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Sovereign Aspirations: National Security and Police Power in a Global Era

Elisabeth R. Anker and William L. Youmans

A commentary on "Sovereignty" by Michael Hardt, *Theory & Event*, Vol. 5, No. 4 (2001)

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Introduction

In his essay "Sovereignty" for *Theory & Event*, Michael Hardt argues that the world order did not change on September 11, 2001.¹ Rather, the date signified a longstanding politico-historical shift: the decline in nation-state sovereignty as a viable organizing norm and practice of international politics. Increasing transnational flows of capital, weapons, peoples, and information, as well as proliferating international institutions for governing economic and social relations, had decreased states' power over their territorial spaces. Political problems were becoming more global in scope, including mass migrations, climate change, and the neoliberal privatization of common life across continents, and they revealed the inadequacy of nation-states for solving them. The thinning veneer of state sovereignty was particularly exposed on 9/11, as non-state agents beholden to no clearly identifiable Westphalian power stripped the illusion of state territorial supremacy. Cells of loosely affiliated individuals enacted a spectacle of mass violence of which only national governments were presumed capable. They eluded institutions of state security, and weaponized the same civilian machinery — passenger airplanes — that accelerated the human mobilities contributing to state permeability. More than a singularly horrific assault, the attacks were one dramatic moment in an ongoing erosion of state sovereignty.

Hardt was not claiming that sovereignty, as supreme control and final authority over a defined space, was eroding as a possible form of power, however. He provocatively argued that sovereignty was relocating from the domain of nation-states to what he called a "new global sovereignty." State powers, for Hardt, now "exist within and are functional to a larger form of sovereignty. That functionality to the new global sovereignty is the determining factor." State authority is

increasingly deployed to buttress global powers such as empire and transnational capital, even as it cannot hold on to the monopoly of violence within its own territory. The blurring jurisdictions of the two main instruments of state violence – police inside nations and military directed externally – indicated this shift. Militaries now enforce social order *within* their own nations, as defensible borders were fragmenting from well-defined contours to the mobile boundaries of nonstate actors, like transnational terrorists, refugees, smugglers, and migrants. In addition, police powers had become increasingly militarized, such that local, civilian forces perceive “enemy combatants” among their own communities.² The inside-outside conflation of the state institutions of violence revealed to Hardt how the coercive instruments of state action have detached from national borders. Sovereignty has gone the way of neoliberal economics, popular culture, and politics: it globalized.

Hardt’s perceptive argument identifies key aspects of state sovereignty’s decline. He joins other seminal scholars of sovereignty, including Giorgio Agamben and Wendy Brown, to argue that sovereignty has detached from state power to expand across the globe, whether through Empire (Hardt and Negri), worldwide productions of bare life (Agamben), or neoliberal capital as the new sovereign (Brown).³ “Sovereignty” presciently predicts how the events will shape a particular telling of international relations in a global era.

However, in contrast to a unidirectional narrative of global sovereignty, the intervening years have also seen *intensified recurrences* of nation-state sovereignty. Some states have gained coercive power over citizens and bored more deeply into the lives of the populace, especially as they aim to securitize territory, regulate social order, and manage individuals within the nation. Widely distributed strategies of national security buttress state power against the preferences of global sovereign forces. State sovereignty has, in many instances, re-oriented the monopoly of violence back inside territorial boundaries, targeting individuated threats, communities, and bodies that are presumed to threaten from within. As the world since 9/11 appears increasingly chaotic, with rising global inequality, nonstate violence, and climate change disasters that uproot entire populations and put groups at war for scarce resources, one common response by national governments is a re-commitment to bolstering state sovereignty by securing borders, combined with internal state repression of unruly, hungry, and desperate populations housed within the nation-state. In various places across the globe, state sovereignty remains a vibrant aspiration.

To conceptualize sovereignty as a resurging phenomenon is to unsettle the familiar narrative of international relations, in which state sovereignty was preeminent up to the end of the 20th century and is now in decline. These claims construct a linear narrative of dissolution that does not leave room to conceptualize contemporary sovereign-

ty as episodic and uneven. While we agree with Hardt that there are many ways in which state sovereignty has diminished, especially in regards to the circulations of transnational capital that easily elide state borders and regulations, there has also been a simultaneous and concomitant increase in particular formations of state sovereignty, especially in militarized and securitized modes of power. Pursuits of sovereignty vary in different regional spaces; they fluctuate, rather than being established conditions that remain stable over time only to later dissolve.⁴ Widespread surveillance, police militarization, and mass incarceration reveal the resilience of national sovereign power over internal populations, in novel and anti-democratic ways that Hardt's essay did not foresee.

