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Crisis, What Crisis? Liberal Order Building and World Order Conventions

Marjo Koivisto and Tim Dunne

Liberal internationalism is the default setting for thinking about the development of international institutions since 1919. It provides the template for practitioners whose job it is to juggle contending norms of power and justice, rights and responsibilities. For complex reasons, proponents of liberalism believe that the default needs to be reset – their critics agree. Liberalism is in trouble because of the fragility of the inter-state order coupled to the challenge posed by rising, non-liberal powers. Closer to home, liberalism is in trouble because of a contestation over its specific liberal values. Contemporary liberal international theory understands this challenge in subtly different ways. For US-based internationalists, the crisis is one of authority; for English School internationalists, the problem with international order is that its institutions are 'deformed' because of a failure to legitimise power and institutions. Whether the crisis is on the legitimacy or authority side of the register, we argue that both internationalisms fail to adequately theorise world order in part because of their flawed characterisation of hierarchy and their related lack of attention to performances of social conventions.

Introduction

Liberalism is in question in international theory and practice. Against a backdrop of ongoing violence in relation to the so-called global war on terrorism, in the context of the uneven record of post-Cold War liberal foreign policies in delivering a more secure and just world order, and under the conditions of the current global economic recession, liberal International Relations (IR) scholars have questioned the resilience of the

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liberal order. Multilateral institutions designed to provide governance over security, trade and finance continue to show that cooperation is harder to achieve and perpetuate than generations of liberal internationalists anticipated, despite the ascendancy of democratic state formation in the system. Future projections by influential think tanks confirm this trend: liberal international governance arrangements are likely to become unrecognisable in the decades to come, given the challenges brought on by the deepening globalisation of the world economy, the further integration of military planning and operations, and the (re-)emergence of non-Western great powers as players in global politics.[1]

Proponents of liberal internationalism, located largely in leading North American schools of IR and political science,[2] believe that the institutional architecture of the contemporary order is in crisis. G. John Ikenberry's essay 'Liberal Internationalism 3.0' argues that the order's crisis has multiple roots: the increased difficulty in realising common interests among the major powers now that the bipolar nuclear threat has dissipated; a disjuncture between concentrations of power in the system and a reluctance by the majority of states to allow preponderant powers to 'rule'; the erosion of sovereignty norms without a clear and shared set of agreements about where local and global responsibilities begin and end; new threats emanating from state failure; and the emergence of global powers (such as India and China) whose ownership of, and participation in, the institutional order cannot be taken for granted.

These factors add up to a single and fundamental claim: 'there is an authority crisis in today's liberal order'.[3] Elsewhere, in writings with his co-author Daniel Deudney, Ikenberry makes it clear that liberalism's crisis is America's crisis.[4] They point to the failure in recent US grand strategy to accommodate Russia's legitimate security concerns, thereby suggesting that the liberal vision must be tempered by considerations of great power politics.

Whether the reimposition of the liberal order comes about through the expansive logic of marketisation or through the management of power, the responses to liberal order's crisis by Ikenberry and Deudney elide heroic assumptions of inter-governmental power. Notice that it is a crisis of

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1. United States National Security Council, 'Global Trends 2025: A Transformed World' (2008): www.dni.gov/nic/NIC_2025_project.html.

2. David Long refers to the 'Harvard School' in David Long, 'The Harvard School of Liberal International Theory: A Case for Closure', *Millennium* 24, no. 3 (1995): 489–505. The centre of gravity of modern liberal internationalism has shifted to Princeton University.

3. G. John Ikenberry, 'Liberal Internationalism 3.0: America and the Dilemmas of Liberal World Order', *Perspectives on Politics* 7, no. 1 (2009): 80.

4. Daniel Deudney and G. John Ikenberry, 'The Unravelling of the Cold War Settlement', *Survival: Global Politics and Strategy* 51, no. 6 (2009–10): 39–62.

authority and not of legitimacy (as other influential theorists have argued). Wider still, the crisis narrative deployed by liberal internationalists reflects unspoken commitments to individualism, secularism and scientism.[5]

These remarks, suggestive at this stage for obvious reasons, enable us to set out a key dimension of our argument in this article, which is to broaden the political ontology of the liberal order, and its shared values and principles that are mobilised by governments, to include pre-intentional social institutions and customs of liberal world ordering. In so doing, the purpose of the article is to engage in an immanent critique of liberal order building as a way of probing the dimensions of world order making that are both present and dynamic in the contemporary world system.

These questions are situated within an analytical framework for conceptualising 'order' that draws upon English School theory though reaches more widely to make the move from an inter-governmental frame to world ordering (or the pattern of activities, institutions and practices that sustain the global social order). Moreover, while classical English School writings evidence an acceptance of institutions *qua* shared practices, it is hard to find a systematic analysis of the modalities by which shared language (for example, diplomacy) generates specific interventions and performances. The turn to theorising practices of world ordering in IR holds out just this promise.[6]

Our argument proceeds in the following manner. In order to illustrate the need to understand liberal world order as a set of social practices with conventional and pre-intentional elements, the first part of the article discusses the relationship between liberal order and crisis in world politics. Commonly, liberal order is conceived to be in crisis when international actors are not articulating a commitment to liberal values. In contrast, we seek to resist routine conflations between the commitments of political actors and a theory of liberal world order making in global politics. In specifying a dual meaning of liberal order as a set of normative commitments and as a posited political ontology, we suggest that liberal

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5. Steven Seidman, *Liberalism and the Origins of European Social Theory* (Berkeley: University of California, 1983).

6. The 'practice turn' in IR is associated with works including: Iver B. Neumann, 'Returning Practice to the Linguistic Turn: The Case of Diplomacy', *Millennium* 31, no. 3 (2002): 58–78; Emanuel Adler, 'The Spread of Security Communities: Communities of Practice, Self-Restraint, and NATO's Post-Cold War Transformation', *European Journal of International Relations* 14, no. 2 (2008): 195–230; Vincent Pouliot '"Sobjectivism": Toward a Constructivist Methodology', *International Studies Quarterly* 51, no. 2 (2007): 359–84; Vincent Pouliot, 'The Logic of Practicality: A Theory of Practice of Security Communities', *International Organization* 62, no. 2 (2008): 257–88; Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006).

order's crisis should be read as a crisis narrative that has a sociological and political function, not least in defining the response in terms of the renewal and re-envisaging of inter-governmental institutional arrangements. In making this move, we open up space for understanding the role and function of those aspects of liberal orders that are considered not to be in crisis.

This critique of liberal inter-governmental framing of order in global politics leads, in the second part of the article, to a conceptualisation of liberal world order which holds on to inter-governmentalist arrangements while at the same time employing a different understanding of institutions and the techniques and conventions of order making. This alternative account is associated with the English School, recalling that Wight referred to the *via media* – or Grotian tradition – as belonging to the broad stream of internationalism. While associated with classical English School writings, we argue that there is a need to supplement the analysis of ordering in this tradition with insights drawn from the practice turn in IR.

In the final part of the article, we aim to substantiate the notion of liberal world order as practised, by going beyond these two inter-governmentalist accounts of order to consider the modalities and conventions of liberal world-ordering. Our focus is on the illustrative example of the institution of international law to highlight how the formally reciprocal institutions such as sovereignty rest on spatial and civilisational conventions which are non-reciprocal.

