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Sovereignty*

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I. THE CONCEPT

Although the expression 'sovereignty' denotes one of the most significant fundamental concepts of both the traditional theory of state law and that of international law, it is fraught with an ambiguity of dire consequence in the controversy over its meaning. The generally accepted meaning found most frequently in the newer literature is all that is given when sovereignty is characterized as that property according to which the state is the supreme power or the supreme system of human behaviour, a meaning corresponding to the original sense of 'sovereignty' as derived from the Latin '*superanus*'. Some authors who pronounce the state to be essentially sovereign nevertheless qualify their position in that they consider even the 'sovereign' state to be bound by the norms of morality in general—or by a particular morality of religion, namely Christianity—and therefore to be subject to this morality as to a higher order. At the same time, they attempt to preserve the concept of state sovereignty as a highest authority, understood simply as the highest authority in the field of the law, that is, as a power or order not subject to any higher legal order.

II. THE PROBLEM

This sovereignty of the state becomes problematic when international law is brought into the picture as a legal system imposing obligations and conferring rights on the state. That international law imposes obligations and confers rights on the state to behave in a certain way does not mean, as sometimes assumed, that international law imposes obligations and

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confers rights on a being that is not human but a kind of superman or superhuman organism. There is no such superman or superhuman organism in society, whose sole reality is the individual human being. What is characterized as a society or a community is either the actual coexistence of individual human beings or a normative system of their reciprocal behaviour. Only human beings can have obligations imposed and rights conferred on them to behave in a certain way; only the behaviour of human beings can be the content of legal obligations and rights. If international law imposes obligations and confers rights on the state to behave in a certain way, this means that it imposes obligations and confers rights on human beings, in their capacity as organs of the state, to behave in this way. That these human beings as organs of the state fulfil the obligations imposed and exercise the rights conferred by international law, and that their behaviour is seen as the behaviour of the state and is attributed to the state, means that international law applies to a personified legal system in which the human beings are specified who are to fulfil the obligations imposed and to exercise the rights conferred by international law. This is the legal system—in the familiar legal terminology that differentiates between the state and its law—that is characterized as the law 'of the state'. This law is a relatively centralized coercive system whose validity is limited to a certain territory. And this is the legal system, qua state legal system, that is distinguished from the relatively decentralized system of international law, whose territorial sphere of validity is unlimited. That international law imposes obligations and confers rights on the state to behave in a certain way means that international law leaves it to the state legal system to specify the human beings who are to behave in such a way as to fulfil these obligations and to exercise these rights; in other words, international law delegates powers to the state legal system to make this determination. The state qua system is what one calls 'one's own' law, a particular legal system; and the state qua person—that is, as a subject of international law—is the personification of this legal system. The notion of the state as superman or superhuman organism is the hypostatization of this personification. Sovereignty as a legal concept can only be the property of a legal system, and the problem of the sovereignty of the state is, therefore, the problem of the sovereignty of the state legal system in its relation to the system of international law.

Two theories about this relation are diametrically opposed: the dualistic theory—or, if one takes into account the multiplicity of states or state legal systems, the pluralistic theory—and the monistic theory. According to the dualistic theory, international law and state law (the individual state legal systems) are different systems of norms, systems that, in their validity, are independent of one another but at the same time equal.

Thus, according to the dualistic theory, particular human behaviour can be judged from the standpoint of international law and at the same time from the standpoint of state law, and not simply from one standpoint or the other. According to the monistic theory, international law and state law form a unity: Either international law is above state law, so that the basis of the validity of state law is to be found in international law (primacy of international law), or, conversely, state law is above international law, so that the basis of the validity of international law lies in state law (primacy of state law).

If one recognizes that the imposition of obligations and the conferral of rights on the state by international law simply means that international law delegates powers to the state legal systems to specify the human beings whose behaviour makes up the content of these obligations and rights, then the dualistic construction of the relation between international law and state law collapses. The dualistic construction would not be warranted unless there were, between the norms of international law and the norms of state law, conflicts that could only be described in contradictory statements by a legal science having legal systems of equal validity as its subject-matter. For then a unity of the two systems—which is simply an epistemic unity—would be out of the question. It can be shown, however, that it is possible for legal science to describe the relation between international law and state law without such contradictions, that, in other words, there are no conflicts between international law and state law that render a dualistic construction necessary. It can also be shown that, in the principle of effectiveness,[1] positive international law has a norm that determines the basis and sphere of the validity of the state legal system, so that there is no doubt about an epistemic unity of international law and state law.

