[5] I use this term in the Habermasian way: the System is a sign of a 'bad society' based on significant erosion of human freedom, meaningful life, lived experience and social competence of ordinary people: Jurgen Habermas, *Legitimation Crisis* (London: Heinemann, 1973), p. 9.

[6] The concept of Life-World colonization was developed by J. Habermas in both volumes of *The Theory of Communicative Action*, vol. 1: *Reason and the Rationalisation of Society* (Cambridge: Polity Press, 1984); vol. 2: *Lifeworld and System: A Critique of Functionalist Reason* (Cambridge: Polity Press, 1987). He continued the pessimistic assessment of modernity started by Max Weber and Max Horkheimer. This genesis prevented Habermas from seeing the opposite process of System's colonization by elements of the Life-World. The latter concept is critical for understanding many regional modernities, including the Eastern European one.

[7] J. Habermas, "Modernity: An Unfinished Project" in M.P. d'Entreves and S. Benhabib, *Habermas and the Unfinished Project of Modernity* (Cambridge, Mass.: MIT Press, 1997), pp. 38-59, esp. 45.

[8] A term of Zygmunt Bauman, *Op. cit*.

[9] Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge, Mass.: MIT Press, 1988).

[10] See Figure 2.4. "Cultural map of the world about 2000" in Ronald Ingelhart and Christian Welzel, *Modernization, Cultural Change and Democracy: The Human Development Sequence* (New York: Cambridge University Press, 2005), p. 48ff.

[11] Cf. Table 1.2. "Differences between the Impact of the Industrial and Postindustrial Phases of Modernization on Human Values" in *Ibid*., p. 30.

[12] Shmuel Eisenstadt, "Multiple Modernities," *Daedalus* 129:1 (2000), pp. 1-29, esp. 2-3.

[13] Zygmunt Bauman, *In Search of Politics* (Stanford, Calif.: Stanford University Press), pp. 4-5.

[14] Alain Touraine, *A New Paradigm for Understanding Today's World* (Cambridge: Polity, 2007), p. 19ff.

[15] *Ibid*., p. 101ff.

[16] The German and Italian totalitarianisms were quite short-lived; the Portuguese and Spanish totalitarian projects degenerated into authoritarian regimes quite fast. It was only Jugashvili's project that went on – with some periods of extinguishing and waves of re-birth – until 1986.



**Peter McCormick**

# Bounded Sovereignties[1]

"Globalization is a multifaceted and complex phenomenon which must be grasped in the diversity and unity of all its different dimensions, including the theological dimension. In this way it will be possible to experience and to *steer the globalization of humanity in relational terms, in terms of communion and the sharing of goods*."[2]

Pope Benedict XVI

"The EuroMaidan seeks many of the values that Paris, France, and Western Europe represent: rule of law, equal justice for all, social freedoms and guarantees… [The EuroMaidan's] spirit speaks to a need encoded in our spiritual DNA: each person deep in his or her soul knows that he or she is called to a life of dignity and a life of relationship. This truth is sacred despite being so often violated."[3]

Bishop Borys Gudziak

"A 'pause' [is] the real beginning of any philosophizing and conscious orientation in the world. A pause… means a moment of internal focus, 'a recollection of oneself' [Merab Mamardashvili], and… a starting point of a *spiritual resistance* against any kind of outside elements that force a person to uncontrolled actions (those not directed by the moral mind). [A 'pause' is]

> finally, a resistance against the principal trends of time itself, [even] its 'mainstream,' if the mainstream threatens those values without which we cannot imagine dignity and the sense of one's own existence."[4]
>
> Viktor Malakhov


*Abstract*

I argue here that many of the primary ethical values that Pope Benedict XVI evoked in his 2009 encyclical *Caritas in Veritate* such as "relationality… and sharing," and that Bishop Borys Gudziak evoked in his January 2014 communication about Kyiv's EuroMaidan such as "equal justice for all and social freedoms and guarantees," cannot be properly lived out in common today in Ukraine.

That is, the basic ethical values that support these personal and communal ideals cannot be generally instantiated in Ukrainian society without radically changing current global understandings of national sovereignty in absolutist, externalist, and political terms only.

In short, the idea of political sovereignty needs to be understood as relative and essentially internally limited in such ways that sufficient conceptual space remains open for the play of those basic ethical values that underpin social and individual sovereignties as well.

After particularizing the vague notion of globalization, I specify the quasi absolutist, externalist, and now globalized political understanding of sovereignty that arguably blocks most political, social, and individual attempts to live out in common today ethically centred lives. I then reformulate these reflections in terms of three key points for public debate and further scholarly inquiry.






This paper is intended as "a pause." That is, I would like to offer these brief reflections in March 2014 as a philosophical recollection whose necessity Viktor Malakhov stressed at the international philosophy meeting in Lviv in March 2013.

I begin by recalling several general ethical reflections and several concrete events.

## The general and the particular

Invited speakers to the 2014 international conference were asked to offer some "Reflections on Global Political Theory with Special Reference to the 2009 encyclical *Caritas in Veritate*." Among the very many stimulating reflections there, I would like to focus here on just one.

That reflection goes: "Globalization is a multidimensional and polyvalent phenomenon."[5] [This phenomenon] "must be grasped," Pope Benedict continued, "in the diversity and unity of all of its aspects, including its theological dimensions. And this understanding," he concluded, "will allow living and orienting globalization of humanity in the terms of relationality, communion, and sharing."[6]

Note however that grasping what Benedict calls here the diversity and unity of the globalization phenomenon involves discerning the limits of today's overly narrow uses of sovereignty in exclusively political and externalist terms only.

And now recall Bishop Borys Gudziak's words from early January 2014. "The EuroMaidan," he wrote, "seeks many of the values that… Western Europe represent[s]: [the] rule of law, equal justice for all, social freedoms and guarantees." "The EuroMaidan's spirit," he concluded, "speaks to a need encoded in our spiritual DNA: each person deep in his or her soul knows

that he or she is called to a life of dignity and a life of relationship."[7]

Note that grasping what Bishop Borys calls here "our spiritual DNA" involves reflecting not just on externalities but also on internal and even interior matters.