Part 1: Liberal Order's Crisis

Liberal international order is taken to be in crisis, a view prompted by recent events in the international system such as the financial crisis, the war on terror, the calls for a 'concert of democracies', the challenges facing the inter-state institutions of contemporary international society, and the challenges to the values of liberal internationalism from emerging powers. These developments pose a challenge to what has become a standard disciplinary understanding of a 'liberal order': an open, rule- and institution-based international system in which states trade and cooperate to achieve mutual gains.[7]

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7. This is the understanding of liberalism as set out by Ikenberry; see 'Liberal Internationalism 3.0', 71–87. There are many other characterisations of liberalism, including Michael Doyle, *Ways of War and Peace: Realism, Liberalism and Socialism* (New York: W. W. Norton, 1997). For a useful recent exposition of liberalism in IR, see Bruce Russett, 'Liberalism', in *International Relations Theories: Discipline and Diversity*, 2nd edn, eds Tim Dunne, Milja Kurki and Steve Smith (Oxford: Oxford University Press, 2010), 95–115.

'Liberal internationalism is the default position'[8] for liberal international theory. It is often identified as emerging with Woodrow Wilson's plans for the League of Nations, and the attendant normative expectations around free trade, national self-determination and collective security. The second phase of this order is embodied in the post-war US-led institutional constellation which has been appropriately described as 'embedded liberalism'.[9] A third phase of this order is associated with the expansion of the Western liberal order at the end of the Cold War to integrate the entire international system.[10]

The aforementioned mode of inter-state order is considered to be 'liberal' in that states are taken to be able to overcome constraints of international anarchy and achieve collective ends, facilitated by institutions that enhance cooperation. These institutions arguably have a pacifying effect on states and co-bind in particular democratic states to mutually constraining institutions. Furthermore, liberals have suggested that because such institutions create commercial linkages which undermine the effect of national institutions, they call into question the state's ability to act upon narrow nationalist economic interests, and increase its stake in the maintenance of a stable international order.[11] This form of 'structural liberalism' is presented in international theory as an alternative to political realist theories of international order.[12] It is a theory of order specific to international institutions, offering an alternative to realist theories describing 'order' as the maintenance of the balance of power between great powers in the system, or as the preponderance of the military or economic might of the hegemonic state in the system.

Multiple instances of a crisis of liberal inter-governmental arrangements have been identified by analysts in the post-Cold War period. For some, the crisis of liberal order has been reflected in the global struggle between 'jihadism' and a militarised 'greater West', and the unfulfilled promise of diplomatic initiatives to develop an 'ethical' foreign policy.[13]

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8. This phrase is Chris Brown's. See his article 'History Ends, Worlds Collide', *Review of International Studies* 25, no. 5 (1999): 41–57.

9. John Gerard Ruggie, 'International Regimes, Transactions and Change: Embedded Liberalism in the Postwar Economic Order', in *International Regimes*, ed. Stephen Krasner (Ithaca, NY: Cornell University Press, 1983), 195–232.

10. These are the phases of liberal international order that Ikenberry outlines; see Ikenberry, 'Liberal Internationalism 3.0', 71–87.

11. G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton, NJ: Princeton University Press, 2000).

12. Daniel Deudney and G. John Ikenberry, 'The Nature and Sources of Liberal International Order', *Review of International Studies* 25, no. 2 (1999): 179–96.

13. Karen E. Smith and Margot Light, eds, *Ethics and Foreign Policy* (Cambridge: Cambridge University Press, 2001); Peter Lawler, 'Janus-Faced Solidarity: Danish Internationalism Reconsidered', *Cooperation and Conflict* 42, no. 1 (2007): 101–26;

At the same time, for other social-democratic liberals the increased strain on international cooperative arrangements is suggestive of the decline of responsible, democratic statehood. The de-nationalisation and further privatisation of those apparatuses of governance which take decisions over war and peace represents a liberalism, or a 'libertarianism', that has gone a step too far.[14]

If we accept that this state of 'crisis' seems to be a recurring feature of liberal order, two seemingly important observations follow. That liberal order's crisis relates to compromises to a liberal inter-governmental or a 'Westphalian' world order provides a starting point for our discussion. Two predominant and sophisticated accounts of such an order's crisis dominate contemporary international theory, one suggesting the crisis is one of US-led post-war international order, the other unpacking the crisis as a legitimation crisis of the deeper institutions of contemporary international society. Part 2 of the article returns to the significance of these accounts of liberal order's crisis.

The crisis of liberal order is in many ways *the* fundamental problem for international theory. It was first articulated in late 17th-century European political thought in the form of the question: how is it possible to have an organised and relatively peaceful society in the absence of God and his commands?[15] If modern IR has been a never-ending dialogue between liberalism and realism, as Clark maintains,[16] then it is noteworthy that the two share the problematic of inter-state war and peace, albeit with realists being sceptical about liberal resolutions. The value-governed institutions of the inter-state system illustrate well the intimate relationship between conceptions of 'order' in international theory and their normative foundations in the great traditions of European liberalism.

More specifically, the liberal solution to the problem of order hails from Kant's work: Kant held that the problem of order can and should be overcome by binding republican states into a federation characterised by free trade, universal hospitality and the rule of law. These structures and principles remain at the core of contemporary liberal international

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Peter Lawler, 'The Good State: In Praise of "Classical" Internationalism', *Review of International Studies* 31, no. 3 (2005): 427–49.

14. Richard Falk, 'An Inquiry into the Political Economy of World Order', *New Political Economy* 1, no. 1 (1996): 13–26; David Held, *Models of Democracy*, 3rd edn (Cambridge: Polity Press, 2006); Chris Brown, 'Tragedy, "Tragic Choices" and Contemporary International Political Theory', *International Relations* 21, no. 1 (2007): 5–13.

15. Heikki Patomäki, 'Back to the Kantian "Idea for a Universal History"? Overcoming Eurocentric Accounts of the International Problematic', *Millennium* 35, no. 3 (2007): 579.

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

thinking on order.[17] Critics hold that liberal theories of order are not an adequate solution: not only do they disagree with specific liberal normative foundations of this order, but critics also hold that the political ontology[18] of the predominant version, liberal *inter-governmental* order, is flawed. The principle of non-intervention is illustrative: while liberals regard it as a legal prohibition, critics regard it as a trope that is honoured in the breach.[19]

These observations about liberal order set up its potential crisis in a new analytical light. Two questions emerge. Are arguments about liberal order and its crisis descriptive or normative? And on what kind of articulation of the problem of 'order' are alternatives to the inter-governmentalist political ontology premised?

Liberal Order and the Dual Function

Once it is accepted that conceptions of liberal inter-governmentalism in IR tend to have a *dual* analytical function – as a project with value-commitments and as a political ontology – curious questions arise about liberal order's apparent crisis. Given liberal order's dual function, might it be the normative articulation of internationalism that is in crisis?

Much international political economy scholarship argues that the states-system *is not* undergoing a major crisis under contemporary conditions of globalisation.[20] The continued, and in some cases strengthened, regulatory role of the state and of inter-state governance arrangements suggests the political ontology of liberal inter-governmentalism rests on secure concrete arrangements. And, indeed, the endurance of the system of states is precisely the focus of critique of a variety of political theorists motivated by cosmopolitan concerns, regardless of whether they are liberals or not.[21] Yet, empirical evidence has also been deployed to

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17. See, for example, Michael Doyle, 'Kant, Liberal Legacies and Foreign Affairs, Part II', *Philosophy and Public Affairs* 12, no. 4 (1983): 323–37; Michael Doyle, 'Liberalism and World Orders', *American Political Science Review* 80, no. 4 (1986): 1151–69.