III. MONISTIC THEORIES AND SOVEREIGNTY

For the solution to the problems of sovereignty, then, there is only the monistic construction of the relation between international law and state law, that is to say, either the primacy of international law or the primacy of state law. The difference between these two monistic constructions reaches only to the basis of the validity of international law and of state law, and not to the content of these legal systems. The content of international law is just the same in both cases. And from a juridico-

[1] [For Kelsen's understanding of the principle of effectiveness (*Effektivität*), see e.g. *LT* § 30(c)(d) (at pp. 61–3), § 50(g) (at pp. 120–1); Hans Kelsen, *Principles of International Law*, 1st edn. (New York: Rinehart, 1952), at 212–26, 288–91, 412–15; 2nd edn., ed. Robert W. Tucker (New York: Holt, Rinehart and Winston, 1967), at 312–17, 410–12, 560–2.]

theoretical standpoint, both constructions are equally possible. Their opposition to each other is simply the opposition of two different frames of reference.

If one's point of departure is state law as a normative system having the validity of *ought*, then the question arises of how, from this point of departure, the validity of international law can be established. This can be done solely by means of the assumption that international law is valid for a state only if it is recognized by that state as valid for that state, and, indeed, is recognized as valid in its actual form at the moment of recognition. Since this recognition can also be tacit, in that the state in question complies with and applies, in practice, the norms of international law, it is this theory of recognition, then, that also underlies the view of international law as valid for all states. Prevalent in Anglo-American law, this view is given expression in modern constitutions containing provisions that require law-applying organs to observe general international law as well as the particular international law created by the treaties of the state in question. Thus, international law is understood as a component of the state legal system, as 'external state law', and the basis of the validity of international law is shifted to the state legal system that serves as the point of departure for constructing the relation between the two systems. This construction represents the primacy of state law over international law, and it is this primacy of state law that is characterized, within the framework of a legal theory, as the sovereignty of the state.

Sovereignty in this sense does not represent a perceptible or otherwise objectively identifiable quality of a real object. Rather, it represents the presupposition of a normative system qua highest system, not derivable in its validity from any higher system. The question of whether the state is sovereign cannot be answered by enquiring into natural or social reality. The state sovereignty that is of interest from the standpoint of legal cognition is not a particular magnitude of real power. States that have no power comparable at all to that of the great nations are no less 'sovereign' than these. The question of whether a state is sovereign is the question of whether the state legal system is to be presupposed as the highest legal system. And this is the case where international law is considered to be valid for the state only if it is recognized by the state and its basis of validity is seen as the 'will' of the state.

If, however, one's point of departure is international law as a valid normative system, then the question arises of how, from this point of departure, the validity of the state legal system can be established. The basis of the validity of the state legal system must, in this case, be found in international law. And this is feasible, since the principle of effectiveness, a norm of positive international law, determines the basis as well as the sphere of the validity of the state legal system. This norm of international

law, representing the basis of the validity of the state legal system, is expanded upon to the effect that, according to general international law, the government of a community existing within a certain clearly circumscribed territory, independent of other governments of similar communities and exercising effective control over the members of its community, is the legitimate government; and the community under this government is a state in terms of international law even if the effective control exercised by the government is based on a constitution first established by the government through revolution. This means that a norm of general international law empowers an individual or a group of individuals to establish and to apply, on the basis of an efficacious constitution, a normative coercive system, thereby legitimizing this coercive system as the valid legal system for the territorial and temporal sphere of its actual efficacy, and legitimizing the system's community as a state in terms of international law. If the efficacy of the state legal system is seen as a condition for the system's validity, and if this condition is set by a norm of international law, then the basis of the validity of the state legal system can be seen in this norm of international law. And international law, therefore, can be interpreted as a universal legal system above the state legal systems, encompassing them all as legal systems qua subsystems, and making possible their coexistence in space and succession in time.