After these generalities, and with both the Holodomor's almost three million murdered people always in mind[8] as well as the EuroMaidan's "*centurie celeste*,"[9,10] consider now several particulars from mid-February till mid-March 2014 only:

**14-16 February:** All 234 protesters arrested since December released. Kiev city hall, occupied since 1 December, abandoned by demonstrators, along with other public buildings in regions. Amnesty granted.

**18 February:** Clashes erupt with reasons unclear: 18 dead, including seven police, and hundreds more wounded. Some 25,000 protesters encircled in Independence Square.

**20 February:** As truce breaks down, Kiev sees worst day of violence for almost 70 years. At least 88 people are killed in 48 hours of bloodshed. Video shows uniformed snipers firing at protesters holding makeshift shields. Three European Union foreign ministers fly in to try to broker a deal; Russia announces it is sending an envoy.

**21 February:** President Yanukovych signs a compromise deal with opposition leaders, brokered by French, Polish and German foreign ministers. New national unity government is to be formed with constitutional changes handing powers back to parliament and early elections, held by December. Sporadic violence continues and protesters remain defiant.

**22 February:** Events move quickly.

- President Yanukovych disappears – reports say he has left for Kharkiv in the north-east.





- Protesters take control of the presidential administration buildings without resistance.
- Opposition leaders call for elections on 25th May; Parliament votes to remove president from power with elections set for 25th May.
- Mr. Yanukovych appears on TV to insist he is lawfully elected president and denounces "coup d'etat."
- Former Prime Minister Yulia Tymoshenko, jailed for seven years in 2011, is freed and travels from Kharkiv to address Kiev crowds.

**23-26 February:** Parliament names speaker Olexander Turchynov as interim president. Arrest warrant issued for Mr. Yanukovych and the acting president warns of dangers of separatism. Members of proposed new government appear before demonstrators, with Arseniy Yatsenyuk nominated prime minister. Berkut police units, blamed for deaths of protesters, is disbanded. Rival protests in Crimea.

**27-28 February:** Pro-Russian gunmen seize key buildings in the Crimean capital Simferopol. Unidentified gunmen in combat uniforms appear outside Crimea's main airports, sparking fears of Russian military intervention. At his first press conference since fleeing Ukraine, Viktor Yanukovych, now in southern Russia, insists he remains president and opposes military intervention or division of Ukraine. The toppling of President Viktor Yanukovych in Ukraine leads to escalating tensions, with fears of a Russian takeover of the Crimean peninsula.

**1 March:** Russian parliament approves President Vladimir Putin's request to use Russian forces in Ukraine. In Kiev, acting President Turchynov puts the army on full alert. Large pro-Russian rallies in several Ukrainian cities outside Crimea, including second-biggest city Kharkiv. West reacts with alarm: US President

Barack Obama tells Mr. Putin in 90-minute telephone conversation to pull forces back to bases. Mr. Putin says Moscow has right to protect its interests and those of Russian-speakers in Ukraine.

**2 March:** Ukraine's interim PM Yatsenyuk says Russia has declared war. US says Russia is in control of Crimea. Ukraine's newly appointed naval chief defects.

**3 March:** "Black Monday" on Russian stock markets as reports suggest Russia's military issued deadline for Ukrainian forces in Crimea to surrender. Reports later denied. Russia's UN envoy says toppled President Yanukovych asked Russian president in writing for use of force.

**4 March:** Russian President Vladimir Putin breaks silence, denying Russian troops have besieged Ukrainian forces in Crimea, asserting they are self-defence forces. Ukrainian installations are surrounded by soldiers apparently in Russian uniforms who prevent a Ukrainian force from re-taking Belbek airbase.

**5 March**: US State Department issues "President Putin's 10 False Claims About Ukraine" with its factual refutations of each.[11]

**6 March:** Crimea's Vice Premier Rustam Temirgaliev says that a referendum on the region's status will take place on 16 March. The referendum will ask people whether Crimea should remain part of Ukraine or join the Russian Federation.

The Crimean regional parliament resolves "to enter into the Russian Federation with the rights of a subject of the Russian Federation." People will be asked two questions in **March 16** referendum: Are you in favour of re-uniting Crimea with Russia as a subject of the Russian Federation? Are you in favour of retaining the status of Crimea as part of Ukraine?

Ukraine's new interim government does not recognize the leadership in Crimea – which was sworn in at an emergency session while the building was under siege from pro-Russian armed men last week. Interim Economy Minister Pavlo Sheremeta said it would be unconstitutional for Crimea to join the Russian Federation. According to Article 73 of the Ukraine constitution, "alterations to the territory of Ukraine shall be resolved exclusively by an all-Ukrainian referendum."





So much then for some particulars during just one month of the international crises in Ukraine.

### One question among others

Now such a juxtaposition of general ideas and particular events may suggest any number of sensible questions.[12] Here is just one.

In all these concrete matters, where are those abstract ethical values[13] that both Pope Benedict and Bishop Borys stressed? Just where in the official Ukrainian politics and in the Ukrainian society are to be found the values of relationality and sharing, of equal justice for all, and of social freedom?

In other words, why do such very important general realities as basic ethical values remain largely invisible in these very important social and political events in Ukraine today?

These basic ethical values remain largely invisible, I suggest, partly because Ukraine's former President and Russia's actual President (and many others too) have a dangerously distorted and deliberately misleading idea of the nature of Ukraine's national sovereignty.

Someone might object of course that such an outspoken charge is patently unfair. For both presidents have repeatedly called publicly for a "limited sovereignty" for Ukraine in the future and for a "federation" of Ukraine's very different three main regions.

