

Sovereign Inequalities and Hierarchy in Anarchy: American Power and International Society¹

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How is unrivalled American power reshaping 21st-century international society? Is the United States an empire, in fact or in the making? This article attempts to elaborate the conceptual resources required to answer such questions. I focus on multiple forms of *hierarchy in anarchy* and diverse practices of *sovereign inequality* — concepts that most mainstream perspectives ignore, find paradoxical, or even dismiss as self-contradictory.² After defining empire and hierarchy in anarchy, I present a typology of international orders tuned to thinking about empire and its alternatives. The central section of the article explores three classes of formal inequalities common during the Westphalian era — special rights of Great Powers, restricted rights for outlaws, and a wide range of particular practices of ‘semi-sovereignty’. I then sketch ten historically grounded models of hierarchical international relations. Two brief applications to contemporary American power seek to illustrate the value of this conceptual apparatus. Throughout, my focus is on appreciating the precise nature and considerable variety of international inequalities. I argue that the concepts of hierarchy in anarchy and sovereign inequality, but not empire, are essential for understanding the shape and development of contemporary international order.

KEY WORDS • anarchy • empire • hierarchy • inequality • semi-sovereignty • sovereignty

Concepts and a Typology

Empire

‘Empire’ derives from the Latin *imperium*. Originally the right of Roman magistrates to enforce the law, *imperium* came to mean legitimate authority,

the right to rule, as in the republican formula *imperium populi Romani* (the 'empire' of the Roman people). As such, *imperium* translated the Greek *arche*, 'rule', providing 'something approaching a notion of sovereignty' (Wood, 2003: 32). This was its principal use in modern English through the 18th century (Koebner, 1961). The *Oxford English Dictionary* cites Blackstone: 'The legislature . . . uses . . . *empire* . . . to assert that our king is . . . sovereign and independent within these his dominions'.

As the Roman Republic gave way to the Empire, *imperium* was transformed. 'At least from the second half of the first century AD, *imperium Romanum* is used as we would use "Roman Empire"' (Richardson, 1991: 1). *Imperium* also came to be fused with both the *imperator* (originally a successful general, but now 'emperor') and the entity ruled. The Holy Roman Empire likewise combined power, person and polity. This sense is also deeply rooted in English. 'Supreme and extensive political dominion; *esp.* that exercised by an "emperor".' 'An extensive territory (*esp.* an aggregate of many separate states) under the sway of an emperor or supreme ruler' (*OED*).

The rising monarchs of late medieval and early modern Europe resurrected the earlier sense of *imperium* in their struggles to escape the superior authority of pope and emperor and to establish their own supremacy over local authorities. *Rex imperator in regno suo*. The king is emperor in his own realm. This is the sense of one of the earliest English uses — '1532-3 *Act 24 Hen. VIII*, c. 12 This realme of England is an Impire' (*OED*). 'In many instances "empire" had, by the late sixteenth century at least, become, in effect, synonymous with . . . state' (Pagden, 1995: 13).

Today we use 'sovereignty' for the right to rule and 'state' for the entity ruled. Emperors are figures of history or fantasy. But we still need 'empire' to describe *an extensive polity incorporating diverse, previously independent units, ruled by a dominant central polity*. Such a definition both encompasses most of the great historic empires and is consonant with those of leading comparative theorists. 'A political system encompassing wide, relatively highly centralized territories, in which the center . . . constituted an autonomous entity' (Eisenstadt, 1968: 41). 'The dominant metropole exerts political control over the internal and external policy - the effective sovereignty - of . . . the subordinate periphery' (Doyle, 1986: 12). 'A core elite and state dominate peripheral elites and societies' (Motyl, 2001: 4). 'Empires, by nature, are "plurinational". They unite several ethnicities, several communities, several cultures, previously separate, still distinct' (Duverger, 1980: 10; my translation).

Empires are composite polities, knit together and defined by an imperial core that rules over, rather than simply influences (or even controls) subordinated polities. Most contemporary states were composite in origin.

Empires, however, remain composite. So do (con)federal states. Federations, however, typically are new entities created from the bottom up. Empires are imposed by a dominating established polity.

This ‘traditional’ definition excludes Hardt and Negri’s (2000) conception of an amorphous, uncentered global network, as well as non-territorial and non-political accounts that equate ‘empire’ with the spread of capitalism or, more recently, globalization. Such definitions, although they identify unquestionably important processes, simply displace the problem of understanding traditional core-periphery polities — and alternative hierarchical political forms. This is my focus here.

Hierarchy in Anarchy

Following Kenneth Waltz (1979: 114-16), anarchy and hierarchy are typically presented as dichotomous political ordering principles. This is a conceptual error that significantly impedes understanding the nature of international inequalities. Rather than thinking of anarchy *or* hierarchy we should attend instead to hierarchy *in* anarchy.

Anarchy — literally, without a leader (*archos*) or rule (*arche*) — is conventionally understood as the absence of government. Waltz, consistent with ordinary usage, defines hierarchy as ‘relations of super- and subordination’ in which ‘actors are formally differentiated according to the degrees of their authority, and their distinct functions’; a ‘social division of labor among units specializing in different tasks’ (1979: 81, 114). Neither superordination nor differentiation, however, has any logical relationship to (an)archy; that is, to government or its absence.

The opposite of anarchy is not *hierarchy* but ‘archy’, government, rule, political authority; ‘empire’ in its non-imperial sense. Hierarchy (superordination and differentiation) in anarchy is not only theoretically possible but is, as we will see, historically common.

Even structural realists acknowledge this. The strong do what they can, the weak suffer what they must. The strong balance, the weak bandwagon. Waltz implicitly admits differentiation of functions when he talks of the ‘special responsibilities’ of great powers (1979: 198). He even allows that ‘all societies are mixed’ (1979: 115); that is, that hierarchy is present in every anarchic order.

Nonetheless, Waltz insists (1979: 114-16) that anarchy and hierarchy are both mutually exclusive and exhaustive of political ordering principles. Any particular ‘sector’ or ‘element’ (1979: 115), and any particular order, he claims, should be described as either anarchic or hierarchic. Such dichotomous thinking obscures rather than clarifies the issues at stake in contemporary discussions of American ‘empire’.

The problems are exacerbated when authority is associated with hierarchy, leading to a conception of anarchic orders as lacking authority. As Waltz puts it, in anarchic orders ‘authority quickly reduces to a particular expression of capability’ (1979: 88). The relationship between authority and capabilities, however, is actually a contingent empirical matter.

Horizontal/coordinate authority is a pervasive feature of contemporary international relations, most notably in bilateral treaty obligations. The United Nations Security Council and the World Trade Organization even have (limited) vertical/superordinate authority. And these practices simply are not reducible to, even if they are greatly influenced by, capabilities. Conversely, sovereign authority in national polities may be held largely through raw power. Consider Guatemala in the early 1980s or various post-Cold War ‘failed states’.

