarantee that a third-party would recognize A23. While the article cites the need to start the negotiations with third parties to secure the privilege, a Commission report notes that neither all the member-states individually nor the Union as a whole has completed that process (Com(2006)712: 12).[13]

There are certain nuances to all of this. First, while consular assistance is normally extended only to co-nationals, international law does not *explicitly* prohibit its extension to non-nationals (Künzli, 2006). Therefore, member-state embassies could offer aid, and third parties might accept it, on a case-by-case basis. The problem remains, however, that consular assistance does not cover the most serious needs, such that diplomatic protection may be required but not necessarily available. Second, the Vienna Convention of Diplomatic Relations does permit states to entrust diplomatic protection powers to a third party as a "protecting power", *provided the receiving state accepts such a decision*. While A23 might be seen as establishing exactly such a mandate across the entirety of

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[12] Diplomatic protection is generally considered to involve judicial proceedings whereas consular assistance is thought to involve "interventions outside the judicial process" (e.g. visas, passports, repatriation) (Künzli, 2006: 68).

[13] An updated 2011 Commission report (Com(2011)149: 7) reinterred this general point noting that, "Under international law, the consular protection of a citizen by another State requires the consent of the receiving State". It went on to note that the Commission has been encouraging member-states to "include a consent clause in future bilateral agreements with third countries, i.e. a clause providing for the agreement of a third State that the consular and diplomatic authorities of a represented Member State can provide protection to nationals of unrepresented Member States under the same conditions as to its own nationals. The Commission - taking due account of the specificity of each negotiation - proposed to include a consent clause in mixed agreements with certain third countries. Negotiations are ongoing".

the EU-27, that authorization would still require third party acceptance – something, as already noted, that is currently lacking. Therefore, A23 still appears to reflect more an instance of maintenance than breakdown.

Turning to A24, the study accepts that because it is universal and lacks any significant derogation possibilities, it is a post-national right that breaks down state-based inclusion/exclusion lines. That being said, three things limit its overall impact. First, citizenship is more than a single right and A24's inclusiveness must be weighed against wider relationships – A21-A23, social rights, and symbolic issues (two of which have already illustrated a failure of breakdown). Second, Gregory and Giddings (2001: 78) note that the Ombudsman is "not able to intervene to protect Union citizenship rights against the actions or inactions of Member States". Therefore, whereas A21 affects member-states directly, A24 is EU-based, EU-generated, and EU-executed. It may negate nationality as relevant with respect to its provisions, however because they are limited to EU devices, the impacts on the member-states directly are slight. Finally, and most simply, Monar (1998: 178) wryly makes clear that A24's provisions are "certainly not the most important [EU citizen rights]".

Moving to political rights, breakdown again presented a logical argument and there was support for its overall outlook. Nevertheless, when compared to the political rights of nationals, Europeans still face significant exclusions. First, A22 applies only to local and EP elections.[14] The Union citizen who has lived in another member-state for decades remains excluded from national participation. Second, A22's execution contains a host of nationality-based derogation possibilities. For instance, Article 5, Section 3 of Directive 1994/80 stipulates that member-states can specify that only national citizens be electable to head local units of government. Similarly, Article 12, Section 1 permits limiting EU citizen voting rights if the proportion of non-nationals in a given unit exceeds 20 percent.[15] To be sure, such limitations may be necessary "to ensure that the 'traditional political balance'…is not upset" (O'Leary, 1996: 57). However, that should not detract from their exclusionary effects and, as O'Leary (1996: 57) notes, may ultimately "defeat the purpose of extending the franchise in the first place". Thus, irrespective of how minor

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[14] There may be good political theoretical reasons for excluding national rights (see below), however because as A22 prevents full political participation for European citizens, state-based exclusions remain.

[15] Luxembourg uses the 20 percent derogation as its proportion of non-national, EU citizens is greater than 35 percent (Com(2005)382).

the limitations are – or, put differently, irrespective of how natural nationality-based political exclusions seem – their existence illustrates their relevance and a failure to negate state citizenship as a relevant factor in inclusion/exclusion decisions.

Finally, as with civil and political rights, social rights also do not necessarily reflect breakdown. First, Chalmers (2007: 598) notes that national non-discrimination is not as "straightforward" as it may seem.

> [While] the Court has ruled that EU citizens claim social assistance on the same basis as a state's own nationals...we have [also] seen that the non-discrimination principle does not grant EU citizens the same political rights as a state's own nationals. They cannot vote in national elections or carry out certain politically sensitive activities (Chalmers 2007: 598).

In other words, while non-national, social rights may expand under A18, that does not negate the importance of state citizenship across other variables – again, some of which have already been showed to problematize the breakdown argument.

Second, Faist notes that while the EU has competencies over some social policy issues, it lacks them in other, often very significant, areas such as redistributive programs (Faist 2001). Moreover, and for Faist most critically, the EU generally lacks full competencies in those areas thought to require the strong communal bonds provided by nationality/state citizenship. He writes,

> Morally demanding social rights, for example those involving redistribution of funds, require support by strong social and symbolic ties of generalized reciprocity and diffused solidarity. Such ties are usually limited to collectives which are much narrower than the category of "European people"…[G]enerational reciprocity in pension systems does not reach from Finland to Portugal (Faist, 2001: 46).

To be clear, Faist is not saying that member-states *do* nationally discriminate over such matters (A18 largely prevents that). Rather, he is pointing out that the reluctance to fully upload issues requiring strong communal bonds fully to the European level reflects, in the simplest sense, a lack of Union competencies and, in a deeper one, a lack of European solidarity. And that echoes the sustained importance of state-based inclusion/exclusion divisions (also symbolic sections below).

Piecing this together, there clearly are problems with the breakdown argument. Therefore, and as was the case with inside/outside and sovereignty, one is tempted to draw the completely opposite conclusion and contend that because the

inclusion/exclusion divide linked to state citizenship does not breakdown, it is maintained. Indeed, many of the problems with breakdown pointed in that direction. Were one to take this tactic, and again as was that case in the previous chapter, one might be tempted to compile a ledger to determine which side the debate leans further to – one point for breakdown insofar as a right its granted fully to European citizens throughout the member-states and one for maintenance each time national differentiations remain.

The problem is, insofar as one needs a ledger at all, neither breakdown nor maintenance applies completely. While each outcome-possibility remains analytically coherent and, in isolation, the points made under each option remain valid, when put together the conflicts between them – the support for each in certain circumstances as well as the problems for each other circumstances – means that neither fully fits. Accordingly, rather than using the ledger's logic of generality, it seems sensible to ask whether an alternative method of conceptualization might altogether fit better. In opening that door, the question becomes whether stratification's connotations of clarity or blurring's of haziness better reflects the impact of EU citizenship on the state citizenship based inclusion/exclusion binary.

Stratification/blurring – formal

One can begin with the arguments for stratification. In the most general sense, stratification attempts to overcome the conceptual difficulties inherent to the either/or nature of breakdown/maintenance by reframing the issue entirely, arguing that EU citizenship produces, and inserts, a quintessentially and distinctively European level of European rights to the inclusion/exclusion relationship. Setting the stage Monar writes,

> It seems perfectly possible to have a EU citizenship co-existing with national citizenship. Both parts of this 'dual citizenship' are to be related to different levels of public authority and each fulfills the function of establishing and maintaining a relationship of rights, duties, and political participation (Monar, 1998: 175).

What Monar is effectively arguing is that national and Union citizenships are interlocking and layered, not conflicting and competing. One can apply that argument jointly across A21-A23 and social rights. A24 is excluded from the analysis as the study accepts that it is a post-national privilege. In doing so, one finds support for such a layered/stratified framing.

First, the Union itself has consistently stressed that the purpose of EU citizenship is not to replace member-state citizenship, but to compliment it. Indeed, De Waele (2011: 193) notes that by defining European citizenship as "additional" to the state variant, Lisbon illustrates its additive, non-competing, nature. Second, A21, A22, A23 as well as social protections only kick-in in very specific circumstances – when an EU citizen wants to travel/work/study/reside throughout the EU-27; when a person lives outside his or her national state and wants to vote in/stand for a local/EP election; when a citizen is in a non-EU state without national representation; or when a person is living/working abroad. In each case, because each right only activates under very specific, normally moment-based, conditions, each might be considered more remedial than primary. In other words, it would be nonsensical to compare the civil, political, and/or social rights of the French/EU citizen in London with the British national in Liverpool. They each reflect a fundamentally different individual-polity relationship.

From this point of view, Union citizenship does not so much replace state citizenship as it plugs national coverage gaps. There are civil, political, and social rights between states and their nationals based on state citizenship, different civil, political, and social rights between member-states and Europeans based on EU citizenship and, presumably, yet still other civil, political, and social rights for non-national, non-European based on different, non-citizenship-based rules.[16] In this setup, each individual-polity connection defines a different empirical relationship and therefore each operates along its own distinct analytical level – one between a national citizen and their nation-state, another between a European citizen and a member-state with the EU as interlocutor, and another between a non-national, non-European and any European state. Consequently, there is an included(state)/excluded(state), included(European)/excluded(non-European) divide when it comes to rights based classifications. While this adds nuance to inclusion/exclusion by overcoming its either/or nature, it does not prevent one from locating individuals at some defined level. The ability to make inclusion/exclusion determinations remains. It is simply more complicated.

It should be stressed that the stratification argument is an improvement over the breakdown/maintenance binary insofar as it allows for the increases in socio-political complexity coming out of integration. The difficulty is, however, that it faces its own

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[16] One could add more levels, however as noted the numbers of layers is less important than the argument.

problems, the combination of which makes blurring the better option. Accordingly, arguing that A21-A23 and social rights only kick-in in limited circumstances, and therefore do not replicate the state-national relationship, misses the issue entirely. The question is when those rights *do* kick-in, how do they affect inclusion/exclusion? And, in those situations, treating EU and state citizens as somehow on different "levels" is simply not reflective of reality.

For example, while A21 certainly is EU-generated, its execution occurs within the member-states directly, not some hypothetical "European movement realm". As such, it produces on-the-ground social effects that are not easily glossed over by rhetoric of "stratification". One need only consider British fears of Polish plumbers flooding the UK during Warsaw's accession talks as emblematic of the deep, communal emotions involved.[17] To stress, the right may be European, however *because individual national communities are left to deal with it in completely unmediated ways*, whether via influxes of new cultures, people, or ways of life, a real-world understanding of it makes it seem a whole lot less "secondary" or "remedial" in nature.

A similar effect occurs across the other EU rights. When A22 is drawn-on, it influences member-states and their local communities directly. The foundation of the democratic method is one person, one vote, and that each vote counts equally. As such, when Europeans politically participate in member-states other than their own, *there is no difference between their vote and that of a national* – a fact that is hard to square with a language and logic of "stratification". When it comes to marking a ballot, A22 does not create layers of inclusions with Euro half votes and national full ones. Each has equal voice, equal say, and equal influence. Furthermore, stratification fails to realize that when European social protections exist, national non-discrimination principles apply. European's do not exist in a "better-than-foreigner-but-not-quite-national" position. Finally, while A23 only kicks-in in certain circumstances, and despite the practical problems associated with its implementation, it is based on the idea of national non-

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[17] This is a caricature, however it does illustrate the on-the-ground impacts of EU citizenship rights. It reflects the fact that action is occurring *within* national communities.

discrimination. There are not separate national and European lines. There is a single line for national and EU citizens.[18]

Put together, the problems with stratification lead to a blurring conclusion. To be clear from the outset, blurring does not mean that it is impossible to determine when a EU citizen has or does not have a certain privilege. It simply reflects a scenario in which the *overall* relationship between a EU citizen and a member-state other than his or her own is not one of full inclusion, full exclusion, or a neatly separable layer of European-inclusion. The complexity inherent to EU citizenship and access to national rights contained therein effectively places Union citizens into an ambiguous grey-zone between competing conceptual models; it places them between the particularism characteristic of state citizenship and the more universal aspirations of a fully post-national form of European citizenship. Thus, whether in terms of civil, political, or social rights, European citizens are not quite included, but also not quite excluded in member-states other than their own. Going back to a point O'Leary (1996) made in the context of political rights, placing EU citizens into such an ambiguous grey-zone may be necessary to ensure that the traditional national prerogatives are not fully done away with, however it should also not distract and does not detract from the fact that full inclusion has not been achieved.

To be sure, none of this ought to be altogether unexpected. On the one hand, the EU has always acknowledged the vitality of the classical-defined political community and, with it, state citizenship – just as maintenance noted. On the other hand, through its actions it has also continually attempted to lesson many of the exclusionary effects of state citizenship and build a community writ-large – just as breakdown noted. And, despite attempting to walk the fine line between each of those opposing models, the real-world applications of EU citizenship make a stratification argument appear, at best, disingenuous and, at worst, outright wrong. Therefore, while in a wholly state-based or wholly post-national European system a person would be clearly and cleanly included or excluded based on either their national or European status, in the EU system such clean and clear divisions are not possible. European citizens effectively slip between competing conceptual models. When it comes to civil, political, and social rights,

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[18] In these cases, were the EU ensuring rights created by, sourced to, and fulfilled by the Union specifically (e.g. like petition to rights against EU institutions), stratification might be more convincing. However, because the rights granted through Union citizenship are state created, sourced, and fulfilled, a language of stratification seems disingenuous.

whether any Union citizen is included or excluded in any member-state other than their own is clearly unclear.

Breakdown/maintenance - symbolic

Having examined the impacts of EU citizenship on inclusion/exclusion in the context of formal structures one can now turn to the symbolic ones.[19] On the one hand, symbolic issues may seem unimportant given that access to European citizenship is an automatic derivative of member-state nationality. Affections towards Europe do not come into play. On the other hand, symbolic issues are critical towards determining whether non-national identifications are forming. Therefore, while the statist framework made nationality the critical representation of symbolic identification, in the European context the question is whether a sense of Europeanness is forming and, if it is, whether it affects a breakdown, maintenance, stratification, or blurring of nationally-based inclusion/exclusion.

As was the case with rights, there are reasons to believe that a European consciousness exists and that it might break down nationality as the critical source of symbolic inclusion. On the most basic level, European states have never been fully cloistered units having long held certain self-understandings that they share certain commonalities – whatever those commonalities end up being. Pagden (2002: 3) writes, "That there exists such a place as Europe has been evident to those who inhabit it since the fourth century BCE if not earlier". He goes on,

> Europeans have persistently described themselves, usually when faced with cultures they found indescribably alien, to be not merely British or German or Spanish but also European: "we are Europeans" (*nos Europai*), as the English philosopher Francis Bacon said in 1623 (Pagden, 2002: 33).

Of course, saying all that risks charges of esotericism insofar as it never directly addresses the exact nature of Euro-commonalities; for example, it never deals with whether they were/are culturally, politically, geographically, or religiously based. Nevertheless, acknowledging the long-held belief that some sort of Europeanness exists does help contextualize modern change. Therefore, leaving aside for the moment what

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[19] European identity is treated as contemporaneous with EU membership. While the two are not necessarily the same, Laffan (2004: 75-76) notes that the EU has increasingly taken-over the role as identity-builder. "Identity building has been fostered by membership, the external projection of an EU identity, the appropriation by the EU of the concept of 'Europe', and the cement provided by the founded values and the addition of EU symbols to Europe's forest of symbols".

Europeanness actually is, the contention under breakdown is that as it grows it will breakdown national forms, replacing them with a single European consciousness (Haas, 1958: 16).[20]

To be clear, there is nothing wrong with arguing that Europeanness might replace nationality as the basis of community. Indeed, it has become commonplace to recognize that modern "patterns of inclusion and exclusion we now take for granted are historical innovations" such that nations are historical inventions that need not always be (Walker, 1993: 179). Similarly, Rosenau's (1990: 228) notes that individuals are "habdaptive actors" – a combination of rationalism and habit – capable of learning and adapting, whether due to "startling new" stimuli or the development of new skills. They are not locked into existing nationalisms. It is therefore reasonable to theorize that a common sense of Europeanness might grow and replace nationality-based sources of belonging. Indeed, as is developed empirically below, there is strong evidence that feelings of Europeanness exist in and throughout modern Europe.

The difficulty is, however, that such a vision – the replacement of individual nationalities with a common Europeanness – "cannot be [fully] realized as long as national identity is made central to the political community" (Linklater, 1998b: 200). In other words, so long as nationality as a concept remains powerful and poignant, it will be hard for Europeanness to completely replace it/to break it down. And, in a practical sense, because nationality has proven to be so durable and sticky throughout Europe, it has also proven highly resistant to full-fledged European replacement. Indeed, from a conceptual standpoint, Rosenau (1990: 210) dovetails his previous point on habdaptive actors noting that while people certainly are capable of change, they can nevertheless also "be quite ridged and resistance to new patterns".
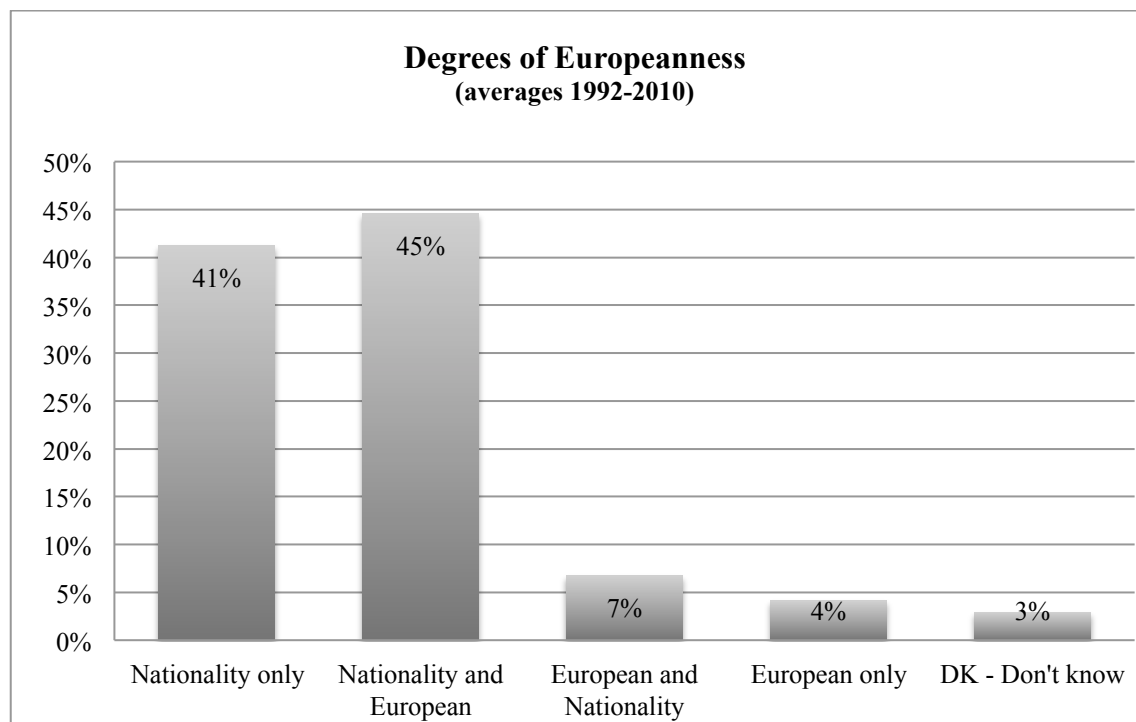
To illustrate the argument being made, and while recognizing that some sense of Europeanness exists, there is nonetheless widespread agreement and evidence that its development has not come by way of the displacement of nationality. For example, EB polling reveals that national identity consistently trumps Europeanness. Across an 18 year period (1992-2010), when those surveyed where asked whether they saw themselves

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[20] Haas' arguments were largely elite-based, however his, and neo-functionalist thinking more generally, assumed elite spillover would prompt wider acceptance.

as "European only", "European and nationality", "nationality and European", or "nationality only", on average, 45 percent viewed their identity as "nationality and Europe" and 41 percent as "nationality only". Juxtaposed against that, on average, only 7 percent viewed themselves as "European and nationality" and only 4 percent as "European only". Indeed, levels of "European only" never went above 7 percent for any one year and levels of "nationality only" never fell below 33 percent. As those statistics make clear, there is hardly a breakdown of nationality in favor of Europeanness. In that sense, Citrin and Sides (2004: 182) are correct that, "If a European identity means that an Englishman feels equally at home in London and Warsaw and an Italian equally at home in Rome and Frankfurt, its gestation period is bound to be long".

Table 9 – Degrees of Europeanness

In dismissing breakdown, it would be easy to conclude that because nationality remains powerful, Europe remains divided by them – maintenance. However, that argument immediately also fails on conceptual and empirical grounds. On the conceptual level, it fails to consider the complexity of identities and the possibility for multiple loyalties (Walzer, 1994; Risse, 2004, 2010; Rumford, 2008). Risse (2010: 29) notes that, "It is no longer controversial among scholars and, increasingly, among policy-makers [to recognize] that individuals hold multiple identities". Indeed, the notion that identities

were ever as clear-cut as the either/or imagery of inclusion/exclusion implies is altogether problematic. Societies, and the individuals populating them, are hardly ever homogenous, cloistered units. People are complex entities capable of holding a variety of intertwining identities. A woman can be a mother, a leader of a company, a flag-draped spectator at a football match, and a European-minded, European citizen all at once. Moreover, none of those various identities are banal; people have faith in all of them. Thus, when viewing the world, people tend not to see their nationality and "the rest," but gradations. People have, and are, pluralities of identities.

On an empirical level, one sees that conceptual logic play-out with national identities and Europeanness co-existing. Returning to the data cited above, while it is clear that Europeanness does not *replace* nationality, it is also clear that some sense of Europeanness exists. For instance, a clear majority of those surveyed – 56 percent – viewed themselves as at least partially European (the preponderance being in the "nationality and European" category). Indeed, "nationality and European" was, on average, higher than "nationality only" (45 percent to 41 percent). It also registered the highest individual high – 49 percent against 46 for "nationality only". To that, one might add a 2008 survey that found that when asked if it was easier to see values common to Europe as opposed to other continents, a full 60 percent agreed with that sentiment with only 22 percent disagreeing. Simply put, a clear majority recognized that, despite their national differences, some sort of common European character exists (EB69 2008).[21] All told, the conceptual arguments and empirical findings both point to a position in which people are capable of having hybrid identities. Individuals are defined more by a both/and than either/or logic.

For this study, that means that whereas state-based inclusion/exclusion debates tend to occur along a binary, either/or logic, largely operating under the false assumption that identity formation is a zero-sum game, the possibility for multiple belongings mandates novel approaches. Put more simply, the dichotomous qualities of breakdown and maintenance, as well as the binary nature of the inclusion/exclusion separation, are insufficient for dealing with people who exhibit multiple selves and multiple senses of belonging. Risse (2003: 488, 490, emphasis in original) sums this situation up best

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[21] These numbers pertain to the EU as a whole. A country specific breakdown reveals higher levels of Europeanness in some member-states and lower levels in others. Irrespective of that, however, the broader point remains that on average some measure of Europeanness is felt throughout the EU-27.

writing, "Most European citizens identify with their national or regional communities *and* with Europe…[it is] wrong to conceptualize European and national identities in zero-sum terms...[they] are both 'imagined communities'".

Stratification/blurring – symbolic

Given that nationality and Europeanness co-exist, the question logically becomes how do they relate; is the relationship clearly layered (stratification) or is it more marbled (blurring)? In asking that, the stratification side implies a European identity that forms separately from national ones – a layer-cake model. On the other side, burring reflects a comingling process in which national and European identities co-constitute one another – a marble-cake setup (Risse, 2002, 2003, 2004, 2010). Beginning with the arguments for stratification, D'Appollonia (2002: 188) notes that the stickiness of Europe's existing diversity means that any pan-European identity "cannot be associated with one national cultural model". To be accessible by everyone, and to allow different national communities to exist under its common rubric, Europeanness must form independently from national structures. As such, the contention frequently is that it must be more civic than ethnic. That view is often captured under the legal ties and constitutional patriotism perspectives (Habermas, 1994, 1995; Wiener, 1998).

On the legal side, the argument is that the formal structures of EU citizenship, such as those developed in the first half the chapter, are capable of generating civic based, belonging bonds based on who has and who does not certain rights. For instance, European citizens, via A23, share certain common EU-wide political participation privileges that non-European citizens do not. As such, under its conditions, while the Frenchman "belongs" in London just as much as the Englishman in Paris, the same cannot be said for the American in either place. One can apply a similar logic across the scope of EU citizen privileges. In doing so, the argument is that there is a shift away from "*feelings* of belonging" to the "*legal ties* of belonging" (Wiener, 1998: 295). Wiener writes,

> 'European citizenship' does not supersede national identities. Instead, it has evoked multiple identities…access to certain social rights, new voting rights, a 'European' passport, changed rules of border crossing and practices that would contribute to create a feeling of belonging (Wiener, 1998: 295, 299).

Linked with legal based belonging is constitutional patriotism. Ignoring the normative debates over its desirability, the viewpoint starts from the premise that the construction of European identity should not mirror the nation-building process (Lacroix, 2002; Müller, 2006). Ferry (quoted in Nicolaidis and Lacroix, 2003: 134) argues that modeling European belonging on national belonging would represent "a chauvinism of European unity [and] a duplicating [of] the nationalist principle at the supranational level". It risks making Europeanness simply nationalism writ-large, which in turn risks recreating the problems associated with it as well as short-changing the positives created by it.

Instead, constitutional patriotism advocates rooting European belonging in, as the name implies, the Union's constitutional values. In the simplistic sense, it would link and root Europeanness with the EU's concrete constitutional principles – commitments to democracy, human rights, and the rule of law to name of few. On a deeper level, however, Müller (2006: 15) notes that the argument is more abstract based on the "the idea of citizens mutually justifying political rule to each other – and thus, in the end, the moral intuition that things should not just be done to people". In other words, by establishing just methods of citizen recognition, European constitutional governance *necessarily* creates the bonds of affection needed for democratic consolidation and community-building.

One should note that this entire argument rejects the idea that the democratic political community is irrevocably link to nationality. Habermas writes, "The nation-state established only temporarily the close link between the *ethnos* and the *demos*…Citizenship was never conceptually tied to national identity" (Habermas 1995:259). Consequently, a constitutionally-derived, legally-rooted European identity – of which EU citizenship might be considered the institutional expression of – would be the novel means of engendering the common points of public identification needed for democratic polity development. European citizenship would therefore provide the "abstract, legally mediated solidarity between strangers" (Habermas, 2001b: 16).

Under this broad vision, stratification becomes the most logical imagery. Again, under it, one sees in content and construction separate types/levels of national and European belongings (as well as, most likely, sub-national, non-national, and non-European ones). While these various groupings might mix across each other in complex ways – for instance, in a Russian doll fashion – none of that would detract from the overall position

that nationality and Europeanness remain separate concepts rooted in separate identity constructions, forms, and locations. Identity plurality would therefore be defined via the various and distinct hats an individual might concurrently wear at any one time.

To be clear, the argument just made is cogent and is an improvement over the either/or nature of the breakdown/maintenance picture. Nevertheless, it fails to offer a fully convincing argument, which in turn makes the blurring option the most appropriate finding. First, viewing European community as built on legal ties risks shortchanging belonging's (and therefore inclusion's) two-way dynamic. After all, it seems highly presumptuous to assume that, simply by sharing certain legal rights, European citizens will all internalize them in the ways that engender communal linkages. While a legal approach to Europeanness may offer the *means* of generating senses of common civic belonging, it offers no *assurances* that the mere existence of those rights will transform into feelings of popular sentimentality. Sharing EU rights does not necessitate feeling a sense of European belonging.[22]

Second, the legal ties/constitutional patriotism argument faces problems in execution. Sourcing European belonging civically only works if there are high levels of popular understanding of those EU rights. It requires Union citizens to know, understand, and in some cases to actively draw on their common privileges in order to expose them and their linkages with others having them. The problem is that such awareness is currently lacking. A 2008 EB (#213) report states that,

> Although the majority (79%) of EU citizens claim familiarity with the term 'citizen of the European Union', only 43% say they knew its meaning and less than one-third (32%)…consider themselves well informed about their rights (EB#213, 2008: 5).

Moreover, if political participation is the critical factor for fostering civic bonds, then the findings are even more troubling. The same report found that respondents were "especially perplexed" about the A23's local rights with a 15 percent awareness *drop*

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[22] The inverse is also true; a lack of European legal rights does not imply a lack of Europeanness. Indeed, while the poll cited above found a sense of common Euro-values, it also found that a majority considered those values overlapping with a wider set of "Western" ones (EB#69, 2008).

from 2002 to 2008. While a distinctly European layer of civic belonging may make sense theoretically, it is not matched empirically.[23]

Third, constitutional patriotism faces its own problems. On the simplest level, and with the 2005 rejection of the highly symbolic Constitutional Treaty, the body of EU law that currently exists is an eclectic mix of treaties, directives, decisions, regulations, and court rulings – all things hardly conducive to engendering popular identifications. On a deeper level, however, even if one had an appreciation of all of those elements, it is questionable whether they evoke the passions needed to build the us/them dichotomy often viewed as necessary for internal consolidation and external differentiation. For instance, Lacroix (2002) notes that the term "constitutional patriotism" is altogether oxymoronic. She (2002: 949) writes, "The word 'constitutional' is often believed to have cold and jurisdictional connotations whereas the word 'patriotism' evokes a warm feelings coming from our hearts". To be sure, the Euro, common passport covers, and other "Euro-symbols" exist, however thus far they lack the resonance of national ones.[24] Moreover, and as the ethno-symbolist stand of nationalist theory stresses, such devices are likely to be effective only insofar as they draw on *pre-existing* historical sentimentalities – again, something Euro-symbols largely do not have access to (A. Smith, 2001).

Finally, in a practical sense, neither legal ties nor constitutional patriotism offers much guidance as to which community should be the object of loyalty at any given moment. On the one hand, Haas (1958: 14) qualified his original argument for multiple loyalties stating that they exist "either because no conflict is involved between various foci or because the political actor manages psychologically to ignore or sublimate a conflict even if it does exists 'objectively'". On the other hand, Herrmann and Brewer (2004: 12) argue that institutions that seek political power, like the EU, often insist on hierarchies among identities. Which identity "wins-out" is therefore critical, as the European solidarity debates – and roadblocks – over things such as structural funds and financial bailouts illustrate (Thomason, 2010). The problem is, because neither legal ties nor constitutional patriotism offers much guidance as to which *ought* to win-out, debates

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[23] An understanding of constitutional values also requires unambiguous EU support of them. The problem is the Union's commitment to them, particularly in relation to Eastern enlargement, has been less than perfect. For instance, K. Smith notes that the Union's normative values were often trumped by political, economic, and/or security related calculi (K. Smith, 2005).

[24] Habermas (2001a) acknowledges that people are not motivated by abstract principles alone. Nevertheless, if EU institutions are meant to play that role, thus far they have been largely unsuccessful.

about them risk morphing into nothing more than the well worn normative one between communitarians and cosmopolitans. In other words, it would lead one down a path that would seem to entail either outright disintegration (maintenance) or much greater fusion (breakdown). In doing so, both fail to consider the possibly for, and reality of, multiple identities. Little effort is made in relating them.

Given all that, one is left with a two-part conclusion. On the one hand, Europe neither breaks down nor maintains the exclusive role played by nationality in the inclusion/exclusion debate. On the other hand, there are problems with treating Europeanness as a distinct level of inclusion. Therefore, one is left with determining a way to understand a scenario in which nationality remains important, however also where Europeanness co-exists with it. Accordingly, this chapter moves away from the implicit structuralism of those previous standpoints towards Risse's more fluid marble-cake setup – a setup open to the pervasiveness of national bonds as well as accommodating to Europeanness. Outlining its tenets, Risse writes,

> According to the [marble-cake] model, the various components of an individual's identity cannot be neatly separated on different levels…What if identity components influence each other, mesh and blend into each other? What if my self-understanding as German inherently contains aspects of Europeanness? Can we really separate out a Catalan from a European identity? (Risse, 2004: 251).

Thus, the model portrays a setup in which European and national identities are not neatly separable from one another. Rather, states, and their citizens, experience and define Europe in their own ways. In the process, they both condition senses of their own inner-selves in juxtaposition to it as well as contribute to its (Europe's) definition as a whole. "European identity works not so much through transnational processes…but on the national levels in a process whereby Europeanness or 'being European' is gradually being embedded in understandings of national identity" (Risse, 2005: 305).[25] One finds support for this in both historical and contemporary contexts.

On the historical side, European states have continually attempted to define Europe, and in the process have defined themselves, in their own ways. For instance, in the 19th century it was Napoleon's "*ce qui est bon pour les français est bon pour tout le monde*" vision under which France sought to define Europe in its likeness and, in the process,

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[25] This does not mean that individuals are in a schizophrenic no-man's land. Indeed, that seems more likely under stratification where there is little guidance as to which level ought to win-out at any moment.

solidified an internal belief that it was the birthplace and bastion of republican civilization. Explaining and expanding on the dynamics at play Fontana writes,

> Its central assumption was that if Europe was the most civilized part of the world and revolutionary France the most civilized nation in Europe, then the same historical process leading to the reform and modernization of France would create in due course a united European continent in her image (Fontana, 2002: 120).