But such an objection falls prey to Russia's massive and systematic uses in its almost completely state controlled media of what such twentieth century Russian poets like Mandelstam and Akhmatova called "Aesopian language." Aesopian uses of language are, like those of the legendary 6th century BCE's Greek poet, Aesop, fabled uses of language. That is, Aesopian language is deliberately used to suggest indirectly the opposite of what is directly said. In this ironic case, however, the effect is not the communication of a positive message but of a strongly negative one.[14]

Thus, Russian media apparently benign talk of a Ukrainian "federation" of regions is in fact Aesopian talk of a cancerous limitation of Ukrainian sovereignty. Similarly, Russian media talk of Ukrainian "limited sovereignty" is, in fact, a deliberately distorted use of language. For "limited sovereignty" does not denote sovereignty at all. Russian media uses of the expression "limited sovereignty" for Ukraine is a mystifying practice that denotes in fact an externally feudalistic suzerainty to be imposed on Ukraine.

May I insist then that this Aesopian idea of a limited sovereignty is a dangerously distorted and deliberately misleading idea of the nature of Ukraine's essential national sovereignty?

It is distorted because it arbitrarily narrows the scope of Ukraine's national sovereignty to the supposed inviolability of political sovereignty only. And it is dangerous because it effectively excludes from official consideration all words and actions from outside Ukraine's official government circles. (Such matters are taken unwarrantedly as absolutely unacceptable "external interference)."[15]

Moreover, this distorted and dangerous idea of a so-called "limited sovereignty" is misleading because it suggests that Ukraine's





national sovereignty can be a properly limited sovereignty only when limitation is imposed externally.

Still more, this distorted, dangerous, and misleading idea is also deliberately misleading. For the idea cynically contradicts the very notion of sovereignty as properly limited only internally. And yet this is just the idea that Russia itself has repeatedly invoked in continuing UN Security Council debates to justify its unfailing veto of any external interference whatsoever in Syria's (but not in Ukraine's) national sovereignty.

In short, some political powers today, like Russia, have tried to make something absolute of what is essentially something limited and limited properly only internally and not externally,[16] namely political sovereignty rightly understood as what I would like to call not "limited" but "bounded sovereignty."[17]

## "Globalization" and global political theory

Now after reflection,[18] I think that the values that both Pope Benedict and Bishop Borys have evoked so cogently – "relationality… and sharing" in the first case and, in the second, "equal justice for all and social freedoms and guarantees" – cannot fully emerge today in Ukraine, in the EU, or elsewhere without understanding better the essentially and internally bounded nature of sovereignty, whether political, social, or personal.[19]

For without understanding political sovereignty in its proper senses as an always internally "bounded" sovereignty, I do not think the values that *Caritas in Veritate* detailed some five years ago and that Bishop Borys publicly insisted on in January can engage us fully enough in our individual and community lives.

Before, however, we can talk more here about ethical values, "global political theory," and the now globalized but overly

narrowed notion of sovereignty as exclusively national and political, we need to specify briefly what we ordinarily mean by globalization itself.[20]

In common English parlance today, the word "globalization" denotes doing something whose scope encompasses the whole world.[21] That is, global political theory is generalized, world-wide political theory.

Globalization of course is hardly just generalized theory. For globalization mainly involves the spread of commerce and finance, the sciences and technologies across the entire world. But globalization also includes other important areas of human activity, including theoretical and philosophical reflection generally and political theory in particular.

Moreover, globalization in this sense of the world-wide generalization of certain human practices occurred many times in human history,[22] for example just before the First World War,[23] and not just within the limits of our own daily experiences and memories.[24]

When we reflect on this current working consensus among historians and theorists of globalization, perhaps we can discern at least one fundamental feature of globalization today. This feature is globalization's generalizing at the world level that particular kind of practical knowledge English speakers call "know-how," the specific cognitive mix of imaginative power and technical savvy.

Accordingly, we might then take globalization here as the planetary generalization of systematized practical know-how. And an excellent example of such planetary generalization of systematized practical know-how is the understanding of sovereignty in global political theory. But what in fact is sovereignty?





## Sovereignty: a contemporary account

Political sovereignty in its modern form[25] derives mainly from the political settlements in Europe after the Peace of Westphalia (1648) ended the many catastrophes of the Thirty Years War (1618-1648).[26] In this historical sense, then, political sovereignty is "a specifically European innovation;" it is called "Westphalian sovereignty."[27]

But today sovereignty is no longer just a European concept.[28] For like other basic concepts such as the technological conjecture,[29] the concept of sovereignty now is also globally recognized.[30] "The European way of government," one distinguished political scientist writes, "became a global system, and the only one known to history. The entire planet was enclosed by it."[31]

Despite its continuing historical developments,[32] however, the concept of political sovereignty has preserved many of its old characteristic features.[33] That is, the now 28 EU member states included so far in the EU system of state sovereignty continue to insist, and increasingly so, on their national authority, as almost absolute.

For while cooperating with the United Nations and other international organizations at the highest levels, EU member states recognize finally no higher governing authority than their own.[34] In other words, neither any world government nor any European Union federal government exists to which the sovereign authority of European nation states is to be regularly subordinated.[35]

The EU state sovereignty system, then, is to be understood today and for the indefinite future as an almost absolute form of state sovereignty.[36] This form of common political life can be generally understood in both jurisdictional and constitutional terms. Nonetheless, the indispensable condition for proper comprehension is getting clearer about the different senses of the key expression here, "sovereignty."

## Political sovereignty

Among the many forms that political power may take, most are linked directly or indirectly with the polyvalent notion of political sovereignty. Thus, contemporary reflection in political theory, empirical work in political science, as well as the history of polities and political institutions in Europe show that political sovereignty is at the center of political power generally.

Further, political sovereignty, whatever its many different declensions, is perhaps most often a matter not of relative political sovereignty but of almost absolute political sovereignty. That is, the political pretention of those in power is to as unlimited a form of political sovereignty as they are able to achieve by whatever means.

But European history also demonstrates that, despite the most frequent pretentions to unlimited political sovereignty, most European polities have had to settle either for a quasi-absolute sovereignty or, more often and more weakly, for a relative sovereignty.

For whatever the polity, the historical facts are that there are most often more than just one set of powerful political forces at work. Moreover, there are also more than just powerful political forces a polity must deal with; there are also powerful and contrary social and individual forces.[37] We see this concretely today in Ukraine, (for example, in the horizontally disposed rather than, as in Russia, strictly vertically aligned oligarchic powers).