We argue that there is no unidirectional trajectory of state power in our global era from territoriality to deterritorialization, from the national to the global, or from fixed to mobile sovereignty. These contrasting processes actively coexist. Sovereignty, in our moment, takes place through shifting circulations of power harnessed to or disengaged from divergent aspirations to territorial supremacy, within and outside nation-states. In this article, we examine a few contemporary aspirations to state sovereignty across the globe to analyze some forms that sovereign ambitions take in the post-9/11 era: 1) increasingly militarized modes of sovereign police power against citizens, as seen in the US and Egypt among other states, 2) state securitization of domestic populations through surveillance of everyday life, as seen in multiple countries, and 3) growing desires of national populations to fortify state sovereignty, as seen in Great Britain's Brexit vote to leave the E.U., Islamic State's aim to establish territorial statehood in the form of a Caliphate, and the US presidential campaign of Donald Trump. Together, these examples show various ways that state sovereignty has increased and turned inward toward the control of domestic populations in the name of order, and often at the invitation of anxious publics who see in the state a savior from the political chaos and economic precarity of globalization.

1) Militarized modes of sovereign police power over citizens

The blurring between military and police apparatuses in the United States began decades before the September 11 attacks, as Hardt and many other scholars have noted.⁵ This trend took off with the Nixon and Reagan administration's "War on Drugs,"⁶ and by the 1990s Congress arranged for the Pentagon to funnel surplus military grade equipment to civilian law enforcement.⁷ The police began treating drug use and other minor crimes with tactics more appropriate for military activity, engaging in crime control methods that resemble an occupying military's counter-insurgency campaign.⁸ By the 2001 attacks, the

structural conditions for the heightened militarization of police functions were already in place. Police strategies to preserve the peace rapidly expanded to include military weapons and tactics for preempting terrorism.⁹ Hardware such as armored tanks, grenade launchers, and battle dress uniforms, combined with military intelligence technology, have influenced police engagement with civilians. Citing an “unprecedented level of US armed forces’ involvement in internal security matters,” Peter Kraska among many others observes greater cooperation between policy and the military at all levels, including information sharing, technology and weapons transfers, and the growth of special, heavily armed units (e.g. SWAT teams) that emulated military special forces.¹⁰ Many of the \$4.3 billion worth of weapons and equipment that have been transferred from military to police departments since 9/11 are heavy and brutal; according to the ACLU, for example, 500 law enforcement agencies received Mine Resistant Ambush Protected (MRAP) vehicles.¹¹ These vehicles were customized to withstand damage from roadside bombs, but are now deployed for routine police business like delivering arrest warrants. Other trends in militarized policing include mapping the topography of city streets as if they were war zones, repressing street protests with military formations, and exacerbating the violent and punitive policing that disproportionately impacts poor and minority communities who have been more readily perceived as hostile enemies.¹²

The increased militarization of police within the US does not necessarily serve a global sovereign, as Hardt might have it. Instead, it buttresses US control over and against citizens in ways that reproduce historical patterns of domestic social stratification. Recent iterations of militarized policing were observed nation-wide in the images of heavily armed police trying to contain Black Lives Matter protests over the police shootings of African-Americans. As figure 1 portrays, the heavily armed police SWAT team handcuffing a nonviolent protester in Baton Rouge was not an act of global sovereign force. It is in the service of the state’s maintenance of internal order, and produces a form of state sovereignty that construes democratic action and the daily survival strategies of minority populations as threats. The penalization of democratic protest is not new, nor is it newly racialized. Police-initiated violence has targeted dissent by poor and minority communities and leftist political movements throughout American history.¹³



Figure 1. Militarized police power in the service of state sovereignty.
 Baton Rouge, July 9, 2016.
 (Jonathan Bachman/ Reuters)¹⁴

The 21st century has seen greater supersession of constitutional rights such as the fourth amendment's prohibitions on unreasonable searches and seizures and the fifth amendment right to trial, as with the vast expansion of plea bargaining in the American criminal administration system. At the same time, there are broader sweeps of the population subject to mass incarceration (for example, stop and frisk policing).¹⁵ Indeed, over 2 million people are currently incarcerated in the US, which amounts to the highest proportion of incarcerated citizens of any country in the world.¹⁶ Furthermore, the criminalization of informal economic activity disproportionately impacts low-income and minority people, and is part of the widespread move from welfare to penalization for the state management of poverty.¹⁷ All of these expansions in police power are notoriously unchecked. At the same time, police taking of civilian lives are almost never subject to criminal prosecution, even when it is unprovoked and proven as such by a video recording. This means that the state's police power is the "exception" in Carl Schmitt's definition of a sovereign; it uses extra-legal force to enforce order, and is also exempt from the law.¹⁸