This construction of the relation between international law and state law rules out the notion of state sovereignty in the original and proper sense of the expression. What is 'sovereign' qua highest system is international law, not the state legal system. If one speaks of 'sovereign' states in the context of this construction, the concept takes on a meaning that is altogether different from the original and proper sense. Here, it expresses simply the notion that the state legal system is subject to international law alone and to no other state legal system, and that therefore—in the personifying terminology of the law—the state is legally independent of other states. The so-called 'sovereignty' of the state, then, is nothing other than its immediate relation to international law. If one's point of departure is the primacy of international law, then the misleading expression 'state sovereignty' ought to be replaced by the expression of the state's immediate relation to international law. One may not speak of a 'relative' sovereignty of the states, for this expression amounts to a *contradictio in adjecto.*

Only by assuming the primacy of the state legal system can one speak of the sovereignty of the state in the original and proper sense of the expression. It seems more than questionable, however, that the authors who prefer this construction of the relation between international law and state law are willing to accept the consequences of their

construction. For, according to this construction, only the sovereignty of a single state can be presupposed, which in turn precludes the sovereignty of all other states. But it is the sovereignty of all the states—so-called 'sovereign equality' qua equal sovereignty of all states, the notion that, in terms of their sovereignty, all states are equal—that is to be rescued by means of the construction representing the primacy of state law. The point of departure for this construction can indeed be any state whatever, but always just one single state. The relation of this state to the other states is established by international law, which is a component of the state legal system that serves as the point of departure for the construction. According to prevailing international law, a state considers another community to be a state, and the system constituting this community to be a valid legal system, only if the first state recognizes this community as a state in terms of international law, that is to say, only if, in the view of the authorized organs of the recognizing state, this community fulfils the conditions prescribed by international law.

If international law is a component of the legal system of the recognizing state, then for this state the basis of the legal existence of the other states—that is, the basis of the validity of the other legal systems—lies in the recognizing state's own legal system, or, figuratively speaking, in its own will. Thus, all other state legal systems must be seen as subordinate to the recognizing state's legal system with its component, international law; they cannot be presupposed as sovereign. As a component of the state legal system that is the basis for recognizing the other states, international law, too, has its basis of validity in this state legal system, in the 'will' of the recognizing state. Thus, this state alone—and so, only the state legal system that serves as the point of departure for the construction representing the primacy of state law—can be regarded as sovereign, as the highest legal system, for above it there is no higher legal system presupposed as valid.

If international law exists only as a component of a state legal system, however, then a distinction must be made between the state legal system in a narrower and a broader sense. The state legal system in the narrower sense comprises norms of the constitution and norms set in accordance with the constitution by means of acts of custom, legislation, adjudication, and administration. The state legal system in the broader sense includes, in addition, the state legal system in so far as it encompasses international law (recognized on the basis of the state legal system in the narrower sense), that is, in addition, norms that are created by means of the customs and treaties of the states. Taking into account the content of international law, the relation of the two components that make up the state legal system in the broader sense must be interpreted as a relation of superordination and subordination. This relation is figuratively

expressed when one says that the state that recognizes international law as valid for itself is thereby subjecting itself to international law. The state legal system in the narrower sense, in its relation to international law (the other component of the state legal system in the broader sense), is just as subordinate as the legal systems of the other states and therefore no more sovereign than they, but simply enjoys a relation that is just as immediate as theirs to international law. This state legal system in the narrower sense, having recognized international law, has its basis of validity in international law just as all the other state legal systems do. International law is not, however, the ultimate basis of validity for the state legal system that renders international law valid as its component and that serves as the point of departure for the construction representing the primacy of state law. For international law itself has its basis of validity in the so-called 'will' of this state, that is, in the state legal system in the broader sense. The relation, between international law and state law, that is characterized as the primacy of the state legal system exists only between the state legal system in the broader sense and international law as its component. This legal system alone, not the state legal system in the narrower sense, is sovereign. And sovereignty here means simply that although international law is indeed assumed to be above the state legal system in the narrower sense, it is not assumed to be above the state legal system in the broader sense, whose component it is. Since what must be meant when one speaks of a sovereignty of the states is only (or at any rate primarily) the state legal system in the narrower sense or the community constituted by it, 'sovereignty' can only denote an immediate relation to international law. Only the state legal system in the broader sense, however, which renders international law, as its component, valid, could be characterized as 'sovereign' in the sole admissible meaning of the word. Thus, if this construction of the relation between international law and state law is chosen, it is well to speak of the primacy of state law rather than to use the misleading expression 'state sovereignty'.