During its very long and complicated history, then, political sovereignty in Europe appears to be necessarily bounded. That is, European political sovereignty appears to be essentially subject to the necessity for rules, for regulations, and eventually for laws – in a word, political sovereignty is subject to normativities.[38]





## Normativities

European history teaches us that the eventual substantive ethical contents of a political and social order, especially in some post-communist societies like Ukraine, that Vaclav Havel in Prague in November 1989 defined as societies combining authoritarian regimes with mafia capitalism,[39] should comprise, among other elements, the primacy of normativity.[40]

Here, normativity is "not about what *is* the case, but about what *ought* to be the case, or about what people *ought* to think or do. [Normativity is] about what *ought* to be."[41]

Recall that what ought to be done is the ancient European value of moral obligation. And the basic value of moral obligation may be understood as arising from the even more basic ancient European value of ethical responsiveness.

But notice here three important points about these values. First, what makes such essential moral and ethical values possible is a manifold reasoned and critically measured restraint in all things. Secondly, this manifold reasoned and critically measured restraint in all things is the restraint internalized in some individuals, societies, and polities. And finally, this manifold and internalized restraint in all things can reasonably be taken to underwrite the further idea here that all European political sovereignties are in principle not absolute but essentially internally bounded political sovereignties.

* * *

Perhaps we may now put these observations more simply in the following three summary points.

First, the necessity for rules, regulations, and legal norms trumping quasi-unlimited political sovereignties arguably arises

from the quite basic and manifold internal value of a reasoned and critically measured restraint in all things.

Secondly, the rewards of a manifold restraint in all things are the many incalculable benefits arising from the continued development (law-making) and application (jurisprudence) of the rule of law entailing internally and not externally, bounded and not unlimited, political sovereignties.

More speculatively, perhaps we may also say, thirdly, that one of the rewards of an 'originary' value of a reasoned and critically measured internalized restraint in all things is the centrality of the normative.

With these points freshly in mind, perhaps we can now formulate three short questions for critical discussion and further inquiry.

First question: is political sovereignty in the sense of national sovereignty essentially limited? That is, are we to understand from some globalized political theory today and from the continuing practices of some so-called "*Realpolitik*" that political sovereignty is in some strong sense quasi-absolute? But if so, then just how cogent are the arguments that political sovereignty, under its present working understandings in the European state sovereignty system, is to be properly understood as quasi-absolute? Or is political sovereignty, when properly understood, only relative? And if relative, then exactly in what senses "relative," and to what extent?

Second question: if essentially limited, is political sovereignty necessarily limited? That is, if political sovereignty in the sense of national sovereignty is by its nature limited, is that alone good enough reason by itself for maintaining that political sovereignty is not just essentially limited but also necessarily limited?

Third question: if the nature of political sovereignty is properly understood as both essentially and necessarily limited, is political sovereignty by its nature also not externally but internally limited?





But responding to such questions not unsatisfactorily requires entering into the disputed issue of just what kind of a concept political sovereignty as national sovereignty actually is. And when we do so, we may well find that one might respond in more than one way, depending on how one takes the difficult relations between various kinds of essentiality, necessity, and internality.

## Envoi: a pause for a "philosophical ethics" today?

In concluding then may I ask whether we can make time for a "pause" in Ukraine today, a pause even for a philosophical ethics?

A pause, Viktor Malakhov reminded us in 2013, "[is] the real beginning of any philosophizing and conscious orientation in the world. A pause… means a moment of internal focus, 'a recollection of oneself' [Merab Mamardashvili], and… a starting point of a *spiritual resistance* against any kind of outside elements that force a person to uncontrolled actions, those not directed by the moral mind."[42] Here is perhaps an example of such a pause.

Several years before coming with Lech Wałęsa to Kyiv in 2004 to encourage the Orange Revolution, Vaclav Havel wondered just what Eastern Europeans could offer to affluent and developed democracies in the West.[43] And he concluded, puzzlingly, that "we ought to have given them the benefit… of the unique experience given to us by life under totalitarian conditions, and by our resistance to those conditions."

When repeated in Ukraine today, Havel's remark seems partly to anticipate what both Pope Benedict and Bishop Borys said about the primacy of living through and by certain basic ethical values like sharing, the rule of law, and communion.

But if the experience Havel recalled was "unique" in the sense that the West had not lived through such a basic historical and existential experience, what exactly was the "benefit"?

The benefit, Havel claimed, was a lesson. And the lesson was that some historical situations – think of EuroMaidan – require societies and individuals to undertake fundamental "moral self-examination," an examination of the "moral mind."[44] Havel asserted that the pervasive conditions of European societies today, although no longer totalitarian, once again require such fundamental ethical scrutiny.

And why? Because, Havel claimed, the "dictatorship of money, of profit, of constant economic growth, and the necessity… of plundering the earth without regard for what will be left in a few decades… cannot effectively be confronted except through a new moral effort, that is, through a transformation of the spirit and the human relationship to life and the world."

Now, recalling Havel's words is sobering. And his words are those of a thoughtful and experienced person, a reflective and responsible European.[45]

Yet we can no longer assume that reflective and responsible Europeans today share any general understanding of just what is meant by Havel's inspiring but finally mysterious talk of "a new moral effort," of undertaking "a new certain moral self-examination," of moral effort itself as "a transformation of the spirit and the human relationship to life and the world."

Much less can we assume that reflective and responsible Europeans today enjoy an intellectual consensus as to what is to be understood by a disciplined, sustained, pluralistic, and argued inquiry into the matters Havel so importantly brings to our attention. For today the nature not just of ethics but of ethical inquiry itself is newly in question.





In times like ours, in the midst of perhaps yet more revolutionary events, some reflective persons in Ukraine are now struggling to re-articulate the difficult, and still only partly examined terms of "acting responsibly and with a clear conscience."

In concluding then, may I ask myself out loud still one more question? What do I myself think are the things that really matter, the things that any historically informed and socially responsive philosophical ethics today should be addressing in Lviv for all of Ukraine's sake tomorrow?[46] I'm not sure I know how to answer my own question. But perhaps together we might, if not fully answer such a question, make some progress in understanding it better.

