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Abiding Sovereignty

STEPHEN D. KRASNER

ABSTRACT. Over the several hundred years during which the rules of sovereignty including non-intervention and the exclusion of external authority have been widely understood, state control could never be taken for granted. States could never isolate themselves from the external environment. Globalization and intrusive international norms are old, not new, phenomena. Some aspects of the contemporary environment are unique—the number of transnational non-governmental organizations has grown dramatically, international organizations are more prominent; cyber crime could not exist without cyber space. These developments challenge state control. A loss of control can precipitate a crisis of authority, but even a crisis of authority is only a necessary but not a sufficient condition for developing new authority structures. New rules could emerge in an evolutionary way as a result of trial and error by rational but myopic actors. But these arrangements, for instance international policing, are likely to coexist with rather than to supplant conventional sovereign structures. Sovereignty's resilience is, if nothing else, a reflection of its tolerance for alternatives.

Keywords: Globalization • Sovereignty • State system

Introduction

The defining characteristic of any international system is anarchy, the absence of any legitimate hierarchical source of authority. Anarchical systems can, however, vary with regard to the specific substance of rules and institutions and the extent to which these rules are recognized and consequential. Writers in the English School tradition have made a distinction between an international system, one lacking a hierarchical structure of authority, and an international society, an international system in which there are shared rules. In *The Anarchical Society* Bull

writes that a "system of states exists when there are states that are in regular interaction with each other." A society of states exists when a group of states shares certain common interests and common values ... and conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions" (Bull, 1977: 13). Alexander Wendt suggests that there can be three different cultures of anarchy. In a Hobbesian world other actors are regarded as enemies who have no inherent right to exist. In a Lockean world states see each other as rivals, but recognize a mutual right to exist. In a Kantian world states see each other as friends and expect disputes to be settled without violence (Wendt, 1999: chap. 6).

Aside from such generic distinctions between an international system and an international society or among Hobbesian, Lockean, and Kantian logics of anarchy there have also, historically, been variations in the specific rules or institutions that have been part of different international environments. The first state system in the Fertile Crescent, Sumer, was a society of city states in which one state acted as an arbiter. The city playing this role changed as a result of shifts in power but the institution itself persisted (Watson, 1992: chap. 3). In the traditional Islamic world, politics were divided between Dar-al-Islam, the House of Islam or the civilized world, and Dar-al-Harb, the House of War inhabited by infidels. At least through the first part of the sixteenth century the Ottomans did not regard their agreements with European powers as treaties among equals; rather, they regarded the provisions as concessions freely given by the Sultan, who could withdraw them when he chose (Naff, 1984: 147–148). The classic Sinocentric system was hierarchical. There was only one center, China, with an emperor who ruled by virtue of the Mandate of Heaven. The emperor kowtowed to heaven. Other political entities were tributary states that had to kowtow, to acknowledge at least symbolically, the primacy of Beijing (Gong, 1984: 173; Onuma, 2000). Different international systems have had different actors and different rules or institutions.

The contemporary international system has its own rules and actors. Sovereign states are the building blocks, the basic actors, for the modern state system. Sovereign states are territorial units with juridical independence; they are not formally subject to some external authority. Sovereign states also have de facto autonomy. Although the power and preferences of foreign actors will limit the feasible options for any state, sovereign states are not constrained because external actors have penetrated or controlled their domestic authority structures. Quisling states are not sovereign. An implication of de facto autonomy is the admonition that states should not intervene in each other's internal affairs. Sovereign states are also generally assumed to have some reasonable degree of control over both their borders and their territory. Rationalist theories of international relations, such as realism and liberal institutionalism, simply assume that sovereign states (unitary, rational, autonomous) are the ontological building blocks of the international system (Waltz, 1979; Keohane, 1984). Constructivist approaches see the sovereign state system as a product of an intersubjective shared understanding (Ruggie, 1998). There is, however, little debate about the nature of the system or the character of its basic units.

A number of observers have suggested that in the contemporary period the sovereign state is being subjected to unprecedented pressures, especially from globalization and human rights norms which bring the viability of the system itself into question. For instance, in *Modernity at Large* Arjun Appadurai writes that "I

have come to be convinced that the nation-state, as a complex modern political form, is on its last legs" (Appadurai, 1996: 19). Appadurai goes on to argue that "even a cursory inspection of the relationships within and among the more than 150 nation-states that are now members of the United Nations shows that border wars, culture wars, runaway inflation, massive immigrant populations, or serious flights of capital threaten sovereignty in many of them" (ibid.: 20; for similar statements see Wriston, 1997; Rosenau, 1990). Exactly what might emerge to replace the sovereign state is not clear, although some observers have pointed to a new medievalism with overlapping structures of authority within the same territory (Mathews, 1997: 50).

The analysis presented here concludes that it is too early to schedule a wake for the sovereign-state system. Breathless assertions about globalization and human rights leading to the dissipation of sovereignty have ignored the fact that contemporary challenges are not unique; the control and authority of states has persistently been contested. If the rules of sovereignty are supplanted this could only take place through an evolutionary process in which key actors found that it was in their interest to choose new and incompatible rules and institutions. It is unlikely that key actors will make such choices, given the inherent advantages of the status quo, the ability of states to simply abandon authority claims over issue areas that they cannot effectively regulate, and the fact that sovereignty can coexist with, but not be displaced by, alternative institutional arrangements. Sovereignty is a weak evolutionary stable strategy, one that will be selected by many actors, but that can also persist along with neutral mutants, alternative strategies that are more appealing to specific actors at particular moments.

Defining Sovereignty

In practice the term sovereignty has been used in many different ways. In contemporary usage four different meanings of sovereignty can be distinguished: interdependence sovereignty, domestic sovereignty, Westphalian or Vattelien sovereignty, and international legal sovereignty.

Interdependence sovereignty refers to the ability of states to control movement across their borders. Many observers have argued that sovereignty is being eroded by globalization resulting from technological changes that have dramatically reduced the costs of communication and transportation. States cannot regulate transborder movements of goods, capital, people, ideas, or disease vectors. Governments can no longer engage in activities that have traditionally been understood to be part of their regulatory portfolio: they cannot conduct effective monetary policy because of international capital flows; they cannot control knowledge because of the Internet; they cannot guarantee public health because individuals can move so quickly across the globe. The issue here is not one of authority but rather of control. The right of states to manage their borders is not challenged, but globalization, it is asserted, has eroded their ability to actually do so.