18. By political ontology we mean first-order theorisation of a given unit of analysis of international relations.

19. Stephen Krasner argued that the inter-governmentalist arrangement amounts to no more than 'organized hypocrisy'; for more see Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

20. See, for example, Colin Hay, 'International Relations Theory and Globalization', in *International Relations Theories: Discipline and Diversity*, eds Tim Dunne, Milja Kurki and Steve Smith (Oxford: Oxford University Press, 2007), 266–87.

21. For example, see the following works: Andrew Linklater, *The Transformation of Political Community: Ethical Foundation of the Post-Westphalian Era* (Cambridge: Polity Press, 1997); Robert Fine, *Cosmopolitanism* (London: Routledge, 2007);

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suggest precisely the contrary about the state of inter-governmental arrangements. For instance, a recent document published by the US National Intelligence Council (NIC) on 'Global Trends 2025' argued that by 2025 the Westphalian model of world order will have become unrecognisable, given the opportunities and crises created by the deepening of globalisation in the world economy, the further integration of military planning and the emergence of non-Western great powers.[22]

There are two kinds of conclusions that we may draw from these divergent empirical 'facts'. On the one hand, our choice of the 'facts that matter' from these two contrasting scenarios will depend on whether or not our analytical lens pushes us towards accepting that collective actors in international politics consistently hold liberal views about the state and inter-state relations. If the data shows that state actors are inclined to pursue interests that are not in line with liberal inter-governmentalism, then we might infer that liberal internationalism is not a constitutive value of the collective identities of states.[23] On the other hand, accepting this claim does not necessarily lead to adopting a realist view of order: in fact, those subscribing to 'large L' liberalism use this contradiction to advance their call for a renewed commitment to liberal inter-governmentalism. In other words, influential policy documents such as the NIC report could well provide a convenient rationale for a normative articulation of crisis in relation to the liberal order.

The understanding of liberal inter-governmentalism's dual function as a political ontology of IR and as a set of value-commitments by actors can accommodate the politics of crisis narratives about liberal order in international theory. When liberal inter-governmentalism is taken as a political ontology (a world of sovereign, cooperative nation-states), it could be argued that crisis is an ongoing and internal or natural feature of a *pluralist* society of states. Furthermore, in a decentralised system of sovereign states in which the units maintain a plurality of values, the dilemma of liberal states is that they continually have to attempt to persuade other states of the superiority of their values. Within the system itself, coalitions of liberal internationalist states seek to persuade realist states focused on national interests of the viability of collaborative arrangements over those pertaining only to crude balancing and alliance formation, and so forth.

Kimberly Hutchings, 'Political Theory and Cosmopolitan Citizenship', in *Cosmopolitan Citizenship*, eds Kimberly Hutchings and R. Dannreuther (London: Macmillan, 1999).

22. United States National Intelligence Council, 'Global Trends 2025'. Of course, it is technically more accurate to describe Russia, India and China as 're-emerging' great powers. There is a striking lack of historical engagement in how these debates are framed in leading US journals such as *Foreign Affairs*.

23. Rodney Bruce Hall, *National Collective Identity: Social Constructs and International Systems* (New York: Columbia University Press, 1999).

A further set of questions about crisis pertains to liberal inter-governmentalism's *purposeful* and *normative* role as a set of political value-commitments in international society. IR scholarship on liberal inter-governmentalist norms in the aftermath of the launch of the 'war on terror' attributed the inability of the United Nations Security Council to reach a second resolution calling for forcible regime change in Iraq to a breakdown in the value-consensus on multilateral procedures. To what extent might this have broken down in consequence of the political (or strategic) mobilisation of crisis discourses about liberal inter-governmentalism? We pose this question merely to illustrate that a crisis may be mobilised for political purposes by actors in the international community.

The function of crisis narratives is nothing new in social and political science.[24] Political theory and sociology have offered illuminating analyses of how such narratives tend to characterise social contexts in which existing value constellations are somehow deemed insufficient or illegitimate.[25] Colin Hay describes crises as 'moments of decisive intervention', not merely as a moment of fragmentation, dislocation or destruction in political systems. Hay argues that crises so defined are political articulations of new trajectories of governance.[26] Furthermore, Robert E. Goodin and his colleagues offer illuminating analyses of how a new consensus and new norms can successfully be articulated by appropriately positioned political practitioners borrowing ideas from social contexts external to the practice at hand, and metaphorically translating them to the immediate contexts.[27]

The other issue opened up for analysis by the appreciation of liberal order's dual function in international theory concerns the intellectual boundaries of the normative vision of the inter-governmental articulation of liberal order. We find constructivist, particularly English School,

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24. See, for example, Colin Hay, 'Crisis and the Structural Transformation of the State: Interrogating the Process of Change', *British Journal of Politics and International Relations* 1, no. 3 (1999): 317–44; Jürgen Habermas, *Legitimation Crisis* (Boston, MA: Beacon Press, 1975); Robert Goodin, ed., *The Theory of Institutional Design* (Cambridge: Cambridge University Press, 1996). In IR, see especially E. H. Carr, *The Twenty Years' Crisis: 1919–1939: An Introduction to the Study of International Relations*, 2nd edn (London: Macmillan, 1946); Christian Reus-Smit, 'International Crises of Legitimacy', *International Politics* 44, nos. 2–3 (2007): 157–74; Ian Clark, *International Legitimacy and World Society* (Oxford: Oxford University Press, 2007); Ian Hurd, 'Legitimacy and Authority in International Politics', *International Organization* 53, no. 2 (1999): 379–408.

25. See, for example, Claus Offe, 'Designing Institutions in East European Transitions', in *The Theory of Institutional Design*, ed. Robert E. Goodin (Cambridge: CUP); Goodin, *The Theory of Institutional Design*.

26. Hay, 'Crisis and the Structural Transformation of the State', 317–44.

27. Goodin, *The Theory of Institutional Design*.

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scholarship to be resourceful in considering the liberalism that is not in crisis. Bull conceptualised order in terms of rules that were a precondition for societal relations to develop.[28] In contrast to liberal thinking on rules and institutions that regulate behaviour through conviction and compliance, Bull believed institutions are constitutive (or 'primary' as the contemporary English School theorist Barry Buzan refers to them).[29]

We argue that to better understand transformations in liberal order in world politics, international theory cannot focus solely on the norms or values liberals (or their critics) bring up for discussion and debate in articulating the crisis of the liberal internationalist order. Instead, it follows that as soon as a crisis of liberal inter-governmental/internationalist order has been articulated in policy and scholarly debates, the response should be to probe the broader liberal background commitments that are unquestioned.

