

Review: Usurping the Sovereignty of Sovereignty?

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# USURPING THE SOVEREIGNTY OF SOVEREIGNTY?

By DANIEL PHILPOTT\*

Michael Ross Fowler and Julie Marie Bunck. *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*. University Park: Pennsylvania State University Press, 1995, 200 pp.

Rodney Bruce Hall. *National Collective Identity: Social Constructs and International Systems*. New York, NY: Columbia University Press, 1999, 397 pp.

Stephen D. Krasner. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press, 1999, 264 pp.

**F**ORCED to abdicate by his rival Bullingbrook, Shakespeare's Richard II laments, "I find myself a traitor with the rest, / For I have given here my soul's consent / T'undeck the pompous body of a king, / Made glory base, a sovereignty a slave."<sup>1</sup> In the spirit of Bullingbrook, Stephen Krasner has set out to "undeck" the concept of sovereignty as a foundational assumption in international relations scholarship—to dethrone it, denude it, strip it of its aura of continuity with an immemorial past, deprive it of its, well, sovereignty. And Michael Fowler and Julie Marie Bunck, drawing on international legal scholarship as well as on political science, argue similarly, though less audaciously.

Sovereignty desacralized: it may not seem a provocation. Was not the concept already in question? To be sure, many of the most prominent international relations theorists during the cold war simply assumed sovereign states and then charted out their patterns of war, peace, and commerce in terms of theories of systems, alliances, balances of power, war, deterrence, decision making, trade, monetary relations, and so on. But by the 1970s and 1980s some scholars had come to believe that states were losing control over the flow of money, goods, people, corporations, and information across their borders, and they started speaking of sovereignty in crisis: "at bay," "in its twilight," "at an end."<sup>2</sup> Though these

\* For helpful comments on this article, I thank Aaron Belkin, Benjamin J. Cohen, and Michael Hall.

<sup>1</sup> William Shakespeare, *Richard II*, ed. Michael Clapp (Cambridge: Cambridge University Press, 1992), act 4, scene 2, lines 247–50.

<sup>2</sup> See, among others, Walter Wriston, *The Twilight of Sovereignty* (New York: Scribners, 1992); Kenichi Ohmae, *The End of the Nation State* (New York: Harper Collins, 1995); Raymond Vernon, *Sovereignty at Bay* (New York: Basic Books, 1971); Richard Cooper, *The Economics of Interdependence: Economic Policy in the Atlantic Community* (New York: McGraw-Hill, 1968). For a good discussion of the relationship between sovereignty and power, see Harry Gelber, *Sovereignty through Interdependence* (London: Kluwer Law, 1997).

scholars arguably confused sovereignty with power and control, forgetting the traditional meaning of the concept as legal, constitutional authority, they nevertheless succeeded in raising sovereignty as a question. And by the 1990s, as the European Union expanded, as intervention won international sanction in Bosnia, Rwanda, Haiti, Iraq, and Somalia, some scholars began to doubt the “sanctity of sovereignty” even in its traditional constitutional sense.<sup>3</sup> Krasner quotes a prominent scholar of sovereignty, Bryan Hehir, who argues that the Westphalian system is under unprecedented assault (p. 24). So what is new about the new iconoclasm?

Its striking claim is not that sovereignty is being eroded, circumscribed, and violated but rather that it never enjoyed stability in the first place. It is not that sovereignty no longer is; it is that it never quite was. Both Krasner and Fowler and Bunck question the notion of international relations as a “Westphalian order” that originated in the seventeenth century and then continued to the present, beginning only now to cleave. Instead, their common thesis runs, state sovereignty has been revisable and revised, violable and violated—constantly and continuously, for diverse causes and purposes. Krasner’s thesis is striking for its iconoclasm and theoretical sophistication. But both works pose a vigorous challenge, rich in implications about sovereignty—its history, its role in international politics, its place in international relations scholarship, and its changing status today.<sup>4</sup>

Does the coup succeed? Its biggest success is to expose sovereignty as far more compromised in practice than most scholars had yet recognized. But for all the sophistication in Krasner’s and Bunck and Fowler’s catalog of compromises, in the end the dethronement fails. Though each work marshals formidable evidence of compromises, nei-

<sup>3</sup> Among dozens of examples, see Jarat Chopra and Thomas G. Weiss, “Sovereignty Is No Longer Sacrosanct: Codifying Humanitarian Intervention,” *Ethics and International Affairs* 6 (1992); and the essays in Gene M. Lyons and Michael Mastanduno, *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: Johns Hopkins University Press).

<sup>4</sup> For other recent works that also treat sovereignty at a conceptual level, see Jens Bartleson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995); Thomas J. Biersteker and Cynthia Weber, eds., *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996); R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993); and J. Samuel Barkin and Bruce Cronin, “The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations,” *International Organization* 48 (Winter 1994); Robert O. Keohane, “Sovereignty, Interdependence, and International Institutions,” in Linda B. Miller and Michael Joseph Smith, eds., *Ideas and Ideals: Essays on Politics in Honor of Stanley Hoffmann* (Boulder, Colo.: Westview Press, 1993); the essays in Sohail H. Hashmi, ed., *State Sovereignty: Change and Persistence in International Relations* (University Park: Pennsylvania State University Press, 1997); Robert Jackson, ed., *Sovereignty at the Millennium* (Oxford: Blackwell Publishers, 1999); Alan James, *Sovereign Statehood: The Basis of International Society* (London: Allen and Unwin, 1986); F. H. Hinsley, *Sovereignty*, 2d ed. (Cambridge: Cambridge University Press, 1986).

ther offers a yardstick by which to measure these deviations against states' comparative respect for sovereignty. We are left, therefore, with no way to judge the magnitude of the deviations. More troubling, both works measure the importance of norms of sovereignty solely in terms of compliance, and therefore ignore a much deeper way in which the norms exercise influence—by constituting the very polities that enjoy sovereignty and the very international system that helps to establish their authority. Auspiciously, another recent work, Rodney Bruce Hall's *National Collective Identity*, conceives of sovereignty precisely in this constitutive way. The final part of this essay explores his theoretical and historical treatment of this constitutive role and proposes it as a theme for new scholarship on sovereignty.

## I

Krasner states the new thesis most strongly: “[T]he most important empirical conclusion of the present study is that principles associated with both Westphalian and international legal sovereignty have always been violated. Neither Westphalian nor international legal sovereignty has ever been a stable equilibrium from which rulers had no incentive to deviate” (p. 24). Krasner’s audacity lies in his adverbs—always, ever. He does not propose broad, epochal change in norms and practices of sovereignty, nor does he assert a golden age during which sovereignty was once accepted, respected, and practiced, before falling into desuetude and decline. He proposes instead that little has changed at all. No, as long as there have been states, states have compromised their own sovereignty and violated that of others. This flux is the constant. Krasner’s thesis challenges realism and other theories that assume constant, unpunctured sovereignty, but it also contests claims for recent, sweeping change, whether founded in international law or drawn from discourse on globalization (p. 24).