Similar in logic, however different (and more tragic) in effect, 20th century German Nazism attempted to define the continent in its image, the defeat of which would in turn define both post-war German and European consciousness (see below). For more peripheral countries, defining Europe, and therein themselves, often took the form defending Europe, and therein themselves, from outsiders. Thus, Spanish conflicts with Muslim invaders helped solidify Europe's, and in the process its own, Christian heritage (Armstrong, 1982). Irrespective of the particular state in question, the point is that European states have always been engaged in a complex process of defining Europe in national ways and, in doing so, defining and redefining themselves in juxtaposition to it. They have simultaneously justified Europe's existence as a whole all the while conditioning their own national identities in comparison to it.

Turning to the contemporary scene, and adding in the EU's institutional context, those historical trends find modern replication. For instance, Marcussen et al. (1999) argue that modern British identity is, at least partially, derived from a view of Europe as "Other" – for example, whether for reasons having to do with historical memories of empire, traditions of economic liberalism, or Commonwealth and Special Relationship ties.

> There is still a feeling of 'them' vs. 'us' between England and the Continent…'Europe' continues to be identified with the Continent and perceived as the, albeit friendly, 'other' in contrast to Anglo-Saxon exceptionalism (Marcussen et al., 1999: 625).

In simpler terms, understanding Britishness only comes in juxtaposition to understanding Europeanness. By the same token, understanding Europeanness only comes in juxtaposition to understanding Britishness. On the first side, by identifying itself as "not European", British identity uses a negative imprint of Europe (and the EU) for its own identity construction – a fact Marcussen et al., (2001) note is often reflected in the language, content, and tenor of British political discourse. On the other side, that "othering" process acts to both justify "Europe's" existence as real as well as contributes

to its character content as somehow "not British" – whatever that actually means. Both sides therefore gain substance in the context of the other.[26]

A similar process can be seen as occurring, though again with a very different outcome, with respect to post-war German identity. Risse and Engelmann-Martin (2002) offer an argument that since World War II Germany identity has been deeply rooted in a desire to be "good Europeans". At the same time, by anchoring itself to Europe, German identity has both justified Europeanness as real as well as provided it with content – Germanness. Accordingly, German identity mixes with Europeanness and Europeanness with Germanness such that "nowadays…to be a 'good' German means to be a 'good' European" and vice-a-versa (Risse and Engelmann-Martin, 2002: 287). Defining one without the other – or separating one from the other – is largely impossible as the identities are mutually constitutive.

While the exact details of this marbling – blurring – process certainty differ across countries, Risse (2010) is clear in his contention that the logic holds true across the EU-27. European and national belongings are not so much separate layers as they are co-constituted mixtures.[27] Europe provides each nationality with a piece and image of itself just as each nationality provides Europe with a piece and image of itself. Asking which "wins-out" is nonsensical as nationality and Europeanness are not separate levels.

> The overall effect will not be homogenous leading to a generalized EU identity.
> Rather European and the EU become enmeshed with given national identities leading
> to rather divergent identity outcomes. (Risse, 2005: 296)

While stratification is correct that individuals hold multiple identities, its structured imagery fails to pick-up on the complexities and co-constitutions at play. Because senses of Europe and senses of nationality blend, inclusion/exclusion loses much of its dichotomous clarity. Everyone shares a bit of Europe and, therefore, of everyone else.

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[26] None of this is to say that the Europeanness-Britishness link is exclusive in the sense that the character of each side is *singularly* linked to the character of the other. As Risse (2003: 500) notes, Britishness has traditionally had strong linkages to Empire, to the Commonwealth, and to a wider English-speaking world. Rather, the point simply is that when looking at the relationship between Europeanness and Britishness specifically, both sides gain substance in the context of the other such that neither side is neatly severable from the other.

[27] Risse's (2003: 501) study on feelings on the Euro in Germany, the UK, and Italy offers an example of this process. In it, he concludes that, "The key category is the 'marble cake' model of multiple identities pertaining to the degree to which Europe meshes and blends into collective understandings one's own nation-state".

Citizenship updates

Putting this together, one arrives at situation in which EU citizenship – across both formal and symbolic structures – produces a blurring of the state citizenship-based, inclusion/exclusion separation. To be sure, there are important practical and normative implications coming out of such an argument that warrant development (Bauböck, 2007). Nonetheless, and without discounting the significance of those focuses, for this study blurring proves more important as a description of the sort of socio-political challenges, and therein changes, coming out of integration. Recalling the point made in chapter 2, state citizenship was critical to IR insofar creates a separation between individuals of different states. It creates the British and the French citizen and all the practical things that go along with such a division. Blurring challenges that notion by challenging the idea that there is a fundamental difference between the French and British citizen; that the French/EU citizen in London or the British/EU citizen in Paris ought to be considered "international" travelers. While the next chapter expands on what that means for jurisdictional structures and the domestic/international separation as a whole, the critical take away currently is that European citizenship makes it difficult to clearly and cleanly divide individuals up amongst the member-states based on state citizenship calculations. And that makes it hard to visualize areas of domestic versus international action.

Again, as was the case with inside/outside, none of this ought to be totally unexpected given the EU's continual attempts to walk the line between the particularism of the state system and the universalism of post-nationalism/statism. However, it is significant to the extent that it implies a need to re-open what, for IR, tend to be closed questions with self-assumed answers about how individuals are socio-politically related. For instance, it raises question like: What is migration absent firm state citizenship divisions? If refugees are "an inevitable, if unintended, consequence of the international state system," what are they absent statist inclusion/exclusion divides (Haddad, 2004: 1)? What is "foreign" aid in the context of blurring inclusion/exclusion lines? Again, at this stage the point is not to answer any of those questions. It is simply to strike home the message that a blurring of inclusion/exclusion problematizes the standard way of socio-politically locating people within states. Recognizing that, in turn, sets the stage for the descriptive, analytical, and disciplinary re-mappings to political and socio-political structures and relationships offer in the final chapter.

Chapter 5 – Jurisdictional blurring

Introduction

As has been noted, a central theme running throughout this study has been that of change, a theme coalescing specifically around whether on-the-ground changes to European political and socio-political structures and relationships problematize the traditional descriptive, analytic, and disciplinary tools deployed to help understand those same structures and relationships. In saying that change has been the underlying concern, one must also return to the point made earlier in the study – that truly understanding it requires appreciating both the past as well as the present. On the one hand, it compels one to define "what was" in order to establish the baseline standard that might undergo transformation. On the other hand, it also speaks to and of the present – and even the future – as the contrast to the old. Accordingly, on the most rudimentary level, insofar as one seeks to appreciate the dynamics of change, one must grasp both "what was" as well as "what became".

With that as context, the study's first two chapters jointly endeavored to provide a "what was" picture and standard. Chapters 1 and 2 told a story in which international relations empirically and IR analytically and disciplinarily grew out of a specific resolution to the jurisdictional problematique. Given the problematique's content as a debate over who decides what, where, how, and over whom, the chapters argued that sovereignty, and with it state citizenship, offered the basis through which international relations and IR gained their footings. In making that argument, the chapters also laid out a set of analytical binaries constitutive of that process – inside/outside in the context of political structures and sovereignty and inclusion/exclusion in the context of socio-political relationships and state citizenship. When put together, those separations jointly conditioned the domestic/international binary underpinning it all.

Change being the concern however, chapters 1 and 2 only presented half of the material necessary. While they did establish the baselines and standard languages through which international thinking made sense, the issue quickly became how those assumptions and beliefs might transform in the context of an alternative, non-sovereign resolution to the

problematique. And, once that became the debate, it meant examining an instance of "the new" which, in this study's case, meant the EU.

In that regard, the previous two chapters offered in-depth investigations of the European system. The chapters, respectively, examined the Union's political structures (institutional rules, programs, and the like) in the context of inside/outside as well as its socio-political relationships (EU citizenship) in the context of inclusion/exclusion. Each chapter did so by tracking four possible changes to the traditional sovereignty-based, state citizenship conditioned binaries – breakdown, maintenance, stratification, and blurring. The chapters determined that none of the first three options were wholly wrong and, at times, each contained an element of truth. Nevertheless, they ultimately concluded that blurring was the most appropriate finding. In the first case, chapter 3 argued that because sovereign structures gave way to more fluid, more complex, less territorial, and possibly conflicting and overlapping jurisdictional setups, inside/outside underwent a process of blurring. In the second case, chapter 4 concluded that because the relationship between EU citizens and member-states, across both formal and symbolic aspects, diversified in ways that rejected the either/or categorizations inherent to state citizenship, inclusion/exclusion also underwent a process of blurring.

Given those findings, one finally arrives at a point in which it is logical to conclude that the sovereignty-based division separating the domestic and the international, as well as the European and the domestic and international, levels has become increasingly tenuous. Because drawing political borders, and therein socio-politically locating people within them, is a progressively more complex and contextual process, defining a domestic/international separation between the member-states is no longer an empirically easy and analytically clear-cut matter. The domestic, European, and international levels exist more as dynamic mixtures than immiscible levels. While that does not mean separations can never be made, when approached from a holistic perspective, European setups are defined more by blurring that any other of the outcome-possibilities. Recognizing that fact, as the following sections develop in earnest, prompts, pushes, and requires one to consider what it might mean to move beyond "the metaphor of 'levels' to new appreciations of the interpenetration of spaces, their fuzziness, and their multiplicities…" (Rumford, 2008: 15).

This chapter's task therefore rests on developing a fuller and more systematized appreciation of blurring as found in Europe and as a jurisdictional type – what it is, what its tenets entail, and ultimately how it fits with preexisting thinking. It begins by offering an explanation as to why the term "blurring", and not the more definite "blurred", has continually been used and made the focus. Second, the chapter offers a substantive understanding of blurring as found in Europe via an analysis of its definable and locatable traits and effects. To do that, it returns to the three metrics first used in chapter 2 – number, scope, and method. Third, based of those findings, the chapter reinterprets blurring back into the "Who decides what, where, how, and over whom" language; it looks at blurring as a specific resolution to the jurisdictional problematique. In doing so, one sees that it reflects neither an instance of traditional anarchy nor of hierarchy.

Fourth, in offering a conception of blurring, the chapter contrasts that vision against preexisting conceptual understandings of sovereignty and, as it turns out most critically, authority/power (legitimacy). Authority and power are considered jointly insofar as they represent opposite sides of the same coin differing only over the presence (authority) or lack of (power) a legitimizing factor. Making these comparisons is critical as they illustrate the relationship jurisdictional blurring has with preexisting understandings of the nature of political and socio-political action – where it supports them, where it differs from them, where it complicates them, and even where it may fail to offer adequate new positions. Making those comparisons helps locate the underling analytic properties of blurring.

The chapter concludes by bringing the argument back around to the global context noted in chapter 1. By defining blurring in Europe, and therein extracting its underlying logics, the chapter asks whether similar processes might occur in the wider global environment. In doing this, *no assumptions are ever made that blurring is occurring or must occur everywhere. Nor are any assumptions ever made that the processes leading to it, or the precise dynamics of it, are the same outside of Europe as inside.* The chapter acknowledges the methodological limitations at play in using a single case to make those sorts of broader generalizations (Gerring, 2007). Nonetheless, given the globalization context already offered, it maintains that it is appropriate to, at the very least, ask whether the traits and effects of the blurring seen in Europe and developed analytically in the context of this chapter might be present, to some degree and in some form, in the

wider global environment. Doing that helps set the stage for viewing blurring both as a jurisdictional form in its own right as well as an example of global jurisdictional diversity more generally.

In the end, this chapter brings together the points made in chapters 3 and 4 by defining blurring as found in Europe and, through that process, offering a baseline analytical understanding of it. Through that, one will gain a substantive conception of it as a jurisdictional alternative to the clean and clear logics highlighted by sovereignty and present under the breakdown, maintenance, and stratification outcome-possibilities. All of that in turn provides the context for the study's next and final substantive chapter on the influences blurring has on IR's descriptive, analytical, and disciplinary maps.

Processes versus endpoints

Prior to getting into the heart of the chapter, is necessary to say a bit more on the nature of the key term itself – particularly why the more open-ended "blurr*ing*" and not the more definite "blurr*ed*" has continually been used. Two questions seem to underlie why such a debate is likely to arise/why the difference in terminology might be important. First, if blurring is a process, as the grammatical form used suggests that it is, then ought it not logically yield some definite outcome – for instance, a blurr*ed* result? Second, and in the context of that first question, does the current process-based conception leave too much overall empirical inconclusiveness to be analytically/disciplinarily useful (Thaddeus Jackson and Nexon, 1999; Albert and Kratochwil, 2001; Lapid, 2001; Albert and Kopp-Malek, 2002).

In asking those questions, it should be made clear that it is not illogical to probe what blurring might produce when taken to a logical conclusion. Indeed, it is a perspective that is often advanced in the context of the Union specifically and jurisdictional change more generally. For instance, Sørenson (1999: 180), based on a set of arguments similar to the ones made in this study, takes them to a conclusion by presenting an argument for the development of what he calls a "post-modern state" [he cites the EU]…characterized by transnationally integrated, globalized economies; by multi-level governance; and by identities that are no longer exclusively tied to [the] nation-state". In a similar thought process, but with different imaginaries, Zielonka (2006) and Rumford (2008) also both attempt to define the EU via endpoints – Zielonka via his neo-medieval setup and

Rumford via his networked model. In each case, each imagery attempts to present the jurisdictional change seen in the EU in the context of an endpoint – in the first case, by harkening back to an older system and, in the second, by utilizing the imagery of the Information Revolution.

Without commentating on the appropriateness of any of those models specifically – and each of them may "bring something to the table" – the problem with all of them as reflective of endpoint perspectives more generally is that they risk missing out on the dynamisms inherent to the European jurisdictional form. One can look at this a number of ways and, in doing so, argue why a process-based option is better. First, change in the Union has been historically commonplace, whether in the context of a specific treaty revision, of membership enlargements, or of a particularly far-reaching ECJ decision. As such, it is problematic to assume temporal stoppage within the Union's system. (In this case, it is perhaps telling that it is often rhetorically described as a "project".) Endpoint views risk viewing the Union in overly teleological terms. The large amount of jurisdictional restlessness that exists in the EU – a point returned to in the study's conclusion in the context of the current challenges facing Europe – makes it more sensible to keep ontological finalities open by highlight the blurring process, not blurred outcomes. A process-based view is simply more reflective of the empirical dynamisms of the EU system than an endpoint one.

Second, saying blurring is process-based does not mean that it ignores endpoints (or the possibility for them) completely. Indeed, in recognizing the pervasiveness of sovereignty-based perspectives, blurring defines itself in opposition to that endpoint. Its underling meaning therefore forms, at least partially, via the specific modifications witnessed to the sovereignty standard. Endpoints remain "in sight" to the extent that blurring is constructed against, and contingent on, their baselines. Moreover, nothing about blurring, or a process-based approach more generally, rejects the possibility for stabilization in particular instances (e.g. for a specific issue or area of Union activity). The point simply is that such a perspective would not be constitutive of blurring as a whole, where active and ongoing jurisdictional debates are defining features and where a holistic view of the Union is the concern.

Third, by suspending judgment as to final structures, a process-based view maintains the flexibility needed to guard against analytical and disciplinary stagnation and reification.

As the next chapter develops more fully, while that may mean accepting high levels of empirical contextualization, and while an outcome-based perspective might make for analytically and disciplinarily "simpler" setups, a process oriented approach preserves a sensitivity to change by keeping ontological finalities open (Thaddeus Jackson and Nexon, 1999; Albert and Kratochwil, 2001; Lapid, 2001; Albert and Kopp-Malek, 2002). "Verbing" the core concept, and therein holding open what political and socio-political setups *must* look like, creates the spaces needed for debating, and eventually re-mapping, the descriptive, analytical, and disciplinary contours of those setups *under conditions of change* (again, next chapter). Lapid writes,

> Subscribing to processual/relational/verbing mode of thinking should allow us to do far more than just marginally improve on our ability to refer to the accelerated movement of preformed entities through preformed and predemarcated spaces, places, and territory…[I]t should improve on our ability to theorize identities, borders, and orders 'in-formation' and 'in-relation' [and] a full digest of the theoretical, conceptual, and methodological ramifications of these ideas will most likely necessitate profound changes also in our understandings of every single component of IR's long-troubled disciplinary self-designation ('the 'inter', the 'nation', the 'relational' and by extension also the 'political') (Lapid, 2001: 5).

Put together, and somewhat oxymoronically, while the *term* "blurring" risks carrying connotations of pejorative ambiguity and analytical laziness, as the sections below develop, as a *concept* it is an *operationalizable* jurisdictional option whose essence rests in its process-based form. In that sense, echoing Rosenau (1990: 264, emphasis added), "[T]he absence of hierarchy in the multi-centric[/blurring] world gives an appearance of considerable disarray…*But that appearance is deceiving: underlying the disarray are discernible patterns…*" [28]

Blurring as found in Europe

With those terminological points in mind, as noted in chapter 3, blurring (indeed, all four of the options) represented two separate, but ultimately interrelated, arguments. On the one hand, and what the empirical evidence presented in chapters 3 and 4 tended to

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[28] A process-based argument is also critical outside the European context (see global sections below). For example, because globalization theory is often focused on some sort of globally inspired *telos* – the *global* community, *global* democracy, or *global* institutions – it risks shortchanging the more interactive, complex nature of modern political and socio-political life, whether that means alternative, non-globalized perspectives or the possibility for change within the system itself (Linklater, 1998b; Habermas, 2001a; Held, 2002a). Highlighting the processual nature of blurring helps maintain an overall ontological flexibility, which is both reflective of the dizzying pace of modern global life as well as guards against analytical stagnation by compelling consistent contextualization.

highlight, blurring is a description of what was/is occurring to the inside/outside and inclusion/exclusion separations as a result of European change. Blurring was largely utilized as a descriptive tool to illustrate the sorts of alternations taking place to each relevant binary (e.g. inside/outside was blurring). On the other hand, and where this chapter expands on, blurring also represents a distinct jurisdictional conclusion in its own right; a conclusion that requires firm contextualization with respect to its specific tenets. It represents both a description of the changes taking place as well as a jurisdictional form in and of itself.

In saying all that, one should be very clear that *the goal is not simply to state what blurring is not*; it is not merely a matter of arguing that the EU's political and socio-political arrangements problematize sovereignty and state citizenship based perspectives. While those things are undoubtedly true, as demonstrated by the blurring-as-descriptor finding, at this stage the more pertinent issue relates to the more foundational meanings of blurring – as they relate to Europe specifically, but also in more analytically. Again, those meanings will, at least partially, always be conditioned by sovereignty given that it is a long-standing jurisdictional form. Nonetheless, one ought to be able to generate a more "independent" understanding of blurring.

Therefore, to operationalize the blurring found in Europe as an independent jurisdictional finding, and therein to generate an analytical understanding of it, one can return to the number, scope (spatial, functional), and method metrics developed and deployed in chapter 2. The goal is to use those metrics as the means of depicting blurring less as a description of what occurs to something and more as a force unto itself. In using the three metrics, one ought to be clear that it is done so under the informed background of the problematique itself. Therefore, analyzing the number, scope, and method metrics of blurring allows one to comment on particular resolution to the problematique and the resultant political and socio-political configurations.

Beginning with number, it ought to immediately be clear that the developments seen in the EU system came largely as the result of the proliferation of jurisdictionally significant sources. Harkening back to the medieval setup noted in chapter 2 – a setup in which popes, *regna* kings/queens, cities, nobles, and guilds all competed within a heterogeneous jurisdictional environment – one saw a very similar situation in modern Europe. On the political stage, based on the points made in chapter 3, member-states and

the EU (as a unit itself as well as the separate entities within it) were shown to be engaged in a dynamic process of jurisdictional competition in which neither side was able to gain full control. Indeed, MacCormick's (1995) comments regarding the Union's "polycentric legal order" made clear that the various actors in the system, each believing themselves to be acting within their own legitimate jurisdictional prerogatives based on their own understandings of Union rules, compete, and even conflict, for jurisdictional prerogatives (also see functional scope).[29]

In that regard, were one to place oneself behind a sort of "political veil of ignorance", forgetting all previous assumptions about sovereignty and its related claims of number singularity (and with it supremacy), in looking at modern Europe, one would not come away with a view that there is a single, jurisdictionally important actor. Rather, one would see multiple actors engaged in a complex, interactive, and often messy process of jurisdictional competition. One would see the various actors each basing their jurisdictional claims through their own interpretations of the rules – states often falling back onto traditional claims of sovereignty in cases of conflict and the EU onto its own interpretations of the treaties. As is extended on below, this setup creates a scenario of neither hierarchy nor anarchy, thereby making legitimacy the central concern. Irrespective of how one looks at it however, *the number metric is no longer singular within the European setup*.

Moving to the socio-political aspects of the number metric, because political action has practical influence only to the extent that it affects people, based on the points made in chapter 4 the development of European citizenship, both formally and symbolically, created a new, non-national, non-state source of attachment. While state citizen rights and identities did not vanish, through EU citizenship individuals gained new civil, political, and social rights as well as increasingly began viewing Europeanness as one component of their marble-caked identities. In that sense, the number of sources of socio-political attachment competing for political loyalty grew. It was no longer simply the state such that talking about blurring in Europe means, part-and-parcel, talking about multiple individual-polity relationships. One might add that this did not produce clarity. European citizens were found to exist in an unclear halfway house, being neither fully

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[29] One might extend the argument to include other sub-state (e.g. regions) as well as global (e.g. the UN) actors. The point is not to layout every relevant actor, but to make clear that the number metric has diversified and, in doing so, created competition.

included nor fully excluded throughout the member-states. Accordingly, and as the scope metric extends on below, not only does EU citizenship reflect a growth in the number of jurisdictionally important socio-political relationships, but also a new variant of them.

If blurring models a system with more than one jurisdictional actor, the second metric centers on scope. On the spatial side, as one saw with issues ranging from enlargement to the extra-territorial activities of Frontex, the derogation potentials within Schengen to external governance, defining a clear, stable, and territorially-based, jurisdictionally significant inside/outside separation between member-states as well as against the non-EU world was increasingly difficult. In that sense, what was seen to be occurring echoes Ruggie's (1993) arguments regarding the "unbundling" of territory, a process in which the neat and tidy overlay between jurisdictional claims and the territorial scope no longer holds as unyieldingly true. Whereas territory previously offered the singular and clear legitimatizing factor for spatial scopes, and in dong so created a territorially mapped, jurisdictionally significant inside/outside binary, Europe's setups and activities were found to prevent those connections. They de-linked jurisdictional and territorial scopes as well as displayed a striking amount of complexity and impermanence – again, whether in the context of enlargement, external governance, or extra-territorial jurisdictional activities. In doing those things, there was clear evidence of a blurring of the inside/outside binary.

To be clear, saying the blurring unbundles European territorial and jurisdictional overlays does not mean that territory no longer matters (Elden, 2005, 2011; Burgess and Vollaard, 2006). As Burgess and Vollaard (2006: 7, emphasis in original) argue, "[T]erritory *always* matters somehow, in some way, for social and political relations". For example, the EU continues to speak in a language of it, particularly in the context of immigration. Moreover, despite any general trends towards unbundling that have occurred, instances still remain in which territory remains critically important. For instance, *territorial* sovereignty is often seen as a central goal in nationalist, secessionist movements (Mayall, 1990: 60-63).

Nevertheless, while those caveats must be taken into consideration, what makes blurring so interesting, but also so challenging, is its both/and qualities with respect to change and preservation. Though territorialism – where territorialism means that *all* jurisdictional space is reducible to sovereignty-based mapping – no longer holds true, that does not

mean that territory no longer matters (Scholte, 2002). Thus, saying that there is spatial blurring in Europe is not the same as saying territorial scopes are irrelevant. It simply means that the link between jurisdiction and territorial borders is no longer exclusive. One is therefore left with a situation, similarly to number, in which spatial scope is contextual insofar as the old territorial setup is neither fully left behind nor fully replaced by a EU membership alternative. And, as is picked up on below, that again makes questions of legitimacy critical.

It is important to stress that this territorial unbundling occurs simultaneously through, and even reinforces, European social networking and a blurring of the inclusion/exclusion binary. As chapter 4 argued, whether due to the increases in communicative connectivity, easing of intra-EU travel, or the formation of cross-border business communities in the context of A21 rights, individuals increasingly operated outside national contexts and throughout the European space (Rumford, 2008). Again, that did not mean that state citizenship or national attachments vanished. However, as the opportunities for non-national integration proliferated, and as Europeans gained the "analytical skills" needed to operate in such interactive environments, the sort of spatial blurring reflected by territorial unbundling was reinforced by socio-political blurring.

Moving to functional scope, Europe's functional diversities, in the conjunction with number and spatial shifts, again pointed towards blurring. As chapter 3 developed, because member-states and the EU might conflict on competency issues (e.g. the *Mangold* judgment) *and* because the various actors in the European system all tend to view themselves as independently empowered, conflicting opinions over common issues were shown to be an ever-present possibility. That did not mean that defining jurisdictional lines was always impossible or that member-states do not abide by EU rulings (they did and generally do). However, insofar that were cases in which jurisdiction lines were in debate (or in which creating clear a hierarchy was not even the goal), the possibility for disagreements between actors existed. It was therefore the *combination* of an increased number of actors all whom viewed themselves as independently authorized *and* the fragmentation of the functional/territorial/jurisdictional congruency that created the possibilities for conflict and overlap between actors and embodied by blurring. And, once again, that moves legitimacy questions to the heart of future studies.

On the socio-political, functional scene, EU citizens were found to both gain and fail to gain – often in the context of the very same privilege – member-state wide rights. Moreover, the day-to-day operation of those rights, as chapter 4 made clear, problematized the idea of a clean and clear stratified European level of inclusion. To be sure, that did not mean that it was impossible to determine when a Union citizen had or failed to have a certain privilege. Rather, it reflected a scenario in which the overall relationship between any given EU citizen and any member-state other than his or her own was not one of full inclusion, full exclusion, or a neatly defined layer of European inclusion. Functionally speaking, EU citizenship placed Europeans in a grey-zone between the included, rights-endowed citizen and the excluded, rights-denied foreigner. As chapter 4 put it, European citizens fell in the gap between particularistic and universalistic conceptual models.

Finally, European experiences revealed that the day-to-day execution of jurisdictional claims – the methods associated with them – varied greatly. In the simplest sense, one saw that there were technical differences, whether between how the member-states and the EU administered their jurisdictions or within the Union's own procedures (e.g. directives versus regulations versus the OMC). In a more developed sense, European jurisdiction was seen to take on non-territorial, functionally diverse, and even informal, but nonetheless still generally effective and accepted, means administration (e.g. enlargement conditionality, external governance). For those reasons, Pollack (2005: 380) writes that Europe reflects a "nonhierarchical mobilizing of networks of private and public actors who engage in deliberation and problem-solving efforts guided as much by informal norms as by formal institutions".

All told, blurring in Europe represents a process whereby the number, scope, and method metrics multiply, diversify, increase in complexity, and possibly conflict and overlap. It represents the simultaneous proliferation of the number of jurisdictional actors, the development of complex, variable, potentially conflicting and overlapping spatial and functional scopes, a diversity of methods of administration, and a muddling of individual-polity relations. In laying that out, one should stress, particularly given the inter-connections across the metrics, that the argument rests on there being shifts to all three. It is therefore the *combination* of changes across the metrics that underlines

blurring. With that in mind, the issue moves to how the vision just outlined relates to jurisdiction-the-concept and its problematique.

Blurring as jurisdiction

In turning to the relationship between blurring and jurisdiction-the-concept, two issues immediately arise. First, there is a debate as to whether the effects produced by and reflected through blurring are applications of the broader, conceptual parameters of jurisdiction (is blurring a type of jurisdiction as has thus far been implicitly assumed) or whether they are reflective of the under-definition inherent to the concept itself (and therefore prompt greater specifications out of it)? Second, provided that the answer to that question is that blurring is an application/a type of jurisdiction, based on the information gleaned from the three metrics, what is its precise resolution to the problematique? Dealing with both of these issues ought to help both further contextualize the meaning of blurring as well as offer a reading of its underlying analytic properties.

Starting with the first question, chapter 2 made clear that, as a concept, jurisdiction generates its "problematique" by holding open its appreciations of the three metrics. Indeed, the fact that sovereignty provided firm answers to the number, scope, and method variables made it a derivative of jurisdiction, not the more common inverse. Following the same logic, and as the previous sections made clear for the European case, by defining the number metric as greater than one, spatial and functional scopes as complex, variable, potentially conflicting and overlapping, and method as multiple, blurring *does* offer resolutions to each metrics. Therefore, in an logic very similar to the sovereignty-as-jurisdictional one, the relationship between blurring and jurisdiction is one of conceptual specification; a movement from the under-defined qualities of jurisdiction-the-concept to the established parameters – *however interactive and variable those parameters may be* – of blurring.

Viewed in this way, blurring and jurisdiction are not one in the same. Blurring is a type – a corollary – of the latter. While it is fundamentally odds with sovereignty in content and execution, *it is not contrary to the idea of or the possibilities for "the administration of authority" more generally*. Therefore, just as sovereignty is a type of jurisdiction – a specific way of administering authority based on its particular quadripartite constellation of processes – so too is blurring a type of jurisdiction based on its own set of logics.

Indeed, the medieval example historically and the EU currently both reflect the very real possibilities for jurisdictional action absent sovereignty.

In saying all that, what makes blurring potentially problematic with respect to jurisdictional debates is *how* it resolves the problematique. On the one hand, the strength of sovereignty was its ability to create a simple, singular, and concurrently empirical and analytical framework. The belief was that, by bundling jurisdictional, territorial, and functional claims together, the political and socio-political setups offered through sovereignty allowed for the clear conceptual outcomes displayed under the inside/outside, inclusion/exclusion, and domestic/international separations. Moreover, underpinning all that was an assumption that *wherever* there was jurisdiction, it was sovereignty-based; that sovereignty was the normative bedrock of the entire international system. Going back to Jackson's (1999: 432) point from chapter 2, sovereignty was assumed to be the "*grandnorm*, upon which a society of states ultimately rests. If states were not sovereign political life would have to rest on a different normative foundation".

On the other hand, because the hallmark of blurring is its jurisdictional complexity, there is an implicit acceptance for the possibility of debate, and therein conflict, within its remit. In other words, there is an implied tolerance that multiple sources of jurisdiction – multiple normative frameworks/ways of administrating authority – might cohabite a common space or be present over a common function. As such, not all political and socio-political setups are neatly bundled under the same normative framework. By extension, not all are necessarily conceptualizable along the same neat analytical structures.

To be sure, for a starting point that assumes jurisdiction requires a single, legitimating source of action that is likely to be problematic. However, by keeping the broader meaning of jurisdiction in mind, variation, and with that a lack of firm hierarchy, does not necessarily mean a lack of jurisdiction. Although blurring may require, as the following sections as well as the next chapter develop, new ways of mapping its outcomes absent clear levels and in the context of divergent sources of legitimization, *that fact that there is variation and the potential for conflict does not negate the possibility for jurisdiction more generally*. It may simply entail more descriptive and analytical detail based on the particular structures and/or relationships at play.

Given that argument – given that blurring is a complex, application of jurisdiction – the issue becomes what is its resolution to the "Who decides what, where, how, and over whom" question. With the knowledge gained from chapters 3 and 4, as well as the three metrics noted above, the "who" logically becomes a dependent variable, appreciable only in the context of the specific function, space, and/or socio-political relationship involved. While at times it may be singular, just as sovereignty needs it to be, at other times it may be multiple. In opening the door to multiple significant jurisdictional actors, one should be clear that that means that there are no guarantees that all the actors will express their jurisdiction based on the same normative source. For example, because there is more than one significant actor – actors, one might remember, who in the EU system view themselves as independently empowered based on those own specific legal rationales – the critical debate becomes one of legitimacy. The key question becomes whether a state's claims to sovereignty ought to "win-out" over the ECJ's interpretation of a particular treaty provision or claims to higher constitutional status (Stone Sweet 2010).

Closely related to "who" are the "what" and "where" functions. They are also contextual under blurring. In the first case, "what" determinations are circumstantial insofar as no one actor has jurisdiction over all functions at all times. Moreover, because there is a possibility for disagreements between actors over common functions, and because those conflicts are not necessarily resolvable via pre-established legal hierarchies, questions of legitimacy are central. In the second case, while the "where" generally remains territorial, whether in the context of a member-state borders or the membership-defined EU ones, the fluidity of external borders means that that is not always the case. Territory and jurisdiction are not always neatly bundled. In those cases in which they are not, the issue becomes the legitimacy of any non-territorially-based jurisdictional form.

