Semi-Sovereignty and Relationships of Hierarchy

Research Question

Why did the concept of ‘semi-sovereignty’ emerge over the late-eighteenth and nineteenth centuries, and how did it work to structure hierarchical relationships in international society?

This thesis examines the emergence of an international legal concept over the late-eighteenth and nineteenth centuries: semi-sovereignty. I show how semi-sovereignty allows space for types of actor which do not possess the full range of sovereign prerogatives typically associated with states in this period of history. This gives rise to a picture of international society that is, at least partially, both hierarchical and differentiated - in the area that has classically been understood as its sovereign ‘core’ (i.e., Europe, broadly understood) as well as outside it.

Research Area

An emergent research programme in international relations (IR) examines the presence and effects of various forms of international hierarchy. IR theory has long taken as its starting point sovereign states (units) interacting under conditions of anarchy (structure), with the latter characterised variously as the absence of government or legitimate authority. New research increasingly calls this premise into question. Alongside this - although the two developments have not always been in conversation - there has been a turn towards history in IR scholarship. IR theorists increasingly draw on historical sociology and intellectual history, and renewed attention has been directed to mapping out shifts in the nature of international society over time. This thesis is located within these research programmes. I seek to advance our

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2 Differentiation has recently begun to attract attention as a prism through which to view the structure of international society. See, for example, Jack Donnelly, ‘Rethinking political structures: from ‘ordering principles’ to ‘vertical differentiation’ - and beyond’, International Theory 1:1 (2009).
3 For the thesis that modern international society is bifurcated into broadly anarchical and hierarchical realms, underpinned by different institutions and practices, see Edward Keene, Beyond the Anarchical Society: Grotius, Colonialism, and Order in World Politics (Cambridge: Cambridge University Press, 2002), especially chapter 4.
6 Stephen Hobden and John M. Hobson (eds.), Historical Sociology of International Relations (Cambridge: Cambridge University Press, 2002), Christian Reus-Smit, ‘Reading History Through...
understanding of how forms of legal and political hierarchy have emerged and operated in modern international society.

I argue that insufficient attention has been paid to the existence of different types of state in historical international society\(^7\), and in particular the role of different modes of sovereignty in both constituting these types of state as different, and organizing them in a hierarchical manner. One’s attention is ultimately directed to modes of sovereignty because it is in them that understandings of legitimate authority are located. If a state is not fully sovereign, and is understood as such not merely \textit{de facto} but \textit{de jure}, it becomes difficult to see international society as anything but hierarchically ordered.

\textbf{The Concept of Semi-Sovereignty}

One can argue that sovereignty is the basic constitutive principle of international society: it determines what the members of that society are, and how they may interact with respect to one another.\(^8\) Moreover, sovereignty acts as a bridge between international relations, international law, and political theory, in that it is both an object of scholarly inquiry and a lodestar for practice in all three domains. This means that it should be of paramount interest to international society scholars interested in how developments in each of these domains interact and changes in one have ramifications in or implications for the others.

The meaning of sovereignty, and the international institutions and practices to which it gives rise, is not a historical constant.\(^9\) Nor is it a free-standing concept: it operates with reference to various cognate principles (which can themselves be cashed out in different ways) such as equality, independence, authority, and legal personhood.

It is against the backdrop of these points that I analyse the emergence of ‘semi-sovereignty’ as a concept which both derives from sovereignty, and tells us something about that concept from which it is derived. It is a common observation that in nineteenth century international law, sovereignty comes to take on connotations of absolute authority within a given territorial jurisdiction, and absolute independence between and equality among sovereigns in

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\(^8\) Alan James, \textit{Sovereign Statehood: The Basis of International Society} (London: Allen & Unwin, 1986), p. 7. It is worth noting that James focuses only on state practice in the 20th century, bracketing both earlier practice, and political and legal theory (and hence the relationship between the latter and former). While I agree with James as to the basic constitutive role that sovereignty plays, I take a historical perspective that stresses change rather than continuity over time.

\(^9\) Martti Koskenniemi, \textit{From Apology to Utopia: The Structure of International Legal Argument} (Cambridge: Cambridge University Press, 2005), chapter 2. See also Christian Reus-Smit, \textit{The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations} (Princeton: Princeton University Press, 1999). I take issue with much of Reus-Smit’s discussion of the organizing principle of sovereignty in the modern era (chapter 6), but agree with the basic points that sovereignty works to structure international society, and that its meaning is historically variable.
There is something to this point: hence Lawrence’s distinction in 1895 between states and ‘sovereign or independent states’. It is important to stress, though, that even here, there is sometimes a tendency to focus on late nineteenth century (and often early twentieth century). Earlier writers are somewhat less clear cut on the nature of sovereignty: for instance, the sixth edition of Wheaton states that the sovereignty of states may be ‘limited and qualified in various degrees’.

