Rule and Rules in International Relations

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Twenty-five Years Ago

As some of you may know, I have made the field of International Relations my home for many decades. I was, however, well-trained in international law, having served as Robert Tucker's assistant when he revised Kelsen's *Principles of International Law* (1965), studied briefly with Myres McDougal, and worked extensively with Richard Falk. I taught international law and international institutions until I left full-time teaching in 2006, at that time assembling much of my published work in a book entitled *International Legal Theory: Essays and Engagements, 1966-2006* (2008). While I have since maintained an interest in international legal history and theory, I have devoted most of my energy to the many challenges that the experience of modernity poses for International Relations Theory.

I trust you will forgive me for not talking like a lawyer. I was not trained to do so. Indeed I admit to holding a prejudice on this matter. At least in my country, such training militates against thinking theoretically. I do note, however, that there has recently been something of a rapprochement between IR (following convention, I use this acronym for International Relations as a field of study) and International Law, especially here in Europe. Were there not, it seems unlikely that I would be here at all.

In 1989, I published a book called *World of Our Making: Rules and Rule in International Relations*. It had little impact at the time, beyond introducing the term *constructivism* to IR. Twenty-five years ago, my elders and contemporaries in the field had little enough interest in rules. Nor, for that matter, in norms, which are rules by another

name. I cannot say the situation has changed very much since then, even if many self-described constructivists talk incessantly about norms with no sense of what makes them normative (more on this below).

Twenty-five years ago, IR theorists had even less to say about rule—the condition of rule in any political society, including international society—because of the inside/outside binary and the assumption that anarchy prevails 'outside' nation-states. Anarchy has a clear meaning in this context. It is the absence of the kind of rules that make the state a legal order. Or, to say the same thing, it is the absence of rule such as we find within states.

The assumption that anarchy prevails in international relations defined IR at the time. Thanks in some measure to Kenneth Waltz, this assumption is perhaps even more deeply entrenched today. Anyone insisting on it is likely to associate rules with international law, a misplaced liberal institutionalism, and a naive reliance on what we often call the domestic analogy. Doing so effectively validates realism as the only intelligible way of talking about anarchy. The term itself is darkly colored with negative associations.

If, as I maintain, there are rules—many rules, constituting and regulating the relations of states—then, I argue, there must be a condition of rule. Or, to say the same thing, there can be no anarchy. To say this is to challenge IR's very identity as the study of the dark side of politics. As we shall see, it does not automatically translate into a sunny, liberal view of the world as it was a quarter-century ago, or the way it is today.

It is no wonder that scholars already dubious about rules would reject the rejection of anarchy. Yet even the most pessimistic realists have never doubted that international relations are somehow saved from utter chaos, whether by the balance of power, the great powers acting in concert, spheres of influence, or a bipolar standoff. Treating such mechanisms abstractly by reference to a self-equilibrating system relieved anyone from using the language of rule. Doing so had the further virtue of assuring realists that they were engaged in a proper science (Kaplan 1961, 1966). Indeed the abstract notion of a stable international system, even an 'ultrastable system' (Kaplan 1957: 6-8), dominated IR theory for a generation before my book appeared and the fall of the Berlin Wall challenged realist assumptions.

Starting with rules

When the arch-systemicist/realist Morton Kaplan proposed six models of international systems (or 'six states of equilibrium of one ultrastable international system'), he differentiated them by listing 'essential rules'—rules that are 'irreducible and 'interdependent' (1957: 21-53; also see Onuf 1982: 198-203). It should be obvious that these rules are an observer's formulations and not social rules in the sense that agents knowingly take them into account when they act. Yet Kaplan's expository procedures are revealing. He started with (what he called) rules to show how systems work. I start with (what I call) rules to show how rule works.

I will limit my discussion of what I call rules so that I can concentrate on rule in international relations. After moving from kinds of rules to kinds of rule, I will give Aristotle his due in any discussion of rule. Some brief remarks on Polybius, Hobbes and Montesquieu will take us to rule in relation to the state. With Max Weber's help, I will then examine the relation between rule and legitimacy. Finally I will address the relevance of my way of thinking about rule to a world that has changed quite a bit over the last twenty-five years.

In *World of Our Making*, I go to great lengths to make sure that readers do not think only of legal rules, or law, when they see the term *rules*. Insofar as a legal rule is formally stated, valid by reference to a source in law and backed by other legal rules specifying consequences for its violation, it is easy to show that no society relies entirely on legal rules, and that some societies have no such rules. Whether international law is truly law in this sense has produced some conceptual contortions that are altogether unnecessary if we do not require rules to be *formally* stated, adopted or enforced. The larger point is that societies do rely on other kinds of rules, and this is especially so for international society (as we so often describe the ensemble of relations among nation-states).

In my book, I call the kind of rules that we associate with law (and fear as a motivation for compliance with the law) *directive-rules*. I also spell out the properties of two other kinds of rules: *instruction-rules* and *commitment-rules*. Instruction-rules are like recipes in a cookbook; they tell us how to proceed if we are to get the result that we are hoping for. The obvious objection is that these rules are neither binding nor enforceable.

Any such objection reveals the undue influence of legalistic thinking. If we do not follow instruction-rules, it will be harder for us to accomplish what we had hoped to. We may follow them with no further thought to the matter or with great ceremony (on declarations, oaths and pledges, see Onuf 2013: ch. 7). If we ignore these rules, people will remind us of the value, indeed the need, to do what these rules tell us to; we are likely to feel ashamed when we are reminded. I should also point out that, insofar as agents can formulate and do act on Kaplan's essential rules (for example, rules necessary for the balance of power to work), those rules are instruction-rules that we are inclined to call principles.

Commitment-rules are like contracts reciprocally undertaken to assure a mutually desired result. When generalized to the society as a whole, they create what we ordinarily call rights and duties. Rules of this sort reflect an emphasis on exchange; disputes over rights and duties are typically referred to third parties for resolution; failure to perform one's duties can elicit a feeling of guilt. Treaties exemplify this kind of rule (here also see Klabbers 1996), and the abundance of treaties is a noteworthy feature of contemporary international society.

Twenty-five years ago, few other writers in field made rules a central feature of their thinking. The major exception is Friedrich Kratochwil, whose *Rules, Norms, and Decisions* also appeared in 1989. Soon enough, great changes in the world prompted a change of heart.

Many scholars in IR began to call themselves constructivists and talk about norms (see conspicuously Katzenstein 1996).

These scholars distinguished norms from legal rules but otherwise failed to specify what makes norms normative (also see Onuf 2008: 443-50). Finding norms everywhere (and of course informal rules *are* everywhere), they revealed themselves to be nothing more than a new generation of liberal internationalists shoving their way back into a field long dominated by political realists. In the process they revealed almost no interest in the conceptual challenges that had motivated Kratochwil and me to write our books. Instead they rather airily saw constructivism—*their* constructivism—as a response to the end of the Cold War and the discrediting of realism.

Insofar as faux-constructivists and other liberals thought abstractly about rules and their properties, they tended to draw one crude distinction: rules are either regulative in function or they are constitutive (see, for example, Klotz 1996, Ruggie 1998). I had taken pains to demolish this distinction (1989: 50-2). I argued instead that all rules regulate conduct by definition and, in doing so, constitute the social arrangements within which they function. Thus the regulative function of rules—*all* rules—serves to connect agents to an ever-changing world, the structure of which is constantly being remade as those same rules simultaneously perform their constitutive function. This is the agent-structure relation in a nutshell. There is no 'agent-structure problem,' Wendt (1987) notwithstanding.