Looking beyond the borders of the United States, many national regimes have deployed hybridized police-military formations to as-

sert state sovereignty over domestic challengers. When the series of protests called the Arab Spring began in Tunisia in 2010, western governments, mass publics, and area experts hailed what appeared to be a cascading transnational surge of popular uprisings aimed at overthrowing the region's despots. In Egypt, millions of protesters agitated for the long-time dictator Hosni Mubarak to step down. With support from the military, Mubarak was ousted in 2011 and a new democratically elected government formed under the Muslim Brotherhood's leader Mohammed Morsi. Yet the governing power of the Brotherhood was soon swept aside by a coup, supported by the military, that nullified the country's first presidential elections and brought former head of military intelligence and defense minister, Abdel Fattah el-Sisi, into power. In post-coup Egypt, as in other Arab Spring states of Bahrain, Syria and Yemen, the government painted all citizens who challenged the state's ruling power as agents of external powers, or as deviants and extremists, and then used state violence to repress them.¹⁹ These governments countered the Arab Spring with resolute affirmations of their state sovereignty, and used force through any coercive apparatuses they could harness, whether police or military, without respect to any formal delineations between them. Egypt, for one, is left with a regime as repressive to its internal population, if not more so, than the one toppled in 2011. Governments that treat their citizens as enemy combatants and deploy various monopolistic forms of state violence against them demonstrate that state sovereignty has not diffused globally but has congealed and intensified within the national entities.

State sovereignty through official state violence in Egypt is complex, however, as its coercive forces are not monolithic nor well-coordinated. While in power, Mubarak regularly used the official and secret police as instruments of repression to further his rule. At the outset of the protests against his regime, police forces tried to violently quell the uprisings. The Egyptian army, however, had its own authority and economic power somewhat independent of the president's power base; it aligned with protesting civilians to oust the president, but it ultimately kept the regime in place through Sisi's later coup.²⁰ As in Tunisia, Egypt's revolution succeeded because the military ultimately fought *against* the police, which was working to undermine the protests. It pitted one arm of state sovereignty against another.²¹ This pattern of military-police confrontation in Tunisia and Egypt was not replicated in other Arab spring contexts. In Bahrain, Syria and Yemen, the military and police converged to defend the dictatorships. The role of the military in the Arab Spring was therefore contingent "on the structure of that military and its place within a given political system"²²—a function of the specifics of national sovereignty, rather than a globalized sovereign's playbook. Challenging Hardt's claim, these

examples reveal that there is less an overarching movement towards global sovereignty than there are disparate and conflicting manifestations of national sovereignty.

2) State surveillance over domestic populations

Since 2001, general surveillance activities by public and private entities have expanded around the world. State security and intelligence functions that arose during the Cold War have only grown in influence, as countries have intensified their national security state functions.²³ Nearly every advanced industrialized nation undertakes surveillance of its population and others, and is involved in the widespread collection of data on citizens and noncitizens alike.²⁴ Governments form official databases, identification systems, and biometric data collection to equip counter-terrorism agencies. They conduct cyber-espionage and hacking against internal dissidents and other states. The imperative of security against dark transnational forces that seek to destroy civilization—in the war on terror’s nomenclature—justifies the near-impunity and operational secrecy of state surveillance in many countries.²⁵ The loosening of legal constraints on intelligence-gathering, as well as the lack of adequate regulatory protections for privacy, contribute to the rise of such activities.²⁶ National security state operations work largely outside the checks and balances and other legal self-constraints of a liberal-democratic order.

This electronic surveillance has an international reach that challenges aspects of state sovereignty. Transnational political assemblages conduct surveillance and sponsor forums for the sharing of intelligence. Information-gathering occurs through multi-national institutions like the North Atlantic Treaty Organization (NATO) or the International Criminal Police Organization (INTERPOL), which have their own surveillance functions. Private sector actors looking to monetize consumer information for marketing and advertising purposes have vastly expanded public data collection activities. Some scholars argue that this vastly expanded surveillance is in the service of global capital, helping to produce post-state global sovereignty dominated by finance.²⁷ Private corporations generate massive data and keep their money in off-shore locations, easily evading outdated state regulations still tied to traditional jurisdictional logics. Aligning with Hardt’s general claims about global sovereignty, they argue that multinational corporations have nearly unfettered power to gather data about populations in order to generate markets, create tradable informational products, and raise capital.²⁸ All of these monitoring capacities span a planetary network of fiber optic cables and satellite transmissions, making territorial boundaries seemingly irrelevant to the circulation of information.