Confusion is further intensified by a tendency to map anarchy and hierarchy onto idealized visions of international and domestic politics, which are then read back into our understanding of anarchy and hierarchy. ‘The parts of domestic political systems stand in relations of super- and subordination. Some are entitled to command; others are required to obey. The parts of international-political systems stand in relations of coordination’ (Waltz, 1979: 88).

None of this is correct. The American Congress and President, for example, are coordinate, not super- and subordinate, branches of government. Neither commands nor obeys the other. More generally, differences in political rights, obligations and authority need involve neither government nor superordination. Consider, for example, promises/contracts/treaties. If most historical international orders have had relatively low levels of superordinate authority (hierarchy) — and the prevalence of empires before Westphalia makes even this uncertain — this is a contingent feature of particular orders, not a logical consequence of anarchy.

Waltz is only illustrative of a broader problem. International Relations theory typically starts with anarchy, a residual — not archy. ‘Hierarchy’ is then used as the residual ‘not anarchy’. Obscurity, or worse, is the predictable outcome when a key concept is understood as the negation of a negation. As David Lake (2003: 303) puts it, the discipline has even ‘lost the language to describe’ hierarchy.

Polarity, Hierarchy and International Order

Figure 1 presents a typology geared towards thinking about empire and its alternatives. International orders with one and more than one great power — unipolarity and ‘multipolarity’ in a literal but nonstandard sense that

Figure 1

Hierarchy in Anarchy: Polarity, Authority, and International Order

		AUTHORITY	
		Coordinate	Superordinate
POLARITY	Multipolar	I (balance of power) [inter-war Europe]	II (concert, protection) [Concert of Europe]
	Unipolar	III (preponderance) [post-Cold War]	IV (hegemony, empire) [Athens, Rome]

includes bipolarity — are correlated with ‘hierarchy,’ the presence or absence of substantial elements of superordinate authority.

This entire field is anarchic, except for the bottom right corner. By separating polarity and authority from anarchy, Figure 1 provides a framework for thinking about different forms of equality, inequality and hierarchy in anarchic international orders.

Quadrant I covers multipolar orders with little hierarchy. The powerful balance and the weak bandwagon in an environment with little functional differentiation and largely horizontal authority. This has been the principal focus of mainstream IR theory. The top left corner is Waltz’s world. I will focus on the other three quadrants — not because of any particular problems in standard accounts of this quadrant, or because the others are ‘more important’ (whatever that may mean), but because they are essential to understanding the character and possibilities of both preponderant power and international order, today, in the past and in the future as well.

Quadrant IV encompasses unipolar orders with considerable superordinate authority. When mainstream approaches look beyond Quadrant I, they tend to focus on the I–IV diagonal, understood as an anarchy-hierarchy dichotomy or continuum (e.g. Watson, 1992: 17, 22, 124–25; Rosen, 2003). This, however, is easily (mis)taken as an invitation to think of all forms of hierarchy and inequality as steps towards or approximations of

empire. In fact, though, between these two extremes — Waltz and Rome — lie stable, institutionalized practices (e.g. hegemony) that are not well comprehended by models of the end-points.

Even more importantly, much international inequality and hierarchy lies on the other diagonal. Quadrant II draws attention to the possibilities for superordinate authority in multipolar, multiple independency orders. Special rights of powerful states, both systemically and in particular bilateral relations, have been common throughout the Westphalian era, as we will see below. Much of the ostensible evidence of American empire lies here as well.

Quadrant III highlights the fact that unipolarity need not create significant superordinate authority, let alone empire. It simply is not true, for example, that the United States 'is an empire among nations . . . because there is now no countervailing power to challenge it' (Garrison, 2004: 20). In such cases, the sole superpower exercises influence more than authority; its special rights or privileges are those of a great power with no rivals rather than expressions of an imperial right to rule. And the authority it does possess is formally coordinate/horizontal, not superordinate. Furthermore, it is neither logically necessary nor causally inevitable that unipolarity move towards, let alone result in, empire.

This division into four quadrants is only a very rough representation of a complex and variegated field of political spaces. Within each quadrant, there may be multiple zones or regions of practices with distinct institutional forms that are not usefully understood as an approximation of models representing the four corners that define the quadrants. For example, protectorates, collective security and concerts fall in Quadrant II. Their differences from each other, however, are as striking as their similarities, and those differences are not a matter of being further from or closer to a single ideal type of multipolar superordinate authority. It should also be emphasized that at any given time, different parts of international relations, defined by substance, geography or particular relationships, may lie at very different points.

Sovereign Inequalities

Confusion over hierarchy is exacerbated by the common association of anarchy with sovereign equality. As Waltz puts it, 'formally, each is the equal of all the others' (1979: 88). Even David Lake, who is particularly sensitive to elements of hierarchy in international relations, equates anarchy with sovereign equality, describing 'anarchic institutions' as 'those premised upon the full sovereignty of all members' (2001: 130).

Anarchic orders, however, simply need not be equal. On the contrary, formal inequalities are standard features of almost all historical international

societies. This section draws attention to formal sovereign inequalities during the Westphalian era, particularly in the period 1815 to 1945.

I document these practices through classic treatises of positive international law, especially Phillimore (1854), Wheaton (1866), Hall (1895) and Oppenheim (1920, 1955); major specialized monographs; and two leading contemporary multi-volume reference works, *The Encyclopedia of Public International Law* and J.H.W. Verzijl's monumental *International Law in Historical Perspective*. I also refer to contemporary instances of or close analogues to these 'classic' inequalities. I do not consider inequalities without significant contemporary analogues — for example, honors and status gradations, which were a central concern of diplomatic practice until well into the 19th century;³ minority rights guarantees, which were imposed unequally following both the Thirty Years War and World War I, and in the 19th century in new states created from the disintegrating Ottoman Empire (Krasner, 1999: Ch. 3); and what Verzijl (1968b: 44–57) calls 'abortive, ephemeral or otherwise unusual state formations'. This section thus understates both the range and the diversity of Westphalian sovereign inequalities.

Sovereign Equality and Sovereign Inequality

Sovereign equality is a foundational principle of the Westphalian order.⁴ Rather than a logical consequence of anarchy, however, this is a contingent historical fact. Sovereign equality may have 'attained an almost ontological status in the structure of the international legal system' (Kingsbury, 1998: 600). It did so, however, only slowly and incompletely. And sovereign equality has always coexisted with major formal sovereign inequalities.

I focus on three historically well-established types. Some sovereigns are formally unequal because they are outlaws. Other legal inequalities are rooted in differences of power, without any suggestion of normative defect or deficit or legal delict. The Westphalian order has also consistently extended special rights to an 'international oligarchy' (Schwarzenberger, 1951: Ch. 7) of Great Powers.