Even if the crude distinction between constitution and regulation does not hold up, the underlying assumption that rules can be sorted by function is the right place to start. It is where I start, but only after showing that that the three kinds of rules I just described serve as templates for *and* are functionally analogous to three kinds of speech acts (Onuf 1989: ch 2). Instruction-rules look and work like assertive speech acts (statements in the form, I hereby assert...); directive-rules look and work like directive speech acts (I hereby request...); commitment-rules look and work like commissive speech acts (I hereby promise...). Three kinds of rules perform different functions for agents and structures by virtue of each kind's distinctive properties.

As linked sets of rules, institutions give structure its social meaning. It is fairly straightforward to show that three kinds of rules constitute functionally analogous kinds of institutions (Onuf 1989: ch. 4) and that constitution is itself a functionally differentiated process (Onuf 1994, reprinted 2008: ch. 19). It took me some years to clarify a constructivist conception of agency (Onuf 1995, reprinted 1998b: ch 6) and then to figure out how the three kinds of rules function in making us into agents (Onuf 1998a, reprinted 2013a: ch. 1). Compounding the difficulty is an apparent paradox. If we think of agency as the condition of someone or something acting on behalf of someone or something, including one's self or itself, then institutions can and frequently do function as agents.

This is not the place for an elaborate explanation. Here briefly:

(1) *Instruction-rules* confer statuses on people and institutions by drawing and assigning value to distinctions which define status groups or cohorts. Status cohorts are layered as networks, thereby constituting a status-order. As network nodes, members of status cohorts occupy a single plane in Euclidian space, which makes them status equals; multiple networks must occupy multiple planes and are therefore stratified (Castells 2000: 501; Onuf 2013a: 209). Following Harold Lasswell and Abraham Kaplan (1950: 67), status arises most directly from the value that members of any society assign to expressions of deference, such as titles, honors, prizes, exemptions and courtesies.

(2) *Directive-rules* confer offices (ensembles of powers and duties), arranged by rank in descending order, thereby constituting an organization. The term *rank* is also routinely applied to the position of a status cohort in a status-order. For expository clarity I distinguish between status position (or *station*, to use an old-fashioned term) and rank, using rank only for offices with comparable powers and duties. While the number of cohort members tends to decrease from any given status position to the next higher one, that number is rarely fixed and bears no functional relation to adjacent positions. By contrast, ranks are routinely fixed in number and functionally related to adjacent ranks. As Weber pointed out (1978: 957-8), vacant offices must be filled for organizations to function effectively, and 'a new incumbent will be appointed if a vacancy occurs'; for the incumbent, being an officer is a vocation and not an honor or reward.

(3) *Commitment-rules* confer roles, such as actors assume in a theatrical performance. A role differs from a status or office by being voluntarily assumed and arranged on a horizontal plane (contrary to Talcott Parsons' inclusive, implicitly liberal conception of role as 'the most significant unit' in a social structure; Parsons and Shils 1951: 23). Actors on that plane are members of a single status cohort and therefore status equals. However much their roles differ (they may be allies, rivals or enemies), they constitute an association or generalized partnership.

Taken together, the rules conferring statuses, offices and roles constitute agency for people and their institutions individually. Every agent is thus in a position to act in and on the world, but always within the limits specified by those rules. No agent has the same aggregate of statuses, offices and roles as any other agent; every agent is a unique social being. While different societies favor one or another kind of rule in the constitution of agency, the result is to make people 'egocentric' but not necessarily 'individualistic' (Fei 1992: 67). How agents act in society also depends of their purposes (goals, motivations) and available means for achieving them.

Now, rule

In writing *World of Our Making*, I had emphasized the importance of rules, but not simply because of my background in international legal theory or disenchantment with realism as a would-be science. I saw an obvious connection between rules as tools for social control and rule as a system for the distribution of privilege (a connection largely ignored in sociological

jurisprudence; see Pound 1942). At least it seemed obvious to me after a decade (the 1970s) of reading a variety of Western Marxists, elite theorists, and renegade sociologists (illustratively: Galtung 1971, Gramsci 1971, Lasswell 1936, Lenski 1966, Mandel 1975, Marcuse 1964, Mills 1956, Wallerstein 1974). Domination and exploitation are major concerns in these literatures; rarely did anyone actually use the language of rules and rule. Nevertheless, the necessary transpositions come readily to mind:

(1) *source* of social control (privilege) = unequal resources;

(2) *mode* of social control (power) = violence, wealth, symbols (by way of rules);

(3) *exercise* of social control (domination) = subjection (legitimated as a condition of rule);

(4) *effect* of social control (exploitation) = unequal benefits (privilege: benefits = resources).

Karl Marx, meet Gaetano Mosca. This is social theory that refuses to fetishize modes of production and the prospect of emancipation.

If there are three kinds of rules, then it should be possible to identify three kinds of rule on functional grounds. When I undertook this thought experiment, two kinds of rule jumped out and all but named themselves *hegemony* and *hierarchy*. The third kind of rule proved to be more elusive. It has no obvious name. Yet, as I will argue, the international system may exhibit elements or episodes of hegemony and hierarchy, but it is more generally characterized by as a condition of rule that I decided to call *heteronomy*. As such, it would seem to pose a direct challenge to the assumption that anarchy prevails in international relations or, more abstractly, that the international system is self-ordering.

At the time, *hegemony* was already a familiar term, appropriately connoting leadership (for relevant background, see Onuf 1997). Thanks to Antonio Gramsci, there was even some sense of hegemony as a system of rule. Since then, many scholars use the term specifically to describe the dominant position of the United States in the post-Cold War world (see Ikenberry 2011 for a prominent example). I had used the term to identify the kind of rule in which instruction-rules are paramount, status yields deference, leaders lead by example, and the legitimacy of rule is a fiction in which everyone is complicit. (I take up the question of legitimacy below.) Looking back, I did not sufficiently emphasize that hegemonial rule produces a status-order from top to bottom, stratification is a straightjacket, and thus hegemony also produces resistance at multiple points in the status-order.

Where directive-rules are paramount, rule depends on a rank-order of offices assuring that these rules are carried out. Directives pass down a chain of command and information moves up. *Hierarchy* is the term I had adopted for this form of rule, which is the familiar Weberian model of the state or indeed any organization as a chain of command. In the same year that *World of Our Making* appeared, Ian Clark published a book called *The Hierarchy of States* (1989). Before launching into an historical survey of international order since 1815,

Clark defined hierarchy as 'a social arrangement characterized by stratification in which, like the angels, there are orders of power and glory and the society is classified in successively subordinate grades.' In effect, he conflated hierarchy as the order of power and hegemony as the order of glory. It is no wonder, then, that he urged his readers to think 'in terms of disparities of power' and warned against trying to be any more precise than this (p. 2).

