Response to Prathama Banerjee's Sovereignty and Ascendancy: south Asian reflections
Laurence Piper, 23 October 2018

In this fantastic, wide-ranging but closely argued paper Prathama Banerjee makes the case that the concept of sovereignty is not a universal concept, but rather that it has a particular, substantive meaning developed in Europe over many centuries. Furthermore, this substantive meaning can be contrasted with alternative notions of 'rulership' in South Asia that Banerjee terms variously 'overlordship' or 'ascendancy'. At the heart of this contrast is the degree to which political power is imagined as absolute and unqualified versus accounts where the power of the political leader is imagined as qualified, counter-balanced, networked and nodal. At the moment of colonialism in south Asia, Banerjee concludes, this latter conception of political power was supplanted by the colonial imaginary and reproduced in post-colonial rule, with indigenous traditions forgotten.

In developing this contrast between the European conception of sovereignty and the south Asian theory of ascendancy, Banerjee is doing far more than a history of ideas or an exercise in comparative political theory. This is because she is not only analyzing the evolution of ideas down time (both accounts of sovereignty and ascendancy are also arguments about how to understand political practice). Nor is she simply comparing different theories of state or kingly power, although this kind of exercise sits at the heart of this paper. Rather, through reconstructing a version of sovereignty and contrasting it with a new theory of 'ascendant' rule, Banerjee is advocating for 'thinking across traditions' to become 'a composer and assembler of a new theory from different sources and different histories'.

The 'thinking across traditions' argument is one that Banerjee develops in a separate paper entitled 'The Work of Theory' (2016) co-written with Aditya Nigam, Rakesh Pandey. At the heart of this project is the desire to end various forms of deference to western theory by building new political thought across traditions and in so doing becoming 'free theoretical subjects'. Hence, the idea in this paper is to build something new – specifically a new way of thinking about the political distribution of power in society in terms of ascendancy rather than sovereignty. The ambition is to produce a form of theory of greater relevance and utility to postcolonial or global south contexts than those uncritically inherited from Europe. This is a bold and timely project, but more importantly, I believe that Banerjee's ideas of 'overlordship' and 'ascendancy' succeed in offering an account of political authority superior to that of 'sovereignty'. This I will demonstrate below through application of these concepts to my own work in urban politics in the Global south. First however, let me outline Banerjee's account before beginning a more critical engagement.

In arguing for ascendancy over sovereignty, Banerjee begins by outlining a brief history of the idea of sovereignty in Europe thought Bodin, Hobbes, Weber and Kant, and refracted through the practice of absolute monarchies, the modern state, colonialism and World Wars I and II. This culminates in what Banerjee lists as eight constitutive elements of the concept. These are
  (i)   sovereignty as prescription – the theoretical distinction of political power from other forms of social power, including the economic.
  (ii)   sovereignty as transcendental (like the Judeo-Christian God) and beyond social antagonisms.

(iii) sovereignty as framed in relation to society, where society is not understood heterogenously, but as a coherent whole, that mirrors the state as one distinct, if opposing, entity.

(iv) sovereignty as predicated on the idea personhood, thus the idea of the state as an abstract entity independent of ruling classes – and also the people as a homogeneous whole

(v) sovereignty as meaning the source of law, and the right to break the law. It was the same with violence.

(vi) Sovereignty as perpetual in that it outlasted regime change.

(vii) Sovereignty as spatial, a zero-sum geographical game

(viii) Analogous to property in that, under liberalism, was confronted by its image and limit in the figure of the autonomous, rational individual sovereign over private domain of rights, especially property.

Against this account of sovereignty, Banerjee develops her account of ascendancy, drawing on south Asian political thought and traditions, holding that political power was not set against, or transcendentally above, social life. Rather the power of the ruler was networked into a larger 'social constitution' where religious, guild, caste and communal leaders all co-constructed 'the social' against the 'anti-social'. The anti-social were the dissident, mobile and forest communities, wandering warriors, and untouchables and outcastes. The king was meant to 'tame' these domains of the dangerous 'outside' and enforce adherence to social norms. In addition, the social constitution was variously imagined and intensely contested, but across the diversity of imaginings kingship was but one amongst many possible forms of power, including spiritual, intellectual, commercial and ritual power, each competing with the other for supremacy.

Consequently, against the assumptions of sovereignty, these various 'non-political' actors might retain legitimate rights to violence, both in theory and in practice; and law did not emanate from the sovereign but pre-existed kingship, often in multiple forms. Furthermore, political power was not seen as 'concentrated' in the person of the sovereign but dispersed throughout the social realm. Nor was the body of the King transcendental. Rather the ruler was depicted as imperfect and in need of improvement, intimately intertwined with the social, spiritual, and economic well-bring of the people. In respect of religion, while Kings were infused with spiritual significance, this was often in a context where 'the gods were more kingly than the kings were godly'. That is, (if I read this correctly) the many gods of South Asia were not imagined as absolutely powerful and virtuous.