The first two of these types of inequality rest on the divisibility of sovereignty. As Maine acidly noted, 'indivisibility of Sovereignty, though it belongs to Austin's system, does not belong to International Law. The powers of sovereigns are a bundle or collection of powers, and they may be separated from one another' (1915: 58). As Oppenheim put it, with understated reserve, 'as there can be no doubt about the fact that there are semi-independent States in existence, it may well be maintained that sovereignty is divisible' (1920: §70). 'Sovereignty is divisible both as a

matter of principle and as a matter of experience' (Brownlie, 2003: 113). It thus may be imperfectly or incompletely — unequally — enjoyed.

The classical international law literature speaks of 'semi-sovereign' (e.g. Martens, 1986 [1795]: I.1.1, I.2.4; Wheaton, 1866: §§34-8; Bluntschli, 1874: §92), 'part-sovereign' (Lawrence, 1895: §§49, 71), 'imperfectly independent' (Hall, 1895: §4), 'not-full sovereign' (Oppenheim, 1955: §65), 'half sovereign' (Oppenheim, 1955: §126; McNair, 1927: 138) and 'conditionally independent' (Twiss, 1861: §§24-6) states. These inequalities, however, are not violations of sovereignty. Quite the contrary, they have been formally recognized by the state in question and by the society of states, often codified in 'unequal treaties' (Malawer, 1977: Chs 1-2; Morvay, 1984).

The almost universally accepted view, from Grotius (1925 [1646]: I.3.21, II.25.7) right through to the middle of the 20th century (Phillimore, 1854: II §49; Lawrence, 1895: §154; Hyde, 1922: §493; Oppenheim, 1955: I §§498-99; McNair, 1961: 206-11), was that even treaties imposed by victors on the vanquished were binding and fully compatible with sovereignty. 'International law does not recognize the fact that one party to a treaty was induced by duress or coercion or undue influence to make it, as a ground for treating it as invalid' (McNair, 1927: 139).

In contrast to any mature system of municipal law, the conclusion of a treaty under duress does not affect [its] validity If States undertake onerous obligations of a unilateral character, they are free to do so and, in taking such a course, they actually vindicate their status as sovereign States. . . . As in archaic systems of municipal law, freedom of contract is so absolute as to permit a sovereign State even to divest itself by treaty of its sovereignty and to exchange the status of a sovereign State for that of a dependent State. (Schwarzenberger, 1951: 92-3)

I would suggest that we not overestimate the 'maturity' of contemporary international law. In any case, we cannot think clearly or deeply about contemporary hierarchies and inequalities without appreciating the range and centrality of sovereign inequalities for at least the first three centuries of the Westphalian era. This will be our focus in the remainder of this section.

Outlaw States

States that violate certain international norms place themselves outside the law, in whole or in part, and become liable to legitimate limitations on the exercise or enjoyment of their sovereign rights. Westphalia in effect eliminated certain Christian 'heresies' as international crimes. The prohibition of aggressive war under the Charter regime on the use of force has outlawed wars of conquest much as Westphalia outlawed wars of religion.

The development of the right of national self-determination in the decades following World War II effectively outlawed colonialism. The post-Cold War practice of legitimate humanitarian intervention, building on the 1948 Genocide Convention, has outlawed genocide. Global protection regimes (Nadelman, 1990) have outlawed piracy, the slave trade and slavery.

'Outlaw states' (Simpson, 2004; Schwarzenberger, 1943: Ch. 4) come in two principal forms. What we might call 'behavioral outlaws' violate particular international norms. Consider the restrictions on Iraqi sovereignty following the defeat of its illegal aggression against Kuwait. 'Ontological outlaws', by contrast, are outlaws more for who they are than what they have done. Consider the Crusades. Particular cases may not fall neatly into one or the other category. Were pirates or piracy proscribed? Heretics or heresy? Furthermore, ontological outlaws usually also violate behavioral norms. Nonetheless, the conceptual distinction is clear and important.

It is hard to imagine an international society that does not identify some forms of criminal behavior that justify infringing the *prima facie* rights of its members. The interesting question is which such crimes any particular international society recognizes.

Ontological outlawry is connected much more directly to the criteria for membership as a full participant in a legal community. It thus produces very different hierarchies and inequalities. During the Westphalian era, virtually all non-European peoples and polities were treated, for at least some significant period, as ontological outlaws. As my concern here is non-imperial hierarchy I focus on non-European polities that had the power, allies or good fortune to avoid incorporation into a European empire.⁵

Until well into the 18th century, the Ottoman Empire and many indigenous polities in what later became India and Indonesia, and some in North America and North Africa as well, were treated as (semi-)sovereign and dealt with largely according to the same legal categories as their European counterparts (Keene, 2002: 44-52, 67-9, 75-7, 93-5, 105-8; Alexandrowicz, 1967). Furthermore, the British and the Dutch operated indirectly through chartered companies (Phillimore, 1854: §122; Hall, 1895: §38**; Verzijl, 1968b: 39-43; Verzijl, 1970: 494-500) and Western merchants more than Western states penetrated into the Ottoman Empire.

In the 19th century, however, international society was split into what Edward Keene aptly calls a European zone of sovereign 'toleration' and an Afro-Asian zone of 'civilization'-based domination (2002: Ch. 4). Western states also became much more directly involved in these processes. And the field of operation was dramatically widened by the coercive opening of China and Japan and the growing technological capability of Western powers to penetrate beyond the coasts of Africa.

The resulting hierarchies and inequalities, however, took many different forms. Imperial acquisition was the norm in sub-Saharan Africa and Southeast Asia. Restricted or divided sovereignty was common in North Africa and Southeastern Europe. But Latin American states acquired and maintained sovereignty, despite being increasingly subject to intervention and even protection. Some important Asian states also retained their sovereignty and considerable independence, despite being forced to accept special privileges and extraterritorial rights for Western merchants, missionaries and militaries.

The 'unequal treaties' with China (Willoughby, 1927; Keeton, 1928; Gong, 1984: Ch. 5) — and similar impositions on Japan (Jones, 1931; Gong, 1984: Ch. 6; Auslin, 2004), the Ottoman Empire, (Sousa, 1933; Gong, 1984: 106–19) and Siam (Gong, 1984: Ch. 7) — were precisely that, treaties that simultaneously recognized and restricted the sovereignty of China (and Japan, Siam and the Sublime Porte). And these formalities mattered immensely. Semi-sovereignty, and the particular forms it took, significantly influenced both the quality of foreign domination and the paths by which these states eventually (re-)acquired full sovereign equality.

These inequalities increasingly came to be justified in terms of a 'standard of civilization'⁶ for full membership in the 'family of nations'. 'Fundamental differences in the character of civilization have always been the source of important limitations on capacity. . . . Most of the modern publicists recognize that equality can be the rule only among states having common standards of civilization' (Dickinson, 1920: 223). Those who failed to meet the standard were treated as ontological outlaws. 'Savages', who were seen as incurably uncivilized, were treated as fit subjects for colonial rule. 'Barbarians', however, were seen more as incompletely or defectively civilized (Gong, 1984: 55–9; Salter, 2002: 19–24). This deficit of civilization was treated as remediable, perhaps even more behavioral than ontological. Thus even in the 19th century they were offered the option to 'become civilized' and enter international society as fully equal participants — as Japan in fact did in the 1890s and early 1900s (Suzuki, 2005; Suganami, 1984).