Clark's worry was not precision as such but the consequences of defining hierarchy precisely as Kenneth Waltz had in his hugely influential book, *Theory of International Politics* (1979). In it, Waltz had declared that 'domestic politics is hierarchically ordered. The units—institutions and agencies—stand vis-à-vis each other in relations of super- and subordination' (p. 81). Clark assumed quite correctly that states could be graded or ranked by 'disparities in power' without becoming a Waltzian hierarchy and thus a world state. Because Waltz had also declared that the only alternative to hierarchy is anarchy, Clark construed hierarchy so loosely as to leave its relation to anarchy unspecified and thereby avoid the conclusion that the 'orders of power and glory,' separately or together, constitute a form of rule.

If states are bounded hierarchies, then, according to Waltz, relations among states could only be anarchical. Here again, the problem is the unspoken assumption that rules and thus rule cannot be informal. In effect, Clark held that hierarchy is compatible with anarchy if the former is relatively informal (or weakly institutionalized; see Clark 2011 for some clarification on this point). As Clark insisted, informal hierarchy is a familiar if rarely acknowledged feature of international relations. Spheres of influence are best conceptualized as informal regional hierarchies, and the age-old notion of the great powers suggests a general, widely accepted hierarchy of two ranks. Yet, it is often the case that these arrangements are also status-ordered.

I have since come to see that status position and office rank frequently reinforce each other, and that the term hierarchy is used indiscriminately as a label for Clark's two orders and their symbiotic relation. I should not be surprised—even philosophers elide them (see, for example, Jeremy Waldron's important discussion of dignity; 2012: lecture 1). The very term *hierarchy* combines the Greek words for *sacred* (*hieros*, perhaps better translated as *ritualized*) and *rule* (*archē*) and found an importance place in Christianity's celestial imagery (Larkins 2010); Clark's reference to angels is no coincidence. More telling is the importance of ecclesiastical hierarchy in the Western Church. In this case, priestly rule brings the status derived from sacred warrant and a formalized chain of command into a co-constitutive relation. Any such relation is contingently probable for obvious reasons: status justifies office; office protects status.

In recent years, some few scholars in IR and International Law have given their attention to hierarchy in international relations (Koskenniemi 1997, Simpson 2004, Cooley 2005, Hobson and Sharman 2005, Donnelly 2006 and 2012, Deudney 2007, Lake 2009, Kang 2010; international lawyers, such as de Wet and Vidmar 2012, have long concerned themselves with what they call 'normative hierarchy'—rules overriding other rules) without

due attention to the relation between rank and status. Thus David Lake (1989: 60) hinted at the conflation of hegemony and hierarchy and quoted the same passage of Clark's that I did a moment ago without commenting on the two orders or defining such terms as grade, rank, status or stratification (and see Simpson 2004: ch. 3, Ikenberry 2011: ch. 2, for less clarification than one might hope for; Kang 2010: ch, 2 is better). Nor does the large literature on empire help us here. For good reason its authors grant the dominance of directive-rules in relations between states and their colonies, which are then implicitly contrasted with the anarchical relations of states.

As I said earlier, the third kind of rule—borrowing from Kant, the one I decided to call heteronomy—presents the most direct challenge to the assumption that anarchy prevails in international relations. If we take anarchy to be rule by no one in particular, and not an absence of rule, then anarchy is perhaps just another term for the condition of rule that has the appearance of a spontaneous order. In this case, everyone's insistence on their rights compels everyone to perform all those duties corresponding to the rights of others. Liberals would call this condition 'the rule of law' or a 'self-regulating market.' What they cannot see is that this is rule as I defined it earlier—a system of rules for the distribution of privilege to the benefit of some few over the many. This is the kind of rule to which liberals are most susceptible, take to be just or fair, and least likely to resist.

If I may repeat myself, it is also the form of rule that grounds international relations. I may not have made the case for this claim sufficiently convincing in *World of Our Making*. In recent work (2013b), I have argued that the ruled practice of state recognition is striking evidence of international society's heteronomous character. Recognition connotes reciprocity predicated on equality. As such, it confers access to a determinate set of relations understood as freely chosen exchanges of values broadly defined. States seek recognition and thus the right to participate in these relations because, on balance, it benefits them to do so. How much they benefit is another matter.

There is no formula for the distribution of benefits. Instead there will emerge a pattern of outcomes consistently benefiting some states over others. That this pattern broadly reflects the differential capabilities of states may raise questions of justice and calls for redistribution but is more generally taken to be the nature of the beast.

This is, of course, the familiar picture of a liberal society. I believe that the rise of modernity marked a turn to heteronomy first expressed in the early modern idea that states are sovereign equals. Only later, in the 19th century, was it manifest in the rise of liberal societies in northern Europe and North America. Needless to say, this is an unconventional position, but one that follows from the epochal significance that I attach to the emergence of international society in the early modern period.

Whatever the evidence that international relations are heteronomous in the first instance, and not anarchical, scholars in International Relations will always be skeptical. Had

I devised or adopted some other term (for example, heterarchy; see Donnelly 2009), nothing would change.

Rule for what purpose?

I have been using the term *function* rather frequently. I also claimed that people have goals; as agents, they act with purpose. Any such talk resonates with Aristotle's philosophy, however much we would like to rid ourselves of his assumption that nature as a whole, and not just people, are governed by purpose. And some of you may be wondering if the three forms of rule that I have identified correspond to Aristotle's familiar tripartite conception of *politeia* (*Nicomachean Ethics* VIII, 1160a32-b22, *Politics* III-IV, 1279a23-1279b10, 1289a26-b26).

Aristotle's Greek resists translation into English. While *politeia* is conventionally rendered as constitution or form of government, the former is anachronistic insofar as it implies formal enactment or adoption and the latter is too narrow in suggesting a specific arrangement of offices. While *polity* is a direct transliteration, form of rule gets closer to Aristotle's sense of the term (also see Onuf 1998b: ch. 2)—a sense that Aristotle strengthened when he linked *politeia* to *polis* (political society) for the purpose of securing what is good for all citizens.

There is, according to Aristotle, rule by a single human being, a few people, or the many. The first is monarchy or kingship, the second is aristocracy, and the third he also, and rather confusingly, labeled *politeia* (*not* democracy). In democracies, the needy rule for their own good, and this makes democracy a perverted form of rule. Tyranny and oligarchy are the perverted forms of rule by one and a few, in both instances because rule is for the rulers' benefit.

At first blush, Aristotle's tripartite scheme makes the number of people who rule its differentiating principle, and he intimated that this is a function of size of a political society (*Politics* VII, 1325a24-1326b25; also see Onuf and Onuf 1993: 80-2). In effect, many can rule well if the society is small enough for everyone to talk about common concerns with each other. A few should rule when a few can do the job. One should rule in a society that is too large to be ruled effectively any other way.

The ceremonial significance of kingship induces feelings of awe and deference from everyone else and makes hegemonial rule cost-effective. In contrast, rule by a few constitutes a hierarchy with two ranks: citizens with ruling powers (who may further arrange themselves in ranks) and citizens lacking these powers. Those few rule because are said to be the most competent to do so, whether by birth or merit. By implication, competence is relatively scarce but readily discerned.