To argue for the flux of sovereignty, Krasner must first tell us what sovereignty is. Because the concept has itself experienced flux, it is defined uneasily—some think impossibly, given the cacophony of definitions in the literature.<sup>5</sup> Krasner defers to this complexity by abjuring any single rendering; instead he culls four distinct senses of the concept

<sup>5</sup> For skeptics of stable definitions of sovereignty, see Lassa Oppenheim, *International Law*, vol. 1 (London: Longmans, Green, and Co., 1905), 103; Richard Falk, “Sovereignty,” in *Oxford Companion to Politics of the World* (Oxford: Oxford University Press, 1993), 854; Bartelson (fn. 4); S. Benn, “Sovereignty,” in *Encyclopedia of Philosophy* 7 (1955), 501–5; and E. H. Carr, *The Twenty Years’ Crisis* (New York: Harper and Row, 1964).

from the tradition. The most traditional meaning, first strongly articulated by Hobbes and Bodin, is “domestic sovereignty,” the authority and effective control of a government within a state (pp. 11–12). A more contemporary meaning, advanced by globalization proponents, is “interdependence sovereignty,” the ability of a government to seal its borders, to control the inflow and outflow of goods, money, people, disease, ideas, pollution and the like (pp. 12–14). The third type, “international legal sovereignty,” is that which is conferred or withheld when a state is recognized by other states and accorded the full legal privileges associated with statehood—juridical equality, diplomatic privileges, membership in international organizations. This is the sort of sovereignty international legal scholars most typically have in mind (pp. 14–20). Finally, “Westphalian sovereignty” is the immunity from external interference that a state enjoys in its domestic structures of authority. It is compromised most often when a state is intervened against but also when a state invites an external body to govern some of its domestic functions (pp. 20–25).

Krasner’s typology will not win unanimous endorsement. Some scholars, myself included, simply do not accept that interdependence sovereignty is really sovereignty at all, for it involves mere power, not constitutional authority. But the contemporary surfeit of definitions renders unanimity too high a standard. Acknowledging but differentiating the major conceptions of sovereignty in the literature, ones that other scholars have conflated, misunderstood, or falsely represented as exhaustive, Krasner’s typology is progressive for scholarship. The distinctions prove to be necessary for describing political reality where different types of sovereignty often coexist independently (pp. 24–25). A state, for instance, might enjoy domestic, Westphalian, and international legal sovereignty but lack interdependence sovereignty because it has little control over immigration or investment. Or a state might enjoy international legal sovereignty—the right to make agreements—but choose to compromise its Westphalian sovereignty by agreeing to the conditionality terms of the International Monetary Fund (IMF).

Krasner also aptly distinguishes authority (an actor’s mutually recognized right to act in certain ways) from control (the influence of brute force), and he characterizes the types of sovereignty accordingly. Westphalian and international legal sovereignty are matters of authority, the rights of a state against outsiders. Interdependence sovereignty is a matter of control, a state’s control over its borders. Domestic sovereignty involves both the recognition of authority structures inside the state and a state’s control over its affairs (p. 10).

This distinction combined with his others yields a catalog of sovereignty as thorough and useful as any scholar has offered. Krasner's typology then poises him well for his argument. In differentiating various types of sovereignty, he is able to show more precisely how each has undergone constant change. He focuses on international legal sovereignty and Westphalian sovereignty, the ones that invoke authority. States have long violated international legal sovereignty by withholding recognition from other states and their governments and by recognizing entities other than states: the British Dominions were included in the Versailles Treaty even though they were not fully independent; India and the Philippines were members of the United Nations while still colonies. States have long compromised Westphalian sovereignty through intervention and through cession of governance to international courts, lenders, and other international institutions.

These vicissitudes of sovereignty are Krasner's central theme. His ambition, though, far exceeds simply making the case *that* sovereignty has long been violated, compromised, and truncated. He also wants to account for *why* states have always violated, compromised, and truncated sovereignty. They do so in keeping with their interests: this famously malleable locution is his summary answer (p. 7). But he brings sophistication to the familiar dictum. In deciding whether to respect sovereignty, he explains, the ruler of a state will consider solely whether his action promotes or diminishes the good of his polity, not whether it conforms to an international norm. Norms governing sovereignty, then, are not efficacious. Here, Krasner borrows James G. March and Johan Olsen's distinction between logics of expected consequences and logics of appropriateness. In logics of consequences, rulers determine their actions, including their adherence to institutions, in order to maximize a given set of preferences. In logics of appropriateness, rulers choose actions according to rules, roles, and identities that tell them how they should act in a particular situation given who they are (p. 5). Whereas the constant flux of sovereignty is Krasner's first important thesis, his second major claim, what he calls his most "basic contention," is that "the international system is an environment in which the logics of consequences dominate the logics of appropriateness" (p. 6).

Krasner repeats this basic contention throughout the book. What is the reasoning behind it? His actor-oriented approach assumes that rulers everywhere seek to retain power and do so through promoting the interests of their domestic constituents—interests that may or may not include respect for international norms. Like realists, then, Krasner holds that states take little account of international norms. Some of his

supporting reasons, too, are quite realist. Asymmetries of power in the international system mean that strong states can compromise the sovereignty of weak states if it suits their instrumental objectives. But Krasner, more subtle than most other realists, offers other reasons for the weakness of international norms, these concerned with the effect of rules and roles. Rulers themselves, he argues, do not merely face power imperatives that conflict with international norms; they also embody multiple roles that prescribe conflicting rules for action. Party organizer, ethnic representative, and religious prophet are a few of the examples he offers. The domestic roles of leaders may conflict with their international roles, and when they do, domestic roles are likely to be stronger because they dominate any leader's self-conceptualization. International norms themselves often conflict, too; for example, it is difficult to respect nonintervention and enforcement of human rights simultaneously (p. 6).

In arguing that both domestic and international rules have effects, Krasner departs from some of his earlier, more realist work, in which he views rules as having only limited autonomous impact.<sup>6</sup> Krasner displays subtlety, too, in his claims about the sorts of domestic interests rulers seek to satisfy. Unlike many realists, he believes these interests are not confined to material power—land, wealth, military might. Universal human rights or nationalist ideology are common desiderata, too. But it is nevertheless domestic demands to which rulers respond, this in an international environment of tangled rules and power imbalances, all of which leave international norms continually violated, constantly compromised.

Just as Krasner develops a typology of conceptions of sovereignty to support his contention that sovereignty is in universal flux, so, to make his argument for why they compromise it, he fashions a typology of ways states compromise sovereignty. He constructs the typology with respect to actions and incentive structures. Does the compromise occur by coercion or agreement? Does it improve one party's interests at the expense of the other? Does it depend on the contingent behavior of its signatory parties? Four kinds of compromises emerge. First, rulers can enter *contracts*, in which they voluntarily make commitments that make all sides better off but whose duration depends on their continued compliance. Second, rulers may join *conventions*, international agreements

<sup>6</sup> See Stephen D. Krasner, *Structural Conflict: The Third World against Global Liberalism* (Berkeley: University of California Press, 1985). Here rules are international regimes that are not epiphenomenal but rather closely reflect the international distribution of power. His emphasis is on structural constraints.

that are also voluntary and from which they expect to gain but that do not depend on mutual compliance—the European Human Rights regime, for example. Third, states can face *coercion*, interference with their sovereignty contrary to their will, leaving them worse off, but not eradicating their power to resist and alter the terms of the agreement. Economic sanctions would be an instance of coercion. Finally, states can compromise other states' sovereignty through *imposition*. The target undoubtedly becomes worse off, perhaps even conquered, and is overwhelmed to the point that it has no effective say over the terms of the compromise. Cold war East European states are examples. Krasner's typology, too, is a major innovation: for all of the existing accounts of the concept of sovereignty, descriptions of its demise, and theories of its functioning, no one else has attempted a general description or categorization of how sovereignty is compromised.