The downside of the 'large L' liberal focus on the crisis of the declaratory values of a liberal order is that such a focus can unnecessarily divert attention away from the more habitual or objective aspects of liberal ordering in world politics. Marxist scholarship shows how liberalism's analytical focus on the promotion of particular values (including civil and political rights, democracy and political autonomy) elides the conditions of possibility of these values in structures of material inequality under capitalism.[30] Likewise, research attentive to the post-colonial condition associates the convictional promotion of liberal values with the reification of hegemonic and historically oppressive civilisational practices: with civilising missions,[31] as well as disciplinary practices pertaining to liberal practices of governance and control.[32]

Critics of liberal international theory are emboldened by both the shame of colonialism's claim to historical progress and the turn away

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28. Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977).

29. Our reading of the English School as being internationalist rests on the convergence of their account of authority and legitimacy in relation to types of international ordering. In the context of this article, we are not seeking to engage with internationalism in terms of the normative tension between pluralism and solidarism (which has been the subject of considerable attention in the revival in English School thought). In this sense, we follow Buzan in his mapping of a normative institutional order in *From International to World Society? English School Theory and the Social Structure of Globalization* (Oxford: OUP, 2004).

30. See, for example, Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations* (London: Verso, 1994).

31. See, for example, William Bain, *Between Anarchy and Society: Trusteeship and the Obligation of Power* (Oxford: Oxford University Press, 2003); Roland Paris, 'International Peacebuilding and the "*Mission Civilizatrice*"', *Review of International Studies* 28, no. 4 (2002): 637–56.

32. Mitchell Dean, 'Liberal Government and Authoritarianism', *Economy and Society* 31, no. 1 (2002): 37–61.

from moral and epistemic universalism in contemporary political and social theory.[33] For these reasons, attacks on liberalism in the academy are routine. And while these accounts may offer political motivations for a commitment to be made to ideological/belief systems other than liberalism, they are unable to offer an explanation for liberal order's reproduction or transformation. There is also a tendency in these accounts to overlook the issue that the objectivity of social relations or conventions of liberal order does not necessarily imply their oppressiveness. Rather, the political ontology of liberal order in world politics would be better accounted for if international theorists looked beyond the liberal values promoted by collective actors (and the politics of articulation or the consequences of articulating those values) and focused also on clarifying the form and the content of habitual and conventional background values that are taken to pertain to liberal politics in an unquestioned way.[34]

To better understand liberal order in world politics, we must pay more attention to these background values and conventions. The preceding analysis of the crises of liberal order and liberal inter-governmentalism suggests that analysts should focus not only on the stated values of political actors; more specifically, they need to understand the reproduction of the habitual conventions particular to the historical practices of liberal actors in world politics. As has been indicated, the English School's injunction to understand order as a practice in world politics provides a starting point for doing so.

Part 2: Liberal Order and Background Conventions

Unlike scholars who suggest that the current state of liberal order in world politics can be known in contestation over the primary values it promotes, the attempt here is to understand liberal order in terms of its conventional commitments. Moreover, it should be recognised that contestation over the authority or legitimacy of liberal internationalist values is the main unit of analysis when we seek to understand a *lateral*, state-to-state modality of liberal order in global politics. Yet a sole focus on this lateral liberal order reduces the existence of such order to actors' compliance with the order's manifest and concrete regimes. Furthermore, while a focus on lateral arrangements of order displays to us characteristics of a (particular historical) liberal *inter-governmental* order, it tells us very little about how the institutional arrangements underpinning that order convince actors to comply with liberal institutions. Multiple

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33. Richard Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics and Praxis* (Oxford: Blackwell, 1983); Richard Rorty, *Philosophy and the Mirror of Nature* (Oxford: Blackwell, 1980).

34. Indeed, these rather liberal 'universalist' values could be referred to as liberal societies' 'meta-commitments'.

accounts of persuasion and bargaining have been offered by neo-liberal institutionalists and other liberal theories as answers. Drawing on English School conceptions of order as a set of world political practices,[35] the account offered here highlights the force of conventions and often unspoken background commitments of liberal orders. In so doing, the objective is to develop a framework to broaden our understanding of the practices of liberal world ordering in global politics.

Liberal Inter-governmentalist Ordering

Before we elaborate a way to approach 'liberal world order' with a focus on practices, it is useful to set it apart from the two key claims that under-pin the current, predominant American thinking on liberal order. In these accounts, the success or otherwise of liberal internationalism is all too frequently judged according to the capacity of the dominant actors to comply with agreed rules (around good governance) and advance shared purposes (open markets and democratisation). By not sufficiently accounting for the conventional conditions of possibility for inter-governmental practices of ordering, advocates of 'large L' liberal internationalism arguably draw the wrong inferences about the need for more compliance and a higher demand for international regimes. It follows that internationalists of an inter-governmental hue tend to believe that the answer to liberal order's crisis is *more* liberalism.[36]

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35. The concept of 'practice' has only appeared in a formalised sense in English School scholarship very recently. The connection between English School theory and practice theory is most explicitly made in Cornelia Navari, 'The Concept of Practice in the English School', forthcoming in the *European Journal of International Relations*. Some English School work, as Navari notes, has sought to deploy a practice model to understand practices among states, including William Bain's work on trusteeship in *Between Anarchy and Society*. The practice theory literature in general conceptualises practices as conglomera-tions of rituals, words and positional placements, to which individuals look as guides for appropriate social behaviour. We take this understanding of 'practice' as the groundwork for our discussion and accept that some aspects of practice will not be concrete or directly accessible but must be analytically reconstructed in focusing on the social institutions and conventions that are identified as guiding particular practices. On theorising practice, see in particu-lar John Searle, *The Construction of Social Reality* (New York: Free Press, 1995); Theodore R. Schatzki, Karin Knorr Cetina and Eike von Savigny, *The Practice Turn in Contemporary Theory* (London: Routledge, 2001); Pierre Bourdieu, *The Logic of Practice* (Cambridge: Polity Press, 1990).

36. In a recent article, Ikenberry and Deudney refer to 'higher liberalism'; see Deudney and Ikenberry, 'The Unravelling of the Cold War Settlement'. The broader tendency to repair fraying liberal inter-governmentalism with more

The function of law in international society provides an illustrative example of what is at stake in distinguishing the analytical framing of liberal order found in such 'large L' normative liberalism from the liberalism of practice that is found in English School writings.[37] Advocates of contemporary liberal internationalism regard law as a means by which states' preferences can be realised. States sign up to, and participate in, institutions such as the World Trade Organization in order to realise the common aim of reducing barriers to trade. Legal regimes come into being because their expected utility is enhanced in circumstances where independent action would lead to suboptimal outcomes. Once operational, legal rules act as a deterrent to cheating. They share with other institutions the goal of overcoming collective action problems.[38]

Yet this reading of international legal rules as being grounded in rational state preferences is only part of the story. The existence of rules regarding free trade would not be intelligible without a prior commitment to a liberal international economic order and its constitutive conventions of liberty as regards property. Such a line of thought is neatly encapsulated by John Searle's account of the social basis of monetary exchange.[39] What appears as a rational and functional system for the realisation of common interests is only intelligible when understood as a social institution. We collectively ascribe to money – or other institutions such as president, family, nation or great power – properties which enable them to function.

So it is with an institution like international law. What appears to be active consent to a legal rule, signified by the signing of a treaty for example, rests on a wider set of conventions about trust and honour. A legal

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liberalism can be seen in Jack Donnelly's analysis of the human rights regime in his *Universal Human Rights in Theory and Practice* (New York: Cornell University Press, 1989) and 'The Social Construction of International Human Rights', in *Human Rights in Global Politics*, eds Tim Dunne and Nicholas Wheeler (Cambridge: Cambridge University Press, 1999), 71–102.

