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### **Beatles in Boxes and Rubies called Blue: The Semiotics of the International Legal Concept of “State”**

A semiotic approach has great potential—as yet not fully explored—to explain many of the vexed questions which beset the international legal system. Today’s international legal system, with its multiplicity of co-equal sovereignties and a disaggregated legislative power, is the product of an undirected and sometimes chaotic process of development over the course of several centuries. Rather than being designed by a controlling will or subject (by and large) to deliberate change, the structural elements of the system have recursively grown out of the actions, reactions and expectations of those interacting with it.

This paper will examine the potential that a focus on this recursive social creation has to advance our understanding of the international legal system. It will take as its example the concept of the State—at one and the same time perhaps the most ubiquitous and the most enigmatic of international law’s structural elements—and will examine the interplay between the social, the legal and the linguistic in defining and constituting States and statehood.

This paper will argue that States, although they have a great variety of manifestations and effects with the power vastly to affect each of our daily lives, are social institutions created and existing only (but not merely) through what Searle terms *declarations*. Seen in this light “State” is a non-ostensive reference. In fact, as this paper will argue, although States are often treated as unitary, the term “State” acts like Wittgenstein’s beetle in a box: viewed from different perspectives, different meanings of the term emerge. The internal and external viewpoints, in particular, offer two coextensive but non-equivalent views of the idea “State”, which I term the State(Polity) and the State(Person). Disentangling these nested ideas permits a more coherent analysis of State creation as a two-stage process effectuated through declaratory action and exhibiting what Giddens terms *recursive social activity*, governed by language rules.

The paper will thus explore the scope for a semiotic account of the State and its creation, and will argue that such an approach provides an alternative to the utopian/apologist tension identified in conventional politico-legal accounts.