Domestic sovereignty refers to authority structures within states and the ability of these structures to effectively regulate behavior. The classic theorists of sovereignty, Bodin and Hobbes, were concerned primarily with domestic sovereignty. Both wrote in the context of religious wars in Europe that were destroying the stability of their own polities; Bodin himself was almost killed in religious riots in Paris in 1572. They wanted above all to establish a stable system of

authority, one that would be acknowledged as legitimate by all members of the polity regardless of their religious affiliation. Both endorsed a highly centralized authority structure and rejected any right of revolt (Bodin, 1992: 13–14; Skinner, 1978: 284–287; Hinsley, 1986: 12, 181–184). In practice, the vision of Bodin and Hobbes has never been implemented. Authority structures have taken many different forms including monarchies, republics, democracies, unified systems, and federal systems. High levels of centralization have not been associated with the order and stability that Bodin and Hobbes were trying to guarantee.

The acceptance or recognition of a given authority structure is one aspect of domestic sovereignty; the other is the level of control that officials can actually exercise. This has varied dramatically. Well ordered domestic polities have both legitimate and effective authority structures. Failed states have neither. The loss of interdependence sovereignty, which is purely a matter of control, would also imply some loss of domestic sovereignty, at least domestic sovereignty understood as control, since if a state cannot regulate movements across its borders, such as the flow of illegal drugs, it is not likely to be able to control activities within its borders, such as the use of these drugs.

Westphalian or Vattelien sovereignty refers to the exclusion of external sources of authority both *de jure* and *de facto*. Within its own boundaries the state has a monopoly over authoritative decision-making. At the international level this implies that states follow the rule of non-intervention in the internal affairs of others. This notion of sovereignty is frequently associated with the Peace of Westphalia which ended the Thirty Years War in 1648. Although the treaties of Osnabruck and Muenster, which made up the Peace, endorsed the principle of *cuius regio, eius religio* (the prince can set the religion of his territory) originally formulated in the Peace of Augsburg of 1555, in fact Westphalia was actually about establishing an internationally sanctioned regime for religious toleration in Germany rather than legitimating the authority of princes to set rules for religious practices within their own domains. The Peace, which was signed by most of the major powers, established a consociational system for deciding religious questions in Germany; such issues had to be approved by a majority of both Catholics and Protestants in the Diet and Courts of the Holy Roman Empire. It also froze religious arrangements as they had existed on 1 January 1624 and set rules for sharing offices in a number of German cities that had mixed populations (Treaty of Osnabruck, 1969: 229; Krasner, 1993; Whaley, 2000: 175–182). The Peace of Westphalia had almost nothing to do with conventional notions of sovereignty.

The principle that rulers should not intervene in or judge domestic affairs in other states was actually introduced by two international legal theorists in the latter part of the eighteenth century, Emer de Vattel and Christian Wolff. Wolff wrote in the 1760s that “To interfere in the government of another, in whatever way indeed that may be done is opposed to the natural liberty of nations, by virtue of which one is altogether independent of the will of other nations in its action” (quoted in Thomas and Thomas, 1956: 5). Vattel applied this argument to non-European as well as European states, claiming that “The Spaniards violated all rules when they set themselves up as judges of the Inca Athualpa. If that prince had violated the law of nations with respect to them, they would have had a right to punish him. But they accused him of having put some of his subjects to death, of having had several wives, &c—things, for which he was not at all accountable to them; and, to fill up the measure of their extravagant injustice, they condemned him by the laws of Spain” (Vattel, 1852: 155). During the nineteenth century the

principle of non-intervention was championed by the Latin American states, the weaker entities in the international system. It was not formally accepted by the United States until the 1930s.

International legal sovereignty refers to mutual recognition. The basic rule of international legal sovereignty is that recognition is accorded to juridically independent territorial entities which are capable of entering into voluntary contractual agreements. The conventional approach to international law is analogous to the liberal theory of the state (Weiler, 1991: 2479–2480). States in the international system, like individuals in domestic polities, are free and equal. International legal sovereignty is consistent with any agreement provided that the state is not coerced. Recognition is associated with a number of other rules including diplomatic immunity, and the act of state doctrine which protects state actions from being challenged in the courts of other countries (Oppenheim, 1992: 365–367).

The rules, institutions, and practices that are associated with these four meanings of sovereignty are neither logically nor empirically linked in some organic whole. Sovereignty refers to both practices, such as the ability to control transborder movements or activities within a state's boundaries, and to rules or principles, such as the recognition of juridically independent territorial entities and non-intervention in the internal affairs of other states. A state might have little interdependence sovereignty, be unable to regulate its own borders, but its Westphalian/Vattelien sovereignty could remain intact so long as no external actor attempted to influence its domestic authority structures. A failed state like Somalia in the late 1990s offers one example. States can enjoy international legal sovereignty, mutual recognition, without having Westphalian/Vattelien sovereignty; the eastern European states during the cold war whose domestic structures were deeply penetrated by the Soviet Union offer one example. States can voluntarily compromise their Westphalian/Vattelien sovereignty through the exercise of their international legal sovereignty: the member states of the European Union have entered into a set of voluntary agreements, treaties, that have created supranational authority structures such as the European Court of Justice and the European Monetary Authority. States can lack effective domestic sovereignty understood either as control or authority and still have international legal sovereignty—Zaire/Congo during the 1990s is an example. Sovereignty is a basket of goods that do not necessarily go together (Fowler and Bunck, 1995: 116–117).

Sovereignty Contested

The basic rules associated with Westphalian/Vattelien and international legal sovereignty have been recognized at least since the end of the eighteenth century, and in some cases even earlier. These rules have been in place during a period of unprecedented material and ideational change in human society. During the nineteenth and twentieth centuries the industrial revolution transformed the material conditions of human society; average life spans dramatically increased; infant mortality plummeted; the share of the population working in agriculture declined in some countries from 90 percent to 5 percent; tens of millions of individuals were killed in wars; nuclear weapons were invented; technological change reduced intercontinental communication time from weeks to seconds; communist ideology influenced the political and economic organization of many

states; communist beliefs were repudiated; the number of democratic regimes rose, fell, rose, fell, and rose again; large areas of the world were colonized and decolonized; some countries in East Asia experienced unprecedented levels of growth; some countries in Africa experienced substantial declines in their per capita income; and, perhaps most dramatically of all, the number of human beings living on planet Earth increased from perhaps 1.4 billion individuals in 1800 to over 6 billion in 2000. During the last two centuries, when the rules of the sovereign state system have been widely understood, the world has changed a lot, arguably more than at any other time in human history.

Many recent observers have argued that the sovereign-state system is now under unprecedented stress because of two developments: globalization and changing international norms with respect to human rights. Globalization poses challenges to interdependence and domestic sovereignty because it threatens state control. Human rights norms challenge Westphalian/Vattelien sovereignty because they imply that domestic authorities are not free to set their own rules about the treatment of individuals within their borders.