However, focusing only on global governance and transnational capital misses how states utilize surveillance regimes *against* globalizing tendencies in order to bolster national power. Far from being in the service of global capital, governments often compel multinational telecommunications and Internet companies to collaborate on surveillance activities. To operate in a given market, these companies can be required to hand over data in the service of national security.²⁹ Technological innovations in electronic communication, developed by private capital, make possible the rapid production, circulation, and analysis of data. These innovations expand the capacities and efficiencies of surveillance, making it more tempting for governments to exploit. States harness the surveillance capacities and information generated by multinational companies to strengthen their national borders, control internal populations, spy on other states, and instantiate domestic order.

While the logic of national security calls for boosting controls over movement in and out of national boundaries, states do not just affix their surveillance to borders but extend them inwards, through the management of domestic populations. Armand Mattelart argues that a “techno-security paradigm” guiding “societies of security” expands national security to protect the populace by monitoring countless facets of the population.³⁰ States centralize the “geographic, communications and financial records of all their citizens and residents,” giving them greater access to population-level data, as well as to individual profiles.³¹ In the name of good governance, states measure and analyze citizens’ behaviors, seek to technologically pinpoint their whereabouts at any time, and identify their political proclivities, friends, and computer keystrokes (which may reveal shopping habits, illicit desires, and much more). The purpose of contemporary surveillance, as Fuchs and Trottier observe by building on Michel Foucault’s foundational argument, “is not only to collect data, but also to use this data to exert social control.”³² State surveillance entails a proliferation of government bureaucracy and private contractors in order to acquire and process vast, detailed amounts of digital information about individuals. Some states even use equipment first developed for military battlefields on local citizens, including wireless fingerprint scanners, biometric photographing, and aerial surveillance with drones.³³

One example of an expansive and virtually unchecked state surveillance program in the US includes the joint FBI and Homeland Security Nationwide Suspicious Activity Reporting Initiative, which trains thousands of local, state and private agencies to report suspicious persons and gather information on their daily behaviors.³⁴ “Suspicious behavior” is gauged by local officers, or neighbors, or passers-by; it is often arbitrarily determined and disproportionately identifies nonwhite and non-Christian people whose daily actions may seem

different and therefore suspect, or who come from racialized groups with a historic legacy of being treated as threatening and dangerous.³⁵ Boundless amounts of generated information on generic populations and individual persons – “suspicious” or otherwise – are stored in the hope that it can be harnessed at a moment’s notice by government agencies at a later date.³⁶ Citizens have limited access to the full sweep of information collected about them, and anything can be recorded as “criminal intelligence” without proof of reasonable suspicion or probable cause. These efforts contribute to state sovereignty, as the accumulation of intimate, political, and associative microdetails about people and populations is largely exempt from the oversight and monitoring required in a democratic, adversarial system.

The state sovereignty produced out of all of this surveillance is not primarily dematerialized or deterritorialized, even if informational flows emanate within “the cloud” of networked servers and travel instantaneously across state borders. Instead, it takes shape as the familiar, Westphalian, Hobbesian form of state sovereignty, in order to secure order over the bodies of individual citizens and the collective citizenry. When corporate entities like Facebook, Google, and AT&T cooperate with states they effectively become government agents of data collection and surveillance. Information may be deterritorialized and mobile in many respects, but states use surveillance to maintain the territory of state power and preempt threats against it. This aim may be impossible, as Brian Massumi would note, but it structures the organization of state surveillance as it continually expands over the population.³⁷

3) Desires from the people to bolster state sovereignty against transnational forces

Around the world, an increasing desire for state sovereignty can be seen among diverse nations; it is often in response to the inequalities of globalization. There is a generalized feeling, across individuals and populations, that people have less power to determine their life conditions than in previous generations. Many turn to government to save them from nebulous and unknowable transnational forces. State power comes to seem the sole source of sovereignty that can demonstrate strength and self-determinism against external forces.³⁸ Some citizens aim to reestablish state self-determination over the powers of transnational capital. Others aim to fortify national borders against refugee populations fleeing violence and poverty in other nations, including Hungary, Turkey, and America, as well as Great Britain. Still others expressed reactionary forms of national pride against other members of the nation deemed disruptive to state integrity and order. For example, during the Arab Spring many called on the state to increase repression against dissenters within the nation. The nation-state continues to be

vested with substantial symbolic power and normative legitimacy to protect national identity, regulate order, and claim custodianship over principles such as freedom, liberation and justice.