The past half-century has seen the elaboration of significant new international crimes, most notably aggression, colonialism and genocide, all of which have become fit subjects for forcible international action. Iraq in the 1990s and Serbia are prominent examples of states whose sovereignty has been legally restricted because of their criminal behavior.

Within Europe, non-democratic regimes, as Spain, Portugal and Greece illustrate, have been treated as ontological outlaws for more than half a century. South Africa in the 1970s and 1980s was effectively an international ontological outlaw. The post-Cold War era has also seen efforts to establish

new forms of ontological outlawry. The war on terrorism, as has often been noted (e.g. Ivie, 2005; Salter, 2002: 163-7), has revived the language of civilization versus savagery. The contemporary global human rights regime also has certain parallels with the 19th-century standard of civilization (Donnelly, 1998), as do efforts to establish an international right to democratic governance (Fox and Roth, 2000).

None of this, however, has anything to do with empire. Behavioral and ontological outlawry produce distinctive forms of inequality that are qualitatively different from each other and from other forms of international inequality.

Practices of Semi-Sovereignty

Positive international law has elaborated a considerable array of particular practices of semi-sovereignty that have been applied principally to 'civilized' states that have committed no crime. These practices involve legally sanctioned differences in rights, liberties and obligations, arising from a transfer of certain sovereign rights from one (almost always weaker) state to another. Although rooted in inequalities of power, they are no more reducible to power than are class and status inequalities within most states. At the very least, they transform the character of the 'underlying' inequalities, often dramatically.

The most general and varied of such practices are treaties of *protection* and of *guarantee*,⁷ which grant special rights to protecting/guaranteeing powers to assure that 'protected' states act in particular ways or retain a particular internal status or international alignment.

This relation has been established in an extraordinary variety of cases between more powerful or more highly civilized states, on the one hand, and small, weak, backward, incipient, or decaying states on the other. It may exist in all degrees, shading off imperceptibly from the relationship which imposes only slight limitations on the protected state to the so-called protectorate which has no international capacity at all. (Dickinson, 1920: 240-1)

Guarantees have been imposed even on great powers, most famously, the rights of guarantee granted by the Peace of Westphalia to France and Sweden in the Holy Roman Empire.

The Egyptian-Israeli peace process rested on American guarantees. Bhutan, whose external relations are controlled by India, is a rare contemporary example of a formal protectorate. Bosnia and Kosovo have revived discussions of internationally administered protectorates, under labels such as 'neo-trusteeship' (Caplan, 2002; Fearon and Laitin, 2004) and 'shared sovereignty' (Krasner, 2004).

Financial controls, including supervision of customs houses and priority claims over state resources, were common in the 19th and early 20th centuries in the Americas, Southeastern Europe and North Africa (Krasner, 1999: 131-43; Dickinson, 1920: 256-60). They might be thought of as a form of protection or guarantee sufficiently distinct to merit its own designation. Contemporary analogues include structural adjustment and creditor clubs.

*Servitudes*⁸ — legal obligations to permit or prohibit certain activities on the servient state's territory — have regularly restricted the sovereignty of strong and weak states alike, ranging from requirements to allow a foreign army to march across a state's territory; to rights of access to rivers, canals and inland waterways; to the provision in the Peace of Utrecht prohibiting France from allowing the Stuart pretender on its territory. Leases of territory (Verzijl, 1970: 397-408; Rumpf, 1987), free cities (e.g. Cracow, Bremen, Hamburg, Lubeck, Danzig and Trieste),⁹ demilitarized zones (Verzijl, 1970: 500-12) and permanently neutralized states (Belgium, Luxemburg, Austria)¹⁰ also fall into this class. Military basing agreements and various waterway regimes are common contemporary examples.

Legitimate *intervention* — intervention based on some (not im)plausible claim of an internationally recognized right — has been another important source of inequality.

That intervention is, as a rule, forbidden by the Law of Nations . . . there is no doubt. On the other hand, there is just as little doubt that this rule has exceptions, for there are interventions which take place by right, and there are others which, although they do not take place by right, are nevertheless admitted by the Law of Nations, and are excused. (Oppenheim, 1920: §134)

Lists typically included self-protection, preserving the balance of power, treaty rights, counter-intervention and protection of nationals.¹¹ The past decade has seen the development of a practice of legitimate humanitarian intervention against genocide.

'*Imperfect unions*', in which the constituent parts retain an imperfect international legal personality (Dickinson, 1920: 230-6; Verzijl, 1968b: 132-98; Ermacora, 1987), are the final traditional sovereign inequality with important contemporary analogues. Leading examples include the Holy Roman Empire, the German Confederation of 1815/1820-66, various Swiss confederations and the early United States. Additional variants include Britain's self-governing dominions¹² and relations of suzerainty and vassalage.¹³ The European Union is the obvious contemporary example. The members of the EU simply do not have the same rights to control their domestic law and policies as most other states. Furthermore, the EU itself,

even with the defeat of the constitution, is acquiring a recognized international personality, despite not being a sovereign state.

Formal and Informal Inequalities

Formal inequalities — especially coerced inequalities — were subjected to sustained and withering attack in the last half of the 20th century. The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly Resolution 1514) and the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States (Resolution 2625) codified a new, non-permissive attitude toward sovereign inequalities. Most of us are children of these changes; our values and our historical experience lead us to reject most formal international inequalities.

Sovereignty, however, whether equal or unequal, is a constructed legal relationship, not a material fact — or, rather, it becomes a material fact through historically variable and contingent social institutions and practices of recognition. Sovereign equality and inequality alike rest on the decisions of states to recognize certain formal (in)equalities and then participate in institutions that constitute and reproduce these (in)equalities. Neither equality nor inequality is inherent in anarchic orders.

A revival of, for example, treaties of protection and guarantee is unlikely. Informal protectorates, however, exist today in Iraq, Afghanistan, Kosovo and Bosnia. Although the issue of formality is tricky, we must avoid obscurantist formalism.

Legal formality does distinguish authority from influence, rights from capabilities. Rights and authority, however, may also be informal. The key is whether a practice is effectively recognized, both by the parties directly involved and by the society of states. Legal formality is conclusive evidence of societal recognition. Informal acquiescence, however, is also a common form of recognition.

If the only difference between two patterns of practice is that one has been legally formalized in a treaty and the other hasn't, then we have formal and informal instances of the same practice. Consider protection. If the relationship conforms to an established pattern, the weaker party grants at least some grudging acquiescence — recall that a treaty is not evidence of voluntary acceptance — and other states grant effective recognition, then we have a protectorate, whatever the legal formalities. Syria's extended military and political presence in Lebanon was an informal but widely recognized relation of protection that in 2005 largely reverted to the more ordinary influence of a powerful neighbor.