Like the first three components, "how" and "over whom" also vary. First, as seen with the method metric, "how" determinations differ between the EU and member-states, within the EU, and ultimately across both formal and non-formal approaches. Indeed, in the latter's case particularly, a method's legitimacy, not its formality, often ends up being the determinate factor. Second, the "over whom" aspect shifts in the context of who, where, and what determinations. For instance, in the case of EU external governance, it extends over a population outside of the Union's formal membership area while in the case of A21 it is for EU citizens alone. In either case, the variable is an active question

requiring an appreciation of the broader environment – including the legitimacy dynamics of it – for exact determinations.

Finally, underpinning all of this is the possibility for a European population neither fully state nor European based. Whether in the context of rights or identities, it is a population that falls between conceptual models. Because European citizenship problematizes the notion that individuals can be clearly and cleanly located within single units based on state citizenship, and therefore to the extent that individuals cannot be neatly separated amongst those units, there is an incompatibility between the application of state citizenship to situations of blurring. Bringing that back around to Rosenau's point noted in chapter 4, socio-political blurring negates the idea that global, European, national, and local communities are neatly divided domains as it prevents one from establishing clear and stable separations amongst individuals across and within the domains.

Put together, the resolution to the problematique offered under blurring models an interactive, variable, and potentially conflicting and overlapping jurisdictional space. In doing so, it also creates a situation in which legitimacy emerges as the critical factor in determining precise jurisdictional affects and effects. Saying that there is blurring means accepting that multiple, potentially clashing sources of jurisdictional legitimacy – sometimes state-based, sometimes EU-centric, and potentially something entirely else – might simultaneously operate. Moreover, it means accepting that they can operate in the context of common functions, in common spaces, and ultimately compete for the right to underpin political and socio-political structures and relationships more generally (next chapter). All of that is a sharp difference from the standardized, homogenized single sourced sovereignty view found in in traditional setups.

All of that also creates a scenario in which blurring produces neither clear anarchy nor hierarchy. Anarchy normally forms in one of two ways, when there is no accepted/no legitimate resolution to the problematique such that everything is power-defined or when the answer that is provided functions in a way that precludes analogous accepted/legitimate jurisdictional structures in certain contexts (e.g. under sovereignty, in the international realm) (Milner, 1991). Neither of these visions is true under blurring. In the first case, while some may be tempted to say that blurring fails to resolve the problematique reflecting instead an instance of (highly tamed) anarchy, that perspective fails to realize that the problematique *is* resolved. It is simply resolved in situational,

complex, and normatively diverse ways. For example, the conflicts between the ECJ and the member-states are not anarchical as each side acts in accordance with its own interpretation of the rules (N. Walkers "epistemic pluralism" point) (N. Walker, 2002). Those interpretations differ and that creates the prospect for real disagreements (e.g. between the FCC and the ECJ). However insofar as the various sides/actors root their interpretations through acknowledged sources (and, as noted below, the EU and the member-states are both generally seen at legitimate entities) and claim their specific prerogatives based on their own interpretations of those sources, anarchy is not in play. Things are simply perspectival.

In the second case, while there may be occasions in which *aspects* of sovereignty reign under blurring – there certainly are cases in which a member-state maintains supremacy over a specific function in its territory – that does not create *outright* anarchy between member-states insofar as the *full* constellation of core structuring logics of sovereignty do not line up. Going back to chapter 2, sovereignty is sovereignty, and therefore sovereignty is applicable, only when all four of its traits are present. As such, there is no logical fallacy in saying that member-states retain exclusive jurisdiction in certain circumstances while also saying that that does not reflect sovereignty within and, by extension, anarchy between. Indeed, the essence of blurring is its both/and qualities, such that it can upset sovereignty without excising any individual component of it everywhere and at all times.

While there may not be anarchy, there also is not full hierarchy. In this case, hierarchy reflects a setup defined by an established sequence of jurisdictional rights. As such, it is often treated as the antithesis of anarchy (the absence of anarchy meaning the presence of hierarchy). Blurring rejects that dualism. Again, the Union's "polycentric legal order" and the fact that the various actors all view themselves as individually authorized illustrates that while there is not outright anarchy, there is not clear hierarchy either. Indeed, as MacCormick (1995) noted, it is not so much that there is an absence of legal rules in the EU system, but an excess of them, as expressed via supremacy of EU law from the Union's point of view and traditional state sovereignty from the member-states' perspectives. Therefore, it is the fact that the various actors all tend to interpret the rules independently that creates the possibility for the conflicts, overlaps, and complexities constitutive of blurring.

In saying this, two nuances must be made clear. First, blurring does not prevent hierarchies from forming in specific instances, such as in the context of a particular function. Nevertheless, because there is functional diversity and, in that diversity, the potential for jurisdictional conflicts and overlaps, hierarchy is not the *sole* organizing concept. Nor, therefore, is sovereignty the appropriate terminological approach to describe blurring. Second, insofar as the possibility for jurisdictional conflicts exists based on unclear functional or spatial lines, there is a constant possibility for a reversion to power politics in which all claims to and recognition of legitimacy collapse. However, as is developed below, that is not an automatic event and thus far the EU system has managed to muddle through with its differing normative sources (Kokott 2010).[30]

One is left with a situation in which anarchy is left behind, but hierarchy is not created. In a conceptual sense, that means accepting, recognizing, and ultimately incorporating the contextualism, complexities, and indeterminacies inherent to a blurring system – no matter the social scientific difficulties that may create (next chapter). In an empirical sense, it creates an imperative to deal with how the EU specifically and blurring systems more generally navigate though the legitimacy debates that arise in the absence of a hierarchy/anarchy dualism. As the following sections develop, that answer may be less about creating a single, normative underpinning for systems of blurring than with understanding and organizing how multiple forms might coexist.

Sovereignty and power/authority (legitimacy)

Having made those points, one can shift the issue slightly and turn to the relationship between blurring and the other key conceptual terms, specifically sovereignty and authority/power (legitimacy). First, with respect to blurring and sovereignty, it is clear that the blurring process defined Europe is fundamentally at odds with sovereignty. Simply put, it rejects *and replaces* the constellation of logics found under sovereignty – supremacy, territorial/jurisdictional/functional congruency, territorialization, and stability – with a proliferation of actors, complex, variable, potentially conflicting and overlapping spatial and functional scopes, and varying methods of administration. Again, though both offer perspectives on it, sovereignty and blurring each have different

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[30] In this context, one might go back to the point made earlier that while Germany largely abides by ECJ rulings, the FCC insists that if Basic Law rights are infringed on by Europe, it can "reclaim them" and its jurisdictional prerogatives from the Union – hardly a steadfast commitment a clear hierarchy of legal rules.

answers to the problematique – sovereignty offering one based on assumptions about the existence of clean and clear political and socio-political structures and relationships and blurring rejecting that clarity and instead arguing that on-the-ground complexity and variability prevents standardized, static answers.

In saying that, one must keep in mind that while sovereignty has undergone the *de facto* changes developed throughout the previous sections and chapters, the *de jure* nature of it may remain more intact. Put differently, whereas the blurring arguments just made were based on how political and socio-political processes played out on an on-the-ground basis in Europe, *de jure* appreciations of those challenges may be lagging behind (Wendt and Freidheim, 1995; Culter, 2001). For instance, EU documents make clear that member-states maintain what Krasner (1999: 14) calls "international legal sovereignty" – a trait that establishes a state as an independent entity in the international community. Moreover, as noted previously, despite Lisbon making the Union a "single legal personality", member-states continue to hold their respective positions within international organizations, like the UN, and maintain reciprocal forms of diplomacy with each other (Cremona, 2011: 260-268). Therefore, despite any *de facto* changes to sovereignty seen under blurring, member-states remain sovereign from an international legal point of view – an argument that parallels Jackson and Rosberg's (1982) negative sovereignty thesis in a "first world" context.

While it is important to consider this potentially mitigating factor, there is a logical response to it. After all, the idea of *de facto* changes presaging *de jure* ones is hardly new. In looking at the history of sovereignty, it is clear that it developed over an extended period of time and, before states were sovereign in a *de jure* sense they (and sovereignty itself) underwent a lengthy period of *de facto* evolution. Accordingly, if *de jure* sovereignty is, however problematically, heuristically dated to Westphalia, the principles underlying it – territoriality, non-intervention, and sovereign equality – all began their *de facto* development centuries before. Brown (2002: 26) writes, "The significance of the Peace of Westphalia is not so much that it established new principles, rather that after 1648 challenges to the principles that had been established over the previous century become few and far between".

Viewed in that way, blurring in Europe may reflect an instance of desuetude in which the Union is making the international legal sovereign character of its member-states

progressively less pertinent. The difficulty is, however, that IR risks missing such shifts by largely privileging *de jure* side of the debate. Wendt and Freidheim (1995: 690) write that by privileging the *de jure* side of sovereignty "makes it hard to see any de facto authority structures that might exist in the system". Put a little differently, while *de jure* sovereignty may technically still exist, that should not detract from the importance of the *de facto* changes that are occurring. With that in mind, one re-arrives at a situation in which blurring is both antithetical to sovereignty and the sovereignty-based domestic/international cleavage as well as is a substantive, alternative, operationalizable mode of political and socio-political organization altogether.

Having developed the relationships between jurisdiction and blurring and sovereignty and blurring, one can move to the connection between blurring and authority/power (legitimacy). As noted earlier, authority and power are considered jointly insofar as they represent opposite sides of the same coin, debating the presence of (authority) or lack of (power) of a legitimizing factor. In saying that, it may seem strange to return to authority/power debates insofar as the study has featured jurisdiction specifically to capture authority's more active connotations – the administration of authority. Nevertheless, it is necessary to take this step back to address the defining feature of the authority/power division – the presence or the lack of a legitimatizing foundation. Because authority is a corollary of power, jurisdiction of authority, and blurring of jurisdiction, by upsetting traditional sovereignty lines, blurring re-opens debates about the legitimate basis of political and socio-political power.

Sovereignty offered a singular, clear normative underpinning for jurisdiction, rooting it in a combination of territoriality (within a given territory, a government has supreme jurisdiction over all issues/people) and, overtime, democracy. The difficulty is, by rejecting sovereignty, blurring upsets those normative foundations. It challenges the possibility for them in their own rights as well as creates the likelihood for new and multiple ones under its rubric. For instance, the de-territorializing effects, number variability, and functional debates that are constitutive of blurring negate the territory/jurisdiction/functionality congruency. Not only does that make creating a setup of legitimate domestic rule in territorially-based insides separated from a foreign, international anarchic outside problematic, but also it challenges the notion that a single ruler concurrently holds jurisdiction over a set of territorial/jurisdictional/functional

borders. By extension, blurring also creates problems for democracy. For example, Glencross (2007, 2009) argues that any discussion about EU democracy must take into account the connection between democracy and sovereignty in a context where the aim is to "overcome anarchy without replicating hierarchy" (effectively a form of blurring). By upsetting sovereignty, blurring upsets traditional assumptions about the possibilities for and the execution of state-based democracy. And that entails a need to rethink democracy *under blurring specifically* (next chapter).

One should note that the EU has attempted to deal with legitimacy issues – for instance, through subsidiarity principles. Moreover, not everyone agrees that the Union has a legitimacy/democracy problem (Majone, 1994, 2000; Moravcsik, 2002). Nevertheless, neither argument offers a convincing picture with respect to "solving" (or in the latter's case rejecting) the EU's legitimacy concerns. First, because subsidiarity "employs the criterion of effectiveness for defining the applicable level of government action", it is not necessarily focused on legitimacy at all; there is nothing automatically "legitimacy forming" about placing authority closer to "the people" (Glencross, 2007: 8). Indeed, it is conceivable that local institutions might be illegitimate themselves (e.g. due to vested interests). Moreover, insofar as subsidiarity simply seeks to limit their portfolios, it fails to address the legitimacy of "higher" actors themselves – actors that are central to certain very controversial issues, such as terrorism.

The deficit-denying arguments are also problematic. First, because blurring is the core finding, the EU is not merely a "regulatory state", as Majone (1994, 2000) argues. Absent that, even he accepts that there is a credibility gap between the EU and its policies, thereby in essence arguing its setups creates core legitimacy concerns. Second, the tool-of-states argument fails to realize that the EU is not simply an agent of the member-states.[31] As this study established, European political and socio-political setups are heterogeneous, interactive zones that defy the either/or, IO/polity, approaches.[32] As such, interpretations of EU democracy based on an either/or assumption are incorrect.

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[31] Were the EU simply a tool of the member-states it may not require input legitimacy. However, since that is not the case – the EU is a blurring hybridity – the argument misses the mark.

[32] Rumford and Murray (2003: 86) go so far as to note that those who "advocate a [singular] choice between comparative politics and international relation approaches" do ES a "grave disservice". See next chapter.

Given those problems, one returns to the authority/power coin and two critical questions. First, if the singular, old legitimating source of legitimacy is problematized, does blurring edge towards power? Second, if it does, how does one create legitimacy in a blurring environment? In the first case, power might come into play insofar as legitimacy debates fail to resolve themselves. In a direct sense, a situation of blurring might deteriorate into relationships of power to the extent that the relevant actors fail to legitimate their actions – in the Union's case, for example, in the context of a particular functional action or in cases of external governance. While, the EU has not yet reached that point – EB data shows that levels of trust in it consistently exceed levels of distrust (on average, 47 to 40 percent respectively between 2005 and 2010) and external governance programs tend to occur only with the consent of the non-member – issues of legitimacy remains "in play".

In a more abstract sense, because blurring creates the possibility for conflict between actors over functions and/or spaces, a reversion back to a state of nature is always on the horizon. Again, under sovereignty, there were clear lines demarking domestic jurisdiction (hierarchy) on the one hand and international power relations (anarchy) between those units on the other. The jungle was tamed through the birth of Leviathan within a set of borders, while a state of nature remained between the units. The problem is, by accepting that there might be complex, conditional, and even conflicting and overlapping jurisdictional lines (and therein rejecting the anarchy/hierarchy binary), blurring rests on an uneasy balance. It contains the latent possibility for deterioration away from its complex, yet also largely accepted, setups towards the sort of power politics imbued in realist thinking; the EU's polycentric, interactive jurisdictional order, by being polycentric, interactive (as well as neither hierarchical nor anarchical) carries a risk of deteriorating towards power politics. Indeed, one might rhetorically ask what would have happened had the FCC ultimately rejected the ECJ's ruling in the *Mangold* case or if the Czech Constitutional Court deems a particular Union action contrary to its principles as a "democratic law-based state". With those questions as context, Hofstadter (1999: 693, emphasis added) writes, in the context of what he calls "tangled hierarchies, that, "[I]n a societies like ours, the legal system is, in a sense, a polite gesture granted collectively by millions of people—*and it can be overridden just as easily as a river can overflow its banks. Then a seeming anarchy takes over…*".

In saying that a domestic/international separation might reemerge, one should be clear that the assumption is that a sovereignty-based setup is the likely settling-placing.[33] In making that assumption there may be cause for criticism given that the preceding chapters all strove to establish that sovereignty is a historical contingency. Nonetheless, a sovereignty-reversion assumption is reasonable. First, sovereignty is a long assumed, long lasting structural belief. If historical longevity counts for anything, a failure of blurring is likely to lead to a reversion to that standard. Second, despite the relatively steady levels of satisfaction in EU democracy, recent debates, such as those in the context of the 2008 financial crisis and the socio-political upheavals accompanying it, have heightened concerns in ways that point towards less not more Europe.[34] Thus, the complex answer to the problematique constitutive of a blurring jurisdictional form inevitably creates a measure of nervousness with respect to systemic stability – a point that obviously takes on renewed importance given the current Euro/debate debates (see the study's conclusion).

If blurring risks deteriorating into power, it obviously creates the need to debate legitimacy under it shadow. While blurring may change perceptions of how legitimacy ought to be achieved by upsetting the clarity of previous configurations of it, *it does not negate the need for it.* Whatever the solution ends up being, and this study does not have the practical or normative perspectives to enter that debate in earnest, the underlying point is clear: because blurring is a jurisdictional type, it must ensure some measure of legitimacy exists under it. In saying that, and because there are multiple "whos", "whats", "wheres", "hows", and "over whoms", it may be the case that multiple types of legitimacy are necessary in different circumstances. As such, and as the next chapter develops fully, one must ensure that one's analytical outlooks have the flexibility necessary to debate issues like democracy absent sovereignty. Nevertheless, however they form and whatever they are, blurring requires legitimacy structures of some type.

In the end, the relationships between blurring and jurisdiction, blurring and sovereignty, and blurring and authority/power (legitimacy) each nip at slightly different aspects. In the first case, blurring is a particular configuration of jurisdiction more broadly. While

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[33] In the EU's case, a reversion might not yield the 27 original states, however there would be revitalization of the domestic/international separation based on reconstituted sovereign borders between units.

[34] Despite still outpacing overall mistrust levels, EB data shows trust in the EU is down 19 percent from a four year high (57 percent in May 2007 to 42 percent in June 2010).

complex, variable and active, it nonetheless offers an operationalizable way of resolving the problematique. In the second case, blurring is understood through that what it is not – sovereignty. And, in the third case, blurring creates questions about legitimacy. Nevertheless, being a type of jurisdiction, it necessarily must root itself in some normative structure. Therefore, saying there is blurring means arguing that Europe's political and socio-political structures and relationships are, again borrowing Ruggie's (1993) term, "heteronomous". The problematique is resolved in that who decides what, where, how, and over whom is driven by, and contextual too, the specific actor, space, function, method, and/or socio-political relationship at play. While that may prevent the one-size-fits-all, state-based, jurisdictional understandings possible under sovereignty, the possibility for jurisdiction more broadly remains viable. Therefore, the critical debate becomes an actor's normative foundations – again, a point the next chapter picks up on.

The global context revisited

Having examined blurring in Europe and attempted to extract some analytical standards out of that examination, it is important to remember where this study began, largely from a perspective in which the European case was the means of further developing existing sovereignty critical perspectives. In that sense, and while all considerations are made for the difficulties of generalizability out of a single case, given the understanding of blurring just provided, blurring clearly finds support outside the European region. For instance, and again as chapter 1 laid out, one certainly sees a proliferation of jurisdictional actors with varying scopes and methods throughout the global environment. While the dynamics of those things will no doubt differ from the European case when it comes to on-the-ground execution, *the underlying arguments with respect to jurisdictional blurring remain pertinent*. Just as blurring in Europe represents a specific type of jurisdiction, blurring outside of it also logically represents a way of administrating authority at odds with sovereign assumptions.

In that sense, the blurring seen in Europe presages blurring found globally or, in the reverse, the blurring seen in Europe represents a subset of the blurring found in the global environment. Whichever way one prefers, the point is that blurring is not necessarily confined to the European case. Whether in Europe or in the wider world, it represents the simultaneous proliferation of the number of jurisdictional actors, the development of complex, variable, potentially conflicting and overlapping spatial and

functional scopes, a diversity of administration, and a muddling of individual-polity relations. Moreover, whether in Europe or in the wider environment, blurring exists in similar relation with the other core terms – negating sovereignty, updating jurisdiction, and creating legitimacy questions.

Extending on that last comment, when cases (or aspects) of blurring appear outside of Europe, there is an implicit rejection of the empirical and analytical application of sovereignty-derived assumptions – a point central to globalization and its rejection of territorial boundedness and the jurisdictional/functional/territorial congruency (N. Walker 2010). Therefore, to the extent that one accepts that globalization is occurring, one must accept that its processes are fundamentally at odds with sovereignty. In saying that, one should be clear that this has "negative" and "positive" effects; just as globalization has desirable and undesirable impacts, so does blurring (Scholte, 2000; Held and McGrew, 2002). While in its more constructive forms, such as the EU, it arguably produces many goods, it potentially has more problematic variants, such as in the case of Jackson and Rosberg's (1982) negative sovereignty argument in Africa and/or the more problematic offshoots of globalization (e.g. transnational terrorism).

Furthermore, with respect to the power/authority coin, the possibility for blurring globally creates debates over legitimacy globally. As foreshadowed by the EU example, by upsetting sovereignty, blurring also upsets the normative structures developed under it. There are again two sides to the story. In the first case, there is a problematizing of the old. For instance, representative democracy is understandably harder without clear political centers, strong national bonds, and with increasingly mobile populations (Kymlicka, 1999; Dahl, 1999; Nye 2001). Moreover, the evolving human rights culture has problematized non-intervention principles such that certain ethical breaches are now deemed beyond a state's rights.[35]

In the second case, the failure of the old compels one to ask what new forms of legitimacy are necessary (Habermas, 2001a; Held, 2002a, 2002b; Linklater, 2007; N. Walker 2010). In that regard, some have attempted to deal with the effects of blurring via the development of more open forms of democracy (McGrew, 2002). Others note the

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[35] This does not mean that human rights are always respected. The point is that even the most atrocious states generally pay lip service to human rights (Donnelly 2007).

need for updated forms of citizenship based less on soil or blood and more on interests and discourse (Linklater, 1998a, 2008b). Irrespective of how legitimacy is achieved, however, the basic fact remains that because blurring is a jurisdictional process, it must have a normative underpinning. While, as was the case in Europe, a return to power relationships remains a possibility, the critical question going forward is *how legitimacy ought to develop in an era of differing, potentially conflicting, and contextual who, what, where, how, and over whom determinations*. And, again, that means having the analytical outlooks necessary to appreciate and understand those alterations (next chapter).

Jurisdictional variability

In making those points, a critical clarification must be made. *While there certainly are examples of blurring outside the European case, instances certainly remain that do not reflect blurring*. Blurring does not permeate every political and socio-political structure and relationship globally, and where it does not, the other three possibilities remain valid. [36] Moreover, insofar as each of them remains possible, the inside/outside, inclusion/exclusion, and domestic/international separations retain a degree of empirical viability and analytical usefulness (again, next chapter). Thus, and as chapter 1 noted, whereas some globalization theory risks over-emphasizing their arguments by assuming a complete flattening and interconnecting of the world, non-blurred structures and relationships continue to persist and must be taken into account. In simpler terms, understanding *jurisdictional variability* is critical.

As an example of this, one need only illustrate the continuation of sovereignty-based setups. In that regard, it certainly seems to be that case that the relationship between, for example, the US and North Korea operates more along the lines associated with classical assumptions about a sovereign jurisdictional form than those of blurring. In that relationship, the number, scope, and method metrics all appear to operate in their sovereignty-defined ways – the state is the controlling actor, territorial borders are patrolled and protected, and relations are dictated by traditional forms of diplomacy and practice. A clean, clear, and static domestic/international separation exists – a setup fundamentally dissimilar to the blurring one between EU member-states.

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[36] The argument for breakdown would essentially be an argument for the formation of a world state – something Wendt (2003) argues is not only possibly, but "inevitable". While this study does not take sides in that debate, the possibility for global breakdown must remain in one's analytical toolbox.

In making this distinction, one might be tempted to argue that it simply confirms Wendt's point that anarchy is "what states make of it" and that the norms, values, and identities shared between the UK and France produce a different type of anarchy than between the US and North Korea (Wendt, 1992). Nevertheless, while anarchy may be what states make of it, saying that there are different types of it based on the existence/non-existence of certain sets of common identities fails to address blurring insofar as it remains wed to sovereignty *of some type*. There may be relationships defined by varieties of anarchy (and by extension hierarchies), however there *also* might be areas in which sovereignty is not the operative issue and where political and socio-political life is fundamentally blurring. In those situations, not only is the anarchic/hierarchy binary misleading, the domestic/international separation is nonsensical as foreign/domestic divisions cannot readily or reliably be established.

Thus, returning to the issue spurring this discussion, it is possible to have both blurring and non-blurring scenarios occurring on a common global map – a setup that appears closer to Rosenau's bifurcated world than varieties of anarchy.[37] That being the case, it is necessary to be analytically sensitive to both scenarios, including when each becomes more or less likely, without being beholden to either. While that is picked-up in earnest in the next chapter, the point is that multiple jurisdictional processes can co-habit a common global map – traditional international relationships existing in some areas, in some circumstances, and between some actors and blurring ones in other areas, in other circumstances, and between other actors. Therefore, blurring ends up being critical as a force unto itself, but also an example of jurisdictional variation within the global setup. And that naturally opens the door to asking how one might actually go about descriptively, analytically, and even disciplinarily mapping such a world.

Conclusion

Based on the arguments made in this chapter, as well as more fully throughout the study thus far, one arrives at a situation akin to Strange's (1996) memorably named "Pinocchio's problem" – for, once Pinocchio grew up, he no longer had his familiar set of strings to help guide his actions and make his decisions. In much the same way, once

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[37] This may not be a perfect analogy insofar as Rosenau is willing to attribute a degree of permanence to bifurcation. That may be true. However this study does not leverage a prediction with respect to longevity.

the guiding strings of a uniformly sovereignty-based jurisdictional world are cut – or, perhaps more appropriately, once some are cut, others combined, and yet others created anew – old assumptions about the movement and the mapping of international relations are thrown open. The possibility for jurisdictional blurring and, with it, jurisdictional variation forces reflection on questions as basic as they are provocative: What and where are domestic zones? What relationships constitute them? How does one map them? What and where is the international zone? What relationships constitute it? How does one map it? Can one divide political and socio-political life into discrete levels? What new actors, scopes, and methods emerge? What new forms of legitimacy are needed?

Based on those questions – questions one is compelled to ask due to blurring and jurisdictional variability – the study's next, and final substantive chapter focuses specifically on what sort of new guiding strings might be fashioned. It asks what shifts in focus and terminology are necessary to better describe, analyze, and study the contours and conduct of contemporary political and socio-political life and thought under blurring. In doing so, one sees that the re-mappings performed under its context prove beneficial – beneficial to the extent that they better bring together theory and practice, beneficial to the extent that they offer more appropriate and more useful analytical languages, and ultimately beneficial to the process of rethinking disciplinary divisions in more sensible and efficacious ways.

Chapter 6 – Mapping jurisdictional change

Introduction

If the previous chapter was concerned with providing an operationalizable, process-based conception of blurring, this one is interested in tracking why that shift in concept and language is critical. To do so, it turns to and develops the idea of mapping – mapping as a method of structuring the debate as a whole as well as mapping as a means of illustrating how one might navigate through the substantive impacts of blurring. To accomplish those tasks, it analyzes three distinct, but ultimately interrelated, mapping types – what it terms as *descriptive mapping*, *analytical mapping*, and *disciplinary mapping*.[1] In each case, blurring is the key concept at play with the core question being how its tenets impact the particular mapping type in focus.[2] Moreover, in each case, blurring is looked at both as a conclusion in and of itself (mapping *blurring*) as well as one possible jurisdictional type among others (mapping *jurisdictional variability*).

In the first case, the chapter deals with descriptive mapping. In doing so, the focus is on how the real-world effects of blurring alter perceptions about how political and socio-political life ought to be described. Thus, as is developed below, descriptive mapping addresses how one might best illustratively capture the jurisdictional claims and even conflicts and overlaps that arise out of blurring. In doing so, it also tracks how one might map a world in which some areas operate under blurring's logics while others remain largely sovereignty-based; how to depict jurisdictional variability. Put together, descriptive mapping is really all about re-mapping those classic, sovereignty-based, colorful classroom maps in ways that acknowledge, accept, and incorporate blurring specifically and jurisdictional variability more generally. Because the focus is on illustrating the real-world impacts of the blurring finding, descriptive mapping is not directly concerned with achieving overall analytical leverage – a distinction, as is

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[1] Drawing these distinctions is done primarily for heuristic purposes. All three ultimately play off of each other such that descriptive re-mapping logically necessitates an analytical one and an analytical one a disciplinary one.

[2] It is important to note that IR does not always recognize these differences. Because IR analytically and disciplinary needs the political and socio-political worlds to look a certain way, its analytical and disciplinary readings have become reified creating a theory-practice gulf that must be fixed. See below.

returned to below, often forgotten under sovereign mapping. As the name implies, the focus is on generating accurate description, not analytical purchase.

In the second case, the chapter does then deal with analytical mapping, which, as the name implies, is concerned with determining how one might logically map the changes brought on by blurring and jurisdictional variability in analytically useful ways. For it, the main concern is determining what blurring entails for the leveling assumptions inherent to the sovereign-based approaches used by IR. Thus, whereas descriptive mapping was all about offering a vision of the on-the-ground impacts of the blurring finding without direct concern for achieving analytical purchase for those maps, analytical mapping is about locating and defining the key variables and new languages that are necessary in the process of analyzing and organizing the study of modern political and socio-political life. As one sees, that requires adopting very different kinds of ontological starting points than those found under sovereignty-based, leveling perspectives.

In the third case, the chapter deals with disciplinary mapping. Again, as the name implies, under it the emphasis is on how the descriptive and analytical changes brought about by blurring and mapped in the first two sections impact, most directly, mainstream IR, but also more general beliefs about how political and socio-political phenomena ought to be academically approached. Thus, the primary concern is how blurring impacts academic divisions of labor – both what challenges arise as well as what alternatives might be necessary. In the end, the study concludes that blurring necessitates holding disciplinary boundaries "in suspense", thereby prompting and promoting both a greater degree of pragmatism and pluralism within international thinking and beyond.

Altogether, the series of re-mappings presented in this chapter represent the necessary, appropriate, and ultimately more useful guidelines to understanding the dynamics of modern political and socio-political life and thought given blurring. Reflecting back on the study's initial question of whether the domestic and the international realms are really separate entities requiring separate conceptualizations, the blurring illustrated in Europe ends up being both the challenge and the response – the challenge insofar as it problematizes the adequacy of traditional maps and the response insofar it helps structure the new logics and the new perspectives through which new maps are developed.

While some may criticize blurring for its perceived penchant for and acceptance of analytical ambiguity, outcome inconclusiveness, and high degrees of contextualization, the maps developed in this chapter are the forceful reminders not only that blurring is a fact of contemporary life that must be dealt it with, but also that understanding it and its effects can be organized in descriptively, analytically, and disciplinarily sensible and efficacious ways. In the final analysis, the chapter answers the question introduced at the outset of the study – how does jurisdictional change affect IR's ability to make sense of political and socio-political life and thought – by providing a new and more useful set of descriptive, analytical, and disciplinary ways forward derived from, based on, and filtered through the blurring finding.

Mapping mapping

Prior to going into the specifics of what shifts in thought and language blurring prompts, it is necessary to briefly develop the importance of mapping and maps as the undergirding concepts of the chapter. Beginning with a terminological issue, there are two subtly different terms at play – *mapping* and *map*. With the term "mapping", the focus is on the practices, procedures, judgments, and/or methods one uses in the process of creating a map. In a study devoted to the topic, Dorling and Fairbairn (1997: 39) write that mapping involves "decisions on what features to include, whether to exaggerate, displace, and classify them, and how to symbolize and simplify them…".

In saying that, it should be stressed that because mapping involves choices of what to and what not to include as well as how to depict those selections, *it is an unavoidably subjective activity*. In other words, however one does it, mapping is not a purely "analytic" or "academic" endeavor and eventually always involves making judgments as to what factors to focus on, what factors to exclude, and therein how to depict those various choices. Branch (2011a: 7) writes, "Maps and mapmaking are never value-neutral scientific practices". For present purposes, therefore, the key debate is over what practices, procedures, judgments, and/or methods provide the most appropriate and most useful means of understanding modern political and socio-political life in the context of blurring – whether in and of itself or through its role in creating jurisdictional variability.

If mapping focuses on processes, "the map" reflects the artifact. While maps are often geographic and spatial in nature, neither is a necessary feature and they increasingly take

on more interactive, multidimensional, and even non-physical properties (e.g. three-dimensional brain mapping and/or mental maps) (Dorling and Fairbairn, 1997). In a technical sense, maps generally contain a number of explanatory elements, such as a key/legend, scales, and other signifying devices (though none of these components are necessary and one might encounter some, others, or none at all). In making the distinction between mapping and maps, the critical point is that the latter represents a stabilization of the former such that mapping logically precedes the map. In a similar way, the initial focus of the following sections is on descriptively, analytically, and disciplinarily mapping blurring. Nevertheless, the artifact – the map – is never far off and becomes the focus.

With those terminological points as guidance, the door is open towards addressing a more important question: why mapping is traditionally performed/what are maps conventionally used for? On one level, the response is commonsensical insofar as maps, of all types, are commonplace aspects of everyday life. From this view, mapping is done and maps are used to deliver a measure of information in an assessable, likely visual, manner. For instance, not only does one find the international map cited throughout this study in virtually every school classroom and used to impart knowledge about the world's political structures, but one frequently also encounters maps depicting transportation lines to help with travel, weather to guide clothing choices, and landmarks to direct tourists around a city. Whatever the type of map one encounters in their day-to-day lives, from this commonsensical point of view, their goals are largely the same – to offer a symbolized depiction of reality (or a section of it) in a way that informs and furthers knowledge about that reality (or a section of it).