Thus we have two typologies buttressing two major theses—that sovereignty is constantly compromised and that it is compromised by states whose interests take little account of international norms of sovereignty—which combine into Krasner's eponymous conceptual innovation, “organized hypocrisy.” He borrows the term from Nils Brunsson's study of local politics in Sweden and fashions it into a distinctive conception of international institutions, one whose rules are durable, even over centuries (thus organized), yet frequently compromised (hence hypocrisy) (pp. 65–66). Organized hypocrisy differs from anarchic conceptions, Hobbesian and contemporary neorealist, in which institutions have no or very little consequence. It differs, too, from neoliberalism, which sees institutions as “brittle stalks,” constraining behavior but breaking down when the interests or power of actors change (pp. 59–60). Likewise, it contrasts with conceptions of institutions as “embedded,” meaning both durable and reflected in behavior (pp. 61–63). Organized hypocrisy instead regards institutions as “cognitive scripts” that states find useful to follow again and again over the long term but easy to deviate from whenever they choose (pp. 63–67). Such is sovereignty, which originated in early modern Europe and continues a battered longevity. In organized hypocrisy Krasner again offers the field an impressive and most likely durable conceptual innovation.

Krasner's empirical defense of organized hypocrisy, the bulk of the book, lies in several chapters detailing historical compromises of sovereignty—minority rights treaties, human rights conventions, sovereign lending arrangements, and states' intervention in the constitutional affairs of other states. To prove his theoretical claims, Krasner shows for



each category the kind of sovereignty that was compromised (Westphalian or international legal), how it was compromised (coercion, contract, and so on), and what motivated states to compromise it (ideology, material interests, and so on). Through each historical category, he wants to show that international norms had little effect on the decision of states to compromise sovereignty; through all the categories combined, he wants to show that such decisions to compromise have been constant.

The categories indeed differ widely, both with respect to the cause of compromise and in the degree of compulsion involved. For instance, treaties to protect the rights of religious and ethnic minorities within the borders of states compromised Westphalian sovereignty. They first functioned as contracts. Seeking to preserve international stability that was threatened by religious war, European states agreed among themselves to respect one another's religious minorities at the early modern settlements of Augsburg (1555) and Westphalia (1648) (p. 73–75). Then, in the nineteenth and twentieth centuries Western states imposed the treaties upon East European states—this in order to create stable democracies and, in turn, international peace. Other compromises of Westphalian sovereignty include agreements to protect human rights, which have taken the form of conventions (pp. 105–6), sovereign lending arrangements, which have been contracts (pp. 127–29), and states' attempts to alter the constitutional structures of other states—through imposition, usually in the form of armed intervention (pp. 153–55). Krasner also details compromises of international legal sovereignty, cases where states have withheld recognition of other states or have recognized entities other than states, for reasons ideological, economic, and strategic (pp. 14–20, 228–37).

These cases constitute Krasner's formidable battery of evidence for the persistent compromise of an enduring institution. More than any previous author, he has cataloged the causes of compromises in the Westphalian order of sovereign states and has thus called into question its stability, sanctity, and inviolability. His conceptual innovations and his historical documentation are subtle and extensive and make his position impossible to ignore. His iconoclasm extends even to the field's iconoclasm. At a time when analysts are widely claiming clefts in the sovereign states system, Krasner tells us that the system was congenitally riven. Recall his adverbs: "always . . . violated" and "[n]ever . . . a stable equilibrium" (p. 24). He aspires to usurp the field's assumption of a Westphalian order. It was, he argues, as compromised in 1648 as it is today.

Does the dethronement effort succeed? This is our central question for critique, and it is critical, given all that is at stake for the field's assumptions. More precisely, has sovereignty been toppled from its status as a "stable equilibrium," a default condition, a typically respected, normally uncompromised, if sometimes violated institution? It is a difficult thesis to judge. How much compromise must sovereignty experience for it no longer to be a stable equilibrium or a useful analytic assumption? How are we to judge the significance of any particular category of compromise? Does a good standard exist?

The answers are unclear. Indeed, some of Krasner's compromises are of questionable importance. He makes no strong distinction between *de jure* and *de facto* compromises. Are some compromises notable then primarily for their symbolic value and not as significant curtailments of a state's constitutional authority? He explains, for instance, that nineteenth- and twentieth-century minority rights treaties, although they compromised the Westphalian sovereignty of East European states by virtue of their initial coercion and imposition, had little discernible impact on those states' treatment of their minorities (pp. 74, 104).

The same difficulty applies to the chapter on human rights, in which Krasner argues that, except for occasional episodes of economic sanctions, most compromises of sovereignty have taken the form of conventions between states. But of these conventions, only the European human rights regime has effective enforcement procedures (p. 119). Others have no procedures for enforcement or monitoring; some allow for referral to the International Courts of Justice, an option never utilized; some allow external investigations but only with the consent of the target state. Most of them, that is, compromise sovereignty very little (pp. 109–18). He also argues that some conventions like the Helsinki Accords have compromised the autonomy of states like the Soviet Union by unexpectedly undermining their domestic legitimacy. This admittedly strong effect, though, seems to involve no compromise of legal authority; at most, it is an ideological curtailment of interdependence sovereignty (p. 119).

In his final chapter Krasner demonstrates the compromise of international legal sovereignty by cataloging instances of states recognizing entities other than typical sovereign states. But how significant are these entities? He points to Andorra and to Britain's "associated states" in the Caribbean as examples of polities subject to partial outside control and to the Order of Malta as an entity that has no territory, yet enjoys diplomatic representation. None seems to explode Westphalia. The Exclusive Economic Zone, the scheme that apports states' authority

over coastal waters, the Federal Republic of Germany, subject to the restrictions of its allies during the cold war, the Palestine Liberation Organization, the British Commonwealth states, and the European Union are more politically significant exceptions to be sure, but hardly add up to 350 years of constant compromise (pp. 228–37). Krasner concedes that states compromise international legal sovereignty much less often than Westphalian sovereignty—qualification that casts doubt on his strong general thesis.

Curiously, Krasner omits compromises of Westphalia that would help his case. He hardly mentions United States intervention during the cold war, from the Truman Doctrine to the Reagan Doctrine. Nor does he deal with internationally sanctioned intervention, often called humanitarian intervention, despite the fact that scholars widely regard it as a major challenge to Westphalia after the cold war. But even if we add these to the significant compromises of sovereignty that he explores—the European human rights regime, sovereign lending, the Soviet Empire, and so on—it remains difficult to judge whether their accumulated weight eviscerates sovereignty as a “normal” state of affairs. Must we not also consider states’ compliance with sovereignty? Since the Peace of Westphalia in 1648, states, now over 190 of them, have enjoyed supreme authority within their territories and immunity from external interference in enforcing their law, in organizing their national defense, in raising revenues, and in governing education, religion, their natural environments, their citizens’ economic welfare, and tens of other matters. If we were to multiply the number of states that have existed since Westphalia by the number of areas of policy over which they have enjoyed sovereignty by the number of years in which they have enjoyed sovereignty in each area, it may well turn out that respected sovereignty is far weightier than compromised sovereignty. Indeed, sovereignty may be the default, status quo condition that is then subject to violation, despite Krasner’s demonstration that violations are more voluminous than scholars had previously thought.

To answer the charge, Krasner would have to demonstrate somehow that the compromises outweigh the lack of compromise. But without a good standard for judging such significance, how can he demonstrate this? He appears guilty, then, of a form of selection bias. He marshals all the cases of compromise he can think of but does not compare this evidence with the evidence of times and places where states have not compromised sovereignty. These states in these times and these places are vast, empty interstices in his analysis. Has the Westphalian glass been half empty or half full? Or has it only been, say, one-tenth empty?