The choice of one or the other of the two constructions of the relation between international law and state law, and, therefore, the presupposition or non-presupposition of the sovereignty of the state, has no influence on the content of international law. The content of state law, too, remains untouched by the construction of the relation and, therefore, by whether or not the state is presupposed as sovereign. It is a misuse, then, of either construction, or (what amounts to the same thing) a misuse of the concept of sovereignty, when decisions that can only be taken on the basis of the content of positive international or state law are drawn from the concept of sovereignty—which happens again and again. Thus, supporters of the primacy of international law claim that since the state is

subject to international law and since international law is the higher legal system in relation to state law, it follows that in case of a conflict between international law and state law, international law has priority and so the conflicting [norm of] state law is null and void. A norm of state law can only be invalidatable,[2] however, not null and void. Moreover, it can only be invalidated, owing to its so-called 'contrariety to international law', if international law or state law provides for a procedure leading to its invalidation. General international law, however, does not provide for such a procedure, and the assumption that it is above the state cannot make up for the absence of such a procedure.[3] Positive international law merely attaches a sanction to the issuance of the questionable norm of state law, a sanction directed against the state whose law includes this norm. Thus, the norm of state law remains valid—indeed, valid from the standpoint of not only state law, but also international law; the state does, however, subject itself to a sanction imposed by international law. This circumstance can be described without any logical contradiction, for the law prescribes particular behaviour only in that it imposes an obligatory sanction in the event of the opposite behaviour. Two norms, one of which attaches a sanction to particular behaviour, and the other, a sanction to the opposite behaviour, can both be valid and applied. This remains true if one norm is a norm of international law, attaching to particular behaviour the specific sanction of international law (namely, war or retaliation), and the other is a norm of state law, attaching to the opposite behaviour the specific sanction of state law (punishment or a seizure of property). From the standpoint of legal policy, such a situation is undesirable, suggesting that a means be institutionalized either in international law or in state law for invalidating the state law norm that is 'contrary to international law'. Unless this is the case, both the norm of state law and the norm of international law are valid. There is a teleological conflict here, but not a logical contradiction, neither between international law and state law, nor between the statements that describe them. Neither the nullity nor the invalidatability of the norm that is 'contrary to international law' is necessary in order to maintain the epistemic unity of state law and international law in terms of the primacy of international law.

From the fact that international law is above the states, the conclusion is also drawn that the sovereignty of the state is fundamentally limited, making possible an efficacious organization of world law. In the political ideology of pacifism, the primacy of international law, excluding state sovereignty, plays a decisive role. The state sovereignty excluded by the primacy of international law, however, is altogether different from the

[2] [On 'invalidatable' ('*vernichtbar*'), see *LT* § 31(h) (at p. 73 n.56).]

[3] [Reading 'procedure' for the German '*Norm*'.]

state sovereignty limited by international law. The former means the highest legal authority, the latter means the state's freedom of action or the state legal system's unlimited authority. The authority of the state legal system is equally limited by international law understood either as a legal system above the states or as a component of a state legal system. An efficacious organization of world law is possible given the assumption of either construction of the relation between international law and state law.

Even more apt to be misused than the primacy of international law is the primacy of state legal systems, a primacy based on the assumption of the sovereignty of the state. To assume that international law is valid only on the strength of its recognition by the state and therefore only as a component of the state legal system is to assume that the state is sovereign. The conclusion drawn from this assumption is that the state is not necessarily bound by the international treaties it has entered into, that its nature is incompatible with its subjecting itself—even in a treaty entered into by the state—to an international court with obligatory jurisdiction or with its being bound by the majority decision of a collegial organ, even if this organ and its procedure have been created pursuant to a treaty entered into by the state. Just as the primacy of international law plays a decisive role in the ideology of pacifism, so the primacy of state law—the sovereignty of the state—plays a decisive role in the ideology of imperialism. Here as there, what is key is the ambiguity of the concept of sovereignty. If, however, international law has been recognized by the state and is therefore valid for this state, then it is valid just as if it were valid as a legal system above the states. Then the norm of international law to the effect that states are bound by the treaties they enter into is valid, regardless of the content given to the norms created by treaty. According to international law, no content of a norm created by treaty can be excluded on the ground that it is incompatible with the nature of a state entering into the treaty, in particular incompatible with the sovereignty of this state. The fact that no international law above the state limits the sovereignty of the state is altogether compatible with the fact that a state, on the strength of its sovereignty, recognizes international law and thereby turns international law into a component of the state legal system, that it limits its own sovereignty—and so its own freedom of action or its own authority—by assuming the obligations imposed by general international law and the treaties entered into by the state. The answer to the question of how far this sovereignty of the state is limitable by the international law recognized by the state can only be given on the basis of the content of international law, not derived from the concept of sovereignty. Positive international law, however, sets no bounds on limiting state sovereignty, that is, the freedom of action or the authority of the

state. An international treaty can create an international organization so centralized that it has itself the character of a state, with the result that the states entering into the treaty and incorporated into the organization lose their character as states. How far a state government may or ought to limit by international treaty the freedom of action of the state is admittedly a question of politics. The answer cannot be drawn from either the primacy of international law or the primacy of state law.