Many observers have suggested that the increase in globalization is a threat to sovereignty. What they usually mean is that the state is losing control over certain activities, but some observers have hinted that this could lead to changes in authority structures as well. In his classic study, *The Economics of Interdependence* (1968), Richard Cooper pointed out that capital mobility was undermining the ability of states to control their own domestic monetary policy. One observer of the global telecommunications situation avers that "In the long run telecommunications will transcend the territorial concept and the notion of each country having territorial control over electronic communication will become archaic in the same sense that national control over the spoken (and later the written) word became outmoded" (Noam 1987: 44). James Rosenau writes that new issues have emerged such as "atmospheric pollution, terrorism, the drug trade, currency crises, and AIDS that are a product of interdependence or new technologies and are transnational rather than national. States cannot provide solutions to these and other issues" (Rosenau, 1990: 13).

States, however, have always operated in an interdependent international environment. They have never been able to perfectly regulate transborder flows. International capital flows were important in the Middle Ages; the Fuggers, one of the most important German banking families in the early modern period, controlled mines in central Europe and the Alps, had correspondents in Venice, were the dominant firm in Antwerp, the most important financial center of the time, and had branches in Portugal, Spain, Chile, Fiume, and Dubrovnik. They had an agent in India and in China by the end of the sixteenth century (Braudel, 1982: 186–187). European states were more dependent on international borrowing to finance public activities, the most important of which was war, before the nineteenth century, when they lacked the administrative capacity to extract resources from their own economies, than they have been since. It was only in the nineteenth century that the major European states developed sophisticated national systems of finance including revenue collection (Tilly, 1990: 53).

During the nineteenth century the Latin American states were beset by boom and bust cycles linked to international capital flows on which they were heavily dependent. The Asian flu of the late 1990s was hardly the first international financial crisis. Baring Brothers, the British financial institution that suffered a spectacular collapse in 1995 as a result of speculative dealings by a broker in

Singapore, would have ceased to exist in 1890 as a result of questionable loans that had been made to Argentina had it not been for the intervention of the Bank of England, the Bank of France, the British Treasury, and J.P. Morgan (Cohen, 1986: 94–95). The period before the First World War saw net capital flows on a larger scale than ever before or since. For the years 1910 to 1913 foreign investment was equal to 53 percent of British domestic savings, 7 percent of German, and 13 percent of French. Net international capital flows were higher in the nineteenth century, about 5 percent of national income in the 1880s compared with 2.3 percent for the period 1989–1996; it is only gross capital flows that increased so dramatically at the end of the twentieth century (Obstfeld and Taylor, 1997: 8 and Table 2.1).

Capital market integration in the last part of the nineteenth century was so high because of three factors. Technological change dramatically increased the speed of communication, as the telegraph reduced the time it took for information to move between New York and London from ten days to a few minutes; the gold standard encouraged long-term flows by reducing exchange-rate risks; finally, it was easier for governments in the late nineteenth century to make exchange rate stability a more salient policy goal than employment because pressure from labor was weak (O'Rourke and Williamson, 1999: chap. 11). While technological change has made communication even easier, exchange rate risks and domestic political pressures weigh against a return to the levels of capital market integration of the late nineteenth century. High capital flows and the rules of sovereignty have coexisted for at least two centuries, even if such flows have made elements of interdependence and domestic sovereignty problematic.

International migration rates reached their highest levels in history during the long nineteenth century stretching from the end of the Napoleonic Wars to 1914. In the century following 1820, 60 million Europeans moved to the labor-scarce New World. The only comparable intercontinental migration had been black slaves from Africa to the Americas, where the total was 8 million. After 1900 more than a million people moved annually, although between 1890 and 1914 about 30 percent of the immigrants returned to their home countries. Without migration the labor forces of a number of western hemisphere countries, as well as Australia and New Zealand, would have been significantly smaller, perhaps 24 percent less in the case of the United States and 86 percent less for Argentina. Migration resulted in substantial wage convergence between Europe and North America and at least in the United States prompted a political backlash which contributed to more restrictive immigration policies (O'Rourke and Williamson, 1999: chaps. 9 and 14; Williamson, 1996: 16, 18, Table 2.1).

International trade also increased rapidly during the nineteenth century. Technological changes such as the railroad and the steamship reduced transportation costs, and commodities with high weight-to-value ratios, such as grain, became internationally and intercontinentally competitive. This burst of international commerce was brought to an abrupt halt by the First World War and the ratio of trade to aggregate economic activity remained low during both the interwar period and the Second World War. Trade increased again after 1950, equaling nineteenth-century peaks for many countries in the 1980s and then surpassing them. The pattern is, however, uneven. For the United States trade (exports plus imports) increased from 10 percent of GDP in 1960 to 24 percent in 1995, while for Japan it fell slightly from 20 to 17 percent (OECD, 1982; World Bank, 2000).

In an insightful and informative history of economic globalization in the nineteenth century Kevin O'Rourke and Geoffrey Williamson write:

By 1914, there was hardly a village or town anywhere on the globe whose prices were not influenced by distant foreign markets, whose infrastructure was not financed by foreign capital, whose engineering, manufacturing, and even business skills were not imported from abroad, or whose labor markets were not influenced by the absence of those who had emigrated or by the presence of strangers who had immigrated (O'Rourke and Williamson, 1999: 2).

In arenas other than economic, the claim that the contemporary era represents a qualitative break with the past should also be met with some skepticism. AIDS, which probably originated in a remote part of Africa, has spread around the world, but in terms of the number of deaths it hardly compares with earlier pandemics, from the bubonic plague in Europe during the Middle Ages, to smallpox which the Europeans brought to the New World, to influenza during the first part of the twentieth century.

The late twentieth century has also witnessed the spread of ideas, including norms such as the rights of indigenous peoples, and popular culture such as MTV. But, here again, the degree of change can be exaggerated. The Reformation transformed the political map of Europe within a decade after Luther had posted his 95 Theses on the door of the Schlosskirche in Wittenberg. Getting prices right is one thing; burning in hell for all eternity is quite another. The Internet has provided not only very rapid but also widely available and inexpensive forms of communication, but the most dramatic increase in the speed of communication took place not in the 1980s but in the 1860s with the laying of the first transatlantic telegraph cables.

It is certainly true that before the fifteenth century different parts of the world were relatively isolated, although even then the Eurasian land mass linked the economy of Europe to areas of Asia of which the Europeans themselves were hardly aware. The route of luxury goods from China to the Middle East to the Adriatic and then to northern Europe was long and arduous but still consequential for the European economy (Abu-Lughod, 1989). Since the European discovery of the New World and the sea passage to Asia around the Cape of Good Hope, and especially since the beginning of the nineteenth century, no political entity in any part of the globe has been able to isolate itself from international and transnational ideational and material forces. The Chinese in the nineteenth century were compelled to accept European conceptions of the nature of the international system, sovereign states, as opposed to the hierarchical order of the traditional Sinocentric world, just as the Ottomans had been obliged to alter their conceptions about the relationship between the world of Islam and the world of barbarians at the beginning of the seventeenth century as a result of rising European military capabilities.