## Endnotes

1. This is a revised version of an invited paper originally written for presentation at the international conference on "Reflections on Global Political Theory with Special Reference to *Caritas in Veritate*," held in Lviv on March 13-15, 2014. I thank Professor V. Turchynovskyy, Director of the International Institute for Ethics and Current Issues, as well as his colleagues in Ukrainian Catholic University for their generous invitation.
2. Pope Benedict XVI, *Caritas in Veritate* [42].
3. Bishop Borys Gudziak, "The Maidan, Christmas, the New Year and a New Ukraine," *The Kyiv Post* (January 6, 2014), translation slightly modified.
4. V. Malakhov, "Practicing Humaneness and Civic Virtues," in *Ethics and the Global World: Reflection on Civic Virtues*, ed. V. Turchynovskyy (Lviv: UCU Press, 2013), p. 48, translation slightly modified.
5. See note 2 above.
6. *Ibid.*
7. Bishop Borys Gudziak, "The Maidan, Christmas, the New Year and a New Ukraine," *The Kyiv Post* (January 6, 2014).

[8] The numbers here are from the international distinguished historian, N. Werth's recent article, "Comment Staline décida d'affamer son peuple," *Histoire* 384 (Décembre 2013), pp. 8-18. For a selection of the key texts see *L'Etat soviètique contre les paysans,* ed. N. Werth and B. Berelowitch (Paris: Talandier, 2011). For the pioneer historical investigations see R. Conquest, *The Great Terror,* first published in 1968, substantially revised in 1990 with the help of newly accessible sources, and then reissued as *The Great Terror: A Reassessment* in 2007 with a substantial new Preface (New York: OUP), and J. E. Mace, *Communism and the Dilemmas of National Liberation: National Communism in Soviet Ukraine 1918-1933* (Cambridge, MA: Harvard UP, 1983). Cf. especially T. Snyder, *Bloodlines: Europe Between Hitler and Stalin* (New York: Basic Books, 2010), pp. 187-223. An extraordinary exhibition of the Ukrainian famines was held in January 2013 in Kyiv.

[9] Adapted from BBC March 4 and 10, 2014 timeline.

[10] Here is a partially edited version of the BBC's March 5, 2014 feature, "Ukraine crisis: Does Russia have a case?". Note that according to the 2001 Ukrainian census the population of Crimea comprises: Ethnic Russians – 58.5%, Ethnic Ukrainians – 24.4%, and Crimean Tatars – 12.1%. The BBC feature reads: "Russia says it is acting in Ukraine to protect the human rights of its citizens. But what justification does it have for taking de facto control of Crimea? What is Russia's claim to Crimea? Its historical links with the peninsula go back to Catherine the Great in the 18th century, when Russia conquered southern Ukraine and Crimea, taking them from the Ottoman Empire. In 1954, Crimea was handed to Ukraine as a gift by Soviet leader Nikita Khrushchev, who was himself half-Ukrainian. Only 10 years earlier, Joseph Stalin had deported Crimea's entire Tatar population, some 300,000 people, allegedly for co-operating with Hitler's Germany. When Ukraine became independent in 1991, Russian President Boris Yeltsin agreed that Crimea could remain in Ukraine, with Russia's Black Sea fleet remaining at Sevastopol under lease. That lease was in recent years extended to 2042.

Is there a legal basis for Russia's actions? Under the 1994 Budapest Memorandum, the US, Russia, Ukraine and the UK agreed not to threaten or use force against the territorial integrity or political independence of Ukraine. They also pledged never to use economic coercion to subordinate Ukraine to their own interest.

Russia says its decision to send troops into Ukraine is necessary to protect Russian citizens. There is an ethnic Russian majority in Ukraine's autonomous republic of Crimea. Russia's Black Sea fleet is based at Sevastopol, where much of the population have Russian passports. But the US insists there is no legal basis for the Russian move, accusing Moscow of acting unilaterally in violation of its commitment to Ukraine's sovereignty. The G7 group of leading economies agrees. Under the terms of its agreement with Ukraine, Russia is entitled to have 25,000 troops on the peninsula and currently has an estimated 16,000 deployed there. But these troops have to remain on base. Pro-Russian troops have been deployed across Crimea. Moscow insists they are local self-defense forces, but there are widespread reports that they are from Russia.

[11] Cf. the US State Department's March 5, 2014 attempt to counter widely publicized Russian claims. "President Putin's Fiction: 10 False Claims about Ukraine." "As Russia spins a false narrative to justify its illegal actions in Ukraine, the world has not seen such startling Russian fiction since Dostoyevsky wrote: "The formula 'two plus two equals five' is not without its attractions." Below are 10 of President Vladimir Putin's recent claims justifying Russian aggression in Ukraine, followed by the facts that his assertions ignore or distort.

1. **Mr. Putin says:** *Russian forces in Crimea are only acting to protect Russian military assets. It is "citizens' defense groups," not Russian forces, who have seized infrastructure and military facilities in Crimea.* **The Facts:** Strong evidence suggests that members of Russian security services are at the heart of the highly organized anti-Ukraine forces in Crimea. While these units wear uniforms without insignia, they drive vehicles with Russian military license plates and freely identify themselves as Russian security forces when asked by the international media and the Ukrainian military. Moreover, these individuals are armed with weapons not generally available to civilians.

2. **Mr. Putin says:** *Russia's actions fall within the scope of the 1997 Friendship Treaty between Ukraine and the Russian Federation.* **The Facts:** The 1997 agreement requires Russia to respect Ukraine's territorial integrity. Russia's military actions in Ukraine, which have given them operational control of Crimea, are in clear violation of Ukraine's territorial integrity and sovereignty.

3. **Mr. Putin says:** *The opposition failed to implement the February 21 agreement with former Ukrainian President Viktor Yanukovych.* **The Facts:** The February 21 agreement laid out a plan in which the Rada, or Parliament, would pass a bill to return Ukraine to its 2004 Constitution, thus returning the country to a constitutional system centered around its parliament. Under the terms of the agreement, Yanukovych was to sign the enacting legislation within 24 hours and bring the crisis to a peaceful conclusion. Yanukovych refused to keep his end of the bargain. Instead, he packed up his home and fled, leaving behind evidence of wide-scale corruption.