The most obvious measure of competence is courage and skill in combat, whether directly displayed or inferred from ancestry. Warrior societies will thus be aristocratic in

tendency; as monarchies, they are likely to be unstable. The rule of the many who are citizens might seem to imply that the many function equally as rulers merely by being themselves and insisting on their due as equals—by right, in need. This is heteronomous rule. Unmitigated by personal ties and shared concerns, heteronomy is least likely to be stable or result in the common good. At least this is Aristotle's view—he was not an incipient liberal with an affirmative view of unintended consequences.

Aristotle's concern for the common good as the only acceptable purpose of rule points to a functionalist interpretation of the forms of rule. In drawing an analogy between the household (*oikía*) and political society (*polis*), Aristotle reinforced a functional interpretation of his tripartite scheme (here I draw on Onuf 2013a: ch. 9). Because a political society is composed of households (*sunkeitai polis ex oikiô*; *Politics* I, 1253b2), household relations are also political. The household consists of a number of people bound together by functionally differentiated relations: parents and children, husband and wife, among brothers. Sisters are merely wives in training; masters and slaves are a relevant relation only insofar as slaves are considered people at all—on this Aristotle was ambivalent (*Nicomachean Ethics* VIII, 1161b3-8, *Politics* I, 1259b21-9).

As presented, the analogy is direct and unambiguous. 'For the association of a father and his sons bears the form of monarchy [*basileias echei schêma*: echoes or models of kingship].... The association of man and wife seems to be aristocratic [*aristokratikê*].... The association of brothers is like timocracy [*timokratikê*: rule by people of worth or honor]' (*Nicomachean Ethics* VIII, 1160b24-1161a3, quoting Barnes 1984: 1834; also see 1161a18-29). Timocracy suggests a subtle alteration in the tripartite scheme; this is rule by the few of high status. In another formulation, the brothers may be few in number but rule among themselves as a political society: 'The government of the children by the father is royal [*basilikê*], the relation of husband and wife aristocratic, the relation of brothers that of a commonwealth [*politeia*]' (*Eudemian Ethics* VII, 1241b29-32; Barnes 1984: 1968; also see 1242a31-6).

Aristotle developed his tripartite scheme in the course of a general discussion of friendship (*philia*) as the foundation for any society; friendship is a relation between two or more people who bear good wishes for each other (*Rhetoric* II, 1380b36-1381a1). Insofar as the term *friendship* implies equality (*isotês*), there are, for Aristotle, two kinds of equality—numerical and proportional. In friendships between equals, each counts for one, and what each contributes to the friendship is taken to be equal. And then there are friendships between inferiors and superiors, in which both contribute in proportion to what they are capable of contributing (*Eudemian Ethics* VII, 1238b15-21; on the justice of proportional equality, see *Nicomachean Ethics* V, 1131a10-b24).

In my view, Aristotle's scheme for ruled relations is *not* predicated on the three forms of rule set forth in the *Politics* (rule by one, few or many) or the three forms of family relations (father's rule over the family, husband's rule over his wife, brothers ruling among themselves). Neither turns out to be a direct analogy for the other. Instead he elucidated a

general model of durable social relations in three forms. Two forms depend on proportional equality, one on numerical equality. Each takes form as a system of rule suiting a variety of circumstances. Much the same might be said for the 'five relationships'—ruler and subject, father and son, husband and wife, elder and younger brother, among friends—at the heart of Confucian ethical and political thought. In this way of thinking, forms of equality in social relations are given by nature (*cf.* Haidt 2012: ch. 8 for a broadly Darwinian perspective) and, for this reason, found everywhere.

Holding that equality is a natural condition for humanity does not make the two forms equal in incidence or importance. For both Aristotle and the Confucians, proportional equality comes first, and so do vertically ordered social arrangements. More specifically, rule by men *as* men (fathers and kings ruling by themselves or in league with their peers) is a phenomenon so nearly universal in practice and apparently natural as to be taken for granted throughout most of human history. Contemporary feminists urge us to think otherwise, and they call this phenomenon *patriarchy* (see Bennett 2006: ch. 4 for a helpful discussion).

Is patriarchy is a form of rule in its own right? Weber thought not. He used the term for the 'master' (*'Herr'*) in a traditional household—someone who is 'unencumbered by rules' (*'regelfrei'*) when issuing direct orders (1922: 679, 1978: 1006). Nevertheless, a thick net of informal rules entangles everyone in traditional social arrangements, including masters. For Weber these informal rules 'are not enacted but sanctified by tradition' (1978: 1006; see below on traditional legitimation of rule).

Weber saw patriarchy as a concrete manifestation of hierarchy. It is, however, hierarchy stripped down to the point of being formally ruleless. Instead I see patriarchy as a concrete manifestation of hegemonial rule; Weber's informal rules are instruction-rules that confer statuses. The key to this conclusion is gender as a social construction. Men and women (husbands and wives, brothers and sisters) are granted their respective statuses on the basis of what are obvious, enduring and therefore 'natural' differences in their appearance at birth and in their daily lives. Functional consequences follow from these differences just as naturally—at least for Aristotle who saw nature as a purposive whole and purpose in its many parts. I strongly suspect we would find the same sort of functional reasoning in Confucian texts.

I have just claimed that gender is a status assignment that seems both natural and functionally necessary—so much so as to be incontestable in traditional social arrangements. Many other status-pairs are also justified in just this way: adult, child; first-born or not; strong, weak; tall, short; quick, slow; resilient, fragile; fair, dark; calculating, impetuous; right- or left-handed; well-proportioned or not. Variously combined, divided, extended and valenced, these and many other statuses sort out in ways that also appear to be natural and necessary when taken together and metaphorically assembled in a vertical series. Built on Greek antecedents, the early modern conception of nature as a 'great chain of being' exemplifies this process.

My point here is not to defend status-ordering and hegemony or to explain why human beings are so prone to look at 'nature'—the world around them—this way, but to suggest, with Aristotle, that they do so naturally. I mean by this that status assignment and status-ordering are integral features of human sociality. We talk and gossip, in the first instance by making assertions about ourselves and others, and stratification takes place. Aristotle effectively took this stance by distinguishing between *physis* and *nomos* (nature and convention), *polis* and *politeia* (Onuf 1998a: ch. 2). First nature, then convention; first hegemony, then hierarchy.

As I have already indicated, distinguishing between form of rule (*politeia*) and political society (*polis*) does not mean that they are readily separated in practice. Aristotle gave us a fully developed theory of republican rule. Rule should be for the common good—this in keeping with nature's purpose. This is republicanism as a normative theory.

According to Aristotle, there are different ways in which we can plausibly arrange our affairs—by convention—to achieve nature's purposes. In theory, however, there are just three ways to rule, all of them subject to hijacking by those who rule. A normative republican (I count myself as one) takes the common good as a goal and then thinks functionally about its achievement. In practice, good rule is difficult if not impossible to sustain. This may not have been Aristotle's conclusion, but there is nothing in his republican theory to forbid it and much to support it.

Legitimate rule

Writing two centuries after Aristotle and as a close observer of republican Rome, Polybius gave a robust account of Aristotle's three forms of rule in the *Histories* (Book 6.3-10). There he proposed a natural, regular sequence of degeneration within each form of rule and regeneration from one form of rule to another, ultimately constituting a cycle in six phases. He also argued that, in practice, the best, most durable *politeia* combined the best features of each form. The Polybian rendition of the three forms of rule had a pronounced effect on republican theory in the Enlightenment. Most notably it inspired Montesquieu's discussion in *The Spirit of the Laws* of 'les trois gouvernements' (Book 3) and an apparently unrelated discussion of 'trois sortes de pouvoirs' to be found in various polities (Book 11, ch. 6).