Consider an analogy with slavery and what legal formalists call slave-like practices. We certainly need to be careful not to adopt overly broad usages that obscure important differences between fundamentally different practices. For example, people with no viable options except employment at bare subsistence wages simply are not enslaved, except in a metaphorical sense of that term. But the absence of formal legal property rights in people, while an important social fact, is not conclusive evidence that slavery does not exist.

If it looks like a duck, walks like a duck and quacks like a duck, then for most purposes we will do well to treat it like a duck — even if the biologists assure us that, technically, it is not a duck. For some purposes the formalities may indeed be conceptually, practically or normatively significant. Formality, however, is not necessarily decisive — especially for inequalities between states in the post-colonial normative environment of contemporary international society.

The essential question is whether there is sufficient recognition, by both participants and the broader international society, that we can say that we have not just a brute exercise of force but, say, an informal protectorate — or, for that matter, an informal empire. Whatever the difficulties of giving an answer in any particular case, the distinction is clear and important.

Great Powers

The practices considered so far involve fundamentally bilateral transfers or restrictions on the exercise of (some but not all) sovereign rights. The rights of Great Powers create a qualitatively different kind of hierarchical inequality.

Throughout the Westphalian era, Great Powers have enjoyed special rights to set the shape of international order and manage international society. Although these rights restrict the sovereignty of other states, they lie, as it were, above or outside of the ordinary framework of sovereignty. The Great Powers ‘possess a regulative authority and are deemed to speak for the whole body of European states’ (Lawrence, 1895: §48). ‘The leading powers of Europe undertook to settle concrete problems by meeting in groups apart and there taking decisions which had the force of law’ (Fenwick, 1924: 135).

From Westphalia through San Francisco, Great Powers enjoyed unequal representation in and influence over peace- and law-making international congresses and conferences (Dunn, 1929; Satow, 1917: §§439–97; Oppenheim, 1955: §§483–5). ‘At Vienna, sovereign equality remained, at best, a background claim. . . . The Great Powers made the law and the middle powers signed the resulting Treaty. The smaller powers, meanwhile, were erased from consideration’ (Simpson, 2004: 112). At San Francisco,

although the lesser powers had a more active role, the basic structure was decided by the US, the UK and the USSR. The Great Powers have also been formally predominant in peace and security organizations such as the Concert of Europe and the Security Council.

Spheres of influence (Hall, 1895: §38**; Brierly, 1949: 151–2; Verzijl, 1970: 494–500) involve at least semi-formal recognition of special rights. The Monroe Doctrine (Malanczuk, 1984; Alvarez, 1924; Perkins, 1963) had by the early 20th century obtained sufficient European acquiescence that it could plausibly be described as at least not illegal (Hyde, 1922: §§85–97). Britain and France acquiesced in, and thus indirectly recognized, the American claim, with major practical consequences. Compare the analogous informal recognition of Cold War spheres, asserted most explicitly in the Johnson and Brezhnev doctrines (Franck and Weisband, 1970).

Not only the particular rights but the very existence of Great Powers is constituted through the norms and institutions of the society of states. Unsurpassed power resources are a necessary but not sufficient condition for Great Power status — which is precisely that, a status, a rule-governed social relation involving functional differentiation, not just differences in capabilities. Great Powers are a socially constituted type of actor playing a particular (unequal) role in international society.

Great Powers must both choose that role — consider American isolationism or the efforts of Japan and China to close themselves off from rather than engage encroaching powers — and have it recognized by international society. And that recognition, which emerges out of varying mixtures of coercion, consent and commitment, *constitutes* Great Powers and their authority. As Barry Buzan notes of superpowers, ‘they need to see themselves, *and* be accepted by others in rhetoric and behaviour, as having this rank’ (2004: 69. Compare Bull, 1977: Ch. 9).

Ideas of soft power — ‘the ability to entice and attract’ that ‘arises in large part from our values’ (Nye, 2002: 5) — although an important advance over realist materialism, fail to appreciate the constitutive power of mutual recognition. The authority of Great Powers neither already exists, waiting to be taken, nor can be created unilaterally by the powerful. It is given to them — however much they may ‘encourage’ that grant — and is in significant measure constituted in the giving.

Ten Models of Hierarchical Orders

Let us turn now from particular practices of sovereign inequality to patterns of enduring unequal relations. Figure 2, which is based on Bruce Cronin’s typology of international security systems (1999: 13), summarizes ten different hierarchical international orders.

Figure 2
Ten Systems of Hierarchy in Anarchy

SECURITY SYSTEM	DOMINANT IDENTITY	CONSTITUTIVE RULES	BEHAVIOR PATTERNS	PRIMARY INSTITUTIONS
MULTIPLE INDEPENDENCES				
Balance of Power	state	sovereign independence	balancing, bandwagoning	alliances
Protection/Guarantee	state	restricted sovereignty	intervention	protection, guarantee, intervention
Concert	great power	multilateral management	consultation, joint action	congresses and summits
Collective Security	cosmopolitan	indivisibility of peace	collective action	international organization
HIERARCHICAL DOMINATION				
Hegemony	hegemon	hegemonic leadership	hegemonic leadership	hegemonic alliance
Dominion	empire	semi-autonomy	imperial subordination	ritual subservience
Empire	empire	empire	central decision-making	imperial government
TRANSNATIONAL SECURITY COMMUNITIES				
Pluralistic Security	cognitive regionalism	no war	demilitarization	regional regimes
Common Security	ideological community	solidarity	mutual support	transnational association
Amalgamated Security	pan-nationalism	pooled sovereignty	political integration	confederation

Balance of Power, Protection, Concert, Collective Security

The first four models are based on multiple independencies (state sovereignty) but involve limited hierarchy and the transfer of some security functions to other states or international organizations.

Balance of power is often presented as a system of equal rather than unequal relations. In the top left corner of Quadrant I of Figure 1 it may be. But Quadrant III is also a balance of power domain — state sovereignty is constrained primarily by relatively raw inequalities of power and contractual, coordinate authority. Unipolarity does make successful balancing unusually difficult. For all states except one, however, balancing is no more difficult than in bipolarity. The standard, seemingly egalitarian language of multipolarity and bipolarity obscures the inequalities of those without enough power to count in the distribution of capabilities. Furthermore, most historical balance of power systems have granted special rights to Great Powers. The resulting (formal and informal) hierarchy/differentiation is limited, especially in comparison to Quadrants II and IV. It is, however, real and in some cases very important.

Protection or guarantee, as we saw above, involves special rights running from nearly complete control to relatively modest restrictions in limited areas. Protectorates, however, remain more separate than an informal province or colony. China's relations with the West from the Opium Wars to the 1920s illustrate some of the variety of particular forms of protection — as well as the sharp difference from imperial acquisition. Consider also American-protected Afghanistan and Iraq and internationally protected Bosnia and Kosovo. Relations of protection may exist in a system where most other practices lie anywhere except the lower portions of Quadrant IV.