It is not that globalization has had no impact on state control, but rather that controlling transborder movements, not to speak of developments within a state's boundaries, has always been a challenge. The problems for states have become more acute in some areas, but less so in others. There is no evidence that globalization has systematically undermined state control; indeed, the clearest relationship between globalization and state activity is that they have increased hand-in-hand, and in some arenas states are more capable than they have been in the past. Modern medicine has made it easier for public authorities to suppress or

cope with epidemics. The level of government spending for the major countries has, on average, increased substantially since 1950 along with increases in trade and capital flows. This ought to be no surprise: governments have intervened to provide social safety nets that make more open economic policies politically acceptable (Garrett, 1998).

In sum, global flows are not new. In some issue areas, such as migration, flows were higher in the nineteenth century than they are now. Government initiatives have not been crippled by globalization. Indeed, the provision of collective goods and social stability have created the conditions that have made higher levels of trade and capital flows politically viable in the postwar period.

While globalization and associated questions of control have raised one set of issues about the viability of the sovereign-state system, especially with regard to interdependence and the control aspects of domestic sovereignty, the spread of international norms regarding human rights presents a second set of challenges. Here the issues are related to Westphalian/Vattelien sovereignty rather than domestic or interdependence sovereignty. Global human rights norms are a direct challenge to one aspect of the authority of the state, its right to regulate relations between its subjects and their rulers free of external interference. Conventional notions of Westphalian/Vattelien sovereignty place authority over relations between rulers and ruled entirely within the hands of national governments; the policies emanating from domestic political structures are not subject to challenge by external actors, especially external actors claiming authority in their own right. Universal human rights norms, in contrast, prescribe standards that all regimes must honor. The state might be the only actor that can establish authoritative rules within its own borders, but universal human rights norms imply that it cannot set any rule that it pleases.

Westphalian/Vattelien sovereignty can be violated in a number of different ways. In some instances external actors such as NGOs, international organizations, or other more powerful states have encouraged regimes to accept standards that they would have preferred to ignore. Human rights NGOs, such as Amnesty International for instance, have publicized what they have regarded as the illicit practices of some regimes, and this in turn has increased pressure from other governments. There have also been more direct cases of state-to-state interventions regarding human rights issues of which military interventions, Clinton's dispatch of American troops to Haiti for instance, have been the most dramatic.

Westphalian/Vattelien sovereignty can also be compromised through the voluntary actions of political leaders. The European human rights regime, which includes supranational institutions like the European Human Rights Commission and the European Human Rights Court, is one example. After the Second World War European leaders, especially those in states where democratic principles were not firmly institutionalized, such as Germany, wanted to create an international regime that would make it more difficult for any national leader, including their own successors, to violate human rights (Moravcsik, 2000). This regime was not the result of external coercion or pressure from either public or private actors, but rather of a voluntary agreement, a treaty. By exercising their international legal sovereignty, their right to make contracts, European decision makers violated the Westphalian/Vattelien sovereignty of their own polities.

Among some observers there has been unqualified enthusiasm for contemporary human rights activities, which are seen as changing the basic nature

of the sovereign-state system. As in the case of discussions of globalization, such dispositions reflect an element of historical myopia. The right of public authorities to establish their own rules about the treatment of individuals within their national borders has never gone unchallenged by either other states or transnational non-governmental organizations, although the specific focus of concern—religious toleration, minority rights, human rights—has changed over time.

Transnational non-governmental organizations (TNGOs) were active in the nineteenth as well as the twentieth century. In their study of what they term transnational advocacy networks Margaret Keck and Kathryn Sikkink (1998: chap. 2) point out that such groups were occupied with efforts to abolish slavery, promote the rights of women, improve conditions for workers, and end foot-binding in China. Transnational private groups were also engaged in international activities related to commercial law, telecommunications, transportation, minority rights, and the environment. Keck and Sikkink, however, do argue that there has been a substantial increase in the significance of such networks in the latter part of the twentieth century because of technological and cultural change (see also Charnovitz, 1997).

Westphalian/Vattelien sovereignty has been contested among states themselves for an even longer period, at least since the seventeenth century. The right to intervene in relations between rulers and ruled has been justified not only in terms of human rights, but also minority rights, and the need to ensure international security and stability. The Peace of Westphalia was primarily an effort to depoliticize religious issues in Germany by introducing as part of an international treaty a system of consociational decision-making.

The settlements after the Napoleonic wars provided for protection of the rights of Catholics in the Netherlands and a pledge by Prussia, Russia, and Austria to respect the national rights of the Poles, the first instance of protection of an ethnic as opposed to a religious minority, even though Poland itself had been partitioned and ultimately disappeared during the eighteenth century.

As a condition of recognition by the major European powers, the would-be leaders of every state that emerged from the Ottoman Empire during the long nineteenth century—beginning with Greece in 1832, through Romania, Serbia, Montenegro, and Bulgaria as a tributary state of the Empire in 1878, to Albania in 1913—had to recognize the civil and political rights of their religious minorities. Idealistic and humanitarian concerns did play some part in European policies: several hundred Europeans fought for Greek independence, Byron being the most famous; Gladstone's return as prime minister in 1880 was in part the result of his publicizing what were termed the Turkish atrocities against the Bulgarians at the beginning of the Balkan wars of the 1870s; both Jewish groups and some Christians were concerned about anti-Semitic policies, especially in Romania. The major concern of the European powers in the Balkans was, however, security. They feared that ethnic and religious conflict would destabilize the area and precipitate a wider conflict, a fear that the events of July and August 1914 demonstrated was all too prescient.

A similar combination of humanitarian and security issues motivated the extensive minority rights provisions that emerged from the Peace of Versailles following the First World War. As a condition of either recognition or membership in the League of Nations more than thirty states conceded protection to their national minorities. A Minorities Bureau was established in the League of Nations,

and an extensive appeals procedure, including taking cases to the International Court of Justice, was enacted. The guiding vision for the Versailles settlement was Woodrow Wilson's concept of collective security, which depended on a community of democratic states that would collectively resist aggression. Because the leaders of the victorious states realized that national self-determination could not produce a world of ethnically homogeneous states, democracy and collective security could only be realized if minorities were content with their circumstances. Minority rights, usually enshrined in domestic constitutions not just international agreements, were the mechanism that could reconcile the potential conflicts between democracy and self-determination. As in the case of the Balkans in the nineteenth century, most leaders of smaller and weaker states accepted minority rights provisions reluctantly, believing that they had no choice if they wanted to secure international legal sovereignty. But there were some exceptions. Hungary, with small numbers of minorities within its own borders but many Hungarians living elsewhere, supported the agreements, as did Czechoslovakia, which hoped that guarantees of minority rights would reconcile the large German population in the Sudetenland to its minority status, as well as placate Germany itself (Bartsch, 1995: 74–77, 81–82, 84–89).