4. **Mr. Putin says:** *Ukraine's government is illegitimate. Yanukovych is still the legitimate leader of Ukraine.* **The Facts:** On March 4, President Putin himself

acknowledged the reality that Yanukovych "has no political future." After Yanukovych fled Ukraine, even his own Party of Regions turned against him, voting to confirm his withdrawal from office and to support the new government. Ukraine's new government was approved by the democratically elected Ukrainian Parliament, with 371 votes – more than an 82% majority. The interim government of Ukraine is a government of the people, which will shepherd the country toward democratic elections on May 25th – elections that will allow all Ukrainians to have a voice in the future of their country.

5. **Mr. Putin says:** *There is a humanitarian crisis and hundreds of thousands are fleeing Ukraine to Russia and seeking asylum.* **The Facts:** To date, there is absolutely no evidence of a humanitarian crisis. Nor is there evidence of a flood of asylum-seekers fleeing Ukraine for Russia. International organizations on the ground have investigated by talking with Ukrainian border guards, who also refuted these claims. Independent journalists observing the border have also reported no such flood of refugees.

6. **Mr. Putin says:** *Ethnic Russians are under threat.* **The Facts:** Outside of Russian press and Russian state television, there are no credible reports of any ethnic Russians being under threat. The new Ukrainian government placed a priority on peace and reconciliation from the outset. President Oleksandr Turchynov refused to sign legislation limiting the use of the Russian language at regional level. Ethnic Russians and Russian speakers have filed petitions attesting that their communities have not experienced threats. Furthermore, since the new government was established, calm has returned to Kyiv. There has been no surge in crime, no looting, and no retribution against political opponents.

7. **Mr. Putin says:** *Russian bases are under threat.* **The Facts:** Russian military facilities were and remain secure, and the new Ukrainian government has pledged to abide by all existing international agreements, including those covering Russian bases. It is Ukrainian bases in Crimea that are under threat from Russian military action.

8. **Mr. Putin says:** *There have been mass attacks on churches and synagogues in southern and eastern Ukraine.* **The Facts:** Religious leaders in the country and international religious freedom advocates active in Ukraine have said there have been no incidents of attacks on churches. All of Ukraine's church leaders, including representatives of the Ukrainian Orthodox Church (Moscow Patriarchate), have expressed support for the new political leadership, calling for national unity and a period of healing. Jewish groups in southern and eastern Ukraine report that they have not seen an increase in anti-Semitic incidents.

9. **Mr. Putin says:** *Kyiv is trying to destabilize Crimea.* **The Facts:** Ukraine's interim government has acted with restraint and sought dialogue. Russian





troops, on the other hand, have moved beyond their bases to seize political objectives and infrastructure in Crimea. The government in Kyiv immediately sent the former Chief of Defense to defuse the situation. Petro Poroshenko, the latest government emissary to pursue dialogue in Crimea, was prevented from entering the Crimean Rada.

10. **Mr. Putin says:** *The Rada is under the influence of extremists or terrorists.* **The Facts:** The Rada is the most representative institution in Ukraine. Recent legislation has passed with large majorities, including from representatives of eastern Ukraine. Far-right wing ultranationalist groups, some of which were involved in open clashes with security forces during the EuroMaidan protests, are not represented in the Rada. There is no indication that the Ukrainian government would pursue discriminatory policies; on the contrary, they have publicly stated exactly the opposite."

[12] See for example the analyses of the larger issues at stake by the Kyiv philosopher, Constantin Sigov, in his article "Surmonter le défi de la peur? Kiev," *Le Monde,* February 4, 2014. And see also the concerns of T. Judah, the regular Eastern European on-line columnist for *The Economist*, in his article, "Fighting for the Soul of Ukraine," dated December 11, 2013 in *The New York Review of Books,* January 9, 2014, pp. 16-20. For backgrounds on contemporary Ukrainian society see the analysis on BBC World, February 5, 2014, of the Ukrainian writer A. Kurkov (author of the 2001 satirical novel, *Death and the Penguin*). For the history of Ukraine see three excellent books: P. R. Magocsi, *A History of Ukraine,* 2nd rev. ed. (Toronto: UT Press, 2010), O. Subtelny, *Ukraine: A History,* 4th ed. (Toronto: UT Press, 2009), and A. Wilson, *The Ukrainians: Unexpected Nation,* 3rd ed. (New Haven: Yale UP, 2009). I owe these references on the history of Ukraine to Bishop Borys Gudziak, himself an historian and the author of *Crisis and Reform: The Kyivan Metropolate, The Patriarchate of Constantinople, and the Genesis of the Union of Brest* (Cambridge, MA: Harvard UP, 2001).

[13] Generally, regarding value see N. Dent, "Value," in *The Oxford Companion to Philosophy,* ed. T. Honderich, 2nd ed. (Oxford: OUP, 2005), p. 941, and regarding normativity see D. Parfit, *On What Matters* (Oxford: OUP, 2011), vol. 2, pp. 263-463. Cf. however H. Thome, "Value Change in Europe from the Perspective of Empirical Social Research," in *The Cultural Values of Europe,* ed. H. Joas and K. Wiegandt, tr. A. Skinner (Liverpool: Liverpool UP, 2008), pp. 277-319.

[14] *The Shorter Oxford English Dictionary*, 6th ed. (Oxford: OUP, 2007) defines "Aesopian language" as "…Russian or Communist language or writing which (esp. political) dissent is expressed ambiguously or allegorically, to avoid official censorship etc."

[15] Such external reflections from EU political leaders (or even from religious authorities) are what Russian Foreign Affairs Minister Lavrov, in Geneva for the Syria negotiations, first repeatedly called "indecent" and then what President Putin on January 28$^{nd}$, in Bruxelles for difficult talks with EU leaders, went on to call external interference in national sovereignty. For a very well informed analysis see T. Snyder, "Don't Let Putin Grab Ukraine!" in the opinion-editorial section ("Op-Ed") of *The New York Times,* February 4, 2014.

