Book Review

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Review of Peter H Russell, *Sovereignty: The Biography of a Claim* (Toronto: University of Toronto Press, 2021).

The title of Peter H. Russell's new book is simple and direct, or, rather, it seems so.[1] In this review, I will endeavor to convince you that this book offers us far more than can be ascertained at first glance: it provides us with a history of the present and, perhaps, a glimpse of a possible shared future beyond our current catastrophes.

Let's start by considering the title more carefully. The title of the book *seems* simple. After all, this is without question a book about *sovereignty*. Most often authors treat sovereignty as a concept whose definition securely anchors it to its object once and for all. These authors treat 'sovereignty' as a naturally occurring signpost, which allows them to determine the limits of correct usage. But Russell is not engaged in this kind of rationalist project. He positions sovereignty as an action, specifically a *claim* and his book as a *biography* of that *claim*. As Russell explains,

> . . . sovereignty is not a fixed part of nature. It is a claim made by humans. The effectiveness of the claim depends on how well it is supported by coercive force, the people subject to it, and outside forces. The legitimacy of the claim — whether it is morally right to accept it — depends on the ethical judgment of people. That is why it is important to recognize that sovereignty is a claim that for ethical reasons can be rejected. It is not an incontestable fact. It connotes a relationship, not a thing.[2]

Russell's pragmatic approach to the meaning of sovereignty aligns with Ludwig Wittgenstein's dictum that "the meaning of a word is its use in the language".[3] This methodological resemblance places Russell into conversation with a number of other philosophical traditions ranging from Hegelian historicism to pragmatism, ordinary language philosophy and their diverse inheritors (e.g.,

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1 Peter H Russell, *Sovereignty: The Biography of a Claim* (Toronto: University of Toronto Press, 2021).

2 *Ibid* at 10.

3 Ludwig Wittgenstein, *Philosophical Investigations*, Translated by G. E. M. Anscombe, 3rd edition (Oxford: Blackwell, 2001) §43.

Richard Rorty and Robert Brandom), and additionally, the work of other political scientists like James C. Scott or Quentin Skinner or Canadian scholars from his generation like Charles Taylor and James Tully (among others). While there are large differences between this motley crew of philosophers and political theorists (some of whom I would hazard to guess Russell embraces as family, others perhaps as friendly acquaintances), they all hold antifoundational commitments that would be sympathetic to Wittgenstein's endeavor to "bring words back from their metaphysical to their everyday use".[4]

Russell gives 'sovereignty' provides us with a sense that is understandable in everyday language without resorting to oversimplification. Much like Friedrich Nietzsche, who reminded us that concepts that have histories cannot have definitions, Russell maintains that 'sovereignty' does not have *one meaning*, but a profuse historical accumulation of contested *uses*. By approaching sovereignty as a *claim* Russell helpfully clears away the metaphysical haze that surrounds the definitions we find in textbooks and brings us back to the ground-level of everyday political conflicts. Simply put, sovereignty cannot be *defined* because it does not refer to a "fixed part of nature"; rather, sovereignty is a *claim* and so it is historical through and through. With this methodological point securely in mind, I can now turn to the biographical aspects of the book.

Typically, a biography provides a detailed description of a person's life. So, what can it mean to write a biography of a concept such as sovereignty? I suggest that there are two senses of biography that Russell is drawing from in his text. First, there is the sense in which the concept of sovereignty is historical and thus is life can be found in the uses that it has been put to over time. This sense follows from treating sovereignty as a claim. As Russell explains,

> My biography of the concept does not take the form of a series of definitions. Instead it is an action story of how the claim of sovereignty has been used as a speech act.[5]

This 'action story' approach explains the organization of the chapters as Russell deftly traces the uses of sovereignty over ten centuries of Western history from the Investiture Controversy in the 11th century, to the Peace of Westphalia in the 17th, the rise of popular sovereignty in the revolutions of the 18th, its use in the Imperial and colonial projects of the long 19th century and its role in forming the modern frame from the 20th century to today. Given the vast stretches of history that Russell covers one would expect the book to extend far beyond the slim 145 pages it fills (excluding notes). Some critics could attempt to use

4 *Ibid* §116.

5 Russell, *supra* note 1 at 16.

this combination of expansive historical scope and brief 'action story' form to level a charge of engaging in Whiggish historiography. The substance of these charges might be that the process of selecting and arranging facts inevitably introduces a subjective element into historical writing and so the grander the historical scope the historian chooses, the more fictional the end product necessarily becomes. But this charge relies on the assumption that if the historian confines themselves to the study of the small, they will be able to deliver a more objective account of what actually happened. That is, the basis of the charge relies on a claim to be able to measure the relative objectivity of histories by comparing them to *pure fact*. This type of critique flounders as soon as one asks where these *pure facts* can be found.

The problem that this type of critique is concerned with can be highlighted by briefly considering the limitations of biography. While biography is categorized as non-fiction, it does have a narrative form and so its claims to objectivity remain strictly aspirational. The outcome of this critique is not some kind of hopeless relativism where every biography is as fictional as the next. Rather, we can, and do, meaningfully compare, and contrast biographical accounts by holding them to the *regulative standards of objectivity* that are used in the communities of speakers we engage with, which means that their claim to truth must always remain open to reasonable contestation. This kind of practical reasoning is what enables us to *remember* our own past and learn from it despite the fact that we cannot compare our recollections to a complete objective account.