37. The English School's relationship to liberal political theory was originally made ambivalent by Bull's rejection of the domestic analogy in his 'The Grotian Conception of International Society', British Committee paper, April 1962; later published in H. Butterfield and M. Wight, eds, *Diplomatic Investigations* (London: Allen and Unwin, 1966).

38. See, for example, the following neoliberal literature on regimes: Krasner, *International Regimes*; Robert Keohane, 'The Demand for International Regimes', *International Organization* 36, no. 2 (1982): 325–55; Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984); Peter Katzenstein, Robert Keohane and Stephen Krasner, 'International Organization and the Study of World Politics', *International Organization* 52, no. 4 (1998): 645–85.

39. Searle, *The Construction of Social Reality*.

contract could only give rise to an obligation if there 'already exists a rule that states' promises shall be binding'.[40] It was this line of thought which led Hedley Bull to offer a definition of international law in terms of being 'a body of rules which binds states and other agents in world politics in their relations with one another'.[41] Indeed, the existence of this body of norms and rules is the most obvious indicator of the existence of international society.[42]

The English School accepts institutions as shared practices, and indeed conceives of 'order' as a commitment to the communal standards of these practices. For this reason, it provides the intellectual resource for our practice-based account of liberal order. In an essay exploring the differences between the rationalist accounts of institutions found in regime theory and the practice-based accounts found in the English School, Andrew Hurrell revealingly writes that, for the latter, 'law exists but is [not] seen to depend on the command of the sovereign. Law is rather a symbol of the idea of being bound and voluntarily accepting a sense of obligation.'[43] What these theorists of international society highlight is that the voluntary commitment to institutions in world politics is much more habitual than it is convictional, perhaps arising simply from reciprocal declarations of policy, or 'from behaviour of the parties which is as if in conformity with a rule, even though that rule is not agreed, not enunciated nor even fully recognised'.[44] Such a conventionalist reading of international or world order stands in direct contrast to models based on assumptions about actor rationality. It also enables a better conceptualisation of the vague 'world wide community sentiment' that characterises familiar institutions of international society.[45] Our suggestion here is that 'world order' comes about and is practised precisely in this conventional manner, and that claims about a worldwide community sentiment are only intelligible in the context of liberal politics. This argument will now be further fleshed out in an account of international law as an institution of not only inter-governmental but also world order.

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40. Chris Reus-Smit, drawing on H. L. A. Hart, in his essay 'The Politics of International Law', in *The Politics of International Law*, ed. Christian Reus-Smit (Cambridge: Cambridge University Press, 2004), 42.

41. Bull, *The Anarchical Society*, 127.

42. Ibid., 129.

43. Andrew Hurrell, 'International Society and the Study of Regimes: A Reflective Approach', in *Regime Theory and International Relations*, ed. Volker Rittberger (Oxford: Clarendon Press, 1993), 60.

44. Bull, *The Anarchical Society*, 223; cited in Navari, 'The Concept of Practice in the English School', 6.

45. Martin Wight cited in Hurrell, 'International Society and the Study of Regimes', 63.

Practising International Law, Making 'World Order'

The claim that sovereign states form an international society rests on a connection between observable behaviour and historically practised institutional structures. While these institutions pre-dated the ascendancy of 'large L' liberal internationalist thinking in the 19th and 20th centuries,[46] it is nevertheless instructive to consider the convergences that exist between the political tradition and the institutional practices. Teasing out this relationship enables us to see, with greater clarity, a practice-based ontology of liberal order in world politics.

   In English School accounts, in the society of states members have rights and duties by virtue of their identity and position as sovereigns, just as individuals do in a liberal domestic order. Yet, possessing rights is not a sufficient condition for a society to exist. As Weber pointed out, for action to be social it must be given subjective meaning by actors; it must take into account the behaviour of others and be oriented towards their mutual advantage.[47] While it is easy to think about ways in which individuals engage in social action, the idea of territorially based entities forming a society is counter-intuitive. Lawyers solve the problem of how to deal with collective actors by endowing them with a legal identity we call 'sovereignty'. As Vattel pointed out in *The Law of Nations*, a sovereignty-based system is liberal insofar as all who possess it are in an important sense equals.[48] Whether a great power or a micro-state, the norm of sovereignty 'prohibits one state from acting authoritatively within another state'.[49]

   Rule following is thought to be a key dimension of state conduct in a liberal internationalist order.[50] From the standpoint of normative liberalism, it is easy to see how the violation of rules causes such consternation. What is often understated in these crisis narratives is the routine compliance with international rules by sovereign states and other actors.[51]

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46. Some of the most elaborate cooperative regimes pre-date the emergence of international law by many centuries, including, for example, the protection of minorities living inside sovereign states. See Bruce Cronin, *Institutions for the Common Good: International Protection Regimes in International Society* (Cambridge: Cambridge University Press, 2003).

47. Hedley Bull's *The Anarchical Society* is the classic statement of the social and institutional basis of international society.

48. Emmerich de Vattel, *The Law of Nations; Or the Principles of Natural Law* (Philadelphia, PA: T. & J. W. Johnson, 1853).

49. Robert Jackson, 'Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape', *Political Studies* 47, no. 3 (1999): 431–56.

50. See Ikenberry, 'Liberal Internationalism 3.0', 73.

51. For a sophisticated elaboration of this argument, see Mervyn Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge: Cambridge University Press, 1996).

The rule of sovereign recognition is reproduced in every diplomatic dispatch and ambassadorial handshake.[52] It is so routine that it is virtually unthinkable that a new government should ask its foreign-office staff to formally tell other embassies' staff that their rights and privileges will be observed by the new administration. These rules of recognition are, to borrow Wittgenstein's apt description, followed 'blindly'.

In moving from normative inter-governmental liberalism to an ontology of liberal international practices of ordering, we see how world leaders take part in social practices at both national and international levels, and deploy their own moral judgements and convictions as well as invoke background understandings specific to their grasp of the role of state conduct.[53] Such pre-intentional convictions, expectations and dispositions can also signify an implicit attachment to normative beliefs. Legal practitioners may appear, Koskenniemi observes, to be subdued in their normative commitments, and yet 'it is hard to think how their routines could exist for a second without some background explanation bridging the gap between ... blueprints about "governance" ... and the reality of picking up the *per diem* from the latest caucus meeting in Geneva or New York'.[54]

In contrast to those who believe the current state of liberal order in world politics is revealed in the contestation over the primary values it promotes, we seek to focus on the conventional elements of liberal ordering. Our argument is that these modes of ordering pertain primarily to what is best thought of as liberal *inter-governmental* order.

Deformation and the Shift from Lateral to Layered Ordering

The mode of rule specific to liberal *world order* can conceivably be captured by incorporating the conventional, rather than the convictional, elements of liberal order in the unit of analysis. This requirement for understanding liberal order emerges, first, from arguments about a contemporary 'deformation' of the convictional values of international society to which the statements about crisis inescapably refer.

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52. When thinking of concrete practices, it is important to recall that Bull focused not so much on states as collective agents, but held that 'the real agents in international society are the diplomats and leaders who think and act on behalf of the state and its institutions'. Tim Dunne, 'The English School', in *International Relations Theories,* eds Dunne, Kurki and Smith (Oxford: Oxford University Press, 2007), 132.