Concerts involve collective, internationally recognized Great Power management. Post-Vienna Europe is the classic example (Elrod, 1976; Jervis, 1985; Cronin, 1999: Ch. 3). The Group of 8 is a contemporary analogue (Penttila, 2003). Some proposals for increasing the permanent membership of the Security Council involve keeping the Council-as-concert abreast of changes in the international distribution of capabilities. Concerts lie firmly in Quadrant II, although most other relations in the system are likely to lie in Quadrant I.

Collective security, an ideal type model that has been implemented only incompletely,¹⁴ rests on the principle of the indivisibility of peace: an attack on any one is an attack on all. The obvious post-Cold War example is the war to repel Iraq's invasion of Kuwait. Collective security transfers supreme authority over the international use of force to a collective security organization, placing it firmly in Quadrant II. It may be either egalitarian or inegalitarian, however, depending on the decision-making procedures within

the collective security organization. Because only defense is transferred, the rest of the system may lie anywhere on the top half of Figure 1, or even the upper portions of Quadrants III or IV.

Hegemony, Dominion, Empire

Hegemony, dominion and empire involve a single preponderant state exercising hierarchical control over a state or, usually, a group of states. We might see them as bands along the diagonal running from the top left to the bottom right of Quadrant IV.

Empire and hegemony are typically distinguished by their range of political control (Doyle, 1986: 12, 40, 55–60; Watson, 1992: 15–16, 27–8, 122–8; Motyl, 2001: 20). *Empires* control both the internal and the external policy of the subordinated polity; the imperial center rules over peripheral units. *Hegemons* control only external policy, allowing internal autonomy to their hegemonized followers, within the limits, as the ancient Greeks put it, of having the same friends and the same enemies.¹⁵ Classic hegemonies include Sparta and Thebes in 4th-century BCE Greece and Napoleonic France. Hegemony, being defined by the interests of the dominant power rather than ideological solidarity, is more like protection or guarantee than common security (discussed below).¹⁶ Both imperial polities and regional hegemonies may be embedded in broader international orders that fall pretty much anywhere in the top row of Figure 1. For example, the British Empire operated in a ‘global’ (European) concert system in 1825 (Quadrant II) but a more classic balance of power system in 1725 and 1925 (Quadrant I).

Between hegemony and empire lies what Adam Watson calls *dominion* — ‘an imperial authority to some extent determines the internal government of other communities, but they nevertheless retain their identity as separate states and some control over their own affairs’ (1992: 15–16). Examples include the Soviet bloc during the Cold War and Egypt’s relations with the Ottoman Empire at various points in the 18th and 19th centuries. Dominion is the unipolar analogue of highly restrictive forms of protection.

Pluralistic, Common and Amalgamated Security Communities

The final three models do not fit into the typology of Figure 1. They involve instead inequalities and functional differentiation based on particular types of transnational community. All, however, rest on normative criteria of community membership and thus have certain analogies to the classic standard of civilization.

Pluralistic security communities — what Ole Waever calls non-war communities (1998) — are regional international societies where all conflicts

between members are resolved peacefully. War within the community is not even planned for as a remote contingency. The Nordic states and North America are standard examples. Non-war communities are unequal in the sense that they create effective rights (or at least reliable expectations, perhaps even privileges) to peace that are not available outside the community.

Common security communities are defined by ideological solidarity. Classic examples include the Holy Alliance (Cronin, 1999: 65–72; Verosta, 1984) and the Cold War-era ‘free world’. Whether ideological solidarity is voluntary or imposed, community members have different rights and obligations than non-members.

Amalgamated security communities involve confederal political integration that leaves the members limited but significant international legal personality. (Above, where the focus was on restricted sovereignty, I spoke of such communities as ‘imperfect unions’.) Classic examples include the Holy Roman Empire after Westphalia and the early United States. Compared to pluralistic and common security there is much more substantial pooling of sovereignty, in the form of a superordinate polity with a predominant international legal personality.

The EU might be interpreted as moving towards any of these three types of communities — or as the early stages of a sovereign federal state of Europe.

Applications

Power in contemporary international relations is very unequally distributed. Inequalities of rights, obligations and opportunities are common. The United States regularly seeks to restrict the rights of other states and to establish special rights, privileges and exemptions for itself. All of this is of great practical and analytic importance. But little is new. Nothing is unprecedented. And none of it has any significant connection to empire. I try to illustrate these claims with two very brief contemporary applications.

Form Matters: Interpreting the American Colossus

Contemporary America is indeed something of a colossus, to use Niall Ferguson’s (2004) colorful description. It is not, however, an empire. Ferguson’s problem, in the language developed here, is that he treats all of Quadrants III and IV as ‘empire’.

‘What is this thing called hegemony? Is it merely a euphemism for *empire*, or does it describe the role of the *primus inter pares*, the leader of an alliance, rather than the ruler over subject peoples?’ (Ferguson, 2004: 8).

Actually, neither. Hegemonically subordinated ‘allies’ have little choice about their continued participation in the ‘alliance’. But the political life of a hegemonized state that controls its internal policy is very different from that of an imperialized polity that does not.

Ferguson, like many others, conflates (imperial) rule and (non-imperial) influence, in the apparent belief that he is thus discussing informal empire. Informal empire certainly is an analytical possibility. In the contemporary international normative environment, one would expect any new empire to be informal. But not all informal influence exercised by core states over peripheral states is empire.

‘The Victorians used their naval and financial power to open the markets of countries outside their colonial ambit’ (Ferguson, 2004: 10). In some cases, however, this rested on local elites more or less independently perceiving and acting upon a mutual financial benefit. Even where markets were opened coercively, some states continued to control their internal politics. Some even exercised foreign policy autonomy in other areas. Influence simply is not rule — which Ferguson rightly uses in defining empire.¹⁷

‘The merchant banks of the City of London exerted such a powerful influence on its fiscal and monetary policy that Argentina’s independence was heavily qualified’ (Ferguson, 2004: 10). Even if true, this makes Argentina no more an informal part of Britain’s 19th-century empire than, say, Portugal was an informal part of Britain’s 18th-century empire because its wine had preferential access to British markets and British interests dominated the Portuguese wine trade. British intervention in Argentina was infrequent. Argentina successfully resisted attempts to impose financial controls. And both countries obtained substantial economic benefits (Thompson, 1992). Using ‘empire’ to encompass all peripheral states that comply with, or even simply share, core state economic preferences and policies, at best, leaves us with the problem of developing another language by which to distinguish, say, Argentina and Portugal from Singapore, Uganda and India, or GATT from Japan’s Greater East Asia Co-Prosperty Sphere.

Powerful state A convincing weak state B to do x without exercising (formal or informal) control or rule over B is no more ‘informal empire’ than hard work is ‘informal theft’ (Morgenbesser, 1973: 25–6). How one obtains a particular result matters — sometimes even more than what is achieved. The issue is not whether strong and weak (or core and peripheral) states cooperate but the terms of cooperation, which distinguish empire from dominion, hegemony, protectorates, alliances and convergences of interest. Form matters, centrally, not only to the quality of political life but also to the opportunities for, and causally efficacious means of bringing about, change.