Montesquieu's three powers are functionally sorted: the prince or magistrate 'makes laws' (legislative power), 'establishes security' and 'punishes crimes' (executive power) and 'judges disputes among individuals' (judicial power) (Montesquieu 1989: 156-7). The frame of reference for this scheme is the English 'constitution' as a monarchical form of rule. Thus there is no direct correspondence between the three governments (forms of rule) and the three kinds of powers. Whichever the form of rule, unified powers would result in oppression. 'All would be lost if the same man or the same body of principled men, either of nobles, or of the people, exercised these three powers' (p. 157).

Separated powers inhibit a monarch from becoming a tyrant by assigning a significant if secondary place to the few and the many who are typically represented by even fewer citizens in the two houses of a bicameral legislature. 'The great advantage of representatives is that they are able to discuss public business' (Montesquieu 1989: 159)—something larger numbers of citizens cannot do. Representation helped to solve the size problem that had beleaguered republican theory from the beginning, with the effect of turning republican and democratic forms of rule into institutional support for rule by one, whether a prince or an elected magistrate. The twinned logic of separate powers and representative institutions found its consummate expression in the Constitution of the United States and has become the template for many so-called democratic republics in the modern world. Republican thinkers also tackled the size problem by advocating the federal principle, in which small republics (polities with elected chief executives) unite in a larger republic with similar institutional features. Here again, Montesquieu suggested another way to deal with an ancient republican concern (Book 9, ch. 1-2) and the United States Constitution adopted it.

In Montesquieu we see a synopsis of an epochal shift in the way early modern elites conceptualized their political arrangements:

(1) Three forms of rule collapse into the one that we now identify with the modern state.

(2) Representative institutions cater to republican and democratic sentiments, sometimes augmenting and sometimes thwarting the exercise of executive powers in the name of the state.

(3) A federal union of states, complete with representative institutions, addresses republican concerns about size and security in a world of states but tends to undercut the capacity of the union to function as a state and often eventuates in civil war.

Granting the Weberian state as a frame of reference, contemporary scholarly discourse generally applies the term *authority* to these arrangements. It is conventionally defined as 'the expected and legitimate possession of power' (Lasswell and Kaplan 1950: 133); the term *legitimacy* and its cognates tend to be treated as primitive terms, not needing nor yielding to definition. Clearly implied, however, is the sense that authority is '"subjective": its existence depends on someone's think-so, though not, to be sure, simply on the think-so of the person having authority' (Lasswell and Kaplan 1950: 133). Any such line of thought comes very close to a Hobbesian position on consent or social contract as the foundation for the state and its internal arrangements; Hobbes himself held that subjects as authors expressly conferred authority on sovereigns (*Leviathan*, ch. 16, 18).

Despite Hobbes's authorial authority and perhaps because he only used the term *legitimate* in passing (for children; *Leviathan*, ch. 47), scholars today are disposed to invoke Weber's authority in discussing power, legitimacy and authority. Indeed, the English translation of *Economy and Society* is replete with these terms, often used in close association. The trouble here is the German term *Herrschaft*, which has a central place in

Weber's text. Yet for his translators, *Herrschaft* was an interpretive puzzle, which they solved by using either *domination* or *authority* in its place. Both choices are misleading. As intimated earlier, domination has a Marxist flavor. When Weber qualified it as legitimate ('*legitimer Herrschaft*'; 1922: 124), the resulting near-oxymoron, 'legitimate domination' (1978: 215), is laughably inappropriate. As for substituting authority for *Herrschaft*, I should acknowledge that Weber himself authorized this transposition (1922: 122, 1978: 212) and used the Latinate term *Autorität* extensively to mean *Herrschaft* when, in my view, he ought not to have.

In Weber's hands, *Herrschaft* is a general term for rule in any form (Onuf 1989: 197-205). It does not it refer to the state as a product of Hobbesian consent, to the modern state as a hybrid form of rule, or to the internal arrangements of any particular state. The effect of translating *Herrschaft* as *authority* is to authorize the democratic, republican state or union of states as the paradigmatic, indeed normative condition of rule in the modern world. Any political society not conforming to this model is subject to criticism as 'authoritarian' (in its ambiguous relation to authority, an exceedingly odd term), 'undemocratic' or, in the case of international society, unruled.

It is not, however, Weber's story. Rule is a general social phenomenon. Wherever manifest, it can only endure if it is based in legitimacy. There are three such bases and thus three types of rule: rational, traditional and charismatic. The first rests on 'belief in enacted rules', the second 'on belief in the sanctity of immemorial traditions, and the third on 'devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative pattern or order revealed or ordained by him' (Weber 1978: 215).

It should be obvious that there is not a complete, one-to-one correspondence between the three kinds of rule that I have put forward and Weber's three types of rule. Hegemony may find its legitimacy in tradition or in the presence and activities of a charismatic individual. Insofar as charisma lends itself to myth and becomes enveloped in tradition, hegemony has two, entwined sources of legitimacy. Hierarchy is legitimate when everyone accepts formalized relations of super- and subordination, and their enforcement, for good, practical reasons. Offices are assigned, bureaucratization ensues, administration is impersonal, accountable and efficient—at least ideally. Here the correspondence is direct and exclusive; Hobbes and Weber join forces in conceptualizing what I have been calling the Weberian state.

In striking contrast, Weber's typology says almost nothing about heteronomy in the sense that I have stipulated (although he used the term extensively for any organization subject to control by another organization). There is, however, perhaps a hint of a legitimate basis for this form of rule in Weber's treatment of charisma. 'In its pure form charisma has a character specifically foreign to everyday routine structures.' Nevertheless, routinization is inevitable and charismatic rule 'cannot remain stable but becomes either traditionalized or rationalized, or a combination of both' (Weber 1978: 246). I have already suggested that charisma and hegemony are obviously related. Less obvious is any relation between

charisma as a personal quality and hierarchy as an impersonal form of rule. In Weber's terms, this is the 'Nachfolger *frage*' or 'problem of *succession*' 1922: 143, 1978: 246; his emphasis).

Heredity is one solution (hence dynastic hegemony). So is the transfer of charisma to an office (thus the depersonalization of rule and the rationalization of ruler-ruled relations). Weber held that charismatic legitimation is authoritarian in tendency but can take a democratic direction. While he had little say about 'demokratische Legitimität' (1922: 156; his emphasis), democratic legitimacy is, needless to say, one of the most familiar slogans animating contemporary political discourse. Indeed he expressed little interest in popular sovereignty as a new basis for legitimacy within political societies or in state sovereignty as a constitutive feature of an international society. Enshrined in Enlightenment ideology, the principle legitimating both of these developments, and thus heteronomy as a form of rule, is the natural equality of moral persons—individual human being within sovereign states and sovereign states in their mutual relations (Onuf 2013b).