Essentially, I see the development as taking the following course. From the late-eighteenth to the mid-nineteenth centuries, international lawyers attempt to deal with what they observe as international hierarchies and actors that clearly do not correspond to ideal-typical sovereign equality and independence. In the course of doing so, they debate the existence of a separate category of states alongside sovereign states: semi-sovereign states. Even as the concept of sovereignty hardens into its classically-understood form in the work of late-century writers, semi-sovereignty continues to exist as a separate category. So even if the century sees a conception of sovereignty as equality, independence and the possession of a full package of rights arising, this emphatically does not mean that this is a comprehensive picture of how international society was understood - and I stress again, this is even so bracketing off issues of extra-European imperialism.

Semi-sovereignty makes sense only with respect to related developments in the way the legal structure of international society is conceptualised. A key move here is the bifurcation of sovereign rights into internal and external packages, which can be allocated in different permutations. For evidence of the change, note that in the sixth edition of Wheaton (1855) there

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11 Thomas Joseph Lawrence, The Principles of International Law (2nd edition, London; New York: MacMillan, c.1895), pp. 56-7. Note that Lawrence further distinguishes between sovereign states that are and are not subjects of international law (p. 58). This implies that international legal personhood may not track precisely with sovereignty. One perspective on this point is the use of standards of civilization as a marker of membership in international society. I do not pursue this angle at length in the thesis, but it is important to note. See Gerrit W. Gong, The Standard of “Civilization” in International Society (Oxford: Clarendon Press, 1984).
14 Not all agree as to the nature of this category or the appropriateness of the label. For a dissenting view - although not one that fully disputes the substantive claim that these hierarchies exist - see Travers Twiss, The Law of Nations Considered as Independent Political Communities (Oxford: Oxford University Press and London: Longman, Green, Longman, and Roberts, 1861), pp. 25-6.
15 For a discussion of the latter, see Keene, Beyond the Anarchical Society and Antony Anghie, ‘Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law’, Harvard International Law Journal 40:1 (1999). For the MPhil thesis, I do largely bracket this, since I see the legal and political issues surrounding semi-sovereignty as largely separate. However, I do believe that some of the concepts related to the latter - such as protection - come to be important in the high imperial project, although in a different form. See Charles A. Alexandrowicz, The European-African Confrontation: A Study in Treaty-Making (Leiden: A. W. Sijthoff, 1973), pp. 62-80. I may consider these issues in a comparative section of the DPhil.
is a whole section (before the standard typology of international actors) discussing the difference between internal and external sovereignty, and the fact that the latter but not the former depends on recognition by other members of international society. This passage does not appear in the first (1836) edition. Generally speaking, semi-sovereign entities lack full external sovereignty rights.\textsuperscript{16}

Moreover, semi-sovereign states are constituted by a set of relational forms, which can be understood in ideal-typical terms. It is by virtue of relationships with other international actors that they are semi-sovereign. A typical typology of relationships of semi-sovereign would include protection, suzerainty, neutralization, and (some types of) confederation.\textsuperscript{18} These relationships involve different configurations of sovereign rights, and are underpinned by different logics - for instance, neutralization by a logic of great power management; suzerainty by one of deference and tribute from a vassal to a suzerain.

**Structure of the Thesis**

The thesis is divided into two parts, each corresponding to one dimension of the research question.

The first deals with the emergence of ‘semi-sovereignty’ as a concept. This section has several components. Provisionally, these will correspond to thesis chapters. I begin by unpacking the concept of semi-sovereignty, and showing how it fits into a conceptual structure by explicating the relationships between it and related concepts, such as sovereignty more generally, independence, equality, personhood, and (international) society. Generally speaking, the function of section is to enable us to make sense of a concept by considering it in context, and presenting it in a manner which would be intelligible to contemporaries, but which pares it down to its essential features and makes connections which are not always rendered explicit in the sources I consult. As an aside, this section also allows for some theoretical refinement at a higher level of abstraction, in terms of how we should consider sovereignty. I


\textsuperscript{17} Here there are interesting lines of comparison with, say, colonial protectorates, which tend to lack internal sovereignty.