If that is the commonsense purpose of maps, on a deeper level, and what seems to underlie the nature of mapping itself, is a desire to balance simplicity with complexity and accessibility with depth. As such, mapping might be considered as the pursuit of a middle ground between the austerity of unrestrained analytics and the virtually unlimited particularities that exist in any specific empirical situation. This means that all maps contain intentional limitations, whether by focusing on a specific issue at the exclusion of others or through simplification in the name of accessibility. Maps both *describe* and *ascribe* knowledge. They describe – reflect – it based on the content of that which they are representing. They ascribe – create – it based on their ways of presenting it.

In saying that the purpose of maps is to carve-out a middle ground between parsimony and complexity, the argument is not that maps are pejoratively "simplistic". Of course, it may be the case that a map simplifies in the name of accessibility. London's public tube map is no doubt more "basic" than the engineer's map. However, it may also be the case that a map contains a great deal of detail and attempts to create a very accurate image. For example, one can easily imagine roadwork teams using very precise maps of the locations of underground sewage, water, and electrical lines. Nevertheless, even in the cases in which a map stresses actuate depiction, it remains subjective insofar as it ignores factors not relevant to its overall purpose. Those, in one sense, highly detailed roadwork maps undoubtedly fail to consider things that a tourist map might.[3] Thus, while some maps simplify to create easy-to-understand snapshots and others contain a great deal of detail for a specific purpose, *all maps submit to some form of distortion*. The task is finding the proper balance between the need to represent reality – to depict knowledge – and the need to do so in a way that achieves the greatest measure of analytical purchase over the issues most relevant to one's goals – to ascribe knowledge.

Bringing this back to the issue at hand, the arguments presented in this chapter, whether in the descriptive, analytical, or disciplinary context, are attempts to build updated maps of modern political and socio-political life and thought given blurring. In doing so, the argued shift from older to newer versions is seen as vital for purposes of *both* depiction – to better bring together theory and practice – as well as ascription – to allow for more interesting and more useful perspectives. Indeed, both processes ultimately reinforce each other. A judgment is therefore made that the changes brought on by blurring transform political and socio-political setups to such an extent that new maps to better describe, analyze, and organize thought about them is necessary.

One would be remised not to make clear *that at no point are any assumptions made that these re-mappings will – or are meant to – unite theory and practice*. As noted above, all maps are subjective such that none depicts everything. Moreover, as Hay (2010: 23) pointed out, "[As social scientists] [o]ur task is not to hold up a mirror to reality – and, hence, to reflect its ontological complexity – but to build and trace narrative paths through it". Accordingly, the chapter's most important goal is gaining analytical

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[3] It is worth noting that insofar maps are normally thought of as static devices, they also risk becoming outdated with changing circumstances – a point returned to the context of the need for dynamic mapping.

purchase over the complexity coming out of blurring. Even the descriptive mapping that takes place and where precise depiction is privileged remains a simplification to the extent that it too makes choices as to what and how to portray on-the-ground circumstance. Thus, while all the re-mappings done below model very different arrangements from those traditionally used by and in IR, they remain similar to them insofar as they are subjective entities themselves. The argument is simply that they offer a better balance between parsimony and the substantive, real-world changes and complexities coming out of blurring.

Descriptive mapping

Having outlined what mapping and maps mean, the first task is sifting through how the tenets of blurring influence modern descriptive political and socio-political maps. Again, the goal is determining whether a new type of map is required and, if so, how one might define it. Prior to going into how one might actually do that, it is worth reiterating what descriptive mapping means, particularly in the context of the points made about the nature of mapping/maps. On one side, the stress of descriptive mapping is accurate depiction of real-world circumstance. In that sense, it is about re-mapping those sovereignty-based, colorfully drawn classroom maps in ways that incorporate blurring and jurisdictional variability. On the other side, while the study has been clear that it is problematic to draw a strict separation between what are sometimes termed the "real" and the "academic" worlds (and while that belief continues to be in effect), descriptive mapping purposefully skews the debate in favor of making a division in order to emphasize the extent of the on-the-ground changes produced by blurring – irrespective of the high levels of intricacies that results from it. Though all mapping is subjective, descriptive mapping biases towards depiction when compared to analytical and disciplinary mapping. Whatever knowledge is ascribed ought to therefore be more about the nature of "real-world" structures than academic usefulness.

Descriptive challenges

With that as the goal, the traditional international political map depicts states along clearly and cleanly divided sovereign, inside/outside borders. Moreover, the assumption is that individuals are socio-politically located within those units via the inclusion/exclusion effects of state citizenship such that one line denotes the territorial,

political, and socio-political boundaries of the unit – of the state. This bundling works, of course, insofar as there are pre-established beliefs about the number, scope, and method metrics – one, territorial, and statist – as well as an accepted form of socio-political inclusion and exclusion – state citizenship. Sovereignty is the assumed jurisdictional standard – a standard, one might add, that is uniformly applied across the globe.

Given that standard, however, blurring levels three key challenges. First, it reflects the development of an alternative, non-sovereign jurisdictional type. As the previous three chapters established, blurring is at odds with sovereignty and state citizenship. The European case offers a different resolution to the jurisdictional problematique via it own unique positions with represent to the number (who), scope (what, where, over whom), and method (how) metrics as well as individual-polity relationships. It rejects the quadripartite response to the problematique occurring under a sovereign jurisdictional form by developing an alternative with more than one actor, varying, possibly conflicting and overlapping scopes, and multiple methods of administration. It also rejects the simplicity of the either/or, inclusion/exclusion dimensions of state citizenship, instead stressing the marble-caked nature of European socio-political relations.

Second, blurring challenges sovereignty as the *singular* solution to the problematique. On the one hand, there are cases in which blurring is *the* jurisdictional conclusion and in which blurring *replaces* sovereignty (e.g. Europe). On the other hand, one also sees situations in which sovereignty remains more or less intact. Thus, as chapter 5 noted in the context of Rosenau's (1990) bifurcation setup, blurring is not ubiquitous and, where it is not in play, other jurisdictional options remain viable. Just as a singularly sovereignty-based map is incorrect, so too is a singularly blurring-based one. Sovereign mapping cannot simply and simplistically be replaced with a new, but still uniform, mapping process. The task is depicting *jurisdictional variation*.

Third, irrespective of whether blurring is the conclusion or not, its process-based tenets challenge the "staticity" common to sovereign mapping. As chapter 5 noted, the term "blurring" was used to capture its dynamic nature and the potential for change. Accordingly, if one takes process-based arguments seriously, then they ought to apply across the board. While the reasons for stressing blurring "the process" were, in some respects, linked specifically to its tenets (the fact that it contains a measure of jurisdictional restlessness), the underlying point is more expansive having to do with a

more general need to recognize the potential for change in global life. Therefore, whether new or old, blurring or sovereignty-based, *any* stationary map is inconsistent with the dynamism of the global environment. Descriptive mapping must leave room for potential shifts to and in political and socio-political setups – and with them transformations to jurisdictional forms.

Descriptive re-maps

If blurring yields those challenges, the question is how to re-map a world in which blurring exists as a specific conclusion, a world in which blurring and sovereignty coexist, and a world in which change is an ever-present possibility. Taking each in turn, descriptively mapping blurring as the independent conclusion requires, first and foremost, accepting the shift away from sovereignty-based setups to blurring ones. As the definition of blurring laid out in chapter 5 made clear, under it, one cannot neatly bundle together territorial, jurisdictional, functional, and socio-political factors. One cannot depict all of them with a single, static black line. That would, simply put, not be an accurate portrayal. By the same token, if accurate depiction is the goal, mapping blurring requires depicting the variability and intricacies – including the potential for conflicts and overlaps – associated with blurring. Accordingly, a blurring map would include a number of necessary elements.

First, it would include a means of depicting all the jurisdictionally impactful actors – statist or otherwise. Second, it would include a means of depicting the extent of those actors' jurisdictional roles, spatially and functionally, including the possibility for conflicts and overlaps between actors over particular functions/in common spaces. Third, it would include a means of depicting the various methods of administration, particularly whether they are formal or informal. Fourth, it would include a means of depicting the various socio-political relationships at play, both rights based and symbolic. Fifth, insofar as there is a possibility for different legitimacy structures underpinning the actions of the various actors (e.g. the basis of legitimacy for EU jurisdiction in external governance is different from that of a member-state's over tax law) all of this would have to include a means of depicting where and when different legitimacy types come into

play (see below). Finally, being process-based, it would have to include a means of depicting the dynamism inherent to the jurisdictional form as a whole.[4]

Whatever the artistic tools and techniques one uses in those regards – and this study does not pretend to have the tools to illustrate such a process – mapping blurring must ensure that all four tangible issues (number, scope, method, socio-political relationships) are included in ways that depicts the variability and dynamisms associated with them. Moreover, because there are likely different normative structures underpinning different actor scopes and functions, one must illustrate not only *where* jurisdictional lines fall (and perhaps conflict), but also *why* and on *what bases* they do. Indeed, without illustrating why an actor has jurisdiction in any specific case, there is no way to determine whether it is jurisdictional (which has a normative underpinning) or merely a power relation (which does not). In all those ways, mapping blurring would understandably and necessarily take on a highly descriptive and contextual character to ensure that all the various components and their interactions are addressed.[5]

In saying that a thickness of description is necessary to map blurring, one must be clear that *it is not merely a matter of creating a more detailed map compared to a sovereign one* (though that certainly is the case). Rather, high levels of description are the unavoidable by-products of the political and socio-political complexity, variability, and dynamism coming out of blurring. Indeed, the need to take *all* of those aspects into account is what fundamentally sets the mapping processes needed under a blurring jurisdictional form apart from the relative simplicity of the inside/outside, inclusion/exclusion, and domestic/international lines found under sovereignty. The fact that descriptively mapping blurring requires one to be more detail simply reflects the real-world complexity at play.

Having looked at mapping blurring itself, one can shift perspectives and ask how the possibility for it – jurisdictional variability – affects descriptive dynamics. On one side,

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[4] This is understandably a big task. Nevertheless, certain factors must be kept in mind. First, as noted earlier, the purpose of any map is likely to be case specific. As such, even (highly detailed) descriptive mapping likely has limits. Second, as also noted earlier, this discussion of descriptive mapping is primarily concerned with establishing the necessities need for accurate depiction – not generating analytical worth. As such, while that is an undeniably large task, the purpose of the exercise *is* simply to illustrate all the factors that must be taken into account – irrespective of the resultant complexity.

[5] This is also critical as not all instances of blurring are necessarily the same. See analytical mapping.

as blurring in Europe illustrates, any map that fails to incorporate its logics fails to offer an accurate picture. On the other side, because blurring is not ubiquitous, any map that depicts only it without taking into account non-blurring jurisdictional types, including sovereignty, is also problematic. In saying that, the two options highlighted thus far been blurring or sovereignty. However, the argument is more wide-ranging and allows for any number of alternative setups based on any number of different resolutions to the problematique (Rosenau, 1992). While this study does not track all those possibilities, it is firm that, just as one cannot assume that all setups are sovereignty-based, one cannot assume that all are blurring *or* sovereignty-centered either. Descriptive mapping must recognize and incorporate jurisdictional diversity. And that means bringing *the problematique to the forefront as the means of creating the space necessary for hosting the variety of political and socio-political structures and relationships that might develop and that would need concurrent depiction.*

Saying that jurisdiction is the key to mapping raises the question of how one actually determines the nature of any particular setup; where and when a given setup might be blurring versus where and when one might remain sovereignty-based (or something else). While this study does not map every instance, *a failure to take into account the potential for variation fails to map correctly.* Of course, one is not rudderless in that process. In the grandest sense, the problematique offers the initial question. In a more applied sense, the number, scope, and method metrics as well as citizenship debates reflect the core variables. Indeed, the process used to examine Europe in this study is a prime example of how one might determine jurisdictional type in any particular instance. To foreshadow a point made in the analytical sections that follow, the need to undertake those sorts of in-depth, case-specific examinations underlines why descriptive examination must occur prior to the application of any analytical logic/precept.

Finally, due to blurring and variability, descriptive mapping mandates shifts away from the singular application of static, sovereignty perspectives towards jurisdictional centrality and sensitivity. In the first case, the intricacies and processual nature of blurring mandates complex, dynamic, and illustratively rich procedures in which the number, scope, and method metrics as well as socio-political connections and legitimacy debates are all taken into account. Again, that high level of detail is not merely about creating detail for detail's sake. Mapping blurring *requires* a thickness of description in

order to capture the complexities and dynamisms constitutive of it. In the second case, jurisdictional variability means that maps must retain sensitivity to coexisting and changing jurisdictional forms. And that requires maintaining, but not being beholden to, the variety of mapping techniques – in this case, sovereignty and blurring based procedures – needed to depict the various forms that might exist.

In this context, it might be said that these new maps exist less as static prints made up of bundled black lines to be hung on a wall and, very much in line with the technology revolution at the heart of the globalizing processes driving many of changes reflected by blurring, more as interactive displays. Nevertheless, *however one actually constructs such maps*, the complexities and dynamisms associated with blurring mandates using techniques that can accommodate the thicknesses of descriptions, and the variety needed, essential for accurate portrayal. While remembering that any map is a representation of a more complex reality and that the goal of social science is to achieve some degree of analytical purchase over it, when it comes to highlighting the descriptive properties of blurring on mapping, thicker, more contextual, and more interactive portrayals are the inescapable by-products of a changing, more intricate, and more complicated world.

Analytical mapping

Having made the connection between blurring and descriptive mapping, and developed an updated vision based on that relationship, one can turn to the related issue of what that means for analytical understandings. It is worth repeating that while analytical mapping is the logical follow-up to descriptive mapping, each focuses on a slightly different issue, the latter on organizing the real-world impacts of blurring without direct concern for "academic" usefulness and the former making sense of those changes in ways that generates analytical purchase over them. In that regard, the descriptive effects of blurring necessitate adopting very different analytical starting points than those used under sovereign mapping – starting points that better bring together theory and practice; that create the conceptual room to debate issues that otherwise risk being stymied and/or skewed under traditional mapping; and that are better able to deal with political and socio-political change.

One can again start with a snapshot of traditional analytical mapping. As has been implied throughout the study, IR's maps typically assume that political and socio-

political life can appropriately and usefully be divided into distinct levels of analysis based on varying degrees of analytical depth – things achieved through its assumptions about the inside/outside, inclusion/exclusion, and domestic/international separations. The tactic has been to deconstruct political structures and socio-political relationships into different "levels" based on those separations in order to both generate interesting debates about them as well as to achieve overall analytical purchase over them (Onuf, 1995).[6] For IR, that meant constructing domestic levels – sovereign states populated by citizens – on the one hand and an international level – states in anarchy – on the other. Onuf (1995: 52) writes, "Levels endow each field of study with primary units that we can treat as unproblematically simple". Indeed, it was by mapping in such a way that allowed IR to carve-out its distinctive subject matter.

To be clear, saying that levels are explanatory devices constructed and deployed to reflect varying degrees of analytical depth does not mean that they are *merely* academic creations. Done properly, they should, to some degree, be reflective of the underlying empirical conditions of which they seek to help understand. And, it must be said, that has largely been true of IR's levels insofar as sovereignty is a long-standing feature of political life. Ruggie (1993: 159, emphasis in original) notes that because sovereignty allows political action to be defined "*as it appear[s] from a single fixed viewpoint*", notions of distance, space, position, *and levels* are all proper and useful metaphors. By bundling territorial, jurisdictional, functional, and socio-political borders together, sovereignty offered the single, fixed vantage point from which one might map different levels of analysis and therein construct the domestic/international binary. Thus, saying that levels are analytical constructs does not mean that they are wholly divorced from reality. As Ruggie's point establishes, the domestic/international mapping process makes sense in an environment in which sovereignty is the structuring norm, and therefore in which single, fixed viewpoints are possible.

Analytical challenges

Problems arise, however, if one loses sight of the fact the leveling ultimately *rests on a particular empirical underpinning* – in this case, the sovereign state. Thus, while Ruggie

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[6] Leveling also has the effect of guarding against what Campbell (1969) terms "Leonardoesque aspirations" – the impossibility of gaining expertise across the multiple schools. See below.

(1993: 144) accepts that leveling is possible under sovereignty, he is very clear that it is *sovereignty specifically that permits the tactic*; that *sovereignty* is "the doctrinal counterpart of the application of single-point perspectival forms". Sovereignty is *the* factor that makes the inside/included/domestic and outside/excluded/international levels appropriate. Logically, therefore, a shift away from it and the single, fixed perspectival form it allows for would necessitate a similar shift away from the leveling processes formed through it. And, to the extent that the empirical rationales for using a particular analytical perspective falter without a corresponding change in perspective, what starts out as a convenient and useful way of framing a debate risks becoming divorced from, and a blinder to, understanding the setups it was originally meant to deal with. Rather than being an organizational tool linked to, but separate from reality, leveling threatens to become constitutive of that which it was meant to help comprehend. IR's descriptive and analytical maps combine, resulting in the reification of both. The theory-practice *balance* negates as it *merges*.

To stress, that sort of reification risks stymieing and/or skewing appreciations of issues that need debating, but that do not readily fit into established parameters; issues critical to modern life, however issues that require recognizing and incorporating the descriptive changes that have taken place into analytical perspectives (see below). In this respect, while IR's dichotomies *have* helped structure thinking, and therein advance knowledge, they have done so precisely by limiting the questions asked and organizing the means that the answers are arrived at (Peterson, 2000: 74). Again, *that is not automatically "bad" and IR cannot be for everything and everyone*. Nonetheless, the issue is whether its dichotomies, and the analytical limits coming out of them, remain appropriate and useful given the increasingly complex and dynamic nature of modern descriptive maps.

In asking that, there are two interrelated issues at play. First, there is a problem of *appropriateness*; whether domestic and international leveling has become reified such that it is no longer reflective of/too divorced from on-the-ground circumstance. Second, there is an issue of *usefulness*; whether that theory-practice rift and the continued used of sovereignty-based leveling stymies and/or skews appreciations of otherwise critical debates. Jointly, the question is therefore whether leveling and the dichotomies constitutive of it are more conceptual prisons than useful tools of understanding and explanation. Ruggie (1993: 172) writes, in the context of the EU specifically, the debate

is what happens when it is "difficult to visualize the conduct of international politics among community members, and to considerable measure even domestic politics, as though [they] took place from a starting point of [27] separate, single, fixed viewpoints?"

With those issues in mind, because blurring rejects sovereignty as well as challenges its position as the sole structuring arbiter of political and socio-political life, it quickly becomes clear that it generates serious problems for leveling. As the descriptive mapping sections developed, by rejecting the relevance of sovereignty in cases of blurring (e.g. the EU) as well as sovereign setups globally ubiquitous (e.g. bifurcation), blurring necessitates maps sensitive to the complexities and dynamism of jurisdictional variability. Analytically, because leveling requires the single-point perspectival forms offered through the tenets of sovereignty, and because blurring negates the ability to always define them, one's ability to construct a domestic versus an international level is problematized.

It is precisely that fact that leads Ruggie (1993: 171), specifically, to conclude that the EU may constitute the first "multiperspectival polity" and "truly postmodern international political form". While not adopting the full extent of that argument's imagery, the underlying point is sound. Blurring reflects the EU's multiperspectival nature and therefore the dangers of applying a single-point, leveling approach to it. Moreover, while blurring does not occur everywhere, the possibility for it somewhere reflects the problem of uniformly assuming sovereignty-based logics apply across the spectrum of global life. Failing to make a shift away from leveling risks stymying and/or skewing critical debates due to an inability to shift out of a sovereignty-based shell and recognize the multitude to jurisdictional forms that might exist.

Analytical re-maps

If blurring and leveling are incompatible, the issue becomes what new analytical maps might be developed. There are four main possibilities. First, insofar as determining what is domestic and what is international becomes challenging, the resolution might simply entail a re-leveling process based around thinner analytical cuts – in effect, an application of the stratification option. Second, instead of re-leveling around thinner cuts, one might shift the issue entirely and focus instead on the rules governing the system as a whole, as institutional approaches do. Third, one might attempt to "bolt-on" addendums to the

existing approach to deal with blurring. Finally, blurring may require a wholesale rethinking of leveling and the development of new analytical maps altogether.

Taking each option in turn, the first attempts to deal with the complexity coming out of blurring by adding more levels above, below, and/or between the domestic and international ones in order to create thinner, and therefore ideally more accurate, analytical slices. Thus, one might define a local level, a regional level, and a global level in addition to the existing international and domestic ones. On the one hand, this approach would not necessarily negate traditional methods or IR's analytical purchase as a domestic/international cleavage would still exist. On the other hand, it would tighten its remit by adding more levels. The analytical response to blurring would therefore entail constructing more targeted understandings via more detail levels.

While this option is cogent, the rationales for adopting it are not persuasive. As chapters 3-5 made clear, under blurring, leveling of any scope fails as it does not take into account the substantive and substantial differences between blurring and stratification. While stratification accepts that political and socio-political life has become more intricate and attempts to accommodate for that by making thinner cuts, because it does not take note of the intermediacies, indeterminacies, and processual forces present, it remains wed to the notion that there is a singular position from which all those levels – new and old – might be drawn. Mapping thinner slices might be more effective than assuming setups are either domestic or international, however by not accounting for the differences between blurring and stratification, it fails to grasp the critical contents of blurring. It does not bring theory close enough to practice.

Moving to the second option, instead of developing thinner levels, one might disregard leveling altogether and focus on the institutions – the formal and informal "rules of the game" governing political and socio-political action (Jupille and Caporaso, 1999; Aspinwall and Schneider 2000). Outlining what this means Jupille and Caporaso write,

> Comparative and IR scholars are increasingly using institutional analysis, making common cause with the notion that institutions matter. It matters less whether politics occurs within or among nations. What matters more is that politics occurs within a framework of mutually understood principles, norms, rules or procedures – that is, within an institutional context. Institutionalism, for its proponents, promises a logic that can unify the analyses of politics and policy making at and across level of analysis, contributing to the increasing transcendence of the traditional comparative-IR divide (Jupille and Caporaso, 1999: 30).

In offering that snapshot of institutionalism, one should be clear that the approach may be useful when it comes to assessing why a particular decision is or is not taken (and therein tracings the causal processes leading to it) without being unduly constrained by levels. In that sense, like stratification, it is an improvement over the assumption that political action must occur in either the domestic or the international realm. Nevertheless, wider justifications for adopting the approach are problematic.

First, insofar as the focus is placed on the role institutions have in explaining the policy-making process, less consideration is often given to socio-political issues, especially their symbolic aspects. As such, it risks missing a major component of blurring. Second, because the concern tends to be the construction of causal narratives, institutionalism risks shortchanging the more holistic implications of blurring – both its stresses on the political *and* socio-political factors as well as its position as *a specific resolution to the problematique as a whole*. While institutional thinking may be helpful in determining why/how a specific policy arises, and in that sense might be deployed to assess the operational dynamics of the number, scope, and method metrics, it seems less useful to establishing an overall perspective on the broader issue of jurisdictional type. In other words, one might deploy it *within* a situation of blurring, and therefore it is not incompatible with it. However, being an explanatory tactic, it seems less useful in making integrated, holistic jurisdictional determinations in their own right.

The third option depicts a "bolt-on" process in which a challenge to the norm is dealt with through the addition of an addendum (Palan, 2007). Bolt-ons accept that the traditional method – sovereignty-based leveling – is problematic, however maintain that it retains some overall utility. Describing the outlook Palan (2007: 52) writes, "Knowledge is supposed to be cumulative and we should resist, as far as possible, the temptation to throw the baby out with the bathwater". In offering that point of view, he cites Keohane and Nye's (2001) interdependence theory as an example – a model that accepts that the international system is sovereignty-based, however argues that realism fails to explain certain cooperative elements of it. As such, Keohane and Nye "bolt-on" a new focus – interdependence – to the existing realist framework to deal with those holes.

While this approach seems sensible, it encounters certain problems. First, because bolt-on theories generally arise due to a failure of the norm to deal with a specific issue, they risk being historically/issue limited. For instance, one might be able to deal with

European blurring via a bolt-on process, however doing so risks creating an overly introspective setup (a charge often leveled as ES) as well as failing to take into account the possibility for change. Second, by using a theory as a "toolbox, out of which one can take individual concepts and theorems depending on one's immediate goals, without have to worry about the rest of the theory", bolt-ons risk undermining the model they are being attached to (Palan, 2007: 53). For example, Palan argues that while Milner (1998) emphasizes the need to "relax" IR's unitary state thesis to better explain international outcomes through a domestic bargaining process, she effectively ignores it altogether. Third, because bolt-ons must walk a fine line between adding value without undermining their fathers, they may not actually deal with the issue at hand (e.g. stratification). Finally, to the extent that a problem has less to do with any one approach and more with the scope of the field itself, the issue may be less about *how* to level and more about the scope of IR's intellectual project (disciplinary mapping).

Given the problems with the first three options, one is left with the fourth possibility – blurring requires new analytical mapping procedures based on a more appropriate theory-practice balance. To establish these procedures, the study again elevates the importance of jurisdiction, arguing that analytically mapping contemporary political and socio-political setups, including blurring itself, requires funneling one's thinking through the problematique prior to the application of any theoretical or paradigmatic model. There are four main reasons for making this shift, and therein four reasons why a jurisdictional focus is more appropriate, more useful, and generates more analytical leverage than a sovereignty-based, leveling one.

First, analyzing political structures is impossible without dealing with the problematique. As noted in chapter 2, to the extent that political action constitutes more than power relations – insofar as it reflects at least minimal movement out of the jungle – debates about it are contingent on *some* resolution to the problematique. Of course, treating sovereignty as the assumed solution traditionally allowed those debates to take place. However, problematizing that vision in no way removes the importance of jurisdiction more generally. That does not mean that newer jurisdictional forms must be similar to the sovereign one. The solution might be blurring or it might be something else. Regardless of what the actual jurisdictional solution is however, if sovereignty fails and because political action is difficult to conceptualize without first establishing a perspective on the

problematique, it becomes the concern. The *empirical* issue of establishing jurisdictional type is therefore the precursor to determining the sort of *analytical* mapping to deploy.

Second, turning away from sovereignty and the leveling processes coming out of it towards one of jurisdiction generates the conceptual space needed for understanding both blurring and jurisdictional variation. In the first case, using jurisdiction to understand blurring primarily means using the number, scope, and method metrics as the key variables in assessing whether or not blurring is taking place (and, if it is, its nature). Harkening back to the definition of blurring provided in the previous chapter, when and where one finds more than one significant actor, complex, possibly conflicting and overlapping spatial and functional scopes, and multiple methods of administration, blurring is more likely to be the jurisdictional form than sovereignty. Moreover, when and where socio-political relationships are defined more by both/and and less by either/or blurring is more likely to be the conclusion than state citizenship. In that sense, a jurisdictional starting point offers the core variables through which one can judge when and where blurring occurs.

One should be clear that, in addition to helping determine *when* blurring occurs, a jurisdictional focus also help differentiate *between* types of it. In one sense, the dynamics of the blurring found in Europe and instances of it found outside of it (e.g. globalization) are similar. They reject the particular constellation of jurisdictional logics found under sovereign setups and replace them with the proliferation of relevant actors with varying, potentially conflicting and overlapping scopes, differing methods of administration, and complex socio-political relations. Nevertheless, they are also distinct insofar as their *specific* configurations of the number, scope, and method metrics as well as socio-political factors vary. For instance, while the ECJ and the ICC both challenge sovereignty, each does so in a different way. Indeed, difference in detail yet commonality in rubric underlines why a jurisdictional focus is an analytical and not merely an empirical argument. It is also why, in Weberian sense, the core of any investigation remains "in the details" (Thaddeus Jackson, 2011: 145). While jurisdiction can act as a guide towards asking questions about the ECJ or ICC, specific conclusions about them remains in their applications.

In the second case, because blurring and sovereignty coexist, one must make analytical sense of jurisdictional variability. The possibility for blurring and sovereignty means that

one's analytical gaze must be sensitive to both, but beholden to neither. Returning to the under-defined qualities of jurisdiction, the possibility for a plethora of resolutions to its problematique allows for that flexibility. To be sure, part of the "cost" of making this move is greater contextualization to determine jurisdictional type prior to the application of any paradigmatic or theoretical approach. However, that should not detract or distract from the necessity of holding jurisdictional structures in a stage of, at least initial, suspense.

In making that point − that one analytically must start with what is essentially an empirical debate − the study opens itself up to criticism, specifically that it conflates analytical and empirical perspectives. In other words, one might argue that while shifting the focus to jurisdiction may better bring together theory and practice, that issue is more appropriately discussed under descriptive mapping. Moreover, because the goal of analytical mapping is not to hold a mirror up to reality, but as Hay noted to trace narrative paths through an undoubtedly complicated reality, exact description is not the concern. The concern is achieving some level of overall, often generalizable, explanatory purchase on an undeniably complex situation.

While accepting that the purpose of analytical mapping is not to mirror reality, making jurisdiction the starting point to increase empirical accuracy remains analytically necessary. As made clear in the context of Ruggie's (1993) comments, analytical devices need to be, to some degree, reflective of that which they seek to conceptualize. Therefore, saying that analytical mapping needs to take into account jurisdictional debates is not to abandon hope of gaining any explanatory leverage over an intricate political and socio-political environment. Because blurring applies to a number of distinct empirical settings, it remains an analytical simplification. Stressing the need to engage with jurisdiction prior to the application of any paradigmatic or theoretical model is really about emphasizing the appropriate language to help reach, organize, and comprehend individual conclusions. Highlighting jurisdiction, and with it the possibility for both blurring and sovereignty, is therefore really about *rebalancing* the relationship between theory and practice to provide the best opportunities to make sense of the particulars of global life. In that sense, it remains analytical in intent.

Moreover, the third core reason for making jurisdiction the analytical starting point is that it proves not only more *appropriate* than sovereignty-based leveling, but also more

useful. It generates the conceptual room needed to debate issues that need discussion, but that risk otherwise being logically awkward and/or skewed under sovereign modeling. Thaddeus Jackson (2011) offers an entryway arguing that analytical devices (he uses the related concept of ideal-type) cannot be falsified as one would a hypothesis because, as ideal-types/analytical devices, they inevitably miss empirical nuance. Under them theory and practice are not, and are not meant to be, fully merged. Therefore, whether the shift from one device to another is good or bad is, at least partially, pragmatic. Judging whether a shift from sovereignty to jurisdiction is analytically beneficial rests on the degree to which it allows for more interesting and useful debates about contemporary issues. Thaddeus Jackson writes,

> The only meaningful way to evaluate whether an ideal-type is a good one or not is pragmatically: that is, to examine whether, once applied, the ideal-type is efficacious in revealing intriguing and useful things about the object to which it is applied (Thaddeus Jackson, 2011: 146).

To give this concrete meaning, one might consider how a shift from a sovereign to a jurisdictional starting point alters perspectives on a number of contemporary issues.[7] Two central, modern debates are the nature of legitimacy and the appropriateness of intervention. In looking at these topics, the goal is not to offer any firm conclusions about them. The goal is to illustrate how a shift in starting point allows for perspectives on each that are not constrained by sovereignty infused logics; how a shift in approach offers more vibrant and useful understandings than would otherwise be possible.

Looking first at legitimacy, there is no denying that it is an increasingly vital topic in instances of blurring (e.g. legitimacy in the EU) as well as in a jurisdictionally varied environment (e.g. legitimacy in a globalizing world). As the previous chapter hinted at, debating legitimacy from a context of sovereignty entails certain structural limitations, chief among them that the state is the primary political community through which human affairs flow. In saying that, the argument is not that all states, simply by being states, are legitimate in any particular action. Whether they are or are not is a more specific empirical question. The point is that because the state is the assumed analytical agent, there is an in-built belief that it is also the principal unit through which legitimacy is

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[7] Because jurisdiction allows for both sovereignty and blurring it does not negate the insights offered under sovereign logics. However, one must determine that sovereignty is in play prior to applying them.

discussed and might form. And, in the democratic sense, that has generally meant treating the nation-state as the unit through which democracy arises (Kymlicka, 1999).

Problems begin, however, when the possibility for establishing clear political and socio-political lines is absent, such as under blurring. Noting this potential Glencross (2009: 4, emphasis in original) writes, "Democracy, as a political principle ultimately seeking to make the exercise of power accountable to a *single* sovereign political community, poses an acute challenge to the successful functioning of an anti-hierarchical states union". In situations akin to blurring (Glencross' "anti-hierarchical states union" term) traditional sovereignty-based approaches to legitimacy-as-democracy are problematic as they bring with them engrained beliefs as to what it *must* resemble and how it *must* function (e.g. the need for clear borders and national citizenries). In the case of the Union, Glencross (2007, 2009) notes that tends to yield an argument in which increasing European legitimacy requires either greater presidentialization or increased direct democracy – both things incompatible with its blurring setup.