If Weber largely ignored the legitimation of heteronomous rule, he more than adequately set out the grounds for hegemonial and hierarchical rule, wherever found. Better than any of his contemporaries he identified the hierarchical properties of the modern state and its rational legitimation through, and as, positive law. Most of all, his extended discussion of legitimate rule effectively demonstrates that rule in general (not domination, not just authority) secures its legitimacy through rules, which are themselves legitimate by definition. If rules did not have a legitimate or validating source, then they would lack the normative force that makes that makes them what they distinctively are and rule the dominating social condition that it is. In Weber's vocabulary, legitimate rule is an overdetermined concept, a useful pleonasm.

Rule Today

Weber was the first great student of modernity writ large—and this despite his relative indifference to heteronomy. Weber's typology of legitimate forms of rule lends itself to an interpretation of modernity that I take to have dominated the second half of the 20th century. More than this, Weber and his typology are substantially responsible for 'modernization theory.' Let me summarize the main tenets of this influential perspective on what it means to become modern (*cf.* Onuf 2013a: 192-4).

(1) Modernity is to be understood as a transformation in the material conditions of life, starting in Europe and North America, broadly associated with capitalism as a mode of production and benefiting ever larger numbers of people. Integral to this transformation is the ideological (intellectual, cultural, socio-political) transformation culminating in the Enlightenment and later associated with liberalism. In short, modernity rewards change.

(2) By definition, tradition resists change. Modernity must overcome tradition, which supports stratified social relations and legitimates the old regime (whether monarchical or,

more rarely, republican). In the old regime, organizational rank and status position coincide in the distribution of privilege, ascription trumps achievement, hegemony and hierarchy converge.

(3) Modernization is the process in which individual autonomy, instrumental rationality and democratic legitimacy go hand-in-hand in changing almost everything from daily life to the production of goods to conditions of rule. Throwing over the old regime is a blow to tradition; discrediting tradition undermines the old regime. Hierarchy and heteronomy complement each other as cause and consequence of modernization.

(4) Once initiated, modernization is inevitable and irreversible; its universalist ideology and the promise of material abundance appeal to the vast majority of the human population. Nevertheless, change may be slow and uneven because the ruling beneficiaries of tradition will use the many resources under their control to resist change or divert material gains to themselves.

(5) Modernization can result in a perverse, ideologically unbalanced form of rule, in which organizational goals exclude individual endeavor, meaningful representation and democratic participation; hierarchy squelches any sign of heteronomy. 20th century totalitarianism exemplifies modernization gone drastically wrong.

After a burst of interest in so-called democratic transitions, modernization theory has fallen out of favor among scholars, mostly for what it overlooks or underestimates. Just for example, consider the canny ability of traditionalists to turn modern technologies against modernity; the resilience of traditional beliefs and persistence of local practices; manifold excesses and distortions in the production, distribution and consumption of material goods; the long, hypocritical history of imperial exploitation; post-modern critique of modern hubris. Nevertheless, these limitations do not challenge modernization theory's central claims: modernity defeats tradition by eliminating status, stratification and hegemony as the basic means for ordering social relations and replacing them with authoritatively arranged offices and roles, hierarchy and heteronomy. The measure of modernization theory is a growing number of liberal democratic republican states locked in peaceful relations—the so-called democratic peace.

If, however, we consider these claims in the context of globalization, they are subject to qualification. First, status and stratification. In confronting tradition, Enlightenment republicans asked whether, by nature, hereditary aristocrats are the best qualified citizens to rule. If they are not, if indeed privilege has corrupted them (always a republican concern), then the question is how to identify and educate citizens who would be better qualified. Liberal practice and democratic procedures would seem to answer the latter question.

Extending the binary of heritage and competence to social relations in general, modernization theory associates ascription with tradition and achievement with modernity. High status confers access to high office; suppress stratification and talent will rise to the top.

In effect, hierarchy is modernized—one might even say, sanitized—by severing its close relation to hegemony and tying it instead to heteronomy as manifest in an open, pluralist society. Ever since the Enlightenment, socio-political revolution has been a conspicuous method by which to abolish or degrade status.

Skeptics would say, even if such revolutions succeed in their own terms, they do not prevent status from reasserting itself in due course. Modern theorists would respond, once liberal democratic societies are established and continuous change is legitimated, these societies endlessly renew themselves by rewarding those whose achievements best serve society. Even if achievement's reward is status, no one's status is assured for long. Stratification is nothing more than the distribution of status rewards at any given moment.

No doubt the actual experience of modern societies falls somewhere between these two poles. There is, however, one trend in the late modern world pointing to the enduring power of ascription, a return to status-ordering and a reunion of hegemony and hierarchy. This is professionalization. In the first instance, the professions themselves have rapidly professionalized. So has an ever wider range of productive activities (see Abbottt 1988; professionalization has accelerated since the appearance of this hugely influential book, and there is, needless to say, a massive literature). Anyone in professional training learns the overwhelming importance of status position and what Andrew Abbott has called 'internal stratification' (pp. 118-21). Even if status is initially earned, it soon fuels itself. Even if status dies with its holder, status-ordering runs rampant.

Professionalization does not take place in a vacuum. It requires great deal of administrative support (itself ever more professionalized) and thus of organization—not just professional associations, but organizations within which professionals find themselves assigned to offices specifying duties, along with training, supervision and evaluation. As professionalization takes place, organizations confer status through office. Officers of the same rank and profession routinely communicate with each other within and across similar organizations, with the effect of strengthening professional stratification.

Professionalization and stratification cannot be extricated from the proliferation of organizations in and among modern societies. This is, of course, a spectacular trend, widely seen as a major feature of globalization and best understood as an accelerating process of functional differentiation. With the dramatic growth in everything from tweets to landfill, productive activity in the broadest sense depends on ever greater specialization in the tasks that must be performed competently; the 'division of expert labor' (Abbott 1988, subtitle) also produces an ever greater need for administrative support. In my view, this development prompted an epochal transition in modernity as a whole—a transition dating from the last decades of the 19th century and perhaps most visible in the arts as *modernism*. I have made the case for the epochal importance of accelerating functional differentiation elsewhere (2009, 2014: 29-32). Here my concern is the effect of specialization and professionalization on conditions of rule.

Mystified by what is going on, scholars and policy specialists talk loosely about *global governance* and associate it with liberalization and democratization. The neoliberal fantasy of deregulation serves mostly to legitimate marginally effective alterations in large-scale organizational arrangements, in the process shifting status and its rewards to large firms, their investors and their senior officers. The popular fantasy that new constitutions and electoral reforms instantiate democracy serves mostly to legitimate the organizational apparatus of the Weberian state, in the process severing any connection to expressions of popular sovereignty. In both cases, the correlative result is to legitimate stratification within organizations and across a landscape that is densely organized on every scale.

While the professions generally contribute to the legitimation of rule, the legal profession is preeminent in doing so. The legal profession is differentiated into increasingly varied activities. Many lawyers work in large firms. Most of the work they do is organizationally mandated (and merely modern in a Weberian sense); much of it is functionally defined (and therefore also modernist); some of it is oriented to the management of inter-organizational relations (modern in a larger sense that includes the negotiation of contracts, litigation, and settlement of disputes—hallmarks of liberal modernity).

Here again scale matters. Even as large, functionally differentiated organizations intrude on the everyday life of ordinary people, legal assistance is rarely sufficiently organized to combat large organizations and their teams of lawyers. At the other extreme, large organizations deal with each other as equals in law. The largest such organizations are states engaged in a wide range of heteronomous relations.