\textsuperscript{19} The relationship of this and the next chapter involves a similar approach to that taken by Koskenniemi: one takes (sets of) arguments and explicates their structure synchronically, but then forms a diachronic picture by comparing such arguments’ structures over time. *From Apology to Utopia*, p. 72.
argue that, rather than seeing it as an ‘institution’, we should understand it as a concept, which is shaped by and informs (institutionalised) practices. I then trace the development of the concept over time. This is essentially an exercise in intellectual history. We see the notion of ‘demi-sovereign’ entities in the late eighteenth century, in the work of Martens. I then locate most of the key conceptual shifts in the mid-century, but then show how these set the stage for the hardening of the idea of ‘semi-sovereignty’ by the late-century.

Having outlined this conceptual change, the task is then to explain it. In general, English School and constructivist scholarship tends to focus on the role of ideas in causing changes in state practice, rather than the development of those ideas themselves. However, ideas do not develop autonomously of practice. Rather, they are influenced by and then go on to influence practice. This section examines the first of these two lines of influence. Here I aim to show how international law attempted to make sense of developments in international relations, and thus why semi-sovereignty emerges and undergoes modification as a category. The historical account is centred around decisive junctures. The first is around Congress of Vienna, which saw the formation of the German Confederation, the creation of the Ionian Islands Protectorate, and the attempt to deal with questions associated with Belgium and Poland. The second is diplomacy surrounding the Belgian revolt of 1830. The third is attempts by European powers to deal with the Ottoman Empire, particularly around the treaties of Paris (1856) and Berlin (1878).

My MPhil thesis is mainly concerned with this first part of the question. The DPhil will expand the account by adding more legal texts (including non-Anglophone writers, many of whom I have so far been unable to consult) and thickening out the causal account, perhaps by adding more primary material on the practice side. This would involve considering printed document collections, and perhaps some archival material, related to foreign policy surrounding the episodes above, and in particular with respect to entities that become classifiable as semi-sovereign (e.g., how do the great powers attempt to deal with Belgium?). Practical concerns will make it difficult to treat multiple powers in the same level of detail, and more attention is likely to be given to Britain. However, it is important that some comparative perspective can be

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23 Reus-Smit, ‘Reading History Through Constructivist Eyes’. See particularly his claim that ‘Constructivists are interested in ideas as historical causes’ (p. 408).

24 Note that this means I am emphatically not claiming that ideas are somehow mere rationalizations or epiphenomenal of state interests (whatever those would even be absent ideas) or behaviour.

achieved, since the thesis does not concern the foreign policy of one state, but rather a concept and a set of relationships that organize aspects of international society more broadly.\textsuperscript{26}

Substantive consideration of the second aspect of the question is largely given over to the DPhil. In this section I largely depart from intellectual history, focussing more on historical sociology. Here again the there is more than one sub-section. Firstly, I go over each of the relational forms of semi-sovereignty, and show how these relationships operated in practice. The idea here is to explicate the logics of hierarchy which underpin them. Here, cases are selected on the basis of how ‘typical’ they are of a given form.\textsuperscript{27} The legal writers are quite suggestive on this point. For a protectorate, I am likely to look at the Ionian Islands.\textsuperscript{28} The vassal states of the Ottoman Empire are illustrative of suzerainty. The German Confederation, and perhaps Switzerland, are cases of confederation. However, I do not simply want to replicate the analysis of legal treatises. It thus seems worth examining cases which legal writers find difficult to categorize. Egypt, before and after the British occupation in 1882, seems fitting here.\textsuperscript{29} In this case I expect to find more than one of the overlapping logics of hierarchy in play (as perhaps I may in some cases which appear more straightforward, too).

I may then add a further, comparative chapter, illustrating how relations of semi-sovereignty do not exhaust relations of hierarchy in international society. Here an examination of colonial relations would be central. The aim of this section would be to show what semi-sovereign entities have in common which makes them different from entities more straightforwardly under empire. This would also allow a more nuanced discussion of how certain concepts (such as protection) become modified in different contexts.\textsuperscript{30}

Methods and Sources

The thesis is located squarely within the international society tradition of scholarship. This means that I draw on history, political theory (and especially the history of political thought) and international law in making my argument. Broadly speaking, the methodological stance is interpretivist. I attempt to provide an account that would be intelligible to practitioners of international law and diplomacy in the nineteenth century, though of course I abstract from the