While both options may be viable means of fostering legitimacy *within a state context*, both risk "destabilize[ing] the EU order as they imply the establishment of a hierarchy of democratic legitimacy that is at odds with [its] continued ambiguity over sovereign status" (Glencross, 2009: 4). Because they attempt to, in effect, generate democracy by pushing the EU down a federal path and therein moving it towards a more traditional sovereign variant, they implicitly assume that to generate legitimacy, the Union *must* replace its blurring setup. The problem is that defining legitimacy from a state context is problematic in the EU as it is at fundamental odds with the Union's unique jurisdictional settlement; it is at odds with blurring. *The possibility for legitimacy developed specifically for scenarios of non-sovereign jurisdiction is hardly considered.*

Accordingly, understanding legitimacy in situations where there is neither a clear demos nor a clear jurisdictional hierarchy requires rethinking the form democracy takes *not simply the level at which popular sovereignty might be expressed*.

> When the aim is to overcome anarchy without replicating hierarchy, appeals to popular sovereignty will undermine foundational indeterminacy. *To maintain ambiguity over sovereignty and who the people are in a democracy fashion will require a solution to the problem of what form of democratic accountability is necessary rather than the designation of a level at which popular sovereignty can rightly be express* (Glencross, 2009, emphasis added).

Because blurring offers a different solution to the problematique than sovereignty – a solution which itself may require more than one form of legitimacy – understanding legitimacy under it requires rethinking the nature of it. That is hindered when done through sovereignty-infused contexts. While this study does not have the tools to determine what new forms of legitimacy ought to developed, the fact is that *whatever they are, they will only be arrived at by recognizing the blurring finding, operating through its context, and therein freeing oneself from sovereignty's structuring hold.*[8]

If legitimacy offers an example of why a shift away from sovereignty is useful in Europe, intervention offers a non-European context. On the one hand, it logics, including its ethical parameters, are typically rendered through a prism of sovereignty (Weber 1995). The very term flows from an assumption that there are clear lines across which a military/humanitarian/economic intervention might take place. As a possibility, it is contingent on there being established inside/outside borders that might be breached. Thus, whether one is for or against intervention in any specific case and for any specific reason, the entire debate revolves around an assumption that there is a sovereign line that should or should not be cross; that whatever happens, an inside/outside border is at stake. In that sense, sovereignty and intervention are interchangeable terms.

On the other hand, the question is whether a shift away from sovereignty towards jurisdiction allows for more robust interpretations of intervention in a situation akin to blurring. Setting the stage Weber writes,

> Intervention is a meaningful concept so long as it expresses a violation of state sovereignty. But what happens…when one cannot meaningfully speak of state sovereignty? What happens when state boundaries cannot be stabilized, domestic communities cannot be identified, and a transference of authority from a citizenry to a state government cannot take place?...[C]an one meaningfully speak of states, sovereignty, and intervention practices in the absence of clear foundations? (Weber, 1995: 26-27).

By removing sovereignty as the structuring assumption, debates about intervention immediately become less relevant. That does not mean that all the issues typically debated under its remit vanish. For instance, questions of whether or not to use military force to protect a population likely remain. Similarly, insofar as situations of sovereignty

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[8] This perspective extends beyond the EU context, as Held (2002a, 2002b) does in the context of globalization and cosmopolitan democracy and Linklater (1998b) in terms of the ethnical needs for post-Westphalian citizenship. In both cases, there is an attempt to model legitimacy outside the state context in a way that a sovereign starting point would likely deem either impossible or, the very least, fool-hardy.

remain possible, sovereignty-based intervention debates remain pertinent in those circumstances. However, in cases where sovereignty is not the conclusion – where something akin to blurring is in play – intervention is not the operative term and arguments should not be constrained by it.

To give an example, Jackson and Rosberg (1982) note that many sub-Saharan African states are effectively "quasi-states". While they have little ability to administer authority domestically, they maintain a measure of *de jure* sovereignty based on international recognition. As noted previously, they dub this "negative sovereignty". From a classical point of view, *despite this mixed jurisdictional setup*, debates over what to do in cases of conflict/famine/disaster often end up being debates over the appropriateness of intervention/of breaching *de jure* sovereignty. To be sure, just as some will argue that intervention is justified in the name of humanitarian aid, others will argue against it due to concerns over stability and precedent. Whichever side one agrees with, however, both are constrained by a sovereignty starting point – in the first case, that sovereignty ought to be breached for humanitarian reasons and, in the second, that it should not be violated due to stability and the potential knock-on effects. Whether one is for or against it, one is making a sovereignty-infused argument to a situation that should not be interpreted through a sovereignty lens.

To the contrary, were one approach the issue from a starting point of jurisdiction – a starting point that compels one to determine jurisdictional type prior to the application of any paradigmatic/theoretical model – one would likely arrive at a very different sort of debate and potentially a very different answer. In the situation laid out above, because the answer to the problematique would likely be "no one" insofar as jurisdiction is largely absent, sovereignty would never enter the equation. It would therefore not be the analytical starting point such that the "intervention" debate would immediately become less critical. (What is there to intervene across?) The debate would likely become more about determining the most effective and legitimate means of filling the jurisdictional vacuum and resolving the problematique. It would likely also become more pragmatic and focused on the underlying issue – stopping a conflict/famine/ disaster.

In making these points, the goal is not to pass judgment as to how legitimacy ought to form under blurring or how to create jurisdiction in quasi-states. The point is that when and where such issues are discussed, they risk being mired in a sovereignty point of

view. Alternative perspectives – perspectives that need development given the proliferation of non-sovereign jurisdictional types – are stymied and/or skewed. Using a starting point that mandates empirical contextualization to determine jurisdictional type prior to the application of any analytical approach helps ensure that the core structuring logics and assumptions of sovereignty do not hinder debates. Again, this will not automatically reveal how legitimacy ought to form under blurring or how to restore jurisdiction in cases of negative sovereignty. However, operating under jurisdictionally sensitive methods would ensure that the most appropriate and useful approaches are utilized. An emphasis on context may therefore just be the price for understanding an increasingly intricate environment.

The final key reason for making a shift to jurisdictional is the ability to deal with potential changes to political and socio-political setups. Put another way, treating jurisdiction as the key analytical variable guards against the sorts of reifications common under sovereignty by maintaining ontological flexibility. There are two sides to this issue. On the one hand, one of the dangers of relying on *any* analytical device is stagnation; the device fails to pick up on/adapt to a set of empirical changes due to in-built beliefs about how the world must operate. Rosamond writes,

> Disciplines have a habit of reifying themselves to the extent that their internal criteria for the judgment of rigor and excellence become dynamic contributors to their reproduction *regardless of whether or how their objects of study are changing* (Rosamond, 2006: 518).

In those regards, one of the major, and in this study's estimations valid, criticisms of IR's sovereignty-based starting point is the inability to deal with changes to the international system. Indeed, the potential for that sort of stagnation drove the pervious arguments for a jurisdictional turn – to redress the balance between theory and practice and to create the conceptual spaces needed for debating issues critical to contemporary life, but often stymied and/or skewed due to the in-built logics of sovereignty.

On the other hand, for the sovereignty-to-jurisdictional argument to be fully persuasive, not only must it be able to offer a more appropriate and useful means of understanding modern political and socio-political life, but it must do so in a way that guards against potential future reifications of itself. While the methods developed thus far are appropriate for and beneficial to understanding the (blurring) environment within which they were built – that is a tautology – their ultimate efficaciousness rests in their ability

to deal with changes to that environment. Thus, the concern is not really whether the jurisdictional approach is better at assessing the world it formed under; of course it is. The real question is whether it can deal with a *changing* world.

In that regard, a jurisdictional emphasis is both more in line with on-the-ground conditions as well as more sensitive to change due to its process-based construction. As has been stressed, jurisdictional mapping mandates that empirical analysis occur prior to the application of any individual theoretical or paradigmatic precept. It requires one to ask, first and foremost, whether a situation is sovereignty-defined, blurring-defined, or some other jurisdictional form-defined. Initial analysis is question-driven based on the "Who decides what, where, how and over whom" issue. While that does not prevent one from applying a more targeted analytical approach once jurisdictional type is determined, it contains an inbuilt guard against stagnation due to its case-specific scope. One can make a comparison.

On one side, a sovereignty starting point assumes that the relationship between political communities – between states – is defined by inside/outside, inclusion/exclusion, and domestic/international logics. An assumption is made that sovereignty is real and that its single, fixed viewpoint allows for the formation of distinct levels of analysis. The problem is, because everything is interpreted through those levels, any fundamental changes to the system risks being caught up in those structuring assumptions. It risks being missed altogether (e.g. *de facto* changes) or misinterpreted (e.g. the EU as *either* a polity *or* and IO). Moreover, even when an abnormality is of such a scope that it cannot be ignored, as chapter 1 noted, it is often simply bracketed away – a point often made in the context of why international theory frequently shows so little interest in the EU. Warleigh (2006: 31-32) writes, "[S]cholars are more likely to explain away anything potentially paradigm-challenging than to integrate it into their conceptual frameworks".

None of this is to say that *all* anomalies are missed or that there is no leeway in approach. Keohane and Nye (2001) certainly noticed the challenges produced by growing international independences and attempt to adapt the prevailing wisdom (realism) to deal with them. However, as noted, bolt-on tactics are fraught with difficulties. Moreover, the point is not that sovereignty approaches are *always* useless or *always* wrong. It is that sovereignty-based, analytical mapping is not geared towards dealing with change insofar as sovereignty tends to be simultaneously treated as an empirical outcome and an

analytical condition – the effect of which is feedback loop in which everything is interpreted through its lens. In that sense, Walker is right that "Theories of international relations tell us less about the character and consequences of state sovereignty than the principle of state sovereignty tells us about the categorical structures of international relations theory" (Walker, 1993: 23).

On the other side, because jurisdiction is not a "completed" conclusion and assessing it is question-based there is an inbuilt guard against reification. Three points underlie that argument. First, making the problematique the starting point allows one to consider, without being beholden to, a variety of jurisdictional forms. Second, because "jurisdiction" is an under-defined concept, any application of it requires focusing on the empirical structures and relationships giving meaning to it. And, because that logically entails consistent contextual examination, there is a natural resistance to reification. Third, a jurisdictional focus allows for the type of process-based arguments represented by blurring. Insofar as blurring is an operationalizable form of it, it is compatible with jurisdiction-the-concept and process-based arguments. The stresses on context and variation that a jurisdictional focus and starting point compels mean that there is an implicit acknowledgment that setups need not be beholden to any particular present. By holding ontological finalities open, it is resistant to reification and sensitive to change – a point, as one sees, which becomes critical to the EU given the present turmoil over its future (concluding chapter).

Put together, analytically mapping the effects of blurring means rejecting the singular application of sovereignty-based leveling and moving towards a jurisdictionally sensitive approach. Doing so offered four advantages. First, it recognized the need to deal with the problematique in any political analysis. Second, it helped redress the balance between theory and practice and, in doing so, offered a means of recognizing both the contours of blurring as well as jurisdictional variation. Third, a move towards jurisdiction created the conceptual spaces necessary to debate issues outside of the structuring starting points of sovereignty – particularly significant given chapter 5's points regarding the importance of legitimacy debates under blurring. Finally, the switch helps guard against future reifications by stressing process.

In a practical sense, the analytical map produced under this vision is less likely to be a single document with preformed structures and more a series of potentials to be applied

after empirical determinations are made as to the specific jurisdictional arrangements in play. Irrespective of what that actually looks like, however, the possibility of blurring means that studying the conduct of political and socio-political life, whether in the EU specifically or on the global stage more generally, requires being open to the application of multiple approaches however being beholden to none. Determining which applies requires a constant and consistent focus on the particular jurisdictional forms at play in any particular instance. While this may prevent wide-scale generalizations, it does mean that those that are made are based on an analytically appropriate approach given the empirical situations in question.

Disciplinary mapping

Having presented an argument as to what new sorts of descriptive and analytical maps are necessary under blurring and jurisdictional variability, one can return to the issue on which this study began – the appropriateness of mainstream IR. If descriptive re-mapping was about presenting a picture of blurring as well as a world in which it might coexist with alternative jurisdictional structures and analytical mapping a vision as to how one might logically navigate through those issues, disciplinary mapping focuses on how that all affects academic setups. In looking at this issue, one sees that blurring and jurisdictional variability necessitate holding disciplinary boundaries open, thereby prompting and promoting greater degrees of academic pragmatism and pluralism within international thinking and beyond.

Prior to getting into the heart of those issues, it is important to remember where the study began and the sequence of the argument that it took. Chapters 1 and 2 argued that mainstream IR is comprised of four schools – realism, liberalism, the English School, and statist constructivism. They contended that, despite their very different visions of and hopes for the international realm, those models jointly subscribe to certain meta-theoretical needs – most notably, the existence of a distinctly international realm of action. That, in turn, helped make real the academic distinction between political science and IR – a separation driven by the assumption that a domestic/international separation

exists, that it is important, and that it acts as an effective means of generating and furthering knowledge about the political and socio-political worlds on each side of it.[9]

Chapters 3-5 challenged that vision through an examination of European political and socio-political setups. The chapters considered four possible effects to sovereignty and therein four potential jurisdictional outcomes. The conclusion was blurring. In making that determination, the study also noted the possibility for jurisdictional variability. While its analysis of the EU resembled the sort of thick empirical work often performed by ES, the examinations were done to provide the fodder for challenging IR's overall construction. Europe was "the highly fruitful venue for exploring disciplinary politics in the social sciences" (Rosamond, 2007a: 234).

Given all that, as well as the descriptive and analytical re-mappings just performed, one arrives at a point in which one has the information necessary to deal with the effects of blurring on IR's disciplinary status. To do so, the study proceeds down two separate, but ultimately interrelated, tracks. The first, what is considered *indirect disciplinary mapping*, returns to the EU case asking what disciplinary project it ought to fall into. The focus is on ES as a mode of enquiry and whether it ought to be considered within IR, within political science (via CP), or as its own independent field. Offering perspectives on that provides the context for *direct disciplinary mapping*. Under it, the core question is what blurring and jurisdictional variability disciplinarily mean for IR specifically.

Indirect disciplinary mapping

Beginning with indirect disciplinary mapping, there are two critical issues – where ES fits in the disciplinary universe and whether that placement reveals anything about the nature of disciplinarity more generally. In looking at the first question, it is useful to return to Pollack's (2005) schematic in which he argues examination of the EU has generally occurred across three broad categorizations – the Union as an IO, the Union as a polity, or the Union as *sui generis*. As one might have guessed, each of those is thought to line up with a particular disciplinary perspective – the IO point of view (maintenance)

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[9] No assumptions are being made that this separation is driven solely by the domestic/international separation. For instance, as noted earlier (pages 87-90) disciplines are not closed-boxes. Moreover, as is developed more fully below (pages 217-224) one might conceive of IR as an interdisciplinary field from the outset. The point being made is simply that the separation between IR and political science has traditionally been viewed as significant, and therefore the tenets of jurisdictional blurring compel probing that basic belief.

typically being rendered from IR perspectives, the polity option (breakdown) from CP, and the *sui generis* one (stratification or blurring) from a distinct ES.

Prior to discussing those outlooks in detail, including how they fit with the arguments just made, it is important to note that this study acknowledges that none of them is fully cloistered. They, like the disciplines containing them, are ideal-types and the borders between them are not Maginot lines never to be crossed. Nevertheless, the chapter also maintains that the standards one enters a project with affect both what and how one interprets it, whether due to the standardized worldviews of a discipline, professional norms, and/or knowledge-based background. Rosamond (2007b: 196) writes, "Scholars from different vantage points in the disciplinary universe will see the EU differently and conceptualize it in different ways". Therefore, *given the study's existing finding of blurring*, the question becomes how that ought to be positioned within the disciplinary perspectives coming out of Pollack's typology.

Looking first at what is often treated as an IR-CP dualism, in accepting the blurring finding, it immediately becomes clear that neither option is sufficient to understanding the EU's broader dynamics. As chapters 3-5, as well as the descriptive and analytical re-mappings performed above made clear, understanding the EU is difficult in the context of any model operating under statist assumptions. Therefore, insofar as IR and CP both retain single viewpoint perspectives and operate under logics of sovereignty and methodological statism, both lack the tools necessary to recognize blurring. Arguing over whether member-state relationships remain international or are internalized to a EU polity simply misses the mark as the entire debate operates under the faulty assumption that the Union *must* fit into one category or the other; that it must clearly and cleanly fall onto one side of the domestic/international division or the other. As Johansson and Vifell (2006: 189) make very clear, the IR-CP dichotomy is "too sterile and misleading to enable us to capture and understand the dynamics and complexities of multi-leveled Europeanized politics and governance".

If the either/or nature of the CP-IR debate is too simplistic, one is seemingly left with the *sui generis* option – an option that views the EU as empirically unique and therefore in need of its own distinct academic community. Recalling the point made in chapter 2, a discipline is typically through to require a specific object of enquiry whose existence is real and non-reducible to other fields. In that regard, ES fulfills the first condition. It has

a defined an object of enquiry – the Union and its politics. It also seems to fulfill the second option. The EU is real, if by real one means a structure and set of processes that, for lack of better word, politically and socio-politically "matter". Furthermore, under blurring, it would fulfill the distinctiveness/non-reducible criteria.[10] In that sense, blurring would go part-and-parcel with an independent ES. Indeed, that has often proven to be the case. Wallace notes that funding for EU-specific topics has drastically increased, professional associations regularly allocate panels specifically on Europe, and non-EU specialists increasingly "colonize" ES (Wallace, 2000).

In making that argument, it is logical to return to the issue of whether a similar setup arises in the disciplinary sphere. In other words, does an ES-as-unique finding make the IR and CP alternatives *wholly* inappropriate to the study of it? Prior to addressing that, it is helpful to offer some points regarding the value of conceptual modeling altogether. Rosamond offers a good introduction writing, "The conduct of research requires a selection of approaches and/or theories which enable the resultant's knowledge to be ordered meaningfully". Accordingly, "the investigator's job is to select the 'best' available conceptual toolkit to organize research in the domain under scrutiny" (Rosamond, 2007a: 231). In making those broad claims, two points are critical.

First, there are any numbers of ways of constructing toolkits – a toolkit being the "general architectural principles guiding the conduct and assessment of scholarly inquiry" (Jupille, 2005b: 213). For instance, Jupille (2005b) argues construction includes making both meta-theoretical (e.g. ontological, epistemological, social theoretic) as well as methodological (e.g. qualitative, quantitative) judgments. Second, there is nothing to say that multiple kits, and thereby multiple disciplines, might not be used. Indeed, while it may be the case that a single toolkit or discipline is adequate, "it is rarely obvious that one…interpretation is superior to another" – especially, as one sees below, in the context of the political and socio-political messiness coming out of blurring (Harvard Review, 2009: 33).[11] In those cases, the tools one uses relate to the object under investigation and what one hopes to reveal about it. "Solid empirical work should be rooted in an

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[10] If the EU were polity/IO, it would fail the requirement by being reducible to already theorized sub-roots.

[11] None of this implies that all toolkits or disciplines will be compatible with one another. However, without denying the possibility for incommensurability, that is not always the case (Jupille, 2005b).

understanding of the investigator's assumptions and the theoretical suppositions upon which they draw" (Rosamond, 2000: 196).

By acknowledging that different toolkits, and therein potentially different disciplines, might be used to highlight different aspects of the same phenomenon based on the investigator's interests, one can say both that blurring fits best when it comes to describing the EU as a whole such that a distinct ES is required as well as that alternative, non-blurring models may still be helpful when it comes to analyzing individual processes within it. In the latter's case, IR and CP would therefore retain some utility. Indeed, as chapters 3 and 4 pointed out via their inductive reasoning, breakdown, maintenance, and stratification were never *wholly* wrong. Blurring simply offered the best *overall* picture. While blurring and a distinct ES may be the overarching claim, that should not imply that the other approaches are altogether unhelpful. Indeed, it asserts the value of incorporating them in nuanced ways.

In those regards, returning to the IO and polity points of view and the disciplines most often accompanying them, IR and CP*,* one realizes that each has a utility insofar as it aligns with a researcher's concerns. For example, as noted in chapter 1, Diez and Wiener's (2009) argument links different historical stages of the EU with different disciplinary toolkits. To similar effect, for the individual interested in EP voting patterns, treating the EP as comparable with existing parliaments may be useful even if it distorts the EU's more "international" qualities (e.g. defense policy). On the other side, Warleigh (2004) argues for the re-importation of some of IR's toolkits to flesh out the relationships between regionalism in Europe and regionalism more generally, even if that distorts the Union's more polity-like aspects. The point is, whatever one is interested in, the IR-CP debate is a non-issue so long as there is an admission that neither side explains the Union completely and that each side is deployed in a research specific manner.

This thinking also affects the idea that blurring requires a distinct ES. The contention was that it is reasonable to treat the Union as unique due to blurring. While that continues to be the case, given the points just made, the implications of doing so blindly are problematic. While the EU may be *sui generis* insofar as it falls outside of established IR and CP models, that should not necessitate introspective study of it. Doing so risks "locking [ES] into a theoretical silo, where the infamous 'N=1' problem restricts the improvement of the conceptual lenses that scholars use by shutting them off from wider

debates in political science" (Warleigh, 2004: 302). Viewing blurring as "un-comparably" unique risks replicating the problems often attributed to the traditional alternatives – reifying a certain image and approach at the expense of external comparisons. That does not mean that, once all the bits and pieces are put together, the EU is not distinct. It simply means that academically treating it as such risks reifying a form of methodological Europeanism just as IR reifies methodological statism.

Consequently, while blurring reflects the *sui generis* nature of the Union, that does not mean that IR and CP lack all usefulness. Moreover, treating the Union as unique to the point of non-comparison risks locking it into a disciplinary silo.[12] Based on those points, one moves to the second question – what that all reveals about the nature of disciplines more generally. By arguing that the EU reflects an instance of blurring, that a number of paths may be useful in analyzing it, and that ES ought not lock itself in a disciplinary tower, *the question becomes how to structure that diversity*. It is helpful to layout two potentials tracks, the first focusing on disciplinary mainstreaming and the second disciplinary pluralism (Verdun, 2003; Warleigh, 2004).

Beginning with mainstreaming, it envisages rooting the study of the Union – in effect, ES – in the traditional modes and methods of other normal science disciplines based on an understanding that any social scientific phenomena ultimately rests on "scholarly communities working around tightly policed sets of norms…where there is little space for deviance or dissent" (Rosamond, 2007b: 22). In saying that, one should stress that mainstreaming does not necessarily compel one to adopt a specific vision of the EU. It is more about a discipline's methodological, ontological, and epistemological predilections standards, and the institutional, professional, and pedagogical structures linked to them, than exact empirical outcomes. Therefore, at least at the initial stages, there is room for alterative disciplines to each examine the EU and decide whether and where it fits in their worldviews. Moreover, even ES could be mainstreamed under blurring insofar as is it treated as distinct field that operates under the same methods and logics of any other normal science discipline (Table 10).

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[12] No assumptions are made that ES currently lacks diversity (Keeler, 2005; Jupille, 2005a). Indeed, Jupille (2005a: 216) notes, ES "operates within a metatheoretically and methodologically permissive environment within which a thousand flowers might bloom".

Nevertheless, while it is theoretically possible to define the EU very differently, each approach is mainstreamed to the extent that it shares an overall belief that, once determinations are made as the appropriate discipline for studying it, explanations and understandings about it ought to stabilize around the intellectual, institutional, professional, and pedagogical structures linked to it. Whether ES is a sub-field of IR or CP or a field of its own, analysis would emanate from the confines of the particular research community linked to it and its standardized worldviews. Knowledge is therefore advanced through the application of circumscribed sets of mutually agreed upon axioms.[13] Dissident, critical, and pluralistic approaches are sidelined (Manners, 2007).

On the other side of the mainstream vision is the pluralistic approach – an approach that eschews closed, disciplined (in the most basic sense of the word) research communities and instead advocates the need for multiple research centers as well as critical and dissident perspectives. Under pluralistic thinking, accruing knowledge arises not only through the application of established, mutually agreed upon standards, but also through conversations and fusions between and across specializations – specializations developed without regard to traditional academic divisions and without concern for overall "completeness." This implies a number of things.

First, as Manners (2007) argues, it means tolerating critical approaches. In saying that, he cites a few large families, including, but not limited to, post-modernism, feminist theory, and critical social theory. Manners writes,

> Critical scholars…seek to escape the intellectual straitjacket of traditional political science by questioning assumptions about political systems and institutions, economistic rationalities and methodologies… [They] share a commitment to uncovering preconceptions about historical reality and the contextual nature of knowledge, and they seek to change politics (Manners, 2007: 89).

In making that claim, Manners is not arguing that critical perspectives produce more parsimonious or more generalizable explanations than traditional approaches. He (2007: 90) is not "claiming a new turn in theory, or the achievement of a Kuhnian paradigm of

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[13] For example, Dowding (2000) argues that rational choice institutionalism has proven itself to be the appropriate method of explanation for the EU. As such, CP is the EU's appropriate disciplinary location. He (2000: 139) writes that, "Institutional rational choice has revolutionized the study of the EU by bringing formal techniques to a subject which previously has been subject to mostly description accounts…the paradigm-shift in EU studies has occurred; now is the time to start settling down to normal science". While this study disagrees with his assessment of the EU, the point is, once one determines the appropriate paradigm to study it, studying the Union should take place through its disciplinary logics – in Dowding's case rational choice, comparative political science.

'normal science'". Rather, the point is that EU politics can (and in Manners' view ought to) be viewed from a variety of perspectives – perspectives that accept the presence of other perspectives. Thus, he concludes his argument by citing Strange's point (1991: 33) that one must be wary of "one-eyed monsters – one-eyed because they [are] oblivious of politics; monsters because they [are] so arrogant towards all outsiders".

Second, pluralism also means keeping academic horizons open. On the one hand, disciplines have the habit if reifying themselves and their worldviews. Wright notes,

> Once textbook have appeared or academic chairs been established under a given name; once curricula have been offered, degrees given, and learned journals initiated in a given field, once libraries have been organized according to a given scheme, a discipline has achieved a solidity and position which is difficult to change however illogical or inconvenient that particular subdivision may in time prove to be (Wright, 1955: 25).

On the other hand, stressing the usefulness of multiple methods spread across and between diverse methodological, ontological, and epistemological standpoints both prevents disciplinary stagnation as well as furthers overall levels of knowledge. Pluralism challenges the idea that the singular methods of a closed research community create the most virtuous source information. Of course, this pluralism could take a number of forms. As Manners (2007) noted, it could come in the form of critical and dissident perspectives from "within" a community. Alternatively, it could occur via sharing between and across disciplines. Warleigh-Lack and Cini (2009) lay out a number of options – multidisciplinarity, interdisciplinarity, intradisciplinarity, transdisciplinarity – noting that each offers certain advantages (and disadvantages). Or, as Jupille (2005b) notes in the context of Campbell's (1969) "fish-scale model of omniscience," it could mean the development of narrow specializations in quintessentially interdisciplinary areas, like the EU.

Irrespective of how one performs pluralism, and again there are professional, institutional, and pedagogical implications that go along with each of them, the underlying contention is that the complexities associated with the EU means that accruing knowledge about it requires communication within, across, and between methods without concern for disciplinary location or overall completeness. While commensurability between the various models may not always be possible, "there should not be a "partitioning off…[of] ES into prevailing 'normal science' disciplines" (Rosamond, 2000: 113).

In saying all that, it should come as no surprise that there is a natural and necessary link between blurring and pluralism. On the one hand, the empirical problems with the IO and polity points of view illustrate the dangers of operating strictly through CP or IR. On the other hand, attempts to model ES as unique, but still a mainstream, risk locking ES into an academic silo. While the EU may be unique, that uniqueness should not place ES into isolation. Because blurring implies a measure of ontological restlessness, a new academic division of labor risks recreating the very weaknesses associated with the more traditional disciplinary perspectives – what Campbell (1969: 12) calls an "ethnocentrism of discipline". The empirical makeup and process-based form of blurring requires borrowing, conversing, and/or fusing across paradigmatic gaps, between specialties, and amongst individuals sharing the most in common.

In making these claims, two points must be acknowledged. First, under pluralism, there are dangers of non-disciplinarity in which everything is relative such that there are no standards of academic judgment. All arguments would be mere descriptions without much explanatory power/leverage (Moravcsik, 1998: 11). Second, pluralism creates problems of feasibility. As Jupille (2005b: 229) notes, there is a "sheer impossibility of attaining expertise in multiple schools". While these concerns must be noted, there are responses to them.

First, pluralism is not necessarily deconstructionism. The point is to build, borrow, combine, *and only possibly transcend* existing modes. Second, social scientific insight can be gained from increased levels of complexity such that calls for increased description and contextualism need not take-on pejorative undertones (see below). It simply may be the case that the phenomenon in question requires more nuance. Moreover, description can help draw out latent assumptions – such as the reified domestic/international separation – and therein the possibly for new patterns (Hollis and Smith, 1990). Finally, to guard against "Leonardoesque aspirations", Campbell (1969: 3) argues for a "continuous texture of narrow specialties…overlap[ing] with other narrow specialties". By focusing on specific areas, and treating coverage as continuous, paradigmatic gaps lesson and disciplinarity becomes less critical. It is the conversations across boundaries, between specialties, and amongst individuals sharing the most in common that drives knowledge. Again, that does not mean that everything and everyone

will fit together. However, so long as those "share standards with those closest to them…collective scholarly endeavors [can] proceed" (Jupille, 2005b: 230).

One should reiterate that all this is presented in an ideal-type format. Nonetheless, the effects of blurring appear to require, on a general scale, academic openness and less parochial methods and, on a deeper level, a recognition that the EU might act as a node for debating political and socio-political enquiry in its own right. It is that latter of those points that ultimately links with this study's broader goals by underlying the critical function played by the Union in testing IR's core commitments. Jupille and Caporaso (1999: 441) note that, insights on "the erosion of disciplinary boundaries might be the most lasting contribution of EU studies to political science[/IR]".

Table 10 - Models of European Studies

Mainstream			Pluralist
IR	**CP**	*Sui generis* **ES**	*Sui generis* **ES**
EU-as-IO	**EU-as-polity**	**EU-as-*sui generis***	**EU-as-*sui generis***
The study of the EU is best served by the standard tools and models of international theory	The study of the EU is best served by the standard tools and models of CP	The study of the EU rests on developing tools and models unique to it	The study of the EU requires novel approaches as well as conversations across/between existing tools and models
Analyzing the Union rests on IR's standardized world views and working within its traditional institutional practices	Analyzing the Union rests on CP's standardized world views and working within its traditional institutional practices	Analyzing the EU rests on standardized, EU-specific, world views and the development of EU-specific institutional practices	Analyzing the EU requires and benefits from diverse toolkits; blurring mandates disciplinary openness and pluralism

Direct disciplinary mapping

Given the context of indirect disciplinary mapping just offered, one can return to what blurring and jurisdictional variability mean for IR. On one side, the argument just made was dubbed as "indirect" as it did not levy any specific charges against IR. Rather, the focus was on how one ought to approach the study the EU under blurring. And, as one saw, the most sensible and appropriate way was through a pluralistic and open ES. While

that did not negate IR's (or CP's) role entirely, it did reflect the need to move beyond it in substance and disciplinary structure.

On the other side, it is necessary to turn directly to IR and ask what blurring and jurisdictional variability mean for it. Accordingly, both appear fundamentally incompatible with the singular application of mainstream IR insofar as both reject the sovereignty-based starting point underpinning the discipline. As chapter 2 made clear, realism, liberalism, the English School, and statist constructivism – IR's conventional models – all require the ability to carve out a distinct zone of international action. To do so, they all assume the existence of sovereignty as a means of creating a domestic/international separation. Again, the theories differ when it comes to the operation of that realm. Nevertheless, there is general agreement that that realm is real, has an ordering problem, is distinct from domestic arenas, and requires its own conceptualizations. It was by making that sequence of assumptions that IR carved out a distinct zone of academic enquiry.

The possibility for blurring upsets the ability to assume all of that. Whether with respect to a specific instance of blurring (e.g. the EU) or jurisdictional variability more generally (e.g. bifurcation), IR's loses its ability to *assume* that there is going to be a clear international sphere of action. In the first case, the resolution to the problematique offered by blurring creates neither anarchy nor hierarchy. It therefore problematizes the ability to define a domestic/international separation based on the belief that there is clear hierarchy and with it sovereign jurisdiction in one sphere (domestic) and clear anarchy and with it the lack of analogous jurisdictional opportunities in the other (international). If the functionality of any discipline rests on there being a defined object of enquiry that is real and non-reducible to other fields, the effects of blurring therefore fundamentally challenge IR's underpinnings.[14] In an instance of blurring, IR loses the empirical support necessary for its analytical and by extension disciplinary keystone.