Ferguson's argument parallels the literature on the informal 'imperialism of free trade' (Gallagher and Robinson, 1953). For example, Peter Winn writes of a 19th-century 'informal British empire in Uruguay' that was realized 'without significant political or military interference' (1976: 126). In such a case we actually have a convergence of interests in a relationship that is not only not imperial but, in this dimension at least, not even unequal. It is certainly true (although hardly controversial) that European powers pursued their economic interests through non-colonial means including free trade, unequal treaties, intervention and protectorates. These practices, however, were alternatives to, not informal instances of, empire.

Winn argues that 'while the political forms of imperial expansion varied, its economic essence remained' (1976: 126). Empire, however, is essentially a matter of political form, of (formal or informal) rule, not some particular objective sought by some, many, or even all empires/rulers. Too many accounts today (e.g. Porter, 2005) simply plunge into discussing whether the United States is an empire depending on whether it shares certain similarities with Rome or some other historical empire. Systems of military garrisons (Johnson, 2004), opening markets (Bacevich, 2002; Wade, 2004: 65-6) and spreading a universal ideology (Ferguson, 2001; Fraser, 2003) are commonly mistaken as evidence of empire.

The phenomena referenced in discussions of such 'informal empires', and analogous discussions of globalization, certainly are worthy subjects of inquiry. The realist model of 'anarchic balancing', I would agree, does not adequately encompass them. But neither does (informal) empire. Quite the contrary, 'empire' obscures rather than enhances our understanding of these processes, inequalities and hierarchies, which lie primarily on the II-III, not the I-IV, diagonal of Figure 1.

Reading Iraq

The 'war in Iraq', as Americans usually call it, illustrates the utility of the analytical resources developed above. I will be concerned here not with the causes of the war but with its consequences and the conceptions of international order underlying American behavior, international reactions and possible precedents they might establish.

Iraq can be read as a fairly conventional exercise in Quadrant III unipolar balance of power politics; self-help by the biggest 'self on the block, without any special (formal or informal) rights. Although Iraqi WMD proved to be illusory, they provided the heart of American justifications for the war, at least in part because this was the only justification largely compatible with established international norms. Faced with a serious imminent threat, even unilateral pre-emption is, as Afghanistan shows,

widely accepted as at least an excusable exercise of the inherent right of self-defense.

Keeping the focus on WMD, the war might also be read as an attempt to transform the (now voluntary) nonproliferation regime into a binding global prohibition regime. But even if international society does move in this direction, it has no more to do with empire than the global prohibition of slavery.

Institutionalizing the Bush Doctrine of unilateral preventive (not pre-emptive) war — even informal institutionalization through a series of American wars in which no other major power actively supported the other side — would indeed be significant evidence of American hegemony. In fact, however, the Bush Doctrine has faced near universal international condemnation and substantial principled domestic opposition. If it is a push for a quasi-imperial global security regime, so far at least the push back has been more powerful. Empire involves not simply announcing special rights for yourself but a pattern of practice that gives effect to such rights. So far at least there is no evidence of such a practice.

Along the same lines, consider the controversy over Guantanamo, which has appeared prominently in many arguments of American imperialism. In fact, it shows Quadrant III unipolar unilateralism. Empires set the rules. They do not need to assert awkward, implausible and almost universally rejected exceptions for themselves. A state that cannot obtain widespread endorsement of its preferred international norms is not an empire. A state that can't even get grudging acquiescence by its leading 'allies' is not even much of a hegemon.

As the war has developed, terrorism has become central to arguments for continued American involvement. The appeals, however, have reflected very different conceptions of international order. 'We're fighting them there so we don't have to fight them here' is a preventive self-defense argument, overlaid with an ontological outlaw vision of terrorism. The war has increasingly become the centerpiece of a struggle that often is described as a clash of civilizations. I would suggest that it is better understood as a struggle over a new standard of civilization. So far at least, however, the United States has not been very successful in transforming its preferences into binding, coercively enforceable norms of international society.

Defending a 'friendly' government against a transnational terrorist threat suggests a much more classic balance of power, unilateral self-help vision. Of course, this government was imposed by the United States. In the aftermath of the conventional war, the US did exercise what I have called dominion; Paul Bremmer's authority was effectively viceregal. But we have already backed up into Quadrant II. And even if American protection proves to be

relatively permanent, ‘protectorate’ is not just a more tactful name for empire. It is a qualitatively different form of inequality and hierarchy.

‘The Coalition’ likewise provides no evidence of empire, or even hegemony. This ad hoc alliance, assembled through coercion, bribery and convergence of interests, lies firmly in Quadrant III. Whatever the desires of the Bush administration, the United States simply is not exercising even an informally acknowledged right to lead. Most members exercise considerable foreign policy autonomy even on this issue, let alone others. And to depict the war as an example of ‘regional hegemony’ is ludicrous, as illustrated not only by the clear rejection of American leadership by neighboring Syria and especially Iran but by the inability of the United States to bring even Iraq onto the Israeli side in its conflict with Palestine, the most contentious international issue in the region.

Democracy has been another prominent theme, especially as the war has progressed. Virtually all bilateral, multilateral and transnational democratization initiatives, however, have been (and remain) based on ‘voluntary’ compliance. Various positive incentives, both material and non-material, are on offer. Seriously non-democratic regimes are subject to diplomatic, political and occasionally even material sanctions. But the use of force in order to remove a (non-genocidal) non-democratic regime is accepted by no state. Not even the Bush Administration has claimed such a right, in Iraq or anywhere else. And even if democracy were to become a coercively applied new standard of civilization, outlawry and empire are very different practices of inequality.

International reactions reveal predictable patterns of bandwagoning and balancing but no evidence of even an informal acknowledgement of special American rights. Concert/collective security arguments for the mandatory use of the Security Council appeal to Quadrant II. Even if we interpret them as largely cynical cover for classic balancing, the discussion lies on the II–III diagonal — or, if on the I–IV diagonal, near the center, where models of the end-points provide little insight.

Oil, regional security, increasing American influence, the economic interests of powerful American elites, creating business for Halliburton, hubris, revenge or any of several other narrowly self-interested objectives can be pursued pretty much anywhere in Quadrants I, III and IV, and many at various points in Quadrant II as well. The unilateral pursuit of self-interest simply is not evidence of empire, no matter how imperious that unilateralism.

What does all this add up to? In my view, no one thing in particular. The war took place only after the Bush administration had finally assembled a minimum winning coalition through the contingent conjunction of diverse motives held by different interested parties. As the conflict drags on, it has

come to take on even more meanings. Iraq has become a venue where competing visions of international order collide. It thus provides a particularly useful case for exploring contemporary inequalities and hierarchies.