[16] Note that by advocating an understanding of political sovereignty as "limited" I will be insisting mainly on a conceptual issue of all political, national sovereignty as essentially bounded and not on any notion of sovereignty such as L. Brezhnev's notorious idea of sovereignty as "limited" in the sense of forcefully restricted through mainly military means. Cf. the disquieting article in Moscow's business newspaper, *Vedomosti,* of January 29, 2014, cited by *Le Monde's* regular Russia correspondent, M. Jégo, on February 4, 2014.

[17] Recall George Weigel's recent observation: "The long term strategy of the New Authoritarians, in Ukraine as in Russia, is to strangle nascent civil societies in their cradles, using draconian regulations supported by prosecutorial power, all of it masquerading as the rule of law and the defense of national sovereignty against 'foreign agents'" ("Gutting Democracy in Ukraine," *National Review Online,* January 16, 2014).

[18] The problem I have had increasingly in mind is what Paul Ricoeur memorably called the obscurity and opacity of our present times. Think of the obscurity and opacity of recent events in Kyiv. And think of the still burning yet obscure and opaque question of Ukraine's true sovereignty.

[19] Sovereignty of course is an idea that is much misused today in global political theory as well as in the continuing blockage of the UN Security Council's discussions of the still worsening political situations in Syria, Iran, and elsewhere. And sovereignty is also an expression that is now being misused to condemn any external concerns (except apparently those of Russia) regarding the continuing Ukrainian crises. On the larger than merely political ideas of sovereignty that include social and individual sovereignty, see P. McCormick, *Restraint's Rewards: Bounded Sovereignties, Ancient Values, and the Preamble for a European Constitution* (Olomouc: Olomouc UP, 2014).

[20] For a fuller discussion of the views presented here on globalization see my invited plenary session symposium paper from the XXII World Congress of Philosophy, Seoul National University, South Korea, July 30 – August 5, 2008.

[21] I rely here and throughout on the two-volume *Shorter Oxford English Dictionary,* 6$^{th}$ edition, 2007. The English word "globalization" is relatively re-





cent. For despite the long history of its content, the word itself goes back no farther than to the mid-twentieth century. Thus, some cultural activities are now to be found almost everywhere, such as the dominance of certain forms of popular Western music. Similarly, certain industrial practices are also now to be found almost anywhere, such as the dominance of East Asian just-in-time manufacturing and ware-housing techniques. Still another example of globalization can be found in the accounting practices of the World Trade Organization which now uses widely harmonized methods for primary, secondary, and tertiary goods and services. So, far from being just one thing, globalization includes different scientific, technological, financial, industrial, political, and cultural forms – to give a partial list only.

[22] If globalization today is neither uniform in kind nor unique in number, can we briefly specify globalization further in terms of several of its most striking properties? Recall for now several elements only from just one of many contemporary analytic attempts to do so. Thus, we might reasonably characterize globalization thematically as a set of at least six characterizations. (Among many others, see notably M. Waters, *Globalization*, 2$^{nd}$ ed. (London: Routledge, 2001), pp. 15-16). That is, at the worldwide level globalization would seem to exhibit the systematization and generalization first (1) of economic realities, then second (2) of social relationships, and third (3) of political unions. And, similarly at the worldwide level, globalization would also seem to exhibit, fourth (4), the generalized contraction of diversity, fifth (5) the collapse of various dichotomies between the particular and the universal, and finally (6) a generalized mixture of trust and risk. Very schematic characterizations like these of course call for careful qualifications. Nonetheless, something like this recent thematic characterization of globalization is highly representative of contemporary expert opinion.

Many world historians today appear to have reached provisional consensus on at least two aspects of globalization. Thus, many agree, first, that the most important period of extensive and truly pervasive globalization is the present era. And they also seem largely to agree, second, that the most salient kind of globalization is the globalization of today's science and technology. In this second respect we may speak of globalization as "the technological conjuncture," that is, as the now historically most important era of the global interconnectedness of informational and communicational technologies. Think of the roles of the Twitter and Facebook in Kyiv's EuroMaidan.

[23] See for example C. Emmerson, *In Search of the World before the Great War* (New York: Public Affairs, 2013).

[24] To take but one example, recall that at the end of the nineteenth-century and up until the outbreak of the twentieth-century's ominously entitled First World War,

the industrial revolution had already spread – at least in theory – across the entire world. This movement has been called the first modern globalization. That is, countries around the world were already beginning to profit everywhere from the application of efficient manufacturing practices that previously had been confined to one part of the world only. Contemporary world historians point to many other examples in the ancient, the medieval, and modern eras across the globe, such as the spread of Alexander the Great's Hellenistic culture across the ancient world, or, in the medieval period, the spread of Chinese maritime trade, and so on.

[25] See R. Jackson, *Sovereignty* (Cambridge: Polity Press, 2007) and the relevant chapters in *Introduction to International Relations: Theories and Approaches,* ed. R. Jackson and G. Sorensen, 5th ed. (Oxford: OUP, 2013).

[26] See P. H. Wilson, *The Thirty Years War: Europe's Tragedy* (Cambridge, MA: Harvard UP/Belnap, 2009), and D. Philpott, "Sovereignty," in *The Oxford Handbook of the History of Political Philosophy,* ed. G. Klosko (Oxford: OUP), pp. 561-572.

[27] Jackson, *Sovereignty*, p. 144. See Jackson's summary historical sketch of the developments of the notion of sovereignty from the Tudor monarch Henry VIII's 1534 Act of Supremacy to the 2005 French and Dutch rejection of the European Constitution (pp. 2-5) which he then details on pp. 24-113.

[28] Re-reading some modern European history shows that most dictionary definitions of "sovereignty" often obscure at least four quite important distinctions. The first is between sovereignty in general and political or state sovereignty in particular. The second is between absolute or unlimited sovereignty and relative or limited sovereignty. The third is between constitutional sovereignty and personal sovereignty. And the fourth, and perhaps most important, is between sovereignty and autonomy. Besides recalling such distinctions, we also need to keep in mind the variety within different distinct kinds of sovereignties themselves whether political, social, or individual. Thus, with regard to political sovereignties alone, we may distinguish here at least three separate groups. In general, we have among others international and national kinds of sovereignty, constitutional and parliamentary sovereignties, and popular sovereignties. Further, we may distinguish among social, cultural, and individual sovereignties. And we may perhaps even distinguish such philosophical varieties as normative and value sovereignties. With the exception of the last group, however, the main although not always exclusive usages today of "sovereignty" are political.