Concern with human as opposed to minority rights, whether religious or ethnic, became more manifest during and after the Second World War. The interwar efforts to protect minorities were a dismal failure. The nineteenth century had witnessed some successes in establishing the rights of broader classes of individuals, especially the abolition of the slave trade and slavery and the movement to secure women's suffrage (Lauren, 1998: chap. 2; Keck and Sikkink, 1998: chap. 2). The leaders of the United States and some of the other major powers were, in fact, quite anxious about the explicit inclusion of human rights provisions in the founding documents of the United Nations, fearing that this could lead to constraints on their Westphalian/Vattellican and domestic sovereignty, but at the San Francisco meeting a number of smaller countries, of which New Zealand was the most active, pressed for explicit human rights provisions. The American delegation was also heavily lobbied by non-governmental organizations. In the end the United States and the other major powers supported the explicit and formal endorsement of human rights. Subsequently there have been many international agreements regarding human rights, including more than twenty United Nations conventions, and the Helsinki and Dayton accords.

In sum, contemporary challenges to Westphalian/Vattellican sovereignty and interdependence sovereignty have many historical precedents. The ability of states to effectively regulate their borders and to exclude external sources of authority could never be taken for granted. Historically some large and powerful states, most obviously the United States, have been very successful at maintaining all elements of sovereignty. Smaller and weaker states have had a harder time.

Sovereignty's Resilience

So here is the puzzle: globalization and alternative normative structures such as minority and human rights have persistently challenged Westphalian/Vattellican and interdependence sovereignty. Economic, demographic, military, and ideational change has been exceptionally dynamic over the last two centuries. Yet no alternative set of institutional arrangements has supplanted the rules associated with sovereign statehood, although new arrangements such as protectorates,

dominions, and regional entities have been established and coexisted with the norms of sovereignty. Sovereignty's resilience is striking.

It is not difficult to identify institutional arrangements that have collapsed in the face of changing material and ideational factors. The Aztec and Inca empires were destroyed by Spanish conquistadors in part because of superior military technology including horses and metal weapons (Diamond, 1997), but also because of indigenous beliefs that were, for essentially haphazard reasons, suicidal. Had Montezuma not believed that Cortés was a returning god, Mexico City might not have been so easily conquered. If the Balinese nobility had had a set of cosmological beliefs that could have accommodated the Dutch colonialists they might not have quite so blithely walked into their antagonists' machine guns (Geertz, 1980). The Sinocentric worldview which placed China at the top of a hierarchical structure was undermined not only by the power of the major European states and the United States but also by Japan, which insisted in the Treaty of Shimonoseki that Korea, historically a tributary state of China, be recognized as an independent country, a move that ultimately led to greater Japanese influence and the colonization of Korea (Onuma, 2000; *Encyclopædia Britannica Online*, 2000). Before the seventeenth century orthodox Islamic views rejected equality between the world of Islam and the world of infidels, but this social construct changed with the rising power of Europe. The Treaty of Sitvatorok concluded after the Ottoman defeat at the second siege of Vienna referred to the Holy Roman Emperor and the Sultan by the same term (Lewis, 1995: 120).

The kind of discontinuous revolutionary change that destroyed traditional Chinese, Balinese, and Aztec political structures was the result of invasion by a militarily superior external actor with a different social construction of both domestic order and international rules. Absent an invasion from outer space, no such development is in the offing for the twenty-first century. For the first time in human history there is only one international system and there is no dramatically more powerful actor that could invade from outside it.

If the rules associated with the sovereign-state system are changing, this could only occur as a result of more incremental developments resulting from the choices of public and private decision makers pursuing their own self-interest in an environment so complicated that they cannot foresee all of the consequences of their decisions. The emergence of the modern state system itself, which occurred over several centuries, offers an historical analogy. States that were juridically independent territorial entities which mutually recognized each other did not suddenly emerge full-blown from the Peace of Westphalia or any other specific historical event. The rules of sovereignty were not explicitly formulated in one organic package by any political leader or theorist. Rather they emerged over time and have been adhered to with varying degrees of fidelity.

The modern European state system evolved from medieval arrangements characterized by formally overlapping structures of authority. The most compelling explanations for the triumph of the national state over other institutional forms point to the ability of states to take advantage of the wealth and military power generated by technological and commercial changes that took place during the late Middle Ages. States, as opposed to empires, or city states, or trading confederations (such as the Hanseatic League) were better able to promote economic development, fight wars, and extract resources. States could more effectively establish uniform weights and measures which encouraged trade and commerce than could city states or city leagues. States were better able to

control local political and military actors than could empires. They were more adept at creating the bureaucratic organizations that were necessary to fight effectively with metal, siege guns, and large naval fleets. They were able to extract resources from their own populations, to secure wealth through conquest, to borrow from international financiers, and ultimately beginning in the seventeenth century to establish domestic organizations that could systematically and efficiently tax (Tilly, 1990; Spruyt, 1994; North and Weingast, 1989; Brewer, 1989). Historically, changing material circumstances have led to changes in institutional structures at the international level, most notably redefinitions of the key actors; states as sovereign equals, for instance, versus an imperial center and various lesser entities.

The end of the medieval world, and of city states, empires, and city leagues, precipitated by technological change, was supported by new ideas, especially those associated with the Protestant Reformation. Luther's doctrines provided an ideational rationale and legitimation for the position of secular rulers (Skinner, 1978: 1–108). Will recent changes in technology associated with globalization, and the embrace of human rights norms, lead to new political structures and new rules that will supplant those associated with the sovereign state? Are we in the midst of an evolutionary transformation whose initial steps but not final denouement are becoming more visible?