The second sense of biography that Russell draws from is his use of autobiography. The significance of this sense is illustrated in the opening example in his book. He begins with an account of a meeting he had with Dene leaders in the Yellowknifer Motel in 1974. As he explains,

> The six Dene leaders waiting for me in the room got right down to business. The only woman in the group began the questioning. She said that there were two questions they would like to put to me. (It's a hell of a long way to come to answer two questions, I thought to myself.) The first, she said, was "What is sovereignty?" and the second was "How did the Queen get it over us?" Well, the first question was easy for me — that was the kind of thing I taught. I had a nice pat answer based on the philosophical writings of Bodin and Hobbes and my understanding of European international law.
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> But I had never thought about the second question. And what a huge question it was — not only for the Dene but for all Canadians. The Dene leaders nodded in agreement that, yes, it *sure* is a big question. I told them that I didn't know the answer

> but was determined to find out how Canada, as they put it, got sovereignty over the Dene nation — and for that matter, any other Indigenous nation. My enquiry into sovereignty had begun.[6]

This meeting and the Dene leaders' simple questions are the beginning of an enquiry that has occupied Russell ever since. His preoccupation with sovereignty has spanned some of the most significant and challenging periods of constitutional change in Canada. He was involved in the Mackenzie Valley Pipeline Inquiry at the beginning of the modern treaty process in the early 1970s, as well as the process of patriating the Constitution and the continuing struggles to make sense of it without simply ignoring the long shadow of our colonial legacy. Russell's contributions to our shared understandings of the Canadian constitutional project have been as constant as they are invaluable.

Ultimately, it is this extensive personal experience that distinguishes his biography of sovereignty from others. In his lifelong pursuit of an answer to a very big question needs to be placed in sequence with the two books that precede it. From *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (1992) to *Canada's Odyssey: A Country Based on Incomplete Conquests* (2017) Russell has moved from finding that Canada cannot be thought of as a single people to providing a history of the diverse peoples (Indigenous, French, and English-speaking) that continue to shape our unique multinational constitutional order. In his third installment, Russell explains that he endeavored to apply what he learned about sovereignty in writing the first two books by moving from "specifics of the Canadian experience to a more general theory of sovereignty".[7] His conclusion is two-fold: first, he finds that the claim of sovereignty becomes dangerous when rulers use it to "insist on the absoluteness and "one-ness" of governance in a sovereign state";[8] second, he argues that we can find an antidote to this "angst about sovereignty" in federalism.[9]

Federalism comes in a wide variety of forms, and Russell maintains that it has the capacity to allow diverse peoples to share power-with one another in a non-hierarchical relationship. While the idea of using federalism as an antidote to the many dangers of sovereignty might seem implausible, considering the experience of the United States, I would encourage them to take their time and consideration of Russell's argument more carefully. What he has gathered together over the course of his long inquiry into Canada's claim of sovereignty

6 *Ibid* at 3-4.
7 Russell, *supra* note 1 at 133.
8 *Ibid* at 14.
9 *Ibid* at 135.

is neither a panacea nor a deductive logical proof, it is a rich and highly detailed example that can offer some guidance for the future. After all, if John Seeley was not entirely wrong when he remarked that the British Empire owed its origin to "a fit of absence of mind", then perhaps Russell's claim that "this loose, never settled alliance of peoples called Canada" could gradually "stumbl[e] its way" beyond the limitations of empire and the nation-state to serve as a model for the 21st century is also within the realm of possibility.[10]

Academic discussions of sovereignty in Canada are often complicated and replete with technical language that require much of their readers. *Sovereignty: The Biography of a Claim* offers readers a concise and comprehensive book with important insights. Russell manages to cut through the academic fog that hangs around 'sovereignty' and provide us with an action-packed tour of Western history. Throughout this whirlwind tour Russell guides us with a voice that blends the vast knowledge of an eminent professor with the steady assurance of a lifetime of real-world experience. The effect is striking as he somehow maintains the engaging warmth a fireside storytelling without losing his grip on the historical details. These details are important because he has tasked himself with rehabilitating sovereignty. This is no mean feat. Most of us know that sovereignty is a word that is used to do things, big things, like imposing the death penalty or declaring war, but we are uncertain precisely how this word manages these feats. As Russell puts it,

> "Sovereignty" is too attractive a term to be given up by power-seekers like the Trumps, Putins, and Xis of this world. And it is not only these political autocrats who are attracted to the claim. Those who have been clobbered by sovereign claimants, such as Indigenous nations, now claim sovereignty, understandably, for their own societies. But as we look ahead, the need to counter a unitary state sovereignty is evident. Reconciliation with Indigenous peoples is impossible so long as a state claims sovereignty over them. The sovereignty of deeply pluralistic states must be shared is its negative features are to be overcome.[11]

Russell's book provides its readers with a historical grip on the uses of sovereignty that we have inherited. His hope is that this historical grounding could help us overcome the absoluteness of sovereignty by drawing lessons from federalism to achieve a future beyond the confines of the Westphalian state. In my view Russell's book deserves the widest possible readership, precisely because it offers us the kind of hopeful guidance we so evidently need now.

10 *Ibid* at 133.
11 *Ibid* at 18.