The British referendum vote to leave the European Union in June 2016 – “Brexit” – was one such articulation of the desire for state sovereignty that directly opposed transnational flows of money and people. Popular British sentiments for state power grew out of resentment of the EU and a fear of refugee populations and global capital, all perceived to intrude on traditional modes of state sovereignty. According to a Lord Ashcroft poll of over 12,000 British voters on the day of the referendum, supporters of the ‘Leave’ vote gave numerous reasons for disentangling from the EU: Half cited “the principle that decisions about the UK should be taken in the UK;” a third felt Brexit “offered the best chance for the UK to regain control over immigration and its own borders.”³⁹ Many argued that the EU’s transnational governing system over-regulated Great Britain, while at the same time elevated foreign and corporate interests above Britain’s own. This sacrifice of parliamentary sovereignty to a continental body, they argued, was detrimental to state agency. Brexit supporters also wanted to re-capture border control to prevent influxes of undesirable populations, such as Syrian refugees escaping their country’s violent regime and war, as well as economic migrants from lower income EU countries.

The Brexit desire for sovereignty appeared xenophobic, and surely this is reason for much of its support.⁴⁰ But supporters’ demographics offer additional reasons for why Brexit passed. These voters were older, less educated, more economically insecure, employed in non-skilled trades, and less flexible in competing in a global economy.⁴¹ Facing economic competition from others in Europe, many recognized that the EU’s neoliberal promise of widespread wealth creation excluded them. In effect, they felt that the UK bargained away of sovereignty to the EU for benefits they never received.⁴² The referendum, a democratic instrument of national governance, empowered them to undo the formal arrangements by which they had ceded some measure of collective autonomy.⁴³ Brexit allowed those resenting EU membership to feel as if they had re-acquired a measure of control, re-establishing agency and security in precarious, uncertain times.

In the US, Donald Trump’s presidential candidacy embodied, among other things, a collective desire for renewed state sovereignty. Trump’s speeches emphasized the degraded status of the country, appealing especially to the plight of the American worker. It proved an effective rhetorical strategy because it fomented his rapt audience’s sentiments of fallen greatness. They felt overwhelmed by un-American forces in the forms of foreign entities, immigrant populations, and racial and religious minorities. Trump’s promise to his supporters was this: you may feel weak and injured now, but my state policies

will soon vanquish the enemies that sap your power, allowing you to experience your rightful, and unbound, agency.⁴⁴ Trump argued that violent and punitive forms of state expansion, especially strong borders—whether a concrete wall, draconian detention of immigrants, or outright denial of entry to religious and racialized groups—will revive the feeling of sovereignty and security his listeners seek. When Trump trumpeted the border wall, he promised to deliver triumphant strength through military and state action. As he exclaimed, “We’re gonna make our military so big and so strong and so great, it will be so powerful that I don’t think we’re ever going to have to use it. Nobody’s going to mess with us.” It is a promise that state power, so big and so strong and so great, can wipe away all individual experiences of vulnerability. Trump’s campaign transmuted affectively intense experiences of powerlessness into the justification for state violence imagined as sovereign freedom.⁴⁵

Trump’s campaign slogan, “Make America Great Again” offered that dramatic performances of violent state power can restore sovereign greatness to both the individual and the state. By promising to take down the powers sapping American sovereignty—which he and his audience diagnose as terrorists, immigrants, other nations, and racialized others—he implied that US political subjects can escape their feelings of dependence and vulnerability. This helps to explain why Trump’s support is especially strong from white, male, and lower-income supporters. It is not that they are the population most injured by the economic recession or diminished state sovereignty, but that they feel unable to achieve what they have always been told is their rightful entitlement. The rightful entitlement they desire, Trump knows, is to be like him: a master over self and others, economically and politically dominant, and beholden to no other. His promise to recapture the sovereign freedom he claims to embody is most compelling for those people who have historically and fervently invested in sovereign individualism, typically the white men upon whom it is implicitly modeled.⁴⁶ Trump’s adherents surely feel threatened by the rise of women and minorities to positions of political power and public visibility, but they, like many others, also feel at the mercy of economic and political forces that few people can identify or understand. Indeed, the individual sovereignty they desire disavows the very impact of these larger forces on their lives. It then stimulates their investments in the traditional apparatuses of sovereignty as a proxy for their own individual power: a dominating military and exacting border patrol.