Selection bias also infects Krasner's other major claim, that in compromising sovereignty, states fail to heed prohibitive international norms, the logic of consequences trumping the logic of appropriateness. Again, the problem lies in his exclusive focus on compromises. How do we know that when states do not compromise sovereignty, quite possibly the majority of the time, international norms have no effect? States may well comply with norms out of a sense of appropriateness. Alternatively, they may follow a neoliberal institutionalist logic by which following rules best maximizes their interest as a unitary actor—by stabilizing expectations, minimizing cheating, and the like.<sup>7</sup> Or, as a realist would have it, states may comply only out of incentives unrelated to the norm. But since Krasner provides little direct evidence of the effect of norms on decisions, we are left with no way to judge this effect.

As Krasner fails to disprove the efficacy of norms by overlooking compliance, conversely, in cases where states violate sovereignty, he asserts too readily that states calculate consequences heedless of norms. It is his own contention, for instance, that one of the reasons states sign human rights accords is to follow a "script of modernity," apparently a logic of appropriateness (p. 121). Again, though, to know firmly which logic corresponds to which behavior, we need evidence for why states decide to comply with norms of sovereignty.

In chapter 1 Krasner anticipates the charge of selection bias and responds that he is not simply "scavenging for examples that support the argument" (p. 28). He reasons that he has examined widely the sites of plausible compromise and finds that compromise indeed occurs in all of them. What are these sites? Major peace treaties are the typical forum for the compromise of minority rights; it turns out that virtually all of them include such compromises. East European states, another site, have experienced a compromise of their sovereignty over human rights and minority rights during most of their existence. Weaker states in general, he notes, are far more likely to have their sovereignty compromised (p. 29).

But Krasner's survey of these sites fails to resolve his selection bias. To support his claim that violations of Westphalia have been "almost routine in international politics" (p. 28), he must compare violations against the broad set of all states, everywhere, not simply East European states or weak states. But even if we focus only upon his designated sites, the problem persists. Weak states, for instance, throughout

<sup>7</sup> On neoliberal institutionalism, see, for instance, Robert O. Keohane, *International Institutions and State Power* (Boulder, Colo.: Westview Press, 1989).

Africa, Asia, and the Americas, rarely experience significant compromises of their sovereignty over human rights or minority rights. Certainly, many of them have been a party to peace treaties, and many have surely been the targets of intervention, but whether often enough to make violations “routine” is, again, unclear. In the end selectivity persists and damages the case, for unless Krasner can quantify proportionally the compromises of sovereignty in a universe of states that often do not compromise sovereignty at all, he cannot succeed in dethroning the assumption that undiminished sovereignty is the default state of affairs.

Aside from whether sovereignty is violated frequently or seldom, apart from whether norms of sovereignty affect the decisions of states, there is yet a deeper dimension of the concept, a realm in which it performs quite differently, more foundationally, and more stealthily than Krasner allows. Although Krasner only briefly mentions this dimension, it lurks beneath and is implicit in much of his analysis. What I have in mind is the constitutive dimension of sovereignty. His failure to treat it is the most important shortcoming of the book.

Krasner comes back again and again to the compromise of sovereignty. But the notion of compromise makes sense only if there are states that other states think are entitled to sovereignty in the first place. But where does this expectation come from? Krasner’s notion of hypocrisy suggests some mutually understood virtue to which states pay tribute in their very acts of vice. But where does the expectation of this virtue come from? In compromising international legal sovereignty, states fail to give polities that look and act like states their due recognition as states and sometimes accord nonstate polities the privileges due to states. But where does the notion of what is “due” originate? Krasner often refers to sovereignty as a “cognitive script” to which states frequently return. But if there is such a script, who wrote it? The questions suggest that there are rules whose efficacy is realized not through being respected but through their deeper function of defining the polities and basic rules of an international system.

Scholars call rules that play this deep, defining function constitutive.<sup>8</sup> They commonly appeal to the rules of chess to describe them.

<sup>8</sup> For philosophical accounts of constitutive rules, see John Rawls, “Two Concepts of Rules,” *Philosophical Review* 64 (1955); and John R. Searle, *The Construction of Social Reality* (New York: Free Press, 1995). For international relations scholars who emphasize the importance of constitutive norms, see David Dessler, “What’s at Stake in the Agent-Structure Debate?” *International Organization* 43 (Summer 1989); Christian Reus-Smit, “The Constitutional Structure of International Society,” *International Organization* 51 (Autumn 1997); idem, *The Moral Purpose of the State* (Princeton: Princeton University Press, 1999); Nicholas Greenwood Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia: University of South Carolina Press, 1989); Stephen A.

Constitutive rules here define the board, the number of players, and the moves that each player may perform, and they link these players and rules within a coherent scheme. Without these rules, the game itself would not exist. Constitutive rules are the architecture of a building; they fashion a structure that players then inhabit and move within. They are the blueprints of machinery; they create a mechanical organism whose parts move and work together.

Similarly, scholars have identified rules that constitute the international system. These rules are not the laws or institutions of "international society" that provide order or peace or justice among states; rather, more foundationally, they create the system in the first place.<sup>9</sup> They define the holders of basic authority and their most essential prerogatives. In the modern international system constitutive rules define sovereign states, not baronies or tribes or churches or empires, as the legitimate polities, and they set forth their essential prerogatives as non-intervention, *pacta sunt servanda*, and the like. The norms that define authority are generally agreed upon by the states within a system. Citizens within states hold them, too. It is both external recognition and internal consensus, then, that confer a state's sovereignty.<sup>10</sup> Once constituted, states then proceed to conduct their typical, sometimes deadly, business of fighting, allying, making peace, engaging in commerce, and competing and cooperating in thousands of affairs.

Krasner briefly considers constitutive rules and explicitly denies that international relations is like chess. In chess, a violation of the rules, say, moving a bishop in a straight line, undermines the game. But in international relations, violations occur often, commonly with impunity, and do not destroy the game. Krasner's point is valid: the two endeavors are indeed dissimilar in this way. But his conclusion that "the international system . . . does not have constitutive rules" does not follow from the

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Kocs, "Explaining the Strategic Behavior of States: International Law as System Structure," *International Studies Quarterly* 38 (December 1994); Antonio Cassese, *International Law in a Divided World* (Oxford: Oxford University Press, 1986), 129–57; Anthony Clark Arend, *Legal Rules and International Society* (New York: Oxford University Press, 1999); John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47 (Winter 1993); idem, "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge," *International Organization* 52 (Autumn 1998); Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992); Friedrich Kratochwil, *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989); Daniel Philpott, "Westphalia, Authority, and International Society," *Political Studies* 47 (1999).

<sup>9</sup> There is a large literature on international society. The locus classicus is Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977).

<sup>10</sup> On the role of sovereignty in the international system, see the essays in Robert Jackson, ed., *Sovereignty of the Millennium* (Oxford: Blackwell; 1999).

contrast (p. 229). A violation or compromise of the rules that constitute international relations does not make them any less constitutive. Again, the very concept of a compromise or violation presupposes that there is an entity being compromised or violated. No matter how often states suffer intervention, they are still states and are constituted as such by rules that define their prerogatives. Even if a state is conquered, other states still continue to constitute the system, and most of those will regard the conquest as a violation of the rules of the order. In cases where states refuse to recognize a polity as a state, their refusal is only intelligible because there are shared rules that define recognition in the first place and indeed give power to the refusal. A better metaphor for international relations, then, is a game of sandlot basketball. Yes, the rules are often violated, but that would not be possible were there not rules that define the game in the first place. The violation of constitutive rules makes them no less constitutive.