53. See Iver B. Neumann, 'To Be a Diplomat', *International Studies Perspectives* 6, no. 1 (2005): 72–93.

54. Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of Modern International Law 1870–1960* (Cambridge: Cambridge University Press, 2001), 514.

Second, contemporary English School scholarship points us towards the conclusion that such deformation tendencies are particular to the conventional underpinnings of liberal inter-governmental order, specific to what can be thought of as non-lateral (or non-reciprocal) modalities of rule in liberal world order.

The first point outlined above emerges from English School accounts of liberal international order being historically contingent and politically contested in ways that the grand narrative of the 'liberal ascendancy' does not capture. It should not be overlooked, however, that the two traditions converge in important respects. Both are sceptical that the institutions of the post-1945 period are capable of delivering on the moral purposes that are embedded in that order, around security, trade, economic stability and prosperity. And both respond to new global challenges and threats by seeking to re-institutionalise hierarchy.[55]

We are sympathetic to the view that it is illusory to think that the institutional practices associated with the Westphalian inter-state order are capable of catching up with the 'runaway world'. The pluralist model of independent and territorially demarcated sovereign states – protecting and sustaining culturally diverse peoples – is being called into question by ever greater density of interdependence and mutual vulnerability.[56] As globalisation writers rightly argue, the trouble with independent sovereign states is that they are too big for politics, too small for economics and too weak to provide security.

This hollowing out of the pluralist model poses a key challenge for advocates of international society. The decentralised order which accorded a privileged place to sovereign states must, it is argued, be reformed to meet the multiple challenges to order and justice in the 21st century. Andrew Hurrell refers to these challenges as 'the expanded normative ambition' of the agenda of international society today.[57] This ambition derives from the claim that all individuals and peoples are to be valued irrespective of their location in the world system. Such a cosmopolitan

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55. The concept of hierarchy has received greater attention from English School thinkers in recent years. See Robert Jackson's *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990); Tim Dunne, 'Society and Hierarchy in International Relations', *International Relations* 17, no. 3: 303–20; Ian Clark, 'Towards an English School Theory of Hegemony', *European Journal of International Relations* 15, no. 2 (2009): 203–28.

56. Notice that our usage of inter-governmentalism is convergent with the English School category of pluralism. For a good account of English School thinking on pluralism, see Nicholas J. Wheeler, 'Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention', *Millennium* 21, no. 3 (1992): 463–87.

57. Andrew Hurrell, 'Order and Justice in International Relations: What Is at Stake?', in *Order and Justice in International Relations*, eds Rosemary Foot, John Lewis Gaddis and Andrew Hurrell (Oxford: Oxford University Press), 32.

normative sensibility requires an institutional reordering such that what goes on inside state boundaries becomes a legitimate matter of scrutiny by other states and international institutions. Delivering basic rights, such as security and subsistence, to the world's peoples requires a transformation in the post-1945 order.[58]

While defenders of international society can readily admit that pluralism has been overtaken by history, what is more perplexing is whether the resources exist for reforming international society in ways that achieve greater justice and security. During the 1990s solidarists joined forces with constructivists to argue that progressive normative change is under way and must be nurtured.[59] Such a transformation to a solidarist conception of international society is indicated by the following aspirations: first, the development of genuinely international norms with regard to peace and security, such that human rights protection becomes the responsibility of all states; second, the evolution of norms by advocates in world society – NGOs, firms, private individuals – committed to some notion of a world common good; third, the internationalisation of the global legal order evident in the Rome Statute and in human rights law; and, fourth, the search for institutional reforms such that there is improved compliance with these liberal internationalist norms.[60]

Here the importance of accommodating an understanding of liberal order's dual function becomes crystal clear. The consequences of the increased pace of articulation of cosmopolitan norms in international society have not primarily been taken to be normative. Instead, the above-described processes lead Hurrell to conclude that 'the *density* of international society and world society' has increased along a solidarist dimension, 'yet the elements of *deformity*' persist.[61] Deformity persists in terms of the depth of international economic inequality and the unfairness of ecological resource distribution and consumption. Finally, deformity is argued to be present in the divergent capacities states possess in terms of adapting to transnational harms, and evident in the ongoing exceptionalism of powerful states in relation to breaking rules and abandoning multilateral commitments.

The analytical issue to be opened up by the argument about deformity concerns the second point outlined above. What can the deformity of

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58. As R. J. Vincent argues in *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).

59. Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations* (Princeton, NJ: Princeton University Press, 1999).

60. As set out in Andrew Hurrell, *On Global Order: Power, Values, and the Constitution of International Society* (Oxford: Oxford University Press, 2007), 39–40.

61. Ibid., 305.

international society be attributed to? Clearly, the question cannot be answered in terms of shared inter-governmental liberal norms in international society. The question could, however, we argue, be answered in terms of the institutions which are part of the conventional modalities of liberal ordering practice, not inter-governmental but of a world ordering kind.

The move from an inter-governmental to a world order mode of rule can be appreciated in understanding the conditions of possibility for lateral modes of liberal ordering (including juridical equality and other institutions of relational recognition in international society) in terms of the pre-dispositional and often habitual (not necessarily hierarchical) social institutional background of an inter-governmental order. Socially acceptable, non-lateral modes of ordering can provide for habitual responses to a deforming international society and its liberal social institutions.

If we accept this observation, then it is clear that one such habitual response to a 'deformed international order' is a re-legitimation of the inequalities of power that exist in international society by the actors involved. Recognising this, rather than looking to liberal authority as the solution to inter-governmental pathology, internationalists of an English School persuasion are attentive to the importance of the social institution of legitimation in international society, which takes multifarious forms. As Wight argued in 'Western Values', legitimacy must be understood in terms of *both* delineating a criterion for membership as well as setting expectations for rightful conduct.[62] Institutional inequalities and exclusions must be considered legitimate if they are to be sustainable. How, then, is a socially acceptable hierarchy able to respond to the deformity evident in the current international order?

For Bull, the answer lay in the role played by great powers, and in particular how far their special privileges were made acceptable to others. Interestingly, Hurrell's argument does not amount to re-legitimating hierarchy in the lateral mode of rule in international society. Instead he moves us beyond the lateral mode of liberal ordering in international society to a form of ordering that liberal social institutions of equal recognition do not speak to. The deformation of international society, thus, must be understood in terms of pre-dispositional liberal social institutions of order, some of them particular to liberal visions and conventions of world society.

In the final section of the article we will argue that the transformation of liberal inter-governmental order – whether this is conceptualised as a crisis of hegemonic liberal authority, as a legitimation crisis of the norms of the mode of rule or as that order's deformation – can only be accounted for in terms of the more habitual or conventional elements of liberal order.

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62. Martin Wight, 'Western Values in International Relations', in *Diplomatic Investigations: Essays in the Theory of International Politics*, eds Herbert Butterfield and Martin Wight (London: Allen & Unwin, 1966).

Part 3: Liberal World Ordering

Once the notion that liberal order in world politics does not pertain only to lateral modes of rule is accepted, questions emerge about how we might characterise the conventional background of order, and the ways in which it is conceptualised and substantiated. A familiar response in realist and liberal international theory to questions about deformation is to call for (liberal) theories of hegemony. From a Bullian English School perspective, this overlooks the layered modes of liberal world ordering (as opposed to lateral modes of rule) that are present in 'international society'.