One theoretical approach that provides some guidance for thinking about this issue is evolutionary game theory. Evolutionary game theory assumes that actors are rational but myopic. They do not have common knowledge about the game they are playing. They proceed through trial and error. Over time players select those strategies that give them better results. Other players may imitate these strategies (Kandori, 1997: 244; Sugden, 1989: 90; Aoki, forthcoming: chap. 1). From an evolutionary game theoretic perspective the basic question is: Are there players that have incentives and capabilities to develop new rules and institutions that could supersede sovereign statehood? The existing institutional arrangements will not simply collapse. They will not be displaced by some external invader, since there are no such invaders, at least, UFOs aside, none that we know of. If existing institutions do change it will be the result of an evolutionary process driven by the decisions of calculating but short-sighted actors. (Another, albeit remote, possibility is that some natural disaster such as a comet hitting the earth, or a series of volcanic eruptions, could so challenge the capabilities of extant political institutions that rulers would be driven to create or empower alternative structures such as supranational organizations.)

There are several reasons to suspect that no such transformation is in the offing. First, there are the usual advantages of the status quo. The development of new arrangements requires new investments, while the maintenance of old ones simply involves ongoing expenditures. Once an institution is in place, regardless of how it got there to begin with, it generates shared expectations which become a force for stability. Policy positions are formulated on the assumption that existing practices will persist. Individuals invest in training because they believe that employment opportunities—in the diplomatic corps, civil service, the military—will continue (Moe, 1987: 255–256). Complementary cultural practices develop; sovereign states, for instance, may appeal to national loyalties, create flags and anthems, promote the national language, privilege citizens, and establish national holidays. New arrangements might require individuals to invest in new skills, learn new languages, and make different choices for the education of their children, something that they might do but only at some cost (Laitin, 1998).

Second, as suggested by the long-standing challenges posed by globalization and by external efforts to influence relations between rulers and ruled (religious toleration, minority rights, human rights) the actual practice of sovereignty has been characterized by organized hypocrisy. Well-understood rules such as non-intervention in the internal affairs of other states have been violated and these violations have been legitimated by other norms such as minority rights, human rights, and the need to preserve international stability. The reasons given by the major NATO countries for intervention in Kosovo were not much different from the reasons that some of these same states had given for intervening in the Greek war of independence in the 1820s or for brokering a peace settlement that included minority rights at the Congress of Berlin after the first Balkan wars of the 1870s. In all three cases major states legitimated their intervention in the internal affairs of another political entity by appealing to the need to protect minorities and preserve international stability (Krasner, 1999: chaps. 1, 3). The existence of multiple norms, rather than being a threat to the rules of sovereignty, may in fact help to preserve them by making it easier for the rulers of powerful states to pursue material and ideational goals in some situations while adhering to conventional sovereignty norms in others. The president of the United States or the prime minister of Britain did not have to argue that sovereignty is dead in order to place NATO troops in Bosnia; in fact the rationale for such troops may be that their very purpose is to restore effective domestic sovereignty to Bosnia (Woodward, 2000).

Third, political actors committed to the sovereign-state system have the option of shedding functions which they cannot manage. Some observers who see globalization undermining sovereignty have correctly pointed out that some states can no longer regulate international capital flows and as a result their ability to conduct macro-economic policy is constrained. This situation is not, however, a new development. In the nineteenth century major states were committed to the gold standard and domestic money supplies and interest rates adjusted to maintain an external balance. The Keynesian macro-economic policies whose viability is threatened by globalization are a development only of the last half of the twentieth century. Some smaller states that cannot pursue autonomous monetary policies may simply give up control over this arena. The most extreme examples of this phenomenon are dollarization, with countries adopting a foreign currency, the dollar, and giving up any effort to maintain a national money supply. Panama has used the American dollar since 1903; Ecuador chose dollarization in March 2000 hoping to dampen its very high rate of inflation. Other countries have adopted less radical measures, such as currency boards that are designed to maintain a fixed exchange rate between the national currency and the dollar, although the credibility of such commitments is always questionable.

Do such moves spell the doom of the sovereign state and the emergence of some alternative institutional structure? This could only be the case if shedding authority in some area—a reformulation of domestic sovereignty—led to conditions that were so problematic that significant political and economic actors would begin to search for new structures that might be inconsistent with the rules of sovereignty. This could, of course, happen. But it is more likely that the economic performance of smaller, weaker states with shaky political regimes will be better if they relinquish control of their own monetary policy, because this will reduce the chances of inflation. Such an outright surrender of macro-economic authority would be more problematic for larger, more powerful states with

effective domestic authority structures, because they would find it more difficult to provide social and economic stability for their own populations. The pressures from workers suffering from higher unemployment as a result of deflation could be more easily contained in the nineteenth century than in the twentieth (Eichengreen, 1996: 42–44). Hence, while a return to the nineteenth-century gold standard is not in the offing, some political leaders might find that shedding claims to authority over macro-economic policy enhances rather than diminishes the stability of their regimes and reduces their incentive to seek new institutional arrangements that might challenge or supplant some element of sovereignty. Others might find the surrender of monetary control more politically difficult, but they could substitute other policy instruments, including more elaborate social safety nets. Indeed, the small European states, which have been heavily dependent on involvement in the international economy, have developed the most elaborate corporatist decision-making structures as well as providing high levels of social support for their populations. Unable to control the direct impact of international flows, including monetary flows, they have redefined their domestic authority structures, their domestic sovereignty, in ways that have proved to be politically viable (Katzenstein, 1985).

One historical example of the benefits of constraining and relinquishing rather than expanding state authority is the development of religious toleration in Europe. In the medieval period the Catholic Church and secular authority were intertwined. The Protestant Reformation provided an alternative, religiously-grounded rationale for secular authority. Luther argued that the king is ordained by God and God is all-knowing (Skinner, 1978: 1–108). For European rulers giving up control over religion was not easy: it not only meant abandoning concern for the souls of one's subjects but also weakening one of the foundations for the legitimacy of their own regimes. European rulers did not embrace religious toleration, but confronted with the religious wars of the sixteenth and seventeenth centuries they reluctantly adopted it, and ultimately many adhered to religious freedom which rejected state involvement in spiritual matters. Giving up authority over the way in which subjects interact with the sacred is no small thing; some might even think it more important than the ability to control, for instance, pornographic material on the Internet. Yet religious toleration and freedom were a consequence of the recognition by political authorities that there were elements of human life that they could not regulate. By redefining the scope of domestic sovereignty they enhanced political stability. Transnational and international ideational and material pressures, globalization, can threaten interdependence sovereignty, but rather than leading players to explore institutional alternatives to domestic sovereignty these threats might simply encourage them to limit the scope of state authority; to alter the nature of domestic sovereignty rather than trying to find alternatives to it.

A fourth reason to expect sovereignty to persist is that claims about domestic authority, the exclusion of external authority, and international recognition and state equality have been compatible with other structures that have existed in the international system. Individual actors have had incentives to develop alternative rules and institutions, indeed, they have done this in the most imaginative ways. But these other arrangements have been neutral mutants that have coexisted with rather than supplanted sovereignty. Sovereignty is a weak rather than a strong evolutionarily stable equilibrium; that is, it has not pushed out alternative strategies, but rather has lived with them.