By paying little heed to constitutive rules, Krasner fails to acknowledge, much less explore, a major influence of sovereignty. As a scheme of authority, the sovereign state system gradually replaced medieval Europe's complex system of overlapping privileges where very few authorities held supremacy within a territory. Scholars generally regard the Peace of Westphalia as the culmination of this trend. But the sovereign state has proven a remarkably robust form of authority, enjoying over 350 years of staying power and expanding outward to become the only form of polity in history ever to cover the land surface of the globe. By arguing for unhalting, ubiquitous flux, Krasner fails to account for sovereignty's power to constitute political authority, a power that is not only enduring but also robust, continuous, and expansive.

But if the sovereign state system is long-lived, it is not fixed or eternal. Acknowledging sovereignty's constitutive role not only reveals its perdurability but also helps us to identify compromises of it that are far wider and deeper than this or that violation and add up to changes in the very authority structure of the international system. When statesmen formed the European Coal and Steel Community, expanding eventually into the European Union, when delegates to the United Nations declared colonialism illegitimate as European metropolitan cabinets gave independence to wide swaths of Africa and Asia, when international organizations repeatedly began to sanction intervention after the cold war, authority evolved far more profoundly than it did whenever the United States intervened yet again in Latin America. These sweeping changes reconfigured the lasting and wide institution that sovereignty had become. The European Union created an alterna-

tive institution; intervention created a restriction on some states' sovereignty; and colonial independence abolished imperial prerogatives, a provision whose effect was to reproduce sovereign states across the globe.

Krasner's omission of the constitutive role of sovereignty leaves his thesis of continuous flux both overstated and understated. We find no recognition in his work that sovereignty has structured and expanded the international system over 350 years. But neither do we read of the more sweeping reconfigurations of sovereign authority that at times have restructured the international system in important ways. He ignores, too, a function of sovereignty that could help answer a question that he never quite comes to terms with. If states constantly violate sovereignty, then why do they keep coming back to it? What accounts for its enduring quality? Without recognizing the norms that define (and restrict) the very authority of sovereign states, Krasner can explain hypocrisy, but not why it has been organized.

## II

Krasner is not the only scholar who has recently sought to dethrone Westphalia. Michael Ross Fowler and Julie Marie Bunck find similar flaws in the model—it is far too simple; it is far too incognizant of manifold state practices; scholars are far too ready to accept and assume it; it is incongruent with international politics not simply after the cold war but as states have long practiced it. Their book, *Law, Power and the Sovereign State*, reads as a compendium of compromises, current and historical.

But their tone differs. Krasner, evoking Bullingbrook, declares his assault at the outset and relentlessly prosecutes it. Fowler and Bunck, by contrast, interrogate the Westphalian model, posing it against a challenger model, drawing out the commitments, the implications, and the advantages of each, and finally deciding in favor of the challenger. They resemble not so much a usurper as a judge who carefully delimits a president's authority.

Legal proceedings prove more than a metaphor for Fowler and Bunck's relative circumspection but also embody a second contrast—their relative emphasis on international law. Krasner finds compromises of sovereignty in state practices such as intervention, in treaties, in the rules of international organizations that states have joined, as well as in international law. Fowler and Bunck draw upon all of these sources, to be sure, but place far more emphasis on international law as a criterion



for locating compromises. Decisions of international courts and the United Nations, recognition practices, and legal arguments appear far more frequently, receive far more extensive discussion, and thus give a far more legal mien to the set of compromises that they discover.

Inquiry as method, an emphasis on law: it is a contrasting approach to a similar argument. They first apply it in interrogating the definition of sovereignty itself: does a good one even exist? Asking whether traditional scholarly formulations accurately describe international law and practice, they begin by considering three widely cited traits—people, government, and territory—and then explore three deeper, more thorough criteria. First, a sovereign state must possess *de facto* internal supremacy. There is a final and absolute authority within the political community (pp. 33–47). Second, sovereignty implies *de facto* external independence; no outsider exercises control within its territory (pp. 47–50). Finally, many scholars, most cogently Alan James, have identified *de jure* independence as essential. A sovereign state's constitutional independence is recognized by other states (pp. 50–53).<sup>11</sup>

The criteria in fact encompass three of Krasner's four definitions—domestic, Westphalian, and international legal sovereignty. Like Krasner, Fowler and Bunck also find the standards widely unfulfilled in practice. For each attribute, they give examples of states that have not enjoyed it. Do Fowler and Bunck conclude that states that fall short of a full portfolio of attributes are not sovereign? No. Whether a state is sovereign ultimately depends rather on whether a consensus of other states believes it is sovereign (pp. 57–62). Fowler and Bunck do not settle on a definition of sovereignty, then, but on a judgment of who defines sovereignty.

Definitional skepticism, though, is only a prelude to their central line of inquiry: what privileges does sovereign status confer? More precisely:

Is sovereignty principally a legal idea or a political one? Do states by virtue of their sovereign status really possess a set of identical rights and obligations? Or, alternatively, does sovereignty in practice confer somewhat different rights and impose somewhat different duties upon satellites and superpowers, or upon tiny, newly independent states and large, populous powers? (pp. 63–64)

Such questions directly challenge the continued utility of the Westphalian model: if the classic image of sovereignty is inconsonant with the privileges of actual states, then the image ought to be discarded.

Fowler and Bunck find that international legal scholars and political scientists have returned two sorts of answers to these questions. They

<sup>11</sup> See James (fn. 4).

call the first sort “chunk theories” and identify them with the traditional Westphalian outlook. The moniker “chunk” implies two characteristics of state sovereignty. First, it is monolithic. A sovereign state enjoys all of the privileges of sovereignty simultaneously: it has a people, government, and territory, it is *de facto* internally supreme, and so on. Second, state sovereignty is indivisible. No sovereign privilege can be parceled or enjoyed partially. Alan James calls the same quality absoluteness and argues that sovereignty must be either present or absent; no state can be, say, 57 percent sovereign.<sup>12</sup> Behind both characteristics lies the principle of equality, a principle that analogizes Westphalian states to individuals in a constitutional republic. Regardless of their population size, their wealth, or their military power, sovereign states enjoy the same legal privileges. If they do not enjoy such privileges, then they are not sovereign at all. This does not mean all states have equal obligations. Like individual citizens, they are free to restrict their legal autonomy through binding commitments—what Krasner calls contracts and conventions. But nothing can rob them of their sovereign authority to enter into such commitments.

Profoundly skeptical of “chunk theories” of the Westphalian model are what Fowler and Bunck call “basket theories” of sovereignty. These accounts propose to refashion the very concept. Sovereignty is not necessarily absolute, nor need it always be monolithic or indivisible. Rather, sovereignty exists in degrees, some states possessing a certain “basket” of some attributes, others possessing another “basket” of other attributes. The advantage of this definition is that it is a more accurate description of the world. Only a few very strong states will enjoy sovereignty absolutely and completely. Most states, by contrast, find their sovereignty variable, evolving, and truncated, not just through contract and convention, to use Krasner’s categories, but also through imposition and coercion. Basket theories, Fowler and Bunck discover, have been advocated for decades by legal theorists like Hans Blix, Charles Burton Marshall, and Ian Brownlie and by political scientists like Quincy Wright (pp. 70–80). It is an insight that Krasner misses: the view that Westphalia is not merely eroding but was never a viable model of international relations is not a new one.