These inequalities, however, simply do not lie in Quadrant IV. They are rooted largely in Quadrant III power differentials unsupported by superior rights, in new, highly contested concepts of civilization and outlawry and, perhaps, in emerging transnational security communities. Where we do see significant superordinate authority, it lies clearly in Quadrant II, most notably in the protected status of Iraq and efforts to replace American unilateralism with Security Council multilateralism.

Conclusion

Much talk of American 'empire' arises from an admirable desire to comprehend contemporary international political changes, which do involve substantial deviations from absolute sovereign equality. Understanding these changes and inequalities, however, requires attention to the concepts and historical practices of sovereign inequality and hierarchy in anarchy.

An anarchy-hierarchy/empire dichotomy presents change as either absent or total. An anarchy-empire continuum at least recognizes a range of changes — but only towards or away from empire. This strips the texture from international inequality, denies the genuine variety of qualitatively different forms of hierarchy and provides an inadequate basis for understanding and action.

Consider Russian policy in its 'near abroad'. Talk of a new Russian 'empire' obscures rather than illuminates the nature of the actual hierarchies and inequalities, which variously involve dominion, hegemony, protection, preponderance and intervention, as well as simple convergences and divergences of interests among independent states. But these inequalities are no more adequately comprehended by simple reference to 'anarchy'. We simply cannot comprehend relations between Russia and its new neighbors in terms of the end-points of the I-IV diagonal.

Or consider the shift from the Cold War to the post-Cold War order. During the Cold War the Soviet Union and the United States exercised strong hegemony or dominion over Central and Eastern Europe and Central America, respectively. American relations with Canada, Mexico and most of South America, however, were, at most, moderately hegemonic. And however we conceptualize, say, the relations today of the Czech Republic with Germany, Western Europe or the United States, we must emphasize the huge difference made by the recovery of effective sovereignty; that is, the changes in the forms of (in)equality and hierarchy.

Or return to Iraq, which today is a semi-sovereign protectorate. Protection simply cannot be adequately understood as a pale approximation of, a transitional stage on the way to, or a deviation from, empire, sovereign equality or anything else. Form matters, centrally. Inequalities — now, in the future or in the past — need to be understood for what they are, not as loose analogies to something (empire) they are not.

Critics of American policy thus would do well to drop the emotionally potent but fundamentally inaccurate language of empire. Particularly if one wants to change the world, an accurate analysis of the problem is essential. Conversely, advocates of an (informal) American empire need to be clear and precise about what they want. Wherever one lies on the political spectrum, insightful analysis or productive discussion is impossible without accurately identifying the changes and practices we desire or dread.

Empire, rather than a useful ‘starting point to re-imagine forms of rule in the international system’ (Mabee, 2004: 1373), obscures apprehending and appreciating the forms and structures of (in)equality, authority and rule in contemporary international society. So too does the mainstream structural realist suggestion that if it is not empire, it is just anarchic balancing ‘as usual’. The concepts of hierarchy in anarchy and sovereign inequality are essential for thinking accurately and deeply about the nature of (American) power and its impact on international society.

Notes

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2. Important exceptions include Onuf and Klink (1989), Wendt and Friedheim (1995), Buzan and Little (2000), Lake (2001), Keene (2002) and Simpson (2004). Lake (2003), Ikenberry (2004) and Hobson and Sharman (2005) have particularly strong affinities with the analysis advanced here, although I first encountered these pieces near the end of my writing.
3. Vattel (1916 [1758]: Bk. II, §37, 48, Bk. I, §191), Martens (1986 [1795]: I.2, IV.2), Wheaton (1866: §§152-4), Satow (1917: §§21-88), Oppenheim (1920: §§117-19), Verzijl (1968b: 163-81).
4. See, for example, Vattel (1916 [1758]: Preliminaries §18. II §36), Wheaton (1866: §33), Bluntschli (1874: §81), Oppenheim (1920: §§14, 115), Brownlie (2003: 287-8). The standard monograph is Dickinson (1920). See also Simpson (2004: Ch. 2), Klein (1974), Kooijmans (1964), McNair (1927), Goebel (1923).
5. It is perhaps worth noting that the fates of European states depended no less centrally on power, allies and fortune, with the number of more or less

independent political entities in Europe dropping from around 500 in 1500 to about two dozen in 1900.

6. Gong (1984), Schwarzenberger (1955), Roling (1960: Ch. 4), Keene (2002: Ch. 4), Koskenniemi (2002: Ch. 2), Keene (2005: Ch. 5).
7. Phillimore (1854: II §§56-63, 77-9), Hall (1895: §§4, 38*), Oppenheim (1955: §§574-7), Dickinson (1920: 240-52), McNair (1961: 239-54), Ress (1984a), 1984b), Hoffmann (1987), Headlam-Morley (1927), Verzijl (1968b: 412-28, 457-9).
8. Hall (1895: §42), Oppenheim (1955: §§203-8), Brownlie (2003: 366-8), Dickinson (1920: 264-9, 339-40, 343-4), Reid (1932), Potter (1915), Verzijl (1970: 413-28), Fastenrath (1987).
9. Phillimore (1854: §§81, 82), Twiss (1861: §31-3), Wheaton (1866: §34), Verzijl (1968b: 500-10), Klein (1987).
10. Oppenheim (1955: §§95-101), Dickinson (1920: 252-5), McNair (1961: 46-50), Verzijl (1979: 21-8), Bindschedler (1984), Verosta (1982).
11. Phillimore (1854: §§387-96), Woolsey (1874: §§43-6), Lawrence (1895: §§75-89), Hall (1895: §§88-95), Dickinson (1920: 260-4), Stowell (1921), Hyde (1922: §§69-84), Brierly (1949: 284-90), Oppenheim (1955: §§134-40), Verzijl (1968a: 236-43).
12. Lawrence (1895: §101), Hall (1924: §4), Oppenheim (1955: §94), Keith (1929).
13. Phillimore (1854: §§87-101), Oppenheim (1955: §§90-1), Brownlie (2003: 114), Dickinson (1920: 236-40), Verzijl (1968b: 339-98).
14. Claude (1962: Ch. 4), Kupchan and Kupchan (1991), Downs (1994), Miller (1999), Schwarzenberger (1951: Ch. 27). The UN Security Council combines elements of collective security, concert (the veto) and balance of power (the self-help right of individual and collective self-defense).
15. Hegemony thus understood as a form of international order has no special connection with the Gramscian conception of hegemony, namely, combined control over the means of production, coercion, and persuasion; force and authority in more Weberian language (Femia, 1981; Gill, 1993).
16. Using hegemony loosely to refer to any form of leadership by the strong (e.g. Kagan, 2002; Hassner, 2002) obscures the central fact that hegemons do not merely lead but exercise an effective right to be followed. Ad hoc coalitions, for example, are not hegemonic alliances.
17. 'Ruler over subject peoples', 'a polity that rules over wide territories and many peoples', 'methods of rule', 'imperial rule', 'methods of informal rule' (Ferguson, 2004: 9, 10, 11, 12, 13).

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