As Bull's analysis of the role of great powers in international society suggests, a liberal order's mode of rule is 'layered' when the role of great powers is recognised by other social institutions of the international society of states.[63] Instead of reducing such an order to great power hegemony, we need a political ontology of liberal order beyond the inter-governmental which we can conceptualise as having additional conventions of rule to those captured in 'internationalism'. More substantially, a liberal order in world politics always contains hierarchies that are accepted, if not convictionally in the form of shared rules and norms, then at the level of practised social institutions.

In this final section of the article, we draw on IR scholarship that explicates liberal order's relationship to imperial conventions in institutions of world politics. We do so in an attempt to develop an understanding of how to capture the non-lateral modalities and conventions of liberal world order. In particular, we highlight how hierarchical or unequal social institutions of liberal order tend to be articulated in civilisational and cultural terms, rather than in terms of hierarchies of material power. In this analytical move from liberal inter-governmentalism to non-lateral modalities of rule in liberal world order, a new account of 'liberal world order' can be found. The resulting account of practised hierarchies in liberal world order provides for new insights into understanding the deformity and crises specific to liberal inter-governmental order. As before, we will refer to the institution of international law to illustrate the practice-model of liberal world ordering.

Deformation and Liberal Empire

Central to critiques of liberal order in IR is a scepticism about the hegemonic tendencies that liberal ordering practices take. Indeed, contra

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63. In *The Anarchical Society* (p. 196), Bull argues that great powers are both unrivalled in material capacity and recognised by other states as having 'great power' status. They are also conceived by their own leaders and peoples to be in possession of 'certain special rights and duties'.

realism, principled optimism as regards the prospects of overcoming institutional decentralisation leads liberal international theorists to associate international behaviour with 'regime-type' – democracies or republics are generally taken to be less warlike than monarchies or authoritarian regimes. It is taken to follow that liberalism, implicitly or explicitly, postulates a hierarchy of states,[64] at least in the sense that, in this hierarchy, liberal values are privileged over the values of what Rawls calls 'well-ordered' authoritarian states and those that are simply 'outlaws'.[65] While an adequate specification of the relationship between liberal order and empire is beyond the scope of our argument, existing analyses of the topic prompt us to ask whether empire-like social institutions and conventions can indeed be identified that are intrinsic to liberal politics of world ordering.

Contestation around the controversial relationship between liberal internationalism and empire has come to the fore in IR theory once more in the aftermath of 9/11, as the deployment of American power in the context of the 'war on terror' has posed questions about the non-territorial form of imperialism, in the context of liberal order, in a most dramatic way.[66] The post-war liberal modern international order led by the US[67] had been thought to be particularly non-imperial, untarnished by the 19th-century liberal states' practice of colonialism. Yet recent IR scholarship on the subject has highlighted how empire-building by no necessity concerns the direct imposition of rule,[68] and has probed the operation of other forms of influence and hegemony that may be imperial that are undertaken by liberal states.[69]

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64. Clark, *The Hierarchy of States*.

65. John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

66. It is in this context that Ikenberry mobilises his argument about the crisis of 'success' of US-led liberal international order in the new century.

67. Robert Latham, *The Liberal Moment: Modernity, Security and the Making of the Postwar International Order* (New York: Columbia University Press, 1997).

68. In this scholarship, 'empire' as a specific kind of organisational form is distinguished from imperial politics. As a political form, an empire, following Weaver, can be conceptualised as a 'supernational system of political control', and such a system may have either a city-state or a territorial state as its centre. See Ole Waever, 'Europe's Three Empires: A Watsonian Interpretation of Post-Wall European Security', in *International Society after the Cold War: Anarchy and Order Reconsidered*, eds Rick Fawn and Jeremy Larkins (Basingstoke: Palgrave Macmillan, 1996). A most insightful recent analysis of 'empire' as an organisational form can be found in Daniel Nexon's *The Struggle for Power in Early-Modern Europe* (Princeton, NJ: Princeton University Press, 2009).

69. Indeed, as Michael Doyle argues, empire is 'a relationship, formal or informal, in which one state controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic,

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The suggestion here is that a non-lateral conceptualisation of liberal order, which incorporates conventions of liberal world order, can better account for the deformity of liberal inter-governmental conventions. Indeed, the interesting issue here is that, despite the formal end of colonialism in 1945, liberal states, and by extension the liberal inter-governmental order, do not have a problem with liberal hegemony in world affairs, which suggests the importance of a continued attempt to understand modalities of liberal world order as they pertain to persisting practices of institutions with an imperial past. For example, the non-lateral, perhaps imperial, aspects of liberal world politics may include the development and expansion of inter-state blocs or communities such as the 'greater West' vis-à-vis other geopolitical groupings, supported by institutions of the inter-governmental order.

Moreover, it may be that the deformation of the liberal inter-governmental order concerns some of the social conventions and institutions which originate with the age of territorial empires that underwent a legitimacy crisis with the emergence of the post-1945 multilateral order. In particular, two types of empire-specific social institutions of liberal world ordering have been highlighted in recent scholarship on international law: *spatial* and *civilisational* ones. In focusing on these two, interesting empirical questions can be raised concerning their presence in current world politics.

Focusing on spatial conventions in the first instance, the international lawyer Antony Anghie notes that the articulation of the problem of international order around the concept of 'sovereignty' implicitly assumes the existence of a sovereign Europe, thus highlighting the social conventional empire-specific origin of international legal institutions.[70] The social institution of sovereignty in international society, the spread of both the territorial and popular form of sovereignty to extra-European territories, is therefore suggestive of both a lateral and a non-lateral modality of liberal ordering in world politics. Here we try and specify the non-lateral modality, as present in liberal order, first as a spatial social institution, then as a civilisational institution. Both can be clarified by way of an illustrative example of treaty making in the late 19th-century legal practice of setting up colonies.

Developments in positive international law required the instantiation of territoriality as the main product of European modernity.[71] Initially

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social or cultural dependence. Imperialism is simply the process or policy of maintaining an empire.' Colonialism, on the other hand, is the practice of settling territories. Michael Doyle, *Empires* (Ithaca, NY: Cornell University Press, 1986), 45.

70. Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004). See also Patomäki, 'Back to the Kantian "Idea for a Universal History"?', 575–95.

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

a product of European absolutism, the practices of recognition specific to the interrelations of the liberal empires of the latter part of the 19th century extended the social convention of territorial sovereignty in global politics. The spread of the modern state-form to extra-European areas was enabled by a discourse of *terra nullius*, meaning, literally, 'empty land'. In the case of Australia, the colonisers understood that Aboriginal settlements existed before the arrival of the First Fleet; they were, after all, *there*. Yet in terms of how Europeans thought about sovereignty, there could be no recognition that social relations had existed among Aboriginal peoples for centuries prior to the encounter with empire.[72]

It was taken to be the jurist's task during this period to develop a system of classification, a taxonomy, which could properly categorise suitable entities in the course of colonial expansion.[73] With the development of new academic disciplines in the European imperial core, including that of anthropology, jurisprudence in the latter part of the 19th century sought to combine anthropological insights with taxonomic precision: each entity was to be studied, its degree of civilisation was to be ascertained and its legal status was to be allocated accordingly.[74] Recognition of and entry into the European society of states was to be granted on the basis of the status of non-European rulers, such as 'Amerindian and African kings and chiefs, Muslim sultans, khans and emirs, Hindu princes and the empires of China and Japan'.[75]

The recognition doctrine operated on the principle that each state could make its own decision (and as such was a mature political entity). These demarcations referred to an understanding of which subjects can be taken to be capable of understanding the meaning of sovereignty and legal personhood. They specified liberal imperialism's civilisational dimension. Furthermore, conventions relating to 'humanity' were developed, specific to civilisational conventions of European modernity.[76] 'Race' is a primary example of such a category.