In respect of two of the key defining features of European sovereignty, enduring temporality and exclusive spatial control, ascendant rule framed these relations differently. Thus, where sovereignty was atemporal or eternal in Europe, in south Asia the power of kings was inevitably either rising or falling, often linked to morality, fortunes, and thus temporality. Similarly, territoriality escaped European exclusivity as territorial supremacy did not necessarily mean unconditional or unqualified territorial rule.

In sum, Banerjee concludes, political rule in south Asia was more a form of 'overlordship' where 'the state' was the most powerful actor but not the dominant one. There was no dominant actor. The waxing and waning of political supremacy in south Asia had to do with a

regular alternation between the rise of trans-regional polities via overlordship and the assertion of regional polities via rebellion and secession. For this reason, Banerjee proposes we term the south Asian version of supreme political power 'ascendency' rather than sovereignty, because it gestures towards a kind of a graph that rises only to eventually fall. It is a concept that foregrounds the inevitable contestation of political authority.

Banerjee concludes the paper with the moment of colonial transition in India, noting the double role of the British East India company, the spearhead of colonial rule, as both a political and economic actor. While a 'corporation', chartered by the British Crown and given monopoly rights over Asian trade, the BEIC was as interested in territorial revenue as it was in commercial profit (Philip Stern calls it a Company-State). The East India Company waged war, conquered territory, set up forts, municipalities and law courts in different parts of south Asia – effectively acting as a sovereign and invoking 'public' authority. But it also frequently asserted, as a commercial entity, its 'private' interest vis a vis both the English Crown and Indian states. In other words, it asserted both rights of sovereignty and rights of property as two faces of the same coin. This was very much in line with how sovereignty as a concept had evolved in early modern and modern Europe, enabling the Company to alternate – depending on who it was engaging with – as a sovereign ruler and as a sovereign property owner.

Notably, the Company saw the Mughals as an instance of 'oriental despotism', after the image of eastern tyranny that had come to be popular in Europe at this time. This was the image of an all-powerful monarch, who owned all the land of the country and extracted taxes/rent from a passive and obedient subject population, with no sense of property ownership, no individual rights and no political power. This idea of despotism misunderstood traditional kingly dominion over land that was not a European form of ownership. Rather, multiple forms of land use co-existed. Misreading this, the colonial state enacted the classical form of sovereignty, eliminating various kings and changing property relations, creating a new propertied class. The postcolonial national state in India inherited this practice of sovereign power and pitted itself as a rational, superordinate force, a 'rule of law' untouched by the corruptions and compromises of society, which intervened from above to forcibly modernize/develop a backward and irrational people. It forgot its own history.

Critical reflections on the arguments

While overall I like this argument and am persuaded by the broad strokes of it, indeed I intend to use it to in my own empirical work, there are some aspects that need refinement or further reflection.

First, the argument appears, granted at some times more than others, as theory test where argument P (sovereignty in Europe) is tested against a set of cases (theory and practice of political power south Asia) to derive argument not-P. But I concede that there is more than a comparison to a European norm, or the marking of difference from this norm, as the argument also involves an attempt to develop a substantive alternative conception of political authority to sovereignty emergent across many divers south Asian political practices. It's not just the south Asia is different from Europe, it's also about what features political authority across south Asia have in common.

This is all fine and well, but it still does required an accurate account of sovereignty. In this regard, I think Banerjee will encounter some difficulties. There are several of these apparent to me, a non-expert in this area of political thought. The first is that some of the eight emergent characteristics of sovereignty identified by Banerjee are more contested than others. While I think most scholars would agree that the European conception of sovereignty did distinguish the political from the economic, focused on theorizing the former, and did link political power in particular and exclusive ways to spatiality, temporality and especially the concentration and centralization of power, other points are more controversial.

I think the arguments around the transcendental and supra-social character of sovereignty do not stretch comfortably over all of the modern theory and practice of sovereignty. Here I am thinking especially of Marxist accounts of the state that explicitly ground the politics in a model of social conflict between economic classes to the extent that, as Marx and Engels put it in the Communist Manifesto, 'the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie'. This account of the state was also reflected in the politics of revolutionary and reformist socialist movements that explicitly advocated the interests of the working class, often rooting themselves organizationally in trade union movements. Both in theory and practice then, the idea that the state sits neutrally as a referee in a political game between contending parties or classes (the liberal conception of the state) was one that socialist politics explicitly denied.

I also thought the arguments around the evolution of the idea of personhood and its relationship to sovereignty were not convincing, and indeed in the current form are incomplete. At times, personhood is portrayed as a pathway to liberal (Mill & Locke) conceptions of the autonomous, rational individual who owns their body, possessions and property in a way analogous to how the state owns political power, albeit that they exist as limitations on each other in liberal thought. At other times, personhood is associated with moments of the social or body politic as a coherent collective, a communal strain that runs through republican thought, perhaps most spectacularly agued by Rousseau, but also evident in socialist and anti-colonial nationalist thought in the modern era. There tends to be an elision of these differences into the liberal account which is simply not accurate for South Africa, Africa but I would suggest much of the Global South. Which is it then, or is it both or more, and does this make a difference to the dualistic account of monolithic 'sovereign' vs monolithic 'society'?