Fowler and Bunck also endorse this view. On what grounds? Like Krasner, they begin by cataloging types of circumstances in which sovereignty is compromised. Unlike Krasner, though, they define the types not according to the degree of coercion or number of states involved

<sup>12</sup> *Ibid.*, 45–48.

but according to the legal arrangement through which the compromise takes place. They identify six kinds of such arrangements. The first is what they call “international legal proceedings,” which are international court decisions to allow one state to exercise rights within another. Portugal’s claim before the International Court of Justice in 1960 that it had rights of passage over India in order to reach Portuguese enclaves is exemplary (pp. 84–88). Second, a lease of territory exists when a weak country relinquishes to a powerful country exclusive rights to its territory. Panama leased the U.S. its Canal Zone; Cuba leased the U.S. Guantánamo Bay; and China leased territory to European powers in the nineteenth century (pp. 88–98). Third, an international servitude is a bounded restriction on sovereignty—in the early twentieth century the Dutch government acquired the right to operate a mine on German territory (pp. 99–102). Fourth, “foreign military occupation and dictated treaty terms” violate sovereignty, too, as in the Allied occupation of Germany and Japan after World War II, United Nations oversight of Iraq’s weapons programs, and the 1901 Platt Amendment to the Cuban Constitution, allowing U.S. intervention (pp. 102–7). Fifth, Fowler and Bunck note Europe’s minority treaties as one of their categories (pp. 107–12). Finally, “state-to-state political relationships”—East European satellites of the Soviet Union, repeated U.S. intervention in Latin America, Britain’s military protectorate of Belize—violate sovereignty, too.

Fowler and Bunck’s compendium of compromises of sovereignty, is, like Krasner’s, formidable—thorough, nuanced, extensive. Similar to Krasner, their book is very persuasive on the point that compromises are more extensive than scholars previously thought. But as we did with Krasner, we must ask whether the plethora of data sustains their general conclusion—the soundness of basket theories, the weakness of Westphalia.

It may seem difficult to decide between chunk and basket theories. After all, as Fowler and Bunck point out, even chunk theories acknowledge states whose privileges fall short of absolute sovereignty, regarding them as exceptional entities or as temporary nonsovereign arrangements on their way to full sovereignty. It is not clear what amount of actual compromises ought to disconfirm chunk theories. Might it not be the case that chunk theories are correct about the meaning of sovereignty, but that many states simply fall short of the model?

Yet quantities appear to be a key criterion for Fowler and Bunck. Supporting basket theories of sovereignty is the number of polities that

do not look sovereign. There are too many of those, they say, to be considered aberrations or primitive stages. They conclude that "since the international community seems in practice to have adopted a variable approach to sovereignty on *numerous* occasions, the meaning of the term can indeed differ markedly for a satellite, a superpower, a defeated state, a newly independent nation, and a large, populous superpower" (p. 124, emphasis added). Yet even if we follow Fowler and Bunck in adopting the number of compromises as the criterion for judgment, we quickly face the problem confronting Krasner. How many violations does it take to confirm basket theories? What constitutes the universe of cases? Again, over the course of three and a half centuries of a Westphalian system that is now composed of over two hundred states, even all of the violations they mention may turn out to be rather small portion of the whole. With no contrasting measure of nonviolations, Fowler and Bunck cannot proportion their adduced compromises and cannot answer the charge of selection bias.

Yet it turns out to be more than numbers that lead them to decide for basket theories. In their assessments of different forms of compromise, they often appeal to a separate argument—the fact that compromises were the result of duress, which corresponds to Krasner's categories of coercion and imposition. Cuba had little choice but to sign the Platt Amendment; the Chinese were forced to lease their territory; East European states far from consented to be satellites. Duress, reason Fowler and Bunck, belies the contention of chunk theories that states first hold absolute sovereignty then contract away their privileges freely; rather, it supports the contention of basket theories that states hold variable privileges in the first place, depending on their exigencies and their circumstances.

The commonness of duress cannot be denied. Many states have surely been denied sovereign privileges against their will. As Krasner shows, however, states compromise sovereignty in other ways, by contract and convention. But even if duress described every compromise of sovereignty, it is not clear that the conclusion of basket theories follows, namely, that sovereignty is variable in content, enjoyed in different forms by different states. What duress shows is how sovereignty is compromised, not what the concept means. If chunk theories do not deny that compromises occur, then neither need they deny that sovereignty is compromised through duress.

Perhaps the case for basket theories lies not in their description of compromise or duress but in their very definition of sovereignty. It is not clear, though, that their conception of sovereignty is really sover-

eignty at all. Bodin and Hobbes, who first gave prominence to sovereignty, used the concept to describe the state, a new kind of polity that was foreign to the Middle Ages. To say that the state was sovereign was to say that it possessed all of the attributes that Fowler and Bunck associate with the traditional definition—a people, a government, a territory, internal supremacy, *de facto* and *de jure*, and independence from outside rule. Though scholars have not universally accepted this definition, it has proved robust, steady even through vast historical changes, both in the holders of sovereignty within the state—from monarch to people, nation and constitution—and in communication, technology, economics, and modes of warfare. Were sovereignty to mean something other than the traditional definition, were it to lose its defining features of internal supremacy and external independence, were it to mean a whole assortment of privileges, it would lose all distinctiveness. It would refer to virtually any type of authority and thus to no type of authority in particular. Indeed, why not simply jettison sovereignty in favor of the broader concept of authority and say that different polities practice different forms of authority? The concept of sovereignty offered by basket theories amounts to little that is distinct or meaningful. We would preserve the power of our conceptions far better by maintaining the concept of sovereignty in its traditional form and simply acknowledging that we live in a world of violations, compromises, and aberrations, of many political entities that do not enjoy full sovereign privileges, as Krasner and Fowler and Bunck show so well. The concept is as valid as ever; the world does not always conform to it.

Like Krasner, Fowler and Bunck also overlook sovereignty's deeper, more foundational constitutive significance, although many of their insights and examples intimate it. It is profoundly revealing that polities whose sovereignty is violated—China, Cuba, East European states, and many Latin American countries—react to the violation by complaining, protesting, appealing, and suing—all in the name of their sovereign privileges. Fowler and Bunck quote China's protest at the Washington Conference of 1921: China requested that other states "respect and observe the territorial integrity and political and administrative independence of the Chinese Republic," and went on to announce that "[a]ll special rights, privileges, immunities or commitments, whatever their character or contractual basis, claimed by any of the Powers in or relating to China are to be declared, and all such or future claims not so made known, are to be deemed null and void" (pp. 96–97).<sup>13</sup>

<sup>13</sup> Fowler and Bunck draw the quote from Kevin P. Lane, *Sovereignty and the Status Quo: The Historical Roots of China's Hong Kong Policy* (Boulder, Colo.: Westview Press, 1990), 24.

Now, were it not the case that China thought itself entitled to full sovereign privileges à la Westphalia, then what was it protesting? To what was it appealing? But if China did think itself entitled to such privileges, then where did it get this idea? Only if there had been a general consensus in international society—shared constitutive rules—that member states are entitled to be treated as sovereigns would China's protest be intelligible. Or, for that matter, Cuba's protest or that of an East European or Latin American state. If, as basket theories claim, sovereignty varied according to the circumstances, such appeals would be nonsense. A state's sovereignty would simply be equivalent to its current range of privileges, not something to which it is entitled by virtue of its statehood but does not presently enjoy.

### III

There are profound similarities in Krasner's and Fowler and Bunck's projects. Both want to persuade us that the field's classic Westphalian model is incorrigibly compromised, precisely because the sovereignty of states has been compromised—enduringly, not just recently. They document their case amply, demonstrating that the absolute sovereign authority of states is compromised far more often and in a greater variety of ways than most political scientists and international legal scholars have previously recognized. Krasner charts these compromises with great theoretical sophistication. Fowler and Bunck's emphasis on the international legal literature complements Krasner's thesis nicely.