The opposition of the two monistic constructions of the relation between international law and state law—that is, the two ways leading to the epistemic unity of all valid law—is strikingly parallel to the opposition that exists between a subjectivistic and an objectivistic *Weltanschauung*. The subjectivistic view, in order to comprehend the external world, takes as its point of departure one's own sovereign 'I', and can therefore comprehend this world only as an internal world, as the conception and will of the 'I', and not as an external world at all. So likewise, the construction characterized as the primacy of the state legal system, in order to comprehend the external world of the law, namely, international law and the other state legal systems, takes as its point of departure one's own sovereign state, and can therefore understand this external law only as internal law, as a component of one's own state legal system. A consequence of the primacy of one's own state legal system is that only one's own state can be comprehended as sovereign, for the sovereignty of that state excludes the sovereignty of all other states. In this sense, the primacy of one's own state legal system can be characterized as state subjectivism, indeed, as state solipsism. By contrast, the construction characterized as the primacy of the system of international law, in order to comprehend the legal existence of the individual states, takes as its point of departure the external world of the law—international law—qua valid legal system, but can, therefore, confer validity on these states only as legal systems qua subsystems incorporated into international law, and not as sovereign authorities. Scientific cognition of the world is completely untouched by the opposition between subjectivism and objectivism, and the world qua object of this cognition, as well as the natural laws that describe the world, remain the same, whether this world is thought of as the internal world of the 'I' or the 'I' is thought of as within the world. So likewise, the opposition between the two legal constructions has no influence on the content of either international law or state law, and the legal propositions that describe the content of the law remain the same, whether one thinks of international law as contained in state law or of state law as contained in international law.

The opposition between the two legal constructions can also be compared with the opposition that exists between the geocentric cosmic system of Ptolemy and the heliocentric cosmic system of Copernicus. Just

as, according to the first of the legal constructions, one's own state is at the center of the legal world, so likewise, in the Ptolemaic conception, the earth is at the center of the universe, with the sun revolving around the earth. And just as, according to the other legal construction, international law is at the center of the legal world, so likewise, in the Copernican conception, the sun is at the center of the universe, with the earth revolving around the sun. But this opposition of two astronomical conceptions is simply an opposition of two different frames of reference. As Max Planck remarks:

> If, for example, one accepts a frame of reference that is firmly tied to our earth, then one must say that the sun moves in the heavens; but if one shifts the frame of reference to a fixed star, then the sun is at rest. In the opposition of these two formulations, there is neither a contradiction nor a lack of clarity; there is simply the opposition of two different points of view. According to the theory of relativity, which can surely be counted among the established assets of physics at present, both frames of reference and the corresponding points of view are equally correct and equally warranted; it is fundamentally impossible, without being arbitrary, to choose between them on the basis of some kind of measurement or calculation.[4]

The same is true of the two legal constructions of the relation between international law and state law. Their opposition is based on the distinction between two different frames of reference. One frame of reference is firmly tied to one's own state legal system, the other to the system of international law. Both frames of reference are equally correct and equally warranted. It is impossible to choose between them on the basis of legal science. Legal science can only present them both, and establish that one or the other must be assumed if the relation between international law and state law is to be determined. The decision itself lies outside legal science. It can only be taken on the basis of nonscientific considerations, in particular political considerations. He who values the idea of the sovereignty of his own state because, in his heightened self-confidence, he identifies with his state will prefer the primacy of the state legal system over the primacy of the system of international law. He who finds the idea of an organization of world law more congenial will prefer the primacy of international law over the primacy of state law. This does not mean that the ideal of the organization of world law would be served less well by the theory of the primacy of the state legal system than by the theory of the primacy of the system of international law. The former does