Much is happening in law and to the legal profession. Lately, lawyers have been writing about the fragmentation of international law, global administrative law, functional regimes, global constitutionalism, and legal pluralism (for a sample, see Slaughter 2004, International Law Commission 2006, Klabbers *et al.* 2009, Martineau 2009, Krisch 2010, Teubner 2012, Young 2012). Whatever they say, the state figures centrally.

Although not a lawyer, Jens Bartelson has claimed that states are now 'embedded within a larger governmental framework, and … their status as actors and bearers of rights and obligations derive from their position within an emergent global legal order rather than from their membership [in] an international society of sovereign equals' (2014a, and see 2014b, ch. 3, for elaboration). The rise and differentiation of organizations have indeed affected states in a variety of ways. Yet the framework for all of this is *not* new; it is the robust, centuries old framework that Bartelson aptly called the 'international society of sovereign equals.'

I would go further. However paradoxical it may seem, organizational agents with their teams of lawyers have assiduously strengthened international society so that it can carry the cumulative weight of all these changes. They are largely unaware that they have done so. When lawyers talk about human rights or ocean resources or small arms or any other global issue, they also talk about treaties (concluded by states), responsibility (of states), standards (applicable to states) and compliance (from states, often enough elicited through measures

adopted by states). If they did not, they could not even make sense of any such issue in relation to the global framework.

It might be argued that states are no longer the sovereign equals they once were, and therefore international society no longer functions as a heteronomous system of rule. Conceptually speaking, sovereignty is an early modern invention fusing the power to rule (*imperium*) and the ruler's capacity to inspire awe (*majestas*; *cf.* Weber's charisma). Practically speaking, the sovereign rulers of Europe could never fully consolidate the power to rule or monopolize dignity (Onuf 1991, somewhat revised as Onuf 1998: ch. 5). Sovereigns delegated power to subordinates; they struck agreements and shared responsibilities with other sovereigns. They also conferred honors, observed courtesies and participated in ceremonies dignifying others to affirm their own exalted status. As sovereignty shifted from the person of the ruler to the territorial state, and the nation unified land, history and sentiment within the state's boundaries, *majestas* became a permanent feature of the modern state, not (or not just) as an organization, but as member of an international society of sovereign equals.

In Short

In short, states are not just nominal or juridical equals. Their majesty has no modern parallel, and in this respect they are equal in the way they are set apart from all other socio-political arrangements. The heteronomous relations of states continue to matter as much as they do because states collectively have a unique status in today's world, a legitimacy undamaged by the rise of organizations and their functional differentiation. On the contrary, every challenge or threat to the state, whether mounted by other states or deriving from the erosion of authority, has the perverse effect of rallying people to the state in all its majesty.

Thus speaks the global *demos* (also see Onuf and Onuf 2011), even if lawyers who supply organizations with expertise or litigate human rights are reluctant to listen. Scholars in IR might also profit from listening to the *demos*. Realists take for granted what I have been calling heteronomy without the slightest sense that this is a global condition of rule, not anarchy, and that its legitimacy is democratic in the largest, most powerful sense possible. Liberals and self-styled constructivists talk about norms, law, institutions and identity without the slightest sense that global governance demands and supports heteronomy as a mighty frame.

Then there is an odd lot of scholars—many of them my friends—who natter on about emancipatory politics, Foucauldian power, democratic legitimacy and cosmopolitan ethics. They do so without the slightest sense that hegemony and hierarchy, stratification and organization, work together as a primary feature of socio-political life just about everywhere. Or that this unholy alliance is a striking feature of a world which nevertheless depends a heteronomous framework in the form of a thriving society of sovereign equals (see Hurrell 2012 for a similar assessment). This is not at all what the Enlightenment or its contemporary critics have taught us to expect.

References

Abbott, Andrew (1988) *The System of Professions: An Essay on the Division of Expert Labor* (Chicago: University of Chicago Press).

Barnes, Jonathan, ed. (1984) *The Complete Works of Aristotle*, 2 vol., continuous pagination, many translators (Princeton: Princeton University Press).

Bartelson Jens (2014a) 'Sovereignty and the Personality of the State,' forthcoming in Peter Stirk, ed., *The Concept of the State in International Relations* (Edinburgh: Edinburgh University Press, 2014).

Bartelson, Jens (2014b) *Sovereignty as Symbolic Form* (Abingdon: Routledge).

Bennett, Judith M. (2006) *History Matters: Patriarchy and the Challenge of Feminism* (Philadelphia: University of Pennsylvania Press).

Castells, Manuel (2002) *The Information Age: Economy, Society and Cultur*e, 1, *The Rise of the Network Society*, 2nd edn (Oxford: Blackwell).

Clark, Ian (1989) *The Hierarchy of States: Reform and Resistance in the International Order* (Cambridge: Cambridge University Press).

Clark, Ian (2011) *Hegemony in International Society* (Oxford: Oxford University Press).

Cooley Alexander (2005) *Logics of Hierarchy: The Organization of Empires, States, and Military Occupations* (Ithaca: Cornell University Press).

De Wet, Erika, and Jure Vidmar (2012) *Hierarchy in International Law: The Place of Human Rights* (Oxford: Oxford University Press).

Deudney, Daniel H. (2007) *Bounding Power: Republican Security from the Polis to the Global Village* (Princeton: Princeton University Press).

Donnelly, Jack (2006) 'Sovereign Inequalities and Hierarchy in Anarchy: American Power and International Society,' *European Journal of International Relations*, Vol. 12, No. 2, pp. 139–70.

Donnelly, Jack (2009) 'Rethinking Political Structures: From "Ordering Principles" to "Vertical Differentiation"—and Beyond,' *International Theory*, Vol. 1, No. 1, pp. 49-86.

Donnelly, Jack (2012), 'The Elements of the Structures of International Systems,' *International Organization*, Vol. 66, No. 4, pp. 609-43.

Fei Xiaotong (1992) *From the Soil: The Foundations of Chinese Society*, trans. Gary G. Hamilton and Wang Zheng (Berkeley: University of California Press).

Galtung, Johan (1971) 'A Structural Theory of Imperialism,' *Journal of Peace Research*, Vol. 8, No. 2, pp. 81-117.

Gramsci, Antonio (1971) *Selections from the Prison Notebooks*, trans. Quentin Hoare and Geoffrey Nowell Smith (New York: International Publishers).

Haidt, Jonathan (2012) *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Pantheon).

Hobson, John M, and J. C. Sharman (2005) 'The Enduring Place of Hierarchy in World Politics: Tracing the Social Logics of Hierarchy and Political Change,' *European Journal of International Relations*, Vol. 11, No. 1, pp. 63–98.

Hurrell, Andrew (2013) 'Revisiting Kant and Intervention,' in Stefano Recchia and Jennifer M. Welsh, eds., *Just and Unjust Intervention: European Thinkers from Vitoria to Mill* (Cambridge: Cambridge University Press).

Ikenberry, G. John (2011) *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order* (Princeton: Princeton University Press).

International Law Commission (2006), 'Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law (UN Doc. A/CN.4/L.682).