Where, then, do things stand? Krasner and Fowler and Bunck, as I have argued, have not succeeded in their project of usurpation. First, as we have seen, they offer example upon example of how Westphalia is pockmarked, truncated, violated, limited, leaky, and restricted, but they give us no way to proportion these compromises against the periods and locales in which Westphalia has been respected. Is Westphalian sovereignty a beleaguered but enduring norm or an irremediably flawed construct? Second, they ignore that even if Westphalian norms are violated, such norms nonetheless define the polities without which violations would not be intelligible—and define them as sovereign states. Constitutive norms of sovereignty underlie the sanctity of this or that state's sovereignty. But if they are enduring, they are not eternal. When this substrate does shift, the effect is like an earthquake rather than a localized cleft. Witness the examples of the UN's declaration of colonial independence and the sweeping release of colonies in the early 1960s, European integration, and the rise of internationally sanctioned in-

tervention after the cold war. The omissions in the work of Krasner and Fowler and Bunck, though, provide an opportunity—indeed, an agenda—for other scholars. That European integration and international intervention are rolling ahead only strengthens the urgency of understanding the constitutive role of sovereignty.

A timely response to this urgency is Rodney Bruce Hall's new *National Collective Identities: Social Constructs and International Systems*. Hall's work is about international systems—what they are, where they come from, how they shape the behavior of states. He is out to challenge the view of realists, particularly Kenneth Waltz, that systems are composed of abstract, ahistorical states differing in size but not in character or purpose and that the distribution of power between these states is the most important characteristic of systems.<sup>14</sup> Instead, he proposes that historical international systems differ according to the prevailing form of domestic order and the rules that govern conduct between states. This notion of system, as we will see, has much to do with constitutive norms of sovereignty.

Hall identifies three major historical systems according to their definitions of sovereign authority. Dynastic sovereignty characterized what he calls the Augsburg system, dating back to 1555 (pp. 51–58). Territorial sovereignty marked the Westphalian system, beginning in 1648 (pp. 58–67). National sovereignty then colored the nation-state system that arose in the nineteenth century (pp. 67–72). Each system comprises five components. First and second are individual identity and collective identity. Each shapes the other, and together they define how people define themselves with respect to groups and authority. Are we Protestants? Aristocrats? Frenchmen? Equally important, they answer the question of sovereign authority: to whom or what are we subject? The prince who shares our religious confession? A state? A nation (pp. 34–39)? The third component is the set of principles—always some form of sovereignty—that legitimates political authority. Such principles might be *cuius regio eius religio* (whose the region, his the religion), which legitimates the sovereignty of a confessional prince, or *raison d'état*, which confers the authority of a territorial sovereign, or national self-determination, which entails the nation's authority (pp. 39–44). Fourth, "institutional forms of collective action" are the political institutions that form around prevailing conceptions of authority—the kingdom, the territorial-state, and the nation-state, as Hall lists them

<sup>14</sup> Hall acknowledges that not all realists hold this view and discusses Hans Morgenthau as an alternative. He notes that while Morgenthau is not a structuralist, he still relies on ahistorical abstractions (pp. 14–19).

(pp. 44–46). Finally, norms, rules, and principles regulate the actions of authorities within a system (pp. 46–47). Hall categorizes these as sociopolitical, socioeconomic, intersocietal, and security. Security norms, for instance, define the reasons for war within a system—confessional and dynastic disputes in a dynastic sovereign system, secession and national unification in a national-sovereign system. It is sociopolitical norms that define the prerogatives of sovereign authority (p. 29).

Hall develops all of these concepts in the introductory section of his book. They are what is most important for the comparison with Krasner and Fowler and Bunck. For Hall, notions of sovereignty, translated into norms and institutions, define authority across entire international systems during entire historical eras. They reflect prevailing philosophies of political authority, and they shape war, conflict, and economic competition during these eras. Hall does not concern himself with violations of norms on this or that occasion; such transgressions have little effect on the broad system. Sovereignty's role is much more fundamental. It is constitutive, defining the very institutions and basic rules by which states conduct international affairs.

The rest of the book is a historical defense of Hall's theses about how international systems come into being and how they shape conduct. He chooses to focus on a single transition, from the territorial sovereign system of Westphalia to the nationally sovereign system of the nineteenth century. On the genesis of international systems, Hall argues that changes in collective identities are the central motor of change. He intends here to depart from realism, in which the chief currency of politics is the will to power. Instead, he draws upon recent constructivist scholarship to argue that it is instead "the will-to-manifest-identity" of social collectivities as agents that spawn the social construction of domestic and global social orders" (p. 6). How has the will to manifest identity influenced history? In the late eighteenth and the nineteenth century, the notion that citizenship resided within the "imagined community" of the national people fashioned an international system built on the principle of national self-determination. Nations became the locus of authority within the state; states whose authority did not reside in a national people became unstable (pp. 4, 12, 67–72). Hall does not purvey single causes. The emerging capitalist order, for instance, helped shape the system of national sovereignty as it did the nation itself; national identities in turn shaped the capitalist order (pp. 69–71). But against realist and Marxist accounts, he wants to argue for the causal importance of collective identities.

Hall's theses concern the effects, not merely the origins, of interna-



tional systems. Different systems, constituted by different collective identities, yield different histories of war, conflict, and political institutions. International politics in a national-sovereign system, formed by nationalist identities, differed markedly from politics within a territorial-sovereign system, an argument that Hall demonstrates through several historical events—the Seven Years' War, the Napoleonic Wars, the Concert of Europe, the Revolution of 1848, the Danish-Prussian War, the Austro-Prussian War, the Franco-Prussian War, nineteenth-century imperialism, the First World War, and the contemporary collapse of the Soviet Union and end of the cold war. In a chapter on the principle of nationality, for instance, Hall looks at the policies of Prussia and France in the events surrounding the Franco-Prussian War and shows that they cannot be explained according to the predictions of realist and neorealist theory. Prussia, still a traditional territorial-sovereign state and resistant to the rise of nationalism and liberalism, opposed the creation of a popular mass mobilization army, even though the competitive international system imposed pressures to do just that. Due largely to nationalist pressures, the France of Napoleon III initiated a war against Prussia for which it was ill prepared and from which it had little to gain (pp. 173–213). The milieu of popular nationalism, then, resulted in policies that a territorially sovereign state seeking to maximize its power in an anarchical system would not have adopted.

In describing the effects of international systems, Hall brings to fullness his argument about the importance of collective identities for international systems. These identities and these systems are made up of understandings of what constitutes political authority, or sovereignty. In an era when political authority in the international system is being revised or reconstituted through European integration, internationally sanctioned intervention, and the continued disintegration of federations and empires, *National Collective Identity* is timely and relevant. Hall's work also creates opportunities for scholarship, mostly through his innovations, but also through some shortcomings that other scholars might remedy. Four lines of inquiry emerge that could lead to a distinct body of scholarship on the constitutive role of sovereignty and its responsibility for developing our current international world.

First, we need to understand more fully how norms and shared understandings of sovereignty constitute authority in the international system. Ambiguity in Hall's periodization of international systems alerts us to this need. Hall characterizes successive systems according to the prevailing holder of sovereignty within polities—dynastic confessional princes, monarchs, and nations. Yet although these holders of

authority indeed change from system to system, the scope of their authority remains consistently within the boundaries of territorial polities. That is, the external sovereignty of these polities—pace Fowler and Bunck, their *de jure* independence from outside authorities—stays relatively constant, at least from the Peace of Westphalia onward. This is what international relations scholars traditionally have in mind when they speak of the Westphalian system. The constancy is admittedly relative: minority treaties, the European Union, and internationally sanctioned intervention are all examples of shared norms that circumscribed the state's external authority subsequent to Westphalia; prior to Westphalia, the Holy Roman Empire did the same. But external sovereignty has remained far steadier than holders of sovereignty within borders.