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[14] While IR has been the focus, this logic extends to other fields – most notably CP, but also sociology, economics, and others. No assumptions are made that these other fields have not adapted. Nevertheless, insofar as they traditionally operate in a context of methodological statism, blurring challenges their starting assumptions – that there is a state with a clear domestic zone (CP), that there is clear nation/societal-state linkage (sociology), that economic action is filtered through state contexts (economics) (Wagner, 2009).

In the second case, one might respond simply by saying that cases of blurring ought to be excluded from IR's repertoire – again, a prime reason why many note IR has shown so little interest in the EU (Andreatta, 2005; Rosamond, 2006). Nevertheless, *even in instances in which blurring is not the conclusion*, the possibility for it means that jurisdictional variability must be taken into consideration. Sovereignty cannot be the *assumed* jurisdictional form. As Rosenau's bifurcation scenario illustrates, it may be the case that sovereignty exists in certain circumstances. In them, IR would seem to remain applicable, the critical question being its traditional one – which international theory is the most appropriate. However, one cannot assume sovereignty is the jurisdictional form from the outset. Therefore, and as the analytical mapping sections developed above made clear, there is a continual need to make empirical determinations as to jurisdictional type prior to the application of any one disciplinary mode.

In making those points, a word of caution should be made. *Saying that IR is not applicable in an unadulterated, mainstream form is not to say that it loses all utility in cases of blurring.* As indirect mapping also made clear, because blurring represents neither anarchy nor hierarchy, it is problematic to say that all of IR's logics ought to be simplistically replaced with those of CP (or a newly developed ES). It may be the case that a researcher's individual needs justify working within IR's disciplinary universe to deal with a particular issue, even in a condition of more general blurring. Therefore, saying that IR and blurring are incompatible is not to say that IR's logics are wholly defunct. It simply means that when they are applied, they need to be attuned to the researcher's specific focuses, appropriate to the particular contexts at play, and used with the wider understanding that they are neither able to nor meant to offer explanations of the totality of the situation.

Based on that, there are three core paths down which one might go. First, in the context of the point just made, one could resign oneself to the fact that blurring means that the best one will be able to offer is contextual findings based on the circumstantial application of existing disciplinary modes – whether IR, CP, or some other field. Again, that is not without its benefits. Returning to the EU case, as noted above, Warleigh (2004) argues for the re-importation of IR's toolkits to flesh out the relationships between regionalism in Europe and regionalism more generally – even if that distorts some of the Union's more polity-like aspects. The limitation is that insofar as one wants

to make broader generalizations and offer a more integrated perspective on the EU/a situation of blurring, working from within that firmly disciplined approach would likely not offer the appropriate tools.

Second, to the extent that one does wish to construct a holistic view of an instance of blurring, one may be tempted to conclude the exact opposite – understanding it requires thick description at the expense of overall social scientific generalizability. This is not altogether surprising. Because blurring creates "characteristics that historians would recognize but that many IR scholars would find alien…[such as] overlapping and shared patterns of authority; declining territoriality...[and] the erosion of barriers between internal and eternal political arenas of states…" understanding them may entail sidelining social science in the name of full-bodied, descriptive approaches (Ferguson and Mansbach, 2008: 372). As such, the implicit argument is that the complexity and processual nature of blurring prevents the application of any social scientific, disciplinary form.

While each option – the deployment of IR in case specific way or a movement towards greater description at the expense of generalizability – are possibilities, each succumbs to the same problematic view of disciplinarity. In both cases, the assumption is that a discipline is disciplined in a way that makes it either applicable to a certain case (e.g. IR and the international realm) or non-applicable (e.g. IR and domestic realms) based on certain empirical conditions. Again, that tactic is not wholly bad and helps fix limits to an enquiry. It also creates an academic division of labor. Nevertheless, it has the overall effect of assuming that all analysis must occur through disciplined – often preexisting and predefined – boxes. To the extent that no single box fits a particular setup, one has no recourse but to non-scientific, thick description (Bates, 1996, 1997).

Nonetheless, there seems to be a third option that recognizes the necessary links between disciplinarity and description in its own right, however that also adapts its own views on disciplinarity in helpful and useful ways. In the first case, Bates (1996, 1997) notes that the standard social scientific view of many "area specialists" – area specialists being shorthand for those who tend to undertake thicker, more descriptive, and less disciplined analysis – is negative. He writes,

> Many see area specialists as having defected from the social sciences into the camp of humanists. ...The fact that area studies centers possess clients beyond social science results in the application of criteria other than disciplinary standards to appointments, promotions and course offerings (Bates, 1996: 1).

The problem with such a vision is that the traditional tools of disciplinarity cannot be applied "in the absence of *verstehen*" (Bates, 1996: 2). They cannot be applied absent the type of understandings offer by thick descriptions. As such, one should not disparage description "simply" for being description. IR "works" only insofar as one is able to define a domestic/international separation that, *for all its analytical and disciplinary roles, is an empirical condition.* Thus, calls for empiricism before analyticism should not be taken as a surrendering of the possibility for disciplinarity specifically or social science more generally. It simply reflects the basic truth that both of those projects rests on good empirical description.

In the second case, this line of thinking also means that disciplines might be adapted to function in more efficacious ways. On one side, the conception of IR used thus far has been "mainstream" in terms of the conventionalism of the theories constituting it. However, in the context of the points made under indirect mapping, it is also "mainstream" with respect to its academic construction. Studying "the international" has generally rested on the application of certain standardized worldviews arrived at, advanced through, and debated within a distinct academic community.[15] Again, if disciplinarity relates to the organization, concentration, and standardization of certain tools, methods, procedures, and theories (including the institutional, professional, and pedagogical tools associated with them) with the goal of furthering knowledge about a specific object of enquiry, for IR that has generally centered on the international realm.

The problem is, if the object analysis is not clearly identifiable then the particular organizations, concentrations, and standardizations developed in the context of it are also no longer applicable. Indeed, the application of them risks stymieing appreciations of the new object and/or missing what is changed about the old one altogether. Warleigh writes,

> Like any established field of study, IR has its own historiography; hence, the deepening of European unification since the mid-1980s…is either declared virtually impossible…or rather casuistically semi-integrated into existing frameworks, rather than causing their fundamental revision…As Kuhn has long been telling us, scholars

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[15] In this sense, the view of IR being presented excludes critical, dissident, and other non-mainstream models. IR is assumed *not* to be a divided discipline. See below.

are more likely to explain away anything potentially paradigm-challenging than to integrate it into their conceptual frameworks (Warleigh, 2006: 31-32).

Thus, to the extent that dissident, critical, and other challenging views exist – and in IR's case they do – they find it hard to reach the mainstream *in the conventional* sense as they do not fit the mainstream *in the disciplinary* one (Hobbes, 2000). In a world in which burring and jurisdictional variability are real possibilities, to the extent that all examination is filtered through a disciplinary view that assumes that there *must* be an international realm, at best one arrives a skewed picture of the global environment and, at worst, one fails to notice change at all. In that sense, as Brown notes, there may be a need to "de-emphasize the *sui generis* nature [of IR]" (Brown, 2007: 350).

The obvious question becomes what is IR, as emblematic of mainstream disciplines more generally, to do. On the one hand, this study has neither the tools nor space to debate all the intellectual, professional, institutional, and pedagogical shifts that go along with making fundamental disciplinary change. In that sense, and as is returned to in the study's conclusion, that area is ripe for future research. On the other hand, one is not rudderless in future thinking, particularly with respect to the relationship between a discipline like IR and its object of structuring concern. One can make three key points.

First, as it applies specifically to IR, it may be the case that a re-reading of its history makes it more flexible with respect to issues that might otherwise be considered beyond its traditional "international" remit (Wilson, 1998; Ashworth, 2002, 2009; Schmidt, 1998, 2002; Quirk and Vigneswaran, 2005, Long and Schmidt, 2006). As noted in chapter 2, revisionist scholars argue that a rethinking of the First Great Debate would reveal a longer, more varied history, particularly one less tied to the domestic/international separation. By stressing themes such as imperialism and internationalism, the object of IR's enquiry might thereby widen, potentially allowing for more robust interpretations of a situation like blurring.

While this is a viable argument, and a shift in IR's disciplinary history might permit fuller comprehensions of the EU specifically and/or jurisdictional change more generally, one must keep in mind that the fundamental issue is not merely the *content* of a discipline, but also its *construction*. In that sense, a change in IR's history might allow for better interpretations of blurring. However, without a corresponding shift in perceptions about how disciplines operate – and particularly given the processual nature

of blurring's – simply refocusing-by-widening its object of enquiry may not be enough, as the problems with a mainstream, introspective view of a distinct ES reflect. Without fundamentally rethinking how disciplinarity works, broadening one's object may merely cloak the core problem – the application of unresponsive, closed boxes to situations of complexity, variability, and change.

Second, one would be remised not to note that IR has not been silent on the need to incorporate diversity and challenge standardized views. While the assumption running throughout this study has been that IR-proper is mainstream IR, there are alternative strands which self-identify as being theories of IR – critical, normative, and post-positivist to name a few broad families. Moreover, these alternatives are often quite explicit in their challenges to the "empirical" content (that international theory requires a domestic/international split) as well as the "academic" construction of mainstream IR (that, as a discipline, it ought to function along certain standardized precepts) (Walker 1993; Deibert, 1997; Linklater 1998b; DiMuccio and Cooper, 2000; Ferguson, 2000; Smith, 2000; Lapid, 2001; Devetak, 2005; Ferguson and Mansbach, 2008; Ashworth, 2009). Indeed, and for many of those reasons, IR is often considered a "divided discipline" (Holsti, 1985; Buzan and Little, 2001).

Again, this study has neither the space nor the tools to go into the totality of those arguments, however the logics advanced in them do point to a position in which it is beneficial to think of those debates less in terms of a zero-sum game – for instance, that positivism must trump post-positivism or that post-positivism must trump positivism – and more in a way that accepts that each side brings something to the table. In that sense, while IR may be a "failed intellectual project" in the sense of achieving a standardized worldview and constructing a traditional disciplinary container around it, fixing that "problem" by "solving", for instance, the Third and Fourth Great Debates, may not be the most useful way forward (Buzan and Little, 2001). IR's efficacy may ultimately come through its ability to apply its pluralism in empirical useful ways – not via the formation of a unified, disciplined field (see below) (Kennedy-Pipe, 2007: 352). Some may bemoan this as a further dividing of the discipline (Holsti, 1985; Almond, 1988). However, *disciplinarity works only if the core focus of enquiry allows for clear, undivided answers* – which blurring and jurisdictional variability do not. In that vein, one must "refuse to be seduced by ritualistic appeals for 'disciplinary integrity' that generate

legislative demands for 'consensus' and concern for 'division'" (Griffiths and O'Callaghan, 2000, 196).

Finally, bringing this back to the European case so central to this study, there is guidance to be gained from ES. As seen in the context of indirect mapping, disciplines can potentially interact in productive ways in the context of a common problem – whether through multidisciplinary, interdisciplinary, transdisciplinary approaches or the continuous overlapping of narrow specificities (Campbell, 1969; Rumford and Murray, 2003; Warleigh, 2004; Jupille, 2005b; Rosamond, 2007a, 2007b; Ross, 2009; Cini, 2006; Manners, 2007). Outlining how this all might work Warleigh argues that,

> [ES] can demonstrate its utility to IR scholars by helping them change both what they study and how they study it in an era of evolving global governance… [ES] provides a useful resource for scholars engaged in the rethinking of international relations in the era of an emerging global polity which has been neglected for reasons of what might be called discipline blindness…[ES] acts as a transmission belt for ideas, concepts and approaches between the study of 'domestic politics' and the study of 'international relations'…to show IR scholars how these tools can be adapted and used to study politics in non-nation state contexts (Warleigh, 2006: 2, 31, 35).

In saying that, and what is critical to keep in mind, is that the EU must be looked at less as a deviation from the norm – an exception to the standardized rules – and more as interesting phenomena in its own right. It must be treated as a node of disciplinary rethinking itself such that European change is the entryway towards wider debates about jurisdictional change. Indeed, that is a prime reason that Rumford (2008: 32) notes that the most interesting debates about Europe have "not emerged from within the conventional EU studies literature generated by the academic disciplines of political and international relations". Rather, they have had "multidisciplinary provenance".

A similar point might be made in the context of IR, for example by focusing on, as Taylor puts it, "problem-specific" areas (Taylor, 2009). Indeed, one sees evidence of this trend with increasing focus being placed on problems that span disciplinary divides and across the academic universe – for instance, and as institutionally expressed via, problem-specific centers on migration, justice and peace, and/or democracy. As Kennedy-Pipe (2007: 352, emphasis added) so aptly notes, "In [IR] we do not have a discipline. Rather we have a *meeting point, or even perhaps a crossroads.*" She continues, "I think the best way of highlight the centrality and importance (and public interest) of our crossroads is to focus our attention on the real-world dilemmas people

face". In that sense, the development, content, and maturation of ES offers both a real-world as well as an institutional example to IR of how it might act as problem-focused, meeting point, and crossroads of wider study.

Conclusion

In the end, the complexities, indeterminacies, and processual nature of modern political and socio-political life requires a greater degree of contextualism prior to the application of any one analytical or disciplinary approach. While that does not mean that IR lacks any utility, it does require holding its borders in suspense to allow for more critical points of view to enter and to ensure disciplinarity does not become stagnated. None of this should be surprising. Throughout the study, whether in the descriptive or analytical sense, blurring and jurisdictional variability have come to mean and mandate stressing context and rejecting staticity. Because the international and the domestic are not always clearly separable concepts, studying them should not take place through neatly circumscribed departments. There is a need to shift away from closed, disciplined approaches to more open, humble, and pluralistic forms. As Brown (2007: 350, emphasis in original) fittingly puts it, "There is a world of difference between disciplined thought *about* international relations and the notion of a discipline *of* International Relations". In that light, insofar as one believes blurring and jurisdictional variability are occurring, it is logical to conclude that similar alternations must be made to the ways in which one intellectually, professionally, institutionally, and pedagogically approaches the study of political and socio-political life.

Conclusion – Jurisdictional updates

Key findings

This study set out to explore the nature of contemporary jurisdictional arrangements and how changes to them impact the ability to map political and socio-political structures and relationships into explicitly defined jurisdictional locations. To do so, it asked whether the growth and development of the EU problematized IR's core enabling conditions – most critically, that an international realm exists, that it is jurisdictionally different and clearly separable from domestic ones, and that it therefore requires its own theoretical conceptualizations. It hypothesized that a change in the nature of that setup via a change in the nature of jurisdictional arrangements would mandate substantive and substantial descriptive, analytical, and disciplinary re-mappings.

To structure the debates embedded in those broad issues, the study looked at, and sequentially progressed through, four sets of core questions. As laid out in the introduction, those questions were:

1. **What constitutes the jurisdictional problematique and why is it so important to understanding political and socio-political dynamics? What is IR's resolution of it?**

2. **What happens to sovereignty and state citizenship-based inside/outside and inclusion/exclusion separations, and together the domestic/international one, in the EU's context? Is there maintenance, breakdown, stratification, or blurring?**

3. **Based on that answer, what are the new jurisdictional dynamics? How is the problematique resolved? How does it interact with existing jurisdictional forms?**

4. **What sort of descriptive, analytical, and disciplinary re-mappings are necessary as a result of any possible jurisdictional change? How does that impact IR? What new debates does it entail?**

Given those questions, the key findings associated with them, presented fully across the host of the study's chapters, can now be summarized. As with the questions themselves,

they can be grouped into four categories – findings having to do with the importance of jurisdiction and its relationship to sovereignty, citizenship, and IR; findings having to do with the European case understood through the four outcome-possibilities; findings having to do with blurring as a jurisdictional type (and with it jurisdictional variability); and findings having to do with how one descriptively, analytically, and disciplinarily maps a world in which blurring and jurisdictional variability are both real prospects.

Jurisdictional importance

First, sovereignty was found to be a corollary of jurisdiction such that jurisdiction was possible in the absence of sovereignty. The assumption going into chapter 2's analysis of these issues was that jurisdiction was possible only within a sovereign setup; sovereignty preceded jurisdiction. To the contrary, the chapter demonstrated that sovereignty was a jurisdictional form in its own right. By looking at both concepts (as well as power and authority) along metrics of number, scope, and method, one saw that jurisdiction's under-defined positions across each of those variables, as opposed to sovereignty's defined ones, made it sensible to treat the latter as a corollary of the former; to treat sovereignty as a corollary of jurisdiction (Table 2). The logical follow up was that sovereignty was only one possible resolution to what the study dubbed "the jurisdictional problematique" – a debate over who decides what, where, how, and over whom.

In making those conceptual claims, chapter 2 also offered historical placement. It showed that while resolving the problematique was a necessary aspect of political life, a sovereignty-based solution was not. As the medieval case illustrated, jurisdiction was possible in the absence of sovereignty. Offering that historical context (and contrast) also provided perspective on the particular resolution of the problematique found in instances of sovereignty (Table 3). Again, as developed in chapter 2, sovereignty was determined to rest on four elements – commitments to exclusivity in number, to territorialization, to a functional/jurisdictional/territorial congruency, and to clarity and stability of overall structure. Together, those factors defined a sovereign jurisdictional form. In doing so, they also conditioned an inside/outside separation.

Those more overtly politically focused arguments were then buttressed by an examination of socio-political aspects.[1] Again, as chapter 2 developed, citizenship was defined as the relationship between an individual and polity mediated by variables of rights, access, and belonging (Table 4). As such, *state* citizenship reflected the relationship between an individual and his or her nation-state. In that relationship, a citizen was seen as having certain rights as well as sharing symbolic commonalities with his or her nation-state and co-citizens (via nationality) that non-citizens did not. Consequently, and in the context of the sovereignty-based state system, the difference between the citizen and the non-citizen, across both formal and symbolic areas, formed a socio-political inclusion/exclusion separation. That point, combined with inside/outside, helped condition a domestic/international binary.

Both of those points – the tenets and products of sovereignty and state citizenship – were then linked to mainstream IR. The study first argued that mainstream IR was comprised of realism, liberalism, the English School, and statist constructivism. It contended that though each of those broad theoretical families had very different visions of and hopes for the international realm, they all assumed that realm was real, had an ordering problem, and therefore required its own theoretical conceptualizations. Moreover, the study argued that all of them rested on the structuring effects offered by sovereignty and inside/outside and state citizenship and inclusion/exclusion. Those concepts and associated analytical procedures drove to the heart of the domestic/international cleavage and were the core enabling conditions for mainstream IR. Consequently, any change to them logically was thought to produce more rippling effects across the discipline.

The European case

Second, the study turned to examining whether or not change to those binaries was occurring through an investigation of the European case. In that regard, the EU was found to be in a position of blurring with respect to all three of the separations developed in chapter 2 and in the context of the first core question. To reiterate, the EU case offered certain advantages over the more traditional, often globalization centered, arguments. Chapter 1 noted three major faults – a lack of hard-nosed, empirical support; a failure to

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[1] As chapter 2 noted, no attempts were made to establish causal links. The point was merely to make clear that both political *and* socio-political aspects "matter" to the domestic/international separation.

offer firm perspectives on the exact nature of any jurisdictional alternative; and a tendency not to deal with political *and* socio-political changes in an integrated way.[2]

To remedy those shortfalls, as well as for more independent rationales, the study developed the European case. Its existing institutions and rules offered an established testing point for debating challenges to sovereignty as well as for assessing the precise nature of an operationalized outcome. Moreover, changes in Europe were seen as occurring across both political (chapter 3) and socio-political (chapter 4) factors such that it offered an integrated view of jurisdictional transformation. Finally, Europe was historically significant. Not only did sovereignty develop in the region, but the circumstances and processes leading to its birth – a set of treaties ending a major war – were strikingly similar to those leading to a possible revision of that system – a new set of treaties arrived at in the aftermath of another major war. In that sense, a regional scope affecting both politics and people was preferred over globalization's conceptual openness and an issue focus's scope limitations.

When it came to the actual examination of the Union, the study considered four possible effects to the binaries linked with sovereignty and state citizenship – maintenance, breakdown, stratification, and blurring (Tables 1, 5, and 8). Each option functioned in two ways. In the first case, they were illustrative portrayals of what might occur to the specific cleavage at play. In the second case, and when take to their logical conclusions, the options also represented jurisdictional outcomes in their own right.

Chapter 3 examined European political structures across the four outcome-possibilities. It found that while breakdown, maintenance, and stratification were not wholly incorrect, the contradictions between them and inadequacies across them made blurring the most appropriate finding. Looked at across a range of issues, ranging from the EU's basic structure and institutional rules to Schengen to enlargement only blurring contained the conceptual room necessary to account for the real and fundamental jurisdictional complications, complexities, and even contradictions constitutive of the European political process. Chapter 3 determined that cooperation has not produced jurisdictional clarity. The chapter determined that it was increasingly difficult to visualize a clean and

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[2] That being said, this study ultimately does have allegiances with the globalization literature, particularly the need to move away from sovereignty as the core norm governing the global system.

clear, jurisdictionally meaningful inside/outside separation amongst Union members. The jurisdictional lines separating them were therefore found to be blurring.

Having made that finding, chapter 4 then examined European citizenship juxtaposed against the state citizenship and inclusion/exclusion standard. Again, the four outcome-possibilities – breakdown, maintenance, stratification, and blurring – were each considered. Again, the finding was blurring. Across the formal, rights components as well as the symbolic dimensions of EU citizenship, the chapter determined that EU citizens are effectively caught between conceptual models; they are caught between the particularism inherent to state citizenship (maintenance) and the universalism implicitly underpinning hopes of building a common European home (breakdown). Moreover, while stratification was seen as an improvement over that either/or choice, as Risse's marble-cake perspective illustrated, even that argument proved problematic. Viewed in total, across the formal and symbolic formulations of EU citizenship, inclusion/exclusion was found to be in a state of blurring.

Given those findings, one arrived at a point in which it was logical and appropriate to conclude that the sovereignty-based and state citizenship-based divisions separating the domestic and the international, as well as the European, domestic and international, levels were becoming increasingly tenuous. Drawing political borders, and therein socio-politically locating people within them, was founded to be an unclear, overlapping, potentially conflicting, and definitely more contextual process. Defining a domestic/international separation between member-states was also no longer an empirically clear, analytically simple matter. The study determined that the domestic, European, and international levels existed more as dynamic mixtures than immiscible levels. While that did not mean separations could never be made (e.g. in the context of a specific function), holistically speaking, blurring offered the best description of European political and socio-political change. Recognizing that fact prompted, pushed, and required the study to consider what it might mean to move beyond analytical leveling and to consider the precise jurisdictional dynamics constitutive of blurring itself.

Jurisdictional blurring

Third, given the illustrative finding of blurring, the study proceeded to define it as a jurisdictional type. As chapter 5 developed, blurring in Europe represented the

simultaneous proliferation of the number of jurisdictional actors, the development of complex, variable, and potentially conflicting and overlapping spatial and functional scopes, a diversity of methods of administration, and a muddling of individual-polity relations. In making that definitional claim, chapter 5 began by making made clear why the term *blurring*, and not the more definite *blurred*, was used. As noted, that was done to stress its process-based nature and to accommodate both the jurisdictional restless historically seen in the EU as well as to prevent ontological closure and analytical reification. By "verbing" the core concept, and thereby holding open what political and socio-political setups must look like, blurring created the space needed for debating and re-mapping them under conditions of change.

The bulk of the chapter was an attempt to pin down the precise dynamics of blurring. One of the key elements in that task was its relationship to jurisdiction-the-concept. The chapter argued that, jurisdiction-the-concept generated its "problematique" by holding open appreciations of the number, scope, and method metrics. On the one hand, that made sovereignty a type of jurisdiction as it offered specific resolutions to those metrics (and to the problematique more generally). On the other hand, because the hallmark of blurring was found to be its complexity, there was implicit tolerance of the possibility for jurisdictional debates within its remit; that multiple sources of jurisdiction might cohabite in a common space or over a common function. Political and socio-political setups could therefore not be neatly bundled under a single normative or analytical framework.

From a starting point that assumed jurisdiction requires a single framework, like sovereignty, that was shown to be problematic. However, by keeping the broader meaning of jurisdiction in mind, complexity, context, and even contradiction did mean a lack of jurisdiction. Although blurring ultimately required new ways of mapping its effects (chapter 6), its complexity did not negate the possibility for jurisdictional action more generally. By defining the number metric as greater than one, spatial and functional scopes as complex, variable, and potentially conflicting and overlapping, and method as multiple, blurring *did* offer resolutions to the metrics. In that sense, both sovereignty and blurring resolved the problematique, just in different ways – sovereignty offering a solution based on assumptions about clean and clear political and socio-political setups and blurring rejecting that clarity, arguing that on-the-ground complexity and variability prevented such standardized, static answers.

Given that blurring was determined to be a type of jurisdiction, the issue became its resolution to the problematique. Summarizing the more complete findings made in chapter 5, "who" became a dependent variable appreciable only in the context of the specific function, scope, and/or socio-political relationship involved. "What" and "where" also became contextual – "what" determinations were found to be circumstantial insofar as no one actor had jurisdiction over all functions at all times and "where" ones, though generally territorial, were not always neatly "bundleable" around a territorial/jurisdiction congruency. "How" and "over whom" also varied – "how" determinations differing between actor type and across both formal and non-formal approaches and "over whom" aspects shifting based on who, where, and what contexts. Underpinning all of that were EU citizens found to be neither fully included nor excluded throughout the member-states.

All of that was then feed into IR's typical anarchy versus hierarchy logic. In doing so, the determination was made that while anarchy was left behind under blurring, hierarchy was not created either. Anarchy was seen as forming when there was either no accepted resolution to the problematique or when the answer that was offered logically precluded analogous jurisdictional structures in certain contexts (e.g. under sovereignty, in the international realm). Neither of these visions was true under blurring. In the first case, the problematique *was* resolved, just in situational, complex ways. In the second case, while the study accepted that there might be occasions in which *aspects* of sovereign logics function under blurring, it also made clear that that did not create outright anarchy between the member-states insofar as the full constellations of sovereign logics never lined up. There was no logical fallacy in saying that member-states retain exclusive jurisdiction in certain circumstances while maintaining that that does not reflect sovereignty within and, by extension, anarchy between.

While there may not have been anarchy, chapter 5 also illustrated that hierarchy was not created either. Hierarchy was defined as an outcome of a sovereign system based on an established sequence of legitimate actor right – the antithesis of anarchy. Blurring in Europe problematized and rejected that dualism. Again, blurring did not prevent hierarchies from forming in specific certain, such as in the context of a particular function. However, the potential for jurisdictional conflict over specific issues and in certain circumstances meant that the sovereignty-based hierarchy was not the *sole*

organizing concept (e.g. as seen in the context of legal pluralism). Nor, therefore, was sovereignty the appropriate terminological approach.

All of this opened the door towards debating the relationship between jurisdiction and legitimacy. Because the resolution to the problematique found under blurring modeled an interactive, variable, and potentially conflicting jurisdictional space, it created legitimacy questions. Whereas sovereignty offered a single, clear normative underpinning, rooting jurisdiction in a combination of territoriality (within a given territory, a government had supreme jurisdiction over all issues/people), by rejecting that underpinning, blurring upset that normative foundation. As argued, it both challenged the possibility for it in its own right as well as created the likelihood for multiple new ones under its rubric. Blurring meant accepting that multiple sources of jurisdictional legitimacy – state-based, EU-centric, or something entirely else – might simultaneously operate in the context of common functions, in common spaces, and even in competition for the right to underpin political and socio-political setups more generally. The need to debate legitimacy under blurring carried over to chapter 6's thinking on analytical re-mapping.

Chapter 5 concluded by extending out from the European case noting that the blurring seen in Europe presages blurring globally. On the one hand, the chapter was clear that the methodological factors at play limited the extent to which one might actually make a blurring conclusion in any specific circumstance. Moreover, it noted that sovereignty certainly still exists in many cases. On the other hand, given the context of the points made in chapter 1 with respect to globalization, the chapter also noted that blurring was not necessarily confined to Europe. While the exact dynamics would differ between regions, actors, and issues, whether in Europe or in the wider world the tenets of blurring represented the simultaneous proliferation of the number of jurisdictional actors, the development of complex, variable, and potentially conflicting and overlapping spatial and functional scope, a diversity of administration, and a muddling of individual-polity relations. Moreover, whether in Europe or in the wider environment, blurring existed in similar relation to the other core terms – negating sovereignty, updating jurisdiction, and creating legitimacy questions. Blurring was therefore possible – though not ubiquitous – outside of Europe. There was jurisdictional variability.

Re-mapping

Finally, there were lessons learned with respect to how one descriptively, analytically, and disciplinarily maps a world in which blurring was both a reality itself as well as an example of jurisdictional variability. As seen in chapter 6, the old ways of mapping were no longer appropriate such that shifts in focus and terminology were necessary to better describe, analyze, and study the contours and conduct of contemporary political and socio-political life and thought. The chapter looked at these issue in terms of descriptive, analytical, and disciplinary mapping – both what challenges blurring yielded as well as what responses one might make.

Descriptively, blurring and jurisdictional variability leveled three core challenges – they presented of an alternative, non-sovereign jurisdictional type; they challenged the position that sovereignty offered the singular solution to the problematique; and their process-based tenets contested the "staticity" common to sovereign mapping. For those reasons, blurring and jurisdictional variability mandated shifting away from the singular application of static, state sovereignty mapping towards ones of jurisdictional centrality and sensitivity.

In the first case, the intricacies and processual nature of blurring mandated complex, dynamic, and illustratively rich procedures in which the number, scope, and method metrics as well as socio-political connections and legitimacy debates were all taken into account. That high level of detail was not merely about creating detail for detail's sake. Mapping blurring *required* a thickness of description in order to capture the complexities and dynamisms constitutive of it. In the second case, jurisdictional variability meant that maps must retain sensitivity to and for coexisting jurisdictional forms. And that required maintaining, but not being beholden to, the variety of mapping techniques needed to depict the various forms that might exist. Finally, the process-based nature of blurring meant that any new maps were thought to exist less as static prints made up of clearly drawn black lines to be hung on a wall and more as interactive displays. Irrespective of how one actually constructed such maps, the point was that the complexities and dynamisms associated with blurring mandated using techniques and technologies that could accommodate the thicknesses of descriptions, and the variety needed, essential for accurate portrayal.

Analytically, one saw that IR's typical leveling approach was neither appropriate nor particularly useful given blurring. In making that claim, chapter 6 considered four possible remedies – re-leveling around thinner analytical cuts; focusing on the rules governing the system (institutionalism); bolting addendums onto existing approaches; or a wholesale rethinking of leveling and the development of a new analytical mapping process. In considering each of those options, the chapter found the final one proved to be most convincing; blurring required the development of new analytical mapping procedures based on a more appropriate theory-practice balance. To establish those procedures, the study again elevated jurisdiction to the forefront. It argued that analytically mapping contemporary political and socio-political setups, including blurring itself, required funneling one's thinking through the jurisdictional problematique prior to the application of any theoretical or paradigmatic model.

There were four reasons for making that shift, and therein four reasons why a jurisdictional focus was more appropriate, more useful, and ultimately generated more analytical leverage than a sovereignty-based, leveling one. First, analyzing political structures – of any configuration – was determined to be impossible without first dealing with the problematique. Second, turning towards jurisdiction redressed the balance between theory and practice and, in doing so, generated the conceptual space necessary for understanding blurring and jurisdictional variation. Third, mandating that empirical contextualization to determine jurisdictional type take place prior to the application of any analytical approach ensured that any debates that did occur – legitimacy and intervention were used as examples – were mired in sovereignty-based assumptions. Finally, treating jurisdiction as the key variable helped guard against reification due to its question based, process oriented formulation. Together, analytically mapping the effects of blurring meant rejecting the singular application of sovereignty-based leveling and moving towards a jurisdictionally sensitive approach.[3]

Finally, with disciplinary mapping, two lines of thinking were presented – indirect and direct. In the context of indirect mapping, there were two questions – what a blurring, EU form meant for ES's fit in the disciplinary universe and whether that placement revealed anything about the nature of disciplinarity more generally. For the first issue, the chapter

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[3] In a practical sense, the analytical map produced under this vision was seen less a single document with preformed structures and more a series of potentials to be applied only after empirical determinations were made as to the jurisdictional arrangements in play.

concluded that, while blurring reflected the *sui generis* nature of the Union, that neither meant that IR/CP lacked any and all usefulness in understanding it nor that it should be treated to the point of non-comparison as doing so risked locking ES into a disciplinary silo). For the second issue, that view of ES mandated a more pluralist, less mainstream interpretation about disciplinarity. The effects of blurring were shown to require, on a general scale, academic openness and less parochial methods and, on a deeper one, a recognition that the EU's blurring form might make it a node for debating disciplinary politics more generally. That latter point linked with this study's larger goals by pointing out the critical function played by the Union in testing IR's core commitments.