Protectorates in which a stronger power controls some aspects of a weaker state's policies (usually foreign policy) but not others, provide one example of such a neutral mutant. Protectorates have often been established through treaties; they have been consistent with international legal but not Westphalian/Vattelien sovereignty. During the expansion of western power in the nineteenth century protectorates were particularly convenient because they provided control but limited governance costs. The Ionian Islands were recognized as a protectorate of Britain in 1815; the rulers of Afghanistan and Kuwait signed agreements with Great Britain during the last part of the nineteenth century; Tunisia became a protectorate of France; the Platt Amendment of 1903, subsequently accepted by Cuban leaders, conditioned Cuban independence and recognition on the acceptance of American oversight of security affairs. There are also more long-standing examples of protectorates in Europe itself. Andorra has, in effect, been a protectorate of France and Spain since the thirteenth century; Monaco is a protectorate of France; San Marino a protectorate of Italy. All of these European mini-states have joined a number of international organizations and signed international treaties despite lacking control over their security affairs (Lake, 1999; Strang, 1996: 24; Oppenheim, 1992: 267–274; Langley, 1989: 21–22). When NATO forces occupied Kosovo in 1999 they ignored conventional rules of Westphalian/Vattelien and domestic sovereignty. The major powers did not attempt to establish Kosovo as an independent state, nor did they seek to make it part of a larger Albania. Rather they seized effective control of the territory while still recognizing it as part of Yugoslavia. Some observers quickly started referring to Kosovo as a NATO protectorate (*New York Times*, 20 February 2000).

The most interesting contemporary example of a neutral mutant is the European Union. After the Second World War American and European leaders searched for new institutional arrangements. American policy makers were motivated by geopolitical concerns; they wanted a powerful alliance that could balance against the Soviet Union (Gowa, 1994). Rather than following a divide-and-conquer strategy in Western Europe, they supported European unification. European leaders had their own reasons for pursuing such a policy. Germany had not only lost two world wars but had also sunk into the perversity of the Nazi experience. For Germany's postwar leaders greater European cooperation offered not only economic integration and the strategic advantages of making Germany more secure by making it less of a threat, but also the long-term possibility of establishing a German national identity within a broader European frame of reference. Consistent with the expectations of an evolutionary approach, the current status of the European Union has emerged over a period of time out of complex negotiations designed to deal with specific issues, rather than from some effort to conform with a well understood set of rules and norms. Some observers have argued that the provisions of all of the major European accords can be explained by efforts to secure economic advantages for specific groups within the major European states (Moravcsik, 1998). The European Union has territory, recognition, control, national authority, extranational authority, and supranational authority. The European Commission, European Central Bank, and the European Court of Justice are supranational authority structures. The European Court has articulated four doctrines that have made Europe, according to some observers, indistinguishable from the legal structure of a federal state: direct effect, supremacy, implied powers, and the right to review any Union measures for human rights violations (Moravcsik, 1994: 51; Burley and Mattli, 1993; Weiler,

1991: 2413–2427). The European Commission has the power to initiate proposals in some issue areas. There is qualified majority voting for some questions in the Council of Europe, meaning that member states could be obligated to accept policies which they opposed. The European Monetary Union has established a European central bank with weighted voting, moving authority over monetary policy to a supranational agency.

The structure of the European Union is hardly settled. It might simply evolve into a conventional federal state. It might become embedded as a distinctly new institutional form, one whose bundle of attributes includes supranational and extranational authority. At the present moment the EU is already a structure that has displaced conventional sovereignty within Europe itself. The member states all enjoy international recognition, but so does the European Union itself. The basic rule of international legal sovereignty, recognizing juridically independent territorial entities, no longer applies in Europe. The EU has no territory separate from that of its members, and its members are not juridically independent. The Union has been a signatory to international accords that fall within its purview including the UN Law of the Seas Convention, various international commodity agreements, the Helsinki Final Act, and several environmental conventions; its member states have also been signatories. It maintains diplomatic representation in a number of countries, as do its member states (<http://europa.eu.int/comm/dgla/index.html>). The European Union has curtailed the Westphalian/Vatellian sovereignty of its members and altered the structure of their domestic political institutions.

Within Europe the EU has displaced institutional arrangements associated with international legal, Westphalian, and domestic sovereignty. In most issue areas its members have relinquished claims to regulate movements across their borders. Within Europe the Union has displaced conventional sovereignty. In the wider international environment, however, it is a neutral mutant coexisting with political entities that still embrace conventional sovereignty rules.

Institutions change because circumstances, usually material circumstances, change. Historically, some international rules have been annihilated when political entities with asymmetrical power that were previously remote from each other suddenly engaged in direct military confrontations. Absent an invasion from outer space no such dramatic coercive change is in the offing. If the contemporary rules change it will be as a result of incremental choices made by leaders motivated by short-term calculations of interest rather than some comprehensive plan. In the contemporary environment it is difficult to identify why or how such a process might be initiated. Sovereignty rules enjoy the usual advantages of the status quo. When confronted with new material or ideational challenges political leaders have either devised alternative institutional arrangements that have coexisted with but not displaced sovereignty, neutral mutants, or they have simply limited their claims to authority.

New Challenges

There are new challenges to conventional rules but, like past challenges, they will not displace sovereignty. As suggested above, the European Union, while comfortably coexisting with established institutions in the broader international environment, has displaced Westphalian/Vatellian and international legal sovereignty within Europe as well as altering the domestic authority structures of

its members including their abandoning claims to regulate transborder flows among member states in most areas. Furthermore, there are at least two actors that are more salient in the contemporary international environment than has been the case in the past—international organizations (IOs) and transnational non-governmental organizations (TNGOs). In addition technology has introduced a new and potentially disruptive form of activity, cyber crime.

International organizations, such as the United Nations, the International Monetary Fund, the World Bank, the World Trade Organization, and many, many others, are more consequential than they have been in the past. These organizations are ultimately beholden to their member states, especially those member states with substantial resources, but officials within IOs can, nevertheless, act on their own within sometimes broad mandates. IOs can be the transmitters of international norms, many but not necessarily all of which have been generated initially within the largest and most powerful polities. These organizations can be instruments for compromising the Westphalian/Vattelien sovereignty of their members. With the end of the cold war the conditionality requirements of the major international financial institutions became more intrusive. The European Bank for Reconstruction and Development, which was established in 1991, explicitly endorsed political conditionality. Older institutions such as the IMF and the World Bank became more intimately involved with political questions despite formal prescriptions against such behavior. The Bank and the Fund, for instance, explicitly targeted corruption in the mid-1990s. Adherence to the conditionality terms of international financial institutions is a voluntary act, but such acts can compromise the domestic autonomy of states; better to get the money and acknowledge external involvement in domestic authority structures than to reject such involvement and be impoverished.