Indeed, if humanity is a category that emerges with the Enlightenment, contemporary scholarship has revealed that race is its imperial counterpart.[77] Indeed, the post-colonial theorist Uday Singh Mehta identifies

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72. It took until 1994 for *terra nullius* to be overturned. For an excellent account of the implications of this decision for the understanding of sovereignty, see Paul Patton, 'Sovereignty, Law and Difference in Australia: After the Mabo Case', *Alternatives* 21, no. 2 (1996): 149–70.

73. Anghie citing Hedley Bull, in Anghie, *Imperialism, Sovereignty and the Making of International Law*, 77.

74. Ibid., 78.

75. Ibid.

76. See Kenan Malik, *The Meaning of Race: Race, History, and Culture in Western Society* (New York: New York University Press, 1996).

77. This notion is further unpacked in Douglas Bulloch, 'Carl Schmitt: A Conceptual Exegesis and Critique of IR Theory', unpublished PhD thesis,

these exclusions in European liberal social thought and sociology of the late 19th century.[78] On Mehta's account, the reliance on the semi-codified social, linguistic and spatial oppositions of a society decisively reinforces what Durkheim called logical conformity by organising the perception of the social world. As Mehta argues, classificatory schemes based on these implicit markings suggest, without explicitly stating, a sense of limits, inscribed in the dense minutiae of social and cultural descriptions. Furthermore, such civilisational conventions that first emerged with the development of new academic disciplines in European societies of the 19th century configured the boundary between the politically included and those politically excluded, and their effectiveness derives from a tacit and often pre-intentional allegiance to a particular modality of ordering of social practices and through this to a particular set of distinctions that a society – perhaps international society – incorporates.[79]

Overall, this illustrative example of a non-lateral modality of liberal ordering specific to a set of spatial and civilisational conventions and practices allows us to shed some light on empire-specific conventions persisting in institutions of liberal world order. While the particular ways in which the spatial and civilisational institutions outlined above were practised in the 19th century are now clearly delegitimised, it may not be an overstatement to claim, as Anghie does, that international law today remains oblivious to its liberal imperial structures even while continuing to reproduce them.[80]

To accommodate Anghie's insight to interpret deformity in contemporary liberal inter-governmental ordering, the spatial and civilisational social institutions of liberal order's empire-specific origin should be thus incorporated in the political ontology of liberal world order. Thereafter, in specific contemporary empirical cases, as indeed for instance Anghie has advocated, the point of the analysis of the relationship between liberal order and empire is not to condemn the ideals of the rule of law, good governance, democracy, and so forth, as inherently imperial constructs. Rather, we suggest, it is to question how the presence of these

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London School of Economics, 2009. Also see Robbie Shilliam, 'What about Marcus Garvey? Race and the Transformation of Sovereignty Debate', *Review of International Studies* 32, no. 3 (2006): 379–400.

78. Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, IL: University of Chicago Press, 1999), 57. Indeed, Mehta identifies, for example, how 'Locke's universalistic anthropology is effected by the implicit divisions and exclusions of the social world that Locke imagines', and that 'sociologists since Durkheim have pointed to how the differentiations of a given society condition both its own reproduction and its various internal boundaries'. Ibid., 57–8.

79. Ibid.

80. Anghie, *Imperialism, Sovereignty and the Making of International Law*, 317.

conventions in the practised social institutions of an inter-governmental order reveals the mode of rule to be *layered* rather than simply lateral. Furthermore, in incorporating this insight we gain some further understanding of why a liberal inter-governmental order tends towards deformity and continues to fail to make its key convictional values and formal rules of equality a reality.[81]

Conclusion

While the Westphalian, inter-governmental liberal order has certainly been in question in recent international theory and practice, we have argued that its alleged crisis is misplaced. The contribution here has been to identify the dual claims (normative and political ontological) liberal international theorists have tended to confuse in putting forward concepts of liberal order in world politics. The purpose of this intervention has been to guard against any natural association of what might be thought of as small 'l' liberalism with the inter-governmental variety. We have discussed how, despite political liberalism's achievements in the global arena, conflating normative liberal visions of world politics with the political ontology of inter-governmental relations makes liberal international theory vulnerable to the claims of its critics.

Further, the article has sought to relate the specificity of liberal multilateralism's crisis to its underlying conditions of possibility in the plurality of other world ordering practices, specifically those of liberal empire-building and integration. We argued that attention must be paid to these non-lateral modalities of liberal order in order to understand the deformity of the inter-governmental order in the context of contemporary systemic transformations. Inter-governmentalism of both unilateral and multilateral kinds fails to adequately theorise this deformity or crisis in liberal world order, in part because both approaches fail to adequately specify the social institutions of hierarchy in liberal order as well as understate the non-intentional connectivity within and between the institutions of liberal world society.

Instead of associating the transformations of liberal order in world politics with the crisis of US authority in an international system now characterised by non-liberal articulations of modernity,[82] or solely with a crisis of the legitimacy of multilateral norms in international society, our argument sought to account for the state of liberal order in terms of its social institutions that are not in crisis. Moreover, while the lateral institutions of the modern, post-war, liberal inter-governmental order are under stress, the layered practice of liberal ordering that is represented

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81. Ibid., 320.
82. S. N. Eisenstadt, 'Multiple Modernities', *Daedalus* 129, no. 1 (2000): 1–29.

in the embedded hierarchies of modern liberal world order arguably is not. Our account of these spatial and civilisational modalities of liberal ordering, which coexist not only with the formal lateral liberal inter-governmental order but also with self-organising modes of regulation and reproduction in liberal world politics, opens up new possible lines of enquiry for liberal international theory.

Some of the strongest arguments against liberal international order now come from other civilisational perspectives. The rise of non-Western powers in the contemporary international system demands that inter-national theory and policy take such claims seriously. The contestation between liberal order and other modes of world ordering, this article has suggested, cannot be addressed by focusing solely on clashing claims about superior ideologies or modes of socio-economic organisation.

Ikenberry and Deudney's concern with the fraying authority of the liberal international order belies the fact that there is a great deal of work to be done in terms of understanding the practices of the liberal world order that are *not* in crisis. What is critically important is *how* these become drivers of change in an order which lacks the kind of 'steerage' that was provided by strong states and international organisations during the second half of the 20th century. Inside this non-lateral liberal world order that is not in crisis, it is expected that public authorities will be unable to control political and economic activity, just as it is expected that proclamations of new standards of civilisation will be contested. By exposing the limits of liberal theorising on order, we have sought to replace the hollow convictions of a vanishing age of international ordering with the constitutive power of world ordering conventions.

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