Obversely, within the single international systems that Hall depicts, a great flux and variety of internal holders of sovereignty threatens to render his depictions far too blunt. Within the system that he calls national-state, there have ruled *ancien régime* monarchs, liberal constitutional republics, Emperors Napoleon, communist regimes, fascist dictatorships, multiethnic republics, relatively homogenous national states, and theocracies. Can we really generalize this system simply as one in which nations are sovereign? The resulting summons to other scholars is to apply the distinction between internal and external sovereignty and distinctions among the various holders of sovereignty more vigorously to international systems. Among other insights would arise the conclusion that compared with internal sovereignty, external sovereignty has remained constant—not completely fixed, admittedly, but sturdy like a coat of armor whose plates and joints are only occasionally refashioned, while the character inside morphs often, from reform to reform, from revolution to revolution.

But there yet exist manifold other ways in which norms constitute authority—through creating a European Union, though sanctioning some forms of intervention, through granting statehood to colonies—that call for other sorts of distinctions. One framework would suggest that international authority appears in three faces. All international systems define all three faces in unique ways; every system's definition of them is its unique signature. Each face answers a different question about authority. The first face answers: What sorts of polities make up a given international system? Absolutely sovereign states? A Holy Roman Empire? A European Union? The second face answers: Who may belong to the society? And who may become one of these legitimate polities? If states are the legitimate polities, for instance, what are the requirements for being recognized as one? Are colonies entitled to

statehood? What about nations that do not have their own sovereign state? Finally, the third face answers: What are the essential prerogatives of these polities? If states are the legitimate polities, what sort of immunities and privileges do they enjoy? Is intervention absolutely forbidden? What prerogatives in international organizations do they enjoy? When we understand these three ways in which norms constitute international systems, we may then characterize systems accordingly. We also gain more subtlety in charting changes in international systems. For instance, when colonies acquired the right to independence from their empires in the early 1960s, the second face, the rules of membership, changed, but the first and third faces remained constant—states remained the legitimate polities, with new states gaining the privileges of existing states. The faces evolve independently.<sup>15</sup> Surely other scholars will develop additional distinctions, helping us to understand more precisely how sovereignty has been constituted in the past and how it is evolving today.

Aside from striving for a better understanding of how sovereignty constitutes authority, scholars ought to explore further what causes shifts in the authority structure that constitutes systems. This is a second area for further research. Hall described well how new national identities ushered in the national-state system. Theoretically demanding critics, though, many of them skeptical of the role of identities, will want to see alternative explanations addressed more systematically. Do constitutional norms of authority evolve as new institutions that coordinate the expectations of rational states who seek to maximize fixed forms of utility?<sup>16</sup> Are they, à la realism, the by-product of underlying shifts in the distribution of power?<sup>17</sup> Or are they mere sanctions for upheavals in the global division of labor, as world systems theorists might argue?<sup>18</sup> The role of technology, modes of communication, economic structures other than class, and sundry other kinds of shaping forces might also be investigated.

Other revolutions and evolutions await explanation, too. Why have states and international organizations begun to sanction intervention collectively after the cold war, while they failed to do so during the nineteenth century or in creating the League of Nations and the

<sup>15</sup> For further development of the concept of the three faces of sovereignty, see Philpott (fn. 8), 573.

<sup>16</sup> This would be the logic of neoliberal institutionalism. See Keohane (fn. 7).

<sup>17</sup> As an example of a realist explanation of shifts in norms, see Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1980).

<sup>18</sup> For such an explanation, see the work of Immanuel Wallerstein, e.g., *The Modern World System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (New York: Academic Press, 1974).

United Nations after World War I and World War II? What forces brought about European integration? Or, reaching back to origins, what forces fueled Europe's evolution from medieval Christendom to the territorial system of sovereign states that triumphed at Westphalia?

As Hall is concerned not only with the genesis of international systems but also with their effects on behavior, so, too, a third task for research is to inquire into the effects of prevailing norms of sovereignty upon the actions of states. Hall showed through compelling evidence that in the national-state system, the character of wars, the scope of wars, the causes of war, and the ways in which states fashioned institutions for fighting war all differed from the same phenomena in the territorial-state system, and that realist theory could not account for these differences. His method was to analyze statecraft during discreet episodes—nineteenth-century revolutions, the reunification of Germany, imperialism. Though this approach benefits from historical depth, other scholars will want to look at other episodes and may wish to challenge Hall's account from skeptical perspectives other than that of realism. They will want to examine other systems, too.

On a microscale, we also need to understand better whether and how norms of sovereignty affect individual state decisions. Krasner argued that Westphalian norms exercised little force on state decisions—the proof lies in their frequent transgressions. But recall the flaw in his argument: we have no way of knowing whether the force of norms sometimes leads states to refrain from transgressing them. A study that examines episodes where states had an incentive to commit a transgression, say, illicit intervention, then actually considered intervening but finally chose not to could reveal whether norms affect such decisions. A related question is what leads states to violate or compromise sovereignty. Here, Krasner is open to a variety of explanations—the material power incentives of the unitary state, domestic politics, sympathy for human rights, and so on. Scholars could build on Krasner by sorting out what sort of causes act most powerfully in what types of situations.

A final fruitful area of inquiry, one too often neglected by international relations scholarship, is the normative status of respective norms of sovereignty. Fowler and Bunck stride toward such an inquiry through a cost-benefit assessment of sovereignty in their final chapter, "Why Is Sovereignty Useful?" (pp. 127–52). But deep moral investigation must be philosophically rooted. In the period of the Peace of Westphalia states asserted absolute sovereignty as a solution to religious war. But over the centuries certain traditions of critique have condemned absolute sovereignty as a shield from outside criticism, a cara-

pace for evil. Both the liberal tradition and the Catholic tradition—the latter the loser at Westphalia—are examples.<sup>19</sup> What is the force of such critiques? Do they take new forms in the post-cold war world?

The state of post-cold war sovereignty also evokes questions of applied ethics. During the 1970s and 1980s political philosophers vigorously debated the conditions under which states may intervene.<sup>20</sup> Recently Michael Walzer, a participant in these debates, posed a new variant of the question. What are the moral and legal criteria, he asked, that tell us whether states may intervene unilaterally rather than multilaterally? In a global legal system that prohibits intervention except when approved by the UN and consistent with its purposes, are there any circumstances where states may justly intervene alone?<sup>21</sup> The failure of the United States to gain UN approval for its 1999 intervention in Kosovo communicates the urgency of the problem.

All of these lines of inquiry address the roiling issues raised by sovereignty. They are old questions; sovereignty is a long contested concept. But we ask them in new contexts. Is the Westphalian system fading? Was it ever intact? If it is evolving, how so? With respect to all three faces of authority? With respect to one or two? Which? What are the causes of these changes? How will they render the actions and interests of states differently? Will the changes bring more justice? Or less? On what grounds? Krasner, Fowler and Bunck, and Hall have admirably begun to face these questions. But they have only begun.

<sup>19</sup> For a liberal critique of absolute sovereignty, see Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979). In the Catholic tradition, see Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951).

<sup>20</sup> See the essays in Charles R. Beitz et al., *International Ethics* (Princeton: Princeton University Press, 1985).

<sup>21</sup> See Article 2 (p. 7) of the United Nations Charter; Michael Walzer, "Lone Ranger," *New Republic* 218 (April 27, 1998), 10–11.