The spread of democracy and technological change has made the activities of non-governmental organizations which operate both within and across countries more salient. The Internet has made it easier for poorer, smaller groups, as opposed to wealthier, larger ones like multinational corporations, to organize. The number of NGOs has increased dramatically during the twentieth century from perhaps 200 in 1900 to 4000 in 1980 (Boli and Thomas, 1999). Keck and Sikkink have argued that NGOs along with foundations, some government bureaucracies, parts of international organizations, the media, and local groups can form transnational advocacy networks that facilitate the exchange of information and alter public policy (Keck and Sikkink, 1998: chap. 1). There would have been, for instance, no international convention against land mines without the efforts of the International Campaign to Ban Land Mines, a group that owed much to the energy and views of one individual, Jody Williams. Telecommunications technology—telephone, fax, the Internet—has reduced organizational costs for NGOs, making them more potent lobbying organizations than they would otherwise have been, especially in democratic polities. Advocacy networks can organize to pressure international organizations; the Seattle demonstrations against the World Trade Organization offer an example. TNGOs can challenge not only specific policies but also the authority of the state by demanding accountability or shaming political leaders. The Argentinian military stepped back from its policy of “disappearing” individuals and denying knowledge of any crime because pressure from human rights NGOs prompted sanctions by western states including reductions in military and economic aid (Keck and Sikkink, 1998: chaps. 1 and 3).

Cyberspace will open opportunities for new kinds of criminal or simply malicious activities. Viruses generated in one country can freeze e-mail and destroy files all over the world; individuals in one country can penetrate computer systems in others. Such problematic activities could be dealt with through national legal systems, provided that they have the appropriate laws and enforcement mechanisms, something that cannot be taken for granted. The most troublesome crimes could be those that originate in places that are not effectively controlled by any state. In some places it is easier to have a good Internet connection than to have effective domestic sovereignty.

TNGOs, international organizations, and cyber crime all pose new challenges to state control and in some cases to state authority as well. With regard to the rules of sovereignty, however, the question is this: Will these challenges generate new rules and norms that could undermine or supplant those associated with sovereignty? For TNGOs the answer is no. TNGOs are not alternative governance structures; they are designed to change state policy. For democratic states TNGOs are perfectly consistent with domestic sovereignty; they are just another kind of pressure group, albeit one that might be able to enhance its influence by operating across boundaries. They might, however, puncture Westphalian/Vattelien sovereignty by challenging the legitimacy of existing state practices. Whether or not this happens remains to be seen. Many human rights NGOs, such as Amnesty International, regard the death penalty as barbaric, but this is not likely to change public policy in the United States although other states might be more susceptible to such pressure. For autocratic states TNGOs can contest both domestic and Westphalian/Vattelien sovereignty by arguing, for instance, that governance structures ought to be more democratic, but TNGOs do not claim to offer an alternative to state authority.

International organizations (IOs) are a manifestation of international legal sovereignty. They reflect efforts by political leaders to secure policy outcomes that would elude them if they acted unilaterally. Organizations can resolve market failure problems by providing information, linking issues, establishing focal points, and facilitating commitments. Multilateral organizations may legitimate norms that would be suspect if they emanated from a single state. States, especially individual states, might not be able to fully control IOs, but IOs are a product of international legal sovereignty even if they sometimes undermine Westphalian/Vattelien and domestic sovereignty. IOs are complementary to, rather than substitutes for, sovereign states. They are not a stepping-stone to something else.

Cyber crime poses a more interesting problem. At modest levels such activities may simply be a cost of doing business in the cyber age but transgressions could become so extensive that they would threaten commerce. In a polity with effective domestic sovereignty cyber crime, like any other crime, could be more or less controlled. In areas without effective political control illicit activities could be much more extensive. This is a problem that calls for the invention of some new institutional arrangements, neutral mutants, that would coexist with sovereign states. An updated form of protectorate, in which certain activities within a specific area were regulated by external actors, might be one possibility. The governance costs of such initiatives (who wants to take over Chechnya, for instance?) could be prodigious. Alternatively, governments within whose territory such activities were taking place might choose or be encouraged to deputize foreigners to oversee certain kinds of activities. Indonesia contracted for Dutch customs officials: the American Drug Enforcement Agency had agents, some of whom

engaged in bilateral investigations, in more than 56 countries in 1999 (<http://www.usdoj.gov/dea/programs/fci.htm> accessed 21 May 2000). The United States has actively sought the arrest and extradition of drug dealers from other countries, claiming legal jurisdiction on the grounds that the activities of these individuals have had damaging consequences within the United States. Extraterritorial assertions can be a mechanism for compensating for an absence of domestic sovereignty. Cyber crime may generate neutral mutants, especially protectorates, but it is more likely to generate additional more extensive extraterritorial assertions by powerful states. Again, this will not displace the conventional rules of sovereignty, but organized hypocrisy, saying one thing and doing another, or endorsing mutually contradictory principles, may become more extensive in the area of criminal activity.

Conclusion

Sovereignty has not been an organically related, inseparable set of rules. Different elements of sovereignty are not logically related, nor have they empirically always occurred together. Political leaders have, for instance, used the international legal sovereignty of their states to compromise their Westphalian/Vattelien sovereignty. Issues of globalization and human rights, which have recently received so much attention, are old, not new, problems. States have always struggled to control the cross-border flow of ideas, goods, and people. The right of rulers to unilaterally and autonomously establish laws for their own polities has been challenged by external actors concerned about international security, minority rights, and fiscal responsibility. Power holders in the present system do not have an incentive to devise a new set of rules that would displace those associated with sovereignty because existing arrangements can coexist with alternatives that can be constructed either voluntarily or through coercion when conventional norms provide less attractive outcomes.

Over the several hundred years during which the rules of sovereignty have been widely understood, state control could never be taken for granted. States could never isolate themselves from the external environment. Globalization and intrusive international norms are not new phenomena. Some aspects of the contemporary environment are unique—the number of transnational non-governmental organizations has grown dramatically, international organizations are more prominent, cyber crime could not exist without cyber space. These developments do challenge state control. A loss of control can precipitate a crisis of authority, but even a crisis of authority is only a necessary but not a sufficient condition for developing new authority structures. New rules could emerge in an evolutionary way as a result of trial and error by rational but myopic actors. But these arrangements, for instance, international policing, are likely to coexist with rather than supplant conventional sovereign structures. Sovereignty's resilience is, if nothing else, a reflection of its tolerance for alternatives.

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