[29] On "the technological conjuncture" see P. McCormick, *Eco-Ethics and an Ethics of Suffering: Ethical Innovation and the Situation of the Destitute* (Heidelberg: Universitätsverlag Winter, 2008), pp. 43-63.





[30] J. Habermas, *Between Facts and Norms,* tr. W. Rehg (Cambridge, MA: MIT Press, 1966), p. 444. See also his interview in *Le Monde,* August 14, 2013. Cf. his recent opinion piece, "Repolitisons le débat européen," *Le Monde,* February 25, 2014.

[31] Jackson, *Sovereignty*, p. 144. Even brief reviews of modern European history from the perspective of the history of political ideas show the rather constant development of democracies from monarchies. Although many stages have intervened between the early modern dominance of monarchical forms of government and contemporary forms of democracy, the number of sovereign states has continued to multiply. Moreover, increasing sovereignty has brought with it increasing homogeneity among different populations.

[32] Thus, "populations have been shaped into peoples, knitted together by transportation and communications networks, political and military mobilization, public education and the like. … [Some might add: by the technological conjuncture also.] Parliaments have been elected by an ever widening and now universal franchise. [And] Aristocratic and oligarchic political factions have become political parties" (*Ibid.,* pp. 148-149).

[33] See for example A. Ryan, *On Politics: A History of Political Thought* (London: Liveright, 2012) and R. Forst, "Civil Society," in *A Companion to Contemporary Political Philosophy*, ed. R. E. Goodin, P. Pettit, and T. W. Pogge, 2nd ed. (Oxford: Wiley-Blackwell, 2012), pp. 452-462.

[34] The evolving relations, however, between the EU law and the law of EU member states remain vexed. Cf. S. Hix and B. Hyland, *The Political System of the European Union*, 3rd ed. (London: Macmillan Palgrave, 2011), pp. 75-101.

[35] Note however that critical discussion of so-called "constitutionalism" remains contentious. See for example the debate between J. Waldron (*contra*) and L. Alexander (*pro*) in *Contemporary Debates in Political Philosophy,* ed. T. Christiano and J. Christman (Oxford: Wiley-Blackwell, 2009), pp. 267-282 and 283-299 respectively.

[36] Thus, European states "continue to possess constitutional independence, which is the liberty to enact their own laws, to organize and control their own armed forces and police, to tax themselves, to create and manage their own currencies, to make their own domestic and foreign policies, to conduct diplomatic relations with foreign governments, to organize and join international organizations, and in short to govern themselves according to their own ideas, interests, and values" (Jackson, *Sovereignty*, p. 149).

[37] Strikingly, the apparent necessity for the restriction of any claimed absolute political sovereignty, fourthly, would seem to appear at the very origins

of European polities in Mycenaean elite polities. Here, any polity that would claim some form of strictly absolute political sovereignty comes up against both strong internal and external resistances of different kinds.

[38] Cf. the remarks on Ukraine and Russia of the distinguished Bulgarian political theorist, Ivan Krastev, in his January 25, 2014 interview with *Le Monde's* Eastern European editor, Piotr Smolar.

[39] Cited in J. Rupnik, "Une intervention russe qui fait pencher? Prague in 1968," *Le Monde,* March 5, 2014.

[40] See for example J. Gert, *Normative Bedrock: Response-Dependence, Rationality, and Reasons* (Oxford: OUP, 2012) and T. Scanlon on the links between normative beliefs and actions in his recent *Being Realistic About Reasons* (Oxford: OUP, 2014).

[41] R. Wedgwood, *The Nature of Normativity* (Oxford: Clarendon Press, 2007), p. 1. In the various differences in contemporary understandings of the difficult notion of "ought" see Schroeder 2011, especially pp. 8-23.

[42] V. Malakhov, "Practicing Humaneness and Civic Virtues," in *Ethics and the Global World: Reflection on Civic Virtues,* ed. V. Turchynovskyy (Lviv: UCU Press, 2013), p. 48. Here the passage, cited in full as one of the epigrams, is cited in abbreviated and slightly edited form.

[43] Havel was reflecting on how the Central and Eastern European countries were ever to discharge the more than merely financial debt to the Western European countries for their continuing help after the collapse of totalitarianism. "Paying Back the West," *The New York Review of Books*, September 23, 1999, p. 54.

[44] This is V. Malakhov's expression in the text cited above.

[45] Perhaps their meaning is unclear, their claims mistaken? But on further reflection, what Havel was saying is most probably true. For at the end of the bloodiest of centuries and still at the beginnings of who knows what kind of new century, our own times are extraordinary in at least two senses. First, our own times are doubly "unthinkable" – today, we can neither think the immensities of suffering, nor can we think the immensities of the evil that continues to wreak such suffering. These are the lessons of our historians. And, second, our own times are also doubly "revolutionary." The most fundamental pattern of intelligibility that has structured the modern era ("the scientific worldview") no longer commands the most general intellectual consensus. And a similarly fundamental pattern of intelligibility that might command a new most general intellectual consensus (a "post-scientific worldview"?) has yet to crystallize. These are the lessons of our social scientists. Such unthinkable immensities and such new revolutions today must profoundly





affect the understandings and practices of ethical inquiry. For the historical and social substitutions of one absolutely basic pattern of intelligibility for another can leave almost nothing, and especially not ethics, unchanged.

[46] At the center of this problematic situation among philosophers today is, I think, a widespread set of hesitations, doubts, confusions, questions, and troubling worries about two crucial issues. On the one hand, we need to know just what the nature of ethical rationality and moral reason is. And, on the other, we need to determine just what are the least inappropriate logics, models, idioms, institutions, and practices with which to fashion a publicly available, philosophically accountable, spiritually responsive version of moral reason and ethical rationality.