Informed by the logics of indirect mapping, the direct form asked what blurring and jurisdictional variability meant for IR specifically. In doing so, both logics were deemed incompatible with the singular application of IR insofar as both rejected the sovereignty-based starting points underpinning it. Whether with respect to a specific instance of blurring (e.g. the EU) or jurisdictional variability (e.g. bifurcation), IR lost its ability to assume that there was going to be a clean and clear international sphere of action. Because blurring created neither anarchy nor hierarchy, it problematized the ability to define a domestic/international separation based on the belief that there was going to be hierarchy in one sphere and anarchy in the other. And because the foundation and functionality of a discipline rests on there being a defined, definite object of enquiry that is real and non-reducible to other fields, blurring fundamentally challenged IR's keystone. It rejected that notion of a distinct international realm of action.[4] Moreover, even when blurring was not the specific conclusion, the possibility for it meant that jurisdictional variability must be taken into consideration. Sovereignty could not be the assumed jurisdictional form. And, as the analytical sections made clear, that mandated the need to make empirical determinations as to jurisdictional type prior to the application of any disciplinary mode.

Based on that, chapter 6 presented three options with respect to what one might do – one might resign themselves to the fact that blurring means that the best one will ever be able to offer are context-specific findings based on the circumstantial application of existing disciplinary modes; to the extent that one does wish to construct a more holistic views,

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[4] As chapter 6 was clear, that did not mean that IR loses all utility. It simply meant that its assumptions would not be able to offer a holistic, integrated view/analysis in cases of blurring.

one might conclude understanding blurring requires thick description at the expense of overall, social scientific generalizability (e.g. an introspective ES); or one might recognize the necessary links between disciplinarity and description and, in the process, adapt one's views on disciplinarity itself in helpful and useful ways. In the end, the third option proved the most convincing. It both understood that one should not disparage calls for greater description "simply" for being description. IR "works" only insofar as one is able to define a domestic/international separation that, for all its analytical and disciplinary roles, has always been an empirical condition. In that sense, all the calls for empiricism before analyticism noted in the context of analytical mapping were not a surrendering of the possibility for disciplinarity specifically or social science more generally. They simply reflected the basic truth that both ultimately rest on good description.

Second, all of that also meant that disciplines themselves might be adapted to function in more efficacious ways. On the one hand, this study neither had the tools nor space to debate all the intellectual, professional, institutional, and pedagogical shifts that go along with making fundamental disciplinary change. On the other hand, one was not rudderless in that process. First, as it applied to IR specifically, it was noted that allowing for blurring may simply require a re-reading of IR's history to make it more flexible to issues that might otherwise be considered beyond its traditional "international" remit. Second, while the assumption throughout the study was that that IR-proper was mainstream IR, there clearly are alternative strands – critical, normative, and post-positivist to name a few broad families. Moreover, those alternatives are often explicit in their challenges to IR's "empirical" content (that it requires a domestic/international split) as well as its "academic" construction (that it ought to function along certain standardized disciplinary precepts). Finally, there were lesson to be gained from ES itself. As seen in the context of indirect mapping, disciplines can interact in productive ways in the context of a common problem. The EU and ES were both considered examples of that process.

Putting it together

Put together, the study's four sets of core questions offer an integrated view of jurisdictional change approached from a starting point and context of mainstream IR. In doing so, it presented conclusions about the nature and importance of jurisdiction, the

status of the EU in the context of four outcome-possibilities, the meaning and implications of jurisdictional blurring (and with it jurisdictional variation), and finally how one might re-map the outcomes of that entire setup. Those re-mappings proved beneficial to the extent that better brought together theory and practice, offered more appropriate and more useful analytical languages, and opened the door to rethinking disciplinary divisions in more sensible and efficacious ways.

All told, this study's contributions come both through its specific answers to each of the four sets of structuring questions as well as its more integrated view on jurisdictional change and the need to highlight the problematique in political and socio-political analyses. Merging a thick empirical examination with a more conceptual *ethos* therefore not only helped break-up IR's reified groundwork, but also provided a clear example of how one might assess jurisdictional dynamics, across political and socio-political setups, in a changing world. The process used to examine the Union – most critically, the jurisdictional starting point and the four outcome-possibilities – offers a way forward for evaluating jurisdictional dynamics on a global scale. Whether not that process fits into any existing disciplinary box is far less important than the simple realization that jurisdictional change and variation requires thorough and thoughtful empirical analysis absent any prescribed limits.

Ongoing change

One would be remise not to reference that one of the most serious challenges to the entirety of this study's arguments has to do with the current state of the Union. On the one hand, the study's intent has always been to reflect outwardly from the European case. It underlying focus may have *started* with the European case, but it did not end there. Indeed, that is why it highlighted IR's core enabling conditions, not any particular EU policy or programs, as well as continually ignored any impulses to label the EU. And, as the preceding sections all hinted it, many of its most significant conclusions – chiefly those having to do with jurisdictional change and re-mapping – contain broader conceptual implications not directly tied to Europe or the European case specifically.

Nevertheless, the foundations of all those wider conceptual conclusions, whether the need to challenge sovereignty, the tenets of burring, or the re-mappings presented in the previous chapter, all gained plausibility based on the study's examination of the EU as an

operationalized test case. As chapter 1 noted, the study turned to Europe specifically as a means of adding empirical viability and validity to existing commentaries on the need to challenge and move beyond sovereignty. And, if that methodological goal is at all important – and it continues to be viewed as critical – then all of the conceptual arguments made ultimately hinge on the European example. Current changes to the Union must therefore be acknowledged and dealt with to the extent that they potentially might have serious knock-on effects to the study as a whole.

In that sense, current developments in Europe, ranging from the economic challenges of debt issues on the Euro-zone's long-term stability to the politico-institutional conflicts between the member-states over what to do about it, risk challenging the empirical support for the blurring argument. In simpler terms, they risk making the blurring argument altogether less convincing by adding support to one of the other outcome-possibilities. To give but one example, London's unilateral December 2011 Council veto over a Franco-German treaty revision plan to deal with the spiraling debt issues arguably reflects more an instance of maintenance – the firm reassertion of British sovereignty at the expense of Europe – than of blurring. Indeed, much has been made of the political turmoil that has resulted from that decision (Parker and Barker, 2011).

At the same time, however, while the challenges the EU is currently facing are real and must be taken into consideration, the surface reasons for rejecting (or at least questioning) the blurring finding are less convincing. First, the crux of blurring was never that it simplistically replaces sovereignty as the core factor governing all political and socio-political action. As seen throughout chapters 3-6, the most interesting and critical aspect of it was that it offered variable, potentially conflicting and overlapping resolutions to problematique. In that regard, the fissure between the UK and the Franco-German plan does not necessarily conflict with blurring. Indeed, as noted in the context of the existing, variable membership programs (both "within" the EU and in the context of non-acceded, associate states), the fact that there is no single, homogenous European jurisdictional space is a central aspect of blurring. Therefore, the fact that Europe currently faces certain challenges to its existing structures and rules should not necessarily be interpreted as the firm rejection of blurring.

Second, the fact that there are ongoing changes driven by on-the-ground circumstance underlines the importance of the process-based nature of blurring. As has been stressed, a

key strength of blurring is that it is not locked-in to anyone present such that political shifts are an indelible aspect of it. They are something that it recognizes as likely and therefore incorporates into its core ethos as well as its resultant mapping processes. Simply put, accounting for the jurisdictional restlessness of the EU (or any other political/socio-political entity) is built into the process-based nature of blurring.[5] For that reason, the current "challenges" one sees in the EU's case may actually be more challenging to a teleological view of it – that it is destined to reach either the breakdown possibility or revert to the maintenance one – than to a blurring one. Both of them discount the possibility that the current complications and conflicts may simply be part of the blurring nature of the system itself.

Third, taken to a more conceptual level, questions about the EU's future illustrate why the jurisdictional turn itself is so important. As chapters 5 and 6 stressed, one of the key advantages of recognizing blurring and jurisdictional variability is the contextual, process-based meaning they prompt. The study went to lengths to stress that because of both – because sovereignty cannot be assumed – determining jurisdictional type (an empirical issue) must increasingly occur prior the application of any one analytical or disciplinary point of view. Not only does that argument not change in the face of Europe's current challenges, it is even bolster by it. The fact that the case under examination may be shifting illustrates the need to consistently and situationally map (descriptively, analytically, and disciplinarily) to ensure that the most appropriate tools, views, and logics are used. Even if the EU is on the verge of complete disintegration back to pure and utter statism – and this study does not take that point of view – *even that would remain an instance of jurisdictional change that would require firm contextualization*. It would force one to begin with the problematique asking, in the context of the debt issues and the associated political challenges associated with it, who *now* is deciding what, where, how, and over whom in Europe. The current challenges the EU faces therefore do not harm the argument offered in this study; they reinforce it.

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[5] This argument also applies to cases of global change, whether that means a "reversion" to more statism where that had been more globalist structures or the "growth" of more globalized structures. In either case, the process-based nature of blurring, and with it the importance of jurisdictional debates, offer inbuilt guards against empirical and/or analytical reification.

Future lines of thinking

Altogether this study paints a very different picture of how to approach political and socio-political phenomena than that of mainstream IR. Nonetheless, it also raises a number of core questions and future lines of research, four of which are particularly important. First, there is the simple *and ongoing* task of determining jurisdictional type. Given the pace of political and socio-political change, there is a need to make continual assessments of how the jurisdictional problematique is or is not resolved in any particular circumstance. One should note that jurisdictional change itself lacks normative worth. Thus, while the EU might be considered a "success" in terms of its transition away from sovereignty – in creating a structure that more or less is viewed as legitimate and that has prevented major European war for six decades – the movement away from sovereignty is not necessarily so neat and tidy – as the increasing number of failed states illustrates.

Second, continuing research must be done with respect to the nature of legitimacy in situations akin to blurring; in situations in which there is neither hierarchy nor anarchy. What forms of democracy might be possible? How might different types of legitimacy interact? To be sure, part of that process is bound to be normative. Nevertheless, it ought not be exclusively so. While defining legitimacy under blurring requires one to make new normative assessments about how political and socio-political power ought be exercised in situation without firm jurisdictional hierarchies and over marbled people, it also requires practical assessments relating to, among other things, institutional design and legal structures. In other words, blurring upsets not only how one *conceives* of legitimacy, but also how one *institutes* it.

Third, the study entails more case-specific thinking in the context of blurring. As the intervention debate cited earlier in this chapter makes clear, more research must be done with respect to how jurisdictional blurring and variability affect specific issues – issues ranging from the status of refugees to the dynamics and logics immigration to the application of "foreign" aid. Most critically, these issues need to be considered – normatively and practically – outside the traditional contexts of the inside/outside, inclusion/exclusion, and domestic/international separations. Only then will the most useful options arise.

Finally, much more work must be done on the nature of disciplinarity itself. On the one hand, one needs to thoroughly assess, likely in case-specific fashion, the efficacies of the various alternatives to it – for instance, the exact nature and logics underpinning intra, intra, multi, and/or transdisciplinary approaches. How precisely do they differ from one another? What are the positives and negatives of each? On the other hand, one also must deal with the associated structural, institutional, and pedagogical issues. Again, while some disciplinary innovation has already taken place in IR (as well as in other related fields) as reflected by the growth of more pluralistic thinking, such advancements risk failing to ever reach the mainstream in the conventional sense without accompanying shifts in the ways disciplines are institutionally situated, professionally managed, and pedagogically approached within universities.

Conclusion

While the sorts of questions outlined in the previous section remain open, the arguments made throughout this study offer the foundations and updated perspectives necessary to take them on. Whether based on the jurisdictional options – breakdown, maintenance, stratification, and blurring – used to help examine the EU or the descriptive, analytical, and disciplinary apparatuses developed as a result of the blurring finding, applying mainstream IR's modes of thinking to a politically and socio-politically changing world is problematic. By focusing firmly on jurisdiction and its problematique, the study illustrated both the inadequacies of those traditional approaches as well as offered a new way forward for future examinations. It demonstrated the impact jurisdictional change has on international theory, and therein why jurisdictional debates ought to be placed at the center of all discussions about the contours and conduct of modern political and socio-political life and thought. It is through jurisdiction, and its question-based, empirically-driven foundations, that the most appropriate, most useful, and most interesting perspectives, debates, insights, and ways forward will be found.

Bibliography

Books and articles

Agnew, J. (1994). The territorial trap: The geographical assumptions of international relations theory *Review of International Political Economy, 1*(1), 53-80.

Agnew, J. (1998). *Geopolitics: Re-visioning World Politics*. London: Routledge.

Agnew, J. (2005). Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics. *Annual of the Association of American Geography 95*(2), 437-461.

Albert, M., & Kopp-Malek, T. (2002). The Pragmatism of Global and European Governance: Emerging Forms of the Political 'Beyond Westphalia'. *Millennium Journal of International Studies, 31*(3), 453-471.

Albert, M., & Kratochwil, F. (2001). Conclusion. In M. Albert, D. Jacobson & Y. Lapid (Eds.), *Identities, Borders, Orders: Rethinking International Relations Theory*. Minneapolis: University of Minnesota Press.

Almond, G. (1988). Separate Tables: Schools and Sects in Political Science. *PS: Political Science and Politics, 21*(4), 828-842.

Altman, A., & Wellman, C. H. (2004). A Defense of International Criminal Law. *Ethics, 115*, 35-67.

Anderson, B. (1991). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.

Anderson, M. (1993). *The Rise of Modern Diplomacy, 1450-1919*. Essex: Longman Group.

Andreatta, F. (2005). Theory and the European Union's International Relations. In C. Hill & M. Smith (Eds.), *International Relations and the European Union*. Oxford: Oxford University Press.

Ansell, C. (2004). Restructuring Authority and Territoriality. In C. Ansell & G. D. Palma (Eds.), *Restructuring Territoriality: Europe and the United States Compared*. Cambridge: Cambridge University Press.

Armstrong, J. (1982). *Nations before Nationalism*. Chapel Hill: University of North Carolina Press.

Ashworth, L. (2002). Did the Realist-Idealist Great Debate Really Happen? A Revisionist History of International Relations. *International Relations, 16*(1), 33-50.

Ashworth, L. (2009). Interdisciplinarity and international relations. *European Political Science, 8*(1), 16-25.

Aspinwall, M., & Schneider, G. (2000). Same Menu, Separate Tables: The Institutionalist Turn in Political Science and the Study of European Integration. *European Journal of Political Research 31*(1), 1-36.

Balibar, E. (2002). *Politics and the Other Scene* (C. Jones, J. Swenson & C. Turner, Trans.). London: Verso.

Bates, R. (1996). Area Studies and the Discipline. *Newsletter of the APSA Organized Section in Comparative Politics, 7*(1), 1-2.

Bates, R. (1997). Area Studies and the Discipline: A Useful Controversy? *Politics Science and Politics, 30*(2), 166-169.

Bauböck, R. (2004). Changing the Boundaries of Citizenship: The Inclusion of Immigrants in Democratic Politics. In R. Bauböck (Ed.), *From Aliens to Citizens: Redefining the Status of Immigrants in Europe*. Vienna: Avebury.

Bauböck, R. (2007). Why European Citizenship? Normative Approaches to Supranational Union. *Theoretical Inquiries in Law, 8*(2), 453-488.

Beck, U. (2007). The Cosmopolitan Condition: Why Methodological Nationalism Fails. *Theory, Culture & Society, 24*(7-8), 286-290.

Beitz, C. R. (1979). *Political Theory and International Relations*. Princeton: Princeton University Press.

Bellamy, R. (2004). Introduction: The Making of Modern Citizenship. In R. Bellamy, D. Castiglione & E. Santoro (Eds.), *Lineages of European Citizenship: Rights, Membership and Participation in Eleven Nation States*. London: Palgrave.

Bellamy, R., & Warleigh, A. (1998). From an Ethics of Integration to an Ethics of Participation: Citizenship and the Future of the European Union. *Millennium Journal of International Studies, 27*(2), 447-470.

Bickerton, C., Cunliffe, P., & Gourevitch, A. (2007). Introduction: The unholy alliance against sovereignty. In C. Bickerton, P. Cunliffe & A. Gourevitch (Eds.), *Politics without Sovereignty: A Critique of Contemporary International Relations*. London: University College Press.

Bigo, D. (2000). When two become one: Internal and external securitisations in Europe. In M. Kelstrup & M. Williams (Eds.), *International relations theory and the politics of European integration*. London: Routledge.

Bigo, D. (2005). Frontier Controls in the European Union: Who is in Control? In E. Guild & D. Bigo (Eds.), *Controlling frontiers: free movement into and within Europe* London: Routledge.

Bigo, D., & Walker, R.B.J. (2007). Political Sociology and the Problem of the International. *Millennium Journal of International Studies, 35*(3), 725-739.

Bodin, J. (1967). *Six Books on the Commonwealth* (M. J. Tooley, Trans.). Oxford: Basil Blackwell.

Borras, S., & Jacobsson, K. (2004). The Open method of co-ordination and new governance patterns in the EU. *Journal of European Public Policy, 11*(2), 185-208.

Brague, R. (2007). Do We Need Borders? In G. Pécout (Ed.), *Penser L'Europe - What Borders for Europe?* Paris: Presses Universitaires de France.

Branch, J. (2011a). *Mapping the Sovereign State: Cartographic Technology, Political Authority, and Systemic Change.* University of California at Berkeley, Berkeley, CA.

Branch, J. (2011b). Mapping the Sovereign State: Technology, Authority, and Systemic Change. *International Organization, 65*(1), 1-36.

Breuilly, J. (2001). Nationalism and the State. In M. G. Hutchinson (Ed.), *Understanding nationalism*. Cambridge: Polity.

Brown, C. (2000). International Political Theory - A British Social Science? *British Journal of Politics and International Relations, 2*(1), 114-123.

Brown, C. (2002). *Sovereignty, Rights, and Justice: International Political Theory Today*. London: Polity.

Brown, C. (2007). The Future of the Discipline. *International Relations*. *21*(3), 347-350.

Brubaker, R. (1992). *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press.

Bull, H. (1977). *The Anarchical Society: A Study of Order in World Politics*. London: Macmillan Press.

Bull, H. (1979). The State's Positive Role in World Affairs. *Daedalus, 108*(4), 111-123.

Burchill, S., & Linklater, A. (Eds.). (2005). *Theories of International Relations* (3 ed.). London: Palgrave Macmillan.

Burgess, M., & Vollaard, H. (2006). Introduction: analyzing Westphalian states in an integrating Europe and a globalizing world. In M. Burgess & H. Vollard (Eds.), *State territoriality and European Integration*. New York: Routledge.

Busch, B., & Krzyzanowski, M. (2007). Inside/outside the European Union: Enlargement, migration policy and the search for Europe's identity. In W. Armstrong & J. Anderson (Eds.), *Geopolitics of European Union Enlargement: the fortress empire*. London: Routledge.

Buzan, B., & Little, R. (2001). Why International Relations has Failed as an Intellectual Project and What to do About it. *Millennium Journal of International Studies, 30*(1), 19-39.

Campbell, D. (1969). Ethnocentrism of Disciplines and the Fish-Scale Model of Omniscience. In M. Sherif & C. Sherif (Eds.), *Interdisciplinary Relationships in the Social Sciences* (pp. 328-348). Newark: AldineTransaction

Caporaso, J. (1996). The European Union and Forms of State: Westphalian, Regulatory or Post-Modern? *Journal of Common Market Studies, 34*(1), 29-52.

Caporaso, J. (1997). Across the Great Divide: Integrating Comparative and International Politics. *International Studies Quarterly, 41*(4), 563-592.

Caporaso, J. (2000). Changes in the Westphalian Order: Territory, Public Authority, and Sovereignty. *International Studies Review, 2*(2), 1-28.

Caporaso, J., & Jupille, J. (2004). Sovereignty and Territory in the European Union. In C. Ansell & G. D. Palma (Eds.), *Restructuring Territoriality*. Cambridge: Cambridge University Press.

Caporaso, J., Marks, G., Moravcsik, A., & Pollack, M. (1997). Does the European Union Represent an *n* of 1? *ECSA Review, 10*(3), 1-5.

Chalmers, D. (2007). Union Citizenship. In D. Chalmers, C. Hadjiemmanuil, G. Monti & A. Tomkins (Eds.), *European Union Law*. Cambridge: Cambridge University Press.

Chalmers, D., Davies, G., & Monti, G. (2010). *European Union Law: Cases and Materials*. Cambridge: Cambridge University Press.

Charney, H. (1999). Anticipatory Humanitarian Intervention in Kosovo. *The American Journal of International Law, 93*(3), 834-841.

Chernilo, D. (2006). Social Theory's Methodological Nationalism Myth and Reality. *Journal of European Social Theory, 9*(1), 5-22.

Cini, M. (2006). The 'State of the Art' in EU Studies: From Politics to Interdisciplinarity (and Back Again?). *Politics, 2006*(62), 34-46.

Citrin, J., & Sides, J. (2004). More than Nationals: How Identity Choice Matters in the New Europe. In R. Herrmann, T. Risse & M. Brewer (Eds.), *Transnational Identities: Becoming European in the EU*. Oxford: Rowman and Littlefield.

Claude, I. (1968). Myths about the state. *Review of International Studies, 12*(1), 1-11.

Closa, C. (1995). Citizenship of the Union and Nationality of the Member States. *Common Market Law Journal, 32*(1), 487-518.

Cox, R. (1981). Social Forces, States and World Orders: Beyond International Relations Theory. *Millennium Journal of International Studies, 10*(2), 126-155.

Cremona, M. (2011). External Relations and External Competence of the European Union: The Mergence of an Integrated Policy. In P. Craig & G. D. Burca (Eds.), *The Evolution of EU Law* (2nd ed.). Oxford: Oxford University Press.

Culter, C. (2001). Critical reflections on the Westphalian assumptions of international law and organization: a crisis of legitimacy. *Review of International Studies, 27*, 133-150.

d'Appollonia, A. (2002). European Nationalism and European Union. In A. Pagden (Ed.), *The Idea of Europe: From Antiquity to the European Union*. Cambridge: University Press.

Dahl, R. (1999). Can international organizations be democratic? A skeptic's view. In I. Shapiro & C. Hacker-Cordón (Eds.), *Democracy's Edges*. Cambridge: Cambridge University Press.

De Burca, G. (2010). The European Court of Justice and the International Legal Order After *Kadi*. Harvard International Law Journal, *51*(1), 1-49.

de Gaulle, C. (2003). A Concert of European States. In B. Nelsen & A. Stubb (Eds.), *The European Union: Readings on the Theory and Practice of European Integration*. London: Palgrave.

de Waele, H. (2011). The ever-evolving concept of EU citizenship: of paradigm shifts, quantum leaps and Copernican Revolutions. In L. Talani (Ed.), *Globalization, Migration, and the Future of Europe*. London: Routledge.

Deibert, R. (1997). 'Exorcismus Theoriae': Pragmatism, Metaphors, and the Return of the Medieval in IR Theory. *European Journal of International Relations, 3*(2), 167-192.

Delanty, G. (2006). Borders in a Changing Europe: Dynamics of Openness and Closure. *Comparative European Politics, 4*(2), 183-202.

Delanty, G. (2007). European Citizenship: A Critical Reassessment. *Citizenship Studies, 11*(1), 63-72.

Delanty, G., & Rumford, C. (2005). *Rethinking Europe: Social Theory and the implications of Europeanization*. London: Routledge.

Devetak, R. (2005). Critical Theory. In A. Linklater & S. Burchill (Eds.), *Theories of International Relations* (3rd ed.). London: Palgrave Macmillan.

Diez, T., & Wiener, A. (2009). *European Integration Theory*. Oxford: Oxford Universtiy Press.

DiMuccio, R., & Cooper, E. (2000). Turbulence and Tradition in International Relations Theory: Prospects for a Postinternational Revolution. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?*. Albany: State University of New York Press.

Donnelly, J. (2005). Realism. In S. Burchill & A. Linklater (Eds.), *Theories of International Relations*. London: Palgrave Macmillan.

Donnelly, J. (2007). The Relative Universality of Human Rights. *Human Rights Quarterly, 29*(2), 281-306.

Dorling, D., & Fairbairn, D. (1997). *Mapping: Ways of Representing the World*. New York: Prentice Hall.

Dowding, K. (2000). Institutional research on the European Union: a critical review. *European Union Politics, 1*(1), 125-144.

Dugard, J. (2006). Seventh Report on Diplomatic Protection. New York: United Nations. Available at: http://untreaty.un.org/ilc/documentation/english/a_cn4_567.pdf.

Dunn, F. (1948). The Scope of International Relations. *World Politics, 1*(1), 142-146.

Durkheim, É. (1951). *Suicide: A Study in Sociology* (J. A. Spaulding & G. Simpson, Trans.). New York: The Free Press of Glenco.

Durkheim, É. (1982). *The Rules of Sociological Method and Selected Texts on Sociology and its Method* (W. D. Halls, Trans.). London: Macmillan.

Durkheim, É. (1984). *The Division of Labour in Society* (W. D. Halls, Trans.). London: Macmillan.

Elden, S. (2010). Thinking Territory Historically. *Geopolitics, 15*(4), 757-761.

Elden, S. (2011). Territory without Borders. Retrieved from

Elshtain, J. B. (1995). International Politics and Political Theory. In K. Booth & S. Smith (Eds.), *International Relations Theory Today*. London: Polity.

Faist, T. (2001). Social Citizenship in the European Union: Nested Membership. *Journal of Common Market Studies, 39*(1), 37-58.

Ferguson, Y. (2000). Postinternationalism and the Future of IR Theory. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?* (pp. 219-239). Albany: State University of New York Press.

Ferguson, Y., & Mansbach, R. (2002). Remapping Political Space: Issues and Nonissues in Analyzing Global Politics in the Twenty-First Century. In Y. Ferguson & R. J. Barry Jones (Eds.), *Political Space: Frontiers of Change and Governance in a Globalizing World*. Albany: SUNY Press.

Ferguson, Y., & Mansbach, R. (2008). Politics Past and Present. *Millennium Journal of International Studies, 37*(2), 365-379.

Fierke, K., & Wiener, A. (1999). Constructing institutional interests: EU and NATO enlargement. *Journal of European Public Policy, 6*(5), 721-742.

Fontana, B. (2002). The Napoleonic Empire and the Europe of Nations. In A. Pagden (Ed.), *The Idea of Europe: From Antiquity to the European Union*. Cambridge: Cambridge University Press.

Garrett, G. (1992). International Cooperation and Institutional Choice: The European Community's Internal Market. *International Organization, 46*(2), 533-560.

Garrett, G., & Weingast, B. (1993). Ideas, Interests, and Institutions: Constructing the European Community's Internal Market In J. Goldstein & R. Keohane (Eds.), *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* Ithaca: Cornell University Press.

Gerring, J. (2007). Is There a (Viable) Crucial-Case Method? *Comparative Political Studies, 40*(3), 231-253.

Geyer, F. (2007). The External Dimension of EU Citizenship: Arguing for Effective Protection of Citizens Abroad.*Center for European Policy Studies: Policy Briefs* Brussels: European Policy Studies.

Gilpin, R. (2001). *The Challenge of Global Capitalism: The World Economy in the 21st Century, .* Princeton: Princeton University Press.

Glencross, A. (2007). *Federalism, Confederalism and Sovereignty Claims: Understanding the Democracy Game in the EU*. Paper presented at the SGIR Annual Conference, Turin, Italy.

Glencross, A. (2009). *Overcoming Anarchy? Popular Sovereignty and the Hierarchy of Democratic Legitimacy in the US and EU States Union*. Paper presented at the Sovereignty and European Integration in the Post-Constitutional Era, Edinburgh School of Law.

Gordon, S. E. (2005). *Changing Concepts of Sovereignty and Jurisdiction in the Global Economy: Is there a Territorial Connection?* The Canadian Centre for German and European Studies Working Paper Series. York University. Toronto.

Grant, C. (2006). Europe's Blurred Boundaries: Rethinking enlargement and neighborhood policy. London: Centre for European Reform.

Gregory, R., & Giddings, P. (2001). Citizenship, Rights and the EU Ombudsman. In R. Bellamy & A. Warleigh (Eds.), *Citizenship and Governance in the European Union*. London: Continuum.

Grieco, J. (1995). The Maastricht Treaty, Economic and Monetary Union and the Neo-Realist Research Programme. *Review of International Studies, 21*(1).

Griffiths, M. & O'Callaghan, T. (2000). The End of International Relations?. In R. Crawford & D. Jarvis (Eds.), *International Relations—Still An American Social Science? Towards Diveristy in International Thought*. Albany: SUNY Press.

Guibernau, M. (1999). *Nations Without States: Political Communities in a Global Age*. Cambridge: Polity.

Guild, E. (1996). The Legal Framework of Citizenship in the European Union. In D. Cesarani & M. Fulbrook (Eds.), *Citizenship, Nationality and Migration in Europe*. London: Rutledge.

Guild, E. (2006). Danger - Borders under construction: assessing the first five years of border policy in an area of freedom, security and justice. In J. de Zwaan & F. Goudappel

(Eds.), *Freedom, Security and Justice in the European Union: Implementation of the Hague Programme*. The Hague: T.M.C. Asser Press.

Haas, E. (1958). *The Uniting of Europe: Political, Social and Economic Forces*. Stanford: Stanford University Press.

Habermas, J. (1990). *Moral Consciousness and Communicative Action*. Cambridge: Polity.

Habermas, J. (1994). Citizenship and National Identity. In B. Steenbergen (Ed.), *The Condition of Citizenship*. London: Sage.

Habermas, J. (1995). Citizenship and National Identity: Some Reflections on the Future of Europe. In R. Beiner (Ed.), *Theorizing Citizenship*. New York: SUNY Press

Habermas, J. (2001a). The Postnational Constellation and the Future of Democracy (M. Pensky, Trans.). In J. Habermas (Ed.), *The Postnational Constellation: Political Essays*. Cambridge: Cambridge University Press.

Habermas, J. (2001b). Why European Needs a Constitution. *New Left Review, 11*(1).

Haddad, E. (2004). *Between Sovereigns: the refugee in international society.* (PhD), The London School of Economics and Politics Science, London.

Halliday, F. (2001). Nationalism. In J. Baylis & S. Smith (Eds.), *The Globalization of World Politics*. Oxford: Oxford University Press.

Hansen, L. (1997). R.B.J. Walker and International Relations: deconstructing a discipline. In I. Neumann & O. Waever (Eds.), *The Future of International Relations*. London: Routledge.

Hay, C. (2010). Political Science in an Age of Acknowledged Interdependence. In C. Hay (Ed.), *New Directions in Political Science*. London: Palgrave Macmillan.

Heater, D. (1990). *Citizenship: The Civic Ideal in World History, Politics, and Education*. London: Logman Group.

Held, D. (2002a). Law of States or Law of Peoples? *Legal Theory, 2*(1), 1-44.

Held, D. (2002b). The Changing Structure of International Law; Sovereignty Transformed? In D. Held & A. McGrew (Eds.), *The Global Transformations Reader: An Introduction to the Globalization Debate*. Cambridge: Polity.

Held, D., & McGrew, A. (Eds.). (2002). *The Global Transformation Reader*. Cambridge: Polity.

Herrmann, R., & Brewer, M. (2004). Identities and Institutions: Becoming European in the EU. In R. Herrmann, T. Risse & M. Brewer (Eds.), *Transnational Identities: Becoming European in the EU*. Oxford: Rowman and Littlefield.

Hertz, J. (1956). Rise and Demise of the Territorial State. *World Politics, 9*(4), 473-793.

Hertz, J. (1968). The Territorial State Revisited: Reflections on the Future of the Nation-State. *Polity, 1*(1), 11-34.

Hill, C., & Smith, M. (2005). International Relations and the European Union. In C. Hill & M. Smith (Eds.), *International Relations and the European Union*. Oxford: Oxford University Press.

Hirst, P., & Thompson, G. (1999). *Globalization in Question*. London: Polity.

Hix, S. (1994). The Study of the European Community: The Challenge to Comparative Politics. *West European Politics, 17*(1), 1-30.

Hix, S. (1996). CP, IR and the EU! A rejoinder to Hurrell and Menon. *West European Politics, 19*(4), 802-804.

Hix, S. (2005). *The Political System of the European Union*. London: Palgrave Macmillan.

Hobbs, H. (2000). Introduction: Pondering Postinternationalism. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?*. Albany: State University of New York Press.

Hobson, J. (2002). What's at stake in 'bringing historical sociology back into international relations'? Transcending 'chronofetishism' and 'tempocentrism' in international relations. In J. Hobson (Ed.), *Historical Sociology of International Relations*. Cambridge: Cambridge University Press.

Hoffman, F. (2008). Book Review: Territory, Authority, Rights: From Medieval to Global Assemblages by Saskia Sassen. *Osgoode Hall Law Journal, 46*(1), 665-667.

Hoffmann, M. (1987). Critical Theory and the Inter-Paradigm Debate. *Millennium Journal of International Studies, 16*(2), 231-249.