There is also a concurrent desire among particular *nonstate* actors for state sovereignty. We can see this, most surprisingly, in the 15-year evolution of the sort of parties that perpetrated the 9/11 attacks. At the time of the 9/11 attacks, Al-Qaeda was in effect de-territorialized, claiming no land as its own and operating through small transnation-

al cells. The group was seen as one example of globalization's underbelly. Popular commentators like Moises Naim likened the group's organizational structure and multi-nationality to an NGO: a loose network of ideologically-aligned individuals.⁴⁷ Such actors, as Hardt insinuated, would be controlled through similarly borderless global sovereign powers of control. Al-Qaeda gathered in cave complexes in Afghanistan, but dispersed once NATO forces led by the United States pursued their leadership. A franchise affiliated with the group would later sprout up in Iraq following the American invasion.⁴⁸ The group, Al-Qaeda in Iraq, was the precursor for the Islamic State, previously called the Islamic State in Iraq and Syria (ISIS). Yet, as Hardt and many others could not have foreseen, Islamic State later attempted to establish *permanent territory* upon which to build its state, institute law and order and begin its expansion.⁴⁹ With the Syrian civil war, Iraq's government in tatters, and competing regional powers unable to reach consensus, Islamic State was able to secure a vast amount of territory in much of both countries. Islamic State, in other words, pursued state sovereignty on a territorial basis.⁵⁰

Through grotesque violence, military activity, quasi-state institutions and sophisticated media operations, the group tried to function like the state its self-declared name expresses – it is, after all, pursuing an Islamic State. The Islamic State repudiated the de-territorialized organizational structure of Al-Qaeda to seek sovereignty in the form of an established Caliphate, a kingdom led by a religious authority and based on Muslim principles.⁵¹ State sovereignty remains the locus of identity and authority for the group that has captured so much of the world's fears. ISIS thus leads to a different reading of sovereign desires than Wendy Brown's seminal account of "waning sovereignty."⁵² For Brown, current sovereign aspirations, including building border walls between states, stem from a fantasy that sovereignty can be rehabilitated in an era of its decline; as ISIS reveals, these fantasies even produce wicked dreams of re-territorialized ambitions.⁵³ Instead of a permanent shift from state power to supra-national constellations, the differences between Al Qaeda and Islamic State reveal an oscillating countershift from global sovereignty back to state sovereignty.

Conclusion

Rather than the disintegration of national sovereignty re-amassed at the global level, we inhabit an era of competing state sovereignties amongst geographic locales and material flows that cycle in and out of power, and often condense downward at the intrastate level. While there are many ways in which state sovereignty has declined, it would be incorrect to tell one global story of sovereign power in which the nation-state loses it as transnational forces gain it. In the US, Great Brit-

ain, Egypt, Islamic State, and elsewhere, pursuits of state sovereignty have expanded in certain respects. These pursuits often focus on managing internal populations, using techniques of militarized policing and mass surveillance, and have been undertaken with a popular mandate in many places. Challenging the expected paradigm of deterritorialized power, many states and populations remain transfixed on material territoriality, especially border securitization against threats. Both established and aspiring state powers continue to fetishize territory as a primary site of sovereignty, even as they also utilize dematerialized informational flows and nonstate actors like corporations to secure their ground. Hardt's analysis of sovereignty tells a powerful and important story about globalization, but there is more than one story to tell about state sovereignty's operations in contemporary global politics.

Notes

1. Michael Hardt, "Sovereignty," *Theory & Event* 5, no. 4 (2001).

2. "Unlawful enemy combatant" was the Bush administration's proposed "war on terror" classification of a person who is neither a regular troop, nor a nonviolent civilian afforded the rights of full legal protections under international law, yet is an adversary who may be harmed or killed legally. The Military Commission Act of 2006 defined one as a "a person who has engaged in hostilities or who had purposely and materially supported hostilities against the United States or its co-belligerent who is not a lawful combatant." Mark D. Maxwell and Sean M. Watts, "'Unlawful Enemy Combatant': Status, Theory of Culpability, or Neither?," *Journal of International Criminal Justice* 5, no. 1 (2007):20.

3. Michael Hardt, and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2001); Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans by Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998); Wendy Brown, *Walled States, Waning Sovereignty* (Brooklyn, NY: Zone Books, 2010).

4. Joan Cocks, *On Sovereignty and Other Political Delusions* (New York, NY: Bloomsbury, 2014).

5. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, NY: The New Press, 2012); Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley, CA: University of California Press, 2007); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009); Thomas Dumm, *Democracy and Punishment: Disciplinary Origins of the United States* (Madison, WI: University of Wisconsin Press, 1987).

6. Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016); Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York, NY: Oxford University Press, 2014).