These two elements in Banerjee's account of sovereignty bothered me the most, and while I am sure other aspects of the characterization would trouble scholars more rooted in the sovereignty literatures, I still I agree with enough of the general characterization to be convinced of the overall contrast between imagining political power as absolutely centralised versus imagining political power as always significantly dispersed.

Reflecting on this however, did lead me to wonder about the selection of the unit of analysis in constructing P (the European theory of sovereignty) and not P (South Asian theory of ascendancy). What are the boundaries of European and south Asian political theory – how far do they stretch geographically and in time – which authors and countries are included and excluded? And will the United Kingdom be included in European political theory after the 29

March 2019? (Break for uproarious laughter ☺). Can we really generalize across the internal diversities of these categories and still say something useful?

My sense is that much of comparative political theory tends to focus more narrowly on articular authors and texts, and that the more all-embracing a category of thought the less one can say really unites it. So, in this case, can we really say there is one emergent model of sovereignty in European political thought rather than a family of sometimes antagonistic cousins that might differ fundamentally on some key points that Banerjee identifies, such as the transcendental nature of the state above society for example? And if we can't really generalize or essentialise without doing an injustice to important traditions, what then is left of P to contrast with non P?

Reflecting on this, it struck me that perhaps a better place to start, one more defensible and more obviously pertinent, is where Banerjee ends, with the dualistic conception of sovereignty manifest in the East India Company. The company-state and its janus-faced econo-politics, and how it used its ascendency to misread South Asian political authority and impose the European alternative might be a better place to start. This allows for tracing the genealogy of sovereignty as exercised in that particular colonial moment, and to contrast the various forms of this, with the various forms of south Asian political authority, much the way that the conclusion of the paper does. Developing contrasting genealogies of political rule backwards from the colonial moment would still allow some generalizing of similarities and differences, but these would probably be fewer and more justifiably located against a larger landscape of differences.

In short, I think one could still derive something like the contrast between sovereignty as the idea of absolute power, manifest legally and the monopoly of violence, over a specific population in a specific place, with ascendancy as overlordship by political leaders always in a context of a network of other powerful actors and variable populations, orientated towards realizing contending social constitutions.

Indeed, I wish I had this contrast to hand a year ago as it would have helped me tremendously with my forthcoming book *Democracy Disconnected: Participation and Governance in a City of the South*, Routledge, 2018. Through anthropological research of politics in a neighbourhood of Cape Town, Hout Bay, the book reveals a widespread dissatisfaction with democratic rule, despite multiple forms of civil liberties, elected local, provincial and national representatives and new forms of public participation both in local government and around new development projects. Tracing the histories of conflicts in the public realm the book shows, paradoxically, that the fundamental problem is neither a repressive state that prevents politics, nor the lack of democratic rights and institutions to express political views, but rather how these institutions are disconnected from the decisions and decision-makers that shape daily life in Hout Bay. The problem, in short, is not politics or democracy, but the disconnection of these from actually-existing governance.

Key here, and this is where Banerjee would have really helped, is the insight from our work that City is not sovereign over the people and places that constitute Hout Bay, indeed neither is the state considered in the whole. Rather, the various spheres of the state, businesses, civil society actors and residents themselves all co-construct Hout Bay, albeit not as equals, and in

different ways on different issues. Consequently, the politicians linked to democracy have surprisingly little power to change life in Hout Bay, and this is why local residents are frustrated: the promise of democracy cannot be fulfilled. Moreover, we argue not only is the state not sovereign but that there are multiple forms of governance co-existing in Hout Bay distinguishable by divergent and sometimes contending logics. Thus where rich people can access key urban needs through market mechanisms orientated to profit, poor residents must meet exactly the same needs through developmental governance orientated towards uplifting marginal populations, bureaucratic governance aimed at equal treatment of citizens, or informal forms of governance orientated towards a variety of other ends.

Starting with Banerjee's account of 'ascendancy', and the idea of the state as one of multiple actors in a network of power orientated towards (in our case) contending versions of the 'social constitution' far more accurately describes actually existing rule in our post-colonial city. What the social constitution is, and who the anti-social are variously defined. Thus when it comes to housing for example, market governance frames housing as the free exchange of commodities for profit in a system underwritten by the state, but in which the state is not a direct participant. Conversely, developmental governance places the state as a central actor in providing housing, usually in partnership with business and/or civil society, to the homeless populations of Hout Bay. Where in the former model of govenance, housing is about individuals and free economic exchange to maximize value, in the latter model, housing is about needy populations to be governed for their well-being. Another way of describing these contrasting visions of governance would be to say that they embody contending ideological visions, or contending visions of the 'social constitution'.

In sum then, I think Banerjees account of political power as ascendancy of state actors in a network of other powerful actors who all co-construct and contest the 'social constitution' is of much greater use in understanding urban politics than mainstream accounts of sovereignty where unitary power expressed in law, necessarily controls the city. From this new theory of political authority, we can generate new understandings of actual political practice, and emergent analysis of political practice in Hout Bay confirms the value of the theory of political authority as ascendancy over the theory of political authority as sovereignty.