Hoffmann, S. (1966). Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe. *Daedalus, 95*(1), 865-915.

Hofstadter, D. (1999). *Gödel, Escher, Bach: An Eternal Golden Braid*. New York: Basic Books.

Hollis, M., & Smith, S. (1990). *Explaining and Understanding International Relations*. Oxford: University of Oxford Press.

Holsti, K. J. (1985). *The Dividing Discipline: Hegemony and Diversity in International Theory* London: Routledge.

Holsti, K. J. (2002). The Problem of Change in International Relations Theory. In Y. Ferguson & R. B. B. Jones (Eds.), *Political Space: Frontiers of Change and Governance in a Globalizing World*. New York: State University of New York.

Holzgrefe, J. L. (1989). The origins of modern international relations theory. *Review of International Studies, 15*(1), 11-26.

Hooghe, L., & Marks, G. (2003). *Unraveling the Central State, But How?: Types of Multi-Level Governance*. Political Science Series. Institute for Advanced Studies. Vienna.

Hurrell, A. (2007). *On Global Order: Power, Values, and the Constitution of International Society*. New York: Oxford University Press.

Huysmans, J. (2003). Discussing Sovereignty and Transnational Politics. In N. Walker (Ed.), *Sovereignty in Transition* (pp. 209-229). London: Hart Publishers.

Jackson, R. (1992). Pluralism in international political theory. *Review of International Studies, 18*(3), 271-281.

Jackson, R. (1999). Sovereignty in World Politics: a Glance at the Conceptual and Historical Landscape. *Political Studies, 47*(3), 431-456.

Jackson, R. (2000). *The Global Covenant: Human Conduct in a World of States*. Oxford: Oxford University Press.

Jackson, R. (2007a). Sovereignty and its Presuppositions: Before 9/11 and After. *Political Studies, 5*(2), 297-317.

Jackson, R. (2007b). *Sovereignty: Evolution of an Idea*. Cambridge: Polity.

Jackson, R., & Rosberg, C. (1982). Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood. *World Politics, 35*(1), 1-24.

Jackson, R., & Sørensen, G. (2003). *Introduction to International Relations: Theories and Approaches*. Oxford: Oxford University Press.

Jackson-Preece, J. (2005). *Minority rights: between diversity and community*. Cambridge: Polity Press.

Jarvis, D. S. L. (2000). *International Relations and the Challenge of Postmodernism: Defending the Discipline*. Columbia: University of South Carolina Press.

Jenson, J. (2007). The European Union's Citizenship Regime: Creating Norms and Building Practices. *Comparative European Politics, 5*(1), 53-69.

Johansson, K., & Vifell, A. (2006). Transcending the boundaries of political science. *European Political Science:, 5*(1), 183-192.

Johnson, A. (2005). *European Welfare States and Supranational Governance of Social Policy*. New York: Palgrave Macmillan.

Joppke, C. (2003). Citizenship between De- and Re-Ethnicization (I). *European Journal of Sociology, 44*(3), 429-458.

Jordon, R., Maliniak, D., Oakes, A., Peterson, S., & Tierney, M. J. (2009). One Discipline or Many? TRIP Survey of International Relations Faculty in Ten Countries *Teaching, Research, and International Policy Project: The Institute for the Theory and Practice of International Relations*. Williamsburg: The College of William and Mary.

Jupille, J. (2005a). A Thousand Flowers Blooming? Methodological Practices in European Union Studies. *European Politics and Society Newsletter*.

Jupille, J. (2005b). Knowing europe: metatheory and methodology in european union studies. In M. Cini & A. Bourne (Eds.), *Palgrave Advances in European Union Studies*. London: Palgrave MacMillian.

Jupille, J., & Caporaso, J. (1999). Institutionalism and the European Union: Beyond International Relations and Comparative Politics. *Annual Review of Politics Science, 2*(1), 429-444.

Kagan, R. (2003). *Of Paradise and Power: America and Europe in the New World Order* New York: Knopf.

Keating, M. (2003). Sovereignty and Plurinational Democracy: Problems in Political Science. In N. Walker (Ed.), *Sovereignty in Transition*. London: Hart Publishers.

Keeler, J. (2005). Mapping EU Studies: The Evolution from Boutique to Boom Field 1960–2001. *Journal of Common Market Studies, 43*(3), 551-582.

Kennedy-Pipe, C. (2007). At a Crossroads – and Other Reasons to be Cheerful: The Future of Internatioal Realtions. *International Realtions, 21*(3), 351-354.

Keohane, R. (1984). *After hegemony: Cooperation and discord in the world political economy*. Princeton: Princeton University Press.

Keohane, R. (1988). International Institutions: Two Approaches. *International Studies Quarterly, 32*(4), 379-396.

Keohane, R., & Nye, J. (2001). *Power and Interdependence* (3rd ed.). New York: Longman.

Klein, J. (1990). *Interdisciplinarity: History, Theory, and Practice*. Detroit: Wayne State University Press.

Knutsen, T. (1997). *A History of International Relations Theory*. Manchester: Manchester University Press.

Kokott, J. (2010). The Basic Law at 60 – From 1949 to 2009: The Basic Law and Supranational Integration. *German Law Journal, 11*(1), 99-114.

Koopmans, R., Statham, P., Giugni, M., & Passy, F. (2005). *Contested Citizenship: Immigration and Cultural Diversity in Europe*. Minnesota: University of Minnesota Press.

Kovács, M. (2006). The Politics of Dual Citizenship in Hungary. *Citizenship Studies, 10*(4), 431-451.

Krasner, S. (1999). *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.

Krasner, S. (2001). Rethinking the sovereign state model. *Review of International Studies, 27*(1), 17-42.

Kratochwil, F. (1986). Boundaries, and Territoriality: An Inquiry into the Formation of the State. *World Politics, 39*(1), 27-52.

Künzli, A. (2006). Exercising Diplomatic Protection, the fine line between litigation, demarches and consular assistance. *ZaöRV, 66*(1), 339-349.

Kuus, M., & Agnew, J. (2008). Theorizing the state geographically: sovereignty, subjectivity, territoriality. In K. Cox, M. Low & J. Robinson (Eds.), *The Handbook of Political Geography*. London: Sage Publications.

Kymlicka, W. (1999). Citizenship in an Era of Globalization: Commentary on Held. In I. Shapiro & C. Hacker-Cordon (Eds.), *Democracy's Edges*. Cambridge: Cambridge University Press.

Lacroix, J. (2002). For a European Constitutional Patriotism. *Political Studies, 50*(5), 944-958.

Lacroix, J. (2011). Concentric circles of flexible 'European' integration: A typology of EU external governance relations. *Comparative European Politics, 9*(3), 372-393.

Laffan, B. (2004). The European Union as its Institutions as "Identity Builders". In R. Herrmann, T. Risse & M. Brewer (Eds.), *Transnational Identities: Becoming European in the EU* . Oxford: Rowman and Littlefield.

Lapid, Y. (2001). Identities, Borders, Orders: Nudging International Relations Theory in a New Direction. In M. Albert, D. Jacobson & Y. Lapid (Eds.), *Identities, Borders, Orders: Rethinking International Relations Theory*. Minneapolis: University of Minnesota Press.

Lavenex, S. (2004). EU external governance in 'wider Europe'. *Journal of European Public Policy, 11*(4), 680-700.

Leibfried, S. (2005). Social Policy. In H. Wallace & W. Wallace (Eds.), *Policy-Making in the European Union*. Oxford: Oxford University Press.

Linklater, A. (1982). *Men and Citizens in the Theory of International Relations*. London: Macmillan.

Linklater, A. (1998a). Cosmopolitan Citizenship. *Citizenship Studies, 2*(1), 23-39.

Linklater, A. (1998b). *The Transformation of the Political Community: Ethical Foundations of the Post-Westphalian Era*. Cambridge: Polity Press.

Linklater, A. (2007). *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity*. New York: Routledge.

Lipschutz, R. (2000). Politics among People: Global Civil Society Reconsidered. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?* (pp. 83-99). Albany: State University of New York Press.

Long, D., & Schmidt, B. (2005). *Imperialism and Internationalism in the Discipline of International Relations*. New York: SUNY.

Loughin, M. (2003). Ten Tenets of Sovereignty In N. Walker (Ed.), *Sovereignty in Transition* (pp. 55-87). Oxford: Hart Publishing.

Lukes, S. (1951). Introduction. In S. Lukes (Ed.), *The Rules of Sociological Method and Selected Texts on Sociology and its Method*. London: Macmillan.

Lukes, S. (2005). *Power: A Radical View*. Basingstoke: Palgrave Macmillan.

MacCormick, N. (1995). The Maastricht Urteil: Sovereignty Now. *European Law Journal, 1*(3), 259-266.

MacCormick, N. (2004). Questioning "post-sovereignty". *European Law Review, 29*(6), 852-863.

Majone, G. (1994). The Rise of the Regulatory State in Europe. *West European Politics, 17*(3).

Majone, G. (2000). The Credibility Crisis of Community Regulation. *Journal of Common Market Studies, 273-302*.

Manners, I. (2007). Another Europe is possible: critical perspectives on European Union politics. In K. E. Jørgensen, M. Pollack & B. Rosamond (Eds.), *Handbook of European Union politics*. London: Sage.

Manning, C. (1972). The Legal Framework in a World of Change. In B. Porter (Ed.), *The Aberystwyth Papers: International Politics 1919:1969*. London: Oxford University Press.

Marcussen, M., Risse, T., Enelmann-Martin, D., Joachim-Knopf, H., & Roscher, K. (1999). Construction Europe? The evolution of French, British, and German nation state identities. *Journal of European Public Policy, 6*(4), 614-633.

Marko, J. (1998). Citizenship Beyond the National State? The Transnational Citizenship of the European Union. In M. L. Torre (Ed.), *European Citizenship: An Institutional Challenge*. The Hague: Kluwer Law International.

Marks, G. (1993). Structural policy and multilevel governance in the EC. In A. Cafruny & G. Rosenthal (Eds.), *The State of the European Community: Volume 2*. Boulder: Lynne Rienner.

Marshall, T. H. (1950). *Citizenship and Social Class*. Cambridge: Cambridge University Press.

Mattingly, G. (1988). *Renaissance Diplomacy*. Mineola: Dover Publications.

Mayall, J. (1990). *Nationalism and International Society*. Cambridge: Cambridge University Press.

Meehan, E. (1993). *Citizenship and the European Community*. London: Sage Publications.

Mercado, R. (2009). Keep mudding through? *International Theory, 1*(3), 478-487.

Migdal, J. (2004). Mental Maps and Virtual Checkpoints. In J. Migdal (Ed.), *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*. Cambridge: Cambridge University Press.

Miller, D. (2002). *Citizenship and National Identity*. Oxford: Polity Press.

Milner, H. (1991). The Assumption of Anarchy in International Relations: A Critique. *Review of International Studies, 17*(1), 67-85.

Milward, A. (1999). *The European Rescue of the Nation-State*. London: Routledge.

Monar, J. (1998). A Dual Citizenship in the Making: the Citizenship of the European Union and its Reform. In M. L. Torre (Ed.), *European Citizenship: An Institutional Challenge*. The Hague: Kluwer Law International.

Moravcisk, A. (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. London: University College London Press.

Moravcisk, A. (2002). In Defense of the 'Democratic Deficit': Reassessing the Legitimacy of the European Union. *Journal of Common Market Studies, 40*(4), 603-634.

Moreno, D. (2000). The Limits of Sovereignty in a Bifurcated World. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?*. Albany: State University of New York Press.

Müller, J. (2006). *A general theory of constitutional patriotism*. Paper presented at the Law and Public Affairs Program, Princeton, New Jersey. Available at: http://www.princeton.edu/~jmueller/ICON-CP-JWMueller-Oct2007.pdf

Nicholson, M. (1999). How Novel is Globalization. In M. Shaw (Ed.), *Politics and Globalisation*. London: Routledge.

Nicolaidis, K., & Lacroix, J. (2003). Europe's Competing Paradigms. In R. Foot, J. L. Gaddis & A. Hurrell (Eds.), *Order and Justice in International Relations*. Oxford: Oxford University Press.

Nye, J. (1990). *Bound To Lead: The Changing Nature Of American Power*. New York: Basic Books.

Nye, J. (2001). Globalization's Democratic Deficit: How to Make International Institutions more Accountable. *Foreign Affairs, 80*(2), 2-6.

Nye, J. (2011). *The Future of Power*. New York: PublicAffairs.

O'Leary, S. (1996). European Union Citizenship: The options for reform. London: Institute for Public Policy Research.

Olsen, E. (2008). *Transnational European Citizenship: Tracing Conceptions of Citizenship in the European Integration Process.* (PhD), European University Institute, Florence.

Olson, W., & Groom, A. J. R. (1991). *International Relations Then and Now: Origins and Trends in Interpretation*. New York: HarperCollins Academic.

Onuf, N. (1991). Sovereignty: Outline of a Conceptual History. *Alternatives, 16*(1), 425-446.

Onuf, N. (1995). Levels. *European Journal of International Relations, 1*(1), 35-58.

Onuf, N., & Klink, F. (1989). Anarchy, Authority, Rule. *International Studies Quarterly, 33*(2), 149-173.

Osiander, A. (2001). Sovereignty, International Relations, and the Westphalian Myth. *International Organization, 55*(2), 251-287.

Pagden, A. (Ed.). (2002). *The Idea of Europe: From Antiquity to the European Union*. Cambridge: University Press.

Palan, R. (2007). Transnational Theories of order and change: heterodoxy in International Relations Scholarship. In N. Rengger & B. Thirkell-White (Eds.), *Critical International Relations Theory After 25 Years*. Cambridge: Cambridge University Press.

Palmer, J. (2008). *Beyond EU Enlargement: Creating a United European Commonwealth.* Sussex European Institute Working Paper Series. https://www.sussex.ac.uk/webteam/gateway/file.php?name=sei-working-paper-no-104.pdf&site=266

Parker, G., & Barker, A. (2011). Camerion triggers two-speed Europe, *The Financial Times*.

Peterson, J. (Ed.). (1999). *Decision-Making in the European Union: Towards a Framework for Analysis*. London: Macmillan Press.

Peterson, V. S. (2000). Justified Jailbreaks and Paradigmatic Recidivism. In H. Hobbs (Ed.), *Pondering Postinternationalism: A Paradigm for the Twenty-First Century?*. Albany: State University of New York Press.

Pollack, M. (2001). International Relations Theory and European Integration. *Journal of Common Market Studies, 39*(2), 221-244.

Pollack, M. (2005). Theorizing the European Union: International Organization, Domestic Polity, or Experiment in New Governance? *Annual Review of Politics Science, 8*(1), 357-398.

Quirk, J., & Vigneswaran, D. (2005). The construction of an edifice: the story of a First Great Debate. *Review of International Studies, 31*(1), 89-107.

Raffo, V., Sriram, C., Spiro, P., & Biersteker, T. (2007). International Law and International Politics - Old divides, New Developments. In V. Raffo, C. Sriram, P. Spiro & T. Biersteker (Eds.), *International Law and International Relations: Bridging Theory and Practice*. New York: Routledge.

Rengger, N. (2000). *International Relations, Political Theory and the Problem of Order*. London: Routledge.

Reus-Smit, C. (2005). Constructivism. In S. Burchill & A. Linklater (Eds.), *Theories of International Relations*. London: Palgrave Macmillan.

Risse, T. (2003). The Euro between National and European identity. *Journal of European Public Policy, 10*(4), 487-505.

Risse, T. (2004). European Institutions and Identity Change. In R. Herrmann, T. Risse & M. Brewer (Eds.), *Transnational Identities: Becoming European in the EU*. Oxford: Rowman and Littlefield.

Risse, T. (2005). Neofuncationalism, European Identity, and the puzzles of European integration. *Journal of European Public Policy, 12*(2), 291-309.

Risse, T. (2010). *A Community of Europeans?: Transnational Identities and Public Spheres* Ithaca: Cornell University Press.

Risse, T., & Engelmann-Martin, D. (2002). Identity Politics and European Integration: The Case of Germany. In A. Pagden (Ed.), *The Idea of Europe: From Antiquity to the European Union*. Cambridge: Cambridge University Press.

Rosamond, B. (2000). *Theories of European Integration*. London: Palgrave Macmillan.

Rosamond, B. (2007a). European integration and the social science of EU studies: the disciplinary politics of a sub-field. *International Affairs 83*(2), 231-252.

Rosamond, B. (2007b). The political sciences of European integration: disciplinary history and EU studies. In K. E. Jørgensen, M. Pollack & B. Rosamond (Eds.), *Handbook of European Union politics*. London: Sage.

Rosenau, J. (1990). *Turbulence in World Politics: A Theory of Change and Continuity*. Princeton: Princeton University Press.

Rosenau, J. (1992). *Governance without Government*. Cambridge: Cambridge University Press.

Rosenau, J. (2006). *The Study of World Politics: theoretical and methodological challenges*. New York: Routledge.

Rosenberg, J. (2000). *The Follies of Globalisation Theory*. London: Verso.

Ross, F. (2009). Degrees of disciplinarity in comparative politics: interdisciplinarity, multidisciplinarity and borrowing. *European Political Science, 8*(1), 26-36.

Ruggie, J. (1983). Continuity and Transformation in the World Polity: Towards a Neorealist Synthesis. *World Politics, 35*(2), 261-285.

Ruggie, J. (1993). Territoriality and Beyond: Problematizing Modernity in International Relations. *International Organization, 47*(1), 139-174.

Rumford, C. (2006). Theorizing Borders. *European Journal of Social Theory, 9*(2), 155-169.

Rumford, C. (2008). *Cosmopolitan Spaces: Europe, globalization, theory*. New York: Routledge.

Rumford, C., & Murray, P. (2003). Globalization and the Limitations of European Integration Studies: Interdisciplinary Considerations. *Journal of Contemporary European Studies, 11*(1), 85-93.

Rupert, R. (2003). Globalizing Common Sense: A Marxian-Gramscian (Re-vision) of the Politics of Governance/Resistance. *Review of International Studies, 29*(1), 181-198.

Sassen, S. (1999). Global Financial Centers. *Foreign Affairs, 78*(1), 75-87.

Scharpf, F. (1999). *Governing in Europe. Effective and Democratic?*. Oxford: Oxford University Press.

Schiek, D. (2006). The ECJ Decision in Mangold: A Further Twist on Effects of Directives and Constitutional Relevance of Community Equality Legislation. *Industrial Law Journal, 35*(3), 329-341.

Schimmelfennig, F., & Lavenex, S. (2009). EU rules beyond EU borders: theorizing external governance in European politics. *Journal of European Public Policy, 16*(6), 791-812.

Schimmelfennig, F., & Sedelmeier, U. (Eds.). (2005). *The Politics of European Union Enlargement: Theoretical Approaches* London: Routledge.

Schmidt, B. (1998). Lessons from the Past: Reassessing the Interwar Disciplinary History of International Relations. *International Studies Quarterly, 42*(3), 433-459.

Schmidt, B. (2002). Anarchy, Word Politics and the Birth of a Discipline: American International Relations, Pluralist Theory and the Myth of Interwar Idealism. *International Relations, 16*(1), 9-31.

Scholte, J. (2000). *Globalization: A Critical Introduction*. London: Macmillan.

Scholte, J. (2002). *What Is Globalization? The Definitional Issue – Again*. Centre for the Study of Globalization and Regionalization Working Papers. University of Warwick. Coventry.

Schutze, R. (2007). Dual Federalism Constitutionalized: The Emergence of Exclusive Competences in the EC Legal Order. *European Law Review, 32*(1), 3-28.

Schweller, R. (1999). Fantasy Theory. *Review of International Studies, 25*(1), 147-150.

Shaw, J. (1997). *Citizenship of the Union: Towards Post-National Membership?* Jean Monnet Working Papers. New York University, Available at http://www.jeanmonnetprogram.org/papers/97/97-06-.html.

Shaw, J. (2002). *Sovereignty at the Boundaries of the Polity*. ARENA Working Papers. University of Oslo. Oslo, Available at: http://www.sv.uio.no/arena /research/publications/arena-publications/workingpapers/working-papers2002/wp02_16.htm.

Shaw, M. (1986). *International Law*. Cambridge: Grotius

Smith, A. (1992). National Identity and the Idea of European Unity. *International Affairs, 68*(1), 55-76.

Smith, A. (2001). *Nationalism: Theory, Ideology, History*. Cambridge: Polity Press.

Smith, K. (2003). *European Union Foreign Policy in a Changing World*. Cambridge: Polity Press.

Smith, K. (2005). The Outsiders: The European Neighborhood Policy. *International Affairs, 81*(4), 757-773.

Smith, S. (1995). The Self-Images of a Discipline: A Genealogy of International Relations Theory. In K. Booth & S. Smith (Eds.), *International Relations Theory Today*. London: Polity.

Smith, S. (1999). Social constructivisms and European studies: a reflectivist critique. *Journal of European Public Policy, 6*(4), 682-691.

Smith, S. (2001). Social Constructivisms and European Studies. In T. Christiansen, K. E. Jorgensen & A. Wiener (Eds.), *The Social Construction of Europe*. London: Sage.

Smith, S. (2004). Singing Our World into Existence: International Relations Theory and September 11. *International Studies Quarterly, 48*(3), 499-515.

Sørensen, G. (1999). Sovereignty: Change and Continuity in a Fundamental Institution. In R. Jackson (Ed.), *Sovereignty at the Millennium. Oxford: Blackwell.* Oxford: Blackwell.

Soysal, Y. (1994). *Limits of Citizenship: Migrants and Post-National Membership in Europe*. Chicago: University of Chicago Press.

Soysal, Y. (1996). Changing Citizenship in Europe: Remarks on Postnational Membership and the National State. In D. Cesarani & M. Fulbrook (Eds.), *Citizenship, Nationality and Migration in Europe*. London: Routledge.

Spruyt, H. (1994). *The Sovereign State and its Competitors: An Analysis of Systems Change*. Princeton: Princeton University Press.

Staff, H. R. (2010). Daring To Deconstruct: The Rise of Post-Modernism In Theory. *Harvard International Review, 31*(4), 32-38.

Stavridis, S., & Thouez, C. (2001). The International Protection of the EU citizen: Problems and Prospects. In R. Bellamy & A. Warleigh (Eds.), *Citizenship and Governance in the European Union*. London: Continuum.

Stein, T. (2002). Interim Report on "Diplomatic protection under the European Union Treaty". *International Law Association, Committee on Diplomatic Protection of Persons and Property - Second Report*. New Delhi.

Stolcke, V. (1997). The "Nature" of Nationality. In V. Bader (Ed.), *Citizenship and Exclusion*. New York: St. Martin's Press.

Stone Sweet, A. (2010). The European Court of Justice and the Judicialization of EU Governance. *Living Reviews in EU Governance*, Available at: http://ssrn.com/abstract=1583345 or doi:1583310.1582139/ssrn.1583345.

Strange, S. (1991). An Eclectic Approach. In C. Murphy & R. Tooze (Eds.), *The New International Political Economy*. Boulder: Lynne Rienner Publishers.

Strange, S. (1996). *The Retreat of the State: The Diffusion of Power in the World Economy*. Cambridge: Cambridge University Press.

Straumann, B. (2008). The Peace of Westphalia as a Secular Constitution. *Constellations, 15*(2), 173-187.

Thaddeus Jackson, P. (2011). *The Conduct of Inquiry: An Introduction to the Philosophy of Science and its Implications for International Relations Research*. New York: Routledge,.

Thaddeus Jackson, P., & Nexon, D. (1999). Relations Before States: Substance, Process and the Study of World Politics. *European Journal of International Relations, 5*(3), 291-332.

The Economist. (2009). Germany's Constitutional Court: Judgement Days. *The Economist*, Available at: http://www.economist.com/node/13376204.

Tranholm-Mikkelsen, J. (1991). Neofunctionalism: Obstinate or Obsolete? *Millennium Journal of International Studies, 20*(1), 1-22.

Tuathail, G. (1998). De-Territorialsed threats and global dangers: Geopolitics and risk society. *Geopolitics, 3*(1), 17-31.

Turner, B. (2001). The Erosion of Citizenship. *British Journal of Sociology, 52*(2), 189-209.

Vaughan-Williams, N. (2008). Borderwork beyond Inside/Outside? Frontex, the Citizen-Detective and the War on Terror. *Space and Polity, 12*(1), 63-79.

Verdun, A. (2003). An American/European divide in European integration studies: bridging the gap with international politics economy. *Journal of European Public Policy, 10*(1), 84-101.

Waever, O. (1995). Identity, Integration and Security: Solving the Sovereignty Puzzle in E.U. Studies. *Journal of International Affairs, 48*(2), 389-431.

Wagner, P. (2009). The Future of Sociology: Understanding the Transformations of the Social. *Quaderno, 43*.

Walker, N. (2002). The Idea of Constitutional Pluralism. *The Modern Law Review, 65*(3), 317-359.

Walker, N. (2010). Constitutionalism and Pluralism in a Global Context. Center for European Studies, University of Oslo RECON Working Paper Series. Available at: http://www.reconproject.eu/projectweb/portalproject/RECONWorkingPapers.html.

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

Walker, R.B.J. (2000). Europe is not where it is supposed to be. In M. Kelstrup & M. C.

Williams (Eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community*. London: Routledge.

Walker, T., & Morton, J. (2005). Re-Assessing the 'Power of Power Politics' Thesis: Is Realism Still Dominant? *International Studies Review, 7*(2), 314-356.

Wallace, H. (2000). Studying contemporary Europe. *British Journal of Politics and International Relations, 2*(1), 95-113.

Wallace, H. (2009). The European Union and its Neighborhood: Time for a Rethink. *Hellenic Foundation for European & Foreign Policy, 4*(1), 1-8.

Wallace, H., Wallace, W., & Pollack, M. (2000). Policy-Making in the EU

Wallace, W. (1982). Europe as a confederation: the Community and the nation-state. *Journal of Common Market Studies, 20*(1), 57-68.

Wallace, W. (1999). The Sharing of Sovereignty: the European Paradox. *Political Studies, 47*(3), 503-521.

Waltz, K. (1979). *A Theory of International Politics*. New York: McGraw-Hill.

Waltz, K., & Sagan, S. (2002). *The Spread of Nuclear Weapons: A Debate Renewed* (2nd ed.). New York: W. W. Norton & Company.

Walzer, M. (1983). *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books

Walzer, M. (1994). *Thick and Thin: The Moral Argument at Home and Abroad*. New York: Notre Dame Press.

Warleigh, A. (2004). In defense of intra-disciplinarity: 'European studies', the 'New Regionalism', and the issue of democratization. *Cambridge Review of International Affairs, 17*(2), 301-318.

Warleigh, A. (2006). Learning from Europe? EU Studies and the Re-thinking of 'International Relations'. *European Journal of International Relations, 21*(1), 31-51.

Warleigh-Lack, A., & Cini, M. (2009). Interdisciplinarity and the study of politics. *European Political Science, 8*(1), 4-15.

Weber, C. (1995). *Simulating Sovereignty: Intervention, the State and Symbolic Exchange*. Cambridge: Cambridge University Press.

Wendt, A. (1992). Anarchy is what states make of it: The social construction of power politics. *International Organization, 46*(2), 391-425.

Wendt, A. (1995). Constructing International Politics. *International Security, 20*(1), 71-81.

Wendt, A. (1999). *Social Theory of International Politics*. Cambridge: Cambridge University Press.

Wendt, A. (2003). Why a World State is Inevitable: Teleology and the Logic of Anarchy. *European Journal of International Relations, 9*(4), 491-542.

Wendt, A., & Friedheim, D. (1995). Hierarchy under Anarchy: Informal Empire and the East German state. *International Organization, 49*(4), 689-721.

Wheeler, N. (2001). Humanitarian Intervention After Kosovo: Emergent Norm, moral duty or the coming anarchy? *International Affairs, 77*(1), 113-128.

Wiener, A. (1998). *European Citizenship Practice: Building Institutions of a Non-State*. New York: Harper-Collins Publishers.

Wight, M. (1966). Why is there no International Theory. In H. Butterfield & M. Wight (Eds.), *Diplomatic Investigations: Essays in the Theory of International Politics*. Cambridge: Harvard University Press.

Wight, M. (1991). *International Theory: The Three Traditions*. Leicester: Leicester University Press.

Wilson, P. (1998). The myth of the 'First Great Debate'. *British International Studies Association, 24*(5), 1-16.

Wind, M. (2001). *Sovereignty and European Integration: Towards a Post-Hobbesian Order*. London: Palgrave.

Wright, Q. (1955). *The Study of International Relations*. New York: Appleton-Century-Crofts.

Yalem, R. (1977). The Level-of-Analysis Problem Reconsidered. *Year Book of World Affairs, 31*(3), 306-326.

Zieonka, J. (2006). *Europe as Empire: The Nature of the Enlarged European Union*. Oxford: Oxford University Press.

Zimmer, O. (2003). Boundary Mechanisms and Symbolic Resources: Towards a Process-Oriented Approach to National Identity. *Nations and Nationalism, 9*(2), 173-193.

EU Publications

Eurobarometer (2006). *Flash #188 – Consular Protection: Analytical Report*, Available at: http://ec.europa.eu/public_opinion/flash/fl_213_en.pdf.

Eurobarometer (2008). *Standard #69 – Values of Europeans*, Available at: http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_values_en.pdf.

Eurobarometer (2010). *Flash #294 – European Union Citizenship*, Available at: http://ec.europa.eu/public_opinion/flash/fl_294_sum_en.pdf.

European Commission (2004). *Fourth Report on Citizenship of the Union, Com(2004) 695*. Brussels: European Commission, Available at: http://ec.europa.eu/justice_home/doc_centre/citizenship/doc/sec2004_1280_en.pdf.

European Commission (2004). *Community provisions on Social Security: Your rights when moving within the European Union*. Brussels: European Commission, Available at: http://ec.europa.eu/social/main.jsp?catId=26&langId=en&pubId=231&type=2&furtherP ubs=yes.

European Commission (2005). *How Europeans See Themselves*. Luxembourg: Office for Publications of the European Communities, Available at: http://ec.europa.eu/publications/booklets/eu_documentation/05/txt_en.pdf.

European Commission. (2005). *Report to the European the European Parliament and Council on granting a derogation pursuant to Article 19(1) of the EC Treaty, presented under Article 12(4) of Directive 94/80/EC on the right to vote and stand as a candidate in municipal elections, Com(2005) 382*. Brussels: European Commission, Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0382:FIN:EN:PDF.

European Commission (2006). *Green Paper on Diplomatic and Consular Protection of Union citizens in third* countries, Com(2006) 712. Brussels: European Commission, Available at: http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0712en01.pdf.

European Commission (2007). *Effective consular protection in third countries: the contribution of the European* Union, Com(2007) 767. Brussels: European Commission, Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0767:fin:en:doc.

European Commission (2008). *Report to the European Parliament and Council on the application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, Com(2008) 840/3*. Brussels: European Commission, Available at: http://ec.europa.eu/justice_home/news/intro/doc/com_2008_840_en.pdf.

European Commission= (2008). *Fifth Report on Citizenship of the* Union, Com(2008) 85. Brussels: European Commission, Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0085:FIN:EN:PDF.

European Commission (2009). *Regulation amending Regulation No 574/72 laying down the procedure for implementing Regulation No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, 2009/120/EC OJ L 39*. Available at: http://eur-lex.europa.eu/Lexuriserv/Lexuriserv.do?uri=OJ:L:2009:039:0029:0032:en:pdf.

European Commission (2011). *Consular protection for EU citizens in third countries: State of play and way forward,* Com(2011) 149. Brussels: European Commission, Available at: http://ec.europa.eu/justice/policies/citizenship/diplomatic/docs/communication_consular _protection.pdf.

European Council (1971). *Council Regulation on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, 1971/1408/EC, OJ L 28.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1971R1408:20060428:en:pdf.

European Council (1989). *Directive on the introduction of measures to encourage improvements in the safety and health of workers at work, 89/391/EC, OJ L 183.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0391:EN:html.

European Council (1994). *Directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, 94/80/EC**, OJ L 368.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31994L0080:en:html.

European Council (1995). *Decision on the protection for citizens of the European Union by diplomatic and consular representatives, 1995/553/EC, OJ L 314.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41995D0553:EN:html.

European Council (2000). *The Schengen Acquis.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:239:0001:0473:EN:pdf.

European Council (2003). *Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, 2003/33/EC, OJ L 152/16,* Available at: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_152/l_15220030620en00160019.pdf.

European Council (2004). *Directive on the rights of citizens and their families to move and reside freely within the territories of the Member States, 2004/38/EC, OJ L 204,* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:pdf.

European Council (2006) *Regulation laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, 2006/1931/EC, OJ 402/2.* Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:405:0001:0022:EN:pdf.

Treaty on European Union (1992). Available at: http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html.

Treaty of Lisbon. (2008). Available at: http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:html.