7. Taylor Wofford, "How America's Police Became an Army: The 1033 Program," *Newsweek*, August 13, 2014, <http://www.newsweek.com/how-americas-police-became-army-1033-program-264537>

8. Congress established exceptions to the PCA to integrate military and police functions with the 1981 Military Cooperation with Law Enforcement Officials Act. Sean J. Kealy, "Reexamining the Posse Comitatus Act: Toward a Right to Civil Law Enforcement," *Yale Law & Policy Review* 21, no. 2 (2003); Peter B. Kraska, "Militarization and Policing—Its Relevance to 21st Century Police," *Policing* 1, no. 4 (2007): 502.

9. Brian Massumi, *Ontopower: War, Powers, and the State of Perception* (Durham, NC: Duke University Press, 2015).

10. Kraska, "Militarization and policing," 502.

11. American Civil Liberties Union. *War Comes Home: The Excessive Militarization of American Policing*. New York, NY: American Civil Liberties Union, June 2014, <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rell1.pdf>.

12. Alexander, *The New Jim Crow*; Gilmore *The Golden Gulag*, Loïc Waquant *Punishing the Poor*.

13. Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2003); W.E.B. DuBois, *Black Reconstruction in America: An Essay Toward a History of the Part which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York, NY: Oxford, 2007); Michael Rogin, *Ronald Reagan: the Movie, And Other Episodes in American Political Demonology* (Berkeley, CA: University of California Press, 1988); Dan Berger, *The Struggle Within: Prisons, Political Prisoners, and Mass Movements in the United States* (Oakland, CA: PM Press, 2014).

14. Jonathan Bachman, "Taking a Stand in Baton Rouge," *Reuters*, August 11, 2016, <https://widerimage.reuters.com/story/taking-a-stand-in-baton-rouge>

15. Alexander, *The New Jim Crow*; *Policing the Police*: <http://www.pbs.org/wgbh/frontline/film/policing-the-police/>

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17. Lester Spence, *Knocking the Hustle: Against The Neoliberal Turn in Black Politics* (Punctum, 2016); Angela Davis, *Freedom is a Constant Struggle* (Haymarket, 2016); Elisabeth R. Anker "Thwarting Neoliberal Security: Ineptitude, The Retrograde, and the Uninspiring in *The Wire*", *American Literary History*, forthcoming 2016.

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22. Schneider, "Violence and State Repression," 483.

23. Garry Wills, *Bomb Power: The Modern Presidency and the National Security State* (New York: Penguin, 2011);

24. Electronic Privacy Information Center and Privacy International, *Privacy & Human Rights 2006: An International Survey of Privacy Laws and Developments*.

25. Elisabeth Anker, *Orgies of Feeling: Melodrama and the Politics of Freedom* (Durham, NC: Duke University Press, 2014).
26. Electronic Privacy Information Center and Privacy International, *Privacy & Human Rights 2006: An International Survey of Privacy Laws and Developments*, 2007, accessed August 16, 2016, <http://www.worldlii.org/int/journals/EPICPrivHR/2006/PHR2006.html>
27. State and corporate surveillance often converge, as David Price writes. Yet while Price argues that this convergence is in the service of global capital, we are contending that it is also in the service of national security. The relationship between state sovereignty and transnational capital forms of surveillance is not zero-sum, in which the powers gained by corporate surveillance mean *ipso facto* that the state loses power. Rather, their powers can be complementary, or contradictory, or jointly intensified. Price, David H. "The New Surveillance Normal: NSA and Corporate Surveillance in the Age of Global Capitalism." *Monthly Review* 66, no. 3 (2014): 43–53.
28. Daniel Woodley, *Globalization and Capitalist Geopolitics: Sovereignty and State Power in a Multipolar World* (New York, NY: Routledge, 2015), 3.
29. The government-private corporate nexus in surveillance has taken several forms. At the most immediate, government intelligence agencies contract out surveillance and data analysis to private corporations, which wring profit by providing information on publics. Private firms build new mining software, storage facilities, and security systems for government clients, and often do the very work of gathering intelligence on citizens. Second, corporations have undertaken their own forms of privatized surveillance, compiling massive bulk data factories that seek to collect and process information about as many individuals as possible. Laws, regulations and informal pressures mandate that corporations share this information with law enforcements and intelligence agencies.
30. Armand Mattelart, *The Globalization of Surveillance*, trans. by Susan G. Tapo-
nier and James A. Cohen (Malden, MA: Polity, 2010).
31. Kim Zetter, "World's Top Surveillance Societies," *Wired*, December 31, 2007, <https://www.wired.com/2007/12/worlds-top-surv/>
32. Christian Fuchs, and Daniel Trottier, "Internet Surveillance after Snowden: A Critical Empirical Study of Computer Experts' Attitudes on Commercial and State Surveillance of the Internet and Social Media post-Edward Snowden," *Journal of Information, Communication & Ethics in Society*, (forthcoming).
33. Louise Amoore, "Biometric Borders: Governing Mobilities in the War on Terror," *Political Geography* 25, no. 3 (2006). For just one example from the United States, the city of Baltimore's police department has secretly used surveillance aircraft techniques developed in Iraq. See Monte Reel, "Secret Cameras Record Baltimore's Every Move from Above," *Bloomberg Businessweek*, August 23, 2016. <https://www.bloomberg.com/features/2016-baltimore-secret-surveillance/>
34. <https://nsi.ncirc.gov/>
35. Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015).
36. Toh, Amos, et al., *Overseas Surveillance in an Interconnected World*, New York, NY: Brennan Center for Justice, March 16, 2016, <https://www.brennancenter.org/publication/overseas-surveillance-interconnected-world>