\textsuperscript{26} For a work which basically achieves this type of analysis, and does so using printed document collections, see Mikulas Fabry, \textit{Recognizing States: International Society and the Establishment of New States since 1776} (Oxford: Oxford University Press, 2010).
\textsuperscript{27} In some ways these can be understood as ‘typical’ in the sense used in John Gerring, ‘Case Selection for Case-Study Analysis: Qualitative and Quantitative Techniques’, in Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier (eds.), \textit{The Oxford Handbook of Political Methodology} (Oxford: Oxford University Press, 2008), pp. 648-50, in that they are typical ‘of a broader set of cases’. Yet Gerring is operating in the theory-testing tradition. This thesis is a more interpretative account, located within the ‘English School’ (broadly defined). Case selection proceeds accordingly. My cases are typical in a way roughly similar to those in Keene, \textit{Beyond the Anarchical Society}, chapter 3.
\textsuperscript{28} Although see the point about colonial protectorates in the next paragraph.
\textsuperscript{29} On difficulties in categorizing Egypt, see for instance Westlake, \textit{International Law} (2nd ed.), v. 1, pp. 26-7.
\textsuperscript{30} The discussion in both Anghie, ‘Beyond the Peripheries’, and, to a lesser extent, Alexandrowicz, \textit{The European-African Confrontation}, lack sustained comparison with the European context. This means that certain points they make (such as Anghie’s implication that recognition doctrine arises to manage the high imperial encounter) do not quite map to the timing of those developments in legal doctrine.
complex reality of both professional debate and political practice in doing so. The concepts I use are thus derived from the sources in an inductive manner, and then used to frame an explanatory account.\footnote{This sort of methodology is discussed in Edward Keene, ‘International Society as an Ideal Type’ in Cornelia Navari (ed.), Theorising International Society: English School Methods (Basingstoke: Palgrave Macmillan, 2009), pp. 104-24.}

The first part of the thesis is basically a work of intellectual history - or perhaps more accurately, the history of conceptual change.\footnote{For a discussion, see Peter Onuf and Nicholas Onuf, Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776-1814 (Madison: Madison House, 1993), p. 1.} The second, while connected, draws more on historical sociology and international history more standardly conceived. It involves applying the concepts discussed in the former part of the thesis to understand how interactions between states are structured (in terms of the relational forms discussed above).\footnote{The structure and method of the argument is thus very similar to that of Keene, Beyond the Anarchical Society, of which chapter 2 teases out certain themes in the work of Hugo Grotius; chapter 3 then uses these themes as lenses through which to view international history, and presents typical cases of practices which correspond to elements of Grotius’s discussion.}

The sources I consult are as follows. The discussion of international law focuses mainly on international legal treatises. Starting with Vattel, and in some ways using him as a baseline, I draw on texts produced by what Koskenniemi calls the 'professional mainstream'.\footnote{As well as his Elements, Wheaton’s History of the Law of Nations in Europe and America, From the Earliest Times to the Treaty of Washington, 1842 (New York: Gould, Banks & Co., 1845) is an important source. It is worth stressing that Twiss also wrote a number of late-century texts.} Mid-century figures such as Wheaton and Twiss are particularly central to the account.\footnote{See, for instance, the empirical chapters of Nexon, The Struggle for Power in Early Modern Europe or Hendrik Spruyt, The Sovereign State and its Competitors: An Analysis of Systems Change (Princeton: Princeton University Press, 1994).} Treaties, available in a number of document collections, supplement this part of the analysis. Works in the history of international law and political theory are used to contextualise and aid in the interpretation of these texts.

For the historical discussion, I rely on a mixture of secondary literature and primary sources (mainly, though not necessarily exclusively, in document collections). It is common practice in works on the historical sociology of IR to draw almost exclusively on secondary literature.\footnote{See, for instance, the empirical chapters of Nexon, The Struggle for Power in Early Modern Europe or Hendrik Spruyt, The Sovereign State and its Competitors: An Analysis of Systems Change (Princeton: Princeton University Press, 1994).} Because, however, I focus more than the aforecited works on the role of concepts, rather than transcontextual network structures or economic arguments, some analysis of primary texts seems appropriate, although this will not involve the same degree of detailed analysis of archival material related to specific episodes typical of a history (versus international relations) thesis.

Source of Funding

I am currently on an ESRC 2+2 studentship, administered through the University’s Social Science Doctoral Training Centre. This would support me through 2 years of DPhil study. Since the DPhil builds directly on the MPhil thesis, I should be able to complete the doctoral thesis within the funded period.
Bibliography

Keene, Edward, Beyond the Anarchical Society: Grotius, Colonialism, and Order in World Politics (Cambridge: Cambridge University Press, 2002).