[4] Max Planck, 'Vom Wesen der Willensfreiheit' [a lecture held under the auspices of the German Philosophical Society on 27 November 1936], in Planck, *Vorträge und Erinnerungen* (Stuttgart: S. Hirzel, 1949), 301–17, at 311. [*Vorträge und Erinnerungen* is the 5th edition of Planck's papers, prepared with the advice of Planck's widow, Marga von Hoeßlin Planck, and published posthumously; earlier editions had appeared under the title *Wege zur physikalischen Erkenntnis*.]

seem to justify, however, a politics that rejects any far-reaching limitation on the state's freedom of action. Such a justification is based on a fallacy, involving in a disastrous way the ambiguity of the concept of sovereignty—meaning the highest legal authority and unlimited freedom of action. This fallacy, however, is a permanent part of the political ideology of imperialism, with its operative dogma of state sovereignty. The same is true, *mutatis mutandis*, of the preference for the primacy of the system of international law. It is no less propitious than the primacy of the individual state legal system for the ideal of the least possible limitation on sovereignty in terms of the state's freedom of action. It does seem to justify, however, a far-reaching limitation on the state's freedom of action more readily than the primacy of the state legal system does. This, too, is a fallacy, but it plays a decisive role nevertheless within the political ideology of pacifism.

In exposing these fallacies and stripping them of all pretence of logical demonstration, which would be irrefutable, and in reducing them to political arguments that can be met with political counterarguments, legal science opens the way to one political development or the other without postulating or justifying either. Legal science qua science regards them both with complete indifference.[5]

[5] [At the conclusion of Kelsen's essay, which first appeared in a reference work on international law, various titles are listed that the reader might consult on monism in international law and on sovereignty.] Charles Edward Merriam, *History of the Theory of Sovereignty since Rousseau* (New York: Columbia UP, 1900); Wiktor Sukiennicki, *La Souveraineté des états en droit international moderne* (Paris: A. Pedone, 1927); Luigi Raggi, *La teoria della sovranità* (Genoa: A. Donath, 1908); Hugo Krabbe, *Die Lehre der Rechtssouveränität* (Groningen: J.B. Wolters, 1906) [*Die moderne Staats-Idee* (The Hague: Martinus Nijhoff, 1919) is, according to its preface, a closely related work; its English translation, by George H. Sabine and Walter J. Shepard, appeared under the title *The Modern Idea of the State* (New York: Appleton, 1922)]; Leonard Nelson, *Die Rechtswissenschaft ohne Recht* (Leipzig: Veit, 1917) [repr. in Nelson, *Gesammelte Schriften in neun Bänden*, ed. Paul Bernays et al. (Hamburg: Fritz Meiner, 1970–2), vol. IX (1972), 123–324]; Alfred Verdross, *Die Einheit des rechtlichen Weltbildes auf Grundlage der Völkerrechtsverfassung* (Tübingen: J.C.B. Mohr, 1923); Harold J. Laski, *Studies in the Problem of Sovereignty* (New Haven: Yale UP, 1917); Kelsen, *PS*; Johannes Mattern, *Concepts of State, Sovereignty and International Law* (Baltimore: Johns Hopkins Press, 1928); Dietrich W. Gunst, *Der Begriff der Souveränität im modernen Völkerrecht. Eine wissenschaftliche Analyse* (Berlin: R. Oppermann, 1953); Ernst Friedrich Sauer, *Souveränität und Solidarität. Ein Beitrag zur völkerrechtlichen Wertlehre* (Göttingen: Musterschmidt Wissenschaftlicher Verlag, 1954); Maurice Bourquin, *L'État et l'organisation internationale* (New York: Manhattan Publ. Co., 1959); Kelsen, *PTL*; Herbert Krüger, 'Souveränität und Staatengemeinschaft', in *Zum Problem der Souveränität*, Berichte der Deutschen Gesellschaft für Völkerrecht (Karlsruhe: C.F. Müller, 1957), vol. I, pp. 1–28; Georg Erler, 'Staatssouveränität und internationale Wirtschaftsverflechtung', ibid. 29–58; Hans Kelsen, 'Die Einheit von Völkerrecht und staatlichem Recht', *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 19 (1958), 234–48 [repr. *WS II* 2213–29]; Kelsen, 'Sovereignty and International Law', *Georgetown Law Journal*, 48 (1959–60), 627–40 [an earlier English-language version of the essay translated here]; Gerhard Leibholz, 'Sovereignty and European Integration', in *Sciences humaines et integration européenne*, preface by Robert Schuman (Leiden: A.W. Sijthoff, 1960), 156–76.

Normativity and Norms

Critical Perspectives on Kelsenian Themes

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