37. Massumi, *Ontopower* (Durham, NC: Duke University Press, 2015).
38. Wendy Brown, *Walled States, Waning Sovereignty* (Brooklyn, NY: Zone Books, 2010); Elisabeth Anker, "Heroic Identifications: Or, You Can Love Me Too - I am so Like the State," *Theory and Event*, 2012.
39. Lord Ashcroft, "How the United Kingdom voted on Thursday... and why," *Lord Ashcroft Polls*, June 24, 2016, <http://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/>
40. There was a reported 57% increase in hate crimes in the days leading up to the Brexit vote. Harriet Sherwood, Vikram Dodd, Nadia Khomami and Steven Morris, "Cameron Condemns Xenophobic and Racist Abuse After Brexit Vote," *The Guardian*, June 27, 2016, <https://www.theguardian.com/uk-news/2016/jun/27/sadiq-khan-muslim-council-britain-warning-of-post-brexit-racism>
41. Arnau Busquets Guàrdia, "How Brexit Vote Broke Down," *Politico*, June 24, 2016, <http://www.politico.eu/article/graphics-how-the-uk-voted-eu-referendum-brexit-demographics-age-education-party-london-final-results/>.
42. Andrew Higgins, "Wigan's Road to 'Brexit': Anger, Loss and Class Resentments," *The New York Times*, July 5, 2016, http://www.nytimes.com/2016/07/06/world/europe/wigan-england-brexit-working-class-voters.html?_r=0
43. Brian Christopher Jones, "Final thoughts on (a potential) Brexit: Imposing (and accepting) constraints on sovereignty," *Columbia Journal of European Law* (forthcoming).
44. Elizabeth Anker, "Trump's Melodrama," *Daily Nous*, March 14, 2016. <http://dailynous.com/2016/03/14/philosophers-on-the-2016-u-s-presidential-race/#Anker>.
45. On this dynamic see Anker (2014).
46. Carole Pateman, and Charles W. Mills, *Contract and Domination* (Malden, MA: Polity, 2007).
47. Moisés Naim, "Al Qaeda, the NGO," *Foreign Policy* 129 (2002).
48. Bruce Riedel, *The Search for Al Qaeda: Its Leadership, Ideology, and Future*. (Washington, DC: Brookings Institution Press, 2010).
49. Audrey Kurth Cronin, "ISIS Is Not a Terrorist Group: Why Counterterrorism Won't Stop the Latest Jihadist Threat," *Foreign Affairs* 94 (2015).
50. Rather than just settle as a state defined by borders and legal recognition of sovereignty in the Westphalian mold, Islamic State saw the territory as their foothold for subsequent expansion on the model of the historic, multi-ethnic Islamic caliphate.
51. There is evidence derived from captured Islamic State records that many of its recruits are not well-versed in Islam—70% of an estimated 3000 recruits only had "basic" knowledge. The important point is that the group uses the religion as a legitimization discourse to justify its pursuit of statehood. Aya Batrawy, Paisley Dodds and Lori Hinnant, "Islam for Dummies: IS recruits have poor grasp of faith," *Associated Press*, August 15, 2016. <http://bigstory.ap.org/article/9f94ff7f1e294118956b049a51548b33/islamic-state-gets-know-nothing-recruits-and-rejoices>
52. Wendy Brown, *Walled States, Waning Sovereignty* (Zone, 2010).
53. Walls may also be effective in re-establishing territorial sovereignty; Hungary's 2015 border wall with Croatia stemmed the flow of refugees from 3000 a day to 12 a day within weeks. Samuel Granados et. al, "Fenced Out: A New Age Of Walls," *Washington Post* October 14, 2016.