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PROJECT

The Temporal Life of States: Sovereignty at the Eclipse of Empire

"The Temporal Life of States" recasts the modern transformation of the world of states from the pivot point of Central Europe. It tracks a recurring set of questions about the legal birth and death of states, from the cradle of Austro-Hungarian constitutional law into the interwar international order and, beyond that, to the crisis of global decolonization that followed the Second World War.

The collapse of the Austro-Hungarian Empire in 1918 sparked what we might call the 20th century's first jurisprudence of decolonization. As the empire gave way to a series of independent states, debate raged about whether these polities were "new" states or "old" states, with all that implied for the succession of rights and duties. Yet the arguments leveled for and against sovereign discontinuity turned out to be the internationalization of a longstanding imperial jurisprudence on the status of the empire's component polities. Had formerly independent units like Hungary preserved a sort of suspended sovereignty through the long centuries of imperial rule – sleeping sovereignties that could be reawakened at the moment of empire's eclipse? By the era of global decolonization, such questions about the temporal life of states – about the legal meaning of their mortality and their endurance, their continuity and discontinuity – became central conundrums for international order. Tracing the problem of states-in-time from the mid-19th century through to the mid-20th, the project presents an unfamiliar prehistory of the international law of decolonization, as well as new ways of understanding Central Europe in the world.

Recommended Reading

Wheatley, Natasha. "Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State." *Law and History Review* 35, 3 (2017): 753-787.

- "New Subjects in International Law and Order." In *Internationalisms: A Twentieth-Century History*, edited by Patricia Clavin and Glenda Sluga: 265-286. Cambridge: Cambridge University Press, 2017.

- "Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations." *Past and Present* 227 (May 2015): 205-248.

Orders of Thought and Orders of Rule: Problems of Sovereignty in Central Europe

It is a commonplace to peg fin-de-siècle Vienna as the "birthplace of the modern world" - in its darkness as well as its light. The capital of a sprawling, multinational empire at the heart of the European continent, it served as a nursery for ethnic nationalism and anti-Semitism as well as modernism and psychoanalysis, for Hitler as well as Herzl, Freud, Musil, Klimt, Schönberg, Schiele. The book that I have been working on here at Wiko turns to the late Habsburg Empire as laboratory in a different domain, namely in relation to problems of sovereignty. Composed of numerous smaller historical polities - long glued together, but theoretically still in possession of differing degrees of autonomy - as well as some twelve (or so) different ethno-linguistic groups, the empire faced significant challenges in managing and conceptualizing its rule over this complicated patrimony. Precisely for that reason, its constitutional tradition - born out of the crisis of the 1848 revolutions - grew into an extremely rich reflection on rights and jurisdiction and statehood, on different forms of layered or dispersed sovereignty. Long neglected in a historiography preoccupied with nationalism, I return to this tradition as an extremely generative and revealing place from which to think about sovereignty - as well as post-imperial sovereignty. For, as I show, many of the ideas and problems and arguments produced in the fulcrum of Habsburg constitutional debate outlived the empire's own collapse in 1918. They were redeployed in the international arena as statesmen and scholars alike struggled to make sense of the death of an empire that had structured European political life for centuries, and the emergence of a host of new nation-states in its stead. In this way, the book rewrites Central European history into the history of international law and order, and suggests some new ways of thinking about Central Europe in the world.

Over its last 70 years (that is, from 1848), the empire rolled through a string of constitutions, that drafted and re-drafted its order - like a diary the empire kept about itself, recording different versions of self. Over that same period, a vibrant new field of constitutional jurisprudence emerged and blossomed (with figures like Georg Jellinek and Hans Kelsen only its most famous representatives). My book reads these two domains together, exploring the intertwined history of orders of thought and orders of rule. It presents something we might call a reversible or multidirectional intellectual history: I explore the constitutions as theories, as arguments, about the state(s) in question - analyzing them in the way we might a scholarly text - and, conversely, explore legal knowledge as a practice of ordering and constituting. In both domains, protagonists were reaching for ways to describe and conceptualize imperial sovereignty: they were searching (and searching and searching) for ways of making rule make sense. And in both domains, they were quickly drawn into an epistemological register: questions of "what is the state/how is sovereignty arranged?" became inescapably bound up with "what are the right knowledge tools to grasp it/how can we know?" If constitution-writing engendered a new sort of imperial-political self-consciousness, it also fed into intellectual-methodological self-consciousness.

This is not a history of a finished idea or a particular conception of sovereignty: rather, it is about the project and process of conceptualizing, of sense making, of trying to code the world into coherent abstract form; about what happens and how it feels when the existing categories do not work, and one has to search for new ones. We might call it a conceptual history of life's resistance to concepts - a conceptual history of not having the words.

PUBLICATIONS FROM THE FELLOWS' LIBRARY

Wheatley, Natasha (Princeton,2023)

The life and death of states : Central Europe and the transformation of modern sovereignty

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1824574940>

Wheatley, Natasha (Chicago,2020)

Power and time : temporalities in conflict and the making of history

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1685102182>

Wheatley, Natasha (New York, NY,2017)

Spectral legal personality in interwar international law : on new ways of not being a state

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1668480670>

Wheatley, Natasha (Oxford,2015)

Mandatory interpretation : legal hermeneutics and the new international order in Arab and Jewish petitions to the League of Nations

<https://kxp.k10plus.de/DB=9.663/PPNSET?PPN=1668481405>