Kang, David C. (2010) *East Asia before the West: Five Centuries of Trade and Tribute* (New York: Columbia University Press).

Kaplan, Morton A. (1957) *System and Process in International Politics* (New York: Wiley).

Kaplan, Morton A. (1961) 'Problems of Theory Building and Theory Confirmation in International Politics,' *World Politics*, Vol. 14, No. 1, pp. 6-24.

Kaplan, Morton A. (1966) 'The New Great Debate: Traditionalism vs. Science in International Relations', *World Politics*, Vol. 19, No. 1, pp. 1-20

Klabbers, Jan (1996) *The Concept of Treaty in International Law* (The Hague: Kluwer Law International).

Klabbers, Jan, Anne Peters and Geir Ulfstein (2009) *The Constitutionalization of International Law* (Oxford: Oxford University Press).

Klotz, Audie (1995) *Norms in International Relations: The Struggle against Apartheid* (Ithaca: Cornell University Press).

Katzenstein, Peter J., ed. (1996) *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press).

Koskenniemi, Martti (1997) 'Hierarchy in International Law: A Sketch,' *European Journal of International Law*, Vol. 8, No. 4, pp. 566-82.

Kratochwil, Friedrich V. (1989) *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press).

Kratochwil, Friedrich (2014) *The Status of Law in World Society: Meditations on the Role ad Rule of Law* (Cambridge: Cambridge University Press).

Lake, David A. (2009) *Hierarchy in International Relations* (Ithaca: Cornell University Press).

Larkins, Jeremy (2010) *From Hierarchy to Anarchy: Territory and Politics before Westphalia* (Basingstoke: Palgrave Macmillan).

Lasswell, Harold D. (1936) *Politics: Who Gets What, When, How* (New York: McGraw-Hill).

Lasswell, Harold D., and Abraham Kaplan (1950) *Power and Society: A Framework for Political Inquiry* (New Haven: Yale University Press).

Lenski, Gerhard E. (1966) *Power and Privilege: A Theory of Social Stratification* (New York: McGraw-Hill).

Mandel, Ernest (1975) *Late Capitalism*, trans. Joris de Bres (London: New Left Books).

Marcuse, Herbert (1964) *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Boston: Beacon Press).

Martineau, Anne-Charlotte (2009) 'The Rhetoric of Fragmentation: Fear and Faith in International Law, *Leiden Journal of International Law*, Vol. 22, No. 1, pp. 1–28.

Mills, C. Wright (1956) *The Power Elite* (New York: Oxford University Press).

Montesquieu (1989) *The Spirit of the Laws*, trans. Anne M. Cohler *et al*. (Cambridge: Cambridge University Press).

Onuf, N. G. (1982) 'Comparative International Politics,' *Year Book of World Affairs*, Vol. 36, pp. 197-212.

Onuf, Nicholas Greenwood (1989) *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia: University of South Carolina Press).

Onuf, Nicholas (1991) 'Sovereignty: Outline of a Conceptual History,' *Alternatives*, Vol. 16, No. 4, pp. 425-446.

Onuf, Nicholas (1994) 'The Constitution of International Society,' *European Journal of International Law*, Vol. 5, No. 1, pp. 1-19.

Onuf, Nicholas (1995) "Intervention for the Common Good," in Gene M. Lyons and Michael Mastanduno, eds., *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: Johns Hopkins University Press), pp. 34-58.

Onuf, Nicholas (1997) 'Hegemony's Hegemony in International Political Economy,' in Kurt Burch and Robert A. Denemark, eds., *Constituting International Political Economy* (Boulder: Lynne Rienner), pp. 91-110.

Onuf, Nicholas (1998a) 'Constructivism: A User's Manual,' in Vendulka Kubálková *et al.*, eds., *International Relations in a Constructed World* (Armonk: M. E. Sharpe), pp. 58-78.

Onuf, Nicholas Greenwood (1998b) *The Republican Legacy in International Thought* (Cambridge: Cambridge University Press).

Onuf, Nicholas (2005) 'Late Modern Civil Society,' in Randall Germain and Michael Kenny, eds., *The Idea of Global Civil Society: Politics and Ethics in a Globalizing Era* (London: Routledge), pp. 47-63.

Onuf, Nicholas (2008) *International Legal Theory: Essays and Engagements, 1966-2006* (Abingdon: Routledge-Cavendish).

Onuf, Nicholas (2009) 'The Ambiguous Modernism of Seyla Benhabib,' *Journal of International Political Theory*, Vol. 5, No. 2, pp. 125-137.

Onuf, Nicholas Greenwood (2013a) *Making Sense, Making Worlds: Constructivism in Social Theory and International Relations* (Abingdon: Routledge).

Onuf, Nicholas (2013b) 'Recognition and the Constitution of Epochal Change,' *International Relations*, Vol. 27, No. 2, pp. 121-40.

Onuf, Nicholas (2014) 'World-Making, State-Building,' in Nicolas Lemay *et al.*, eds., *The Semantics of State-Building* (Abingdon: Routledge).

Onuf, Nicholas, and Peter Onuf (2006) *Nations, Markets, and War: Modern History and the American Civil War* (Charlottesville: University of Virginia Press).

Onuf, Peter, and Nicholas Onuf (1993) *Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776-1814* (Madison: Madison House).

Onuf, Peter, and Nicholas Onuf (2011) '*Democracy in America* and Democracy in the World Today,' in Joe Hoover *et al.*, eds., *Interrogating Democracy in World Politics* (Abingdon: Routledge, 2011), pp. 15-31.

Parsons, Talcott, and Edward A. Shils, eds. (1951) *Toward a General Theory of Action: Theoretical Foundations for the Social Sciences* (Cambridge: Harvard University Press).

Pound, Roscoe (1942) *Social Control through Law* (New Haven: Yale University Press).

Ruggie, John Gerard (1998) *Constructing the World Polity: Essays in International Institutionalization* (London: Routledge).

Simpson, Gerry (2004) *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge: Cambridge University Press).

Slaughter, Anne-Marie (2004) *A New World Order* (Princeton: Princeton University Press)

Teubner, Gunther (2012) *Constitutional Fragments: Societal Constitutionalism and Globalism* (Oxford: Oxford University Press).

Waldron, Jeremy (2012) *Dignity, Rank, and Rights* (Oxford: Oxford University Press).

Walker, R. B. J. (1993) *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press).

Wallerstein, Immanuel (1974) 'The Rise and Future Demise of the World Capitalist System: Concepts for Comparative Analysis,' *Comparative Studies in Society and History*, Vol. 16, No. 4, pp 387-415.

Waltz, Kenneth N. (1979) *Theory of International Politics* (Reading: Addison-Wesley).

Weber, Max (1922) *Grundriss der Sozialökonomik, III. Abteilung, Wirtschaft und Gesellschaft* (Tübingen: J. C. B. Mohr).

Weber, Max (1978) *Economy and Society: An Outline of Interpretive Sociology*, 2 vol., continuous pagination, many translators (Berkeley: University of California Press).

Wendt, Alexander (1987) 'The Agent-Structure Problem in International Relations Theory.' *International Organization*, Vol. 41, No. 3: 335-70.

Young, Margaret A., ed. (2012) *Regime Interaction and International Law: Facing Fragmentation* (Cambridge: Cambridge University Press).